

**THE ADMINISTRATION OF SCOTLAND UNDER THE DUKE
OF LAUDERDALE, 1660-1680**

Edith E. B. Thomson

**A Thesis Submitted for the Degree of PhD
at the
University of St Andrews**



1928

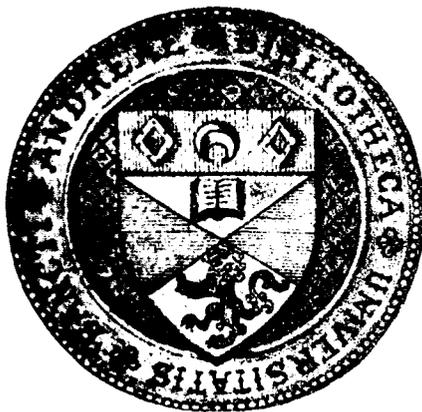
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Declaration.

I hereby declare that the following Thesis is based upon historical research carried out by me, that the Thesis is my own composition, and that it has not previously been presented for a Higher Degree.

The Research was carried out in the Library of the University of St.Andrews, the General Register House, the University Library, and the National Library, Edinburgh, in the British Museum, and the Bodleian Library, Oxford.

The Thesis was composed in the University Library St.Andrews.

Career.

I matriculated in the University of St. Andrews in October 1919, and followed a course leading to graduation in Arts with First Class Honours in English and History in October 1923. In October 1924 I added Post-graduate Honours of the Second Class in History, Modern and Mediaeval.

In June 1924 I was elected to the Berry Research Scholarship in History 'tenable for two years, and in March 1926 I was awarded the Hume Brown Essay Prize for the results of my researches submitted as an essay on "The Scottish Parliament 1690 - 1702."

In July 1926 I was elected to a Carnegie Research Fellowship which enabled me to continue the researches on which this present thesis is based.

In July 1927 the Fellowship was renewed for the current academic year.

THE ADMINISTRATION OF SCOTLAND
UNDER
THE DUKE OF LAUDERDALE.
1660 - 1680.

being a Thesis presented by

Edith E.B.Thomson

To the University of St.Andrews

in application for the Degree of Ph.D.

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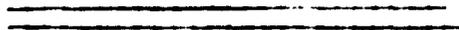
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Preface.

The following thesis is a study of the administration of Scotland for the twenty years succeeding the Restoration, when John Maitland, second Earl and first and only Duke of Lauderdale dominated Scottish affairs.

The study was undertaken because hitherto it seems to me undue emphasis has been laid on the ecclesiastical history for that period, and the actual political administration ignored; also the tendency has been to regard Lauderdale either as a brutal persecutor of the Covenanters, or as a member of the English Cabal, and to ignore his importance as a Scottish statesman. The truth is, Scotland possessed during those years a political administrative history distinct from, though not entirely separable from, her ecclesiastical history, and this fact the present thesis

endeavours to prove.

The Thesis is based entirely on original materials, much of them in manuscript, and in the form of correspondence, and without exception the manuscript collections consulted, yielded information of varying importance. Where the information was not new, it was illustrative or corroborative.

The Family Papers of the Duke of Hamilton and the Marquis of Breadalbane in the custody of the General Register House were placed at my disposal, and the former were particularly valuable containing much information not included in the Report of the Historical Manuscripts Commission. Two private collections were also sent there for my perusal: Mr. Yooll of Edinburgh kindly lent me a collection of one hundred letters written during the years 1667-1670 between the Earl of Lauderdale, the Earl of Tweeddale, and Sir Robert Moray, and throwing much new light on the Union project of 1669; through the kind offices of Mr. Paton of the Register House and the courtesy of the Earl of Moray, Letters 341 to 439 (Box No.7) of the Moray Muniments were sent from Darnaway Castle for my perusal in the Register House. So important were the letters for the years 1678-1680 that I transcribed them in full, and the Earl of Moray has

signified his willingness that they should be published.

In the Edinburgh University Library in addition to the Laing Manuscripts I consulted eight volumes of transcripts of letters the originals of which are in the British Museum, but reference is made only to the transcripts. From the unpublished Lauderdale Papers in the British Museum I gleaned many valuable details particularly from the Harleian Manuscripts. The Clarendon State Papers in the Bodleian Library are unfortunately not catalogued in detail, but it is certain that a more thorough examination than I was able to give would afford further information on Clarendon's connection with Scotland.

Should the Thesis be published I hope to consult further the Lauderdale Papers in the possession of the Marquis of Tweeddale at Yester House, and also the Papers of the present Earl of Lauderdale at Thirlestane Castle. Perusal of those two collections, would, as far as I am able to find out, practically exhaust the manuscript information available for the history of the Lauderdale administration of Scotland.

Introduction.

Scotland on the Eve of the Restoration.

"No man in this country so old or sickly or sullen or poore or peevish but is making readie" wrote a Scottish correspondent to Lauderdale on the eve of the Restoration, and in these words he expressed all the pent up longing of Scotland to be free from the trammels of a foreign despotism.

Cromwell had failed, and failed completely. It could not have been otherwise: he had attempted the impossible experiment of making Scottish nationalism soluble in English militarism, and the experiment had refused to answer the tests. Cromwell might and did give good government—law and

justice everywhere prevailed - but the shadow of a foreign despotism hung over the country, and foreigners drained the impoverished land of the money she so sorely needed for her development. These two injuries Scotsmen could never forget, and at the first hope of deliverance they were ready to sacrifice their new-found law and order, their recently acquired trade privileges, for the sake of a native King.

Scotland has been accused of ingratitude to Cromwell. Ungrateful she certainly was, but it was the ingratitude of one who has had his birthright wrested from him, and replaced by a bare allowance for which no return is required. She was given Union with England, but she was not one whit the better for having thirty members at Westminster, members in whose election she had little say and less interest. She was granted freedom of trade with her neighbour, but while Englishmen robbed her of her substance to maintain their military sway she could not hope to prosper. Religious toleration was thrust upon her, but it made her no less intolerant in her heart that she was not allowed to wage war on the ungodly. Impartial and upright judges administered her laws, but all was for the benefit of the Usurper that he might the more easily collect his dues. Scotland

might benefit incidentally but who wanted benefits bestowed by a foreign hand?

That attitude of mind could never have been eradicated. Scotland was temporarily at school, and she determined as soon as she possibly could to forget all she had been taught by the hated teacher. She succeeded, and so the rule of Cromwell is a mere episode in our history. It explains the actual and accomplished fact of the Restoration, but on succeeding history it has no influence: in Scotland Charles II. began where Charles I. had begun. Its maxims and its principles are reflected in the Revolution settlement of 1688, but the Protectorate could never have led straight to that event. Hatred of England was the dominant note in national feeling in 1660, and until that hatred was transmuted into a positive love for Scotland and constitutional liberty no headway could be made. Stuart tyranny accomplished what Cromwellian militarism failed to do: it roused the national spirit. True, few gleams of patriotism illumine the sordid history of the reign of Charles, just because the energy which might have made a stand against despotism was swallowed up in sectarian strife. Had the religious issue been a clear one between Presbytery and Episcopacy it would have been well for Scotland, for by the mouth of Presbytery the genius of Scotland spoke,

but Presbytery had internal as well as external wars to wage, and in the bitterness of internal strife the bigger issues were forgotten. It was not until Presbytery by brute force was hammered into a unity, that the nation felt itself strong enough to make a bid for freedom, and the Revolution of 1688 was its reward.

From 1651 to 1660 Scotland was making ready for the Restoration. That the preparations were so prolonged was not her fault: she had attempted by force of arms to anticipate the event, and sterner supervision and heavier taxation had resulted. Her nobles, to whom alone she could look for leadership, were either imprisoned in England, in exile abroad, or closely watched in Scotland. The burgesses, the only class which had benefited by the Protectorate, were unwilling to jeopardise their trade privileges, and preferred to wait. The Church, which since 1653 had been deprived of its General Assembly, was sternly barred from participation in politics and forced to confine itself to religious controversies. The great mass of the people was ready to acquiesce in any change their ministers might advocate. They resented with a sullen hatred the presence of the English soldiery in their midst, and to be rid of that incubus were willing to go any lengths. Long before England felt an irresistible

impulse towards kingship Scotland was ready, but in bondage as she was, she had to wait for an Englishman to take the lead.

When General Monk left Scotland in November 1689 intent on restoring the liberties of England ; Scotland and Ireland, he carried with him the assurance of the Scottish Council of State, whose President was the Earl of Glencairn, that Scotland would stand by him in any attempt to restore monarchy. The shires and burghs also offered their support, and the latter, fearful of their trade privileges, even ventured to petition for a continuance of the Union but on terms more favourable to Scotland. They little realised that Union could never succeed until religious intolerance was replaced by a common, secular outlook.

Immediately they were freed from the control of Monk, the Scottish Councillors of State applied themselves to the task of preparing Scotland for the difficult days that were certain to follow. The most pressing need was a leader, and their choice fell instinctively on one, who for his accession to the royalist cause, had spent the last nine years in English prisons. John Maitland, Earl of Lauderdale had proved his statesmanship in the past, and it was felt that his hand alone could steer the Scottish ship of state,

so long disused, safely into the haven of the Restoration.

Historians have spent themselves in attempts to analyse the character of this outstanding man, and yet his character and career were the logical outcome of his education and subsequent circumstances. The key to the understanding of his life is ambition, but it would be wrong to call him a careerist: he was bigger than that. His education which made him a scholar and a thinker, combined with innate ambition, conditioned his career. At no time was he guilty of violent distortion of principle, or drastic reaction from good to evil. He has been called a fanatic for the Covenant, he never was. He was by birth and upbringing a Presbyterian, and there is no reason to doubt his attachment to the church of his early days, but it was a habit rather than a rooted conviction, and any tendency he may have had towards bigotry was rectified by his education. Steeped in the classics and exercised in theology, there could hardly be room for fanaticism in such a mind. Reason and common sense were his guides until the elemental passions of hate and thwarted ambitions came to distort his vision.

Why then, it may be asked did he so ardently espouse the cause of the Covenant in his youth? Ambition is the answer, but not the whole answer. Lauderdale/

after he was Lauderdale, was a Scotsman, and he resented with all a patriot's fervour the attempt of Charles I. to mould Scotland according to the English ecclesiastical pattern, but he saw beyond the present. He was a student of history and of human nature, especially of Scottish nature; and he realised that Charles' headlong bid for despotism could have but one issue, and he had no mind to share defeat. Thus, at his first entry into politics his watchwords were: Scotland, Presbytery, the Covenant: support of the Covenant was necessary, else the Kirk would have rejected his services at the outset.

Gradually, however, to his logical mind it became more and more clear that the Covenant was inconsistent with any secular form of government, and that until the kirk was prepared to withdraw its demands for civil domination there could be no settled government for Scotland. Thus it was in no spirit of betrayal, but from conviction of what was best for Scotland's future, that he participated in the "Engagement" of 1648, and later threw in his lot with Charles whom he personally disliked. Joined to his knowledge that he was doing the best for his country were two other reasons for his apparent defection: he was by birth an aristocrat, and though of democratic sympathies a firm believer in kingship. The deciding factor was hatred of

Cromwell, and the realisation that if monarchy went by the board, aristocracy would follow if the future Protector could encompass it.

Lauderdale's motives for his championship of royalty were certainly not altruistic, but they bore the stamp of commonsense, and were the natural product of an ambitious and farseeing mind. A man of lesser mentality would have attached himself fanatically to one side, or flirted with both. Lauderdale was too conscious of his own value to be guilty of either folly.

For nine years he lay in prison, the apostle of plain living and high thinking, but always holding himself in readiness for the Restoration which he knew must inevitably come. During his imprisonment he had ample time to review the past and make plans for the future, and his retrospect brought no softening of his sentiments towards the Covenant and its upholders. Rather was he confirmed in his opinion, that that unruly handmaid of Presbytery must be dismissed from practical politics, before Scotland could achieve a settled government. He was still for Presbytery, but Presbytery as a religious creed, not as a political power. It is unlikely that he foresaw the establishment of Episcopacy: he knew the King's indifference to religious creeds and augured well from that, and he had no means of

judging the opinions of men like Middleton or Glencairn, or of gauging the influence Clarendon would have upon them. The decision for Episcopacy was thrust upon him, and he allowed ambition to decide.

If the years of enforced retirement strengthened Lauderdale's antipathy to the Covenant, they served no less to confirm his belief in monarchy, but it would be wrong to assert that on the eve of the Restoration he had already prepared the steps by which he intended to scale the heights on the shoulders of the King. He knew himself and his abilities compared with those of his rivals; he knew his King and his essentially despotic temperament; he had little reason to respect the Scottish Parliament as the bulwark of constitutional liberty: in the days before Cromwell class interest had been the deciding factor in its legislation, and it was unlikely that at the Restoration it would make a bid for freedom and the right to be the arbiter of the nation's destinies. Everything considered, Lauderdale was justified in anticipating that if he became the King's chief minister—and he fully intended to become so—he would be able in time to muzzle Parliament, control the Privy Council, and make the King supreme.

It is easy to be wise after the event, and see in the fruits of circumstance the seeds of careful premeditation.

-ation, but Lauderdale was a statesman, an ambitious statesman, ambitious for his country as being inferior to England, and ambitious for himself, so that it is not unduly straining the gift of prophesy to say, that when he was called upon to restore the King, he had already on broad-lines mapped out his own and his King's future in so far as that could be determined by Scotland. On 12th. April 1660 Charles wrote to him "I am confident you have the same opinions and judgement you had when we parted. I am sure I have and the same kindnesse for you, and beleive you as intierly my owne, as any man." (1) Charles knew Lauderdale Lauderdale knew Charles. Both were determined that once restored they would never go on their travels again. They were a fortunate coincidence for one another. The bond between them was strong: it was Lauderdale's ambition to make that bond unbreakable except by death.

In March 1660 Lauderdale was released from prison, and immediately he plunged into the feverish preparations for the King's return. It never seems to have occurred to him to return to Scotland and investigate for himself the feelings of the people whose chosen leader he was; nor did they expect it. Rothes wrote to him of the wild enthusiasm for the Restoration, and of the unbounded belief in the

(1)L.P.I.13.

ability of Lauderdale to secure for Scotland a settlement which should be the just reward for all her sufferings. The shires wished to appoint him their representative to the King, but Rothes knowing Lauderdale, persuaded them that his services would be of more value to his country if he were unhampered by instructions and restrictions from a body which could not possibly appreciate the intensity of the political atmosphere in London and at the Hague. Also, if information were required, the Commission sent to London by the Convention of nobles, shires and burghs which met at Edinburgh on 6th. April could be relied on to enlighten Lauderdale. Thus it came about that the latter had the good fortune to accompany the English Commissioners to the Hague in a private capacity, and unhampered by any uncongenial conditions to lay on his King.

Previous to his departure for the Hague Lauderdale in conjunction with the Earl of Crawford and Lord Sinclair, wrote to friends in Scotland detailing their efforts for their country and counselling patience. They lamented that the English Council of State had refused to allow the Scottish Estates to meet in order to draw up terms for the Restoration, but they deprecated any attempt to meet without permission: "God forbid the stirring of Scotland at this time should be a pretence for hindering the peaceable

doing of what Scotland is most concerned in
 it is our opinion that it is your great interest not to
 stirre or appeare to stirre till it be to purpos
 your maine work is to unite among yourselves and to keep
 up the spirit of the people In the name of
 the Lord therefore banish all designs or indeavors for
 places or imployments. Let all honest men first labour to
 save the ship before any passenger seek his private con-
 -cerns." (1) Unfortunately for the ship the Captain was
 already seeking his own safety, forgetful of ship and
 passengers.

There went to the Hague with Lauderdale one who
 was to make himself even more cordially hated than the
 future Dictator, and one who has in turn been called martyr
 and traitor: sentiment preferring martyrdom, history prov-
 -ing treason. James Sharp, the future Archbishop of St. Andrew^s
 in many ways resembled Lauderdale: he was a pettier and
 meaner edition of that remarkable man. He was ambitious,
 but his ambition was the ambition of one who must always
 be on the winning side: he was a true Vicar of Bray with-
 -out that worthy's daring nonchalance. Unlike Lauderdale
 his ambition was never his strength, it was always his
 weakness; to a certain extent both were the victims of
 (1)L.P.I.8-9.

circumstance, but Lauderdale created the circumstances, Sharp was their tool. He was clever and painstaking, but his power of conception was narrow and niggling, and his vision bounded by himself and his own reactions to events. Had he not possessed in unlimited measure the qualities necessary for a useful tool and an obedient servant he would never have been heard of in Restoration history. As it was, by unwearied application to ecclesiastical politics during the Protectorate, he had secured for himself a prominence which led to his being sent by the Scottish clergy as their ambassador to the King, and in addition he was the accredited messenger of General Monk.

Like Lauderdale, Sharp was zealous in counselling patience to those left at home, and maintained that nothing could be gained by precipitate bargaining with the King. And so, because she entrusted her fate to men who had their own axe to grind before they could think of country, Scotland at the Restoration found herself bound to a monarch over whose actions she had no control, and against whose invasions of her rights she had no remedy. Scotland unlike England restored Charles unconditionally, and oppression was her reward.

When Lauderdale arrived at the Hague he was warmly welcomed by the King, but he was only one of many fighting to

secure the first place in the King's facile affections. Firmly established as Charles' chief adviser, and fiercely guarding the base against the inroads of the hated Scots-~~man~~ was Lauderdale's old enemy Clarendon, and the enmity had in no way abated, and Lauderdale realised even before the King returned to England that he could never achieve his ambitions for his King and for himself until Clarendon was removed; the speedy establishment of negotiations between the latter and Lauderdale's Scottish rivals convinced him that his first task would be to fight English domination in Scotland, and he was not disappointed.

The deciding factor in Lauderdale's career was of course, Charles himself, and the two men were in essentials so dissimilar that their union produced harmony for themselves. Lauderdale was ambitious and with the will to work to achieve his ambitions; Charles was ambitious, but work had no attractions for him. He was willing to share or even sacrifice the fruits provided he were spared the labour. "He chose rather to be eclipsed than to be troubled", and it was this trait that allowed Lauderdale to attain the supremacy he did in Scotland. Charles knew that his minister's ambitions coincided with his own, and it troubled him not at all how those ambitions were realised: he gave Lauderdale all the

support it was in his indolent nature to give, and so performed the whole duty of a King. He upheld Lauderdale because he felt that he alone could secure for kingship its rightful due in Scotland, and because he alone had the ability to cove the unruly elements there. Lauderdale at once gave him supremacy, security, and a life untroubled by the dry details of Scottish administration, and as a reward he was maintained in office for twenty years. When he was no longer able to bring those gifts he was discarded: Charles hated failures, they reminded him too vividly of his own early days.

The secret of Lauderdale's long ministry then, was his ability to give Charles what he wanted, but the tragedy for Scotland was that he alone in Scotland was able so to serve the King. Had there been formidable rivals "country" would perforce have had to be a plank in one or other political platform. During the first seven years of the reign Middleton and Rothes strove to do what Lauderdale later succeeded in doing, and their attempts and their support by Clarendon acted as a wholesome check on Lauderdale, and forced him to think of country where later he thought only of himself and monarchy. The rebellion of 1666 and the dismissal of Clarendon in 1667 gave him his chance,

and from 1667 onwards his avowed intention was to make Scotland a despotically ruled country where he had the substance and Charles the shadow of the power. Only a man of great and unscrupulous will could have succeeded as he did for thirteen more years, but every year failure became more inevitable because Lauderdale was losing vision: he was forgetting the Scottish people. His horizon was dominated by himself and his King, he refused to allow others to appear there. Scotland refused to be moulded in the Lauderdaleian mould, then the only remedy was to heat the furnace until she could no longer resist. There was no thought of changing the mould.

Ambition led Lauderdale to the heights, thwarted ambition hurled him to the depths. So long as he had still to climb, he was forced to look before and after, and so was master of himself and of events, but when it remained only to defend the dangerous pinnacle of despotism which his ambition had wrested from the Scottish people, then defeat was inevitable. Exposed on every side to hostile blast he lost his precarious hold, and from the depths watched his rivals swarming where once he had stood alone, and in their midst was the King, careless of the one who had risked life itself to lead him there, forgetful

"..... how all this while
That man has set himself to one dear task,
The bringing Charles to relish more and more
Power, power without law, power and blood too -"

As Henry VIII Wolsey, as Charles I Strafford, so
did Charles II betray Lauderdale, and of the three Lau-
-dale most deserved his fate: in the beginning of the day
a patriot, in the end of the day a traitor, the victim of
ambition, that "shadow's shadow".

Chapter I.

The Middleton Ministry. 1660-1663.

The King of Scotland in 1660 deserves our sympathy. For the King of England the emotion is superfluous. There, the path of duty was clearly defined, and though wanderings from it might be tempting and possible, yet return to the constitutional track which was being slowly but surely beaten out, was inevitable. In Scotland the position was far otherwise. In that land where the evils of feudalism still lingered, no Parliament was in existence to safeguard the rights of the people, and put a period to the demands of the King; and although there had been, future experience was to show that it would have been but the tool of a sycophantic nobility. Scotland was utterly destitute

of any constitutional bulwark against the inroads of king-ly despotism, and even Charles marvelled at the primrose path to supremacy which was opened before him through his northern realm. Nobles, gentry, burgesses flocked to lay their offerings, tangible and intangible, at the royal feet, and Charles would have been in his own eyes, more than a fool, and in the eyes of Clarendon, less than a King if he had refused the trophies brought.

"We are ane ill disposed people, and so can not but expect som mischeif"; (1) said the royalist Archbishop Spottiswoode in 1622, but reaction to the other extreme was Scotland's undoing in 1660. "Great was the desyre of this kingdome of a frie Parliament"; (2) wrote a contemporary diarist, but if such a desire moved the uneducated and depressed heart of Scotland, it was never allowed to become vocal. Certainly her leaders, in the months of waiting before the Restoration was accomplished, made no attempt to secure for her such an institution. Scotland was left stripped and defenceless, open to attack in every department of her national life.

The curse of Scotland from the Restoration to the Union was poverty, and because that was so, the keynote

(1) Original Letters on Ecclesiastical Affairs. II.696

(2) N.D. 304.

to the conduct of her affairs was money or its equivalent. With those two factors in mind the history of the administration becomes intelligible. For the poverty stricken nobility the Restoration held out bright hopes of pension and place; For the burgesses it promised improved trade, and decreased taxation; For the great mass of the people it heralded relief from the crushing burden of taxation, and the removal of the English soldiery from their midst. In the hope of achieving their several desires, they surrendered themselves and their country to a King who took all as his due, and asked for more.

Patriotism could not flourish in such an atmosphere so poisoned, and gave up the ghost without an effort, and in its stead came English dominance, and English dislike. England hated Scotland, and Scotland hated England as royally as in the days of Bruce and Wallace. But because Scotland had her price, the richer and stronger country temporarily triumphed. Clarendon was the arch-apostle of the subjection of Scotland. He hated her, and regarded her as but that "knuckle-end" of England, a mere province to be used and abused as England found good. Imbued with such ideas, he poured into the ears of the King advice from which Scotland was for long to suffer. Strangely enough he did not consider it even

worth while to continue the union. Government by her own laws and by her "owne nation" he considered best, just because it would benefit England little to alter the one, or substitute English officials for the other. As a great concession to national prejudice, he thought that after a time the English army of occupation might be withdrawn from Scotland, and the border garrisons be sufficient to prevent disorder. Then with a cynicism for which there was only too much reason, he added: "There are many gallant persons in this kingdome, (Scotland) but being not so rich, your Majestie will be pleased to be kinde to them, for I assure your Majestie, Queen Elizabeth with a very little money, did govern Scotland more absolutely than any kinge or queen of itt ever did, butt I thinke itt is groune deerer now; they are apt to be factious, and great anymoseties, one againeste an other, in their oune countrey, though not out of itt, which your Majestie continually may make your advantage off to all the secretts of Scotland they look to have their share of the sweet of England and therefore will depend upon your Majestie. . . . So long as your Majestie is master of England, there is no feare of Scotland, ther is no man in the world knows both the kingdome and the people better then your Majestie doth which is a great blessing for Scotland, and much a greater

blessing for England! (I) While Clarendon schemed for the subjection of Scotland through England, his enemy Lauderdale was silently taking counsel with himself as to how one day he might use Scotland for the subjection of England to the will of the King. Two minds with one ambition - the exaltation of the royal prerogative - and the means to that end the same, yet diametrically opposed. There was no chance of escape for Scotland! Whoever triumphed she was to be the tool, and it seemed for a time that English money and English diplomacy were to win the day. Clarendon enlisted under his banner the majority of the Scottish nobles, for they thought that he alone could lead them straight to pension and place under the new monarch; and what mattered it if in return their country was placed under English tutelage?

When Charles arrived in London on May 29th. 1660 the settlement of the government of England was immediately undertaken, and so engrossed were the King and Clarendon in driving the best bargain possible with the English Parliament that little or no attention was paid to Scotland. Representatives of the nobility, shires and burghs were summoned to present the case of their country, but on their arrival at Whitehall, they found that all Charles could

(I) Clarendon State Papers. 16195.75.

spare was a word flung over his shoulder. Clarendon kept him occupied with English affairs and deliberately manoeuvred for delay in the settlement of Scotland. Delay was valuable to him, since it increased his chances of putting his own tools into office, and excluding Lauderdale, and more important still, delay gave greater hopes of the ultimate establishment of Episcopacy in Scotland.

When the Scottish representatives arrived at Whitehall they naturally expected that the King would immediately appoint a secretary to act as intermediary between king and delegates. This appointment Clarendon did his best to postpone, since he wished to procure the office for his ally the Earl of Newburgh, for whom the King had an inexplicable antipathy, detrimental to Clarendon's aims (2) The latter manoeuvred well, but the importunity of the Scots lords at last forced Charles to a decision. "I have been talking with the Scots lords about the businesse of that kingdome and they finde it most necessary that a secretary be named so as I must do it tomorrow or next day," he scribbled to Clarendon in a meeting of the English Council, and the latter recognising that he had lost the first round of the game, fatuously replied, "I know not what to say to it, but I am sure you have so many thinges to thinke of that I wounder you can sleepe." (1)

(1) Clarendon State Papers 16187.24.

(2) " " " 16187.40.

Lauderdale was appointed Secretary and for the next twenty years, Charles was in no danger of losing sleep because of a vacant secretaryship.

The next question to be decided with regard to Scotland was whether a Parliament should be summoned for an early date, or whether the Committee of Estates forcibly dissolved by Monk at Alyth in 1651, should be called into being. Clarendon was forward with his arguments in favour of a Parliament. He represented that government by the Committee of Estates would be inferior to government by a Parliament, and that the acts of such a body could be annulled by a succeeding Parliament, so that the King's interests, the freedom and indemnity of the people, could not be immediately secured. In addition, to assemble the Committee of Estates would postpone indefinitely the meeting of Parliament, and thus deprive the people of the benefit of the laws and the Court of Session, for the latter could not function until sanctioned by Parliament. To discourage opposition to a Parliament, he ^suggested that those who were anxious for a Committee of Estates should be called upon to furnish a list of the names of all who could, because of compliance with the Usurper, be proceeded against for life, fortune or fine, so that the King could issue an indemnity to all except those specially named. He well

knew that at this early and uncertain stage of affairs, no one culprit would dare to accuse another. To make his arguments more plausible to his master he returned to harp on the string which Lauderdale had as yet kept muted except from the private ear of the King. "After the Parliament hath settled all affaires, the ancient government by councill and session established, the subjects will returne and be secured in their ancient happy-way of government." (I) As a sop to would-be constitutionalists he advised that places of trust should remain vacant until filled by the advice of Parliament, except of course those vacancies which it was the King's undoubted prerogative to fill.

Clarendon's antipathy to the meeting of the Committee of Estates is difficult to fathom. He may have thought that if a committee preceded the Parliament, it would give time to the Presbyterians, Remonstrants and Resolutioners alike, to rally their forces, and throw up defences against the inroads of Episcopacy. He considered rightly that the bid for kingly supremacy over church and state, to be most successful must be made before the effervescence of loyalty died down, and the Committee of Estates while providing for the government would do nothing to achieve the desired end. Whatever his motives, and they.

(I) Clarendon State Papers, 382. (Information for the Affairs of Scotland.)

certainly not of an altruistic nature, his arguments in favour of a Parliament were overborne by the Scottish lords who wished to see their future more assured before legislating in favour of the royal prerogative, and the Committee of Estates was summoned to meet on August 23rd. In preparation for the event the Town Council of Edinburgh was requested through their clerk, and then agent at London, William Thomson, to prepare the Inner House of Parliament for the Committee, and also make ready lodgings for the President, the Earl of Glencairn, who entered Edinburgh on August 22nd. with much pomp and ceremony. (1)

ALL those present at the meeting of the Committee on August 23rd. were formally made responsible for the government of the country, until a Parliament should meet on 23rd. October, the date originally fixed; but it seems that the President experienced considerable difficulty in keeping the members at their post, and business was sometimes delayed for want of a quorum. (2) The advantage of personal attendance at Whitehall was too evident to the majority of the nobles to tempt them to waste time with the interim government of their country.

(1) Edinburgh Town Council Records (ms) XX.169

(2) Committee of Estates. 10 October 1660.

The duties of the Committee at Edinburgh were not arduous, and consisted chiefly of voting supplies to the King, supervising the elections for Parliament, and preventing all "seditious meetings for the purpose of making representations civil and religious to the King. (1) Six months cess was voted for the payment and removal of the English army of occupation, and also one month's cess for the expenses of the Commissioner to the forthcoming Parliament. The excise was also ordered to be continued to aid in the former charge. In consideration of the great poverty and distress in the country the King graciously allowed nine months in which to collect the six months' cess. (2)

The Committee of Estates was only too willing to comply with the King's every demand, and early evidenced that subserviency which was to be Scotland's undoing when Parliament met. To cope with the elections to Parliament a sub-committee ~~was~~ appointed to see that "honest" magistrates were elected in the various royal burghs, so that the honesty of the burghess members of Parliament was a foregone conclusion. (3) The supervision of the shire elections

(1) Committee of Estates. 20th. Sept. 1660

(2) " " " 26th. " "

(3) L.M. In a letter to Lauderdale from a suppliant the adjective "honest" is qualified by "as the rest of the country is." 29th. October 1660.

was left to the local nobles and gentry: "Letters were directed to such a gentleman in every shire as stood best affected to his Majesty's service, and whom they wisht should be elected as one of the members to serve and order was given to him for convening the shire, to the end they might choose their commissioners." (1) Nothing was left undone to ensure the loyalty of the forthcoming Parliament.

The Committee was allowed to authorise the arrest of suspects, and known compliers with th late government, but their jurisdiction did not extend to life, fortune or fine. (2) In short their duties were negative not positive, they were there to prevent disorder until Parliament should meet. The period of government by the Committee of Estates was a mere episode, and left no trace on later history. Even vacancies on their own committee could not be filled until the King and Secretary were consulted. Appointments to vacant sheriffdoms were also reserved for royal sanction, and much delay and inconvenience was occasioned by the necessity of referring all to Whitehall. (3) Relations between the Secretary and the Committee were cordial, as they were with Middleton, the future Commissioner, the Committee thinking it wise to cultivate both

(1) Mackenzie. 12.

(2) Committee of Estates 28th. August 1660.

(3) " " " 30th. " "

until time should show who was to be of greater account in the government.

While the Committee at Edinburgh played at governing the country, at Whitehall the scramble for office was carried on. "Diveris and sindry persones, als-weill nobles, gentrie as utheris, repairit to his Majestie, being then at London for offices, places and preferment, quha being mony in number, and his Majestie not being able to satisfie all, thair did arryse great hartbirninges, animositie, and envie among thame, averie and contendand aganes utheris for preference." (1) Lauderdale and Clarendon struggled to have their respective nominees put in office, the former upholding Presbyterian applicants, the latter Episcopalian. Neither gained the day completely, but unfortunately for Presbytery, Clarendon was more successful than Lauderdale.

The Earl of Middleton, the successful soldier and general, and ally of Clarendon, was on the advice of the latter, and as a reward for past services, made Commissioner to the Parliament. He had no claims to statesmanship, but he was fervently royalist and anti-Presbyterian, and so required no other qualifications. The Earl of Glencairn, honest and well-meaning, but by no means brilliant, was

(1) N.D. 300.

made Lord Chancellor, the post originally destined by Clarendon for Lauderdale, so that his influence with the King might be diminished by his necessary absence from Whitehall. Glencairn really owed his appointment to his constant and somewhat ostentatious avowal of Episcopacy. The Earl of Rothes, a nobleman with a weakness for quotations and proverbs, and consequently a cherished friend of the King, was made President of the Privy Council. His religious bias, if he had any, was towards Episcopacy, but his chief asset was his loyalty to the House of Stewart. The Earl of Newburgh, disappointed of the Secretaryship, was made Captain of the King's Guard. Lauderdale's chief triumph was evidenced in the appointment of the Earl of Crawford, a staunch Presbyterian, to the office of Lord Treasurer. Clarendon and Monk strenuously opposed the appointment as a serious obstacle to the establishment of Episcopacy. The Treasurer Depute, Lord Bellenden was also an ally of Lauderdale, and strange to record maintained his allegiance to the end of his life. Sir Archibald Primrose after much importunity on his part, and buying off of the former holder was made Lord Register. His chief qualification was adaptability: he paid his court both to Middleton and Lauderdale, and so at crises was always on the right side. Sir John Gilmour, another Lauderdaleian, became

President of the Court of Session. Thus in numbers and in importance Clarendon had the strongest following amongst the officers of state. The appointments of course could not be ratified until Parliament met and passed the act restoring to the King his right to appoint his Privy Councilors, officers of state and lords of Session, but only that formality was needed. The office of Justice Clerk was vacant until 1661 when it was given to Sir Robert Moray, a close friend of the King and Lauderdale. In that year also the Earl Mareschal was made Lord Privy Seal. In 1663 the Justice Generalship was given to the Earl of Atholl, who ever since the Restoration had assiduously plied Clarendon to secure him the post. (1) The Earl of Lauderdale, loath to miss so lucrative an office, kept the Signet in his own hands, making William Sharp, his versatile agent, the Deputy Keeper. Thus ere Parliament assembled, the more important places were allocated, a fact which did little to allay the "hartbirninges" of the majority of the nobles, who left Whitehall, with reluctance, assured, however, of Clarendon's championship of their cause at Court.

On January 1st. 1661 the Restoration Parliament met with great solemnity, and the magnificence of its "Riding" was unequalled within the memory of man. True, the

(1) Clarendon State Papers. 16161. 74.

(2) N.D. 343.

Committee of Estates in the person of its members, had attempted to rival pristine splendour, and even the citizens had bethought themselves of their wardrobes, so much so that their gay apparel called forth comment from a contemporary diarist. "Ever since the Restoration of the Royall Majestie the King our Scottismen hes bene in such equipage as is wonderfull, not only the nobles, barones, and gentrie, but also the very commounes, in thair countenances, apperrel and cariage, all of thame, evin the landwert pepill, beltit about in thair swordis and pistollis." (1) The restoration of the regalia to their accustomed place in the procession added both beauty and excitement to the spectacle. That his hospitality might be in keeping with the importance of the occasion, the Commissioner was allowed nine hundred merks scots per day to keep open table, and orgies of eating and drinking were of daily occurrence. (2)

The attitude of the King and his ministers to the Parliament now assembled may be summed up in the words of Sharp to the Lord Register. "They (i.e. the King and his ministers) will have the King's service carried on, oppose it who will." (3) The sole aim of Middleton and his

(1) N.D.312.

(2) N.D.311.

(3) Harl. 4631 f.100.

satellites was to secure a supply for the King, restore his prerogative to the fullest extent, and then adjourn Parliament as speedily as possible. Thanks to the carefully managed elections, and to the device of citing before Parliament undesirables who might have been elected, there was every hope of the successful fulfilment of their⁽¹⁾ schemes. Parliament did all that was asked of it, but its session was long not short, probably in order to divert the nation's attention from Whitehall, where the debate as to the future national church of Scotland was unofficially raging.

The election of the President of the Parliament was the first straw which showed which way the wind was to blow. The Earl of Cassilis proposed that the President should be elected by the vote of Parliament. He was quickly silenced by the Commissioner, and it was decided almost unanimously, that the Chancellor by virtue of his office should act as President. (2) Cassilis the would-be constitutionalist was later censured for refusing to take the oath of Allegiance, which asserted the King's supremacy over all persons and causes. (3) He had a few companions on this occasion, but generally speaking Parliament meekly

(1) B.L.J. 462. "The Chancellor had so guided it that the shires and burroughs would choice none but thesev that were absolutely for the King. Diverse were cited to the Parliament that they might not be members.

(2) Mackenzie. 19. B.L.J. 463.

(3) 23114 f.111, 23115 f.10.

acquiesced in whatever was proposed by the managers, the officers of state, who controlled all legislation through the medium of the Lords of the Articles.

This committee was appointed on the second day of the session, and in addition to its usual work of preparing legislation, it was entrusted with the hearing of processes. Twelve members from each estate were appointed by the King with the advice of the Estates, which really meant that they were the nominees of Middleton, and as such would offer no obstacle to his designs. The duties of the Committee were to assert the royal prerogative, and receive and prepare for presentation to Parliament all acts, overtures and laws. If the Articles refused to present any bill in plain Parliament, then any member was free to present the bill to the house. This clause of course was not meant to be taken seriously, and so long as Parliament and the Committee of the Articles were the puppets of the officers of state, there was no danger of its being so regarded. In the hearing of processes the Articles were allowed to co-opt as many justice-deputes as they thought fit. It was made clear at the outset that the method of electing the Articles on this occasion was not to prejudice any changes the King with the consent of the Estates might wish to make in the future. (1)

(1) A.P.S.VII:8.

From London Clarendon, by means of correspond-
 -ence encouraged his friends to their undoing. The decision,
 at first but a drunken suggestion, that all acts of
 Parliament passed since the year 1640 should be rescinded,
 was by him hailed with delight, as inevitably leading to
 the establishment of Episcopacy. (1) Lauderdale's reception
 of the news was far different. While admitting the necessity
 of expunging certain acts from the statute book, he deprec-
 -ated most strongly wholesale rescission: "If you shall
 now expunge all those acts at one breath, farewell to that
 unity in Scotland, which is so useful to his Majesty." (2)
 That such an act menaced the security of church and state
 was an important consideration to Lauderdale, but its
 crowning disadvantage was that it would lessen Scotland's
 usefulness to the King. He, more clearly than any, saw that
 to thrust an alien church on Scotland, would cripple her
 for whatever destiny was in store for her.

In spite of the strenuous efforts of Lauderdale,
 the Act Rescissory became law on March 28th. Clarendon
 through Middleton and his allies had scored again. (2) The
 act itself was ridiculous and contradictory. It declared

(1) Clarendon State Papers. 16161. 74. Harl. 4631. 96.

(2) " " " 16161. 74. f. 400.

(3) A.P.S. VII. 86.

worthy of rescission acts which in the same breath were declared invalid. Measures authorised by Charles I. himself were annulled as being wrung from him by force. In a word, the act was made to do what its originators thought it ought to do, and illegalities and inconsistencies were carefully obscured in a wealth of fulsome and meaningless language. (1)

"Nothing of private business is to be named until all relating to the King (that can come within our view) be first done," (2) wrote Middleton and he kept his word. The King was fully reinstated in his right to nominate his officers of state, Privy Council and Session, to summon and dissolve Parliaments, to raise a militia, to make peace or war, to decide his own foreign policy, then and then only, was business of a private or a popular nature allowed to be discussed. (3) For such "full assertion" of his prerogative Middleton received the warm thanks of the King.

As a supreme instance of their devotion and loyalty, Parliament voted the King a yearly income of £40,000; to meet the expenses of his government. (4) It was understood however, that on no account was the King to demand additional supplies. Charles somewhat amazed at the generosity of

(1) Burnet says Primrose was responsible for the drawing up of the Acts, B.H. Wodrow says Fletcher the Advocate. W.A.II.

(2) Clarendon State Papers. 16161. 74. Jan. 22. 1661. (273.

(3) APS. VII. 12. L.P. I. 63.

(4) A.F.S. VII. 78.

so poor a country readily promised to observe the latter injunction, but mentally resolved to study his own convenience in the matter. Lauderdale strongly opposed so extravagant a grant, partly because it was the offer of Middleton and his friends, (1) and partly because he knew it would lay a grievous burden on the already harassed country, and cripple any future chance of commercial and industrial uplift. The real culprit responsible for the extravagance was not Middleton, but Sir Archibald Primrose the Lord Register, who, it was said, promised to secure a substantial annuity for the King in return for the office of Lord Register. (2) Careless of the welfare of his already overburdened country, Charles willingly accepted the offer.

Two acts which ought to have been passed by Parliament at the very outset were shelved, the one partially, the other completely. The act of Indemnity, which in England was the condition on which Charles was restored, was in Scotland held over the heads of the people as a Sword of Damocles. It was a weapon by means of which the King's ministers extorted from Parliament whatever concession they wished, for so long as there was no act of Indemnity and Oblivion to safeguard them from the consequence of past

(1) Mackenzie characterises it as "an inconsiderate act of prodigality and cowardliness." History. 29.

misdeeds the members dared not oppose the King's wishes. Opposition would mean citation to Parliament, and probably forfeiture of estate, if not of life. The Act of Indemnity was longed for by all classes, especially after the passing of the Act Rescissory which left the country more than ever at the mercy of those who wished to curry favour with the King. (1) Lauderdale did his utmost to have the act passed, and Sharp and Glencairn added their persuasions, but so long as its postponement meant fresh accessions to his prerogative, the King would not interfere, and Middleton had his way, for he it was who was responsible for withholding this right from his fellow countrymen.

The other act which ought to have been passed in that first session was the act for settling the national church. So definite a step was contrary to the wishes of Clarendon and Middleton and so was shelved with empty promises. (2)

While Parliament trifled the time away, "lytill was done in this lang space of thair sitting" the breach between the Secretary and the Commissioner grew wider. "My Lord Lauderdale does not take it well that in all the addresses from the Parliament to the King he is not taken

(1) 23116 f21.

(2) A.P.S. VII.87.

notice of at all, and his advice in nothing craved,"(1) wrote Sharp to the Lord Register, but this deliberate ignoring of Lauderdale's position in the government was only one instance of Middleton's jealousy. The former's letters were opened, and in countless ways he was "nibbled at" during Middleton's tenure of office.(2) The question of the precedence of the officers of state was a fruitful source of trouble between the Secretary and his enemies. The dispute was referred to the decision of the King and Lauderdale, and the latter gave his ruling. Middleton on his own initiative altered the order for the benefit of the Lord Register who had besought Lauderdale in vain to decide in his favour, and who now definitely joined Middleton in the attempt to displace the latter from the King's good graces.(3) Attempts were made by friends on both sides to reconcile the two, but in vain. So long as Clarendon was Middleton's evil genius there could be no reconciliation. Unanimity between the two was what the country needed, but "if this be occasioned by the interposition of any Englishmen it is not like to be lasting!"(4) The feud was too bitter for any temporary compromise to avail. The political extinction of one or the other was the only solution to the problem.

(1) Harl. 4631.99, (2) S.H.S. XV.251.

(3) 23116 f.21, 51. Harl. 4631.90, 92.

(4) 23116 f21.

The trial and condemnation of the Marquis of Argyll also added bitterness to the relations between Lauderdale and Middleton. The former, to give him his due, was anxious to avoid all bloodshed; Middleton and his friends, particularly Glencairn, were equally desirous of his death. Indeed says Wodrow "Midltoun and Glencairn at that time were soe sure as they thought of their will that they had meetings and minutes betwixt them of ane equall division of the Marques of Argyle's estate among them." (1) Clarendon supported Middleton, and callously requested that some "handsome abbreviates of Argyle's dittay" be sent up to London for circulation there. Lauderdale was the stumbling block. "I have written to the Commissioner our difficulties with Lauderdale, but I hope we shall obtain our desires", wrote Glencairn, and on May 27th. 1661 their desires were fulfilled by the execution of the Marquis. He owed his fate to the eleventh hour production of letters sent to Monk, acquiescing in the rule of the Usurper. In the face of such evidence reprieve was impossible, and the first blood sacrifice to the Restoration in Scotland was made. Sir Archibald Johnston of Wariston, a man almost as well hated by the royalists as Argyll, escaped their vengeance for a time, but was captured and executed in 1663. The ecclesiastical victim

(1) W.A. II. 52.

(2) Harl. 4631. 87.

was James Guthrie, and with these three sacrifices Middleton and his party had to be content.

One benefit which the first session of the Restoration Parliament conferred on the country was that the judicatories "quhilk hes bene interruptit thir mony yeiris bygane" once more functioned. On July 12th. Parliament adjourned and on July 13th. the Privy Council had its first meeting. By virtue of the recent act of Parliament Charles had the right of nominating his Privy Councillors, a right enjoyed by James VI. and Charles I. until the latter was forced to renounce ~~it~~ in the Covenanted Parliament of 1641, when it was enacted ~~that~~ officers of state, Privy Councillors, and Lords of Session should be henceforth chosen "with the advice and approbation of Parliament". (2) On his sole authority Charles nominated forty nine Scottish Privy Councillors, and four Englishmen to sit in the Scottish Council at Whitehall. In appointing the latter he was following the precedent set by his father and grandfather. The four appointed were the Earl of Clarendon, the Duke of Albemarle, ~~the~~ Marquis of Ormonde, and the Earl of Manchester. Middleton and his friends knowing Lauderdale's antipathy to all English interference in Scottish affairs had

(1) N.D. 304.

(2) A.P.S. V. 387-9.

hoped he would object to the inclusion of English statesmen and thereby incur the King's displeasure. The Secretary was too astute to do anything so crude. He agreed to the appointment with the mental reservation that English domination should cease at the earliest possible moment. To counterbalance the appointment of the English members Lauderdale was accused by his enemies of securing the nomination of his own friends as Scottish members. (1) The accusation was partly true, nor was it surprising that he should seize the opportunity to increase his following.

On the whole those chosen were unanimous in their submission to the royal wishes, but occasionally rebels appeared in the ranks, one of the earliest being the Earl of Tweeddale, who objected to the King's high-handed method of settling the church. He was imprisoned for his presumption and it was only after abject apology to the King, and by the earnest entreaties of Lauderdale, that he was restored to favour. Others, including the Earl of Cassilis and the Earl of Crawford raised their voices in protest from time to time, but generally speaking unanimity prevailed.

Although forty nine Scottish Councillors were appointed, only a small number of these actually took part in the business of the government. It was the object of the

(1) 23115 f.77.

officers of state to make the governing body as exclusive as possible, and as unanimous as possible, so that only those well-affected were encouraged to attend. For the first few years, contrary to the practice of his predecessors, Charles nominated no churchmen to the Council board. In 1663 the Archbishops of St. Andrews and Glasgow were admitted, but they remained the sole ecclesiastical members. (1) This was deliberate policy on the part of Charles. He knew that to admit many bishops would, as in previous reigns, rouse the jealousy and opposition of the lay members of the Council. The Court of High Commission for a time gave the power to the bishops, but their triumph was short lived, just because the lay members of the Privy Council refused to uphold the authority of such a court.

While the Parliament was sitting Scottish affairs were directed from the Council at Whitehall, where Clarendon was omnipotent, and Lauderdale but a voice crying in a wilderness of Englishmen. (2) Clarendon it was who secured that the settlement of the Church should be left entirely to the discretion of Middleton, and not submitted to the decision of Parliament in its first session. The result of such a step was according to expectations. The final decision

(1) P.C.R. I. 382.

(2) B.L.J. 464. "Lauderdaill in whom we trusted being over-powered and diverted by the greater court of Hyde, and the great zeall that sundry here hes to his service."

was left to the King, and the enforcement of that decision to the Privy Council. Until the church was settled White-hall was the chief centre of interest for the nobles, and it was not until September 3rd. when Glencairn and Rothes came down from Court with the fatal letter, that the Council in Edinburgh was well attended. The functions of the Council were executive, administrative and regulative, but particularly in the ecclesiastical field it exercised legislative rights never before claimed. Short of voting supplies, the Council did all that a Parliament might do.

When the national church was settled, the business demanding the immediate attention of the Council was the removal of the English garrisons, and the demolition of the citadels. In this they encountered the opposition of the English members who thought that "the continuance of the garrisons was a bridle fit to be kept in the mouths of the Scotch to restrain them from future rebellions!" (1) Lauderdale was determined on their removal, and in this he had the unanimous support of the Scottish nobles, who had no wish to see an alien army plundering their country. The English Councillors accused Lauderdale of trying to win the support of the King by prophesying that the time would come "when his Majesty instead of desiring

(1) Secret History. 214.

to see English garrisons in Scotland would find it necessary to have such Scotch garrisons in England, who, supported by the spoils of their opulent neighbours, would be forward to curb their seditious spirit."(1) The King on his part was anxious for their removal as being "good husbandry in respect of the expense and good policy that he might keep Scotland entirely at his devotion." He asserted that "he felt himself obliged in honour, justice and conscience to send all the forces out of that kingdom, and to deface the monuments of a detested usurper's authority,"(2) but Clarendon's advice restrained him from immediate action."It would be contrary to the sense of both Houses, and the removing^{of} the garrisons now would hinder them from giving the King any money at all, and thus marr his affairs," were his arguments and he spoke truly. The English Parliament was the stumbling block, where there was "a great malice and spite from the young blades in both our houses against our nation."(3) But the Scottish statesmen well knew that if "those badges of our slavery" were not removed immediately their continuance would be indefinite and removal increasingly difficult. The discussion reached a deadlock in the Scottish Council at Whitehall, and the question much against the will of the Scottish members was referred to the English

(1) Secret History. 178 (footnote)

(2) " " 216.

(3) Harl. 4631. 87, 98.

Privy Council and Parliament. The Scottish nobles maintained and rightly, that such bodies had no jurisdiction over Scotland. The English Councillors agreed to compromise by announcing the removal of the garrisons to the Privy Council and Parliament as a matter of fact, and not as a subject of debate. (1)

A necessary accompaniment to the removal of the soldiers was the demolition of the citadels, for it was considered dangerous to leave them intact and at the same time devoid of a garrison. Anxious as the people were to get rid of the soldiers they were in no hurry to dismantle the forts. The work of demolition was entrusted to the inhabitants of the neighbouring parishes, and the penalty for disobedience and neglect was "horning". (2) In spite of threats, however, five months after the proclamation the citadels were still untouched, a proof that the general thunderings of the executive were little respected by the mass of the people. The last of the soldiers left in May 1662, being required by Charles for service in Portugal. In June of the same year Inverness citadel was still untouched, and more stringent orders had to be issued by the Council. With the departure of the army of occupation the Council was relieved of a heavy load of responsibility, for

(1) Secret History. 217.

(2) P.C.R. I. 6, 7.

Between the English soldiers and the Scottish inhabitants there had been no love lost, and friction was constant.(1) The former also made themselves unpopular by claiming exemption from certain duties such as the payment of the excise duty on the ale consumed in the garrisons, and such attempts to defraud the revenue were naturally much disliked by the Council. When the last English soldier embarked at Leith, the country drew an unanimous sigh of relief.(2)

Lauderdale earned much gratitude as the one mainly responsible for the comparatively speedy departure of the soldiery. The gratitude was deserved, but he received in addition a much more substantial reward for his services. The citadel of Leith was given him by the King, much to the disgust of Edinburgh who had hoped quietly to annex it. The gift, however, threatened to prove a white elephant. No one was willing to buy the buildings, and to erect them into a factory would require both time and money. Edinburgh refused to consider purchase, until Lauderdale threatened to erect Leith into a burgh of regality, a step which would have seriously injured the trade and revenues of Edinburgh. The threat had the desired effect of inducing

(1) P.C.R. I.69,77.
 (2) " I.181,190.

the Town Council to buy. The yearly rental of the citadel was only from three to four hundred pounds, but Lauderdale refused to take less than six thousand pounds. The demand was exorbitant, but the Provost, Sir Andrew Ramsay who thereby laid the foundations of his friendship with Lauderdale, persuaded the Council to pay the price, and so safeguard Edinburgh. (1) The other citadels were also gifted: Ayr to the Earl of Eglinton who wished to erect it into a factory, Inverness to the Earl of Moray, while Perth was handed over to the magistrates of the city. Had they been disposed of for the good of the nation, the citadels would have realised a considerable sum of money, but it was much more important from Lauderdale's point of view, to purchase support for himself, hence their disposal as gifts.

When the Privy Council once more took up the task of government, it had inevitably to cope with the age-long difficulty of settling the Highlands. The method adopted was that employed by James VI. The chiefs of the clans were summoned to appear before the Council on October 1st. 1661, ^{but} Out of more than one hundred only six appeared, and the delinquents were duly "put to the horn", a process which had no terrors for the already lawless lords. (2) That

(1) Edinburgh Town Council Records. XXII. 50, 58, 59, 61, 66, 68, 70. Mackenzie says the town paid £5000. That is wrong. Mackenzie 24, 23117 f. 69.

(2) P.C.R. I. 8, 11, 24, 25, 55, 56, 638.

three years later the chiefs were again required to give caution for their good behaviour, shows the efficacy of the Council's measures. Conciliar government in the past had failed to solve the problem of the Highlands, and was to do so again. Lawlessness was also prevalent on the Borders and in the shires of Ross and Caithness, and as the Council's efforts were necessarily confined to the device of setting thieves to catch thieves, it is little wonder that no conspicuous success was theirs. It was long ere governments realised that to secure peace in the Highlands it was necessary to give them the amenities of civilisation while endeavouring to stamp out their lawlessness.

With the assembling of Parliament the Court of Session and the College^{of Justice} resumed their functions which had been in abeyance during the rule of Cromwell. During those years only the burgh courts had been held. (1) On April 26th an act was passed ordering the "downsitting" of the Court of Session on June 4th. The Signet which had been partially opened on February 19th, was not fully opened until June 21st, a delay which caused much inconvenience, and exposed Lauderdale as Keeper to much opprobrium. (2) The fault was not really his but Parliament's, since the opening of the Signet exposed the members to arrest for debt. The Session was ordered

(1) N.D. 329, A.P.S.VII.189.

(2) 23117 f.77.

to sit from June 1st. to July 31st., and from 1st. November to 28th. February inclusive. The lists of the Lords of Session had been sent down by the King as early as April 5th. Sir John Gilmour was President, and the Extraordinary Lords were the Earls of Lauderdale, Crawford, Rothes and Middleton, the last named being appointed on the demission of the Earl of Cassilis, who refused to take the oath of Allegiance.

The opening of the law courts did not mean that henceforth justice, pure and undefiled was to be dispensed. Far from it! The officers of state dominated the Session as they dominated the Council and the Committee of the Articles. They regarded the Session as their own special preserve from which they could reward their friends. Rothes summed up their attitude in a letter to Lauderdale: "It concerns all officers of state to have an interest in those who has the honour to be one of that number. (Session) You may oblige some perpetually to be yours who are both able and fit for the discharge of that place will willingly do as much in shewing themselves thankful to the person who shall either demit in his favour or procure him to be his successor as he or his friends can imagine." (1) Integrity and knowledge of the law were not essential to a Lord of Session: willingness to comply with the wishes of the government was the only qualification required. Where decisions

(1) E. U. T. Rothes to Lauderdale 10th. Dec. 1661.

threatened to go contrary to government designs, success was assured by packing the Court with the Extraordinary Lords. This was a favourite device of Lauderdale's, he himself on occasion appearing in Court. From the very beginning of Charles' reign the springs of justice were sullied, and as Lauderdale's domination increased they became more and more defiled. The Court of Session was his favourite means of rewarding his friends and oppressing his enemies.

The College of Justice was equally open to domination by the officers of state. There, decisions could be influenced by the appointment of "assessors", and as a last resort the case could be tried before the Privy Council at Edinburgh. As a proof of the negligible and venial character of the Justiciary Courts, Wodrow quotes the testimony of the Clerk of the Court, a testimony which also serves to illustrate the omnipotence of the Privy Council: "In the records from 1660 to the Revolution there is very little remarkable, except what was done at Edinburgh, and the reasons is because the courts up and down the country had a council power lodged in them, and it was alledged that they wer not to bring in their proceedour to the Justiciary but to the Counsell; and so many of them came not in to Edinburgh at all. And there was noe accounts given almost in write of the fines that wer exacted, for these were all pocketed by them." (1)

(1) W.A. II.222.

With the Court of Session the tool of the officers of state, and the justiciary courts engines of conciliar oppression, Scotland had no chance to recover her prosperity or regain her national self respect. As the years passed judicial corruption became more and more prevalent, and justice was to seek in the land.

The months of conciliar government during the adjournment brought no diminution of the enmity between Middleton and Lauderdale, indeed the presence of the former at Whitehall only served to increase the rancour, for at Court Middleton was the chosen companion of Clarendon and the English councillors, and as such had opportunities of access to the King which would otherwise have been denied him. His services to the royal prerogative in Parliament also increased his popularity with the King, so that for the time being Lauderdale was eclipsed, a position emphasised by the victory of Clarendon and Middleton in the settlement of the church of Scotland. But Lauderdale was not unduly despondent. Unlike his rival he knew how to wait and profit by the waiting. His attitude at this time may be described in heraldic parlance as couchant. He was watching and waiting, scheming to secure his ends by subtleties incomprehensible to the slower-witted Middleton. As a step towards weakening his adversary's influence at Whitehall, he

prevailed on the King, on the plea that Scottish affairs required it, to send Glencairn and Rothes back to Scotland in September. As a consolation for their dismissal they took with them the King's letter ordering the establishment of Episcopacy. The Earl of Tweeddale's adverse reception of this letter in the Privy Council provided an opportunity of attacking Lauderdale's position. The former, on the pretext that he had favoured the cause of Mr. James Guthrie during his trial, and been a contemner of the King's wishes with regard to Episcopacy, was confined in Edinburgh Castle to await the announcement of the King's pleasure as to his punishment. Lauderdale who was a friend and relative of Tweeddale pled his cause with the King and secured his release. This was contrary to the intention of Middleton and Rothes, and the latter took upon himself to rebuke Lauderdale for sending down the letter ordering Tweeddale's release with only his own signature and not the King's attached. He requested that in future to safeguard the Privy Council all letters should be subscribed by the King as well as by the Secretary. (2) Following the lead of Rothes, Middleton on 14th. November induced the Privy Council to write to the King asking

(1) N.D.330.

(2) 23116 f.136. "by this you have it in your power to stop anie mans busines at least to delay it at your pleasure." -iour."

that in order to prevent all jealousies and strengthen the hands of the Privy Council all letters and warrants should be personally signed by the King. (1) Middleton suspected, and not without reason, that some of the letters sent ostensibly from the King during the trial of Argyll, had been sent without his express approbation, and he feared the continuance of such powers in the hands of the Secretary. The King, partly because of the trouble it would mean to himself, and partly because such a proceeding would be a great reflection on his servant, refused to comply, and Middleton in this instance had to admit defeat. (2) So the battle was waged! A trivial victory went now to the one, and now to the other, but the next session of Parliament was to decide whose was to be the final triumph.

The meeting of Parliament which had been fixed for 12th. March, was postponed by proclamation to 8th. May, and on the evening preceding, the Lord High Commissioner Middleton arrived at the Abbey quietly and unobtrusively, with none of the pomp of his previous entry. The Parliament was poorly attended, many of the lords being still at Court loath to return. So much was this the case that Glencairn wrote to Clarendon to use his influence with

(3)

the King to have them sent home. The chances of pickings

(1) P.C.R. I.86.

(2) Mackenzie 62.

(3) Clarendon State Papers. 16163.256. May 14th. 1662.

at Whitehall were much greater than at Edinburgh, and there was always the chance that the rivalry between Middleton and Lauderdale would culminate in a rearrangement of the government.

The first business of the Parliament was to pass an act for the admission of the bishops to Parliament. This was done, and the bishops ceremoniously admitted on the first day of Parliament. (1) Legally they had no right to take their seats until the act establishing Episcopacy was passed, but such a trivial point was ignored by a Parliament whose activities during this session may be summed up in the words of the diarist Nicoll: "This Parliament did sitt long doing lytill." Its real function was as a weapon for the destruction of Lauderdale. On September 5th. was passed an act requiring all in public office to sign the Declaration renouncing the Covenant or demit office. The act was really directed against the Treasurer Crawford and Lauderdale, and the former reluctantly resigned. Not so Lauderdale! He scornfully declared he would take a cartful of such oaths rather than resign the Secretaryship. (2) Some other means had to be devised to force his demission, and the act of Indemnity promised a solution.

Middleton now judged that the time was ripe

(1) A.P.S. VII. 370, 372.

(2) " " 405, Mackenzie 65.

for the Act of Indemnity. Nothing more could be hoped for from Parliament. It had done its utmost for the royal prerogative and the royal purse; it should now receive its reward. Of course exceptions must be made to the kingly clemency, and Middleton prepared with relish the list of excepted. He saw that out of those unfortunates he could make a substantial fortune for himself, and private bargains were soon in progress with those whom he judged best able to pay, and whom he promised in return not to cite before Parliament. He requested the Lord Register not to book any of those fined until next session of Parliament "that such as duellie payd their fynes might have their names delect and not to be on record on such accompt." (2) The victims paid well for the concession.

Lauderdale could not be excepted from the Indemnity and other means had to be projected for his ruin, and for that of others, particularly the Earl of Crawford and Sir Robert Moray. Middleton, Glencairn, the Lord Register and the Lord Advocate, foolishly trusting that Lauderdale's opposition to Episcopacy had damaged him irretrievably in the King's eyes, decided to entreat the latter to add a clause to the Act of Indemnity excepting from all public office certain persons to be decided on by Parliament.

(1) Laing Mss. Lord Register to Lauderdale. 30th. Jan. 1663.

Sir George Mackenzie of Tarbet was the ambassador chosen to go to Court, and he carried with him two copies of the proposed act of Indemnity, one without the excepting clause for Lauderdale's perusal, and the other with the clause included, for the edification of the King and the English members of the Scottish Council at Whitehall. (1) Instead of seeking admission to the King through Lauderdale, Tarbet enlisted the services of Clarendon, and obtained an early interview with the King, the result of which was that the latter immediately called a meeting of the Scottish Council. There, Tarbet suavely represented the necessity of such an excepting clause and the service it would do to the King in ridding him of those opposed to his designs. He also advised that the naming of the excepted should be left to Parliament, thus relieving the King of an invidious task. Lauderdale knowing well that the act was directed principally against himself urged the King to forbid so underhand a proceeding but "the whole English Court, weary of Lauderdale's insolence, did assist Tarbet, and magnified all he did or said, and it was always Tarbet's great design to raise Lauderdale to such passion as might make him extravagant". (2) The King was overborne by the arguments of his English Councillors, and Tarbet returned to

(1) Mackenzie 67.
 (2) " 70.

Edinburgh armed with permission to exempt from all further trust twelve persons, whose selection was to be left to Parliament, which in fact meant to Middleton and his friends.

Lauderdale's position at Court was now very unstable. He had opposed the King- never a wise course to take- and the whole English Court was against him. His position was further threatened by Charles' determination to add another English member to the Scottish Council at Whitehall. What the royal motive was for such a step is uncertain. It may be that he saw for an instant the possibility that one day Lauderdale's influence in Scottish affairs would exceed his own, and that was an unpleasant thought to one who liked both the appearance and the reality of supremacy, though indolence prevented him consistently maintaining the latter. Whatever his motive the threat was never carried out, chiefly because his attention was distracted by the trial of Lord Lorne, another circumstance which temporarily lowered Lauderdale's prestige.

On the death of the Marquis of Argyll Lauderdale befriended the son, who was thus regarded with suspicion by Clarendon and Middleton. Anxious to gain the support of the former, Lorne prevailed on one of Clarendon's minions to effect for him a reconciliation with his master in return for one thousand pounds. Unfortunately for himself Lorne

could not refrain from boasting of his possible triumph, and in a letter to a friend said if he could get one thousand pounds he could "take off the great man on whom Middleton depended and then the King will see their tricks." The letter was intercepted and carried to Middleton, who immediately raised his voice in indignation that the letter was a great reflection on Parliament, and an endeavour to cause trouble between his Majesty and so loyal an assembly. (1) Parliament therefore obediently sent the letter to the King, and asked that Lord Lorne should be sent down to Scotland for trial. On receipt of the letter Charles called the Scottish Council, where Tarbet urged the instant arrest of Lorne. Lauderdale protested and offered to stand surety for him. Clarendon thinking that by such officiousness the former would further displease the King urged the Council to accept the offer. Lorne thus escaped arrest in England but was ordered to return to Scotland, and stand his trial before the Parliament there. (2) He was tried and found guilty of treason, and his life and fortune forfeited, but the execution of the sentence was referred to the King's decision. When Lauderdale returned to favour and to power, Lorne was released, and restored to his Father's estates and to the title of Earl.

While Parliament was engaged in trying Lord Lorne

(1) A.P.S. VII.38, Mackenzie 70-72.

(2) N.D. 369-372.

its leaders were busy devising what was known later as the Billeting Act. Elated at having secured the King's consent to the inclusion of the Excepting clause, and conscious that Lauderdale's prestige was at a very low ebb, Middleton and his friends threw prudence to the winds, and determined that the method of selecting the twelve excepted persons should be by "billeting". Every member of Parliament was requested to write down the names of the twelve men whom he wished to see exempted from pardon. The names were then put into a bag held at the foot of the throne by the Lord Register, and the twelve who had the most votes recorded against them were declared incapable of public trust after 1st. May 1663. Middleton saw to it of course that the members were instructed as to those whom they should name. The suggestion of the method of billeting has been attributed both to Tarbet and to the Duke of Lennox, but the latter was probably the culprit. The victims finally selected were the Earls of Lauderdale, Cassilis, Lothian, Loudon, the Lords Duffus and Newark, Sir Robert Moray, Justice Clerk, Sir George Maxwell of Pollok, Sir James Stewart of Kirle, Sir Alexander Brodie, Sir Hew Campbell of Cessnock, and Sir John Chiesly. (2) Unfortunately for the final success of the scheme, Lauderdale was kept informed of its progress

(1) Clarendon State Papers. 16167.87.f.80 Mackenzie 73.

(2) " " " 16164.77.f.351.

by his faithful servant William Sharp, and before the result of the billeting could reach the King, he was able to represent to him the presumption of Middleton and the other officers of state, in daring to dismiss the King's ministers without the royal consent. The slight to his authority roused the resentment of the King, and when the Duke of Lennox, the Earl of Dumfries, and Tarbet arrived, triumphantly bearing the Act of Indemnity and the Act of Billeting, he ignored the latter act completely and gave no satisfaction to the eager ambassadors. Tarbet returned to Scotland somewhat crestfallen, conscious of having incurred the displeasure of the King. Middleton, sensing that he had overstepped the bounds of wisdom, decided to give Whitehall a wide berth for the present, and departed on a punitive tour of the western counties.

But the game was by no means ended; indeed for Lauderdale it was just beginning. He had Middleton for the first time at his mercy, and determined to make the most of the opportunity. In February 1663 he formally accused Middleton in the Scottish Council at Whitehall, and skilfully enlarged on the heinousness of his offence in tampering with the royal prerogative. All Middleton's offences were paraded, especially his corrupt dealing in the matter of the fines. On his own authority he had

appointed a Receiver of Fines, and had based the amount of the fines not on degrees of guilt, but on the ability of the culprit to pay Middleton in order to escape citation to Parliament. In the King alone resided the right to sanction and veto legislation, Middleton had usurped that right. His crowning offence was the act incapacitating twelve persons from public trust; legislation conceived by a junto in Masterton's Tavern, and achieved by misrepresentations to both King and Parliament. The King thought such an act was the desire of Parliament; Parliament thought it was obeying the King. By this act Middleton virtually arrogated to himself the right to dismiss the King's ministers. Such arguments were well calculated to rouse the ire of Charles, to whom prerogative was the breath of life. In a battle of words with Lauderdale, Middleton stood little chance of victory. He was asked to furnish the Council at Whitehall with a brief and plain account of affairs in Scotland from the Restoration to the passing of the act of Indemnity. Such a task was almost beyond one accustomed to the sword rather than to the pen, and he was forced to enlist the services of the Lord Register. (1) His replies to the accusations of Lauderdale were lame in the extreme, and injured rather than helped his cause, but

(1) Harl.4631.101

because the King still retained an affection for him his downfall was not yet to be , and another rod had to be pickled, before he could be removed from Lauderdale's path.

In January 1663, Lauderdale anxious to ingratiate himself with the people of Scotland, and at the same time put a spoke in Middleton's wheel, induced the King to issue a proclamation suspending the payment of the first half of the fines. The letter was read, and a proclamation, drawn up in the Privy Council at Edinburgh on February 12th., but on February 13th. a letter was received by the Chancellor from Middleton commanding him in the King's name to delay the publication of the proclamation. To safeguard the Council in case of trouble Glencairn ordered the letter to be recorded in the minutes. The news of the Commissioner's action was not long in reaching the ears of Lauderdale who hastened to condole with the King on this fresh attack on his authority. The King immediately ordered the instant publication of the proclamation, and Middleton was humbled lower than his enemy Lauderdale had lately been. He pleaded in defence that Clarendon had signified to him that it was the King's private desire that the proclamation should be delayed, but such an excuse was no extenuating circumstance (1)N.D. 390, P.C.R. I. 329, 336, 348, Mackenziell 2-3.

and Lauderdale took advantage of the King's displeasure to represent how necessary it was that Middleton should be dismissed from all offices of trust. That he could no longer be Commissioner to Parliament the King agreed, but it was more difficult to secure his consent to Middleton's dismissal from the governorship of Edinburgh Castle, and the commandership of the forces, and it was not until almost a year later that Middleton was finally deprived of all public office.

The systematic ousting of Middleton from royal favour is described thus by the Duke of Ormonde: "My Lord Lauderdale hath clearly run down my lord Middleton, so that both his commission of General and Governor of Edinburgh are taken from him by his Majesty, the crime not yet published but said to be exceeding his authority, which matter of fact I find not agreed by my Lord Chancellor and divers others of his Majesty's most intimate councillors, yet the thing is done, and my Lord Chancellor and Lord Lauderdale I believe little satisfied one with the other." (1) Certainly no love was lost between Glencairn and Lauderdale, a position accentuated when Lauderdale came north to supervise Parliament in person.

Archbishop Sharp as usual came out on the right side

(1) H.M.C. Ormonde Papers III.134.

He did not approve of the billeting, but on the other hand he was careful not to break with the promoters. "If this billeting concern fashion", he wrote to Lauderdale "I am so secure of their friendship, as that I can promise to myself an escape before the game be enact." (1) He succeeded, and from the winning side watched the game in safety, humorously reporting of the Lauderdale-Middleton struggle that "it is of late no new thing to see much barking, and neither hear nor see the byting." (2) Rothes also, after the fiasco of the Billeting Act, came forward with his good wishes for the success of Lauderdale, assuring him that he lay "at a surer anchor and in a more safe harbour" (3) than did his rival, who was slowly being cast adrift. Like rats a sinking ship, Middleton's former friends and allies deserted him, and sought service under Lauderdale, who might be expected to have something worth while to offer.

That Middleton's term of office should not have been of long duration is not surprising. He was a soldier, not a statesman, and the day when militaristic methods could hope to succeed had passed. To him Parliament and Privy Council were armies to be commanded rather than bodies to be consulted. It is unlikely that he had any clearly defined ambition to restore conciliar government.

(1) E.U.T. Sharp to Lauderdale October 24th. 1662.

(2) 23117 f.57.

(3) " f.94.

To secure obedience to the will of the King was his sole object. He had little political foresight, and merely governed from day to day. What measure of political vision he had was distorted by greed of money and hatred of Lauderdale, and his crude devices were no match for the subtleties of the latter. The struggle between the rivals was long drawn out, but the final issue was never in much doubt. Lauderdale could now afford to congratulate himself on the success of his last few years' diplomacy, but his bridges were by no means all crossed. "He stands single in our English Court, whatsoever party he hath amongst his own countrymen"⁽¹⁾, wrote Ormond to Coventry, and Lauderdale was never other than a hated alien in England.

By knowing how to wait Lauderdale had overcome formidable odds. In 1660 he had entered the lists against powerful opponents. In the forefront stood the Earl of Clarendon, supremely influential with the King, and equally influential in the conduct of Scottish affairs, principally with a view to the ruin of Lauderdale. Behind him was Middleton popular with the King and people alike, into whose hands was given the management of Parliament. There were others too, encouraged by Clarendon, and working for the same end, but they were all too precipitate, too clumsy

(1) H.M.C. Ormond III.52.

to achieve success. Had they been content to magnify the royal prerogative in Scotland, and leave to Clarendon the gradual undermining of Lauderdale's position at Whitehall there is little doubt that ultimate success would have been theirs, but because Lauderdale was a politician and a statesman while his rivals were not, he was able in the end to triumph. That complete victory was still distant he knew. Clarendon and his English colleagues though their power was crippled by the loss of Middleton could still make things unpleasant at Whitehall, while in Scotland Middleton's former friends had to be conciliated and rewarded. Lauderdale was too wise to risk offending the King by demanding further sacrifices. Thus Rothes, though he had been the ally of Middleton, was made Lord High Commissioner to the next session of Parliament, and was also given the Treasureship vacated by the Earl of Crawford on his refusal to take the Declaration. Middleton had hoped that the White Staff would eventually fall into his own hands, so that both the power of the sword and the power of the purse would be his: a dangerous combination both for King and country. Instead he had the mortification of seeing his enemy Lauderdale, and his former ally Rothes rise on the ruins of his own greatness.

The fact that Rothes was powerful enough to

aspire to rivalry galled Lauderdale. He knew that so long as the former shared the confidence of the King he could not realise his dream of being sole mediator between King and people, of seeing Scotland governed by his ^{word} alone albeit through a subservient Privy Council. He had still to wait, but one thing gave him hope; With the downfall of Middleton, Clarendon ceased to dominate Scottish affairs, and the Scottish Council with its English members met no more at Whitehall. At Court the Secretary was now "the King's great and almost only oracle for the administration of Scottish affairs," and he could begin more openly to lay the foundations of his dreams of an absolute monarchy with himself as chief minister, and he knew that in such aspirations the King most heartily joined. Secure now from Clarendon's and Middleton's misrepresentations, he could unfold to the King his schemes for conciliar government and at the same time impress on his Majesty that "Middleton and his party did not understand the greatest service which Scotland could do his Majesty, since as its inhabitants had not much treasure, the only use which the country was capable of being put to was to furnish him with a good army when his affairs in England should require it." (1) Lauderdale, like a later statesman, was convinced that the

(1) Secret History 227. (footnote.)

sole contribution which Scotland could make to history was to supply England with "reputation and recruits": (1) a reputation for implicit obedience to aid the King in his struggles with the constitutionally minded English parliament, and recruits to aid him in his wars abroad, or if necessary, wars at home. But he was equally convinced that such a contribution could not be of supreme value until he alone was responsible for Scotland's government.

Although he was the only "oracle" at Whitehall, Lauderdale could not be sure that instructions sent from there were implicitly obeyed at Holyrood, especially when Rothes was Commissioner. It was impossible that every detail of the administration could be supervised from London, and the Privy Council led by Rothes, could and did exercise a latitude in the interpretation and execution of royal commands, which it was impossible to prevent. Nor would Lauderdale have prevented it if he could. His past experience with Middleton had taught him that the most effective way to destroy his opponents was to allow them to run on their own ruin, and then on those ruins would rise the mighty edifice of despotism which his hands and brain alone could build. And so for the next four years we see him watching and waiting at Whitehall, punctiliously transmitting the King's orders, which for the most part

(1) James Johnston, Secretary 1692-1696.

originated with himself, but in no way interfering with their execution by the Privy Council. His inactivity, unlike the inactivity of the previous years, was voluntary, not enforced. He apparently accepted the position of being merely Secretary, and of having no dominant position in the executive, but all the time he was tacitly encouraging his rivals to their ruin, and maturing those schemes which were to be put in execution when that ruin was accomplished.

Chapter II.

The Rothes Ministry. 1663-1667.The Rothes-Moray-Tweeddale Ministry. 1667-1669.

"His Majesty now, after many entreaties gave a new commission to Rothes to be Commissioner for the third session of Parliament. For Lauderdale had assured the King, that the billeting was contrary to the inclinations of the Parliament; and his Majesty would find so, if he would employ any third person to be Commissioner: nor would himself take the commission, since he was to be tried by the Parliament, and was to crave from them redress of the wrong he had suffered in being billeted, and consequently could not be both judge and accuser.(1) In short the

(1) Mackenzie 114-5.

raison d'être of the Parliament summoned on June 18th. 1663 was the elaborate and ostentatious vindication of Lauderdale from the slur put upon his character by the Act of Billeting. Before leaving London, he had the stage arranged to his satisfaction in Scotland, and then proceeded there to assist in the performance and receive the applause. The whole was cleverly conceived and unscrupulously carried out. From a distance the solemnity of the investigations impressed the King, and justified his dismissal of Middleton, while for Parliament they were an earnest of what might be expected if Lauderdale's position were again assailed.

On June 15th. the Commissioner, the Earl of Rothes, arrived in Edinburgh with the usual pomp and display, and immediately called a meeting of the Privy Council, where he presented letters authorising the admission of the Archbishops of St. Andrews and Glasgow and Charles Maitland of Halton, Lauderdale's brother to the Council. The admission of the archbishops was Lauderdale's first conciliatory move towards Episcopacy, and helped to allay the suspicions of Clarendon and the English hierarchy as to his zeal for the established church. Probably also, he thought that Sharp would be more easily managed and more vulnerable as a Privy Councillor, than as the Primate of Scotland.

The Council also ere Parliament assembled ordered the liberation of Lord Lorne, who had been a prisoner in the Castle since his conviction, and Lauderdale crowned his good offices later in Parliament by securing for him the restoration of the title and estates.

The intervening days before Parliament met were employed by Lauderdale to consolidate his position with former opponents, particularly with Chancellor Glencairn, who unfortunately for himself repulsed the Secretary's advances, and thereby incurred his and the royal displeasure. (1) On the 18th. Parliament assembled and on the same day the Committee of the Articles was constituted according to the method employed in 1633: "The Clergie retired to the Exchequer Chamber, and the nobilitie to the Inner House of the Session (the barrons and burgesses keeping their places in the Parliament House) The Clergie made choise of eight hõblemen to be on the Articles, and the nobilitie made choise of eight bishops . . . which being done the Clergie and the nobilitie met together in the Inner Exchequer House, and haveing showne their elections to other, the persons elected, at the least so many of them as wer present stayed together in that room (whilst all others removed) and they joyntly made choise of eight

(1) L.P. I.166. E.U.T. Sharp to Lauderdale Edinburgh March 7th. 1664.

barrones and eight commissioners of Burrowes." (1) The qualification "at the least so many of them as wer present" is proof - if proof were needed- that the election was but a farce, that the membership was determined beforehand and that attendance was not necessary for election. Three of the eight shire members were Lords of Session, and could therefore be trusted to lead their brethren aright. The personnel of the committee evidently met with the approval of Whitehall, for Lauderdale on his return there wrote to the Lord Register "the English that love the King are much satisfied with the composition of our Articles" (2) Certainly in subserviency and unanimity they left nothing to be desired.

The first business of Parliament was to investigate the history of the Billeting Act, and for this purpose a committee of the Articles was appointed. It was suggested that the whole committee of the Articles should consider it, but Lauderdale on the plea that this would mean the suspension of all other parliamentary business succeeded in limiting the number to six, two of each estate. He well knew that a committee of six would respond to pressure much more readily than a committee of forty, especially

(1) A.P.S. VII.

(2) Harl. 4631.103.

since the Commissioner "according to his undoubted priviledg named the six." (1) Those chosen were the Earls of Lauderdale and Haddington, Sir John Gilmour, President of the Session, Sir James Lockhart, Sir Robert Murray (late Provost of Edinburgh) and Alexander Wedderburn Provost of Dundee, all men who could be trusted to do their duty by Lauderdale. Within Parliament itself the Earl of Dumfries encouraged from without by the Earl of Middleton, endeavored to stir up opposition to Lauderdale, and for that purpose held independent meetings in Masterton's Tavern, but the previous failure of Middleton had cowed the spirits of the members too thoroughly to allow Dumfries's schemes to flourish. (2)

The examination of the witnesses for and against the Billeting Act was long and elaborate, and kept secret from all but the committee and the Commissioner until final report was made to Parliament, which was done on July 28th. The report was sent to the King along with an explanatory letter which left no doubt as to the guilt of the culprits. Sir George Mackenzie of Tarbet pleaded that he was the innocent tool of the originators of the act, and wholly ignorant of any design against Lauderdale. Middleton also exonerated him from complicity, but he had proved himself

(1) L.P. I.140, C.S.P.D. June 27th. 1663. (1663-4)

(2) L.P. I.139.

dangerous , and so must go, and for the time being his political career was ended.

On September 9th. Parliament proceeded to annul the two acts of the previous session, the act for excepting persons from further trust, and the act for voting the same by billets, on the grounds that their enactment had been secured by Middleton and his friends by misrepresentations both to King and Parliament. (1) The incongruity of thus tamely annulling their own acts does not seem to have struck Parliament whose constitutional backbone was now completely limp. Lauderdale, according to Mackenzie, attempted to carry the persecution of Tarbet further, but the latter threatened to produce letters written by Lauderdale to the Parliament in 1647, advising them to deliver up the King to the English. The threat was evidently efficacious, for Tarbet was left unmolested.

Lauderdale was not slow to magnify in England the victory he had won in Scotland. Copies of the two rescinded acts and the act rescissory were printed and published in the London journals, while the King insisted that his letter to Parliament on the subject of billeting should also be circulated. (2) This triumph of Lauderdale and the consequent royal approbation was galling to Clarendon ,who

(1) A.P.S.VII.471, Mackenzie 67-132.

(2) L.P.I.148, 23119 f.138. Harl. 4631.93. Lauderdale rebuked the Lord Register for allowing the printers to incorporate these "two dead, damned things" in the lists of acts of Parliament.

felt that his last chance of interfering effectively in Scottish affairs was gone, and he was wrath with his quondam tools for their clumsy bungling where only the subtlest manoeuvring could have succeeded. His own position too as chief adviser to the King was threatened. The Earl of Bristol one of his many enemies, made a bitter attack on him in the House of Commons, and cited Lauderdale as one of the witnesses against him, and at the same time demanded a commission to try both Lauderdale and the Duke of Ormonde at the next session of Parliament. The attack on Clarendon was too premature and too evidently the outcome of personal rancour to succeed, and Bristol not Clarendon suffered political extinction. (1)

The punishment of the "billetiers" and the consequent vindication of Lauderdale's doubtful honour satisfied the original reason for the summoning of Parliament, but its temper was too subservient, and too suited to Lauderdale's schemes to allow him to agree to immediate adjournment. If in its previous session Parliament was a weapon for the destruction of Lauderdale, this session it was an instrument tuned by him to please the ear of the King. He felt that his reputation depended on his being able to magnify the royal prerogative beyond the bounds set by

(1) H.M.C. Ormonde III.63, L.P. I.159.

Middleton, and he was not slow to devise legislative proofs of his devotion, beginning in this session "his stretch on our law".(1) His success as the patron and protector of the Episcopal Church has been recorded elsewhere, but there were other fields in which he could legislate to the glory of monarchy.

He prevailed on Parliament to show their duty and loyalty to the King in concrete form by an offer of twenty thousand footmen and two thousand horsemen sufficiently equipped and provisioned "to be in readiness as they shall be called for by his Majesty to march to any parte of his dominions of Scotland, England or Ireland for suppressing of any foreign invasion, intestine trouble or insurrection or for any other service wherein his Majesties honour, authority or greatness may be concerned"(2) The act implied the establishment of a militia, and the implication was later fulfilled. The audacity of the Scottish Parliament in offering troops to serve in England enraged the English Commons, who did not realise that the sentiment of the act was but a piece of bravado on the part of Lauderdale, and that the possibility of his being able to raise, and once raised direct against England twenty two

(1) Leven and Melville Papers. 40

(2) A.P.S. VII.480.

thousand men was exceedingly remote. To the prerogative-loving King the offer sounded imposing in the extreme, and Lauderdale was given full credit for his devotion.

In her religion and in her trade Scotland was most vulnerable, and Lauderdale now proposed to legislate in the latter field for the benefit of Charles. Scotland's trade was a source of unending anxiety to her legislators. Lack of capital on the one hand, and English competition and exclusiveness on the other were insuperable obstacles to prosperity, and Lauderdale further threatened its already unstable condition by securing the passing of an act whereby the sole right of regulating foreign trade was left to the King. (1) In a country where trade was on a pitifully small scale, and the adventurers were mostly individuals not companies, the possibilities of oppression and monopoly opened up by such an act are obvious. "The King speaks with great satisfaction of the proceeding of the Parliament in leaving the ordering of these new imposts and the matter of commerce to him", wrote Moray to Lauderdale, and those words were to Lauderdale ample reward for the time and pains spent on moulding Parliament to his will.

In this session Sir Archibald Johnston of Wariston

(1) A.P.S. VII.503. L.P. I.159,161.

(2) L.P. I.183.480.

was condemned and executed, Lauderdale, in spite of assurances to the contrary making no effort to save him. He knew Charles had no love for Wariston, and was quite willing he should suffer for his crimes towards the House of Stewart, so he preferred not to risk the royal displeasure by pleading for the life of a traitor. (1)

On October 9th. "Parliament ended yit with lytill contentment to the pepill of the land they being exceding poore, and under havie burdingis, impositiounes, taxatiounes, excyses, and uther burdingis, quhairunto thair wer maid lyable." (2) The session had lasted four montys and the members had legislated not for Scotland, but for the King. Ere they adjourned they sent a letter to the King thanking him for his acceptance of their "weak bot faithfull endeavours" in his service, and assuring him that whenever he should wish a standing force to be maintained in Scotland, the same should be "accordingly ordered". (3) The letter was very obviously inspired, if not actually written by Lauderdale.

While in Scotland, Parliament like a Punch and Judy responded to every pull of the string by Lauderdale, at Whitehall a clever little drama was being enacted, under the epistolary direction of Lauderdale, and the actual

(1) C.S.P.D. Jan? 1663. (1663-4) L.P. I. 135, 145, 159, 161, 163.

(2) N.D. 401

(3) A.P.S. VII. 509.

stage management of Sir Robert Moray. The latter in the absence of Lauderdale had been appointed deputy Secretary, and as he was a personal friend of the King, and judicious in his dealings with him, he was able to maintain Lauderdale's influence at Court at a high level. Such a friend was necessary for Lauderdale, since Middleton though deprived of the Commissionership was still commander-in-chief of the forces and governor of Edinburgh Castle, and more dangerous still, persisted in haunting Whitehall on the off chance of complete restoration to the royal favour. Clarendon continued to befriend him, and it was not unlikely that through his offices Middleton might be reinstated. The enmity between Clarendon and Lauderdale had lost none of its bitterness, and the latter was accused of fomenting trouble for Clarendon in Scotland and elsewhere. Doubtless the accusation was in general true, but Lauderdale contemptuously denied the allegations as "damned insipid lyes", and at the same time begged Moray to keep such rumours from the ears of the King, as they might possibly damage his influence. (1)

Lauderdale's deference to the King in the difficult task of governing Scotland was a masterpiece of ~~tact and shameless flattery~~. He was careful to acquaint him with every legislative step taken in Parliament, and appeared

(1)L.P. I.136,158.

to depend solely on the royal orders, which really originated with himself, and were advocated to the King by Moray. The weight attached to his opinion, gratified the King's vanity and encouraged him in the pathetic belief that he knew Scotland and how to govern her better than any other man. He read all the letters sent by Lauderdale to Moray, and believed he was ruling indeed. In preserving the delusion Moray and Lauderdale had almost as ticklish a task as the latter had in governing Scotland.

The aim and object of all Lauderdale's manoeuvring during the year 1663 was the complete humiliation of Middleton, and to achieve his end he had to walk warily. The revelations resulting from the "billeting" investigation convinced Charles that Middleton as a Commissioner was impossible, but other arguments had to be used to secure his dismissal from his military offices. The appalling poverty of the country and the debt in which the Treasury was sunk led Lauderdale to suggest that the most obvious means of effecting economy was the dismissal of Middleton's troop of Horse, and the King acquiesced. The advisability of establishing a militia was then urged, but such a step was deprecated until Middleton should be dismissed from the command of the forces, for as commander-in-chief he would naturally assume command of the militia, and such a power was dangerous in the hands of

one who had already proved himself incapable of appreciating all the implications of the royal prerogative. Charles applauded Lauderdale's arguments, but to soften and protract the blow suggested that the matter ought first to be discussed in the Scottish Council at Whitehall. This danger Sir Robert Moray skilfully avoided by asserting, and with reason, that the question was of purely Scottish import, and as such could not be debated by Englishmen. The King agreed but decided to delay the actual dismissal until Lauderdale and Rothes should come to Court, and at the same time lest the unfortunate Middleton might upset Lauderdale's plans for the establishment of a militia, he was forbidden to go down to Scotland. To make his ultimate degradation certain Moray advised Lauderdale to send to the King a list of all Middleton's offences, laying particular stress on his crime of appropriating for his own use money supplied by the government for the maintenance of his troop. There was no loophole of escape left for Middleton, and January 1664 saw him "decourtit by the moyen of the Erle of Lauderdale" (1) Sir George Mackenzie of Tarbet was simultaneously deprived of his seat in Council and Exchequer. Middleton's place as an extra Lord of Session had previously been given to Archbishop Sharp. (2)

(1) L.P.I. 179, N.D. 407; T.M. 135-6, 23119 f. 65.

(2) N.D. 393.

Lauderdale was gradually clearing all obstacles from his path, and the time now seemed ripe to him for advocating the uselessness of Parliaments, and the wisdom of returning to the "good old forme of government by his Majesties Privie Councill, and all sutes at law to be decided by the Session."(1)He advised dissolution not adjournment of the present Parliament, and assured Charles that if his service required it, one equally subservient could be guaranteed,"for the Lords Spirituall and Temporall are the same, and they sitting in the same hous, the King knowes what influence they have. Besides the power which the officers of state and noblemen have in elections of Commissioners for shires and burroughs may secure his Majestie of the new elections, especially seing the declaration concerning the Covenant keeps out those who are avers to the church government establisht not only hath the King in Scotland his negative vote but God be thanked by this constitution of the Articles hath the affirmative vote also. For nothing can come to the Parliament but through the Articles, and nothing can pass in Articles but what is warranted by his Majestie, so that the King is absolute master in Parliament both of the negative and affirmative."(2)

(1) L.P: I.172.

(2) " I.173.

So practical an evidence of the loyalty of Scotland could not fail to impress the King with the wonderful efficiency of his Secretary acting of course under the royal direction. "You will finde his Majesty doeth the Business of Scotland not onely alone but with pleasure,,whereof you ought to take notice", wrote Moray to Lauderdale, and the latter took the hint:"I am ravisht that you govern this poor kingdome yourself your way is ever the best and sure shall please me best." A contemptible spectacle⁽¹⁾ A King who had he cared to exert himself could indeed have governed alone, allowing himself to be cajoled and flattered innocinantly by servants working for their own ends. Lauderdale knew that only on the shoulders of the King could he rise to eminence, and to realise his ambition he was prepared to pander to the royal vanity. He knew that in time he would have the substance of the power, what mattered it if the King should love to play with the shadow? Power is a heady liquor, and Lauderdale was careful to keep Charles intoxicated with a Scottish brew, which at once dulled his reasoning faculties, and whetted his appetite for yet a larger draught.

Immediately Parliament was dissolved Rothes and Lauderdale hastened to Court to effect the final

(1)L.P. I.182;184.

overthrow of Middleton, but the Chancellor Glencairn because of his friendship for the latter was forbidden to leave Scotland until Rothes should return. (1) The Privy Council meanwhile carried on the government with doubtful success, for discontent was rife, and rebellion not improbable. The persecution of the Covenanters, and the harassing of the whole nation for the collection of the King's revenue strained tempers to the utmost. Rothes maintained that more formidable than the Covenanters were those who were dissatisfied "that such persons as they wold have dus not under his Majestie manage the affeairs of state, and as a means of allaying all jealousies advised the judicious distribution of the fines to "such persons as ar significant in the kingdum that as manie ar disobliged by them so thos that ar ablidgid may du mor then counterbalins them." (2) The advice was politic but both significant and insignificant were to be disappointed.

The fines suspended in January 1663 were ordered to be paid, one half by Martinmas 1664, and the other half by Candlemas 1665, but the response to the order was slow: "Nou the tearme of paying in the ffayns is verie ner, and ther is bot verie litill apirons of munie, it being so exidinglie cearse in the cindum" (3) wrote Rothes, when

(1) 23120 f.23 ,C.S.P.D. Oct.8th.1663(1663-4)

(2) L.P. I.191-2

(3) L.P. II.206, 23123 f.141,R.C.R.I.502.

December came and the guilty either could not or would not pay, and he begged leave to execute the acts of Parliament against them, maintaining truly enough that severity was the only effective weapon. In addition to the many who would not pay there were many more of humble birth, and innocent of any offence, who could not. "Tenants, cotiers, and their shipards" were amongst those fined, and from them nothing could be expected. When Candlemas 1665 arrived and many fines were still outstanding, the Council took stringent measures. A proclamation was issued in October commanding all living south of the Forth to pay their fines before December 1st., while for those living north of the Forth the time limit was fixed for January 1st. 1666. Those who had already paid one half and were willing to sign the Declaration and take the oath of Allegiance before the dates stated were exempted from further payment. (1) Quartering on those unwilling or unable to pay was authorised. This final attempt brought a measure of success, Rothas reporting that he had thirty thousand pounds in hand as a result, but the total amount imposed was never collected.

Until the ultimate destination of the fines was announced Rothas was harassed with applicants for a share. He promised to use his influence on behalf of all,

(1) P.C.R. II.92.

but he privately intimated to Lauderdale that only letters of recommendation written by his own hand were to be taken seriously. (1) Great was the wrath and the disappointment of all when in 1666 the King announced that the fines were to be used to pay the forces lately raised, and not to reward individuals. That Lauderdale was the author of the suggestion is highly probable. The gain to him was threefold. By utilising the fines for the military establishment the burden on the taxpayers was lessened, and he could thus look for gratitude from ~~the~~ majority; also by diverting the fines from noble pockets he was paying off old personal scores, and at the same time keeping nobles and gentry in that state of poverty and expectancy which made them invaluable tools, and also less likely to cabal against him through whom alone they could expect reward. Sir Robert Moray in a letter to Tweeddale affirmed that it was Archbishop Sharp not Lauderdale who suggested to the King employing the fines in that way. (2) He may have done so with a view to increasing the efficacy of the campaign against the Covenanters, or he may have done it at the instigation of Lauderdale. There is no definite proof as to who was the author but common sense seems to point to Lauderdale. The wrath of some of the disappointed nobles and gentry was appeased by their

(1) E. U. T. Rothes to Lauderdale Edinburgh Aug. 25th.

(2) Sir Robert Moray to Tweeddale Whitehall 24th. July 1666 (Y)

appointment to commissions in the newly raised forces, appointments which gave ample opportunity to the officers to appropriate government money.

Two factors prompted the increase of the Scottish military establishment. One was the growing discontent in the country, and the other was the outbreak of war between England and the Low Countries, and it was felt to be wise to guard against civil war on the one hand, and foreign invasion on the other. Neither was impossible, for Holland had within her borders many exiled Covenanters who kept constant correspondence with their persecuted brethren in Scotland, and rumours that they were preparing to bring an army to their aid were rife in Scotland and in England. There is little doubt that if a Dutch force accompanied by Coven-
-anting friends had landed in Scotland, the Covenanters would temporarily have joined their fortunes with theirs and Lauderdale would have been constrained to seek English aid against his own countrymen and their allies. (1) Such a calamity had to be provided against by maintaining in Scotland forces sufficient to overawe the Covenanters, and effectively prevent overtures to Holland for armed aid. But an army meant money, and the fines when collected could not possibly meet all expenses, so that the country must needs grant the King a supply.

(1) C.S.P.D. Oct. 21st. 1664, March 3rd, May 3rd. 1665 (1664-5)
July 2nd, July 14th. 1666. (1665-6)

When the King through Lauderdale signified his intention of calling upon Scotland for a supply over and above his yearly revenue, the officers of state were dismayed. They realised only too bitterly that the country could not meet the charges already laid upon her, far less undertake new ones, "being so impoverished and harished with the least miserabell trubells and ribelieons that our povertie is not to be expresied, and at this taim ther is more giffin to his Majestie then ever was beffor by fottie thousand pound besayd the other great burthiens that ar now exackting, such as the bygon impositions during the trubells, the rests of the taxasions grandid thertie yirs sins which deuck Hamilton is geating up, and then the ffayns, all which joaynied with the lo prays of corns, stop of tred, and want of munie with other pretended griffinsis may posible ad discontentmints to ther burthiens." (1) In spite of his knowledge of the condition of the country, Rothes acquiesced in the calling of a Convention of Estates, preferring a Convention to a Parliament as being more easily managed both before and during their sitting, and less likely to venture opposition. He advised Lauderdale, however, to postpone its meeting until August, and so give the officers of state time to supervise the elections. The actual proclamation

(1) L.P. I.210-1.

summoning the Convention was made as "faire and oblidging to the subjects as may be!" Before it actually met the Commissioner Rothes took the precaution of having the commissions of the burgh and shire members examined by the Lord Register, so that none of questionable loyalty might be allowed to take their seats.

On August 2nd. 1665 ~~the~~ Convention met with Rothes as Commissioner, and Archbishop Sharp as President. The appointment of the latter was due to the fact that the Chancellor Glencairn had died in May 1664, and no new appointment had been made. The attendance was poor though Rothes maintained the contrary to the King, saying that ~~the~~ non-representation of some of the burghs was due to the fact that the Commissioners arrived in Edinburgh after the Convention was dissolved. Attendance was hardly worth while when ~~the~~ session lasted only two days, when the business was already discussed and determined, and all that was required of the members was their affirmative vote for the supply. The King's letter to the Convention dealt mainly with the reasons for England's going to war with Holland, and his Majesty's unselfish desire to allow Scotland to share in the glory of his victories by granting a supply, and the generosity of the Parliaments of England and Ireland in that respect ~~was~~ held up as an example. He promised,

however, that the money granted should be used only for the security of Scotland, a promise which allowed of a wide interpretation. There was no reason given why Scotland should help shoulder the burdens of England, for already she had supplied men for the English navy - nor was there any mention of the distressing effects of the Dutch War on Scottish trade: "at this tyme tred and traffik ceased universallie by sea, and no imployment be ressoun of the War." (1)

After the King's letter was read the Commissioner nominated a committee to consider the amount, and the manner of collecting the taxation, the committee consisting of eight bishops, eleven nobles, nine barons, nine burgesses and the officers of state. For real business so large a committee would have been unworkable, but since its nomination was a mere formality, and its decisions determined beforehand its numbers were a help to the government rather than a hindrance, and assured a loyal majority should opposition occur. On the third day the committee's deliberations resulted in a "free and voluntar" offer to the King of one hundred and thirty three thousand pounds scots yearly for five years, to be raised by a yearly imposition of forty shillings on the pound land of "auld extent". As

(1) N.D. 429. E.U.T. Rothes to Lauderdale 13th. Sept. 1664, Jan. 6th. Aug. 9th. 1665.

a great concession it was allowed that the arrears of such taxation should not be pursued after 1673. On August 4th. the Convention was dismissed, and Rothes hastened to exalt to the King its generosity and unanimity, but he confided to Lauderdale that in the Convention there had been a project on foot to demand that a list of the country's grievances especially with reference to trade should be submitted to the King and redress requested. He dared the authors to introduce the motion until the money was voted, and when that was done no one made any move to do so, and therefore it was their own fault if they were dissatisfied. (2) Rothes was almost as efficient as Lauderdale was to be in brow-beating Parliament into subjection.

"Manis war the Actis, Proclamations, Commiss--
-iones and utheris of that kynd, for the governament of the Church of Scotland under Episcopacy quhilk tuk effect in
(1)
mony pairtes of this kingdome, but not in all." These words contain the sum and substance of the administration of Rothes from 1663 to 1667. The activities of the Privy Council were concentrated on an attempt to enforce conformity to Episcopacy, or more correctly, the object of the Court of High Commission with its conciliar power was to achieve conformity, for while the latter court was in existence
(1) N.D. 441.

the Council had neither time, opportunity, nor sufficient members present to allow conciliar business to be conducted as usual. The High Commission Court was established at the instigation of, and under the Presidency of Archbishop Sharp, who complained to the King that the lay Privy Councillors were remiss in upholding Episcopal authority. Lauderdale foreseeing the consequences of giving Sharp carte blanche over the Covenanters, persuaded the King to grant the commission, and at the same time the Archbishop was given precedence of all others in the kingdom including the Chancellor, promotion which turned the Episcopal brain and urged him to aspire to the Chancellorship vacant by the death of Glencairn. He enlisted the help of Clarendon and the English bishops in his designs, and even induced Rothes to be his advocate, (1) all the time of course deprecating any such ambition, and even suggesting other candidates. But Lauderdale had other views. A vacant chancellorship was a useful weapon in his hands to dangle before expectant and impecunious nobles, and he probably also foresaw that the time would come when a consolation prize would be necessary for Rothes when his behaviour demanded dismissal from the Commissionership. That Sharp should be given the office was unthinkable, for as Chancellor he would have an

(1) 23128 f.178, E.U.T. Sharp to Lauderdale June 19th.1664

influence in secular affairs, which combined with his ecclesiastical supremacy would seriously threaten the governmental balance of power. In addition it would rouse the enmity and opposition of all classes, particularly of the nobility, and make conciliar unanimity impossible. The humiliation not the aggrandisement of the Archbishop was necessary to readjust the bishop-ridden administration of Scotland. But Lauderdale deliberately kept him dangling after the chancellorship, and encouraged his hopes by having him made President of the Convention which met in 1665. The actual custody of the Great Seal was entrusted to Rothes who grumbled persistently at the inconvenience caused by the non-appointment of a Chancellor. He little knew that the office was being reserved for himself.

The Court of High Commission, as far as the execution of the laws against the Covenanters was concerned monopolised the duties of the Council, and left it denuded of both members and prestige, but the history of the Scottish Inquisition's brutal activities belongs to the domain of ecclesiastical rather than to state politics. When its brutalities became outrageous, and that Court the only effectively administrative body in the kingdom, the Privy Council, partly from pique, partly from principle withdrew its support and refused to uphold the Commission's

authority, so that gradually its aggressiveness waned, and the arrogance of Sharp crumpled up. But the death^{blow} of the Court did not fall until its persecution had driven the hunted Covenanters into rebellion, and with the outbreak of the Pentland Rising in November 1666 the domination of the bishops ceased, and the Privy Council had to gird up its loins with renewed vigour to cope with civil war.

The rebellion of the Covenanters in which "too many have been ready to rake when the fire was kindled"(1) had the inevitable end. The motley, badly armed throng of zealots was no match for the government troops, and soon the Privy Council was engaged in meting out punishment to prisoners, and devising fresh measures for the subjugation of the mass of the Covenanters. One good result of the rebellion was that the administration of Rothes and the Bishops was discredited. The King, who fondly believed that he knew how to govern Scotland, was furious that he had been wilfully deceived as to her condition, and had consequently been caught napping. Sharp who had been mainly responsible for the coercive measures and their failure to produce peace came thoroughly under the royal displeasure, and had to retire in disgrace to his diocese until further orders. It was not so much concern for Scotland that moved the King to those measures, but rather he feared the effect of rebellion.

(1) Earl of Argyle to Lauderdale. Bannatyne Club Vol. 33. p. 41.

rebellion in Scotland on the conduct of his war with the Dutch. Trouble in Scotland meant panic in England, and this in turn affected their support of the war which was going none too well for Charles. Moreover he was in desperate straits for money, and Scotland seemed the obvious source, circumstances which moved him to greater severity towards those whom he considered responsible for the rebellion, and to greater leniency towards the rebels themselves. Rothes would fain have exterminated "the dogs" but his hand was held, and his attention diverted to the task of convening a Convention of Estates whose temper would willingly permit of a fresh supply for the King.

The Convention met on January 9th. 1667 with the Earl of Rothes as Commissioner. and the Duke of Hamilton as President. The latter appointment chagrined Sharp who had hoped to secure it for himself, and repeat his triumphs of the 1665 Convention where he had dominated affairs to the exclusion of the Commissioner Rothes, but the royal displeasure and the jealousy of the lay nobles precluded all possibility of a repetition of the performance. On the first day the King's letter was read, wherein he acknowledged his sensibility of the distressed condition of Scottish trade due to the war, but regretted that the continuance of the war necessitated a further supply for the payment

of the present forces in Scotland, and for the raising of more. He asked that the money should be raised by a cess, and not by a taxation, which, though more legal, ^a was a lengthy and cumbersome method, and the exigencies of his affairs demanded an early return. A committee was then appointed by the commissioner, consisting of eight bishops, eleven nobles, ten barons, and nine burgesses to consider the amount and method of raising the supply. There were really of the bishops, only the two archbishops present in Parliament, but since the amount and manner of collection were already decided, absence was immaterial. The debate on the committee was surprisingly warm and prolonged, but at last Rothes's management was rewarded on January 23rd by an act for "ane new and voluntar offer to his Majestie of seventie two thousand pounds monethlie ffor the space of twelve moneths". (1) At the same time Rothes was requested by the Parliament to write to the King asking that the collection of arrears of taxation should meanwhile cease. (2)

The Lords of Session protested against being taxed, but royal pressure being brought to bear, they agreed to pay on this occasion, provided it was not regarded as a precedent for the future. The noble, along with Rothes, chiefly responsible for securing the King so magnificent a

(1) A.P.S. VII.540.

(2) L.P. I.277.

supply was the Earle of Argyll as yet a firm friend of the Earl of Lauderdale. (1) Rothes confided to the latter that if he had cared to exercise pressure a larger amount could have been procured, but he preferred rather that a smaller amount should be granted willingly. He was ever careful to keep both from the King and Lauderdale any hint of parliamentary opposition. The Convention was dissolved on January 23rd. having lasted ~~two~~ weeks and met only twice. Thus was the nation's money wasted.

As a result of the supply more forces were raised for the defence of the country from foreign invasion and intestine trouble, the latter contingency being insisted on by the army commanders Dalziel and Drummond, and indeed by all the nobles who either enjoyed or hoped to enjoy commissions in the forces. The maintenance of the military establishment at the present strength was imperative if they were to live, for on their commissions, and the opportunity of plunder they afforded they depended for a livelihood. Increased forces meant increased oppression of the people, or as Tweeddale tersely put it "ther ar 14 troupes and 13 prive councehours comand them, and thought the soldiers have English pay they tak German quarter." (2) The time was ripe for a change in the administration.

(1) L.P. I.270; Laing Mss. Argyle to Lauderdale 11th. Jan. 1667.

(2) L.P. I.282.

In the early months of 1667 while Rothes and his fellow councillors were engrossed in meting out punishment to the rebels, and raising and equipping the forces, Lauderdale with the assistance of William Sharp was slowly but surely unravelling the tangled skein of the conspiracy formed against him by Rothes and Archbishop Sharp, with the connivance of Middleton and the Archbishop of Canterbury. Sharp had contrived to induce Middleton and Rothes to join forces against the Earl Of Lauderdale, and effect his overthrow, but Rothes was too fearful of failure to enter wholeheartedly into the project, nor was Middleton over eager so that at the first show of energy on the part of the Secretary the whole scheme was abandoned, and Sharp left to wriggle out of his tight corner as best as he could. On him the wrath of the King and Lauderdale fell first, so that he should be humbled and brought to heel before the rod which was in pickle for Rothes was applied. The device was successful and ere Lauderdale entered upon the reconstruction of the government, Sharp was once more his slave, and likely to remain so, since the lesson he had been taught was a severe one.

In June 1667 Sir Robert Moray came down to Scotland as the accredited representative of the King and

Lauderdale, and there was work enough for him to do. Misgovernment had reached its limit under Rothes and his colleagues, and it was Sir Robert's task to cleanse the Augean stable. Lauderdale felt that the time had come for him to clear the remaining obstacles from his path, and if he could do so under the cloak of patriotism and outraged statesmanship so much the better. But to deal with Rothes was a much more difficult than to deal with Middleton. The latter by his shortsighted attacks on the royal prerogative had played into Lauderdale's hands, and made it easy to convince the King of his unworthiness of public trust; Rothes had offended in no such way. His crime was sheer misgovernment, blundering, brutal excess that had driven the country into rebellion, but he could plead that his severity arose from his anxiety to maintain peace at home at all costs while the King was engaged in war abroad. Also Charles' personal regard for Rothes made his total disgrace impossible, so that Lauderdale had to tread delicately lest he tread on a royal corn. To Moray was entrusted the task of preparing Rothes for his eclipse, and the help of both Moray and Tweeddale was enlisted to prepare the King for such a step. They were instructed to send to Lauderdale letters for the King's perusal expressive of the necessity of a change in the administration and consequently of the

wisdom of dismissing Rothes. On September 14th. Lauderdale wrote to Tweeddale that the King had finally recognised the necessity of removing Rothes from the commissioner-ship, and that it would not be his (Lauderdale's) blame "if the spoonfull (which you complained of) be not speedily taken out of the pott." (1) But while the King's consent was the important factor in the scheme, it was almost equally important that the design should be kept secret from Rothes until the blow actually fell, otherwise he might prevail on the King to avert such a disaster. Accordingly Tweeddale and Moray were instructed to arrange for a Council meeting on the day on which the King's letter of dismissal should arrive, the pretext for the meeting being the consideration of the clauses contrary to Scotland's interest in the English report concerning trade. The ruse succeeded, and on October 8th. Rothes was deprived of the commissionership which he had held since 1663 in virtue of the act authorising a National Synod.

Excluding the personal element there was much to be said in favour of Lauderdale's determination to discontinue the commissionership. The office was a useless and expensive luxury to the country. In addition, in the hands of one who was already Treasurer and Commander-in-chief, its unlimited power was a menace to the liberty

(1) Lauderdale to Tweeddale 14th. Sept. 1667, (Y)L.P. II.1-5.

of the people and to the conduct of the King's affairs. "If things were once more in the old channel as to the Council" wrote Moray, "its laws are so full to all intents and purposes that there can be no need of an unlimited power, and if any extraordinary occasion occur it may in a few days be taken course with by particular order from the King himself." (1) The wisdom of such arguments appealed even to Rothes, but did not serve to reconcile him to the office of Chancellor, which had been thrust upon him in July to soften the blow of his dismissal from the commissionership. In vain he protested his ignorance and inability: Ignorance was no obstacle when it was imperative for the success of Lauderdale's schemes that he should receive some office to console him for the loss of others (2) He was also deprived of the Treasurership, but to make the dismissal less invidious the Treasury was put into commission. Six commissioners were named the chief of whom were the Earl of Tweeddale, the Earl of Kincardine, and Sir Robert Moray, but Moray's was the brain that rescued the Treasury from the depths of corruption and debt into which it had fallen, and reformed it in all its departments. Unfortunately on his return to England there was no one equal to the task of carrying on his work in its integrity.

- (1) Laing Mss. Sir Robert Moray to Lauderdale. 2nd. July 1667;
 (2) Memorials of the Family of Wemyss III. 65. Charles II. to Rothes re the Chancellorship, and telling him that he is being given a "pleasse of leasting trust and of more indourance.

and gradually the old chaos prevailed. Tweeddale entreated Lauderdale to send back Moray before all his work was undone, but the latter was too engrossed with his scientific experiments at Whitehall to heed the call. He knew also that only his constant presence in the Treasury could maintain order and he was not prepared to make the sacrifice. It is also probable that relations between him and Lauderdale were becoming strained, and that the latter was not anxious for him to return to Scotland to repeat his triumphs there (1) ~~What-~~ ever the motive, the Scottish Treasury was left to pursue its downhill course unheeded, until, under the rule of Lauderdale, it reached the lowest depths of corruption, confusion and debt. (1)

Almost as great a temporary boon to Scotland as the reformation of the Treasury was the disbanding of the forces raised in 1666, an economy effected in the teeth of opposition from practically all the nobles, and from the Archbishop of Glasgow. All the horse except two troops, and most of the foot were ordered to be dispensed with, and four months' cess was levied on all the shires from Aberdeen southward, to meet the arrears of their pay, ^{and} The disbanding of the troops facilitated the establishment of a militia. "As you walew your master's secure, your country's good, your ouen (1) Life of Sir Robert Moray. 141-2.

credit and reputation" wrote Tweeddale to Lauderdale, "endeavour now or never to putt us in the conditione the parliament left us in when you went last out of Scotland, and to recover thos misfortunat errors have brought us step by step into the conditions whereof the worst seam to have bein in our military concerns which are only to be remedied by a pac or a weal orderid militia." (1) A militia had been in process of being raised since March, but progress was slow, and sorely tried the patience of the King and Lauderdale, but a militia had at least the me^pit of being less expensive, and in the eyes of the people, less menacing than the standing forces.

Lauderdale crowned his palliative efforts on behalf of Scotland by issuing in July 1669 the famous Letter of Indulgence to the Covenanters, whereby non-conformist ministers, outed since 1662, were allowed to return to their parishes on certain conditions. The motives which inspired the Indulgence were not altruistic but politic. Lauderdale by its means hoped to divide and weaken the ranks of the Covenanters, and he succeeded, but until his motives were fathomed he was regarded by the Covenanters as their benefactor, and by the bishops as a traitor.

[1) L.P. II.8.

Lauderdale's jubilation during the years 1667 to 1669 was unbounded. (1) Everything was going well with him at Whitehall. His arch enemy Clarendon had been removed from his path, and could now no longer pour his poisonous advice as to Scotland into the ears of the King. "Oh it would doe your heart good to see what a new world we have heir, and how bravely all the King's business goes on. Now we have no green roome, all is fairely treated in Councill and now the King is the King himself," he wrote to Tweeddale, thereby paying striking tribute to Clarendon's influence over the King in the sphere of government. (2) Even Middleton's renewed visits to the King failed to shake his confidence in his position in the King's favour. Now he met Charles frequently on Scottish business, and all was thoroughly discussed, and Scottish politics considered as they had never been considered before. The King's interest and enthusiasm were maintained, but Lauderdale was careful "never to press to a refusall." (3) The Secretary was in his element. Power was his. In Scotland conditions were as he had ordered them: Rothes was rendered innocuous, Sharp was his tool, and the Covenanters were temporarily pacified. At

(1) So great was his jubilation over the dismissal of Rothes that he was reduced to punning: the letter ordering Rothes' Dismissal was to be written from Bage-shott and Lauderdale adds "if MR. (Moray) were not to read this I would say it will be a Bage-shott indeed."

(2) Lauderdale to Tweeddale Sept. 14th. 1667. (Y)

(3) " " " and Sir Robert Moray Jan. 8th. 1668.

Whitehall he was not only chief oracle for Scottish affairs but was also a valued adviser and confidant of the King for English and foreign affairs, but always were the latter subordinated to Scottish interests. Lauderdale was a Scotsman before all else, though as his career showed, his patriotism took the negative form of hatred of England rather than a positive love for Scotland.

While Sir Robert Moray followed by the Earl of Tweeddale carried on the administration in Scotland, under the direction of Lauderdale, the latter was engaged in a game of bluff at Whitehall. He was negotiating for a Union between Scotland and England, not because he wished to see the Union consummated, but because, on the one hand, it was an easy way out of the difficulties confronting him as the Scotsman responsible for the failure of the trade negotiations with England, and on the other it was an excuse for holding a Parliament where as Commissioner, he could hope to achieve his more important ambitions. The importance of the scheme of Union from a political point of view lies in the fact that it was used as a stepping-stone for the aggrandisement of Lauderdale, and incidentally of the King.

The actual government of Scotland during the years 1667 to 1669 was uneventful, just because it was

comparatively speaking, wisely and well conducted, thanks to the genius of Sir Robert Moray, and the humanity of the Earl of Tweeddale, With the arrival of the Earl of Lauderdale on the scene, and his personal supervision of the administration, the history of the past nine years was repeated, and intensified in bitterness and violence.

Chapter III.

The Finances of Scotland 1660 - 1680.

"Our condition is such at present, that at Whitsunday, we are not to expect any fourthing from the farmer for either custome or excyse. That which was intended to his Majestie by the Parliament as an advantage by the imposition of the 80 percent upon English commodities hath not only proved ineffectuall in itself but hath made his Majesties customes and excyse uselesse, and will do so still so long as that restraint remaineth. For his Majesties rents, they are but small as your Lordship knowis and much of them in such hands as are either unable to pay, or doe live in such places that without the power of strong parties sent to collect them, they are not to be brought in."(1) Such was Bellenden's

(1) 23122 f.22.

lament for Scotland's financial condition in 1664, and from the Restoration to the Revolution the tune remained practically unchanged, except for one brief period when Sir Robert Moray called the tune, and made the corrupt servants of the Treasury pay the piper.

During those years Scotland's financial history is a sordid one. Under the Commonwealth and Protectorate the last penny was wrung from her to maintain the English army of occupation. Had there been no such army Scotland would have benefited in her revenues by the rule of Cromwell, but, forced by circumstances, what England gave with one hand she took more freely with the other, so that at the Restoration Scotland was faced with a debt of almost three million pounds. That being so the watch-words of Charles and his ministers ought to have been economy and retrenchment. Unfortunately poverty had too long been the companion of both King and noble, and when the country and its revenues were once more at their mercy, they regarded the Treasury as a fund from which they could pilfer at will without fear of consequences. In the opinion of the Scottish nobles to "administer" the revenues was synonymous with helping themselves

- (1) In this chapter I have followed the arrangement of Mr. W. B. Gray in his thesis on "The Public Revenue and the Military Establishment of Scotland from the Restoration to the Revolution." I did not know of the existence of this thesis until after I had consulted practically the same sources as Mr. Gray had. Where he is my only authority, I note the fact.

and as many of their friends as possible. When dealing with the nation's money they were conscienceless. On the one hand they loathed paying taxes, and shirked their obligations when they could, but on the other hand they had no compunction in helping themselves to the money paid by others. Such courses they regarded as "natural" not "dishonest". The only crime was in being found out and publicly arraigned for corrupt practices. That indeed deserved the censure of all honest men who had successfully evaded detection.

Nowhere more plainly than in the country's financial administration is there evidenced that total lack of a national spirit, of an unanimous desire to see Scotland advance materially. Had patriotism been alive it would inevitably have striven for economic progress. Unfortunately patriotism was not, and the national revenues became a treasure heap into which all might dip at will, and money which ought to have gone to Scotland's social and economic betterment, was diverted into the pockets of unscrupulous nobles and corrupt servants of the Treasury.

At the Restoration the post of Treasurer was given to the Earl of Crawford who retained it until 1663, when his refusal to take the Declaration necessitated his resignation. He was succeeded by the Earl of Rothes who

held the office along with the commissionership, and the Presidency of the Council, so that it is not surprising that the Treasury suffered. On his downfall in 1667 the Treasury was put into commission, and seven commissioners were appointed, the chief of whom were Sir Robert Moray, The Earls of Tweeddale and Kincardine, and Lord Bellenden, but it was Moray who was the moving spirit of the commission and who fearlessly attacked the hopeless confusion into which customs, excise, King's rents and general taxation had fallen. The Treasury remained in commission until 1682, changes being made in the commissioners during that period. In 1673 Sir Robert Moray died, and a new commission was issued containing the names of the Duke of Lauderdale, the Earls of Rothes, Athol, Argyle, Kincardine, Dundonald, and Charles Maitland of Halton, Treasurer Depute. In 1678 the Earl of Moray was added, and in 1680 the Earl of Strathmore in place of the Earl of Dundonald who was too old and infirm to attend the Treasury. (1)

Even when there was a Lord Treasurer the real work of the department devolved on the Treasurer Depute. In 1660 this office was given to Lord Bellenden, a staunch supporter of Lauderdale, who retained the office until his death in 1671. He was succeeded by Lauderdale's brother,

(1) C.S.P.D. 18th. May 1674 (1673-5) T.R. 27th. Aug. 1678,
7th. July, 11th. Nov. 1680, 30th. Nov. 1681.

Charles Maitland of Halton, who was notorious in an age where political corruption was the accepted order of things. In addition to being Treasurer Depute he was Master of the Mint and a Lord of Session, and all three offices were used for his own ends. His ignorance and incompetence were colossal, and only equalled by his corruptness. As Treasurer Deput he ranked as an officer of state, and as such received a pension in addition to his usual fee of £125. In 1667 he had been granted a pension of £200, which in 1671 was raised to £700. (1)

One of the innovations introduced by Sir Robert Moray in 1667 was the appointment of a Cashkeeper. At the request of Lauderdale whose agent in Scotland he was, the post was given to Sir William Sharp. His chief duty was to superintend the collection of the excise, but in 1670 when the Estates granted the King a supply, he was made Receiver General of this also. (2) In 1674 he was authorised to collect the revenues accruing from the crown property. In 1680 his commission was renewed, and he was designated "sole cash-keeper under the Commissioners of the Treasury and the Treasurer Depute, and his duty was to collect all "duties casualties, incomes and money whatsoever. (3) He received as

(2) 23127 ff. 132, 139. T.S. 24th July 1667, C.S.P.D. 8th Dec. 1670
 (1) C.S.P.D. Sept. 20th. 1671. (Jan.-Nov.) (Jan. & Dec.)
 (3) C.S.P.D. June 1674 (1673-5), F.H.N. II. 839, Gray 4.

Cashkeeper a salary of £300 sterling per annum, and as Paymaster General to the Forces £400 sterling per annum, with a commission of ten per cent when he collected a supply. (1) The three joint collectors had £200 pounds each exclusive of army pay, and when the number was reduced to two their salaries were raised to £300. (2) Under the Cashkeeper was the Clerk Register to the Treasury who kept the Treasury Records. In 1676 through the influence of Lauderdale this post was given to Sir Andrew Forrester his Secretary, and carried with it a fee of £130 per annum. (3)

Exchequer.

Within the Treasury itself was the Exchequer, the office into which was paid the revenues derived from the crown property. The money derived from the later sources of income- customs and excise- was paid directly into the Treasury. The Lord Treasurer, when the office was in being, presided in the Exchequer; when the office was in abeyance the Commissioners of the Treasury sat in the Exchequer, with the Lords Auditors of the Exchequer. While the Treasury was the more important office and responsible for the general administration of the revenue, the Exchequer had the right of jurisdiction in cases arising out of the revenue,

(1) C.S.P.D. 8th. Dec. 1670,

" 12th. July 1672.

(2) Gray p. 5.

(3) C.S.P.D. 13th. June 1676 (1676-7)

in "businesses concerning the King's rents and casualties" (1) and this right they fiercely maintained in the face of opposition from the Court of Session. The Lords of the Exchequer normally numbered about fifteen, but in 1661 nineteen were appointed including the Treasurer, Treasurer Depute, Lauderdale, Glencairn, Middleton, Rothes and Sir Robert Moray. Doubtless the increased number was an effort on the part of the King to meet the claims of the numerous applicants for his bounty. In 1674 thirteen lords were nominated. By the seventeenth century the Court was permanently located at Edinburgh, though previously it had met in different burghs, and in 1663 it was ordained by act of Parliament that it should meet yearly on July 1st. and sit until 31st. August, meeting at other times during the year as a Court of Law. (2)

The chief permanent officials of the Exchequer were the receivers of the crown rents and revenues, and they were usually three in number. In 1674 the King, in an economical mood, ordered the three receivers Sir Archibald Moray, Sir James Hay, and Sir Patrick Moray to be dismissed, and their duties were undertaken by the cashkeeper. When called upon to produce their accounts the three receivers failed to appear, fearing the consequences of their flagrant

(1) A.P.S. VII. 305, 23122 ff. 20, 27. In 1664 Rothes considered it high time to "red the Marches" between Exchequer and Session.

(2) A.P.S. VII. 492.

intromissions with the crown revenues, and as usual the money they had embezzled was never recovered. (1) The receivers when they held office were assisted by two clerks to the Exchequer, and by chamberlains to the crown rents in the earldom of Ross and the lordship of Ardmannoch, and of Orkney and Shetland respectively.

The efficiency of the Exchequer really depended on the zeal and honesty of its local agents, the sheriffs, stewards and chamberlains, and in 1663 an act was passed to stimulate their activity in collecting and accounting for the King's dues. (2) Tenants who refused to pay their rents were liable to "horning", and agents who failed to do their duty or appear before the Exchequer to give in their accounts could be denounced as rebels. Needless to say evasion and defalcation continued. Legislation was worse than useless in the hands of a dishonest executive.

The chief item paid into the Exchequer every year was the crown rents, many of which were still due in "victual", and it was the duty of the Exchequer every year to fix a price for the victual, and the price set was usually below the market rates. Sometimes prices had to be varied according to the fertility of the districts. In 1666 the crown rents amounted to £3,549¹²⁵, in 1667 to

- (1) T.R. March 4th. 1674
 " " 12th. 1675.
 (2) A.P.S. VII:492.

£3,580"6"3 and in 1683 to £3,500"sterling.(1) The crown lands were scattered throughout the country from Argyle to Ross, and distance, and the number of fingers through which the rents had usually to filter before reaching the Exchequer at Edinburgh, militated sorely against the honest and full collection of the crown patrimony.

During the reign of Charles II the islands of Orkney and Shetland were added to the possessions of the crown. In 1660 these belonged to the Earl of Morton, a son-in-law of the Earl of Middleton, whose ancestors had purchased them for £30,000. While the first Dutch War was in progress a Dutch treasure ship was wrecked on the coast of Orkney, and the Earl of Morton instead of informing the Admiralty helped himself to £12,000, and thus incurred the dire displeasure of the King and Lauderdale, the latter seeing in this offence an opportunity of hitting at Middleton through his son-in-law. The case was tried in the Court of Session, and Morton's right to the treasure "reduced". The decision was ratified by Parliament(2) and as punishment the islands were annexed to the crown. As part compensation Morton was granted by the Treasury £18,000 the value of the islands less the sum taken from the ship.(3) In 1684, £6000 was still due by the Treasury, but payment

(1) Gray p.9.

(2) A.P.S. VII.566.

(3) 23125 f.190, 23129 f.266.

was ordered to be stopped until the Earl of Morton renounced for ever all claim to the earldom of Orkney.

The revenues of Orkney and Shetland were at first farmed or "tacked" to Captain Andrew Dick(1) but in 1681 they were leased along with the customs, excise and parliamentary supply to Robert Milne and Charles Murray, an accomplice -if the term may be used - of the Duchess of Lauderdale. The Lords of the Treasury estimated that the islands would bring in a revenue of about £3000 sterling per annum, and the rents and revenues were let to Dick at 36000 merks (£1,950 sterling) but in 1678 he secured the reduction of his tack for 1675-6 by £1500 sterling because a ship containing his dues had been wrecked at Fraserburgh.(2) Invariably the Treasury were too optimistic in their estimates whether deliberately, to impress the King, or through ignorance of the actual resources, certainly not through ignorance of the characters of their collectors.

At the Restoration and on a larger scale after the Pentland Rising another source of revenue was made available to the crown. The estates of forfeited nobles and gentry were confiscated, and had they been retained by , and administered for the benefit of the crown they would have contributed appreciably to the national income. Unfortunately

(1) C.S.P.D. May 21st. 1675 (1675-6)

(2) 23138 f.91.

there were too many impoverished Scottish nobles clamouring for reward, and the estates had to be sold to secure money to satisfy their wants. Land, during those troublous times, was exceedingly difficult to sell, and the Treasury was constrained to offer estates instead of money, an offer accepted only very reluctantly, since land without money was a white elephant, and also a sudden turn of Fortune's wheel might restore the rightful owner, and compensation for the displaced was by no means certain. In 1671 Charles Maitland of Halton accepted in lieu of money promised, the lands of Patrick Liston, and he was only one of several, who in despair of ever receiving money, at this time accepted forfeited estates. (1)

The Exchequer also collected the King's feudal dues, arising from the lands held on various feudal tenures. These were simple ward, taxed ward, blench, feu, and feu cum maritagio. During the reign of Charles many holders of simple wards were successful in changing their holdings from simple to taxed ward, which meant that instead of vague, uncertain feudal obligations they paid the King a fixed sum. (2) King, tenant, and Exchequer benefited by the exchange, but particularly the King, since holders of taxed wards could not sell or mortgage more than half their land

(1) C.S.P.D. March 4th. 1671

(2) A.P.S. VII. 305.

without the King's consent. Lauderdale reaped a fortune from the eagerness of the nobles to change the form of their tenures, since as Secretary he presented their petitions to the King, and as Keeper of the Signet passed their signatures, for both of which offices he exacted the maximum recompense.

The obligations of blench holders were merely nominal and usually implied the performance of some picturesque ceremony, or nominal gift to the King.. Thus, in 1663 the Lords of the Treasury decided on a petition from Sir Archibald Primrose, that the blench duty from his recently acquired lands of Dalmeny and Barnbougie was a "red rose at midsummer if required, and not a pair of gloves as insert in his late infertment." (1) Obligations of blench holders still persist in modern times. Thus in July 1927 at a Court held at Holyrood, Brigadier General Houison Crauford of Cramond presented King George V with a silver hand-basin, ewer, and towel. The service dates back to the reign of James V when the King was rescued from the hands of vagrants by an ancestor of the present holder, who washed the bloodstains from the royal hands, and as a reward was granted a part of the King's lands of Cramond on condition that he and his ancestors performed the ceremony yearly of washing the King's hands.

(1) Gray p.13, Harl.Mss.4628 f.44, Excuequer Warrants 12th. Jan.1663.

Feu holders paid a permanent fixed sum for their lands, usually about two and a half per cent, and they were exempt from military service, and could sell their lands as they pleased. Because of their immunity from military service they were in the seventeenth century regarded as inferiors by those holding their lands on other tenures. Feu *cum* *maritagio*, as the name implies, meant that the King could claim casualty on the marriage of his vassal.

The casualties of ward and marriage were an important source of income, but as in the case of the forfeited estates, were rarely retained by the King for himself, but were gifted to favourites. During Charles' reign Rothes, Lauderdale, Kincardine and Dalrymple of Stair were at various times so rewarded. (1) Often tenants tried to escape payment of feu and blench duties and so lax was the administration of the Exchequer that evasion might be carried on for years without detection. In 1681 the King granted Sir William Purvis, the Solicitor General, the right to collect the feu and blench duties uncollected since the Restoration. (2) Those to whom such gifts were granted were as usual more zealous in their own service than in the King's, but the task of recovering money from Scotsmen of any rank was neither

(1) C.S.P.D. 27th. March, 2nd. Dec. 1671, 30th. Nov. 1672 (1672-3)
T.R. 10th. March 1682.

(2) C.S.P.D. 17th. May 1681. (1680-1)

easy nor enviable. Fees payable when "signatures" or grants of offices, lands, pensions etc. were made were also regarded as feudal casualties, but once more the King did not receive the whole or even the chief benefit.

The total sum derived from feudal casualties varied from year to year. In 1659-60 the amount was £576¹³/₅, and from signatures £929⁶/₆. At the Union the revenue from casualties was estimated at £3000 sterling, a figure that was sadly at variance with the actual receipts between the Restoration and the Revolution.

Inland Excise.

While the Exchequer coped with the comparatively simple finances of the crown dues, the Treasury wrestled with the intricacies of customs duties and inland excise, the latter source of income being the more important.

Like the system of "cess" to be discussed anon, the inland excise was an innovation of the revolutionary period preceding the Commonwealth. It was introduced in 1644, and was an impost on ale, beer and whisky whether produced at home or imported, and upon imported wine, tobacco, textile materials, and upon exported coal. At the Restoration when Scotland might rightly have expected to be rid of the obnoxious tax, it was continued by the Committee of Estates to help pay the expenses of the army of occupation, and then

later by an extravagantly subservient Parliament who granted the King a yearly income of £40,000 for life, and of that sum £32,000 was to be raised from the inland excise. The act provoked fierce opposition but remonstrance was futile: inland excise was too easy and certain a source of income to be readily discarded. Two merks were imposed on each boll of malt brewed and sold within the kingdom, three shillings upon each pint of whisky distilled at home, and a higher tax on imported whisky and beer. The effect of the imposition was to raise the price of ale and beer, and at the same time lower the price of victual. Poor people could no longer afford to brew and, as Mackenzie remarks "it forced gentlemen to make untimely shifts for its payment." (1)

Parliament fixed the quota to be paid by each shire and royal burgh, and any deficit in the amount due had to be made good by the locality, since this was looked upon as a fair equivalent for the malt brewed in private houses, which paid no excise. Commissioners of excise were appointed in each shire, and they frequently acted as Justices of the Peace and commissioners of assessment as well. The position was by no means a coveted one, since the responsibility was great, and unpopularity inevitable. Commissioners could either collect or farm the excise, and they usually chose the latter course as being easier and

(1) Mackenzie 19.29.

assuring them of a fixed return. Tacksmen contracted for a shire or group of shires, but the contract was more a speculation than a bargain, and especially where there were local tacks profiteering and corrupt practices were tempting and easy. In 1682 Maitland of Halton the Treasurer Depute was prosecuted before the Privy Council by the brewers of Edinburgh for receiving bribes from the local tacksmen of the excise. The evidence was inconclusive, and Maitland was declared innocent, but the two tacksmen were fined 3500 sterling and 2000 scots respectively for attempting to bribe the Treasurer Depute, and were also required to pay to the King the 14,000 scots they had offered Maitland. That Maitland was guilty is proved by the perfunctory nature of the trial accorded him by the Privy Council, where he could bring influence to bear, and the two tacksmen were left to bear the brunt of their own and his dishonesty. (1)

In 1683 the King became alive to the fact that enormous profits were made by the tacksmen of the excise, and he attempted to divert those profits into the royal treasury by appointing royal collectors, and making the Treasury directly responsible for the collection of the excise. Those measures evidently had little effect, for there was no appreciable increase in the income from that source. (2)

(1) L.P. III.227.

(2) Gray p.10 and note.

Although Parliament estimated that the inland excise would yield £32,000 yearly, the actual receipts never reached that figure. Arrears especially in the north were chronic and constant and ever increasing. Six months after the first imposition, £4,511"4"11 out of £18,200"5"7 was due, and in 1670 in a last effort to recover arrears a gift of the arrears of the excise was granted to Charles Maitland of Halton. (1) The excise when farmed produced more than when collected, chiefly because in the former case unless rebates were granted a definite sum had to be paid into the Treasury, and the surplus or deficit was the affair of the tacksmen. When the excise was collected a bonus of ten per cent on receipts was given to the commissioners to encourage honesty, but unfortunately for the Treasury dishonesty paid better than a ten per cent commission.

Customs.

The remaining £8,000 of the King's annuity was collected from the customs duties on inland salt, imported live stock, wines, salt, soap, tobacco, clothing and other goods, but certain imported raw materials used in Scottish manufactures were exempted. Scotland's fiscal policy was really determined by her commercial relations with England, who built up a protective wall against her, and from the

(1) C.S.P.D. 30th. Dec. 1670.

Restoration to the Union Scotland's commercial policy was directed hopelessly towards breaking down that monopoly. Under Cromwell she was given free trade with England, and she was just beginning to appreciate and benefit by the privilege when it was taken from her at the Restoration, and under the terms of the English Navigation Act she had to compete with England as a foreign country. In retaliation in 1661, she imposed double customs on goods imported into Scotland in ships not belonging to Scotland or the producing country. (1) This measure failed because Scotland commercially was too negligible to adopt a protective policy successfully, and she next imposed a tariff of eighty per cent on all English goods imported, and at the same time the Scottish Privy Council was empowered to negotiate with the English Privy Council for better trade relations. (2) Scotland not England was the chief sufferer from the eighty per cent tariff, and nine months after its enforcement less than £100 sterling was collected from the customs. (3) The high tariff meant that smuggling became more than ever a regular business, and was engaged in by both Scottish and English merchants. Edinburgh merchants, who in 1664 were guilty of smuggling English broadcloth, came to blows with the customers including Sir Walter Seaton the

(1) A.P.S. VII 258.

(2) " " 465.

(3) 23122f.27.

"principall customer" who attempted to force the delinquents to pay the duty. A riot was the result, and both Privy Council and Town Council were called in to settle the dispute. (1) More injurious to Scottish trade than even English protective measures were the Dutch Wars. Holland was the chief purchaser of Scottish exports, and during hostilities her ports were closed, so that Scottish trade was at a stand-still, and her customs receipts drastically reduced. "In Scotland wer great penurie be ressoun of the want of tredding and traffik abroad, and havy unmpositiones at home every one seekand himself." (2)

Between 1661 and 1669 duties were levied on raw materials exported, as well as manufactured materials imported with a view to encouraging home industries, and also as a means of procuring bullion for the mint. (3) The duty imposed was in the form of a certain weight of silver which was paid on a unit of the article. The act of 1661 was repealed in 1669, and the impost of silver was ordered to be collected on certain imports. The importance of having certain duties paid in silver was emphasised in a letter sent by Lauderdale to Sir Robert Moray for the King's perusal. "Let the King know it is not with us alas as it is in

(1) N.D. 424, C.S.P.D. 26th. Nov. 1664. (1664-5)

(2) N.D. 427.

(3) A.P.S. VII. 251, 259, 559, 603.

England, we should have neither mint nor coin without such an act, but now all our own commodities are free (whereas above these hundred years past it lay wholly on exportation) and the burden is so small that it past also without ane contraire vote. Observ also that cloath stuff and tobacco (because English commodities) are free."(1) In 1686 the impost of silver was commuted for a cash payment at the rate of twelve shillings scots for every ounce of silver, an innovation which was greatly welcomed by the Treasury. The money so collected was used to, defray the expenses of the Mint, and the increase in the receipts justified beyond all doubt the change of policy.(2)

To ensure, or attempt to ensure, the honest and efficient collection of the customs, the customs officers were forbidden to engage in trade, and were required to attend at their offices for certain hours every day: from ten to twelve a.m. and from two to four p.m. in the winter months, and nine to twelve and two to five in the summer.(2) Certain fees such as those paid for granting a "cocket" were allowed to be retained by them. (A "cocket" was a certificate given to a shipper that a warrant that his goods have been duly entered and have paid duty.) Merchants could break bulk at any approved port, and paid customs only for goods

(1) 23i32 F.167.

(2) Gray 23 and note.

(3) A.P.S.VII 304,565.

landed. Scotsmen who imported goods and exported them within a year were entitled to drawback all excise, and half customs duty. Foreign goods intended for export could be put into the custody of the customs officers. (1)

In spite of stringent regulations for its prevention smuggling was common (2) although it did not reach its heyday until the following century. Smuggling of goods across the border to and from England was common, and detection and prevention difficult, but the most flagrant defiance of the laws of smuggling was the persistent and extensive import of Irish cattle. Constantly did the Scottish Privy Council issue proclamations against their entry and just as brazenly did the illicit trade continue. It was too lucrative for all parties concerned to be lightly given up. (3) Sometimes to encourage the suppression of smuggling, gifts of confiscated contraband goods were made to individuals who undertook to prevent the trade as far as they could. In 1672 a gift for five years of all excisable liquor confiscated as contraband, was granted to Lord Elphinstone, who fulfilled his trust by selling certificates to merchants to smuggle the liquor, thereby lining his own pockets, and injuring the sale of home-brewed liquors, and he was only one of several guilty of abusing their trusts. (4)

(1) Gray 23-4.

(2) A.P.S. VII.563.

(3) T.R. 16th. June 1674, P.C.R. IV.452 etc.

(4) C.S.P.D. 30th. Nov. 1672 (1672-3),

" 2nd. Sept. 1672.

Nobles and gentlemen were allowed to import wine for their own use free of duty. In 1681 the tacksmen of the customs challenged this right of exemption, on the ground that it was not specifically mentioned in the act granting the King's annuity. The action failed and the privilege was retained until the Union. Considering the amount of wine imbibed by the nobles of the day the customs must have suffered somewhat from this exemption. The Chancellor, the Treasurer and the Treasurer Depute regarded as part of their salary the right to import yearly thirty tuns of wine free of duty. (1) In 1678 the tacksmen of the customs contested the right of stationers and private person^S to import licensed books free of duty. Since the privilege found comparatively few defenders the tacksmen had their way. (2)

The revenue derived from the customs varied considerably from year to year. For the year 1668-9 the receipts were £29,462¹²¹⁰, and for 1669-70 £27,397¹¹¹¹ sterling. The second Dutch War reduced the receipts for 1671-2 to £18,569¹⁴⁵, but after peace was declared the receipts rose steadily, until at the end of Charles' reign they reached £35,358¹⁷⁹. (3) From the receipts of course were deducted the official salaries which amounted to a

(1) Gray 26.

(2) A.P.S. VII 467, 655, F.H.N. I. 192.

(3) T.R. 9th. July 1673; Gray 27 and note.

considerable sum every year. Leith had a collector, a clerk, a surveyor, and fourteen waiters whose salaries in 1668 totalled £440¹⁸/₁₀, and other ports had expenses according to their size. In 1668-9 the total sum paid to local officials was £2,434⁸/₁₀. When the revenue was collected directly on behalf of the Treasury a collector general had also to be paid. In 1668-9 the two collectors received £500 each per annum, and in 1671-2 and 1672-3 the one collector received £450 and £300 respectively, so that whether collected or farmed the customs were heavily charged with the expenses of uplifting. (1)

As has been seen in the case of Lord Elphinstone^e the customs could be used by the King as a means of rewarding his friends. In 1660 the customs of the Borders, Glasgow and Aberdeen were gifted to the Earl of Newburgh, the Marquis of Montrose and the Earl Mareschal respectively. (2) Newburgh's grant was for twenty one years, the King retaining half the confiscated goods, but in 1668 the gift was commuted for £1000 sterling yearly from the Treasury. Newburgh died in 1670, and his sons wished the gift continued until the twenty one years were expired, but their claims were refused. (3) Montrose's and Marischal's gifts were likewise commuted for cash payment until they received the £10,000 which the King owed them. (4)

(1) T.R. 9th. July 1673, C.S.P.D. May 27th. 1672.

(2) C.S.P.D. 25th. May 1672, A.P.S.VII 443.

(3) " 1674? (1673-5) T.R. 8th. Def. 1673. (4) 35125 f. 169.
(Maitland Miscellany III, 149)

In 1663 the sole right of regulating foreign trade was vested in the King, and the privilege was used or abused for the benefit of his Majesty and his favourites and not for Scotland. (1) By virtue of this act the importation of brandy was forbidden, and, as has been recorded elsewhere, a gift of all confiscated, contraband liquor granted to Lord Elphinstone, who had married Lauderdale's niece. By encouraging the import he flooded the country with foreign brandy, which immediately had the effect of lowering the price of native aqua vitae, and of barley thus causing great hardship. In the same way an imposition of twopence on every pound of tobacco imported was granted to Sir John Nicholson. (2) The most iniquitous imposition of all, and one which was felt and resented by the whole country was the monopoly of salt granted to the Earl of Kincardine. The preemption of salt really belonged to the King, but as a reward for faithful services it was leased to Kincardine at the ridiculously low rate of £2000 per annum. (3) The more conscientious Commissioners of the Treasury protested against those grants as severely injuring the revenue, but the King, encouraged by Lauderdale who used

- (1) A.P.S.VII.503, L.P.I.182, P.C.R.II C.S.P.D.30th.Nov.1672
 (2) C.S.P.D.2nd.Dec.1671(1671-2), 28th.May 1673. (1672-3)
 (3) " 27th.June1673, P.C.R.III
 (4) 23135 f.281, C.S.P.D.24th.Aug.1673.

such gifts to bind the recipients to his cause, refused to cancel them; but in the Parliament of 1673 the members refused to consider any business whatsoever until the obnoxious gifts were recalled, and Lauderdale driven to the wall was forced to yield.(1)

The customs were sometimes collected directly by the Treasury and sometimes tacked. During Sir Robert Moray's, year of strenuous effort they were tacked, and in a letter to Lauderdale he gives an interesting account of the "roup" of the customs; "the first offer that was made was 25,000lb. sterling per annum, and from that sum five severall offerers raised one another till at last all others being silent, the last offer made by Longshaw of 31,300 lb. was accepted. This improvement of 12,300 lb. will surprise you, . . . and will I doubt not furnish you with abundance of reflections, of which it is not one of the least considerable that S.Walter Seaton offered 31,000 and then gave over, . . . One would think by this that S.Walt. had not a very bad pennyworth formerly."(2) The too daring speculator was within a year forced to retire from his tack. The system of tacking was productive of better results than that of collection, and would have been more so had rebates not been repeatedly

(1)A.P.S.VIII 208,212, Mackenzie 253-260,L.P.II.241-7,III.1-5.

(2)L.P.II.73, F.H.N.II.548.

granted. The ease with which rebates could be obtained encouraged tacksmen in the first instance to bid recklessly, and then later to demand rebates on grounds sound or unsound, usually the latter, and dictated merely by the avarice of the tacksmen, and the vulnerability of the Commissioners of the Treasury, who were not above bribing tacksmen to bid against one another, and so raise the price. This was done in 1682 when Sir William Binning and Sir James Bruce were awarded £1000 sterling for bidding against the holders of the tack, and so raising the price by £5000 sterling per annum. (1) War and rumours of war were favourite and usually successful grounds of appeal. In 1677 a rebate was granted because of the number of merchant ships carried to foreign ports by privateers, and because of the stop of trade with Bordeaux on account of the occupation of that city by French troops for two months. (2) For the ensuing years 1678-80, the internal strife culminating with Bothwell Brig, was successfully urged as a reason for the reduction of the tack.

Other less scrupulous means were sometimes employed to secure reductions. The first tacksmen after the Restoration was Sir Walter Seaton, and he was strongly suspected of bribing Rothes in order to secure large rebates on his tack, and in 1667 Moray advocated the appointment of

(1) Gray 30 and note.

(2) C.S.P.D. 1st. June 1677 (1677-8), Jan. 20th. 1677 (1676-7)

of a commission to "try upon what grounds and reasons so vast summes were remitted to Sir Walter Seaton in 64 and 65 He (Seaton) quakes with the apprehension of it, and it would not only discouvrire le pot aux roses but lay open the whole intrigues of Sir Walters management of the customes." (1) Seaton was required to resign his tack, but otherwise escaped untouched considerably the richer for his term of office.

In November 1680 Robert Mylne on behalf of himself and the other tacksmen offered the Duchess of Lauderdale a bribe if she would use her influence with the Lords of the Treasury "to favour us in our just and legal grounds for abatement," and the greater the rebate obtained the larger reward would the Duchess receive. The offer was made through John Paterson, Bishop of Edinburgh, whom Mylne assured that "the design was to serve her Grace more as any opportunity of profit to myself." The application was successful, and for the tack for the years 1675-80 out of a total sum due to the government of £128,000 the tacksmen were allowed to retain £12,000, and no doubt the Duchess was amply rewarded for her services. (2)

After allowing for rebates and other deductions, the customs were still a valuable part of the

(1) L.P. II.77.

(2) 23247 ff. 54, 55, Gray 32, Moray Letters 342. (p. 446).

national revenue. The first farmer after the Restoration offered £20,333⁶/₈ per annum but actually paid only £17,362¹⁰/_{per annum}. During the years 1665-7 the duties were collected, but owing to the Dutch War produced only an average of £6,481¹³/₄. During 1667-8 the tack produced £27,800, but the tacksmen relinquished it after one year, and they had every reason for doing so, since in the next two years as collectors they received only £19,333⁶/₈ per year. The year 1670-1 brought in £22,500, but another Dutch war reduced the annual value for 1671-3 to £10,966¹⁰/₁₀, though in March 1671 the customs had been roused for £26,000⁽¹⁾. Between 1673-80 the duties were again tacked, and produced an average of £23,600. In 1680-1 a collection was again tried but the net product was only £17,270. With the customs as with the excise a tack was always found more productive of good results than a collection.

Fines.

What ought to have added considerably to the post-Restoration revenue was the fines. Unfortunately the officers of state, though believing implicitly that "justitia magnum emolumentum est", practiced the belief for their own enrichment, and not for the good of the crown. The owners of heritable jurisdictions pocketed the fines imposed in their

(1) 23135 f.32, Gray 33.

own courts,^{and} In the Justice Court and in the Privy Council the fines were of so casual and indefinite a nature, and nearly always earmarked as a reward for some favourite, that as part of the national income they were negligible. In 1670 the fines for illegal marriages were granted to Captain Robert Rind, and similar grants were common. The fines imposed on the Covenanters were, in order to encourage diligence, usually granted in whole or in part to the judges, justices of peace or magistrates. (1)

In 1662 the Act of Indemnity was clogged with exceptions, and fines of varying amount were imposed on the excepted. The selection of the excepted and the amounts payable were arbitrary in the extreme, and depended on the victim's ability to pay Middleton to avoid citation to Parliament. Thus, much of the money went into Middleton's pocket, while the remainder was utilised for the raising and equipping of more forces. Needless to say the fines levied were by no means collected in their entirety.

In 1680 wholesale fining was again enforced against those heritors who had not attended the King's host when called upon to do so during the rebellion, and fines ranging from two years' to one half year's rent were imposed. At first the Justiciary Courts undertook the prosecution, (1) C.S.P.D. 18th. Nov. 1670.

but later the Privy Council, fearful lest its officials should miss a share in the spoils, took over the trials on the plea that the justiciary courts were too slow and cautious in their procedure. The actual addition to the revenue was small since the collection of the fines were difficult, and precepts to favourites frequent.(1)

Parliamentary Supply.

Charles when granted his annuity of £40,000 promised faithfully to demand no further supply. He kept his promise until 1665, when, on the plea of the expense of the Dutch War, he called a Convention of Estates for the sole purpose of demanding a supply. He was granted an imposition of £1 scots on every pound land of "auld extent", held by nobles, barons freeholders and feuars of the King. The Church and the royal burghs were also to pay a proportion, but the College of Justice, Universities, schools and hospitals were exempted. The church raised its quota by taxing its tenants. To restore the broken fortunes of his house, and recover the money lent by the House of Hamilton to the late King, the Duke of Hamilton was given the post of collector general. It was freely rumoured that he bribed Rothes with the promise of half the proceeds if he secured for him the post. At the end of the day he complained of

(1)F.H.N.I.253,260,266,276 , P.G.R.VI.334,335,347,369.

having lost rather than gained, but Sir Robert Moray's investigations when he came north revealed the contrary. "What you say of D. Hamilton being a publican you may be sure is our thoughts too" he wrote to Lauderdale, and when the Duke's accounts were edited he complained of having been too strictly dealt with. (1)

What made the King's demands for a supply bear more hardly on the people was the fact that until 1674 constant endeavours were being made to recover the arrears of taxation imposed previous to the ^{Restoration} ~~Union~~. In that year, Charles, realising that the game was not worth the candle, and that the money wrung from the people enriched individuals not the Treasury, issued orders that in future none were to be proceeded against for arrears owing before 1660. (2)

In 1667 a further supply of £6000 sterling monthly for one year was granted to raise new troops, and help defray the expenses of the Dutch War generally. Shires and burghs were assessed according to their size, and commissioners of assessment were appointed in each area. In the burghs the magistrates acted as commissioners, and in the shires the post was usually given to the commissioners of excise, thus multiplying their responsibilities and their opportunities of self-enrichment. In 1667 the burdens of the

(1) 23123 f.138, 23128 f.89, L.P.II.272, H.M.C.Ham.Mss. XI.141
C.S.P.D. June 7th.1674(1673-S) L.M.K. 45.
(2) P.C.R.

landowners were lightened by the imposition of a poll tax on their tenants. Each gentleman above the rank of tenant had to pay a sum not exceeding 10/- sterling for himself, his wife and children; a tenant above the rank of tradesman paid 6/8, while tradesmen and cottars paid 1/6 for themselves and their dependents. The Lords of Session, under strong royal pressure, decided on this occasion to waive their claims to exemption, but made it clear that their capitulation was no criterion of their future conduct. (1)

To assist the collectors in their difficult work quartering of troops and deficiencies was allowed, but attempts were made to prevent the abuses of the system. Troops so quartered were ordered to be paid for by the collectors at the rate of 1/3 per day for each horseman, and 4d. for each foot soldier. Unfortunately there was no authority powerful enough or sufficiently interested to enforce conciliar commands, and abuses were rife as before (2)

In 1670 a parliamentary grant of £30,000 sterling payable in four instalments was made to meet the expenses of the Union commissioners. (3) The "stent roll" of the burghs was revised, and the proportion of taxation payable by each burgh made more in accordance with their ability to

(1) A.P.S. VII.536,547, L.P.I.269-277.

(2) 23128 £.280 (troops sent north to collect cess),
C.S.P.D.19th. Jan.1670 (opposition to troops sent to collect
cess in north.)

(3) A.P.S.VIII.8.

pay.(1) This time the Lords of Session were exempted. As usual the difficulties of collection were great, and two after the last instalment was due, almost one half the amount was still owing.(2)

In 1672 Scotland was again called upon to share the expenses of the Dutch War, and a grant was made of £72,000 sterling payable in four instalments between Lammas 1672 and Candlemas 1674. The money was raised according to the assessment of 1667, but to relieve the landowners, and induce owners of personal property to share the burden, it was enacted that between Martinmas 1672 and Martinmas 1673 debtors should be entitled to retain one sixth of the annual rent or interest due.(3)

In 1678 when Charles increased the military establishment, a Convention was induced to grant a supply of £30,000 sterling per year for the next five years, payable twice yearly, and the whole iniquitous system of quartering was again employed to aid the collectors.(4) In 1681 this grant which ought to have lapsed in 1683 was renewed for another five years, but heritors were relieved by a poll tax at the rates laid down in 1667. The privilege of the Lords of Session to exemption was again seriously threatened, but

(1) R.C.R.B. III.622.

(2) C.S.P.D. 12th. July 1671, L.P. II.223.

(3) A.P.S. VIII.62.

(4) A.P.S. VIII.221,240.

eventually the King allowed their claim, and safeguarded it for the future.

On an average Charles was granted by his Parliament, over and above his annuity, roughly £17,582 sterling, but the actual receipts were much less. Allowing for difficulties and expenses of collection, Charles got little more than one third of Parliament's bounty.

Expenditure.

While the collection of Scotland's revenue was an arduous undertaking, its expenditure presented very little difficulty to the ignorant and unscrupulous Lords of the Treasury. There were three main items of expenditure, namely, the army, fees and pensions, and public works. The fees and pensions list was the equivalent of our modern civil service list, only more formidable (comparatively speaking) and more elastic. The public works included the upkeep of the King's castles, and these, especially Holyrood, were a constant drain on the revenue. Miscellaneous items such as the royal charities were also charged on the revenue, but compared with the other expenses they were negligible.

The Army.

Under Middleton the army was organised to cost £32,000 sterling per annum payable out of the inland excise, (1)

(1)L.P.I.170.

and the permanent peace establishment of the Horse Guards Foot Guards and garrisons did in fact cost £21,326¹⁶. The additional troops raised in 1666 were paid out of the fines, and out of the parliamentary grant of £72,000. In 1668 the ^{extra} troops were disbanded, thus lightening considerably the burdens of the Treasury. (1) In 1678 more troops were required and a grant of £30,000 was made, after the £10,000 stored in Edinburgh Castle by the foresight of Sir Robert Moray was exhausted. The combined sum was hopelessly inadequate, since the total cost of the military establishment now exceeded £52,000 per annum.

The permanent troops were paid out of the inland excise, and to ease the Treasury of the trouble of collecting and then distributing the money to the army, assignments were made on selected shires i.e. certain localities were made responsible for the maintenance of so many troops. Before 1667 the assignments were made at the beginning of every quarter, but when Sir Robert Moray took over the administration of the Treasury, he intimated that in future officers and men were to be paid monthly, the men being paid through the officers, a disastrous system which allowed the officers to feather their nests at the expense of the men. (2) Unfortunately for the success of Sir Robert's experiment, the

(1) A.P.S.VIII220-1.

(2) L.P.II.31-2.

government found it impossible to meet their liabilities regularly, and arrears of pay rapidly accrued, so that in 1670 the ~~system~~ of localities was again resorted to. In 1681 the whole system of payment was changed. The establishment was divided into two, one half being paid monthly, and the other half quarterly, and when a new tack of the national revenues was granted it was on condition that the tacksmen should advance £6000 sterling for the immediate claims of the troops. (1)

In spite of all experiments the difficulty of obtaining the wherewithal to maintain the troops was very great, and quartering was freely and almost constantly used, and abuses consequently rife. Thus this system as Mr. W. B. Gray expresses it "linked the financial and military administration in a vicious circle", and was a potent factor in determining the Revolution. The upkeep of forts and garrisons had also to be reckoned under the military establishment, and in 1682 such expenses were reckoned at approximately £2000 yearly. (3)

Fees and Pensions.

More formidable to the Treasury than the maintenance of the army was the payment of the long list of yearly fees and pensions, payable to officers of state and private individuals. The fees of the officers of state were of

(1) Gray 46 and note.

(2) " 46.

(3) T.R. 10th. March 1682.

course a fixed charge. The law as the most highly organised government department was also the most expensive. The Chancellor, whose nominal fee was £3000 merks per annum, had until 1667 a pension of £1000 as well, and in that year it was raised to £1500. The Lord Advocate had £400, supplemented by the fines imposed in the Criminal Court. The Solicitor-General had £200 as agent of the crown and church; £200 for the conveyance of letters of the Civil Courts; and £200 for the letters of the Criminal Courts. (1) In the Court of Session the President had a salary of £500 and each ordinary Lord had £200. (2) The Lord Justice General of the Criminal Court had at first only £200 per annum, which in 1678 was raised to £600. The Lord Justice Clerk had £400, and £200 more if he were a Lord of Session. (3) Each Commissioner of Justiciary had £100 per annum. The Judge of the Admiralty Court had £100 per year until 1668 when it was raised to £200. The Lords of Exchequer as such had no pension or emolument. (4)

The Lord Clerk Register had one of the most lucrative posts, receiving in all at least £1200 sterling yearly. His nominal salary was only £40 per annum, but at the Restoration he was granted a pension of £400. He also

(1) C.S.P.D. 26th. Jan. 1674 (1673-5), 23rd. Aug. 1677 (1677-8).

(2) " 20th. Nov. 1672 (1672-3)

(3) " 3rd. July 1674 (1673-5), Gray 27 and note.

(4) 21947 f. 109, Gray 48.

received £200 as a Lord of Session, and from fees in the modern sense he received £400 with an additional £200 when Parliament was sitting, while as a patron, he had more office^s at his disposal than any other officer of state. (1)

In addition to pensions, fees, and salaries paid to those concerned with the administration of the various government departments, there had also to be paid a numerous growd of servants and officers connected with the royal household, particularly at Holyrood. Charles was never resident in Scotland, but for the benefit of his Commission-ers Holyrood was kept fully staffed. The offices of Chamberlain, Constable and Marshal were hereditary and honorary, and held by the Duke of Lennox, The Earl of Errol, and the Earl Marischal respectively, who were granted pensions in lieu of salaries. The most highly paid of the salaried officials was the Master of the Stud who received £600 sterling yearly, and the other servants were paid according to their status and importance.

The Chancellor Rothes, in addition to his regular fee and pension of £1500, had extra allowances for his purse-bearer, mace-bearer etc., and when Commissioner to Parliament was allowed £50 sterling per day, and for a time he also had £1000 out of the excise, all this in addition (1)35125 f.85, Gray 48.

to the money he made by bribes. Atholl who was made Lord Justice General in 1663, made in all about £1400 yearly. What Lauderdale's yearly income was is difficult to reckon. As Secretary he had £1000 per year, and an allowance of £100 for expenses. As Keeper of the Signet his fees amounted to approximately £1500 yearly. (1) When he resigned the Secretaryship he was given a pension of £2,500 out of the excise as the equivalent of his previous emoluments. (2) When Commissioner to Parliament his income was appreciably increased. From the time of his departure from London to the day of his return, he was allowed £50 per day with an addition of £2,500 for equipage. When Parliament was not sitting and he was resident in Scotland, he received £10 per day, and he declared he was richer with his ten pounds and living privately, than having £50 and entertaining lavishly. He also received £1000 per year from the English Treasury for his office of Gentleman of the Bed-Chamber, (3) and in 1674 he was given a royal grant of £12,134⁽³⁾ 10/-. During all his administration he had a yearly grant of £100 from the Royal Burghs as their agent at Court. The town of Edinburgh was for him a fruitful source of income. By the sale of the citadel of Leith he received from the town £6000, and later

(1) 23124 f.5 Money accruing to Lauderdale from the Signet:
 19th. Nov. 1660 - 1st. Jan. 1662 16381 " 19 " 8 scots
 1st. Jan. 1662 - 1st. Jan. 1663 22650 " 11 " 4 "
 1st. Jan. 1663 - 1st. Jan. 1664 18444 " 118 " 10 "
 1st. Jan. 1664 - 1st. Jan. 1665 17433 " 16 " 8 "
 1st. Jan. 1665 - 1st. Jan. 1666 16833 " 14 " 6 "
 (3) C.S.P.D. 25th. Jan. 1664., (3) C.S.P.D. 13th. July 1674 (1673-5)
 (2) T.R. 19th. Oct. 1680

as a reward for persuading Charles to renew the imposition on ale and beer he received on two occasions £5000. It must be said however, that his Duchess, not he, reaped the benefit of the later gift. How much he received from Sir Andrew Ramsay for persuading the King to buy the Bass Rock is unknown nor can the amount he received yearly as bribes be computed. The Duke of Hamilton, who was not likely to put the figure too low declared that his yearly income was £18,000, and his estimate is probably approximately correct. (1)

Almost as formidable as the list of official fees and pensions, was the list of pensions payable to private individuals. Charles could never resist a suppliant, and a precept on the Scottish Treasury was an easy way out of the difficulty. Needless to say Charles' promises could not always be met by the Treasury, and unless those promised could bring influence to bear their pensions very often remained unpaid. From time to time the poverty of the Treasury induced Charles to order the stoppage of all but official pensions. This was done in 1664, but accompanying the order to stop payment were secret instructions to pay the pensions of certain individuals. (2) To secure the favour of Lauderdale was necessary if payment was to be

(1) 23136 f.68. The Duke of Hamilton made this remark to the Earl of Oxford who replied that Lauderdale deserved £36000 for governing Scotland better than it had ever been governed before.

(2) C.S.P.D. 19th. Oct. 1678, 23121 f.47,48.
(payment of pensions suspended)

assured. In 1667 the amount spent on pensions to private persons equalled that spent on official salaries, and the recipients of the former were mostly nobles.(1)

On the Cashkeeper fell the invidious task of informing applicants whether or not their claims would be met, and he had to bear the brunt of their wrath and disappointment. In 1680 Lord Macdonald invaded the office of the Cashkeeper, Sir William Sharp, with armed retainers and demanded his pension. For this insult to authority he was merely rebuked by the Privy Council.(2)

Public Works.

the third charge on the revenue was the upkeep of the royal palaces and castles, and the rebuilding and repair of the Palace of Holyrood was a constant drain on the Treasury, a fact which disturbed Charles not a whit judging by his insistence that the work should be continued at all costs. In 1671 he ordered £1000 sterling to be disbursed, and in 1674 the Treasury represented to Lauderdale that Holyrood had already cost £16,800, and was not yet completed, and money was urgently required in other directions.(3) Charles, however, turned a deaf ear, and ordered another £1000 to be spent, a sum which before the

(1) Gray 52.

(2) F.H.N.I.263, L.P.III.197, P.C.R.VI.432.

(3) C.S.P.D.7th.March, 3rd.June 1671, 8th.May 1672, 11th.March 1673, 28747 f.15, Gray 52.

year was out swelled to £6,191. Between 1675 and 1679 £8,565 was spent on Holyrood, and in 1681 fresh estimates were accepted for £1,510.(1) In the department of public works as in other departments fraud and trickery were common, and numerous middlemen between the Treasury and the humble workmen had to have their profit, and usually the workmen suffered through arrears of pay.

The total revenue of Scotland for the year 1659-60 was roughly £143,652, and for the year 1682 £91,477, figures which show that under Cromwell Scotland was far more productive than under the crown. Under Cromwell the collection of the revenue was more systematic and more thorough, and officials were less venial. Needy nobles were carefully removed from the temptation to help themselves, and comparative honesty reigned in the Treasury. Under Charles everything was changed. Collection was haphazard and unsupervised. Extortion was the popular method and as many as possible had their pickings before the money reached the Treasury, where the dainty was further nibbled. The King was indifferent to the state of Scottish finances, and granted precepts indiscriminately, without thought as to whether the Treasury could meet such obligations. In 1673 the Cashkeeper reported

(1) C.S.P.D. 21st Feb. 1675 (1673-5)

that since 1671 expenditure had exceeded receipts by £16,833, yet, when the Treasury suggested that some of the money granted to Charles by Parliament in 1672 should be used to help the chronic state of the national finances, Charles refused, and merely counselled economy, (1) agreeing, however, to the stoppage of most of the pensions, and to the dismissal of the three receivers of the crown rents. (2) In 1676 the financial condition was no wise improved, and desperate efforts were made to economise. (3) In 1680 the Treasury was constrained to send the Treasurer to Court to represent the appalling state of the national revenues: Pensioners, government contractors, and workmen at Holyrood were all clamouring for payment, and the Treasury was in debt to the extent of £14,325. In the face of such distress Charles was forced to allow the money from the fines and forfeitures to be used to reduce the Treasury debt. (4) In 1681 in a gigantic effort to save the situation the revenues were farmed in a slump to Robert Mylne and Charles Murray for £90,000 sterling, but expenditure still continued to exceed income. (5)

(1) L.P.II.222, T.R.19th.Dec.1673, C.S.P.D.3rd.July 1673.

(2) L.P.III.20, C.S.P.D.3rd.Jan.1674 (1673-5)

(3) T.R.16th.June 1676, C.S.P.D.31st.May 1676.

(4) T.R.5th.Aug., 12th.Nov.1680, 9th.June 1681, C.S.P.D.3rd.Sept. 1680 (1680-1)

(5) T.R.29th.Oct., 30th.Dec.1681 (1680-1); F.H.O.42.

A word might be said here as to the condition of the Scottish Mint during the Lauderdale administration. "This complaint was grounded in the universall clamour of the people; who have found for these severall years, that the intrinsick value of our silver coin is sensiblie diminished, both in its weight and fineness, to the nations great damage, and dishonour; beside it doth add to the resentment, that the same Lord Hatton having, some years ago, filled the country with a light copper coin, without observing either the quantitie or the weight and value prescribed, was neverthelesse by my L.Laud^s. means secured and indemnified:" (1) The position of Master of the Mint was given to Charles Maitland, Lord Lauderdale's brother in 1661, and he held it until his dismissal in 1682. All that could be done to debase the coinage in order to enrich himself was done, with the result that Scotland's credit with other countries sank to the lowest ebb, with consequent suffering to the people of Scotland. In the Parliament of 1673 the maladministration of the Mint, and the debasement of the coinage was one of the chief grievances urged against the Lauderdale régime. After the December adjournment Lauderdale had the King write to the Council requesting a trial to be made of the coinage, and consequently of the honesty

(1) An Accompt of Scotland's Grievances etc. 19.

of Halton. The Essay or Pix box, containing samples of the alloy used, was sent to London to be examined and compared with the Essay box of the English Mint. The examination was favourable, the Scottish essay being only half a grain below the English standard. The King thereupon wrote to the Scottish Privy Council signifying his satisfaction with the state of the Scottish Mint, and requiring the Council to exonerate Halton and the other officers, which the Council, led by Lauderdale, did, and the coinage continued to be debased as before. ~~Securely~~ ~~in~~ his brother's protection Halton continued his corrupt practices. In 1676 he induced the Convention of Royal Burghs to present a petition to the Privy Council asking that more copper money should be coined, and also that they should be allowed to import foreign gold and silver. The Council passed an act in accordance with the petition, Archbishop Sharp supporting the Act in order to ingratiate himself with Halton, who it was estimated would make a profit of £4000 by the act. (1) His career of corruption and dishonesty came to an end in 1682 when he was dismissed from his office as Master of the Mint, and tried for malversation, along with Sir John Falconer assistant Master. In 1683 both were fined £72,000, roughly equivalent to their illgotten gains, but foreseeing the impossibility of their ever being able to pay such a sum, the King reduced

(1) F.H.N. 125, 127, C.S.P.D. 24th. March 1674 (1673-5), 23136 f. 98.

the fine to £20,000, a sum still sufficiently large to cripple Halton, or as he was then, Lauderdale, financially for the rest of his life. With his removal from office the Mint was put under other management, and the coinage, and consequently the credit of Scotland at home and abroad improved accordingly.

It might be debated whether the men or the system were more at fault in the financial administration of Scotland. That Sir Robert Moray during his brief period of personal supervision was able to reduce chaos to comparative order, seems to lay the blame at the door of the officials, from the Lords of the Treasury downwards. In the main that is true, but the system itself was clumsy, and gave only too much scope for human greed and unscrupulousness. The distance between the pockets of the taxpayer and the Treasury was great, and as usual middlemen absorbed the profits. The chief fault lay in the laxity of the Lords of the Treasury themselves, who were usually venial and ignorant. Under Sir Robert Moray they were forced to meet regularly and frequently, and accounts were carefully kept, and collectors supervised. No detail of administration was scamped, and so successful were those measures that, according to one authority, the rents from the crown lands were increased by one third, and during the first year £10,000 was stored

in Edinburgh Castle to meet any emergency, and it was long since the Treasury had enjoyed a surplus.(1)

With the departure of Sir Robert the brain that devised and the hand that guided was removed, and the inevitable laxity and inefficiency were soon apparent, and confusion again began to creep in. The Earl of Tweeddale who was really left in charge was honest-comparatively speaking- and willing, but he had not the necessary knowledge and ability. Realising whither the Treasury was tending he begged Lauderdale to send back Moray, but Moray engrossed with his scientific experiments did not wish to come, nor was Lauderdale very anxious that he should do so. "You doe well to say no more of MR" he wrote to Tweeddale "he will doe you no good this year, and himself neither hurt nor good heir."(2)

That dishonesty and fraud were the rule rather than the exception in the Scottish Treasury is not surprising, when one learns that there was no regular audit of accounts. The Earl of Crawford resigned the Treasurership in 1663, and it was not until 1673 that his accounts were audited, and he himself exonerated from further responsibility. In 1675 the King ordered a commission to be appointed

(1) 23127 f.106, 156, 193, C.S.P.D. 31st. Oct. 1667, Burnet I.1, 439

(2) Lauderdale to Tweeddale 12th. Nov., 17th. Nov. 1668 (Y) (439
L.P. II. 115, 120, 121.

(3) C.S.P.D. 15th. Aug. 1673.

to audit the national accounts since 1671,(1) and from that time onwards auditing became more strict and more frequent, but not sufficiently so to prevent embezzlement and fraud.

Between 1660 and 1680 the political, ecclesiastical, and financial administration of Scotland were inseparably intertwined, and the common handmaid was the army. Scotland was persecuted for her past political offences, for her religion, and indeed because of her poverty, and in every case personal not national considerations played a large part in the persecution. The Treasury, along with the law, was the most highly organised department in the state, and was equally corrupt. There was no attempt at a budget, and collection and expenditure were haphazard and at the mercy of individuals. On such a financial basis Scotland could not prosper. Her energies industrial, commercial and intellectual were sapped, and her self respect at a discount. Heavy taxation is often a necessary evil, but when the administration is wanton and corrupt the effect on the country's morale is incalculable.

(1) C.S.P.D. 21st. May 1675 (1675-6)

Chapter IV.

The Union Project 1669.

The history of the proposed Union between England and Scotland in 1669 does not begin with the meeting of the Scottish and English Parliaments in October of that year. Its deepest roots lie in the earliest history of both countries, but in 1669 it was the culmination of a trade war which had raged since the Restoration when England passed her Navigation Act treating Scotland as an alien country. (1) Scotland retaliated, but she was the chief sufferer from her self imposed barriers, though the "Act for a new imposition on English commodities" by imposing a tariff of eighty per cent on all imports from England, crippled English trade as well, and led the English

(1) C.S.P.D. Aug. 30th. 6th. & 18th. Nov. 1661.

merchants to petition the English Council of Trade to effect a compromise. The whole question of English and Scottish trade relations was referred to the English House of Commons, who recommended that the restrictions on imports from Scotland should be repealed to encourage Scotland to reciprocate, and also that she should be admitted to the shipping trade except that "they shall not have intercourse or trade from Scotland with any English Plantations." (1) But in spite of the recommendations of the Commons and the Council of Trade the protective duties were not repealed, and Scotland suffered as before through her own and English legislation. Scotland was too poor to afford a protective system of her own or to have another country enforce such a system against her. Rothes in a letter to Lauderdale put Scotland's economic condition truly: "altho it is good for us to tack big as give wie had nid of nothing from England yet I ashour you Scotland cannot be without English comodities." (2) In 1665 conditions were so bad for Scotland that the Scottish Privy Council implored Charles to interpose his authority "for taking off these acts and restraints in behalf of this kingdome and for that effect to make use of the late act of your Maties. Parliament here remitting wholly to your Majesty the taking off of any imposition or restraint imposed in order to English commodities." (3) The result of the appeal was

- (1) A.P.S.VII.257, 465, C.S.P.D. July 2nd. 1st. 19th. 22nd. 25th. Aug. 1663, July 25th. 1664 etc. Keith's Commercial Relations 91
 (2) E.U.T. Rothes to Lauderdale 6th. May. (prob. 1665)
 (3) P.C.R.II.42.

the appointment of English and Scottish Commissioners to treat concerning freedom of trade between the two countries, and the first meeting was held on 21st. January 1667.

The Scottish Commissioners made a general appeal for equality in trade, and then proceeded to state particular grievances: They demanded at the outset the repeal of the Act of Navigation, and thereafter the acts imposing a duty on Scotch cattle imported into England from 24th. August to December 20th.;, on fresh, salted or dried fish, ^{and} on Scotch linens; the repeal of the Act of Tunnage and Poundage, and the act prohibiting the carrying of hides tanned or untanned into Scotland; the repeal of the duty of sixteen times more on Scottish salt than on foreign salt, and the ten shillings per barrel laid on Scotch beer. They also demanded an explanation of the act which limited the transit of goods between England and Scotland to Berwick and Carlisle, but their chief aim and object was to secure freedom of trade with the Plantations.

The English Commissioners required until 10th. March to consider the Scottish demands, and meanwhile there was much correspondence between Lauderdale and the Scottish Privy Councillors who were constantly harassed by petitions from the Scottish merchants, farmers and others for the repeal of the duty on cattle and salt. (1) Lauderdale was well aware what

(1) E.U.T. 10th. April 1669.

the outcome of the negotiations would be, but he skilfully threw dust in the eyes of his colleagues, and pretended that he was doing his utmost for Scottish trade, attributing initial delays to the obstructive tactics of Clarendon who had no desire to see free trade. Later, when Clarendon was in exile Rothes wrote to Lauderdale that he was now more than ever convinced that "the chanslier was the only obstrucktir of that affair which mis of so great concernmint to both kingdoms". (1) Clarendon was not the only obstacle; Lauderdale knew the attitude of Englishmen to free trade, and he also knew that if he pursued the cause of Scotland too fervently he would jeopardise his position with the King and the English Privy Council, and he was not prepared to run the risk. The English merchants were determined that no concessions should be granted to Scotland, and brought pressure to bear on the House of Commons, who in turn dictated to the Commissioners, so that no ameliorative measures were passed. In April 1668 Lauderdale wrote to Tweeddale that the Trade treaty was not to be pursued further, and the whole question was to be referred to the royal decision, and the "old Laird" was fully of this mind, but the intention was to be kept secret until the Commission realised its own futility. (2) Negotiations therefore dragged on

(1) E.U.T. Rothes to Lauderdale 19th. Sept. 1667.

(2) Lauderdale to Tweeddale 23rd. April 1668 (Y) C.S.P.D. 17th. 21st. Jan. Feb. 3rd. 1668 etc.

until July, the English deliberately procrastinating and playing for time, pleading, however, that the delay was due to the tardiness of the Scottish Commissioners in sending in their shipping returns. The delay was really due to Lauderdale who withheld the returns from the English until, as he said, he was sure they made good use of them. (1) In July the English Commissioners put their final decisions before the Scots, but amidst a host of minor concessions no mention was made of granting freedom of trade with the Plantations, and the conditions were unequivocally refused. In his speech to Parliament in October 1669 the Lord Keeper declared that the negotiations had "produced no effect, unless it were a conviction of the difficulty if not impossibility of settling it in any other way than by a nearer and more complete union of the two kingdoms." (2)

While the negotiations for trade were in progress, the hopes raised by such negotiations were utilised by Moray and Tweeddale to keep the country quiet, but the former at any ^{rate} never regarded the business seriously, and as early as November 1667 wrote to Lauderdale urging the improbability of success, and suggesting that he and his friends should "lay shoulders together" to have the question referred immediately to the royal decision. (3) That was not Lauderdale's intention. He was

(1) Lauderdale to Tweeddale 31st. April 1668.

(2) Keith's Commercial Relations 93. C.S.P.D. Oct. 29th. 1668.

(3) 23128f. 181.

the chief member and procrastinating spirit of the Scottish Commission, and he preferred to allow negotiations to reach a deadlock when a coup d'état would be necessary to save the situation. A deadlock was reached as he had anticipated, and realising the dismay and disappointment which would follow the news in Scotland, he decided to propose a Union as the easiest way out of the difficulty. Tweeddale summed up Lauderdale's designs: "the articles of Dort doe weal for I have smal hope of the trade with England and I aprehend the matter of the unione was proposed to divert it." (1) By some the suggestion for a Union was attributed to Charles: "It is apprehended by the wiser sort that this Union is mainly set on foot by his Majest-
-ie, and so much coveted after by him, that he may rid himself of the House of Commons who have lyen verie heavy upon his loines and the loins of his predecessors Kings of England and especially of his brave father," (2) but it is exceedingly improbable that Charles was the originator of the scheme of Union at this time. He was clever enough to realise that the subjection of the House of Commons to the royal will could never be achieved by Union with the Parliament of Scotland. That Lauderdale desired, or even considered possible of achievement at this time, a union of the two countries is highly unlikely, in point of fact he was determined that it should not

(1) 23130 f.18

(2) L.F.J. 229-230.

be achieved. He knew full well that the feeling in both countries was too intense for Union to succeed, and the failure of the trade negotiations had only made the breach wider. Nor would Union profit him personally. The position of the Scottish Secretary of State at the present day is sufficient proof that, for Lauderdale, Union would have meant political extinction. Scotland governed by a Parliament at Westminster meant in practice, if not in theory, Scottish affairs dominated if not eclipsed by English affairs, and Lauderdale's hatred of English interference with Scotland amounted to a passion. Lauderdale had no intention of seeing the Union project succeed. It was for him merely a means of averting from himself the odium consequent on the failure of the trade treaty, and it also furnished a pretext for calling a Scottish Parliament where he could further establish his own and the royal authority.

The Union project was set on foot immediately the Commission for trade was seen to be a failure, and Scotland continued to suffer while her rulers played at attempting Union. "This proroging of the Parlt. is lyke to put silence to the matter of unione for some tyme", wrote Tweeddale to Lauderdale with reference to the proroguing of the English Parliament, "and in the mean tyme we are at a disadvantage by having all their laws in prejudice of our trade in force and

rigorously put in execution against us, and all ours of any moment at a stand against them. (1) Scotland's trade was now so bad that even Union did not hold out much hope of improvement: "except for the bestial I know not what that business imports by itself for our other trade both for export and import is almost totaly divertid and can not be recovered scarsly by the Unione," (2) wrote Tweeddale despairingly, but informal negotiations for Union went on apace. So informal were they that they were almost a farce, and conducive of no real decisions, though Lauderdale cheerfully maintained "it looks very fairly" (3) The business was not communicated to the Scottish Privy Council as a whole: Tweeddale was kept au fait with its progress, and enjoined to tell only a few trusty persons whose adherence would be later necessary. (4) The Chancellor Rothes was kept in the dark until December, when Lauderdale in an affectedly careless fashion told him of their informal discussions of a question in which the King was much interested, and begged Rothes to send his opinions on the subject, adding that the results of the discussions were to be presented to the King as the suggestions of friends and not as authoritative dictums. The chief participators in

(1) 23131 f.36.

(2) 23130 f.70

(3) Lauderdale to Tweeddale 12th. Nov. 1668.

(4) " " " 3rd. Dec. 1668. In a postscript Lauderdale adds "This is the just copie of what I have written of our great busines to my Lord Chancelor. You must doe your best that the dates of thes papers doe not discover you had them long agoe."

the discussions were Lauderdale and Sir Robert Moray on the Scottish side, and the Lord Keeper Bridgeman and the Duke of Buckingham on the English. Lauderdale pretended to receive with much gratitude the suggestions of his friends in Scotland, and Tweeddale at any rate seems to have taken the negotiations seriously. He feared the "cloging of our unione with proportione for Ireland," and he besought Lauderdale to see to it that Scotland was allowed more than ten peers in the new House of Lords or that the King should be given the power to call more if the need arose. Lauderdale's reply, significant of his zeal for the Union, was that the number was immaterial as not even ten would take the trouble to attend, when they had to do so at their own charges. (1)

At this time too the Secretary pretended to be utterly weary of a troublesome government he was never "shaped" for, and signified to Tweeddale his intention to resign. His insincerity is undoubted. It was the mock modesty of one who was preparing to play his trump card, and achieve his greatest triumph. Only death itself would have induced Lauderdale to retire when the golden ball of fortune was at his feet. (2)

The Union debates continued in desultory fashion at Whitehall through the Spring of 1669, and the subject was now freely discussed in Edinburgh where the Earl of Kincardine was doing his best to arouse opposition, a circumstance which

(1) 2313 Off. 117, 16, Lauderdale to Tweeddale 15th. Dec. 1668 (Y)

(2) Lauderdale to Tweeddale 2nd. & 7th. Jan. 1669.

disturbed Lauderdale not at all since "none of those wise arguments can hinder a commission to treat which is all now intended."(1) Yet with brazen disregard for the cost to his country he proceeded to advocate a Parliament whose sole business was ostensibly to be the consideration of the Union of the kingdoms. His Commission to hold Parliament he had altered because it made Parliament conclude with the first session, whereas "if the Union proceed, the first session will be very short, but the Parliament must adjorne, and then either there must be a new commission or a new Commissioner"⁽²⁾. The King agreed to his Secretary's suggestions, and events shaped themselves as he decreed.

On 19th. October the Scottish Parliament assembled with more than usual splendour, and the King in his letter expressed his desire to "render this island more happie then ever it wes in tymes past, by setting amongst all our good subjects within the same a mutuall affection, that may endure to all posteritie."(3) Lauderdale had hoped that the careful management of the elections would ensure the immediate approval of the King's letter, and the fulfilment of its commands, but his calculations were seriously upset. Many lawyers were grievously disappointed at their non-inclusion in the committee

(1) Lauderdale to Tweeddale 13th. & 20th. July 1669 (Y)

(2) " " " 22nd. July 1669 (Y)

(3) A.P.S. VII.551.

of the Articles, a circumstance which deprived them of any real say in Parliament, and accordingly they were forced to reserve their opposition for open Parliament. Sir George Mackenzie of Rosehaugh, one of the disappointed, vehemently opposed the unqualified approval of the King's letter, as being equivalent to complete acquiescence in the Union, and attitude unworthy of a free Parliament. One, Gordon of Haddo, was daring enough to introduce the question of the succession, and was severely reprimanded by the Commissioner, otherwise, as the latter magnanimously reported "debate was freely allowed." The Duke of Hamilton, who, previous to the meeting of Parliament, had been won over by the Commissioner to support Union, quickly joined the Opposition, and proceeded to attack the constitution and the manner of electing the Articles, but he was speedily silenced. During the second day's debate the President of the Parliament Rothes, seconded by Hamilton proposed that the list of Commissioners to treat for Union should be subject to the revisal of Parliament, but Lauderdale stepped in, put an end to all debate, and the letter to the King offering him the nomination of the Commissioners was passed with only Sir George Mackenzie dissenting. (1)

On December 17th. the Commissioner read to Parliament the King's gracious letter of thanks wherein he
 (1) Lauderdale to Tweeddale 22nd. Oct. 1669 (Y)

expressed his pleasure at Parliament's eagerness for the Union, and at the same time apologised for the delay in the English House of Commons. Until the question should be considered by the latter, he suggested that the Scottish Parliament should adjourn, and meet again shortly bringing with them the same zeal and affection for his service. On December 23rd. Parliament was adjourned.

The English Parliament also assembled on October 19th., and the King in his speech recommended to their consideration the importance of uniting England and Scotland, and he recapitulated for their benefit the plan of Union which James I. had recommended in 1604, emphasising the fact that many of the difficulties then experienced had disappeared. The Lord Keeper elaborated the royal arguments, but the Commons were in no way impressed, and the matter was ignored until 14th. February 1670, when the Lord Keeper reminded the House of the Union project with which Scotland had concurred, and which the King was anxious the Commons should discuss as soon as possible. At last on 3rd. March, the Lord Chamberlain reported the resolution of a Committee of the House desiring the King to appoint Commissioners for Union, and on 11th. April an act to that effect was passed in the presence of the King, who thanked

(1) C.S.P.D. Oct. 19th. 1669.

the House warmly for having "so well complied with his desires in the progress they had made towards an union between the two kingdoms."(1)

The delay of the English Parliament had exceedingly irritated many of the Scottish members of Parliament, who felt that they had cheapened themselves and their country by their anxiety to fall in with the King's wishes, and until the English moved the whole business was at a stand. "We can not fall upon it but must come to an end before they be weal begune" complained Tweeddale, "that will nether be soe good nor soe saffe for us besids that in good manners we complement them with priority as the more pourful kingdom and the weaker gets the last word."(2) When the English finally consented to the appointment of a commission Scotsmen were relieved. "I am very glade that the parlt. of England hath dealt so franckely in the matter of Union" wrote Kincardine to Lauderdale, "for though I have but smale hopes of it when it shall come to a treaty yet this proceeding of theirs is honourable to this kingdome and will render those who were so backward in our Parlt. ashamed."(3) On 22nd. July the Scottish Parliament again met, and members were given an opportunity to redeem their reluctance of the previous

(1) Bruce's Report on the Unions 218. L.P.II.147-9.

(2) 23133 f.54.

(3) 23133 f.56.

session.

The King in his letter to Parliament informed the members of the step lately taken by the English Parliament and invited Scotland to follow suit. On 30th. July, after due deliberation by the Lords of the Articles, an act was passed authorising such persons as might be nominated commissioners by his Majesty, to consult and treat with the Commissioners of England, and submit their findings to the Scottish Parliament. (1) Twenty five commissioners were appointed for each kingdom, and thirteen of each was a quorum. On 14th. September the first meeting of the joint commission was held, and on the 17th. the King submitted various heads for their discussion. The chief points to be safeguarded were the preserving to both kingdoms their laws, civil and ecclesiastical, in their integrity; the union of the two Parliaments in one; the union of the two kingdoms under one monarchy; the clear statement of all privileges trade and otherwise; and the securing of the conditions of the Union.

The negotiations were a dreary repetition, with neither desire nor ability to come to definite conclusions. The inability of the Commissioners to agree as to the number of the Scottish members to sit in the united

(1) A.P.S. VIII. 6-7.

Parliament brought the final deadlock; the Scottish Commissioners insisting that the Parliaments must be united in their entirety. The English Commissioners desired time to consult the Attorney General, and appointed a meeting for 8th. November 1670. On the 8th. the meeting was postponed until the 12th., but on the 11th. Charles sent a message desiring all negotiations to be suspended until the last Thursday in March 1671. His action was equivalent to putting a definite period to the business, and for the time being hopes of Union were at an end. (1)

Neither country regretted the failure. On the English side, those who had laboured to prevent a trade settlement had continued their efforts against Union. The attitude of English statesmen was one of complete indifference. They knew English commercial jealousy would not permit Union so efforts at prevention on their part were unnecessary. They appointed a commission because the King desired it, but there their interest ended. Charles himself was indifferent to the success or failure of the scheme. He had concurred in it because he had implicit faith in Lauderdale's judgement, and perhaps he was temporarily dazzled by the prospect of being monarch of a united kingdom, but that beam Lauderdale would quickly dispel:

(1) Mackenzie 193-212.

better to enjoy the reality of supremacy in Scotland than its shadow in Britain. The Union project was a gigantic and costly game instigated by Lauderdale for his own ends. By securing the summoning of a Scottish Parliament it served its purpose, and its failure in November 1670 was reason for universal congratulation.

Chapter V.

Lauderdale and Parliament 1669-1673.

When the Scottish Parliament met on October 19th. 1669, Lauderdale, as Secretary and chief oracle of the King, and now his Commissioner to Parliament, was on the eve of realising his dearest ambitions. Under the King- and without him the King could do little- he was supreme in the government of Scotland, and it remained only to secure legislative proofs of his supremacy.

Since the dismissal of Rothes from the commissionership in 1667 the country had been administered by Sir Robert Moray, Tweeddale and Rothes acting under the direction of Lauderdale. Moray was the moving spirit in the government at Edinburgh, and when he departed in 1668 Tweeddale assumed

command, but he had not the ability of Moray, and gradually the old laxity crept into the departments, and Tweeddale was powerless to prevent it. But between 1667 and 1669 Scotland knew better government and received more consideration and attention from Whitehall than she had ever done before. Clarendon no longer dominated the Court and deliberately diverted Charles' attention from Scottish affairs. On his removal from Court Lauderdale was ready and able to step into the breach, and "manage" Charles for Scotland as Clarendon had "managed" him for England. The Scottish Secretary more than any English statesman filled the position vacated by Clarendon. He knew Charles as Clarendon had known him, but whereas the latter had dominated his master Lauderdale achieved his ends more effectively by subtle flattery and shameless cajolery. He inspired Charles with an unwonted interest in Scotland, and for a time the air at Whitehall was brisk with Scottish business. The bustle for a time pleased and intrigued Charles, and led him to display decision and commonsense, but the effort could not be sustained, and with the waning of the royal energy Lauderdale had his chance to work his will on Scotland. To the indolent King his Secretary was the one stable thing in the Scottish government, and to him he clung with an obstinacy and persistence born of idollence and disinclination to find

other props.

Middleton and Rothes had in turn proved themselves unequal to the task of governing Scotland, and now only Lauderdale remained competent to fill the post of Commissioner, and accordingly on him the honour was conferred, in the confident assurance that in his hands the royal prerogative was safe. There was no urgent reason why a Parliament should have been called in 1669. Tweeddale writing in 1668 had informed Lauderdale that "nothing is ripe for a Parliament neither concerning trade nor interest of money, nor which is of greatest importance the King's renew", and the situation had not changed materially since then. There was no war; the King needed no subsidy; the Indulgence had temporarily quietened the Covenanters, and the established church was as peaceful as it could well expect to be; the finances of the country though gradually slipping back into their old chaotic state demanded as yet no drastic remedy; in short Scotland was as happy as she could hope to be with an alien church in her midst, and tyranny for a government. But Lauderdale wished a Parliament and therefore a Parliament must be held. He felt that the time was now ripe for consolidating his position as minister to a despotic Scottish King. In the Parliament of 1663 he had laid the foundations: he was now to complete the edifice.

But he could not announce his ambitions as a *casus convocandi*, and other more plausible reasons had to be found, and the Union of Scotland and England, because of the improbability of its immediate consummation offered a solution of the problem. On October 19th, when Parliament met Lauderdale's real interest in the Union ceased.

Elaborate preparations were made for the Secretary's first visit as Commissioner, and that office lost none of its splendour when held by him. A magnificent new coach and horses, with gorgeous liveries for his servants, were sent down from London, and carpets, and curtains, and furnishings of all kinds arrived for the decoration of Holyrood where the Duchess of Hamilton wife of the Hereditary Keeper of the Palace was in residence. The Duke was then at variance with Lauderdale because of the King's cavalier treatment of him when last he visited Whitehall, and the Duchess took up her husband's quarrel, accusing Lauderdale of wishing to turn her out of her rightful quarters in the Abbey. The former protested that he only wished the apartments usually reserved for the Commissioner, but the aggrieved lady elected to be a martyr and removed herself and her belongings from the Abbey. Lauderdale's magnificence cost Scotland dearly, though he he himself considered he was being most moderate in asking

(1) Lauderdale to Sir Robert Moray 2nd. Jan. 1668 (Y)
 (2) " " Tweeddale 24th. & 27th. July 1669 (Y)

for £3000 sterling to defray initial expenses, pleading that Middleton had £6000 when Commissioner, and Rothes £2000, and the latter had bought nothing with it.

The Riding of Parliament was as usual a magnificent spectacle, but on this occasion the position of the Archbishops and of the regalia in the procession was changed in obedience to the King's orders. Formerly the regalia, as being borne by an earl was by the jealousy of the dukes and marquises relegated to the position of the earls in the procession. The King now insisted that since it was the crown, not the bearer, that took precedence the regalia should be borne in its rightful place next the Commissioner, and the Archbishops were given precedence over the marquises and dukes. (2) Charles also expressly stipulated that the constitution of the Articles should remain unchanged. The first meeting of Parliament was prefaced by short prayers by the Bishop of Dunblane because Lauderdale "wold not have the Presbyterian trick of bring-in ministers to pray and tell God Almighty news from the debates." (3)

The proposal for Union agitated Parliament for some days, and called forth unexpected opposition, but on

(1) Lauderdale to Tweeddale 3rd. Aug. 1669 (Y)

(2) " " " 31st. Aug. 1669 (Y)

(3) L.P. II. 142.

October 22nd. the answer to the King's letter was approved and Lauderdale was free to introduce the legislation for which he had waited so long. That his measures might have as smooth a passage as possible through Parliament, he had the Articles composed entirely of his nominees, and also forbade any but the actual members to be present at the debates of the Committee. (1) Formerly any member of Parliament could be present and debate, but not vote, now that was forbidden as being too dangerous.

A hint of his intentions Lauderdale gave to the King in a letter of October 12th.: after describing a review of several militia regiments he added "these six regiments yow may depend on to be ready to march when and whither yow please: and thogh I hope yow shall not need them yet it is not amiss to have such a body ready." On November 16th. the Act concerning the Militia" was passed in which the offer of twenty thousand footmen and two thousand horsemen made in 1663 was ratified and elaborated, and steps taken to make it effective. On the same day was passed an "Act asserting his Majesties supremacie over all persons and in all causes ecclesiasticall" (3) an act which Lauderdale declared to be necessary for "the more cleir

(1) L.P.II.142, Mackenzie 142.

(2) L.P.140.

(3) A.P.S.VII.554.

asserting of your powers in ecclesiastick matters then formerly it hath been? It is now onely full in the narrative of the act, but most pittifull in the statutorie part, whither by ignorance or design I shall not judge, but it shall by Hods Grace be helped now."(1)A clever reflection on Middleton and a modest testimony to Lauderdale! In a letter to Moray Lauderdale gave the parliamentary history of those two acts: "they were drawn by the Lords of Session and lickt over at the Articles" (2) and subsequently unanimously approved by Parliament. The potentialities of the acts were described by a contemporary historian thus: "one of them put it into the King's power to introduce popery or make any change he pleased in the established worship. The other was like a stretched-out arm perpetually brandishing a sword, and ready with irresistible fury to cut down every assertor of his natural rights.(3)

Successful as he was in achieving his own ends in Parliament, Lauderdale's position as Commissioner was not altogether an enviable one. Charles was then too uncomfortably interested in Scottish affairs, and Lauderdale was harassed with commands and counter-commands from Whitehall as to the Union and the establishment of the militia, commands which came too late to be effective, and which had they been

(1) L.P. II. 144.

(2) 23132 f. 170.

(3) Secret History of Scotland 242.

enforced would have jeopardised the passage of the Act of Supremacy through Parliament. "Multum occupatè nihil agendo", he wailed, "I am out of humour, out of heart and in all respects as full of trouble as I was. Though I am sure had I been trusted and not harried with new projects never was Parliament more willing to obey the King, and serv him as I understood him when we parted. My heart is vexed."(1) The unexpected interest and interference of Charles upset Lauderdale's calculations, but the King must be obeyed. "This is a new tormenting court. Alas shall I never be trusted! But I will complaine no more, nobis obsequiis gloria relictæ est. Fall back. fall edg, sure I shall obey."(2) But he had the reward of all his troubles when, after the passing of the Militia Act and the Act of Supremacy, the King proudly boasted at Whitehall "now Scotland hath the best laws in the world and the compleat-est."(3)

Upsetting though the royal interference was, far more threatening to the success of his schemes was the opposition within Parliament itself. The managers had done their best to ensure the election of "honest" members, but several bold spirits spread defiance, and every act was

(1) 23132 f.152.

(2) 23132 f.158.

(3) 23132 f.202.

cavilled at, and it required all the Commissioner's ingen-
-uity and brutality to secure their final passing. Each
Estate had its rebels: Archbishop Sharp "took the alarm
wondrous haisty" (1) when the Act of Supremacy was mooted,
but by threats and cajolery he was won over to be its
advocate with the other bishops. Sharp's position in the
affections of the King and Lauderdale was still precarious,
and lest opposition might endanger his see he thought
compliance the wiser policy. (2)

"We have been working through great opposition
of marchants and almost all the Burrows" (3) was Lauderdale's
account of the storm of protest aroused by the act for
regulating the customs and excise, an act which was chiefly
directed against the Act of 1661, whereby all salt used in
the curing of fish sold within or without the country was
freed from the imposition of forty shillings Scots on the
boll. The Exchequer had later narrowed the privilege to
apply only to fish sold outside Scotland, and now the
customers presented this bill which decreed that the merch-
-ants should, on buying the salt pay the forty shillings
and when the customers were satisfied that the salt was
really to be used for the curing of fish, the money would be
refunded. In favour of the act it was urged that the

(1) L.P.II.152

(2) Mackenzie 160-2.

(3) L.P.II.164, A.P.S.VII.563.

immediate payment of the imposition would ensure the King's customs. The burghs in a body opposed the act as leaving the merchants at the mercy of the customers, and they were joined in their opposition by the Duke of Hamilton and Sir George Mackenzie, the latter being particularly outspoken in his objections. The debate raged long and furiously until the Commissioner rose in a passion and swore that whether or not the act passed he would by virtue of the King's prerogative in the sphere of trade "pepper the fishing". The act was accordingly put to the vote, and the votes were even: a recount was made when they were again even, but the President, Rothes, gave the casting vote in its favour and the act passed. Included in the act was a clause allowing merchants to abstract their goods upon oath without paying immediate customs or excise, and to the elastic, commercial conscience of seventeenth century Scotland this offered a means of eluding both customs and excise altogether. (1)

During the debate on this act it was proposed that arrears of cess should be discharged by the King in Parliament, but Lauderdale "would not suffer such a thing to be brought in by a side wind and made them keep to the debate on the act". (2) Mackenzie and Gordon of Haddo

(1) Mackenzie 169-171.

(2) 23132 f.170.

continued to insist, but the latter was silenced by the Commissioner's hectoring announcement that the King needed no parliamentary pressure to induce him to cancel arrears.

The "Act concerning the Forfeiture of persons in the late rebellion" also met with much opposition. Mackenzie stoutly opposed the trial and condemnation of rebels in their absence, but he was overborne by the Lord Advocate, and the act was passed. The ratification of Argyll's gift of his father's forfeiture which meant that many creditors were deprived of their money was opposed by the majority of the members, and Lauderdale knowing what its fate would be if put to the vote, declared, that since the King alone was concerned in private ratifications, a vote was unnecessary, and passed the gift without further reference to Parliament. (1)

The King's interest in Scotland's welfare was displayed in his insistence that an "Act for Naturalization" should be passed, an act which allowed easy terms of naturalisation to foreigners coming to Scotland to carry on old industries or establish new ones. (2) At this time too with the special approbation of the King there was established a Fishing Company to compete with the fishing companies

(1) Mackenzie 178.

(2) A.P.S.VII.559, 23132 f.159, 167.

of Holland. The King subscribed £5000 sterling but Lauderdale refused to allow the royal subscription to be burdened with initial losses. The company was granted all the concessions and amenities usually granted to a new company, including immunity from customs and excise, and a monopoly of the fishing trade as far as that could be guaranteed by legislation. Unfortunately for the success of the venture Mailland of Halton, Lauderdale's brother, was supreme in the company since in the absence of the King and Lauderdale he was allowed to exercise their votes as well as his own. Every £100 share gave the right to a vote: Halton could exercise sixty two votes, and as there were not another sixty two to counterbalance his he directed business as he pleased, with the result that ere long the company ceased to be active, and existed only as a parasitic body, which until 1690 continued to exact £6 scots on every ~~last~~ of herring exported, a right granted to the company on its erection. (1)

Parliament was adjourned on December 23rd. and Lauderdale returned to Whitehall to recover from a struggle where he had had to fight every step of the way. From the legislation which he managed to place on the statute book it would seem that he worked his will in (1) Mackenzie 184.

Parliament with little or no opposition, but such was not the case. His appearance in person roused and made vocal all the opposition, long latent, of which Parliament was capable, and the constitutional backbone, limp from long disuse, stiffened under his bludgeonings. It was only by bribery and brute force he was able to achieve his ends, but to the last some refused to be intimidated. Of these the most redoubtable was Sir George Mackenzie of Rosehaugh, with the Duke Of Hamilton and Gordon of Haddo as useful seconds. Mackenzie was fearless in his denunciation of Lauderdale's illegal acts and words: he was in the forefront of every debate and refused to be silenced. Lauderdale stormed in vain. Mackenzie could even afford to be magnanimous! When Tweeddale in support of Lauderdale rudely interrupted his speech ~~against~~ Union he refused to sustain Hamilton's proposal that Tweeddale should be sent to the Bar of the House for breach of privilege, and maintained that he had suffered no interruption. So great a menace to tyranny was the member for Ross, that Lauderdale contemplated ridding the House of his presence by questioning the legality of his election, since he held his land from the Bishop of Ross and not from the King. Fortunately for himself he allowed wiser counsels to prevail, for so obvious a tampering with electoral laws would have caused trouble

both within and without Parliament.(1)

As an opponent the Duke of Hamilton was not so formidable as Mackenzie of Gordon. He was an irritating busybody rather than an active menace. Always engrossed with "wise caballs", he achieved little, and his activities satisfied his own vanity rather than endangered the prestige of his enemy. Sir George Gordon of Haddo was sincere in his opposition to the Commissioner's highhanded illegalities, but he had not the intrepidity or the ability of Mackenzie, and crumpled up under Lauderdale's brutal attentions. Mackenzie was the gleam of light in the darkness of mingled tyranny and subserviency, Lauderdale's bullying left him unmoved, and but nerved him to fresh efforts on behalf of the Parliament which he knew Lauderdale would fain see abolished altogether, so that he, through a subservient Privy Council, might be supreme in the government of Scotland.

The year 1669 saw the beginning of the blackest and most degrading years of the Lauderdale administration. Not one gleam of true patriotism relieves the pages of its history. It is the struggle of one man to force a broken, distressed nation into subjection to the will of a conscienceless despot. Every class in the country was

(1)Mackenzie 173.

oppressed, yet no bond of sympathy, no common ideal of emancipation united them. Scotland's sufferings during those years were grievous, but we may well ask the question, had there been no Lauderdale, would Scotland have been ready, constitutionally and nationally, for the Revolution of 1688? Scotland learned her lesson in a hard school, but she learned it all the more thoroughly.

The Parliament, adjourned on December 23rd., reassembled on 22nd. July 1670, and proceeded to follow the example of the English Parliament and appoint commissioners to treat for Union. It was proposed that before the appointment was made the various points should be discussed in Parliament, since the decisions of the Commissioners in London would have the approval of the King, and be difficult to gainsay in the subsequent Scottish Parliament. (1) The proposal, however, received no support, and the nominations were made. The only other business of importance, with the exception of the laws safeguarding Episcopacy, was the voting of a supply of £360,000 scots to defray the expenses of the Union commissioners. Lauderdale proudly boasted to the King that the amount was double what was asked and equivalent to thirty times what the same amount would mean to England. (2) On August 22nd.

(1) 23134 f. 76, 79.

(2) 23134 f. 94, L.P. II. 188.

Parliament adjourned, and Lauderdale well pleased with the docility of this second session departed to Court to brag of his success. Only one circumstance ruffled his serenity the Indulgence from which he had hoped so much had failed of its purpose, and religious unrest was increasing rather than diminishing.

Wilfully ignoring the portents of the opposition he had experienced in Parliament, Lauderdale professed himself eminently satisfied with the achievements of the last two sessions. For his success, besides his own hectoring genius, he had to thank his three faithful allies Rothes, Tweeddale, and Argyll, but with their support of Lauderdale the unanimity of the ~~three~~ ended. Tweeddale was at this time Lauderdale's most trusted agent in the government, and his ambition increased with his power. He had long coveted the Chancellorship and therefore hated Rothes, but his hatred of Argyll was far more bitter. He resented the latter's reinstatement through the medium of Lauderdale, and studied to break their friendship. Argyll's ambition played into his hands. The former was eager to have restored in his favour the office of Justice General of the Isles whereby complete jurisdiction over the outlying parts of Scotland would be his. Such a power was a menace to monarchy itself, and Tweeddale used this argument to have the appoint-

-ment opposed in Exchequer, and finally refused by the King. We thus incurred the enmity of Argylë, but more important, he roused Lauderdale's suspicions of his friend's ambitions, suspicions strengthened by Argylë's subsequent folly. The latter fell violently in love with the Dowager Countess of Balcarres, and expressed his intention of marrying her. Tweeddale represented to Lauderdale that this would injure the interests of the young Earl of Balcarres, whereupon Lauderdale called upon Argylë to renounce his matrimonial designs. The latter refused and an estrangement between the two friends ensued.

Having achieved his will with Argylë Tweeddale now turned his attention to the Earl of Newburgh whose office of Captain of the King's Guard he coveted for his friend the Earl of Atholl who had lately been deprived of his command in the Highlands. Lauderdale was nothing loath to get rid of this last relic of the Middleton administration, and urged upon the King the advisability of the captaincy being held by one who could attend to his duties in person, as Newburgh's age and infirmities forced him to rely upon deputies. Charles was reluctant to dismiss so faithful a servant, and only consented on condition that he should receive a pension equivalent to the profit derived from his office as Captain. Only the Chancellor remained as

an obstacle to Tweeddale's pretensions, but he because of his complete and unblushing adaptability to the will of Lauderdale was difficult to dislodge, and before that could be effected Tweeddale himself was eclipsed. (1)

A new and baleful influence was creeping into Lauderdale's life to break up relationships, political and marital. During the year 1669 he renewed his friendship with the dangerously attractive Countess of Dysart, who in 1651 had interceded for him with Cromwell when the latter wished to put him to death, and thus gained his gratitude. In 1669 the Countess's husband Sir Lionel Talmash died, and under the cloak of sympathy the enamoured Secretary paid frequent visits to Ham, her residence, and his own home at Highgate saw him but little. The Countess was violent, jealous and avaricious, and set herself in the first place to feather her nest from the Scottish Treasury, and in the second to separate Lauderdale from all his colleagues who might influence him against her, and oppose her rapacious demands. Lauderdale was as clay in her hands, and at her behest secured for her in 1671 a pension of £500 sterling yearly from the Scottish Treasury "which is the first she ever had from a country which she has so much obliged"⁽²⁾ wrote Rothes, anxious to ingratiate himself

(1) Mackenzie 179, 187.

(2) E.U.T. Rothes to Lauderdale Feb. 4th. 1671.

with this new luminary in the political firmament. At the same time as mistress of the supreme minister of state the future Duchess exercised a patronage and influence, which brought to her feet many suppliants prepared to pay dearly for her favour.

The next step was to alienate Lauderdale's friends, and so leave her a clear field for her unscrupulous activities. Knowing her lover's vanity and love of omnipotence she represented him as under the tutelage of his colleagues particularly of Tweeddale and Moray. Such a thought was unbearable to the autocratic Lauderdale, and he broke with the only two men who could and did influence him for good. With their removal the Countess gained complete and uninterrupted sway, and under her influence the last vestiges of restraint were torn from Lauderdale's government, if government it could be called. More and more it resembled the furious lashing and stampeding of an enraged bull. Blind force, not reason, became his guide, but because he was still Prime minister, and therefore had largesse to bestow he had no lack of willing slaves, and on the retreat of Tweeddale and Moray the Earl of Kincardine succeeded as Deputy Secretary and trusted agent, and rewards in plenty were heaped upon him.

Lauderdale's own home at Highgate was broken

up in 1670, and his wife departed to end her days in France, while his daughter who had married Lord Yester, the Earl of Tweeddale's heir, retired with her children to Scotland. In January 1671 the Countess of Lauderdale died in Paris, and was buried with the pomp befitting the Vice-Queen of Scotland. Six weeks later the Countess of Dysart reigned in her stead, and was ruler of Scotland in deed as well as in name. At the same time a valuable ally was added to her court: Charles Maitland of Halton, Lauderdale's brother, and together they used Lauderdale to wring from Scotland and her people all that they could give. With the unofficial advent of the Countess of Lauderdale, the last shreds of respectability were torn from the governmental machine.

Writing of the Parliament of 1669 Mackenzies says "it was one of the main designs of our grandees amongst all this Parliament to get all power devolved over upon the Council; hoping thereby to make Parliaments unnecessary and to enhance all the government to themselves who had the Council at their devotion." (1) Mackenzie's analysis was correct, yet between 1669 and 1673 we have the curious phenomenon of Lauderdale holding frequent Parliaments as the surest means of inducing parliamentary suicide. He little realised that every session but served to quicken the inherent love of life and constitutional liberty.

(1) Mackenzie 167.

While at Whitehall the Commissioners wrangled over the Treaty of Union the Council at Edinburgh was engaged in revising the Articles for regulating the Court of Session and thereby incurring the resentment of the Advocates. When called upon to swear to the new Regulations the latter refused and withdrew for two months, from November 1670 to January 1671. (1) The Dean of the Faculty, Sir Robert Sinclair was then at London as one of the Commissioners for Union, but on his return, hoping to secure the office of Lord Advocate, he complied, and his action was the signal for the other Advocates to follow suit. Sir Robert, however, was disappointed of the Advocateship, the then holder Sir John Nisbet refusing to renounce it for the Presidency of the Session, which was given to Sir James Dalrymple a supporter of Lauderdale. The Regulations after much opposition were ratified in the Parliament of 1672, Maitland of Halton urging that by their ratification Lauderdale would secure popular favour, since the new Regulations restricted Advocate^{s'} fees and shortened processes. Parliament maintained that the act was not one act but many, and that each Article should be read and voted separately. They were debated separately, but were voted as one a proceeding which outraged Sir George Mackenzie's legal conscience. (2)

(1) P.C.R. III. 239.

(2) A.P.S. VIII. 90? Mackenzie 213-4, 234-5.

By this attack on the advocates, and his appointment to the Session of persons totally incompetent, such as Maitland of Halton, and Ramsay Provost of Edinburgh, Lauderdale lost influence which he was never able to regain. He probably realised his blunder, but it was typical of the changed nature of the man that instead of trying to retrieve it he continued to aggravate it, hoping to gain by bullying what formerly he had achieved by diplomacy.

As of yore, the activities of the Council between the second and third sessions of Lauderdale's Parliament were concentrated mainly on the task of breaking the spirit of the Covenanters, and the greater the concentration the greater the confusion in the country, and it was felt that a strong hand was needed to guide affairs from Edinburgh and not merely from Whitehall, where Lauderdale laid down the main lines of Scottish policy, and left the execution of details to Rothes and the Council. That he was not cognisant of all the activities of his Scottish colleagues is probable, but he knew their incompetent and ruthless character and could well guess the rest. Relentless and corrupt though he was, all classes realised that his was the only hand that could cope with the chaos of misgovernment, and his presence in Scotland during the year 1671 was eagerly sought. "Your Lordships presence heare next

spring will be indispensably necessary. If it were not for the expectation of that I am persuaded things would not be long without falling into greater confusion than perhaps your lordship doth imagine," wrote Sir William in September 1671, (1) and others including Archbishop Sharp added their entreaties. Lauderdale was equally anxious to come north to hold a Parliament, but he considered it would be wise to ensure the success of a personal mission by previously crippling the influence of the Chancellor, and to this end in November 1671 he persuaded Charles to deprive Rothes of the Presidency of the Council, and bestow it on himself. (2) Thus, holding in his own hands the chief offices of state, and backed by royal support, Lauderdale was at the zenith of his power. To maintain his prestige during his absence and act as Deputy Secretary the Earl of Kincardine was installed at Whitehall.

On June 12th. 1672 Parliament met for its third session, and the members were amazed to find the new Duchess of Lauderdale and her ladies present to hear the reading of the King's speech. Such an innovation was heartily resented by the feudally minded Scotsmen, and their no less conservatively inclined women folks. The royal letter enlightened the members as to why Parliament was summoned:

(1) 23135 f. 90.

(2) L.P. II. 216.

"Our principall design in calling you together at this time is that yow may consider your owne security, alswell as our honour and interest now whilst wee are engaged in a very just and necessary war against the Staits Generall of the United Provinces; and that yow may provide fitting remedies against all accidents that may befall throw this occasion"? and with great magnanimity it was affirmed that they would only be called upon to provide for the protection of Scotland.(1) The "fitting remedies" for that purpose were left to the discretion of the Commissioner who received a special eulogy from the King for his past services. The Parliament in reply to the letter declared themselves "readie on all occasions with cheerfulness to offer our lives and fortunes in this and everie cause wherein they or any of them may be concerned and so settle the militia as that the forces of this kingdom may be in readiness whenever your Majestie shall be pleased to make use of them"; and their offer speedily found practical expression in an "Act for settling the Militia" which ratified and amplified the Militia Acts of 1663 and 1669.(2)

No mention of supply was made in the King's letter, but the Commissioner evidently conceived that to be

(1)A.P.S.VIII.57.

(2)A.P.S.VIII.58.

one of the fitting remedies left to his discretion, and on July 6th. an act was passed granting the King five months' cess, but allowing landowners the retention of one sixth of their annual rent for one year. (1) The motion for the supply was, at the instigation of Lauderdale, proposed in the Articles by the Earl of Argyll, and met with little opposition, but the act met with a very different reception in Parliament. The members urged that the King had made no mention of a supply, and that the war with the Dutch affected Scotland not at all except in so far as it injured her trade. The burgess member for Inverurie had the temerity to plead for time to consult the constituencies, and was summoned by the Commissioner to the Bar of the House for his presumption. The President of the Session suggested, that in order to save time, he should be imprisoned until the question of the subsidy was settled, when Parliament would deal with him. But next day, in spite of the fact that several members had offered to appear on his behalf, the delinquent, cowed by Lauderdale, made abject and voluntary submission at the Bar of the House. His action disgusted the more virile opponents of Lauderdale's illegal methods, and served to stiffen the opposition. (2)

The ostensible purposes of the subsidy was to

(1) A.P.S.VIII.62.

(2) Mackenzie 230-1.

"maintain the forces of the kingdome and such other necess-
-arie occasions as concerne his Majesties honor or the
publict peace"; and the Commissioner refused to allow "any
limiting clause to be put in but got it a free gift to the
King". (1) He was instructed by Charles to give definite
assurances that the money should be used for the needs of
Scotland only, but the war was going none too well for
England, and under pressure from his English ministers he later
later regretted his generosity.

Lauderdale adjourned Parliament from July 26th.
to August 16th. on the pretence of giving the King time to
consider what further service Scotland could render: in re
reality the adjournment was at the behest of his Duchess
who wished to make a royal progress round Scotland to visit
her subjects and receive their homage, and like the Kings
and Queens of old, the ducal pair toured the country eating
up their revenues as they went.

Lauderdale lived to regret the breathing
space given to the King, and Parliament, for the former
urged on by Arlington, asked the Commissioner to raise in
Scotland, a force of five thousand men with money to main-
-tain them, but if five thousand were impossible then two
thousand would be welcome. Great was Lauderdale's constern-

(1) Harl. 4631. 110.

-ation at this request! "If it be known that it is to be paid to men who are to be sent into England or over sea, what shall I say? What can I answer when it will be told here this is only to ease the Exchequer of England, and the money is disposed before it come in? They will say Scotland never cost England one penny, and now what Scotland raises for the defence of Scotland will all be sent away. Judge what a fine farewell I shall take of Scotland at this rate and what a task it will be to raise money here again, since I shall never hold up my head here any more. He will be an able man who shall undertake such a task next. Certainly I am for my short life incapacitated. . . . He (the King) may have men when he pleases, but let him judge if this little money be worth such a stress this will lay on us, and let him consider that it is utterly impossible to get the money these three months." (1) Lauderdale had his way, no further cess was imposed, and it was 1674 before fresh troops were raised.

The bulk of the legislation this session was as usual directed towards safeguarding the established church, and such acts, since the members were either Episcopalian or indifferent, provoked but little discussion, but other acts - few in number certainly - wherein members individually or estates as a whole were concerned, were thoroughly and

(1) Harl. 4631.110.

usually violently debated. Such was the fate of the "Act concerning Adjudications" (1) whose object was to prevent "great and opulent estates" being sold for less than their value by means of the system known as "Comprising." The nobles in a body supported the act since it was in their interest it had been introduced. The burghs, instigated by Sir Andrew Ramsay who had secured the estate of Waughton including the Bass Rock by ~~the~~ "comprising" opposed the act, but lawyers were sent by the government to explain the act in the Convention of Royal Burghs, with the result that many burghs withdrew their opposition and the act was passed. But so unlike the original overture was the final act that the lawyers who had drafted the former refused for several years to adjudicate according to the latter. ()

The proposal to abolish the summer session of the Court of Session roused much debate, and amongst the nobles and gentry opinion was almost equally divided, but the burghs, again instigated by Ramsay who feared the effects of the abolition on the revenues of Edinburgh, opposed in a body and the summer session was continued, thanks chiefly to the pressure brought to bear on the Commissioner by Sir Andrew Ramsay.

Although he had the Provost of Edinburgh as
(1) A.P.S.VIII.93, Mackenzie 221-2.

his ally lauderdale had the misfortune in this session to cause grievous offence to the burghs, the estate on which since the Restoration he had chiefly relied. The first cause of offence was the passing of a sumptuary law which forbade the wearing of silver lace and silks, and the materials already imported were not allowed to be worn. A blow was thus dealt to the royal burghs who had the sole legal monopoly of the import of such luxuries. The offence was heightened by the passing of another act whereby the burghs of barony and regality were granted a share in the export and import trade of the country, which had hitherto been the monopoly of the royal burghs. That Lauderdale had his own axe to grind in the passing of such an act was no palliation of the offence in the eyes of the burghs royal who considered that he had betrayed them.(1)

In an endeavour to ingratiate himself with individual members and burghs Lauderdale granted many grants of fairs and markets, and also passed many ratifications of estates. Parliament's highhanded manner of dealing with the estates of the deceased Earl of Bramford and Forth caused consternation in the country, as Parliament by its action virtually arrogated to itself the arbitrary disposition of property. The estates of the Earl, to which

(1)A.P.S.VIII.71, 63.

his daughter had succeeded, ought by rights to have been retained by her husband Lord Forester's creditors, but Parliament intervened and bestowed the estates on her son, and at the same time rescinded a contract between Lord Forester and the Countess of Perth. Thus, any noble or member of Parliament could if he were powerful enough be freed from his obligations and "this were to make Parliaments the Session; to make ordinary burgesses supreme judges; and to allow Parliaments an absolute power over our estates.(1)

On September 11th. after its manifold activities, Parliament was adjourned until the 11th. of June 1673, and Lauderdale returned to Whitehall leaving his brother, the Treasurer Depute, and the Earl of Kincardine to carry on the government in Scotland.

The chief business of the Council was still the suppression of the Covenanters, but other pressing questions demanded a share of their attentions. The Dutch War was still raging, and men and more men was the cry of the English King, and the Privy Council, practically speaking, gave the recruiting officers carte blanche to take whom they could, and forcible recruiting was the order of the day. Within Edinburgh itself the Council was faced with trouble. The town had risen in wrath against their Provost (1)Mackenzie 239.

Sir Andrew Ramsay who had by illegal means maintained himself in office for ten years. In 1672 in the teeth of opposition he had again secured his own election, and a demonstration against him, led by some of the baillies was the result. Ramsay appealed to Lauderdale who harassed the Council to have those responsible for the tumult punished, but the feeling against Ramsay was so intense that an attack was made on him in Parliament in 1673, and Lauderdale, to save his own questionable reputation, induced the Provost to demit office.

During the year 1672 much suffering was caused by the grant of monopolies to the favourites of Lauderdale. The three most iniquitous were the grant of the monopoly of salt to the Earl of Mincardine, who thus had in his own hands the sale supply of the country with consequent hardship to all classes; the grant to Lord Elphinstone of all contraband liquors, which led him to encourage their import by selling licences for the purpose at exorbitant prices; and the gift to Sir John Nicholson of an imposition of twopence on every pound of tobacco imported. All three grants were well calculated to cause the maximum of hardship to the majority of the people. Fortunately their severity led to their speedy remedy.

That he was compelled to secure support by means

of lavish gifts was significant of the position in which Lauderdale now stood. Both in Scotland and in England the storm long brewing was gathering to a head. In Scotland, a formidable cabal led by Tweeddale was forming. The latter resentful because in the disposition of his estates Lauderdale had passed over his own daughter Lady Yester in favour of Halton's family, joined with the Duke of Hamilton, who bore Halton a grudge for his severe scrutiny of his accounts when Collector-general of the taxes, and together they won over the Chancellor, who was still smarting from his dismissal from the Presidency of the Council, the Earl of Queensberry and Sir William Lockhart the King's ambassador in France. The latter's share was to poison the mind of the King against Lauderdale. The Advocates in a body promised their support to Tweeddale and his friends, and a few days before Parliament met for its fourth session the burghs were induced to join the opposition. Their adhesion was the work of Sir George Mackenzie, who persuaded the Convention of Burghs then sitting to appoint as their clerk James Rocheid, in defiance of the fact that he had by order of the King been recently dismissed from the clerkship of Edinburgh. Sir Andrew Ramsay who had been instrumental in securing his dismissal violently opposed this new appointment and left the Convention. Both sides

appealed to Lauderdale, and the Provost prevailed thus sending the burghs into the arms of the Opposition who were ready with concerted measures for the confounding of the Commissioner's schemes.(1)

Lauderdale was well aware of the clamour being raised against him in Scotland, and had there not been a greater clamour in England he would not have ventured north, but the House of Commons were determined on his removal from office, and judging discretion to be the better part of valour, he secured a commission for a fourth session of Parliament, trusting to bribe or bully the members into submission.

Parliament met on November 12th.1673 and Lauderdale was not long left in doubt as to the temper of its members. The King's letter containing some generalities as to the justice of the continued war with Holland, and the necessity of coping with conventicles was read, and it was proposed that a committee be appointed to draw up an answer to it. Immediately the Duke of Hamilton, supported by several others, demanded redress of grievances before consideration of supply. What was primarily aimed at was the alteration of the constitution of the Articles which allowed Lauderdale complete control over legislation: "As (1)Mackenzie 251-3.

Nero wished all the Romans in one head that he might cut it off, so the Duke of Lauderdale would by one stroke cut off this common head of the nation assuming to the Committee of the Articles an absolute negative over the Parliament contrary to all reason, practice and records of our Parliaments, and opposite to the very essence and use of this great court, yet he asserted in Parliament, insinuated by the Earl of Kincardine to the King and done what is possible to force it on the kingdom, then which nothing can be more dangerous to the King for a commissioner who may easily pack up so small a committee by this shall have power over both King and people especially our Kings residing at a distance and the privilege of people and Parliament exposed to the lusts and passions of one minister or at best a few delegates elected by contrivance". (1)

The debate between government and opposition waxed long and furious until the Commissioner, to save the Articles, agreed to the appointment of a committee to consider grievances, and adjourned Parliament for a week. His assurance had received a severe shock and he hastened to lay his suspicions before the King: "I have great reason to believe the Earl of Shaftsbury plotted long to get me out of this employment and perhaps another who is about you who you know hath long huffed at me (though I know not for what) I am much mistaken

(1) Scotland's Grievances

if they did not designe the Duke of Monmouth to be employ-
-ed heir!(1) He professed not to understand the storm
raised against him in Scotland and in England, since the
King could dismiss him from office whenever he wished.

In the committee appointed for the redress
of grievances Lauderdale found himself driven into a
corner, and forced to consent to the abolition of the
monopolies on salt, brandy and tobacco, and three acts
were passed to that effect.(2) On December 11th., to avoid
granting further concessions, he adjourned Parliament, but
his troubles were beginning rather than ending. Judging
Holyrood to be for the present safer than Whitehall he pro-
-longed his stay in Scotland, but Tweeddale and other
members of the Party hastened south to lay their grievances
before the King.

At Court the Earl of Kincardine held the
fort for Lauderdale and the office was no sinecure. Tweed-
-dale and Hamilton, encouraged by the English malcontents,
beseiged the King with grievances, and petitions that the
Parliament should not be dissolved. On the continuance of
the Parliament they depended for the completion of their
attack on Lauderdale. The latter was in a precarious posit-
-ion. Surrounded by enemies, his only hope of political
salvation, lay in the continuance of the King's favour

(1)L.P.III.15-6.

(2)A.P.S.VIII.211-2.

towards himself, and it was Kincardine's task to counter-act the effects of the poison poured into the King's ears by the Party.

The great question which exercised both sides was whether or not the session was to be continued, or whether Parliament was to be dissolved altogether. Lauderdale was for a continued adjournment: "now if his Majesty shall think fit not to keep this Parliament at the 28th. instant, he may adjourn it to what day he pleases (for I dare not advise the dissolving during the war because I know not what may fall out) My opinion is that it be adjourned to the first or second Wednesday of June." (1) For Parliament to meet just then was the last thing Lauderdale desired. The Party were still intact and would pack the assembly with their supporters and outvote the government. "No time could be so fit for a party and so unfit for a Parliament to serve the King as the Beginning of March"? for few members would be induced to attend except a party packt for that purpose who expect great things upon changesand the generality runs after the way of preferment which now is blown over all the kingdom to be by joining with this party", which was raising hopes of the disbanding of the troops, the abolition of the

(1) Harl. 4631.112, 116.

excise and a complete change in the government of church and state."They have raised a Devil which they cannot quiet" said Lauderdale shrewdly to Charles, and the latter fearing the Devil more than the consequences of his minister's misgovernment clung to Lauderdale, who had yet one more argument for the adjournment of Parliament:"the militia and the whole power of the kingdom is engaged by act of Parliament already and if there should be need (as God forbid)the Council when the King pleases may execute his command."(1) Only two alternatives remained to Lauderdale: resignation and complete withdrawal from politics, or a deeper plunge into the wilderness of tyranny and despotism which circumstances and his own ambition had thrust upon him. The former alternative does not seem to have presented itself to his heated brain, he preferred to hack his way through all opposition and retain the supremacy.

The leaders of the Party still lingered in London urging the King to reassemble Parliament speedily, but he, primed with Lauderdale's insinuations as to their designs on the Articles and the royal prerogative generally, neither encouraged nor discouraged them. He had no intention of granting their desires, but he had not the heart to dismiss them although he knew that their prolonged sojourn

(1)Harl.4631. 114.

at Court was strengthening the Anglo-Scottish cabal for the destruction of Lauderdale. At last, promising that Parliaments should meet immediately on their return, he induced Hamilton and his friends to make haste towards Scotland, convinced that by their means the whole administration was to be reformed. Their hopes were shared by the people in and around Edinburgh who met the Duke of Hamilton at Berwick and escorted him in royal state to the capital. On March 3rd. Parliament met, only to be again adjourned, and the Party were foiled.(1)

Two days after the adjournment Lauderdale joyfully wrote to the King "you shall find me readier than all your enemies to rid you of the trouble of Scots Parliaments which I swear are now useless at the best. This I am obliged to say because you know I have been suggested ambitious to continue in this employment."(2) To Kincardine he wrote: "seeing the King hath been pleased not to turn me out I shall at my seeing his face be more willing to quite this character than ever I was to embrace it."(3) Since his continued political existence depended to all intents and purposes on an early dissolution of Parliament, his eagerness

(1)L.P.III.20,29,35, Mackenzie 265.

(2)L.P.III.36.

(3)Harl. 4631. 117.

to lay aside the commissionership was but a piece of unctuous bravade.

From now until his resignation in 1680, the sole aim of Lauderdale's policy was the complete destruction of all opposition, and during those years, the government of Scotland was but a savage, primitive, struggle for the survival of the strongest.

Chapter VI.

Lauderdale and the Burghs.

That Lauderdale had no real, disinterested desire to see Scotland commercially prosperous, is evident from his management of the royal burghs for his own political ends, and to Scotland's economic detriment. The royal burghs, as an important part of the Third Estate in Parliament, and through their own Parliament, the Convention of Royal Burghs, exercised a political influence which the astute mind of Lauderdale was quick to see could be utilised to serve his ambitions. If not so directed, it might prove strong enough to thwart those ambitions, for in the burghs if anywhere in Scotland, was to be expected that desire for constitutional liberty, and such a spirit if allowed to permeate the

country and creep into Parliament would effectually prevent all possibility of a royal despotism.

Accordingly, with an eye to the future Lauderdale laid the foundations of his connection with the burghs early. At the Restoration he befriended their agent William Thomson when he went up to London to present to the King the suit of the burghs and a "poor myte" of £1000. Thomson returned charmed with his reception at Court, and enriched by a knighthood. (1) The result of Lauderdale's good offices was that in November 1660 he was asked by the Burghs to be their representative at Court in place of Thomas Clarges who had held office under the Usurper, and he received for his services an official salary of two thousand merks per annum. (2)

His chief duty was to present to the King the trade grievances of the royal burghs, particularly with regard to the restrictions imposed by the English Act of Navigation. To secure the ear of the King was no difficult matter, and Lauderdale was able to convince him of the wisdom of dispensing with the Act of Navigation in favour of Scotland, a dispensation shortly afterwards cancelled by the jealousy of the English merchants, but Lauderdale was warmly thanked for his zeal in "obtaining our most Gracious Soverains

(1) Edinburgh Town Records Vol. XX. 109, 181 etc.

(2) 23114 f. 79, R.C.R.B. (1615-76) 526, 528-9.

dispensation with Scotland in the Act of Navigation." (1) Sir Robert Murray Provost of Edinburgh expressed the thanks of the burghs: "both the borrows and al our neighbours heir in this toune thinks it so gret favour your Lordship hath done to them that they cann never enough be thankful to your Lordship. Ther wer onlie tuo or three borrows in toune when your Lordship (letter) came. As soon as ther shall be a frequent meeting I hope they wil more fullie give a testimonie of ther thankfulness nor I can doe at present". (2) In November a Particular Convention was held at Edinburgh and a "testimonie" of 4000 merks was voted to Lauderdale. Sir Peter Wedderburn Clerk to the Privy Council who, had also been zealous for the burghs in their negotiations with the English Privy Council was given 900 merks, and in both cases the money had to be borrowed. (3)

In February 1662 Lauderdale was again called upon to justify his appointment. The burgh of regality of Bo'ness at the instigation, and through the medium of the Duke of Hamilton, was seeking to be erected into a royal burgh, an erection which threatened the prosperity of the royal burgh of Linlithgow. The latter town appealed to Lauderdale, and its member of Parliament having proved

(1) R.C.R.B. 547-8, Pagan 195.

(2) Laing Mss. Murray to Lauderdale 21st. Sept. 1661.

(2) R.C.R.B. 548.

himself in the past "forward" in the Secretary's interests the petition of Bo'ness was dismissed, and the allegiance of Linlithgow ensured for the future.(1) In the same month, probably because Lauderdale's many offices forced him to be indifferently active in the details of burghal requirements, Sir Robert Moray, Justice Clerk, was appointed to safeguard their trade interests at Whitehall, and sue for the repeal of the Navigation Act, and a commission of the burghs was appointed to "give and receive instructions to and from him as they shall see occasione, and to doe everie thing requisit." Moray accepted the agency but he could do little to break down the protective barrier against Scotland, and against which the Convention of Burghs continually battered in vain. In 1663 their grievances were rendered more intense by France extending to Scotland the duty of fifty sous per tun on all shipping so that Scotland was "in hazard to be reduced to the common condition of strangers and to losse the benefit of those antient privileges which for many ages they have enjoyed."(2)

In 1667 when, as a result of the petitions of the Scottish Privy Council, the Commission for Trade between Scotland and England was set up, the Convention of Burghs sent up an elaborate list of grievances and demands which

(1)R.C.R.B.549, 23117 f.28.

(2)R.C.R.B.552, P.C.R.I.433.

were of course ignored. At the same time, despairing of a favourable issue of the negotiations, the burghs, in opposition to the government were making a fight for the improvement of their trade with Holland. In 1667 the Scottish Staple in Holland, against the express desire of the burghs, was changed from Campvere to Dort, at the instigation, it was said, of the DeWitts whose influence was paramount at Dort, while the Orange faction dominated Campvere. Dort was very inconveniently situated for Scottish shipping, and the change was detrimental to Scottish trade, since the majority of the merchants in defiance of all rules refused to go to Dort, and traded indiscriminately with Rotterdam, Amsterdam and Campvere, and Dort as well as Scotland suffered from the infringement of the regulations.

The negotiations which led to the choice of Dort as the Scottish staple are extremely shady, and afford one more proof of the mercenary nature of Scotland's administrators. The chief agents in the transactions were Lauderdale, Sir George Downing, English Resident at the Hague, Sir William Davidson, Conservator of the Scottish privileges in the Netherlands, and Sir Andrew Ramsay Provost of Edinburgh. The moving spirit on the Dutch side was Sir George Downing, one of the numerous Vicars of Bray of the seventeenth century, whose commercial knowledge was as great as his use

of it was unscrupulous. By dint of bribery and espionage he was cognisant of all the counsels of the States General and particularly of the De Witts, and his part in the Scoto-Dutch game was probably to bring the De Witts to sue for the change of the Staple to Dort, a change eagerly sought by Dort itself, and no doubt Sir George was well paid for his aid. That he received gifts from Scotland is beyond doubt, for Tweeddale, writing to Lauderdale in March 1668, remarked that Downing had at one time received £100 from Provost Ramsay, and more from another and that the burghs themselves were now preparing to offer him, a bribe to "chamber his talk", and Tweeddale suggested that Lauderdale should contrive to make him a "bond slave" in the business, so that he would be forced to keep quiet for fear of consequences to himself. (1)

Dort also distributed her largesse in Scotland, for Lauderdale reminded Tweeddale in a letter of the considerable sum of money expected from the magistrates of Dort, and added that they were also very anxious that Scottish coal should go there, and they might even deal in Scottish salt, a transaction in which Rotterdam had treated Scotland badly. (2) The Scottish coal owners at first flatly refused to trade with Dort, but by the efforts and threats

(1) 23129 f.41.

(2) Lauderdale to Tweeddale 3rd. Dec. 1668 (Y).

of Tweeddale they were finally brought to consent- nominall^y for evasion of the obligation was frequent. To settle the dispute between the coal owners and the government Kincard-
-ine suggested that the King should exercise his prerogative to the extent of ordering them to export to Dort, or forbidding them to export at all, and the latter power was his by virtue of an act of the reign of Queen Mary, which had never been repealed. (1) Had the coal owners not capitulated Charles would most certainly, at the instigation of Lauderdale, ^{have} exercised his prerogative and ordered them to export.

The part played in the negotiations by Sir William Davidson, the Conservator, was a minor one: he was a useful tool. He owed his office entirely to Lauderdale, and to Sir Andrew Ramsay's ability to bully the Convention of Burghs into acquiescence. He was loathed by the burghs and narrowly escaped being declared incapable of all further trust, but, as Ramsay reported, because it was Lauderdale's wish the Provost did his utmost and won the day. (2) Having secured a Conservator amenable to government wishes, the next step was to appoint an equally amenable commission to go to Holland to negotiate for the establishment of the Staple. Two burgesses of Edinburgh and one of Perth were

(1) 23131 ff. 28, 36.

(2) 23129 ff. 5, 23.

appointed to fix the Staple in accordance with the wishes of the King. Instigated by Lauderdale, Charles decided for Dort.(1) The decision enraged the royal burghs and it required all Ramsay's ingenuity and brutality to prevent them defying the royal decision.(2)

Before many months elapsed Lauderdale was assailed by complaints from the Conservator at Dort. The Scottish merchants were taking the law into their own hands and trading to Rotterdam instead of to Dort, and thus defrauding the latter town of its rightful dues. The Scottish customs were also being defrauded, as goods, stowed under coals, were being regularly carried between Bo'ness and Rotterdam.(3) The complaints were continuous until 1676 when the Staple was changed to Campvere.(4)

The transactions of the years 1667-8 are important not so much from the commercial as the political point of view. They illustrate the diabolical omnipotence enjoyed by Lauderdale. From his corner in Whitehall he could manipulate the pieces not only on the Scottish board but on the English and Continental as well, and in Sir George Downing he had a partner after his own heart.

(1)R.C.R.B.601.

(2)23130 f.36.

(3)Lauderdale to Tweeddale 8th.Jan.1669 (Y).

(4)R.C.R.B.689.

Lauderdale's deliberate disregard of the wishes and well being of the burghs in the transactions of 1667-8, brought its own reward when he came to Scotland to hold Parliament in 1669, and instead of attempting to placate them he encouraged legislation which was detrimental to their prosperity. To give him his due Lauderdale did possess a measure of economic vision, but it was never allowed to clash with his own interests. In the Parliament of 1669 the burghs found a staunch champion in Sir George Mackenzie, who opposed on their behalf the iniquitous act for regulating the customs and excise, but in vain. (1) In quashing another measure the burghs were more successful, thanks to the monetary influence Sir Andrew Ramsay was able to exercise over the Commissioner. It was proposed that an act should be introduced making all tradesmen in the royal burghs free, which would have the double effect of encouraging foreigners to settle in the burghs, and also by increasing competition improve skills and workmanship, and thus improve both supply and demand. A howl of protest at this menace to their monopoly arose from the burghs, particularly from Edinburgh, and urged to it by Sir Andrew Ramsay, Lauderdale allowed the measure to drop, and the only act passed for the encouragement of foreigners was the Act for Naturalisation.

(1) A.P.S. VIII:563, Mackenzie 176-7.

As if seeking to placate the burghs at the eleventh hour Lauderdale granted many charters for holding fairs to nobles gentlemen and burghs. The multiplicity of fairs and markets hindered rather than helped municipal and national trade and were for personal and local rather than national profit.

In the session of 1672 Lauderdale again succeeded in alienating the burghs by passing a sumptuary law, forbidding the wearing of silver lace and silk stuffs, in order to encourage the manufacture of such materials within the kingdom, and also to check the extravagance of the well-to-do. The royal burghs had the monopoly of the import of such luxuries so that a heavy blow was struck at their prosperity, a blow made heavier by the fact that the stuffs already imported were not allowed to be worn. Their alarm, however, was premature, for the act like all sumptuary acts soon joined the limbo of forgotten things. (1)

More injurious to their prosperity than the sumptuary act was the "Act concerning the Priviledges of the Burghs Royall" (2) which broke the monopoly of the royal burghs in favour of the burghs of regality and barony. The act was the result of a private dispute between the royal burgh of Stirling and the unfree burgh of Falkirk, which had persisted in trading in defiance of the rules confining

(1) A.P.S.VIII.71.

(2) A.P.S.VIII.63.

trading to the royal burghs. The dispute was brought into the Session, but Sir George Mackenzie moved that it be brought into Parliament since the whole question of the relations between the free and unfree burghs was involved. Lauderdale as lord of the unfree burgh of Musselburgh supported the cause of Falkirk, and the decision was embodied in the General Act allowing unfree burghs to export corn and manufactured goods, and to import timber, iron and other necessities, while the royal burghs still retained the monopoly of the import of luxuries, a monopoly threatened by the sumptuary act, "but by these two acts Lauderdale lost the affection of the Burghs Royal, who did formerly depend upon him as their Agent at Court; which employment he wisely desired at his Majesty's Restoration, knowing it would secure him that third estate of Parliament⁽¹⁾"

The result of Lauderdale's betrayal of the burghs was seen in 1674, when the latter in their Convention defied the commands of the King. Strictly speaking only resident merchants could be elected to represent the burghs in Parliament but the rule was so generally disregarded as to be almost obsolete, and non-residence was the rule rather than the exception. Lauderdale, casting about for a means whereby he might more potently exercise his influence over the burgesses in Parliament, induced the King to

(1) Mackenzie 227.

write to the Convention of Burghs requesting them in future to obey the acts of Parliament and Convention of Burghs stipulating residence as a necessary qualification for a burghess member of Parliament, and implying that non-observance of this stipulation was the cause of any decline in their prosperity. The Convention, with unexpected spirit, replied that the decline of the royal burghs was in no way due to the election of non-residents but rather to the acts in favour of the burghs of barony and regality, and instead of a letter of humble acquiescence sent "ane impertinent return, wherein they arrayne acts of Parliament and advyse us forsooth to call a Parliament." (1) The three burghesses of Edinburgh including the Provost, and the Provost of Perth withdrew, but the other burghs were unanimous in their approval of the letter.

The result of their temerity was only what might be expected from a monarch such as Charles, and a minister like Lauderdale. The former was furious at this flouting of his commands, and what made the offence more heinous was the fact that though the Convention held at Stirling in July 1674 had been warned of the King's letter, it deliberately adjourned before its arrival, so that it was not until the Convention held at Edinburgh in August that the royal

(1) P.C.R. IV. 318.

letter was presented. On the receipt of the burgh's reply Charles immediately ordered the Privy Council to arrest those chiefly concerned, the Provosts of Jedburgh, Aberdeen and Glasgow. They were tried and declared incapable of further trust within the kingdom, and were fined 1000 merks scots, £1000 scots and £4000 scots respectively and to remain in prison until they found surety for the amount. The respective burghs disowned the actions of their Provosts, and sent abject apologies to the King. In January 1675 a Convention of Burghs at Edinburgh disowned the actions of its predecessor, ordered the offending letter to be deleted from the records, and craved the pardon of the King. (1) Subserviency more abject than ever succeeded their momentary independence.

Lauderdale's domination of Edinburgh was so constant and so notorious that it demands separate discussion, but only distance prevented the other burghs being similarly dominated, and individual burgesses if sufficiently unscrupulous could always rely on the support of the Secretary against burghs threatening to prove recalcitrant. In 1674 Perth was faced with the same difficulty as faced Edinburgh in 1672. The Provost Sir Patrick Thriepland had, like Sir Andrew Ramsay, maintained himself

(1) 23137 f.9, 35125 f.244, R.C.R.B. 639-644, 649, P.C.R. 328, 342
346 et passim.

himself in office for eleven years, and during that time had illegally administered the affairs of the burgh for the benefit of himself and his friends. In 1674 a section of the citizens rose against him and violently opposed his re-election. The dispute was referred to the Privy Council, and because Thriepland was a staunch upholder of the government side in Parliament, a decision in his favour was given, and he continued Provost. (1)

Neither burghs individually nor the Convention as a whole could hope to make headway against Lauderdale, for any sign of opposition and independence could be crushed by a threat to invoke the royal prerogative in the sphere of trade, and the narrow, municipal outlook of the burghs made them particularly sensitive to such threats. At the Restoration the burghs had hoped by their sycophancy and subserviency to maintain their privileges intact, but they found that their trusted agent, Lauderdale, used them as a means to an end, and sacrificed their interests to his own ambitions.

Lauderdale's domination of the burghs as a whole was exercised mainly through Edinburgh, which had to endure from him attentions unpleasantly close and personal: attentions which began with the Restoration and (1)P.C.R.IV.552-571.

ended with his death.

In 1660 the ambassador of the burghs to Court was William Thomson, Town Clerk of Edinburgh, who was thus able to perform the double duty of representing the burghs in general and Edinburgh in particular. The success of his embassy was reflected in his return to Edinburgh as a knight, but the Provost, Sir James Stewart, did not fare so well at the hands of his monarch. For his concurrence with the rule of the Usurper, he was ordered to be imprisoned in Edinburgh Castle, and to be deprived of his Provostship. In September 1660 the Chancellor Glencairn sent a letter to the Convention of Burghs commanding that only those of known loyalty to the King should be elected magistrates, and in accordance with the letter Robert Murray, later Sir Robert Murray, was chosen Provost. The appointment was not altogether pleasing to Lauderdale, who found the new Provost less subservient than he might have been, and somewhat reluctant to part with the Town's money for the benefit of the Secretary, and his refusal to accommodate the latter by purchasing the citadel of Leith for the enormous sum of £6000 widened the breach, and in 1662 Murray was not re-elected to office.

His successor was Sir Andrew Ramsay who immediately earned the gratitude of Lauderdale by persuading the Town to buy the citadel at Lauderdale's own price, (1) and

(1) Edinburgh Town Records Vol. XXI, 131, 134, 144, 167, Vol. XXII 50
58, 59, 61, 66, 67, 68, 70.

on the principle of one good turn deserving another, the latter some years later persuaded the King to buy from Ramsay the Bass Rock. The transaction was a gigantic fraud perpetrated on the King, and devised and carried out by Lauderdale and Ramsay. The Rock came into the possession of the latter through the marriage of his son with the daughter of the bankrupt laird of Naughton. The Rock was useless to Ramsay, and since he had obliged Lauderdale on several accounts "not omitting the citadel" the latter undertook to magnify to the King its strategic and military value, although under no illusions as to its worthlessness, strategically and economically. The Commissioners of the Treasury and others strongly deprecated the purchase, but could do nothing to hinder it, though the Earl of Dundonald swore that he would not allow the Treasury to pay the money "till the King were told of his being cheated". Kincardine was equally frank: "Sir Andrew Ramsay hath sold the Basse to the King for 4000 lib. sterling and to make it the more plausible hath represented that there is a debt of 2500 lib. st. owing him. The Basse itself I am told is but worth 100 lib. a yeare and hardly that of free rent, and that being of a casual nature is hardly thought worth above 10 or 12 years purchase The King may give what he pleaseth for the Basse, but it will not be fit to take notice of that debt

for fear of the preparative, there being very many great summes much more favourable then that debt.(1) Tweeddale urged Lauderdale not to give more for it than it was worth "for in all things we most indeavour to lett the nation see the King is not to be abused".(2) That Charles realised that a "goose nest" had become a "royal rocke" is unlikely. He readily believed that he had gained a fortress and military prison of great value, and Lauderdale was zealous to foster the belief, and in addition had himself made Governor of the Bass.(3)

Previous to the purchase of the Bass Rock Lauderdale, at the suggestion of Ramsay, had secured a government pension of £200 sterling yearly for the Provost of Edinburgh. Since Ramsay determined to retain the Provostship in his own hands, and later if possible in his own family, his magnanimity in securing a pension for the Provost is quite comprehensible, and he declared himself "not unmyndfull of the favour your Lordship put both on the good Toune and me in procureing the Provost a pension of two hundreth pounds a year to be detained in their oune hand out of their proportion of excyse."(4) Whether or not in an effort to ensure prompt payment of his pension, the

(1) 23135 f.5, 23134 f.185.

(2) 23131 f.111.

(3) 35125 f.244.

(4) 23130 f.10.

Provost and four of the baillies were in 1667 accused by the
by the Commissioners of excise for the shire of Edinburgh
of having "att ther owne hand without any lawfull warrand
taken upon them to double the said imposition," namely the
imposition on ale and beer imported into the city. A
committee of Council was appointed to hear both parties,
but the influence Ramsay was able to bring to bear, effect-
-ively prevented the condemnation of the offenders. (1)

In 1668 the gift of the imposition on ale and
beer granted to Edinburgh at the Restoration, was due for
renewal, and Lauderdale's aid was again enlisted. In return
for a bribe of £5000 sterling he secured the renewal for
eleven years, in direct opposition to the wishes of the
shire, which suffered heavily through the imposition, and
which indeed benefited only the Provost and a few of his
friends. (2)

Ramsay's ambition increased with his prosperity,
and he was accused by Lauderdale of seeking the help of the
Primate to have himself made a Privy Councillor, a Lord of
Session, or a Commissioner of Treasury. Ramsay denied
courting the Archbishop, and declared he would only rise
through the agency of Lauderdale. His faith was justified.
He became a Privy Councillor, a Lord of Session and a

(1) P.C.R. II. 395.

(2) 23130 f. 125, Scotland's Grievances 24.

Commissioner of Exchequer, and Colonel of a regiment in the militia, while his son was made a major with a yearly allowance of £100 sterling. His appointment to the Session was most strongly opposed, since in addition to his ignorance and incompetence, he was the creature of Lauderdale, and there to serve his ends. But his period of prosperity was nearing an end. He had maintained himself in office by bribery and corruption, by "sinistrôus methods and contry--vances". Like the Italian merchant princes of old he wished to perpetuate the government of the city in his own family, a determination strengthened when the Provost was granted a pension. Had his ally and accomplice, Lauderdale, not deserted him when trouble came, his downfall would probably have been postponed for a few years.

In October 1672 the discontent of the citizens of Edinburgh with their Provost came to a head. "In this office of Provost he had governed most tyrannically for ten years, applying the common good to himself and friends, and inventing new though unnecessary employments within the town to oblige those who depended upon him", (1) and the Town Council venial though it was considered it was time to put a period to his activities. His election, which as usual he had expected to carry with a high hand was of doubtful

(1) Mackenzie 247.

legality since "he really lost the office by voices, two of those voices which were numbered for him being only conditionally" (1) but by sheer bullying he had the result declared in his favour, and the consequence was a demonstration against the election, headed by one of the magistrates, Francis Kinloch, Ramsay, knowing how Whitehall regarded any disturbance in Edinburgh, wrote to Lauderdale magnifying the demonstration to a tumult, and advising a Privy Council inquiry. The King, since the Provostship was held by royal sanction, considered opposition to be disaffection and disloyalty, and ordered an inquiry. The Town enlisted the services of Sir George Mackenzie to plead their cause with the King, and authorised him to promise that if Ramsay would demit office they would exonerate him from all past offences, and continue his son in the clerkship, but they refused to endure longer his "perpetual Dictatorship". Mackenzie also added that the Lords of Session were averse to any of their number holding external offices such as a Provostship. (1) Meanwhile the Privy Council made lengthy inquiry into the alleged tumult, and reported to Lauderdale that they could find little proof of a tumult and the matter was dropped. But Ramsay, anxious to safeguard his election for the future, attempted through Lauderdale, to have the prosecution continued. He failed, but secured the dismissal (1)32094 f.270.

of James Rocheid the Town Clerk who opposed his dictatorship. This act roused the resentment of the town against Lauderdale, and he, fearful of losing his popularity and prestige, had Rocheid restored ten weeks after his dismissal.

Ramsay's success in the election of 1672 only served to infuriate his enemies, municipal and political, and in the Parliament of 1673 "Articles of Accusatione and Indytment" were given in against him by Francis Kinloch, late Dean of Guild and six of the baillies, at the instigation of Lauderdale's enemies. ⁽¹⁾ The intended prosecution alarmed the latter who realised that a parliamentary investigation would reveal his own intromissions as well as those of the Provost. He had the business remitted to the Articles, and then attempted to have it referred to the ordinary courts, but Parliament, seeing through his designs, proved adamant, and to save his own reputation he urged Ramsay to ~~demit~~ office voluntarily, promising to safeguard him in all his offices when Parliament adjourned. Parliament adjourned a few days later, but Lauderdale made no attempt to vindicate his promise, and left Ramsay to bear the burden of their joint iniquities. He was dismissed from the Session, but retained his seat in the Council. His disgrace was deserved but he was a scapegoat rather than an original sinner, and the

(1) A.P.S. VIII. App. 28.

comment of the author of "Scotland's Grievances" was indicative of the opinion of the whole nation: "I doe indeed take Sir Andrew Ramsay with reference to my Lord Lauderdale and the city of Edinburgh, to be a very exact modell of Lauderdale himself in order to his Majestie and all Scotland, and therefore the more ingratfull is his confidence, that under such a pressing conviction should not relieve his Majestie and the kingdom in compleeting the similitude by a spontaneous dimission".(1) Lauderdale did not oblige, nor did he sever his connection with the "Good Toune."

When September 1673 approached, the Privy Council took precautions to prevent a repetition of the disturbances of 1672, and laid down regulations for the conduct of the elections. On election day the leets were drawn up in the forenoon, and the elections made in the afternoon. Formerly several days had been allowed to elapse between the two processes, and trouble often arose in the interval, now that danger was obviated.(2) In 1674 the Town attempted to outwit the royal commands by holding their elections on Michaelmas day instead of the first Tuesday after Michaelmas, but the King was warned of their intention, and ordered the Privy Council to see to it that

(1) Scotland's Grievances 25-7, P.C.R. LLL. 605, IV. 4, Town Records Vol. XXVII.

(2) P.C.R. IV. 103.

no new elections were made, and that the Provost and magistrates at present in office should be continued. The royal interference increased the dissension in the Council, and in September 1675 the King "being now informed that some persons in the Town Council doe still factiously design to perpetuat their own faction" (1) ordered the removal of twelve of the Council including the Dean of Guild and the Treasurer. After abject submission the delinquents were readmitted to office. Defiance was futile, the King had the whip-hand, and compliance was always the more profitable policy.

It was not only on behalf of the Provosts that Lauderdale interfered in the municipal affairs of Edinburgh. Sir William Thomson, of Restoration fame, and Clerk of Edinburgh until 1664, enjoyed his patronage until his death in April 1675, and but for Lauderdale would have suffered severely for his omissions while in office. In 1661, in addition to the clerkship he was given the collectorship of the impost on ale, beer and wine, an impost which meant a revenue of 80,000 merks to the town, and a salary of 6,500 merks to Thomson, but in 1664 for omitting to secure the signature of the tacksmen to the tack already signed by the Town, he was dismissed from both offices. The deacons

(1)P.C.R.IV.469, 23136 ff.196,204,206.

of the crafts opposed his dismissal as not being by the authority of the whole council, but the protest was ignored, and others appointed to carry on the work. In 1668 William Ramsay, son of the Provost and James Rocheid were appointed joint clerks, and in 1670 were re-elected for life, all acts declaring annual elections necessary being rescinded. At the same time they agreed to pay Thomson, the deposed clerk, 4000 merks yearly until his death, an agreement which was the result of six years zealous courting on the part of the latter. He had appealed to the Council and Session, and finally to the "noble earle" Lauderdale who brought pressure to bear on Sir Andrew Ramsay, who was responsible for the final transaction.

Until Thomson's death the two joint clerks were allowed by the Town 1000 merks yearly. William Ramsay was only a boy when appointed, and deputies carried on the work while he pursued his studies at home and abroad, but so long as the money went into the family pocket, Provost Ramsay was indifferent as to whether or not the Town's business was properly conducted. (1)

With the disgrace of Sir Andrew Ramsay, and the evident implication of Lauderdale, it might have been expected that the Town would have seized the opportunity to free

(1) Town Records XX.253, XXI.10, 15, XXIII.36, 44, XXV.108, XXVI.130, 162, XXVII.168-70, XXIX.58.

themselves from the trammels of the government, but the connection was too profitable for succeeding Provosts to prove squeamish, and Lauderdale and the Town continued as before to play into one another's hands. In the Parliament of 1672, when Ramsay was still Provost he had obliged the Town by dropping a measure for the abolition of the summer session of the Court of Session. The Lords of Session themselves were mostly desirous of the change, for summer was the season when they could do most on their estates, and also Edinburgh was particularly unwholesome and unbearable at that time of the year. Arguments, plausibly patriotic, were urged for and against, but the deciding factor was Edinburgh. The absence of the Lords of Session from the Town during the summer would seriously affect the municipal revenues. Pressure was brought to bear on Lauderdale and the session was continued. It was freely rumoured, and probably with reason, that the Town, through the medium of Sir Andrew Ramsay had bribed the Duchess to prevail on her Lord to gainsay the royal command and drop the act. (1)

In 1680 the Duchess was again to the fore with her aid. In that year the gift of the imposition on ale and beer expired, and James Rocheid was sent up to Court to secure its renewal through the medium of Lauderdale.

(1) Mackenzie 222-225.

The negotiations were long drawn out: Rocheid went up to London in March 1680, and it was not until November that an agreement was reached. The interval was occupied with assiduous courting of Lauderdale and his Duchess, particularly of the latter who was careful not to sell her favours too cheaply. In the end an agreement was reached, and Lauderdale wrote to the Commissioners of the Exchequer to ensure the easy passage of the gift through the Exchequer. He also undertook to allay the resentment of the gentlemen of the shire of Midlothian and the Writers to the Signet. (1) In return for his services the Good Town "did willingly offer and give him the somme of sex thousand pounds sterling wherof fiftein hundred pound sterling when to be given presently and fyve hundred pound sterling when the Provost for the tyme shall think fitt." Rocheid for his services was given £400 sterling and plate to the value of £50 with apologies for the Council's inability to give him more.

The Duke and Duchess, or rather only the Duchess, for the Duke had had the gift transferred to her- had considerable difficulty in obtaining payment of the money, and the Duchess plagued her "friends" in Edinburgh particularly the Earl of Moray to urge the town to speedy payment. She, from the outset, had been the moving spirit in the ~~deal~~ and it

transpired later that she and Rocheid had agreed that the gratuity should be fixed at £6000 sterling, £5000 of which was to go to the Duchess, the other £1000 being retained by Rocheid for the benefit of his father-in-law, Francis Kinloch, late Provost. When the Town discovered the fraud Rocheid was dismissed, but he appealed to Charles and was exonerated and restored to office. (1)

Municipal politics like national were sordid and mercenary, and Edinburgh as the leading burgh and the handmaid of the government led the way in dishonesty and corruption. The unhealthy interdependence of national and municipal politics stunted and perverted municipal government, and made it ~~the~~ counterpart of the national administration.

(1) Town Records VOL. XXIX 222, 242, 274, XXXI. 114.

(2) Moray Letters. 380, 395, 399, 400. (pp. 504, 524, 528, 531.)

Chapter VII.

Lauderdale as an English Statesman.

Bitter as was the feeling against Lauderdale in Scotland during the winter and spring of 1673-4, even more intense was the hatred he had roused in England, and henceforth neither Holyrood nor Whitehall was a refuge from the combined intrigues of his Scottish and English enemies.

Mr. Osmund Airy estimates his position in English politics thus: "Hitherto historians have treated him chiefly as an English politician, as a member of the famous Cabal,⁽¹⁾ As such, however, he has neither individuality nor importance." The historians who regard Lauderdale primarily as an English statesman do him a grave injustice; so also does Mr. Airy

(1) Quarterly Review. No. 157, p. 407.

who would deny him any real influence and importance in English affairs. The truth lies midway between the two asseverations, but that two such divergent views should be held is eloquent testimony to the vital yet unobtrusive part played by Lauderdale in English history. He was above all things, prime minister of Scotland, and from the supremacy which that office afforded him grew his other activities and desires. The primacy of Scotland whetted his ambitions to see his King independent of the English Parliament, and to that end he shaped his policy in England.

What influence Lauderdale enjoyed in English counsels he owed in the first place to his friendship with, and influence over Charles. Unsupported by him his presence in the English Council would not have been tolerated one instant, while he on the other hand in 1660 was powerless to prevent the inclusion of Englishmen in the Scottish Council at Whitehall. He valued his seat in the English Council, and was careful to do nothing to prejudice its continuance, but he was too practised a politician not to know that, while Clarendon dominated the board, all the influence that he could hope to wield was through the medium of individuals, and not in open debate. Just because he was a Scotsman in the English camp, he realised that as a member of the English Council he must remain outwardly a cipher, but because he

was Secretary for Scotland, his advice as a private individual was valued by certain of his English colleagues.

Such was Lauderdale's position in English politics in the seven years succeeding the Restoration when Clarendon swayed English counsels. His connection with English politics then, was indeed of a negative nature, and consisted mainly of stemming the tide of English interference which threatened to swamp Scotland. Of positive influence he had little. Clarendon hated him too cordially, and guided the King with too firm a hand to allow a mere Scotsman's views to bear fruit in English policy. Both ministers cherished similar dreams for their monarch, but mutual hatred forbade combined action, and not until Clarendon's removal could Lauderdale exercise over Charles the full potency of his spell. (1)

Clarendon disgraced, and far removed from Whitehall, Charles and his ministers were of a sudden possessed of an energy and activity that boded well for the future, and Lauderdale's negative, defensive policy was slowly but surely transformed into a positive practical influence in English affairs. Charles now enjoyed a freedom of action hitherto unknown, and was master in his own government, and the soft arts of flattery and cajolery took the place of

(1) Christie's Life of Shaftsbury. I. 273. "Lauderdale is united with Ashley, Lord Roberts, and some others who spare no pains to ruin Clarendon in the free convivial entertainments which are of daily occurrence."

Clarendon's blunt commands. Lauderdale, because he was the most proficient in such arts acquired over Charles an influence never attained by his English colleagues. Given time to mould his King to his will, Lauderdale felt that there was nothing he could not achieve in Scotland or in England.

From 1667 Lauderdale's influence in English politics rapidly increased, and in 1670 his importance was openly recognised by his inclusion in the famous cabal with Clifford, Arlington, Buckingham and Ashley. That the business of the Cabal was to keep foreign policy free from parliamentary control rather than to assist in the administration, Lauderdale probably realised at the outset, and it was a scheme after his own heart, and in keeping with his ambitions for Charles. The tangled web of intrigue which Charles and Louis of France wove belongs to English and continental history, and touches Scotland but seldom, but the Scottish Secretary played no unimportant part in the weaving. (1)

On May 22nd. 1670 was signed a "Secret treaty of perpetual league and confederacy between the King of Great Britain and the most Christian King" wherein Charles agreed amongst other clauses to establish the Catholic

(1) C.S.P.D. 12th. March 1670.

religion in England in return for a pension from Louis. Only the Catholic members of the Cabal, Clifford and Arlington, knew of this treaty, as it was thought that the loyalty of the other three would not stand the strain of the proposed reversion to Popery. But Charles felt that it would be safer for himself when the day of reckoning came, if he had more scapegoats to share the odium of so infamous a league, made in defiance of the unanimous opinion of the English people who favoured Spain rather than France. Accordingly he arranged that a second treaty should be drawn up, apparently on the suggestion of Buckingham, to which were affixed the signatures of Buckingham, Ashley and Lauderdale, but no mention was made of the conversion of the King, mutual defence against Holland being the chief provision. Lauderdale willingly signed the treaty, not because he had any strong bias on the question but because his sovereign willed it. (1) That other motives than loyalty expedited the signing of the treaty has been amply proved. Colbert the French ambassador was authorised to distribute largesse to encourage speedy consummation. His comment on the avarice of Buckingham and his two allies ^{is} amusing: "Je crains que l'appetit de ces nouveaux commissaires ne foit grand". (2) On 2nd April, he intimated that he had given Lauderdale a gift, and since the

(1) M.O.P.50.

(2) D(alrymple's) M(emoirs) II.81

latter was now the husband of the Countess of Dysart its amount would certainly not be small. The other commissioners of both treaties were similarly rewarded, the Countess of Shrewsbury receiving a special award for the influence she was able to exercise over her lover the Duke of Buckingham.

Once he had safely engaged his ministers in the treaties with France, and seen their honour further compromised by the acceptance of bribes, Charles was less careful to cultivate their goodwill, and deliberately invited Buckingham's resentment by depriving him of the command of the English troops in France. The Cabal had served its purpose, its downfall would now be more welcome than otherwise. Its members felt the weight of the secret treaties lie heavy on them, and they considered shifting the onus by having a third treaty drawn up to which others should be admitted, but other counsels prevailed, and the confederates agreed that for the time being at any rate their safety lay in supporting the counsels of the King. Consequently the Cabal was unanimous in advocating war with the United Provinces and a measure of toleration for the Dissenters. Lauderdale was particularly eager for the latter measure, for he contemplated bestowing on Scotland a similar indulgence. On 15th. March 1672 Charles issued by virtue of his dispensing power the Declaration of Indulgence, and on March 17th. war was declared on Holland.

To celebrate his triumphs over his Parliament Charles bestowed what might be called farewell honours on the Cabal since its demise was daily expected. Clifford was raised to the peerage as Lord Clifford of Chudleigh, Arlington and Ashley became Earls of Arlington and Shaftsbury respectively and Lauderdale was made a Duke in the Scottish peerage, while Clifford was further honoured by receiving the office of Lord Treasurer, much to the chagrin of Arlington who considered that he had been slighted by the promotion of Clifford,

The triumphs and prizes which Charles had hoped to win in the war did not materialise: indeed Fortune treated him but scurvily, and in February 1673 he was forced to call a Parliament to secure further supplies for his campaign. He was met with a determined "no supply without redress of grievances", and the special grievance was the Declaration of Indulgence. Until Charles consented to its withdrawal the Commons flatly refused to consider a subsidy. Charles and his ministers were in a quandary, and Louis no less so. Buckingham, Lauderdale and the Duke of York all urged Charles to stand firm, and make the most of this unique opportunity to vindicate his prerogative. Louis, who only wished Charles' further support in the war, instructed Louise de Keroualle and Colbert to urge Charles to yield to Parliament, and backed by Arlington they succeeded. Charles

in return for further monetary help promised to obey Parliament and continue the war.

The triumph over the King and the Cabal led Parliament to devise more measures for strengthening their cause, and the Test Act was the result. This act by which all in office civil or military were obliged to subscribe to the Anglican faith struck the deathblow to the already tottering Cabal. Clifford and the Duke of York refused to take the Test and retired from office, the latter dying by his own hand a few months later. Arlington, hoping to succeed to the Treasurership, threw in his lot with the King, after having- it was strongly suspected- informed Shaftsbury of the first Treaty of Dover. The latter, followed by Buckingham, joined the opposition in the Commons, thus finally severing his connection with the Court. Lauderdale was credited with ploughing a unique furrow: "Lauderdale alone with the impetuosity of his country's spirit and his own, urged Charles but in vain to march the Scottish army into England, and when he could not prevail, joined in the national complaints against the Duke hoping by that mean to keep them off himself." (1) The historian was wise after the event. He credits Lauderdale with that crime of which England would fain have found him guilty. However much

(1) D.M.I. 35.

Lauderdale longed to overthrow the House of Commons by means of a Scottish army, he knew the wish was futile, and never more so than when he boasted of the army ready and willing to go whither the King pleased. That he maligned the Duke of York in order to divert attention from himself is extremely improbable. The friendship between the two men remained unimpaired, the Duke appreciating Lauderdale's success as ruler of Scotland, and the latter cultivating the Duke as his future sovereign.

In October 1673 Parliament reassembled, and led by Shaftsbury and Sir William Coventry demanded the cessation of hostilities, and an honourable peace with the Dutch, and refused to grant supply until the King acceded to their demands. At the same time addresses were prepared for the removal of Lauderdale, Buckingham and Arlington, but before they could be presented Charles prorogued Parliament on November 3rd. for two months, and six days later Shaftsbury was deprived of the Great Seal. During the prorogation Louis furnished his ambassador Ruvigny with £10,000 with which to bribe the members of Parliament to allow Charles to continue the war. On January 7th. Parliament met, when Charles according to the plan arranged with his ministers and Louis, informed Parliament of the second Treaty of Dover, and to allay suspicions of his own Catholic

tendencies instituted greater severities against the Catholics. But this seeming candour failed of its purpose, and the Commons continued to demand peace, and the dismissal of Lauderdale and Buckingham from all employment whatsoever, characterising the former as a "person obnoxious and dangerous to the government." (1) The obnoxious and dangerous person was meanwhile in Scotland, safe from English enemies in the midst of Scottish opponents, but the conduct of his case in the Commons was carefully watched both from Whitehall and Holyrood, and he knew that so long as the King remained his friend his position was secure. The Duke of York was staunch, and as yet Monmouth was in his favour though shortly to fall under the influence of Shaftsbury; Danby's support was certain, but Prince Rupert and Secretary Coventry though fairly well inclined were tepid, and Kincardine had hard work at Court beating up supporters for his patron.

What enraged Lauderdale most at this attack by the Commons was the presumption of the English Parliament in extending their jurisdiction over him as an Scottish subject and a Scottish minister of state: "One would think they do not mean my employment in Scotland, which seems not to be under their jurisdiction " he wrote irately to the

(1) C.S.P.D. 6th. Feb. 16th. Jan. 1674.

King who soothed his servant's anxieties by promising never to banish him from his presence- "the bitterest pill of all."(1)

It was not only for his conduct as an English politician that Parliament indicted Lauderdale, but also for his activities in the Scottish Parliament; as the originator of the Militia Act which laid England open to invasion from Scotland whenever the latter country chose. The repeal of the iniquitous act was demanded, but of course in vain. In England he was accused of being one of the group of ministers who aimed at the subversion of the rights and privileges of Parliament that popery and arbitrary government might prevail, and he was also accused of affirming openly in the English Council during the promulgation of the Declaration of Indulgence, that the King's edicts were equal to laws and ought therefore to be obeyed.(2) The address against him passed the Commons with ease, but the King refused to part with his minister, and Lauderdale returned to Whitehall more arrogant than ever, and in June 1674 he was made Earl of Guikford in the English peerage.

In February 1674 Charles had made peace with Holland and now adopted the rôle of mediator between France

(1) Harl. 4631.116.
(2) 32094 f.358.

Holland and Spain and indeed of Europe: a rôle pleasing to his vanity and in no way binding on his honour. In April 1675 Parliament met with Danby and Lauderdale as leading ministers, Buckingham having been discarded after the parliamentary attack on him in 1674. Charles' continued support of Lauderdale, and the latter's open defiance of Parliament and its constitution provoked another attack on the favourite, and Gilbert Burnet was called in to supply evidence of his intention to march a Scottish army against the House of Commons. Burnet's testimony consisted in repeating a private conversation where Lauderdale in a heated moment had foolishly expressed such a sentiment. His perfidy recoiled on himself: he lost the friendship of the King and the Duke of York and had to retire in disgrace, while Lauderdale went on his way unscathed. Backed by the King, Parliament was powerless to hurt him.

The Scottish Secretary was now more than ever indispensable to his master in the conduct of his foreign policy. Parliament was clamouring for war with France, while England's neutrality was essential to the success of Louis' campaign. Charles was as usual in dire need of money, and in August 1675 he made an agreement with Louis promising in return for £100,000 per year that if Parliament continued to insist on war he should dissolve it. This treaty was known

in England only to Charles, the Duke of York, Danby and Lauderdale. In October 1675 Parliament again met and renewed the clamour for war, but on November 22nd. Charles prorogued it for twenty two months. He fulfilled the spirit though not the letter of his promise to Louis, and so was given his pension.

The bargain of August 1675 paved the way for a new secret treaty with France, which was negotiated in the spring of 1676. Lauderdale was foremost in his support of Charles' proposals which were to "unite himself strictly with you, that without waiting till it can be done by a solemn treaty, it may be begun at present in secret, by reciprocal promises in writing, which should bind him as well as your Majesty not to make any treaty with any state whatever without consent of the other." (1) Danby, having little reason to trust the honour of his King, was unwilling to be a party to a treaty, which, if known to the Commons, would mean disgrace for himself, and urged Lauderdale to join him in refusing to sign; but Lauderdale, who had little to fear from an English Parliament, and all to gain by compliance with Charles supported the treaty in its entirety, and had the honour of being "the only one in whom on this occasion he (the King) has put an entire confidence", (1) D. M. II. 101.

and as having "without comparison more zeal and respect than his colleagues."(1)

Charles, though pledged to Louis, still posed as the mediator of Europe, and used his position to keep France informed of the movements and intentions of his enemies. Pensions ensured his neutrality, but in 1677 when Parliament again met the clamour for war with France was as vehement as ever, and Charles was reduced to using French money to bribe his English subjects. "to my knowledge he (Charles) has distributed all the money he received from my hands to gain the votes he stood in need of" (2) wrote the French ambassador to Louis, and advised the continuance of monetary assistance to keep him in a "good Disposition". But Charles' "good disposition" was becoming more and more expensive, and as Parliament's determination to have war increased so also did Charles' price for proroguing or dissolving Parliament. In August 1677 a bargain was again struck, and in return for two million livres Charles promised to prorogue his Parliament until **May** 1678. Louis had again triumphed, but forces were working in union against him.

While Charles "haggled" with Louis, his minister Danby was quietly arranging for the marriage of the Princess

(1)D.M.II.106-7.

(2)D.M.II.110.

Mary with the Prince of Orange. In October the Prince arrived in England, and in November the marriage was celebrated. The aim of all four negotiators, Charles, the Duke of York, the Prince of Orange and Danby was the same, but the motives which inspired Charles and the Duke differed greatly from those of the Prince and Danby. The former wished to propose terms which Louis would readily accept, and thus there would be no rupture in the friendship with England; the latter wished to present Louis with terms whose rejection would be inevitable, and would thus supply a pretext for the renewal of the war. The Prince and Danby had their way, and on December 30th. Charles concluded a treaty with the Dutch by which the two states agreed to force France and Spain to accept the terms of peace. To show Louis the strength of his determination, Charles summoned Parliament on January 28th. 1678, and at the same time refused a bribe to prorogue or dissolve it. The King proving recalcitrant, Louis turned his attention to the Opposition in Parliament and distributed his largesse. (1)

The Commons before granting supply attempted to dictate to Charles the terms of future peace, terms which Louis' military successes made impossible of fulfilment. Eventually a supply was granted, but with strict appropriation to military and naval purposes. (2) Such treatment reflecting

(1) D.M. 138-9.

(2) D.M. 144-154.

on his honour, threw Charles once more into the arms of Louis, and on May 17th. a secret treaty was signed by Charles and Barillon whereby if the Dutch refused within two months to accept the terms offered by Louis in April, all the English troops were to be withdrawn from France with the exception of three thousand men to be left in Boulogne. by another clause Charles engaged in return for six thousand livres to prorogue Parliament for four months. Danby and Lauderdale were again the only two ministers cognisant of the treaty. The latter had been again attacked by Parliament, in April and an address for his removal carried, but a prorogation saved him, and he continued as before the King's evil genius, urging him deeper into his intrigues with France. (1)

The years 1678-9 saw England stirred to its depths by the infamous Popish Plot, but only the echo of the stir was heard in Scotland, and little heed was paid to it. The struggle with the Covenanters was becoming too acute for English affairs to attract attention, but panic stricken England saw in Covenant rent Scotland fresh evidences of the gigantic scheme to introduce popery, and Scottish and English enemies were not slow to accuse Lauderdale of complicity with the Catholic powers to subvert the established religions of England and Scotland. That Lauderdale was ever engaged in

(1) D.M. 162-4.

in such a scheme is untrue. He was too clever a statesman and diplomatist ever to risk his position and life by engaging in the impossible. But on the other hand it was part of his policy as the trusted agent of the King to encourage the advances of Catholics as well as Protestants. His friendship with France founded on mutual accommodation - Louis giving presents, Lauderdale conniving at the impressment of recruits, was a known and evident fact, but that he was on equally intimate terms with the Cardinal of Norfolk and other Catholic emissaries is unlikely. Lauderdale would never have been guilty of so blatant and so impolitic a flirtation with the Catholic church, and the alleged friendship of himself and his lady with the Cardinal of Norfolk was but another little move in the diplomatic game. The whole Popish Plot he characterised as a "ridiculous contrivance" but from policy he affected to believe in it when in England.

Meanwhile in the English Parliament Charles was having to submit to a stormy session which resulted in the dismissal of Danby and the banishment of the Duke of York to Brussels, while the Exclusion Bill threatened the succession itself. In April 1679 Charles dismissed the whole of his Privy Council and nominated a new one of thirty

(1) Somers' Tracts VIII.506-7.

members by whose advice he promised to govern, with no intention of keeping the promise. In the new Council were several tried loyalists including Lauderdale, Arlington, and Ormonde, but the first named continued to be the chief adviser. On May 27th. to prevent the final passing of the Bill Exclusion, Charles dissolved Parliament and the succession was for the time being safe, but the ever increasing popularity of the Duke of Monmouth presented a new problem. He was commander-in-chief of all the forces in England and Scotland, and should Charles die suddenly could present formidable opposition to James.

In August 1679 Charles became suddenly ill. and his life was despaired of, and the Duke of York was hastily summoned from Brussels. The King, however, quickly recovered, and the Duke was ordered to return to exile, but he went with less reluctance since in the interval Monmouth had been deprived of all his commands and ordered to quit the kingdom. His disgrace was the result of the joint efforts of the "triumvirate, the Duchess of Portsmouth and Lauderdale. The latter's jealousy of Monmouth was well known and in spite of his Duchess's assertions to the contrary his complicity in the design to remove him from the King's presence was undoubted. With the Duke of York on the other hand he was on the most friendly terms, and when the latter went

north to administer Scotland in October Lauderdale was zealous to guide him through the difficult and dangerous shoals of Scottish politics.

In December 1680 Lord Stafford the last victim of the Popish Plot was brought for trial before the House of Lords, and was condemned to death. Lauderdale voted for his condemnation, and thus lost for ever the friendship of the Duke of York, and with the severing of that cord Lauderdale's connection with English politics ceased. Lauderdale's position in England had been determined by his omnipotence as ~~Suber~~ of Scotland, and failure in Scotland meant failure in England.

For twelve years Lauderdale had been an active opponent of the House of Commons and of all that body signified. "This Scotch weed is like death in the pot Mors in Olla" said Shaftsbury describing the poison of Lauderdale's influence in England. An individual against an assembly! but that the Commons attempted his removal on three separate occasions is proof of the power he wielded at Whitehall. Strangely enough it was not Lauderdale's actual, positive influence on English domestic and foreign policy which the Commons hated so much but the potentialities of his position as Prime minister of Scotland. The English feared him for his braggart words that in Scotland

he had an army ready and willing to march into England on behalf of the King. That threat rankled always. It had a bad effect on the morale of a Parliament which had come through the reactions of the Civil War, the Commonwealth and Protectorate, and the restored monarchy. They feared the repetition of Civil War, and they feared the renewal of the despotism of Charles I., and the combined fear working on their yet somewhat unformed constitution led them to see in Lauderdale's threats, certainties, which commonsense and observation might have told them would never materialise.

They saw in Lauderdale a second Strafford, and indeed the similarity between the two men was not merely an apparent one. Both desired to reduce the Commons of England to the will of the King by means of a foreign army, Strafford by an Irish one, Lauderdale by a Scottish one. England herself prevented the achievement of Strafford's ambition, Scotland through no fault of her own was the the stumbling block in the way of Lauderdale's success. Strafford suffered for his ambitions for his King because he was an Englishman in England, and his King proved perfidious; Lauderdale escaped the penalty of his ambitions because he was prime minister of Scotland, and had the backing of the King of England.

It was Lauderdale's dearest ambition to see the Commons of England humbled, and Charles as omnipotent as he was in his northern kingdom, and had Scotland been able to provide the army he would in all probability have made the attempt. What the outcome would have been is certain-- disaster for Scotland. In spite of the mutual dislike that still existed between the two countries a spirit, or rather a vague indefinable feeling, for amity was spreading abroad, and Lauderdale's attempt to put back the clock would surely have failed. England was rapidly growing up, Scotland was still a somewhat impulsive child, and on the crest of an impulse she might have followed Lauderdale into England, but reaction would quickly have followed, and left the combatants as they were, and Lauderdale stranded. Yes? had Scotland had a strong well equipped army and a prosperous people she might have joined issue with the Parliament, but far more probable, had she been blessed with peace and prosperity the pleasures of peace would have absorbed her to the exclusion of war.

But speculation is profitless? A Scottish army did not invade England. Lauderdale made the mistake of preparing England for the end before he had fitted Scotland as a means to that end. But his inability to achieve the impossible in no way diminishes his importance as a factor

in English politics. He was not an English statesman: he was an all-powerful Scottish minister resident at Whitehall as the trusted servant and adviser of a despotically inclined English King, and those coincident circumstances afforded him unique opportunity of being a worm in the vitals of the English Parliament while he himself remained immune.

Chapter VIII.

The Scottish Military Establishment 1660-1680.

If proof were needed that Lauderdale could never have made Charles an independent English King, it is to be found in Scotland's military ~~history~~ for the years between the Restoration and the Revolution. That history is a sordid and depressing study, unrelieved by any of the glamour of romance and heroism that usually attends the profession of arms. The army was employed solely in the demoralising task of hunting to death the Covenanters, or in wresting over_due taxation from /

a destitute people,.Instead of protecting the country, and allowing her people to pursue their industries in peace, it preyed upon the land like an insatiable beast, and at the behest of the government wrought desolation wherever it went. The soldiers were debauched and debased, vying with their officers in their career of extortion and oppression. The officers themselves were chosen, not because of their military skill, but because the King must reward them in some fashion, and ready money being an impossibility, to grant commissions in the army where there was ample opportunity for profit was an easy solution of the difficulty. The tirades of Dalziel to Lauderdale against the officers whom he had thrust upon him, are eloquent of the accepted condition of affairs in the Scottish army. In 1679 when he was made commander-in-chief in succession to the Duke of Monmouth conditions were especially disgraceful. "The baid order of this airme shoues origenale for want of disseplen . . . mane ofesers heir imagen ther plewis ar onle bestaud on thaim for ingyngs to draue munay be and if thay compier on the daye of batel thar dyoute is over to the next rebeleon . . . his stanen forsis as bad and vors then the militia . . . we deserve not our breid." In another letter he waxed even fiercer in his criticism: "thois whois aprenticeship heve been onle amonges the

cavalre ar no mit ofesers for fut. If your greis ken find yung brisk gentlemen whois geneus moier then thar nesesate promps tham to the war would be the fitest nursare for ofesers . . . it is notor to all that thois for the moist pairt of the noblemen and gentlemen emploiet in the laist leveis luiks on it as a reward for thair mereit without ane oblegation layen on tham for dischargen the leist dute incuben to an ofeser, yit moist noble omits not presisile to tack ther pay with all the profet thair charg can asurd." On another occasion he savagely remarks "if bayen and selen of plesis war sent bak to Paris it would not be amis." (1) The army like the Treasury and the law was a preserve where the plums went to reward noble needs, and since it was used almost exclusively to dragoon the Covenanters, only the lowest type of soldier could be induced to join. It was liittle wonder then that the army was Scotland's curse and not her national pride.

When Charles II came to the throne the only army in the country was the English army of occupation, quartered at Leith, Ayr, Inverness and Perth. In May 1662 the last of the English soldiers left, but a national army was in existence before then. In 1661 the Scottish Parliament ordered one hundred and twenty horse guards to be raised to attend the Commissioner the Earl of Middleton. (2)

(1) 35125 ff. 314, 322, 332.
 (2) A.P.S.VII.14.

The guards were the sons of nobles and gentlemen, and the command was given to the Earl of Newburgh, who was henceforth known as the Captain of the King's Guards, the regiment ~~let~~ later known as the 3rd. or ⁽¹⁾ Scots Life Guards, but commonly called then the "Blew Benders." At the same time native garrisons of foot were placed in the castles of Edinburgh, Stirling, and Dumbarton. In 1662 Middleton, to enhance his prestige and his purse, raised a second troop of guards, but these on the advice of Lauderdale were disbanded when Middleton was disgraced in 1663. (2) In 1664 Rothes followed the example of his predecessor, and raised a troop of guards which remained in existence until 1676. (3) In 1662 the first regiment of foot was raised - the Foot Guards now the Scots Guards, and at one regiment of foot, and two troops of horse the army normally remained throughout the period, though at crises and when the government could afford it new forces were levied.

In 1666, when trouble was expected from the Covenanters, a regiment of horse and one regiment of foot were raised by Major General Drummond and Lieutenant General Dalziel respectively, but both regiments, much to the chagrin of the commanders, were disbanded by order of the King in

(1) Chronicle of Scotland (mss.) B.C. 330-A.D. 1722, April 2nd. 1661
 (2) C.S.P.D. 8th. Oct. 1663 (1663-4) 1661
 (3) N.D. 421, P.C.R. IV. 537.

1667, with a view to lightening the burden on the Treasury (1). When Drummond and Dalziel were necessarily dismissed the Earl of Linlithgow, the senior regimental officer and the Captain of the Foot Guards, carried out the orders of the Privy Council with reference to the army. Between 1674 and 1676 the government raised and maintained three independent troops of horse, and a regiment of foot, the latter being commanded by Major General Sir George Monro until 1677 when he was superseded by the Earl of Linlithgow, who organised the Highland Host, and received a royal pension for his services. (2) In 1678 the Parliament, in expectation of rebellion, granted Charles a subsidy for the raising of more forces, and three troops of horse, one regiment of foot, and three companies of dragoons were levied, Graham of Claverhouse becoming colonel of the horse. (3) The foot became the Earl of Mar's regiment, now the Royal Scots Fusiliers, while the dragoons along with three other companies were in 1681 regimented under Dalziel, and are now the Royal Scots Greys. (4) In 1679 when rebellion broke out, the King revived the post of Captain General of all the forces in favour of the Duke of Monmouth, while Dalziel became Lieutenant General, and in September 1679 on the dismissal of Monmouth was made

(1) P.C.R. II.340, T.M.196.

(2) P.C.R. IV.266, 498, V.14, 299, 352.

(3) A.P.S. VIII.219, P.C.R.455.

(4) Gray 2.

commander-in-chief. (1) Linlithgow finding himself ousted from any position of real importance in the military establishment resigned after holding office for nearly twenty years, an achievement due, it was said, to his assiduous court of the Duchess of Lauderdale. He could afford to retire, having feathered his nest well, receiving in addition to his pay and illegal profits a pension of £700. After his resignation the commission of Major General was allowed to lapse. (2)

During the years 1665-6 while England was at war with Holland, Charles importuned the Scottish Privy Council to build forts and garrison Shetland to protect the island from possible attacks by the Dutch. The scheme was an absurd one. Shetland could only be effectively protected by an unbroken ring of forts round the island, since there were innumerable bays and inlets where an enemy might land. To fortify the island on so gigantic a scale was impossible, there was neither time nor money for preparations so elaborate. Rothes and his fellow councillors realising the situation as Charles could not possibly do, tried to impress on him the utter uselessness of a few isolated forts, But he was adamant, and forts were built and garrisons installed at enormous cost to the Scottish Treasury. The proceeding (1)P.C.R.VI.239,316,318, F.H.O. 122.

was doubly absurd in ~~that~~ the Shetlanders were far more friendly towards the Dutch than towards their brethren on the mainland,^{and} according to Rothes' information to Lauderdale carried on a constant trade with Holland, Hamburg, Lubeck and other cities, and all the children in Shetland above the age of six or seven could speak Dutch or Norse; also garrisons were powerless to hinder the Dutch fishing trade with and around those islands.(1) Thus all that Charles achieved by his foolish assistance was a vast expenditure of money, and the further alienation of his Shetland subjects. In 1668 the garrisons were withdrawn, and the forts left to rot. In 1671 Charles was induced to further expensive folly, this time under pressure from Lauderdale on the ~~plea~~ plea of military necessity and expediency. He was prevailed upon to purchase from Sir Andrew Ramsay Provost of Edinburgh the Bass Rock for £6000. Strategically the Bass Rock was useless, and its sole function was to house obdurate Covenanters and other opponents of the royal will.

The chief administrative staff officer of the army was the Muster Master General whose duty it was to see that the troops were fully mustered, and the Treasury not defrauded with false musters. Had he been honest and conscientious his task would have been no easy one, but usually

- (1) E.U.T. Rothes to Lauderdale 14th. March 1665, C.S.P.D. 26th. Aug. 1665 (1664-5) P.C.R. II. 366.
 (2) P.C.R. III. 392, C.S.P.D. 21st. Jan. 21st. Aug. 7th. Sept. 1671, 30th. Nov. 1672 (1672-3)

he was as venial as the officers whom he supervised, and it profited him more to connive at than to expose false musters. Theoretically officers guilty of such fraud were to be reported to the commander-in-chief, and were liable to be court-martialled and cashiered, but since all alike were guilty, one could not condemn another.

In June 1678 Lauderdale, in a letter to the Earl of Moray describes a muster of the King's Guards, and the conditions revealed there were typical of those prevailing in the whole army: "The Kings troupe comanded by the Marquis of Atholl being ordered to put ther horses to grass and the two new companies of dragunes being ordered to be mustared it was thought fit the Kings troop of Gards should be leik-ways mustered they being now to resave 3 moneths pay. This was accordingly done yesterday by the Mustermaster at Linlithgow, and in presence off the Major Generall, and befor Earl Argyle and my broxther whom I desayered to go ther to see it done as being two off the Commissioners off the Treasury. What false musters ther wer yo have mor accompt of under the Mustermasters hand, which that it may be the better understood ye shall know that by the Kings establish-ment this troupe ought to consist of 160 horsmen beside ther offiseres, and beside thos 160 horsmen the King by establishment allows 2 mens pay to the Captaine at 2 shillings

sterling per diem a peice,² to each of the two liutenants one to the cornet and on to the quartermaster, notwithstanding of which yo see by this paper the Capten hes 4 servants, and its informed on is his butler, on other the butlers man, on his porter, and on his gardner, all of them acknowledged they were his servants, and road upon his horses and that they deid never resave the Kings pay and did no deutie. the rest of the offisers servants ar of the sam natur. Thes ar 17 and thos with sutch as deid muster for children, and such as doe no deutie, and such as ar wanting doe make up 30 in all. This grosse abuse I was surprised with, nor could I have expected sutch considering that the King hes at present no other troupes bot this one. Tak notice that non of the 4 Brigadiers hes any alouance off a mans pay by ~~the~~ establishment.⁽¹⁾ False musters were even easier in the infantry than in the cavalry. There, officers were allowed more servants since they needed no allowance for horses. The number allowed was four, three, two, or one according to the rank of the officer, who drew his servant's pay, and was supposed to see to it that he was capable of military duties if called upon. It was tempting and easy to draw pay for servants never employed, or if employed were unfit for military duty. As seen from Lauderdale's account children might also be enrolled, in order to make up the numbers.

(1) Moray Letters 433, 355. (pp 566-67, 465)

When troops were mustered for disbanding they were first reviewed by the Muster Master, and usually other troops were in attendance to overawe them and prevent mutiny, a likely occurrence since their pay was usually in chronic arrears..In October 1663 when Middleton's troop was dis-banded at Stirling, the Earls of Linlithgow and Aboyne superintended the operation at Stirling with fifty horse and one hundred and fifty foot. When the extra troops were disbanded in 1676 Major General Monro was ordered to take similar precautions, and the forethought was invariably justified.(1)

Other staff officers in the army were the Quarter Master General who controlled the commissariat, the Keeper of Arms and ammunitions who was in charge of the magazine at Edinburgh Castle, and the Physician and Surgeon Major to the forces who looked after the medical department. The chief civilian officer was the Paymaster General, who was also King's Cashkeeper and Receiver General. An Edinburgh Writer to the Signet acted as Clerk to the Court Martial, and in Scotland discharged the functions of the English Judge Advocate General.(2)

At the Pentland Rising the military establishment numbered 600 horse and 2000 foot, while the normal strength

(1) C.S.P.D.8th.Oct.1663,P.C.R.V.501

(2) Gray 4.

was 200 horse and 1100 foot with 200 foot added for garrison purposes. Stirling Castle had 40 sentries, Dumbarton 24, and after 1679 a similar number was stationed in Blackness. In the cavalry the unit was the troop which consisted of 120 horse, and was divided into four squadrons commanded by the captain the lieutenant, the under lieutenant and the cornet respectively. In the infantry the unit was the company, and in the Foot Guards there were at first seven companies later increased to fourteen, each company consisting nominally of one hundred men. A regiment of dragoons consisted of six companies of fifty men each. (1)

One potent reason for the inefficiency of the Scottish army was the prevalence of "pluralities", a system whereby one officer could hold simultaneously commissions in different regiments. Thus in 1666, Dalziel in addition to being Lieutenant General of the forces lately raised, was colonel of a regiment of foot, captain of a company in that regiment, and captain of a troop in Drummond's regiment, and he was only one of a number who sacrificed military efficiency to their own avarice.

The army in Scotland was the first charge on the inland excise, and for that reason alone would have enjoyed the hatred of the Scottish people, who fiercely resented the continuance of that tax. By 1678 the army was costing the

country yearly between £55,000 and £60,000, and the charges were supposed to be met quarterly in advance. Each unit received a precept on the excise of a particular locality, which was thus made responsible for its payment. Sometimes when money was not immediately forthcoming the officers paid the men out of their own pockets, and then recouped themselves an hundredfold. The system of "localities" was intensely disliked by the shires on which the burden was laid, and when possible a lump sum was paid to get rid of the obnoxious soldiery. In 1667 Perthshire paid £4000scots to get rid of the troops quartered there.(1)When money was not to be obtained from the people free quarter was taken, up to, and usually over the amount owing, and abuses such as extortion and blackmail were prevalent. In 1667, Sir Robert Moray, when reorganising the Treasury, abolished the system of "localities", and ordered the army to be paid monthly by a precept on the Treasury. Unfortunately the poverty of the Treasury militated against the success of the reform, and in 1670 arrears of pay were so chronic, that recourse was again had to "localities".(2)

There were many ways in which the officers could grow rich at the expense of the King and the private soldiers. By means of false musters they could draw pay for men never

(1)E.U.T. Tweeddale to Lauderdale 1667.

(2)L.P.II.3L, P.C.R. 23rd.Aug.1667 II.334.

enlisted; also the soldiers received their pay through their officers, a system which gave only too much scope for profiteering. Only part of their pay - subsistence money - was actually paid over, the rest was retained by the officers to defray the expenses of uniform equipment etc., and also as a contribution towards the pensioners' fund, and it was out of the retention money that the large profits were made. In addition many officers kept cellars, and encouraged the men to waste their money in buying their inferior wine. (1)

Sometimes wholesale embezzlement of the money granted for levying troops occurred, and this was one of the accusations brought against Middleton in 1663. He defrauded the government of £30,000 granted for raising and equipping his troop. (2) When in 1680 the Earl of Home was accused of embezzling the pay of his troop, the Treasury ordered that in future the soldiers should receive their pay personally and not via the officers. (3) The latter in many cases had to pay for their commissions - buying and selling of commissions being a common abuse. They had to pay a fixed fee to the Secretary who issued them, and doubtless additional bribes were often paid to Lauderdale to secure a particularly lucrative commission.

The army was also used to collect arrears of taxation

(1) F.H.N. II. 562, Gray 20.

(2) L.P.I. 171. (3) T.R. 5th. Aug. 1680, 17th. March 1682.

and this circumstance afforded further opportunities of oppression and extortion to both officers and men. The soldiers as the hunters of the Covenanters were universally detested, but they were even more cordially hated as the tools of the Treasury, and skirmishes were common between the soldiers and their victims. (1) The officers of the regular army especially Dalziel objected to this task being thrust upon the army, and endeavoured to have it transferred to the militia. The attempt was successful between 1670 and 1674, but at other times the army had to submit to quartering for the collection of the revenues. (2)

To discipline such a force as the Scottish army was no easy matter, since there were no barracks and the soldiers were almost continuously billeted, which made collective discipline ~~discipline~~ difficult. Also the soldiers were very often quartered under non-commissioned officers only, who could exercise no real authority and were probably more unlicensed than the men. The commissioned officers, as Dalziel complained, were probably engaged on their private affairs careless of all military obligations. While the Duke of York was resident at Holyrood unauthorised furloughs were very frequently taken by the officers, who found the pleasures of the Court more to their liking than life with

(1) P.C.R. II. 458.

(2) P.C.R. III. 184, 221, 278.

their regiment.(1) Legally when soldiers were billeted they were bound to pay for their quarters at the rate of 15/- scots per day for a horseman, 10/- for a dragoon, and 4/- for a foot soldier, but since the officers were often absent there was no competent authority to enforce the law, and the soldiers paid what they pleased.(2)

Because their pay was constantly in arrears the authorities were continually on the watch against mutiny among the soldiers and on two occasions mutiny actually broke out. In 1667 and 1670 the Foot Guards mutinied because no pay was forthcoming, but both attempts were easily quelled, and only the ringleaders were severely punished.(3) In 1670 when the Earl of Caithness' men were serving in Mull and in Ulva, their condition was so appalling - they were starving and practically naked - that when the Earl of Argyle ordered them to the islands of Tiree and Coll they refused to go and threatened mutiny, and it was only after their captain, Campbell of Barialdin, promised to go with them, and secure their pay within a fortnight that they consented to go; in the meantime they had to live by plunder.(4)

The military authorities were very anxious to secure that offences between soldiers and civilians should be tried by court martial; fortunately their designs were frustrated

(1) 35125 ff. 314, 322, 23246 f. 45, P.C.R.V. 285.

(2) P.C.R.IV. 396-7.

(3) P.C.R.III. 357, III. 241, C.S.P.D. 22nd. Nov. 1670, 18th. Nov. 1671.

(4) Breadalbane Papers. Campbell of Barialdin to Caithness 2nd. and 19th. Jan. 1670.

otherwise civilians could have expected little justice.(1) Occasionally military officers served on a civil jury, and woe betide the prisoner when that was so, for conviction was almost certain! Such was the misfortune of Mitchell, the assailant of Archbishop Sharp. Fountainhall makes eloquent comment on the circumstance: "It was judged ane argument of a bad deplorat cause, that they summoned and picked out ane assysse of souldiers under the King's pay, an and others who as they imagined, would be clear to condemne him." (2)

In 1679 the military powers exceeded their authority and incurred the wrath of the Town of Edinburgh. A riot broke out in the city and the Town Major was assaulted. The Foot Guards without the consent of the magistrates were brought into the town to quell the riot, thus infringing the town's liberties. In 1667 and 1668 the town had also defended their right to protect their city without any assistance from the military authorities. In the former year, when a dispute occurred between the citizens and the military, the government ordered troops to be stationed in the city, and the citizens resisted on the ground that by act of Parliament they had the right of keeping guard themselves within the town. In 1668 the King ordered troops to be

(1)E.U.T.Roths to Lauderdale Dec.12th.1668,P.C.R.II.261.

(2)F.H.N.I.186.

quartered in Edinburgh to prevent the harbousing of rebels and the holding of conventicles, but the Provost gave bond that the municipal authorities would take the necessary steps and thus dispense with the services of the military. (1)

One of the most serious difficulties the government had to face in the military department was the persistent shortage of arms and ammunition. In 1665 when rebellion was threatening the magazine at Edinburgh was practically empty, and muskets, pikes and powder had to be hastily secured from the English supply stores, and another consignment was sent in 1666. (2) At the same time the western counties were disarmed with the double intention of rendering them innocuous, and of securing a supply of arms for the new forces being raised, and for the militia, but the response to the order was disappointing. Arms were made at Culross and at Dunfermline, but the chief supply came from Holland. (3) The chief difficulty was to find shipmasters willing to import weapons for use against their Covenanting countrymen, and those who could be bribed to do so usually seized the opportunity to sell to the government inferior weapons at exorbitant prices. In 1678 the shipmasters of Bo'ness and other places refused to carry home arms because "their consciences would not permitt them to cary home these armes

(1) F.H.N.I. 224, C.S.P.D. 2nd. Dec. 1667, 1st. Aug. 1668.

(2) C.S.P.D. 2nd. Sept. 1665, 23rd. Jan. 1666, 23138 f. 330.

(3) C.S.P.D. 26th. and 27th. Nov. 1666, 20th. March 1668.

to disturb the people of God from the exercise of their religion."(1) A Mr. Gordon of Aberdeen ~~was~~ finally persuaded to import them. From 1678 onwards pistols, which hitherto had been privately secured, were issued from the magazine with the other arms.

The number of field pieces owned by the Scottish army seems to have been very small. In 1672 twelve brass guns were ordered, four six pounders and eight three pounders. In 1675 twenty pieces were ordered but neither commission seems to have been fulfilled since only four small field pieces were present at Bothwell Brig.(2) In 1677 John Slezor engineer to the government was instructed to enlist twenty men and train them in gunnery, and in 1681 he was sent abroad to buy not more than ten pieces and enlist the necessary men, and until his appointment the field artillery had no permanent organisation. The castles, ~~however~~ however, were fairly well supplied with heavy ordinances.(3) Almost as difficult to procure as arms and ammunition was fodder for the horses. The officers set what price they pleased on oats, straw etc. and few were found willing to sell, so that very often force was used to procure the necessary supplies. Sometimes the officers were guilty of taking money in lieu of fodder but this was prohibited by

(1) 35125 f.302, 35172 f.302.

(2) T.R. 10th. Dec. 1675.

(3) ~~Greg~~

the Council, who were nominally responsible for the provision of fodder for the army, but their supervision really ceased when the army marched out of Edinburgh. (1)

In addition to the regular army the government could in emergencies by virtue of an ancient law summon all those between the ages of sixteen and sixty to defend their country. (2) In 1666 during the Pentland Rising the heritors were called out but the brevity of the struggle prevented their liability being enforced. (3) In 1679 when the insurrection proved more menacing all the heritors and freeholders of certain shires were summoned to attend the "King's Host" with their servants and tenants fully equipped. In spite of the severe penalties attaching to non-appearance many absented themselves and were rigorously dealt with when the rebellion was over. (4)

The Highland Host.

The Highland Host was an auxiliary force levied to cooperate with the regular troops and the militia in overawing the western shires, but it was not under militia or military law, and was indemnified for any killing that might take place. It was ordered to rendezvous at Stirling on 24th. January 1678, and the soldiers were authorised to demand quarter at their own rates, and if necessary

(1) 23126 f.105

(2) A.P.S.VII.13,480.

(3) Wodrow III.177.

(4) Wodrow III.177-180, F.H.N.I.253-260,266,276, P.C.R.VI.220.

use force. (1) The total number of Highlanders enlisted was approximately 600 horse and ~~6000~~ 6000 foot. They did their work thoroughly in the west, eating up the country until there was nothing left to eat, but of murder and brutality they were not guilty, and on their homeward march they plundered little, the village of Strathaven reporting that during their sojourn there, the behaviour of the Highland troops was exemplary. Ayrshire claimed that the stay of the Highlanders in their midst cost the shire £11,000 sterling, and doubtless the other western shires suffered to a similar extent. At the end of February the Highland Host was dismissed, and was replaced by the militia^s of Lothian and Peebles, but about five hundred of the Highland soldiers took service in the regular army. (2)

The Militia.

The militia in Scotland was established from political rather than from military motives: Lauderdale wished to show his zeal for the royal prerogative by having passed an act of Parliament offering the King 20,000 foot and 2000 horse armed and provisioned for forty days. The act was passed in 1663 but it was not until after the Pentland Rising that the Privy Council took steps to provide half the force offered- fifteen regiments of foot and

(1) P.C.R.V.300.

(2) Gray 45.

fourteen troops of horse.(1)The force was administered by the commissioners of excise in each shire assisted by the officers of the rank of captain and upwards. The act of 1663 was ratified by the Parliaments of 1669 and 1672., and at first much zeal was shown by the Privy Council in raising and equipping the militia, but soon their efforts waned, and Lauderdale and the King expostulated in vain at the delay.(2) In 1678 the threat of civil war induced the King to order the complete remodelling of the militia, which really meant that one quarter of the militia became part of the regular army. Five thousand foot and five hundred horse were ordered to be exercised fifty days annually.(3) The scheme hung fire for two years, but in 1680 the King commanded that his instructions be carried out, and issued commissions for the officers; but two factors wrecked the business completely: its doubtful legality and lack of money. On the grounds of its illegality several of the local commissioners refused to act, and were summoned before the Privy Council, Fletcher of Saltoun being one of the offenders. No punishment could legally be meted out to them and the whole scheme had to be dropped.(4)

(1) A.P.S.VII.480, P.C.R.II.267, 275, 438, 447.

(2) A.P.S.VII.554, VIII.58, L.P.II.140, P.C.R.II.506, 524-8.

(3) P.C.R.VI.55

(4) P.C.R.VI.491-3, 575, XIX, XXII and note, F.H.N.270.

The great weakness of the Scottish militia was its financial administration. The expense was borne partly by the crown out of the inland excise, and partly by the heritors who supplied the men. The heritors frequently either failed to send the men or refused them pay, with the result that they deserted. Acts of Parliament were passed inflicting fines on those heritors who failed to send their full quota, or who refused to pay their men, or who resigned their commissions, but the acts were seldom enforced, and the militia suffered in consequence. In the horse the captains and lieutenants, and in the foot the colonels, lieutenant colonels, majors and captains were unpaid. The King paid the corporals and trumpeters of the horse 3/- and 2/8 per day respectively, and the lieutenants, sergeants and drummers of foot 4/-, 1/6, and 1/- per day. The heritors usually allowed each footman 6d. per day, and each horseman 1/6, while trumpeters and drummers got a total sum of £4 and £1 respectively. But the pay was merely nominal, and arrears were as frequent in the militia as in the standing army. (1)

The militia was essentially a local force. Every man was drawn from the district in which he was to serve, and he could not transfer to another shire without the consent of the officer or commissioner of excise, who was also commissioner for the militia. Service was limited to Great Britain,

(1) A.P.S.VII.554, VIII.58, P.C.R.V.279, Gray 48.

and the militia could not be levied for other purposes. Officers were commissioned directly from the King, and they were forbidden to take money from the men in lieu of service. The King nominated only the colonels and the lieutenant colonels of foot, and the captains of the horse, and left the other nominations to the Privy Council advised by the commander-in-chief and the commissioners. Precedence among the officers was decided according to their social status in civil life, and those of equal rank had to draw lots, so that quarrels were frequent.

Since the militia was used against the Covenanters the officers had to be Episcopalians, and those who refused to accept commissions were liable to fines ranging from 500 to 2000 merks. (1) All in the militia had to take the Oath of Allegiance and the Declaration, and by order of the Privy Council a special oath could be demanded from suspicious characters, and refusal meant banishment. Catholics were of course excluded. In 1674 a special oath was ordered to be taken from both the militia and the regular army. (2)

The discipline of the militia was very bad. Only in so far as routine duties were concerned did it come under the articles of war, and the only punishments allowed

(1) A.P.S.VIII.58, P.C.R.V.15, Gray 50.

(2) Wodrow II.475, P.C.R.II.547, 621, III.475, IV.124, 249, 242, 311

were fines and imprisonment, and junior officers could be cashiered. (1) Both officers and men were subject to the ordinary law of the land, and could in no circumstances claim exemption. Mutiny and desertion were the chief offences, and the latter was especially common. In 1674 and 75 the Stirlingshire militia mutinied when required to take the Oath of Allegiance, and the local troop of horse was employed to restore order. (2) In 1685 Dalziel used the regular troops to quell a riot between the Edinburgh and Fifeshire militias. Much hatred existed between the regular troops and the militia, and where possible it was desirable to avoid contact. The officers of the militia were regarded as inferiors by the regular officers, and Queensberry characterises them as "the scum of the country and all beggars save two or three." (3) In the main his criticism was correct, but such an attitude was not conducive to friendly relations.

The heritors were responsible for providing the arms of the militia, and these were bought from the government who had imported them, probably from Holland, free of duty. The infantry consisted of two thirds musketeers, and one third pikemen who also carried swords, but

(1) P.C.R.V. 412, 413, 438.

(2) P.C.R.IV. 270, 287, 406.

(3) H.M.C. (Hamilton Papers) XI, vl, 161.

matchlocks only were allowed. Horsemen carried swords and pistols, but the men were only allowed to keep their weapons when on duty. In 1666 and 1676 when the arms of the western shires were called in, the heritors grumbled at having to re-equip their contingents. Drums, colours, trumpets etc. were provided at the expense of the whole shire, and not of the heritors alone. (1)

Of the infantry each company assembled four times per year, and the whole regiment once per year at a date fixed by the Privy Council. Regimental training took place between May and August when the Muster Master General attended to see that the regiment was fully mustered and sufficiently exercised, and on the returns of the Muster Master the Privy Council depended for its information as to the state of the militia. The cavalry met four times a year but were not regimented. Absence was common, though the men were not allowed to be absent without permission, but in practice substitutes were often sent. Officers and even whole contingents were sometimes absent. In 1674 the shire of East Lothian was singled out by the Privy Council for special censure for their, tardy and inadequate "outriking" of their militia. (2) There was little to tempt either officers or men to zeal, and the latter especially were extremely

(1)P.C.R.V.69,132,267.

(2)P.C.R.V.356.

reluctant to leave their own shires when called upon to march to the west in 1679 to tefrorise the Covenanters. On their march to and from they were accused of demanding and exacting freeale and beer to such an extent that the brewers, because of the loss, had to abstain from brewing for several months.

Between the years 1670 and 1674 the militia was used to collect the revenue: an invidious task to impose upon a local force.

The militia of Scotland during the administration of Lauderdale was for all practical purposes a useless body. The scheme was a good one in itself, but lack of money and maladministration rendered it a burden rather than a protection to the country, and as a fighting force had the necessity ariseⁿ, it would have proved negligible, and yet this was the force that was one day to throw down the gauntlet to the English Parliament!

In addition to raising men for service within her own shores Scotland was also called upon to provide men for service in England and abroad, and if there was difficulty in obtaining recruits for home service, the difficulty was increased tenfold for service in England and abroad, and forcible recruiting was the rule rather than the exception. In 1672 Charles ordered one thousand landsmen to be levied for service

in the English fleet, and each shire was required to send a quota according to its size before the first of May. (1) In April five hundred seamen were ordered to be levied for service on the English fleet, and to be ready along with the landsmen by May. Complaints were sent to Lauderdale that, contrary to orders, Scottish seamen were being levied at sea. Lauderdale's reply was that it was their own fault since certificates of protection could be had for thirty shillings each. The seamen in effect had no protection. (2) The landsmen were ordered to proceed to Newcastle by road, and mutiny disorder, desertion marked their route. The disorder came to a head at Newcastle when the English inhabitants and the Scottish recruits came to blows, and one of the latter was mortally wounded. Two hundred of the thousand still remained to be levied, and commission to do so was in September 1672 granted to one Henry Kerr. The command of the main body was given to Sir William Lockhart, who had little joy in his command, since his regiment first mutinied, and later six companies of it were captured by Dutch ships, and dispersed along the English shores. Some of the Scotsmen, however, took service with the Dutch, preferring their service to the English. To compensate for the men captured and dispersed

(1) P.C.R.III.473.

(2) P.C.R.III.512, Harl.4631.108.

(3) C.S.P.D. 13th. April, 3rd. 4th, and 18th. May 1672, 28th. Nov., 9th. Dec. 1673 etc. Harl.4631.6.

Lockhart was authorised to recruit nine hundred more men in addition to the two hundred men drawn from the Earl of Linlithgow's regiment of Foot Guards , but all were disbanded in February 1674.

In March 1678 a troop of horse and a regiment of foot were raised in Scotland for service in England. The Marquis of Montrose was put in command of the horse which became part of the Duke of York's regiment, but they were disbanded early in 1679.(1) The ten companies of foot had an equally brief career under Lord James Douglas. No soldiers from the militia or the regular army were allowed to transfer to the new regiment, and recruiting was difficult and desertion frequent, so much so that one company had to be raised in Ireland. In July 1678 the regiment became part of the English establishment, but in January 1679 it was disbanded.(2) England reaped but little advantage from her Scottish allies.

France and Holland could boast of more willing service from Scotland than England could. The roving disposition of the Scot led him to regard service abroad as honourable and desirable, and service with England as but slavery. The Scots Brigade in Holland was constantly receiving recruits from Scotland except between the years 1665

(1)P.C.R.V.455.

(2)P.C.R.V.450,491,L.P.III.128.

and 1667 and 1672 and 1674 when war was raging, but as soon as peace was declared recruiting began afresh. Graham of Claverhouse even, served in Holland under William of Orange. It was understood, however, between the King of Britain and the States General that when necessity arose the Scottish regiment should enter the service of Britain. The history of the levies made in Scotland for the French service during the Lauderdale administration has a political as well as a military significance and an importance international as well as national, and as such deserves special consideration.

The French Levies.

The persistence of the "Auld Alliance" is nowhere more strongly evidenced than in the wholesale recruiting of Scotsmen for the service of France during the years succeeding the Restoration. With brazen impudence the Scottish government, or in other words Lauderdale and the King defied their international obligations in order to supply the "most Christian King" with levies to fight against countries with which Britain was at peace. Unfortunately the chaotic state of law and order in Scotland, and the absence of any Habeas Corpus to safeguard individual liberty made forcible recruiting only too easy, and official connivance therewith difficult to prove.

In February 1665 war broke out between England and Holland, and France's part was to look on and see the combatants exhaust one another, and be ready to enter the lists against England should either country show a disposition for peace before Louis considered it wise, and meanwhile to replenish her armies from Scotland. There is no mention in the Privy Council Register of a warrant to recruit having been given to Lord George Douglas in the summer of 1665, but the Earl of Rothes in a letter to Lauderdale mentions the fact of his having arrived with a letter from the King allowing him to recruit three hundred men: "I wishe you had wreatin conserning the stoppeing of the Freanshe levies sunier for upon reset of his Majesties letier by my lord Jordg Duglies I imediately gave power and warant for beating of drums bot I shall du my best on way or another. I houp to retard them this two munthes without leating it apir, bot of this I shall wreat from taym to taym." (1) The game is evident: Charles was trying to help France and hoodwink Holland and his English Parliament at the same time. Rothes' efforts to stop the levies were apparently not very successful for in July he wrote to Lauderdale that he feared they would be in readiness to sail for France by the 20th. of June. "I was tu long of geating the comand for me to meak a stop but that (1) E.U.T. Rothes to Lauderdale May 30th. 1665.

it wold haveiesalie bin perseved and tho I have indevored it to put all the stop I could prayfitlie yit I faynd thay will be in redines aganst the twintiethe of this munthe for thay ar very dileant over the Kingdum and the ships will be hear presislie aganst that day sent by the French King for transporting of them."(1) Rothes deprecated a complete stop of the levies, affirming, truly enough, that such an action would look like a breach, and if a breach were not immediately intended, then it was not worth while to make a fuss about three hundred men being recruited for France. Doubtless he knew that his opinions would be endorsed by the King and Lauderdale. In January 1666 Louis declared war om Britain, and in the same month Lord George Douglas, the commander-in-chief of the Scottish regiments in France wrote to Lauderdale thanking him for all he had done for him, and particularly for his "last obligation", which was probably the three hundred men, and also promising to obey punctually any commands the King or Lauderdale might lay upon him in the future.(2)

Although Louis had declared war on England it was more "pour encourager les autres" than that he himself should engage actively in the struggle, and by October 1666 Lord George Douglas was again in Scotland witha warrant to

(1) 23123 f.120.

(2) 35125 f.132.

recruit two hundred men.(1) In October 1667 licence was given him to transport to France three companies of foot each company consisting of one hundred men, disbanded from the Earl of Linlithgow's regiment, which, driven to desperation from lack of pay, food, and clothing, had mutinied, and doubtless the government was anxious to get rid of the malcontents. Colour is lent to that probability by the fact that the Earl of Linlithgow was forbidden to release the leading mutineers until the French levies had departed.(2)

In 1670 a mutiny of the troops again served to swell the number of the French recruits. In November Lord George Douglas received a warrant to recruit three hundred men, and the soldiers imprisoned for the late mutiny were ordered to be delivered to him for service abroad.(3) In June 1671 sixteen of Douglas's officers^{were} authorised to levy sixteen hundred men, and might if they wished recruit from the Foot Guards.(4) The lately signed Treaty of Dover was stimulating the King and Lauderdale to fresh efforts on behalf of their ally. In addition to legitimate recruiting the officers were allowed to impress all fugitives from the justiciary courts and all vagabonds. Needless to say their interpretation of the term "vagabond" was elastic, and the

(1) P.C.R. II. 198.

(2) P.C.R. II. 354, 357.

(3) P.C.R. III. 260, 293.

(4) P.C.R. III. 333, 335.

Privy Council was from time to time called upon to interfere on behalf of respectable citizens who were impressed and carried on board ship, or thrown into prison to await the departure of the levies. Redress was expensive and difficult, and there is little doubt that many neither fugitive nor vagabond were forcibly carried over to France. (1)

In May 1674, and again in June 1675, the King renewed his commands to ~~the~~ Scottish Privy Council to take steps to prevent recruiting for foreign service., unless by persons specially authorised by the King himself, since he was informed that certain persons had lately presumed to raise recruits without the royal authority. (2) In January 1676 it was freely rumoured that Charles had given permission to the French King to levy seven thousand men in England, Scotland, and Ireland, and further to show his goodwill, he conferred on Lord George Douglas, the arch-offender in the forcible recruiting of levies, the title of Earl of Dumbarton. (3) A few weeks later the Scottish Privy Council, probably prompted by Lauderdale, ostentatiously appointed a commission of three, the Earls of Wigton, Dumfries and Seaforth, to search two ships containing French levies, then lying at Leith. They were to command the release of all who could prove that they had been forcibly impressed, and make similar

(1) P.C.R. III. 348, 375, 395, 401, 432.

(2) P.C.R. IV. 244, 405, C.S.P.D. 16th. July 1674.

(3) C.S.P.D. P.C.R. IV. 538.

examination of the recruits imprisoned in the Tolbooths of Leith and the Canongate waiting to be sent abroad. When the Commissioners were satisfied that all was in order the ships were to be allowed to depart.(1)

In September Lauderdale wrote a mild letter of rebuke to the Earl of Dumbarton for his presumption in thinking that he could raise levies in Scotland for the French service ^{ch} while the King was acting as mediator between France and Spain and therefore must maintain a strict neutrality: "The last letters from Brussels informing that you are to receive money and come over hither to make recruits, I am commanded by the King to tell you in his name that your coming on such an account will be very unseasonable and of no use to you, for as mediator when so many ambassadors are come to Nimeguen and the rest expected, he neither can nor will permit or connive at any recruits for either party now in war, nor can he think your old regiment needs recruits, as he is informed that, out of it or the recruits to it a new regiment is drawn without his consent or application."(2) The phrase "connive at" is significant, and eloquent of both past and future kingly condescension, and it is obvious from its tone that the letter was not meant to be taken too seriously.

(1) P.C.R.IV.540.

(2) C.S.P.D.18th.Sept.1676.

In January 1677 the storm broke on the international mediator and his minister. On 18th. January the Scottish Privy Council received a letter from the King ordering them to prevent all recruiting for military service on the Continent, since Don Bernardo de Salinas the Spanish ambassador had presented a memorial to his sacred Majesty complaining that three vessels had landed at Calais three hundred recruits for the French service, and six hundred more were expected, men being kept in prison in Scotland until ships should arrive to transport them. The King commanded diligent inquiry to be made, and if any men were so imprisoned they were to be released, and those responsible for their imprisonment punished. (1) Charles doubtless thought that he had allayed the storm, but he reckoned without the tenacity of the Spanish Ambassador. (2) To prove his statements De Salinas produced an anonymous letter purporting to come from Edinburgh, stating that the letter written by the King to the Scottish Privy Council on January 8th. ordering the cessation of all recruiting, was deliberately withheld from the Council for five days in order to allow the levies already made time to depart before the issue of the proclamation. (3) The accusation was a serious one against the Scottish government, and the letter was handed over to

(1) P.C.R.V.91, C.S.P.D. Jan. 8th. 1677

(2) Harl. 1516.13.

(3) C.S.P.D. 17th. Feb. 1677.

Lauderdale for refutation. He, with a great show of righteous indignation, prepared to annihilate his accuser's arguments: "This letter pretended to be written from Edinburgh 20 Jan. seems very extraordinary, especially seeing his Majesty knows the first part of it is contrary to all truth and ^{the} possibility of truth for it says that the order for that proclamation came to Edinburgh five days before but the men levied for the French service were not shipped nor sailed, and our great men had a mind they should be all gone before it should come out. Now that ~~the~~ said order came five days before is not only most false, but impossible to be true, for it was despatched from Whitehall 13th. Jan. by the midnight post and came not to Edinburgh till the 18th. at 1p.m., and that very afternoon it was carried to the Council and the proclamation ordered, so nothing can be further from truth than the allegation it came to Edinburgh five days before, because then it should have come thither before it parted from London, by which one may easily judge of the truth of the rest of it, and the Envoye may consider the last clause of it, which is a bold and impudent reflection on the King and his Privy Council in these words:- "So that if the King have given no directions about the levies, the Privy Council have been abettors of treason, and have forfeited their lives and estates to the

King, which nobody could have suspected."(1) Lauderdale's assertion that the King's letter did not leave Whitehall until 13th. January is probably true, but one may ask why it was that an urgent letter of international importance written by the King on January 8th. should have been held up at Whitehall until January 13th. Lauderdale's excuse is lame in the extreme, and indeed is an admission of guilt rather than a proof of innocence, but of necessity it satisfied the King, who severely rebuked the Spanish ambassador for daring to base so dangerous an accusation on an anonymous letter, and declared he had laid himself open to a charge of libel. De Salinas was apparently beaten in the first round of the contest but he had not yet come to the end of the game.

In March 1677 two Scottish soldiers John Dewar and William Herriot were arrested in London, and accused by the government at Whitehall of bearing false witness against the King and his Scottish ministers in the matter of the levies raised for French service. Their joint deposition is interesting: "In 1675 above 2,500 of his Majesties free Scottish subjects were carried out of Scotland by French officers for the French King's service and in the present year 1676 1,000 more were carried out for the said service, (1) C.S.P.D. 17th. Feb. 1677.

most whereof were forced into the said service against their will, and compelled to leave their callings and families, and taken by force from their habitations, and imprisoned in the public prisons there and carried from one prison to another, and on such removals were publicly guarded and tied two and two together, as amleactors are used to be tied and in those prisons their friends and relations were denied coming to them, nor were they permitted to write to them, whereby all means of procuring their liberty were taken from them. The deponents jointly and severally depose that both in 1675 and 1676 some, who were most unwilling to go, had their ears cut off, and were carried to the ships and publicly shown to the rest of the soldiers. About a week after the publication of the proclamation prohibiting the carrying away of any Scots to the French service, the vessels in which these deponents were, with about 500 more intended for the French service, being driven back into Leith road by stress of weather, the officers or most of them, went ashore, but none of the common soldiers were permitted to do so. Herriot likewise deposes that when such French officers raised more than their complement, they sold the supernumeraries to the French commanders, as if they had been their slaves. They likewise depose that there was such a great fear on the inhabitants of Scotland, when the Scots officers came from

France to raise new men, that in the part of the country they resided in the people quitted the villages and houses and that when some of the soldiers of the ship where they were knowing of the King's proclamation, endeavoured to get ashore one of them was tied to to the mainmast for an example to the rest."(1)

It appeared that the ships containing Heriot and Dewar and the other recruits were captured by Dutch capers off Ostend, and the majority of the levies promptly took service with the Scots Regiment in Holland. Heriot and Dewar, however, were by certain captains, Douglas and Ennys, persuaded to come over to London to make their addresses to Monsieur Fonseca, the Spanish consul. On their arrival in London they were handed over by the consul to a Mr. Murray and a Mr. Harrington who persuaded them to sign the deposition relating their impressment in Scotland, and assured them that what they did would be of great service to Scotland, and would also secure them the patronage of Lord Cavendish, the Earl of Shaftsbury, and of the Duke of Hamilton who was to be informed of the whole business.(1)

The plot was far reaching and many sided, and was quite evidently a cleverly laid design to discredit Lauderdale and force the King to dismiss him. There is little doubt of

(1) C.S.P.D. March 9th., 10th, 15th. 17th. Sept. 10th. 1677.

the truth of the soldiers' story, but Lauderdale was too clever for his enemies, and turned the tables upon them by having Harrington and Murray arrested for suborning false witnesses against him, and for perjury. The Scottish Privy Council begged the King to send Murray, who was a Scotsman, to Edinburgh for trial, but Charles knowing only too well what his fate would be there, refused.

The fiasco of the plot further discredited the Spanish ambassador and the consul, and the former's foolish babbling of a private conversation he had had with the King brought matters to a head, and he and the consul were requested to leave the country within twenty days, and meanwhile to confine themselves within their residences. De Salinas defied the latter instruction, but had to leave England. His daring in accusing the King of double dealing brought about a crisis between England and Spain, and a lengthy correspondence was carried on between London and Madrid, but neither country could afford to go to war, and the dispute was eventually dropped. (1)

Charles and Lauderdale had successfully gained their ends, and maintained their policy of assisting their French ally, but it is evident from an unsigned letter written to the latter from Holyrood in December 1677,

(1) Spanish State Papers Vol. 64. pp. 14, 22, 47, 53. Mss. Record Office.

that neither King nor minister had learnt their lesson:
 "Since my last I am certainly informed that the Lieutenant
 Collonell, and very many officers off the Earle of Dumbart-
 -on's regiment in the French service are comeing to make
 great recruits heir. Whither they come by the way of London
 I doe not know, but I am sure the liet.col. hath written
 to his brother Sir George Munro that they are coming, and
 yor Lop. may remember what a noise was made last yeir at
 London upon less ground. You may also remember upon address-
 -es from the confederats, the King did comand his privie
 councill heir that no levies should be suffered to parts
 beyond the seas and if it be now connived at his majestie
 well knows what will be said agnst. him. Iam wholly ignorant
 in what condition the generall peace is, and although this
 kingdom hath reason to resent how contrar to the old and
 most solemn treaties his Majesties subjects of Scotland
 are treated as forraigners especially in the 50 sols per
 tunne, yet iff there be a generall peace, I should not
 oppose the raising men heir. But during the warr where the
 King is mediator I, must presume to say he having laid his
 comand on his privie councill here that no levies be
 suffered, it will not be for his honor that they be allowed
 or connived at, and in duety I conceive myselfe oblidge
 to oppose it unles his majestie comand the contrary. (1)
 (1)23138 f.78.

Dr. Hicke, Lauderdale's chaplain writing about the same time to a brother clergyman in London says "My lord hath taken care to hinder the French officers from levying recruits in this kingdom, which I hope will be acceptable news in England to all but these that would have him reputed of the French faction." (1) From the first letter it is fairly evident that Lauderdale only a few months after the rupture with Spain was advocating further connivance in the raising of recruits for the French service, and we may be sure that he had the tacit approval of the King, who was too cautious to give his English Parliament fresh cause to doubt his zeal as mediator, but was quite willing to give private encouragement while leaving his minister to bear all the odium. Hicke's letter so ostentatiously informative confirms rather than refutes the suspicion of Lauderdale's continued duplicity. The King might publicly forbid all recruiting for the French service, but recruiting went on, with the tacit approval of Whitehall, and the secret connivance of Holyrood.

Ignoring all international obligations which never lay very heavily on the consciences of the King or Lauderdale there were many reasons why both were anxious to aid the French King. In Lauderdale the tradition of the "Auld Alliance" was still strong, and the mutual hatred between

(1) Ellis' Original Letters. 43.

himself and the English Parliament was an even greater inducement^{to} render France every assistance in his power. Less worthy motives may be attributed to the fact that Louis had presents to give; but probably the most potent factor of all was Lauderdale's knowledge that anything done to help France, and in defiance of the wishes of the English Parliament was more than pleasing to his master- that master, the keynote of whose every action was the need of money, and so to secure money, national and international honour was bartered, and the liberty of Scotsmen sacrificed.

Chapter IX.

Lauderdale and "The Party". 1673-1680.

"If the Partie lords had not influenced and incuradged the phanatiks . . . thos giddie headed rebellious dissenters had been quashed long agoe, and Scotland queyeted, for the phanatiks will not signifie without the Partie, and the Partie as little without them, and so both knowing this they joyne together to overturne the government, and to put all in confusion."(1) In those words uttered by Lauderdale in 1678 when Party and fanatic opposition was at a height is contained the keynote of the history of Scotland during the last six years of Lauderdale's administration. Her history (1)Moray Letters 439. (p 579)

then, if history it can be called, was but "a tale of sound and fury", a welter of intrigue and counter-intrigue, of gold and blood, pension and place, disappointed hopes and cowardly revenges, and through all this mad riot with ever-increasing volume comes the murmur of persecuted humanity, and we turn from the moral and political shambles of the Court to witness the dreary, despairing, life-and-death, struggle of the Covenanters. In the midst of all stands Lauderdale vainly trying to stem the tide of defeat which is slowly but surely surging upon him.

On 3rd. March 1674 the Scottish Parliament was adjourned, but Lauderdale was in no hurry to return to the hate-laden atmosphere of the English Court, and preferred to remain in Edinburgh a few weeks longer to supervise the Privy Council and Treasury and sift friend from foe. The Treasury was again sunk in a chaos of debt, and harassed for the payment of pensions lightheartedly granted by the King, and for the payment of the Commissioner's expenses which had been a constant drain since 1669. Lauderdale's supervision produced neither economy nor reform: payment of his own and his friends' precepts was his sole concern, and since he was omnipotent in the Treasury as in the Council, Scotland was bled accordingly. In the Council unanimous obedience to the the royal and Lauderdaleian will was his aim, and since

eventual removal from the Council board was the penalty of opposition he achieved his object.

Still smarting from the rebuffs which he and his schemes had received in Parliament, Lauderdale felt that his prestige required a little popular advertisement to restore it to its former immunity. Accordingly he advised the King to discharge by virtue of his prerogative all arrears of taxation. (1) As there was little or no hope of their recovery the magnanimity was somewhat specious, but for the populace it had a strong appeal. The discharge had also the more important effect of injuring the popularity of the Duke of Hamilton. The latter, because the King's dispensation abrogated his right to the taxation of 1633, violently opposed the measure, and refused the King's offer of the equivalent in cash. His refusal, and the subsequent gaining of his point, did much to detract from the favour he had gained as the opponent of Lauderdale.

Although gaining for him some useless popularity, the discharge of the arrears of taxation affected Lauderdale's relations with the Party and the parliamentary opposition not one whit, and the air was thick with demands for a speedy meeting of Parliament, but this was what Lauderdale was determined to avoid. An early meeting of Parliament would

(1) P.C.R. IV. 164.

mean a repetition of the scenes of December 1673, for the Party was still intact and their hostility unblunted. To postpone the meeting until November was the wiser plan, since the ferment over the monopolies would by that time have died down, and the selfish motives of the Party exposed. The safest course of all was to dissolve Parliament altogether, and leave the Party gaping helplessly, with only the Privy Council for an audience, and Lauderdale could vouch for its political imbecility. In the teeth of the violent opposition of the Party, and particularly of Tweeddale, who went up to Court to voice his protests, Lauderdale persuaded the King to the latter course, and on June 4th. 1674 the Parliament was dissolved and the Party left to rage impotently. (1)

Cheated of a Parliament the Party attempted to stir up strife in the Privy Council by urging the Council to send an account of Scotland's grievances to the King. The Chancellor and Lauderdale's friends, finding themselves in a quandary, made the counter-suggestion that the Chancellor should write fully to the Secretary who should report to the King, but this the Duke of Hamilton fiercely vetoed on the ground that none had the right to come between the King and his petitioners. (2) Both suggestions were eventually dropped

(1) P.C.R. IV. 189, 23136 f. 121, Harl. 4631. 117.

(2) 23136 f. 135.

for "the proper work of the Council in Scotland is neither to make lawes nor redresse grievances, these being the proper workes of Parliamentes and since the Council is still a nomination made by the favourite their reports cannot be looked upon as the sense of the nation."(1) The increasing negligibility of the Privy Council in the government of Scotland may be gauged from Lord Halton's remark to Lauderdale that none would open their mouths at the Council board except himself. Unanimity could go no further!

Although Lauderdale had achieved a subservient Privy Council, no where else in the country was there submission to his rule. The country was seething with hatred and unrest, yet Archbishop Sharp, sycophant and tool, encouraged the Dictator in his tyranny and to his undoing, seeing in Lauderdale the Bishops' only bulwark against the Covenanters. If Lauderdale was careful to "keep in" with Charles, Sharp was equally assiduous in his cultivation of Lauderdale. "I had the happiness whyle you was last in the kingdom" he wrote, "to be witness to your heroick resolution and constancy for guarding against any attempts upon his Majesty's authority, and against the constitution of the Articles, which is indeed one of the best flowers of the crown of Scotland, and am by late experiences confirmed in my opinion that unless this

(1) A Representation of the Present Affairs of Scotland.
(Hamilton Papers Mss.)

kingdom find that there is a King over it, whose authority must be so regarded as it be not permitted to any person or party to assume to do what is good in their own eyes in matters relating either to church or state, it is impossible it can be weal with us, for upon that single hinge our quiet and happiness does depend,"(1) and as if in derision all the bogies which Lauderdale had vainly attempted to lay reared their heads. The Covenanters in spite of or probably because of the rigorous laws enforced against them continued their conventicles with increased frequency and vigour; the established church, searching vainly for a remedy, thought to find it in a National Synod, and Sharp and Lauderdale were hard put to it to quell the agitation, which was especially menacing since the simultaneous calling of a Parliament was urged, to reconsider the constitution of the church. By forcible silencing of opponents, and the translation of ministers to less inflammable districts the danger was overcome, and the victims were left wishing they had not meddled with such "edged tools".(2)

Lauderdale was now ferociously intent on the destruction of the Covenanting cause, not from personal prejudice, but because, having gone so far there was no turning back, and at Whitehall he needed more than ever the

(1) E. U. T. Sharp to Lauderdale June 1674.

(2) E. U. T. " " " May 13th. June, July 4th. 12th. 30th., Aug. 1st. & 17th. 1674.

countenance of the English bishops and that was only to be bought by persecution in Scotland.

Scarcely had the menace of a National Synod been avoided when the burghs had the temerity to defy the King by refusing to accede to his request that in future all burgh members of Parliament should be residents of the burghs which they represented. The royal command was rightly regarded as an attempt on the part of Lauderdale to keep the burghs and their members in Parliament more securely under his control. They resented the interference with their privileges, but they paid dearly for their defiance, and the burghs like the bishops had eventually to crawl back to subjection. (1)

The Advocates also again dared to defy the will of Lauderdale, and while the dispute was in its origin a purely legal one, it later developed into an attack on Lauderdale and his prostitution of justice for his own ends. In February 1674 the Earl of Dunfermline, Lauderdale's uncle raised a process against Lord Almond, afterwards Earl of Callander, a son-in-law of the Duke of Hamilton, for breach of his matrimonial contract with the Countess of Dunfermline. The Court of Session, under pressure from Lauderdale, gave judgement against Callander on a point of procedure. On the

(1) R.C.R.B. 640, 32094 f. 383, P.C.R. IV. 318, 367.

advice of Sir George Mackenzie, Sir George Lockhart and other advocates the latter appealed to Parliament as a Court of last instance, knowing that Lauderdale's influence was not paramount there as in the Session and therefore justice more probable, and also certain that Parliament would welcome an opportunity to assume to itself the final decision. The general opinion was against appeal to Parliament as tending to protract processes indefinitely, and also to expose them to the decision of the nobility who practically governed Parliament and could buy votes as they pleased. Such appeals also left intricate points of law to be decided by the ignorant and unscrupulous. Lauderdale was furious at the appeal since it removed the case outside his immediate influence, and he represented it to the King as a subtle attack on his prerogative as the King had the nomination of the judges, but the Parliament was not of his election. Callander was cited for his appeal, and was advised by Sir Robert Sinclair, Sir John Cunningham, Sir George Loghart, and Sir George Mackenzie to plead that the appeal to Parliament was nothing more than a protest for "renewed of law", a perfectly legal form of appeal. The four advocates were summoned before the judges to answer for their opinions, and refusing to recant the whole question was referred to the royal decision.

Lauderdale then departed for London taking with him the President of the Session, and Lord Craigie to present the case of the Court of Session, and also carrying a letter from the latter body to the King extolling his (Lauderdale's) care of the Session's interests and privileges. The King was easily convinced of the justice of the Session's cause, and ordered the Privy Council to try the four advocates and all who adhered to their opinions. The advocates in a body upheld the decision of their leaders that the appeal to Parliament was legal, and were banished from Edinburgh, and forbidden to come within twelve miles of the city until they gave in their submission to the Court of Session. (1)

With the King, Privy Council and Court of Session ranged against them the issue could not remain long in doubt, but it was not until May 1675 after repeated and tentative offers of submission that the King reinstated the Advocates in their former privileges. (2) Politically the result was one more victory for Lauderdale, a victory enhanced by the accession of Sir George Mackenzie to the government ranks. The latter had been treacherously used by the other advocates during their period of disgrace, and despairing of achieving judicial purity with such means he threw in his lot with Lauderdale, and in succeeding years did much to maintain the Dictator in

(1) P.C.R. IV. 284.

(2) Mackenzie 267-72, 276-310.

in office in defiance of his enemies. Mackenzie is chiefly remembered in Scottish history as the "Bluidy Mackenzie" the relentless persecutor of the Covenanters, but in an age of political and moral degradation he was singularly pure and upright. In July 1675 he wrote his congratulations to Lauderdale: "You are now stronger by much amongst the officers of state and in the Sessiob, the burghs are secured by a new tye, and the clerks and advocates much quieted." (1) Lauderdale had emerged from his struggles victorious, and with ranks strengthened and reformed to meet the attacks of the Party.

While Lauderdale wrestled in turn with the Covenanters, burghs, advocates, the Party flourished as of yore under the leadership of Tweeddale and Hamilton, but by the exclusion of the former from the new commission of the Privy Council in June 1674 Lauderdale weakened their powers of legal obstruction. Hamilton was again included as being too negligible to leave out, but no further preferment was his. He was weak and vacillating, and conflicting motives strove within him neutralising one another: hatred of Lauderdale, love of popularity, desire to stand well with Charles, and leaving the bustling Duke the tool of both parties. To Archbishop Sharp was allocated the task of bringing him to a "right sense of his own condition and what may justly be

expected from Scotland in this conjuncture of the King's affairs," (1) but the Archbishop's success was fleeting: hatred of Lauderdale periodically triumphed.

In September 1674 the ranks of the Party were further weakened by the imprisonment of Lieutenant General Drummond on a charge never specified. He continued in prison until February, 1676 when he was released and restored to the royal favour on giving surety for his good behaviour in the future. (2) In September 1675 Sir Patrick Home of Polwarth an avowed opponent of Lauderdale and his government was committed to prison for having presented a bill for suspension of a charge given by warrant of the Council. He was declared incapable of further public trust and was allowed to remain in prison until February 1676. (3) There was no Habeas Corpus in Scotland so that Lauderdale was free to imprison for any term he pleased, and plausible charges could always be trumped up against dangerous opponents. He had the King's ear and the rest was easy.

Not satisfied with breaking his opponents' ranks, Lauderdale proceeded to make serious breaches in his own at the behest of the Duchess and his brother Halton. The

(1) E.U.T. Sharp to Lauderdale March 9th. 1676.

(2) E.U.T. " " " " Nov. 23rd. 1675. P.C.R. IV. 545.

(3) P.C.R. IV. 472, 475, 485, 546.

designed victim was the Earl of Kincardine, who since 1669 had served Lauderdale faithfully at Whitehall and at Edinburgh, but his abilities singled him out as a future Secretary, and the jealousy of the other nobles, particularly of the Marquis of Atholl, was aroused. The aid of the Duchess was enlisted to discredit Kincardine in her husband's eyes: a task not difficult with a man like Lauderdale who could brook no rival. The breach was gradually widened until Kincardine's open championship of the cause of the Covenanters in Council gave him an excuse to represent him to the King as disaffected, and henceforth Kincardine was to be found in the opposition.

The Lord Chancellor true to his nature also proved untrustworthy, flirting with both parties in turn but never compromising himself sufficiently to allow Lauderdale ground to sue for his dismissal, so that following the advice of Archbishop Sharp that "a fair correspondence with your Grace would prove of necessary use for dashing the hopes of that Party, for quieting the distempers among the people and carrying on the King's service with more smoothness, and taking off of further measures to your Grace and friends heir," Lauderdale had perforce had to continue in apparent concord with the Chancellor, but Fortune favoured

(1) E.U.T. Sharp to Lauderdale Sept. 7th. 1675.

him by providing him with an excuse for the complete removal of the Duke of Hamilton and the Earl of Kincardine from the Council. Baillie of Jerviswood was tried before the Privy Council for having rescued his brother-in-law, Mr. James Kirkton, from one Captain Carstares, who arrested him by a warrant of Council. The case for the prosecution was weak, but Jerviswood was an opponent of Lauderdale and it was fit he should be punished. A heavy fine was therefore imposed, but "my Lord Lauderdale to engratiate himselfe caused Jereswod's fyne to be remitted to him in September 1677." (1) The crime of Hamilton and Kincardine was that they vigorously upheld the cause of Jerviswood in the Council, so that when the new commission of Council was issued in July 1676 their names were omitted, as was that of Sir Archibald Primrose the Clerk Register. The latter's relations with the Party were suspect, and he was deprived of the Registership, which was given to Sir Thomas Murray of Glendoick a relative and accomplice of the Duchess of Lauderdale, and he was later made a Lord of Session as well.

At the outset of her reign the Duchess had found an invaluable ally in Lord Halton, and his wanton disregard for law and justice made him a useful servant both to the Duke and Duchess. In Scotland he dominated for their benefit

(1) F.H.N.I. 136.

(2) P.C.R.V. vi, 6.

the Treasury, the Mint, and the Session, but unfortunately for the complete success of the Duchess' schemes he proved as mercenary as she was, and therefore their interest clashed; also his eldest son, whom the Duchess had chosen as a husband for her elder daughter, declined the honour of the alliance, and the Duchess now studied to accomplish the ruin of Halton. She had no lack of willing helpers who wished to see Halton disgraced, the chief of whom was Athol whose son was a suitor for the hand of the younger daughter of the Duchess. Unfortunately for Scotland before Lauderdale' could be brought to consent to his brother's dismissal, Athol's son withdrew his offer, and the Marquis became as obnoxious to the Duchess as Halton had formerly been, who was now received back into full favour by the Duke and Duchess. He was too usefully unscrupulously to be lightly dispensed with.

So the game went on, the play now raging furiously round Whitehall where English and Scots united to remove Lauderdale, now in Edinburgh where Hatton and the Party strove for the supremacy with the judicatories and the government departments as the weapons in the struggle: a struggle in which it was only too apparent "that the partye have taken off ther masque, and whence the phanaticks heir take the encouragement, and for what end they have been

and are conived at and upholden
 neither religion nor tendernes of conscience are in the
 case and under pretence of opposing arbit-
 -rary government many are debauched from the loyalty and
 regard to the King's authority." (1) Despairing of ever
 being able to induce the King to dismiss Lauderdale, the
 Party conspired to bring a hornet's nest in the shape
 of a Covenanting rebellion about the ears of both King and
 minister, hoping that in the excess of his disillusionment
 the former would willingly part with his servant.

Fortune favoured the Party by decreeing that
 Lauderdale should return to Scotland to supervise the
 government in person, and his presence there inevitably
 induced greater Covenanting opposition and a corresponding
 increase in conciliar severity. IN July 1677 he came north
 to vindicate the royal authority "which hath very discern-
 -ably fallin by degrees into decay, since the artifices
 and industry of those who by their calumnies and misrepres-
 -entations of things and persons would keep up the fashion.
 they stated themselves in." (2) There were other more pressin^g
 reasons for his journey across the border: feeling against
 him at Court, and in the English Parliament was becoming

(1) E.U.T. Sharp to Wm. Maitland Lauderdale's nephew to delive^r
 to the latter. Feb. 12th. 1676.

(2) E.U.T. Sharp to Lauderdale March 9th. 1676.

intense, and his continued presence at Whitehall was a menace to himself and to those who befriended him there, and Scotland was the obvious haven. The Duchess welcomed the visit as providing scope for her matrimonial projects for her daughters, English suitors having proved themselves reluctant to ally themselves with the daughters of the Countess of Dysart.

Before Lauderdale's arrival in Edinburgh rumours were rife both in England and Scotland that another Indulgence to the Covenanters was intended, and that the Duchess of Lauderdale had been bribed by the fanatics to induce her husband to grant such. Mackenzie definitely asserts that Lord Melvil, the President of the Session, and Sir Thomas Murray of Glendoick were empowered to negotiate with the moderate Presbyterians. That Lauderdale played with the idea of granting a third Indulgence is highly probable, that he ever seriously contemplated taking such a step is doubtful. His position at Whitehall was too dependent on the goodwill of the English bishops who influenced the King and the Scottish Episcopate, to allow him to reverse his policy of the last few years, not was the success of the two previous Indulgences conducive to a third attempt. Whether or not he gave the Covenanters legitimate reason to expect an Indulgence, the disappointment of their hopes served to increas^e

their fury and their conventicling zeal. Desperate evils require desperate remedies and the ecclesiastical history of the next two years is the tale of the quartering of the Highland Host in the west in the Spring of 1678, and the rebellion of 1679, after which the dreary round of persecution and reprisal continues with increased fury under the bigoted command of the Duke of York.

But Lauderdale had other work to do in Scotland besides quelling a rebellious people. His immediate concern was the settling of the government, which was synonymous with silencing all opposition. The chief menace to his security was the Chancellor Rothes whose position was impregnable to the ordinary means of assault, and ways more subtle had to be devised. Accordingly when he came down in July 1677 Lauderdale brought with him a letter from Charles signifying that in future officers of state should hold office not for life, but during the pleasure of the King who alone is the "proper judge, having alwyse under view and consideration the publick actings of those who are our particular servants in the affaires of our crowne. (1) The four chief officers of state the Secretary, the Chancellor, the Privy Seal and the Treasurer Depute were thereupon desired to signify their compliance with the royal command. Lauderdale whose complete

(1)P.C.R.V.233.

confidence in the King's favour towards himself had induced the letter signed without hesitation, so also did Halton, secure in his Brother's security. Athol, the Privy Seal, did likewise, being dependent on the favour of Lauderdale; but Rothes uncertain as to the implications of such a move hesitated. His friends advised him to delay his decision and make a journey to Court to lay his case before the King, but memories of the ill-success of those who had previously tried to come between the King and his Secretary deterred him, and he affixed his signature, hoping that the royal favour would continue to be his. Mackenzie's comment on this latest move of Lauderdale's is illuminating: "Such as understood not this intrigue, admired much why Lauderdale did lay his friends and adherents open to such hazards, by having those employments only during pleasure which otherwise they might easily have retain'd after his death, in spite of their enemies: and many thought that this would make the officers of state liable to too much compliance with the Court designs, and all the influence of favorites; whereas it could not but have been expected that such as could not have been remov'd without a crime, would have thereby been more inclin'd to justice, having nothing to fear save guilt and crimes." (1) On the same day as the King's letter changing the form of tenure of office

(1) Mackenzie 326.

was read Sir George Mackenzie was admitted Lord Advocate in place of Sir John Nisbet. The latter had foolishly disoblged Halton in the Session and despairing of vindicating himself and retaining his office in opposition to the latter he voluntarily demitted infavour of Mackenzie. The appointment displeased the Duchesse of Lauderdale, who had hoped to secure the office for the obliging Sir George Lockhart, but like a wise woman she bowed to necessity, and ere long found Mackenzie as obliging as Lockhart, who now joined the Party, proved disoblging. (1) Mackenzie's appointment cemented his alliance with Lauderdale, and he supported the latter and his administration unswervingly.

One of the first duties the new Advocate was called upon to perform was the prosecution and condemnation of Mitchell, Archbishop Sharp's assailant in 1669, who had been captured in 1674 and on promise of reprieve confessed his guilt. The Archbishop, almost demoniacal in his lust for vengeance, vehemently demanded his death, but the Council then refused to go back on its promise and Mitchell was committed to prison. In 1677 fresh rumours of designs to kill the Archbishop arose, and Mitchell was once more put on trial. Sir George Lockhart was appointed counsel for the defence, but fearing to offend Lauderdale he refused to act, Halton and the Chancellor knowing that the Archbishop was determined on

(1) Moray Letters. 412. p. 550.

on Mitchell's execution, denied having given him a promise of life if he confessed. To make his condemnation doubly sure a jury of soldiers was panelled, and the miserable wretch was hanged to allay the craven fears of the Archbishop.

In January 1678 Lauderdale despairing of the success of mere legislation called down the Highland Host on the west to suppress once and for all Covenanting disaffection. The consequent misery of the inhabitants was great, but their spirit continued unbroken, and Lauderdale lived to see the utter failure of his schemes and to feel recoiling on himself their brutality. The savagery of using one section of the community to destroy another raised the opposition to Lauderdale to the highest pitch of intensity, and in March the Duke of Hamilton, the Earls of Cassilis, Haddington and Roxburgh, Perth, Athol and other nobles with "fifty gentlemen of quality" departed for London to make a supreme effort to convince Charles of the folly of government policy, and of the ruin Lauderdale's administration was bringing on the country. (1)

Their going was in direct defiance of a proclamation forbidding the lieges to leave the country without ~~consent~~ ~~consent~~ consent, and Lauderdale magnified for his own ends this defiance of authority, but Charles forbade any action to be

(1)L.P.III.99-102, 110.

taken against the disobedient. (1) To counteract the effects of the Party's complaints, Lauderdale induced the Privy Council to send a letter to the King vindicating their own and his actions. At the same time the Advocate Sir George Mackenzie was sent to Whitehall to assist the Earl of Moray and Lord Colinton already stationed there, to refute the accusations of the Party. The charge was no sinecure since the latter had the countenance of Shaftsbury and Monmouth and other English malcontents, but English and Scottish alike failed to shake the King's implicit faith in Lauderdale and in the wisdom of his administration. Even the Duke of Monmouth, favoured of the King, was met with a sharp "you know sir how groundles and fals thesethings arethat have been reported to me" (2) when he attempted to uphold the cause of the Party, and no proofs that they could adduce to the contrary moved Charles. He professed himself entirely satisfied with the policy of his Secretary and Council and that though they had been in the wrong "he would mentean his owne and ther authority." But the imminence of a meeting of the English Parliament, and the determination of the Commons to attempt once more the removal of objectionable ministers, caused him to treat the complainants less cavalierly than he would have wished to do. To dismiss them peremptorily

(1) L.P.III.113.

(2) 23138 f.95.

was to expose them to the immediate influence of the Commons, who would not hesitate to use them as evidence against Lauderdale, and Charles had no mind to see his minister impeached. Accordingly in order to placate them without yielding to their demands, he agreed to their suggestion that a number of the Scottish Privy Council should be called up to testify to the efficacy of the present administration. The suggestion dismayed Lauderdale and his friends at Court for both realised that the Privy Councillors, removed from Lauderdale's influence and exposed to Party persuasion, would seriously threaten the immunity of Secretary and Council. To avert the danger the old bogies of the Party's determination to overturn church and state were resurrected and paraded before Charles. (1) Archbishop Burnet of Glasgow was sent to London to marshal the English hierarchy in defence of Lauderdale's position and success attended his efforts on behalf of the Episcopal faith, and his pungent analysis of the designs of the Party had no little share in influencing Charles to withdraw his promise: "A new fleece of counsellors and new parliaments in both kingdomes most by impudence and importunity be wrested from his sacred Majestie, and then his Majestie will be made a glorious King and we a glorious church; and then we may looke for ane inheritance in heaven for wevshall be sure to

(1) 23138 f.112, *May Letters* 413, p.555

have none here upon earth."(1) It was also urged that for Charles to summon Scottish ~~Councillors~~ to Whitehall was a very bad precedent, as it would eventually lead to the concentration of Scottish judicatories in London and their domination by the English.(2) The pressure of argument convinced Charles of the wisdom of summoning no more councillors to Whitehall, where Lauderdale had "few enemies among those that wish the continuance of the Parliament, and as few friends among those that cry out for a new one."(3)

The refusal of the King to accede to their demands at once dejected and incensed the Party. To his request that they should submit their complaints in writing they returned an unqualified refusal, knowing full well that they would thus expose themselves to the danger of a charge of leasing making. Their refusal annoyed Charles who intimated that he would consider them responsible for any further disorders in Scotland, and that in future he would only accept petitions via the Privy Council.(4) The secret of this decision Archbishop Burnet communicated to Lauderdale: "The King hath been told (and in due tyme he will discover it) that nothing can or will satisfye them but the power of nominating and choosing his ministers for him"; and Charles

(1) 23242 f. 34.

(2) 32095 f. 92.

(3) 23242 f. 34.

(4) 23242 f. 42.

was determined that they should not "act the same tragedy a second tyme" (1) The discomfiture of the Party according to Mackenzie's announcement was complete: "ther can be no greater bafll for so many men of quality then to be admitted as criminalls and get no kisse of the Kings hand. They disapeared immediately and wee cam in and kept the field." (2)

The failure of the Party at Whitehall was coincident with an increase of Covenanting activities at home. Nor was the coincidence accidental: their ill-success with the King urged the Party to return to their old game of fomenting a Covenanting rebellion in order to discredit Lauderdale. The increasingly threatening attitude of the Covenanters warned Lauderdale that more troops would probably be needed and money to pay them. The obvious solution was to summon a Convention to vote supplies, but not for that purpose only. To hold a Convention was at once a challenge to, and a test of the loyalty of the Party, and this Lauderdale well knew: "Now I most tell you ye know this Convention was proposed to his Majestie as the best and easseest cure for all our distempers, and his Majestie hes weisly commanded it to be kept and the only end to be prosecut in it is for raising forses I men munny to pay them," (3) he wrote to Moray,

(1) 23242 f. 46.

(2) 32095 f. 102, L.P. III. 99-153.

(3) Moray Letters 434. (p. 570.)

and it was undoubtedly Lauderdale who proposed the cure. It was better to run the risk of concerted and concentrated opposition in a Convention which he could speedily dissolve, rather than submit to constant and persistent erosion of his prestige at Whitehall. By their conduct in the Convention the King would be able to distinguish friend from foe, and distribute his favours accordingly. The Secretary therefore, on the advice of the Advocate changed his tactics towards the Party and began to give them "fair weather and smooth things". "A cheerfull countenance and a joviall humour is graat policie" wrote Mackenzie, "and really you ought to hav both for you wer never so fixed in your Master's affection, and if by a concurring Convention you let this nation (England) see that they need fear nothing from Scotland they will bless you, for they ar at present a great dreadour of a Scottish rebellion and thereafter when you com up in great lustre you will for your lyfe maintain your ground against them with ease." (1) The Duke of York advanced the success of the Convention by becoming reconciled to the Party, and impressing on them the necessity for unanimity in the King's service. He also advised detaching the Duke of Hamilton from the main body of the Party as the surest means of weakening their ranks, but for once the Duke proved obdurate and refused

(1) 32095 f.94.

to be cajoled. He preferred in spite of the desertion of many of his friends to cling for the time being to his precarious opposition: "I thinke my Lord Duke of Hamilton hath the wolfe by the eares; he dare neither bite nor let go. If he goe^{not} to Court, his enemie will tell the King it is out of disrespect, and perhaps out of contempt or revenge, because reason of state suffered not his Majestie to let the Duke kisse his hand last summer. If he goe to Court I am affrayd he may once more meet a visage de bois, the bed chamber doore shut upon him." (1)

No amount of courting of the Party could ensure success in the Convention if the elections were not favourable and as before no pains were spared to secure the election of pliant members. "I told you befor" wrote Lauderdale to Moray "that all the Kings friends hier every man undertuck some shar in thos off shayers and burrows. In order to this all is gone out off toune to severall plases this wick, so that at present few or non is left hier." (2) Practically every election was personally supervised by a government supporter: "I wish your Grace would caus the Earle Argyle urge to the Laird of Calder that he and Hughe Rose of Clava be chosin for Naerneshire. I have writin for Moray and Inverness and the towns within thes shyr⁽³⁾ myself," wrote the Earl of Moray,

(1) T.M. 272-3.

(2) Moray Letters 434.

(3) 23242 f. 48.

and other nobles were equally assiduous. That "the securing^e of the Burrows is a maen thinge" Lauderdale fully realised and advised by the Advocate James Rocheid Town Clerk of Edinburgh was used to secure their co-operation. "I wish your Grace would call for Mr. James Rocheid" wrote Mackenzie "who will serv youa as to the borrows for our strenth must ly in ther votes. Mr. Ruchead is bashfull bot most wyse and active and therefore a word now and then of communication with yourselfe in private is necessar as to him, (1) and the confidence was not misplaced. The success of the Convention was assured when the Advocate intimated that "the King has so engaged himselfe with us now, that wie may expect anything from him." (2)

Welcome as was a Convention to Lauderdale, the Party by no means shared his feelings. They preferred White-hall to Edinburgh, for at Court they were far more potent than in Council, and assailed the King with petitions for the indefinite postponement of the Convention, and to the horror, of Lauderdale they were on tje eve of achieving an adjournment. "The letters of the 6 instant (June) which . . . cam hither this night have amazed me beyond what I ever was in my whole life. I had almost said confounds me. His . . . Majestie hath published to the whole kingdome a Convention

(1) 32095 f.100, L.P.III.148

(2) 32095 f.100

to be the 26 of this moneth, most of the elections are made and very well made and shall it be seen that the partie against whom the King hath so emēntly declared by his last letter to his Councell, that they, I say, shall have interest enough to adjurn the Convention, and shall they appeare to have interest enough to alter the Kings so publickly and solemnly declared orders and resolutions? Alas what doe they signifie? I am no vaine boaster but I will answer upon my life, nay upon my honor, to cary all the King can reasonably desire in spite of the teeth of all of them united if they were heir. So many of the Kings freinds are gone to the places of their severall interests that we have not heir a quorum of a Councell (thogh you know how great a number I kept in two long vacations] and their going and my indeavours heir have been so succesfull that upon my alladgance I will answer for five parts of six of all the Commissioners of shires and burghs, and the proportionable number of the Lords Spirituall and temporall. Alas then why shall we be distrusted and affronted by the Kings hearkning to their most deceitfull undertakings whose designe is onely to gaine time to ruin and undermine all good? Observ also that since the newss of the Convention of Estates and my Comission was published, and the two new companies of dragoons were raise^d (which are now armed and neirly compleet) we heare no more of feild Conventicles But now when it is

publick heir that the partie lords doe move for allowance of Hous Conventicles, and when it shall be seen they have power to adjourne the Convention, we shall certainly see them use the same insolence againe. Oh my lord I am almost wearie of my life, and I thanke God I am ane old man."(1) It required all Lauderdale's persuasion and ingenuity to convince the King of the folly of adjournment, but he succeeded, and the Party lords were ordered to return home to attend the Convention. They were forced to obey but they privately determined that the answer to the King's letter should contain a list of the grievances whose redress they had recently failed to secure.(2) When the time came Lauderdale was ready for them, and their intentions were never allowed to materialise.

It was at first intended that the Earl of Moray should remain at Whitehall during the sitting of the Convention to guard the base against possible attacks from the Party, but in the end it was thought that his presence in the Convention was more necessary than at Whitehall, and when Charles promised not to admit any of the Party on Scottish business during his absence, Moray departed for Scotland.(3) On the eve of the Convention Lauderdale harangued a ^e dputation from the Convention of Burghs, sent to present

(1) Moray Letters 436. (pt. 572-573)

(2) 23242 f.56.

(3) 23242 ff.56,62.

their service "which discourse was received withn a silent congee. (1)

The Convention met on June 26th., and the first few days were occupied in deciding disputed elections, of which there was a formidable crop, eloquent testimony to the illegal machinations of the government. At the outset the Duke of Hamilton whom Lauderdale had vainly tried to conciliate fought vehemently to have the elections discussed in open Parliament instead of in committee, but he was overborne and the nomination of the committee left to the Commissioner. (2) Later the Duke objected to the calling of the laird of Blair as member for Ayr as not being legally elected: Lauderdale desired him to reserve his objections until after the calling of the Rolls. When that formality was over the Commissioner intimated that now no objections against members could be received, and such illegal prevarication was typical of his whole conduct of Parliament. (3)

When the question of supply was mooted the Duke of Hamilton proposed that the Convention should be adjourned to give time to consider the amount and method of raising the supply. Time for consideration was the last thing Lauderdale wished to give the members, and Hamilton's suggestion

(1) C.S.P.D. June 20th. 1678.

(2) L.P.III.154, C.S.P.D. June 29th. July 2nd. 1678.

(3) 23242 f.75, C.S.P.D. June 27th. 1678.

was squashed, and the Convention requested to take the King's mind from his letter. The Parliamentary "nurses" Argyll, the President of the Session and others busied themselves with their charges, with the result that after heated and prolonged debate the act granting the King £30,000 sterling yearly for five years was passed. (1) Hamilton and his friends were learning the art of parliamentary obstruction, but more than mere practice was needed to outwit the illegal rulings of Lauderdale.

Further debate arose over the nomination of the commissioners of excise: Cockburn of Ormeston challenged the Commissioner for not appointing the Earl of Haddington, and Fletcher of Saltoun for the shire of East Lothian, and received the reply that it was not fit that those who had opposed the grant of the supply should be nominated, and the Convention endorsed his decision. He was again challenged because in some shires the sheriffs were appointed commissioners and not in others. His reply was that the Articles had left the nominations entirely to him, but he magnanimously offered to put his privilege to the vote of the Convention, whereupon Hamilton corrected him that it belonged to the members of the House and not to the Commissioner to put questions to the vote. The latter thanked the noble lord

(1) 23242 ff. 71, 73, 75, C.S.P.D. July 4th. 1678, A.P.S. VIII 221.

for reminding him of his duty, and left the Chancellor and the House to order the business as they thought fit relying on his managers to bring the matter to a successful issue. In the course of a violent harangue Hamilton accused the Commissioner of arrogating to himself powers hitherto unclaimed by any Commissioner. The vote as to whether the Convention or Lauderdale should nominate the Commissioners of excise resulted in a majority for Lauderdale, and Hamilton and the Earl of Southesk left the House in impotent rage. Tweeddale, Roxburgh, Fletcher of Saltoun and several others had left it previously and refused to return, so that the answer to the King's letter was read and approved with⁽¹⁾ out opposition. Lauderdale had again outwitted his opponents, and shelved the question of grievances, but the tussle had left the Scottish Estates in a healthier and more wholesome condition than they had been in since the Restoration, and the experience gained in the Convention of 1678 stood the Williamites in good stead in the Revolution Parliament.

On the last day of the Convention July 11th, the Rolls were called and the absents and withdrawers marked and the lists sent to the King so that he might know who were his friends and who his enemies. Lauderdale concluded
(1)23242 f.79.

proceedings with an extempore speech of thanks, and afterwards entertained his supporters to a sumptuous dinner.(1) Before he left Edinburgh he received from the King a letter which showed him to be in spite of constant English and Scottish carping more firmly established than ever in the royal favour:"I am extremely well satisfied with what you have done and the manner of it, and now I give you leave to come hither as soone as you can conveniently that you may give me a farther account of the state of that kingdome, and I may thanke you myselfe for the services you have done me there, which I am so sensible of that you neede not in the least feare your enimies shall have more credit with me to your prejudice, then they have hetherto had."(2) His English enemies had in May for the third time attempted his removal from Court and for the third time had failed, and brought upon themselves the unwonted wrath of the King.(3) The Duke of York also hastened to express his gratitude for the success of Lauderdale's mission in Scotland which "will strengthen his Majestie in the resolutions he has taken of sticking to himself and those that he employs in his service especially such as have served him so well as you have done."(4)

(1) 23242 ff. 75, 79, 80, 81, L.P.III.154.

(2) L.P.III.159.

(3) L.P.III.133-43, W.C.Mackenzie 430-32.

(4) L.P.III.160.

Noticeable in the Convention was the support given to Lauderdale by the Earl of Argyll. The breach which Tweeddale had laboured so hard to widen was apparently healed, and Argyll had been given the latter's places in the Treasury and Session. The truth was that whatever his real feelings towards Lauderdale Argyll could not afford to quarrel with him. He owed to him his title and estates, and it was not wise to quarrel with the ^{sole} distributor of good things in Scotland. In March 1678, to cement the friendship, Argyll's heir, Lord Lorne, was married to Elizabeth, the Duchess of Lauderdale's elder daughter, but the alliance to promote amity was soon productive of strife. In October 1678 Lauderdale induced the Privy Council to grant to Argyll a commission to occupy the Island of Mull, the property of the Macleans, Argyll's debtors, with whom he had long waged war, and against whom without the assistance of the Council and Lauderdale he would have been powerless; so that much as he disliked the latter's policy towards the Covenanters he was forced to acquiesce. The Marquis of Athol on the other hand, perhaps disgusted with the experiment of the Highland Host, in which he himself had participated, now definitely joined the Party, resigned of necessity the Privy Seal, and went up to Court as one of Lauderdale's accusers.

But in spite of all attacks Lauderdale was secure

"The Lauderdale interest makes new advances every day and seems to me so established that though the hearts of the people be otherwise yet the constitution of all judicatories is tooth and nail that way." (1) Justice was so entirely at Lauderdale's beck and call that "in judgment a dog cannot move his tongue against him and he is able to effectuate anything he pleases and every day his hands wax more and more strong". (2) All classes and all sections of the community united in hating the Dictator, but with hatred their unanimity ended. There was no attempt at, and no thought of concerted opposition: "these that pretend for religion and these that contend for liberty stand at as great odds betwixt themselves as they do with these that are at odds with both." (3) In every direction Scotland was riven with political and religious dissent, and thus Lauderdale was able to work his will.

With the dissolution of the Convention Lauderdale's work in Scotland was finished, and he returned to Whitehall leaving the country in an ferment, and the Covenanters, emboldened by Party encouragement, growing more and more threatening. A section of the Party, including the Duke of Hamilton, followed Lauderdale to London, and the battering

(1) C.S.P.D. Oct. 1678.

(2) C.S.P.D. Oct. 22nd. 1678.

(3) C.S.P.D. Oct. 26th. 1678.

at Lauderdale's defences continued. Widespread and complex negotiations were on foot in England and Scotland to encompass his ruin, and a network of intrigue even more complex was woven by the Duchess of Lauderdale to ensnare her husband's enemies, and maintain him in office. Unfortunately for posterity she clothed her designs in cipher, the key to which cannot be found, but a quotation even in cipher will show the almost suffocating nature of the meshes woven by her fertile brain. No contingency or possibility was lost sight of, and all possible permutations and combinations of the Party were guarded against: "Now I can say I have found 049 to be the bassist of all creaturs. CCC are confounded to a degree past description. OE lookes dispearing and yoocannot imagen with what flattery and confidence does carie at this time, tho X hes in seacrett declared to OM never to trust FO any more. 46 drunk OG helth the very day the Duke cam hather What I writ to yo concerning the designe of disposing som of 33 frinds to owne a separat designe founded upon the church and the cavalier or loyal intrest is most certenly the design of 78X therby to strenthen OE and to recover on the that hand the loss 46 hes sustained by owneing 012 and 105." [1] So the vengeful net of intrigue was woven, and neither Party, nor government could point to patriotism as a guiding motive.

(1) Moray Letters 341 (4) CCC- The Party, OM- Lauderdale X, 049 X probably the King, 46 probably Shaftsbury, OE Monmouth, 33 probably the Duke of Hamilton.

The furious ~~asay~~ of the Duchess to defend her husband's position is significant of the latter's waning mental and physical powers. He was beginning to show signs of the strain of the last eighteen years, and in a struggle where time was the test his enemies were bound eventually to win. He had gained a victory in the Convention, had routed his enemies and fulfilled the commands of the King, but his enemies had quickly reformed their ranks and returned to the attack, and a small gain was theirs when in January 1679 the Earl of Arran the eldest son of the Duke of Hamilton was made a Gentleman of the Bed Chamber to the King, a position which gave him unrivalled opportunities to advocate the cause of the Party. The latter hoped that at Arran's appointment Lauderdale would be "so picquit as may disoblidge the King"(1) but the Secretary was too shrewd to show his resentment, and after the conciliatory sop thrown to Arran the King gave no further encouragement to the Party. He continued to uphold the authority of his Secretary, his Council and his other judicatories, and his support was more than ever necessary to the Council which had incurred the wrath of the whole country by their illegal condemnation of Mitchell, Archbishop Sharp's assailant. (2)

(1) 23243 f. 9.

(2) 23244 ff. 20, 33.

In May 1679 Mitchell was avenged by the murder of Archbishop Sharp at the hands of the Covenanters. The whole country was appalled at the crime, and both government and Party stood aghast, but the blow was a particularly severe one for Lauderdale whose indispensable tool in Church and state Sharp had been. The murder urged the Party once more to assail the King with proofs of the failure of the Lauderdalian administration, and Whitehall was once more a hotbed of accusation and intrigue. The corruption of the judicatories, the Highland Host, the taking of free quarter by the army were advanced as insupportable grievances, and desperate efforts were made to shake the King's confidence in his servant. In vain they tried to convince themselves and one another that Charles was tired of Lauderdale: "You need only look upon the condition of the country, the necessity of a speedy remedy and the good humour in which the King is to make you hasten all you can to give your aid towards removing that pressure which so long and so sore has lien upon us" wrote the Earl of Perth to Lord Carrington. "It is the mind of very wise men and men who have had much experience of the Kings way that the King would not have brought things to this pass without he had been desirous of a fair pretence to shake off one who has been very uneasy to him of late, and one whose

violence appears in the discomposure of that country he has been so absolute in and in the governing of which he has been so supported".(1)

The Lord Advocate was called upon to vindicate the honour of his patron, and had no difficulty in convincing the King of the injustice of the attack on his minister: "Those Lords against whom we then wresled did very confidently say that your Grace assisted in and governed all our countries determinations, which having been told to the King and Duke I thought it my duty to inform them how great an untruth this was to my certain knowledge."(2)

In June the storm which the murder of the Archbishop had heralded burst in full fury on the country. The Covenanters were in arms, and rebellion in Scotland meant panic in England, and drastic measures were called for. The Scottish troops were inadequate to quell the rising and English reinforcements had to be sent. With the reluctant acquiescence of Lauderdale, the King appointed the Duke of Monmouth commander-in-chief of all the forces in Scotland as well as in England. The appointment was galling to the Secretary. It marked the beginning of the end. Monmouth was the avowed friend of the Party and he was going to Scotland

(1) Harl. 4631.95.

(2) 23244 ff. 20, 57.

in supreme command of the forces of both countries to quell the rising which Lauderdale's misgovernment had caused. What was more likely than that he should continue there as commissioner, when Lauderdale's humiliation would be indeed complete? The latter, however, assuaged his disappointment somewhat, by securing that Monmouth's appointment as Commander-in-chief in Scotland should be during the King's pleasure and not for life, and he also insisted that in the commission he should be designated the natural son of Charles and not simply his "son". His petty triumphs brought him little pleasure when he was forced to see instead of a triumphant Scottish army marching to annihilate the English Parliament, English troops marching to crush Scotland's rebellious subjects. Fate could have dealt the Dictator no more overwhelming blow.

The outbreak of rebellion intensified the feeling against Lauderdale in Scotland and in England. His English enemies led by Shaftsbury, and now joined by the Marquis of Halifax, one of the Triumvirate, worked feverishly in and out of Parliament for his dismissal. The imprisonment of Danby and the exile of the Duke of York had removed two of Lauderdale's staunchest supporters at Court, and the situation seemed propitious for a fresh attack by the

(1) C.S.P.D. May 7th. 1679.

Party who were joyfully welcomed at Whitehall by the English malcontents. "The Scotch lords who are here have made several addresses to the King against my Lord Duke Lauderdale upon this occasion," wrote a correspondent to the Duke of Ormond, "and being required to give them in writing they adventured to shew his Majestie their paper wherein they complained of great grievances, but instanced in no particulars. They propose the new modelling of the whole Council there, upon whom and their ill conduct they seem to lay the blame of the insurrection, and though they aim at my Lord Lauderdale yet they neither name him nor describe him." (1) The Advocate was again summoned to London to defend Lauderdale and the Council, and the trial of strength took place at Windsor on July 8th. 1679. For eight hours Mackenzie championed the cause of Lauderdale and the Privy Council, and at the end the Scottish lords, backed though they were by English support, had to retire discomfited: Lauderdale was still master of his Master's Scottish house. (2)

(1) H.M.C. Ormond V.133.

(2) Wodrow III.170-1, W.C.Mackenzie 173-4.

Chapter X.

Last Years of Lauderdale.

The rebellion in Scotland ended in the only way possible: in the complete rout of the Covenanters. In the beginning of the struggle they had presented a formidable front, but dissension weakened their ranks and made them an easy prey to the trained government troops, and imprisonment, forfeiture and death rewarded their ill-managed venture. Monmouth would fain have shown mercy to the misguided people, and during his stay in Scotland his justice was strongly tempered with mercy, as evidenced in the granting of the Third Indulgence, which unfortunately only served to divide the

Covenanters and infuriate the extremists. Monmouth's lenity found little favour with the Scottish Privy Council and Bishops, who urged Lauderdale to secure Monmouth's recall to England. The former, jealous of Monmouth's popularity in a country where hatred was his portion, represented to the King the folly of continuing Monmouth in command of the Scottish forces when it was known that he was in league with those who designed the exclusion of the Duke of York from the throne. The poison had the desired effect, and Monmouth was summoned to England, deprived of his commissions, and his loyalty suspect. Lauderdale had made sure that he should not succeed him in the commissionership of Scotland. He and his Duchess vehemently denied all complicity in the dismissal of Monmouth, but circumstantial evidence was too strong for their protests to be believed: "I make no doubt but by the last post yo had the great newes of the Duke of Monmouths being sent from Court, and of his commissions being taken from him as General" wrote the Duchess to the Earl of Moray. "It was a great surprise to me, and as much to my Lord who went to Windsor on Thursday morning, and was wholly ignorant of the whole matter, but I knew not of itt till Thursday att night late, so I could not give yoothe newes of itt. As to the reasons for given for itt, somsay the Duke (of York) has made to the

for itt there are divers stōryes made of itt, and reasons given for itt. Som say the Duke (of York) hes made to the King great discoveryes as iff the Duke of Monmouth had designs upon the suckcession. Som sayes the Duchess of Portsmouth hes been very instrumental in itt, and some doe report itt hes been the effects of my Lords solicitations, but iff the two former be no more trew then the latter, there is no reason to beleive any of them, and as for conjecturs I now begin to be of my oune Lords mynd, that they have a little certenty in them as prophicies, so that K must leave yo as much in the darke as I am myselfe."(1) The Duchess' darkness consisted of the knowledge that Monmouth owed his dismissal to the joint solicitations of the Duke of York, the Duke of Lauderdale and the Duchess of Portsmouth.

What were Lauderdale's emotions as he looked back over the Twenty years of his rule? Twenty years ago he had dreamed of a nation obedient and prosperous under benevolent but despotic rule: benevolence had long since gone by the board and now naked despotism had failed. In 1666 the cruelties of Rothes and his gang had driven a hunted people into rebellion. Rothes was removed from office. Ten years of Lauderdale's bludgeoning had led to the murder of an Archbishop and to rebellion more terrible because more despairing. What was to be the outcome of it all? In those months

(1) Moray Letters 344. (p.449)

following the shattering of all his hopes did Lauderdale realise or even care what was to be his fate? Enfeebled in mind and body he no longer firmly grasped the reins of government, and guided ^{unhesitatingly} ~~worryingly~~ his unruly team. He was now but the blind, obedient tool of his wife's ambition. She slaved to maintain him in office, and like a Fury bade defiance to friend and foe alike, but she could no longer hide from the King and Court that the Duke was no longer fitted to stand at the helm of state. Charles had loved his hale, alert servant and boon companion, but he had little use for an aging man whose faculties were rapidly decaying, and who, most damning indictment of ~~all~~, had proved himself a failure. His services were becoming worse than useless; his fumbling fingers and fuddled brain hindered and confused where once they had directed with unerring decision. As we contemplate this picture of Charles and Lauderdale we are irresistably reminded of Henry V. and Falstaff, and we feel that if Charles had been a hypocrite he would have dismissed his worn-out servant with a "fall to your prayers, old man". But Charles was neither hypocritical nor brutal, and the reins of office were only gradually loosened from Lauderdale's enfeebled grasp, but he, realising that his dismissal was imminent, and punishment possible, renewed in 1679 the letters of

exoneration and pardon which he had caused to pass the Great Seal in September 1678, letters which shielded him from the consequences of all possible sins of omission and commission. (1)

In October 1679 the Duke of York was sent to Scotland, to partly as an exile and incidentally to restore order to that chaotic country where the Covenanters had already rallied their forces and were holding conventicles as frequently as before. Whether Lauderdale advised the appointment of the Duke of York to Scotland is uncertain. Fountainhall maintains that he did, (2) but a correspondent of the Duke of Ormond asserts the contrary: I am told in great secret that Secretary Coventry gave the advice about the Duke of York and Scotland and I am very apt by circumstances to believe it, and that Lauderdale knew it not till done". (3) It is probable that Lauderdale, realising that his own return to Scotland was impossible both because of his infirmity and his unpopularity, advised the King to send the Duke of York, between whom and himself there existed the most cordial relations, and he would rather see the Duke than a Scottish noble so preferred. Certainly he did all in his power to smooth the way for James in his administrative difficulties, and their correspondence shows how much the latter depended

(1) 23242 f.104, H.M.C. Drumlanrig Papers 4, W.C.Mackenzie 477

(2) F.H.O. 74.

(3) H.M.C. Ormond IV.544.

on Lauderdale's experience and advice.

When the Duke arrived in Scotland he found that he could not take his seat in the Council until he subscribed the Oath of Allegiance, a subscription impossible for a Catholic. Lauderdale's advice was sought, and even he scrupled to advise the Duke to defy the law and take his seat. The latter maintained that he had sat in the Scottish Council at Hampton Court, and was Admiral of Scotland and had never taken the oath, nor was it required of him as an English Privy Councillor and he begged Lauderdale to persuade the King to sign the letter of exemption drafted by the Advocate. He represented that his presence in the Council was absolutely imperative otherwise the Party would triumph and that would be disastrous. In the end he had his way and took his seat without subscribing the oath. (1)

James was extraordinarily popular during his brief stay in Scotland, chiefly because he was not Lauderdale, but also because he did bring some measure of good government to the country. As one under a cloud in England he realised it was policy to cultivate the northern kingdom. The settlement of the Highlands was taken in hand and a temporary peace secured. He personally investigated the dispute between Argyle and the Macleans, and succeeded in

(1) 23245 f.14.

temporarily pacifying both parties: Argyle retaining the patrimony of the Macleans and in return paying Maclean a yearly pension of £500 sterling, the delayed payment of which caused further ill-feeling. (1)

Argyle would not have fared so well at the hands of the Duke had not Lauderdale and his Duchess pled his cause with Charles, and convinced the latter of his loyalty to the crown, but his success in 1679 stood Argyle in ill stead in 1681 when the mask of friendship was torn from the Duke and he stood forth an enemy. James also attempted to cope with the confusion in the Treasury but his stay was too short to effect permanent improvements. England beckoned him and he returned laden with the eulogies of the Scottish Council, but leaving Scotland a prey to factious nobles and rebellious Covenanters.

The attentions of the Party had been temporarily diverted from Lauderdale during the Duke's residence in Scotland, but the crop of fines and forfeitures resulting from the rebellion, brought them swarming to Whitehall like a shower of locusts,⁽²⁾ where they continued to clamour for the dismissal of Lauderdale. But some, including the Earl of Tweeddale, who wished Kincardine's place in the Treasury, thinking that the Secretary might yet be potent to influence

(1) C.S.P.D. May 20th. 1680.

(2) Moray letters 401. p. 534.

Charles submerged their hatred in their avarice and joined the government faction. Mackenzie of Tarbet returned to fight under the government banner, a circumstance indicative of Lauderdale's increasing inability to exclude whom he would from his team. Of yore he had used them, now they used him and both in Scotland and in England he was buffeted and mocked at, a butt for the questionable jokes of friend and foe. Wild rumours of his allying himself with the Party of the Duke of Monmouth were spread, but his affection for, and unswerving loyalty to the King and his brother gave the lie to the accusations.

All through the early months of 1680 the Duchess of Lauderdale worked hard to bolster up her husband's waning influence. Fiercely she maintained that her husband's ailments were only temporary, and paraded the King's and Duke's affection and solicitude for him as an evidence of his undiminished importance, but all would not do. (1) Lauderdale was physically and mentally incapable of reasserting his authority, and striking a blow in his own defence, and it was only Charles' disinclination to hurt a faithful servant that protracted his Secretaryship until October 1680. (2) Then weary of the constant strife, and conscious that dismissal was inevitable he voluntarily resigned and was succeeded by

(1) Stowe 199 f.20; Moray Letters ^{453, 534, 535, 537, 544, 545.} 401, 402, 403, 406, 407,
 (2) C.S.P.D. Sept. 2nd. 1680.

the Earl of Moray who had climbed to greatness through his and the Duchess' influence. In December 1680 Lauderdale incurred the enmity of the Duke of York by voting for the condemnation of the Earl of Stafford, and thus his last link with the royal family was severed. He retired to the country to live out the remaining years of his broken, diseased life, and the Court knew him no more.

In November 1680 the Duke of York returned to Scotland to shelter from the fury of the English House of Commons, and carry on the administration of the country. In July 1681 it was considered expedient to hold a Scottish Parliament and the Duke was appointed Commissioner. Lauderdale had striven to make Scottish Parliaments unnecessary and superfluous. He had used them and then discarded them when they could no longer aid him. James was retracing Lauderdale's footsteps: he also was to use Scottish Parliaments, and their fate at his hands, had time allowed, would have been the same. Perhaps Lauderdale realised that the Duke was adopting his old policy, but the fact that it had to be begun all over again made more bitter the realisation that all he had done for his King had been in vain. His bitterness was shared by his Duchess who did her utmost at Court and in Scotland to make the Duke as unpopular as her

husband had formerly been. (1) Most of all she resented the fact that the advent of the Duke in Scotland effectively prevented her tampering with Scottish justice and finance: her chief source of income was closed, and the Duke was not slow to expose her rapacity: "I heare the Duchess of Lauderdale is very angry with me for the remous which have been made in the sessions. I do not wonder at it for some of them were her creaturs and she received the late Registers pention, and some say went a share with him in the perquisites of his place: and that which vexes her most is that she can no more squeeze the country as she has done for severall years past, and gott very considerable somms of money for this country whilst his Majesty's Treasury is run in over, and his castels quite out of repaire, two of them not having one gun mounted in them." (2)

The Duke had no easy task to cleanse the Augean stable of the Lauderdale administration. Every department was rotten to the core, and the Duke tackled the difficulties in a manner that proclaimed him a statesman: "H.R.H. has so much obliged the nation by his justice and moderdation that he is extremely honoured and respected by all. That kingdom is in perfect peace and the Courts of

(1) Moray Letters 382, 383, 385. pp. 505, 508, 510.

(2) H.M.C. Report XI, 70

Justice sitting daily." (1) but his statesmanship was soon to be forgotten in the policy of persecution more terrible, more bloody than any yet experienced which^{he} instituted against the Covenanters. James, Duke of York is remembered in Scotland, not as one who rescued the country from the chaos of the Lauderdale administration, but as the author of the "Killing Time", when wholesale butchery of humanity was considered the only cure for religious recusancy. In those dark days the rule of ^{Lauderdale,} ~~Cromwell~~ harsh and relentless though ~~it~~ had been, was looked back upon as a golden age of peace.

Lauderdale's old ally the Earl of Argyll had the misfortune to incur the wrath of the Duke by his qualified acceptance of the Test, and the ex-Secretary old, broken and negligible though he was, attempted once more to plead the cause of his friend, but he found that with Charles out of sight was out of mind, and he failed to secure Argyll's exoneration. Later, when he attempted to plead on behalf of his brother Hatton who was being attacked on all sides, Charles refused to see him: "D. Lauderdale came hear as was thought on Hatton's accompt. But the King gave them the slip by the back staires, so you may be sure ther is little to be expected hear for him." (2) To Charles, Lauderdale was

(1) C.S.P.D. June 16th. 1681.

(2) H.M.C. Drumlanrig Papers 105.

now an objectionable nuisance to be avoided, and the latter, to his great chagrin, was forced to see the men whom he had striven to have stigmatised as traitors, enjoying honourable position in Scotland, or basking in the royal smiles at Whitehall. The bitter cup of failure was drained to the dregs.

Although deprived of the Secretaryship, Lauderdale was nominally allowed to retain his other offices - an empty honour for he was unfit to play any active part in the government, and as far as history is concerned might well have died in 1680. Law in his "Memorialls" asserts that the Scottish Privy Council persuaded the King to cancel all pensions granted by Lauderdale, including his own, and that the latter was forced to entreat Charles not to allow his servant to die in poverty "yet was not granted". (1) Of the truth of this allegation there is no positive proof, but the regret, said to have been uttered by Lauderdale a few weeks before his death that "if he had been as faithful to his God as he had been to the King, he would not have shaken him off in his old age as his master and his brother the Duke of York had done" ⁽²⁾ may be a reference to the loss of his pensions. On the other hand it may be the maudlin sentimentalising of an aging man whose ambition had been his ruin.

(1) Law 234.

(2) F.H.O.74.

If he died in poverty, and he probably did, it was due to his own former extravagance, and to the avarice of the Duchess, who, in anticipation of her husband's death possessed herself with brazen unscrupulousness of all the moneys and properties she could annex.

On August 24th. 1682 the Duke of Lauderdale died at Tunbridge Wells, and the passing of the "learnedest and powerfulest minister of state in his age" excited little notice of comment, and the speedy distribution of his offices after his death is striking proof of the fallacy of human indispensability. In his own eyes alone had he been indispensable to Charles. When Fate decreed his removal from the political field his master without difficulty accommodated himself to new people, policies, and plans, and Lauderdale as far as the King was concerned might never have been. The measure of his greatness - and Lauderdale was great as the Devil is great - is in what might have been had he not steered the ship of state for twenty years. What would have been? A succession of petty tyrants, an ever changing administration, an ever increasing Covenanting menace, and Scotland the happy hunting ground for England's enemies at home and abroad. What was Lauderdale's contribution? He had one steadfast purpose - to achieve despotism for Charles - and that purpose meant that his government, harsh and tyrannical

though it was, was consistent, and he had the ability and brutality to maintain its consistency for twenty years. Lauderdale was for Charles a fortunate accident, but accidents are wont to claim their victims in the end, and King and minister were at long last the victims of their initial good fortune.

Lauderdale was the Dictator of Scotland, and never was that more fully realised than when at his death the many offices so long concentrat~~e~~d in his hands were distributed: "His place," a knight of the most honorable order of the Garter was given to his mortall enemy the Duke of Hamilton, which speaks the wain inconstancy of all fluid things; how would it fret Lauderdale if he could lift up his head and see Hamilton succeed him in that stall, whom he had persuaded the King to be a disloyal factious man! But his Majesty being facile. forgets these characters, and sends for Duke Hamilton, who went to London in October. His place as President of the Privy Counsell was given to the Earl of Linlithgow. His Secretaries place he had install~~ed~~ the Earle of Murray in it about two years ere he dyed, but all that while he had reserved the £1000 sterling pension annexed theirto; and instantly on his death the Earle of Middleton (whom Lauderdale had kept out all his tyme) was added by the King as his conjunct Secretary for

Scotland. His office of Governor of the Castle of Edinburgh was bestowed on the Marquis of Queensberrie, Lord High Treasurer; and Major White was made Deputy governor or Constable in place of Drummond of Lundie, now made Lord Treasurer Depute, upon Halton's removal from that place. Drummond Earle of Perth was installed in his place as one of the 4 extraordinarie Lords of the Session; and his government of the Isle of the Basses also given to Perth, was annexed to the Crown and Exchequer. His office of being shireff principal of Haddington or East Lothianshire was given in May 1683 to the Earle of Winton . . . and his being one of the Commissioners of the Treasurie ceased and became extinct in May last, when Queensberrie was made sole High Treasurer and the Duke of York took his Commissioner's place over his head. So that we see between him and his brother Halton and his sone, there has been a numerous accumulation and suppression of great and considerable places of trust, which if rightly distributed, might have pleased many expectant praetenders." (1) In that last comment lies one of the secrets of Lauderdale's failure.

The Duke of Lauderdale was buried beside his ancestors in the Church of Haddington on 6th. April 1683, almost eight months after his death: a delay due to the fact

(1) F.H.O. 76-77.

that his Duchess and the new Earl could not agree as to who should pay the funeral expenses. In the end the Earl was constrained to shoulder the burden, and the Duke was buried with the magnificence and ceremony befitting the "Uncrowned King of Scotland". He was succeeded in his earldom by his brother Halton, but the Duchess secured for her own son the family estate of Lethington, (1) and for several years the Duchess and the Earl were engaged in violent litigation, in which the former did not scruple to gain her ends by perjury, but such activities belong to the biography of the Duchess and not to the history of the administration of Scotland by the Duke of Lauderdale: that ceased in October 1680 when Lauderdale died to history.

John Maitland, Duke of Lauderdale, was a great statesman; but he failed, and failed grievously, just because he strove not for his country, but for himself and his King. The true measure of a statesman's success is the good he works for his country: Lauderdale left only a legacy of evil, but, let us remember in his favour, and he himself would wish no higher testimony "(he) was a man very national." (2)

(1) Moray Letters. ^{pp. 455, 456, 483, 488, 494, 490, 492, 497.} 345, 346, 368, 373, 376, 374, 375, 377.

(2) Law 65.

Part II.Ecclesiastical History 1660- 1680.Chapter I.Ecclesiastical History. 1660 - 1667.

"The history of the period resolves itself into a struggle between kingly despotism with Episcopacy as its appanage, and spiritual independence with Presbytery as its inspiration." (I) Thus does the biographer of Bishop Leighton, euphemistically sum up the history of the years 1660-1680. The paradox is effective but historically untrue. Kingly despotism was certainly the chief factor in the struggle, but Episcopacy was for it merely a fortunate accident. There was no necessary relation between the two. Nor was it a contest between kingly despotism on the one hand and spiritual independence on the other. The blunder made by the Scottish and English statesmen at the Restoration in imposing Episcopacy at the very outset, has given succeeding historians a plausible excuse for characterising the aspirations of post-Restoration Presbytery as purely spiritual. That was not the

(I) L.L.L. P.328.

case. The Presbyterians of 1660 were still the followers of Andrew Melville, and their ambitions soared beyond spiritual independence to civil domination. Therefore, although Charles had continued Presbytery at the Restoration, he would still have had to fight to "red the marches" between Church and State. The struggle would have been short, victory would have gone to the state, and the Church would have adjusted itself gradually to the new conditions, as it was called upon to do in 1690. Because he imposed Episcopacy, Charles had to fight against a people inspired by a two-fold ambition: to achieve spiritual independence and civil domination, and because of the former, he fought a losing battle.

The crystallisation of the situation into kingly despotism versus spiritual independence also implies that apart from her religious problems, Scotland had then no history. That again is an exaggeration. Had there been no religious problem at the Restoration it would not have materially affected the policy of Charles and his ministers Lauderdale. Despotism was their aim and for a time they would have flourished, no matter what church had been established. If Presbytery had been continued at the Restoration, the middle classes of Scotland would have had time and peace to develop the nationalism lying latent within them. The struggle between King and people would thus have been shorter and sharper, and the Revolution would have sent Charles, not James, on his travels again. The upheaval would

probably have come in 1680 when the relentless hand of Lauderdale was withdrawn from the helm, for in spite of all opposition, he, for a time, would have triumphed.

Unfortunately for Scotland, an alien church was thrust upon her at the Restoration, and thirty years of sectarian strife and religious persecution followed, years in which the national, political consciousness was stunned, and patriotism inarticulate. But the religious question really only affected the masses and a section of the middle classes. As far as the nobles and gentry were concerned, neither their hearts nor their principles were involved. For them, as for the King and Lauderdale, the religious strife was but a weapon of offence or defence as necessity demanded. Thus it may be said that in the years following the Restoration, the history of Scotland was two-fold. There was the political, administrative history which revolved round, and depended upon the King and Lauderdale, who held in their hands the trump card of ecclesiastical supremacy, and there was the religious, or more accurately, the ecclesiastical history, which had for its ultimate object the shattering of that religious supremacy.

The fact that ecclesiastical and secular politics were the woof and the warp of the national history, made Lauderdale's ideal of despotism at once easier and more difficult of attainment. Because politics and religion clashed, he could play off one against the other, and so

achieve victory. But because there ~~was~~ war, he was forced to dissipate on the religious problem, energies which would have been effective in securing political supremacy. Politics and religion between 1660 and 1680 are not entirely separable, but the political administration was an achievement distinct from religious considerations, so that without distorting the historical pattern unduly, it is possible to withdraw the separate threads, and gauge their relative strength and importance. For that reason I have ventured to separate the ecclesiastical and secular history, and trace the history of each in unbroken line from 1660 to 1680. The history of those years is not the struggle of despotism versus spiritual independence. It is the struggle of kingly despotism, with its useful but accidental tool Episcopacy, against -- Presbytery with its two-fold ambition, spiritual and civil domination.

1660 - 1667.

On August 23rd. 1660, the Committee of Estates assembled in Edinburgh under the presidency of the Earl of Glencairn. In a house close by, ten Remonstrant ministers, and two ruling elders met to draw up an address to the King, expressive of gratitude for his Restoration, and of hopes for his loyalty to the Covenant. (I) The Chancellor hearing of their intention,

(I) N.D. P. 298 $\frac{1}{2}$.

In this section I have taken most of my facts from Wodrow's "Sufferings of the Church of Scotland."

and knowing how unpalatable such an address would be to the King, ordered the ministers to be arrested and their papers seized. Mr. James Guthrie was one of the captured, and he was carefully treasured by the Committee of Estates, that his execution might later be an acceptable offering to the King, from a devoted Parliament.

The Chancellor's high-handed action alarmed both Resolutioners and Remonstrants, particularly the latter, who still remained "men for their own faction alone." (1) The fears of the former, however, were allayed, by the receipt of a letter from the King, delivered to the Presbytery of Edinburgh by James Sharp on September 3rd. In the letter the King promised to "protect and preserve the government of the Church of Scotland as it is settled by law without violation," and also to summon ministers to London to confer with him as to the settlement of the church, and the speedy calling of a General Assembly. (2) Brave promises which were never intended to be fulfilled!

The Presbytery of Edinburgh expressed unqualified approval of the King's letter, and appointed a committee to draw up a grateful answer. At the same time the royal letter was circulated amongst the other Presbyteries, and their approval required. Along with the letter to the King was sent a letter to Lauderdale thanking him for past services, and begging the

(1) B.L.J. P. 403.

(2) Wodrow pp. 76-8.

continuance of his favour. Meanwhile the Committee of Estates continued their rigours towards Presbyterian ministers and laymen, in accordance with their proclamation of August 24th., forbidding all unlawful meetings and seditious papers and petitions, civil or ecclesiastical. (1) Such a prohibition meant that no concerted appeal could be made to the King on behalf of Church or state. Contrary to his promise the King summoned no ministers to London for consultation, and the future of the Scottish Church, was perforce left to the tender mercies of Clarendon and the English hierarchy, and their Scottish tools, the chief of whom was James Sharp, who had in excess the useful seventeenth century quality of being able to "sail with all winds, stand with all, and fall with none." (2)

"For securing of an interest in England the Episcopall partye must be gratified with a moulding of the church heer to ther mind," (3) wrote Sharp in February 1661, and it was soon evident that to "gratify the high-flying party in England and bishops there, our excellent church government, legally solemnly settled must be overturned," (4) and the chief agent in the overturning was Clarendon. He impressed on Charles his conviction that Scotland was weary of Presbytery, and would welcome Episcopacy, but, and here spoke one whose plans

(1) Wodrow I.P.74. C.E. 20th. Sept. 1660.

(2) L.R.B. P.528.

(3) E.U.T. Sharp to Lauderdale. Edinburgh Feb. 5th. 1661.

(4) Wodrow I. P.233.

were surely laid, he advised Charles to allow the first motion for change to come from Scotland herself. "Untill they petition your Majestie, I would lett them alone in their owne way." (1) He well knew that ere long Middleton and his friends would see that the King was well supplied with evidence of Scotland's desire for bishops.

It was the reasonable expectation of most that whatever else the Restoration Parliament did, in its first session, it would settle the church government, and pass the act of Indemnity. Neither expectation ~~was~~ fulfilled. The King's chief ministers, with the exception of the Earl of Lauderdale, and the Earl of Crawford, were bent on establishing Episcopacy, and it was probably the active opposition of these two, which prevented Middleton introducing an act establishing Episcopacy, instead of the meaningless promise to "maintaine the true reformed Protestant religion in its purity of doctrine and worship as it was established within this kingdome, during the reigne of his royall father and grandfather of blessed memorie." (2) To reassure the Presbyterians who were becoming restive at the delay, the provincial synods were allowed to meet but their confidence was again shaken by the act restoring the system of patronages, (3) a measure encouraged if not instigated by Sharp who was all this time resident in London, busily engaged in sailing with

(1) Clarendon State Papers. I6I95.75.

(2) A.P.S. VII. 87.

(3) A.P.S. VII. 272.

all winds. "If your Lordship will ensure my welcome upon my return", he wrote to the Lord Register, "I shall engage that the commission for Presentations shall be past by the King⁽¹⁾ and Parliament at least, gave him a welcome.

Simultaneously with the act promising to maintain "the true reformed Protestant religion, was passed the ~~Act~~ Rescissory, which left Episcopacy as the Protestant religion of Scotland. In the face of this clever juggling Middleton was justified in writing to the King "it will be no hard work, I hope to settle this church upon its old foundation."⁽²⁾ To prepare the way further, he had preachers expatiate on the Covenant from every point of view. When the Presbytery of Edinburgh sent a deputation to complain of the maligning of the Covenant indulged in by some preachers, Middleton refused to receive them as a deputation, would only listen to them as individuals, and finally forced them to apologise for their interference.⁽³⁾

Lauderdale on the other hand, strenuously upheld Presbytery until he saw he could not prevail, and that his persistence merely alienated the King without aiding the Presbyterian cause. The ~~Act~~ Rescissory he denounced most strongly: "to swipe away all the acts even those where his majestie and his blessed father of glorious memorie were themselves present will in my opinion be of dangerous consequence, for first that

(1) Harl. 463I.100.

(2) Clarendon State Papers. 1616I.74.

(3) Ibid.

would cut away the acts of oblivion and if they be repealed what security can the subjects have in this act of oblivion?" He admitted the necessity of rescinding certain acts, but wholesale rescission he deprecated, since the bulwarks of Presbytery would thereby be removed. "Secondly this would wholly take away the church government and settle Episcopacie (I). But sincerely earnest though he was in his support of Presbytery, ambition would not allow him to run the risk of "splitting on a rock that it is probabell a nuff may have been desaynedlie by sum thrown in your way." (2)

Clarendon was unqualified in his approval of the Act Rescissory as the first step towards the establishment of Episcopacy. "The continuance of it is necessary for the finishing the great work, and that the same good spirit will possess you to the end with the same success whilst we here endeavour to follow your example which in truth hath already been of great use to us!" (3) Thus he encouraged his satellites, and Charles himself lent his aid to the great work by calling in March 1661 a conference of twelve bishops and twelve Presbyterian ministers, with nine assistants on each side, to discuss the question of a liturgy. (4) In Scotland itself suspicions of the government's attitude towards the church were rife, and Sharp was becoming suspect.

(1) Clarendon State Papers. 1661. 74.

(2) L.P. I. 92.

(3) Harl. 4631. 96.

(4) C.S.P.D. Oct. 25th. 1660.

"I am not pleased with what is so oft inculcated to you from London, that the more we meddle with the Kirk of England, it will fare worse with us and them", (1) wrote Robert Baillie to a brother minister, and his suspicions were generally shared, and found expression in the synodical meetings. The government, alarmed lest the concerted opposition of the ministers might defeat their plans before they were matured, ordered the forcible dissolution of the synods. The local nobles, such as Rothes in St. Andrews, Queensberry in Dumfries, the Earl of Galloway in Galloway were entrusted with the task, and no sympathy was allowed to mar the thoroughness with which they carried out their duties. (2)

On July 12th. 1661, the first session of the Restoration Parliament came to an end, and Middleton, accompanied by the Treasurer Crawford, hastened up to London, whither Rothes, Glencairn and Sharp, had gone in April. The aim of all was the settlement of the national church, and with Clarendon and the English bishops supporting Middleton and his colleagues, the issue was never in much doubt. The King called a meeting of the Scots Council to hear all sides of the question. There, Lauderdale pleaded for time to consult a General Assembly before further steps should be taken. Crawford indulged in no such vacillations. He denounced Episcopacy as being contrary to the genius of Scotland, and its establishment as a breaking

(1) B.L.J. 408.

(2) Wodrow I. 117-124.

of faith with her people. Sharp's attitude to the whole question is summed up in a letter written to Lauderdale from London on April 1661. "The employment I have with other considerations of concernement more to others than to myself lay upon me a necessity of carrying towards those who are at the helm their so as they may not look upon me and use me as a spy and nauseat my attendance, this would incapacitate me to be of any use." (1) When the time came to show his colours, it was evident that he had served those "at the helm" only too well. Middleton, Rothes, Glencairn, Clarendon, all used their influence on the side of Episcopacy, and the King, swayed by their insidious arguments, agreed to its establishment.

On September 5th. Rothes and Glencairn presented the letter ordering the establishment of Episcopacy to the Scottish Privy Council, and on September 6th. a proclamation was issued to that effect. Synod meetings were forbidden until further notice, and presbyteries were forbidden to admit ministers. (2) The work of the Privy Council was completed on the first day of the second session of Parliament, when the act admitting bishops to sit and vote in Parliament was passed. (3) The act for the establishment of Episcopacy was not passed until three weeks later, and until then the bishops had no legal right to vote in Parliament, but that was a point ignored by a loyal assembly. (4) To strengthen

(1) E.U.T. Sharp to Lauderdale. London April 25th. 1661.
 (2) P.C.R.I. 28-9, 30-2, 125-6, 130-1.
 (3) A.P.S. VII. 370.
 (4) A.P.S. VII. 372.

the cause of Episcopacy, Parliament passed an act ordering all in public office, civil, military and ecclesiastical to sign a Declaration denying the Covenants. (I) This was designed to oust the Presbyterians from office, and had the desired effect, except where they complied rather than lose office. The Earl of Crawford, Treasurer, to remove whom and Lauderdale the act was originally framed, demitted office rather than take the oath. Not so Lauderdale! He was prepared to swallow countless oaths, provided he could remain in office.

Once Episcopacy was established, the burden of maintaining it in its integrity, and protecting it from Presbyterian attack, devolved on the Privy Council, which, when Parliament was not sitting, enjoyed under Charles unlimited legislative power, and the abuses of conciliar government were seen at their worst in the ecclesiastical policy. The Privy Councillors knew only too well, that any acts they passed to the detriment of Presbytery, would be endorsed by a subservient Parliament.

After the adjournment of Parliament in October 1662, the Earl of Middleton made a tour of the western counties to gauge for himself the attitude to the legalised church. Lauderdale described his journey as a "planting and a feasting" one, and undertaken to delay his return to Court, where retribution for the part he had played in the Bill^g (I) A.P.S. VII. 405.

Act awaited him. As a result of his personal investigations Middleton summoned the Privy Council to Glasgow, where was passed an act ordering all ministers to receive presentation from patrons, and promise to observe all the thanks-giving days commanded by the Episcopal Church, before November 1st. The penalty for disobedience was dismissal, and removal beyond the bounds of their respective Presbyteries. (I) The act was short-sighted and harsh in the extreme, and with its passing, all hope of peaceful comprehension was gone. But Middleton, who was not so much a lover of Episcopacy as a hater of Presbytery, failed to realise the probable consequences of his act, and determined, if necessary, to bludgeon the whole population into the established church.

When the first of November came and approximately three hundred and fifty ministers left their parishes, rather than seek presentation at the hands of a lay patron, the Privy Council realised the enormity of their blunder, for the widespread extrusion meant that the greater part of the west was deprived of the comforts of institutional religion, a circumstance inevitably productive of discontent. To rectify their blunder they summoned the Archbishops of St. Andrews and Glasgow to confer with a committee of the Council, as to supply for the vacant parishes. The result of their deliberations was that until February 1st. 1663 was given for ministers to conform, and if they failed to

(I)P.C.R. I.269-76.

comply then, they were forbidden to preach, were to be banished beyond the bounds of their Presbyteries, and if they belonged to the Presbyteries of Edinburgh or St. Andrews, to be removed beyond the Tay. No two extruded ministers were to be allowed to dwell in one parish, and ministers failing to attend the synod meetings, were to be confined to their parishes until judgment had been passed on them. Recalcitrant laymen were also dealt with. Those who failed to attend the nearest conform church were ~~for~~ to be fined twenty shillings, the fine to be given to the poor. The onus of enforcing the laws rested on the justices of peace in the shires, and the magistrates of burghs.

Contrary to the Council's expectations, this act instead of promoting conformity, resulted in more widespread extrusion of the clergy, whilst others, in defiance of the law, continued their ministrations in their parishes. The council replied with fresh thunderings against the recusants, ministers and laymen, and for the next twenty years its chief business was the coercion of the Covenanters, and the more recalcitrant the latter proved, the fiercer was conciliar persecution. The Privy Council legislated at will against the Covenanters, and Parliament was always ready to confirm its legislation.

The third session of Parliament met in June 1663, and Lauderdale seized the opportunity to consolidate his position

by appearing as the ~~ardent~~ upholder of Episcopacy. So long as Middleton, backed by Clarendon and the English bishops, was its champion, he refrained from active countenance, but with the downfall of Middleton, he realised that he could only achieve his ambitions by donning the Episcopal mantle. It was essential that the King, and more particularly Clarendon and the English hierarchy, should be convinced of his zeal, and he therefore let slip no opportunity of making public testimony to his ~~newly~~ acquired faith. As an earnest of his good intentions he had the two Archbishops made Privy councillors.

When the "Act against Separation and Disobedience to Ecclesiastical Authority" - ^(I) the Bishops' Dragnet ^{was passed} he harangued Parliament on the wisdom and necessity of such an act, and lauded the Episcopal Church, and incidentally the royal prerogative to the skies. He sent a copy of his speech to the King, along with a triumphant letter that now he had refuted the calumnies of his enemies, and proved his loyalty to the established church by "rooting out" any confidence the Presbyterians may have had in him. (2) The bishops in a body came to thank him, and declared that his words would do more for the Church than the act with all its penalties. Lauderdale modestly refrained from recounting the bishops' compliment to the King, but gave Sir Robert Moray tacit

(1) A.P.S. VII. 455.

(2) 23II9 f.86.

encouragement to do so. (1) Charles was charmed both with the speech and the act, and ordered copies to be printed and circulated in London. He was unwearied in his efforts to set good examples before his English subjects.

The act in question merely gave parliamentary sanction to the Act of Council passed in November 1662, and in no way ameliorated the lot of the nonconformists. An act passed on the same day was a halfhearted attempt at conciliation. It allowed "Ministers who served before and in the year 1662 the half of the stipend due for that year." (2) But the most important piece of ecclesiastical legislation in this session was "the Act for the establishment and constitution of a National Synod." (3) Its importance lay, not in its fulfilment- Sharp and his colleagues had no intention of calling a General Assembly which might become unpleasantly vocal- but in its promise of potential power for the King and the Archbishop of St. Andrews. To this Synod were to be summoned the Archbishops, the bishops, deans of cathedrals, archdeacons, ~~all~~ all moderators of meetings allowed by the bishops within their respective dioceses, one presbyter or minister from such meetings chosen by the moderators and the members; one or two representatives from the University of St. Andrews one from Edinburgh, one from Glasgow, and one from King's

(1) L.P. I. 183.
 (2) A.P.S. VII. 456.
 (3) " " 465.

College, and one from Mareschal College ,Aberdeen. Sharp was made President of the Assembly, and Rothes Commissioner with a salary of twenty pounds per day until the Synod should sit, when his allowance was increased to fifty pounds per day. (1) The duties of the Synod were to be the general supervision of the church, and the discussion of such ecclesiastical business as the King should be pleased to lay before them. Its powers were intentionally vague and indefinite, and dependent on the will of the King and President. This further enhancing of his prerogative delighted the King so much, that Moray reported to Lauderdale that he "still magnifies the act upon all occasions", (2) and the act was printed for the delectation of London.

With the dissolution of Parliament in October 1663, the conduct of affairs was again entrusted to the Privy Council, and the Covenanters suffered accordingly. Nonconformist ministers were constantly being cited before the Council, and proclamations in plenty were issued against conventiclers, ministers and laymen. Quartering of soldiers on those who refused to attend the parish church was authorised, a system productive of excesses and abuses which made life hell for the inhabitants of the west and southwest. (3) There was indeed no thought-out, systematic policy

(1) Wodrow. I. 419.

(2) L.P. I. 183.

(3) P.C.R. I. 461, 511, 550-51.

employed by Rothes and his evil genius, Sharp, against the Covenanters. Brute force was the only persuasion which a man like Rothes could understand, and it was applied unsparingly.

" The extensive and large acts of Council, with the severe execution of them . . . leave little room for much further to be done by the managers, until the rising at Pentland is taken hold of for a handle to further severities," (I) writes Wodrow, but there was yet one means of oppression left untried for the intimidation of the Covenanters, and it was left to Archbishop Sharp to suggest its adoption. He, with all the blind fanaticism of a convert, and a convert whose conscience was never at ease, considered that the Council, and particularly in the person of Chancellor Glencairn, was proving lax in the execution of the laws against nonconformists. A few weeks after the dissolution of Parliament, he went up to London to present his grievances and suggest remedies. Early in 1664 he returned with a commission from the King to erect a Court of High Commission for the management of church affairs. Along with this commission he brought a letter for the Privy Council giving him in future precedence over the Chancellor, but the letter was not produced until sometime later, the commission, for the time being, serving as sufficient reproof to Glencairn for his remissness. Forty four persons (I) Wodrow I.383.

including all the bishops, and the Chancellor and Treasurer, were named as commissioners of the Court, but any five, provided one was a bishop or archbishop, was a sufficient quorum for conducting business. Their powers were practically unlimited, and the military forces were placed at their disposal, to be used at their discretion. The Privy Council was relieved of all ecclesiastical business except actual legislative enactments, and indeed, while the Commission was in being, it was exceedingly difficult for the Council to secure a quorum for the transaction of secular business, since its chief members were engaged in the ecclesiastical court. In this court - the "Crail Court" as it was called - the Archbishop of St. Andrews was supreme. He could choose his quorum and thus pass what measures, and impose what penalties he pleased. If in the past, the Court of High Commission was an engine of tyranny and a byword of oppression, it fell not below those standards now. Many, innocent as well as guilty, were cited to appear before the all-powerful quorum, and few were dismissed without punishment. Fines, imprisonment, banishment, were inflicted indiscriminately, and once within the clutches of the Commission no escape was possible. The writer who compared the Court to the lion's den, where many beasts went in, but none returned was apt in his comparison. (I) The orgies continued unabated, until the lay members of the Commission (I) Wodrow I. 391.

partly from jealousy, and partly from disgust of the brutal fanaticism of the bishops, withdrew their support, and complaints of their defection were soon carried to Whitehall. (1)

While the bishops concentrated their energies on the masses, the King and Lauderdale were not unwilling to lend their efforts to secure conformity in higher circles. On January 5th, 1664 a letter was read from the King requiring all members of Council, and all senators of the College of Justice to take the Declaration against the Covenants. At the same time, letters were issued to all shires and burghs demanding a list of all officials who had signed the Declaration. Those who refused were to be dismissed forthwith, and disobedience on the part of burghs afforded the Council an excellent excuse for interfering in municipal elections. The burghs of Ayr and Irvine, where several magistrates refused to take the oath, had their elections decided by the Council, in a manner favourable to the King's business. (2)

Even in Edinburgh itself, the Council was hard put to it to secure obedience to its laws against Conventicles. Many of the burghesses had Covenanting proclivities, and their wives were openly sympathetic, so that Conventicles were allowed to meet with little fear of municipal interference.

(1) L.P. I. 202.

(2) Wodrow I: 397.

In November 1664 in an endeavour to put temptation beyond the reach of the people of the capital, the Council ordered all deprived ministers resident in Edinburgh to leave the city within forty eight hours. (1)

At the end of a year's frenzied persecution, the energies of the Court of High Commission began to wane, partly because victims were becoming scarce, but chiefly because the Privy Council was now definitely antagonistic. Rothes, dominated by Sharp, was still its ardent supporter, but the majority of the Privy Councillors were bent on destroying its powers. Thus, victims cited before the Court were discharged by the majority vote of the laymen, much to the chagrin of the bishops. Rothes intimated the imminent demise of the Court in a letter to Lauderdale: "ther is so manie in the comisione to speack on all ocasions for thos who are cald before us that these caynd of pipill hes lost the aue and fear they had to cum befor the comision." (2) But before retiring from active participation in business, the Commission ordered the arrest and imprisonment of several of the gentry of the western shires. No definite charge was proffered against them, and they were allowed to lie in prison, probably forgotten by the government. (3)

- (1) P.C.R. I. 624-5.
- (2) L.P. I. 205.
- (3) Wodrow I. 425.

There was another reason why the Council wished to curb the activities of the Court of High Commission. War had broken out between England and the Low Countries, and while war was being waged without the country, the government judged it wise not to goad the Covenanters to further opposition. Conventicles, despite the Commission, were increasing in frequency, in size, and in boldness, and little was needed to transform their disaffection into active rebellion. Holland was the happy hunting ground of exiled Covenanters, and rumours were rife in Scotland and in England, of the preparations being made by the exiled to invade Scotland, and rescue their brethren; not was the readiness of the brethren to welcome their saviours doubted.

To lessen the menace from the Covenanters, orders were given for the disarming of the west and south-west. This delicate task was entrusted to Sir James Turner and his colleagues. The former was well equipped for such work, for since the beginning of the religious troubles, and particularly under the régime of the Court of High Commission, he had been constantly employed in suppressing disorders. Quartering with all its iniquitous accompaniments of extortion and oppression was an open book to him, so that his new task was particularly congenial, but not very fruitful of results. It was hoped that the arms drawn from the west would serve to supply the militia then being

raised, but the response was disappointing, and since it was impossible to institute a thorough search over so large an area, there is little doubt that the arms confiscated represented only a small proportion of the amount actually possessed. When rebellion broke out suspicion was verified.

In spite of the fact that the country was seething with discontent, Rothes and the bishops persisted in maintaining the contrary, and optimistic reports of the imminent settlement of all ecclesiastical troubles were sent to Whitehall. "The difficulties off bring^eing the condition of the church into a good ffram and setelment are not so great as di^d appeare," wrote Rothes to Lauderdale, and intimated that few ventured opposition to the King's authority. (1) Yet, while hopeful as to the loyalty of the country, he deprecated calling a Convention of Estates, because of the opportunity it would afford to the disaffected, to raise their head, just when "a verie litill taym will randir both oposiers and withdrawiers verie insignifficant" (2) Rothes was determined to keep the King and Lauderdale in ignorance of the true state of affairs, lest knowledge on their part might endanger his position in Scotland. The King was certainly ignorant of the height to which persecution had inflamed his Scottish subjects. Lauderdale was not so ignorant. He knew Scotland, and he knew the character of

(1) L.P. I. 208.

(2) L.P. I. 215.

Rothés and the bishops, and their determination to exact obedience at the point of the sword. The details of the persecution he probably did not know, but had he wished he could have restrained their brutality. Such interference was contrary to his policy of allow^{ing} Rothés and Sharp to run on their own ruin, and so make way for rule by the King and Lauderdale, unhampered by other aspirants. That such a policy involved the destruction of many of his countrymen was comparatively unimportant: the Covenanters were but one of the pawns in his intricate game.

A disturbance caused by the fanatics in Edinburgh itself, still failed to shake the confidence of Rothés, but by the end of 1665 he was beginning to waken to the danger of civil war. (1) "As to the dispositions of the pipill in the cuntrie I dear not say thay are weall inclayned, but most acnouldg I thinck thay ar wors then I did imagin, had thay anie oporteanatie, I dear not ansuier but I judg it mor then probabell thay wold underteack tho it wear desperat anuff." (2) He was not to be disappointed.

In August 1665 a Convention of Estates was held under the Commissionership of Rothés, and the Presidency of Sharp, who coveted the Chancellorship, vacant since the death of Glencairn in May 1664. Lauderdale, however, had

(1) L.P. I.221. Wodrow I.422.

(2) L.P. I.233.

other designs, and Sharp and Rothes cultivated Clarendon and the English bishops in vain. Sharp was never within measuring distance of the Chancellorship,^{but} His appointment as President of the Convention gave him fresh hopes, and his arrogance was unbounded. The Commissioner was completely eclipsed, and his duties usurped by the President. He it was who harangued Parliament on the necessity of complying with the King's wishes in the question of supply, and in every way behaved as if already Chancellor as well as Primate of Scotland. Lauderdale bided his time.

The Commissioner Rothes, like his predecessor Middleton, decided to make a tour of the western counties, to ascertain conditions for himself, and if necessary devise fresh measures for exacting obedience. (I) He set out in the beginning of November 1665 accompanied by the King's Guards, and a large retinue of attendants, a pomp little calculated to allay the discontents of the harassed, starving, west. Rothes' pilgrimage, like Middleton's bore fruit in harsher legislation. On December 7th, the Privy Council at Edinburgh passed the iniquitous "Mile Act", which commanded that all ministers who had entered the ministry before 1649, and had since the restoration of Episcopacy resigned their charges, or been dismissed, should remove from their parishes within forty days of the publication of the act. They were (I) Wodrow I. 428.

forbidden to reside within twenty miles of their own parishes, within six miles of Edinburgh or any Cathedral town, or within three miles of a royal burgh, conditions geographically impossible to fulfill(1) On the same day a fresh act was passed against "conventicles and unwarrantable meetings and conventions", and justices of Peace, and magistrates were charged with the task of preventing and dispersing them.(2) The chaotic state of the government of the established church itself was evidenced by the fact that the meeting appointed for the 25th. October^r for the churchmen to meet and revise their tax rolls was very poorly attended, and was by order of the Privy Council postponed until March 1666.

The year 1666 brought no diminution of the discontent seething in the country, and no slackening of the Council's coercive efforts. Parties of soldiers patrolled the west, quartering and exactions were the order of the day and the excesses of the soldiery were tacitly approved by the Council. Conventicles continued to increase in size and in frequency, and many of the attenders were armed, ready to resist the government troops. Sympathy with the Dutch was openly expressed, and their victories applauded. Yet in spite of those signs of approaching rebellion, Rothes wrote to Lauderdale "I will positively say ther is no

(1) P.C.R. II. 107-8.

(2) P.C.R. II. 108-9.

hazard nor scarcely a possibility of any stirring in this country to oppose the established laws and government of church and state. (1) He feared for his position and he feared the stir at Court that rumours of disaffection in Scotland invariably produced. To do Rothes justice, his was not the brain which devised the policy of excluding the King and Lauderdale from a knowledge of the condition of the country. He was but the tool of the Primate, who was working for the destruction of Lauderdale whom he hated, as a slave hates his taskmaster.

While the soldiery roamed at large over the west, persecuting and extorting money where they would, the Council attempted to strengthen the cause of Episcopacy by forcing all University students to take the oath of allegiance before receiving their degrees, so that they might be prepared for service both in church and state. (2) On the eve of rebellion an act was passed at the behest of the King, eloquent of the lack of foresight and intelligence of the government. By this act all landlords, heads of families, and magistrates were made responsible for the attendance at the parish church of all who were dependent on them. If any refused to obey their landlord then they could be evicted. (3) The act was a snare both for landlord and dependent. Implicit obedience was impossible, and

- (1) L.P. I. 236.
- (2) P.C.R. II. 173-4.
- (3) P.C.R. II. 202-4.

disobedience was made an excuse for further oppression. "That country (the west) was made a wilderness and well nigh ruined" writes Wodrow, and hunted and starved, there was no way of escape for the Covenanters but by rebellion, and the rebellion which had been brewing for six years, broke out prematurely in November 1666.

Many and grievous were the causes which led the Covenanters to take up arms, but the immediate cause- the straw which broke the camel's back- was the excesses of Sir James Turner and his soldiery, and a particularly brutal episode led to the capture of the former and his imprisonment until the end of the rebellion. News of the rising reached the Council at Edinburgh on November 16th., and bishops and nobles were panicstricken at the result of their persecution. There was no thought now of keeping matters secret from the King and Lauderdale. Rothes immediately set out for London to vindicate his policy, and receive instructions for the quelling of the rebellion. Sharp was left to preside over the Council, and his first act was to send a long and detailed account of the condition of affairs to the King. At the same time letters were sent to the nobles and gentry resident in the disaffected districts requiring them to unite with the Lieutenant General in helping to end the Civil war. Measures were taken to defend Edinburgh, and all regiments in or near Edinburgh were

required to take the oath of allegiance. (1) A proclamation was issued against the rebels, but it contained no promise of indemnity if they laid down their arms, so that since death was certain if they submitted, and probable if they fought, they chose the latter alternative and the Council continued their defensive measures. The country was put in a state of defence and every loyal subject was called upon to assist in the restoration of peace.

The rebels from the outset had no chance of success. They were ill-clad, ill-fed, and ill-armed. Their numbers, instead of increasing as they marched northward, diminished, so that the victory for the government troops at Rullion Green was an easy one, and the rebels were soon "a rude indigested rabble, now flying towards Ayr." (2) About fifty in all were killed, and the same number taken prisoner. The treatment they might expect was foreshadowed in a letter from the Privy Council to the King on the day after the victory at Rullion. The Council were of the opinion that the principles of which the rebellion was an expression, and the discontent with the church and state generally, required "more vigorous application for such an extirpation of it as may secure the peace of the kingdom, and due obedience to the laws." "Extirpation" was indeed the ideal aimed at by

(1) P.C.R. II. 210-217.

(2) C.S.P.D. Nov. 29th. 1666. (1666-7)

the bishops and nobles who had been rudely shaken out of their brutal confidence. A conciliar commission with the power of life and death, ~~was~~ and in which any three was a quorum, was set up in the west to try rebels and suspects, while at the same time the ordinary criminal courts were filled to overflowing with business. (1) To ease the burdens of the Commission and save time and trouble later, it was decreed that rebels could be tried and condemned in their absence, and when caught could be executed without further trial. Torture was freely used to force the rebels to confess their designs which were credited with being more far-reaching than they really were, but little information was obtained. About twenty rebels were hanged, the others were either shipped to the Plantations or released on giving security for good behaviour. Forces were sent into the west under Rothes to settle the country, an achievement impossible in General Dalziel's opinion unless "the inhabetens be remouet or destroiet", and he followed up his advice with a request for more arms and equipment for the army which he asserted would be needed to suppress further rebellion. (2) His advice was heartily endorsed by the nobles who were loath to see the lately raised forces disbanded, and themselves deprived of their emoluments, legal and illegal, as officers. The war was a lucrative

(1) Wodrow II.53.P.C.R. II.252.
 (2) Wodrow II.53.L.P. I. 255.

concern for them, and it was to their advantage to aggravate hostilities. Dalziel and Drummund were made Privy Council-lors for their services in the rebellion, but their implication in the intrigues for the ruin of Lauderdale soon put a period to their prosperity.

Following on the tour of the west by Rothes and his itinerant Court of Justice, Sir William Ballantyne was sent with a party of soldiers to patrol the disaffected districts. Free quarters were taken everywhere, and the cruelties and extortions of the soldiery surpassed even Sir James Turner's activities. (I) The magnitude and importance of the rebellion was exaggerated to the King by Rothes and others, in order to justify their severity, past and present, and secure carte blanche for further persecution of the Covenanters. Charles, who dreaded internal war particularly when engaged in external conflict, at first commended their endeavours, and threatened with his displeasure all who attempted to uphold the cause of the rebels. "When by any person in authority under us any obstruction is given to our service, any forslowing of our commands by countenancing or pleading of phanaticks, conventickle keepers or disobedient persons to ecclesiastical government who shall be brought before any of those judicatories, you our Commissioner give us particular information (I) L.P.I. 252-268.

of the names of such persons who, are in any trust under us to the end we may take such course therewith as may hereafter prevent such courses."(I) In the face of such a threat few dared say a word in defence of the Covenanters. Heritors were ordered to protect and defend from all attacks the orthodox and well-affected ministers, and all that the civil law could do was done to safeguard Episcopacy, and eradicate Presbytery.

But the reign of terror promoted by the bishops and Rothes was drawing to a close. The rope which Lauderdale had allowed them for the last four years, was beginning to tighten round their own necks, and bishops, nobles, army officers, caballed in a final effort to maintain their position, and secure the dismissal of Lauderdale. The Council, at the instigation of the bishops petitioned the King to be allowed to require all and sundry to sign the Declaration, and if they refused to forfeit them. Such a sanction would mean that the lives and property of the Scottish people were at the mercy of the Council, and the Councillors would thus be able to enrich themselves from the forfeited estates, and so be compensated for their disappointment, when the fines were used for the upkeep of the forces. In addition, both bishops and nobles wished the continuance, and even the increase of the army, in order to

(I) P.C.R. II.284-5,290-2.

extirpate the Covenanters, and supply a means of livelihood to needy nobles. Lieutenant General Drummond and Archbishop Burnet of Glasgow went up to Court to press their respective claims. Archbishop Sharp, who was the obvious ambassador, was then suffering a temporary eclipse because of the discovery of his double dealing towards Lauderdale. The King's answer to the petition fell far short of the Council's expectations. They were authorised to put the Declaration to suspected persons, but refusal was only to mean imprisonment, and not forfeiture and confiscation of estate, as was designed. Heritors were ordered to search for, and seize all arms and ammunition, and store the same in Edinburgh Castle, and to commandeer all serviceable horses belonging to suspects. A militia was also ordered to be raised and equipped. (I) The royal letter pleased neither bishops nor nobles, for it failed to gratify the fanaticism of the one, and the greed of the other.

The downfall of Rothes was now imminent. In June 1667, Sir Robert Moray came to Scotland to investigate the state of the country, which had been so misrepresented to the King. Rothes was deprived of his offices, and as a consolation prize was given the Chancellorship. The commissioⁿ for a National Synod was recalled on the plea that since peace was now happily restored, and the government settled (I) P.C.R. II.267-8.

in its "ancient channell" to hold a synod was unnecessary. To pacify the Covenanters an Act of Indemnity was passed, an act, the futility of which is described thus by Wodrow: "In the beginning it pardoned all, in the middle very few and in the close none at all. (I) Nobles, gentlemen, heritors, and feuars were required to give bond for the peaceable behaviour of their tenants, but in return they were exempted from taking the Declaration.

This act, though narrow in its scope, was effective to some extent in quietening the country, and conditions were generally much ameliorated by the disbanding of the extra forces. As in political, so in ecclesiastical history the year 1667 marked a turning point, temporarily for the better, eventually for the worse.

(I) P.C.R. II.343-4. Wodrow II.92.

Chapter II.1667 - 1680.

The ecclesiastical history of Scotland between the years 1667 and 1680, is, if anything, more sordid than the history of the preceding years. Under the Commissionership of Rothes, the attack on the Covenanters was brutal and unreasoning, but in the light of later years, mild in its conduct, and lofty in its motive. Under Lauderdale the Episcopal Church and the troubles consequent on its establishment were cynically and unblushingly prostituted to the achievement of his own ambitions. Bishops and Covenanters alike were used as pawns in the game of exalting the King's prerogative and the minister's power. No gleam of real sympathy with either party lightens the gloom of Lauderdale's policy. Measures of amelioration, and measures of

coercion alternated, but neither sympathy, nor principle inspired them. To Lauderdale the Covenanters were like a piece of iron, which, if bent often enough, would eventually break. Lauderdale's political corruption and ruthless disregard of the claims of patriotism, might be forgiven as being in keeping with the standards of his day. His merciless efforts to extinguish the spiritual life of his country can never be palliated.

Heinous though Lauderdale's sins towards his country's religion were, yet they at least bear the stamp of originality and consistency. The same cannot be said for the conduct of Sharp. The ferocity with which in conjunction with Rothes, he had hounded the Covenanters to their doom, shrunk suddenly to abject submission, when he found that he had incurred the displeasure of King and Secretary, and his arrogance was further deflated when the Presidency of the Convention^{of 1707} was given to the Duke of Hamilton, and he was ordered to remain in his diocese, hated and discredited. But such a position could not long be Sharp's, eclipse was agony to him, and return to a place in the sun could only be through the favour of Lauderdale. He did not hesitate. He indulged in an orgy of repentance, for his past misdeeds, and promised never again to stray from the path of Lauderdaleian rectitude. His crawl back to

favour , however, was painful and slow, and punctuated with rebukes, and contemptuous admonitions. The victim writhed, but kept crawling, until at last, with insolent tolerance, he was restored to the good graces of the King and Lauderdale, because the latter had need of him in the great work of breaking the Covenanting opposition, and of disposing the orthodox clergy "to a generall satisfaction with the changes contemplated by the Secretary.

After the dismissal of Rothes the country was administered by Sir Robert Moray and the Earl of Tweeddale with the assistance of Rothes, and everything possible was done to safeguard the orthodox church, but at the same time the severities against the Covenanters were relaxed, and the chief perpetrators of the cruelties, Sir James Turner, and Sir William Ballantyne, were brought to justice. Numerous accusations of oppression and extortion were proffered, and proved against them, particularly against Ballantyne, whose record could not well be blacker. Turner urged as his defence that he was acting in accordance with the instructions of Rothes and the bishops, and his statement was doubtless true, but a scapegoat had to be made, and he was deprived of his command, ^{ordered} to produce his accounts and make good the deficit. In the fulfilment of the latter injunction, he escaped lightly by order of the Council. Sir William

Ballantyne's punishment was totally inadequate for his crimes. He was fined two hundred pounds sterling, and banished from the Kingdom. He solicited Lauderdale for the remission of his fine, but in vain, and in revenge attempted to murder him. He finally escaped abroad, and ended his life in the service of the Low Countries.

While discontent was rife at the inadequacy of the punishment meted out to Turner and Ballantyne, yet the fact that the Council had deigned to listen to complaints of cruelty against the Covenanters, gave the latter fresh hope, which immediately expressed itself in frequent conventicles, chiefly house conventicles, and in testimonies of their faith. The policy of the Council, directed by Lauderdale, towards the Covenanters before the passing of the Indulgence was curious in the extreme. The hopes of the latter were being constantly raised and dashed, while the bishops stood by in powerless dread of what Lauderdale might decree, and they danced to whatever tune he chose to play.

In July 1668 the tentative offers of Indulgence made privately to the Covenanters, by Tweeddale and others, were brought to a sudden end by the attack made on the life of Archbishop Sharp by James Mitchell, a Covenanted minister. The shot missed Sharp and wounded the Bishop of Orkney, a circumstance which did nothing to allay Sharp's hatred and fear of his unknown assailant. This outrage

encouraged the bishops to urge the Council to greater severity against the Covenanters, but all the Council could do was to enforce or try to enforce the existing laws against conventicles, and for the protection of the orthodox clergy. In public and in private Lauderdale railed against the Covenanters, and lamented that they were not so peaceful, as the English nonconformists, "but the beasts we have to deal with," he wrote, "are furious, unnatural, irrationall brutes, and so the King understands them right, and with cynical ferocity he added "tis force and awe must make the pleugh draw." (1) He bewailed "the madness of that generation whot will neither doe nor let doe", and whose insolence threatened the favour intended. (2) Thus he alternately thundered and sentimentalised, while all the time he was preparing the coup d'etat which was intended to settle all ecclesiastical difficulties, and which indeed sapped the strength of both the orthodox and the unorthodox church. In July 1669 he launched his Indulgence on Scotland, as a sop to Presbytery, and a set-back to Episcopacy.

By this Indulgence, ministers "outed" by Middleton's act of October 1662, were, if they had lived peaceably allowed to return to their former parishes if these were vacant, or if not, they were to be appointed to others by the bishops. Those who received Episcopal collation could

(1) Lauderdale to Tweeddale Whitehall 6th. March 1669. (Y)
 (2) " " " " 25th. " " (Y)

collect the whole of the stipend due; those who refused collation could only possess the manse and glebe. Ministers^s for whom there were no immediate vacancies were to receive an allowance of four hundred merks out of the vacant stipends. Attendance at kirk session and Presbytery meetings was obligatory, and disobedience meant confinement to their own parishes until a more compliant frame of mind was reached. (1) Since the Indulgence was supposed to remove all excuse for conventicles, contravention of the laws against conventicles was visited with increased severity.

The Declaration of Indulgence was the first bend given to the iron, and the metal was sharply dented. Needless to say the prelates disliked the measure intensely, and did their utmost to clog and delay its working, both before and after its passing. A number of ministers, by no means all the "outed"-were restored to their parishes, or appointed to others, while in some parishes served by the "Council's curates", the parishioners bribed the latter to resign that they might receive an indulged minister. The Council was alive to such practices, and intimated that parishes guilty of bribing their curates, would again be supplied from the orthodox church, (a threat which did not make life easier for the unfortunate curates, forced to feed an unwilling flock. (2)

(1) P.C.R. III.38-40.

(2) Wodrow II. 134.

The Indulgence had the desired effect on the Presbyterians, it divided and consequently weakened their ranks. Many of the more moderate, weary of the conflict, and longing for peace and quiet to pursue their vocations, accepted the olive branch, or rather the branch of thorns cleverly decked with olive leaves, and thus incurred the anathema of their more stiffnecked brethren. The section of the Indulged who fared worst were those for whom there were no vacancies, and the allowances legally owing to them were but scantily paid. This was chiefly due to the influence exercised over the Council by the bishops, who hated the Indulgence and the Indulged, but it was also due partly to the difficulty of collecting the vacant stipends. Since the Restoration collectors had been appointed in the various districts, but their zeal in exacting money from the heritors was only equal to their zeal in feathering their own nests, so that the Council when called upon to pay the allowances of the Indulged, had a ready excuse in the lack of funds.

The prelates as a whole were opposed to the Indulgence, but Sharp, true to his trimmer's heart deserted his brethren, and became the ardent supporter of Lauderdale's policy. Archbishop Burnet of Glasgow, though merciless towards the Covenanters, had the saving grace of honesty and consistency, and opposed the measure wholeheartedly. In a Synod held at

at Glasgow in September 1669, he caused to be drawn up a paper of protest called the "Remonstrance", which violently denounced the Indulgence, and questioned the royal supremacy in matters ecclesiastical. Such a challenge in this critical transitional, stage of Lauderdale's affairs ^{could not} be passed unnoticed, and the Archbishop was summoned before the Council, and ordered to produce all the minutes of the meeting. A committee was appointed to deal with the matter, and only two days were needed to decide that the "Remonstrance" was of a "dangerous nature and consequence, tending towards the depraving of his Majesties lawes and miscon-structing of the proceedings of his Majesty and his Counc Councill". (I) The seditious paper was ordered to be suppress-
-ed, and all possessing copies were liable to prosecution.. The King was informed of the Council's diligence, and the magnitude of the Archbishop's offence was in no way minimis-
-ed. In October Lauderdale came down to hold Parliament, and incidentally to investigate the affair of the Remonstrance. He well knew that while opposition to his ecclesiastical policy on the part of the Covenanters could be met with brute force, opposition from within the orthodox church itself, threatened the very foundations of the power he was building up. Therefore the offending Archbishop must be punished. Lauderdale made a show of
(I) P.C.R. III. 72, 82, 84.

consulting the bishops, but they dared ~~not~~ not oppose his decision. In December Burnet was forced to resign his archbishopric, and his seats in the Co_uncil and Session. (I) He was granted a pension, and retired to England to await his recall, which was not long delayed.

To this second Parliament of Charles, Lauderdale came down as Commissioner, determined to put the coping-stone on his own and the King's authority. The established church was an easy and obvious means to that end, and so was passed the "Act asserting his Majesties Supremacie over all persons and in all causes ecclesiasticall." (2) The act was the fruits of careful preparation and meditation on the part of Lauderdale. Until he was sure of its safe passage through Parliament, he would not have dared to introduce it, for to try and fail, would have ruined his influence with the King, and with the English and Scottish hierarchy. But Lauderdale was too astute to run the risk of failure. The bishops were the stumbling block, and once more Sharp proved a useful instrument. He, like the rest of the bishops, hated and feared the act, but as the Court sycophant, he dared not refuse his support. Lauderdale proudly recounted to the King his triumph over all opposition. "On Sunday in the forenoone I shewed it to my Lord

(1) P.C.R. III. 316.

(2) A.P.S. VII.554.

St. Andrews; hee said hee acquiesc^{ed}, but I found the old spirit^{of}. Presbytery did remaine with some of the bishops (soe unwilling are church-men by what name or title soever they are dignified, to, part with power) and that they would forthwith desire a conference with me about it, which I easily laid aside by declaring I would not alter a sillable in the act. Then I discovered a designe in some others, to have ~~hang'd~~ against it, but I found ways to fright ~~them~~ out of the current of their conceit, for this morning early I went to the Articles and resolved to bring it in the first busines, I brought it into Parliament before eleven, and had it pass'd without so much as one contrary vote in the forenoone." With heartless glee he told Charles he was now "soveraigne in the church, you may now dispose of bishops and ministers, and remove and transplant them as you please (which I doubt you can not doe in England.) In a word, this church, nor no meeting, nor ecclesiastick person in it can ever trouble you more unles you please." (I) By this act Lauderdale did the greatest service he could possibly have done to the Presbyterian interest. By it he deprived Episcopacy of any spiritual or moral influence it might have had in the country. He left to that idol, which others less far-seeing than he had set up, only its feet of clay, and they even now were crumbling.

(I) L.P. II.163-4.

As the result of the Indulgence, and the dismissal of Archbishop Burnet, the west now had a breathing space, but the prelates hampered the scope of the Indulgence by hastily filling the vacancies with curates before the Council had time to appoint indulged Presbyterians. The result was fresh attacks on the hapless curates by their unruly congregations, and an increase in the number of conventicles, which flourished in Edinburgh itself. The failure of his Indulgence to secure peace, had the inevitable effect on a nature like Lauderdale's. It increased his rancour, and his determination to secure obedience at all costs, and the Parliament which met in July 1670 was required to legislate to that end. On August 3rd. an "Act against such who shall refuse to depone against delinquents" was passed, which meant that any subject was bound to inform against another if called upon, father against son and brother against brother if necessary, and refusal, ^{meant} imprisonment, banishment or deportation to the colonies. The delinquents included conventicle keepers, and transgressors against the ecclesiastical laws generally. (1)

To strengthen the hands of the Council against those who attacked, or interfered in any way with the Episcopal clergy, an "Act against invading the ministers" (2)

(1) A.P.S. VIII. 7

(2) " " 8.

was passed, authorising rewards to be offered for information concerning such assaults, and indemnification for any slaughter committed on behalf of the government. Other acts against disorderly baptisms and withdrawers from public worship were passed, but the crowning act was the "Act against Conventicles". (I) The term conventicle" was no longer confined to field meetings, nor even to large assemblies held indoors, but was now extended to private worship where more than the immediate family were present. Infringement of the act meant banishment or fine, according to the status of the offender. Ministers who preached at field-conventicles, or at services where the congregation overflowed beyond the bounds of the building, were liable to the death penalty, and their hearers were heavily fined. To encourage the diligence of sheriffs, stewards and lords of regalities, they were allowed to retain for their own use the fines imposed on all under the degree of heritor. For the other fines they were to be accountable to the Privy Council, which was also required to investigate the number and nature of the conventicles kept since 1669. This act was passed only for three years, but the time of its operation could be extended if the King thought fit. Had it been possible for the Council to enforce the act in all its severity, the Covenanters could not have survived, but fortunately legislation was easier than execution, and aided though it was by

(I) A.P.S. VIII.8,9,10,11.

the military, it was impossible for the Council to execute the act to the letter over so large an area.

Following this outburst of severity was an attempt by the saintly Bishop Leighton of Dunblane, and then Commendator of the Archbishopric of Glasgow, to devise some means of "accommodation" whereby Episcopalian and Presbyterian might be comprehended in one church. His efforts were inspired by a sincere desire to see the church at peace, and not as Wodrow says by a desire to "shake them off their principles, and to divide them among themselves." (I) That he should ever have thought comprehension possible, shows how little he understood either Presbyterian or prelate. His first act after his appointment to the commendatorship, was to have a committee of the synod appointed to receive complaints, rectify abuses, and generally supervise the work of the orthodox clergy in the diocese of Glasgow. At the same time preachers including Gilbert Burnet, were sent into the west to preach the gospel, and endeavour to make Episcopacy more palatable to the inhabitants. The Privy Council, anxious to encourage the good work, appointed a committee of six, including the Provosts of Glasgow and Ayr, to assist the clerical committee in their work, and Tweeddale, in a letter to Sir Robert Moray, commends the efforts of this "purging" committee, mentioning that within (I) Wodrow II. I75.

a month of its appointment two ministers had been dismissed for their scandalous behaviour, and several more cited on similar charges. The zeal of the committee towards the curates was very much tempered with mercy, but the exposure of their unworthiness, was sufficient to justify Tweddale's remark that the country people had been lost to Episcopacy through the churches being planted with such pitiful creatures, and their having been dragooned into listening to them. But it was now too late to hope that white-washed Episcopacy could oust blood-red Presbytery from the hearts of the people.

Bishop Leighton did his utmost to achieve comprehension. He enlisted the help of Lauderdale, who in August 1671 summoned to Holyrood, five indulged ministers, and put before them the suggestions of Leighton. On 9th. and 10th August the ministers, Leighton, Lauderdale and other nobles sat in conference, but the ministers, maintaining rightly that the matter concerned all Presbyterians, whether indulged or not, refused to give an answer until they consulted their brethren, and Lauderdale gave them until November 1st. to reach a decision. (1) On the stipulated date the ministers reappeared, and gave an unqualified refusal to consider any scheme of union with a church overrun with

(1) "An account of the conference twixt the Bishop of Dunblane and several ministers in the presence of the Earl of Lauderdale etc. Holyroodhouse August 10th, 1671." (Original Minutes.) After the failure of the negotiations at the invitation of Lauderdale they all dined together "being all cheerfull and
(over)

prelacy, and whose head was the King, not Christ. (1)

The refusal of the Presbyterians to consider an accommodation, encouraged the Council to enforce against the ministers lately reinstated the penalties for infringing the Indulgence, such as failure to attend synod and session meetings, and for the time being no further ministers were indulged. (2) Lauderdale, who considered that he had done his duty to Episcopacy by the legislation of the last session of Parliament, was temporarily indifferent to ecclesiastical troubles, and was even accused of privately encouraging the Presbyterians, suspicions verified when, in 1672, the second Declaration of Indulgence was issued.

In June 1672 Lauderdale came down to hold Parliament, and his first act, though dealing directly with the militia, incidentally gave greater prestige to Episcopacy. All officers were required to be "well affected to the religion and government of the church now established", and officers and men both, were required to take the oath of allegiance. (3) Other acts on behalf of the church were the "Acts against unlawful ordinations", Act anent Baptisms, Act anent the 29th, of May, and "Act against Conventicles". (4)

(1) Wodrow II. 175-180.

(2) P.C.R. III 277.

(3) A.P.S. VIII. 58.

(4) " " 71, 72, 73, 89.

(contd.) pleasant in their courtesy." (Ms. National Library.)

The first was framed to prevent the continual ordination of ministers into the Presbyterian church. It declared that "all pretended ordinations of any persons since the year 1661, which have not been, or hereafter shall not be according to the appointment of the law, to be null and invalid; and all persons who since the said year, have received pretended ordination, or shall receive the same any other manner of way than as settled by law, to be no minister." The penalties for disobedience were confiscation of goods and banishment. The circumstance directly responsible for the above act was the fact that the ranks of the Presbyterian preachers were growing thin, and the difficulty of sending young men abroad to study and be ordained very great, so that the older preachers took upon themselves to ordain their younger brethren to the ministry, a proceeding now made illegal.

The "Act anent Baptisms" imposed heavy fines on all who failed to have their children baptised by the parish minister within thirty days of their birth. The executors of the law were again allowed to retain the fines imposed on all below the rank of heritor. In the case of the "Act anent the 29th. of May", the amount of the fines imposed was left to the discretion of the "judges ordinary", a system productive of much extortion. The "Act against Conventicles" enlarged

the act of 1669, and allowed four others beside the immediate family to be present at private worship, without the household incurring the penalty of conventicle keeping. The Council in an endeavour to make the laws aid the revenue required all magistrates, sheriffs and stewards, to send in a yearly account of the fines imposed, and failure to do so, made them liable to a penalty of five hundred marks. It is ironical to find that the last act passed by Lauderdale on behalf of the Church was an "Act against Profaneness" an act described by Wodrow as "an excellent act had it been brought to any bearing or execution." (1)

Of more interest to prelate and Presbyterian than the Parliamentary enactments was the second Indulgence published on September 3rd. 1672. It was rumoured that Lauderdale had brought the Indulgence with him when he came down in April, and so strong were the hopes and fears of the Presbyterians, that in August several of their ministers besought Sir James Dalrymple of Stair, to use his influence with Lauderdale that any Indulgence granted might be free from "straitening ingredients and conditions, which might difficult conscientious, Presbyterian ministers from embracing it, and people from joining with such as did embrace it." (2) Their wishes were not granted. The

(1) Wodrow II.201. A.P.S. VIII.94

(2) " II.203.

The second Indulgence provided for the appointment of one hundred and thirty nine ministers to sixty nine parishes. This meant that in some parishes there were two ministers, in some three and in some one. The council proportioned the stipend among the incumbents, but gave assurance to the regular ministers who had these unwelcome colleagues thrust upon them, that no more should be indulged. Rules and limitations were laid down as to the duties and behaviour of the indulged, and all Presbyterian ministers not indulged were forbidden to exercise their ministerial functions in any way, and disobedience meant the exaction of heavy penalties. (I)

If Lauderdale's aim in this Indulgence was to break up the Covenanting cause irremediably, he was disappointed. The first Indulgence was effective in causing division, and dissension, and in blunting the consciences of many, but when it was realised that that was its object, it came to be regarded with suspicion by all sects of the Covenanters, and its usefulness to the originators was crippled. When the second Indulgence was issued, it was received with a kind of grim passivity, and a cynical determination to use what benefits it might afford, but in no way to allow it to make deep impression. The Covenanters in their own way were as astute and far-seeing as Lauderdale, and once they understood his game, could, while allowing him to play out

(I) P.C.R. III.586-591.

his best trump cards, reserve their own for future occasion. There is something almost humorous in this contest between the harassed, rampant, bludgeoning Lauderdale, and the equally harassed but stoical Covenanters. The former raged on to his ruin, the latter finally emerged victorious.

From 1672 to the end of Lauderdale's administration, the affairs of the church were more left to conciliar direction, and the persecution of the Presbyterians for some years now runs much in the former channel. The Council records are a weary reiteration of the acts and proclamations against conventicles. From Whitehall came peremptory missives to the Council and to the conciliar commissions in the shires to use all possible severity, but the fact that even in Edinburgh conventicles met regularly shows how impossible it was to execute the laws in the country at large. Conventicles, threatening in number and size, were held all over the country, but particularly in the south and west, and in Fifeshire. These were not haphazard gatherings, but organised and usually armed meetings, where one ear was given to the preacher, and the other strained to catch the sounds of approaching danger. In June 1674 the Council, desperate at the failure of their efforts to secure conformity, issued a proclamation ordering heritors in the shires, and magistrates in the ^{royal} burghs, to take bonds from those under their jurisdiction that they would

not attend conventicles. That legislation against conventicles continued unabated, was proof of the failure of the Privy Council's attempt to shift the burden from their own to local shoulders.

The method of dealing with those caught attending conventicles was summary in the extreme. The Lord Advocate brought in a complaint against the accused who were usually tried in batches. They were then put upon their oath, and if they confessed their guilt, they were fined according to their substance. That part of the procedure presented no difficulty to the Council, but when the accused was called upon oath to give information regarding others present at the conventicle, both Council and prisoner were placed in a dilemma. For the accused to inform either against himself or against others on oath might "import them in their life, and be a ground of a criminall ditty before the justices." To obviate the difficulty the Council suggested, and the suggestion was heartily endorsed by the King and Lauderdale, that an act of Council should be passed declaring that the accused "shall never be troubled or questioned criminally before the justices or any other judicatory for any such deed referred to their oath before the Council or for any circumstance of the same, but prejudice to his Majesties Advocate to persew such persons before the justices

before they give their oaths, or be holden as confest before the Councill as the Councill shall give order ther anent." (I) Thus the act while rescuing the Council from its dilemma left it still the whiphand. By the "act prohibiting intercommuning with certain persons now at the horn for being present at conventicles", passed in August 1676, the Council further usurped the legislative powers of Parliament, by forbidding any person in any way to help those outlawed for offences against the church.

Month by month the violence of the government towards the Covenanters increased, and the Council enlisted the help of more and more people, to help to suppress the disaffection. Sheriffs and local magistrates were compelled under penalty to report all disorders in their district. A special committee of the Council, the Committee of Public Affairs, was appointed to receive and deal with charges against the Covenanters, and they by no means lacked employment, while the military were constantly engaged on punitive measures. But persecution, instead of weakening, strengthened the Covenantiing cause, and for every Covenanter struck down, two seemed to take his place. No wonder then that the Council despaired of ever ending the conflict, and desperation lent savagery to their efforts ! There was no talk of comprehension now, extermination was the only solution

(I) P.C.R. IV.219-20, 234-5.

which the government contemplated. It was no longer Presbytery versus Episcopacy; in the eyes of the government, it was law against lawlessness, in the eyes of the Presbyterians it was a fight for very existence.

The bitterness of the struggle between the government and the Presbyterians was aggravated by the fact that the latter were instigated and encouraged in their opposition by the enemies of Lauderdale, who hoped that another rebellion would discredit his rule and lead to his dismissal. Knowledge of these intrigues did not tend to make Lauderdale more merciful. He hoped in crushing the Covenanters, to crush his political enemies as well, but to do him justice he did, in 1677, contemplate granting a third Indulgence, in an effort to secure peace. Unfortunately the rumour of his intentions so roused the opposition of both the English and Scottish hierarchy, that rather than lose their support, he abandoned his scheme, and turned once more to brute force as the only remedy. He realised that a rebellion was probable and laid his plans accordingly, hoping that in crushing the rebellion, the Covenanters would be exterminated, and the government's difficulties at an end. "All preparations possible are to be made in case they rise, for this game is not to be played by halves, we must take this opportunity to crush them, so as they may not

trouble us any more in hast, or else we are to expect to be thus threatened by them next year." (I)

The crowning act of brutality of the Lauderdale administration was the quartering of the "Highland Host" on the defenceless west, ^{in the spring of 1678,} that the inhabitants might be dragooned into conformity, or goaded into rebellion, and so provide an excuse for complete annihilation. More eloquently than words, this device of using one section of the community to punish another, exposes the utter failure of Lauderdale's policy. Lest the Highlanders might prove unequal to the task, several militia regiments, much against their will, were drafted to the west, while English troops were stationed on the Borders, and on the north west coast of Ireland, ready to come to the assistance of the Scottish Government if need arose. To facilitate the work of the troops, a committee of Council, at the suggestion of the bishops, accompanied them to the west. The committee which consisted of such officers and commanders as were Privy Councillors, was empowered to "fine, confine, imprison, or banish" as it found cause. (2) All arms, and horses of any value, were ordered to be confiscated, and the oath of allegiance, and a bond for the good behaviour of his tenants and dependents were required from every heritor. The inhabitants of the

(1) L.P.III.89.

(2) " " 95.

west were hemmed in, and hampered at every turn by the civil, military, and ecclesiastical authorities, and literally could not call either body or soul their own. That the devices for their destruction were mainly the invention of the prelates, shows to what moral depths, Episcopacy had sunk. Government and Episcopacy were galloping hand in hand to their ruin. They realised that, and so determined that their road should be strewn with the bodies of their enemies.

The "Highland Host" consisting of roughly seven hundred Highlanders, under the Earls of Mar, Moray, Perth, Airlie, and the Marquis of Huntly, sojourned in the west from January to April 1678, and was finally withdrawn because there was no further work for it to do. According to conciliar orders free quarters had been taken so royally that now there was nothing left either for oppressors or oppressed. The extent to which the Highlanders indulged their love of plunder is difficult to estimate. Woodrow's account is undoubtedly exaggerated. Of murder or brutality they were not guilty. Their business was to eat up the substance of the Covenanters, not to destroy them outright.

Charles from Whitehall, and Lauderdale from Holyrood, encouraged the work of the committee and their military assistants, while the enemies of Lauderdale assailed

the King with complaints of the iniquity of the quartering of the Highland Host, but the Katter primed with the reports sent by Lauderdale, and flattered by the English bishops that his handling of the Scottish religious situation was the best possible, maintained that the complaints were as "false as hell", and continued to give his support to Lauderdale and the Council. "As he was a Christian he did not see what else could be done to prevent open rebellion." (I)

The withdrawal of the Highland Host left the Council no other alternative but to continue their incessant proclamations and indictments against conventicles. All originality had long since disappeared from their persecutions, they could only continue their nibbling of the half-gnawed bone. The Convention of 1678 imposed a cess for the purpose of raising more forces to be in readiness should rebellion break out. The collection of the cess was entrusted in large measure to the military, and the Covenanters in addition to being pursued for their religion, were now harassed for the payment of their taxes. Deprived of all liberty, and life and limb threatened, the Covenanters grew more and more reckless, and this recklessness, aggravated by religious mania, led to the ~~murder~~ murder of Archbishop Sharp on Magus Muir on May 3rd, 1679. The deed was a ferocious one, but neither prelates nor government could expect

(I) L.P.III.100.

differently. Reprisals were the order of the day, and to the biblically minded Covenanters, a life for a life, was but common justice.

The murder served to redouble the Council's efforts to destroy the Covenanters. Soldiers were stationed in the disaffected districts, and pursuers and pursued were ready for rebellion. No definite incident acted as a match to set the inflammable material ablaze. The revolt was inevitable, involuntary almost, but unanimity stopped with the actual rising, and so foredoomed it to failure. Internal strife was as bitter amongst the Covenanters themselves, as between themselves and their enemies, and the many and conflicting interpretations of the Lord's mind as to the conduct of the campaign, led to the defeat of the saints.

The incidents in the rebellion were the Battle of Drumclog, where Claverhouse in attempting to disperse a conventicle was attacked and defeated by the conventiclers, and the Battle of Bothwell Brig when the bad generalship and the senseless discords of the Covenanters gave the victory to the government troops under the Duke of Monmouth. The latter would fain have shown leniency to the captured rebels, but mercy was contrary to the policy of the Council and prelates, who, however, were deterred from exercising the utmost severity, because of the Popish Plot, which was

hanging like a cloud over the political and religious life of England, and which warned the King and Lauderdale to adopt conciliatory, rather than further repressive measures in Scotland. Of the twelve hundred taken prisoner at Bothwell Bridge, less than a dozen in all were executed. The others were either released on giving bond for their good behaviour, or, on their refusal, shipped to the Plantations, and many chose the latter alternative.

The catastrophe of Bothwell Brig marked a turning point in the policy of the Covenanters, and led to the final sifting of the elect from their less fortunate brethren. Their second defeat convinced the majority that armed resistance to the government was futile, and that deliverance could only come through foreign aid, or through the united opposition of the whole nation to the government. But one section of enthusiasts, the followers of Richard Cameron, had no intention of passively awaiting the day of release: they determined to carry on the conflict, and as an earnest of their intentions, in June 1680, they affixed to the Town Cross of Sanquhar, the paper known as the "Sanquhar Declaration" which bade defiance to all kings and governments, and indeed to all save the Lord's elect. This flouting of all civil authority naturally enraged the Council, who declared war to the death on Richard

Cameron and his followers, who were run to earth at Aird's Ho Moss, where a stiff tussle resulted in the defeat of the Covenanters. Richard Cameron was killed, and among the prisoners was Hackston of Rathillet, one of the witnesses of the murder of Archbishop Sharp. His execution was inevitable, and accompanied with all the gruesome barbarities reserved for traitors. Donald Cargill the chief promoter of the Sanquhar Declaration died with him. Neither could expect mercy, for both were sworn rebels to the government, which now had sufficient reason for the severities exercised. The murder of the Primate, the Sanquhar Declaration, the excommunication of King and government, the armed combination, all were serious challenges to law and order, and could only be met with repression.

In October 1680, the administration of Lauderdale came to an end, and his place as Secretary was taken by the Earl of Moray, and as Commissioner, by the Duke of York. If the Covenanters expected their lot to be improved by those changes they were disappointed. The fury, consequent on thwarted ambition, which had dictated Lauderdale's harsh policy, was replaced by the bigotry of the Catholic Duke, who believed in slaughter that souls might be saved, and the miseries of the Covenanters reached a climax in the carnage of the "Killing Time."

Lauderdale had failed. He had attempted to drive religion and politics tandem, politics leading, but the unruly team refused to obey the same rein, and at last had succeeded in overturning into the mud of ignominy and failure both carriage and driver. Failure, in flaming letters, was written across Lauderdale's whole administration, but nowhere was that failure more evident than in his efforts to settle the religious problems. Only the complete abandonment of Episcopacy could have brought eventual peace, but short of that, Lauderdale, and he alone, could have restrained the extreme harshness of the prelates and Council on the one hand, and on the other, the flagrant defiance of the law on the part of the Covenanters. But speculation as to what might have been done during those dark years is profitless. What was done decided for all time the religious bias of Scotland. Persecution did not drive out Presbytery, but drove its tenets more deeply into the hearts of the people. In blood Presbytery was begotten, with blood it was baptised, and as the years passed, from blood it drew its strength. Lauderdale had hoped to see that faith quenched in blood; he did but see it blossom redder because of its sufferings.

No account of the ecclesiastical history of Scot-
for the years following the Restoration would be complete
without some reference to the policy adopted towards Cathol-
ics and Quakers. Episcopalians and Presbyterians were at
one in, hating those sects. Toleration then was a sin not
a virtue, and only the King and Lauderdale dare indulge it
when expediency demanded it. Charles would fain have shown
kindness to the Scottish Catholics, but for the sake of
appearances he had to include them in his thunderings again^t
all opposers of Episcopacy. Generally speaking, however,
because the King's bias was known, the Catholics, as far
as the government was concerned, had a comparatively peace-
ful time.

At the Restoration it was not surprising to find
that in Scotland the Catholics were more active and more
numerous than they had been for some time, and it behoved
Parliament to cope with the menace. Accordingly in its
first session, it passed a drastic act against "saying of
Messe, seminary and messe preists, and trafficquing Papists"⁽¹⁾.
All priests were required to leave the country within one
month of the proclamation, and disobedience meant imprison-
-ment and banishment. Magistrates and sheriffs were
required to send into the Council, lists of known papists, and
the children of such parents were ordered to be put under
(1) A.P.S. VII.26.

Protestant tutelage, and a committee of Council was appointed to receive complaints and enforce the law. As usual execution lagged far behind legislation, and little heed was paid to the Council's edicts. Catholics were especially numerous in Aberdeenshire where many of the noble families still adhered to the old religion. The family of Huntly was openly and aggressively Catholic, and the Council removed the heir from the care of the Lady Huntly and placed him under the Archbishop of St. Andrews that he might be weaned from the religion of his childhood. The Archbishop's zeal to save this soul for Episcopacy seems to have been rather lukewarm, and he finally confessed himself unable to uproot the principles inculcated by the Lady Huntly and her priests. A few priests were captured and banished, but on the whole they managed to escape governmental detection. The religious and political chaos of the times made it extremely tempting to the Catholics "to fish in drumly waters", and there is little doubt that then, as ever, they gained their questionable victories.

The officers of the civil law proved unequal to the task of coping with the Catholic menace, and the help of the bishops was enlisted. In February 1666 they were required to send in lists of all the papists in their diocese. Their response to the order was tardy, and it was not until February 1669 that the Council professed themselves satisfied

with the lists submitted. The purpose of such a list was that Catholics might be prevented from suing or defending before the Court of Session. (1) In the Highlands and Islands where Catholicism was especially strong, the proselytising zeal of the Episcopalian ministers was heartily resented, and the latter were not long in realising that, where violence commonly followed resentment, discretion was the better part of valour.

The insurrection of 1666, and the consequent troubles and difficulties, gave further scope for Catholic activity, and the government was seriously alarmed at their growing influence, particularly in the northern counties. Parliamentary and conciliar legislation combined in an effort to resist the danger, and all acts passed against the Catholics since the Reformation were re-enforced. Bishops were again required to submit lists of Papists that these might be excommunicated, and so debarred from the protection of the law. An attempt was also made to prevent the import of Catholic books and paraphernalia, and "some popish books, chapletts, beads, surplices, and other popish vestments" were seized at Leith. The enforcing of the laws against papists was a costly business, and in 1672 the synod of Moray put in a claim to the Council of one hundred pounds for the cost of pursuing and capturing papists in that district. (2)

(1) P.C.R. II.135-6, 597.
 (2) " III.441, 706.

The Council escaped immediate responsibility by ordering expenses to be paid from the fines imposed on Papists. The Council also encountered considerable opposition to the act requiring the children of Catholic parents to be put under Protestant care. The chief offenders were the Catholic nobility, and generally speaking the Council had to admit themselves beaten in the contest.

As in the case of the Covenanters, the conciliar blasts against Catholics were numerous and unvaried, and were as little obeyed. In Edinburgh itself Mass was frequently celebrated, and the Committee of Council, specially appointed to deal with the Catholic menace, seems to have achieved little. When the conflict with the Covenanters became more deadly, the Council had less and less time to spare for other recusants, and the Catholics flourished accordingly. The legislation previously passed against them was recapitulated and reiterated, but to little purpose. The conversion of the heir to the throne to Catholicism gave its adherents fresh hope, and their proselytising zeal a fresh impetus, in preparation for the day when a Catholic King should sit on the throne, and Catholicism be no longer a proscribed, but the national, established religion.

The Quakers vied with the Catholics in demanding from the Council the residue of the time and attention that could be spared from the Covenanters. The attempts to stamp out their doctrines, or at least arrest their spread, were continuous and ineffective, but individual Quakers did not evade the arm of the law so easily as did the Catholics, for their religion was unprotected by powerful families, such as secured comparative immunity for the Catholics.

In the first session of the Restoration Parliament the conflict was begun by an act against Quakers and Anabaptists, forbidding their meeting, as being enemies to all peaceful government. (1) Once more the responsibility for enforcing the act devolved on the Privy Council, who began operations by attempting to rid Edinburgh of the obnoxious sect. Sir John Swinton of Swinton, the most notable Quaker of his day, was arrested along with others of less importance, but the punishment of individuals was no deterrent to the spread of the doctrines, and Quakerism gained almost as many converts as Catholicism. (2)

In 1664 a committee of the Council was appointed to deal with the problem, and the importance attached to the business was evidenced in the personnel of the committee which

(1) A.P.S. VII.16.

(2) P.C.R. I. 368, 668.

consisted of the Archbishop of Glasgow, the Marquis of Montrose, the Earl of Tweeddale, the President of the Court of Session, the Lord Clerk Register, and the Lord Advocate. (1) But even that august assembly failed to devise effective measures for the suppression of the frequent and often disorderly meetings of the Quakers, often held in Edinburgh itself. In November 1665 the Committee reported that, since the Quakers were guilty of contravening certain acts of Parliament, they were thus liable to the consequent penalties. The Council thereupon intimated that "the sect being most dangerous, and their principles and practises tending to the subversion of the government, civill and ecclesiastick", all persons now in ward as Quakers should be summoned to give account of themselves, (2) but nine months later the Council was again lamenting that Quakers were more numerous and mischievous than ever, and in July 1667 an act was passed ordering the wholesale arrest of Quakers and their imprisonment in the Tolbooth of Edinburgh. (3) This enactment only struck at individuals and did nothing to hinder the growth of Quakerism, and the number and size of the house conventicles held by zealous converts increased. Their chief hunting grounds were the shires of Roxburgh and

(1) P.C.R. I. 626.

(2) " II.105.

(3) " II.312-3.

Berwick, and the towns of Aberdeen, Montrose, and Edinburgh.

As Covenanting strife increased the Council had less and less time to spare for the Quakers, who made hay while they could. One convert, however, in June 1678, in his zeal for the new faith, drew the attention of the Council to himself by his repeated attempts to interrupt services in the Episcopalian church. He was seized and imprisoned, and ordered to pay two thousand merks before being released from ward. (I)

While the Catholics could look forward to the day when the ban against their religion should be removed by a Catholic King, the Quakers had no such hope of deliverance. All sects were against them, Catholics, Episcopalians, Presbyterians, and they had to wait until human nature learned the lesson of toleration, before they could enjoy religious freedom.

Covenanters, Catholics, Quakers! The government between the Restoration and the Revolution, had no easy task in their attempt to mould the people of Scotland to fit the Episcopalian Church. Concentration on one sect, meant neglect of another, so all in turn had periods of comparative prosperity. Sisyphus' labour in comparison with that of the Privy Council of Scotland was light, and

(I) P.C.R. V.477-8.

more possible of achievement. At the end of the day, the stone of religious recusancy, which the latter had striven so strenuously and so long to roll into place, rolled back, and crushed the taskmasters beneath its weight.

Conclusion.

A survey of the political and ecclesiastical history of Scotland for the twenty years succeeding the Restoration tends to prove that a country gets the government it deserves. It is convenient to lay on Lauderdale's shoulders all the blame for Scotland's misery during those years, but in reality the burden must be shared by many. Lauderdale of course must bear the chief share, and next to him comes Charles who craved power at all costs. The Scottish nobles were as venial as Lauderdale but they lacked his ability; and Parliament itself with its three Estates, each fighting for its own hand was greatly to blame. Scotland owed her misfortunes, not to the tyranny of Lauderdale, but to the complete lack of patriotism which allowed him to work his will. He spent roughly only two years in all in Scotland during the twenty years of his Secretaryship, but in spite

of absence he was able to maintain his ascendancy because each individual in Scotland had his price, a price which Lauderdale was able to pay in every case except in one case: the Covenanters too had their price: complete religious freedom, and perhaps political power. That price Lauderdale could not or would not pay, and so in the end that one element upset his entire government.

In the lives of countries as of individuals experience is the best teacher, and the Lauderdaleian administration taught Scotland the negative lesson that national happiness was not to be bought at the price of national honour, and that the romance of kingship agreed ill with the historical fact of nationalism.

History indeed admits of no conclusions except succeeding history, and the only incontrovertible conclusion to draw from the history of Scotland during the reign of Charles II is the Revolution of sixteen eighty eight.

APPENDIX A.

"Pasquil in Lauderdaill." 1675.

The Historie of Hellirudhouse.

We dont intend as was practised of late
 To gull the countrey by a court gazett.
 Letters born hier at Whytehall cristened
 Must only with court spectacles be read.
 Bot that the vulgar may this understand
 We use no court nor secretarie hand.
 This sterie shoves you in unbyased sense
 The tract of thryce ten yeares intelligence.
 The Leviathen of the north displayed
 In his trew cullors and his interest weighed
 In faithfull, whilst we his actions trace
 A litill both befoir anf eftar grace.
 Hoyse up the curtain, then let every eye
 View in the first place our fates tipographe.
 Ham, Hellyrudehous, Haygait, and Whytehall,
 Lyddington, Lauderfert, the divell and all.
 A goodly mopp forsooth, a noble sho,
 The glorious Scoon of all our ten years woe.
 Thess can unfold the source and show the springs
 From whence have ishued all our sufferings.
 And with impartial eye can take his hight
 From lord to earle, from that to duke and knight.
 From thess to the choyse mynister of state,
 And may perchance from that deduce his fate.
 Whytehall indeed can show his constant care
 To reatch the laborinth of his maisters ear.
 His all enhancing art these walls can sho,
 With his lait dealling in the seraglio.
 Ham the sweet intrige of his late amours,
 Haygait the leasure of his vaccant howres.
 The other two his cunning can supply
 But with few memoirs and the devil may lie.
 Bot o kynd Hellirudhous yow doest know
 More then them all the household gods can show
 All his dark lawther(?) deeds since sextie nyne,
 With his grime aspects in the oblique lyne
 The witching projects of the lowing sex,
 And all steat intrigs since our earle played rex.
 Doe thow instruct and we shall briefly shoe
 From whence this great state polipheme did flow.

And first the churches darling he was sent
 To cog a dyce with Inglands parliament.
 Whose interest with a ring he did espouse,
 And led a countrie daunce at Worster hous.
 Wher he advysed no treaty shold be maid,
 Because the king was not yet humbled.
 This done and by his fall his kingm in Wight,
 saint turns malignant in fourtie eight.
 Struttes it for sometyme in the royal itch,
 Unravelling his conscience stitch by stitch.
 Bot with bad success he bot scratched at most,
 At his gune error when the game was lost.
 Ten yeares he lay, a prisoner of steat,
 Expecting the ishue of his dysmal fate.
 Revolving meantime with unwearied eyes
 The worthie maxims he doth now practise.
 Since majestie returned hes ever bein
 A thryveing gamster at hoc Mazarin,
 Making each other game of Jonny(?) cleir
 His countrie treasur and his maisters eare.
 This o this royall ear by his allone
 He so enchanted both closet and the throne,
 This fourteen yeares as to this verry hour,
 We scarce can sie the one or find the door
 To the other, so I maid by sorcery
 There no way to it bot by Scone Gallarie.
 Yet some now long agoe and some of late
 Have dared to pass these Metalanick straights
 With various succes whilst our privateer
 Was always crussing by the cape good ear.
 The first that entered was a man of warr,
 Whom soon he chaced beyond the Giblater,
 Knocking his saucy partie on the head,
 Then from the terror of opposers freed
 Install ane other in the warriors place,
 And from his grace procures and act of grace.
 He billetts all his former billeteirs
 And is acqytted by his wittie peers.
 Then gives he to his enemyes his curse,
 His freind the whyte rod and resumes the purse.
 Thus haveing by arte quelled his martiall foe
 That to the world he might his valour shooe,
 Musters and armie to find cockillshells
 To invaide the crowes, the pygmaes, or whatelse
 Might then oppose him, suddenly appears

A cloud of malcontents about his ears.
 Those he defaites, those who did only fight
 For before the fourtneight.
 And now victorious whilst he nothin' fears
 But his oune sinnes up with his bulls and bears,
 Marches a wyld rusch with a new cast plot,
 Jhon smelt the man out whilst it was yet hot,
 Shifles the cairds and alters all his game
 Before the fundlen could receive a name.
 Enters in firme league with two or thrie
 Who feared his mutinous troupes as wiell as he.
 Heel trust the Hyplis no more, disbands them all,
 Then like ane other Cadmus at his call
 Spring a fresch armie from earths intestins
 Raised without help of drums, assessments, fynes,
 Ane armie of gentle bees without a sting,
 Unfeathered arrows, bowes with silken strings,
 Ane armie to petition not to force,
 Not to make warr bot to preserve the peace,
 The churches lyfguard and their terror to
 To whom theyd willingly dead pay also.
 The Roman emperor their pretorian bands,
 The Turks doe trust ther Januzares hands,
 Yett have they both bein murthered by their own
 Whem with soft success to ambitious growne.
 Bot o how superior powers are kynd and just!
 Our churches generall scarce in heaven can trust.
 Twyce fred from warriors yet doth Jhon still fear
 That his old freinds may his maistars ear
 By their unhappie rhetorik invade,
 And so at last disturb his current trade.
 He knew their discontent wer grown so hye
 He hardly could enjoy security,
 Did cast up in an sudden a defence
 Gainst their assaults b yway of indulgence.
 This for a tyme their rage did qualifie,
 Bot lyke the goat he kick up by and by
 All the sweet milk he formerly let goe
 And studies nothing bot their overthrow.
 The church allayed, a dangerous thrie years grace
 Must be gulled out by a purse and maice.
 The whyte rod in sex peices must be broke
 And on the casch hell put his owne padlock.
 Yet for the faschion heell with other joyne
 Who thumbe the compt, whilst he secures the coyne.

His aire apparent in the collaterall lyne,
 One lyke his own coyne scarce sex penny fyne;
 Nixt him justling in one pot together
 For profitt or precedence, choose yow whither.
 The one bears aloft, at pedling makes no halt,
 Whilst the other is scrambling for his coll and salt,
 And with ambitious aire and projects fills
 The all receaving saills of two wind mills,
 Then for a lawzier calling Jack at Lent
 A, president without a precedent,
 Who can with eass such nyse distinctions draw
 Out of the very pittie toes of law,
 And so in subtill motions frisk about
 That Indagine would hardly find him out.
 Now Oliver be pleased to lend thy nose
 And let the work of thy hand joyne with those.
 One who made open doors with others casch
 In the enchanted court of Tollmasch.
 Pittie but such a pict patcht crew should have
 Achequered aspect both of fool and knave.
 Will the receaver nixt those does appear,
 He loves the musik tho he hes no ear,
 Yitt willinglie he fumble at athen~~da~~daunce
 And all his maistars maisters casch enhance.
 O yitt from him with eass hēmay purloyne
 So gallants trust their lacques with their coyne.
 Now cross your self sie who doth nixt appear
 The coydoock of church bring up the rear.
 One bred a churchman upon the church expense
 Who trusted Judas with their Pitters pence.
 The angelick doctor who be shrewed devices
 Thrice broke his brethren into sewerall pieces.
 Joab his rivall withm a kiss did stob
 Bot Jack his brethren befoir he killed did rob.
 Yett with their stock hes had a thryveing trade
 And of each mark he got hes thousands made.
 Now such is the just brocarie of fate
 Who sold the church most undermynd the state
 This have we seven in all and 5 of the quorum
 To huff in presentia dominorum.
 The devan fixed, he and his cunning wench
 Will now try some experiments on the bench;
 Finds there some gamsters who will overawe
 His soveraigne interest by their point of law,
 With courser meitall such must be allayed,
 His rescripts not their lawes most be obeyed.

Tis all one to the state wan dockwanduch
 Most be preferred by advyce of punck,
 A chopebourd budding and five hunder pound
 Spite of opposing laws does fill the rounds.
 The purple robe exposed to public sale
 Any may more bid but heir hangs a tale
 Theres somewhat more in the bargaine doubtles
 Fyve thousand pounds above what that the caise
 In lieu of this his gracious majestie
 Most give four thousand for a votarie(sic)
 Toeach other hands our gamsters cheaply play
 For servants swager their maistars pay.
 Ane old trunk once became a royall oake,
 And now a goose nest is a royall rocke.
 Thus for the love madame to the yeard doth bear
 The cittie yeard most now in robes appear.
 Bot that is not all from topikis of the plow
 And sheephooke judges are extracted now,
 Composed of bees and asps, a prettie hyve
 So cornes are chocked up whair thisles thryve.
 A royall letter and yow must obey
 Though fowr of fyfteen should receive dead pay.
 Thus the triumphant dame acts miracles,
 Dropping down lords as tries does barnacles.
 Reforming Bess, pray heavens her wrath appeas,
 Sheell have a fling t at our lawyers fies.
 Those taking gallants most be limited
 Lyke court and cittie whoors to such a rate,
 And then capacious hands most now be willing
 Instead of ten crownes to pocket thirtie shilling.
 O able dame who makes the lawyers bow
 More then great Harie with his arte could doe.
 Yett no great wonder that Scotts shoe should comand
 For with all nationes shoe hes tryed her hand,
 And though that oft shoe was laid upon her bume,
 Yett none can say that shoe was overcome.
 And now our Countes most approach the throne,
 Not for her fayrs sake but love of Johne
 And gait a pension, o tryce happie wench
 With tunes of gold to make her lord speak French.
 Whilst Madame with her bassimur doth lisp
 Abroad these two at home play still at whisk.
 Illustrious lowers, o how the old crabs crawle
 From Whytehall to Ham, and from Ham to Whytehall,
 Injoying freely ther amours so hote
 In jogging coach, and whilst they joge they plote.

All our concernes depends on her carress,
 Shoe now becomes the states choyse ministres ..
 The France gazett desolved the wedlock tye,
 Legittimating the state begamy.
 Seik in the jewells, faill the marriage vow,
 Claps bume to bume and theres no more adoe.
 Courtious spectator, sie how this warme embrace
 Doth soon begait a gatter and a grace.
 No sooner wedlock shrads their open sins,
 But ferce Bellona voce assoon begins
 To thunder once again upon our seas
 And unaverse disturbs our zealand peass
 To purchas him a garter and a starr
 Wer complimented in a navall war.
 Not as the former for the pedling caws
 Which of the nations should give Nepton laws.
 Bot for some medelbs, portrat, what you will,
 Some townes of generous blood we now most spill,
 And with fowr battalls seall the allyance
 Betwixt a France king and a king of France.
 Whilst others have a finger in this pye,
 Our fyne lady would with her policie
 Puts in both hands and scrambles at the heap
 Whilst her new dook is more as Knuckle deap.
 Lord, viscount, earll, marquis and duke for lyfe,
 Thanks to Sir Culbert and his owne kynde wyfe.
 The grand ascendant of a close caball,
 Chief minister of state over all in all,
 The Belgians terror whose capacious pate
 Hes swallowed up already all the state,
 Haigue, Lydan, Harlan, Defe, and Amsterdam
 Shall now do homage to the illustrious Hame.
 The game goes fair, Munster and Collin shall
 Upon their fronteirs and their owtworks fall;
 Charles shall invade by seas, Lewes by land,
 Basto in alio puncto are now in hand.
 A Holmes most once againe the war comence,
 And catch the Smyrna flæet on flag pretence.
 Now have we sein then what a blazing starr
 Did with her taill pretend the navall warr.
 Letts leave these warriours in the gaping seas
 To find their graves (pray heaven the ghost appeas)
 To attend our dook and dutches in the roade
 In splendid triumph to their land of node.
 Down comes our duke of Alva to ptesent
 His dope to his halfe dead parliament,
 And show her with what grace wold shoe

His clutched fist whither they wold or noe.
 Sweet Thais in a corner takes her place
 To observe the subjects and admier his grace.
 O brave Almanzor cry o hevin
 What I have often hard now have I sein,
 Whilst we in England with outstretched hand
 Petition both our housses he commands.
 With that her lips did twitter as who wold say
 Come kiss me Jhone I most conceave today.
 Her grace now gone, and our great doke proceds
 Lyke Jhone of Lydan to his valiant deads .
 He hector us into his most rude lawes
 As bowres are cudgeled for to promove the caus,
 Lawes such as conquerors are in use to thunder
 Into their purses or else indure the plunder;
 Lawes of the imperative but not the perfynt sense (sic)
 So far from justice som are scarce good sense.
 Law, logicks, Matophysicks choped together
 Frumartry or haistie poding chose yow whither.
 No reason most oppose, the flood is soe
 They most be lawes whithert they wold or noe
 From the seame well with insects brith they draw
 Both come of the hous of pontus materia.
 Because that our purses (pox ont) wer to close
 Hell turn their gold and silver into dross,
 Mounts on coachbox and in furious passion
 Threattens to turn us all out of the fashione.
 If punct be not payed doune goes our pointes and places
 Strips brocades taffeties and all courtly dresses,
 Even to the verry laced smok o rare show,
 A mercie that the placket scaped a blow.
 Bot heir dam duches with outstretched creast
 For libertie of ballap (sic) did protest.
 Thryce happie Hellirudehous thou most show
 From whence these embrie statutessfirst did flow.
 These walls are conscious to all private votes,
 And knowes what maill or female hatched thes plots;
 For though on throne he wold lyk Mars appear
 Yitt in the closets he wold lend and eare
 To emptie things, things innocent and tame
 From whose projecting all his acting came.
 So have a sine a lyon in the toure
 Appear at (sic) great as if he wold devour
 Hermelesspectators and yett within the great
 Hed let some puppie lick his sullen pate.
 This while the two kings with outstretched hand
 Owr rune the Belgian both by sea and land.

Our cunning couple with outstretched fist
 Grasp all our treasure and do what they list.
 Madame doth sell her lords unbasiled ear
 To every upstart and stait privateer.
 As she before with France good gain had maid,
 So now at home shall drive a goodly trade;
 Like merchant who for copper-rings and bones,
 Fish from the Indians peireles and precious stones.
 No grant, no patent past in any cause,
 Whill first compound and docket by her grace.
 Though suppliants each hour would make a leag
 Unto his bassas (sic) and brother Begler beg.
 All was in vaine if Madame was not plyed
 With earth of Poru and something besayed
 Else their designs shed in a moment quash,
 And give no audience bot to powerful casch.
 A year assessment with a fair pretence
 Though not the threftie part of the war expense
 The exhausted land most vomat up with paine
 To be a joynter to my ladie vaine.
 Kynd ladie who to nurisce her hopefull brood
 Turns earth to seas of tears and tears to blood.
 Their splendid progres every peasant knowes
 As only curious to observe such shows
 When through joint countries at a costly rate
 Felix with his Drusilla marched in steat,
 Whair to each smoking house they did repair
 Like baise and treble to countrie faire.
 And now and then would void a Knight or two .
 All this is knowen and now to court againe
 Marches the two lovers with ane amorous traine.
 The harrassed kingdome for some month did breath
 Glade with their parliament to adjourn their death.
 Whytehall doth once againe their owne imbrace,
 And Hellyrudhous for some tyme hath peace.
 Bot now had peivisch fortune turned her wheill
 And fixed our foes who formerly did reill.
 The Lyon, Eagle, and St. James vint (sic).
 Opposed the flowrdeluce with all their might.
 And fleets doe with such valour close
 As nothing could be gained at sea bot bloes.
 Succes before in sadle was now in crupe,
 And our hot spurred cabball begin to droup.
 The intraged Commons for a meeting press,
 And longd to harrange on their grievances,
 And chatter with unpeatchments the cabball
 Cursing the grand eightein moneths dook for all.

Not without reason in his steat quandarie
 Her grace begins to think on sanctuarie.
 Good wench no sooner smell it, but anon
 Shoe bids her gaffer pass Jack and begone.
 North runs our loving couple in a trice
 As their ancestors fled from paradyce.
 The apprehensione of both housses wrath
 Caused Johne and Bess run almost out of breath.
 Both day and night they jogd, fear was their guyde,
 With a lyfe guaird of linkboyes be their syde
 Persewed so fast by cheirubs flaming rage,
 They stepped the how and craig bot by a stage.
 As Dido with her treasur fled from Tayr,
 Or trickling Done Aeneas from Ismas fire,
 As Jason and Medea fled from Greece,
 Rich with the plunder of the golden fleece.
 Thus did our hero and his punct flie hither.
 With all their lowises in a box together,
 Crossing the bounrod with his bunssing lass,
 And says he is as sure as in the Basse.
 From terror of incensed Commons freed,
 Swaggers upon the banks of gracious Tweed,
 Threatening the members if they wold not yield,
 To bring his paper armie to the field.
 For housses now he will acknowledge non
 Bot upper Lawdder and lower Lyddington.
 By these hees not unwilling to be tryd,
 As at Mompeiller they should question Hyde.
 Bot o to speak the truth its bot in vaine
 To flie from the lesser bore to Charlemagne .
 His northern flight was bot as a chimist chist,
 Their lymbacks from a fyre of fourt to fyft,
 Indeid the man seek of the France disseass
 Could in these ill ayred houses find no eass.
 And theirfore to his countrey wold repair
 To enjoy sometime ane open house and ayre.
 Bot o hard fate what he their did fear
 He lyes a boylling in a hotthouse their.
 All silent ware and with attentione stood
 Then spoke Sejaus (sic) from his throne allowd
 In his old thundering styll and then causd red
 His maistars letter in which were displayed
 All his heroick actings to that hour
 Commencing first from Woster and the Towr,
 Then armed with his maistars negative
 He thought to stretch his own prerogative
 As was his conscience and with shred intent
 Make a committie of a parliament.

Bot suddainly he is charged with and adres
 Of thrie picques and ten years grievances,
 Which brings his maine yeard by bourd altho
 He plyes them stiffly with his boysterous noe,
 Bot to noe purpose, now he finds to late
 What its to justle with a ne angrie steat.
 The members told him in his face
 Theyd slip no more bot wold debait mores caise.
 What shall a man doe ? All his shot is spent
 Upon a stiff and stubborn parliament.
 Hees on a sudden calme, does no more snarle,
 Hangs out a whyte flag and demands a parle.
 Shrewdly reformed by this brisk surprize,
 He pykes his nailles and sies with, patient eyes
 His ayde refused, all his demands denied,
 His pannagruck letter layd asyd,
 All his thrie moneths projecting overreacht,
 His counsells foylled, his counsellors impeacht,
 His salt, tobacco, brandie rectified,
 With some illfashioned lawes reformed besyde,
 To appease their fury but all would not doe
 Unles he would lay down his greatnes to.
 He lookes about and with and angry spurne
 Kicks up their sessions and bids all adjourne.
 O whollsome counsall, o preserking plote
 To spitt his broth owt when he finds it hote.
 When grievances ware bot redressed in paine
 To give them yet more reason to complaine,
 Not dreaming that a twelve moneths recess
 May chance begait a dangerous address.

Appendix B.

Letters lent by the Earl of Moray. Box No. 7 Letters 341-439.

Windsor. September 4th.

The Duchess of Lauderdale to the Earl of Moray at Edinburgh
(341).

I have yours of August 28 and I hope yo have my last, by which you will see how great our changes are here as by my Lord's letters you'll fynd how industrious the Marquis of Athole is in the persute of his designe on Mul. Now I can say I have found O49 to be the bassist of all Creaturs. CCC are confounded to a degree past discription OE lookes disappearing, and yo cannot imagen with what flattery and confidence does carlie att this time, tho X hes in seacrett declared to OM never to trust FO any more. 46 drink OG helth the very day the Duke cam heather. What I writt to yo concerning the designe of disposing som of 33 frinds to owne a seperat designe founded upon the church and the cavalier or loyal intrest is most certenly the designe of 78X therby to strengthen OE and to recover on that hand the loss which 46 hes sustained by owneing 012 and 015. The first rise I had for such a suspition was given me by 94X discours which was strong that way, aleging to me that CA is too blaim for owning att this time so much 37 and for drinking OA helth fearing that itt may bring on 33CCC the odium of O6, and now I assure yo & did say to 53 that L was reuld by 30 judges, that iff 135 wer not restores 134 would alwayes be in fyer.

Yo kno O49 sister hes young AE in custody and I am confident the designe is to make 146 master of 135 for it is most certen now that they are one and that itt was

78X and 048 that gave L the advice.

The good Archbishop of St Andrews is now goeing to Scotland by him I will writ what I know concerning CA. Pray tell CA so, and withal that iff I doe not reveale what is past dispute of CCC designe against BL and how all this matter even ever since the fall of old X5 hes been caried on by 049 and 146 and all thos CCC even seperate from X99 who hes been drawne by the bye, then let me never be credited. And that this hes made a plain discovery of the reason why 76X is com in who is the most convenient person to treat the old steps and to debace the honour and credit of 30 which wes the old 55 project and upon that hed only hes CCC been so much made of. DS may make his owne use of this discovery, and by itt ingage CA past retreat. Itt wer also very expedient that 143 wer made sencible of this cheat, and that 143 by that means may be draune off from 146.

The referring of 135 to 040 from which we hope ther will com such a representation as will damp CCC to depart and iff BR and 78X doe joyne in itt their bussiness will be done. I am sure 049 hes by this project to oblige EB gott X98 on his syde, and iff I had not been a foole 94X gave me a rise by which I might have knowne who they intend shall be CA, for 98X asked me my thoats of 78X and tould me he was confident 78X was neither 06 nor 02, and 78X did swear hee never would suplant OG, it would be so dishonourable so that I am confident 78X is to be CA. 05 is to be DM and 146 is to be 56 30 in which he hes engaged to doe great matters for the

benefit of FN, and as for 46, 46 is to be overall.

Thus yo have in short the whole designe which is as true as gosple, and which itt is fitt to intimate to such as may be able to gaurd aganst the evell itt may bring and entirely fix honest men together that they may not be deluded by any new projects and divises, and that mor then anything this affayr of 135 may be well guided, for on it does depend the casting card, and what yo doe in itt must be caried with such care that 78X may not counter nor be to the prejudis of itt, and that 177 may iff itt be posible get under the hands of thos who are most concerned in OE that they are satisfyed. Send therefore in express to 177 to ingage BO as much as can be, for should 146 prevaile in this itt will make EB greater then iff EB had kept 069 and Ime sure CA may influence 143 to be sensible of itt as a meer project to make EB master of AE and of them all, and to ingage 134 to depend upon 146 which will nether be for the advantage of 143 not for DL. I assure yo 34X was upon this project and tould me in a carless way that itt wer good so 177 were no looser that 135 were as itt was but I really tooke him to be dreaming, and I am also assured that 78X gives EB hopes of an alyence with EB and 184. X81 is gone for Scotland with many projects in his hed, and not a little dangerous. What iff hee aimes att a seige with the new widow?

FO and 78X hes procured all this with the helpe of the rest of the 146 gange but if cair be taken in this of AE,

I defy them all. Adew.

The King is perfittly well and here is a hundred
company.

(The punctuation is modernised, and abbreviations written in full.)

Ham. September 11.

The Duchess of Lauderdale to the Earl of Moray. (342).

I have yours of the 4th which was most welcom to me bringing me the good newes of our dear Cathrens recovery which is a great joy to me. I am sory that affayre concerning the Good Toune must be delayed, seing as times are there is reason to putt an end as soon as can be of things of that nature. Itt will be very good newes the settling of the Highlands. Before this time yo have an answer concerning the clarks place which I hope Mr. Paterson is posest of. The Party are now much concerned the Bishop of Edinburgh was not prefared to Glasgow. They feare his residence at Edinburgh will be of more consequence to the good of the church and therefore they desire hee may be further off, which is but like all they do~~te~~ who are never to be satisfyed with anything. The King, God be prayed is perfittly recovered, and is resolved the next weeke to goe to Newmarkett. It is confidently reported that the Duke does go back to Brusells, but the time is not fixt upon. Charles Murray is very importunate to obtayne from the Lords of the Treasury alouance for their loss who have in farme the excise. Yo of the Treasury are the only competend judges what reason they have to demand such a thing, and accordingly will itt be best the Lords of the Treasury doe give in their representations to his Majestie. I fynd by Charles they would have an adition of alouance of 500^{marks}~~per~~ which

week, seemes very unreasonable since by that means the taxmen will have as much allowance as the others had, which was made the reason for changeing the hand of the fermers. In my weake opinion two thousand merkes more then they have is a fair allowance and even that right to be to be upon good evidence that the men have paid their forces according to their Tack, and that they have truly been, either lossers, nor underpaid for the duty they have performed. - I confess I am very ineasily induced to medle in this matter or in any other, but that I cannot declin this at the instance of Charles Murray who is so earnest with me to prevaile with you to take that affayre under consideration, and so doe something for him in itt. Hee did also speake to my lord concerning this magestrats but my lord will not be on any termes ingaged in itt.

This day the Earl and Countess of Roxborrow cam to dine here. Soon after diner cam the Lord Stranaver and his Lady. She asked me if I did not guss att hir buissness. I said hir no. She asked me if I had not heard of hir Fathers death. I tould hir I had, and that I was in mourning for him. She said hee dyed under a great truble of mynd for the wrong hee had done hir, and his son, that hee desired earnestly to see hir, but itt being inposible hee did declare hir to be his haire, and that hee could not doe hir wronge on his death bed. She desird my lords assistance for doing hir right, and that hee would present hir to the

King, she being to give him a petition which she said she did hope he would doe her justice in, or iff hee did not, she should be forced to putt in hir claim in Parlement. I humbly desired hir to excuse me. for that I had paid too deare for being a solicitor. I much aproved of hir method and tould hir I made no doubt but when ther shall be a Parlement his Majestie would imploy such a Commissioner, as I did not question but would disserne in hir right and favour. My lords answer was not much better. She is gone to Windsor, and of cours my Lord cannot refuse to carie hir to the King to present hir petition himselfe. X has been earnest with OM to reconcile with X9, but without suckcess. OM will heare of itt, and by this yo may see what EN is. Bilieve me all that is said of CCC being divided is a cheat: and yo will fynd ER, EN, and OF all the same they ever were, and intirely subject to the designs of OA. This motion of 37 opens my eyes more then anything which I beseech yo keep to your selfe.

I am mightily concerned about my monyes. I canot light on a way to gett itt paid heare, and I fynd Mr. Morray doubtfull whither his credit can reache itt. More I canot say att this time but Adew.

Ham. September 13.

The Duchess of Lauderdale to the Earl of Moray. (344).

I make no dout but by the last Post yo had the great newes of the Duke of Monmouths being sent from the Court, and of his comissions being taken from him of General. Itt was a great surprise to me, and as much to my Lord who went to Windsor on Thursday morning, and was wholly ignorant of the whole matter, but I knew not of itt till Thursday att night late, so I could not give yo the newes of itt. As to the reasons for itt, thereare divers storyes made of itt, and reasons given for itt. Som say the Duke hes made to the King great discoveryes as iff the Duke of Monmouth had designs upon the suckcession. Som sayes the Duchess of Portsmouth hes been very instrumental in itt, and some doe report itt hes been the effects of my Lords solicitations, but iff the twp former be no more trew then the latter, there is no reason to beleive any of them, and as for conjecturs, I now begin to be of my oune lords mynd, that they have as litle certenty in them as prophacies, so that I must leave yo as much in the darke as I am myselfe. By my last I tould yo what I have hade from Charles Murray in relation to his tack of the excise. Hee was here the last night, and was earnest to have me wright to yo that a representation might only be made of the loss of the tacksmen, and that they might refer to his Majestie their being raleived which I soon did perseive was their designe

to putt it upon my lord affter the old maner, and to incorege me, hee was pleased to offer me 500 lbs. I am not deceived in the gentleman, but yett his suttle way shall neither prevaile with my Lord, nor tempt me. Att his first coming I found him willing to advance to me the insuing yeare of my rent for coale and salt of which thir is now only due to me on quarter. Hee did also present to my lord his own infetment in his brouthers estate which hee hes lately purchised, and my Lord Regester haveing writen to me so fuly of his readiness to serve me att this time in my own perticular made me move my lord to grant his request which I take to be an ample reward for any loss hee may pretend to by the coale worke; but the last night hee cam to me and tould me hee never had dealings in monyes and that hee had received a letter from his corispondint att London who does demand 10 per cent for any monyes to be paid here from Scotland, and that hee was hopefull at that rate to suply me with on quarter more then the quarter which is now due, which is 175 pounds, and in doeing of this hee made as great difi~~g~~ulty as iff hee had parted with his blood. I tould him I thanked him, but that I found itt more reasonable to borrow monyes in London where for one yeare I pay but 6 per cent then to pay so unreasonably for the return of my monyes which I was to alow him use for so much as hee was to advance and that 175 lbs was not of that importance to me but that I would rather want itt, and therefore I desid~~r~~d him to pay in to Sir William Sharps hands the 17 now due to me

which will make in all the sum of £925 to be returned to me by Sir Will Sharpe, who I have reason rather to allow of high allowance to then to any other man whatsoever. And as to his offer concerning the excise tacks yo may be sure I did refuse itt. I fynd they would faine com up to the allowance Sir W. Sharpe had, for they demand no less then 500 lb a yeare more for the collection of itt, whereas in my last I told yo I thout 4000 merks was abundance, but they are a suttel interested pack, and I am informed that Oswell has been very insolent and showed himselfe to be Mr. George sonn in law which maks me thinke itt were very happie iff the excise and the coale and salt did run again into the same chanell itt did, but the Register iff hee hes any weake syde is towards thes men, and so is Dr. Steevenson, so that yo may doe well to advise in itt, and to be sure itt will be gratefull to Halton. As for John Kirkwood hee deales by me like a Turke, and for 200 pence will prefer a dog to me. I have sent to London to try iff I can get 50 lbs draune upon Newcastle, because my Lord does now leave Windsor, and is goeing to Newmarkett which will neid that sume. I have wreten to Sir Will Sharpe to be sure to make exact payment att Newcastle for that monyes, which hee must not faile upon any terms, and as to the remayning 425 pounds I hope hee will fynd a way to return itt. I am now most desirous as soon as is possible to end my sonn Williams affayre with Sir Will Bruce, this is the time or never, therefore I beseech yo sett to itt to

ingage CA in itt iff itt be possible. I hope the Bishop of Edinburgh will assist in itt as becomes him to doe. I desire also that Earl Caithness may settle his affayre and to that end I now have wreten the inclosed which I desire may be sent to him, accompanied with a letter.

Now as to 46 affayre, GF is of opinion that thir is a design in itt, so that itt is best to carie fayr everie way. I have a great openion that 33 dissembles in both hand, and that ther is som project of another X83. Tis certan iff such thoats are X and OE must be away and when I consider OA proposal to OG concerning XG, and when I know that EN is so well with 46, either X9 does betray OE or OE and 37 are one. Itt is also most new that EB is great with OA and with OE and also with FN. does begin to court GF. I fynd FP mightily upon gaurd. FO in privat rages. X98 hes been the sole suport of 146 all this time, and no dout is yett so. FN was the sole instrument in all OE promotions, and no question but in all this ther is a Circle. I fancy yo may make great discovryes in O49 and others, and what ever can fall out att present 53 is most usefull, and the hope of O37 will not now continue.

Never was ther more reason then now for wise and calme proceedings. The truth is the storm is raised and itt will take the best heds to lay itt. I pray God direct yo and keep Halton moderait, for his fyer is too hott, and the President and Advocat may doe well to advise him, for

ther is litle reason to be puft up, the 3 nations being in this loos condition. I feare 039 will rather sugest or incorege the contrary and Haltons two sonns will be no good instruments. I will say nothing of my oune sex, but that I wish them wisser.

Ther is a strong spiritt of 06 lurking. Ther are hopes of makeing great use of 052, and of all that family in the design of leving of 30, and som will have itt that CCC have betrayed 46 which weare not amis, to be sugested to OE frinds and to X63. The truth is they owe their ruin to X48 and to that designe which FC and EB did sett on foot with 78X when OM was in 30, and I believe OF, EN, 194 are yett the seperat CCC and that they are for 05 and for X and as for the rest it is but daffing and I believe OA is att bottom with them which you will soon fynd when 52 sees 30. I shall be glad to know how 145 and 94X doe carie. I assure yo they were goeing wrong, and what I tould yo of a new CCC contrived by 049 was most certen, and of 53X who is a divell, yett may itt doe well to posses 52X with so much truth as that OE had never gone amiss so long as under the frindship of OM, nor was itt wise in to dissert the counssells of GF and to take CCC into their armes who are knowne to have been so perfidious, and it cant but be of good use to insinuate so much into 52X by 79X as to make 52X give new measures and caution of CCC to B, and to lay injunctions on FO no more to trust any of CCC in particular EB and X9.

Mr. Brunhed tells me the Marquis of Athol cam to him to rale att Duke of Hamilton att such a rate calling him false, perfedious, and all the ills imaginable. The Earl of Pairth does the same against the Marquis of Atholl, yett is hee never from him, and in apearance none greater together. If 79X be wise hee will confound FC who no question is 79X great enimye, and as for O49, hee is indeed a suple gentleman. Never was ther more need of care amonge yo all the now. Adew.

I wish 71 might find a way to aly XI to 182 by a marriage between their children. Iff 145 hes 57X why may itt not be, and why may not CA contribute to it? I am mach for 64X and 184 being made up as soon as can be. I have great reason to believe 78X has given ground to EB to beleeve X56 may have 184 so that itt is true 78X be put upon itt. Adew.

Now to clas all I canot but tell you under the same freedom I doe all things but itt is not imposible but 33 may give up OG. Tis heard to know, itt is in this age imposible because irrational things are in fashion, and that is really all the ground I have for itt.

Ham September 15 1682.

The Duchess of Lauderdale to the Earl of Mpray,
Secretary for Scotland. (345).

My daughter chuses to goe in to London this evening for reasons that she will tell yo. I can't but admire that I heare not in the least of or from my brouther or his soun, nor one word of the Tally, which makes me feare they are doeing some ill and unjust things to seeme what is already done before they leave the toune. Therefore it is most necessary that ^{Baneburne} ~~Baneburne~~ be asked what they can doe to naile things to my freindis, and what I ought to doe to secure myselfe against it, for this putting me off from seeing the original is very unworthy. When it is registrate a coppie of it will be had by anybody, and I am so ignorant that I know not, but iff they take such courses but I may put in some caviat against the passing the Tally, which I me sure is the forme in England. Pray advise me for the best, and I me sure it shall never goe further, for tho yo doe not lay injunctions upon me to burne your letters (in the Advocats way) yet I asure yo I doe it and so shall do. Adew.

Ham September 17

The Duchess of Lauderdale to the Earl of Moray. (346)

Baueburne will tell yo how Halton tooke him and Lord Lorne with him to the Tavern to say his full mynd, and all he said. Lord Maitland staid at home pretending it was to stay with my soun, when hee did discours affter the same maner. He disirs a full talke with me but I am risolved to say nothing. All they designe is to make me pay the debt here, which is most unjust, for here had been no debt iff every yeare ther had not bin 4400 lb^s assigned to pay debt in Scotland, by which means the debt ther is the less, and the debt here is lyable to be paid out of this movables, which movables in all the papers I have are expressly to be secured to me even his ratification to the Taily. Adew. I see they doe all they can to worke Baueburne to be of their mynd.

Whythall. September 23

The Duchess of Lauderdale to the Earl of Moray. (349).

I have yours of the 16. I also saw your letter to my Lord by which I fynd 177 is never to be cured of his jealousies of GF (who I am sure 177 did mean when he sayes a frind of yours and his). These are the good offices done by 046 and 73X who are irreconsilable to GF, only because they have done so much wrong to GF that they beleve cannot be passed over nor indeed can yo imagen how high they did provoake GF the last time they saw 20. As for X74 I am clearly of your mynd as to his impetuous temper, and the hee inclins to CCC, yett is hee better guided in 20 then in 30, but I beleve 33 will not admit of FAA at this time, and I me sure itt is obstructed by CCC. FAA makes large professions to DS but I me confident att the bottom they are all at the same chase which is as much as they can to persue their owne intrest, but they are att a loss, till they can see how things will fall out, and itt is certen that they never had such a solid designe laid as might answer the account of CCC, but att all adventurs, and in perticular to gratifye the 20CCC, they run on to the ruin of OM, and never laid doune any certen rule for what was to come after.

To-morrow the Duke of Monmouth goes away. So does the Duke on Thursday, and on Fryday the King and Court doe goe to Newmarkett. My lord goes then too, so that itt will not be posible for me to wright so freely to ye till my Lord

does returne, as I use to doe, because my letters must
goe by the comon packet, therefore next Thursday I shall
wright to yo more att large of all our concernes. I am
now in such hast that I am able to say no more, but if
Sir Will Sharpe does not pay at Newcastle punctually att
the day the 500 lb. which Magnus did receive for me here
att London my Lords credit is broake. Adew.

Whitehall June 3.

The Duchess of Lauderdale to the Earl of Moray
at Edinburgh. (350).

I am att present in such paine with grips I am hardly able to write yet I must say this to yo, that tis most certen 33 is as much satisfyed with our frinds as is posible. This day I had long and perticuler discourse with OM fully to OM satisfaction. L tould OG that 46 will be the most contemptable of all creeturs, and that L had told 46, so L sayes 46 is the echo of DP, by which yo may perceive how the Party doe pas their time. FC is the vilaine of all, and mighty great with 165. Would to God some cours may be taken with X54. I hope 145 caries well. 146 is the great incoreger of X45 and of all O6. Faine would the party have O22 which I fear Oa is att the bottom of. 52 nor doe make any syne here, but only as lyes are promoted, and as OE gives the party countenance. I despaiere of seeing right things done in 134, so long as 135 is in being. I beseech yo write to me particularly of all that does concerne X41.

Ad to your cypher the party CCC. Adew.

Ther is a player sent for certen to live att Edinburgh expressly to disbauch all your young men, who the party have ill will to. I will be sure to send yo hir nam the next post. Pray make deligent enquiry after hir.

The King goes to setle att Windsor for all this
sumer this day senett.

June 4th.

The Duchess of Lauderdale to the Earl of Moray
at Whitehall. (352).

In my last I wrett all I had to say, since which ther is no newes here, except what relates to the Convention of which ther are such hopes, that tho they are pleased to sollicit for the Party Lords, and that they name the Duke of Hamilton, yett is itt almost not to be doubted but that this election will be a very good on. Some tricks have been used in Fyfe, but wee hear itt is well ther in spitt of them, and that yo may see on of them, I send yo this inclosed to show yo the way the Chancellor tooke to come fair of. Pray keep the letter till I see yo. The Earl of Hadington cam to this toune and Ormiston with him, but they cam not neire my Lord, nor have they sent to him. They rage much of the favour they received when they cam away of the Duks Grace to them, and of the kiss they gott of the Kings hand. If they see they cannot carie in the Convention they will value themselves for the King, but if they can make a disturbance, they will be sure to doe itt, however, the less they are courted the better, for itt will make them the more humble, and discorege their party the more. I showed my Lord the paper yo sent inclosed in your last, and I fynd him very well satisfyed with itt, as itt is amended. If som of thes who have caired so insolently be not punished itt will not be so well, so that in freedom to yo I think Sir John Cochran and the Lieutenant Generall may well in som measure

be made to pay for the rest. This iff yo doe sugest is only fitt to be done alone to the King himselfe, for iff itt does not pleas, itt is better not to be attempted, therefore is itt fitt to know his inclination in privat, in which such powers as hee gives may not be further used then stands with his good likeing, yett is itt fitt hee doe consider how some eminent lårds were comitted out of the Lords' hous the last yeare, and iff ever King had provocations given, thes Lords have now done itt to his Majestie. This is only said to your selfe, therefore pray burn itt.

The Marquis of Atholl has sent for h&s Lady in grent hast. She hes taken up Marget, and is to goe as wee here this day. She hes putt off all hir servants, and given som of his hounds to several frends to make court to them. The pretence is his sickness, which ever yett hes done his buissness upon all turns and changes. They boast much of their intrest, and how they are sure to keep all their places, and hir ladyshipp hes now no vapors, tho when hee coms to be well yo shall fynd hir fall ill.

I desir yo will be pleasd to cause pay to my sister Maynerd the sum of three hundred pounds, in case yo shall not have use of itt att London, and I shall be sure to pay itt to yo here. Wgatever monyes elce yo doe not use of the 1000 lbs now paid into yo by my soun, be pleasd to leave in the hands of Sir John Earnly to be kept by him for my use, and I shall be sure to pay itt to yo here. Adew.

Both my Lord and I are very sure of my Lord Treasurer,
and I hope upon very good reason.

June 5th.

to the Earl of Moray at Edinburgh. (353).

On the 4 and 5 instant I was with 20 to press him to putt 29 and others to condiscende on matter of fact. I was promised, but his good nature can not urge. Tomorrow wee will desyre audience, and iff wee gett it will hold allowance by as granted and so will procure to declare the present state of 20. 5. 16.21.13.3.15.6 and propose as to the future, and will doubt not our proposals will be accepted.

Whether 22 will 5.16.14.7 to 7.15.9.13.3.15.6 presently is 6.16.22.4.21.7.6.

25 looks on matters as weell. I assure you 6.11.20.5. 16.15.21.7.17.22.20 are exceeding and great men of 55 are 50 who concur with 24. I suppose 52 is not so near as some think. This is all knowne as yett to your servant.

June the 6.

The Duchess of Lauderdale to the Earl of Moray. (355).

I have not much to write by this post, yett I must presume to offer yo my weake openion concerning the letter was sent yo this day wretten by Halton and subscribed with an underwreeten postscrip by my Lord. I make no question but ther will be unhansom things said upon the late muster of the troops. The muster was never necessary, and no more then what is now doeing to the fout regiment. Nor is itt posible to conceale the great miscariages in itt, espetically the false musters, but in my humble openion the matter of fact ought to be related with as few reflexions as may be. Tis sufficient that ther falls out to be so many short in the number, and the fault of the Captain will tell itt selfe better from only the Muster Role then under such reflections. Itt is my openion that such noats as are made of the menial servants of the Marquess in specifying of their officies in his lordship's family will be taken notice of as so trifling, itt will rather appeare malice then justice, and when itt shall be considered how much the necessity was represented lately for ading 40 hors how many complaints ther were made of false musters in the Chancellor's late troope, and what mallitious lyes have been by the noble Marquis made of the Earl of Linlithcowe's regement upon the sam account. Thes things are fitter to illustrat his new discovered faults then such lite remarks as as are made upon his oune fower servants. But in this as in

other things I submitt itt to yo desiring your goodness not to expose my folly, but to put the best interpretation upon my freedom.

Your Lady will informe yo how itt hes been sugested to hir as iff the Duke and the Duchess of Monmouth takes itt ill yo visitt them so seldom. I have not been att London now nere a twelve munth, so I am able to say litle, but as much as I can conjecture att this distance, I thinke yo have taken the best measurs. They have suckceeded so well that I wish yo to end as yo have begun, for I see no cause for wotks of supererogation. I am very glad my Lord Advocate is sent for home. He taks things too hot, and is not so proper for a Court as for the Bar. The truth is his conjecturs concerning the forces not doeing their duty here was taken upon slite grounds.

Tis certen Lord Jeams Douglas is made to hope his regiment hier now raised may be settled a standing regiment hier. This is a pleasant designe and no less sutable to his hedpeece then to his brouthers merits. But I suppose this is part of the ladyes' plot who have all this time been so active and I hope itt may suckceed like all the rest.

Now is the great hinge of the Kinge's affayres, and now is the time when ther is more need of a wise and prudent person to be at the helme. The elections of the Convention are or will be soon over, and the affayre relating to itt soon att an end. Ther is a fair prospect of a good isew from

itt, and heatherto all had gone on as fine and calmely as is to be desired. What influence the party may have upon things is yett uncerten. Doutless when they fynd things like to gee right they will not opose in vaine, but chuse to gett part of the thanks by closing in with the best. This is certen, that at the late election in Fyfe, Broomhall was the only pervers and insolent person which is sufficient to make us know that both the Chancellor and the Earl of Kincardin are not much of another mynd, and tho by the Comissioner's letter as well as my lords yo are rather invited to returne to us then otherwayes, yett is itt the openion of all wise men here, that yo stay att London till the Convenyion be over is of the greatest importance to his Majestie's servis than can be. No question but all means will be used to raise a new storme behind your back, and as when the Party left this they left their ladyes and thos they did influence, to manage things as they were in their absence, so will they take care to place such att Court as shall be sure to doe all the mischife that can be. Deare lord, take not this freedom amiss. It really does proceed out of a real heart, and tho I dare not pretend to be so wise as to advise, yett Ime sure ther is no eror in my Leale and trew frindshipp.

June 11.

The Duchess of Lauderdale to the Earl of Moray. (356).

Yours of the 5th came this day. Wee are in such expectation at present as to your affairs as that wee could be content to heare every houer what passes and most welcom newes itt would bee that all were over. As in my last I wrott to you was the very words of 33 who would be glad 20 might have his hand in it.

The Countess of Callender is in such pain to have hir Lord's affayre done that she is almost distracted, and I am even tyrid out of my life upon that account. The Lord Almighty preserve my deare children, and all loyal and honest men in perticular yourselfe, in whom I am as much concerned as is posible.

If Lord Lorne does not show himselfe at this time hee will be for sure lost, for CCC doe but spread too many storyes to his disadvantage, and I am sure the King does expect itt. The Earl of Arren goes doune to the Earl Roxboreau. They promis much to the King, and the King is much pleased with them for itt.

Adew.

June 16.

The Duchess of Lauderdale to the Earl of Moray. (358).

Never was any newes so welcom nor so seasonable as that which cam from yo this day, for itt is certen the whole party did ingage each other to urge all they could the removal of my kord, which was so dasht that they said litle or nothing. Yo will fynd a great cooling card sent this night to the party, by which they take such measure as I hope the Lords here will com to be discovered by the Duke of Monmouth to be in the future disowned by him, for Ime sure they with all their complises did design no other bot the ruin of the King. Itt is certen their great design is to have a Parliament called in Scotland, and they hope upon the eminence of the imployment to tempt the Duke of Monmouth to be for itt, but tis hoped yo who have been on the top of all the late proceedings will unite so firmly together that yo may hinder any privat designs and at this time only promote thes ends which may be for the comon good, that poore Scotland may retrieve their reputation of loyalty and becom united under the just lawes to the utter exclusion of thes dangerous principales which have brought ruine to thes nations. If yo saw how the King is incoreged upon this newes yo would think your pains well bestowed. Indeed itt hes revived his Majestie. The Earl of Pairth is now going to Scotland. Hee hes been the most mallitious of all the Pack. Never was man so bitter as hee is. Hee sayes to som the King sends him, and to others that the Duke of

Menmouth hes ingaged him but I beleeve hee does lye in both, and a wors instrument canot be ther then hee is except Melvin and Taras whos faces I have not seen since they have been here.

I canot express the joy wee have that the men did this brave action. Wee talke highly of itt and with no little pride of mynd. Yo say nothing of our soun Doune. Ime sure hee hes as much metle, and tho I love him as much as I doe even his wife, yett doe I hope hee will make such an apearence as is fitt for him.

The Earl of Roxborou goes tomorrow, and hee does profess very much. O that the rebels may be beaten before more forces are neided. I am sure itt is the desir of 33, for say all on can, they will not allow the Master of Ros to have done that hansom action but the English major, tho hee did himselfe wright the truth, and just so itt will be iff 46 be the 30 will loos by OE advantage that way and so will OM. I wish 039 may doe no mischife. Ime sure iff CA be wise CA ought to make up a firme intrest with DS, and all real frinds, and so defeate wholly CCC who doe sett up their rest upon OE. Ime certen CCC doe itt to keep up an intrest with the 20CCC. CCC Ime sure hes no good will to CA not to any of yo. They are all now discovered and all their wayes are found out, so that I hope in the futute ther will no more be done to us by either their flattryes, their lyes, or their insinuations, and as we are now groune old so I hope 039 will be so wisse

as to keep firme intrest with OM, who affter all is fixed upon the surest fooundation. Many thanks to my dear lady-Morray for his kind letter. The post stayes so I can say no more but Adew.

The Lord Jeasus bless yo and send a good end to all thes troubles.

Fryday night. Dairnton.

The Duchess of Lauderdale to the Earl of Moray. (359).

We arrived here very late so that I am not able to wright what I would gladly doe, nor doe I hope to have time to doe so till I can to London. Yo may well thinke wee were sufficiently surprised att the most unhansome way of proceeding which wee have mett withal from the Earl of Argyle. Yo was a wittness of all that passed between him and me; yo know how I am disoblidged by him, and saw att parting how hee hes requited me for all the servises that I have done him; yo was present when he tooke leave of his soun so barbarously, and as to my daughter hee did hardly speake to hir or so much as take notice of hir so that hee hes parted with them both, without so much as takeing the least care of them no more then iff they were comon begars, which I assure yo my Lord is as sensible of as I can be, and itt is most certen that had the Earl of Balcarres gone to London, itt was the Earl of Argyle's ⁹one? to have draune a bill of cfedit upon Kirkwood to suply that noble lord with ther. I now send yo such a cypher as I had time to make for the present, but when the Regester comes to yo, hee shall bring a better. My servis to my deare lady, and our soun and daughter. Adew.

June the 24.

The Duchess of Lauderdale to the Earl of Moray. (360).

Deare Lord,

Yo must not thinke amiss of your frinds ~~that~~ wee doe not come out to meet yo. Itt was our intention to doe itt, and all the best company in towne did offer itt most earnestly, but my Lord haveing considered further of itt, we are resolved not to goe. The Duke of Mamilton hes pretended to make a figure that way, but itt hes been so pitifull, and tis hoped ther may such advantage be taken by itt, that itt is much the best ~~far~~ yo to com in as privatly as can be to awoyde all fanfar.

Ever all long to see yo and so my deare Lord Adew.

Windsor July 13. 80.

The Duchess of Lauderdale to the Earl of Moray
at Darnaway. (361).

I have yours of the 26 of June which was most welcom to me, and as much to my Lord. I am laid up of the gout, which maks me fixt here. Wee are impatient to heare yo are com to Edinburgh, and I hope soon affter yo are there yo will resolve to set out your jorney for the Bath. I beseech yo be no diverted from itt upon no termes, and lett your lady com with yo that no care may be wanting about yo. I know ther are many who will seek to divert yo from it but I hope yo will prefer your helth more then anything, and they must be either ignorant or mallitious who ever shall argue to the contrary. So soon as yo com to Edinburgh, the Good Bishop and the Regester will informe yo fully of all matters, and in perticular of Claverous, who is the agent of the Party, and a most subtle enemy to all honest men, and an obst(r)ucted of all business on designe to hinder and to perplex everything. I beseech yo settle that affayre with the Provost. I leave it to yo to agree it, and I refer the termes to yo, for it is time to be at an end. I doe not insist upon any sum, but doe leave it to yo to do in it as yo pleas, and whatever yo doe shall pleas me. All my other concerns I leave with yo, and for the Earl Argyle's affayre when yo see all the informations and my letters on that subject, yo will think itt fitt to put an end to itt in the

way the King has condescended upon, and in that care must be had to have a new value of the worth of Teeree sent up, without which Earl Argyle may yet be prejudised, and it is the only thing left by which the Party can hope to hurt the Duke of Argyle.

In my last I told you my appenion how advantageous itt will be to have OM and DS meet, now I doe tell yo ther is an absolut necessity for it, so that yo must engage 182 to use all the intrest 182 hes or can make to have that meeting as soon as is possible for ther is such a hurye in it as is of the highest impotence. OG is impatient for it, therefore I beseech yo use your uttermost to contrive it so, that itt may be as soon as is possible, and let me know exactly when yo think it may be. 33 is uneasie till it be, and so is GF for such reasons as are not to be given, tho I may tell yo they are of the greatest impotence, and so yo will confess hereafter when yo shall know all. X plays the foole, the weake, and the double beyond all measure, so that ther is a necessity for 50 in 30, as for 182 in 20. I beseech yo sett ~~my~~ mynd att rest in this matter. Our jorney to the Bath cannot be till the end of Augest so that letters may be deliverd to us here.

DS and OM must meet as soon as is posible.

Windsor July 17. 80.

The Duchess of Lauderdale to the Earl of Moray. (362).

Last night wee got the news of Earl Kinkardin's death which made my Lord goe imediately to the Duke, and then to the King to move for your being in his place in the Sessions which was most cheerfully granted by both, and by this post the King's letter is sent for it. I am yet ill of the gout that I cannot goe abroad (I mean to Court), so I goe to Ham with great difigulty, but my Lord does stay to see your buissines done to goe by this post tonight. I beseech yo so soon as yo com to Edinburgh doe all in your power to transact with the Earl of ^{Windsor} Wyden, that affayre lyes one too long, and I bilieve hee may be delt with which yo best know the way to.

Iff Ruched be to be credited, hee vowes and swears like a mad man that hee never hes had other measurs from the Provost then the first 4000 lbs for 21 years, yet will the Good Bishop and the Lord Register tell yo the Provost hes said to them otherwayes which maks it plain ther is falce dealing on the on syde. I beseech yo put this affayre right, and get the Provost to write his termes of agreement under his oun hand,, and sent by the Black Box, for all his letters doe com by other wayes, so wee know not nor can wee disprove Mr. Ruched when hee sayes hee gets no letters, as hee does swears hes not since June the 29. Adew.

Ham July 24 80.

The Duchess of Lauderdale to the Earl of Moray. (364).

I am strangely surpris'd att the receipt of your last letter dated from Darnaway the 10th of this Julye which letter cam from Edinburgh the 17th, so that it was 7 dayes in the way from your hous to Edinburgh. I did well hope yo had so order'd the matter that your letters had been sooner convey'd to yo from Edinburgh, otherwayes I had sent myne by expresses. I am amaz'd yo had not divers of my letters before the 10th, sure I am I have hardly missed on post, and I dare answer for no less then 10 or 12 letters wherin I have with all the passion I am capable press'd yo to com away to Edinburgh, and not any longer to admitt of the least delay. But when by your last to speake as iff yo had resolv'd to stay in the north till the winter sessions I know neither what to doe nor what to say, it so much does confound all our measurs. I canot but wonder yo never tooke notice to me of the invitation my Lord gave yo to meet us at the Bath. It was the advice of Sir Alex. Fraser as much for your good, and it is yet his openion yo canot doe so well any way for securing your perfitt helth. My Lord hes delayed his going expecting that answer, but now hee can doe it no longer, and this I will say they are your greatest enemyes who have or who shall divert yo, and iff either my Lord or I have any intrest in yo, I beseech yo com speedily away, and lett nothing hinder yo, or perswade yo to make the least delay.

I have desired the Good Bishop to send this by an express to make all the hast possible with it to yo, and I doe most earnestly desire yo to dispatch the messinger back as soon as is posible, and by him send your positive answer what yo resolve to doe that my Lord may no longer keep matters in suspense, and that your dyet may be determind. My Lord goes to the Bath the second day of August, and he will leave me here who shall bring that answer to this to him to the Bath. I canot but hope yo have receivd more of my letters since yo wrote your last of the 10th, and that yo have already taken your resolution. I must again repeat with the most earnestness I am capable to urge anything that yo will not faile to com directly to the Bath as soon as is possible, and all care shall be taken tp provide conveniencyes. Therfor yo pray make no stay att Edinburgh, least itt stop yo, and that aire doe disagree with yo. Here is so much newes, and such variety of it I shall not entertayne yo with any. To be sure yo will not want your share of sensures so long as yo stay in the north. I shall never rest till heare yo are com out of it tho it were only one step.

94X is a vilain, and a creature of 78X and of 76X and of XR. Thes doe all dread the consequence of 182 meeting with OG. DS is certenly to be what 53 is. 33 will be glad to see 182. DS hes reason to be better informed then DS is as to X and of other matters. Till 182 sees 28 nothing can possibly goe right. I am sure both 20CCC and 30CCC doe

dread nothing so much, and I am confident 046 and 73X had rather that even 146 did see 28. Adew.

039 and X9 hes made all the professions of friendshipp and of confidence In DS, that is posible.

Lord Liviston will soon be with yo. Hee will give yo right measurs; hee is a most worthy person and intirely our frind; hee will tell yo a great deale, and yo may trust him. I have under the greatest secresie imparted to him the seacret of Earl Wigdon, that in your absense hee may transact with Earl Wigdon to doe it in such a way as yo shall advise him, for I assure yo ther must be as much care and tenderenes in the way of doing it as is posible upon som reasons which Lord Liveston will tell yo. Adew.

The Duchess of Lauderdale to the Earl of Moray. (365).

My Lord is out of all patience to heare from yo and not without reason, this being no less then the 12 or 14th letter wherin I have pressed only from yo once an answer whether yo resolve to meet my Lord att the Bath or not. Indeed it is ill done to hold my Lord so long in suspence, and it is very ill to him to hinder him so much, the care of his helth which depends on that jorney. I beseech yo be plain with us and lett us not waitt as wee have done for that answer.

OM is resolved to give up, and is intraged that DS so much nedglects OG as never to signifye what in DS thoats as to being what 53 is.

I have wreten to Cathren to com to Lithinten and to be ~~there~~ with her sister this winter till she be dilivered. Hir sister was so kind to hir, and I hope yo will give Cathren leave to be no less so to Betty. Adew.

It is not in GF power to prevaile into OM to have longer patience then till the returne of the answer to this letter, which I commit yo not to faile.

Ham. August 5th. 80.

The Duchess of Lauderdale to the Earl of Moray
at Edinburgh. (366).

I have yours of the 26 of July. Wee are overjoyed under the hops of your being att Edinburgh att the time of the arrival of this letter. Here is to be much company att diner this day, which maks that I can say no more to yo but that my Lord is resolved not to goe for the Bath till hee sees yo here, and then wee shall all goe ther together. The season is almost passed so that the sooner yo come and the most hast yo make itt will be the better in all respects, therefore I beseech yo lett nothing hinder, but com away as soon as is possible, and lett me heare from yo by the next post, that wee may prepair all things for itt. Yo need tak no care for anything, for both att London, att Ham, and att the Bath yo shall fynd all the convenience that we have for ourselves. Adew.

To your selfe and to no other I will say my Lord needs the Bath more then imagen and the world will not persuade him to stur till hee sees yo, of which wee are both impatient.

Ham. August 10th.

The Duchess of Lauderdale to the Earl of Moray. (367).

My Lord,

Only my indisposition is able to plead in my behalfe for my long answer to your letters. I am now goeing to the Bath from whence I hope to receive such benefitt as may make me to be more just to my freinds in poynt of sevellity. I am ashamed I have not written to my Lady of Moray, yett seeing ther was no concerne in the case of your lordships, I did presum to be excused. So litle time have I to mysele itt is imposible for me to be so sivil as I should be, and as for that perticular which does concerne my Lady Margaret Stuart, I feare ther is little apearence of hir coming to Scotland, but iff she were so disposed, itt had been the most convenient, and yett is to goe directly to Scotland. Upon many reasons hir goeing by England must be inconvenient, but your lordship is certenly the best judg, and my part shall ever be to wish all your concernes may be disposed for the best, the which I me sure both my Lord and I doe take our selves to be so deeply concerned that I dare not answer. Yo canot wish us more then wee are your servants.

My most humble servis I beseech your lordship to my Lady.

My Lord, I am,

Your Lordship's most faithfull

humble servant.

E. Lauderdale.

Sunday morning.

The Duchess of Lauderdale to the Earl of Moray. (368).

I have desired my soun to waite upon yo that hee may with yo and Banⁿeburne compaire the two Talyes, and that hie may give me an account how the last Tally is worded, by which I doe release my jointure, and how I am secured against my brouther by clames of heritency in case I doe receive any trouble by the Lord Yester or Earl Tweedale, and also how far Halton is oblidge to make good all my rights and legale pretensions which I have by this last Tally; for iff I have no other tye upon Halton but to recur to my joynture and the first settlements past to me under the Broude Seale. Halton will be glad to take a pretence to denigh me my right to the end hee may gett Lint~~on~~inton in exchange for Suinton. My soun will tell yo I am resolved in case the words of the Tally does run so as that I doe loose my joynture not to oppose in the least, for it is no end to loos to my selfe the thanks they canot but pay me, and to expose myselfe to be laught at for being cheated, but in this whole matter it is best for me to make a virtue of a necessity and this I tell yo before I see yo, because Halton and his sonne will be heare tomorrow when yo are to be here, and by their ways yo may see they have gu~~ilt~~ at the bottom as I feare one other hes also of whom yo ought to take heid. I now send Sir Will Sharp's tack, that Banⁿeburne and yo may advise about it, and

hee may say his oppenion what I am to doe relating to him, and what rents I have a pretence to, for iff I doe keep possession of my joynture till all my rights are made good to me, then are all thos rents due to me as I suppose. It is also to be considered what I am to doe as to accepting to be the executor, and whithar in the settlement of Lithinton it can fall within the danger of being altered upon any failor on my brouther's part or upon his loot of Suinton.

369. Really a continuation of 368.

It is to be considered how far I doe dslidg myselve in the cleering of my Lord's debt in England in the Bond of Tally. It is to be advised whither my most deare and honered lord's body lying in the chapele at Thirlstin Castle may impinge upon my brouther or any wayes prejudis him, because hee does make so many scruples about it.

It is to be advised in what manner my sons interest in Lithanton and East Lothian is to be settled. I desire to know what I am to doe to satisfye the Bishop of Edinburgh letter and iff the present doeing of itt be necessary because I desire to doe all things by the knowledg and allowence of Sir George Lockert which my soun will show yo good reason for. Adew

Pray give my soun the Bishop's letter. Be pleased to lett my soun bring me both the first and the second Tally that I may consider them this night but I desire it may not be ouned that they are sent for. They shall be kept by our daughter and given to yo when yo com heather tomorrow.

Aire. the 1 of March 1680.

The Earl of Airlie to the Duchess of Lauderdale. (371).

I have ever mett with so much friendshipe from your Grace, that nou onse for all att this grayt streat my eateat being at the poynt of rivening except that ye deal with my Lord Doueke of Lauderdeall to interpon with the King for me. The particulars ar in his letter, together with ane inclosed not of the nearnes of some of the smallest rebels that ar heritors. If ye will pardon this trubel, and extend your freendshype for me in this, ye shall command any pairt of it for any freend ye pleas. This ye may relay upon from

Your Grace's most affectionat

oblidged humble servant

Airlie.

Bath. 22. 81.

The Duchess of Lauderdale to the Earl of Moray. (372).

I have yours of the 18. Wee expect Lord Lorne this night. I wish our deare Lord Jeams doe not take too much of Epsom watters. I never knew them used so long, but I me sure yo proceed on the surest grounds. My lord is well to admiration, hee hes ended his drinking and his pumping, and this is the 3d day of his bathing. I wish my soun Thomas had rather that regement then Earl Aren, and I me sure he is fitter for it. I am sure hee does not think of it, and I wish hee did. We doe admire at Lord Privie Seal's impudence. I doe assure yo his sister, M^rs Baker, did sollicit me in that matter and did offer me a good sum of money, but she did conceall the naim, and I did put hir off with a very merry story which yo shall know when I see yo for she was a torture to me. This yo may tell the King iff yo pleas for it is new, and I hope he will not suffer yo to be so abused. Pray take care of the inclosed. It seems ther are great alarms taken at my lords resignation, and yo will fynd ther are endeavors used to ingage OA in the affayr. I have kept a coppie of my answer for yo to see; and I fynd OM toucht to the Queike at it, as hee hes reason.

None but a mad man would doe as O46 does to provoke OG. 85 says it is reported that 53 hes taken an aversion to buisoniess that 37 and the rest of that gang are pleasd to have it said so Adew.

Pray inclose the Lord Regesters letter under your
owne cover that it may com safe to him.

Tuesday night.

The Duchess of Lauderdale to the Earl of Moray. (373).

I desire that ~~Ba~~burne may extract the meaning of my paper of particulars by which Sir G. Lockert is to be consulted, that hee will put the sense therof into the right forms and expressions as they ought to be. I desire a coppie of the same, that my paper may be sent with it to me.

I desire to have my owne paper sent back to me by which ~~Ba~~burne was to draw my son's release of his rights in Lithenton and to make a disposition therof. I desire to know iff my souns denudeing himselfe of that power and lodging of it in me does not make that estate more liable to my lord's heirs to take advantage upon that estate, especiall in case any part of the entayled estate shall be taken from the Heire. I desire to know whither the paper relateing to Swinton which I did yesterday fill up the blanke naime therin with my soun's naime may not any maner of wayes impd thos settlements of Swinton which in the Taily are convayed to my Lord's hairs; which iff it shall in the least doe, I now send that paper and I doe desire it may be distroyed, for I would not for a world be guilty of the least act that might looke unclair and answerable to the full intention of my Lords revealed mynd to me which is a greater tye to me then all the dispositions hee hes made by which in law hee hes any wayes bound his hairs, and made his settlements. I desire to know in what

maner I must have the charge of my Lord's funeral defrayed in Scotland. I fynd his brouther will lett him be unburied rather then pay a shilling but I know not how by your law, but I may suffer if I take it upon me under the circumstances I am at present so that it seems to me to be fitt to intrust the care of the doeing it to some person, and to give the money to him, and hee to take the naime of it, by which to gett releive from my Lord's heirs. I should be most happie iff Bameburn would take this upon him, that the expense may be as moderat as may be and the ordere of it as honerable, and for the money, I shall be sure to pay it upon his noate the very day; for I resolve to sell plate to doe it, being bound more then all things to see that solemnity over, and no part of duty wanting in me, that may evidence the high respect and honour I have to the memory of that great man.

Wensday noone.

The Duchess of Lauderdale to the Earl of Moray. (374).

I am impatient till I know how yo doe approve of my advise, and what yo resolve to doe.

Earl Lauderdale and his son have said no more to me since I writ to yo. They went early this morning to London by watter and their ladyes did follow them in coach. I now send yo my letter to Sir George Lockert which is to be deliverd him by Bañeburne. If you approve of itt, give it my soun back, that I may take a coppie of it, and send it to him. It is fitt Baueburne should read the contents of it.

I send yo all my papers by which I have any rights to debts or monyes which I desire yo to show Bañehurne and iff hee desires coppies of them, my soun will take care to have them copied and delivred to Bañeburne before hee goes. I desire yo will pleas ask Earl Lauderdale and my soun to consider of the best and the most convenient way and honerable for the reception of my Lord's body at the first landing place in Scotland, that orders may be taken therin. Earl Lauderdale is to speake to you in it, for it is high time to goe about it and I see all is like to be left as well as laid on me. and iff I have not some frind to looke affter it, I dout it will be like the rest of S.W.S (Sir Walter Seaton ?) accounts.

What ever monyes that Banburne can gett upon any
of the papers I desire hee may pay in to your use, for I
am ashamed not to have cleared with you. Adew.

Sunday at 4 oclke.

The Duchess of Lauderdale to the Earl of Moray. (375).

I have had more discours with my Brouther and his soun, and tho I did not fall upon any perticulers, yet I did tell them that the Bond on Teily made in favers of Lady Yester's soun the last yeare, is the settlement that I doe expect they shall confirme even tho in this last Bond of Taily ther should be a difference, for that I did not nor I never will allow of any the least variation, except only the exchange of the Inheritance of Suinton for the Inheritance of Lithinton and that I doe take upon me to pay the debts owing in England. My Lords hairs being oblidge to secure me against all suits that can fall upon me by the Earl of Twadale, or the lord and Lady Yester as well in England as in Scotland. To all this both the father and the soun did make all professions of complience, and they did both say they will refer all to your selfe, and to subscribe any papers that shall be judgd fitt for my settlement and securing; but they are content that Banburne shall draw the papers in the strictest and the safest manor to that end. My Brouther and nephu are gone up to London in ordere to settle this affayr this night. They intend to call upon yo, and I bileeve they will impart so much to yo so that I hope wee may get over this difiquilty; and settle all matters which iff wee doe not doe at this time, may posibly not be a work so easie. Therefore I beseech yo put them home to it and gett Banburne to study the case so

as to draw up all papers necessary. I doe not owne to them that I write this to yo, but I doe owne to them that I repose an intire trust in you in the whole matter, and that the first signature in favours of the Lord Yester is the standard by which my rights are to be settled and secured, with the additionall obligation one Halton's syde to secure me against Lord Yester and Earl Twadale, which could not be in the first signature but so far as to bind themselves because the settlement was upon them, wheras now, Halton coming in their place and his soun, they are not only to bind for themselves but they must secure me expressly against Earl Twadale and Lord and Lady Yester. This is a material poynt to be insisted upon and ther is good reason that the litting in of Halton should not expose me to Earl Twadale who by the prior signature would have secured me. Adew againe and for God sake take care of me.

Ham. Sept. 13. 82.

The Duchess of Lauderdale to the Earl of Moray. (376).

My soun does now waite upon yo who will tell yo all that did pas relateing to my Brouther and my nephu. My soun did heare their professions and my answers, which were that the first Bond of Taily was to be exactly copied only with the difference of exchangeing the Inheritance of Suinton for the inheritance of East Lethinton reserveing to me all my rights of joynture and inheritance. Upon which I did freely take to me to pay my Lord's debts here, and I did ad to remind my brouther how that thes were the terms that my lord did insist upon when he and Sir W. Sharpe were here which my brouther did ounse to be new (tho at that time I did not mention any intention I had of takeing my Lord's debt upon me to pay, which are here). My brouther and nephu did declare they would stand to the Earl of Moraye's determination in any thing that may be an occasion of difference. But to know wher that difference is, it is absolutely necessary that I see the Teily, as also that yo doe see it, to show iff it does differ from the other Teily and iff it does then and nott till then is it posible for me to know wher I am wronged or not. Therefore I desire yo to move to them that they may trust the original Teily in Baneburn's hand and that my nephu may com with him and that I may heare it read myselfe, and then I will desire a coppie of itt; and take notice of

such particulers as I shall fynd cause to complaine of which must afterwards be referred to you.

Bateburne must bring with him the Teily which I gave him which I am to compaire with this last Teily, and it is most necessary that I have a new coppie of the last Teily, that I may see how my rights are settled, and upon what termes I am to expect to be secured in what is my oune. When I last did see Sir Andrew Forester hee did promise me to show me the Tuily and hee did approve of what I did say that all my rights were to be confirmed in it as in the other Taily with only the difference of the exchange of the Inheritance. I confess I like not thes scruples in showing me the principall Teily, and I doe assure yo when Lord Glendouk did read the Teily to my lord, hee was desired by me to read that pairt which did reserve my joynture, and hee did so read it that my Lord and I did conclude I was well secured in the same so that the Great God is our wittness against him iff hee hes done me wronge.

I am now setting poore Betty in hir intrest so farr as may secure the smal provission they have for hir livelyhood, and for the good of hir poore Babs (whose condition is God knowes most deplorable) I sent for Mr. Elyot to that end and no other. Hee brought the papers by which Lord Lorn's blood is restored and hee hes only power with him to incline him to yeild to reason. I confess I cannot give my consent for my daughter's goeing unless she may be

so secure in his present estate that hee may not embisell it, which is the same as a new forfeiture. So soon as the terms are agreed upon I shall desire that Lord Lorne may impart them to yo, and that hee may gett Baueburne and Mr. Elyot to meete that they may settle the wrightings that are necessary for the doeing of it. Adew.

I now send yo the Bishop of Edinburgh strange letter to me which I have desired him to com to me (but for one halfe hour) to explain to me; for I can wright to none but yourselfe, and till I doe see the Taley and that I doe know the nature of it and my wrights, I shall be unwilling to signe any thinge that sayes it is to confirme my wrights. Adew.

I wish iff it be posible to see yo but one halfe houre.

Ham. October the 5th 82.

The Duchess of Lauderdale to the Earl of Moray. (377).

Now at last Earl Lauderdale is com and his soun but what they designe I am not able to say. I desire yo to give the soun good advice, both for his ewne sake, and for his poor wifs, who hes great cause to be very sensible, and I feare she is too much.

I have been very pevish (with) him and I suspect hee taks it not well, but I had no end in it (God knowes) but his happiness, and the discharge of that duty which lyes incombant upon me. My daughter Lorne will now give yo the disposition which hir lord hes made, which she desirs may be past in the usual forme the King's hand, and it is fitt to be so to take away all pretences of jealousies that may arise, should it pas in Scotland, it being in truth done to satisfye my desirs and one which condition only was I prevailed with to let my daughter goe from me at this time.

I desire yo to keep my letter which I have given to Baneburne to deliver to Sir G. Lowkert that in case Lord Lauderdale and I doe not com to any terms, then the letter may not be delivred, for the import will be out of doors. Yo shall early tomorrow have an account of all that passes here. I hold my resolution of saying nothing myself and of being as long as I live most faithfully your frind. Adew.

I am certenly informd Earl Lauderdale hes sent to
Scotland to advise to take one him all the debts by which
means to breake the intayle and to make voyde the Teilly.
How far this may incomber me I desire yo to advise. Adew.

January 25.

The Duchess of Lauderdale to the Earl of Moray. (378).

I have yours dated the 18th. I showed itt to my Lord and the inclosed yo sent in itt. My Lord expected no less then what is wrieten to the Bishop of St Andrewes touching the Boy (?) and the reports cast out by the Papists to lessen the Plot. They doe the sam heir and much more may itt be their practice att so great distance. The only way is for the lawes to be put in exicution, and to that they dare not make oposition. The Eark of Argyle's letter and concerne for Earl Balcarres lyes before the Treasurer and tis well to proceed in his case as is answerable for the Comissioners, ther being no cure to such sort of complaints.

Yesterday the King did in counsell declare his resolution to be the Desolution of this Parliament and itt is desolved, and a new on already called, as yo will see by the Proclamation sett out this day to thes ends. This is a universal surprise to everybody and his majestie was pleased to say hee did not aske any of his counselis advice, that hee did know almost the sense of them all, and comanded them not to say any thing on that subject, upon which their was a sylence generall, and his majestie did pronounce the desolution himselfe. Yo canot immagen the confusion that all persons are att this time to, and how disponding they are of any good to folow. The new Parliament is to meet the 6th

of March. Yesterday Irland and Grove were exicuted, but Pickering is reprived for some time till more proufe coms againt him, for as yet hee is only accused by Oats and Bedlow, whos evidence is not much credited, and against thos who were hanged Mr. Deigdale made evidence, whos testimony is well thoat of. Some are so malitious as to say the dissolution was to invalid the testimony of Oats and Bedlow, who were so high in their ~~acc~~usations and generally itt is feared that the French are like to invade us, who canot be ready before March. . But tis invaine to begin to tell all the general wayes they doe att this time conienture upon. The Earl of Arren is in waiting all this weeke, to no smal delight to his father, and divirs of that sort of Party men. The Earl of Dumbartons Regiment doe yett stick. Hee was with my Lord yesterday to complain, and to cast himselfe (as he termed itt) att my lords dore for protection, to which my lord tould him hee had done him no injury, that the King did intend him a Pension, that his Religion made him incapable of any comand in Scotland, to which hee made answer that the lawes of Scotland were not so strict as thos here, and that he douted not but by connivance hee might comand there; that so hee might have his 4 companyes hee would rest satisfyed; and for his Bruther the Duke, hee was sure hee desired nothing so much as to be in frind shipp with my lord, to all which my lord made reply that the king is the master, and that hee wass to submitt to his pleasure; bot that tho

he would give obedience hee could never give his consent to such a thing and therfor did bedg his lordship's pardon. My lord said hee had never disoblidged Duke Hamilton, yett had his Grace made divirs jorneyes to express his prejudices against my lord, but as in the late case of my lord Terbett and others his perticuler enemyes, my lord had reconcyled, so hee should as readily disgest his Brouther's injuryes, had he taken the sam way to reconcile himselfe, which was by serveing the King as they did in the last Convention, and tho the King is master of his oune favorable looks upon whom he pleases yett hes my lord ever since he served the King made no enemyes nor no frinds bot as they were so stakd in the kings intrest, and ther being now no more tryals to be given to the Duke of Hamilton's duty and alegience, wherby hee could discover to the world his desertion of the factions Party, my Lord takes itt to be imposible for him ever to be upon frindly termes with his Grace, and so they parted. Yesterday emediately before the Counsell satt doune His Rpyal Highness spoake to my Lord for the standing of Dumbartons regiment in Scotland, to whom my Lord did with all humble submission say, that the King is the master, that hee is to obey his Majestie's orders, but that heewill humbly desire to denigh his haveing any accession to itt, and to be further ingaged for the answer of the settled peace of that kingd~~om~~.

Thus itt yett stands, and itt is hard to conclude what may folow, our case being att this time such that ther is no

determinat resolutions to be trusted to or relyed upon. The Duke of Monmouth does above bordē show his mallice against my Lord and is wonderfull gracious to the Party. All men are... in a maze and tis like ther will be litle com to a resolution as yett in anything. x is a most perfidious person, and does prov most contemptable. Ther are great endeavours to procure a wife for the Earl of Arren, and itt is the Daughter of the Lord Coventrye's who hes a great portion. The Duke does offer 2000 lb^s. a yeare in joynture and in present, and 4000 lb^s. a yeare affter the death of h^emsel^fe and his Duchesse, but the motion is not yett accepted of. They young people are to live in England and hir portion to buy land in

(unfinished)

The Duchess of Lauderdale to the Earl of Moray. (379).

"Yo must not take notice yo have one from me dated from this place, but from Ham, because I wright to the Duchess and to Betty from Ham, from whence I am but just now com, and am able to say only in few words that 33 hes sent for x and that the yauts are preparing, so that yo need not take notice of itt till itt be tould yo by other hands; and in the mean time yo may not be surprised. I hope 177. and DS will end all that may concerne them, and put things in such a way as may secure the frendshipp of OA for ever and itt is my openion that X41 ought to accompany X to 20. but not stay att 20 more then one weeke or ten dayes. Itt is fitt FA be trusted with the seactett to make ready for itt. Ime sure itt will be very well taken, and itt cant be any considerable charge, att least I hope itt may be found worth itt. Adew. And I shall take care FA shall feele itt. I confess I much desire itt, and itt is the advise of OM."

Whitehall February 2d. 80.

The Duchess of Lauderdale to the Lord President
of the Sessions at Edinburgh. (380).

My Lord,

I ever have found yo my real frind and I shall at al times make no difiguity to ingage yo upon that account, in all thes my conserns wher your favour can goe along with your intrist.

The King hes been pleased to give my Lord a gift of a new ferme to the Good Towne of the Plack in the ^{Pint} Burt, which my Lord expects to make a good benifit of. By this post the King's letter is sent wherby that matter is to be expedited, and seeing itt is a thing which is to com before your Lordship, my Lord hes ordered me most earnestly to desire yo to give your assistance in it so far that itt may have the wisht for suckcess which could never com more seasonably then ~~at~~ this time, and therefore I make it my suit to yo both to use your intrest with such others as are concerned in itt, and to contribute yourselfe all that may bring itt to speedy end.

The Duke and Duchess are in very good helth and great striving ther is to have their wellcom here equall to what they had in Scotland.

Whitehall February 3.

The Duchess of Lauderdale to the Earl of Moray. (382).

I beleeeve upon the Duke goeing away yo will have so much to doe, that my letters can be but a trouble to yo. Here are as many lyes and storyes made of the Duke leaving of Scotland, as used to be when my Lord was ther; and just of the sam nature as that hee is halted; that the people doe insolences to his family, and to his chaple, and even the apartments wher their Highnesses are, that they breake the windowes, and that the Duke caries so high, and is so persimōious, that hee allowes not a drinke to any body; and such like lyes, as would amaze yo did yo not know how the sam lyes used to be spread upon divers occasion. Such insolencyes have also been offred here as is not to be imagined. Last night att the plea divirs gentlemen who cam in ther all Drink ralled openly against the Earl of Sunderland, and the Duches of Portsmouth, and did such things as have not been knowne. So does ther fall out daily, tho this day the Toune of Tanton Deane have sent up some of their magestraites, and under the Toune seale an humble suplycation to punish thos who in the naime of the toune, did present a petition to his Majestie, which petition they renounce the haveing had any accession to. Divirs other places, the same is done; so that they fynd they are not able on that hand to suckceed, and itt is certen, that in no county even Essex ittselfe ther are not the hands to itt often gentlemen, which is very

observable. The Duke of Monmouth is this day gone for some time to Chischester neire the Lord Gray of Warks hous, to hunt and make merrie with his frinds. The express from the Duke did arive here the last night, but brought no letters to my lord. The King told my Lord the Duke intends to com in the Yautch. I pray God send him well here, and preserve peace in Scotland and unity in his absense. I long to heare how the Highlands are settled, and that the mallitia is in good ordere, seing so much of our security does depend on itt. I am glad Earl Strathmore is like to come off. I hope he will com into England with the Duke. My lord is very well pleased the Duke does concerne himselfe in Earl Linlithcoues reward, which my lord was resolved to have moved when time should serve. I hope the Dukés orderes will be so well observed that hee will fynd all the officirs keep closs to their duty. My lord will be sure to gett Nepers gift past, hee dare not gett itt blank, so hee resolves to take itt in Mr. Foresters naime, under an ingagement from him that itt is in trust for yo. I wish itt may prove a good thing and I desie our soun Lord Jeames may have of it two hundred pounds. Itt pleases God so to bless them that their charge is like to increase, and tho I have contributed, and so shall doe as I am able to their conveniencyes, yett are they not so well provided as not to want many things.

Mr. Forester does by my lords ordere send the Gift of the Good Toune signed by the King, so that the grant therof

is now fixt in my lord right. My lord desires by your next yo will send him advise to whom hee is to wright letters to recomend the Bussiness, that itt may be expedit as soon as is posible. And as to the further manigement hherof, my lord desirs me to tell yo itt is in so good hands that he leavs itt wholly to yo, and thos who have brought itt so far on as itt is. I wish the sum may be brought to 5000 lb, or at least to 4000lbs paid in London, and 500 lbs to me in gold, which is much the same thing.

I am impatient to have the affayre of Luz over and as for Bamfs, itt must lye quiett yett a litle. Adew.

I have been very ill, and I am not able to wright any more. The Duchess of Portsmouth, the Earl of Sūnderland, and Mr. Legg gott letters by the Express last night tho my lord gott none.

I hope Lord Lorne came with the Duke. I desire yo not to lett his wife goe home till hir lord does returne; and as for our little Betty I hope Mr. Forester who is soone to goe f for Scotland will bring hir to me and therefore I should be glad she might say wher she is till Mr. Forester returns to England.

Whithall February 5th.

The Duchess of Lauderdale to the Earl of Moray. (383).

Tho I have yours of January 29 by which yo make no mention of the express which went from this upon Monday was senett, nor of the message hee caried to recall the Duke, yett doe wee expect by tomorows letters, to heare how that measure is pleasing to Scotland, and how itt was att first entertained; the first motions of such things being the only times for the discovery what are the new impressions.

Heare are strange and frequent reports raised every day, as iff the Duke were not well in the peopleis affections in Scotland, which is but storyes made and contrived by the Party. Ther hes been strange outrages in the plea houses and in the coffy houses, wheire they have spoaken such things, both of the Duke, of the Earl of Sunderland, and of the Duchess of Portsmouth as would make all honest men abhor them. I pray God the Duks coming may be means to allay all thes heats, and that wee may heare of no new fyers in Scotland, which we feare may be kindled so soon as the Duks Back is turnd. I assure yo ther is good cause for deligence, and for the unity of all honest men, to help to preserve the peace att this time. And I hope itt shall not be in the power of ill men to disturb the peace of that poore kingdom, seeing ther is no less then the concerne, and the whole being of every perticuler included therein, as well as of

the King, and the Royal family. Nepers buisness is past
 in Mr. Foresters naime, who ~~Ime~~ sure will be faithfull to yo.
 I am glad yo are so well with Earl Queensberry and I am sory
 att heart, att what yo tell me of ~~DC~~ favour to O49 and to CCC.
 I long with impatience till I have an end in my concerns and
 in my lords. Wee doe all here take for granted the Duke is.
 att sea; so that I have no more att this time to say. Adieu.

Wee are impatient to heare what is done in 177 affayre."

Whithall February 7th 80.

The Duchess of Lauderdale to the Earl of Moray. (385).

"Itt was a trouble to me to want letters thes posts ~~whish~~ I expected should have brought some account of the maner of reception the newes had both from the Party and from the kings frinds. The Party here doe spread abundently all their storyes att this time. They doe denigh that the Duke ever was well reseived in Scotland, they doe affirme hee come away expressly because hee can stay no longer there, and that hie is so ill satisfyed with the ill measurs my lord gave him, that att his first arival here, itt is his designe to accuse my Lord. I send yo this inclosed letter and my answer to itt, which yo are to seale and see delivered. I doe wonder at nothing in this Age but it seemes strange to me, that about 6 weeks or 2 months since his lordship should wright to me to make me the offer of the manage of his sonn and that now hee should make his choyce himselfe and engage me to further itt. Here is no newes. All does seeme to depend upon the Duks arrival wher I wish hee may fynd things as easie here as hee hes done this time passed in Scotland and I pray daily that thos who does profess frindshipp to him may be as real, as you have been. Adieu."

The Duchess of Lauderdale to the Earl of Moray. (386).

Since I sealed my packet my lord has spoaken fully to 37 of divirs particulers which hee does fynd 37 most reasonable in; but as to the case of Earl Caithness 37 seems much to justifiye George Synclers tytle to the honer but in no manor to the estate, so that itt is imposible to bring him a further lenth then to leave itt to the law which my lord has prevailed with X to doe; but canot in any maner of way gett leave to solicit, or to procure any more recomenda-tions from 33 then has been already, so that I beseech yo lett Lord Regester and Earl Caithness know so much. No person can say better of another then X does of Earl Caithness in all respects, but further in this matter is not to be obtayned then to leave itt to the law; and least Earl Caithness should object as to the 1000 lbs he is to pay to me, as iff by itt I were ingaged to doe more. I leave it to yo and Lord Regester to press further in itt or not as yo shall see convenient, for tho I have great use of money, and a good tytle to that sum yett will I never take itt unless Earl Caithness does receive the good by itt which was intended to him. So that on all accounts I think itt best to let that payment alone att this time for really I cant in honour take itt as matters are like to goe in that affayre, and I should advise him to deal with George Syncler iff itt be posible, tho as hee has used him I doe not advise Earl Caithness to stoop to him, Earl Caithness has the undouted right to the

to the estate, and the Earle may fynd his tytle as uneasie to him as the Earle of Airth does his tytle att this day. The Countess Marischal is most earnest with me to desire yo to befreind hir in the payment of hir pension. She hes wreten to the sam purpos to the Earl of Argyle. The Earl of Ancram is the same way so solicitous that I am weary of my life upon thier accounts. My Lord canot dispatch thes letters concerning the Good Toune till next Post and then hee will not faile to doe itt. Now I am disopoynted of Earl Caithness 1000 lb I am the more concerned to pas, and to end such of my other concerns of that nature as may suply me att this time, that my straits are so uneasie to me. Adew.

February 1st.

The Duchess of Lauderdale to the Earl of Moray
at Edinburgh. (387).

I have yours dated Edinburgh January 25th. I am glad Sir Will S(harp) has performed so well in what related to my lords p^une concerns. I hope hee will doe no less to the publick. I am confident O49 information was trew, tis now so apparent that not the least is doubted but O6 has been and yett is in the botom of the whole designe al along, and tis too probable that L is willing itt be so iff itt can be with ease. Itt is shamefull to heare the wayes, and the means by which things are now brought to pas; nothing is more certen then that 46.37 are ioyned. OK is ashamed but no dout will joyne with them. OF is made use of only to thos ends because 53 will not be ingaged. 54 is certenly as X, 35 will make fools of them al. O2 would have imbarked OM in the same bottom as DF but OM will not nor indeed medle more with any except 30. ~~OO~~ will be found to have made no great step. Great incoregements are and will be given to O13 and O12 on purpos to favour the designs of AF which iff honest men would be sensible of would be the best servis they ever did both to O12 and O8. Nothing is so much desired as O22 in L. Nothing is now done in O43 nor in BN. This O32 was a surprise. OA did itt with all imagenable helpe. O44, O45, O47, O49 and 72 must meet and with DS and 86 cast about the best wayes for

securing against the new game which now the Party is to plea. They doe carie doune full and perticular instructions and they have a settled counsell here behind them with whome they are to correspond, and therfor all care must be taken to gaurd in every perticuler. X74 must be deligent to get inteligence and X79 must know what an openion 146 had of him, and what character hie gave of him. Iff frends will stick together and be firme, OG will stand imoveable as a Rock, and will carie the poynt but itt must be with Labour and pain even more then can be imagened, therefore frinds must not dispond or think much to worke or even to watch for OG when OG will doe so much for them, OG haveing no other reason to make such a life tolerable to him. 147 hes som designe which is here much feared; most certen itt is in complience with 40 and iff X□ and 4 can com over to joyne then will 20 folow and the worke will be done. Great hopes they have of workeing under the O16, and O2 of 20 are so sensible of this danger they are cooled att present as to ^f more favour in AN fearing AF which is now dreaded by all men. X48 hes been the greatest of villans. X74 I feare is too hott. I find DL as hott against O46 as ever EB was and upon the same pretences which maks itt a visible continuation of the Party Game, then which nothing can be more ~~distriuctive~~ to us all; and how to cure itt I know not, but sure I am itt must not be so. BP canot carie wors to any then BP does and hes ever done to GF, and when yo consider 146 letters to C itt is evident, besids consider that 94X was once of the Party, and

all DL frinds. God knowes I have erred in this, not can I have but the good of us all, and faine would I helpe this iff itt lay in me, but I see no such way to induce O46 to the comonest reason but by the influence which O44 hes over 177 and then may 177 prevale with O46 and even over rule 73X which no creature can fynd another way to affect. Itt is confidently reported here that Duke Hamilton hes concluded his souns mariage with the Lord Coventryes Daughter in case hee maks good the termes hee offerd which are very great, and itt is as probable that the Duchess of Hamilton is to com up heather with hir Lord to be present att the mariage. Ther goes divirs doune att the sam time. Duke Hamilton, Earl Kinkardin, Dan Collingwood and Sir John Fenwick in on coach. Here is no maner of newes; all the discours is who are to be ellected Parliament men. My soun stands for Suffolke. The Scots Counsell who are to remayne here are Lieutenant General Dromond, the Marquis of Atholl, Gilbert Burnet, and Earl Airren. Tis strange how they doe spend their owne monyes upon a factions account and how unwilling men have been to be here upon the kings account and the intrest of their whole nation.

This last post I have recevd an account of Mr.Slicher concerning the repairs of Roseneath which I fynd were so high that I see no posibillity for the compleating of itt, nor can I see wher Betty can settle when she soms to Scotland, which is a great truble both to hir and to me. When the Earl of Argyle coms to Edinburgh yo may advise together

concerning this and all other things relateing to that poore child of myne who desirs much to be settled. She is not for Edinburgh nor any neire place to itt, fearing the expence and she desirs all repairs may be stopt at Roseheath till she shall be ther to take the care of itt. She thinks iff hir lord and the Earl of Argyle can borow one Cambals hous which they call Blithsweik, itt may be a convenient place for hir to live in to be neire Roseneath and to see itt finished. I have tould Mr. Slecher Bettyes mynd as to a stop of the worke of Roseneath of which hee will give yo an account. I have desired him to cause all care be taken to lay up all the materials, and for securing the hous from any decay more then is already. Mr. Slecher hes receivd 200 lbs which hee hes sent an acount of, and in that account hee hes overballenced more then hee hes recevd. I desire this worke may be veued, and that whatever the sum comes to over and above may be justly given in to me and care shall be had for the payment of itt. Pray be pleasd to pay itt for Betty and to see all cleered and I will be sure to pay itt emediate-ly to yo againe by drawing a Bill for the monyes on Mr. Charles Morray. I need not tell yo my concerne upon this account. God helpe my poore child. She has never heard from her lord except 3 lins att his first coming hee hes spent hestily here, and she hes not cost him on shilling since she was his wife and now hee tells Mr. Slecher hee will

a hous rather she take any care to fitt on for hir.

Hee hes not so much as wreet on line to my Lord to whom hee

owes so much, nor to any one of my family, and as to me, hee hes so behaved that I litle care what hee does, only I lament poore Betty, who is I really bileve the most unhappie creature one earth. Adew.

End of a letter from the Duchess of Lauderdale to
the Earl of Moray. (388).

"and itt is like to doe him more prejudis in his pretentions then hee is sensible of. Pray lett him know so much by such a way as itt may not be thoat to com from me, and withall itt would doe him good iff hee did give account of his fathers affayre to my lord who would show them the king. More I have not to say But I pray God bless yo all, and I trust in God Scotland shall yett doe well, iff itt hurt not ittselfe. My servis to my Lord Chancellor, and tell him I have good reason now to hope that no other shall be able to sitt his place.

My servis to all friends. Adieu."

Whithall February 12. 80.

The Duchess of Lauderdale to the Earl of Moray. (390).

I have yours of the 5th. I am extremely concerned yo should be so ill att this time. Both my lord and I are in pain till wee here what is done as to the affayres in the Highlands of which by this several Posts wee have no newes. Yo will receive before this a gift of the estate of Nepier.

I hope yo doe not blaim me for not despatching that affayre sooner but the truth is I have been in more danger as to my helth then I was willing to owne, and I did take itt as certen that yo needed no account of the progress of itt, seing yo might rest confident that I shall close with all things wherin yo are concerned; and that my lord as well as myselfe are ever glad when wee can serve yo. I now send yo Lord Lorns gift which is dispatchd on purpos that hee may have nothing to aske when hee comes here which may be made a president for others to presume, and I have a mynd to have ~~x~~ in reserve for an old intrest of the family which I shall move some time this sumer in the favours of 177 who I would gladly have restored iff only to pique 146, so that I resolve Lord Lorne shall not stay here more then 8 dayes att most that hee may goe north with his wife. 33 is impatient to see 37. Tis imposible 039 should atayne to what yo say is his designe and iff 039 does see 20 I wish DS may doe the sam iff itt can be with convenience, but DS knowes what is beste for DS oune occassions and tis best to leave DS to himselfe. I doe not wright to the Duches because I bileive hir com away nor dare I wright to Dr. Turner for the sam reasons, tho iff hee be with yo I desire hee may know that I made last night a visit to his Good Mother, wher I saw his sweet litle child who was very kind and plesent with me. I wonder I heare nothing from that affayre of the Earl of Caithness. I assure yo I never was in more need therfore I hope my concerns as to that, and also with the Good Towne may

speedily be dispatcht, and when the Gold is given to me, I desire itt may be sent in the black box, which the sooner is done the better itt will be for me. Adieu.

Pray give the inclosed gift to my daughter Lorne and charge hir to lay itt up safe and to keep itt seacret to all liveing for ther is none that knowes of itt except my Lord And Forester and ourselves and my lord desires none may till thos Scots lords doe returne, who are coming up because they will lay pretentions to the like favours which is not seasonable att this time.

27 February.

The Duchess of Lauderdale to the Earl of Moray. (391).

"I have yours of the 21. I have not much to write to yo there being litle or nothing yet done since the Duke cam whos reception was much the better for what hee hes found in Scotland, of which hee is as sensible as man can be, and wee have reason to thank God hee hes been ther. Hee was pleasd to make me the first visit which I tooke most kindly, hee said as well as heart can wish of all our frinds and in perticuler of yourselfe. So did hee of Earl of Argyle who hee did assure me hee hes a most perticuler affection for, and that hee fynds him another sort of a person then hee was represented to him. My lord sayes hee fynds ~~x~~as heart can wish as to all persons and things. Hee bileives 146 is

most in his eye, and so am I perswaded, but not in his esteeme. I fynd ~~X~~ has a good opinion of O49 parts and thinks him usefull. His heart is sett upon this proiect, so that its fit to be put in use, and now that DS is lett in, itt will a litle mortifye the new CCC. I really doe think itt best that they doe cabal and run into as many errors as may be which Ime sure they will doe. OM can gett none of the blaim and Ime confident they will be lost by running too fast into the intrest of O6, which will breake them with their owne CCC. I am confident 33 was never better satisfyed then att this time with OG and 37 has promised not to doe anything without OM so that all is very well. Nothing can induce Earl Pirth to be under 146 but the w koncerne of O6 and iff once itt coms to be suspected they are that way gevin, itt will be the better for all honest men. The only sorow in the matter is that O49 is so suttle a fox hee will keep them from running into thos erors which they would doe, but in due time all will com out and the shame will light wher it ought to doe. I assur yo 33 is highly pleasd with 37 and 37 never was so great as now.

I do really advise DS to contrive all wayes to devide CCC, and to gaine upon as many as can be. Ime certen DS is able to doe more that way then any person whatever. Lord Lorne is the most improved persen that ever I saw. Wee have not heard from Betty nor of hir this post, nor is ther one word concerning Earl Kincardin.

Great talke is here of the Chancelours coming. The Duke is wonderfully obliging to all the Scots, of which yo will have many informations.

I long to have all my affayres att a good end. I hope the Good Bishop of Edinburgh will bring all with him. Adieu.

I cannot be satisfied till I have a letter from our deare Cathren, nor can I express the great sense I have of your goodness and kindness to L^ord Lorne and to Betty, honest man, he even does rave of itt, and I think I can never say enough of this subject to my deare Lady Morray, to whom I am so highly obliged upon Betty's account."

March 2d 1679-80.

The Duchess of Lauderdale to the Earl of Moray. (394).

I have yours of the 24th February. I believe before this yo will fynd yo are in the number of the districtis which will make them five and not so well pleasd as they undoutedly did appear and contrive to be when they thoate they had left yo out, so that now I think itt is better then iff yo had been in at the first seing yo can say yo have found what your enemyes are and that yo are com to know your frinds better then yo did. I did wright to yo in my last how in honour I cant touch any monyes from the Earle of Caithness so long as hee is not cleered in the right of his tytle of the Earldom. By this post my lord does send his

majesties letter about the affayre of the good Toune which I hope will put an end to that affayre upon which all my concerns here doe so absolutely depend that really I know not how to doe nor what hand to turn me without that suply and iff it be not dome before yo goe north effectually I shall dispaire, and be in more defiquityes then is fitt to write to yo. The notice of this late ward cam seasonably to my lord. Hee hes gott a ptomis of itt, and had got the kings hand for itt, but that hee must have the discription of all the perticuler lands belonging to the ward for hee fynds no more entred the Regester here but the ward passed, and the discription of the lands left out and refered to a perticuler which is not entred in the Booke; therefore I beseech yo send such a forme ready drawne as itt ought to be, by the kings hand signed, the next post to com in time before the king goes to New Markett, that itt may be dispatcht. Yo may leave for the naime a blank. As to the project DS hes, Ime confident hitt right, but I doe disagree with DS in som of the perticulers, and I doe really believe CA is designed either for DS or for OM and I fynd OM resolved to aprove of O39 change on condition that DS may be CA but not else. is as kind as man can desire to OG and as for 146, 143 and O46 being upon good inteligince together I dout itt not. Ime sure G^F hes given no cause except to oblige for any of them to be enimyces but, I sie as much that way as any can doe, and I yo must take no^t notice of your share in a district till itt be sent doune

and made publick. And as for BL yo know the man as well as I doe, and so long ther can com no prejudis that way but sure I am except to XL, BL never was nor is real to any creature. X can never think that EB will be trusted to be CA and as to O76 I thinke itt not so good as CA. Yett I canot but suspect ther may be som designe to have OM CA because att the kings first coming in, itt was so ordered by Clarendon and by Tarbett and I am much of the mynd the same projects are on foot now both in Scotland and in England. As to 73X I doe assure yo ther can com no sort of danger that way. 73X is a most contemptable creature, and OG is sensible of itt but GF is resolved not in the least to give occasion for a pett att this time and I think so will all persons answer for GF in case EM does dye. I beleive X will be mindfull of his family and hee did wright to 33 to that effect and to OM that none might be put into EN places. Ime glad Sir W. Purves is so well pleasd. I hope hee will be servisable to me, itt is in his way to be so and hee will oblige me now very seasonably.

Lord Lorne will soon goe home and then take the best way hee can conveniently for either going north or for setting att home. I am very glad yo goe north but I shall be in pain till yo doe returne for I have only one frind that I rely upon except my owne lord and that is yourselfe and I doe much desire to heare from yourselfe how our daughter does carie hirselle, and how she hes ordered hir way of living. My most humble servis to my deare lady. Pray

excuse my not writing to Betty, and tell hir I have not heard thes two posts from hir. Adieu.

I noe send yo the kings letter and the coppie of itt for yo to read and to show whom yo think fitt shall see itt.

I send all my letters oppen for yo to read them, and seale them up to deliver them.

March 8.

The Duchess of Lauderdale to the Earl of Moray. (395).

I have yours of the 2nd. I have been so ill I have not been able to stir out of my bed thes 8 dayes. I thank God I never have found the like pain as this gout in my knee and itt is with great difigulity I wright now. If Earl Caithness hes paid the monyes pray lett itt be returned and lett 1000lbs. of the first of the Good Touns monyes be paid back againe to Earl Caithness for till his tytle is cleir I will have none of his monyes, and att present my difigulityes are such that I shall be glad of the first monyes that can be raised to pay me here, tho I pay for itt should be att some loss. I beseech yo end as soon as posible with the Good Toune, and also that ward of Luz, as for the last ward which fell itt was unlucky such a gift of itt was not sent up as the King was to signe, att the sar time that the advise of the ward cam. Pray send such a gift as soon as yo can, and excuse me to Betty and all other

frinds for the truth is I am even fainting. Adew.

Whitthall March 11th.

The Duchess of Lauderdale to the Earl of Moray. (396).

I have yours of the 4th. I am wholly of your oppenion as to the project of a new CCC and that itt is all in ordere to O6, but itt will never take and the sooner itt does discover itt selfe the better itt will be for us all. ~~x~~ tould GF that our frinds who cam here last winter had been very unfaithfull, GF did agree to itt. ~~x~~ did reply O44 was most fitt for his oune place. ~~x~~ did agree to that then said GF O49 was the worst because hee professed other principales, but GF found ~~x~~ wiling to excuse O49 which showes plainly ~~x~~ could never been induced to doe so, but on O6 account. I am cleit that DS may as much gain upon thos who are dissatisfyed with CCC and who are fett, or who have been of CCC as is possible and then perhaps DS will gett, better the DS will loos. As for BL and XI I am confident they are O6. I have had full discours with 85 and I am of your mynd as to all. The Earl of Arrundall cam and did complemint the Earl of Seaforth in the Court, pretending to aske newes of him of his sister Huntly. I assure yo itt is a confirmation of what DS did intimate to me. Lord Lorne is realy the bravest and the hopefulest young man I know. Hee is impatient to return home but tell Betty I keep him a few dayes to be with my lord att Ham, now that I canot goe myselfe I am so very lame. I beseech yo put an end to the affayre of the Good Toune

before yo goe north, and be sure that the monyes they are to give be paid att one sum, and in L~~o~~ndon for other wayes I shall loose exceedingly, and I must have the Bills sent up that by them I may apoynt a day for calling in my debts, and ~~takeing~~ up my Morgages. My Lord hes wreten to Sir W. Sharpe ~~thatt~~ all his frinds may meet, and take up the accounts of his estate from Sir William Sharpe for his second years tack, and send up such a cleir discharge, as yo did for the first yeare. What favour yo can show in justice to Charles Morray I beseech yo to doe, for Im sure hee does suffer upon my account, yett is itt not of such an importence as to make any streath for him for hee is a marchand and I expect no more from thes sort of men then what does in the first place serve themselves. Adew.

I admire why 177 should decline a mariage with his daughter to Earl Strathmore. I assure yo his fortune is much preforable to Earl Seaforth.

Whithall March 13.

The Duchess of Lauderdale to the Earl of Moray
at Edinburgh. (397).

I have yours of the 6th. I canot bileve that 039 will ever joyne cordially with 146 nor with 049, tho I am as sure as I can be of such a thing that all their unity is made up upon the account of 06, and I make no question but all will com to no good which ends ther. Certenly XI is 06, and so are they all and many more then does yet discover

themselves. I ever doe long to have the affayré of the
 Good Toune att an end, and all my concerns. I am yet so lame
 I canot set fout on ground, nor am I able to wright so much
 as I desire to doe; so that what I write to yo must serve
 for all my frinds; and so to the Regester . Pray let him
 know I will not concent to Earl Dundonalds offer of 15000
 marks for the ward of . I doe intend that ward shall
 cleer what I doe owe yo and therfor I beseech yo take care
 in itt. Here is Earl Arlyes letter by which yo will see the
 whole straine of the Party runs to tempt me with bribes. Pray
 lett him know I am not able to write by reason of my illness,
 that I have receivd his letter; that as I ever have been so
 I ever shall be most ready to serve him but that I take great
 offence att his profer to me of being induced upon the
 account of any advantage to myselfe. Pray excuse my sylence
 to Lundin and to Betty. Tell hir hir brother Lyonell cam to
 this toune this last night to see hir Lord and that maks him
 stay 3 or 4 days longer then hee intended to doe. Thank hir
 for hir kind letter of the 6th and reproach our Cathren for
 not haveing wreten on word to me. Since hir Lord cam to hir,
 not the least notice how she liked thos things I sent hir.
 Tell Betty she is too blaim to nedglect sending the Harings
 for the season is almost lost for them. And send to Richard
 Browne to send me 24 of the fynest Panchs that can be had made
 by the man who used to make them for me and of thos sizes.
 Adew.

My Lord is gone to Ham. Hee was really very ill but

is recovered to a miracle by taking of a vomitt and the
 aire of Ham. Hee is impatient to have his account sent up
 of the last yeare. Yo have reason to incorige as much as is
 posible a devisioun in CCC that will doe them more harme,
 then your new proiect can doe us hurt. I hope 177 will see
 what is doeing and helpe in this.

Whitehall the 20th March.

The Duchess of Lauderdale to the Earl of Murray
 at Edinburgh. (399).

I have yours of the 13. I am much concerned att the
 delay of the Good Towne but necessity hes no law, and I hope
 yo will now goe north that att the next sessions yo may be
 ther to attend my concerne which Ime (sure) will never bee
 done without your helpe. I am yet so ill of the gout I can
 hardly write by reason itt is a litle in my hand. Here is
 no newes. The Duke is expected here one Munday, and then my
 Lord does com from Ham. I hope by the next Post to wright
 more to yo and to the Regester and to Sir George Lockert.
 Pray excuse my sylence upon this just account, and tell Betty
 she shall have a full letter from me by the next. I beseech
 yo desire Charles Murray to cause pay me the quarter hee owes
 me, my defigultyes are greater then I can express. I thank
 God for dear litle Bettys recovery. I pray God continue to
 yo all happeness and multiply his blessings upon yo for your
 kindness to me. My Lord (I heare) is so well that itt is
 admird. I hope hee shall continue to the discorgement of

his enemyes, and the joy of his frinds. Pray desire the Register to send me the forme of a gift of this grant of the Good Touns for my lord does designe itt to me, or such as I shall trust with itt, so I intend with your leave to make use of your naime. Adew.

Whithall March the 23.
80.

The Duchess of Lauderdale to the Earl of Moray. (400).

I have yours of the 16. I am very sory your soun is ill, I hope the danger is over and seeing wee doe all wish who have children they may pas the smal pox; I think this is the best season for itt and your soun is of the best age. So that my concerne is really more fore my deare Lady Morray then for your soun.

I make no question but yo will heare my lord is not well. I assure yo great noyse is made of itt here and att Newmarkett, so much as hes made the Earl of Middelton hast thither, and ther are not wanting many Party men here espetiaily our new statsmen who doe wish my lord may goe off and will be glad itt be so any way, but I hope they will be deceivd in this tho this good the report hes produced that I assure yo the King and the Duke upon the newes of my lords indisposition were much concerned which they usd not to be on such occassions. The truth is my lord does looke ill. His appetite is much weakned and his strenth is not what itt was. But itt is trew all does proceed from the scurvie and a litle of the gendors with it, and I trust in God with care and good

remeads the danger may be prevented, and I hope to be able to give yo a good account of his recovery. Yett I canot denigh to yo I could wish wee might be so happie as once this sumer to see yo heare. My Lord showes a great inclination for itt and on many accounts itt will be convenient for yo as well as most acceptable to us. Pray think of itt, and dispose your mynd for itt as much as yo can, but speake not of itt till the time coms. I hope my Lord Lorne is with yo and that hee hes given yo my letters as also that to the Regester, and then yo will take care to send up to me as soon as is possible a gift right drawne by which I may resigne my pension and this I desire may be sent up as soon as is posible. As to Sir William Bruce his offer, itt is trew I have this 2 years been in treaty with him, and the Regester did give me an account of his last offer which I fynd very high, and seeing my soun is yett yong and in the Acadimy, I think itt better to let the time run on, then to take up a sum of monyes under uncertentyes. If Sir William would have accepted of one thousand pounds sterling and have been content with quatterly payment therof, I should have been satisfyed to have ingaged with him but in that case I expect Sir William shall deale with his Deput to goe off that my sonn may have the intire office to himselfe, but fynding thes termes were not aproved of, I did desire the Regester to desist from ~~any~~ further transaction, and unless my termes shall be accepted, I continue still in the sam mynd. Yet I desire yo to thank Sir William Bruce for his offer in

so sivel a way as hee may have no cause to take exception. My Lord is much concerned att the delay of the Good Toune but hee is please^d yo did not deliver his letters, and hee desires they may be kept up til the time is right for it, hee desires a forme of a gift of itt may be sent up; by which hee may dispose of itt in som way of trust for the benifit of GF in case of any contingency between this and the time the sessions does sit.

The King did most readily give my lord Indernitys ward. Itt is this post sent doune and the naim of Mr. Paterson used for the trustee, who must give a declaration under his hand that it is in trust for me. I doe this post wright to the Regester but in this perticuler I doe refare him to yo.

I am much disopoynted by Charles Murrey. Hee is behind in his tack on quarter, and hee taks no care to fynd ways to see me paid which is not well done. The Exchange runs high amongst the marchends here which is found to be a cheat not yet to be avoyded. But iff Charles Murrey will fynd a way to pay my rent in att Newcastle I have agreed with a Marchend here who will answer the whole rent to me every yeare, and itt will be done much to my convenience. I beseech yo speake with Charles Murrey of this, and desire him to settle with me that way. I confess were the soum great there may be difiquilty in returning monyes to New Castle but each quarter not exceeding 175 lbs. I hope itt may be done with ease. In the last place I have wreten to

Sir W. Sharp to desire him in my lords naime to take payment to himselfe to cleir the expence of the Duks Entertaynment out of that monyes which is deserned to be due to my lord by the last judgment decreed the last sessions against the Earle of Loudon and also to take of the sam monyes for finishing my lords Parke wall att Thirlstan Castell and what shall remayne of the sam more then shall pay thes sums is to be answerd by Sir William Sharp to my Lord. My Lord desires much the account of his last years tack that hee may see how his affayres doe stand.

I doe assure yo 33 and ~~X~~ are firme to OM tho itt is trew ther are att present as many irons in the fyer as ever. No question but CA will be tempted but hee will loos his old craft iff hee be caute. O49 is as ill as is posible and iff CA will joyne itt may be O49 may loos ground but it is heard to say what CA will be brought to doe. Yong O46 hes made as many professions to OG and to GF as to DS which discovers ther is som designe in the matter but thes arts will not take and wee must now fynd deeds not words to ingage us. I have by a ship which goes off tomorrow sent Cathren several things which will be of use to hir against yo com to Castle Stuart wher when yo are I shall wish from my heart to be with yo. I am glad litle Betty is caried away from the danger which is now att Edinburgh. Againe I must tell yo OM desirs nothing so much as to see DS, and 182 in my opinion can never doe a wisser thing then that will be. I think I say this upon so sure grounds, that I will urge itt

no further. Keep itt to yourselfe and advise 182 to doe itt as soon as is possible. Adew.

Whithall March 25 80.

The Duchess of Lauderdale to the Earl of Moray. (401).

I have receivd yours of the 18. I cannot beleeve that ever 039 will joyne upon an account unless itt be upon 06 and tho that were I am almost confident ~~x~~ will not leave OM as yet, but I know not what may be in the futur, and therefore I hope 182 will see 20 as soon as is posible for I know it is necessary. Iff yo had seen Earl Arlyes letter to my lord yo would wonder indeed, tho I take most men not only to be besids their reason, but even to have gone by their oune minds. I am informed that 049 is not in credit with 37 but wee shal never leave that way ~~of~~ showing two syds of the face at on time. I am very desirous to have the Regester com up this vacancy. Hee hes reason to doe itt, to put his book in the press, which is expected heare by all honest men, and my lord is of the oppenion itt ~~might~~ to be printed att London by the kings printer which is the sam in all the kings dominions. The sooner the Regester coms itt will be the better, and the sooner hee may return. The gift of Indernityes ward was sent to yo the last post. I wish itt may be ~~exp~~edited and the monyes as soon returned heare as is posible for I doe but too much feele the two disopoyntements of the Good Toune and of Earl Caithness.

The Duke cam here on Monday and went back on

Wenesday. The Duchess of Modena is com but hes not yet receivd visits. The Chancello^t of Scotland is expected att Newmarkett; the Queene coms back heather tomorrow senet and the King the next day. Here is much talke of an insurrection which was to be amongst the Prentises. What will com of itt is yet uncerten but tis certen many were listed and they pretend only a designe to burn the Rump. My lord is I hope a litle beter but hee is réally very much changed, and his stomake much impared. Hee is high in the scurvie and that att this time ~~of~~ the yeare maks him both leane and weake. I am this day able to walke into my closett with a staff, but my pain and weakness hes not left me. Yesterday my lord did purge, tomorrow hee lets blood and on Saterdag wee goe to Ham wher my Lord is to take the watters of Epsum. We are tortured with pretenders to fyns and to forfiturs. God helpe my lord, for his troubles are never over . I long to see DS and so does OM extreamely. All thos things which I sent to our Cathren are shept and I hope they will com safe. A bill of laiding will com by this post from Masters to her and a coppie of the sam to yo that care may be taken of all the things and that they may be sent to Castle Stuart. I have not heard from thence since Lord Doune went north which troubles me. Here is Earl letter and my answer which when yo have read pray seale and send him and send back his letter to me. As to Sir W. Bruce upon second thoats I think itt fitt to say this much, that iff Sir W. Bruce will accept of 1000lbs sterling for his owne place and make his deput accept of

300lbs sterling. for his I shall be glad to deale with them both, and I hope my frinds will helpe me so much that iff they shall have the two offices to manege a certen time, they may out of the profits therof make new payment to Sir W. Bruce and hid deput. This I desire yo to intimate to the Regester, that as itt may be likeing to you and to him so you may proceed or not. Heir is no other newes. I wish Earl Wigdon could be delt with . Adew.

I fynd my lord is of epenion itt is best not to move the king for obliging all heritors to answer for their tenents (as is desired by the Earl of Argyle). But hee does wish such proposal may rather com from 146 and from 049 and from 180 and from 143, and that will give OM a good occasion to show to 37 the cheat of the late proiect. Therefore iff ever such a proposal is made lett itt com from them, and not from 177 nor 182.

Whithall March 29.

The Duchess of Lauderdale to the Earl of Moray
at Edinburgh. (402).

I have yours of the 20. I doe really agree with yo as to a designe in hand, I hope ~~we~~ will not be deluded. I will not faile to write to yo as often as I can al the time yo are absent from Edinburgh. I bless God my lord is mending but it is time that must recover him to peffitt helth. Ther cam heather this day a servant of the Chancelours with a complement to my lord, and one to me. Hee is expected here

on Wensday or Thursday and ther shall no civillity be wanting one our parts to him. I am desired by OM and that with the concurrence of GF to use all the arguments posible to induce DS to see 20 as soon as is posible . Here is great newes of a further discovery of a Plot, both in Irland and in England. The King coms back on Saturday. I can now walke with a staff.

More I have not to say but Adew. Pray excuse my sylence to all frinds.

(Written on back)

Faine would I have Lord Lornes gift pas before yo go.

March 29 80.

The Duchess of Lauderdale to the Earl of Moray at Edinburgh.
(403).

I have yours of the 23. I am glad yo are pleasd with the letter I sent to 177. I shall use all endeavours to see iff 177 will incline to reason but I feare itt much, and when Earl Caithness comes hee shall be my informer but Earl Caithness is not yet com nor **□** . I am amazed at the impudence of 194 and X9 and I dare say they have designs but I feare not **□**, as to 039 his mesage to GF was most observable. Guilty people doe not love to heare much and 039 is mistaken in thinking that GF will be or is concerned. I fynd my lord well pleasd with the account sent up from his trustees and I hope as S.W. hes done so hee will cōtinue to doe very

well. My lord thinks itt reasonable to have a part of the charge of the Law suit and hee hes this post ordered Mr. Forester to give his complyence to the letter which was sent adviseing the sam to my lord. I shall long till yo com back out of the north. Pray let me know how long yo intend to stay ther. The King and the Queen comes to this toune tomorrow which is 3 dayes sooner then they did expect. Here is great noyse of the discovery of a plot in Irland and of a massacr which should have been designed ther, what will be made out of this yo shall have an account of when I know it. The Earl of Shaftsbury is the discoverer of itt, and the Counsell did wright a letter to his Majestie desiring him to com to London, upon which hee will be here tomorrow and sitt in Counsell in the evening.

I am yet ill of the gout and my hand is feeble. I have not of a long time heard from Cathren. I feare she hes forgott me. My servis to my deare lady and to all frinds.

The Chancellor is not to com to London till Thursday, and then my Lord does send to meet him.

(Written on back)

My Lord is better, yet does hee recover but slowly.

I hope DS will see OM as soon as is posible.

Whithall April 1st. 80.

The Duchess of Lauderdale to the Earl of Moray. (404).

I have yours of the 25 of March. Earl Caithness is

not com yet. I am sory your son is falne ill. I hope hee will pas itt over as well as his brouter hes done, and I shall be glad iff this can fynd yo at Edinburgh. I hope my lord is better tho hee mends slowly. The Duke was with him this day and did most obligeingly profess all kindness to him. I recevd a letter from X74 which is of such a strange composition that I canot but send yo a coppie of itt transcribed by our good frind who is the only creature to be trusted with itt. By itt yo will fynd what projects are in motion and what a composition of a person X74 is. I have not time to answer that letter now, but the next post I intend to doe itt, and iff by the next I fynd yo are like to stay longer att Edinb~~urgh~~ then I resolve to send a coppie of my letter to yo, for I think I discover in this the finger of a new sort of a combination made up of all partyes. I now send yo a paper which 73X gave in to 85 to show OM and to ingage GF to oune and to solicit under the incoregement of a present of 1000lbs sterling. 73X sayes 046 hes seen itt and approved of itt. Pray doe yo take itt into your perticuler examination and be sure yo informe me of the nature of the thing, of the value of itt, and of its legallity, and when yo send me your oppenion of this matter, be sure to send back the paper, which is the only information I have and which I thoat best to send the original then to take a coppie of itt knowing so well the care yo will take to send itt back. Here is much noyse of a new discovery of a plot in Irland but tis yet uncerten what will be made out

of itt. Pray excuse me to all frinds. I am not able to write more so much company haveing been here. Adew.

The proposal concerning Orkney is in favour of Andrew Dick.

When yo consider what offers the Myls doe make to continue in the Costumes, yo may judg iff they ought to be aloued defalcations, and by itt consider how fitt itt is to make for the King a beter bargin, but more then anything I beseech yo consider what a snare X74 would bring GF into, an and how like this is to thos wayes which 146 did contrive when I was last in Scotland, to cast me into the hands of my enemyes, and withall pray observe how for my infatuation X74 is pleasd to make heavie complaints against O46 which is the very sam steps which 146 made before.

Whithall April 4th. 80.

The Duchess of Lauderdale to the Earl of Moray
at Edinburgh. (405).

Yesterday the Chancellor arived here. My lord sent out his and my coach to meet him and my soun Huntingtower went in my coach with the Bishop of Edinburgh and the Chancellor and Earl Queensberry cam into my coach, and so cam to toune. Hee went strait to his oune lodgen, and after hee had rested a litle hee cam directly here, and so went to the king. My lord Maynerd was here and did waitt on him to the king, and the king did receive him most gratically, so did the Duke and the Duches. Hee cam after that heather

and was as sivil and obliging to mus as is posible. This day hee resolves to rest and to morow I beleive hee will dine here with all thos who cam with him. I doe not heare of any sivellicity paid to him as yet either from the Duke or the Duches of Monmouth. All our Scots went out to meet him, except the Earl of Midleton, who I suppose does not take himselfe to be one. I bless God my lord is much better, and I make no question but this weakness hee hes had will be a means of a new stock of better helth to him the(n) hee hes had thes years passed, yet am I earnest to perswade DS to see OM upon many accounts, and I hope yo will be a power and instrument to bring this to pass as soon as may be with convenience. Ime sure O49 did defar his coming north in purpos in hops my lord should dye, but I hope hee shall be defeated of thos unworthy expectations, yet were itt good X9 did dissearne itt, and that X9 were sensible of it, for the more this new CCC is discovered to them that were of CCC itt is the better for honest men.

Earl Caithness cam last night bot I have not had time as yet to goe through with him in any perticuler. Hee hes given me all thos pappers which were intrusted with him.

As for the Justice Clarks place, yo see how soon and how readily the king and the Duke did dispose of itt as my lord and I did Humbly desire them. Itt hes falne well out on divers accounts, both to convince them of my not being that implacable person I have been represented to be, and to show the party att this time what intrest my lord hes even when

hee is not able to give his attendance. Mr. Maitland has
 made all the professions imaginable to me, which I wish
 may be performed, and for the first tryal therof I shall
 take my measurs ass hee shall prevaile with the Earl of
 Argyle for the settlement of his family intrest, and giveing
 my Lord Lorne som share therof, by which hee may make proufe
 of his abillity in the manegement. This I have desired the
 Bishop of Edinburgh to wright to Mr. Maitland in my naim,
 who will have wittness for me how I have carried my selfe
 in this his concerne, wherin I may say I could have given a
 lifting stroake, and which will be a testimony of my favor
 to them, which Ime sure have not deservd that att my hands.
 I long to heare yo are at Castlestuart, poore Cathren com-
 plains att the low rate of vitual, and some difiultyes
 which when yo see hir yo will Im sure take care to helpe
 hir in, for by all I doe heare she is frugal and no waster
 upon hirselle which considering hir education is a very
 commendable virtue in on so yong as she is. I shall write
 to hir to be free with yo in all things for I know yo love
 hir; and I hope she will deserve itt, for she ever was the
 child I have which I never had cause to give a cross word to,
 nor did she ever in all hir life the least give me cause. I
 have I hope supplied hir with all things necessary for hir
 hous, and I cant but say I have done itt under som defiquityes
 att this time, but I did resolve it because ~~my~~ life is
 uncerten, and when I am dead she will want me, yet I resolved
 she should doe it as litle as may be. Here is much company,

and the express being in hast maks me not able to write to any other. Adew.

Now I have dined and have a litle more leasure I desire yo to let Haddo know that both my lord and my selfe have made good our words to him in expressing all the desire imagenable for his being att this time brought into the Sessions, which I desire yo may tell him, that hee may be the more your servant, for itt and that hee may beleive yo did contribut in itt, which may not doe amiss. I beseech yo when yo are north settle as good an intelegence with 143 as yo can, by which means I hope yo may defeate 049 whos intrest I am sure does depend on 143. I know this to be trew, for I am sure 143 good brother here hes complemented 184 very much, and I doe perceive that 184 seldom is with 09 or with GF, and I know 184 court is made ther by the advise of 049 expressly to ingage 143 and 184 to be one, and by that means to make x a frind to 049. This yo may depend upon and therfor I beseech yo prevent itt iff yo can. I make not the least question but 049 when hee goes north will make all the frindes 049 can to be hed of CCC, and to that end will ingage the Brodyes. I give yo this hint that yo may secure against itt, in the last place. I fynd Mr. Gibson desires to demitt his place as Clarke of the Counsell, and the Regester would faine have him doe itt in favors of Minze& my cossen. I confess freely to yo I dare not be confident of Minzes, tho hee speaks fair, but I know him to be so prejudised and to be so irecõsilable to Haltons family that I am sure hee does in

itt good servis to l46, and tho they have not deserved well from me yet is itt better to keep to them, and so continue united, then to lett in strangers or give advantage to CCC to fynd us breake. Pray consider this, and iff you know of a person whom yo can answer for who may treat with Gibson for the place, and yet pay OM what is due upon that account, as Ime sure OM is right, lett me know it, and I will be sure to promeatt itt all I can, but keep itt to your selfe att present from the Register, who tho hee be most honest to me, yet is hee not prouue on that hand, for I know hee is too much ~~fed~~ by Minzes and I know Minzes is inexorable and att botom no friend to O46, nor that family pretend what hee will. This hes force@d me to write thos lines to the Register which I send oppen to yo to read. Pray seale itt and give itt to him, and unless hee taks notice of itt to yo doe not yo seeme to know anything of what I write. I have no time to write now to Lundin. By the next post I will, and yo shall have a coppie of itt. Adew.

Pray give me your oppenion conserning the proposale of the Cosstoums made by Lundin. I beseech yo make all the hast yo can to com back out of the north, and settle your family att Lethintan all this sumer as yo love me. Adew.

Whithall April 6th 80.

The Duchess of Lauderdale to the Earl of Moray at Edinburgh.
(406).

I have 3 of your last, the one by Marie, the on by

Earl Caithness and that of the 30 of March by the post. As to Mr. Maitlands concerne his buissiness is done, and I have done my part in itt. As to Earl Caithness I have had litle time to doe or say anyhting to him. As to yours of the 30, in the first place my lord is so much recovred that I dare assure yo by the Goodness of God we have no dout of his recovery, and by this his distemper wee have great hops hee will be the better for it. The Duke was with him this day and tis imposible to express the kindness his Royal Highness showed to him, and trewly so hes his Majestie with more then usual concerne. This day the Chancellor dined here, and all the Scots lords. I assure yo no person can carie better then the Chancellor does, nor more obligeing to my lord, so that what ever storyes or lyes are made I am confident the Chancellor is and will continue to be firme to the king, and to all honest wayes. I am very glad Charles Murrey will settle the payment of my quarters rent at Newcastle. I beseech yo make some enquirey how my coale and salt wotke goes on, and what improvement ther may be made of itt, for Charles Murrey does never mention in the least what hee is doeing ther, and hee is obliged to me to do otherwayes.

Masters hes been very ill which hes hinderd his sending thos Bills of loading, which I did promis yo, till last post. I am cleir ther ought no discovery be made of the affayre of the Good Toune till June, and for all other matters, as well as that theybwill be best settled heire, seeing Sir George Lockert is to com, and that the Regester

designs it. I heare nothing either of Sir W. Bruce or of
~~Rodreds~~ ^{Rocheds} coming heather as yet.

I doe assure yo iff ther is faith in men O39 and
 his frind are prefitly fixed to OM and DS.

Nothing can be so wellcom ~~me~~ newes to OG and GF as
 that 182 doe see 20. Adew.

Whithall April 9. 80.

The Duchess of Lauderdale to the Earl of Moray at Edinburgh.
 (407).

I have yours of the 3d. When Mr. Rochhed comes
 care shall be taken. I am glad litle Betty is so well. I
 shall long to heare she is safe and well arived att home with
 hir mother. I am sorry from my heart for the death of deare
 lady Lundin. I pray God comfort hir poore husband and send
 hir children to doe well who have an irreparable loss in hir
 as wee all have in so excelent of person. I trewly say I
 have not seen any thing more affect my lord. Hee is I bless
 God better but yett very weake and hee does not overtake his
 disease so fast as wee wish, tho it is visible hee mends daily
 All matters doe goe well to admiration with his Majestie. The
 Chancellor ^{is} this day treated by the Earl of Plymouth, and hee
 does carie with all imagenable frindshipp towards us, and all
 thos who are the kings real frinds. 184 will be found to
 have litle worth. Hee is so much influenced by O49, that he
 cant forbare saying litle slite things even of the intrest of
 DS.

OE and O39 are no wayes well. I wish 177 may fall

upon the safest and the best meassurs. I hope 177 now sees what use his civillity to 146 hes been to him. X did a litle incline not to favour 177 but it went off. I long as much now to heare 70 are well at Castlestuart as I shall then doe to heare yo are **safly** returnd att Edinburgh. Adew.

Ham April 20. 80.

The Duchess of Lauderdale to the Earl of Moray at Morray. (408)

I hope before this gets to yo yo will be safe att Castle Stuart, and fynd all things ther in good order. I wish all I **send** our children ther were well com to them, and then I think they will be prety well furnished with all things necessary. I have yet a couch, a cloke, the makeing up of the worke, and one sute of hangings more to send to them I have done my part, only I have promised to be att the charge of building a chaple, which I must have the account of the expense of and then I hope to be able to doe it another yeare. My lord is recovered to a wonder, hee is yet drinking the watters. Here are many company which is the Marquis of Montrose, Drumiller, Lord Register and Sir John Dalrymple. The Chancellor come here on Thursday, and the Earl of Queensberry. The Chancellor hes been very ill. Hee drinks Northall (?) watters. Hee is very kind and obligeing to us and Imhope wee shall ever continue to be so. OM is very glad that DS hes hops to take ogf 143 from the new CCC. 182 must needs see 33 upon several reasons, 049 will otherwayes get grpund and OG does hope to fix X and 33 for 182 suckceeding

to OM. All newes is left to Mr. Forester to write. Adew.
 Just now the Earl of Seaforth and Claverus are com in. The
 Bishop of Edinburgh hes been with us all the time.

Yo see by this how the CCC heare doe divid.

Claverus dos mightily magnefye the Earl of Seaforths
 intrest.

Ham April 22 80.

The Duchess of Lauderdale to the Earl of Moray. (410).

I have yours of the 7th brought by Sir John
 Dalrumple. His erent seems to be very unnecessary, which
 maks us bileeve hee cam rather to see what is like to com of
 all thos projects which have been so long talked of. I have
 yours of the 15th. Yo may be sure nothing shall be done in
 any affayre whatsoever t^{ill} yo returne. 177 hes writ in
 recomendation of his soun in law for the late falne place,
 and his soun in law hes had the confidence to write to my
 Lord and to me letters of recomendation ih favours of 177
 which is but one step further of his impudence. 177 does
 carie most bacely to me, and to his pune soun, which I hope
 OM will recent. I fynd my lord resolved to put the costoms
 into a collection. Hee sayes it is so hers, and tis a good
 example. 177 must be made sensible that hee needs other
 funds. Yo will be amazed when you know how trecherously ~~thos~~
 were to my Lord who wer last yeare sent for up to justifie
 the proceedings of the judicators. 049 will wertenly be
 justly rewarded iff 143 can be made on that syde as DS does

project, and I am cleer that 143 friend who is now preferred ought to have that which 049 now is for his incorigement.

I am sure nothing can more ingage then this to doe 049 buissness. All publick affayres doe goe on as well as can be desifed, exept on unhappie accendent which fell out wherin on gentleman was attempted to be killed, but hee is recovering, and the matter under examination which will be found to be the malice of one Mr. Harbert who lyes under jealosie of haveing been of the plot, tho some would make itt a second Godfry buissness.

My Lord I bless God does recover daily, and hee is resolved to goe to the Bath about the end of the next month. Itt will be found that 73X and 94X and all the resst of our young statsmen are for the new CCC which is under 049 manegement, and great strece doe they lay on 143 which brings in 37, and to that end 06 is to be asserted, and 184 is made a mighty prince with them, espesially joyning with 146 and 143. 145 and 94X are very ill together, att the bottom 145 will be firme to DS, so that iff 143 can be separated from thes, and made sensible by H of his danger in being of a syde with 049 and with 146, then will the CCC com to nothing. 039 leads the life hee ever did which hes done good to OG. 039 promises all that can be to be in perfitt termes of frindshipp with OM. DL is certenly to marie 57X. HM and 184 are in mighty frindshipp. G2 is att the old race with CA. When 182 sees GF many things will be discoverd which cannot be made knowe but by discours. Never

man carried better then 85 in all things and so does 045. 047 was an eminent villain. 048 is a most suple creature. 051 is in great credit both with 33 and 37. 052 is out with all. 065 is now out with 046. 96 is blinded by EK. Itt were well iff the old CCC were throughly broaken. 53 is as well as ever with Θ and OA. 199 is a dangerous person, hes witt and knows our world, is an enemy implacable to GF, and hats 177 and his family, which hee will distroy; hee influncs 145; hee does now sett forward that marriage and is imployed in it; he is intirely 049 and all that CCC, and tho hee hes been ill with 146 yet in hatred to GF hee will joyne with the Diuel, and Ime sure hee does all hee pleases with 73X, and hee is in great frëndshipp with 94X. X5 is the man they all doe Court here; and hee is maneged by 049. Pray lett the cypher for Hado be 800. XR is the creature of CCC. My lord is now drinkeing his watters. They doe mighty well with him. Both the King and the Duke hes inquerd and does inquere every day affter him with much kindness and concerne. Hee will write to yo the next post but cant this . I am in pain till I heare litle Betty is gott safe to hir deare Mother and I long to have an acount from yo how all matters are att Castlestuart. Mr. Slicher is here with whom I talke of all thos matters. Excuse me to my deere lady Morray and to our deare children. I wright ever so much to yo that I have no time to write to any other. Adew.

Abba April 23.

The Duchess of Lauderdale to the Earl of Moray. (412).

I have recevd yours dated the 15. You will have now so many of the Party with yo att London that itt might well be beleved there should be few or none left behind; and so indeed it would be iff their incoregements ther did not increase their intrest here. The Lord Advocate is now gone up but in coach, so that Sir John Cunningham and Sir George Lockert will be att London before him. Sit George Lockert did profess mighty frindshipp when hee tooke leave of us but the sam night hee tould a frind of myne that hee resolved to doe nothing unless hee should be comanded to doe itt which no question is another new artifice. Both of them did not ask leave of the Counsell to goe up. Sir George sayes hee is no heritor and needs not but I know not what excuse Sir John Cunningham makes. Sir George Lockert tould my frind also that inbcase the Advocat went up hee would doe his uttermost to paint him in his coullores, and show the king and the Duke what a person is upon their servis imployed and trusted. This is fitt yo should know both to prepare the King for itt, and the Advocate that hee may not be surprised, and when the King is sensible how the pique does arise from the Advocats ~~dis~~sertion of their faction. and that Sir George Lockert is intraged for missing that place himselfe no question but the King will discorege all such libellous proceedings. The Earl of K⁺incardin goes up tomorrow, hee sayes hee is sent for and the toune is full of ~~his~~ being like to have my lords place. The lady ^{arguis} M. of

Atholl is going up so soon as monyes is provided. Som talke of the Earl of Seaforth and the Earl of Sutherland but I canot beleeve itt. Yett is itt certen they offer any sumes to thos who will goe to sarve their charges and to the Earl of Seaforth in perticuler. They court all sorts of men to make the jorney and as indeed this is their last stake so doe they sett all their rest upon itt. Ther is a whisper as iff the Chancellor had incoregements to goe up. The truth is tis hard to say who of the party will decline itt, tho they must leave som to carie on their designs here. Yo will have s full account of all things affter tomorrow, being counsell day. I desire not to be given for an author for anything least itt should entitle me to be a Byissie body, as itt seemes they are pleasd to represent me. I am surprisid with the storyes they make of my lord and of me, and yett when I reflect upon the wrongs some people hes done me I think their guilt is such as makes itt hard for them to be at ease unles they doe us all the mischefe they can and this I will say that I wish itt were not too trew that a certen lady who charges me with governing my lord did not so wholly ingross hirs as both to expose his honour and even his reason, itt being most trew that she hes for the most part alwayes writen all his letters. But I have heard where robberyes are comitted that weomen are present ther alwayes the most desperate attempts made, and I feare itt may be trewly so said of the last experience I have made. Itt is not to be imagened how the party are put up and groune insolent since

the express cam doune. All honest and loyal persons are earnest for my lords going up tho but for on month, but hee is resolved not to stur without his Majestis express comand, and whether the King is for itt or not, at least whether hee will so be pleasd as to comand itt, is hard to conclude. I pray God direct him and all his loyall subjects for the best. Adew. Indeed this place is not good to be in when the Counsell lyes under such contempt; and all honest men are so discoreged. Itt is reported the Marquis of Atholl hes designs to procure that Barons Pattent for the Lord Strathurd which yo know they long have pressed and which my lord had not the confidence to move the King in. This I know was a quarell, or rather a heart burning as was all things they aimed att, and did not obtayne tho question but they will have many rprojects now the fyer is hott, for so they did by Midelton and my Lord. The Marquis of Atholl did once make offer of Faulkland to the Duches of Monmouth to buy but that she was putt from itt, and now itt seemes hee designes itt for another courtshipp. Lord what will not som persons contrive to compas their oune ends, and to feed their ambitious naturꝑs.

Your lady is very well, I was with hir this day, and so is our daughter Doune. My most affectionat servis to Lord Doune. Adew.

April 30.

The Duchess of Lauderdale to the Earl of Moray. (413).

I have yours dated the 25. By this time yo will receive myne wherin I desire yo not to write to me. Itt is the same injunction I lay upon my brother Maynerd as an ease to yo both, and the same to me, seeing my sister writs to me every post and yo may also tell Dr. Hix what hee is to write to me, and so ease yourselfe. I never doutted the kings kindness to my lord, and Ime sure my lord does deserve itt, for since I have been his wife I am his wittness hee hes studied nothing but his duty and to his best hes been faithfull in his servis, which I feare few are att this time and such to the kings intrest in the suport of his authority here, that iff hee shakes that I feare all will fall with itt. I pray God secure us against this great evøll. All the lords are now com out of the west they have left all quiett ther. I make no question but iff a match will doe either of their affayres they will make no difiçulty to make any. No creature can love and honour another more then I doe my lady Danbie. I have reason to doe itt and so hes my lord. Wee are both as much as is posible servants to hir lord and hir brouthers, which I bessech yo assure them as yo have oçasion. I know they are so just as not to make the least dout of itt, but I am certen also that they want not thos whomwill invent and carie storyes enough which I hope they are gaurded against, and I desire yo to injoyne them so to be, for ther is not on word to be beleved, and very persons to be trusted. The Bishops have reason to stick to my lord, for most certainly

hee and they will fall and stand together and so I am sure
 the Bishop of Glasgow will informe them. The Bishop of
 Dumblain is goeing up or gone. Hee is so well knowne and
 his lipriothick way will so soon be found out that wee hope
 in God hee shall not com to have any creditt for laying a
 foundation of anything belonging to the Church. Certenly
 Atholl is to be admired more then all men who can now adheare
 to that Bishop, and to thos very men whom hee hes been so
 oposit to. His creaturs here do spread abroad that hee
 refuses to act or joyne with any of them against my lord,
 which is done on purpos to keep his creditt in this toune
 when they canot give on good word upon my lord and my account.
 As for Pairth, hee is on of the persons whom I am the least
 knowne to and therefore itt is my wonder what the man ales att
 me. Tis trew in September when hee cam first to my lord hee
 did in an od way wish an agreement with the Duke of Hamilton
 and my lord, and did aske my openion which was that seing the
 Duke of Hamilton made difiulty to see my lord first, I was
 of openion the Duches ought to com to Edinburgh and I did not
 dout but my lard would waite on hir. They are both com of the
 sam family, they have been very intimate and the best way was
 for them both in privat to argue matters and to agree together.
 This iff yo aske his lordship hee canot denigh, and more then
 this I never said to his lordshipp att no time so that iff
 anything falls out proper to mention, this yo may to the
 king, for Ime sure itt is trew and I said the sam to the Earl
 of Tweedale when hee was fishing in the same watters. As for

my lords goeing up, hee will not stur without express comand, and then his Majestie is to dispose of him, and his frends are to be the advisers but itt must not be knowne least hee be stopt. Adew.

This project of sending for the Privie Counsellors is designed on purpos to collour the Chancellors goeing up.

Whithall May 17.

The Duchess of Lauderdale to the Earl of Moray. (414).

I was not able to write to yo the last post so much company was with me, and indeed I have not much to say for I dare not nor indeed I have not time to give yo relations of what passes here but I leave itt to Mr. Forster to doe, who I know is delegint. By this post yo will have the paper concerning Luss and a letter from my lord concerning the Earl of Callinders buissness with his deputy sheŕife, which I beseech yo end to his satisfaction for really his lady hes caried hir selfe most nobly att this time, even to a degree of casting out with the whole party who is here.

Pray dispose of Luses ward to as much advantage as can be for I never have been in more need. I expect all our frinds here which makes me not ~~to~~ write to any off them. I wish from my heart they were all here. Yo will be tould of a great entry the Duke of Hamilton made which indeed was so ridiculous that hee getts no great credit by itt.

Yo know the king loves none of thos things, and of English ther was only the Earl of Denbie, the Lord Cavehdish, the Lord Lingford, Mr. Greens coach and Sir . . . Dallawals coach. All the rest were hired coaches of the Scots Party men who are here, every one haveing hired a . . . single coach or borowed to make the show the greater which was suffisiently laughed att. The truth is the Party here doe looke bleat, whatever face they putt on matters in Scotland, and the Earl of Arrens manage is bloune up, all things being concluded between that lady and the Marquiss- of Wichesters soun so that they are not so sanguin as they were, and the Earl of Arrens expenses doe begin to be a little too troublesome. Mr. Forester will tell yo the reason the blankes are left for the naime in the enclosed paper which yo may please to sett right and to putt your owne naim in. My excuse to all frinds. Adew.

On back:-

I assure yo OM is as yet totally
 inocent as to what O46 hes to say
 or for what O46 is com here.

Abba February 12.

The Duchess of Lauderdale to the Earl of Moray

(at Aire). (415).

I have recevd yours dated the 11 from Aire, which was very welcom ther haveing been so many storyes spread to the discoregements of the kings frends here, and so many dayes without letters was, and will ever be an occassion of itt,

as well as keep the truth from the knowledge of honest men in England, who when they hear no newes from us are apt to receive bad impressions from others, who never are wanting of invention. The Parliament in England hes voated his Majestie 90 shippes, and suply for them such as shall take off any charge they may be to the king, by which ther is a general satisfaction and as your being now in the west in the posture yo are hes been a good incoragement in England, so is itt to be hoped their cariage here will be no less an incoragement to all wise and honest men here. Lord Lorne is not yett com. Wee are tould hee will sett out from London tomorrow. I humbly thank yo for your care in that affayr, and so I doe the Earl of Caithness, and tho I am very willing to conclude that affayre, yet should I be most glad to have had yo a witness to itt. The young people are not yett acquainted and ther must be som time aloued to that. The old lady Marquess of Argyle is so ill she hes sent for hir soun. Hee is gone to hir and so are hir daughters. Your lady dined with me this day; she is very well; so is my lord Doune and **Cahren**.

Fragment. No name. (416).

20 continued fixt to 27 and it will be very shortly seen that he hath no minde to change the 17. 3. 19. 21. 24. pretend to hopes but I assure you I think groondlesly and if on any on such as may injure themselves as well as their adversaires if it come to passe. Its thought at soonest 17. 3; 19. 13. 3. 14. 7. 15. 21./ will not 20. 11. 21./

till November. 24 and 27 continue ill, or grow worse which is a great mischance at this tyme. 22 is not ill heer 40s effaire troubles us. 41 is weell heer with 27 and 20. Wee yett but guess at future things. The French Navy that was makeing ready at Brest are gone for the Mediterranean, so that England is free of apprehensiones therin this Campagne. 27 is not weell pleased that 39 did 5. 16. 19. 7. 22. 17.

June 21.

The Duchess of Lauderdale to the Earl of Moray. (417).

I had none from yo by the ordinary nor doe I expect yo should write so often as yo doe, one letter from yo being sufficient for all, by this time DE is with yo. I have wreten my mynd fully to Betty who is to show yo my letter. Yo must advise upon itt as yo fynd reasenable and for the honor of hir family which I fynd the (torn) heare doe more direct their Battery against then against any. My lord had a letter from Earl Caithness and I had one from his lady which showes the ill agreement of their family with Earl Argyles and the ill offices which are done ther all which I knew would be so. In Court here there is much noyse of the loyal action of Lord Mackdonald and the Machleans laying dūne armes att this time, as a toaken of ther loyalty and as much dust raised upon Earl Argyle so that iff Earl Argyle does not att this time joyne his forces with the kings forces and convince the Generale of his readiness att

this time under the comon loyal intrest hee will so much expose himselfe to his enimyes as itt will not be in our powers to suport him for as matters are represented here Machleins tytle is looked upon as invaded by the Earl of Argyle, only upon the loyalty of their sufferings, and the merits of their cause that way. I beseech yo doe al yo can to advise Earl Arggle att this time for the best, and as to Lord Lorne I am even mad to think how ill itt must looke in him not to have been all this time with his father, and now when itt had been his intrest and his honour to have heded som volunteers gentlemen and to have placed himselfe under no character, where the General might have given testimony of his honor and galentry to leave the kings hoast. In this and all other things I submitt all to your wise conduct, and to your kind frendshipp to me and to myne. Adew.

Whithall May the 13 1674.

The Duchess of Lauderdale to the Earl of Moray at Edinburgh.
(418).

Att my arival here I went emediately to pay my duty to the Queen my mistress and to his Majestie by whom both my lord and I were most graciously received. The next day I kept my bed and I was so indisposed as to stay in my chamber till on week was over, during which time there was none of my acquaintancyes from whom I did not receive a visite, but from my lady your daughter I confess I had none upon which making some enquiry I found she did decline itt, suspecting that I had some somons to give hir from your lady for hir returne

home. I did resolve not to take any notice of itt but directly to have sent to hir as I tould your lordship I would doe att parting but being informed so soon as I cam from Ham how your lordship had resolved in the case and of your ladys coming to this toune. I take itt to be a better way to leave my lady your daughter to hir to the dictats of hir oune duty then to put hir upon ~~discoversing~~ any aversion to that which my lady hir Mother shall think reasonable to press hir upon. My lord comands me to lett your lordship know hee cannot gett time as yett to wright but endenly (?) he will doe itt, and give your lordship so good an account of things as hee doubts not yo will be well satisfyed.

My lord hes informed his Majestie of all that passed last counsell day. His Majestie is very well satisfyed with it, and hes taken such notice of the persons as they shall in due time fynd itt by his favour and countenance. Hee is much pleasd to fynde his freinds stand firme to him, as that they are so much united, which is much his Majesties desire may be continued as it is myne that your lordship will esteeme me that which I really am
Your lordships most obliged faithfull servant

E. Lauderdale.

Ham March 30 1675.

The Duchess of Lauderdale to the Earl of Morray. (419).

I wish yo much joy of your right soun. I hope they will supply to yo the comfort which yo want in your daughter. I shall be glad to heare a good occassion may

fall out to settle yo at Dunebursile. The report was the Countess of Moray had dead but itt is now contradicted. I had sooner answered your last letter dated the 11th but that my child Cathren hes the smal pox. This is the 14th day so I hope she is out of danger, and that your lordship and your lady will pardon me, this being the first day I have wreten to any body. My lord is att London, and I doubt not but hee will not be wanting in serveing your lordshipp. I desire my lady of Moray may be satisfyed with this just excuse, which maks me not able to answer hir letter dated the same with your lordshipp. I joy much att her safe delivry and I esteeme my selfe much oblided to hir for hir kindness.

My lord,

I am Your lordships

Most humble faithfull servant

E. Lauderdale.

Whithall January 30. 79.

The Duchess of Laudefdale to Lord Lorne at Edinburgh. (420).
 My deare lord I have none this post from either yo or your wife, but I say itt not to reproach yo. I have wreten to Earl Morray to fynd a way to put Lord Halton upon wrighting to my lord to procure for yo the few duty now due by Earl Argyle to his Majestie, and I hope itt will suckceed, for iff I should be seen in itt or my lord, itt might give offence and raise jelosie, which I desire to avoyde esppecially now that the Marquis of Atholl courts that family which

Ime certen can be to no other end but to put ill between
 your father and yo, and this is so demonstrable that any
 eyes may see itt for why should his lady raise so false a
 story of your wife att the same time hir lord makes visits
 to your father, but to the end she may make things ill in
 your family, and indeer hirselle that way to them, which
 she knowes will be acceptable. As for what yo observe of
 Lundin pray suspend your oppemion as to Halton and him,
 for I assure yo tis is his obedience to my lord which hes
 induced him to that complience. I am glad the Earl of Argyle
 hes falne upon the way hee is in for settling the Highlands.
 I make no question but the Duke will by that means discover
 wher the wrong hes been all this time. I beseech yo take
 no notice of the cariage of iether the Earl of Argyle or
 his lady, or of any of their relations, live civilly with
 all, and I see not in what your perticuler can cross with
 theirs. I hope yo have settled your owne estate, under such
 a way of manegement as is best for yo, and that yo take the
 advice of the Earl of Murray in all your concernes in which
 yo must open your mynd as freely to that frend as yo would
 doe the condition of your helth to your phisitian.

Itt is much to your advantage to make yourselfe
 so well knowne to the Duke, and I make no question but hee
 will have a new affection for yo. My Lord is as sensible
 as you can be of the cariage of som of his relations to yo,
 but when they did in his presence carie no better to me yo
 must not be concernd in itt, and indeed the best way is to
 disregard them and even to contemn what they doe, and then

they will com beter to themselves; and itt is most certen
 all does arise from the apprehensions they have I may be
 more kind to yo then they desire I should be which I hope
 to make good, itt being certen that your intrest can run
 in no other chance but that which is myne. Ther is no
 ground for thos reports of Earl Balcaris. I keep that paper
 till I see how our project will worke. I have no reason
 but to hope to ataine itt, iff once wee can fynd a way to
 know itt will be acceptable to the Earl of Argyle, or that
 itt were posible to get itt recomended by him. My deare
 lord Adew.

Dr. Turner is a most worthy frind to us and worthy
 your acquaintance.

Holyroodhouse 1 June 1678.

For the Earle of Morray
 The Lord Advocat
 Lord Colinton from the Duke of Lauderdale. (431).
 (holograph)

By your last of the 25 May (which came hether on
 Wednesday last) you assured me that by this nights post I
 might expect a lettre from his Majestie to his Privie
 Councell, and I hope his allowance to proceed according to
 law with these mutineer lords who have created so much
 trouble to his Majestie and his affaires in England, and so
 great mischeif to this kingdome. On Thursd~~ay~~ay I gave you notice
 that we spent all that day in preparing for the elections in
 the severall shires and Burroughs in the ensuing Convention
 which I am confident shal be to good purpos. Yesterday the

the Councill met and I was forced to adorne it till Monday in expectation of the Kings letter by this nights post. This day I have spent in preparing a draught of his instructions to me to be by you humbly tenderd to his Majestie. I need say nothing to what is ordinary in such occasions. But the 2nd and 3rd instruction are absolutely necessary at this time, for as to the second, if ane open rebellion should rise, it should be too late to send for new powers, and who can tell what desperat phanaticks may attempt, having been and still are countenanced by the muntineer Lords. The 3rd instruction seems as necessary, by the example of the scandalous and insolent meetings at Mastertons in the parliament 1674 which the King I hope will not suffer before or at this convention, they being so contrarie to law. And I humbly conceave the 6th instruction is as necessary, it being drawn with humble duty which becomes for his Majestie is to be only Judge. He may pardon any he shall please, but it wilbe a most dangerous preparative to this and succeeding times, is so insolent contempts be not taken notice of. By that clause in it against such as have reproched and indeavored to accuse the Privie Councill is principally meant the Earle of Cassillis who signed that paper of accusation against the Councill, the copie of which paper was communicated to the Councill, and they did write to his Majestie about it. His Majestie wold be pleased to send the originall paper to me which as I remember was left in my Lord Maynard hand. You shall likewise receive a

draught of a letter to the Convention, which is drawn by my brother sutable to what his Majestie wrote to the two former Conventions, all which is humbly submitted to his Majestie.

Since this was written the pacquetis comd and in it his Majesties most gracious letter. I did call some of his Majesties faithfull servants who are infinately satisfied with it, but it is so late, and I am so wearit that I am not able to answer it till next post on tuesday next, at which time you shall receav the Councells letter to the King and a letter from the Councell to you for your returne This must serv your colligues and my Lord Archbishop of Glasgow. So with my humble service to you all my deare lords Adieu.

Holyroodhous 1 June.

The Duke of Lauderdale to the Earl of Moray at Whitehall
(Last sentence only in Lauderdale's hand.) (432).

My Lord,

The paquet cam this night after I had almost finished my other letter wreten with my own hand. Monday next in Councell I intend to move you all may have the Councells thanks, and it will be so ordered as the Councell will leve it to me to cal yourself home as I feind it necessar for the kings service. All your frends hier ~~thinks~~ your presence will be most nesesaire at the Convention for many reasons. Bot if the Duke of Hamiltoun stay

at London ye shall be furder adveised as to your motion on teusday next, till which I must beg your patience. Hier is inclosed a not of sume expressions the Cnansieur had to the Archbishop of St Andrews repelted by him beror me and my brother. Yo may make what use of it yo please. I am overjoyed with the Kings most gracious letter to the Councell and me which I have showd to thos off the Kings frends that wer hier with me. Besave inclosed a chaucht for my alouance as Commissioner which may be wreten fair and offerd to his Majestie.

This letter is to your self only so agine Adieu.

Holyroodhous 6th June.

The Duke of Lauderdale to the Earl of Moray at Whitehall.

(Only last sentence in Lauderdale's hand.) (433).

By the last I had on from you and on from my Lord Advocat which requiers no answer. Monday you will reseive the Councells thanks and inveting you to cum home and joyne with them in the Kings service, with what I have adveised you as to that which was left by them to me of all which I need say no furder now.

The kings troupe comanded by the Marquis of Atholl being ordered to put ther horses to grass and the two new companies of dragunes being ordered to be mustared it was thought fit the Kings troop of Gards should be leikways mustered they being now to resave 3 moneths pay. This was accordingly done yesterday by the Mustermaster at

Linlithgow, and in presence off the Major Generall, and befor Earl Argyle and my brother whom I desaygered to go ther to see it done as being two off the Commissioners off the Treasury. What false musters ther wer yo have mor acompt of under the Mustermasters hand, which that it may be the better understood ye shall know that by the Kings establishment this troupe ought to consist of 160 horsmen besids ther offiseres, and besids thos 160 horsmen the King by establishment allows 2 mens pay to the Captaine at 2 shallings sterling per diem a peice, 2 to each off the two liutennants, one to the cornet and one to the quartermaster, notwithstanding off which yo see by this paper the Capten has 4 servants, and its informed on is his butler, on other the butlers man, on his porter, and on his gardner, all of them acknoledged they wer his servants, and toad upon his horses and that they deid never resave the Kings pay and did no deutie. The rest of the offisers servants ar of the same natur. Thes ar 17 and thos with sutch as deid muster for chaldren, and such as doe no deutie, and such as ar wanting doe make up 30 in all. This grosse abuse I was surpraised with, not could I have expected sutch considering that the king has at present no other troups bot this one. Tak notice that non of the 4 Brigadiers has any allowance off a mans pay by the establishment.

(Lauderdale's writing). This I took to be my duty to let you know; because I doe not doubt but fals informations will goe by this nights post and I think it fit that both

the King and Duke be informed of this to the end his
Majestie may see in what condition this his only troupe
is and hath been so with my humble service to you collegues
and to my Lord Maynard Adieu.

(Rest probably brother's hand).

Holyroodhous 8th June.

The Duke of Lauderdale to the Earl of Moray. (434).

(Last sentence only in Lauderdale's hand).

Teusday last I sent you the Councells letter of
thanks with my owne opinion in what they left to me Thursday
last I answered yours that cam hier Wedensdays night and
this day if it cum befor I goe to bed I shall answer what
yo wreit by it, so that I have nothing to say now bot to
give you an accompt of the elections alredie maid. I told
you befor that all the Kings frends hier every man undertuck
sume shar in thos off shayers and burrows. In order to this
all is gone out off toune to severall plases this wick; so
that at present few or non is left hier. The shayers who
have alredy chosen ar this shayer off Edinburgh prinsipall
have without a contrarie voot choysed the Lord Collingtoun
and my nephew Richard; Feif Lundie and the Laird Aff
Anstruther of that ilk, Barvick shayer, Langtoun and Lord
Harcus; Tweddale or Peebles, Blakbaronie and Vetch off
Dauik; Selcirk or Forrest have wele chosen Philliphauch and
Haning. All the Burrows we have yet hierd off have chosen
verie wele. Last night I had a letter from Earl Argyle who

went from this to have cair off the Elections off the shayers off Argyle, Dunbarton and Boot, by it he referd me to what the had wreten to Lord Ross which hier I send you. By it yo see his diligence and that the pretendit and illegall election is caried by Huston, Orbeston, and Kilmahew, 3 off thes latly cumd from London. By good adveise I returnd to my Lord Argyle and Lord Ross an answer by on expresse, and am confident that we shall either have a better election or that this illegally maid shall be overthrown. Upan the whole mater yo may assure the King that in spite of all opposition the Convention shall be right. Bot with all yo shall let him know whatever hes been alledged or offered to his Majestie att London by thes lords etc., yet certainly any opposition that is or ever will be maid hier to his intrest will only proceid from that partie who ar still most active against him wherever they can fixe the least intrest.

As to the ~~shayers~~ alredie chosen. this shayer was most unanimous becaus the partie hes no manner of interest hier. As to Feif, as I hinted in my last letter, ther was certainly a disseine in precipatating the Election which had been caried if I had not in tyme discovered it. And as heigly resented it by leting my lord Archbishop St Andrews know it and he by a sharp mussave to the Chanslour then in Feif proveaked it and brok the disseine. Barik shayer is right, yet Hiltoun, ^{Heinwells} ~~Ulinwells~~, and Borthik, who cam from London maid a great noise, to no purpos and protested, and

hier ye see the partie againe apiers. In Tweddell Dauick will be right. I doubt Blakbaronie mutch being elected by severall days indevours off my worthie som-in-law Lord Yester. The shayer off Selcirk or Forrest is verie right, yet Sir Francis Scott and two off his partie caball opposed to no purpos, and protested. Just as thir words ar wreten ther is on of the Kings Gards cume from Lithgow sent to me by the Earl Lihtgow who tels that this day at 12 aclok Generall Dalyell and Sharp of Hustoun ar elected for that shayer, which is as I wold wish, even tho the partie used ther indevours ther, and the forsaid laird off Huston of that ilk that opposed at Dunbarton came last night to Lithgow at 12 at night, being leikways a freholder of that shayer, bot lost his labour as I hop he shall doe in the Elections off Renfrew wher he is leikways a free holder.

Now I most tell you ye know this Convention was proposed to his Majestie as the best and the easest cure for all our distempers, and his Majestie hes weisly commanded it to be kept and the only end to be prosecutin it is for raising forses I men munny to pay them. All that can be expected will mantene bot a few and of thos few thir can be bot an regement of fut. And now I am told that it is indeveured that Lord James Douglas regement now raising hier should be intertend as thee regement to serve in this kingdom, and that he is going post to London to use mens to persuaid his Majestie to that. This I shall never believe that his Majestie will grant for I hop when the King hes bot

on regement to raise hier he will not give it to the Duke of Hamiltons brother, who is fully as factious as himself, and intierly devotted to all his brothers factious deseins. Beseids most off the under offisers ar petefull ignorent factious men and the soldiours so many as ar raised (which is the gretest part) are petefull boys. I besetch you aquent the King with this, and I am confident he will not so destroy his oun affairs, and let him know that within a few days he shall have my humble proposall to him concerning his leires, a returne to which may easelie come befor the Convention.

Since this was written now neir midnight. The post is comed with the letters dated 4 June, but not one word to be answered but what I have written before. So I have nothing to add, but my humble service to the Archbishop of Glasgow and your colegues Adiew.

Holyroodhous 11th June

The Duke of Lauderdale to the Earl of Moray. (435).

(Last sentence only in Lauderdale's hand).

Yesternight I resaved your letter of the 6th June in it yo tel me yo will be mor particular by next post. Particularly yo mention his Majesties comands to send an accompt off his revenew, this only in generall bot that yo will be mor particular by the next, and therfor till I resave your next I shall forbear to give any answer, and by the Thursdays post I shall upon resept off yours be redie to

give a full returne. I gave you befor accompt off what elections in shayres and burrows that wer maid in plases nei^r to this; any others at greater distance I have not yet herd certanlie of; when I doe yo shall have particular acompts, but as I said befor I doe not question bot most of them both in shayers and in Burrows will be right. I expect tomorrowes post with great impatience and to heare yo are not comd away, so long as the high and mighty lords stay.

Adieu.

Holyroodhous 10 June at
midnight.

The Duke of Lauderdale to the Earl of Moray. (holograph) (436)

The letters of the 6 instant which came hither this night have amasid me beyond what I ever was in my whole life. I had almost said confounds me. His Majestie hath publisht to the whole kingdome a Convention to be the 26 of this moneth, most of the elections are made and very well made and shall it be seen that the partie against whom the king hath so eminently declared by his last letter to his Councill, that they, I say, shall have interest enough to adjurn the Convention, and shall they appeare to have interest enough to alter the kings so publickly and solely declared orders and resolutions! Alas what doe they signifie? I am no vaine boaster, but I will answer upon my life, nay upon my honor to cary all the King can reasonably desire in spite of the teeth of all of them united if they were heir. So many of the Kings freinds are gone to the

places of their severall interests that we have not heir a quorum of a Councell (thogh you know how great a number I kept in two long vacations) and their going and my ind-eavours heir have been so succesfull that upon my alledgance I will answer for five parts of six of all the Comissioners of shires and Burroughs, and the proportionable number of the Lords, Spirituall and temporall. Alas then why shall we be distrusted and affronted by the Kings hearkning to their most deceitfull undertakings whose designe is onely to gaine time to ruine and undermine all good? Observ also that since the news of the Convention of Estates and my Comission was published, and the two new cumpanies of Dragoons wereraised (which are now armed and nearly complet) we heare no more of feild Conventicles, none in the Mers, none in Teviotdale, little in Fyfe or Perthshire, none at all in East Lothian, not indeed in all Scotland except in Galloway where is Welsh. But now when it is publick heir that the partie lords doe move for allowance of Hous Conventicles, and when it shall be seen they have power to adjourne the Convention, we shall certainly see them use to the same insolence againe. Oh my lord I am almost wearie of my life, and I thanke God I am ane old man!

One thing more I must add. It is now talked that my Lord James Douglas regement is to be continued heir, indeed it is no regement. The soldiers are wofull creatures. His favourite Captaine Fountaine was a stage player heir within these few yeers, he stole away a companie to Holland

without authoritie, and was most shamefully cashired as a coward for refusing to goe to ane attaque at Grave. The rest of the officers are very ordinary, the Colonell a most eminent partie man like his brother Duke Hamilton, and the raising money to keep him will so dissatisfie the Kings freinds heir that it will pass my power to quiet them.

This is all I can say with a very sad and a most discomposed spirit. Yet show this to the King who I hope will pardon my infirmities, his comands shall ever be obeyed by me. Adieu.

Holyroodhous Sunday 27 January
1678.

The Duke of Lauderdale to the Earl of Moray at Glasgow.

(holograph). (437).

My Lord

Yours of the 25 from Sterlin was most welcome to me which I receavd last night together with the letter from the Comittee and the minutes of what you have done. This day I called the Councell who have returned ane answer to the Comittee by this bearer. Tomorrow the Councell will meet againe and send ane other expres to you with ane account what can be done heir for shoes. Your postscript concerning Hugh Stevnsen came too late, for he was gone from this before your letter was written, so you musy either watch him well or desire some other. This mornings paquet brings no news but the Gazette which I send you, for they want 4 pacquets from Flanders, two from Paris, and as many from Holland. A good

freind writts to me, that the French King was to march on Thursday last, but it was not knowen whither to Luxembourg and Treves, or into Flanders; that he agrees to send the regiment of Monmouth and Douglas into England becaus of their capitulation, but will disband the Hors, and the Irish regiment because they have no capitulation.

Present my humble service to the Earl of Perth. I cannot write to him this night, but I shall by the expres tomorrow, for I thinke the Councell will doe something as to the two Stewartries. My service also to my good Lord Rosse and all other freinds. So my deare Lord Adieu. My wife presents her most hearty service to you.

Holyroodhous 18 Aprile 1678

at midnight.

The Duke of Lauderdale to the Earl of Moray at Whitehall. (438)

This night after supper I was **just** set doune to acknoledg yours of the 13 (which came hither yesternight) as also the other which I reseavd last night from Lord Maynard, when your expres came hither with yours of the 15 instant. This hath stopt my wryting till I am able to answer what you and Lord Colinton write by comand from his Majestie. In order to which I have sumoned the Privie Councell to meet heir tomorrow and I hope the expres shalbe dispatched tomorrow in the night which wilbe with you before this nights post. So I shall say no more but my most humble service to my Lord Archbishop of Glasgow, Lord Maynard, Colinton and all our

good freinds. Adieu.

25 April.

The Duke of Lauderdale to the Earl of Moray and Lord

Colingtoun. (Last sentence in Lauderdale's hand). (439)

By the last I gave you an acompt what I found in the west which I shall not repet. Yesterday the Councell met and wroot a letter to their Comittee at Glasgow, bering that numerous feild Conventikles, with armed men doe now so much abound in the shayers of Feif, west Lothiam, Martch, Tiviotdalle beselds the west, and that seing thay had perfected all that was ^{materiall} ~~instatouall~~ in the instructions given to them by the Councill therfor the Councell deed call them to be hier the 1 of May being next Annull day, to give joynt adveice in what related to the Kings servise and the peace off the Kingdom in this Exegent. The Councell wrot leikways a letter to Earl Lithgow Major -Generall to cum to Edinburgh then, and to dispose of the Kings standing ~~forses~~ now att Glasgow, hors and fut, so as he thought might conduce most for his Majesties service, that as the militia regement off Midlothian had been dismissed last Wedensday home, so on Munday next 29 instant he should dismissee the two troups off east and west Lothian and Peebls shayers, and that the Annandale Militia regement should be dismissed when ther 20 days provision wer ended or sunner if he found caus; and nix wick ther 20 days loan will expayer, so that at that tyme ther will not any forses be in the west bot the

Kings standing regement and his troupe of Gards, and most of thos Hors and fut have been quartered at Glasgow and in the west thos 15 years by gone, as they ar now; so this gives acompt that as to militarie maters they will be next wick (as you wer) as soldiours say. Now I most returne to the feild Conventikild and begine with Feif. Ther was last wick on at Drumcaro Craig within two meils of St Andrews. Ther cam a partie of 30 off the militia cumpanie of Feif (which before yo went was raised for that service). Thos off the Conventikile sent out a partie off 6 scor hors armed, so the partie wer forsed to retier with shame eneuch. This Conventikile consisted of upwards of two thousand; of thes the Archbishop of St Andrews gives a particular acompt in a letter to the Bishop of Galaway hier. Ther was a 2nd Feild Conventikile in Pearth shayer nier the peth off Dron which is nier to Feif, and many Feif peopole ther in armes. Ther went an other partie off the militia cumpanie wher they wer resisted with armed men on hors bak with pistols and carbeins, and the partie deed leikways retier ther. Of this my Lord St Andrews leikways gives acompt off. Yester day the Duke of Lauderdale had a letter from the Kings Advocat dated from Newcastill Monday last mentioning that as he past upon the road hee had certen inteligence off a feild Conventikile kept in the mars at Chirnseid Moor wher they gave the sacrament and as others say renewed the Covenant. They pretched the preparation

sermon on Saturday and gave the sacrament and preached all Sunday and a thanksgiving sermon on Monday, and all that tyme ther was present above 6 thousand people. Upon the border on the English seid ther was leikways a feild Conventikile verie numerous. All this is also informed from other hands and my lord Advocat will himself tel you of it at mor lenth. At Bonnhill twixt Lauder and Kelso and another in the way twixt Lauder and Melrose, and all the Stow in Gala Water or neir it all in the Mars ther is regularly keep feild conventikils every wick besoids thos in Tiviotdaile and in West Lothian. Betwixt this place and Lithgow they are constanly kept every wick and in on word all thos people joyned with the partie are going insolent and mad to the highest degrie since our discontented Lords went up. ¶ shall not say mutch bot I might that the Kings servants hier ar poynted at in this place by some in the open strets, of which if thos lords stay at London it is leik yo will hier mor or it be long. Monday last Sir John Kinnigam an eminent lawer on the partie seid tuk post, and tho an considerable heritor sought no leve from the Councell. Its said many ar goeing every day. By this it apiers how insolent the partie is, and how they contemne the Kings authoritie. I say no funder bot if this continou without a chok, I can not bot say I fear the consequence of it may prove dangerous. I was this day told by Sir John Kinegams oun brother-in-law, Enterkin, that Sir John told him he was

wreten for to cum to London, and that he judged it was by Duke Hamilton or sume other of the partie ther. This is great insolence for never any yet that asked a pass from the Councell wer refused, and last wick Duk off Lauderdale cald for Earl Kincarnes petition for a pass and in Councell seind the warant for the pas, and the leik to his Cussing Saltoun yesterday, tho Saltoun be on of the verie few in east Lothian that deed refuse the bond. All the Kings faithfull servants hier ar overjoyed to hier by yours of the 20th instant that his Majestie standis so firme to manten his autoritie and the proseidings of his Councell hier, yet we most in deutie tel you that ther impudent lyes, and fained stories wreten hier, and thir publick brayings, ar hier belived beyond anything can be said by sober honest men to the contrarie, and they ar so hightened by the partie lords staying at London that they expedt to carie all and upon that confidence proseids to this insolence. What the event of all this will prove to be its tyme only can try and it is not to be cured bot by the King himself, and if the partie lords had not influenced and incuradged the phanatiks to that and gone now to London thos giddie headed rebellious dissenters had been quashed long agoe, and Scotland queyeted, for the phanatiks will not signefie without the partie and the partie as litill without them and so both knowing this they joyne together to overturne the Government and to put all in confusion. This is for both your lordships and for my lord Advocat when he comes

and it is fit to show this to the Archbishop of Glasgow.
This I have seen and no more can be added by me. Adieu.

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