

those that came over from Holland, and several others, went and did it; yet many of the Scots even of those who were as violent as any, refused it; which was extremely ill taken.

How to behave in that convention to sit in March, puzzled not a few: but all the loyal party, some thought they could not, in conscience, go to any meeting called by the Prince of Orange; that it was a breach of their oath in the test, to sit in any meeting not called by regular authority; but others judged, that since your majesty was not in a condition at that time to call a convention, they might very lawfully go, since it was only to serve you, that they exposed themselves to a victorious and insulting enemy; but your majesty sending over George Hay just at the time when these resolutions were forming, made all your friends resolve to go down; and since they knew you allowed them, to endeavour to make all the interest they could that members might be rightly chosen.

The Marquis of Annandale was come up a little before I, to receive the rewards of his service; but he was dryly received, and so many enemies about the Prince of Orange, that he began again to look to his old friends, and made great apologies for what was past in Scotland, and promised his assistance in the convention.

There was so much need for help, that he was received, and all your friends joined to go down to Scotland, to prepare your friends in the several counties and towns for the election of commissioners; but it was too long before it was resolved on, and many of the loyal gentlemen absolutely refused to meet on call, which gave the Prince of Orange's party and fanatics great advantage; yet notwithstanding of these disadvantages, if forces had not been sent down, and all the aforesaid persons admitted without any repeat of a thing never heard of before, your interest had been asserted in that convention.

The first that came down of either party, was the Viscount of Dundee, and myself; when we came to Edinburgh, about the end of February, we found that city in a great quiet, and generally well affected.

The college of justice to free themselves, after the Marquis of Annandale left his government, armed themselves, and made up a battalion of very good men, which kept all the disaffected in great awe; but Duke Hamilton believing they would not be for purpose, got an order sent down with Commissary Munro to disband them. On our first coming we waited on the Duke of Gordon, who was capitulating to render up the castle of Edinburgh; at our entry to the castle, we met all the duke's furniture coming out, which gave us small hopes of his keeping it; but we had the good fortune to convince him, that it would be so much for your majesty's interest and his own honour, that he promised to keep it out until he saw what the convention would do: I say not this in the least to disparage any thing he did, for I saw him have very good inclinations to do for your interest; but his never having orders from you, and his hearing all other forts and places given up, discouraged him extremely. He had likewise a great temptation from the Prince of Orange, for he wrote to him a very obliging letter, with full assurance of indemnity and protection; but notwithstanding of that, and of several advices of such as he believed wished him well, and who haunted him constantly to get him to deliver up the castle, yet he resolved to hold out; but the great error he committed (though several others were laid to his charge that were not true) was, after he had resolved it, he did not get it provided; for then the city of Edinburgh would not have denied him any thing, or, if they had, he could easily have compelled them. Some days before the convention sat down, the Duke of Hamilton, and other western lords and gentlemen, brought publicly into town several companies of foot, and quartered them in the city, besides great numbers that they kept hid in cellars and houses below the ground, which never appeared until some days after the

convention was begun, though they were generally believed to be thrice as many as there were. This was the first error committed by your friends, for in reason they ought all to have left the convention, and gone and sate in some other town by themselves, which they might have done safely, but there was so great hopes of doing well in that meeting, that it made many unwilling, notwithstanding of their hazard, to leave it; nor, can I say, wanted there probability for this opinion; for if several had not left us after all the reiterated oaths imaginable, and others admitted into convention by absolute force, we would have been by far the major part; but such injustices were never heard of as was committed in their judging of elections, for if any of their party had six votes, the other had had an hundred, signified nothing. Besides the manner of elections was out of all rules ever before heard tell of, and a new way taken which was proposed by the Lord Stairs, that all protestants, without distinction, should have votes in the election, which put it entirely in the hand of the rabble, which they managed some by promises, and others by a little money. Not even could all these sinistrous arts and tricks have compassed ends, if your friends could have had an honest man to be president, that was not publicly obnoxious to the fanaticks, which forced, notwithstanding of all that was passed, to pitch on the Marquis of Annandale, not that they had confidence either in his parts or honesty, but he was the only man could be set against Duke Hamilton. Both parties were extremely concerned, looking on the choice of a president as a decisive stroke; for by it they could know whom to reckon on; nor had they small reason for their judgment, for the first day the Duke of Hamilton was chosen president, contrary even to their own expectation, above twenty left us that had engaged to us, and voted for us, seeing we were the weakest party, and that the other would have both forces, and shew authority on their side. The next thing they voted, was a committee of elections, which they got filled with their own party, and ended the affair; for by that they saw themselves so strong, nothing could be heard among them, but put it to the vote, which they always carried without debate, and so scandalously, that even Duke Hamilton, who (to give him his due) understood reason and the law of the nation at another rate than any tumultuous carriage, and several times endeavoured to hinder it; nor can I say, if this cause had been good, but he behaved himself until it came to the chief matter, with a great deal of prudence and moderation, in so much that some of their own party began to repent of their choice. Some few days were taken up in judging of elections, which would have taken much longer time, if several who saw there was no manner of justice so much as pretended to among them, had not given it over and yielded, which made them grow stronger every day. None concerned in that affair of elections, behaved so well as Mr Charles Home; after his brother, the Earl of Home's death, the title fell to him, but by reason of the debts of the family, he did not take on him the title, fearing to lose a considerable interest that was left him, with this provision, that if the estate of Home came to him, then that estate should go to his younger brother; so not pretending to be a peer, he was chosen one of the commissioners for the shire; but when it was brought before the convention, he was cast as one they expected would be none of their friends; so soon as the sentence was pronounced, he told the president, since they had taken away one way of his sitting in that convention he had right to, he should try another which they could not refuse him; and so went out and took place as Earl of Home, with the hazard of losing the best part of his estate.

There was likewise another extraordinary affair of that kind, one Mr Baillie of Torwoodhead, that had pretended some years before to be lord Forester, but was summoned before the council for usurping a title he had no right to, and discharged under a considerable penalty, never more to pretend to it; but these at London, who had the writing of letters, not knowing his title, or, more likely, believing he would be in their interest, procured him a letter from the Prince of Orange, to come to the con-

vention. So soon as he was challenged by Sir George Mackenzie he produced his letter, which was voted a sufficient right to sit; several, as unjustly as these, were received; I only instance them, to shew how that convention was constituted, most of the commissioners having no right. The first thing they took into their consideration, after the house was thus constituted, was the getting of the castle of Edinburgh into their hands: That which pressed them most to it, there were two pretending to have the government of it, the Earl of Lothian, and the Earl of L——n likewise. It being the first of any consideration in Britain, holding out, the Prince of Orange was very desirous to have it reduced, the Earl of Leven and Tweeddale were sent up to capitulate with Duke Gordon, who promised them he would comply with their desire, and give it up next day at ten o'clock. So soon as the Viscount of Dundee and I heard them give this answer to the convention, we were mightily alarmed, and sent up one immediately to remember his grace of his engagement to us, and to lay before him the ruin of your affairs if once they got the castle in their hands. As irresolution was the cause of his promise to them, so what arguments were used to him on the other side meeting with his desire to serve you, brought him about again, his greatest obstacle then was, how to come fairly off; the Earl of Tweeddale, with his flattering insinuating way, had got him to go too great a length, for that, it was advised that next day when they came to demand the castle, he should tell, he would willingly give it up, but he could not see how he could be safe himself from the rabble of the town, and those that were brought into it; but, to free them from all fear he should give the convention any disturbance, he should offer bail for twenty thousand pounds to live peaceably in it; but though he was very well satisfied with this advice, yet that night he grew again irresolute, and sent to tell us, that except we came to him immediately, he would not keep his word. This was impossible to do, for they having placed the town companies of Edinburgh upon the Castle-hill, suffered none they suspected to go up; yet one ventured to him, to know what he had to say to us? He sent us word, that notwithstanding of all was past he would deliver it up, except we both gave it under our hands, that it was of absolute necessity for your affairs not to yield it up, which we both did that night; and next morning the Viscount of Dundee got into the castle, and confirmed him absolutely in his resolution of keeping it out, by telling him the resolutions were taken by your friends of leaving Edinburgh, and setting up at Sterling: so next day, when they expected to have the castle at the hour appointed, he refused again, and hostilities went out.

Being thus left by many of those we trusted, and despairing of doing any thing in that convention, next day we resolved in our general meeting, that we would quell it, and call a convention at Sterling; but your majesty had given power to the Archbishop of St Andrews, the Viscount of Dundee, and myself, to do by a letter you sent us from Ireland, by one Mr Brown; but before we could determine, if that it was of absolute necessity to be secure of the Earl of Marr, and Marquis of Annandale, the one having command of Sterling Castle, and the other that he might bring us highlanders to be a guard to the town; the Earl of Marr had all along appeared one of the firmest in your interest from the time he came to London, so he gave us all the assurances imaginable, that he would be according as the major part thought fit; the Marquis of Annandale also consented to leave Edinburgh, and go straight to Sterling; but he never continued six hours in one resolution, which broke all our design; for his wavering made our departure be put off, still expecting he would be brought about to do it; at last, a positive hour was ^{at} condescended, one and several made themselves ready whom we hardly ex-

* The same versatile earl who afterwards carried through the union with Scotland, and who also, disappointed in his ambitious views at the accession of the family of Hanover, headed the Scottish insurrection of 1715, which ended in the ruin of his own and many other noble families.

pected. After it was resolved to be gone, it was thought fit by all your friends, that one should be sent to let you know the reason of our leaving the convention, and receive your commands, which the Laird of Cullen undertook that before we was to go off; just as the convention was sitting down, there came one to the Viscount of Dundee, telling him, that there were six or seven men in a house intending to murder him and Sir George Mackenzie, and that if he would get a warrant he might instantly carry them to the house where they were; so soon as the convention met, he told this to the Duke of Hamilton, who proposed it to the convention, but they absolutely refused to meddle in it, but went to other affairs. This made the Viscount of Dundee press yet the more to be gone than before; so evident a piece of justice being refused him, though he offered to prove it at the bar, neither was there any of your friends who could think themselves longer safe, which certainly the other party was extremely glad to see, for all they desired was to have the house alone: It is not to be doubted but they made several such things to pass purposely to frighten us, but it was hard trusting men who had the power in their hands, that they would stop to put it in execution what so many of them have publicly professed, and at least, not condemnedly, the most moderate of the party, when their interest or revenge was concerned. But after all of us were fully determined to make the best of our way the next morning to Stirling, the Marquis of Annandale's heart failed, so some who went down to him, thinking to get him to go along, he desired we might go to the place we ordinarily met in, and stay yet another day, which we all consented to, and that we might the better cover our design of going away, we resolved to go for that day to the convention; just as we were almost dispersed and gone to the house, the Viscount of Dundee came in, who knew nothing of the Marquis of Annandale's delay, nor of your friends resolution to stay a little longer for him, but expected all was just a-going; he was mightily surprised at their resolution, and told me, notwithstanding of that, he would go before, and if any got out in town he would wait for them.

It was very evident his going away would give the alarm, which made me extremely earnest that he might stay one day longer; but he had before made an appointment with some to go with him, so he went straight away with about fifty horses. As he was riding near the castle of Edinburgh, the Duke of Gordon made a sign to speak with him at the west side of the castle, where, though it be extremely steep, yet he told the duke all that was resolved upon, and begged he might hold out the castle till your friends might get him relieved, which he positively promised to do. Whilst they were speaking, some of those who were set to blockade the castle, perceived them, and came running into the convention, and told them, That there was a great number of horse gathering together, and that the Viscount of Dundee was talking with Duke Gordon, which they looked on as a horrid crime; after they had outlawed him, their fears also increased, believing it was a general design against them, and that which augmented their fright the more was, that several messengers brought word after other, that they were still increasing; at last the Duke of Hamilton, in a mighty fury, told the convention, That now it was time to look to their own safety, since the papists, and enemies to the settling the government, were so bold as to gather together; That he doubted not but there were several there among them who were on the design, therefore it was his opinion, that the doors should be immediately bolted, and the keys laid on the table; That some of their number should be sent out to beat drums, to gather together all those well-affected to religion and liberty; That he had brought some foot from the west country, fearing the designs of their enemies to defend them. What

* Dundee as military executioner, and Sir George Mackenzie as criminal prosecutor, during the persecution of the covenanters, were of course peculiarly obnoxious to the western men who had been brought into Edinburgh in arms.

he said was approved of by all their party, several of them also bragged of the numbers they had brought, and called them thrice as many as they were. The Earl of Loudon was pitched upon to go out and gather them together, which when he had done, there never were so miserable a parcel seen; nor is it to be doubted, if your friends had known their own strength, and not believed your enemies to be far stronger than they really were, they might, with all the ease imaginable, that day have effected and vindicated your right, and defeated your enemies.

Such of your friends as were locked within the house, and guarded likewise without, looked on themselves as undone; and the thing that saved them was, that they could come to no resolution among themselves, but I cannot say much of their intentions, having it from some that changed parties so often that I cannot assert nothing on their credit. The fear being a little over, and that they saw they had the most of your friends in their power, and that there was no tumult in town, nor that the Viscount of Dundee grew any stronger, but was marching away; so they ordered one Major Buntin to gather all he could together and follow him, which he did; but never came within sight of him.

After that they had secured the town, and thought themselves out of hazard, Duke Hamilton dismissed the convention to the great satisfaction of all your friends, little expecting they would come off so easily, and all this noise ended in nothing; but with that also ended all hopes of setting up another convention at Sterling, for the Marquis of Annandale gave it quite over, Earl of Marr made a feint to get out of the town, but went by the only post that was guarded, and was stopped there and brought back, and gave his parole not to stir out of Edinburgh without leave of the convention; these two giving it over, every body that was apprehensive shifted for themselves and lurked in Edinburgh; next day there was a mighty change, for several, either out of fear or interest, left us; those of note were the Earl of Marr and Argyle, who changed thoroughly, and went along with every thing that could be proposed; several also, both of barons and burgesses, did the like, so that by such of their friends as left the house, which did likewise some of the bishops, they got their meeting almost to be unanimous.

The night thereafter, they searched the town for some officers they suspected, yet found none, but one that had a mind to be taken, Lieutenant-General Douglas. When he went to England with the army, he certainly knew nothing of any design among them, but he had not conversed long with the Lord Churchill, Kirk, and some others, but he grew one of the hottest of the party, insomuch, that he proposed to my lord to betray and carry in his regiment, as I was informed by the viscount a while after; before he made the proposition, he told him he had one affair of great consequence to them both to tell, if he would give his oath never to reveal it, which when he had done, though he abhorred the motion, yet he thought himself obliged in honour to conceal; so soon as he cleared himself to Duke Hamilton of any design he had against them, he was dismissed; this he could easily do, for none in all the Revolution acted a blacker part, for he not only sent in a battalion of the Scots guards, but was on all the designs of betraying, and above all, laid down his employment to get the greater credit with your friends, and at the same time was engaged to the Prince of Orange, to let him know what passed and was designed by his enemies.

Being now free of most of these that obstructed them, some quitted the house, and others joined with them, they fell heartily to work with the affair upon which they had met, but fearing lest the Prince of Orange should think they went slowly on, they

* The sudden appearance of these concealed forces is described by Sir John Dalrymple with the pencil of a painter. "They showed themselves," he says, "in the streets, not indeed in the proper habitments of war, but in arms, and with looks fierce and sullen, as if they disdained their former concealment."—DALRYMPLE'S *Memoirs*, vol. II. p. 306.

sent up the Lord Ross with a letter containing the reasons of their delay, which were, that now they were free from those who had opposed the settling the nation, and doubted not but to come shortly to conclusion to his satisfaction; next chused a committee for settling the government, and another for considering the present state of the nation. What was done, or failed in either, I cannot give a full account, having first left the house, so can say little but from other hands, and both parties being concerned the one against the other at that time, a considerable allowance must be given to both their reports, if one desire to know the truth impartially; but still there remained some of your friends that gave them some trouble, particularly Sir George Mackenzie, the Archbishop of Glasgow, and Mr Ogilvie, who behaved themselves extremely well, when the chief affair came in of settling the government; but reason signified little to men that were resolved to go through with what they had begun, nor could it have signified much upon another account; for among them all (generally speaking) there was never seen such a set of men gathered together, for they had few, save Sir James Murray and John Dalrymple, that could make the least reply, but only put it to a vote, which they were sure to carry among themselves; likewise there were some divisions, some would have the crown declared immediately vacant, as was done in England, and the Prince of Orange proclaimed; others (who were cautious, would willingly have seen a little better about them before they made so bold a step) proposed an union with England, and took all the pains imaginable to engage your friends into it, and so bring them back to the house, alledging, there would be nothing so much for your interest as the gaining of time, and if that this proposal did not go on, the government would be presently settled, but if it were once set on foot, and your friends assist it, several months would be spent before any such treaty could be ended.

The chief of these who managed the affair, were the Viscount of Tarbat and the Lord Stairs; your friends soon perceived that they only designed to do this as effectually for the Prince of Orange by an union, for all that were for this have consented to the Prince of Orange's being king, and to all that was done in England; thus to free themselves of the odium of such a deed your majesty's business succeeded and ended, then they wanted not apprehensions, for your affairs in Ireland were vastly magnified both by your friends and by your enemies; this prospect took extremely with these that had a mind to trim, or were not in hopes of employments, but there were two different interests in the house against it; for Duke Hamilton, and all he had influence upon, who expected the great employments for himself and children, as the reward of his service; then the bigotted fanatics, who feared that such a union, where the church of England was the strongest party, might be of ill consequence to their kirk, which they designed not only to establish upon the old foot, but according as they did before, endeavour the reformation of their brethren in England.

The two parties were by far stronger than the trimmers, especially since your friends would not meddle, so that they never ventured to propose it publicly. A few days after they were certain that the Viscount of Dundee had gone by Sterling to his own house, they sent an herald and a trumpet to command him and my Lord Livingston to return, under the pain of being denounced rebels to the estate. My Lord Livingston obeyed, and was immediately dismissed, being then no member of the house, and having nothing to lay to his charge; the Viscount of Dundee wrote a letter excusing his not obeying their order, wherein he gave the reasons for which he left the convention, which were, that he could stay no longer in that place, after that he had told,

* John Paterson, son of John Paterson. Archbishop of Ross. He had been preferred to the see of Glasgow upon the arbitrary removal of Alexander Cairncross in 1687.

* There was a design to make the union and settlement of the crown go hand in hand. And certainly, in the distracted state of England, Scotland would have obtained better terms than it was afterwards her lot to acquire in.

in full convention, of so many of his enemies who designed to murder him, yet could have no justice; he told also, he could not think that convention any more free, wherein there were so many brought in from the western countries to overthrow its members, nor where they were guarded with foreign troops, for just at this time Mackay was come down from England with four Dutch regiments; but if they would do him justice, and give him assurance of liberty, he promised to return immediately.

I have given this account the more full, because it was insinuated, after my Lord Dundee went to the Highlands, that several of your friends broke their engagements to him, and did not go along, but was so far from being in any such engagements, that they would have disobeyed you if they had gone, for your positive commands were sent with George Hay. That if we saw there could be nothing done in the convention, then we should quit it, and keep as quiet as could till farther orders, and until you could send us assistance from Ireland; but the design of going to Sterling made the one go for the other, so that was ruined by the faint-heartedness of the Marquis of Annandale, and some others. All that knew your commands endeavoured to retire home, and save themselves; nor did ever the Viscount of Dundee resolve to meddle until he had your orders, except he had been obliged to save himself from a party that came to apprehend him. Notwithstanding of the difficulties that your friends had met with, some of them did not give over hopes of breaking the designs of the convention, and get another to meet in some safe place: that which raised this was the coming down of the Duke of Queensberry; the duke from the noise of the invasion had appeared sincerely in your interest, and must do him justice to say, I never saw any man more concerned than he was for the steps his son¹ made in England, after your majesty was gone; he joined in all the meetings we had for your service, and employed what interest he could to get commissions for the shires he was concerned in choosing as we wished; nor could any thing be complained of him, but his too long stay at London, for if all your friends had appeared as they promised the first day of the convention, they had by far been strongest; and if Scotland had then declared for you, when you was almost master of Ireland, the Prince of Orange had passed his time ill in England, considering he had France to deal with on the other side. This made us extremely concerned, since that we could do no more in that convention, either to get another to counteract them, or to get them forced from Edinburgh, which would have made a great delay before the time they could have another convention established, and which they intended to set up at Glasgow, if they had been forced from Edinburgh. The only thing could be thought of by all your friends to get this done, was to engage the Duke of Gordon to fire upon the town; which certainly would have broke the convention, for they always suspected some design of forcing them from Edinburgh. In this resolution, no man seemed so forward as the Marquis of Annandale, for it was of great concern to have him so; for after the Earl of Marr² had entirely quitted us, and by that they had got Sterling into their hands, there was no man in the nation (considering how all affected his Highlands were) could be so useful, if your friends had retired northwards, as was intended, till they had received your orders from Ireland; and that which made us depend on him (for all the escapes he had made) was the great influence the Earl of Dundee had with him, and he applied all his endeavours to keep him to his duty, and acted in all your concerns with as much zeal and affection (till he was made prisoner) as any ever served you.

The Countess of Errol, who had kept intelligence with Duke Gordon, from the time the castle was blocked up, undertook to let him know our advice, which accord-

¹ Lord Drumlenrick, often previously mentioned.

² The Earl of Marr was hereditary keeper of Stirling castle, and his feudal strength lay in the vale of the Dee, bordering on the Northern Highlands.

ingly she did; but he absolutely refused to do any thing but defend himself, until she had your majesty's orders; so our whole designs were broke, for since there was no way found out to make them leave Edinburgh, all of us seeing that there was no more to be expected either from the convention, or from those that pretended to be our friends, left the town and retired home; such as the Earl of Home, Viscount of Stormount, Viscount of Oxenfoord, Lord Sinclair, Earl of Southesk, Earl of Panmure, Mr Henry Maul his brother, the Sheriff of Bute, several others. A few days after the committee prepared all that was intended in the convention, but found great difficulty how to declare the crown vacant; some were for abdication, as had been done in England; but that could not pass among the most violent of them, for it could not be imagined that your majesty had left Scotland; others were for making use of an old obsolete word, *forfeiting*, used for a bird's forsaking her nest; but Sir John Dalrymple ended the debate, by such reasons against both, that they agreed to his new proposal, which was, That your majesty, by committing such acts as he named, forfeited your right to the crown, making this childish distinction, that they intended not to forfeit you as a traitor, but only declare you forfeited; which would make the affair clear, and take off any pretensions the Prince of Wales might afterwards have.

This immediately was taken, and voted the next day by all present, except five, the Archbishop of Glasgow, Sir George Mackenzie, Lord Boyne, Mr Ogilvie, and one Barrough; all the rest which did intend to go along, had left the house. After the crown was declared vacant, Duke Hamilton proposed filling it again; and although, as president, he was not obliged to vote, first to declare the crown vacant, and next that the humble offer thereof should be made to the Prince and Princess of Orange.

This was more unanimously than the other, for the Duke of Queensberry and Marquis of Annandale, who had been absent from the first vote, came and assented to the second; and told the house, that they were not fully convinced of their right, in declaring the crown vacant; but since they had done it, they acquiesced, and none deserved so well to fill it as the Prince of Orange; and afterwards went with the rest to the market-cross of Edinburgh, where they were declared king and queen of Scotland, where the Duke of Hamilton, to shew his zeal, did there the meanest action that ever could be heard tell of in a duke, for he officiated as clerk, and read from the cross to the people the Act of Convention. Next they voted Lord Lorn, Sir James Montgomery, and Sir John Dalrymple, to carry up their offer, with their grievances and clamour of right, which were the conditions pretended as giving him the crown, and that they might be in greater safety during the adjournment which they were to make, until they knew whether the Prince and Princess of Orange had accepted of their present.

They voted a full power to Duke Hamilton, to imprison whomsoever he suspected, until the return should come back, fearing if such a power were lodged in many, some advertisements might be given.

The first that found the effects of this power was the Viscount of Dundee, and myself, occasioned by your majesty sending over one Mr Brodie, with letters from Ireland, wherein you gave us the same orders that before you had done with Mr Hay; which was to do nothing until your further orders, and that five hundred foot and three hundred horse, which you had ready to send, were landed: These letters were taken by the folly of Mr Brodie, for he had told all his business to one Mr Thomson, who came over with him out of Ireland, on purpose to betray him; and even after he had discovered him to Duke Hamilton, and that he was seized on and searched, they could find nothing about him, all his letters being hid in a false bottom of his walleese; nor had they any suspicion where they were, until he eased all their minds, by telling all he knew of the matter, from whom, and to whom he came, which had never been known but by him, the letters having no directions. Duke Hamilton, by virtue of the power given him, immediately ordered the Earl of Leven to send over one hundred

foot to my Lord Dundee, and as many to me; but his house being twenty miles farther off than mine, besides having the river of Tay betwixt him and them, and having a good party of his own regiment constantly with him, they found it not so safe to apprehend him; but I was taken, and brought to Edinburgh, and put in a common gaol. I had the liberty of it at first, for some days that the convention did not sit; but how soon they met and read the letters, there were never men in greater rage, than generally the whole house was against me. Upon reading of one from the Earl of Melfort to me, wherein, after he had given us assurance of speedy relief, he expressed himself much after this, That he wished some had been cut off that he and I spoke about, and then things had never come to the push they were at; but when we get the power again, such should be hewers of wood and drawers of water. This Duke Hamilton took as meant of himself, but what the Earl of Marr's intentions were in these expressions, I cannot determine; but to justify him and myself, I do declare, That he never in his life made the least insinuation to me of any such proposition; but whatever he intended by them, nothing could have been more to the prejudice of your affairs, nor for my ruin, than this; which did shew, that nothing but cruelty would be used, if ever your majesty had returned.

These letters were printed both in Scotland and England, and were like to have their designed effect; for when they were read in the convention, though I had many relations there, yet few appeared my friends, except the Duke of Queensberry, which was the more generous in him. And until your majesty's departure, I saw his inclinations sincerely to follow you, for we had been in very ill terms. He told the house, he doubted not but the Earl of Melfort had writ these letters on purpose to ruin me; and if letters coming to me could be made criminal, it was in the power of every man's enemies to expose him to what he pleased. That which inclined the Duke of Queensberry to believe this the more, was, that he knew of my concurring with many of your faithful servants, (notwithstanding of my friendship and relation with the Earl of Melfort) to desire your majesty by Mr Lindsay, Captains Carleton and Collin, who were sent to you, to entreat that the Earl of Melfort should not come along with you; for, at that time, there was never a man in any nation so abhorred; insomuch, that whatever came from your majesty, if he was thought to be the least concerned in it, there needed no more to give all the Isle of Britain a prejudice against it. This, I confess, made many of us desire of your majesty that he might not come along with you: that there were some that did this out of perfect pique, I cannot deny; but these were but a few to the vast number that did otherwise sincerely for your majesty's service, finding how obnoxious he was to all parties, nor had he greater enemies in the nation; the generality were Roman catholics. Though what the Duke of Queensberry said did shew his inclinations, yet it did signify nothing to allay heat; for Duke Hamilton told him, he had as little reason as any to satisfy me, for he doubted not but he himself was also meant; and generally all of them thought they were comprehended under hewers of wood, and drawers of water: So I was voted close prisoner, where I was kept four teen weeks, till after the castle of Edinburgh was surrendered, at which time I was put in there; nor did they limit their rage and malice to me, only by all, they thought I was concerned in this, and likewise must feel it; and to make the greater noise, they apprehended several gentlemen, whom they thought my friends, and put them likewise in common gaol; and it was proposed by the Earl of Crawford, that the Lord Lochore, who was one of those taken with me, should be made close prisoner: He said, he was sure (considering the friendship I had for him) he knew all that was designed, or had been acted in the late civil government; but this even Duke Hamilton did not incline to, but the other urging it, was brought to a vote, and carried in the negative only by three.

The first thing the new committee did, was to order that Mackay should send some

troops of dragoons about by Sterling, to apprehend my Lord Dundee, who had kept still at his house of Disdope, or Dudhope, near Dundee, and at another which he had at the Glen of Ogilvie; but when he knew of their coming against him, he was obliged to retire, not being near their number, rather knowing that these dragoons were so well inclined to your service, as their behaviour shewed thereafter; but at this time they were not come to understand one another, and so knew not their intentions. A few days afterwards Mackay himself came into the country with eight hundred foot, the Colchester regiment of horse, and four troops of dragoons, which forced Dundee to retire yet farther northward, to Duke Gordon's country, where the Earl of Dumfermline met him with sixty horses; but Mackay being so strong, and still pursuing him, that he might not be idle, since that he durst not meddle with Mackay, he turned from him, and by long marches through the Highlands came down to Perth, where the Laird of Blair was lying with one of the new-raised troops; and before they had any notice, makes him and some other officers prisoners, seized all their horses, and then marched to Angus, thinking to surprise the Lord Rollo, who was raising another troop; they not being able to march with what expedition was requisite, his horses being extremely fatigued by the long marches he had made, for at that time there was no grass in the fields, Lord Rollo had account of Blair's misfortune, and so had time to escape. Then he marched to the Highlands, that he might meet with the clans in Lochabber; where they all met him, or sent assurances of their readiness to join with him for your majesty's service, except the Laird of Mackintosh.

Some days after, the Viscount of Dundee took two expresses going from Mackay to Colonel Ramsey, with orders to come up through Athole, and join him; thus seeing he was like to be environed, chused rather to attack one of them before they joined together; and having gathered about two thousand men of foot, with the few horses he had, marched straight against Colonel Ramsey, who had a commanded party of twelve hundred foot of the chief of all their army; but as soon as he had notice of Dundee's coming against him, immediately retired with that haste and disorder, that he blew up all his ammunition, and marched night and day till he was out of that country. Dundee not being able to overtake him, came and stayed some days at Badenoch, where he got the alarm that Mackay was coming to attack him: That he might know the better the enemy's strength and motions, he went with a small party to view them, leaving the horse to the Earl of Dumfermline, and the foot to Lockyeall, who, hearing the enemy were strong in horse, which is the only thing that terrifies the Highlanders, he drew off from the ground Dundee left him on to a stronger; but when he came back to draw up his men to attack Mackay, thinking to find them where he left them, they were so far from it, that the day was spent before they could come in sight of Mackay, and before next morning he was decamped; otherwise, it is like Dundee would have given a good account of him. Thereafter to have drawn Mackay to an engagement, he marched to the castle of Rivan in Badenoch, into which Mackay had lately put a garrison, and summoned the governor to render the place: this was on the 29th of May; at first he refused, but when he saw all things ready to attack, he desired to capitulate, and after some formalities rendered the place, which Dunmore immediately ordered to be burnt. Afterwards he marched on to find out Murray, and was not a little encouraged to it by a message he got from the regiment of Scots dragoons, which had been commanded by the Earl of Dundee, by which they assured him of their readiness to obey his orders. Before they left England, the soldiers of the regiment intended to have all quitted, or done as his own regiment of horse did; but being assured by some of their officers, and particularly by Captain Mackay (in whom they had great confidence) that the officers only intended to keep together for your service, and that they never resolved to serve the Prince of Orange,* they were per-

* See the Memoirs of Captain Chreighton in Swift's Works, edit. 1814, vol. X. p. 180.

suaded and came down to Scotland, and embraced the first opportunity of shewing their intentions; but the matter was unfortunately discovered by Captain Forbes, who had been commander of the castle of Rivan, and who, in the way, had seen one Provensal, who was sent from the officers coming back from my Lord Dundee; this he informed Mackay of as well as Dundee's march, which occasioned him presently to decamp, so that next morning, when he thought to have found Dundee, where Provensal had informed him that he lay, he got notice he had marched all the night, and was got the length of Balvenny. My Lord Dundee, to get betwixt him and the low country, marched up Glenlivet, and turned down Strathdon; but Mackay getting an account of his march from Gordon to Edinglassie, retired with all the haste he could, and Dundee pursued so fast, that about four in the afternoon he came in sight of Mackay, but that place being so full of hills and other difficulties, it was almost eleven at night before he got up with him; and having marched in the dark of the night he lost sight of him again, and before next morning he was twelve miles off. Dundee finding his horse fatigued, and his men wearied, went into Edinglassie's parks to refresh them; where he did not lie above two days, when he had intelligence, from prisoners taken, and likewise from officers of the Scots dragoons, that Mackay was on his march backward to him, being strengthened by Colonel Ramsey's dragoons, and an English regiment of foot; and being stronger in horse, Dundee was obliged to retire, keeping always a strong rear-guard, as well for hindering his men from rambling, as for any apprehensions he had of Mackay, who made but very small marches; notwithstanding of all his care and strict commands, it was impossible to keep the Highlanders from plundering, so that eighteen or twenty of them were taken and immediately hanged by Gordon of Edinglassie, on the first tree he found.

Thus marching towards Badenoch, on the side of the river Spey, they met two hundred of Sir John Maclean's men coming to join with him, who that night were like to be cut off by three hundred English dragoons, who were close on them before they knew they were enemies; but as soon as they perceived them, they threw away their plaids, as their custom is, and run up to a hill, where they drew up; he who commanded the dragoons, finding he could not ride up the hill, ordered them to light and go up on foot, which the Highlanders no sooner perceived, but with sword-in-hand fell down upon them, killed fourteen and a captain, and put the rest to flight; and thereafter came and joined Dundee, who was marching to Lochabber: On the way he met Sir Alexander Maclean, who had brought out of Argyleshire two hundred men, most of them belonging to Lochore Mackay; and Gallashy, before he came to Lochabber, he dismissed the most part of his Highlanders (that country not being able to maintain them) except those who came along with Sir Alexander Maclean, they being far from their own country; and such as he kept by him of horse and foot he punctually paid out of his own pocket, and kept so good order, that the country was extremely well satisfied, and friendly to him; all the time he staid there was about two months. Mackay, finding he could do nothing against him in Lochabber, went back and dismissed his troops, to refresh them in a summer quarter. Thus each of them pursued and fled according to their present condition and strength by turns.

During the adjournment of the convention, all appeared very quiet, though at that time humours and discontents began to arise among themselves; the Prince of Orange not being able to satisfy the pretensions and avarice of them all; and those that had appeared early for his interest, and had been the chief instruments of raising the rabble in Edinburgh, and had shewn their zeal for him in the convention, thought they had better pretensions than those who came over with him, they having only acted what they had done out of necessity, being for the most part forfeited persons.

The Prince of Orange, till he got his business done, managed both parties so, that each believed he had all to expect; but after the convention, they quickly found their

mistake; for not only his own inclinations were so, for those that came over with him, but bent me entirely for them, and got the Lord Marshall, a creature of his own, made sole secretary of state for Scotland, and the council named, as he had a mind, at least of such as he knew; if they could do him no good they could signify as little against him, by which his power would be the greater.

In it were named some, more for shew of their families, or esteem for their parts; such as the Marquis of Douglas, Earl of Morton, Earl Marshall, Earl of Errol, and Earl of Eglinton, who, though they were not fanatics, yet were sure not to contradict any thing that was to be done; yet this dissatisfied extremely the presbyterians, who now thought they should have been admitted, but such as had given proof of their conversion, and so enraged several that had pretensions, particularly Sir James Montgomery, who thought nothing less due to his merit, than to be secretary; Duke Hamilton was little better satisfied to see that all the employments were neither at his disposal, nor given to his children and friends, for whom he had made so many fruitless attempts, both in your brother's reign and in your own. But the discontents and jealousies were generally known; yet they did not publicly declare against one another, till at the first session of their parliament, in June 1689, where Duke Hamilton was commissioner, and the Earl of Crawford president. In it they confirmed all that the convention had done, declared episcopacy a grievance, and made a new oath of allegiance, and made all the episcopal clergy to pray for the Prince of Orange as king, and the princess as queen, under pain of losing their benefices.

A bill was brought in and presented by the Earl of Morton, for incapacitating all those who had employments in the late civil government, from having any ever again; but this comprehended so many of themselves, that it was thought fit to lay it aside; nor was there much notice taken of it, by any party, all knowing it could not be his own deed, but put upon him by some that thought so poor a creature a good instrument, being a man of quality, to try how it would take; they were thus busy in your parliament about the middle of July. The Lord Murray, son to the Marquis of Annandale, went up to the Highlands, where his father's interest lay, and raised about twelve hundred men, pretending only to look after the peace of the country; but Buquhan, a gentleman of the name of Stewart, found out his intentions, and gave notice of it to the Viscount of Dundee. This gentleman, though he had always been a dependant upon the Marquis of Annandale, yet preferred his duty to your majesty to any obligation he had to that family, and, by the Viscount of Dundee's order, he put himself in the castle of Blair, and when my Lord Murray required him to deliver it up, he answered, That he kept it by the general's orders for the king's service; but not finding himself in a condition to reduce the place, sent to Mackay to let him know his house was kept out against him, and desired his assistance, which made Mackay draw together as quickly as he could possibly about four thousand foot, and two troops of horse, and marched strait forward to Athole; Dundee saw well the consequence of losing that place; for if once reduced, all other intelligence, with any part in the Highlands, would be cut off, and that country rendered incapable to assist, whom he confided most in of all the Highlands: Therefore, to prevent it, he ordered a rendezvous of all the clans, and got together near two thousand foot, and the few horse he had kept together; and having already wrote several times to my Lord Murray without any return, he sent Major William Graham, and Captain Ramsey, to lay before him the honour and advantage he might procure to himself and family, if he would heartily join with him for your majesty's service, and how easy it would be for them to reduce all your enemies in Scotland; for if they got but the least advantage of your enemies, and succeeded, all the world should know your majesty owed such a service to him only; but if he refused this favourable opportunity it was at his door. He was little moved with both these arguments, and would not so much as see these gentlemen, nor give them an answer.

These men he had raised were of another humour, and began to suspect, by his refusing to see these gentlemen, that his designs were not for your majesty's service: so all with one voice desired to know his resolutions, and that if he would join with Dundee, they would all follow him; and if otherwise, they would quit him.

The great subjection which the heads of clans had over their vassals, made him believe he would reduce them with threatnings: but they continued firm to their resolutions, and perceived plainly his intentions: So they filled their bonnets with water, and drank your health, and so left him.

He went straight and met Mackay, and gave him an account of the condition of that country, and what had befallen him. Just as the Viscount of Dundee was going down to Athole, Major General Cannon came from Ireland with three hundred men newly raised. Their arrival would have been very seasonable, if two accidents had not happened, which did Dundee by their coming more harm than good. 1. He had been daily promised by the Earl of Melfort, that a considerable body, both of horse and foot, should be sent with ammunition, and all other necessaries, which they were in great want of, by which many of the best gentlemen, that had followed him for several weeks, had not seen bread, salt, nor drink, except water. Instead of this, the clans saw all their expectations reduced to three hundred men, who were in as great want as themselves, which discouraged them extremely. Next, the loss of some provisions, as bread, beer, and cheese, which was coming to them, Colonel Cannon having made the ships (in which it was) lie too long at Mull, so that the English frigates came and took them; but notwithstanding of those discouragements, my Lord Dundee resolved to succour the castle of Blair.

So about the end of July, he marched to Athole; when he came to the castle, he called a council of war, having had intelligence that Mackay was entering by a narrow passage into that country, called Killiecrankie, many of these clans, and other officers, were maintaining that pass that Mackay should not enter that way, because they thought themselves not yet strong enough to encounter him; and that their great rendezvous was only to be in two days after, when they would be much stronger. But Dundee soon convinced them, that, in all appearance, he had a very fair opportunity, Mackay having then only two troops of horse with him; but, if he delayed, he would quickly bring up the English dragoons, which is the only thing the Highlanders are afraid of: So it was resolved on, to let Mackay enter the pass, and fight him at the disadvantage of double their number, rather than to stay till his cavalry joined with him. Mackay having ordered his battle all on one line without any reserve, and having drawn up his field battalions only three men deep, which made a very long front, my Lord Dundee perceiving this, was necessitated to change his order of battle, and to enlarge his interval, that he should not be too much outwinged. This consumed a great part of the afternoon; but having put all things in as good order as he could, he marched down to attack the enemy. The Highlanders endured their fire with a great deal of courage, without once firing till they were close upon them, and then they delivered their fire, and presently thereafter, with sword and target in hand, they broke in among them; and they not being used with this way of fighting, fell into such a consternation, that they defended themselves but faintly. My Lord Dundee charged upon the few horses he had: The English horse ran at first, without firing hardly a shot: so he ordered his horse to follow him to attack their cannon, and William Nairne, who had produced his commission only that morning, to be a colonel of a regiment of horse, got the command to the great dissatisfaction of the Earl of Dumfries, and many other gentlemen, who thought themselves injured, yet had that respect for your majesty's service as to make no dispute for it at so critical a time; he marched at so slow a pace after my Lord Dundee, that when he was come near the

cannon, he found himself alone, which made him call for them to advance more quickly; but Sir William not being too forward, the Earl of Dumfriesline, who was only riding volunteer, rode out of the ranks, and followed with about sixteen other gentlemen, beat the enemies from the cannon, and took them before the rest of the horse came up. When Dundee saw the cannon taken, the enemies horse fled, and his horse broke in through Mackay's own regiment, he rode up to bring down Donald Macdonald's regiment, who had shewn so great resolution as the rest of the Highlanders, and unhappily by the way received a shot in his right side immediately below his armour; he strove to ride off a little, but was not able, and fell from off his horse.* Though the Highlanders had charged with admirable courage, making the enemy run wherever they came; yet they were so overcome by the spoil, that so soon as they came among the enemies baggage, they stopped there, and by that lost the fruit of the victory; for by this means Mackay and several others escaped, which was impossible for them to have done, if they had been quickly perceived; besides there were two regiments, viz. Colonel Hastings' and Lord Levin's, who had been but little engaged; if these had had resolution, they might easily have fallen upon the Highlanders while they were intent upon the spoil, and so quite changed the fate of the day, but both neglected their opportunities; these two regiments were in such a consternation that they knew not what to do, but took the benefit of the darkness of the night to march off and make their escape, though many of them fell by the way, being attacked by some of the Athole men as they were passing Killiecrankie; Mackay's fled towards Sterling, where he arrived the next day with not above two hundred of his men; he lost above two thousand on the spot, and about five hundred were taken prisoners.* Never was there a more entire victory gained; yet your affairs, I must say, suffered prejudice by it, considering the great loss of the Viscount of Dundee, who was the man most proper for any such undertaking in the nation, for he very well understood the different tempers of those he had to deal with; and knew well when, and to whom it was fit to shew kindness, and also when to use roughness without severity; and though he was naturally more sparing of his money than profuse, yet wherever your majesty's service or ambition prompted he stuck at nothing, but distributed frankly whatever he could command, which gained him entirely the hearts of those who followed him, and brought him into such a reputation, that if he had survived that day, in all probability he would have given such a turn to your affairs, that the Prince of Orange could neither have gone nor sent into Ireland; by which your majesty would have been entire master of that kingdom, and in a condition to have landed what forces you pleased in Scotland, which was the only thing all your friends most desired.

Next day after the fight, an officer riding by the place where my Lord Dundee fell, found lying there a bundle of papers and commissions, which he had about him; those who stripped him thought them but of small concern, that they left them there lying: This officer, a little after, did shew them to several of your friends; among which there was one paper did no small prejudice to your affairs, and would have done much more, had it not been carefully suppressed; it was a letter of the Earl of Melfort's to my Lord Dundee, when he sent him over your majesty's declaration, in which was contained not only an indemnity but a tolerance for all persuasions: this the Earl of Melfort believed would be checking to Dundee, considering his great hatred to fanatics; for he writes, that notwithstanding of what was promised in your declaration, indem-

* From the hole made by the bullet in Dundee's buff coat, it seems that he received the wound under his armpit, at the moment his arm was raised probably to beckon on the cavalry behind him, or to animate the pursuit by the Highlanders.

* It is said, that general Mackay looked back upon the field, and perceiving that the pursuit had slackened, declared his conviction that Dundee, his old comrade in arms, must be no more.

nity and indulgence, yet he had couched things so that you would break them when you pleased, nor would you think yourself obliged to stand to them; this not only dissatisfied him, but also many of your friends, who thought a more ingenuous way of dealing better both for your honour and interest. Never were men in such a consternation as Duke Hamilton and the rest of the parliament then at Edinburgh, when they heard from these that fled the defeat of Mackay; some were for retiring into Ireland, others into the western shires of Scotland; nor knew they whether to abandon the government, or stay a few days until they saw if my Lord Dundee came nearer, for they never imagined he was killed; then they considered to set at liberty all prisoners, or to make them more close; the last was resolved on. So we were all shut up; but though all liberty was debarred us of seeing our friends, yet we never had so many visits of your enemies, all making excuses for what had passed, protesting they always wished us well, as we should see whenever they had the opportunity.

The fright of those who fled augmented their own loss, for Colonel Lauder, and several others, to excuse themselves, told all was cut off, when, a few days after, several came to Edinburgh, who they said had been killed; and there being no noise of the Viscount of Dundee's advancing forward, they began to take little more heart, and soon after they got notice of his death, which put them out of all apprehension; for they knew very well there was none in the army could make use of the victory, which soon appeared after that Colonel Cannon took the command on him, and he not only delayed marching down the country for several days, but the first thing he undertook failed, and his party baffled, and several of them killed and made prisoners, only occasioned by loss of time.

When he came to Dunkell, he had intelligence that the enemy had left some provisions at St John's-town, so he commanded a party to go and bring what was necessary for them.

Mackay had notice sent him at Sterling from the Laird of Weem, of Dundee's death, and the bad order the Highland army was in; whereupon he presently marched with about three thousand horse and dragoons towards St John's-town; Cannon's party were then in the town, and done all they came for, so were surprised; notwithstanding of this hard beginning, Cannon got together three thousand men and horses, and would have gotten many more had it not been for this unlucky undertaking at the beginning of his command.

After this Mackay advanced toward Cannon, who, not daring to meet such a body of horse in the plain country, was obliged to take himself to the mountains, making round the skirts of the Highlands, while Mackay was marching on the plain ground, every day in sight of the other, and exchanging bravadoes to fight; but the one durst as little go up to the high ground, as the other durst venture down to the plain; at this rate they kept together for a month's time, until Cannon got intelligence that twelve hundred of these called Cameronians were come to Dunkell, with a design to destroy the country of Athole; he marched back with all haste to them, and before they had any notice of his march, was so near them, that they could not retire, but were forced to get into the Marquis of Annandale's house to defend themselves; which they could never have been able to do, had not Colonel Cannon committed great oversights; for when he came to fire his cannons against the place, he had not so many balls as cannons, although there were many taken with Mackay's cannon at Killicrankie. This did so encourage the Cameronians, that notwithstanding their commander Cleland was killed, who was extremely brave, yet they continued to defend themselves so well, that Colonel Cannon was forced to retire for want of ammunition, as well as cannon-ball, with great loss both of his men and his reputation: From that time the Highlanders were much discouraged, and the season of the year far advanced, most of them went home,

the Irish and some gentlemen remaining, who had joined with him, and knew not where to retire.

Thus all the hopes of your friends were quickly dashed, and your enemies more and more encouraged, and so had leisure to finish their session of parliament; which, notwithstanding, ended with so little satisfaction to all parties in it, that most of them ran to London, some to complain that these things had not been performed, that the Prince of Orange promised when he came to the crown; others to defend themselves, for there were great animosities among them, particularly against the Lord Stair, who though always he had been fanatick, yet was generally abhorred among them, as they said, being a man neither of religion nor honour; besides he had complied with all governments, and had taken all oaths and engagements that were a-going for fifty years before, and was contriver of seals of them, yet never was faithful to any party.

The favours done by the Prince of Orange to the Lord Stair, and his son, and these other things not done in parliament, which he expected, made many dissatisfied; but to take off the odium of the last, and to shew he was not to blame for their not having all they desired in parliament, he caused to be printed all his instructions to Duke Hamilton, and laid all the fault on him, which he most patiently suffered, and might very well have justified it, since all he had neglected to do was to satisfy the most bigotted fanaticks, in not settling religion as they would have it, and whereabout they could not agree among themselves, so it was delayed.

The next thing was, the not restoring the forfeited estates, which indeed Duke Hamilton thought unjust, but not the less that his son and brother were so much concerned, being in possession of two of the best of them, by a gift from your majesty; but to do him justice, he was not for going such a length of extravagancies and cruelty, as these enraged fanatick rebels, who came over with the Prince of Orange, which made the most part of them his enemies, until they took a general hatred at Melvil. This made them join together more for interest than inclination; others went up to get the rewards of their services; but finding themselves disappointed of these employments, which they thought due to their merit, quite broke off from the rest; though, to cover their design the better, they continued still the most bigotted of the party. The chief of these were Sir James Montgomery, Earl of Annandale, Lord Ross, Mr William Hamilton, and Mr James Ogylvie, who at first in the convention had behaved himself very well; but by great promises made him by Duke Hamilton he went over to him, and finding himself disappointed, joined again at London, in all was proposed him for your majesty's service by Sir James Montgomery, who managed the rest as he pleased, and having got acquainted with Mr Ferguson, Mr Payne, Captain Williamson, and some others that were in your interest, engaged not only for himself, but for the others without their knowledge, trusting to his power over them. The first of his own set he proposed his design to, was the Earl of Annandale his brother-in-law, whom he found very frank, as he always was, when the change of a party was offered, then the Lord Ross, and laid before them two the ingratitude of the Prince of Orange, in not giving you employments, and the great offers made by your friends, if they would return to their duty.

He wanted not encouragement to say so, for Mr Paine had promised him all that his ambition, vanity, or avarice could suggest; nor were there ever two better matched than Mr Paine and Sir James Montgomery, for Mr Paine made him believe that he could dispose both of titles, of honour, employments, &c. and money as he pleased; and the other imposed so far upon him, as to make him believe he was able to turn the whole nation with a speech to do whatsoever he proposed.

After they had concerted their affairs together, and disposed of every thing according to their fancies, they proposed their resolutions of serving you to the Earl of Arran, then prisoner in the Tower of London, who embraced it most willingly, judging

it, that to get these who had been most eminent against you to come over, could not but make a considerable interest. The next step they made, was to send one over to your majesty, with the offer of their service, and advice how all things should be disposed of; though they found a messenger fit for their affair (called Mr James,) yet they had great difficulty how to get their commissions, titles of honour, and instructions to the parliament, worded according to form, for none of them knew any thing of the matter; but Sir Andrew Forester, who gave doubles of all they desired to Mr Ferguson, without knowing any thing of them, believing it could not be but for your majesty's service, since the Earl of Arran was concerned in it, after they had dispatched their messenger, with all his instructions, and having nothing to do until his return, Sir James and Mr Ferguson being openly declared enemies to the Lord Macdonald, wrote a pamphlet, which they called, "The Grievances." It gave great offence, and broke Sir James for ever with the Prince of Orange, and all his favourites. In which was laid open all their follies and breach of promises, with all the bitterness Mr Ferguson's pen was capable of, who had been in constant use of such undertakings for many years.

The winter 1689, was thus spent at London in their private councils, which made the Prince of Orange so weary of both sides, that he told Duke Hamilton, that he was so much troubled about their debates, that he wished he were a thousand miles from England, and that he were never king of it. Duke Hamilton, though he was extremely both the Lord Melvil's and Stair's enemy, who were the chief cause of these debates, yet they went not publickly to the meetings of your enemies, which was then called the Club, but lived in outward civility with all till the spring, that Lord Melvil came down commissioner, while they were thus hot upon their debates at London. The council of Scotland, where the Earl of Crawford constantly presided, without any commission, was very busy with the episcopal clergy, who had not prayed for the Prince and Princess of Orange, as was ordered by the last session of parliament, a great many were summoned before the council, and upon their refusal turned out, others who would have complied, and almost made appear by their defences, that it was impossible for them to be informed of the order in so short a time, were likewise turned out.

His zeal carrying all things before him, and the rest complying with all that he proposed; so that by the council, the rabble and their new-levied dragoons the worst of either, there were but very few in their churches before the next spring, save some that were willing to comply with every thing, which rendered them contemptible even to their enemies.

All that winter Colonel Cannon lived quietly in Lochaber, your major sent over Major-general Buchan next spring; so soon as he came, there was a meeting of all the chief of the clans, and other officers, who were there, to consider then what was fit to be done in that meeting.

It was proposed by some, that since they said themselves, out of all hopes of relief, which had been promised them, that then they should endeavour to make the best capitulation for themselves they could. But Sir Evan Cameron of Lochyeall, who had great influence among the rest, got them to change that resolution, until first they had your majesty's orders; telling them, that in your brother's service he had been reduced to far greater straits than ever they were, and would never capitulate, until he got the king and general's orders to do it; and that for his part, he was never resolved to hearken to any conditions without your warrant; and that he believed it would be a

1 This Sir Evan Cameron, well known in the Highlands by the name of Ewan Dhu, was the last during the great civil war who carried arms for King Charles, and laid them down at length on the most honourable terms. A memoir of this chieftain is printed in Pennant's Tour through Scotland.

scandal to them in the highlands to think of capitulating, so long as your majesty was in Ireland at the head of an army, and had so many friends in Britain, who pretended to be willing to serve you; whereupon they all agreed willingly to what he had said, and it was resolved, That (until the season of the year was a little better advanced, and the seed might be thrown into the ground before they made a general rendezvous into the fields, and that their friends in the low countries might come and join them) Major-General Buchan should have a detachment of one thousand two hundred foot to go down to the borders of the low country, to amuse the enemy and fatigue their troops, by alarming them in several of their quarters. Immediately he marched with them down Strathspey, and continued there without doing any thing, till they were surprised at Gromdale by Sir Thomas Livingstone, about the beginning of May.

The spring being far advanced, and the money that was laid on in the then last session of parliament exhausted, this put the Prince of Orange to great difficulties, either to grant the extravagant demands urged by Sir James Montgomery and those of his party, or to let all the army, which consisted of near ten thousand men, be absolutely ruined for want of pay. The more the club party saw him straitened, the more they augmented their pretensions; and being in this necessity, he seemed to yield to their demands, sending my Lord Melvil down with instructions to grant these things, yet only in case he could do no better, and so imminent danger from your friends, which gave him a pretext for yielding to several things in parliament, above his instructions, and contrary to the Prince of Orange's inclinations; (this was after the treachery of some of our number that had ruined all,) and for which he would have been in disgrace, if the villany of those who made the discovery of what was intended for your service, had not brought him off, serving as a prince of absolute necessity; for what he hid for several months before the parliament had been adjourned from time to time. This put the fanatics, and these who were to have their estates restored, in a mighty rage; that they began to doubt of his intentions, either to establish their religion, or to restore their estates to them; but seeing the Lord Melvil was named commissioner, and preparing to go down, they all took leave, most part very discontent: the Prince of Orange not having it in his power to satisfy the third part of these pretenders.

Having ended their affairs at London, both sides hasted down to Scotland, to secure their party: Such members as had staid there was only Sir James Montgomery, who was the chief manager of this party, who for some weeks staid behind and imparted his design to several of your friends there, who so believed him and trusted so much to his undertaking, that he had eleven hundred guineas given him by Mr Ashton to advance the interest, but the Marquis of Athole, to whom Sir James had imparted all his intentions, got the carrying of them down, and made his own use of them, as shall be made appear. Of all that had passed among the club party at London, and of their intentions to serve your majesty, nothing was known in Scotland among your friends, until the Earl of Argyle and Lord Ross came down; they openly exclaimed against the usage they had met with from the Prince of Orange, but there was little notice taken of it, considering the too unfitness of their tempers, until the whole set did the same: Their discourses made your friends hope some use might be made of their divisions, and so made them live more friendly with them than formerly. The Earl of Argyle, as he was always the most forward of his party, so in this he was the first that proposed the whole affair to the Earl of Dundee, and me, then in the castle of Edinburgh. He said, that I, of all men living, had least reason to believe what he was about to tell me, considering how he had used me in the convention, in leaving us abruptly, and becoming the most violent against us; he acknowledged his fault, and wished that the blood of his body could wash off the stains of his past miscarriages both to his king and friends, and hoped that these misfortunes should for the future serve as so many beacons to warn him to avoid the like in time coming, with a great deal more of this

sort, which he spoke with so much passion and appearance of sincerity, that we were but too soon taken with it, and were the more easily deceived, as being glad to find any returning to their duty; he told us likewise, that he entirely confided in us, and put his life and fortune in our hands, without pretending any trust from us, only desired we might live in friendship till the Marquis of Annandale, Duke of Queensberry, Earl of Arran, Viscount of Tarbat, and Sir James Montgomery should come to town, who would inform us of all that had passed at London; and since they had received your majesty's pardon for what was past, and now venturing their lives to serve you, they expected all your friends would join heartily in the common cause to ruin the Prince of Orange, and restore your majesty.

A few weeks after, the Lord Dunmore and we had our liberty, my Lord Melvil came down, and all the parliament members met, but were adjourned for a fortnight. This gave time to the club party to be industrious with your friends, to come in and join with them for settling religion and the peace of the nation, as they pretended, for any design for your majesty's service was to be kept secret amongst a few. The difficulties were extraordinary how to reconcile such different interests, tempers, and persuasions, as were that of your friends and the club party, for they, both in convention and parliament, had been the most violent against your majesty and your friends: Besides, their whole design at the bottom, was for the height of violence and oppression; for their greatest quarrel at the Prince of Orange, was for not suffering them to go to all the extravagancies of their religion and revenge, which is so mingled together, that it is hard to know the one from the other; and they were likewise divided among themselves, for none, except James Lord Ross, Earl of Argyle, and Mr Ogilvie, were to know of any resolution to serve your majesty; and Duke Hamilton and his followers had no design but the ruin of the Lord Melvil and Stair, and to get the session filled with his own creatures, having at that time many law-suits in hand; but though they had all different designs, yet they all agreed in this, That nothing could be done, except your friends could be persuaded to join, without they saw Lord Melvil and Stair's party could be too strong for them, having all the profitable employments and session in their hands.

Sir James Montgomery undertook to manage this affair, pretending he knew the inclination of a great many of your friends, who would join with any party to ruin the Lord Melvil and Stair, and keep public burdens to be employed in parliament, and to oblige the Prince of Orange to establish the session, according to the claim of right voted in the convention, and to have a *habeas corpus*, and freedom of speech in parliament. These were the pretexts he made use of, which were so taking with the most bigotted part of them, that they doubted not to get these acts passed, if we would join with them in all other demands, which were to have the presbyterian government established at its height of power, the king's supremacy, and the committee of parliament called the Articles (which was already voted in the convention a grievance) taken away; thus by the quality of them was believed at first to be all the design, without knowing in the least that it was only to make them disobliged at the Prince of Orange, if he should refuse their demands, and to try next if your majesty would grant them, for all kings just or unjust are alike to them.

To all your friends it was very evident, how great an advantage might be had, by joining with the violent party, for by that we thought ourselves sure of breaking their army, which consisted of about ten thousand men, and which must be immediately disbanded, when they saw the parliament establish no fund, neither for paying their arrears nor subsistence, and all have gone in confusion; and your majesty being then in Ireland, and the Highlanders in a better disposition to rise, it were easy to make a good use of their disorders.

Sir James, in the first meeting we had with him, laid out the great advantages your

interest could obtain, if this succeeded; the strength of his own party, and all the influence he had over them. He told us likewise of their sending a messenger to your majesty, with assurances of their returning to their duty; but said nothing of the instructions, commissions, and pernicious advices he had sent along, believing (as undoubtedly) it would have hindered us from joining with them; for by this we should have clearly seen it was only trying to make a better bargain for themselves made them change parties, and not out of any sentiments of conviction for having done amiss; but though it was very evident to us what disorders we would make among our enemies, and what profit to your party by going into the parliament, yet to join with our mortal enemies, only to make the one half ruin the other, and to take the oath of allegiance to an usurper, and to comply with them in things that had always been against our principles, were so hard to get over, that some of us had greater difficulties to overcome them; nor even could any have done it, but the great desire we had to be instruments of your majesty's restoration, and ruin of your enemies.

There were two things that made us very willingly to join with them; the Marquis of Athole and the Earl of Arran asserted your majesty's knowing the design and approving of it, so far as to be convinced at that time, you thought it the greatest piece of service could be done you; next, the Viscount of Tarbat assuring us particularly, that the Prince of Orange was fully resolved never to grant any of these demands, which he knew the club party intended to propose in parliament. And being sure of their firm resolution never to grant any thing, except they obtained all they desired, we could not doubt to obtain all we pretended, which was the dissolution of the parliament. Nor could it be imagined but Lord Tarbat wished it as well as we, though on different motives, for then he was entirely in the Prince of Orange's interest, and trusted more by him than any of the nation, insomuch that at his coming from London he had a trust given him, that few subjects ever had the like, for he had a full power to make a cessation of arms, or peace, with the Highlanders, and to dispose of twenty thousand pounds sterling, as he thought fit for the Prince of Orange's service, and three titles of honour to whom he pleased; and was to give account of all that passed in parliament, and had full power to adjourn or dissolve, as he thought fit; but though he had all this trust, and might dissolve the parliament when he pleased, yet he durst not venture it; and though he had more enemies, there were more afraid of its sitting, than any of your servants; yet though he could get it easier done, and with less hazard to himself, by the high hand of the club party, and which would have the same effect to secure himself, and enrage the Prince of Orange at his enemies.

These considerations made him take more pains underhand than any, to engage you friends with the club party, and to get them to come to the parliament. To some who believed him, he said he designed nothing but your service; but to others, that it was for the good of the nation, by obtaining acts that would be so beneficial to it. Being thus made believe that your majesty liked the proposition, and hopes of doing what he designed, made us resolve, notwithstanding of all our scruples, not only to join with the club party, but to use all the endeavours to persuade our friends, and all those we had any influence upon, to do the like; which succeeded as we could wish, for most part of all who had continued so firm to your interest, resolved to follow our example, without desiring to know the bottom of that secret correspondence we had with the club party; some there were that made difficulty, the Earl of Home, the Earl of Lauderdale, Lord Oxenford, Lord Stormont, and the Master of Bute; but their reasons were out of apprehensions of betraying and yielding to the Prince of Orange, than any other scruples, though I doubt but some of them had their reasons, and so might they very justly, considering how nice a point it was; others appeared resolved, and engaged fairly, but when the time of the sitting down of the parliament drew nigh, they absented themselves, which gave great encouragement to Lord Melvil and all his

party to meet in parliament, who were in such apprehensions of success before, that several times he was resolved to dissolve it, and to take a venture of another ; but when they saw that several of your friends drew back, and had secured to themselves several votes, by dividing the office of every register in six, and giving each a vote, and one for a treasurer depute ; and by giving money to some, and promises of employments to others, they so strengthened their party, that they again took heart and resolved then to begin their parliament, which sat down the day of April, 1690 ; but notwithstanding all the sinister courses that were taken to procure votes, never were men in such apprehensions and fears as was Lord Melvil and all his friends, for they not only saw the danger of their whole party if they succeeded not, but immediate ruin to themselves from the Prince of Orange, to whom they had so fairly undertaken, after that he had read over the speech that he had got made for him, and that his president the Earl of Crawford had made another, all taken from the old prophets, which he applied to the occasion, as of Ezra and Nehemiah's building again the temple of Jerusalem : they brought in a vote about the election of a burgh, only to know their strength, which, though found above their expectation, they carried it but by six or seven, which makes a demonstration, that if these of your friends which engaged to us had not failed, we had outvoted them in that, and so consequently had all our design ; for it was firmly resolved among them, that if they had lost that vote, though of no consequence, they would have adjourned the parliament next day ; but gaining it, they took heart, and that which befel your friends in the convention happened just again ; for several who pretended to be our friends when they thought us strongest, left us immediately, and joined with the other party : Sir James Montgomery also failed, and several also he had engaged, for believing his interest far greater with them than truly it was, so from that minute we lost hopes of doing any good ; but seeing we had once made such a step, we resolved to stay in the house, though it should be for nothing but to hinder them from going on so fast in their design of forfeiting all those who had appeared for your majesty, and the giving money as soon as they intended to support their forces and government, but never men made a more miserable figure in any meeting, than your friends did in this ; after they saw themselves abandoned and outvoted in every thing, they had nothing to do but to sit and hear Duke Hamilton bawl and bluster, according to his usual custom, and then acquiesced to all that was proposed ; and Sir James Montgomery and Sir John Dalrymple scolded like kail wives ; that rogue, villain, and liar were their usual terms ; these two were the chief managers of both sides, Sir John pretending to mention the king's prerogative, Sir James the liberty of the subjects and claim of right, and though he was never bred with such undertakings, yet with abundance of confidence and eloquence he managed the affair, and if he had but wanted, Sir John Dalrymple and your friends had not been very indifferent, who had lost or won ; after they saw all their designs desperate, he had undoubtedly put them to greater straits, for the things he urged were very popular, and agreeable to the inclinations of many of the members ; notwithstanding of all disappointments, we were still to make them break among themselves, by proposing what we thought never would be granted ; but in this also we were disappointed, for my Lord Melvil, to justify what he and his party had so great a desire to do, but durst not adventure before, having got the pretext of the imminent danger of both the Prince of Orange and Kam,¹ were in, by the secret plots and contrivances of your majesty's friends yielded to all that was demanded in his instructions, he was allowed to pass what acts of parliament he should think fit, and establish what form of government they liked best.

Several days passed without daring to mention presbytery, though most there desi-

¹ These three letters seem to be a cypher. It would seem to imply kirk government or presbytery.

red it, knowing that it was contrary to the Prince of Orange's inclinations, who feared the consequence it might have in England; besides he liked best to have it undetermined till his affairs were better established, that he might keep both parties in hopes; but Sir James, in a fair set speech, spake out what they all wished generally, but feared to name, and that he knew there were instructions for settling religion; and he said he thought it was a shame for that meeting, it was not yet done, but the reason was well known, for some among them, to flatter the court (against their own principles) had delayed it; he knew likewise some were for one kind of government, some another, some were of a certain kind of presbytery called Erastianism, like that of Holland; but he told them, there could not, nor ought there any to be established in Scotland, but the presbyterian as it was in 1648; which was the government in the world not only according to the word of God, but best to disturb the extravagant power of kings, and arbitrary government, under which they had groaned many years. This speech to us that knew his secrets, seemed a little extraordinary; but he excused himself by being obliged to do so, otherwise would lose all credit with his party, and that it signified nothing since he knew that Lord Melvil never durst pass it, though it came to be proved. This speech was approved by the house, and a committee appointed to receive all the forms of government that should be brought before them, and to report their opinions of them; and till this was ready, they adjourned some days, during which Sir James received from Ireland a return of his message with Mr Jones. The first night he opened alone a great black box with papers, where all the commissions and instructions were, and then sent for the Earls of Annandale, Arran, and my Lord Ross, and told them the return of all was come; but that he believed there were several things among them would be improper to let the Duke of Queensberry, Earls of Linlithgow, Breadalbine, and me see, though we were only those of your friends whom they had trusted with your message these four times. After they had considered them all, made up another box of such as they thought fit to shew, and sealed it, to make us believe it never had been opened, and in a great haste Sir James desired us to meet in the Marquis of Annandale's lodging; and, after a formal discourse of his endeavours to serve your majesty ever since he went up with an offer of the crown to the Prince of Orange, and of the message he had sent your majesty, said he was now desired to meet with us to tell us, that he had got a return, and that there was a great bundle of papers come over, but considering we were all of one interest, he would not open it, nor look on any thing till we did it altogether, and entreated we might meet that afternoon; and to shew the entire trust he had in us, he would keep nothing that he knew from us, but would shew what he had received from the king. The Earl of Arran excused himself from meeting, pretending he was obliged to go out of town; but the true reason was, he thought they had cheated him in not sending for his commission to be general, as was agreed among them at London. The Duke of Queensberry also excused himself, so that none came but the Marquis of Annandale, Linlithgow, Ross, Breadalbine, and myself: Sir James brought in a black box, which was a burden for him to carry, which I looked upon and considered the seals, because I always expected a trick from him; he told us, he had brought all except a letter from your majesty to himself, without knowing, as he shall answer to Almighty God, what was in the box; which none of us believed, for he did quite change the packthread, and clapped on his own seal, after he had opened the box and shewn what he thought fit to bring. We were all in a great confusion to find that we had joined ourselves to such a crew, that had so much knavery to impose those things on your majesty, and so much weakness to think they could bring about all your enemies to declare for you without any force; they were in no less confusion than we, finding we saw their folly in undertaking things they had not the least shadow of power to perform.

They had promised to get all the parliament to declare for your majesty, and immediately meet in your name, and the Earl of Argyle commissioner, who was made a marquis, and Sir James made Earl of Air, Lord Ross likewise an earl, and all employments of church and state and army entirely put into their hands, and these of their friends were generally the greatest enemies to monarchy.

There were likewise great bundles of letters not directed, but left to their direction to be given to any of your friends they thought fit to trust, which indeed we thought a little hard to be put in their hands, who had been for fighting your majesty, and also endeavouring to ruin us on your account; besides what we saw, there were many other commissions, patents, and remissions that were made public by themselves, after they made their discovery to Lord Melvil; but though they were found to get these commissions when they came, they were confounded what to do with them. To keep them, they saw there would be no use for them, and they put them in a continual hazard, so it was resolved that they should be all burnt, but their patent. Next how to dispose of their messenger put them in a great disorder, which made the Earl of Linlithgow carry him to his house, some miles from Edinburgh, where, after he had staid some nights, he got from him all that Sir James had and concealed, notwithstanding Sir James wrote to Mr Jones, not to trust any of us with his message, but as far as he had already shewn; yet all was out before the letter came to his hands, besides Mr Jones had been but a few hours in Edinburgh, yet he plainly saw all Sir James's projects were miserably founded, which made him beg to be employed back again to your majesty; but few of us desired any more to do with Sir James or his messenger; for afterwards we had little meddling with them, though they extremely desired it, and yet we should send back Mr Jones with a blank sheet of paper, subsigning to be filled up when he came to your majesty with our advice, which the Duke of Queensberry, Linlithgow, Breadalbine, and myself absolutely refused, which almost broke us entirely with them, and the more because some of our number complied with their desires, for the Earl of Arran not only did it himself, but also got the Lord Murray to do it also, though he had not been engaged with us in any of your concerns; but on the contrary, we looked upon him as one of the principal destroyers of your affairs, both in the Highlands, and at the beginning of the Revolution. In the Highlands your affairs had no better success than in the parliament, for General Buntein having come too near the enemy, Sir Thomas Livingstone, with a party of dragoons, surprised him at Cromdell, killed about one hundred, made several prisoners, and dispersed his whole party. When this news came to Edinburgh of a defeat, your friends then repented their not embracing the offer of a cessation of arms made by the Prince of Orange, which Tarbat had the management of, but not being desirous to appear above board himself in such a transaction, he proposed it to the Earl of Breadalbine, with the offer of 5000*l.* sterling, if he could accomplish it, for the Prince of Orange was extremely desirous to have all settled before he went to Ireland, but the Earl of Breadalbine would not meddle in such an affair without the consent of your friends at Edinburgh, who at that time would not hear of it, so the Earl of Breadalbine very generously gave it over, though, besides the 5000*l.* sterling, he had other considerable rewards offered him; so after this departure, we were all willing a treaty might be brought on again, considering at least it would gain time until the Highlanders put themselves in a posture of defence. The Prince of Orange was just then going to Ireland, which made the Earl of Breadalbine endeavour to meet him to get the cessation ended, but he was gone before he got to him, by which the Highlanders were left to the mercy of their enemies, who might have ruined them if they had pursued the victory of Cromdell.

Your friends at Edinburgh were in no better condition, being forced to sit in a meeting in the middle of their enemies, and hear them establish presbytery, and rescind all acts that had been any way prejudicial to your interest, restoring all forfeitures and

finer, (though transacted for) that was granted by your brother or your majesty for these that served you against them; and above all, their forfeiting these who appeared for you in arms, except Sir William Wallace, who was overlooked, though they had as full probation against him as any of the rest; and, to finish our misfortunes, the considerable of these of that party we had joined, not only left us, but betrayed us so soon as they saw small probability of effectuating their own designs; which was the only thing they had still and all along aimed at, and not your service, as they pretended, some days before the Prince of Orange went to Chester.

I had notice given me by Mr Ogilvie, that the Lord Ross designed to go to meet him, and make a discovery of all he knew; which made us send the Earl of Linlithgow to him, to try if he had such inclinations; but he protested to the contrary with great oaths; some were inclined to believe him, and others were for taking a sure way to hinder his discovery, since their own lives and estates depended on your affairs; but it was of so dangerous a consequence and so unjust, unless we had great proof or suspicion, that most of us abhorred the motion.

A few days after, though he gave over his journey to Chester, believing by what the Earl of Linlithgow said to him, that we suspected him, and so might have way-laid him; yet notwithstanding of all his renewed oaths, he sent for one Mr Dundas, a fanatical minister, and revealed all he knew to him, and also told him, that he was under great troubles of conscience, and desired his prayers to enable him to open his heart to him; after long prayers, and many sighs and tears, he told him all he knew: God was thanked as being the effect, Mr Dundas's prayers being heard.

The next morning he sent the minister to Lord Melvil, to tell him, that he had a business of great import to tell the queen, for which he desired a pass, and immediately had it; and before he went, he told Melvil in general, that there were dangerous matters against the king and government, in which he had too great a share, and for which he sought God's pardon, but was denied, and was now going to seek it from the queen, to whom he would discover all he knew, when at London.

The first meeting he had with the Princess of Orange, he told her the whole affair, and laid all the blame on Sir James Montgomery; when she had heard all the history, she sent for the Earls of Denbigh and Nottingham, that he might tell it all over again before them; but when they came in, he denied all he had said to the princess; he never thought she would make any other use of it, than to prevent the danger she and the king were in; but nothing ever forced him to give evidence against those he had been in friendship with; for this he was immediately sent to the Tower, where he lay for eight or ten months; nor could any thing ever induce him to say more, though he had both threatnings and all arguments to enforce him. It was no sooner known that Lord Ross was gone, but his errand was made publick.

Mr Dundas, (according to the custom of his profession) made no secret of his confession, which so much alarmed Sir James Montgomery, that he resolved not to be long behind him, for he saw himself ruined by his violent party; he had been professing to all of them all along principles so far to the contrary, but to make a confession to his mortal enemy, Lord Melvil, to seek mercy from the Prince and Princess of Orange, who he knew abhorred him, were a hard step; yet with a good share of confidence and assurance of making a fine story of it to their advantage, he doubted not to succeed with Lord Melvil; he insinuated so far, as to be trusted to go to London, to tell his business himself; and to gain the greater credit with Melvil, he put into his hands what letters he had received from the queen, which was a joyful sight to him; for from that time they continued, he ventured to touch all the acts which was believed he could never do, which were displeasing to the Prince of Orange, though he was forced, to please the club party, to put them in his instructions, and several for which he had no warrant, making the imminent danger they were in an excuse of all. In

these letters were several promises of assurance from France, of men, money, and arms; he likewise gave up the instructions sent to the Earl of Annandale, when he should be commissioner to the parliament; but in all their discoveries there was never a word mentioned of their patents, and remissions were sent to Duke Hamilton, and others of their friends.

When Sir James came to London, he was so cautious as not to go near the Princess of Orange, till he had assurance, that in case they could not agree in their terms, he should not be detained, which was granted; but though he confessed most of all that passed of his transactions with your majesty, yet he would neither promise to be an evidence, nor give his advice how things might be prevented, which, to magnify himself, he made the hazard much greater than it was, unless he were secure of a full pardon of all the crimes he should name, and then have a good employment, pretending the lowness of his estate, which was drawn by the severity of the last government. The Princess of Orange would have willingly granted all he demanded, and wrote to the Prince of Orange in his favour in Ireland; but some things had passed betwixt the Prince of Orange and Sir James in private, which made the prince to have such an abhorrence of him, that he could not hear of employing him; a remission he would have granted upon condition of his being an evidence, but that could not do Sir James's business, so he absented, and a few months after did all he could again to justify himself to your friends, which took not with a few. The Earl of Argyle quickly followed Sir James; yet went not to London, but lived privately at the Bath, which, when it was known, there was a warrant sent down to bring him up; but one Mr —, who had been mayor of the town, helped him to escape. When he was come to London, Mr Ferguson maintained him privately for several weeks; at last, he, wearied of lurking, sent for Mr Lockhart, whom Lord M——l kept then at London to do business in his absence; he told of the mayor of Bath, and of Mr Ferguson, that had entertained him, and signed a confession the most scandalous that any thing of the name of a gentleman ever did, for he not only told what had passed among us in publick, but private conversations he had with several of your friends, and likewise of Payne all that had passed between them at first meeting, for which Mr Payne was put to the torture, and endured it with great courage and constancy; and that which made his part more base was, after Mr Payne had escaped out of prison, fled to Scotland; thinking he would be secure with the Earl of Argyle, he came to a country-house, and was taken there by Argyle's own servants, and brought to Edinburgh, where (upon the Earl of Argyle's confession against him in England) he suffered the uttermost barbarity. The treachery of these three made all our friends at Edinburgh so concerned, though they were not fully informed of their hazard, that most of them left it,

In answer to yours of the first of October I herewith send you from the records of our parliament a true and authentic account of the massacre of Glencoe, as you might easily call it. I wish this matter could have been forgotten to eternity; but since you say it is altogether needful for the vindication of the justice of our country against many false and malicious accounts that are daily given of that business in England, I am willing you print what I now send you; and that you may be furnished to answer all objections against the truth of this narrative, you may inform any gentleman of your

The Massacre of Glenco; being a true Narrative of the barbarous Murder of the Glencomen, in the Highlands of Scotland, by Way of Military Execution, on the 13th of February, 1692. Containing the Commission under the Great Seal of Scotland, for making an Enquiry into that horrid Murder: The Proceedings of the Parliament of Scotland upon it: The Report of the Commissioners upon the Enquiry, laid before the King and Parliament: And the Address of the Parliament to King William, for Justice upon the Murderers: Faithfully extracted from the Records of Parliament, and published for undeceiving those who have been imposed upon by false Accounts. 1703.

The abominable and treacherous massacre of the sept of Macdonalds of Glenco, has been always esteemed the greatest blot of King William's reign. The best justification of the monarch was, that he was persuaded by Dalrymple and Breadalbane, who had their own motives for destroying Glenco, that this unfortunate chieftain was a principal obstacle to the pacification of the Highlands; and it is added in William's behalf, that military execution did not sound extraordinary in the ears of one who had always lived at the head of armies. But it is impossible to deny the rashness and barbarity of the order, although it even seems to have been exceeded by the cruelty with which it was carried into execution.

It was not until 1695, that the cry of the nation produced some show of an enquiry into this bloody transaction. But to prevent its being moved in the Scottish parliament, where it was not likely to be so lightly passed over, the king directed a commission under the great seal to certain persons, all dependants of government, to take a precognition of that matter. The commissioners gave in the report, which is hereafter transcribed, acknowledging in plain terms the atrocity of the massacre; but declaring that it was not warranted by the king's instructions. The Scottish parliament, upon obtaining, with some difficulty, a copy of the commissioners report, drew up an address to the king, in which they charge the crime upon the *excess*, as they term it, in Secretary Dalrymple's letters against the Glenco men, and upon the subordinate agents in that cruelty, but exculpating Sir Thomas Levingston and Hill, the principal military commanders.

It was remarkable in these proceedings, that though they professed to be set on foot for the vindication of the justice and honour of government, yet neither was the justice of government signalized, for none of the perpetrators were ever called to account, several were preferred, and all such as thought it worth while to ask for remissions, obtained them; nor could it be deemed a more effectual vindication of the honour of government, since neither the address nor report were ever made public till after the king's death, and were then published by the Jacobites.

SIR,

IN answer to yours of the first of October, I herewith send you, from the records of our parliament, a true and authentic account of the massacre of Glenco, as you righteously call it. I wish this matter could have been forgotten to eternity; but since you say it is altogether needful for the vindication of the justice of our country, against many false slanderous accounts that are daily given of that business in England, I am willing you print what I now send you; and that you may be furnished to answer all objections against the truth of this narrative, you may inform any Englishman of qua-

lity, that is willing to be satisfied in the matter, that the report of the commission, the address of our parliament, herewith sent you, and the duplicates of the Lord Stair's letters, are, or were at least, in the Scots secretary's office at London; or, if they should happen to be withdrawn from thence, they may inform themselves fully in the truth of this from Mr Johnston, who was at that time secretary of state for Scotland, and had particular directions from the late Queen Mary to push on this enquiry, and search into the bottom of that horrid murder; for her majesty was grieved at the heart, that the reputation of the king her husband should have suffered so much by that affair. I would not, however, that Mr Johnston should know any thing of your design to publish this; for though you know as well as I, that his diligence to serve and obey the queen in this matter, was always judged here to be one of the chief causes of our nation's losing that able and honest minister; yet he is so nice in point of honour, that he chused rather to be unjust to himself, and to lie under imputations, than to give any part of those papers to be published, though frequently urged to it; because he said it would be undecent in him, that had once been his majesty's secretary, to do any such thing: therefore, though you are carefully to conceal this matter from him till it be published, yet as soon as it is, I must pray you, if you think it proper, to go and tell him that I beg his pardon for making this appeal to him without his leave; and though I may suffer in his good opinion by what I have done, yet, if this publication may any ways oblige him to do himself, his late master, and his country further justice, by telling what he knows more of the matter, I shall be the easier under his displeasure. I had almost forgot to notice, that the Duke of Athole, the lord chancellor, and Marquis of Annandale, all now at London, were members of the commission, who made the inclosed report; and however scrupulous they may have been in point of honour, to communicate any papers relating to this matter, they cannot in honour but own, that this history is authentick, if any of the English nobility think fit to enquire at them about it; but you must be careful to let none of them know any thing of your design to publish it, or which way you have this information; though, if they should come to know it, I chuse rather to incur their displeasure, by appealing to them, than to omit any thing that lies in my power, to vindicate the honour and justice of our country.

Edinburgh, Nov. 1, 1703.

Commission for the Trial of the Slaughter committed at Glenco, upon the 13th Day of February, 1692.

Gulielmus Dei Gr. Mag. Brit. &c. Omnibus probis hominibus, ad quos presentes literæ nostræ pervenerint, salutem. Quandoquidem nos considerantes, quod etiamsi nos, anno Dom. 1693, per expressam instructionem, potestatem concessimus, de mortuo Gulielmo Duci de Hamilton, aliisque, pro examinando et inquirendo de cæde quorundam cognominis de Macdonald aliorumque de Glenco, an. Dom. 1662, et de modo et de methodo commissionis ejusdem. Nihilominus inquisitio quæ tunc facta erat in prosecutione dictæ instructionis defectiva erat, nosque etiam perpendentes, quod methodus maxime efficax pro plena informatione accipienda de veris circumstantiis rei antedictæ, erit commissio in hunc effectum, cumque nobis abunde satisfactum sit de facultatibus et aptitudine personarum infra nominatarum in fines supra expressos: Sciatis igitur nos nominasse et constituisse tenoreque presentium nominare et constituere fidelissimos et dilectissimos nostros consanguineos et consiliarios, Joannem Marchionem de Tweddale supremum nostrum Cancellarium, et Guliel. Comit. d'Anandale et fideles et dilectos nostros consiliarios Joannem Dominum Murray, Dom. Jacobum Stuart, advocatum nostrum, Adamum Cockburn de Ormiston nostrum justitiarium clericum, Magistrum

Archib. Hope de Rankeiller, et Dom. Guliel. Hamilton de Whitelaw, Senatores Nostri Collegii Justitiæ, Dom. Jacob. Ogilvy Solicitorem Nostrum, et Adamum Drummond de Meggins (quorum quinque numerus erit legitimus ac cum potestate iis clericum suum eligendi) commissionarios nostros pro capienda precognitione et inquisitionem faciēdo de cæde prædicta, per quos et quomodo, et per quam coloratam auctoritatem commissa erat, atque in ordine ad detectionem ejusdem cum potestate dictis commissionariis, requirendi omnia warranta seu directiones quæ eatenus concessa fuere, atque etiam examinandi omnes personas, quæ in re antedicta negotium habuere atque etiam testes prout necessarium invenietur, sive per eorum juramenta, sive declarationes, et tunc postea dicti commissionarii nobis transmittent verum statum rei antedictæ una cum probationibus et testimoniis coram ipsis adducendis, uti post debitam et plenam informationem, necessarias directiones, eatenus concedamus prout nobis congruum videbitur. In cujus rei testimonium, presentibus, magnum sigillum nostrum appendi mandavimus apud aulam nostram de Kensington, vigesimo nono die mensis Aprilis, anno Domini milesimo sexcentesimo nonagesimo quinto, annoque regni nostri septimo.

Per signaturam manu. S. D. N. regis suprascriptam.

Written to the great seal and reg. May 20, 1695.

DON. RANNALD, Deputy.

Sealed at Edinburgh, May 20, 1695.

JO. DICKSONE.

In English thus:

William, by the grace of God, King of Great Britain, &c. To all good men to whom these presents shall come, greeting. Whereas we have taken into consideration, that though in the year of our Lord 1693, we gave power, by express instructions, to William Duke of Hamilton, deceased, and others, to examine and enquire into the slaughter of certain people of the name of Macdonald and others in Glenco, in the year 1692, and into the way and manner how the same was committed; yet, nevertheless, the enquiry then made, pursuant to the said instructions, was defective; and considering, likewise, that the most effectual method for receiving full information of the true circumstances of the matter aforesaid, must be by a commission to that effect; and being very well satisfied of the abilities and fitness of the persons under-named, for the ends above expressed; know ye, therefore, that we have named and constituted, and by the tenor of these presents do name and constitute, our right trusty and well-beloved cousin and councillor, John Marquis of Tweddale, our high chancellor, and William Earl of Annandale, and our trusty and beloved councillors John Lord Murray, Sir James Stuart, our advocate, Adam Cockburn of Ormiston, our justice clerk, Mr Archibald Hope, of Rankeiller, and Sir William Hamilton of Whitelaw, senators of our college of justice, Sir James Ogilvy our solicitor, and Adam Drummond of Meggins (of whom five shall be a quorum, and granting them power to chuse their own clerk) our commissioners, to take precognition and make enquiry into the slaughter aforesaid, by whom, and how, and by what colour of authority, the same was committed: And in order to the discovery of the same, we give power to the said commissioners to send for all warrants and directions, granted for that end; and likewise to examine all persons, that had any hand in the business aforesaid, and likewise to examine witnesses as shall be found necessary, either upon oath or declaration; and afterwards the same commissioners shall transmit to us the true state of the matter aforesaid, together with

the proofs and evidence that shall be brought before them; that, after due and full information, we may give such declarations thereupon, as to us shall seem meet and necessary. In testimony whereof, we have commanded our great seal to be appended to these presents.

Given at our court of Kensington, the 29th day of April, 1695, and of our reign the seventh.

Superscribed by the signature of the hand-writing of our most serene Lord the KING.

Written to the great seal, and registered the 20th day of May, 1695.

DON. RANNALD, Deputy.

Sealed at Edinburgh, May 20, 1695.

Jo. DICKSONE:

Upon the 23d of May, 1695, this commission was read in parliament, and the house voted *nemine contradicente*, That his majesty's high commissioner transmit the humble thanks of the parliament to his majesty, for ordering an enquiry into that matter, whereby the honour and justice of the nation might be vindicated.

It being urged that the commission should proceed with diligence, as being a national concern, and that the discovery be made known to the house before its adjournment, his grace assured them, that he doubted not of his majesty's giving satisfaction to his parliament in that point, and that before they parted.

The commissioners proceeded according to order, and made the following report:

Report of the Commission given by his Majesty, for enquiring into the Slaughter of the Men of Glenco, subscribed at Halyrud-House, the 20th Day of June, 1693.

John Marquis of Tweddale, Lord High Chancellor of Scotland; William Earl of Annandale; John Lord Murray; Sir James Stuart, his majesty's advocate; Adam Cockburn of Ormistoun, Lord Justice Clerk; Sir Archibald Hope of Rankeiller, and Sir William Hamilton of Whitelaw, two of the senators of the College of Justice; Sir James Ogilvy, his majesty's solicitor, and Adam Drummond of Meggins, commissioners appointed by his majesty, by his commission under the great seal of the date the 29th of April last, to make enquiry, and to take trial and precognition about the slaughter of several persons of the surname of Macdonald, and others, in Glenco, in the year 1692, by whom, and in what manner, and by what pretended authority, the same was committed, with power to call for all warrants and directions given in that matter; as also to examine all persons who had a hand therein, with what witnesses they should find necessary either upon oath or declaration, and to report to his majesty the true state of the matter; with the evidence and testimonies to be adduced before them, as the said commission more amply bears. Having met and qualified themselves by taking the oath of allegiance and assurance, conform to the act of parliament, with the oath *de Fidei*, as in such cases, did, according to the power given to them, chuse Mr Alexander Munro of Beircroft to be their clerk; and he having also qualified himself as above, they proceeded into the said enquiry, to call for all warrants and directions, with all such persons, as witnesses, that might give light in the said matter; and having considered the foresaid warrants and directions produced before them, and taken the oaths and depositions of the witnesses undernamed, they, with all submission, lay the report

of the whole discovery made by them before his majesty, in the order following: And, first, of some things that preceded the said slaughter. Secondly, of the matter of fact, with the proofs and evidence taken, when, and in what manner, the same was committed. Thirdly, of the warrants and directions that either really were, or were pretended for the committing it. And, lastly, the commissioners humble opinion of the true state and account of that whole business.

The things to be remarked preceding the said slaughter were, That it's certain the Lairds of Glenco and Auchintriaten, and their followers, were in the insurrection and rebellion made by some of the Highland clans, under the command first of the Viscount of Dundee, and then of Major-General Buchan, in the years 1689 and 1690. This is acknowledged by all. But when the Earl of Braidalben^{*} called the heads of the clans, and met with them in Auchallader, in July 1691, in order to a cessation, the deceased Alexander Macdonald of Glenco was there, with Glengary, Sir John Mac-lene, and others, and agreed to the cessation, as it is also acknowledged: But the deceased Glenco's two sons, who were at that time with their father in the town of Auchallader, depone, That they heard that the Earl of Braidalbin did, at that time, quarrel with the deceased Glenco, about some cows that the earl alledged were stolen from his men by Glenco's men; and that though they were not present to hear the words, yet their father told them of the challenge; and the two sons, with Ronald Macdonald, indweller in Glenco, and Ronald Macdonald, in Innerriggen, in Glenco, do all depone, That they heard the deceased Glenco say, that the Earl of Braidalbin, at the meeting of Auchallader, threatened to do him a mischief, and he feared a mischief from no man so much as from the Earl of Braidalbin, as their depositions at the letter A, in the margin, bears. And Alexander Macdonald, second son to the deceased Glenco, doth farther depone, That he hath often heard from his father and others, that there had been in former times blood betwixt Braidalbin's family and their clan, as his deposition at the same mark bears. And here the commissioners cannot but take notice of what has occurred to them in two letters from Secretary Stair to Lieutenant-Colonel Hamilton, one of the first, and another of the third of December, 1691, wherein he expresses his resentment from the marring of the bargain that should have been betwixt the Earl of Braidalbin and the Highlanders, to a very great height; charging some for their despite against him, as if it had been the only hinderance of that settlement: Whence he goes on in his, of the third of December, to say, That since the government cannot oblige them, it is obliged to ruin some of them to weaken and frighten the rest, and that the Macdonalds will fall in this net. And, in effect, seems even from that time, which was almost a month before the expiring of the king's indemnity, to project with Lieutenant-Colonel Hamilton, that some of them should be rooted out and destroyed. His majesty's proclamation of indemnity was published in August, 1691, offering a free indemnity and pardon to all the Highlanders who had been in arms, upon their coming in and taking the oath of allegiance betwixt then and the first of January thereafter: And in compliance with the proclamation, the deceased Glenco goes about the end of December, 1691, to Colonel Hill, governor of Fort William, at Inverlochic, and desired the colonel to minister to him the oath of allegiance, that he might have the king's indemnity: But Colonel Hill, in his deposition, marked with the letter B, doth farther depone, That he hastened him away all he could, and gave him a letter to Ardkinlas to receive him as a lost sheep; and the colonel produces Ardkinlas's answer to that letter, dated the ninth of January, 1691, bearing, that he had endeavoured to receive the great lost sheep Glenco; and that Glenco had under-

^{*} The Earl of Breadalbane had been entrusted by King William's government to treat with the Highlanders for their submission. It is said he had \$0,000l. of secret-service money allowed him to facilitate this business, and when required to account for the disbursement, would only do so in these general terms: "The money is spent—the Highlands are quiet—and this is the best way of accounting among friends."

taken to bring in all his friends and followers, as the privy council should order; and Ardkinlas farther writes, that he was sending to Edinburgh, that Glenco, though he had mistaken in coming to Colonel Hill, to take the oath of allegiance, might yet be welcome, and that thereafter the colonel should take care that Glenco's friends and followers may not suffer, till the king and council's pleasure be known, as the said letter, marked on the back with the letter B, bears; and Glenco's two sons, abovenamed, do depone in the same manner, That their father went about the end of December to Colonel Hill, to take the oath of allegiance; but finding his mistake, and getting the colonel's letter to Ardkinlas, he hasted to Inverary as soon as he could for the bad way and weather; and did not so much as go to his own house, in his way to Inverary, though he past within half a mile of it, as both their depositions at the letter B bear: And John Macdonald, the eldest son, depones farther, at the same mark, That his father was taken in his way, by Captain Drummond, at Barkaldin, and detained twenty-four hours.

Sir Colin Campbell, of Ardkinlas, sheriff-depute of Argyle, depones, That the deceased Glenco came to Inverary about the beginning of January, 1692, with a letter from Colonel Hill to the effect above mentioned; and was three days there before Ardkinlas could get thither, because of bad weather; and that Glenco said to him, that he had not come sooner, because he was hindered by the storm; and Ardkinlas farther depones, That when he declined to give the oath of allegiance to Glenco, because the last of December, the time appointed for the taking of it, was past, Glenco begged with tears that he might be admitted to take it, and promised to bring in all his people within a short time to do the like; and if any of them refused, they should be imprisoned or sent to Flanders: Upon which Ardkinlas says, he did administer to him the oath of allegiance upon the sixth of January, 1692, and sent a certificate thereof to Edinburgh, with Colonel Hill's letter to Colin Campbell, sheriff-clerk of Argyle, who was then at Edinburgh; and further wrote to the said Colin, that he should write back to him, whether Glenco's taking of the oath was allowed by the council or not, as Ardkinlas's deposition at the letter B testifies; and the said Colin, sheriff-clerk, depones, That the foresaid letters, and the certificate relating to Glenco, with some other certificates relating to some other persons, all upon one paper, were sent in to him to Edinburgh by Ardkinlas; which paper being produced upon oath by Sir Gilbert Elliot, clerk of the secret council, but rolled and scored, as to Glenco's part, and his taking the oath of allegiance, yet the commissioners found that it was not so delete or dashed, but that it may be read that Glenco did take the oath of allegiance at Inverary the sixth day of January, 1692; and the said Colin Campbell depones, That it came to his hand fairly written, and not dashed, and that with this certificate he had the said letter from Ardkinlas (with Colonel Hill's above-mentioned letter to Ardkinlas inclosed) bearing how earnest Glenco was to take the oath of allegiance; and that he had taken it upon the sixth of January, but that Ardkinlas was doubtful if that the council would receive it, and that the sheriff-clerk did produce before the commissioners the foresaid letter by Colonel Hill to Ardkinlas, dated at Fort William the 31st day of December, 1691, and bearing that Glenco had been with him, but slipped some days out of ignorance, yet that it was good to bring in a lost sheep at any time, and would be an advantage to render the king's government easy; and with the said sheriff-clerk, the Lord Aberuchil, Mr John Campbell, writer to the signet, and Sir Gilbert Elliot, clerk to the council, do all declare that Glenco's taking the oath of allegiance, with Ardkinlas's foresaid certificate, as to his part of it, did come to Edinburgh, and was seen by them fairly written, and not scored or dashed; but that Sir Gilbert,

³ This vitiation of the record was not the least base circumstance of the transaction. It was an act of forgery, committed to screen or justify an abominable murder.

and the other clerk of the council, refused to take it in, because done after the day appointed by the proclamation. Whereupon the said Colin Campbell, and Mr John Campbell, went, as they depone, to the Lord Aberuchil, then a privy counsellor, and desired him to take the advice of privy counsellors about it; and accordingly they affirm, that Aberuchil said he had spoke to several privy counsellors, and partly to the Lord Stair; and that it was their opinion that the foresaid certificate could not be received without a warrant from the king; and that it would neither be safe to Ardkinlas, nor profitable to Glenco, to give in the certificate to the clerk of the council; and this the Lord Aberuchil confirms by his deposition, but doth not name therein the Lord Stair: And Colin Campbell, the sheriff-clerk, does farther depone, That with the knowledge of the Lord Aberuchil, Mr John Campbell, and Mr David Moncrief, clerk to the council, he did, by himself, or his servant, score or delete the foresaid certificate, as it now stands scored, or obliterate, as to Glenco's taking the oath of allegiance, and that he gave it in so scored or obliterate, to the said Mr David Moncrief, clerk of the council, who took it in as it is now produced. But it doth not appear, by all these depositions, that the matter was brought to the council-board, that the council's pleasure might be known upon it, though it seems to have been intended by Ardkinlas, who both writ himself, and sent Colonel Hill's letter for to make Glenco's excuse, and desired expressly to know the council's pleasure.

After that Glenco had taken the oath of allegiance, as is said, he went home to his own house, and, as his own two sons, above-named, depone, he not only lived there for some days quietly and securely, but called his people together, and told them he had taken the oath of allegiance, and made his peace, and therefore desired and engaged them to live peaceably under King William's government, as the depositions of the said two sons, who were present, marked with the letter E, bears.

These things having preceded the slaughter, which happened not to be committed until the thirteenth of February, 1692, six weeks after the deceased Glenco had taken the oath of allegiance at Inverary. The slaughter of the Glenco-men was in this manner, viz. John and Alexander Macdonalds, sons to the deceased Glenco, depone, That Glengary's house being reduced, the forces were called back to the south, and Glenlyon, a captain of the Earl of Argyle's regiment, with Lieutenant Lindsay and Ensign Lindsay, and six score soldiers, returned to Glenco about the first of February, 1692, where, at the entry, the elder brother John met them with about twenty men, and demanded the reason of their coming; and Lieutenant Lindsay shewed him his orders for quartering there, under Colonel Hill's hand, and gave assurance that they were only come to quarter; whereupon they were billeted in their country, and had free quarters, and kind entertainment, living familiarly with the people until the thirteenth day of February. And Alexander farther depones, That Glenlyon, being his wife's uncle, came almost every day and took his morning drink at his house; and that the very night before the slaughter, Glenlyon did play at cards in his own quarters with both the brothers. And John depones, That old Glenco, his father, had invited Glenlyon, Lieutenant Lindsay, and Ensign Lindsay, to dine with him upon the very day the slaughter happened. But on the thirteenth day of February, being Saturday, about four or five in the morning, Lieutenant Lindsay, with a party of the foresaid soldiers, came to old Glenco's house, where having called in a friendly manner, and got in, they shot his father dead with several shots as he was rising out of his bed; and the mother having got up and put on her cloaths, the soldiers stripped her naked, and drew the rings off her fingers with their teeth; as likewise they killed one man more, and wounded another grievously at the same place: And this relation they say they had from their mother; and is confirmed by the deposition of Archibald Macdonald, indweller in Glenco, who farther depones, that Glenco was shot behind his back with two shots, one through the head, and the other through the body, and two more were killed with him in that place, and a third wounded and left for dead: And this he knows, because he came

that same day to Glenco's house, and saw his dead body lying before the door, with the other two that were killed, and spoke with the third that was wounded, whose name was Duncan Don, who came there occasionally with letters from the brae of Mar.

The said John Macdonald, eldest son to the deceased Glenco, depones, The same morning that his father was killed there came soldiers to his house before day, and called at his window, which gave him the alarm, and made him go to Innerriggen, where Glenlyon was quartered, and that he found Glenlyon and his men preparing their arms, which made the deponent ask the cause; but Glenlyon gave them only good words, and said they were to march against some of Glengarie's men, and if there were ill intended, would not he have told Sandy and his niece? meaning the deponent's brother and his wife; which made the deponent go home, and go again to his bed, until his servant, who hindered him to sleep, raised him; and when he rose and went out, he perceived about twenty men coming towards his house, with their bayonets fixed to their muskets, whereupon he fled to the hill, and having Auchnaion, a little village in Glenco, in view, he heard the shots wherewith Auchintriaten and four more were killed; and that he heard also the shots at Innerriggen, where Glenlyon had caused to kill nine more, as shall be hereafter declared; and this is confirmed by the concurring deposition of Alexander Macdonald his brother, whom a servant waked out of sleep, saying, It is no time for you to be sleeping, when they are killing your brother at the door; which made Alexander to flee with his brother to the hill, where both of them heard the foresaid shots at Auchnaion and Innerriggen. And the said John, Alexander, and Archibald Macdonalds do all depone, That the same morning there was one Serjeant Barber, and a party at Auchnaion, and that Auchintriaten being there in his brother's house, with eight more sitting about the fire, the soldiers discharged upon them about eighteen shot, which killed Auchintriaten and four more; but the other four, whereof some were wounded, falling down as dead, Serjeant Barber laid hold on Auchintriaten's brother, one of the four, and asked him if he were alive? He answered, that he was, and that he desired to die without rather than within: Barber said, that for his meat that he had eaten, he would do him the favour to kill him without; but when the man was brought out, and soldiers brought up to shoot him, he having his plaid loose, flung it over their faces, and so escaped; and the other three broke through the back of the house and escaped; and this account the deponents had from the men that escaped. And at Innerriggen, where Glenlyon was quartered, the soldiers took other nine men, and did bind them hand and foot, killed them one by one with shot; and when Glenlyon inclined to save a young man of about twenty years of age, one Captain Drummond came and asked how he came to be saved, in respect of the orders that were given, and shot him dead; and another young boy of about thirteen years ran to Glenlyon to be saved; he was likewise shot dead, and in the same town there was a woman, and a boy about four or five years of age, killed; and at Auchnaion there was also a child missed, and nothing found of him but the head. There were likewise several killed at other places, whereof one was an old man about eighty years of age: And all this the deponents say they affirm, because they heard the shot, saw the dead bodies, and had an account from the women that were left; and Ronald Macdonald, indweller in Glenco, farther depones, That he being living with his father in a little town of Glenco, some of Glenlyon's soldiers came to his father's house, the said 13th day of February in the morning, and dragged his father out of his bed and knocked him down for dead at the door; which the deponent seeing, made his escape, and his father recovering after the soldiers were gone, got into another house; but this house was shortly burnt, and his father burnt in it; and the deponent came there after, and gathered his father's bones and buried them. He also declares, that at Auchnaion, where Auchintriaten was killed, he saw the body of Auchintraiten and three more cast

out and covered with dung: And another witness of the same declares, That upon the same 13th of February, Glenlyon and Lieutenant Lindsay, and their soldiers, did in the morning before day fall upon the people of Glenco, when they were secure in their beds, and killed them; and he being at Innerriggen fled with the first, but heard shots, and had two brothers killed there, with three men more and a woman, who were all buried before he came back. And all these five witnesses concur, that the aforesaid slaughter was made by Glenlyon and his soldiers, after they had been quartered and lived peaceably and friendly with the Glenco men about thirteen days, and that the number of those whom they knew to be slain were about twenty-five, and that the soldiers after the slaughter did burn the houses, barns, and goods, and carried away a great spoil of horse, milt, and sheep, above 1000. And James Campbell, soldier in the castle of Sterling, depones, That in January, 1692, he being then a soldier in Glenlyon's company, marched with the company from Inverlochle to Glenco, where the company was quartered, and very kindly entertained for the space of fourteen days; that he knew nothing of the design of killing the Glenco men till the morning that the slaughter was committed, at which time Glenlyon and Captain Drummond's companies were drawn out in several parties, and got orders from Glenlyon and their other officers to shoot and kill all the countrymen they met with; and that the deponent being one of the party which was at the town where Glenlyon had his quarters, did see several men drawn out of their beds, and particularly he did see Glenlyon's own landlord shot by his order, and a young boy of about twelve years of age, who endeavoured to save himself by taking hold of Glenlyon, offering to go any where with him if he would spare his life; and was shot dead by Captain Drummond's order; and the deponent did see about eight persons killed, and several houses burnt, and women flying to the hills to save their lives. And, lastly, Sir Colin Campbell of Aberuchal depones, That after the slaughter, Glenlyon told him that Macdonald of Innerriggen was killed with the rest of the Glenco men, with Col. Hill's pass or protection in his pocket, which a soldier brought and shewed to Glenlyon.

The testimonies above set down being more than sufficient to prove a deed so notoriously known, it is only to be remarked, that more witnesses of the actors themselves might have been found if Glenlyon and his soldiers were not at present in Flanders with Argyle's regiment; and it is farther added, that Lieutenant-Colonel Hamilton, who seems by the orders and letters that shall be hereafter set down, to have had the particular charge of this execution, did march the night before the slaughter, with about 400 men, but the weather falling to be very bad and severe, they were forced to stay by the way, and did not get to Glenco against the next morning, as had been concerted betwixt Major Duncason and Lieutenant-Colonel Hamilton; so that the measures being broke, Lieutenant-Colonel Hamilton and his men came not to Glenco, till about eleven of the clock after the slaughter had been committed, which proved the preservation and safety of the tribe of Glenco, since by this means the far greater part of them escaped, and then the lieutenant-colonel being come to Cannelochleven, appointed several parties for several posts, with orders that they should take no prisoners, but kill all the men that came in their way. Thereafter some of the lieutenant-colonel's men marched forward in the Glen, and met with Major Duncason's party, whereof a part under Glenlyon had been sent by Lieutenant-Colonel Hamilton to quarter there some days before, and these men told how they had killed Glenco, and about thirty-six of his men, that morning, and that there remained nothing to be done by the lieutenant-colonel and his men, save that they burnt some houses, and killed an old man by the lieutenant-colonel's orders, and brought away the spoil of the country; and this in its several parts is testified by John Forbes, major in Colonel Hill's regiment, Francis Farquhar, and Gilbert Kennedy, both lieutenants in that regiment, who were all of the lieutenant-colonel's party, as their depositions more fully bear.

It may be also here noticed, that some days after the slaughter of the Glenco-men was over, there came a person from — Campbell of Barcalden, chamberlain, *i. e.* steward to the Earl of Braidalbin, to the deceased Glenco's sons, and offered to them, if they would declare under their hands, that the Earl of Braidalbin was free and clear of the said slaughter, they might be assured of the earl's kindness for procuring their remission and restitution, as was plainly deponed before the commissioners.

It remains now to give an account of the warrants, either given, or pretended to be given, for the committing of the foresaid slaughter, for clearing whereof it is to be noticed, that the king having been pleased to offer by proclamation an indemnity to all the highland rebels, who shall come in, and accept thereof by taking the oath of allegiance, before the first of January, 1692; after the day was elapsed, it was very proper to give instructions how such of the rebels as had refused his majesty's grace should be treated, and therefore his majesty, by his instructions of the date of the 11th of January, 1692, directed to Sir Thomas Livingston, and super-signed and counter-signed by himself, did indeed order and authorise Sir Thomas to march the troops against the rebels who had not taken the benefit of the indemnity, and to destroy them by fire and sword, (which is the actual stile of our commissions against intercommuned rebels;) but with this express mitigation in the fourth article, *viz.* that the rebels may not think themselves desperate, we allow you to give terms and quarters, but in this manner only, that chieftains and heritors, or leaders, be prisoners of war, their lives only safe, and all other things in mercy, they taking the oath of allegiance; and the community taking the oath of allegiance, and rendering their arms, and submitting to the government, are to have quarters and indemnity for their lives and fortunes, and to be protected from the soldiers, as their principal paper of instructions produced by Sir Thomas Livingston bears.

After these instructions there were additional ones given by his majesty to Sir Thomas Livingston, upon the 16th of the said month of January, super-signed and counter-signed by his majesty, and the date marked by Secretary Stair's hand, which bear orders for giving of passes, and for receiving the submission of certain of the rebels, wherein all to be noticed to the present purpose is, that herein his majesty doth judge it much better that those who took not the benefit of the indemnity in due time, should be obliged to render upon mercy, they still taking the oath of allegiance; and then it is added, if Mackean of Glenco, and that tribe, can be well separated from the rest, it will be a proper vindication of the public justice to extirpate that sect of thieves; and of these additional instructions, a principal duplicate was sent to Sir Thomas Livingston, and another to Colonel Hill, and were both produced, and these were all the instructions given by the king in this matter.

But Secretary Stair, who sent down these instructions, as his letters produced, written with his hand to Sir Thomas of the same date with them, testify, by a previous letter of the date of the 7th of the said month of January, written and subscribed by him to Sir Thomas, says, "You know in general that these troops posted at Inverness and Inverlochie, will be ordered to take in the house of Innergarie, and to destroy entirely the country of Lochaber, Locheal's lands, Kippoch's, Glengarie's, and Glenco;" and then adds, "I assure you your power shall be full enough, and I hope the soldiers will not trouble the government with prisoners." And by another letter of the 9th of the said month of January, which is likewise before the instructions, and written to Sir Thomas as the former, he hath this expression: "That these who remain of the rebels are not able to oppose, and their chieftains being all papists, it is well the vengeance falls there; for my part, I could have wished the Macdonalds had not divided, and I am sorry that Kippoch and Mackean of Glenco are safe." And then afterwards, "We have an account that Locheal, Macnaughton, Appin, and Glenco took the benefit of the indemnity at Inverary, and Kippoch and others at Inverness."

But this letter of the 11th of January sent with the first instructions to Sir Thomas hath this expression: "I have no great kindness to Kippoch nor Glenco, and it is well that people are in mercy, and then just now my Lord Argyle tells me, that Glenco hath not taken the oath; at which I rejoice. It is a great work of charity to be exact in rooting out that damnable sect, the worst of the Highlands." But in his letter of the 16th of January, of the same date with the additional instructions, though he writes in the first part of the letter, "the king does not at all incline to receive any after the diet, but on mercy," yet he thereafter adds, "but for a just example of vengeance, I entreat the thieving tribe of Glenco may be rooted out to purpose." And to confirm his by this letter of the same date, sent with the other principal duplicate, and additional instructions to Colonel Hill, after having written, "that such as render on mercy might be saved," he adds, "I shall entreat you that, for a just vengeance and public example, the tribe of Glenco may be rooted out to purpose; the Earls of Argyle and Braidalbin have promised that they shall have no retreat in their bounds, the passes to Ronoch would be secured, and the hazard certified to the Laird of Weems to reset them; in that case Argyle's detachment, with a party that may be posted in the island Stalker, must cut them off, and the people of Appin are none of the best."

This last letter, with the instructions for Colonel Hill, was received by Major Forbes in his name at Edinburgh; and the major depones, That by the allowance he had from the colonel, he did unseal the packet, and found therein the letter and instructions as above, which he sent forward to Colonel Hill; and that in the beginning of February, 1692, being in his way to Fort-William, he met some companies of Argyle's regiment at Bellisheils, and was surprised to understand that they were going to quarter in Glenco; but said nothing till he came to Fort William, where Colonel Hill told him, that Lieutenant-Colonel Hamilton had got orders about the affair of Glenco, and that therefore the colonel had left it to Lieutenant-Colonel Hamilton's management, who, he apprehends, had concerted the matter with Major Duncason. And Colonel Hill depones, That he understood that Lieutenant-Colonel Hamilton and Major Duncason got the orders about the Glenco men, which were sent to Lieutenant-Colonel Hamilton; that for himself he liked not the business, but was much grieved at it; that the king's instructions of the 16th of January, 1692, with the master of Stair's letters of the same date, were brought to him by Major Forbes, who had received them, and unsealed the packet at Edinburgh, as these two depositions do bear.

Yet the execution and slaughter of the Glenco men did not immediately take effect; and thereafter, on the 30th of the said month of January, the master of Stair doth again write two letters, one to Sir Thomas Livingston, which bears, "I am glad that Glenco did not come in within the time prefixed; I hope what is done there may be in earnest, since the rest are not in a condition to draw together to help; I think to harry (that is, to drive) their cattle, and burn their houses, is but to render them desperate lawless men to rob their neighbours; but I believe you will be satisfied it were a great advantage to the nation, that the thieving tribe were rooted out and cut off; it must be quietly done, otherwise they will make shift for both their men and their cattle; Argyle's detachment lies in Litrickweel to assist the garrison to do all of a sudden." And the other to Colonel Hill, which bears, "Pray, when the thing concerning Glenco is resolved, let it be secret and sudden, otherwise the men will shift you, and better not meddle with them, than not to do it to purpose, to cut off that nest of robbers, who have fallen in the mercy of the law, now when there is force and opportunity, whereby the king's justice will be as conspicuous and useful as his clemency to others. I apprehend the storm is so great, that for some time you can do little, but so soon as possible I know you will be at work, for these false people will do nothing but as they see you in a condition to do with them."

Sir Thomas Livingston having got the king's instructions, with Secretary Stair's letter of the sixteenth of January, and knowing by a letter he had from the master of Stair, of the date of the seventh of January, 1692, that Lieutenant-Colonel Hamilton was to be the man employed in the execution of the Glenco-men, in pursuance of the secretary's letter, he writes to Lieutenant-Colonel Hamilton upon the twenty-third of the said month of January, telling him, that it was judged good news that Glenco had not taken the oath of allegiance within the time prefixed; and that Secretary Stair, in his last letter, had made mention of him; and then adds, "For, sir, here is a fair occasion for you to shew, that your garrison serves for some use; and seeing that the orders are so positive from court to me, not to spare any of them that have not ^{time}ly come in, as you may see by the orders I send to your colonel, I desire you ^{would} begin with Glenco, and spare nothing which belongs to him; but do not trouble the government with prisoners." As this letter produced by Lieutenant-Colonel Hamilton bears.

And Sir Thomas being heard upon this letter, declared, 'That at that time he was immediately returned from his journey to London; and that he knew nothing of any soldiers being quartered in Glenco, and only meant that he should be prosecuted as a rebel standing out, by fair hostility.' And in this sense he made use of the same words and orders written to him by Secretary Stair. Thereafter Colonel Hill gives his order to be directed to Lieutenant-Colonel Hamilton; in these terms: "Sir, you are, with 400 of my regiment, and the 400 of my Lord Argyle's regiment, under the command of Major Duncason, to march strait to Glenco, and there put in due execution the orders you have received from the commander in chief. Given under my hand at Fort-William, the twelfth day of February, 1692." And this order is also produced by Lieutenant-Colonel Hamilton.

Then, the same day, Lieutenant-Colonel Hamilton wrote to Major Duncason in these terms: "Sir, pursuant to the commander in chief and my colonel's orders to me, for putting in execution the service against the rebels of Glenco, wherein you, with a party of Argyle's regiment, now under your command, are to be concerned, you are therefore to order your affairs so that you be at the several posts assigned you by seven of the clock to-morrow morning, being Saturday, and fall in action with them; at which time I will endeavour to be with the party from this place at the post appointed them. It will be necessary that the avenues minded by Lieutenant Campbell, on the south side, be secured, that the old fox, nor none of his cubs, get away. The orders are, that none be spared, nor the government troubled with prisoners." And the copy of this last order is produced under Lieutenant-Colonel Hamilton's own hand; and accordingly the slaughter of Glenco, and his poor people, did ensue the next morning, being the thirteenth of February, 1692, in the manner narrated.

And, upon the whole matter, it is the opinion of the commission; first, That it was a great wrong that Glenco's case and diligence, as to his taking the oath of allegiance, with Ardkinlas's certificate of his taking the oath of allegiance on the sixth of January, 1692, and Colonel Hill's letter to Ardkinlas, and Ardkinlas's letter to Colin Campbell, sheriff-clerk, for clearing Glenco's diligence and innocence, were not presented to the lords of his majesty's privy council, when they were sent into Edinburgh in the said month of January; and that those who advised the not presenting thereof were in the wrong, and seem to have had a malicious design against Glenco; and that it was a farther wrong, that the certificate, as to Glenco's taking the oath of allegiance, was delete and obliterate after it came to Edinburgh; and that being so obliterate, it should neither have been presented to, or taken in by the clerk of the council, without an express warrant from the council. Secondly, That it appears to have been known at London, and particularly to the master of Stair, in the month of January, 1692, that Glenco had taken the oath of allegiance, though after the day prefixed; for he

saith, in his letter of the thirtieth of January, to Sir Thomas Livingston, as is above remarked, "I am glad that Glenco came not in within the time prescribed." Thirdly, That there was nothing in the king's instructions to warrant the committing of the foresaid slaughter, even as to the thing itself, and far less as to the manner of it, seeing all his instructions do plainly import, that the most obstinate of the rebels might be received into mercy upon taking the oath of allegiance, though the day was long before elapsed, and that he ordered nothing concerning Glenco and his tribe, but that if they could be well separated from the rest, it would be a proper vindication of the publick justice to extirpate that sect of thieves, which plainly intimates, that it was his majesty's mind that they could not be separated from the rest of these rebels, unless they still refused his mercy, by continuing in arms, and refusing the allegiance; and that even in that case they were only to be proceeded against in the way of publick justice, and no other way. Fourthly, That Secretary Stair's letters, especially that of the eleventh of January, 1692, in which he rejoices to hear that Glenco had not taken the oath; and that of the sixteenth of January, of the same date with the king's additional instructions, and that of the thirtieth of the same month, were no ways warranted by, but quite exceeded the king's aforesaid instructions; since the said letters, without any insinuation of any method to be taken that might well separate the Glenco-men from the rest, did, in place of prescribing a vindication of public justice, order them to be cut off and rooted out in earnest, and to purpose, and that suddenly, and secretly, and quietly, and all on a sudden; which are the express terms of the said letters; and, comparing them and the other letters with what ensued, appear to have been the only warrant and cause of their slaughter, which in effect was a barbarous murder, perpetrated by the persons deponed against: And this is yet farther confirmed by two more of his letters, written to Colonel Hill, after the slaughter committed, viz. on the fifth of March, 1692, wherein, after having said that there was much talk at London, that the Glenco-men were murdered in their beds, after they had taken the allegiance, he continues, "For the last I know nothing of it; I am sure neither you, nor any body impowered to treat or give indemnity, did give Glenco the oath; and to take it from any body else, after the diet elapsed, did import nothing at all; all that I regrave is, that any of the sort got away, and there is a necessity to prosecute them to the utmost." And in another from the Hague, the last of April, 1692, wherein he says, "For the people of Glenco, when you do your duty in a thing so necessary, to rid the country of thieving, you need not trouble yourself to take the pains to vindicate yourself by shewing all your orders, which are now put in the Paris Gazette; when you do right, you need fear nobody." All that can be said is, that in the execution, it was neither so full nor so fair as might have been. And this is their humble opinion the commissioners with all submission return and lay before his majesty, in discharge of the foresaid commission.

Sic Subscribitur, Tweddale, Annandale (now Marquis of Annandale, and president of the privy council.) Murray (now Duke of Athol, and Lord Privy-seal.) James Stuart, (her majesty's advocate.) Adam Cockburn (late lord treasurer depute.) W. Hamilton (Lord Whitelaw, one of the lords of the session.) Ja. Ogilvie (now Earl of Seafield, and lord high chancellor.) A. Drummond.

The report being agreed on, and signed by the commissioners, several members moved in parliament on the 24th of June, that the said report should be laid before the house.

Upon which his majesty's high commissioner acquainted the parliament, that the report of the commission, for enquiring into the business of Glenco, being sent to his majesty on Thursday last, he would lay the same before them, with the depositions of the witnesses, and other documents relating thereto, for their satisfaction and full in-

formation; and if they thought fit to make any other use of it, he made no doubt it would be with that deference and submission to his majesty's judgment that becometh so loyal and zealous a parliament, in vindication of the justice and honour of his majesty's government.

Then the report from the commission, for enquiring into the slaughter of the Glencoe men, was read, with the depositions of the witnesses, the king's instructions, and the master of Stair's letters for instructing the said report.

After hearing the said report, it was voted, *nemine contradicente*, that his majesty's instructions of the eleventh and sixteenth days of January, 1692, touching the Highland rebels, who did not accept, in due time, of the benefit of his indemnity, did contain a warrant for mercy to all, without exception, who should take the oath of allegiance, and come in upon mercy, though the first day of January, 1692, prefixed by the proclamation of indemnity, was past; and that therefore these instructions contained no warrant for the execution of the Glencoe men, made in February thereafter. Then the question was stated and voted, if the execution of the Glencoe men in February, 1692, as it is represented to the parliament, be a murder or not? and carried in the affirmative.

Moved, That since the parliament has found it a murder, that it may be enquired into, who were the occasion of it, and the persons guilty and committers of it, and in what way and manner they should be prosecuted. And after some debate thereon, the method of the said prosecution was delayed, and resolved, that this house will again take the same under consideration first on Monday next: And the master of Stair's letters were ordered to be put in the clerk's hands, and any members of parliament allowed an inspection thereof.

June 26, 1695. The enquiry into the persons who were the occasion of the slaughter of the Glencoe men was again proponed, and mentioned, that before any farther procedure in that affair, there may be an address sent to his majesty on what is already past: And after some debate thereon, the question stated, Proceed farther in the enquiry before addressing his majesty, or Address upon what is already past without any farther procedure? And carried, Proceed farther before address.

Thereafter the question stated and voted, if they should first proceed to consider the master of Stair's letters, or the actors of the murder of the Glencoe men? And carried, First to consider the master of Stair's letters.

Then the master of Stair's letters, with the king's instructions to Sir Thomas Livingston and Colonel Hill, and the fourth article of the opinion of the commission relating to the master of Stair's letters, do exceed the king's commission towards the killing and destroying the Glencoe men or not? and carried in the affirmative.

June 28, 1695. The president of parliament represented, that there was a print dispersed, intituled, Information for the Master of Stair, reflecting upon the commission for enquiring into the slaughter of the Glencoe men, and arraigning a vote of parliament: And therefore moved, that it may be enquired, who was the author of it, and that both he and the said print may be censured. Mr Hugh Dalrymple, brother to the master of Stair, a member of parliament, acknowledged himself to be the author, and gave an account of his mistakes; protesting that he therein intended no reflexion on the commission, and that the paper was written before the vote past in parliament, though printed and spread thereafter.

Resolved, That first the author, and then the print, be censured. And Mr Hugh was ordered to ask his grace and the parliament pardon; which he did, again declaring, that what was offensive in that paper had happened through mistake.

Thereafter agreed, that the said print was false and calumnious. And the question being stated, if the print spread abroad amongst the members of parliament, intituled,

Information for the Master of Stair, ought to be condemned as false and calumnious, and therefore burnt, or only that the print should be so marked in the minutes of parliament? it carried, that the print should be marked in the minutes of parliament to be false and calumnious.

Then the parliament proceeded farther in the enquiry of the slaughter of the Glencomen. And in the first place, as to the orders given by Sir Thomas Livingston, in two of his letters directed to Lieutenant-Colonel Hamilton: And the said letters being read, after debate thereon, it was put to the vote, Proceed or delay, and carried Proceed.

Then the question was stated, Whether Sir Thomas Livingston had reason to give such orders as were contained in these letters or not, and was carried in the affirmative, *nemine contradicente*.

July 8, 1695. The parliament having resumed the enquiry into the slaughter of the Glenco-men, and who were the actors; and in the first place about Lieutenant-Colonel Hamilton, and that part of the report of the commission relating to him, and the orders he got, and the orders he said he gave, with the depositions taken before the said commission; and after some debate thereon, the question was stated and put to the vote, If, from what appears to the parliament, Lieutenant-Colonel Hamilton be free from the murder of the Glenco-men; and whether there be ground to prosecute him for the same or not? and carried, He was not clear, and that there was ground to prosecute him.

Then the question was stated and voted as to Major Duncason, at present in Flanders, If the king should be addressed, either to cause him to be examined there about the orders he received, and his knowledge of that matter, or that he be ordered home to be prosecuted therefore, as his majesty shall think fit, or no? and carried in the affirmative.

Then that part of the report of the commission, as to Glenlyon, Captain Drummond, Lieutenant or Adjutant Lindsay, Ensign Lundy, and Serjeant Barber, read with the depositions of the witnesses against them; and the question stated and voted, If it appeared that the said persons were the actors of the murder of the Glenco-men under trust; and that his majesty be addressed to send them home to be prosecuted for the same according to law, or not? and carried in the affirmative.

Thereafter voted, If it should be remitted to the committee for the security of the kingdom to draw this address, or a new committee elected for drawing thereof? and carried Remit.

The report from the committee for security of the kingdom, in favour of the Glenco-men, read, and remitted to the said committee, That there be a particular recommendation of the petitioner's case to his majesty brought in by the said committee.

July 10, 1695. The address about the slaughter of the Glenco-men to be sent to the king, read, with several of the master of Stair's letters to Sir Thomas Livingston and Colonel Hill; and after some debate upon the paragraph touching the master of Stair, it was voted, Approve the paragraph as brought in from the committee, or as offered with amendments? it carried, Approve as brought in from the committee. Thereafter the whole address was put to the vote, and approved as follows.

The Address of the Noblemen, Barons, and Boroughs in Parliament, humbly presented to his most sacred Majesty upon the Discovery communicated to them, touching the Murder of the Glenco-Men, in February, 1692.

"We, your majesty's most loyal and dutiful subjects, the noblemen, barons, and boroughs assembled in parliament, do humbly represent to your majesty, that in the beginning of this session, we thought it our duty, for the more solemn and public vin-

lication of the honour and justice of the government, to enquire into the barbarous slaughter committed in Glenco, February, 1692; which has made so much noise both in this kingdom, and your majesty's other dominions; but we being informed by your majesty's commissioner, that we were prevented in this matter by a commission under the great seal for the same purpose, we did, upon the reading of the said commission, unanimously acquiesce to your majesty's pleasure, and returned our humble acknowledgments for your royal care in granting the same: and we only desired that the discoveries to be made should be communicated to us, to the end, that we might add our zeal to your majesty's for prosecuting such discoveries, and that in so national a concern, the vindication might also be public as the reproach and scandal had been; and principally that we, for whom it was most proper, might testify to the world how clear your majesty's justice is in all this matter.

"And now your majesty's commissioner, upon our repeated instances, communicated to us a copy of the report transmitted by the commission to your majesty, with your majesty's instructions, the master of Stair's letter, the orders given by the officers, and the deposition of the witnesses relating to that report; and the same being read and compared, we could not but unanimously declare, that your majesty's instructions of the 7th and 16th of January, 1692, touching the Highlanders who had not accepted in due time the benefit of the indemnity, did contain a warrant for mercy to all without exception, who should offer to take the oath of allegiance, and come in upon mercy, though the first of January, 1692, prefixed by the proclamation of indemnity, was past; and that these instructions contain no warrant for the execution of the Glenco-men, made in February thereafter. And here we cannot but acknowledge your majesty's signal clemency upon this occasion, as well as in the whole tract of your government over us; for had your majesty, without new offers of mercy, given positive orders for the executing the law upon the Highlanders, that had already despised your repeated indemnities, they had but met with what they justly deserved.

"But it being your majesty's mind, according to your usual clemency, still to offer them mercy, and the killing of the Glenco-men being upon that account unwarrantable, as well as the manner of doing it being barbarous and inhuman, we proceeded to vote the killing of them a murder, and to enquire who had given occasion to it, and were the actors in it.

"We found in the first place that the master of Stair's letters had exceeded your majesty's instructions towards the killing and destruction of the Glenco-men; this appeared by the comparing the instructions and letters, whereof the just attested duplicates are herewith transmitted, in which letters the Glenco-men are over and again distinguished from the rest of the Highlanders, not as the fittest subject of severity, in case they continue obstinate, and made severity necessary according to the meaning of the instructions, but as men absolutely and positively ordered to be destroyed, without any further consideration than that of their not having taken the indemnity in due time; and their not having taken it is valued as a happy incident, since it afforded an opportunity to destroy them; and the destroying of them is urged with a great deal of zeal, as a thing acceptable, and of public use; and this zeal is extended, even to the giving of directions about the manner of cutting them off. From all which it is plain, that though the instructions be for mercy to assist all that will submit, though the day of indemnity was elapsed, yet the letters do exclude the Glenco-men from this mercy.

"In the next place, we examined the orders given by Sir Thomas Livingston in this matter, and were unanimously of opinion, that he had reason to give such orders for cutting off the Glenco-men, upon the supposition that they had rejected the indemnity, and without making them new offers of mercy, being a thing in itself lawful, which

your majesty might have ordered; but it appearing, that Sir Thomas was then ignorant of the peculiar circumstances of the Glenco men, he might very well understand your majesty's instructions in the restricted sense, which the master of Stair's letters had given them, or understand the master of Stair's letters to be your majesty's additional pleasure, as it is evident he did, by the orders which he gave, where any addition that is to be found in them to your majesty's instructions is given, not only in the master of Stair's sense, but in his words.

"We proceeded to examine Colonel Hill's part of the business, and were unanimous that he was clear and free of the slaughter of the Glenco men; for though your majesty's instructions and the master of Stair's letters were sent straight from London to him; as well as to Sir Thomas Livingston, yet he, knowing the peculiar circumstances of the Glenco men, shunned to execute them, and gave no orders in the matter, till such time as, knowing that his lieutenant-colonel had received orders to take with him 400 men of his garrison and regiments, he, who, to save his own honour and authority, gave a general order to Hamilton, his lieutenant-colonel, to take the 400 men, and to put to due execution the orders which others had given him.

"Lieutenant-Colonel Hamilton's part came next to be considered, and he being required to be present, and called, and not appearing, we ordered him to be denounced, and to be seized on wherever he could be found; and having considered the orders that he received, and the orders which he said before the commission he gave, and his share in the execution, we agreed, that, from what appeared, he was not clear of the murder of the Glenco men, and that there was ground to prosecute him for it.

"Major Duncason, who received orders from Hamilton, being in Flanders, as well as those to whom he gave orders, we could not see these orders, and therefore we only resolved about him, that we should address your majesty, either to cause him to be examined there in Flanders about the orders he received, and his knowledge of that affair, or to order him home to be prosecuted therefore, as your majesty shall think fit.

"In the last place, the depositions of the witnesses being clear, as to the share which Captain Campbell of Glenlyon, Captain Drummond, Lieutenant Lindsay, Ensign Lundie, and Serjeant Barber had in the execution of the Glenco men, upon whom they were quartered, we agreed, that it appeared that the said persons were the actors in the slaughter of the Glenco men under trust; and that we should address your majesty to send them home to be prosecuted for the same according to law.

"This being the state of that whole matter as it lies before us, and which, together with the report transmitted to your majesty by the commissioner, (and which we saw verified) gives full light to it; We humbly beg, that, considering that the master of Stair's excess in his letters against the Glenco men has been the original cause of this unhappy business, and hath given occasion in a great measure to so extraordinary an execution, by the warm directions he gives about doing it by way of surprise, and considering the high station and trust he is in, and that he is absent, we do therefore beg that your majesty will give such orders about him, for vindication of your government, as you in your royal wisdom shall think fit.

"And likewise considering that the actors have barbarously killed men under trust, we humbly desire your majesty would be pleased to send the actors home, and to give orders to your advocate to prosecute them according to law; there remaining nothing else to be done for the full vindication of your government of so foul and scandalous an aspersion, as it has lain under upon this occasion.

"We shall only add, that the remains of the Glenco men, who escaped the slaughter, being reduced to great poverty by the depredation and vastation that was then committed upon them, and having ever since lived peaceably under your majesty's protection, have now applied to us, that we might interceed with your majesty, that

some reparation may be made them for their losses. We do humbly lay their case before your majesty, as worthy of your royal charity and compassion, that such orders may be given for supplying them in their necessities as your majesty shall think fit.¹

" And this the most humble address of the estates in parliament is, by their order and warrant, and in their name subscribed by,

May it please your majesty,

Your majesty's most humble, most obedient,

And most faithful subject and servant,

July 10, 1695 This address
voted and approved.

ANNANDALE, P. P."

Then it was recommended to his majesty's commissioner, to transmit to the king the said address, with duplicates of the king's instructions, and of the master of Stair's letters.

Moved, That his majesty's commissioner have the thanks of the parliament for laying the discovery made of the matter of Glenco before them, and that the commissioners have the like for their careful procedure therein; which being put to the vote, Approve or not, carried in the affirmative, *nemine contradicente*; which his majesty's commissioner accepted of.

It is said that some of the persons did get a remission from King William, concerning which it is to be observed, first, that the taking of a remission is a tacit acknowledging of the crime, and taking upon them the guilt; next, that any such remission is null and void, and will not defend them, because it did not proceed upon letters of slains,² nor is there any assithment³ made to the nearest of kin. It being expressly provided by the 156 Act Par. 8 Jac. 6th, that remissions are null, unless the party be assithed,⁴ and 157 Act Par. 12 Jac. 6. And it is farther to be observed from that act, that albeit respites and remissions had been formerly granted for several enormous crimes, yet the defendants were ordained to be criminally pursued, notwithstanding of the same; and the said act is ratified by the 173 Act Par. 13 Jac. the 6th, against the granting of remissions and respites to the committers of murder, slaughter, and other atrocious crimes therein mentioned, where there are not sufficient letters of slains shewn, and that no respite or remission be admitted in judgment, except the same be compounded with the treasurer, and subscribed by him, at least past his register: And Act 178, it is provided, that no respite or remission be granted for slaughter, until the party skaithed⁵ be first satisfied: and if any respite or remission shall happen to be granted before the party grieved be first satisfied, the same shall be null, by way of exception, or reply without any further declarator.

Thirdly, It is to be observed, that the parliament having declared, that the killing of the Glenco-men was a murder under trust, it is clear by the 51 Act Par. 11 Jac. 6, that murder and slaughter of a person under trust, credit, assurance, and power of the slayer, is treason; so that by the said act, these that had accession to, or were any ways airt and part⁶ of the slaughter of the Glenco-men, are guilty of treason.

P. S. Sir, I have nothing further to add concerning this matter, but that I thought it needless to trouble you with the copies of the king's orders, the now Viscount of Stair's letters, and the depositions, because every thing in them, that is probative of the point in question, is fairly narrated in the report of the commission; but if you think them necessary, I will send them to you upon notice: But for my part, I don't think them necessary to be inserted, for repeating things needlessly does but weary the reader.

¹ The king never thought fit to give them a farthing.

² i. e. Witnessing that the party wronged has received satisfaction.

³ Satisfied.

⁴ Damaged.

⁵ Satisfaction.

⁶ Concerned in.

You know that there never was any prosecution against any of those persons charged with this barbarous murder, but that on the contrary, by the advice of some, who were then about his majesty, several of the officers were preferred, and the whole matter slurred over; so that the crying guilt of this blood must lie upon them, and not upon the nation, since the parliament could do no more in it without occasioning greater bloodshed than that they complain of.

You know likewise, that by the influence of the same persons, this report was suppressed in King William's time, though his majesty's honour required that it should have been published.

An impartial Account of some of the Transactions in Scotland, concerning the Earl of Breadalbin, Viscount and Master of Stair, Glenco-Men, Bishop of Galloway, and Mr Duncan Robertson. In a Letter from a Friend. 1695.

This is a botched vindication of the Secretary Dalrymple: the jet of the argument seems to be, that as he was a great statesman and patriot, it would be a pity to harass him about the murder of a few Highlanders. This shameless language was used by the court party at the time, for Burnet himself divides King William's exculpation into two branches, 1st, That he signed the warrant in a hurry, 2dly, That the massacre "did not at all reflect on King William's justice." The story of Mr Duncan Robertson, which is oddly intermingled with the business of Glenco, seems to refer to some civil action in which Sir James Dalrymple had been guilty of unjust partiality, or, at least, underwent such an accusation; which was, after all, *hanc alienum Scævola studis*; for his talents, as is not uncommon with statesmen and even lawyers, were more conspicuous than his honesty.

SIR,

THOUGH I be none of the most curious to pry into foreign matters, yet the various reports we have had of the proceedings of, and contests betwixt, some of the members of the Scots parliament, prompted me to desire the favour of you (as a person I believe not much concerned in factions or parties) to let me know something of the matters of fact were in agitation there: As also who those persons are, and their actions have been, who occasioned such great heats concerning them, at such a juncture, when all good men ought to be cemented for the good of the public, and ought to stand by one another, as one man, to oppose the evil designs of the common enemy. For my part, I find in ordinary conversation, that both good and bad people speak generally of these matters, as they affect such men and parties, &c.

Sir, I will avouch that my steadfastness to the present government is known by good men to be such, that I cannot in justice be termed disaffected; and my interest is so little with particular parties, that I dare tell so much of the truth to the government's friends, and my own also, as is convenient: Will therefore strain my inclinations to give you a succinct account of some matters of fact; as also what I could learn concerning these men you writ of, which can give no offence: And though my obligations to great men (since the late happy Revolution) be little, yet will do them all the justice

imaginable. But before I come to answer your expectation in particulars, will take the freedom (by way of a Eustick preamble) to paraphrase a little upon some wise men's sentences. Seneca said, that the most universal vice in the world was ingratitude, because punishable by no statute law, but by public hatred, and the discourse of the schools, which is said to be the greatest punishment; yea, ingratitude sways the sceptre in most places, as well in private as in public men. Some men were ungrateful to their countries (of whom we could name several) and some countries were ungrateful to their own worthy, loving, and affectionate children: Pride, contempt, avarice, and envy, are said to be the chief reasons, and seldom all these concur without malice, and height of rigour: But I suppose that that part of a nation is either the indocile, ignorant, or vicious. Socrates suffered for doing good to his country; even whilst he was doing good to his countrymen in prison, they condemned and put him to death. Some will object, that there is some secret crime brings on a punishment, and that some men suffer for crimes they may not be guilty of; and so it's their judgment. But be it so or not, that's neither argument nor excuse for the instrument's being cruel or ungrateful, to punish by guess, without a fair trial and conscientious jury, in estate, fame, or body; for he who makes no scruple to take away a man's good name, will make none to take his life also if he can.

Philosophers as well as historians declare, that the Epicureans denied a providence, but that the Stoicks asserted it; whatever might be in that contest amongst the ancient heathens and modern pretended atheists, yet we, who assume the name of Christians, must not only own a providence, that it overrules all actions, motions, and events, exalteth one, and pulleth down another, but also createth friends and enemies, and that a society of good as well as of bad men may differ in opinion, which oftentimes occasions not only jealousies, emulations, and debates, but also strifes, contentions, threats, persecutions, war, and the death of many well and evil-designing men. Cato struggled long before the people of Rome could understand his counsels to be for their good and safety; he was affronted and contemned by them, nor did they ever consider his worth till they lost him. Scipio was dismissed, Cicero exiled, and Seneca destroyed, he by a tyrannical prince only for his goodness. Paul suffered as an evil-doer; yea, our Saviour himself was contemned, set at nought, and condemned to the shameful cross by his countrymen, out of pride and ignorance, for his kindness and goodness to them. So it's no new thing for good and bad men to be mistaken, and others to be mistaken of them. It is an ancient saying, that loyalty often suffers the punishment due to rebels, and treason receives the reward of fidelity. There may be two principal reasons for this: Ignorance and depravity of men's natures; ignorants not being judges of men fit for government, nor the governor's actions, or secrets of state, which is generally the failure or mistakes of the populace. Here you will always find *improbiorum duces*, who influences the blind populace *vela dare suæ fortunæ*, to accomplish their designs, though it were upon the ruins of the commonwealth. And under the second, may be comprehended all the vices of the mind, which would be too long to be named here; only this one observed by the wise, that we have the wickedness of other men always in our eyes, but cast our own over our shoulders. This confirms all the proofs of the former reasons of ingratitude. Whence it comes to pass, that a peasant would be a tribune, a tribune a prætor, a prætor a consul (as the philosopher said) never minding what he had been in a little time before, but looking still forwards to what he would be.* I know not but Brutus thought (that when he had destroyed Cæsar) to have been Cæsar himself; but he had only in place thereof, remorse left with him, (with, *et tu mi fili Brute*) for his great expectations. Both good and great men we see are subject to envy; for some people never think themselves happy till such and such men be out

* *Lineæ foris talpæ domi.*

• *Fortuna non mutat genus.*

of their way, as in the case of Haman and Mordecai; but neither they, nor the commonwealth, can well know the want of such men till they be gone, when there is no retrieving: For in what sad condition had Esther and the poor Jews been, if Haman had conquered Mordecai? And it had been better for Haman he had let Mordecai alone. Upon which considerations, it were adviseable for societies, if they be any ways split in parties, to take the wise man's advice, before they accuse or prosecute, and to consider three things: First, their strength whom they accuse. Secondly, the enterprise and merit of the cause. And, Thirdly, the person or persons they have to do withall; and that in respect of their superiors, equals, or inferiors, &c. For as no good music, so no good government or society without concord, which cannot well be without bearing of injuries. And Epicurus said, that wise men will bear with all injuries. *Ardua res, hæc est*, where the public is concerned. I will therefore conclude this point with a sentence of Seneca's; when, in an epistle to his friend, he was condemning anger and choler, he adds a *but*. "But (says he) in case of exemplary and prostitute dissolution of manners, when Clodius shall be preferred, and Cicero rejected; when loyalty shall be broken on the wheel, and treason shall sit triumphant on the bench; is not this a subject to move the choler of any virtuous man?" Now, lest I should weary you too much with this simple discourse (yet know it is to my friend only,) I come to satisfy so much your curiosity as is in my power, without reflection or bias: *Nam pacis mihi cura tenenda.*

Illud amicitiae sanctum et venerabile nomen

Sed

Dat veniam corvis vexat censura Columbas

Hoc impedit, &c.

As for the bishop of Galloway, being first in view. In the Year 1686, the late King James having sent the Earl of Murray, his high commissioner, to Scotland, with instructions to repeal the penal laws against papists, the aforesaid bishop stood firm to the protestant religion, and though very infirm, went every day to the meetings of parliament, to give his testimony against the courses then in hand; for which there were evil designs against him, but that God removed him in great age and peace a little time after the adjourning of that parliament. He being a pious, hospitable, and generous man, left his lady (being upwards of eighty years old) but poor: His eldest daughter was married to one Mr Patrick Smith, advocate, many years before his decease. His second daughter was married to a parson; and the third was run away with, a little time before his death, by the aforesaid Mr Duncan Robertson, without the bishop's or any other friend's knowledge, the said Robertson judging her to be a great prize, the other two daughters being married, and she being then the only child in *familia*.

The aforesaid Mr Duncan Robertson was a Highland gentleman's son, bordering upon Athole and Lochquhabar, bred up something to the law at Edinburgh, became a solicitor that way, and practised that employ when he run away with and married the aforesaid bishop's daughter.

When the last Earl of Argyle was forfeited in those days, (and his children scattered here and there, and the estate being sequestered by the then public authority; and all Argyle's officers and friends in his vast dominions being laid aside) he, the said Robertson, what by money and interest he made in those days, stepped into the clerkship of the sheriffship of Argyle; but upon the late happy Revolution, Argyle being restored to his estate, the said Robertson was justly excluded from the said office of clerkship, the same being heritable in the Earl of Argyle's, and his family's gift, past memory of man.

The Lord Viscount Stair, he is the representative of the ancient family of the Dalrymples of Stair, a barony in the county of Kyle in the west of Scotland; he being educated in, and endowed with all manner of learning and sciences of our horizon, was received into the faculty of advocates¹ in the year 1648, having before had (when but very young) a considerable post in the army, verifying Ovid's phrase in him, *Pace data terris ad civilia*, &c.

In the year 1650, he was made choice of by the then parliament, to be clerk or secretary to the committee of the parliament, and ministers went for King Charles II. to Holland, where he not only gave great satisfaction by his behaviour to the committee of parliament, and all concerned in the said transaction, but likewise King Charles took particular notice of him, &c.

Upon the restoration of King Charles II. he was created knight and baronet, and advanced to be one of the lords of session,² at which time he began to observe and write the decisions³ of the lords of the session, and afterwards digested them, with former and after observations of his own and others, in a system or body, these being precedents, or rules to decree by (afterwards) in parallel cases.

In the year 1662, the presbyterian government being abolished, and the episcopal government established in Scotland, there was a declaration formed, abjuring the presbyterian government, all its consequences, and all the oaths formerly taken: Which declaration he not being clear to take, left the bench, travelled abroad, and coming to court after his travels, King Charles excused and restored him to his place again, dispatching a letter to the lords of the session (signifying that Sir James Dalrymple of Stair, having given him full satisfaction in relation to the said declaration) required them to receive him again to the bench, without signing the same. Thus I find it marked in the books of Sederunt⁴ of the lords of session, anno 1664. Then it was that he began to compose a system of the civil law, intermixt with the law of Scotland, and practices and precedents of that sovereign court, which makes the law intelligible and known to all the king's subjects there who can read English.

When Sir John Gilmor (being then president⁵ of the session) was called up to court to draw up the contract (or articles) of marriage between the Duke and Duchess of Monmouth, the Lord Stair was chosen *vice præses* of the session, as he was several times afterwards, when Sir John Gilmor turned infirm; and all along when the said Lord Stair was a single lord of the session, and sitting by turns on the bench in the outer house, where most of the cases and processes are heard and decreed in the first instance by a single lord, and where the judges as to their parts, judgment, justice, or injustice, are mostly known, having none other of the lords votes to interfere with their judgement, he had the greatest character of dispatch and justice of any man that ever sat upon that bench; all men being desirous to have their cases brought and tried before him.⁶

In the year 1670, he was one of the lords who went up to court about the union, designed then between England and Scotland; at which time Sir John Gilmor (the then president of the session) died, and he was advanced to be president of the session. Upon this step some envied him.

The lord president was sent for to court in March 1676, to have some differences composed, when he was offered to be chancellor, which he declined. But seeing the great men then turning into factions, and fearing the thing which came afterwards to pass, did intend to leave the bench, and to travel abroad.⁷

¹ A counsellor at law.

² Journal.

³ Qui vindice nullo sponte sua sine lege fidem rectumque colebat.

⁴ Beatus ille qui præcul à negotiis, &c. Horat. car. 5.—Orig. Notes.

⁵ Or one of the 15 judges.

⁶ Or lord chief justice.

⁷ Cases.

In winter 1679, the Duke of York being sent to Scotland, ('twas thought, by advice of the Duke of Lauderdale for his safety) the president would not adjourn the session, to meet him upon the road towards Edinburgh, (in procession with all the lords of session) as was expected, (and as most of the nobility and gentry of Scotland did) giving for his reason in his speech, (when he, and the rest of the lords of session went in their formalities to wait upon the duke as a prince of the blood, at the king's palace of Holyrood-house, the next day after his arrival) that the session could not adjourn themselves (being a constituted sovereign court, instituted by king and parliament) without the king and parliament, which gave offence; as did also another expression in his said speech, against Popery and Bigotry; the duke then masked, and not going publickly to mass.

In the spring 1681, the Duke of Rothes, chancellor, dying, (when there was a commission given by King Charles to the Duke of York, to be his high commissioner for Scotland) 'twas mightily talked then, that the lord president would be made chancellor. But in that parliament, 1681, the designing party of the nobility and clergy flattering the Duke of York, that all would be as he wished; matters looked with a very bad aspect, the president could expect no good. Yet, as God said to the prophet, (that there were seven thousand in Israel that had not bowed their knees to Baal) there was some of the clergy, many of the nobility, and most of the gentry, who did foresee the torrent, they laid aside their private heats and emulations, joined hands to stop the current, and by plurality of votes (though some things did pass current in that parliament before that time, would have been prevented, if some men had not been lulled asleep,) they did stop more mischief.

For the president had drawn up a test for preservation of religion, liberty, and property (too long to be inserted here) made a speech in parliament to that purpose, and, though seconded by very many, was thrown out; but some of the then court party drew up another test to their purpose, which was carried the very next morning into the Articles,* and passed current there.

At the meeting of the parliament that morning the court test was presented and read, whereupon the Duke of Hamilton, the Earl of Argyle, Haddington, &c. the bishop of Dunkell (Bruce), the Lord Stair, president, Sir George Lockhart, Sir John Cunningham, and many others of the several states, stood up to oppose the said test, but could not do; and all they could gain by the arguments used, was to get the confession of faith (made concerning the protestant religion, mentioned in King James the Sixth's acts of parliament) inserted in their text. The inserting of which confession of faith (the intriguing party then not understanding the thing, being fond to pass their own test with any quality without examination) was the very thing made some of the bishops, nobility, and gentry, stand firm against taking away the penal laws in the parliament 1686. (They and all the members of that parliament having taken the said test.) But when the bishops and others of the then court party (after the adjournment of the parliament that evening) had met together, and considered what they had done, in voting the said whiggish confession of faith (as they called it then) and procured the royal assent thereto, went in a body to the Duke of York, and exclaimed against the Lord Stair, president, as the only man who had wheedled them in the matter, by surprise; but were told the thing could not be helped then, being it was passed the royal assent, but that the contrivers should be animadverted upon; and in some few days that parliament being adjourned, and the president in disgrace, he retired to the country, sent his son, Sir John Dalrymple, now master of Stair, to the duke, to signify, that, seeing his father was not pleasing to his royal highness, he in-

* The Articles was a committee of parliament then in use, made up of the eight statesmen, eight noblemen, and so many bishops, and eight burghers, and the commissioner and statesmen ruled all there.—*Orig. Note.*

tended to go to court, and give up his commission to the king his master, who gave it to him. Upon the delivery of which message, the Duke of York (being surprised) dispatched Colonel Graham (then his privy-purse) post to the king, to give an account of the lord president's behaviour, which was the occasion the president had no access to the king when he went to court; but the king desired to tell him, that he might live at home privately under his protection; upon which assurance he went to his country house in Scotland, did not live there long without an alarm, which obliged him to repair privately to Edinburgh to advise his safety; nor was he long there, when there was a warrant to seize him, upon which he went *incognito* to Holland: For certainly his fate had been the same which was the late Argyle's if he had staid at home; when in Holland there were Russians sent to seize him, but by providence made his escape to corners, diverting himself there with the conversation of the school-men and scholars of the two famous universities of Leyden and Utrecht, and then writ a system of natural philosophy. His lady was harassed, and forced to fly to Holland also. His house made a receptacle of soldiers, his heritable office taken from him, and his tenants spoiled.

The then government raised process of treason several times against him; but they could not reach his estate, by all the stretches of law were made.

In the year 1687, King James sent him a remission¹ to Holland, which he slighted, judging himself guilty of no crime deserving a remission, and being safe under the protection of the Prince of Orange and the States of Holland, rested satisfied.

In November 1688, he, the said president, came over with the Prince of Orange (now our gracious king) his majesty being pleased to communicate his resolutions to him as a man fit to give and keep council.

Sir George Lockhart being president of the session when the king came over (but being unfortunately murdered in March 1689, by a base ruffian, for pronouncing an unjust sentence against him, as he alledged, (though no such thing) my Lord Stair was re-established in the president's chair again.

In the year 1690, he is created Viscount of Stair, Lord Dalrymple and Glenluce. And though this hath been an age, where meaner men were ashamed to serve God in their families, I will add this one good quality more to him, that he (besides his private devotion) was never a day in the worst of times but he read the scripture, and prayed himself twice in his family, were there never so great or many strangers present, which might be a reflection in these days, but I hope not now; and to tell the truth, I dare give no worse character of him. As for his behaviour in matters of state, these are matters I do not meddle with, let him put his misbehaviour in public who will venture to do it, if they can; but I judge it will puzzle any to do it; and rational men will judge, that he who rules his family best at home, is the fittest to rule in public, and I pray God long may such men rule amongst us. I will not say, but the Lord Viscount Stair is envied by some people for his parts and growing greatness, but that should be no argument with rational good men, being that men's virtues ought not to be accounted their crimes. And I believe he may say in his old age, "Whose ox, or whose ass, have I taken?"²

The master of Stair is the foresaid Viscount's eldest son, liberally educated and bred to the law. Being on his travels in the time of the Dutch war, he and one Ramsay, son of Sir Andrew Ramsay, of Abbots-Hall, being intimate companions, happened to be at Chatham, and, as I am informed, preserved one of the king's men of war from being blown up by the Dutch, with the hazard of their own lives; for which brave action (when they were but very young) King Charles knighted them, before he knew who they were: thus I heard it.

¹ Or pardon.

² Hic murus aheneus esto, nil conscire sibi, nulla paleocere culpa.—*Orig. Notes.*

In the year 1672, Sir John was admitted, after his trials, to be an advocate, which employ he followed for several years, being of the first rank.

In the year 1683, when the said viscount (his father) was forced to abscond in Holland, as is said before, the Laird of Claverhouse (afterwards Viscount Dundee) having the command of the army, which was sent to the west country to spoil and dragoon the dissenting party (not without our Scots bishops consent) did attempt to possess himself of the office of baily of the regality of the lordship of Glenluce (which did heritably belong to the said Sir John, and the Viscount of Stair his father) Sir John, now master of Stair (by creation of his father, lord, baron, and peer of the realm) did oppose the Lord Dundee, and beat him off, for which he was convened before the council, and fined in 500*l.* which he paid.

In the year 1684, the said master was seized at his own house, when his lady was just to lie in, and made prisoner, being suspected, it seems, by the then government, to have correspondence from Holland, and to have carried on intrigues against the government; and being brought to Edinburgh, was carried from the palace of Holyroodhouse (where he was examined by the ministers of state) as a trophy (it seems to disgrace him) between the common soldiers, along the public streets, to the common prison, more than half a mile's distance; was kept close prisoner there for several months, not knowing for what crime, (but as himself then said) for the original sin of the father. At last, after many petitions, he had the favour granted him by the council, to be enlarged to the castle prison, where he lay a long time till the government was ashamed they could not fix a crime upon him, and set him at liberty.

In the year 1687, there being none of the advocates (but these who were advanced to be lords of the session, for their then zeal and loyalty to the cause in hand,) fit to be the king's advocate,¹ the court hoping to gain him to their party, and to wheedle his father over from Holland, made the master king's advocate, (that being the time of the toleration) and during a whole year he continued king's advocate, there was none prosecuted to death, but one man, upon the score of nonconformity. The court perceiving the master's behaviour in that post that year, intending to take another course, by the dispensing power; and finding him not to be a fit tool for their purpose, brought in Sir George Makhenzie again to be king's advocate, and they degraded the master to be justice clerk; then they found out he was the man saved the Bishop of Ross, in *anno* 1686, by advising him to appeal from the bishops court to the parliament.

Upon the Revolution, the Earl of Perth (then chancellor, fearing the just indignation of the enraged mob) taking his flight, the said master (and some others of the privy counsellors) taking care first of keeping things in some order, and distributing (so far as was then in their power) the government in the best hands, went up to wait upon the Prince of Orange, in December, 1688, concurred in making the address to the prince, for taking on the administration of the government, assisted in the convention, 1689, as a chosen member thereof; was the man chiefly (with the indefatigable pains and endeavours of the late Duke of Hamilton, chosen president of the convention) who concerted the resolution, and stated the vote of forfeiting King James, and proclaiming his majesty and the late queen, king and queen of Scotland. The Master of Stair, in conjunction with the Earl of Argyle, and Sir James Montgomery, were voted, and sent up commissioners from the three estates of Scotland, to make offer of the crown to their majesties, when our gracious king was pleased to make the master his advocate again, and Lord Melvil secretary of state, &c.

The foresaid convention being turned into a parliament (the Duke of Hamilton made

¹ Attorney-general.

lord high commissioner) some people, (who pretended great matters for religion, liberty, and property, being displeased, it seems, that they were not advanced instantly to some places of high dignity and trust in the government) recoiled: And then it was that we unhappily turned into parties, which put the subjects in a ferment, made our proceedings uneasy ever since at home, and makes the king's affairs sometimes to be retarded both here and abroad; thus, by our divisions, giving too much encouragement to the disaffected party.

In the winter, 1690, the Master of Stair was advanced to be conjunct secretary of state with the Earl of Melvil, who, upon the Revolution, was made sole secretary of state for Scotland, as aforesaid, which he did merit as (formerly) a great sufferer, and always a true commonwealth's man.

In the year 1692, Mr James Johnson was made conjunct secretary of state with the Master of Stair, and the Earl of Melvil sent to Scotland to be lord privy seal: And as to these three persons they continue in the same stations and offices still.

The Earl of Breadalban, who was formerly called Sir John Campbell of Glenorchy, an ancient family in the Highlands, a cadet of the family of Argyle, when he married the late Earl of Argyle's sister, (countess dowager of the late Earl of Caithness, who died without issue-male) he the said Sir John was created Earl of Caithness in the year 1677, or 1678, and brought several debts upon the earldom of Caithness, and made use of force to possess himself of the estate, which created him enemies; afterwards, an heir-male and of tail appearing to the deceased Earl of Caithness, he the said Sir John Campbell took a new patent to be Earl of Breadalban.

In the year 1677, by order of council, he sent a double regiment of his tenants and vassals, in conjunction with the Marquis of Athol, Earl of Perth, and several other noblemen and gentlemen, to the west country (which was then called the Highland Host) there was a commission of the council sent along with them to try the dissenters; this created the Earl of Breadalban enemies also. Upon the Revolution he stood out, but being convinced of his error as to the alteration from that of arbitrary and despotick power, to that of a mild, merciful, and peaceable government, tracing the true constitution and fundamental laws of the nation, he joined forces, and offered his service to the government, by bringing in of the Highland clans and rebels by fair means, or necessary stratagems, to make the effects answer the end.

As for the Glenco men, the truth is, *hic labor, hoc opus est*, to describe them without reflection upon my countrymen, which I would willingly avoid; but the real truth is, they were a branch of the M'Donnells (who were a brave courageous people always) seated amongst the Campbells, who (I mean Glenco men) are all papists, if they have any religion; were always counted a people given to rapine and plunder, (or sorners as we call it,) and much of a piece with your highwaymen in England. Several governments designed to bring them to condign punishment, but their purses, it seems, found them out protectors, and their country was inaccessible to any small parties; and though I dare not approve of the method taken in January and February 1692 by killing them under trust, and in cold blood, yet at the same time they deserved the heavy hand of justice, in a regular and legal manner, which would have made their neighbours live in more peace and tranquillity. I do remember when I first heard then of the matter, I said to some great persons, that the best method would be to make these men prisoners, and send them abroad to be soldiers, or to the plantations, and wishes it had been so.

Now that I have given you an historical account of these persons in as brief terms as I could to make you understand the men, and the relation of matters afterwards,

1 The definition, if just, would have included the whole Highlanders of that time,

I begin again with the bishop of Galloway, Mr Robertson, and the Lord Viscount Stair's affair.

The Viscount of Stair is by his own, his author's, and predecessor's charters, heritable bailly or judge of the royalty or regality of the lordship of Glenluce, within the bishoprick of Galloway, for which the bishop is obliged, and was constantly in use to pay him 20l. sterling yearly of fee (or salary) in money or value, besides the perquisites of the court, which is allowed to the deputy always.

The bishop of Galloway died, as was mentioned: The three daughters and their husbands did contend about proving the will of the deceased, the bishop's widow being poor,* and detained from what effects the bishop left, by the contention and tedious unnatural law debates of her children: Mr Hugh Dalrymple (the Lord Stair's son) being factor for uplifting of his father's rents, the time of his father's exile, as abovesaid, and the viscount himself likewise after his return home, did support her with money, that she might not starve, during the law-debates; for which they took security both from herself and Mr Patrick Smith, her eldest daughter's husband, to repay them.

After long and litigious debates, the lords of the session pronounced a¹ decret in favour of Mr Patrick Smith, being found to have the best right, and who supported the mother by his credit.

This Mr Duncan Robertson, encouraged² by some persons (not well inclined to the Lord Stair, to be sure) presented a petition to the parliament upon the 3d day of June last, complaining that the said viscount had pronounced an unjust sentence against him. It would be needless, and not to your purpose, to repeat all the said complaint, and the great and long debates followed thereupon, so I only give you the substance, and the most material points in the complaint; viz. that the president, in the debate betwixt the said Robertson and Mr Patrick Smith, should have done injustice by making up himself (or by his influence) a debate, or minutes and *interloquitor* subjoined thereto, upon the 29th of July, 1692, and signed the same privately in the vacation.

2. That after there was a decree pronounced in favour of Mr Smith against Mr Robertson (against which decree Mr Robertson gave in a bill of suspension) upon which bill the clerk of the bills refused to write a³ *sist*, by the president's order, thereby stopping the ordinary course of the law.

3. That the president transacted, during the dependence of the plea with Mr Smith, as executor to the bishop, for a debt due by the president to the late bishop,⁴ and had an⁵ ease from Mr Patrick of the debt, and took allowance of 20l. sterling of bailly; fee, which the bishop would never have paid.

The answer made to the first was, that if Mr Robertson, or any other, could prove against the president, that he did sign any *interloquitor* or debates privately, but what was the meaning of the rest of the lords⁶ *in præsentia*, as well as his own opinion, he were most unjustifiable; but nothing at all thereof was proved: On the contrary, one Smith, a witness⁷ adduced by Robertson himself, deposed, that the king's advocate did dictate them, who is a man of great honour and integrity, and owned the same. The clerk also deposed the same; and Mr John Frank, Robertson's own advocate, deposed, that the point mentioned in these minutes was stated by the president, which should have been debated; Mr Robertson's advocates declined to debate, and Mr Patrick Smith craving a decret, and that the same was pronounced in Mr Frank's own hearing and others, so not done privately. Two of the lords of session, Halcraig

¹ A decree.

² *Sic statet sententia.*

³ A *sist* is a stop of execution of a decree by a judge for a certain limited time.

⁴ Lord Stair paid tithes to the bishop.

⁵ An abatement.

⁶ In presence of, and by the unanimous consent of all the lords.

⁷ Produced.—Orig. Notes.

and Crosrig, deposed to the same purpose; and one of these lords doth exactly remember, that before the cause was called, the lords resolved, that the parties should debate the very points mentioned in the minutes, which was stated truly by the president, as all the lords resolved. And it is further cleared (the aforesaid *interloquitor* being *res gesta*, known to, and authorized by all the lords) by a subsequent decret of suspension which followed thereupon the first of February, 1693.

It was answered to the second, that the clerk of the bills, James Nicolson, did refuse to receive or write upon the bill of suspension, because Mr Robertson was litigious, and after two decreets *in foro*, he offered a third bill, and Mr Patrick Smith having found caution or surety to relieve Mr Duncan Robertson and his wife of any process might be intended against them, as executors to the bishop (which was the pretence or reasons of his last bill of suspension) and all the lords rejected the bill, and discharged the clerk of the bills to receive any other bill of suspension from Mr Robertson, except upon obedience, he having refused to debate before; which deliverance was shewn and duly intimated to the clerk of the bills, which is his warrant: And that the president never spoke directly nor indirectly to him about the same: The Lord Aberuchil, also ordinary, deposed, that the clerk did refuse to write a *sist* by reason of the said deliverance of the lords *in præsentia*.

It was answered to the third, that, as was said before, Mr Hugh Dalrymple, by his father's orders (when in exile) and the president himself when he came home, advanced money to the bishop's poor widow, to save her from starving, during the dependency of the plea, for which they took bond, to be repaid as aforesaid, which was a security to them *in omnem eventum*, without any dependence upon the event of that plea of law: For though Mr Robertson's title had been just, and sustained by the lords, the president's security was good beyond exception.

1. Because the widow was provided to a considerable¹ life-rent by her husband, which was a debt undeniably preferable to the interest of either party, Smith or Robertson; and the advancement to her being less than her provision, the president could have no bias that way; besides that Mr Patrick Smith also had an unquestionable interest in the dead's part, and the *legitim*, and had acquired the interest of a third sister, as Mr Robertson's own bill to the parliament doth acknowledge. So there was no hazard to, or injustice in the president, though he had advanced more to Mr Patrick, or the widow, which he never did, and made no other transaction, but as aforesaid.

And as to the other member of that allegation, that the president got an ease from Mr Patrick Smith of the debt due by him to the bishop,

It was answered, That it was a very false allegation: For by the discharge granted to the president, it will appear, that the several and particular sums paid, are instructed either to be paid by the president himself, or Mr Hugh Dalrymple in his absence; that the president had no advantage by it, nor was the president concerned what Mr Duncan's claim was against the bishop, or his executors, seeing the president was not obliged to pay any more to the bishop, or any claiming right to his estate, but what was truly due, and to them who had the best right.

As to that, That the president should have taken an allowance of 20*l*. sterling to himself yearly of baily-fee, the president owns he did take the same, and instructs his right by an original charter, *anno* 1560. And by another charter under the great seal, *anno* 1618, both charters bearing an heritable office of bailyary, and a fee of three chalders of meal out of the first and readiest of the fruits and emoluments of the lordship of Glenluce, which three chalders of the measure of Wigton (which is the measure of that country) will be four chalders and a half of Linlithgow measure, and which

¹ Or annuity.

would be worth more than 30*l.* sterling yearly; yet the president being only in use to receive an allowance of 20*l.* sterling, he exacted no more. And as the said president's right was instructed by his charters, so the use of payment appeared by two several agreements, one with Bishop Hamilton, *anno* 1666, who preceded Bishop Aitkin, and another, *anno* 1688, with Bishop Gordon, who succeeded him, both stating the baily-fee at 20*l.* sterling yearly. After debating of these points before the parliament, it was moved, That the affair should be committed to a committee chosen for that particular case, but it was carried by plurality of voices, That it should be committed to the committee of safety, who were appointed to give their report thereof in open parliament upon the tenth day of the said month of June. And the committee having accordingly examined many witnesses upon the most material articles of the complaint, viz. The alledged injustice of the sentence, nothing was proved, as I can see, against the Viscount of Stair by Robertson; on the contrary, it was proved by the depositions of the lords of session, Mr Robertson's own advocate, and several other evidences, as abovesaid, that the president's transactions were fair, and the sentence just; so that Mr Robertson did not think it advisable to insist upon the other articles of the complaint. Upon the tenth of June it was moved, I hear, in behalf of the lord president, That the parliament would call for the report of the committee, and either declare the president guilty, or, if nothing of the complaint should be proved against him, that they would acquit the lord president, and appoint a suitable punishment upon the libeller for so impudent a calumny; but the motion was not favoured, there being matters of greater importance in hand. However, the president's friends say, they are glad that (even now in his lordship's absence) there are no greater matters of complaint or accusation found against him through the whole course of his life, being sufficiently vindicated of his accusation by these and other grounds represented, judging there is enough known (and will be justified by all good unbiassed men) of his long service in the public, integrity of life, firmness of principles, his and his family's sufferings in dubious and dangerous times, and dutiful adherence to his majesty's interest, before and since the late happy Revolution: And that they do confidently hope that his majesty's high commissioner, and the honourable estates of parliament, will some time or other find the justice of the nation interested to see the laws and acts of parliament for securing, maintaining, and defending the honour and reputation of judges (who do represent his majesty's person and his authority) fully and effectually executed by the exemplary punishment of the malicious libeller, so as judges in all time coming may be fenced and secured from such bold and insolent attempts. And upon the whole matter, the president's friends say further, that he lost 100*l.* sterling by these transactions concerning the bishop's affair, which he never expects again; so that, according to the wise man's saying, As it is a hard matter to be both popular and just, so to strike and not wound, is anger lost, for he is invulnerable, and not hurt who is struck.

(As for the matter of the indictment against the Earl of Breadalban, in so far as I can learn, the matter is thus: That the earl, *anno* 1691, promised to the king to reclaim the Highland rebels, which way he did it is in public now; but Mac Donnel of Glen-gary (who is the most sensible and of greatest probity amongst them) came in, and deposed before the parliament, That the earl did, by articles agreed upon betwixt him and them, engage, that if King William could not condescend to such and such articles, he, the said earl, should with all his friends and followers, join the Highland army. The said deposition being read, it was moved that the king's advocate should be ordered to commence a process of high treason against his lordship, and that he in the mean time should be committed prisoner to the castle of Edinburgh. And 'twas pleaded for the earl, that he might have time to deliberate his answer before impeachment, this being a surprise to him, and doubted not but he would make it appear to the parliament there was no ground for the impeachment.

It was further pleaded by the earl, That Glengary, not being summoned by a judge to come in as a witness against him, and especially considering that he was a Roman catholic, had been in rebellion against the king, and never knew he had submitted to the government, unless done privately at this time, and carrying an inveterate enmity to the earl's family, he hoped the parliament would not found a process of high treason against him upon his deposition. These arguments did not prevail.

It was further pleaded by the earl, That he had an ample commission from the king to do in that affair all that he should think fit for effectuating his design: That as well his majesty as all the world knew that in such negotiations there must be allowances for men commissioned to go, or at least pretended to go, great lengths, and to yield to such condescendencies as they find most taking for accomplishing the design. That the effect and consequence had justified the methods he had taken. That, not only they there sitting, and their constituents at home, who suffered most in that unnatural and cruel war, but also the kingdom of England (who for its own safety was obliged to maintain some regiments here in Scotland) yea, and all the confederacy had reaped advantage by his conduct in that treaty, many troops and much money being now employed against the common enemy abroad; which that troublesome war had exhausted for several years here at home. That seeing the thing itself was good and advantageous for the nation, he wondered persons should take exception against the particular methods which in prudence he was obliged to take in carrying it on; however, that he had made it known to their majesties, whatever he had said or done in that affair, and had their approbation since.

It was alledged that things now libelled were not then known. It was answered, that upon a complaint given against the earl for these very things he is now accused of, his majesty recommended to the privy-council here to make enquiry into the matter, which was done accordingly, and transmitted to the king; that the minutes of council would clearly shew the same, and desired that the minutes might be called for; but the parliament did not think fit to call for them. The Earl of Melvil, then secretary of state, and now lord privy-seal, 'tis said, rose up, and avouched the truth of what had been said, and asserted, that the precognition taken by the council, was upon a complaint (if not in the same words, yet at least to same purpose) with what was contained in Glengary's depositions, was sent by the council to him, as secretary of state then; that he shewed it to the queen (the king being then in Flanders) who kept it a whole night by her; that the next day he transmitted it to the king, who (he knew by the returns he got from Flanders) received and perused it. The Duke of Queensberry did declare likewise, that it consisted with his knowledge that his majesty received the same, he being then in Flanders with the king, and heard his majesty's discourse of the matter very often.

Upon this some person moved, That seeing his majesty had taken the earl's behaviour to his own consideration, and had been informed of all the methods of his proceedings in the matter, and had shewn a satisfaction with the earl's conduct, by preferring him at that time to several places of honour and trust, the parliament would please not to proceed in an affair of such importance against one of his majesty's ministers of state, until he was first acquainted with it. But this being refused, it was desired in behalf of the earl, they would delay proceedings at least until the next meeting; but it was voted and carried, that the king's advocate proceeded immediately against him; and an order of parliament was signed for committing him to the castle, where his lordship was carried immediately after the rising of the parliament. The lord advocate sent him a copy of his indictment, and he was ordered to give in his answer thereto by the first of July instant. Upon the first instant the earl desired an exculpation, which was granted to him. Upon adjourning of the parliament to the seventh of November next, the prosecution of the earl is delayed till that time.

As for the matter of the Glenco men, which made so much ado, we are something in the dark as yet, nor will I meddle to speak, much less to write, of any point the parliament have voted, only the historical part of that matter is this :

That when the Earl of Breadalban did undertake to cause the Highlanders to lay down their arms, give over hostility, and to give passive obedience to the present government, by taking of the oaths (which was very well done, whoever did it) before they laid down their arms, there were two or three indemnities issued forth by his majesty, encouraging them to come in ; and they did come all in by the prefixed diet in the last indemnity, except the Glenco men, who it seems, finding themselves without help or support by the other chieftains and clans coming in, old Mac Kean of Glenco himself only (as I am informed, as *ad aram ultimam*) went to, and prevailed with Campbell of Ardkinglass, sheriff-deputy of Argyleshire (a very worthy honest gentleman, and formerly a great sufferer) six days after the diet was elapsed, who received him, and Mac Kean took the oaths ; though at the same time it was, and is still the opinion of many good men, that to confide in these men, or to bring them to conformity to the government, were Penelope's *telam texere*.

Nor did the taking of the oaths after the diet prefixt was elapsed, save or protect them or him from the lash of the law (not having come in in the terms of the law) the mercy tendered in the indemnity being conditional, in case they came in, and submitted before, or upon such a day : but was a ground for mercy and mollification of the rigour of the law, supposing him or them to have taken the oaths *bono animo*, and upon true repentance. I do not hear the rest of his followers came in, and took the oaths, judging, it's like, he and they were safe by his only taking of the oaths, though *post meridiem diei*. The court (it seems) not knowing of these transactions at a great distance of four or five hundred miles (and being informed by all hands that they were nests of thieves and robbers) his majesty, after refusal of many offered mercies, sent to treat them as enemies and rebels : Yet at the same time his majesty, by his instructions, as I am informed, left room for mercy to them, according to discretion, and circumstances of time and affairs, which is all could be expected in reason from his majesty.

The Master of Stair, Secretary of State, writ letters, it seems, likewise at the same time to the government, or officers of the army there, much to the same purpose, but (it's said) in severer terms, and exceeding his majesty's instructions, to treat them like the men they were represented. What may be in this we know not, not having seen the master's letters ; but many wish that they and all the instructions relating to that matter of the Glenco men, had been printed, to undeceive the generality of good men, who speak as they affect, but could make no true judgment of the matter, as it then stood, only this, that the parliament has been very zealous to discover at whose door the fault, in killing the Glenco men, lies. That they were killed in cold blood, and under trust,² judging themselves secure and safe (with their thirteen days guests or lodgers) is undeniable. But in fine, the parliament, as you have it in publick, finds that his majesty's orders and instructions had mercy *in græmio*, so that it cannot lodge there, and God forbid it should. They have likewise voted Sir Thomas Livingston commander in chief of his majesty's forces in Scotland (who sent the orders to Colonel Hill, governor of Fort William, and Hamilton, his lieutenant-colonel) clear of it, as also Colonel Hill, have summoned Lieutenant-Colonel Hamilton to appear before them, to answer concerning the said matter ; and upon further scrutiny, where the said murder will fix, I know not (*grammatici certant, et adhuc sub judice lis est*) for the common soldiers will readily say, that they obeyed but their superior officer's command ;

¹ Diet signifies the day appointed in the indemnity to come in by.

² *Faber est quisque fortunæ suæ.*—Orig. Notes.

and the master of Stair's friends here say, that they desire the master's letters to be printed, that the world may judge of them; and if he be judged to have exceeded bounds, or his majesty's instructions, it was his zeal for the government, but never intended at the same time that these men should be killed in cold blood; and that he did not at all know that any of the Glenco men had taken the oaths, (either before or after the diet) when he writ these letters, being at court four or five hundred miles distant, as is said; so it's wished the men, who had the trust of the execution of the matter upon the spot, had acquainted the court, or our government, of these unhappy men's then circumstances, before they went so far on, in which case I doubt whether any of them had been killed or murdered, and consequently no reflection had been upon any part of the government, or any ever mentioned in the affair. It's an old saying, That the counsels of wise men are certain, but events uncertain.

As for my own part, I know nothing of it, but God in heaven, and the master of Stair himself knoweth best if he be guilty of a designed murder of these men, or any others: Nor will I argue about any point, such a wise, loyal parliament have voted or found. But this I may say, that I do not understand where the master of Stair's interest lay to destroy the Glenco men; for if he be any ways suspected to be a Jacobite, it was not his interest upon that score to destroy them by any means, of all men in Scotland, their religion and blind zeal bending them then altogether that way, whatever new light these who are living of them have found of late, and if he be thought to be a church of England man, though that be against our present constitution, yet no man in his right wits will call it a crime. These men were not presbyterians, to be destroyed upon that score; nor do I think any man would be so mad as to bribe him to kill them by authority, without the hand of justice going along with it. Some good-natured people may say, out of good-will to the master, that they were idle men, robbers, thieves, *et telluris inutile pondus*; granting all that, yet a statesman's interest was, to make their young men soldiers, or to send them to the plantations, which had been to good purpose. But a man of his trust, capacity, and reason, to be accessory to their destruction in cold blood, is unaccountable, if he were really guilty; and being the honourable parliament has found that slaughter a murder, (as no doubt it was) in the manner it was done, and that the master exceeded his majesty's instructions, it were a very pertinent question to ask, What under God's heavens was the master's bias or interest in the matter? I can imagine none. There was an information printed and dispersed (as you heard formerly) by Commissary Dalrymple (hearing that his brother, the master of Stair, and his letters were made mention of in the commission appointed for examining the Glenco business) in vindication of his brother's behaviour and conduct, as secretary of state, in the said affair; representing, that if people did construct some paragraphs, sentences, or periods, of his brother's letters so and so, without connection of other sentences, &c. without hearing (in his own absence) they did not know what to say of it. But if one sentence, &c. were connected with others, the whole would not bear the commentaries the people might put upon them *separatim*, and several other arguments to this purpose. The dispersion of which informations, after the commission's sentiment (and they being ready to report their opinion in open parliament) gave offence to the parliament. He said, his printing and dispersing of them, was before the vote of parliament, and said, he intended to give no offence, meantime he was reprimanded, and was obliged to beg pardon.

The parliament, since summoning of Lieutenant-Colonel Hamilton, have declared him fugitive, for not appearing; he is gone since into Flanders, as we hear, to wait

* It is a saying of the great Seneca, "That the best way to help every thing is by a fair interpretation, and where there is a doubt, is to allow it the most favourable construction."—*Orig. Note.*

upon his majesty. The parliament have likewise made an address to the king, to send persons home, who may be found guilty, to be prosecuted for the said murder, or not, as his majesty thinks fit.

Sir, this parliament have done great things for his majesty's service, and safety of the publick: For though there might have been some misunderstandings between some of the members, yet all concurred unanimously to serve the king and the country. You know what was said concerning the nation and commonwealth of the Romans:

Tantæ molis erat, Romanam condere gentem.

For great matters take up much time to effectuate the ends proposed; so as we have had good beginnings, good proceedings, hopes all our matters will end well; for though the almost desperate and uneasy Jacobites (who but fish in muddy waters) should vaunt upon the occasion of some accidents, (as to see some honest, well-meaning men differ only in points of opinion,) they being a people soon elevated to castles of the air, and soon cast down to the dust, yet all the bustle they make comes to nothing at last, but exposes themselves the more to folly. And I am very apt to believe, that all our seeming differences would vanish upon the sight of our most gracious king's presence, upon his throne in our parliament; so will conclude with a great moralist's saying, or to this purpose, That by the two blessings of reason and union, we might secure and defend ourselves against the violence of fortune; sense and reason we have enough, and what is wanting of the latter, the defeat of Lewis Le Grand, and our most gracious king's (I mean King William's) presence once here in our parliament, would, I am certain, effectuate. I long to see his majesty here. *Vale, et bene valeat et vivat Rex noster Gulielmus.*

A true Account of the Preservation of the Regalia of Scotland, viz. Crown, Sword, and Sceptre, from falling into the Hands of the English Usurpers, by Sir George Ogilvie of Barras, Knight and Baronet; with the Blazon of that Family.

Edinburgh, Printed in the Year 1701.

This is a curious and authentic narrative. The distribution of rewards among those who saved the regalia of Scotland was curious. The Honourable John Keith, who had no further concern in the matter, than being son of the Earl Marischal, to whom Dunnotar Castle belonged, had a pension and earldom. Sir George Ogilvie, by whom the castle was really defended, was made a baronet; and the loyal minister of Kinneff and his wife, whose bones were dislocated by the torture, and who actually concealed the regalia, are generally said to have got nothing at all. The tract, however, mentions some pecuniary reward.

The Atchievement of Sir George Ogilvie of Barras, Knight and Baronet, some time Governor of the Castle of Dunnottor, and Preserver of the Regalia.

A regent, a lion passant, guardant, gules, crowned with an imperial crown, holding in his dexter paw, in pale, a sword, hilted and pomelled or, in the dexter chief point a thistle proper, ensigned with a crown of the last, and in the sinister the badge of Nova Scotia, as a knight baronet; which shield is timbered with helmet and chachements befitting his degree, on a wreath of his tinctures, for crest a demi-man armed at all points, pointing forth his right-hand towards the motto on the escrol, *Præclarum Regi et Regno Servitium*; which blazon is thus matriculate 27th of December, 1673.

This family carries the lion passant, guardant, for the paternal coat of Ogilvie, the sword, crown, and thistle, as additional figures of honour granted to him by authority, for special and eminent service done to his king and country, in preserving the honours of Scotland from falling into the hands of the English (intimate by his motto, *Præclarum Regi et Regno Servitium*) as is evident from the following account instructed by principal papers and evidents. For 'tis more satisfactory to man to know the truth of things as they really were designed and acted from the testimony of original papers and documents, than from the allegations and bare assertions of pretenders, without proof or instruction.

When the rebels in Britain under Oliver Cromwell the usurper, had triumphed over the best of men and justest of kings, Charles the First, and those that persisted in their loyalty to him in these lamentable times of confusion, the regalia or honours of Scotland were delivered to the custody of the Earl Marischal, and were lodged in the strong castle of Dunnottor, within the shire of Mearns, as a place of greatest security and distance from the enemy.

The said earl being obliged to be in the fields to defend his king and country against the usurper, he made choice of George Ogilvie of Barras, as the fittest man for his valour, prudence, and loyalty, to entrust the keeping of the said castle of Dunnottor, with the honours, viz. the crown, sceptre, and sword, and other monuments of the kingdom therein, makes him his lieutenant, and gives him the commission following:

"Forasmuch as the king's majesty and committee of estates have entrusted the care and keeping of the house and castle of Dunnottor to us William Earl Marischal, and have allowed forty men, a lieutenant, and two serjeants, to be entertained within it upon the public charge: Therefore we do hereby nominate George Ogilvie of Barras to be our lieutenant for keeping of the said house and castle, and give unto him the sole and full power of the command thereof, and of the men that are to be entertained therein, for keeping thereof under us, with power to him to bruick, enjoy, and keep the said place, with all fees, dues, and allowances belonging thereto, as fully, in all respects, as any other lieutenant in such a case may do. In witness whereof, we have subscribed these presents at Stirling, the eighth day of July, 1651.

Sic subscribitur,

MARISCAL.

Archibald Primrose, witness.

William Keith, witness.

Alexander Lindsay, witness.

The Earl Marischal, having entrusted, as is said, the government of the said castle, and the honours therein, to George Ogilvie, he accompanies the king to England, and

after the battle of Worcester, was taken by the English, and carried to London, where he was detained prisoner in the Tower for a long time.

George Ogilvie of Barras being sole keeper of the honours, and governor of the said castle, which he found not sufficiently provided with men, ammunition, and other provisions, to hold out against a long siege, as the king had ordered, acquaints John Campbell Earl of Loudon, then chancellor, who returned him the following answer:

SIR,

Your letter of the last of October came to my hands the 9th of November instant, and the parliament being appointed to meet here upon the 12th day, I staid the bearer, in expectation that I might return you the parliament's answer and orders; but the parliament not having met, and there being no meeting of the committee of estates, I can give you no positive advice nor order: But I conceive that the trust committed to you, and the safe custody of these things under your charge, did require that provisions, a competent number of honest stout soldiers, and other necessities, should have been provided and put in the castle, before you had been in any hazard; and if you be in a good condition, or that you can supply yourself with all necessities, and that the place be tenable against all attempts of the enemy, I doubt not but you will hold out: But if you want provisions, soldiers, and ammunition, and cannot hold out against all the assaults of the enemy, which is feared you cannot do, if hard put to it, I know no better expedient than that the honours be speedily and safely transported to some remote and strong castle in the Highlands; and I wish you had delivered them to the Lord Balcarras, as was desired by the committee of estates, nor do I know any better way for the preservation of these things, and your exoneration. And it will be an irreparable loss and shame, if these things shall be taken by the enemy, and very dishonourable for yourself. I have here retained your letter to the Lord Balcarras, hearing he is still in the north, and not to come to this country. I have written to Sir John Smith, to furnish you the remainder of the victuals you wrote he should have given you: If he be in the north you will send it to him, and if he be gone home to Edinburgh, I cannot help it. So having given you the best advice I can at present, I trust you will, with all care and faithfulness, be answerable according to the trust committed to you, and I shall continue your assured and real friend,

Sic subscribitur,

LOUDON, Cancell.

Dated at Finlargo, 13th November.

Directed thus: "For my much respected Friend,
George Ogilvie, Governor of Dunnottor."

The governor, George Ogilvie, being disappointed of sufficient force and provisions to hold out a long siege, and observing the advances the English made daily in reducing the nation, was exceedingly perplexed, how to prevent the enemies getting the honours of this kingdom in their hands, he advises with his wife (a lady of great prudence and undaunted courage) she therefore forms a very happy contrivance, that she should convey the honours privately out of the castle, and secure them without her husband's knowledge, that when he should be put to it, and tortured by the enemy, he might freely declare he knew not where they were. In order thereto, this lady sends for Mr James Granger, minister of Kinneff, his wife, in whom she had great confidence, and imparts to her the design; she promising to be faithful, they privately carried the honours out of the said castle to Mr James Granger the minister (the other trustee) and put them under ground within the church of Kinneff; and the manner how the honours were transported from the castle thither, was on a servant woman's back, in a sack amongst hards of lint.

George Ogilvie, the governor, not being able to hold out the castle against so powerful an enemy, that then besieged him so close, and expecting no relief, and all other forts and castles in the kingdom being in the enemy's possession, enters into capitulation with Colonel Thomas Morgan, and surrenders on honourable terms, the garrison being permitted to march out of the said castle with drums beating and colours flying, which were carried by the present Sir William Ogilvie of Barras, son to the said Captain George (who was the last person who carried colours at that time in Scotland for the king) and one of the articles of capitulation being to deliver up the honours (for the English were certainly informed they were in the castle) or give a rational account of them: These are the very words of capitulation, which the present Sir William (the said Captain George his son) hath in his custody.

After the surrender, the English demanded the honours, or an account of them. The governor declared, he knew not where they were, for his wife had privately taken them away without acquainting him; upon which he was put into close prison in the said castle; his lady being examined and threatened with torture, she boldly affirmed, by way of evasion for her own safety, that she had delivered the honours to John Keith, now Earl of Kintore, who carried them abroad to the king. But the English distrusting her, put her in close prison also, and sent out a party to the house of Barras, to apprehend the said Sir William Ogilvie, their only son and child, that they might torture him in sight of his parents, to extort a confession from them; but he by providence made a timely escape, and underwent much toil and fatigue, by travelling night and day, till he came to his friends in Angus, where he remained *incognito*.

After the said Captain George and his lady had been close prisoners for a year, in which time they suffered much inhuman usage, by the cruelty of the English, who caused a centinel to stand at the prison door, and another at the prisoners bed-side, that they should not commune about the honours: And after all, the said Captain George and his lady adhering to their former declarations, that the honours were carried abroad by the now Earl of Kintore, had such an appearance of truth, that upon mediation of friends, Major-General Dean was prevailed upon to grant them liberty to go to their own house of Barras, upon such conditions as here follows, conform to the principal warrant.

Whereas in the capitulation made upon the surrender of the castle of Dunnottor, between Colonel Thomas Morgan and Captain George Ogilvie the then governor, it was among other things agreed, that the said Captain George Ogilvie should deliver up the crown, sword, and sceptre, of the late King of Scots, which were in his custody, or give a good account thereof: And forasmuch as I have caused the said Captain Ogilvie ever since that time to be retained a prisoner in the said castle, for not delivering the said crown, sword, and sceptre, or giving a good account thereof: Now in regard he makes divers pretences that the said crown, sword, and sceptre were taken away out of Dunnottor without his knowledge; and, lastly, that his wife conveyed the same to a gentleman that carried them to foreign parts; I am willing that in case he shall procure good security of 2000 or 1500*l*. sterling, that he shall render himself a true prisoner to you upon demand, as also that his wife shall do the like, he shall have his liberty out of the castle unto his own house, being seated within four miles of the same, providing he do not at all go from the house above three miles; and I do hereby authorise you to receive such bond of him as said is, for his and his wife's forthcoming, and thereupon to give him the liberty abovementioned, for which this shall be your warrant. Dated the third of December, 1652. *Sic subscribitur*,

RI. DEAN.

Direct to Captain John Garnor, the present Governor of Dunnottor.

Upon this warrant, Captain George and his lady were set at liberty, and Sir Robert Grahame of Morphie became cautioner for them, as by the following bond:

"Whereas the right honourable Major General Richard Dean hath issued an order unto Captain John Garnor, now governor of Dunnottor, that he grants liberty to Captain George Ogilvie, together with his wife (they being both prisoners in the said garrison) to repair to their dwelling house, providing they give sufficient security that they depart not above three miles from Barras, being their habitation, and that they or either of them act nothing that is, or may be, prejudicial to the parliament of the commonwealth of England; and likewise on advertisement or warning given, they present themselves true prisoners at Dunnottor castle, to the governor thereof, or his deputy; and that the said Captain Ogilvie and his wife shall perform the abovesaid articles, I whose name is underwritten, do bind myself, my heirs, executors, and administrators, under the penalty and forfeiture of 2000*l.* of lawful current English money, in case of failzying to present, enter again, and make forthcoming the said prisoners, when the governor shall send for them: In witness thereof, I have hereunto put my hand and seal the 10th of January, 1652. *Sic subscribitur,*

Sir ROBERT GRAHAME of Morphie.

Testes, RICH. HUGKES, JOHN TURNER."

Some time after this, the said Captain George and his lady were necessitate and enforced, by the rigidity and strictness of the English, to find security of new, as the following bond doth evince:

"Whereas, upon solicitation for Capt. George Ogilvie and his wife's further enlargement, the honourable Colonel Lisburn, commander in chief of all the forces in Scotland, hath ordered Captain Garnor of Dunnottor castle, upon security given, to give them six weeks time to go about their lawful affairs; I do therefore engage myself, my heirs, executors, administrators, assigns, in the sum of five hundred pounds of good and lawful English money, for their personal appearance into the former obligation of confinement, six weeks after the date hereof. In witness hereof, I have put my hand and seal the 1st of February, 1653. *Sic subscribitur,*

JAMES ANDERSON.

Attested by JOHN BARKLEY, RICHARD HUGKES."

Under this restraint Captain Ogilvie's lady died, and he remained therein till the restoration of King Charles II. and all that time he had a special care of the honours, by sending monthly clean linen to Mr James Granger the minister, and his wife, with instructions to take out of the ground and wrap them in the same, lest they should be spoiled or tarnished, which the minister of Kinneff and his wife punctually observed, and were faithful in their secrecy, till the king's restoration (for which they got a pecunial reward) and then delivered them to the said Captain George, who, according to the king's order, did deliver them to the Earl Marischal in as good condition as he at first received them, as is evident by the following receipt, which will demonstratively and undeniably prove, that the aforesaid Captain George and his lady were the principal keepers and preservers of the honours of Scotland (whatever others pretend) and the only sufferers therefore; which honourable piece of service, so faithfully performed, should never be forgot by king or country, in saving the honours, which prevented both the disgrace of the kingdom, and the irreparable loss of our ancient regalia.

But notwithstanding of this noble and good service done by the said Captain George and his lady, yet at King Charles the Second's restoration, the then old countess marischal wrote to his majesty, that her son John Keith, now Earl of Kintore (who was then abroad upon his travels, and knew nothing of the matter) had preserved the honours, being that the said Captain George had unwarily imparted to the said countess

where they were hid, and how that by the contrivance of his wife, in affirming that she had delivered them, to the said John Keith, they had saved themselves, and concealed the honours from the English; and his majesty knowing nothing of Captain George Ogilvie and his lady's special service in preserving of the honours (in respect they did not timely apply) did, upon the said countess her misrepresentation, create her said son first Knight-Marischal of Scotland, and then Earl of Kintore, and ordered him a pension of 400*l.* sterling a year, which he enjoyed all King Charles the Second's lifetime, and is as yet continued to him with the said place and dignity, for his pretended preservation of the honours.

Captain George Ogilvie, then in the mean time in Scotland, being informed that the aforesaid countess and others had misrepresented to his majesty his faithful service in preserving of the honours, by which he was like to lose the honour and merit of so noble and eminent an action, performed with the hazard of his own and his lady's life, with the ruin of his fortune, he sends to London his son, the said Sir William Ogilvie of Barras, to give a true relation of the preservation of the honours, who addresses his majesty with the following petition.

To the King's most excellent Majesty.

The humble Petition of William Ogilvie, Son to George Ogilvie of Barras.

Sheweth, That whereas your petitioner is sent up here by his father, to give your majesty notice, that his said father hath had, and still preserves the crown, sceptre, and sword of Scotland in his custody, long before the English possessed the castle of Dunnottor, with the great hazard of his life, and long and streight imprisonment, which occasioned the death of his wife. And in respect of your petitioner's father his great interest with these honours, he could not desert that great charge, to come here and attend your majesty himself.

Wherefore he hath sent your petitioner to have your majesty's particular order, in relation to the aforesaid honours.

The Answer to the Petition was as follows:

Whitehall, 28th September, 1660.

His majesty ordains the petitioner's father to deliver his crown, sceptre, and sword to the Earl Marischal of Scotland, and to get his receipt of them.

Sic subscribitur, LAUDERDALE.

This order was by the then Earl of Lauderdale's advice, who said, if John Keith had kept the honours, then the said George Ogilvie was not able to deliver them; but if the said George had the keeping of them, it would evidently and undeniably appear who was the true preserver.

At this time the then old countess marischal being informed that the honours were hid in the church of Kinneff, she endeavours, by all means, to persuade Mr James Granger the minister to deliver them to her; but Captain George getting a surmise thereof, goes to the said church, and takes out the sceptre, and carries it to his house of Barras, and takes also an obligation from the said minister to make the rest of the honours forthcoming to him, as appears by his obligation, whereof the tenor follows:

"Whereas I have received a discharge from George Ogilvie of Barras, of the honours of this kingdom, and he hath got no more but the sceptre; therefore I oblige myself that the rest, viz. the crown and sword, shall be forthcoming at demand, by this my

ticket, written and subscribed this same day I received the discharge, 28th September, 1660. *Sic subscribitur,* M. J. GRANGER."

Within few days thereafter, Captain George gets the king's order to deliver up to the earl marischal the crown, sceptre, and sword, which readily he obeys, and gets the earl's following receipt, all written with his own hand :

"At Dunnottor the 8th day of October, 1660, I, William Earl Marischal, grants me to have received from George Ogilvie of Barras, the crown, sword, and sceptre, the ancient monuments of this kingdom, entire and compleat, in the same condition they were entrusted by me to him, and discharges the aforesaid George Ogilvie of his receipt thereof, by this my subscription, day and place aforesaid.

Sic subscribitur, MARISCAL."

Captain George Ogilvie not only preserved, by his prudence, fidelity, and diligent care, the honours as said is, but also considerable writs and monuments entrusted to him when Governor of Dunnottor, (the way and manner too tedious to insert) such as the king's papers. The receipt whereof follows :

"We William Earl Marischal grant us to have received from George Ogilvie, some time governor of our castle of Dunnottor, some papers belonging to the king's majesty, which was in Dunnottor, the time of his being governor there, in two little coffers, which papers consisting to the number of eight score sixteen several pieces, whereof there are four packets sealed, and one broke open, of which papers I grant the receipt, and obliges me to warrant the said George at his majesty's hands, and all others whatsoever, by this my warrant. Signed, sealed, and subscribed at London, the first of December, 1655. *Sic subscribitur,* MARISCAL."

The said Captain George also preserved the registers and papers of the kirk of Scotland, which is evident by a receipt thereof, granted to him by the Lord Balcarras, by order of a commission from the kirk ; also the monuments and charters of the university of St Andrews, which he delivered to Robert Zull, upon the order of Robert Honnynen, clerk to the university, and got his receipt thereof. And sicklike, the principal papers and charters belonging to the family of Hamilton, which he delivered to James Hamilton, then servant to the present Duchess Dowager of Hamilton, and got his receipt thereof, written on the end of my lady duchess her letter, brought by him to the said Captain George. All which principal receipts and documents are registrat, for preservation, in the books of council and session, being the general register of this kingdom.

Captain George Ogilvie having faithfully exonerated himself of the aforesaid trusts, takes journey for London, to wait upon the king, by whom he was kindly received, and delivered to his majesty the Earl Marischal's receipt of the honours, which the king having read, Captain George humbly requested it back, that it might be kept in his family as an evident of his and his wife's loyalty and good service done to the king and kingdom of Scotland, which his majesty granted, and was graciously pleased to confer a deserved mark of his highness's favour upon him and his family, by making him a knight baronet, by a patent dated at Whitehall, 5th of March, 1661, and gave him a new charter of the lands of Barras, changing the holding thereof, to hold thereafter blench of his majesty and his successors, 3d of March, 1662, which is ratified in parliament 11th of August, 1679. In which patent, charter, and ratification, is narrated the eminent service done and performed by Sir George Ogilvie of Barras, and that he was the preserver of his majesty's crown, sword, and sceptre, the ancient ho-

nours of the kingdom of Scotland, and the damages sustained by the said Sir George and his lady there through, from the beginning of the usurpation: During which time (notwithstanding of all temptations and threatnings used against them by the usurper) they carried themselves with the greatest integrity and constancy, under all their sufferings.

This Sir George Ogilvie of Barras was descended of the honourable family of Ogilvie Earl of Airlie: He married Elizabeth Douglas, daughter of Mr John Douglas of Barras, brother-german to William Earl of Angus, grandfather to the late Duke of Hamilton. By this lady he had the present Sir William Ogilvie, who married Isabel Ogilvie, daughter to Sr John Ogilvie of Invercarity, by whom he had vefy hopeful children.

A clear Vindication and just Defence for publishing of the foregoing Account; with other remarkable Instances, and observable Passages relating to, and confirming the Truth of it.

For truth seeks no corners, fears no discovery, and justice is no respecter of persons.

That the publishing an account of the preservation of crown, sword, and sceptre of Scotland, from falling into the hands of the English usurpers, by Sir George Ogilvie of Barras (then governor of Dunnottor castle) and dame Elizabeth Douglas his lady, was not done of design to offend, or derogate from the just honour of any, far less those of the family of Marischal (for whom the said Sir George Ogilvie did on all occasions evidence, and his posterity do yet continue a grand veneration and due regard.) But there being an account of the Earl of Kintore's family given to be inserted in Mr Alexander Nisbet's book of heraldry; in which account, the sole and chief preservation of the honours is ascribed to the now Earl of Kintore, and the then Countess-Dowager Marischal his mother; and not only makes mention of the said Sir George in a dishonourable manner, but doth also smother (and might in process of time have totally obliterate) the good service, loyalty, and sufferings of the said Sir George his well-deserving lady: And it being credibly reported, that at the same juncture the said earl's account was given to Mr Nisbet at Edinburgh, the like account was sent to London, to be insert in Morery's Dictionary (and that a long time before the printing and publishing Sir George's account) what less could have been done, than, in self-defence, to vindicate the fame and good name, and to perpetuate the sufferings of the said Sir George and his lady: For the consideration, that the good name and reputation of the righteous shall be vindicated and secured after death, is, to a generous nature, sensible of true honour, a great spur and encouragement to worthy and virtuous deeds; and the earnest desire that people of old had of leaving a good name behind them, and of perpetuating the fame and glory of their actions to after-ages, did animate their brave spirits in the pursuit of virtue, and, with the hazard of their lives, to do great and glorious exploits for their country: And as it is the argument of a great mind to be moved by this consideration, so it is a sign of a low and base spirit to neglect it: Besides, there is a certain civility in human nature, which will not suffer men to wrong the dead, and to deny them the just commendation of their worth. I

I cannot find any mention of this transaction in Nisbet's Heraldry; but in the peerage of Sir Robert Douglas, under the article Kintore, Sir John Keith, the first earl of that title, is mentioned as the chief preserver of the regalia, having, before the surrender of Dunnottor castle to the English, conveyed them from thence by assistance of some trusty friends, and deposited them under ground, in the church of Kinneff. It is added, that he then made his escape beyond sea, and wrote from abroad that he was safely lauded with the regalia; which discouraged farther search.—See Douglas's Peerage under the article Kintore.