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Title Page.

University of Strathclyde.

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The Political life of James Douglas, second Duke of Queensberry 1662 – 1711.

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Ph.D.

2005.

## Abstract.

The political life of James Douglas second Duke of Queensberry 1662-1711 is not covered in any single political biography. The Duke of Queensberry was born into a feudal society, governed by a feudal parliament. His political life began in 1695, following the death of his father. His political career took place in the context of an unsettled parliament. Questions of church trade, and constitution remained unresolved as Presbyterians, Episcopalians and Jacobites fought for control of the parliament, whilst outside, Covenanters sought to promote the radical ideas of government from the 1640-1641 parliament. The union of crowns challenged the ability of the ruling monarch to act fairly in the interest of both Scotland and England. Queensberry came to prominence as High Commissioner of the 1700 session of the parliament in the aftermath of Glencoe, and the refusal of William II to support the Company of Scotland trading to Africa and the Indies. Queensberry was expected to manage parliament to the satisfaction of William II. To do that task he had to build a party that could pass the king's measures in parliament. That management brought the issue of suzerainty to the fore in following sessions of parliament. Queensberry remained High Commissioner until 1703 when he was dismissed following the 'Scotch Plot'. His fall was from favour energised him and his 'party' to show the Court that only he could achieve their wishes for the settlement of the Hanoverian succession. In alliance with the Duke of Argyll he re-established his control of the parliament. Queensberry earned the title of 'union duke' although it was used pejoratively by contemporaries. Labels have been applied to him in the historiography of the period describing him as a venal and grasping aristocrat who was devoid of principle, and acted from the sole motive of self-interest. This thesis sets out to show how he managed the great issues he was confronted with, culminating in the creation of the parliament of Great Britain on 1 May 1707. He achieved that task because he remained firm to the principals that led him to support William of Orange in November 1688. His political career deserves an objective biography.

The Political Life of James Douglas second Duke of Queensberry 1662 to 1711.

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My first statement of thanks must be directed to my supervisor Dr. J. R. Young. I know of no other lecturer who has such a desire to enable students to produce work to the best of their ability. Dr. Young supports that drive with sound advice and wise council. He may not admit it, but, his desire to see students from less privileged backgrounds fulfil their potential suggests he is keeping the Scottish tradition of 'the lad [or lass] of parts' alive and well at the University of Strathclyde. I am deeply indebted to Dr. Young for giving me a love for Scottish history and any errors in this thesis are most certainly mine and not his. I must also thank all the staff of the Department of History at the University of Strathclyde for their continued support. Dr. Arthur McIvor in particular possesses an innate humanity that is deeply appreciated.

His Grace the Duke of Buccleuch and his wife the Duchess of Buccleuch allowed me access to their family papers at Drumlanrig Castle despite his Grace's own reservations about the worth of historians perusing the family records of the Scottish nobility in search of skeletons in their closets. He was a kind and generous host, and I deeply appreciate his hospitality. I know he will disagree with some of the conclusions of this thesis but I am sure he will accept that what has been written has solely been based on the evidence of the sources. His archivist, Andrew Fisher, and his daughter Claire, were also perfect hosts and provided me with comfortable facilities. Andrew is also a historian, having written a biography of William Wallace, and I enjoyed our conversations immensely. I also appreciate the ease of access offered to me by the archivist at the Blair Castle Trust, and I thank the Duke of Atholl for engendering easy access to his archives.

The staff at the National Library of Scotland were frighteningly efficient and I appreciate the time they took to guide me through the catalogues. I appreciate the advice offered to me by Dr. John Scalley in particular. The staff of the National Archives of Scotland have an enormous knowledge of the sources in that archive

and I appreciate their kind and patient assistance. I also enjoyed my visit to the British Library and with the assistance of the staff there I found valuable sources. The staff of the archives at the Ewart Library at Dumfries went out of their way to accommodate my visit to their archive. The staff at Glasgow University Special Collections Department were particularly helpful and given the wealth of material in their collections no doubt I will return to enjoy their hospitality in the future. Although I have criticized some historians in this work, particularly W. Ferguson, and P. W. J. Riley, I must stress that their research, and writing, gave me the inspiration to attempt this thesis, and I admire their works immensely. I also consider them to be essential reading for students of Scottish History.

Finally, my wife Dorothy has put up with tantrums from me, financial hardship, and much more to support my work. If this work is worthy then she bears much of the credit for the fact that it was ever finished in the first place.



## TABLE OF ABBREVIATIONS.

<i>Wodrow Letters.</i>	Sharp, L, W. ed., <i>Early Letters of Robert Wodrow 1698-1709</i> (Edinburgh, 1937).
<i>Wod.</i>	Woodrow MSS.
Drum. MSS.	Manuscripts at Drumlanrig castle.
NLS.	National Library of Scotland.
Ry.	Rosebery Collection of Pamphlets.
BL.	British Library.
NAS.	National Archive of Scotland. NAS.
GUL. Special collections.	Glasgow University Special Collections.
DA. Sts.	Dumfries Archive. Stewart of Shambellie.
APS.	Acts of the Parliament of Scotland.
SHMC.	Scottish Historical Manuscript Commission.
HMC.	Historical Manuscripts Commission.
El. Dum.	Ewart Library Dumfries.
<i>Carstares.</i>	Mc McCormick, J., <i>State Papers and Letters, Addressed to William Carstares, Confidential Secretary to King William</i> (Edinburgh, 1774).
<i>Burnet.</i>	<i>Bishop Burnet's History of his own time. From the Restoration of King Charles II to the Conclusion of the treaty of Utrecht, in the Reign of Queen Anne, in four Volumes</i> (London, 1815).

Notes and Transcripts of the  
Queensberry Family (Transcribed by

- Reresby.* Browning, A. ed., *Memoirs of Sir John Reresby* (Glasgow 1936).
- Balcarres.* *Memoirs touching the Revolution in Scotland by Colin, Earl of Balcarres* (Bannatyne Club, Edinburgh m. dccccli.).
- Proceedings of the Estates.* Balfour, E, W, M., *An Account of the Proceedings of the Estates in Scotland 1689-1690*, two volumes. (Edinburgh, 1954).
- Lockhart Letters.* Szechi, D. ed., *Letters of George Lockhart of Carnwath 1698-1732* (Edinburgh, 1989).
- CSP. Dom. *Calendar of State Papers (Domestic).*
- JHL. *Journals of the House of Lords.*
- JHC. *Journals of the House of Commons.*
- Seafield.* Hume Brown, P. ed., *Letters relating to Scotland in the Reign of Queen Anne. By James Ogilvy, first Earl of Seafield and others* (SHS, Edinburgh, 1913).
- Mal/God. Snyder, H. L. ed., *The Marlborough-Godolphin Correspondence, two volumes* (Oxford, 1975).
- History of the Union.* Duncan, D. ed., *History of the Union of Scotland and England*, by Sir John Clerk of Penicuik (SHS, 1993).
- BA. Blair castle archives.



Table of parliamentary sessions 1689 – 1707.

APS. Volume ix.

Convention of Estates. 14 March 1689 to 17 June 1689.

Sessions of Parliament  
1689. 22 June 1689 to 11 August 1689.

1690. 15 April 1690 to 9 September 1690.

1693. 18 April 1693 to 15 June 1693.

1695. 9 May 1695 to 17 July 1695.

APS. Volume x.

1696. 9 June 1696 to 12 October 1696.

1698. 19 July 1698 to 1 September 1698.

1700 – 1701. 21 May 1700 to 1 February 1701.

APS. Volume xi.

1702. 19 June 1702 to 30 June 1702.

1703. 6 May 1703 to 16 September 1703.

1704. 6 July 1704 to 28 August 1704.

1705. 28 June 1705 to 21 September 1705.

1706. 3 October 1706 to 31 December 1706.

1707. 2 February 1707 to 25 March 1707.

## Introduction.

Contextually, the history of Scottish politics from 1688 to 1707 has been written in the absence of political biographies of key people who made the decisions to settle the Revolution in 1688 in manner that caused ongoing conflict with England. Some of those Scottish magnates resolved that conflict by ensuring the passing of the Act of Union in the winter of 1706 to 1707. James Douglas, second Duke of Queensberry is one of many major Scottish political figures from that period who have not been the subject of a detailed biography. The names of James Graham, fourth marquis of Montrose, James Johnston and James Douglas, fourth Duke of Hamilton, among others, can be added to that of Queensberry. That lacuna has led to an incomplete and distorted historiography of the period, and of the passing of the Treaty of Union. The most thoughtful biography of Queensberry was recently included in the New Oxford Dictionary of National Biography in 2004.<sup>1</sup> That entry is fair and accurate summary of the second Duke of Queensberry from his birth on 18 December 1662 to his death on 6 July 1711. However, this type of entry is not intended to offer a comprehensive analyse of the development of the political ideology of the second Duke. A political biography of Queensberry is necessary to ensure that the historiography of Scottish politics 1688 to 1707 is objective and accurate. Particularly with regard to the motivation of Queensberry, who has been consistently demonised in the historiography by P. W. J. Riley, W. Ferguson, and P. Scott.<sup>2</sup> Competent histories of the convention of estates to the parliamentary sessions of 1689 to 1707 exist. But, Queensberry's role within them has been subordinated to descriptions of a one-dimensional character who was devoid of principles, or any motivation other than greed and self-interest. Twice

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<sup>1</sup> Young, J. R., in Mathew, H. C. J & Harrison, B. eds., *The New Oxford Dictionary of National Biography*, 60 volumes (Oxford, 2004), 16, pp. 675-679.

<sup>2</sup> Riley, P. W. J., *King William and the Scottish Politicians* (Edinburgh, 1979); *The Union of England and Scotland* (Manchester, 1978); Ferguson, W., *Scotland's Relations with England. A Survey to 1707* (Edinburgh, 1994 edition, first published 1977); Scott, P. H., *The Union of Scotland and England* (Edinburgh, 1969).



during his political life (1700 to 1701 and 1704 to 1705) relationships between England and Scotland reached a point whereby war between the kingdoms seemed possible over the issue of suzerainty of the crowns. Queensberry's management of those issues and the affairs of Scotland can only be properly understood in the context of a substantial analysis of his political life.

The early historiography of the period 1688 to 1707 was written by Englishmen. Thus for T. B. Macaulay, the 'Whig' interpretation of Scottish politics included the argument that Queensberry acted with statecraft and foresight.<sup>3</sup> By the first half of the twentieth century, little had changed, and A. V. Dicey and R. S. Rait followed a tradition that argued Queensberry acted with diplomacy and statesmanship. Queensberry, and the union commissioners for Scotland, were presented as being above all things 'a Scotsman [sic]' and therefore they acted in the best interests of their country despite being 'Whigs to a man'.<sup>4</sup> By 1932, G. M. Trevelyan was presenting Queensberry's accomplishment of the union in the same manner, with the argument that 'quiet folk yearned after a settled succession' and free trade with England.<sup>5</sup> Queensberry remained a distant figure in these works, and no attempt was made to understand the development of his ideas or motivations. A revival of interest in the Scottish history in the 1970's saw major new works produced by P. W. J. Riley and W. Ferguson. Riley produced several important articles, and two major works which covered the history of the Scottish parliament from the Revolution of 1688 to the union of 1707.<sup>6</sup> These works focused on the Scottish parliament, and they firmly challenged the Whig interpretation of Scottish history. The scholarship of these works was exceptional,

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<sup>3</sup> Macaulay, T. B., 'History of England'. *Edinburgh Review*: xvii, 1849.

<sup>4</sup> Dicey, A. V & Rait, R. S., *Thoughts on the Union between England and Scotland* (London, 1920), p. 189.

<sup>5</sup> Trevelyan, G. M., *England under Queen Anne. Ramillies and the Union with Scotland* (London, 1965 edition), p. 289: *England under Queen Anne. The Peace and the Protestant Succession* (London, 1936 edition).

<sup>6</sup> Riley, P. W. J., *King William and the Scottish Politicians* (Edinburgh, 1979): *The Union of England and Scotland* (Manchester, 1978).



and Riley took care to address the events in the Scottish parliament in some detail. His arguments as related to Queensberry tended to be based on the selective use of evidence, and an over reliance of the memoirs of the Jacobite, George Lockhart of Carnwath to support conclusions about Queensberry's motives. Once again, there was no attempt to look at the importance of the development of Queensberry's political ideas in any consistent way. Queensberry's self-serving ambition was explanation enough for the passing of the Act of Union, and all the ills that Scotland had been subjected to. Ferguson also produced two major works which presented a firmly nationalistic, and somewhat angry, analysis of the period. Queensberry was again presented as the master manipulator in the accomplishment of the union. This lacuna with respect to Queensberry's influences was again evident.<sup>7</sup>

The work of the latter writers was a major step forwards for Scottish historiography, and they did inspire a push to fully understand the history of the Scottish parliament, but not of Queensberry and other Scottish magnates in sufficient detail. Three main themes emerged from these works to explain the union. Bought and sold for English gold, economic necessity, and political manipulation provided the themes for works on the union by C. A. Whatley, T. C. Smout, P. Scott, D. Daiches, and others.<sup>8</sup> These works did not fully explore the ideology and motivation for Queensberry's actions, and the conclusions were therefore flawed. Important articles on the constitutional heritage of the Country party, and voting behaviour in the parliament during the union period, were also produced by J. R. Young and A. I. MacInnes. These works give insight into the motivation, and political heritage of Queensberry's political opponents. I. B. Cowan and T. M. Devine also produced works on the union which did not address

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<sup>7</sup> Ferguson, W., *Scotland; 1689 to the Present* (Edinburgh, 1994 edition, first published 1977); Ferguson, W., *Scotland's Relations with England. A Survey to 1707* (Edinburgh, 1994 edition, first published 1977).

<sup>8</sup> Whatley, C. A., *Bought and Sold for English Gold. Explaining the Union of 1707* (East Lothian, 1994); Scott, P. H., *The Union of Scotland and England* (Edinburgh, 1969); Daiches, D., *Scotland and the Union* (London, 1977). Whatley's work summarised the main theories of other writers, including the work of Smout.



the development of Queensberry political ideas. J. Halliday addressed the activities of the ‘Club’ during the Revolution of 1688, and more recently, A. J. Mann dealt with the development of a basic management structure used by Queensberry and the Scottish ministry in the period 1689 to 1702.<sup>9</sup> The political lives of Queensberry’s opponents, Andrew Fletcher of Saltoun, and George Lockhart of Carnwath, were also detailed by J. Robertson, D. Szechi, and P. Scott. More detailed works on Jacobitism were also produced by Szechi, Pittock, and MacInnes.<sup>10</sup> Whilst these works, in total, represent a major addition to the historiography of the union period, none offer a comprehensive insight into the political ideals and values of Queensberry.

The conclusions about Queensberry, and other Scottish magnates, have altered little following these works. The following quote by Riley has remained the dominant view of Queensberry, John Murray, first Duke of Atholl, James Douglas, fourth Duke of Hamilton, and other Scottish magnates of the period:

The Union [of 1707] was made by men of limited vision for very short term and comparatively petty, if not squalid aims. In intention, it had little to do with the needs of England and even less with those of Scotland, but a great deal to do with

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<sup>9</sup> Young, J. R., ‘The Scottish Parliament and the Covenanting Heritage of Constitutional Reform’ in MacInnes, A. I. & Ohlmeyer, J. eds., *The Stuart Kingdom in the Seventeenth Century: Awkward Neighbours* (Dublin, 2002); MacInnes, A. I., ‘Studying the Scottish Estates and the Treaty of Union’, *Microcomputer Review*: 6, fall, 1990; Cowan, I. B., ‘The inevitability of Union - A Historical Fallacy’, *Canadian Journal of Scottish Studies*: 6, 1981; Devine, T. M., *The Scottish Nation 1700-2000* (London, 1999); Halliday, J., ‘The Club and the Revolution 1689-90’, *The Scottish Historical Review*: 45, 1966; Mann, A. J., ‘Inglorious Revolution: Administrative muddle and Constitutional change in the Scottish Parliament’, *Parliamentary History*: 22, 2003.

<sup>10</sup> Robertson, J. ed., *Andrew Fletcher. Political Works* (Cambridge University Press, 1997); Szechi, D., *The Jacobites* (Manchester, 1994); Scott, P. H., *Andrew Fletcher and the Treaty of Union* (Edinburgh, 1994); Pittock, G. H. M., *Jacobitism* (London, 1998); Szechi, D., *George Lockhart of Carnwath 1689-1727. A study in Jacobitism* (East Linton, 2002); MacInnes, A. I., *Clanship and Commerce and the House of Stuart 1603-1788* (East Lothian, 1996).



private political ambitions. Cynicism and cackling malice are better guides than reverence to the politics of that, or perhaps any other time.<sup>11</sup>

There have been more recent works produced on the attitude, and politics of the Church of Scotland with respect to the union, the influence of the mob during the union period, and on the role of magnates during the parliament of William and Mary from 1689 to 1702. The work of J. Stephen offers a more balanced view of the attitudes of the church to major political events in Scotland. His conclusions with respect to the attitudes of the Church of Scotland towards Queensberry are well founded.<sup>12</sup> D. Patrick gives some evidence that magnate influence was not based on self-interest in the parliament of William and Mary 1689 to 1702, but he did not significantly add to the understanding of Queensberry, or his motives. K. Bowie has produced an impressive work of the role of the mob, although the conclusion that the mob may have influenced voting behaviour during the union votes is flawed by a failure to address the political motives of followers of the marquis of Annandale, for example.<sup>13</sup> The sum of the historiography of the period 1689 to 1707 has focused on the union, and left little doubt that Scottish magnates (particularly Queensberry) were grasping and greedy. That has led to a propensity to apply 'labels' to Scottish magnates which are ill-considered and simplistic. At the present time, Queensberry's political life can only be partially understood, as there is no historiography that critically looks at the development of the political ideas and values which then provided the motivation for his political actions. Those issues provide the focus of this thesis. This thesis will attempt to present the political history of the second Duke Queensberry without resorting to the propensity in the current historiography 'to over-dramatise, to send on a historical cast of

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<sup>11</sup> Riley, P. W. J., *The Union of England and Scotland* (Manchester, 1978), p. xvi.

<sup>12</sup> Stephen, J., 'Scottish Presbyterians and Anglo-Scottish Union of 1707' (University of Aberdeen Ph.D., 2004).

<sup>13</sup> Bowie, K., 'Public opinion and the making of the Union of 1707' (University of Glasgow Ph.D., 2004); D, J, Patrick., 'People and Parliament in Scotland 1689-1702' (University of St. Andrews Ph.D., 2002).



heroes and villains, whom readers are supposed to boo and cheer, rather than understand'.<sup>14</sup>

#### Sources.

The major primary sources used for this for this work are in the archive of His Grace the Duke of Buccleuch and Queensberry K.T., at Drumlanrig Castle. Queensberry was rewarded by Queen Anne with the title of Duke of Dover on 28 May 1708, and he married into an English noble family (the Clifford's) who held influence in Yorkshire. The various family papers were brought together at Drumlanrig castle in the 1930s. Some of the collection was sold at that time, and other parts of the collection were lost or destroyed. Manuscripts that were held by the National Archives of Scotland have been sent back to Drumlanrig castle, and this is now the only location for the family papers. There is a small collection of transcripts edited by Sir Hew Dalrymple (in 1929) in the National Library of Scotland.<sup>15</sup> The archive at Drumlanrig castle contains substantial collections of manuscripts under the care of Mr Andrew Fisher. They are generally well catalogued, although not all of the papers have folio numbers. The manuscript collection contains material from the early modern period up to the present. There are collections on the Monmouth rebellion, and the Covenanting period, as well as the political life of William Douglas, the first Duke of Queensberry. The manuscripts are contained in leather bound volumes of letters numbered from 102 to 131, all of which were used in this thesis. Each bound volume is in chronological order, and contains several hundred letters. There is also a significant collection of bundles of loose letters in which the chronology is not consistent. The letters in total cover the major political events of the life of the Duke of Queensberry and include correspondence to and from the major Scottish and English politicians of the period.

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<sup>14</sup> Fry, M., 'The Whig Interpretation of Scottish History' in, Donnachie I & Whatley, C. A. eds., *The Manufacture of Scottish History* (Edinburgh, 1992), p. 76.

<sup>15</sup> NAS. MS. 3144.



There is also a collection of state papers and proclamations at Drumlanrig Castle, as well as letters dealing with personal matters and family accounts. A small part of the collection has been published in HMC reports, and a small private volume of Queensberry travels in Europe, 1681 to 1683, with his brother William was produced by Sir Hew Dalrymple in 1931.<sup>16</sup> There is a gap in the manuscripts for the period 1684 to 1688 related to the private affairs of Queensberry when he held the title of Lord Drumlanrig. The manuscript collection is substantial, and does offer sufficient material for a comprehensive analysis of the life of the second Duke of Queensberry. The British Library contains the collections of the prominent English and Scottish politicians of the period, including the correspondence of Sidney, Earl of Godolphin, John Churchill, Duke of Marlborough, Robert Harley, Laurence Hyde, first Earl of Rochester, and James Ogilvie, first Earl of Seafield. Those collections provided substantial material related to Queensberry's relationships with the Court. The National Library of Scotland provided major collections of the letters of John Hay, first Marquis of Tweeddale, and his son, John Hay, second Marquis of Tweeddale. These are substantial collections covering the period 1688 to 1708. Yester papers are in volumes in chronological order, and the starting volume number was 1445 for the year 1688. The Tweeddale collection runs from volume 7012 to 7029 (1688 to 1711). There are also smaller collections of letters from the second Duke of Argyll, and the fourth Duke of Hamilton to various Scottish and English political figures. The manuscripts of the Reverend Robert Wodrow provided important information on the activities and attitudes of the Church of Scotland towards the Queensberry and the Scottish ministry. The Rosebery collection contains a vast amount of pamphlet material related to church and political life 1688 to 1707, as well as copies of original papers related to the Scotch Plot. There are extensive collections of important manuscripts in the National Archive of Scotland, and the main collections used in this thesis included

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<sup>16</sup> A copy of *Memories of My Lord Drumlanrig's and His Brother Lord William's Travells abroad for the Space of three yeares*. Beginning Sept'r 13<sup>th</sup> 1680 (Printed Privately, Edinburgh, 1931) is located in the store at Glasgow University Library.



the correspondence of the major political figures of the period. The correspondence of James Douglas fourth of Hamilton, John Erskine, sixth Earl of Mar, James Ogilvie, first Earl of Seafield, James Graham, fourth Marquis of Montrose, Patrick Hume, first Earl of Marchmont, Sir John Clerk of Penicuik, and David Leslie fifth Earl of Leven were also used extensively in this thesis. The archive of His Grace the Duke of Atholl also provided important political letters to and from John Murray, first Duke of Atholl. Two boxes of political letters covering the period 1688 to 1711 were used in this thesis. Each box contains several hundred letters listed in chronological order.

Glasgow University Library holds a vast amount of pamphlet material in the Special Collections department, The James Dean Ogilvie, and Spencer collections are also available in this archive, and they contain a large amount of material related to the Company of Scotland and the Darien colony. These collections were used extensively for material related to the Scottish parliament 1688 to 1707. These pamphlets contain copies of minutes and records of the major political events and parliamentary debates for the period 1688 to 1707, including minutes of the treaty negotiations in 1706. There are also a large number of printed primary collections available, and the major HMC and SHS publications were used, including, Carstares state papers, Laing MSS, the Portland collection, Mar and Kellie, Ormond MSS, Buccleuch MSS, letters of George Lockhart of Carnwath, the correspondence of George Baillie of Jerviswood, and the contemporary histories by Sir John Clerk of Penicuik, Colin, Earl of Balcarras, Bishop Burnet, and Sir John Reresby. English perspectives on Queensberry, and Scottish political events were addressed in the Marlborough-Godolphin correspondence and edited collections of English Historical Documents.

M. Young's biographies of commissioners, the New Oxford Dictionary of National Biography and *The Scots Peerage* (1915 edition), were three essential



reference works that were used.<sup>17</sup> Volumes nine (14 March 1689 to 17 July 1695) ten (8 September 1696 to 1 February 1701) and eleven (9 June 1792 to 25 March 1707) of *The Acts of the Parliament of Scotland* was extensively used, with the caveat that the minutes of the parliament were not always accurately recorded by the incumbent Clerk Register.

### Methodology.

The methodology used in this thesis has been primarily based on the nature of the thesis. The discipline of political history requires attention to chronology, and this was a vital factor when assessing Queensberry's life. There is little point in trying to understand how management worked, or how the union was achieved, without understanding why it was not attainable from May 1695 (Queensberry's first appearance in parliament as second Duke) to 1705 despite two attempts to agree a treaty with England in that period. A full explanation for important political events was critical tool in understanding the issues that Queensberry managed throughout his political life. Each session of the Scottish parliament offered different challenges for Queensberry. Parliamentary lists of commissioners, contemporary correspondence, and contemporary party lists were used in this thesis to accurately identify the people Queensberry controlled, or sought to influence. Women did play some role out side of parliament, but they had no official role in the political life of Scotland. Three women in particular had important influence with respect to the political events of the period, and therefore, on Queensberry as leader of the Scottish ministry. The Duke of Hamilton's mother, Duchess Anne, influenced her son, and she was a devoted and strong willed nationalist who despaired of her son after he failed to lead a walk the opposition in parliament in

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<sup>17</sup> Young, M. ed., *The Parliaments of Scotland. Burgh and Shire Commissioners*, two volumes (Edinburgh, 1993); Mathew, H. C. J & Harrison, B. eds., *The New Oxford Dictionary of National Biography*, 60 volumes (Oxford, 2004); Paul, Sir J. B. ed., *The Scots Peerage*, nine volumes (1915 edition).



1706 for example. Lady Hyde (wife of the Earl of Rochester) was also devoted to Queensberry, and ensured her husband's support for him. The Duke of Atholl's wife also took a serious interest in parliamentary politics. Understanding how Burgh, and Shire commissioners (as well as unelected nobles) were 'got at' (if that was the case) is an important element of this thesis.

Chapter one deals with issues that have been entirely absent in the current historiography. The education, travel, and influences the young Lord Drumlanrig experienced between 1662 to 1688 contributed to the development of a clear, if simplistic, political philosophy which he maintained for the whole of his political life. His attitude to religion, and the independence of the Scottish parliament also became apparent during this period. He also showed at this stage in his life that he could act with exceptional courage in defence of those political values and ideas by actively promoting the cause of William of Orange at great personal risk. There was also compelling evidence that Queensberry did not hold strong religious convictions despite serving with John Graham of Claverhouse, and he had a tolerant attitude, as long as religion did not inspire violence in others. Queensberry spent time in England from 1684 to 1688 and there is evidence that he understood the reasons for English commercial success. Even as a young man he expressed no sentimentality towards Scotland. A recurring theme throughout the thesis is that Queensberry acted as a 'British' rather than Scottish politician on the basis of clearly held values and principles.

Chapter two begins with the death of Queensberry's father in 1695, and explains the development of his party. This chapter also challenges the argument that he was a champion of the Episcopalians in Scotland. His defence of the prerogative was in keeping with the reputation he had now developed as being 'firm for the Revolution'.<sup>18</sup> The issue of the Company of Scotland touched the whole country, and Queensberry's personal investment of £3000 Scots did not influence

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<sup>18</sup> Szechi, D. ed., *Scotland's Ruine*, p. 12.



his management of the affair in the Scottish parliament. The failure of the Scottish colony at Darien provoked opposition in parliament that could have led to war between the two kingdoms had an act been passed against William II in 1701. Queensberry successfully managed the affair and gained a Garter in gratitude from the king. Queensberry became the premier Scottish magnate, but he faced his first failure in 1702 when the issue of abjuration of the 'Pretended Prince of Wales' was used by his own supporters to put pressure on him to abandon ideas of toleration towards Episcopalian clergymen.

Chapter three focuses on Queensberry's failure to effectively manage the new parliament after the death of William II, and following elections in the winter of 1702 for the parliamentary session of 1703. The results of that election exposed Queensberry to the full force of opposition from both Jacobite (supporters of the restoration of the exiled Stuart's) and constitutionalist (who wanted limitations on the crown, a Scottish parliament that was free from the influence of Court, as well as a free trade with England and her colonies). Queensberry rejected the possibility of an alliance with the Cavaliers and Andrew Fletcher of Saltoun led a push for important constitutional measures that challenged the continued existence the Union of the Crowns, and the domination of parliament by magnates of the 'first-rank'. Queensberry then displayed poor judgement by becoming embroiled in a personal feud with John Murray, second Earl (and first Duke) of Atholl. The consequences of this parliamentary session led Queensberry into the events of the Scotch Plot.

Chapter four deals with the historiography of the Scotch Plot and challenges the view that Queensberry created a sham plot to promote the downfall of 'every Scotsman of note' by using information provided by Simon Fraser of Beufort.<sup>19</sup> This chapter also addresses the issue of a 'counter-plot' against Queensberry organised by the New Party. The consequences of this event led to Queensberry's

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<sup>19</sup> Ferguson, W., *Scotland's Relations with England. A Survey to 1707* (Edinburgh, 1994 edition, first published 1977), p. 215.



dismissal from the post of High Commissioner to parliament. The historiography of this parliamentary session presents Queensberry as acting with self-interest and malice in opposing the Court. The conclusion to this chapter suggest that it was a pre-cursor his emergence as the most powerful personality in Scottish politics, whose party acted to support him (even in opposition) in a remarkable display of unity. Queensberry attempt to settle the perceived Jacobite threat in the Highlands was also an important confirmation of his abandonment of the Cavaliers, and a re-confirmation of his Revolutionary credentials.

Chapter five covers the period of Queensberry's absence from the Scottish parliament from June 1704 to May 1705. His disappointment over his failures during the 1703 parliamentary session was now replaced with a determination to demonstrate the folly of the Court in appointing the Marquis of Tweeddale as High Commissioner to the parliamentary session of 1704. Queensberry effectively destroyed the New Party ministry with a display of the personal control he held over his party, despite his absence from the parliament. This chapter also assess the development of Queensberry's relationship with John Campbell, second Duke of Argyll. Queensberry's attitude towards England is also discussed in order to illustrate Queensberry's perception of the reasons for English commercial success.

Chapter six assesses the impact of the developing relationship between Argyll and Queensberry, and challenges the argument that these magnates competed with each other. The relationship between Argyll and Queensberry was instrumental in gathering further support for Queensberry. Queensberry was the dominant force in a relationship which based more on co-operation than the conflict that is currently supposed, despite Argyll being appointed High Commissioner to the 1705 parliamentary session. During this period Queensberry also made strenuous efforts to engage the support of James Graham, fourth marquis of Montrose, and his interest. The theme of Queensberry's 'party' will be discussed again in this chapter. It will be argued that Queensberry retained a significant personal support that



constituted a cohesive ‘party’ which had a personal loyalty to him, rather than simply being supporters of the Court. The conclusion to this analysis is that Queensberry could depend on a group of core supporters who would oppose the Court if necessary, based on their personal loyalty to Queensberry rather than the Scottish ministry. The aftermath of the actions of James Douglas, fourth Duke of Hamilton on 1 September 1705 in proposing that Queen Anne should nominate commissioners to treat for a union is also assessed. Queensberry was able to control the choice of commissioners, and his attendance at the treaty negotiations ensured the Scottish commissioners’ compliance in agreeing the terms of the proposed treaty with England. The chapter also looks at the changing attitudes towards a treaty by nobles, and commissioners, and the subsequent increase in support for Queensberry’s position on the value of a union. The importance of the worth of John Erskine, sixth Earl of Mar, with respect to the management of the treaty in parliament on behalf of Queensberry is also discussed.

Chapter seven provides an explanation for Queensberry’s successful management of the passage of the Treaty of Union through the final session of the Scottish parliament in the winter of 1706 to 1707. The view that extensive bribery was used to secure the treaty of union is challenged, and the motivation for Queensberry’s management of the treaty is explained. The sole piece of evidence from the Drumlanrig manuscripts that suggests Queensberry may have used pressure on ‘some noble families’ to comply with the treaty will also be assessed.<sup>20</sup> The current historiography related to the voting attributions with respect to the articles of union is also challenged in his chapter. The role of Montrose and Argyll is also discussed in some detail. Queensberry attitude to the actions of the mob will also be discussed, and it will be argued that and his fears of a possible insurrection were genuine. It will be argued that a perceived threat of war between England and Scotland was held by Englishmen and Scotsmen alike, and that factor influenced the successful passage of the Treaty of Union. Queensberry’s own perception about the expected behaviour of the nobility is also discussed in this chapter.

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<sup>20</sup> Drum. MSS. Bundle 1202. Queensberry to Godolphin [date uncertain].



Chapter eight provides a brief epilogue to Queensberry's life. He held the position of third Secretary of State in the British government following the union, and the only issue of consequence he faced was a challenge to his right to participate in the election of the sixteen Scottish peers to the House of Lords. Queensberry took some interest in the development of trade in Scotland following the union, but his death came before he could make any significant impact on British political life. Appendix A provides a list of Queensberry's party, and identifies his personal supporters, as well as the Court nobles and commissioners who also supported him as High Commissioner for political motives. Appendix B provides an abstract of Queensberry's personal life and financial affairs.

## 1. The making of a 'Proto-Rebel' 1662-89.

James Douglas was born in the heart of Covenanter country on 18 December 1662. At least one Covenanter (Daniel McMichael, who was executed in 1685) is buried in his own resting place in the small village churchyard of Durisdeer.<sup>1</sup> His birthplace of Sanquhar in the Western border area of Scotland resonated with Covenanting and Cameronian mystique. Rebellious activity was common from 1662 to the union of 1707.<sup>2</sup> Sanquhar would remain the focus for protest and dissent during the whole of the second Duke of Queensberry's political life.<sup>3</sup> The Restoration of Charles II on 25 May 1660 had brought in the hated act Recissory (1661) which rescinded all legislation enacted since 1633.<sup>4</sup> That act confirmed the prerogative, and among other things, allowed Charles II the power to make war, and to summon and prorogue the parliament.<sup>5</sup> His father William, at that time had the title of third Earl of Queensberry, and his mother, Lady Isabel, was the daughter of William, first Marquis of Douglas.<sup>6</sup> James's father William did not hold office until 1680, and therefore only came to prominence after Charles II had settled the church government in favour of Episcopacy during the 1662 parliamentary session. Religious dissent was dealt with savagely, and both James Guthrie and Archibald Campbell, Marquis of Argyll, were executed for their

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<sup>1</sup> Horne, A. S & Hardie, S. B., *In the Steps of the Covenanters* (Edinburgh, 1974), p. 36.

<sup>2</sup> See Drum. MSS. Vol. 129. There is an extensive list of 'rebels' listed for 1679 and reports on a meeting of rebels at Sanquhar in 1684.

<sup>3</sup> Ibid: Drum. MSS, Vol. 102 also contains lists of rebels for this period.

<sup>4</sup> Duncan, D. ed., *History of the Union of Scotland and England by Sir John Clerk of Penicuik* (Edinburgh, 1993), pp. 78-79.

<sup>5</sup> Brown, K. M., *Kingdom or Province. Scotland and the Regal Union* (London, 1992), pp. 143-149.

<sup>6</sup> Drum. MSS, Vol. 131. Index. William first Duke succeeded his father in 1671. He was Justice General of Scotland 1680, Extraordinary Lord of Session 1681, and high treasurer of Scotland 1682. Governor of Edinburgh Castle September 1682. High Commissioner April 1685. Extraordinary Lord of Session 1693. He died on 28 March 1695.



beliefs.<sup>7</sup> James was one of four children, and the eldest. The kingdom James grew up in still had memories of constitutionally radical parliaments (the parliamentary session 1640-41 for example), and conflict over religion and politics would shape his future.<sup>8</sup>

The issues that were to the fore in 1662 would essentially remain the same until 1707. Relationships between church and state, the crown and the Scottish parliament, and the relationship between the Scottish and English crowns dominated James's whole life. As second Duke, James would come to believe some of those issues had been finally resolved following the passing of the treaty of union of 1707. Following the Restoration, the Scottish government remained in the hands of John, second Earl of Lauderdale (Secretary of State 1660). By 1684 James Drummond, fourth Earl of Perth, his brother John Drummond, first Earl of Melfort, and Drumlanrig's father William, had gained some control over the Scottish administration under the patronage of James Duke of York. Drumlanrig's father (now first Duke of Queensberry) was then appointed High Commissioner in 1685. Although his father was firmly associated with the Episcopalian cause, nothing of consequence happened in Drumlanrig's early life which provides evidence that he was inspired to follow his father's ideas with respect to religion and politics.

James seems to have had a stable and happy childhood, although there were early signs that his health would be problematic. Given the content of an autopsy report following his death, it is likely that he was born with a severe physical disability related to his bowel, and rectum, that caused him savage and prolonged attacks of disability throughout his life.<sup>9</sup> The second Duke would be noted for his long fasts throughout his life because of his condition. James attended Glasgow

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<sup>7</sup> Lee, R., 'Retreat from Revolution: The Scottish Parliament and the Restored Monarchy', in Young, J. R. ed., *Celtic Dimensions of the British Civil Wars* (Edinburgh, 1997), p. 191.

<sup>8</sup> Drum. MSS, Vol. 118. Letter from Atholl [1684] on conventicals in Perthshire

<sup>9</sup> BL. Sloane 3325. Papers on Natural Curiosities, f. 173, post - mortem examination of the Duke of Queensberry, 8 July 1711.

University by the age of fourteen (1676) and a tutor was appointed to teach him ‘Greek Latin, fencing and arithmetic daily’.<sup>10</sup> The same University taught his main protagonist during his political life, James, fourth Duke of Hamilton (also a Douglas). His father was very protective of his children and that attitude produced an apology from the third Duke of Hamilton, when Queensberry felt that Hamilton had slighted his children by apparently ‘ignoring them’.<sup>11</sup> Like other young sons of the Scottish nobility, James was expected to travel to further his education. Dr. James Fall (a friend of Bishop Gilbert Burnet), a member of the Church of England, was appointed to accompany James and his brother William on an extended trip to Europe. Dr. Fall was deemed to be ‘a man of piety, discretion, and prudence’ and remained close to the family until his death in the same year as his former pupil James.<sup>12</sup> The young Lord Drumlanrig seemed to be living up to his father’s hopes for him, and it was commented on by the Earl of Perth in a letter to his father that ‘your Lordship could not have made a better choice for heir’.<sup>13</sup>

His father was wary of the political situation at the time and stressed that James and his brother should leave the Country in secret.<sup>14</sup> Dr. Fall was given a very precise set of instructions for his stewardship of James and William some of which are listed below:

1. In the first place Gods service morning and evening, keeping the Lord’s Day religiously (without going to Comedies, or other varieties)...

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<sup>10</sup> Drum. MSS Bundle 1131. Students were not required to matriculate at this time so there is no record of the subjects Drumlanrig took.

<sup>11</sup> HMC 2.44. *Buccleuch*, p. 215

<sup>12</sup> Drum. MSS, Vol. 123. Letters to the Duke of Queensberry 1678- 86. Perth [James Drummond Earl of Perth and Chancellor] to Queensberry, 26 July, 1680. Dr. Fall was born 1647, and he was later a friend of Bishop Burnet. He died in 1711.

<sup>13</sup> Ibid. From Perth to Queensberry, 26 July, 1680.

<sup>14</sup> Drum. MSS. Bundle 1131. Account of Lord Drumlanrig and his Brother William’s travels beginning 13 September, 1680.



2. In so far as it possible, both during your journey and when you are settled, bring to their minde what they learned here...particularly that James daily read both Greek and Latin and that he make use of no English books...

4. ...Shun all company and acquaintance, to prevent discovery of your being there, which may prove inconvenient to me...

10. By all means shun Scots and English company of all Qualities, and so much as possible all other strangers...<sup>15</sup>

Queensberry never stated why there should be so much secrecy surrounding this trip. Having secured the services of a suitable companion for his sons, the third Earl sent them to the continent on 11 September 1680 with a budget of £5448 Scots, for furniture, travel books and clothes, and £9423 Scots for Dr Fall's salary, 'little tours about Paris', and pocket money.<sup>16</sup> James first travelled to France where he was taught fencing at the 'academy pansionars'.<sup>17</sup> Whilst in Paris James faced a bout of severe ill health which kept him in 'his room' in the City for two months.<sup>18</sup> The travellers then left Paris on 27 September 1681 and made a long overland trip to Italy. The party arrived in Rome on 22 November 1681. They were introduced to Cardinal Howard, and dined with him prior to a proposed trip to the Vatican. They were then allowed into an anti-chamber in the Vatican, and observed the Pope sitting a few feet away from them.<sup>19</sup> Whether this trip was made out of simple curiosity or reflected James' interest in religion is not known. However, it was the case later in his life that the second Duke had little interest in religion. He was to write with sincerity in 1702 'I never was a persecutor of men for private opinions in religious matters. I do think that our persons and fortunes belong to the public, but ourselves to no body but God'.<sup>20</sup> Drumlanrig left Rome for the long journey home in March 1682. On the journey home, the travellers were particularly pleased to be allowed to be present at a meeting of the senate of Venice and they witnessed the

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Drum. MSS, Vol. 127, f. 150. Queensberry to Glasgow, 8 June 1702,

system of voting using coloured balls. Drumlanrig retained an interest in European affairs for the rest of his life, and in 1705 for example, his bill for the purchase of French newspapers for the months of May and June of that year was £2 Sterling.<sup>21</sup>

At home his father was engaged in the suppression of covenanters. Sir John Graham of Claverhouse [later Viscount Dundee] wrote in the following terms about conditions in the borders:

And it may be nou safly said that Galouay [Galloway] is not only peacable, but also as regular as any pairt of the contry on this seyde Tey [Tay]. And the rebelles ar redecued without blood, and the contry brought to obedience and conformity to the church government without severity or extortion; fue heritors being fyned...<sup>22</sup>

That expedition was designed to bring Sir James Dalrymple of Stair into line with the Charles II wishes for toleration.<sup>23</sup> Drumlanrig's appointment in July 1684 to serve as Captain under Claverhouse (in the second horse) was unwelcome, and caused real resentment between Claverhouse and Drumlanrig's father, the more so when his brother William was also appointed to the regiment the following November.<sup>24</sup> Drumlanrig acted more in a civil, than military role when he was appointed to hold Courts in Wigton, Annandale, Dumfries, and Kirkcudbright.<sup>25</sup> The Duke of Queensberry was also rising to prominence as a member of the 'secret committee' which consisted of six members of the Privy Council.<sup>26</sup> One of Drumlanrig's father's duties had been to bring the 'Rev. William Carstairs [sic]

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<sup>21</sup> DA. Sts. GGD/37/2/9, p. 9.

<sup>22</sup> Dunn, J. ed., *Letters Illustrative of Public Affairs in Scotland Addressed by Contemporary Statesmen to George, Earl of Aberdeen, Lord High Chancellor of Scotland, 1681-84* (Spalding Club, Aberdeen, 1857). From Sir John Claverhouse, for the Earl of Aberdeen, June 1683, p. 107.

<sup>23</sup> Graham, J. M. ed., *Annals & Correspondence of the Viscount & the first & Second Earls of Stair*, I, (Edinburgh, 1875).

<sup>24</sup> Terry, C. S., *John Graham of Claverhouse* (London, 1705), p. 180.

<sup>25</sup> *Ibid*, p. 167.

<sup>26</sup> See Vol. Drum. MSS, Vol. 102. Suppression of Coventicles, *passim*.



before the secret committee' in September 1684, and by using 'thumkins' induce him to confess to participating in a plot against the King'.<sup>27</sup> James's father was also happy enough to condemn the Earl of Tarras and others for plotting against the king.<sup>28</sup> His answer to dissent, apart from hanging rebels, was to banish or 'stigmatise' those guilty of dissent even when they had recanted their earlier opposition to the king.<sup>29</sup> Among those banished, or who fled, were Sir James Dalrymple and Andrew Fletcher of Saltoun.<sup>30</sup> Although Sir James's family received a pardon, and his son, Sir John Dalrymple was appointed the king's advocate in 1687, Sir James refused to budge from his exile until the Revolution of 1688.<sup>31</sup> Despite his appointment as High Commissioner for the parliamentary session of 1685, James's father's (now first Duke of Queensberry) position was extremely insecure. The Earl of Perth and his brother the Earl of Melfort were determined to supplant the first Duke and take over the government of Scotland.

Drumlanrig's father had opposed an attempt to pass an act for toleration for Catholics during the 1686 parliamentary session, and that action, although not publicly condemned, ensured his waning influence with James VII.<sup>32</sup> Both Perth and Melfort converted to Catholicism (as did Archibald Primrose, Viscount of Rosebery, later a firm supporter of the second Duke) and they accused Queensberry of misappropriating funds from the treasury.<sup>33</sup> Drumlanrig had returned home by March 1684 and he was introduced to Charles II on 28 February 1684. He was described as being 'a messenger for the secret committee' at that time.<sup>34</sup> Much to his displeasure, he became embroiled in Melfort and Perth's accusations of

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<sup>27</sup> *Annals of Stair*, II, p. 72. This incident took place in September 1684: See, Story, R. H., *William Carstairs 1649 - 1715* (London, 1874), p. 96.

<sup>28</sup> Rosebery. Ry. 1. 1. 95, XXII. *Discovery of Conspiracies Folio*, December 1684.

<sup>29</sup> NLS. MS. 3414, *transcripts*, p. 90. William, third Earl of Queensberry, 1684.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Annals of Stair*, I, p. 72.

<sup>32</sup> Brown., *Kingdom or Province*, pp. 164 -165.

<sup>33</sup> *Ibid.*, p. 83.

<sup>34</sup> HMC 2.44. *Buccleuch*, 11, p. 219. London, 29 February 1684/5.



misappropriation of funds levelled against his father.<sup>35</sup> This was an inauspicious start to his political education. Whilst still in England he met Mary Boyle, daughter of Lord Clifford, and by March 1685 Charles Boyle (Lord Clifford) was ‘induced to desire to match my daughter into your noble family’.<sup>36</sup> Mary Boyle was also the grand-daughter of the Richard Boyle, first Earl of Burlington, and the coming marriage would give Drumlanrig links into the English nobility. It was a match that suited Burlington.<sup>37</sup> This may have been a vital relationship with respect to Drumlanrig’s future attitude to the Prince of Orange. To cement the relationship between the families Drumlanrig received a dowry of ‘10,000 lib’ and ‘1500lib a year’ [Sterling].<sup>38</sup> Drumlanrig married Mary Boyle on 1 December 1685 in England, and he seems to have been genuinely in love with his new wife.<sup>39</sup> The marriage also had more pragmatic aims for both families, and it was intended to cement the alliance of two aristocratic families.<sup>40</sup> The other woman who seems to have been entranced by Drumlanrig was Lady Hyde, wife of the Earl of Rochester, his close friend. His wife Mary was described as ‘looking very well and sings to admiration’ and the depiction of the couple on Queensberry’s tomb is testament to their relationship.<sup>41</sup>

Through his father’s influence, Drumlanrig was appointed to the Privy Council on 15 July 1684, and by 1686, he was once again embroiled in the accusations made by Perth and Melfort of misappropriation of funds from the treasury.<sup>42</sup> Drumlanrig was in London at the time and the ‘King had questioned

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<sup>35</sup> Drum. MSS, Vol. 121. Earl of Rochester to William Douglas, first Duke of Queensberry, April 1688.

<sup>36</sup> Drum. MSS, Vol. 123. Charles Clifford to William, first Duke, 22 March 1685.

<sup>37</sup> Ibid. Burlington to the first Duke, n. d. 1685.

<sup>38</sup> EL. Dum. Grierson Papers, box 2. John Gibson to Lag, 5 November 1685.

<sup>39</sup> Drum. MSS, Bundle 1181. Articles of Marriage between Lord Drumlanrig and Lady Mary Boyle 14 November 1685.

<sup>40</sup> Drum. MSS, Vol. 133. Charles Clifford to the first Duke, 7 January 1685.

<sup>41</sup> EL. Dum. Grierson Papers, box 2. John Gibson to Lag, 5 November 1685.

<sup>42</sup> *Burnet*, II, p. 320.



him on his taking large sums from the castle [at Edinburgh]'.<sup>43</sup> Although his close friend, Sir George Lockhart of Carnwath had apparently fully answered the charges made against the first Duke, it appears that the king was still suspicious, and again the Earl of Rochester wrote that Drumlanrig was carrying a letter to his father in which he stated 'he [the king] was unhappy that the Duke had left the treasury without a farthing of money'.<sup>44</sup> The downfall of his father came about because of religious issues. He violently opposed toleration for Catholics as a price for trade with England.<sup>45</sup> It is likely he organised riots against Catholics in Edinburgh in January 1686.<sup>46</sup> If his own career was in straits then at least he tried to ensure his son would prosper. Drumlanrig had his own ambitions however, and it is from this period onwards that a clear picture emerged of the opposing outlooks of father and son.

As part of his commission, Drumlanrig had received orders from the Privy Council on 6 February 1685. He was 'to represent to his Majesty that he supports his policies and mourns for the death of Charles I'.<sup>47</sup> 'He is to suppress dissent, and prevent commotions, he is to make sure people take oaths to the King and support the prerogative'.<sup>48</sup> There is no available evidence that Drumlanrig carried out all of his orders, including the 'mourning for Charles I'. There is however, strong evidence that Drumlanrig would later swear an oath to a Protestant Prince of Orange. Claverhouse had been actively putting down Covenanters at that time but there is no record of Drumlanrig being involved in these expeditions.<sup>49</sup> Although he was tolerant in later life, Drumlanrig had little qualms about putting down people

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<sup>43</sup> Drum. MSS, Vol. 121. Rochester to the first Duke, April 1686.

<sup>44</sup> Ibid. Same writer no date [April 1686]

<sup>45</sup> Donaldson, G., *Scotland. James V - VII* (Edinburgh, 1994 reprint), chapter 19.

<sup>46</sup> Brown., *Kingdom of Province*, p. 166.

<sup>47</sup> Drum. MSS, Vol. I (126). Instructions for the Earl of Drumlanrig signed by Queensberry [his father], Perth, Mackenzie, and others, 6 February 1685.

<sup>48</sup> Ibid.

<sup>49</sup> HMC 2.44. *Bucleuch*, p. 167.

he later described as ‘a mad deluded sort of people’.<sup>50</sup> Drumlanrig later considered anyone who expressed support for the ‘Solemn League and Covenant’ to be a fanatic.<sup>51</sup> The young lord Drumlanrig would tolerate different opinions, but would not brook any challenge to the authority of the nobility, and he retained that attitude for the rest of his life.

There is little information recorded on Drumlanrig’s activities from 1686 to 1688. He was next mentioned in relation to the Revolution. His father’s fortunes had waned in the meantime, and he did take on substantial debts on behalf of his father.<sup>52</sup> His father, for example, had built Drumlanrig Castle (Drumlanrig’s home as second Duke) in the 1660’s and never lived in it. Following the death of Charles II on 6 February 1685, the development of Drumlanrig’s dissatisfaction with James VII could perhaps have been explained by the treatment his father received, but it is more likely that his future decisions were very much his own, and related to his own conscience. His father was trusted less and less by James VII, and he and his children’s correspondence was from then on the subject of official scrutiny.<sup>53</sup> The first Duke complained to Lord Danby that ‘I am told you have seized some of my letters to my friends and children at London wherein I am mentioned’.<sup>54</sup> The same day the first Duke wrote his letter, rumours circulated that James VII had fled from London, and riots broke out in Edinburgh, with the mob breaking into ‘popish chapels’ and ‘Holy-rood-house’[sic] and captured the Earl of Perth.<sup>55</sup> Given Drumlanrig’s activities in London, James VII may have had cause to be suspicious. There are no indications in any available sources that Drumlanrig was anything other than sincere when he joined the Prince of Orange at Torbay, and thereby

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<sup>50</sup> Drum. MSS, Vol. 128. f. 64. Memorial 24 May 1703.

<sup>51</sup> Ibid.

<sup>52</sup> NLS. MS. 3414, *transcripts*, pp. 142-146. Earl of Drumlanrig to Archibald Douglas, of Dornock, 27 August 1690.

<sup>53</sup> NLS. MS. 3414, *transcripts*, pp. 132-135. First Duke to Lord Danby [Thomas Osborne, first Earl of Danby] Edinburgh, 12 December 1688.

<sup>54</sup> Ibid. Danby eventually opposed James VII.

<sup>55</sup> *Burnet*, II, p. 519.



declared himself a rebel. It is likely that he was influenced in that decision by his father in law Charles Boyle (Lord Clifford) and Clifford's father, Burlington, as they were actively contemplating joining Prince William. Drumlanrig also had some contact with Prince George of Denmark.<sup>56</sup> Drumlanrig was in London prior to the Revolution of 1688 and he had had contact with his friends there including the 'Duke of Ormond' and 'Mr Boyle grandson of the Earl of Burlington'.<sup>57</sup>

The key events leading to the Revolution of 1688 are covered in secondary works (although there is no major work on the Revolution in Scotland) and in general, it can be argued James VII badly misread the depth of ill-will his policy of toleration for Catholics generated in Scotland, and in England. His push for toleration and employment of Catholics in both Scotland and England (the Catholic Duke of Gordon was given command of Edinburgh Castle) led to his downfall.<sup>58</sup> There had been contact between Presbyterian exiles in Holland and Scotland leading up to the Revolution.<sup>59</sup> Sir James Dalrymple was living in Leyden, and Fletcher of Saltoun was also in exile at the time.<sup>60</sup> The fact that Drumlanrig joined the Prince of Orange at Torbay in November 1688 caused George Lockhart of Carnwath to describe him in the following terms:

He was the son of William, Duke of Queensberry, who was highly in favour with both King Charles and King James, and by them intrusted with the greatest offices and employments (which he well deserved, being in all respects a great man). But after the Revolution he retired and lived privately for the most part, and continued firm to King James's interest all the time he lived. But the son, notwithstanding King Charles and King James's kindness to his father and family (through which he was created duke, and scraped together a vast fortune), and the respect and favour which King James had all alongst bestowed on

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<sup>56</sup> *Balcarras*, p. 10.

<sup>57</sup> *Reresby*, p. 185; *Ibid*, p. 551

<sup>58</sup> Donaldson, G., *Scotland James V-James VII*, p. 381.

<sup>59</sup> *Balcarres*, p. 7

<sup>60</sup> NLS. MS. 3414 includes a series of letters from Sir James Dalrymple to the first Duke whilst he was in exile.

himself, was the first Scotsman that deserted over to the Prince of Orange, and from thence acuir'd the epithet (amongst honest men) of 'Proto-Rebel'.<sup>61</sup>

The fact was (as Riley suggests) that Drumlanrig's father retained a very keen interest in public affairs until his death in 1695, and he was as anxious to work for William II as he had been for Charles II and James VII.<sup>62</sup> Prior to discussing Drumlanrig's actions in 1688, it is worth returning to Lockhart's character portrait of the future second Duke of Queensberry:

...This proceeded, I suppose, from his being of a lazy, easy temper, and falling at first into bad hands, he was seduced by them, and being once deeply dipt in all projects against the King and country, he could never imagine that repentance and amendment could be accepted of...He was reputed a man of good parts, but wanted application to business; was extremely covetous and at the same time extremely lavish of his money, for though he got vast sums of money by his publick employments, most of it was squandered away. He was well bred-and had so courteous a behaviour, that what by this, and the occasion of doing acts of kindness, by having the chief administration of affairs a long time in his hands, he engaged the favour and friendship of very many of all ranks of people...<sup>63</sup>

There seems much that is complementary about Drumlanrig's personality as Lockhart described him (although it is doubtful that Lockhart would have been happy with that premise). It is also the case that Drumlanrig was honest in his beliefs that the Prince of Orange should be supported. If it was indeed the case that Drumlanrig was the first Scotsman to publicly come out for Prince William, there were many Scotsmen of note, and higher rank, already in exile, or living in Scotland, ready to support the Prince. The Earl of Argyll had already died for his beliefs.<sup>64</sup> Drumlanrig's action suggested that he had strength of character and real

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<sup>61</sup> Szechi, D. ed., *Scotland's Ruine*, p. 11.

<sup>62</sup> Riley, P. W. J., *King William and the Scottish Politicians* (Edinburgh, 1979), p. 13.

<sup>63</sup> Szechi, D. ed., *Scotland's Ruine*, p. 12.

<sup>64</sup> *Burnet*, II, p. 519.



courage. Drumlanrig's father was the prominent politician at the time of the Revolution, and not Drumlanrig. There can be some justification for Lockhart playing up Drumlanrig's position, but not for historians who have read the sources, and understood that fact. Drumlanrig did not hold a significant political position in his own right until after 1695.

There can be no doubt that Drumlanrig was by this time deeply dissatisfied with James VII, and that dissatisfaction led him to act as a conduit for other disaffected Scots seeking to support the Prince of Orange before his landing at Torbay. Balcarres suggested that William Johnston, fourth Earl of Annandale was one prominent Scot who sought out an introduction to Prince William of Orange through Drumlanrig when he wrote:

When the Presbyterians got their indulgence, he [Annandale] declared himself of their party, but soon tired of them, and came to see the Lord Chancellor, and told him it was his youth only had mislead him; that now he was resolved heartily to serve the King; that he renounced that party, finding them enemies to monarchy, and that he intended to go straight to London. He had a recommendation to your Majesty from the Chancellor, as he desired and was very graciously received and got a promise [of] the Earl of Airle's troop of horse, or a new regiment to be raised for him; but finding your affairs in greater disorder at London than he imagined, he became desirous to join with some of the nobility he was informed to be the most disaffected with your Majesty. The first he opened himself to was the Earl of Drumlanrig. He told him he knew, by the company he kept, that he was not pleased with the present government, he was as much dissatisfied with it himself, and he was resolved never to draw his sword against the Prince of Orange.<sup>65</sup>

It seems clear from the latter source that Drumlanrig was already known to be part of a group of Scots living in London (Drumlanrig rented a house in Piccadilly) who were hostile to James VII.<sup>66</sup> The intercepted letters that his father complained to Danby about also suggests there may have been some suspicion over his loyalty at

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<sup>65</sup> *Balcarres*, p. 10.

<sup>66</sup> DA. Sts. Accounts for the Duke of Queensberry.

the Court prior to William landing in England.<sup>67</sup> Certainly his future actions following the Revolution were consistent in terms of supporting William II. Although Balcarras was a Jacobite, it is reasonable to conclude that as a friend of Drumlanrig's father, he would have played down the young Lord Drumlanrig's part in these affairs, had Drumlanrig not been sincere in his opposition to the James VII policies. Following this approach by Annandale, Drumlanrig stated his own position clearly:

Earl of Drumlanrig answered him, he was joined with honourable persons, and could say nothing upon that subject without their consent, but he would meet with them and give him an answer next day. He appointed him to meet in the City with the Duke of Ormond, Mr Boyle [grandson to Earl of Burlington, and Drumlanrig's brother-in-law], and a Mr. Muale, a gentlemen in the Prince of Denmark's service. After they had dined, Drumlanrig gave the Earl of Annandale his answer from Prince George and those who were present, - that they willingly accepted of the proposition he had made to them, provided he gave his oath to them after the most binding manner. His lordship being most willing, Mr. Muale officiated and gave him the Sacrament-that he would go into it with them and join the Prince of Orange.<sup>68</sup>

If it was Henry Muale who administered the sacrament to Annandale and Drumlanrig, then this incident is puzzling. Henry [Harry] Maule was a Panmure, and that family was firmly Jacobite. George Lockhart of Carnwath corresponded with this family up until the union.<sup>69</sup> These actions by Drumlanrig were no small matter, and rather than suddenly appearing at Torbay, as Lockhart suggests, Drumlanrig seems to have taken part in the organisation of those disaffected with the king well before November 1688, when William landed in England. Despite reading extensive primary and secondary works related to Drumlanrig, there are only two references to him taking the 'sacrament' in his life; the one above, and once more in 1707 when he may have had had more 'great secrets' with respect to

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<sup>67</sup> See *ff* 54 with reference the first Duke's complaint.

<sup>68</sup> *Balcarras*, p. 10.

<sup>69</sup> *Lockhart Letters*, p. 31. To Harry Maule of Kellie, London, 25 April 1706.



the union of 1707 to hide.<sup>70</sup> Drumlanrig's actions were something his father would hardly have connived at. Drumlanrig, now twenty-six years old, was acting in a manner that could have had him hanged for treason, had the Revolution failed. Lockhart's description of Drumlanrig as 'Proto-Rebel' certainly provided Riley in particular with a fine '*bon-mot*' with which to dismiss Drumlanrig's values and beliefs without resorting to much scrutiny of the sources, or indeed Carnwath's motives. Although both were Jacobite, Balcarras gave a more reasoned and objective summary of Drumlanrig than Lockhart.

Drumlanrig showed that he had real courage to do what he did. He faced ruin, (and possibly death) if the Revolution had failed. Drumlanrig must also have carefully pondered his future as his wife was due to give birth at this time.<sup>71</sup> Drumlanrig's actions cannot have been inspired by his father, given the first Duke's professed support for James VII at this time.<sup>72</sup> The first Duke was named in a petition from 'the Club' in Edinburgh to the Prince of Orange as being 'incapable of being employed' following the Revolution.<sup>73</sup> Prior to March 1689, Drumlanrig's father had in fact gone to London, and he was professing his loyalty to James VII. His father was now loosely allied to the Earl of Annandale, who was now professing support for James VII, despite 'taking the sacrament' along with Drumlanrig to show his loyalty to William of Orange.<sup>74</sup> Drumlanrig's uncle, Lieutenant-General Douglas also joined the Revolution on the side of the Prince of Orange, but he was still arrested for some unknown reason by order of the convention of estates called to meet on 14 March 1689 in Edinburgh to decide the future government of Scotland.<sup>75</sup>

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<sup>70</sup> DA. Std, p. 29, 1707. To Mr Thomson, Sextant, on account of his Grace taking the Sacrament £2. 03. 00 [sic]. Amounts in these accounts are listed as pound, shillings and pence, and in £ Sterling.

<sup>71</sup> His daughter Isabel was born on 4 December 1688 and died in Edinburgh, 7 July 1694.

<sup>72</sup> *Proceedings of the Estates*, I, p. 9. The first Duke had returned to Edinburgh, and is listed as returning to Scotland in by 15 March 1689.

<sup>73</sup> *Balcarres*, p. 19.

<sup>74</sup> *Ibid*, p 23.

<sup>75</sup> *Ibid*, p 31.

Drumlanrig was nominated to the Privy Council of Scotland on 18 May 1689.<sup>76</sup> Given his future orders it seems certain that he was given this position based on his military skills. The threat of invasion, from either France, or Ireland was very real and the Duke of Gordon was still lodged in Edinburgh castle, and holding it for James VII. Balcarres argued that had Drumlanrig's father been present at the convention then James VII would have retained the support of Scotland.<sup>77</sup> If there is truth in that statement, it would certainly have placed his son in a very awkward situation. It would be incredulous to suppose Drumlanrig would not have considered that fact before deciding his future course of action. Ferguson offers a description of the Revolution of 1688 as 'unexpected'. That term may not be justified given the pace of events in Edinburgh following William's landing at Torbay on 5 November 1688.<sup>78</sup> Ferguson also argued that had there been a more solid opposition to the Club in the convention of estates by supporters of James VII, they may have changed the future course of the Revolution. Ferguson based that argument on the fact that 'the Jacobites were numerous mustering almost half the membership [of the convention of estates] but obviously shell-shocked by events, ill-organised and feebly led, they were soon outmanoeuvred'.<sup>79</sup> Viscount Dundee's withdrawal from the convention by the end of March 1689 is presented as evidence for the latter conclusions [Balcarres also withdrew].<sup>80</sup>

Riley is incorrect by concluding that Drumlanrig's action was part of a scheme by his father to keep 'his feet in both camps'.<sup>81</sup> That lazy conclusion bears little scrutiny, and Riley conceded in the following sentence that even Drumlanrig's later enemies argued 'he was sincere and true to the Revolution for the rest of his

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<sup>76</sup> NAS. GD158/877 (Marchmont). First Nominations of the Council of Scotland 18 May 1689.

<sup>77</sup> *Balcarres*, p. 34.

<sup>78</sup> Ferguson., *Scotland's Relations with England*, p. 166.

<sup>79</sup> *Ibid*, p. 170: *Annals of Stair*, p. 91.

<sup>80</sup> Ferguson., *Scotland's Relations with England*, p. 170.

<sup>81</sup> Riley., *King William and the Scottish Politician*, p. 13.



political life'.<sup>82</sup> Riley also demeaned Drumlanrig's courage by suggesting Drumlanrig's decision was a political ploy on his father's part. If it had been a ploy, it could have got his son hanged for treason. If Drumlanrig is compared to William Douglas third Duke of Hamilton, and his son James, Earl of Arran [later fourth Duke] then his (Drumlanrig) principals stand out. Hamilton had advised James VII to flee to Scotland where he would be supported against William of Orange.<sup>83</sup> By April 1689 Hamilton was now trying to pass on a memorial to William that was intended to ingratiate himself by attacking other commissioners of the convention of estates.<sup>84</sup> Ten days later (11 March 1689) the crown of Scotland was offered to William and Mary. William accepted the crown of Scotland, but qualified that acceptance with respect to one part of the Claim of Right related to seeking out heretics.<sup>85</sup> It is clear by Drumlanrig's actions that he never perceived any 'bargain' existed with his father with respect to the Revolution. Drumlanrig acted in his own interests, and on the basis of his own conscience and beliefs, and that fact is clear from sources like Balcarres and Lockhart. It is perhaps symptomatic of the historiography of the period that Riley (and to some extent Ferguson) having once branded Drumlanrig as being motivated by greed (or manipulated by his father) all his actions, throughout his life can be deemed to be explained by anything but conscience, and sincerely held beliefs. This has led to a determination to explain mistakes and misjudgements made by Drumlanrig when he was second Duke, as being motivated by deceit, greed and self-serving bias.

Although Drumlanrig was appointed to the Privy Council, the government of Scotland was fought over, and decided without his involvement.<sup>86</sup> William II also appointed Drumlanrig to the treasury and the nomination was presented on 15 June

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<sup>82</sup> Ibid.

<sup>83</sup> Ferguson., *Scotland's Relations with England*, p. 175.

<sup>84</sup> NLS. MS. 1031(Hamilton). Instructions for the Earl of Selkirk, 1 April 1689.

<sup>85</sup> *Proceedings of the Estates*, I, p. 89. William stated 'I do not mean by these words, to be under the necessity to become a persecutor...' 11 May 1689.

<sup>86</sup> Ibid., I, p. 121.



1689.<sup>87</sup> Despite the appointments made by the king, the nobility would initially lose ground to the more radical commissioners of the parliament who were members of the ‘Club’.<sup>88</sup> Drumlanrig also saw the ‘Club’ as a ‘party’ for those of less than noble birth, and therefore, they could not possibly have any appeal to the nobility.<sup>89</sup> Drumlanrig developed a unique view of the Revolution settlement which would have made the activities of the ‘Club’ seem ‘revolutionary to him’. Whilst later arguing for the benefits of a union in 1702, Queensberry stated ‘That his Majesty’s prerogative as King of Scotland is no way hereby touched upon, nor prejudged, but rather further strengthened and preserved from any influence foreign to the interest of his ancient Crown and Kingdom’.<sup>90</sup> As things stood, William II had little patience for Scottish affairs and Balcarres had him saying ‘he wished Scotland was a thousand miles off and Duke Hamilton king of it’.<sup>91</sup> Scotland however took the decision on 2 April 1689 through the convention of estates that ‘James the Seventh... invaded the Fundamental Constitutions of this Kingdom, and altered it from a Legal Limited Monarchy, to an absolute and Despotic Power...he hath forfeited the Right of the Crown, and the Throne is vacant’.<sup>92</sup> Drumlanrig was not entirely happy with the Scottish Revolution settlement. He later gave his own opinion that the Revolution settlement was not founded on the fact that the Claim of Right was immutable ‘when the act was framed it had not the clause, that the impugning every article of the Claim of Right was to be Treason’.<sup>93</sup> It is unlikely that William II ever fully comprehended the differences between the

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<sup>87</sup> NAS. GD158/890 (Marchmont). The first nomination of sessioners 15 June 1689.

<sup>88</sup> *Annals of Stair*, p. 91.

<sup>89</sup> Drum. MSS. Bundle 1166 (Colnaghie). Memorial by Queensberry, June 1700.

<sup>90</sup> *Ibid.* Some Reasons for the passing of the said Act humbly represented by his Grace the Duke of Queensberry his Majesty’s High Commissioner, 1700.

<sup>91</sup> *Balcarres*, p. 52.

<sup>92</sup> *Proceedings of the Estates*, I, p. 25.

<sup>93</sup> Drum. MSS, Bundle 1166 (Colnaghie). Draft memorial to the Queen, 9 May 1703.



Revolution in England and Scotland.<sup>94</sup> The attitudes to the Revolution in Scotland came from a Reformation of church that was clerical rather than Erastian, as it had been in England, and that fact bore on the settlement. There would be no quick and easy concession William could make that would settle the Revolution once and for all in Scotland.

Drumlanrig's father had been busy organising local elections, but he seems to have taken offence, for some unknown reason, that his son was mentioned with respect to the elections at Dumfries (James Kennan was elected commissioner for the burgh of Dumfries, and Sir John Crichton commissioner for the shire).<sup>95</sup> Drumlanrig's father was obviously unsettled by the outcome of the Revolution settlement in Scotland and he had also recently lost a close friend, with the murder of Sir George Lockhart of Carnwath.<sup>96</sup> He had also expected his son to return from London to support him during this traumatic period.<sup>97</sup> The first Duke hoped William II would have some sympathy for the Episcopalian cause in Scotland, and certainly there were reasonable grounds for supposing so.<sup>98</sup> To support his claim for a position of influence, he accused William Douglas, third Duke of Hamilton of leading the 'Covenanters' in the convention.<sup>99</sup> Hamilton was well aware of those accusations, and he showed a fair degree of humour by pointing out he was also accused of being 'Episcopal and Papist'.<sup>100</sup> Drumlanrig now divided his time between the Privy Council and his military duties. Drumlanrig was back in Edinburgh on 11 March 1690. Because of what was perceived by some to be a

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<sup>94</sup> Glassey, L., 'William II and the settlement of Religion in Scotland, 1688-1690', in Clarke, T., 'The Williamite Episcopalians and the Glorious Revolution in Scotland'. *Records of the Scottish Church History Society*: 2, 1970, pp. 319-327.

<sup>95</sup> NLS. MS. 3414, *transcripts*, p. 115. William, first Duke of Queensberry to Douglas of Dornock, London, 24 January 1689.

<sup>96</sup> *Ibid*, p. 148. First Duke of Queensberry to the Laird of Dornock, 8 April 1689.

<sup>97</sup> NLS. MS. 3414, *transcripts*, p. 129. William, first Duke, to the Laird of Dornock, 27 July 1689.

<sup>98</sup> Glassey, 'William II', pp. 319 - 327.

<sup>99</sup> NLS. MS. 3414, *transcripts*, p. 115. William, first Duke, to Dornock, 6 Jan 1689.

<sup>100</sup> NLS. MS. 1031 (Hamilton), f. 77-79. Hamilton to Selkirk, 20 Feb 1690.

‘highland war’ now taking place in Scotland, there was a constant movement of troops about the country.<sup>101</sup> The perceived threat to the Revolution was both internal and external. In the next two years, Drumlanrig, for a salary of ‘£1571.01’, was racing about the country to ‘intercept the highlanders’ in company with ‘100 horse and 5 battalions of foot’.<sup>102</sup> On 9 September 1690, Drumlanrig led three thousand troops in a failed attempt to intercept rebels heading for Dunblane.<sup>103</sup> Drumlanrig never saw battle, and the nearest he got to any fighting was ‘to within four miles of the Rebels’ who were near to Stirling on 16 September 1690.<sup>104</sup> Although he never personally saw action, Drumlanrig’s presence, along with his troops, was vital to prevent Jacobite advances in Scotland (and to protect the Revolution from threat of foreign invasion). By December 1691 it was rumoured Drumlanrig would be in Flanders with his regiment.<sup>105</sup> Some of the tasks allocated to Drumlanrig were also related to fears of home grown treachery. He received very specific instructions from Melville acting for the Privy Council of Scotland on 2 July 1690:

There is an ordering you to, make search for and apprehend the persons of the Earl of Arran [later fourth Duke of Hamilton], Earl of Hume, Lord Ballendyn and the Laird of Wederburn older and younger and mcdougal of Marveston with their horses and armes, the horse being above the value of six pounds sterling, As likewise to raise secure what suspect papers shall be found in their custody, and to convey the said forenamed persons safe to Edinburgh for which this shall be your warrant.<sup>106</sup>

This order perhaps prompted Drumlanrig’s later hatred for Arran, and he would become particularly enraged whenever Arran (as fourth Duke of Hamilton)

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<sup>101</sup> Ibid, f. 28-28. Instructions for the Earl of Selkirk, 4 April 1689.

<sup>102</sup> Ibid, f.103 -103. To Selkirk August 1690: Details of Drumlanrig’s pay are from Drum. MSS Bundle 1249.

<sup>103</sup> *Proceedings of the Estates*, II, p. 270.

<sup>104</sup> Ibid.

<sup>105</sup> NLS. MS. 1031(Hamilton), f. 113 -115. To Selkirk, Dec 1691.

<sup>106</sup> Drum. MSS. Vol. 129, f. 3. Melville to Drumlanrig, 2 July 1690.



professed loyalty to the Crown. Whatever expectations his father had for him, it was clear Drumlanrig intended to be his own man. It maybe the case that Drumlanrig knew that his father had kept him away from Ireland, and the dangers of battle.<sup>107</sup> If that was the case, his father's actions may have been fortuitous given the reported 'account of the state of the army' at that time.<sup>108</sup> That report showed that many of the regiments in Scotland were in a poor state at this time.<sup>109</sup>

Having supported the Revolution so vigorously through his military service, it is likely Drumlanrig would have wanted to have his share of honour in the fighting. The frustration he felt with respect to his father was obvious in a long letter to William Douglas the Laird of Dornock:

I am very sensible of the pains you have taken in my business with my father, but doe plainly see by what you say and he writes to me, that he does not intend to doe any thing in it, which is sure contrary to the solemn engagements he made me at our last settlement, and you very well know that the expectation of my families being once set free upon the little thing that is served yet for me was the only encouragement I had to condescend to what was then desired of me, it served only to add to ones trouble to say more in this subject, and since my father contrary to his former promises will put the burden upon my shoulders, which I'm no longer able to support, all that I can doe for myself and what I'm resolved upon is to write to my wife's relations and desire for some time to maintain her with them, which if ever it be in my power I shall repay to them, and I'm sure it never will be refused upon so urgent a necessity as I am put to, and I myself am resolved immediately to go beyond sea, where I know I can live upon what I have out of the estate, and if the King will continue my employment's to me, they may in that time [sum] on for the payment of those debts my father has made me contract. I know this is the last shift to be taken upon many accounts, but it's' the only thing left for me to doe, for I'm' resolved

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<sup>107</sup> Drum. MSS, Vol. 121, p. 1. James Douglas [brother of the first Duke] to the first Duke, Dublin 7 July 1690.

<sup>108</sup> Drum. MSS, Bundle 1185. An account of the state of the army in Scotland October 1691.

<sup>109</sup> Ibid.

never to see England till I've in a condition to pay what is their due, nor is it possible for my wife to come from thence till that be done.<sup>110</sup>

There was clearly a serious breach between father and son, and although the above letter does not detail the solemn engagement Drumlanrig's father undertook, money, as it always would throughout his life, may have played some part in the dispute. It is also interesting that Drumlanrig used the phrase 'I'm never resolved to see England' in the above letter. It will be suggested in later chapters that James was essentially a British politician. What is clear from the next part of the letter is that Drumlanrig felt the future fortunes of the family were squarely on his shoulders. That perception would have had some basis in fact as the first Duke was now without any real influence. His support had drifted away, or fled the country in the face of the backlash against Jacobites following the Revolution. Drumlanrig however ended his letter with expressions of support for his father:

It seems my father expects great things from the advantage that I shall make of my troop. He knows very well I'm started with more in the government and what spies they have upon me, so that it's impossible for me to have vacancies without it being known, and that is the only way that I can make advantage by my living here for my own dyet, servants wadges, coach hire and other necessities come to more than my allowance, besydes the expense of my horses of which I am sure I have but very few, and if obliged to march anywhere I must of necessity provide myself in horse tho I know not what way to doe it, and as to my keeping here I have had the accounts of it strictly examined (by several who understand that matter) since I came from [London] and they assure me that they are as cheap as any in this place, so what my father is pleased to say upon this and other heads is only to amuse and to serve as plausible pretence still to keep me in misery. Of this and other things of relative to the family which I cannot communicate at distance, I have always done whatever he commanded [his father] and am still ready to follow his advice in everything, so he has nothing [to do] but let me know what he would have me do, and it shall be done.

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<sup>110</sup> NLS. MS. 3134, *transcripts*, p. 142. James Duke of Queensberry (when Earl of Drumlanrig) to William Douglas of Dornock, Edinburgh, 27 August 1690.



Drumlanrig's father seems to have had no great scheme to improve his fortunes other than to signify to the William II that he was willing to work for him. The reasons for his lack of employment by the King were spelt out to him by his brother, lieutenant-General James Douglas, then serving in Ireland:

I am sorry to perceive that by your letter that you are not satisfied especially since I dare assure you the King does design to employ you and speaks the kindest things imaginable of you; if for a season matters go not to your expectation there is no ground you should be in perfect correspondence with his enemies, tho this be represented to his Majesty. I am hopeful he does not believe it, I do not, and therefore will take all possible courses to persuade him that your Grace will never aim at anything contrary to the present government, and whoever does, may be ere long they will not pass their time very pleasantly...this summer notwithstanding we are not ignorant that the French will have probably a good body of men there [Ireland] that there is a club in Scotland and some disaffected in England, all these clouds will soon disappear when the King is at the head of his army in Ireland, and brings over troops from Holland to remain in England during his absence, and settles a sufficient number of good formed troops in Scotland. I hope your Grace will easily believe my intelligence which you will find very certain. It is true his Majesty does not run to Scotland and I am sure his friends will never advise he should, what can he expect there, but to meet with turbulent, disaffected and craving humours, it is better to pass by them now till the matter of Ireland be decided and then Scotland will be humble in consequence...<sup>111</sup>

The latter comments were insightful and reflected the reality of Scottish politics at the time. The Jacobite threat was very real, and both Drumlanrig and his uncle were now actively engaged in defending the Revolution.

The Revolutionary storm that broke over Scotland seemed to sap the strength of Drumlanrig's father, and as yet he held no office. William II would find it

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<sup>111</sup> Drum. MSS, Vol. 121. James Douglas [Drumlanrig's uncle] to the first duke, 12 Feb 1690.

difficult to push many of his measures through the Scottish parliament. The terms of the Revolution settlement on the crown of Scotland intended that the monarchy could no longer indulge in ideas of rule by divine right. The convention, and then parliament, believed they had set down a contractual agreement with the new king and he could be ‘forfaulted’ as had James VII.<sup>112</sup> Drumlanrig’s father expressed his own concerns for the future of Episcopalian clergymen in Scotland in very pessimistic terms:

Drumlanrig is not on the road yet, his wife is very ill. Touching our church affairs, [Jack] Presbyter is now upon the pinnacle of the temple, how long he will stand God only knows, but I am sure by the methods lately been taken they have created many thousand enemies to the Government. However, as matters are it will fill that discreet persons be provided for my churches in which advise with Mr Campbell at Dumfries, there is tomorrow to be given in the Parliament a bill of toleration for these of the Episcopal persuasion, which alarms, the Presbyterians extremely, I think will not pass, thus to deny it, is it to act against all Christian charity and practice, and will certainly make ill blood above.<sup>113</sup>

The first Duke was making no headway with the new king, and some of the advice given to him must have led him to despair. One unnamed writer even suggested that ‘Duke Hamilton [now Lord High Commissioner] seems much our friend’.<sup>114</sup> The conjunction of the Episcopalian champion and the ‘Covenanter’ smacked of high farce, rather than politics. Drumlanrig, in the meantime, complained that ‘his father expected his wife to run affairs at home’ whilst he moved between England and Scotland in pursuit of rebels.<sup>115</sup> Drumlanrig was to travel to England three days later (on 26 April) on the queen’s orders.<sup>116</sup>

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<sup>112</sup> *Proceedings of the Estates*, I, p. 121. The king’s Commission turning the convention into a parliament on 6 June 1689.

<sup>113</sup> NLS. MSS. 3414, *transcripts*, p. 153. Edinburgh, 7 June 1690.

<sup>114</sup> Drum. MSS. Bundle 1181. Unnamed writer, 8 July 1690.

<sup>115</sup> *Ibid.* Lord Drumlanrig to his cousin, 2 February 1692.

<sup>116</sup> NLS. 14408 (Yester), f. 28. Johnston [James] to Yester 26 April 1692.



Rather than supporting his father's efforts, Drumlanrig spent a fair amount of time running about the country in response to the latest perceived threat of a Jacobite invasion; in other words, he was acting on the basis of his Revolutionary principles.<sup>117</sup> His wife was also ill at this time and that fact worried him.<sup>118</sup> He missed out on any significant military actions, including the murderous events at Glencoe. The first Duke can have taken little comfort from a letter he received from his brother (General James Douglas) which indicated that 'he is [the king] not inclined to settle things of that Kingdome [Scotland] without such consideration, but whose advise he will take is all together unknown to me'.<sup>119</sup> William II ended up taking the advice of William Carstares and Hans William Bentinck, first Earl of Portland. William's impatience with Scotland was well known and he stated 'The Scotchmen by their several stories distracted his mind more than anything'.<sup>120</sup> General Douglas however, took time from his own concerns to comment on Drumlanrig's future welfare in a letter written on 22 July 1691:

The Earl of Drumlanrig is very well and my Lady a notable women, who lives frugally, I have seen her sometimes she seems to me to be melancholy, but all this will over when her husband returns, which certainly he will even after a hundred battles if he take example from us who as General officers and not foolish to venture to far'.<sup>121</sup>

Drumlanrig's uncle, General James Douglas, fought with William II in Ireland, and ended up with his reputation tarnished, following accusations that he committed atrocities against the population.<sup>122</sup> General Douglas recorded William II receiving a wound from 'a cannon shot', the presence of the 'Mack donalds' and

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<sup>117</sup> Ibid, f. 26. Johnston to Yester 23 April 1692. This letter warns of a possible invasion by James with 'Irish horse and dragoons'.

<sup>118</sup> NLS. MS. 3414, *transcripts*, p. 153. Drumlanrig to his father, Edinburgh, June 1690.

<sup>119</sup> NLS. MS 3414, *transcripts*, p. 82. General Douglas to the first Duke, August 1690.

<sup>120</sup> Van der Zee, H & B., *William and Mary* (London 1973), p. 282.

<sup>121</sup> NLS. MS 3414, *transcripts*, pp. 82-84. General Douglas to the first Duke, 22 July 1691.

<sup>122</sup> Drum. MSS, Vol. 121. General James Douglas to the first Duke, 4 July 1691.

the events of the battle of the Boyne'.<sup>123</sup> Drumlanrig and his father must have despaired when General Douglas wrote to them on 4 July 1691:

...I wish from my soul it had been talked over England that not only I had robbed Ireland, but burned it, It is not worth your while that I entertain you, with the injustice done me by my enemies, neither am I at all surprised with the matter in the common court off the world has ever been, is and will be such. And when honest men find it otherwise I will set forth a large consideration of my proceedings, but till then I scorn so much as to speak of the subject, except to the King, my master, and your Grace, who is my friend. Be pleased then to let this inform your Grace that my principal end in carrying arms is a true motive of religion, and a sense I have of my going to great lengths in the King's service, if my blood could...<sup>124</sup>

It seemed that Drumlanrig really did hold the Douglas interest in his hands by now, as he at least was still in favour. Drumlanrig seems to have had a settled family life by this period, and his wife generally seemed happy unless Drumlanrig was absent. The development of Drumlanrig's influence with the nobility in England was important to him and he seems to have little or no concept that he was acting in the interests of Scotland rather than William II:

If I may be so familiar with your good Lordship, after having had the honour of a letter of your Lordship's above a Month without giving you a very hearty thanks for it, which indeed were but due, both as it was a very good letter, which old Ran[Richard Jones first Earl of Ranelagh 1636 to 1712] would scarce believe and it was a great mark of your Lordship remembering one that loves your Lordship very heartily...When I am thanking your Lordship I must not omit doing it very seriously for what you are pleased to tell me from my Lord Duke of Queensberry, indeed I am very glad to receive any assurance of his friendship, I am sure I have been long his Grace's very faithful and humble servant and know not any thing that I ever did to make him imagine otherwise, except it were speaking to freely perhaps to him upon your good Lordship's

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<sup>123</sup> NLS. MS. 3414, *transcripts*, p. 81. General Douglas to the first Duke, Dublin 1690: Drum. MSS, Vol. 121. General Douglas to the first Duke 12 August 1690.

<sup>124</sup> Drum. MSS, Vol. 121. From James Douglas, 4 July 1691.



subject, which I possibly I might be in the wrong in, but upon my word I spoke right as I thought and besides it ought to be remembered that it was your good father that begun the matter with me and In not with him and I have not yet learned... I desire you to present to my Lord Duke with the assurance of my constant service to him, as to what you write concerning some misrepresentations made or designed to be made of his Grace and even of your Lordship to the King, you may imagine I cannot hear of any such thing, if there be any while I am at this distance from the King whenever I do I shall not be wanting to do you both what right I can... I promise you I have my revenge with your old friends, that used to meet sometimes at Contacks [sic] and sometimes at the swan and sometimes at my poor house never do meet without paying our service and offering our good wishes to poor Drum and old Drum, and Rackit Drum...<sup>125</sup>

The language and content of the letter above from Laurence Hyde, first Earl of Rochester, suggests a number of things.<sup>126</sup> It appears by the contents, and use of nicknames, that there was a close personal relationship between the writer, and Drumlanrig. Drumlanrig, at least as far as influence with English politicians went, was succeeding in developing close friendships that would assist him in his later political objectives. It also clear from Rochester's comments that Drumlanrig's father was upsetting someone, who would have been by his own political beliefs (a High Church Tory), a natural ally to the Episcopalian cause in Scotland. The first Duke may have realised the futility of trying to get Drumlanrig to support him fully, and turned his hopes to Drumlanrig's brother George.<sup>127</sup> Secretary Johnston wrote to the first Duke in December 1692 highlighting that fact, and wondering why the Duke could not unite his 'whole family' to his cause.<sup>128</sup> It must also have upset the first Duke to be instructed by Lord Tweeddale that 'I am appointed to acquaint your

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<sup>125</sup> Drum. MSS, Vol. 119. Rochester to Drumlanrig, Whitehall, 9 August 1692.

<sup>126</sup> Laurence Hyde was a 'High Church Tory' and therefore would be inclined to support Scottish Episcopalians.

<sup>127</sup> George died before March 1695.

<sup>128</sup> NLS. MS. 3414, *transcripts*, p. 59. James Johnston to the first Duke, 9 December 1692.

Grace it is the King's Royal pleasure that no councillor depart out of the Kingdom without his allowance'.<sup>129</sup>

As stated above, Drumlanrig was not mentioned with respect to the murderous events of Glencoe, and the master of Stair, Sir John Dalrymple, and John Campbell, first Earl of Breadalbane faced the accusations of murder. William II did not escape accusation or scrutiny in the parliament either.<sup>130</sup> Few in Scotland played down the king's part in the affair. The following comment from Secretary Johnston to John Hay (Lord Yester) on 9 April 1692 reflects the stance taken by many Scottish politicians at the time:

The King's part in the Glencoe business is plain, that he had contrary to his temper and way conjectured that an example of severity should be made since his clemency was abused...but at present I conceive the Episcopal party is too full of hopes and the other too jealous where the necessary disposition for falling on a Temper...<sup>131</sup>

There is no doubt there were real fears of Jacobite activity, and in April 1692 the queen ordered 'Drumlanrig, Sir William Lockhart', and others to go to England; the perceived location for the threatened invasion.<sup>132</sup> France, now harboured a Jacobite Court, and seemed willing enough to lend troops and money to the Jacobite cause in Scotland. Scotland now seemed no less vulnerable to invasion, as well as rebellion from within. Secretary Johnston also perceived events at Sanquhar to be a possible prelude to a 'new Revolution'.<sup>133</sup> Sanquhar would be the focus of dissent throughout the political life of Drumlanrig, and it must have galled him somewhat

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<sup>129</sup> Drum. MSS. Bundle 1181. Tweeddale to the first Duke, 12 September 1692.

<sup>130</sup> See, *Annals of Stair*, p. 160. 'The blood has fixed an indelible stain on the reign of King William'.

<sup>131</sup> NLS. MS. 14408 (Yester), f. 24. Johnston to Yester, 9 April 1692.

<sup>132</sup> *Ibid*, f. 28. Johnston to Yester, 28 April 1692.

<sup>133</sup> *Ibid*, f 101. Johnston [James], 15 October 1692. A mob had gathered in Sanquhar to reaffirm their support for the original declaration of 22 June 1680. The original authors of the declaration disowned the king..



that so much rebellious activity took place in the heart of his own domain, and in his birthplace. Drumlanrig was now also dealing with treasury matters and he met with John Hay, first Marquis of Tweeddale, and Sir John Dalrymple to discuss the state of treasury.<sup>134</sup>

Events in Scotland still bedevilled William II and he was frustrated over the elections in Edinburgh for the Town Council.<sup>135</sup> The issue of the church settlement presented Drumlanrig with the prospect of having James Douglas, the Earl of Arran [later fourth Duke of Hamilton], and his father being brought back into government, as William II was encouraging Hamilton and Arran (along with most of the nobility) to fully support his desire to conclude a final church settlement.<sup>136</sup> Drumlanrig did not have to ponder the consequences of the latter prospect for too long however, as Arran was later instructed to ‘go down about his own business and that he abstains from meddling’.<sup>137</sup> Drumlanrig was now in his thirties, and after a promising start in supporting the Revolution, he had become bogged down in a rather boring military career that was devoid of the prospect of battle, and therefore honours.

As his father neared death the political prospects for Drumlanrig looked bleak. He had a scattering of friends in England and Scotland, but no obvious party, or interest, to call his own in the parliament. His actions prior to 1695, when he became second Duke of Queensberry, could not have endeared him to Episcopalians in Scotland. The Dalrymple family would eventually become his firm supporters, despite all the ills his father had put upon their family. Prior to taking the title of second Duke of Queensberry, James had developed his own ideas based on his own experiences. Most of his adult life had been spent away from Scotland, and he seems to have had little or no perception that being ‘Scottish’ was

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<sup>134</sup> NLS. MS. 1448 (Yester), f. 148. Queensberry to Yester, London 18 December 1692.

<sup>135</sup> Ibid, f. 172. To Yester, January 1693.

<sup>136</sup> Ibid, f. 248. To Yester, 1 May 1694.

<sup>137</sup> Ibid.

important to him. He had developed firm opinions about the crown and the position of the nobility that he would retain for the rest of his life.<sup>138</sup> The sentiments expressed by his friend David Boyle of Kelburn summed up his own attitudes to vassals, servants, and those not of the nobility:

...to think that this poor nation should be delivered up to the rage and humour of a few persons. And that by the impetuous torrent of their will and pleasure should run down the persons of quality worth and interest in the Kingdom who are fittest and best qualified to serve the King and their native Country...<sup>139</sup>

Drumlanrig was no 'democrat', but nor was he a bigot. His view of a parliament devoid of the influence of the nobility was very clear, and he made no apology for his attitude towards the burgh and shire commissioners. Sir William Hamilton of Whitelaw was a burgh commissioner for Queensferry, and considered to be a leader of the 'Club'. He worked with Court when it suited him until 1698. Queensberry mistrusted Whitelaw and this led to a dispute with Archibald Campbell, tenth Earl of Argyll in 1700:

Sir William Hamilton and his Club party knowing that their strength consist neither in peers, number nor estates but singly in their being united together upon factiously ends, and intending so to order business as either to make an interruption in the King's business, or at least such opposition to them as was always to be avoided by any who wished well to the King or nation at the present [juncture] unanimously in granting supplies adding much to the reputation of a government, They did before the sitting down of the parliament with great diligence apply themselves to make such parties amongst the commissioners of the shires and Barons as to be able to peruse? That the committee to be chosen by those two several bodies should consist of their Club party, meanwhile they attempted nothing amongst the nobility, having no sort of influence there.<sup>140</sup>

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<sup>138</sup> Drum. MSS, Vol. 115, passim: Bundle 1166 (Colnaghie), n. d. 1690

<sup>139</sup> Ibid. Lord Boyle [later Earl of Glasgow] to Queensberry, 25 June 1695

<sup>140</sup> Drum. MSS, Bundle 1166 (Colnaghie), August 1690



As Drumlanrig prepared to make his entrance into political life in his own right, he was perceived to have had a pleasant and likeable nature, and there is no doubt he was also devoted to his wife and family. He knew by this time that his father's health was waning and as yet he had made no political impact on Scottish affairs. His father's interest could not be relied upon completely as Drumlanrig was relatively unknown because of his time spent away from the parliament on military service. Key issues now awaited his attention. The development of Scottish trade, the confirmation of the succession, and as ever during his life, the church settlement lay in wait. He began this stage of his career without being linked to any interest, although he was seen by some as the natural champion of the Episcopalian cause in Scotland.<sup>141</sup> His support was limited to a few local burgh and shire commissioners in Sanquhar, Ayr, and Dumfries. Sir David Boyle of Kelburn, and friends in England also took some interest in his career. The development of interest will be discussed in the following chapter. Scottish politicians of all sides would soon learn that the second Duke's political philosophy was based almost wholly on his confirmation and support of the Royal Prerogative.

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<sup>141</sup> Drum. MSS, Volume 127, f. 100. From Lord Ross, March 1702 (Ross was an Episcopalian clergyman).

## II. A Garter for a cause.

The rise of the second Duke of Queensberry through his defence of England's European policy, trade concerns, and the Royal prerogative 1695 to 1702.

Let Scotland speak, and All the Truth attest:  
 They that reap Favours know the Donor best.  
 Or if that England should the Judges be,  
 We must maintain the Real Worth wee see.  
 Who needs Enlarge, where All Your Goodness own?  
 For Scotland's Quiet's due to you alone.<sup>1</sup>

Although Queensberry maintained 'Scotland's Quiet's' by 1701, that peace was transient, and Queensberry would end the parliamentary session of 1700 to 1701 with issues of church, trade, and the constitution left unresolved. Drumlanrig was not a prominent political figure in his own right prior to 1695. He had concentrated on his military career while his father had taken the leading role in politics. Drumlanrig's career lacked participation in great battles that could have earned him honour and fame. Although he had been on the Privy Council, and briefly sat in parliament prior to 1695, he really came to prominence after his defence of the policies of William II during the crisis over the Company of Scotland, and the Darien colony (1699 to 1701).<sup>2</sup> Following the death of his father on 28 March 1695 Drumlanrig took the title of second Duke of Queensberry. Something of his adult character can be gleaned from his correspondence just prior to his father's death. He wrote to John Hay, Lord Yester (later second Marquis of Tweeddale) four days before his father's death expressing concern for his father, but then he forcefully demanded support from Yester in his bid for his father's former positions:

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<sup>1</sup>Roseberry. 1.1. 111. *A Congratulatory Poem. Most Humbly Offer'd to His Grace the Duke of Queens-berry, Late Lord High-Commissioner of Scotland: On his being Install'd A Knight of the Most Noble Order of the Garter. At Windsor, on Thursday, July 10<sup>th</sup>, 1701* (Joseph Harris) [1701]

<sup>2</sup>*Carstares*, pp. 236-254.



And now my Lord since there is no hopes of my father living to wear his own gown in this session, I hope your Lordship will think that the King cannot give it to any that will serve him in any circumstance more than I, and therefore I must entreat your Lordship to speak to the King in this matter. <sup>3</sup>

When his father did pass away, ‘betwixt 3 and 4 o’clock in the afternoon’ of the 28 March 1695 Drumlanrig was quick to ‘put you [Lord Yester] in mind of what I formerly wrote to your Lordship about my having his [Queensberry’s father] place in the session’.<sup>4</sup> The post of Extraordinary Lord of Session was an important one for any noble to hold, as control over land disputes could be used as means of offering patronage to gain advantage. Queensberry’s initial comment to William II was to pledge his loyalty, and then confirm his desire to serve the King, ‘having hasted my fathers funeral thinking thereafter to hope for receiving a dutiful tender of all that this or any other capacity in me shall make useful to your service’.<sup>5</sup> His requests for all of his father’s posts were fended off by Sir John Dalrymple with vague promises of ‘your bedchamber pension’.<sup>6</sup> Queensberry did not initially signify to other Scottish nobles at this point in time that he had any greater ambitions.<sup>7</sup> That situation changed very quickly when he was at the Court in London.

Queensberry once again demanding all the positions his father had once held.<sup>8</sup> By virtue of his father’s interests he would be expected to champion the Episcopalian cause in Scotland.<sup>9</sup> That general position would not have caused

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<sup>3</sup> NLS. MS. 14414 (Yester), f. 89. Drumlanrig to Yester, 24 March 1695.

<sup>4</sup> Ibid, f. 92. Drumlanrig to Yester, 30 March, 1695.

<sup>5</sup> Drum. MSS, Vol. 1 (126), f. 26. Queensberry to the King, April, 1695.

<sup>6</sup> Drum. MSS, Vol. 115. Stair [Sir John Dalrymple] to Queensberry, 4 May 4 1695.

<sup>7</sup> NLS. MS 14414 (Yester), f. 93. Drumlanrig to Yester, 18 April 1695.

<sup>8</sup> Drum. MSS, Vol. 111. Queensberry to Lord John Murray (later first Duke of Atholl), London, 4 May 1695.

<sup>9</sup> Ibid. Lord John Murray to Queensberry, Whitehall 7 May 1696. Murray expressed concern that ‘Presbyterians are being invited into the government’.



William II much concern, as he had some sympathy with the grievances of Episcopalians in Scotland, and Queensberry's toleration meant the issue caused him no real concern.<sup>10</sup> Although Episcopalian support was still significant, and was the favoured settlement of William II for Scotland, the supporters of this proposed church (and political) settlement had at this time little real influence in the parliament.<sup>11</sup> Queensberry's real dilemma, which he should have been aware of, was that he was committed to the Revolution, and he was attracting support on that basis. Those supporters who were 'firm for the Revolution' would not be as tolerant as their leader towards ousted Episcopalian clergymen.

Saviour of Scottish Episcopalians was a mantle Queensberry did not choose to wear.<sup>12</sup> Contrary to the impression Riley gave in his study of this period, Queensberry rarely pushed religious concerns as a basis for any of his political actions.<sup>13</sup> In line with his beliefs, Queensberry put the defence of the prerogative at the forefront of his concerns. Perhaps he was hoping that toleration would follow if parliament accepted the king's right to settle the church on his own terms.<sup>14</sup> This attitude was expressed by him when writing to the King, as serving 'your sacred interest', which as a consequence would of course entail Queensberry visiting the king at London to confirm that loyalty.<sup>15</sup> Although he had previously been given notice of a possible position as Commander-in-Chief of the forces in Scotland, Queensberry was now leaving the life of inactive, but lucrative military command, for the brutal arena of Scottish parliamentary politics as a leader of a

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<sup>10</sup> See, Roseberry, 1. 6. 180, 50. *Memorial from Episcopalians in Scotland for his Highness the Prince of Orange in relation to affairs of Scotland*, Printed for R. Taylor, 1689.

<sup>11</sup> Riley, P. W. J., *King William and the Scottish Politicians* (Edinburgh, 1979), p. 117: NLS. MS. 3414, *transcripts*. To William, first Duke, 1690, no signature.

<sup>12</sup> NLS. MS. 1031(Hamilton), ff, 113-115. Hamilton to Selkirk, 16 December 1690.

<sup>13</sup> Riley., *King William and the Scottish Politicians*, pp. 117-123.

<sup>14</sup> Drum. MSS, Vol. 115. Note in Queensberry's hand on parliamentary affairs, 1700.

<sup>15</sup> Drum. MSS, Vol. 1 (126), f. 26. Queensberry to the king, 9 April, 1696.



small, but growing interest.<sup>16</sup> That interest had no specific agenda (other than defence of the prerogative) and the development of a proto-party to support his aims was very much focused on Queensberry the man.

The parliament that Queensberry was eventually to oversee had not held any elections since it turned from convention into a parliament on 17 June 1689. As a consequence, there could be little prospect of ending discord over the issues of Glencoe and the Company of Scotland. Both these issues were brewing dissent in the country, and in parliament.<sup>17</sup> There was now a concerted campaign going on at the time to discredit the Episcopalian interest in parliament by attacking Sir John Campbell, first Earl of Breadalbane, and Sir John Dalrymple, who were both allied to Queensberry. Glencoe, the church settlement, and free trade between Scotland and English colonies provided a focus for Countryman (supporters of a more radical constitutional settlement, and a strong independent Scottish trading company) and Jacobite (supporters of the exiled Stewarts) alike to thwart the Court's wishes for Scotland. The Country party presented a general agenda of highlighting the Court's neglect of Scottish matters.<sup>18</sup> Initially, Queensberry was hardly recognised as a major player in this dispute.<sup>19</sup> Sir John Dalrymple tried to remain positive, and he advised Queensberry that the 'King has not yet inclined himself yet as to the President [of the parliament] but in general the proceedings of the parliament here doth fright us, and the King is unwilling to give cheer to any Party'.<sup>20</sup> That analysis was based on a parliament, which had been managed by the John Hay first Marquis of Tweeddale, and James 'Secretary' Johnston. Tweeddale had little to thank Queensberry's family for, as he had to sell the first Duke his lands in the Borders

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<sup>16</sup> Drum. MSS, Vol. 129. R. Pringle to Queensberry, 3 September 1695. The letter reads as if Queensberry was in fact now in that position.

<sup>17</sup> NLS. MS. 14414 (Yester), f. 97. Annandale to Yester, London, January 15 1695.

<sup>18</sup> Riley., *King William and the Scottish Politicians*, pp. 125-127.

<sup>19</sup> Ibid.

<sup>20</sup> Drum. MSS, Vol. 115. Sir John Dalrymple to Queensberry, London, 30 March 1695 (Sir John Dalrymple, first Earl of Stair, joint Secretary of State 1691-95).



for £350,000 Scots as part of the 'Buccleuch settlement'.<sup>21</sup> Queensberry had done little as yet to make his mark in politics. He, along with other magnates of the first rank, had not fully controlled the government of Scotland since the Revolution. Instead they had to bargain with Sir William Whitelaw (an influential burgh commissioner) to carry Court measures.<sup>22</sup> The absence of complete control of Scottish politics by the nobility would be an issue that Queensberry would try to remedy.<sup>23</sup>

His initial task was to marshal his own interest, and in conjunction with Archibald Campbell (later first Duke of Argyll), he would attempt to bring magnates to the fore in Scottish politics by displacing Johnston, Tweeddale, and George, first Earl of Melville. Lord John Murray (later first Duke of Atholl, and his implacable enemy 1703 to 1707) joined with William Johnston, first Marquis of Annandale, in this attempt to discredit Melville. In an attempt to gain Queensberry's co-operation, Murray wrote 'the King is dissatisfied with the Earl of Melville's carriage [and] would not hear of him becoming Chancellor'.<sup>24</sup> Murray argued that he had pushed for Queensberry to be President of the session, though the king preferred him to have the post of Privy Seal.<sup>25</sup> This post had been pushed on Queensberry, probably through pressure from Portland and Carstares, and despite the emphasis placed on his greed by Riley, Queensberry gave up 'the guards for a post more honourable, but less lucrative'.<sup>26</sup>

The fact of the matter was that not just Queensberry, but other contemporaries saw the post and salary as insufficient for the Duke. James Murray of Philphaugh

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<sup>21</sup> Lee, M., *The Heiresses of Buccleuch* (East Lothian, 1996), p. 95.

<sup>22</sup> Mitchison, R., *Lordship to Patronage. Scotland 1603-1745* (London, 1983), p. 127.

<sup>23</sup> Riley., *King William and the Scottish Politicians*, p. 106, for example.

<sup>24</sup> Drum. MSS, Vol. 115. Whitehall, from Lord Murray, 7 May 1696.

<sup>25</sup> Ibid.

<sup>26</sup> Drum. MSS, Vol. 115. Whitehall, 3 May 1696, no signature: Drum MSS, Vol. 128, ff. 90-91. Pay for the Troops. Drumlanrig received £698. 6s. 8d in 1690, and £2000 1691-2 [No indication if this was in Sterling or pounds Scots: 1/12 of £ Sterling].



wrote to Queensberry to express the latter view ‘I am sure your Grace will not misconstrue my proposing your offering to serve as President for half of the salary...the King did argue it was too great a salary for a place that was not necessary’.<sup>27</sup> Queensberry’s acceptance of any post he considered less than befitted his rank, most likely had something to do with making a place in the guards for Argyll, or one of his family.<sup>28</sup> In contrast, by 1697, another noble with Revolution credentials, Sir Patrick Hume of Polwarth, had already achieved the post of Chancellor, and the title of Earl of Marchmont. Whatever his reservations over his own position, Queensberry’s attitude to the current battles between Episcopalian, and Presbyterian commissioners in the Scottish parliament can be gleaned from his suspicions about Murray. He thought that Murray had agreed to ‘enter into a party’, probably with the Episcopalian interest, in opposition to Tweeddale and Johnston.<sup>29</sup> If this was an attempt by Murray to gain the leadership of the Episcopalian interest, Queensberry’s response was to ignore it, and reinforce his Revolution credentials by focusing on the Court, the king, and the prerogative, and not on religious issues. He expressed this idea with the comment ‘I shall never be made an instrument to ruin the Monarchy’.<sup>30</sup> He added a caveat to the latter remark, that ‘yet it would be hard if the k[ing] made me ruin it, myself in preventing it, if he does not second and support me openly in it’.<sup>31</sup> Clearly this was the thought of a magnate of ‘the first rank’ assessing what he believed should be his proper position in Scottish political life. It was also a rather unsophisticated view, as religious faction in the parliament was a serious issue. The push to enforce the association in defence of William II was proof enough of that fact.

The parliamentary session of 1696 ran from 8 September to 12 October, and Sir John Dalrymple, Johnston, and Tweeddale (Yester as his eldest his son was not

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<sup>27</sup> Drum. MSS, Vol. 1 (128), f. 43. James Murray to Queensberry, Whitehall, 23 May 1696.

<sup>28</sup> Ibid.

<sup>29</sup> Drum. MSS, Vol. 115. Murray to Queensberry, 23 December 1696.

<sup>30</sup> Drum. MSS, Vol. 1 (128), f. 33. Note in Queensberry’s hand on Parliamentary affairs, 1696.

<sup>31</sup> Ibid.



allowed to sit in parliament) were all absent. In parliament, an attempt was made to expose a clear breach between Episcopalian and Presbyterian commissioners through the formation of an association in defence of William II, following an assassination attempt on the King in 1696. Sir William Hamilton of Whitelaw (despite being a leading member of the Club and burgh interest) had ensured that the supply for the forces was passed for two years as part of the price for passing this measure.<sup>32</sup> Every commissioner and member of the nobility in the parliament was now required to sign the association if they wished to continue as representatives to their burgh or shire, or sit as a peer.<sup>33</sup> William II, the Court, and Queensberry all opposed this strategy as it was designed to weaken the position of Episcopalians in the parliament under the pretext of exposing Jacobites. Whatever reservations Queensberry felt, he was urged to treat Murray and other members of the Court 'as his friend' and unite for the sake of the King.<sup>34</sup> Concern for the prerogative did not prevent an initial request from Queensberry asking the king to intervene on his behalf over the disputed title of Earl of Peebles, which he felt should go to his brother, Lord William Douglas (later Earl of March).<sup>35</sup>

Queensberry's tactics at this time were not proving to be particularly effective. He did not stand out during this parliamentary session, his first as second Duke, and in making his demands for his father's old positions he had been 'asking for things he will not be granted'.<sup>36</sup> Queensberry's entry into parliamentary politics was supported by Portland and Carstares who wanted to put magnates of the 'first rank' back in control of Scottish politics after the perceived failures of Tweeddale and Johnston who had depended on burgh support in parliament through the influence

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<sup>32</sup> Riley., *King William and the Scottish Politicians*, p. 118.

<sup>33</sup> APS ix. Queensberry signed the association on 12 September 1696.

<sup>34</sup> Drum. MSS, Vol. 1 (126), f. 33. Note in Queensberry's hand on Parliamentary affairs, Whitehall, 18 June 1696.

<sup>35</sup> Drum. MSS, Vol. 1 (126), f. 36. Queensberry to the King, 1697. His brother William at first refused to sign the association, but recanted later in 1696.

<sup>36</sup> NLS. MS 14414 (Yester), f. 97. Annandale to Yester, September 1695.



of Whitelaw.<sup>37</sup> Johnston had been a capable enough manager who had set up the ‘consultative’ process used by the Court, and High Commissioner, of using written instructions as a means of managing the parliament that would last until the union of 1707.<sup>38</sup> Even at this stage, there were concerns expressed by the Court that ‘there should be union amongst you’ [the Scottish ministry]. This was hardly a likely prospect in the face of a possible reorganisation of the ministry around an Argyll - Queensberry alliance.<sup>39</sup> Tweeddale had fatally damaged his standing at the Court by allowing the report on the massacre at Glencoe to be read to the parliament.<sup>40</sup> The dominating issues that would test the effectiveness of Queensberry and Argyll came from an act passed during the parliamentary session of 1695.<sup>41</sup> That act for a company trading to Africa and the Indies was given royal assent as a sop to the outcry in parliament over Glencoe.<sup>42</sup> The ministry could however argue, that they had been influenced by an act passed in 1693 for encouraging foreign trade. It is clear that men like Andrew Fletcher of Saltoun were already aware of the effects of the English navigation acts (1661) on Scotland, and rightly recognised that the development of trade was necessary to cement the independence of Scotland, and the parliament.<sup>43</sup> The creation of the Company of Scotland Trading to Africa and the Indies would dominate Queensberry’s mind until he achieved a compromise vote for an address against William II when he was High Commissioner for the parliamentary session of 1700 to 1701. In the

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<sup>37</sup> Drum. MSS, Vol. 116, passim.

<sup>38</sup> Mann, A. J., ‘Inglorious Revolution: Administrative muddle and Constitutional change in the Scottish Parliament’. *Parliamentary History*: 22, 2003, pp. 138 -139.

<sup>39</sup> Drum. MSS, Vol. 115. Whitehall, 18 June 1696.

<sup>40</sup> APS ix, pp. 367-381.

<sup>41</sup> Riley., *King William and the Scottish Politicians*, p. 107.

<sup>42</sup> APS ix, pp. 367-381.

<sup>43</sup> GUL. Special collections, Bk-3-k. 13. *Scotland’s Grievance relating to Darien* (1700): Graham, E. J., ‘In defence of Scottish Maritime Interest’. *The Scottish Historical Review*: 71-72, 1992-93, p. 102.



meantime the prospects for the Company seemed less of a concern, as at this time as it was envisaged as a joint venture with English merchants.<sup>44</sup>

Prior to gaining the post of Lord High Commissioner for the parliamentary session of 1700, Queensberry had worked hard to create an interest against a background of day-to-day politics, which from the point of view of William II, should have done little more than provide funds and men for his forces. Queensberry was now dealing with requests to help secure employment in the Company of Scotland, and reports on Jacobite activity (including the threat of invasion).<sup>45</sup> Queensberry was even advised to ‘prepare for your own security’ as there was thought ‘the invasion [by Jacobites] in now rather expected here’.<sup>46</sup> If the king desperately needed supply for the troops, then some supporters of the Company of Scotland concluded ‘If the state of affairs in Ireland be considered, it will appear as such, as may make it dangerous to suffer the Scots to be oppressed and provoked...’<sup>47</sup> This advice reflected the reality, that the need for funds for troops could be used as a lever to prise concessions from William II (particularly over church, trade, and constitutional reforms).<sup>48</sup> The church settlement of 1695 had not brought stability, and Queensberry would have to tread carefully if he was to maintain his stance as a defender of the Revolution, whilst appearing to promote toleration for ousted Episcopalian clergymen.<sup>49</sup> It was in the latter role that he was getting some support from his close friend, Laurence Hyde, Earl of Rochester.<sup>50</sup> An act had been passed during the 1695 session of parliament allowing ‘outed’ Episcopalian clergy to qualify to serve their parishes by taking an oath to William

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<sup>44</sup> GUL. Special collections, Mu29-f-6. *Minutes, and Abstracts of the Proceedings of the Court of Directors of the Company of Scotland*, p. 20, November 1696: *Burnet*, p. 203. The new East India Company had been set up in 1689.

<sup>45</sup> Drum. MSS, Vol. 126, f. 31. To Queensberry, no signature, 5 April 1695.

<sup>46</sup> Drum. MSS, Vol. 115. To Queensberry, no signature, Whitehall, 14 December 1696.

<sup>47</sup> GUL. Special collections, Mu29-f. 6. *Minutes and Abstracts*, p 46.

<sup>48</sup> The abolition of the Lords of the Articles in 1690 for example.

<sup>49</sup> See, *Carstares*, p. 254.

<sup>50</sup> NLS, MS. 3414, transcripts, f. 92. Queensberry to Earl of Rochester to Queensberry, 1696.



II, but that concession was still anathema to too many of them. The successful passing of the Association in defence of William II during the parliamentary session of 1696 further enraged Episcopalians. The expectation of Queensberry's support for Episcopalians was commented on by Lady Lovat (sister of Murray, now Earl of Tullibardine) 'delight was expressed by Episcopalians at the appointment of the Duke of Queensberry as Commissioner'.<sup>51</sup>

There is some evidence that Queensberry could be neglectful of shoring up his support at the burgh and shire level within his own domain later in his parliamentary career. There were twelve burghs with one commissioner each, and four key shires each with three commissioners to the parliament in the Western Borders. Queensberry expected these burgh and shire commissioners to support him, as he was the leading aristocrat, and landowner in the area. Although they were not all his vassals, Queensberry expected them to be loyal to him when it came to voting in parliament. Hume of Polwarth (later the Earl Marchmont) gave some evidence for Queensberry's rising influence among the nobility by listing members of the Privy Council for 1696 who were invited to dine with Queensberry. They included, the Marquis of Douglas, Earl of Argyll, Earl of Errol, Earl of Lauderdale, Earl of Sutherland, Earl of Morton, Earl of Strathmore, Earl of Leven, Viscount Tarbat, and Lord Montgomery.<sup>52</sup> However, within his own domain of the Western Borders, known Jacobites remained within his circle of friends and advisors. Even a close family associate, Grierson of Lag (his father's brother-in-law, and election agent) was indicted twice for Jacobite activities in his life.<sup>53</sup> Queensberry's chamberlain, William Stewart, had in fact written to Lag warning him that the government was aware of his activities.<sup>54</sup> As it was, Lord David Boyle

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<sup>51</sup> BA. Box 45. 1, f. 102. Lady Lovat to her brother, 5 April 1700.

<sup>52</sup> NAS. GD158/908 (Marchmont). Memorandum, 17 December 1700.

<sup>53</sup> EL. Dum, Grierson Papers, box 1 [no index, catalogue, or folio numbers], he was imprisoned, July 1692: Box 2, group 3/9. Grierson received notice he was to be tried for treason, 24 May 1716.

<sup>54</sup> *Ibid.* February 1698, William Stewart to Lag.



(later Earl of Glasgow), Sir John Dalrymple, Argyll, James Murray of Philphaugh, and family friends made up the substance of his support.<sup>55</sup>

In terms of practical politics, the Peace of Ryswick in 1697 had left Scotland without gains and offered no remedy to encourage trade.<sup>56</sup> William had negotiated the treaty with Louis XIV in secret, and crucially there was no resolution in the treaty to the question of the Spanish Succession. The end of the nine year war of the League of Augsburg also led to a fall in the numbers of officers needed for the forces, but England also faced crippling debts, and needed taxes. This added to the growing discontent that Queensberry would now face. By 1699 Carstares continued the push for the Argyll-Queensberry alliance. Portland was more focused on European affairs, and he was also facing a breach with William II.<sup>57</sup> Dalrymple's failures in the aftermath of Glencoe had opened the door for Tweeddale and Johnston to manage affairs, and they had initially become the target of Queensberry. Queensberry's political ideas were rather limited, and his sole strategy at this time seems to have been a defence of the right of the King to do what he pleased if it suited his wider European objectives. Queensberry had no time for ideas of constitutional change. Although Queensberry invested £3000 Scots in the Company of Scotland, he seems to have taken no great interest in the fortunes of the venture.<sup>58</sup> Following the reaction of William II to the Company, Queensberry became instrumental in managing the dissent over the affair in parliament on behalf of the King.

It was not the case that Queensberry was ignorant of the importance of trade to Scotland. As early as November 1695 he recognised the need to negotiate trade agreements with England. He preferred that to be done through the formation of a

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<sup>55</sup> Drum. MSS., Vol. 115. Argyll to Queensberry, 13 July 1695.

<sup>56</sup> Brown, K. M., *Kingdom or Province? Scotland and the Regal Union 1603-1715* (London, 1992), p. 180.

<sup>57</sup> Schazmann, P. E., *The Bentincks. The History of a European Family* (London, 1976), pp. 83-101.

<sup>58</sup> GUL. Special collections, Mu29-f. 6. *Darien Subscription list*.



joint commission, rather than setting up a separate Scottish venture. Queensberry had in fact received ‘an instruction...for an act authorising such from Scotland, and in the table of this unprinted acts there is an act for a commission of trade which its like answers that instruction’.<sup>59</sup> A commission of the convention of estates had also proposed a ‘Union...in Trade’ with England on 18 April 1689.<sup>60</sup> That proposal was not taken up by William II. William II was also still putting forward the idea of ‘a union’ though arguably, rather half-heartedly.<sup>61</sup> Whilst the influence of the Club also remained strong, the problems associated with magnate involvement in parliament would remain substantial. There was no real party structure other than the ‘Court’ they aligned themselves to. Highly individualistic, highly strung, and quick to take offence, Queensberry and other magnates could not forge a party with the organisation and cohesiveness of the Club in 1689, or the Country Party from 1702.<sup>62</sup> The ability of the Club to take concerted action was properly referred to as a contrast to the peers squabbling over places.<sup>63</sup> Each magnate (whether it was Queensberry, Argyll, Atholl, or Hamilton) had to convince the king, or at least Portland and Carstares that they could carry enough members to push the king’s will in parliament.<sup>64</sup> Even in peace, the King’s immediate will was for supply for the forces, and by 1699 Queensberry was requested to find ‘Ten thousand eight hundred and twenty two pounds sterling’ for the forces. This was an enormous sum considering the state of the Country.<sup>65</sup>

Despite the fact that Secretary Johnston had been clear minded, and a reasonable manager in parliament, Queensberry’s star was beginning to rise. With reservations, he had shown that he could co-operate with other magnates like

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<sup>59</sup> NLS. MS. 14408 (Yester), f. 419. Queensberry to Yester, 21 November 1695.

<sup>60</sup> *Proceedings of the Estates*, p. 46.

<sup>61</sup> NLS. MS. 14408 (Yester), f. 437. To Yester, 17 December 1695.

<sup>62</sup> Drum. MSS (Colnaghie). Undated Memorial, 1700.

<sup>63</sup> *Ibid.*

<sup>64</sup> Drum. MSS, Vol. 115. James Ogilvy [later first Earl of Seafield] to Queensberry, 2 May 1696, for example.

<sup>65</sup> Drum. MSS, Vol. 129. Seafield to Queensberry, 14 Jan. 1699.



Argyll.<sup>66</sup> Hamilton made his position clear with respect to the issue that would dominate the coming sessions of parliament when he intimated to Queensberry, through Hew Dalrymple and James Murray that ‘his desire is only to preserve the interests of our trading Company’.<sup>67</sup> This was off course a clear statement that he would be in opposition to the Court. As it was, Queensberry was already convinced that Hamilton was a Jacobite based on the fact that he had been authorised in 1690 to arrest him when he was then the Earl of Arran.<sup>68</sup> His later conviction that Hamilton was capable of treason, particularly during the ‘Scotch Plot’, had some real substance in his mind, and was not simply based on magnate rivalry.

Other hindrances, as Queensberry perceived them, came from Sir Thomas Livingstone (then Commander-in-Chief in Scotland) who wanted the title of Earl of Peebles, which Queensberry wanted for his brother William.<sup>69</sup> Despite Livingstone accepting the title of Teviot, rather than Peebles, Queensberry held a grudge against him from then on. He also wanted Sir William Hamilton of Whitelaw stopped from getting any places at Court, against the wishes of Argyll and others. Queensberry’s attitude to Whitelaw was causing real concern in London, as Hamilton (as an influential burgh commissioner) was seen as vital in securing the support of burgh commissioners.<sup>70</sup> Whitelaw had in fairness, been an effective manager of the burgh commissioners. In this matter Queensberry’s attitude was seen as destructive. However, he was correct in one sense. The burgh members were not personally committed to Whitelaw, and they would accept another leader.<sup>71</sup> Prior to assessing Queensberry’s management of the Darien and abjuration issues, it is important to make some comments of aspects on the current historiography of the period.

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<sup>66</sup> Drum. MSS, Vol. 115, passim.

<sup>67</sup> BL. Add. 6420 (Hatton-Finch), f. 3. Hew Dalrymple, and James. Murray to Queensberry, 12 December 1699.

<sup>68</sup> Drum. MSS, Vol. 129. Melville, for Colonel, the Earl of Drumlanrig to apprehend, Arran, Hume and Wedderburn, 2 July 1690,

<sup>69</sup> Drum. MSS, Vol. 115. Whitehall, 14 December 1696 [no signature].

<sup>70</sup> Ibid. Whitehall, 26 December 1696 [no signature].

<sup>71</sup> Riley., *King William and the Scottish politicians*, p. 127.



There is a tendency by Riley, in particular, to impute a moral and political code onto the politicians of this period. Standards of behaviour are implied and expected of politicians of a different age, and very different perspective. It may be true that the opposition may have been fairly described in 1695, for example, of promoting the idea that ‘a few hot men’ controlled the government, despite their own questionable actions, to make political gains, but those factors were the grist of parliamentary politics.<sup>72</sup> The implications for later assessments of Queensberry’s behaviour does lead to judgements being made more on present day, rather than late seventeenth century standards.<sup>73</sup> Despite the efforts of constitutionalists like Saltoun, the Scottish parliament was still very much an institution which reflected the views of a feudal society, and the electoral system reinforced that fact (although he was not a commissioner at this time, Saltoun produced his two influential ‘Discourses concerning the affairs of Scotland’ in 1698).<sup>74</sup>

As far as ongoing issues of trade were concerned, Johnston and Tweeddale initially fell foul of William II over the passing of the 1695 act establishing the Company of Scotland.<sup>75</sup> The intensity of their support for the promotion of Scottish trade ventures would lead to their downfall. Their position was rational, and in the interests of Scotland. Scotland needed some means of overcoming economic stagnation, and the effects of famine. Queensberry took the opposite view, and disregarded calls for William II to protect the Scottish trading Company. He was prepared to defend the king’s prerogative, and William II would not accept a challenge from Scotland to the East India Company, particularly if it interfered with his European diplomatic initiatives. Queensberry put English interests before the fate of the Scottish colony at Darien without reservation. The Court and the English

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<sup>72</sup> Ibid, p. 94.

<sup>73</sup> Ibid, pp. 99-101

<sup>74</sup> Daiches, D., *Fletcher of Saltoun. Selected Writings* (Edinburgh, 1979), p. 27; Robertson, J. ed., *Andrew Fletcher. Political Works* (Cambridge, 1997), pp. 34-81.

<sup>75</sup> Drum. MSS, Vol. 1 (126), f. 33. Note of parliamentary affairs, 1696.

parliament had confirmed their attitudes to the existing navigation acts and Scottish trading ventures with a further statute on 1 December 1696:

From the first of December one thousand six hundred and ninety six, it shall not be lawful, on any pretence whatsoever to put on shore in the said Kingdom of Scotland or Ireland, any goods or merchandise of the growth or product of any of his Majesty's Plantations...unless the same have first been landed in the Kingdom of England. <sup>76</sup>

With a large cross section of the Scottish population having invested substantial sums in the Company of Scotland, Queensberry would face extreme difficulties in trying to balance the ambition of the people of Scotland, against the power of the East India Company, and the European concerns of William II (which Scotland had no say in).<sup>77</sup> The ambitions of the Scottish people, other than the nobility, would not overtly trouble Queensberry's conscience. With solid connections to the English nobility through Rochester and Burlington, Queensberry was aware that the Company would face fierce resistance from England, organised principally by the Earl of Stratford.<sup>78</sup> By 1696 it was apparent that dissent over English attitudes to Scottish trading ventures had inflamed the population.<sup>79</sup> In a clear attempt to sabotage the Company, instructions were later sent out to Sir Paul Rycout the English Ambassador in Hamburg, to prevent the Scottish Company buying ships, or selling stock in the City.<sup>80</sup>

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<sup>76</sup> *The Statutes at Large from the First Year of King James the First to the Tenth Year of the Reign of King William II, III* (London, mdclxxx), pp. 612-613.

<sup>77</sup> GUL. Special collections, Mu29-f. 6. *Darien Subscription List February 1696*. Investors included the nobility, lawyers, Clerks, Burgesses, merchants, doctors, ministers, and trades people.

<sup>78</sup> GUL. Special Collections, B13-i. 24. *A defence of the Scots Abdicating Darien* [probably written by Surgeon Harries, a colonist at Darien who later became a pamphleteer on behalf of the English] 1700.

<sup>79</sup> *Burnet*, VI, p. 298: GUL. Special collections, B13-i. 24. *Original Papers*, 1699.

<sup>80</sup> *Ibid.*



Riley was pretty damning of the Company of Scotland, and he placed much of the blame for failure on the shoulders of the Court of Directors.<sup>81</sup> Whilst it is necessary to focus on Queensberry's political actions, it is important to understand why the anger towards William II grew so furiously after the attempts to set up a Scottish colony on the Isthmus of Panama failed. The plain fact is that William II and the East India Company would not tolerate a Scottish venture anywhere in the World that remotely challenged English trade domination, or impacted his European policies.<sup>82</sup> The question of his attitudes as King of Scotland was therefore properly questioned when he refused to aid the colony in the face of Spanish aggression. The King's stance on the issue was all the more difficult to comprehend when he sent English and Dutch ships to support Charles XII against Russia and Poland.<sup>83</sup> The location of the colony was (and remains) a red herring. No English colony was allowed to assist the colony, or trade with the Scottish Company.<sup>84</sup> Wherever the Company had attempted to trade, from the Firth of Forth, to the Indian Ocean, England would have stopped it.

The consequences for Scotland were severe. Famine was gripping the country, and anger was rightly directed at England. Queensberry had to face a population roused to anger (mobs would gather in Edinburgh in support of colony), and a parliament which largely perceived opponents of English policy on the colony, like Tweeddale and Johnston, as national heroes and 'true patriots'.<sup>85</sup> That anger seemed justified as the English parliament had passed acts to ensure the protection of their own colonies. Queensberry would now have to face the consequences of a growth of anger focused on issues of suzerainty, and the Scottish constitution. William II of Scotland had shown by his actions that his priority was

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<sup>81</sup> Riley., *King William and the Scottish Politicians*, pp. 132-133.

<sup>82</sup> NLS. MS 14408 (Yester), f. 419. London, 25 November 1695 [no signature or name].

<sup>83</sup> Dalrymple, Sir John., *Memoirs of Great Britain and Ireland* (second edition, London and Edinburgh, 1881), pp. 210.

<sup>84</sup> GUL. Special collections, Mu29-f. 6, pp. 309-333. The Scottish ship the Margaret had been refused water and supplies at Montserrat.

<sup>85</sup> GUL. Special collections, Mu1-g. 43. *Darien papers*, p. 3.



to defend English concerns. In his position as William III of England, he appeared to be acting in a manner that suggested that the English crown had suzerainty over the Scottish crown. To counter this, Queensberry would have available a constant supply of money, as well as information related to the business of the Company, as both the Earl of Argyll, and Murray of Philphaugh were two of ‘the twenty one councillors to supervise stock’.<sup>86</sup>

Queensberry was now put in a position to manage an affair which drew together all opponents of the Court, including Presbyterians who had viewed the colony as a means to spread the word of the established church (the colony was run on the basis of strict Presbyterian rules).<sup>87</sup> The fate of the colony is documented in a few secondary works which do not deal effectively with all of the issues involved.<sup>88</sup> The colony was finally abandoned by 1701, and Queensberry as a consequence, now faced his first major test as a Court manager. Memorials had been sent to William II from the Directors of the Company asking that ‘his Majesty would be pleased to allow our parliament to sit with all convenient speed’ to discuss the fate of the Colony.<sup>89</sup> His immediate reply was that it was thought ‘impudent in subjects to demand such a thing from the king’.<sup>90</sup> Rioting had already broken out in Edinburgh in 1700 when news of Captain Fonab’s victory (aided by local natives) over the Spanish at Toubacanti on 11 February was known in Edinburgh. When a push for either an address or an act condemning the actions of William II was mooted, Queensberry faced the possibility of a Scottish parliament taking actions which could easily have led to war with England.<sup>91</sup> The English parliament could not tolerate the Scottish parliament passing an act against William II that was to all

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<sup>86</sup> Burton., *The Darien Papers*, p. 38.

<sup>87</sup> *Ibid.*, p 113.

<sup>88</sup> Pratt-Insh, G., *The Company of Scotland* (London, mcmxxxii), this is a well written work, but shy on forceful conclusions: Prebble, J., *The Darien Disaster* (Middlesex, 1968) is an exciting read, but omits some vital facts like the successful voyage of the African Merchant.

<sup>89</sup> Burton., *The Darien Papers*, p. 278. [Roderick McKenzie signed some of these memorials].

<sup>90</sup> *Ibid.*, p 279.

<sup>91</sup> *Ibid.*, p. 246, The battle was fought on 8 February, 1700



intents and purposes a declaration of a Scottish independent foreign policy. ‘Rabbling and ‘disorder’ only increased that prospect, and Queensberry was expected to ‘show vigour’ in dealing with the mob.<sup>92</sup> The activities of the mob were now a concern, and James Murray of Philphaugh wrote to complain to William Carstares after the mob attacked Lord Carmichael’s house in Edinburgh.<sup>93</sup> When Queensberry came to Edinburgh on 14 May 1700, he was met by ‘boys with now or never Caledonia written on paper on their hats’ as a protest.<sup>94</sup> He also had to face the parliament with some uncertainty with respect to how affairs in England would develop:

I find the Earl of Portland has been in town when I was absent. He has laid down his Gold key as your Grace will hear from others, he will continue to act and assist us as formerly and in our business will either have more than his weight than he had, he advises us to Union and if so there will be no alterations.<sup>95</sup>

This development could have had implications for Queensberry. Portland had pushed Queensberry into his present position, and if the King’s new advisor was hostile his trials could only increase.<sup>96</sup> Portland assured him there was no real repercussion which affected Queensberry’s immediate concerns.<sup>97</sup> Queensberry, for the moment could concentrate on solving the problems the king faced over the Company of Scotland.

Something of the storm approaching Queensberry from home, and abroad, can be gleaned in a letter from Lord Carmichael:

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<sup>92</sup> Drum. MSS, Bundles 1150-1151, Whitehall, 26 June 1700, no signature.

<sup>93</sup> *Wodrow letters*. James Murray of Philphaugh to Mr. Carstares 26 June 1700, p. 541.

<sup>94</sup> BA. Box 45, 1, f 117. Lord Edward Murray to Tullibardine, 15 May 1700.

<sup>95</sup> Drum. MSS, Vol. 115. Ogilvy to Queensberry, 4 May 1699.

<sup>96</sup> Drum. MSS, Vol. 1 (126), f. 47. London 11 May 1699. It was suggested that ‘Amberlane is getting favours from the King’.

<sup>97</sup> Drum. MSS, Vol. 115. Qgilvy to Queensberry, London, 8 May 1699,

I shall tell your Grace with assurances that was called about the business of the African Company which makes a mighty noise the world over and is considered to be of consequence abroad more than was understood to be, and the French take the greatest alarm about it because it appears they aimed to get instructions of the King of Spain made to them.<sup>98</sup>

Queensberry could not fail to see the implication for William's foreign policy, and his own stance on the issue would be a clear statement of his attitudes on both Scottish and English concerns. Increasingly Seafeld (Sir James Ogilvy) took on the role of bearer of the king's wishes.<sup>99</sup> Queensberry, as a consequence, was left in no doubt where English concerns lay when he was told 'the French ambassador and several others have spoken to the king about it [the Scottish colony] a memorial is to be drawn up and transmitted to Portland'.<sup>100</sup> Clearly Scottish trade ventures were to be discouraged in the face of European diplomacy. As was often the case, other matters impinged on Queensberry's time. There were rumours of Highlanders raiding Forfar, which required troops to deal with them.<sup>101</sup> His own personal finances were also shaky. He was in debt to creditors in London and his chamberlain was kept busy sorting out his financial affairs.<sup>102</sup> Some confusion also raged in London over the threatened departure of the Earl of Portland from the Court. Queensberry was asked to intervene in the affair, presumably to secure his continuing influence with the Court.<sup>103</sup> The 1698 session of parliament had witnessed attempts to ban English imports, and a petition concerning Darien had been approved. The consequences could have been worse, had Queensberry and Argyll not managed the issue as well as they did. Marchmont wrote to the King to praise the efforts of Queensberry:

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<sup>98</sup> Drum. MSS, Vol. 115. Lord Carmichael to Queensberry, London, 2 April, 1699.

<sup>99</sup> Drum. MSS, Vol. 115. Whitehall, London, 12 April 1699.

<sup>100</sup> Ibid. Seafeld to Queensberry, 2 May 1699.

<sup>101</sup> Drum. MSS, Vol. 115. Strathmore to Queensberry, 12 May 1699.

<sup>102</sup> Ibid. William Stewart to Queensberry May 1699. Salaries and pensions were often paid several years in arrears, and Queensberry would have to disperse patronage from his own funds in the meantime.

<sup>103</sup> Ibid. Whitehall, Seafeld to Queensberry, 28 April 1696.



...They who I suppose undertook to your Majesty at Court to do the best they could for your service, The Duke of Queensberry, the Earl of Argyll, and the Earl of Lothian have performed very honestly, and I am sure you may have no reason to regret your appointing the Viscount Seafield to be President of the Parliament...<sup>104</sup>

There was no parliamentary session in 1699, and Queensberry was appointed as High Commissioner for the parliamentary session due to begin 21 May 1700. In the interval, the strength of the opposition had grown, and Argyll was also now in dispute with the Duke of Gordon (a dispute which would spill over into the parliament and hinder Court unity).<sup>105</sup> The strained relationship between Queensberry and Tullibardine was also well known in London, and this could only further hinder the effectiveness of the Court.<sup>106</sup> Queensberry was still receiving an abundance of advice on how to handle the parliament, as well as petitions from the Court of Directors of the Company which focused on ‘English interference in Scottish affairs’.<sup>107</sup> That subject would become a recurring theme during his tenure as High Commissioner. Despite their view that ‘statecraft’ was a major factor in the accomplishment of the union of 1707, Dicey and Rait recognised that at the time of Darien the ‘wrath of Scotland seemed unappeasable’.<sup>108</sup>

It would be pounds sterling, and patronage, rather than statesmanship, which would resolve the immediate crisis. There was a growing feeling among the Scottish Courtiers that the most effective solution to the present dilemma was for ‘his Majesty to attend the next session of parliament’ in Scotland as a means to

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<sup>104</sup> NAS. GD158/965/12 (Marchmont). Marchmont to the King, 14 September 1698.

<sup>105</sup> NAS. GD248/559/35 (Seafield), f. 1. Robert Pringle to Seafield, 11 January 1701.

<sup>106</sup> Drum. MSS, Vol. 115. Whitehall, Pringle to Queensberry, 15 Jan 1699

<sup>107</sup> Drum. MSS, Vol. 128, f. 54. Petition from the Council General of the Company of Scotland, 28 October, 1700.

<sup>108</sup> Dicey, A. V & Rait, R. S., *Thoughts on the Union between England and Scotland* (London, 1920), p. 151.

placate the opposition by his presence.<sup>109</sup> This was something William II would never contemplate with any degree of seriousness. There was also a ‘draft act for securing free voting in parliament’ circulating, which threatened Queensberry’s ability to manage the burgh and shire commissioners in particular.<sup>110</sup> William Bennet of Grubbet, and William, Lord Ross had in the meantime presented an address on behalf of the Company of Scotland to William II in London which asked for recognition of the rights of the Company.<sup>111</sup> Bennet did this despite his father’s acceptance of a post from Queensberry, and the subsequent pledge that he ‘was under your [Queensberry’s] patronage’.<sup>112</sup> The King would have no truck with this address, and his answer was to allow Queensberry to present several acts aimed at dividing the opposition:

Instructions for the Duke of Queensberry for the session of our current Parliament in Scotland. You may pass an act wherein it may be provided that men should not be made or continued prisoners without a cause signified... you may pass an Act allowing the Commissioner of the Treasury and Exchequer to set Tacks annexed to property, and particularly Orkney and Zealand by way of a roup...<sup>113</sup>

This was in effect an attempt to placate the opposition with a habeas corpus. Further instructions allowed Queensberry to ‘allow Episcopal clergymen to qualify themselves’ and to consent to an act defining high treason’. Both these measures were clearly aimed at gaining support from Episcopalian commissioners.<sup>114</sup> In the event that these measures would not suffice, Queensberry could also put forward an

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<sup>109</sup> Drum. MSS (Colnaghie). Memorial on Darien, October 1700.

<sup>110</sup> Ibid. Note on a draft act October 1700.

<sup>111</sup> Drum. MSS, Vol. 115. Undated reports on business in London, October 1699: Young, M., *The Parliaments of Scotland*, I, p. 49, Bennet of Grubbet represented the shire of Roxburghshire and continued to oppose the Court in 1701, although he was on the Committee for Security of the Kingdom, APS x, pp. 192-3.

<sup>112</sup> Drum. MSS, Bundle 1152. Sir William Bennet, to Queensberry, 12 April 1700.

<sup>113</sup> Drum. MSS (Colnaghie). William R, Instructions to Queensberry, April 1700,

<sup>114</sup> Ibid.



act ‘that church government should be ratified’ as well as the annual ‘act brought in preventing the growth of Popery’. Clearly that act would upset the Episcopalians, and Queensberry had no option but to adjourn the parliament on 30 May.<sup>115</sup>

Hamilton took an active role in attempting to further undermine the Court. He offered Queensberry ‘friendly private advice’ which was designed to put suspicion in Queensberry’s mind that Seafeld was undermining him.<sup>116</sup> Given Seafeld’s nature, that possibility would have seemed credible enough to Queensberry, and most other Scottish politicians. Hamilton, in private correspondence at least, took on the mantle of patriot in support of the Company, whilst at the same time stressing that he was ‘[a true] subject of his Majesty in supporting his Government and preserving the peace of the Nation’.<sup>117</sup> His language in his own defence was geared to appeal to both Presbyterians (who were wary of any possibility of increased toleration for Episcopalians) and constitutionalists (who argued for more frequent elections and increasing representation) when he argued:

I know nothing I have done that deserves so great a censure if willing well for the government and my Country be a crime I acknowledge I am guilty... [It] is natural for all mankind when they think they are grieved to make an address to their Prince and by the Claim of Right.<sup>118</sup>

Queensberry’s later attitudes towards Hamilton have some justification, as Hamilton would consistently profess loyalty, whilst attempting to undermine the Court.

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<sup>115</sup> APS x, p. 194.

<sup>116</sup> Drum. MSS, Vol. 1 (126), f. 37. Letter addressed to Seafeld [in Queensberry’s hand] November 1699.

<sup>117</sup> NLS, MS 1031-1032 (Hamilton), ff. 216-218. Holyroodhouse, 12 December 1699.

<sup>118</sup> *Ibid*, ff. 219-220. Hamilton, 25 December 1699.

William II, Queensberry, and the Court were now left with the dilemma of solving a major crisis, which could only worsen in the time until the next sederunt of the session, which was due to begin on 29 October 1700.<sup>119</sup> Carstares was trying to give Queensberry some comfort and support by assuring him that ‘the King is fully acquainted with the reasons for the slow procedure in parliament and does not blame your Grace for it’.<sup>120</sup> This comment was hardly an apt description for the depth of the crisis facing Queensberry. There was an element of desperation when Carstares then discussed the king’s wishes for the coming session of the parliament:

It would be pleasing to him if your Grace could manage the matter so as to bring the Parliament to show as much confidence and trust in him as to leave it to him to keep up if he please upon his own charge so many of the present establishment as the funds they give will not be able to maintain [the upkeep of the forces].<sup>121</sup>

Carstares then rather naively suggested that ‘it would not be amiss that this affair [a resolve for funds for the forces] be proposed and seconded in parliament by some that have not been looked upon as absolutely of your Grace’s Party’.<sup>122</sup> This advice failed to recognise two important factors. Firstly, Queensberry was unlikely to trust anyone outside his own interest. Secondly, the level of opposition in Scotland to the Court had not been managed yet by any concrete measures. Carstares also thought pressure should be applied outside parliament by ‘taking vigorous steps...in restricting of treasonable pamphlets and discourses of some notorious disaffected person to the government, which may give some check to their insolence’.<sup>123</sup>

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<sup>119</sup> APS x, p. 196.

<sup>120</sup> NLS. MS. 3414, *transcripts*, pp. 232-236. Principal Carstares to Queensberry, Hampton Court, 9 January 1700.

<sup>121</sup> *Ibid.*

<sup>122</sup> *Ibid.*

<sup>123</sup> Drum. MSS, Vol. 116, f. 5. Carstares to Queensberry, 10 June 1700.



The stage was set for a confrontation, the result of which had major implications for future relations between Scotland and England. Queensberry's task, as laid out by the King, was to prevent the passing of an act condemning William II which was being put forward by Tweeddale [formerly, Lord Yester, now second Marquis].<sup>124</sup> If possible, he was also to stop 'even the address' in favour of the Company of Scotland.<sup>125</sup> This would be a monumental task given the fact that he really had nothing new to offer the parliament. That situation was primarily the reason for the state of affairs Queensberry described in a letter to the king:

I send enclosed a memorial by which you may see the state of your affairs in this Kingdom. I humbly beg your Majesty's pardon for not having written sooner, but the sudden alterations of humours here have been such that we have not only had daily, but hourly changes amongst the members of Parliament, so that it is impossible for me to give your Majesty any certain view of business. The matter of our Colony at Caledonia does really carry all ranks of people here into a madness beyond expression.<sup>126</sup>

Queensberry was at least being honest in his appraisal of the situation, despite the hints of future failures. Queensberry was given some indication that the state of the kingdom was at last being understood in London when he was advised to 'put a calm [adjournment] to this parliament' if things got out of hand.<sup>127</sup> This tactic was to be kept secret lest it encourage the opposition.<sup>128</sup> Queensberry prepared several draft speeches which were aimed primarily at placating opposition from the church:

The King [had] resolved to hold this session of Parliament in person if other necessary affairs abroad had not deprived us of that intended happiness... You see that his Majesty in his gracious letter declares his resolutions with relation to your

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<sup>124</sup> NLS. MS. 3414, *transcripts*, pp. 232-236. Instructions to Queensberry, June 1700.

<sup>125</sup> *Ibid.*

<sup>126</sup> Drum. MSS, Vol. 1 (126), ff. 79-80. Queensberry to the King, August 1700.

<sup>127</sup> Drum. MSS, Vol. 116, f. 4. Carstares to Queensberry, 25 October 1700.

<sup>128</sup> *Ibid.*

Religion Laws and Liberties, he is also pleased to let you know his intentions as to the present established government of the Church which he thinks himself obliged to maintain as having a legal settlement, and by the former promise, engaged himself to the defence of it. In order to obtain the benefits of his Majesty's inclinations it is recommended to you to fall upon effectual means to prevent the growth of Popery...<sup>129</sup>

Queensberry was working hard on draft speeches and the language in these drafts was carefully edited. The forces were to be referred to as 'the Army' and 'Commerce' was to be used instead of 'trade'.<sup>130</sup> This was no mere obsession with pedantic and irrelevant points. Failure in a 'commercial' venture could be attributed to poor management of investments by the Directors of the Company, rather than the actions of the king and English merchants in preventing free 'trade' between Scotland and the colonies.

By August 1700, some suggestions were being put forward of a more 'pragmatic' nature to attempt to influence the parliament. Queensberry thought that the Earl Marischal could be had 'for 300 lib' [Sterling] and that 'Paterson [William] should be given 100 lib' [Sterling].<sup>131</sup> The most promising solution to the crisis now seemed to be obvious, and at his request, the Duke was to 'lay out what was necessitate for his service [the King] and that he will pay it, and after your Grace will let him know what you need and it will be thither remitted'.<sup>132</sup> Queensberry, for the first time in his political career, was falling back on pounds sterling, rather than persuasion to accomplish his ends. Queensberry was also offered the temptation that 'his Majesty is inclined that you should be here at Court this winter'.<sup>133</sup> This was always a tempting offer to any Scottish magnate, as William II usually severely restricted their access to him. The King then requested 'to have an

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<sup>129</sup> Drum. MSS, Vol. 1 (126), f. 84. Notes [for speeches to parliament] August 1700.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid, f. 9. Queensberry to Seafield. 16 August 1700.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid, f. 13. Carstares to Queensberry, 9 August 1700.



account of the resolutions your Grace is come to with his servants about what concerns the ensuing session of parliament'.<sup>134</sup>

Money was now 'to be lodged in the Bank of England' whilst Queensberry was to hear 'the advices of his servants' and get his [the king] opinion fully as to the matter.<sup>135</sup> Marchmont, as Chancellor, tried at least to shore up support and a local level when he asked Queensberry to intervene in elections for Magistrates at Jedburgh.<sup>136</sup> This was no small matter as 'Walter Scott is commissioner to the parliament for the town, and I reckon will give hearty assurance in his Majesty's service'.<sup>137</sup> Scott did support Queensberry by voting for an address rather than an act against the King. Queensberry was assured that 'his Majesty is ready to consent to everything that might make his service successful in your Grace's hands'.<sup>138</sup> 'Everything' included '1000 lib' [Sterling] which was sent 'enclosed' in the form of a note.<sup>139</sup> The King and Queensberry were now depending more on pensions, and less on honest persuasion, or political argument, to secure the parliament.

Seafield was given the task of putting pressure on commissioners from the North of the Country prior to the parliament by promising places or pensions.<sup>140</sup> The voting on the issue of the act against the King would show how successful he was.<sup>141</sup> With Argyll working in his own domain, Queensberry was left to work on the King's speech to the parliament [should he agree to attend].<sup>142</sup> It can be easily adduced from Queensberry's papers that long hours were spent on drafting

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<sup>134</sup> Ibid, f. 14. Carstares to Queensberry, 12 September 1700.

<sup>135</sup> Ibid, f. 17. Carstares, 6 September 1700.

<sup>136</sup> Ibid, f. 18. Marchmont to Queensberry, 3 October, 1700.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid, f. 19. Carstares to Queensberry, 7 October 1700.

<sup>139</sup> Ibid.

<sup>140</sup> Drum. MSS, Bundles 1150-1. Seafield, 3 September 1700.

<sup>141</sup> Ibid. My Lord Rea the Laird of Fouliss and Will Ross... promise to be up and to be assisting in parliament. Lord Forbes and Lord Fraser and have heard from Pitsligo they will both come...

<sup>142</sup> Drum. MSS, 1166 (Colnaghie), *passim*.

memorials and speeches prior to the opening session of parliament. The King's letter to the parliament hardly offered much in the way of concessions to the Company of Scotland, or its supporters:

My Lords and Gentlemen, at your last meeting I told you that I was instructed by his Majesty in every thing that appeared necessary or convenient for the Nation, and of most solid use to the African and Indian Company...His Majesty had certainly granted what was so earnestly desired had he not been persuaded that his yielding that point must have disturbed the peace of Europe and engaged in a war in which he could expect no support. The circumstances of that affair are so much altered that you cannot but be convinced that it is unnecessary at present to assert that right, and insisting upon it may obstruct things of more value both to the Nation and Company...<sup>143</sup>

In other words, Queensberry was to begin his battle by offering absolutely no grounds for any compromise on trade issues. Instead an immediate attack was made against possible opposition by stressing the need to support William II and his foreign policy:

...It will be the endeavour of those who are disaffected to the government of the Church and State to influence you to press the asserting the Right of the Colony, and the more they see his Majesty shunted betwixt his inclinations to satisfy the Company, and his care to preserve the peace of Christendom, the more they will urge it, and it will be suitable to the wisdom of Parliament to take notice of such artifices and to apply themselves to disappoint and stop the advantages of our enemies at home or abroad may make of the least appearance of differences amongst us...<sup>144</sup>

The only comfort, which was offered, was once again meant to appease Presbyterian opposition:

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<sup>143</sup> Ibid. Copy of the King's proposed speech to the parliament, October, 1700. There is no indication that William II intended to come to Scotland to use these speeches.

<sup>144</sup> Ibid.



...His Majesty is willing to concur with you in maintaining and securing the Protestant Religion and Presbyterian Church government, in putting a stop to the growth of Popery, repressing vice and immorality, in providing for the liberty of your persons, by a clear and perpetual law. And is also willing that you proceed to such laws as may advance the wealth and trade of the Kingdom, particularly the true interest of the Indian and African Company and even improve manufacture, and employ and provide for the poor, and clear and secure private rights and property, strengthen and facilitate the administration of justice and punish crimes and generally to secure the peace and promote the welfare of the Kingdom...<sup>145</sup>

The session was adjourned after Queensberry faced an onslaught of petitions and resolves designed to raise the issue of Darien and strengthen the church settlement. Resolves had been presented to allow the general assembly to meet without the permission of the King.<sup>146</sup> Queensberry also tried to placate the general population and reluctant commissioners by authorising the production of pamphlets selling the Courts policy.<sup>147</sup>

The session of the parliament had continued on 29 October 1700 with a decision to deal with the contraverted election for Wigtonshire, which really favoured the Court by delaying an immediate debate on Darien.<sup>148</sup> Although constantly embarrassed by opposition taunts about the divided loyalties of William II, Queensberry did reasonably well (from the point of view of the Court) in delaying any substantial discussion on Darien.<sup>149</sup> Queensberry again offered acts on the growth of popery, wrongful imprisonment, and supply for the forces, but nothing was resolved to his satisfaction.<sup>150</sup> By December, no resolution had been made which benefited either side in parliament. Queensberry seems to have taken

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<sup>145</sup> Ibid.

<sup>146</sup> Riley., *King William and the Scottish Politicians*, p. 138.

<sup>147</sup> *Carstares*, p. 597.

<sup>148</sup> APS x, pp. 201-208. Mr William Stewart's election was annulled but he was re-elected.

<sup>149</sup> Drum. MSS, Vol. 116, f. 25. Carstares to Queensberry, 9 November 1700.

<sup>150</sup> APS x, pp. 219-221.

some exception to information he had received, possibly in relation to the Duke of Argyll.<sup>151</sup> Carstares had to reassure the Duke that ‘he is not being ignored and that the king trusts him’.<sup>152</sup> Either there was some real problem, or Queensberry was getting nervous. The dilemma for the Court was what exactly to allow with respect to Darien. Queensberry had been preparing memorials for some time and in one of those earlier drafts he had argued for an option, which would provide the basis for a Court victory:

But albeit that this Act [asserting the rights of the Company] may not be pressed and that the resolve may also probably be reformed according to the present state of that affair, yet it is thought that a vote of Parliament asserting the Companies right and approving what they have done in this matter will be demanded, and that there may be a necessity to allow of the said vote.<sup>153</sup>

By early January 1701 a vote on the issue could no longer be avoided. Hamilton and Tweeddale had pushed for this at any opportunity. When the vote was finally called on 14 January 1701 the Court had managed to move, and pass, an overture for an address rather than an act on Darien by one hundred and eight votes for the address, as opposed to eighty-four votes for the act.<sup>154</sup> There was a significant majority among the nobility, forty-two, including Officers of State, as opposed to twenty for the opposition.<sup>155</sup> Of the shire commissioners, thirty-two supported Queensberry, whilst forty-three voted against him.<sup>156</sup> Thirty-two burgh commissioners supported the Court, whilst twenty-one opposed it.<sup>157</sup> The most

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<sup>151</sup> Drum. MSS, Vol. 116, f. 30. Carstares to Queensberry, 18 December 1700.

<sup>152</sup> Ibid.

<sup>153</sup> Drum. MSS, 1166 (Colnaghie). Undated draft Memorial on Darien. July 1700.

<sup>154</sup> APS x, pp. 245-247. The voting behaviour among the nobles, burgh, and shire commissioners is remarkably similar in outcome to the union votes of 1707.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid. The parliamentary list states there was one hundred and eight votes for the address, despite this, the figures given above are accurate as taken from the list of names (105), although they exclude Queensberry, who as High Commissioner did not vote.



concentrated burgh opposition seems to have come from Fife, with Forfar, Kinghorn, Arbroath, Crail, Kilrenny, and Pittenweem all voting for an act. Queensberry however, had passed his first major test as a manager, and as a consequence, he was awarded the Garter by a grateful king on 10 July 1701. J. Stephen set out a sound general argument that the Church of Scotland was generally neutral in this matter (as well as to the union of 1707) in the sense that their primary aim was ecclesiastical self interest.<sup>158</sup> That may have been the case, but Queensberry was still nervous that the church act may not have sufficed. In any case, it is likely the prospect of war between Scotland and England would have frightened churchmen, as much as anybody else. Queensberry happily paid 'Mr. Dunnage £2 11s 06d' for his Garter, the repercussions of his management for future relations between Scotland and England were left much as they had been at the beginning of the session.<sup>159</sup>

There were elements within the church (Robert Wodrow for example) who felt that the King was acting like 'a civil Pope'.<sup>160</sup> Queensberry had also depended on money, rather than reason to secure this vote. This tactic was unlikely to enhance his reputation, or persuade the opposition that his support for England's policies was based on principle. Congratulations came from London in a short letter 'Your Grace has managed yourself to the satisfaction of the King...the King presently granted the gift you desired for the master of Stair'.<sup>161</sup> An immediate scramble also began for places with Annandale demanding to be Commissioner to the General Assembly as the price for his support for Queensberry.<sup>162</sup> The impact of the session also seems to have resonated at Versailles, and intercepted letters warned of possible Jacobite intrigue, including a comment that 'had it not been for

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<sup>158</sup> Stephen, J., 'Scottish Presbyterians, and Anglo-Scottish Union of 1707' (University of Aberdeen Ph.D., 2004), p. 225.

<sup>159</sup> DA. Sts, GGD37/2/9, accounts, p. 2.

<sup>160</sup> *Wodrow Letters*, p. 188. Robert Wodrow, 7 January 1701.

<sup>161</sup> Drum. MSS. Bundle 1156, Robert Pringle, London, 7 February 1701.

<sup>162</sup> *Ibid.*



the Habeas Corpus Act, I am apt to think that the King would have taken more particular notice of D. Hamilton'.<sup>163</sup>

Queensberry now had to affirm his control over the Court and manage future sessions with equal success. It was his own Revolution party that went on to blemish his record over the issue of an abjuration of the Prince of Wales. Argyll became more aggressive, and he disputed Queensberry's refusal to give Sir William Hamilton of Whitelaw a place.<sup>164</sup> The fact of the matter was that Queensberry had a rather one sided view of politics. His basic guiding principle was to support the Crown above all else even if that caused obvious dilemmas like his inability to please both Presbyterian and Episcopalian. Even before the union of 1707 his viewpoint was to all intents and purposes that of a British politician. He had seen the rise of English military and economic power with his own eyes and he argued with some conviction that Scotland 'should share the burden of the wars in Europe and fully support England'.<sup>165</sup> This view was again apparent with the union commission in 1702, which he took little interest in when free trade was refused by England. He felt Scottish demands for free trade with the English colonies could not be supported.<sup>166</sup> The church was also keeping a close eye on the dealings of the union commission in case there was any move made towards toleration.<sup>167</sup> Queensberry however expected his position, as an aristocrat of the first rank to be enough to engender compliance to his will.<sup>168</sup> He was always deeply conscious of the expected behaviour of the nobility, particularly in parliament.<sup>169</sup> Queensberry

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<sup>163</sup> Ibid. London, Carstares to Queensberry, 18 February 1701.

<sup>164</sup> Drum. MSS, Bundles 1150-1151. Argyll to Queensberry, 12 June 1701.

<sup>165</sup> Drum. MSS, Vol. 128, f. 56. Speeches of the Duke of Queensberry, 21 May, 1700.

<sup>166</sup> Ibid, f. 63. Some Considerations for the Union Commissioners, December, 1702.

<sup>167</sup> Wod. Qu. xxviii. Brief minutes of the proceedings of the treaty commissioners (December 1702).

<sup>168</sup> EL. Dum, Grierson Papers, box, 2, for example. Reference Queensberry's language when replying to Grierson of Lag, 15 August 1705.

<sup>169</sup> Drum. MSS, Vol. 128, f. 62. Memorial on the Parliament, 1702, includes Queensberry's comment on members 'impugning the dignity of Parliament'.



was getting frustrated and it manifested itself in a threat to resign, which was taken seriously in London.<sup>170</sup> The breach with Argyll had widened, thereby increasing that frustration.<sup>171</sup> His troubles were far from over when Scotland was dragged once again into the war of the Spanish succession on England's side, without any discussion in parliament beforehand.<sup>172</sup> The Jacobites already had focus to unite around after the Darien vote. The abjuration issue and the illegal declaration of war gave them all the motivation they needed to attend the parliament in opposition to Queensberry and the Court in 1702.

William II died on 8 March 1702, and by then Queensberry knew that the state of his own Court interest was already shaky. Even greater challenges would come from a combined Country party-Cavalier alliance. Against all advice, Queensberry delayed calling the new parliament for ninety, rather than the twenty days demanded by the law.<sup>173</sup> The session began on 9 June 1702, and was over in disarray by 30 June. Marchmont, Leven, and Argyll had conspired to prevent Queensberry from cementing an initial agreement with the Jacobites which would have gained the Court some measures, such as the cess. An overture for an abjuration had been presented on 27 June and had been given a first reading.<sup>174</sup> Queensberry must have known the consequences of not proceeding with this overture, but he adjourned the session on 30 June without a vote being called on it. Hamilton then led a walkout after disputing the legality of the parliament. The following proceedings were nothing more than a sham which offered no concrete

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<sup>170</sup> Drum. MSS, Bundle 1152. Carstares to Queensberry, 20 July 1700: NLS. MS. 14414 (Yester)., Hamilton to Tweeddale, Preston, 4 March 1702. There is a comment that suggests Queensberry was no 'longer fond of his Commission'.

<sup>171</sup> Ibid. Queensberry to Carstares, 17 June 1701.

<sup>172</sup> NAS. Pc. 1. ACTA. The Privy Council issued the proclamation on 30 May, 1702.

<sup>173</sup> This was a breach of the law relating to calling a parliament following the death of a sovereign, see, APS x, p. 59.

<sup>174</sup> APS xi, p. 128, 27 June.

gains for the new Queen.<sup>175</sup> Queensberry felt that the actions of the opposition were both ‘treasonous and seditious’.<sup>176</sup>

The abjuration of the pretended Prince of Wales formed the basis of a very long memorial from the Earl of Marchmont to the Queen in which was argued ‘Supposing what is beyond doubt that the passing in parliament of the act for the abjuration would be a great brevity to her Majesty’s government...’<sup>177</sup> The severity of the split among the Court and Queensberry can be gauged from its contents. It should be kept in mind that Queensberry had not shown any great religious conviction, and his decisions reflected his tolerant attitudes in respect of this issue at least. That lack of religious conviction formed the basis of some Presbyterian distrust of him, particularly because he was still close to Rochester in England.<sup>178</sup> It is also perhaps significant that he looked beyond Scotland during these years of crisis. He had travelled in Europe, was connected to powerful English families, and since the 1680’s he spent much of his time in England. He also regularly purchased newspapers from France, and he was aware of European politics.<sup>179</sup> Queensberry had the education and worldview to make him a reasonable politician, but the use of patronage probably checked his potential to make a more meaningful impression in Scotland.

Marchmont got straight to the point in his attack on Queensberry through a direct appeal to the Queen:

Supposing what is beyond doubt that the passing in Parliament the act for the abjuration would be greater service to her Majesty’s government, Whereof the well affected in Scotland are generally convinced it appears to be an indispensable necessity that the Parliament should meet upon the 18 of August,

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<sup>175</sup> Drum. MSS, Vol. 128, f. 62. Memorial on the Parliament, 1702.

<sup>176</sup> Ibid.

<sup>177</sup> NAS. GD158/966 (Marchmont), ff. 128-129. Memorial, Saturday, 11 July 1702.

<sup>178</sup> Drum. MSS, Vol. 116, f. 48. Carstares, London, 21 May 1702.

<sup>179</sup> DA. Sts. GGD37/2/9, p. 12.



to which it is adjourned so that act would have a first reading marked upon it and may pass for these reasons.<sup>180</sup>

Marchmont's motive is not difficult to discern. He felt that he was representing the true interests of the Revolution men in parliament. Argyll, whose family history meant that he could wear that mantle just as easily, was therefore a natural ally. All this was despite the fact that even Lockhart of Carnwath never doubted Queensberry's own commitment to the Revolution. The list of Courtiers who had turned on him over the issue was formidable:

The Chancellor, the Lord President of Council, The Lord President, The Lord Secretary, three Lords of the Treasury, to wit, the Duke of Argyll, the Sheriff depute, and Mr, Francis Montgomery, The Lord Advocate, many of the Lords of Her Majesty's Privy Council, viz, The Earls of Crawford, Burham, Eglington, Lauderdale and Leven, the Lords Forbes and Jedburgh and of Gentlemen Commissioners, Sir Colin Campbell...Lord of Session, and Adam Drummond... with many others of the burgesses.<sup>181</sup>

All of those named would not oppose Queensberry on every issue, however he was at this point left with his core interest of the Dalrymples, Mar, David Boyle, and relations like Wemyss, and March. Mar in particular went on to stress to his family that 'their family is much indebted to the Duke and all of them ought to do everything possible to serve him'.<sup>182</sup> Marchmont however went on to try and substantiate the arguments in the memorial in which the Jacobite card was then played with a vengeance:

...Being past [the Abjuration] it will serve the next Parliament as well from Jacobites as from Papists who are equally dangerous to the government, for few if any of them will swallow down the word abjure. The great joy which was

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<sup>180</sup> NAS. GD158/966 (Marchmont), ff. 128-129. Draft Memorial, 11 July 1702.

<sup>181</sup> Ibid.

<sup>182</sup> HMC 60. *Mar and Kellie*, p. 227. Mar to his Brother James Erskine, 29 January 1703.

among the Jacobites by the adjournment of Parliament was a clear proof of this...<sup>183</sup>

The memorial then went on at length along similar ground as above. This push against toleration was reinforced when Sir Alexander Bruce was expelled from parliament for arguing ‘Presbyterian Government was no part of the Protestant religion’.<sup>184</sup> Church independence from the state was an issue that had a high priority among some Presbyterians.<sup>185</sup> The religious card was being brought out with a vengeance and the memorial was aimed at getting the Queen to force Queensberry’s hand on the issue of abjuration.<sup>186</sup> Marchmont had in the past offered some honest advice on the legality of the adjournment, and in his usual manner, still professed friendship towards Queensberry.<sup>187</sup> The memorial did not have the desired effect immediately. Queensberry would still be trusted to conduct the next session on his own terms.<sup>188</sup> He would felt some satisfaction with respect to Marchmont’s actions when one of his continuing duties was to replace Marchmont with Seafield as Chancellor in November 1702.<sup>189</sup>

Riley dealt with this period in some depth.<sup>190</sup> His arguments were generally sound, although he perhaps ascribed motives to Queensberry for which there is little real evidence. The cohesiveness of his interest was also perhaps overstated. Queensberry was relatively new to parliamentary politics given the limited number of sessions that were held between 1695 and 1700 (1696 and 1698). Queensberry had firm convictions about the prerogative, and he would have had expected that

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<sup>183</sup> NAS. GD158/966 (Marchmont), ff. 128-129. Memorial, 11 July, 1702.

<sup>184</sup> BL. Add. 29588 (Hatton-Finch), f. 64. Sir Alexander Bruce, 13 June, 1702.

<sup>185</sup> Trevelyan, G. M., *England under Queen Anne. Ramillies and the Union with Scotland* (London, 1965), p. 228.

<sup>186</sup> This dilemma was highlighted by, Ferguson. *Scotland’s Relations with England*, p. 187.

<sup>187</sup> NAS. GD158/966 (Marchmont), ff. 103-104. Marchmont to Queensberry, 24 March 1702.

<sup>188</sup> Drum. MSS, Vol. 129. David Nairne to Queensberry, 5 June 1703.

<sup>189</sup> NAS. GD158/966/137 (Marchmont). Marchmont to Queensberry, 21 November 1702.

<sup>190</sup> Riley., *King William and the Scottish Politicians*, chapter eight.



the nobility ‘of the first rank’ should rightfully manage affairs.<sup>191</sup> That view was evident in the language used in a memorial written after the session ended on 1 February 1701.<sup>192</sup> In the memorial the ‘nobility’ received high praise whilst the commissioners from the burghs and shires were shown to be inconsistent, apart from a few of the more ‘eminent’ among them.<sup>193</sup> He was also no bigot, and made a serious attempt to work with Cavalier and Countrymen alike. His failing was that he resorted to the use of money rather than politics to try and settle the uproar over Darien. That example would haunt him, and taint the rest of his political career. Ferguson, for one, could accept the fact that Queensberry’s enemies and friends perceived him as acting ‘consistent with his Revolution principles’. However, his use of patronage and money could be cited to explain away all his subsequent actions whether taken on the basis of principle or not.<sup>194</sup>

Riley also failed to fully understand the trials of the Company of Scotland. Although he acknowledged the importance of England’s response in generating anger over the affair, he underestimated the role of English sabotage of the Company in Europe, and the colonies. Many of the complaints of the Company, against William II had a basis in fact. Ferguson dealt more fairly with the issue, and he rightly stressed the need for anyone looking at the issue to read the primary sources.<sup>195</sup> Riley dismissed the impact of this period on Queensberry by arguing his, and other magnates attempts to resolve issues, had no more ‘than personal ambition’ as motivation.<sup>196</sup> This type of conclusion (which is then used as explanation for everything that follows with respect to Queensberry’s motivations up to the union of 1707) tends to over-dramatise with simplistic polar opposites of heroes and villains.

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<sup>191</sup> Ferguson., *Scotland’s Relations with England*, p. 187: Drum. MSS Bundle 1166 (Colnaghie).  
Memorial on parliament February 1701.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> Ferguson., *Scotland’s Relations with England*, p. 175.

<sup>195</sup> Ibid, p. 177.

<sup>196</sup> Riley., *King William and the Scottish Politicians*, p. 162.



Queensberry's later attitudes to a union with England, and the concept of a united Britain, have their roots in this period, and the development of those attitudes needs to be understood. Both Riley and Ferguson failed to address this important aspect in the development of Queensberry's attitudes, as both a Scottish and a British politician. Money may have been the means he used to gain a victory, but the motivation was based on the principle of support for the prerogative. Queensberry knew what gave England success, and he recognised Scotland could not share in that success without accepting a less than equal partnership with England. Queensberry now had to face a divided parliament, and serve a new Queen. His rise to power had been relatively swift. He would fall out of favour as quickly after the coming session of parliament. Much of the consequential problems came from the success the Tories had in England in 1702 in attaining a small majority in the Commons.<sup>197</sup> With the Whig Lords generally supporting the idea of an incorporating union, and the Tories taking fright of the impact that would have on their church from Presbyterian Scots, Queensberry now had opposition in both England and Scotland.<sup>198</sup>

Subsequent judgements on Queensberry and the Scottish ministry are rather harsh. Queensberry was tolerant and would have accepted working alliances with Episcopalians and Presbyterians alike. The English Court also wanted power in Scotland secured in the hands of a single magnate-led interest, which often hindered Queensberry's ability to negotiate concessions. William II rejected the acceptance of any address with respect to Company of Scotland in 1699 and 1700, yet he was forced to accept it in 1701, thereby prolonging the issue to the detriment of his managers in Scotland. As Brown put it 'the king needed aristocratic support, and got it at the price of pensions and offices'.<sup>199</sup> No English monarch was about to allow a Scottish parliament to interfere with his or her foreign and trade policies,

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<sup>197</sup> Brown., *Kingdom or Province?*, p. 184.

<sup>198</sup> Ibid, pp. 184-185.

<sup>199</sup> Ibid, p. 41.



however broad-bottomed a Scottish ministry could be created. The years between 1695 and 1702 may have seen Queensberry's rise to power, but it was tainted by the example he had set to secure the objectives of the King. The whole concept of the 'dual monarchy', which had existed since 1603, was about to face its most serious challenge, as the suzerainty of the Crowns of Scotland and England became the dominant issue for the Scottish parliament.<sup>200</sup> The Scottish parliament would go on to pass acts that would assert the independence of the Scottish crown from England. The right to make peace and war, and choose a successor independent of the wishes of England ensured that the suzerainty of the English crown over the Scottish crown had not been established.

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<sup>200</sup> Trevelyan., *The English Revolution 1688-1689*, p. 116.

### III. An incalculable fondness for the limitations.<sup>1</sup>

That he considered what he had now heard from the throne was a sufficient warning to the Scots Nation, that nothing could relieve them from the slavery of that influence, but a firm resolution of withdrawing themselves from under the government of an English Prince after her Majesty's decease.<sup>2</sup>

The parliamentary session of 1703 (6 May to 16 September) is the most problematical for explaining the union of 1707. For Ferguson the sessions represented an example of a parliament determined to assert its independence from England.<sup>3</sup> According to Riley, mismanagement by Queensberry played a bigger part in the Court's defeats than the constitutional and patriotic sentiments of the opposition.<sup>4</sup> Young argued that the resolves presented by the opposition represented a heritage of constitutional reform from the parliamentary session 1640 to 41, and the convention of estates of 1689.<sup>5</sup> The truth of the matter lies with Young and Ferguson's view of the parliament. Queensberry could have done nothing to quell the desire to push for limitations on the crown that the parliament was upon. England had achieved no great victories in Europe as yet, and taxes and troops were required in increasing amounts. Queensberry's gains in the 'rump' session of the parliament had largely been illusory and he knew it. The walkout by the opposition had lessened the worth of any progress he felt he

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<sup>1</sup> Drum. MSS, Vol. 111. Memorial by Queensberry, August 1703. Part of a comment on the mood of parliament by Queensberry.

<sup>2</sup> GUL. Special collections, Bf72-c. 6. *Two Speeches; The one relating to Trade (Spoken in the present Parliament of Scotland) The other relating to the Limitations of the Crown thereof* (Edinburgh, 1703).

<sup>3</sup> Ferguson, W., *Scotland's Relations with England* (Edinburgh, 1994 edition).

<sup>4</sup> Riley, P. W. J., *The Union of England and Scotland* (Manchester, 1978): Riley, P. W. J., 'The Formation of the Scottish Ministry of 1703'. *The Scottish Historical Review*: 44. 1965.

<sup>5</sup> Young, J. R., 'The Scottish Parliament and the Covenanting Heritage of Constitutional Reform', in Macinnes, A. I & Ohlmeyer, J., *The Stuart Kingdom in the Seventeenth Century: Awkward Neighbours* (Dublin, 2002).



had made.<sup>6</sup> Queensberry's report to the queen on the 1702 parliamentary session did little to suggest that he could overcome the problems that he had faced, and failed to resolve.<sup>7</sup> His comments on Hamilton's walkout was hardly useful, when he suggested that 'withdrawal...could not exempt them (Hamilton and his supporters) from attending and submitting to the judgement of parliament'.<sup>8</sup> Given the events that followed, he was wrong in that assessment. His only comment in defence of the rump session of parliament was that 'it is to be noticed that a full parliament of Scotland be above two hundred yet the ordinary meetings of parliament even when judged well convened do not exceed one hundred and eight or nine'.<sup>9</sup> This was a true enough statement, but his own interest was on the verge of revolt over the issue of toleration for Episcopalian clergymen, and Jacobites who had been reluctant to take the appropriate oaths, were now looking to the parliament to further their cause.

Queensberry's defence had been simply inadequate in terms of continuing the session of parliament in the circumstances.<sup>10</sup> Queensberry now had to face the prospect of elections in which the Jacobites would be prepared to take the appropriate oaths to qualify themselves for parliament.<sup>11</sup> Sir John Dalrymple understood that Cavalier participation in parliament would seriously complicate matters for Queensberry and the Court. His analysis of the situation was that 'the misfortunes that befell...Caledonia...enraged the generality of the country',

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<sup>6</sup> Drum. MSS. Vol. 128, f. 62. Memorial to the Queen July 1702.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> NAS. GD158/966/117-120 (Marchmont). Marchmont to Robert Pringle, 13 June 1702. Marchmont gave a figure of 120 members remaining, with 18 of the nobility, 24 shire, and 15 burgh commissioners walking out. Queensberry had obtained a cess then adjourned the parliament.

<sup>11</sup> *Jerviswood*, pp. 4 -5. Secretary Johnston, 16 July 1702: Rosebery. 1. 2. 127. No. 8. *Proceedings of the Parliament of Scotland begun at Edinburgh*, 6 May 1703.

therefore, the Country party gained in strength.<sup>12</sup> He then continued his comments with the opinion that ‘the Cavalier’s lay of [in the 1690’s]...so we had but two parties...but on the Queen’s accession to the throne the Cavaliers did appear and frankly offered their service to her Majesty and your Grace’.<sup>13</sup> What the Earl of Stair was pointing out was the fact that the Revolution men who were not being employed (Marchmont for example) would now demand influence, and pensions, as a price for supporting Queensberry. The incoming Cavaliers would also expect rewards for their support, and that situation could only create jealousy and discontent. Marchmont wrote to Queensberry on 20 March to inform him of his continued support, with some caveats attached:<sup>14</sup>

In answer to your Graces only letter you may be assured I am most sensible of your Graces circumstances and I do not altogether approve of your resolutions, however you ought to manage your self with the friendship and freedom you can to that person, and give him no grounds to think you are dissatisfied, the Cavalier party interests confide in him and if doubted your Graces friends think he would be able to go in them too the Duke of Hamilton and you know we having broke our party we would certainly fall and not be capable to give her Majesty that support which she may justly expect from her servants, I think the sitting of the Parliament should be so soon as is possible for till then no certain measures can be taken and there is no money in the Treasury to support the most necessary expenses of the government, therefore make no further delay... I refer you for an account of the affairs of the Assembly to a Memorial I have sent to my Lord Tarbat, I must acquaint your Grace that I find the Earl of Tullibardine and Dunmore very willing to concur with us in the Queen’s service and I am confident the last will have influence on the Cavalier Party...<sup>15</sup>

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<sup>12</sup> Drum. MSS, Vol. 127, f. 102. Stair to Queensberry 7 July 1703: BL. Add. 61433 (Blenheim), cccxxxiii, f. 116. Queensberry to Marlborough, 17 October 1702.

<sup>13</sup> Ibid.

<sup>14</sup> NAS. GD158/966/144 (Marchmont). Marchmont to Queensberry, 21 November 1702.

<sup>15</sup> Drum. MSS, Vol. 116, f. 65. David Boyle to Queensberry, 20 March 1703.



In anticipation of the election results, leaders of the various opposition groups were already drawing comments in London on their actions in seeking places in the Scottish ministry. Prior to the elections, one commentator stated ‘The Queen is pestered out of her like with those Scotch Lords, she says five of them came to see her together this morning’.<sup>16</sup> Despite this apparent inconvenience to the queen, she was still intimating that she would employ Hamilton, under the right terms.<sup>17</sup> In these circumstances Queensberry had also been warned against calling a new parliament by the Earl of Nottingham who justified his advice by arguing ‘the Queen need not do it for she hath supply for her forces until June 1704’.<sup>18</sup> Queensberry’s friend Rochester, in contrast, had ‘thought it wise to call a parliament before the opposition can make an issue of it’.<sup>19</sup> Clearly Riley was incorrect when he suggested that the promise of toleration brought consistent advice from the new English Tory ministers when he made the following comment given the fact that both these ministers were Tories:

The bulk of the Tory party, high Anglican and xenophobic and suspicious of courts could make life difficult. However these new ministers - Nottingham, Rochester, and their like-were the men who smiled benignly on any Scotsman claiming to be an Episcopalian and were determined to have elections.<sup>20</sup>

In fairness to Riley, Rochester had been friends with Queensberry since his youth, and it may be the case that his advice was based on friendship, rather than policy concerns. For their part, the opposition seemed to be focusing on the composition of the next Scottish ministry. Speculation was rife that John Murray (now Marquis of Atholl), Sir David Boyle, and James Murray of Philphaugh would be brought in (as they were, as Privy Seal, Treasurer-Depute, and Senator

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<sup>16</sup> BL. Add. 61433 (Blenheim), cccxxxiii, f. 116. To Godolphin, no signature, 17 October 1702.

<sup>17</sup> *Jerviswood*, pp. 6-7. From Secretary Johnston, 11 August 1702.

<sup>18</sup> BL. Add. 28055 (Godolphin), f.3. Mr Harley to Godolphin, 9 August 1702.

<sup>19</sup> Drum. MSS, Vol. 116, f. 59. Pringle to Queensberry, Whitehall, 4 August 1702.

<sup>20</sup> Riley., *The Union of England and Scotland*, p. 32; HMC 29. *Portland*. III, p. 110. Carstares to Harley, 15 September 1702.



of the College of Justice).<sup>21</sup> Queensberry would have been happy enough with Lord Boyle and Philphaugh, as they were firmly in his interest. On the other hand, Atholl acting as Privy Seal was an appointment that was an anathema to him.<sup>22</sup> Queensberry remained with the queen at Bath during the elections, and he gave Seafield the task of working in the North of Scotland to secure the support of local electors in the hope that they would support the ministry by choosing commissioners sympathetic to Queensberry.<sup>23</sup> Seafield wrote to Marchmont about this task, and he complained to him that ‘the business of elections has been very vexatious to me for I found opposition from persons I did not expect’.<sup>24</sup> Particular attention was also paid to try and gain the support of James Graham, fourth Marquis of Montrose.<sup>25</sup> In Kirkcaldy, the Earl of Leven replaced eleven magistrates with five of his own supporters, in an unsuccessful attempt to ensure success for the ministry.<sup>26</sup> The results of the coming elections in the autumn of 1702 could not be predicted however. The electorate often consisted of no more than a few dozen people in any one burgh or shire (in Dumbarton there were only ‘17 electors’ for the shire).<sup>27</sup> In Stirling the number was only twenty-six, and as far as calculating party strengths, nothing was yet certain.<sup>28</sup> Fletcher of Saltoun was elected as the third member for the shire of Haddington on the strength of nineteen votes.<sup>29</sup> Not all those who came in as opposition members would remain so for long however.

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<sup>21</sup> NLS. MS. 14414 (Yester), f. 167. Rothes to Tweeddale, 25 November 1702: Rosebery. 1. 2. 127 (9).

<sup>22</sup> Drum. MSS, Vol. 111. Memorial by Queensberry July 1703.

<sup>23</sup> HMC 29. *Portland*, III, p. 110. Carstares to Harley, 15 September 1702.

<sup>24</sup> NAS. GD158/966/137 (Marchmont). Seafield to Marchmont, 29 October 1702.

<sup>25</sup> NAS. GD220/5/30/2 (Montrose). Glasgow to Montrose, 6 November 1702.

<sup>26</sup> NLS. MS. 14414 (Yester), f. 167. Rothes to Tweeddale, 25 November 1702. James Oswald of Dunnikier was elected burgh commissioner, and he consistently opposed the Court. He did not vote for the union of 1707.

<sup>27</sup> NLS. MS. 14414 (Yester), f. 156. Gleneagles to Tweeddale, 28 August 1702.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*, f. 158. Sir Francis Scott to Tweeddale, 22 September 1702.



The explanation for changes in allegiance in one sense is simple. With so few electors it was easier to put pressure on potential commissioners, unless the Court could offer more immediate benefits in terms of places or pensions. That factor was even more evident perhaps in 1708 with the election of the sixteen Scottish peers to the British parliament than in 1703.<sup>30</sup> One gauge of the Court strength however can be gleaned from a complaint in a pamphlet that Queensberry was wasting money by dining with 'forty members'.<sup>31</sup> Some members of the ministry were hardly committed to Queensberry's leadership as matters stood. Tarbat (Cromartie) was setting himself up as an alternative choice to Queensberry as a champion for the Episcopalians in Scotland, and he may well have had better credentials for doing so.<sup>32</sup> He wrote to the queen in June 1703 in terms that hinted that Queensberry was favouring the Revolution men, or 'whigs' as he called them. His pitch was for moderation and toleration, which fitted perfectly with English Tory attitudes:

Parties are so changed in this Parliament that the measures resolved on are necessarily changed also... one thing my duty and zeal to your Majesty obliges me to offer on... which is that I hear some eminent in your Majesty's service are of the opinion it will be fit for your Majesty to take either whig or tory and so trust one or other totally, I am in all humility and with all submission in opposition to that advice because the heat of parties are very considerable.<sup>33</sup>

Others who came in did not appear to have fixed views, and were open to persuasion or pensions for their loyalty. Roderick Mackenzie (Secretary of the Company of Scotland) made it clear to Queensberry that the elections presented

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<sup>30</sup> See for example, BL. Add. 61136 (Blenheim), ff. 111-235. There is a full list of voters involved in the election of the peers in NAS, GD. 158/892/1-2 (Marchmont).

<sup>31</sup> Rosebery. 1. 1. 125. Vol. x. *Some thoughts on the present state of affairs*. 1703: See Appendix A, this would give a Court total of about eighty, or so, for the parliamentary session of 1703.

<sup>32</sup> *Jerviswood*, pp. 6-7. Secretary Johnston, 11 August 1702.

<sup>33</sup> BL. Add. 39953 (Cromartie), f. 28. Cromartie to the Queen, 19 June 1703.

an opportunity for nothing more than his own advancement, and the tenor of his letter shows that for some at least, patriotism in defence of Scottish parliament was no longer a primary concern:

I know you will all be upon the Politics and by what I can see, this Nation is so inured of slavery that they have no notion of liberty, whereof I briefly offer my mite of Politics...the best service that D H [Duke of Hamilton] and your Lordship can do your country is to strike with the Court while the iron is hot, upon any reasonable terms...I am persuaded you may carry the majority of the elections.<sup>34</sup>

This was a particularly damning statement from someone who obviously understood Scottish and English politics. Mackenzie believed that there was nothing to be gained in taking the stance of a patriot. In that context Queensberry's attitude, that he could carry the Court's measures, would have seemed to make sense. Others would take longer to convince, but nevertheless, they appeared to be willing to change their politics to suit the mood. Alexander Abercromby came into the 1703 session of parliament apparently firmly in the Jacobite-Country party alliance, but by 1706 he was supporting the Court.<sup>35</sup> Sir William Anstruther of that ilk [shire commissioner for Fife] was apparently a firm Country party man until 1704, and then he was linked with the Squadrone. He finally voted for the union in 1706. Major Henry Balfour of Dunboug (shire commissioner for Fife) was a new member in 1703 who remained a firm Jacobite right up to the union.<sup>36</sup> The North of Scotland and Fife provided the main gains for the Jacobites, and with the inclusion of peers like Belhaven, the Jacobites numbered approximately seventy in the next session of parliament.<sup>37</sup> Queensberry

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<sup>34</sup> NLS. MS. 1445 (Yester), f. 65. Roderick Mackenzie 6 October 1702.

<sup>35</sup> Young., *The Parliaments of Scotland*, II, p. 2, he was elected shire commissioner for Clackmannanshire

<sup>36</sup> Ibid.

<sup>37</sup> Riley., *The Union of England and Scotland*, p. 49: Rosebery, 1. 2. 127 (1-6). For comments on Jacobite Peers taking oaths to qualify for parliament.



had little to console himself with after the elections despite Lord Boyle's (later first Earl of Glasgow) attempts to give him comfort by pointing out that his firm allies (the Dalrymple family) had secured seats in, or near, his own domain with George Dalrymple of Dalmahoy being elected in the burgh of Stranraer, Mr William Dalrymple of Drongan as a shire member for Ayrshire, and Sir Hew Dalrymple as burgh commissioner for North Berwick.<sup>38</sup>

Queensberry had taken the opportunity to get an overture passed in June 1702 for a commission to treat for a union.<sup>39</sup> Although the commission was composed of Queensberry's supporters, and met through the winter of 1702, and then occasionally until 9 September 1703, it was clear soon after the elections that the possibility of a union was over.<sup>40</sup> Queensberry had originally put forward five points for negotiation, the principle one being for free trade.<sup>41</sup> Queensberry's first speech to the commissioners to treat had been optimistic:

...I do consider this Union to be highly advantageous for the peace and wealth of both Kingdoms and a great security for the Protestant religion everywhere and I can assure your Lordships both for myself and the other Lords commissioners for Scotland that we meet your Lordships with great regard and honour to your persons...<sup>42</sup>

Despite his genuine desire for a union, Queensberry quickly became disinterested in the negotiations as the English commissioners had forcibly stated in answer to Scottish demands for trade with the English colonies that 'The Plantations are the property of English men and that trade is of so great a consequence and so

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<sup>38</sup> NLS. MSS. 3414, *transcripts*. Lord Boyle to Queensberry, 14 September 1702: See Appendix A for biographical notes.

<sup>39</sup> APS xi. Appendix, p. 26.

<sup>40</sup> *Ibid.* July 23 to September 9

<sup>41</sup> NAS. GD158/932/1(Marchmont). Proposals presented by the Duke of Queensberry, 9 December 1702.

<sup>42</sup> APS xi. Appendix, p. 147. At the Council Chamber in the Cock Pit, 10 November 1702.

beneficial as not to be communicate'.<sup>43</sup> Queensberry indifference now showed, and the negotiations were left to a committee consisting of 'for Scotland, Argyll, Seafield, Tarbat, Stairs, Sir Patrick Johnston, For England, Archbishop of York, Earl of Carlisle, Earl of Scarborough, the Chief Justice, Sir John Cook, and Mr Godolphin'.<sup>44</sup> The three issues to be discussed by the commissioners were 'the uniting the two kingdoms into one monarchy', 'the representing both in the one parliament' and 'mutual communication of trade and other privileges'.<sup>45</sup> By 25 November Queensberry presented an answer from the Scottish commissioners that the succession 'might not be entered till the Lords commissioners for England had agreed to the '3<sup>rd</sup> Article' [free trade].<sup>46</sup> The Scottish commissioners again pressed for free trade on 30 November.<sup>47</sup> By the 1 December the commission to treat could not even find a quorum and to all intent and purpose the treaty was lost by this time<sup>48</sup>

In the meantime Queensberry had to deal with his own supporters in parliament. The Court was still strong in parliament, but is needed to be united. Marchmont, Leven, and Argyll in particular would challenge that unity, and eventually destroy even the half-hearted enthusiasm Queensberry had for an alliance with the Cavaliers. Seafield, although in the ministry as Chancellor, (Marchmont's old post) would also contribute to the failures of the ensuing parliamentary session by promoting Atholl to Godolphin as an important member of the ministry.<sup>49</sup> Consequentially, by giving this type of encouragement to

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<sup>43</sup> Drum MSS, Vol. 128, f. 63. Some considerations for England upon the proposals delivered by the Lord's Commissioners for Scotland, 16 December 1702.

<sup>44</sup> NAS. GD158/932/9 (Marchmont). Committee appointed for union 1703.

<sup>45</sup> APS xi. Appendix, p. 149. Articles to be treated in order to the union of the two Kingdoms, 20 November 1702.

<sup>46</sup> Ibid, p 149, 25 November 1702.

<sup>47</sup> Ibid, p 150, 30 November 1702.

<sup>48</sup> Ibid, p 150, 1 December 1702.

<sup>49</sup> BA. 45. 4, f. 158. Seafield to Atholl, 4 June 1704. Seafield confirmed he was acting against Queensberry in this letter.



Atholl, Queensberry was undermined in the eyes of the queen, as Atholl focused on toleration (an issue dear to her heart, and one Queensberry knew he could not promote).<sup>50</sup> Marchmont had given Queensberry assurances that ‘I am as steady and constant in adherence to the revolution principle’.<sup>51</sup> Marchmont was being truthful, and it was the manner of his promotion of the Revolution settlement that caused problems for Queensberry. He also sent his son to wait on Queensberry as a gesture of goodwill.<sup>52</sup> Despite this commitment, he did little during the parliamentary session to assist Queensberry.

Cavalier gains at the expense of the Court interest forced Queensberry to re-evaluate his approach to the coming parliamentary session, and as a consequence, he faced pressure from the English Court to form a broader ministry.<sup>53</sup> Atholl, for one, complained that this proposed ‘enlargement’ of the ministry had not in fact happened as he had expected it would.<sup>54</sup> In contrast, Queensberry’s worry was ‘an expansion’ with the inclusion of Atholl in the ministry.<sup>55</sup> This was despite the fact that Atholl had written to him as early as January 1703 to assure him of his support by stating that he was not involved in the campaign to withhold supply for the forces organised by Hamilton.<sup>56</sup> Godolphin had made it plain enough that there were conditions attached to any rewards:

It never was her [Queen Anne] intention that your Grace should give out any of the said patents till after the Parliament was over...proceedings of new titles should be governed by the former ranks of those persons to be received that mark of her Majesties favour. This being not only the custom here in England in like cases, but seems to be grounded upon reason’.<sup>57</sup>

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<sup>50</sup> BL. Add. 28055 (Godolphin), f.111. Seafield to Godolphin, 20 May 1703.

<sup>51</sup> NAS. GD158/966/144 (Marchmont). Marchmont to Queensberry, 21 November 1702.

<sup>52</sup> Ibid, 966/147. To Queensberry, 24 November 1702.

<sup>53</sup> BL. Add. 29588 (Hatton-Finch), f. 496. Atholl to [Nottingham, 25 June or 2 July 1703.

<sup>54</sup> Ibid.

<sup>55</sup> BL. Add. 39953 (Cromartie), f. 7. Tarbat to Godolphin 19 June 1703.

<sup>56</sup> Drum. MSS, Vol. 116, f. 38. Tulibardine to Queensberry, 23 January 1703.

<sup>57</sup> Ibid. Godolphin to Queensberry, 27 June 1703.

In other words, only if the new ministry (including Atholl) played the part expected of them, would they get their rewards. Those rewards would also not be allowed if the demands were excessive. This is where the seeds of the Atholl-Queensberry dispute lay. Queensberry felt that he had enough justifications for his actions in withholding his patent for the title of Duke, and he was not in the mood to give Atholl any room for prevarication without proof from Atholl that he would fully support him. To his hurt, Queensberry allowed this personal feud to fester on during the session.

The Scottish Cavaliers, and English Tories, expected more from Queensberry, given his reputation among them as a champion of Episcopalians. It was rumoured for example, that ‘the Presbyterians could expect no good when your Grace was closely linked with so hoping a man for the High church as Rochester’.<sup>58</sup> That reputation was hardly merited as Queensberry was at best ambivalent towards religious matters. That fact was recognised by opponents like Lockhart of Carnwath, who argued with some justification, that Queensberry was ‘void of religion’.<sup>59</sup> On the other hand it was also rumoured that ‘Hanover money is sent to Scotland and that your Grace and friends are to manage it to bring about the succession’.<sup>60</sup> The implication was that Queensberry was in fact championing those Presbyterians firm for the Revolution, which would hardly be surprising given his consistent support for the prerogative. Seafield initially agreed with Queensberry, and he thought that compromise could solve some difficult issues:

the Presbyterians, if they get their Church Government and the Revolution settlement ratified, I believe they shall unite in the Queen’s service, on the other hand I hope the Cavaliers will help to defend us against those republican propositions mentioned in my Memorial, the Marquis of Montrose, and the

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<sup>58</sup> Drum. MSS, Vol. 116, f. 26. Carstares to Queensberry London 21 May 1702.

<sup>59</sup> Szechi, ed., *Scotland’s Ruine*, p. 12.

<sup>60</sup> Drum. MSS, Vol. 116, f. 26. Carstares to Queensberry, London 27 May 1702.



Earls of Roxburghe and Rothes, Marischal and Haddington continue in the Duke of Hamilton's interest.<sup>61</sup>

Seafield was right, but that was little comfort and those members of a 'republican' bent would provide substantial opposition under the leadership of Andrew Fletcher of Saltoun. Seafield's analysis of Queensberry's attitude perhaps had more force in 1704 (when Queensberry played up his Revolution credentials) than in 1703, but Queensberry's view of the more extreme Presbyterians was clear. His commentary on supporters of a new 'Sanquhar declaration' which had been circulating was that 'they are a mad deluded sort of people who would glory to be hanged for such a paper'.<sup>62</sup> Queensberry and his father had experienced that sort of 'delusion' in the past, and had witnessed men hanged for it. For their part, the Cavaliers seemed to be willing to give the Queen, and Queensberry a chance to show some sympathy for their cause. After all, in their eyes she was still a Stuart (but not a Jacobite). It seemed at first glance that Queensberry had an opportunity to achieve at least some of the queen's objectives. His predicament was still great. Argyll, for one, would hardly allow the Cavaliers to take much from any bargain with Queensberry.<sup>63</sup>

Emphasis has been put on the Queen's displeasure and distrust of Queensberry after the 'Scotch Plot' as a proof of his duplicity, and confirmation that his actions were all down to self interest and greed. Even before the Plot rumours were rife that the Queen did not like Queensberry. Anne was hardly consistent, or politically astute, bogged down as she was with her relationship with the Duchess of Marlborough. Her willingness to consider including Hamilton in the ministry is proof enough of her naivety. Sir Alexander Bruce wrote to Tweeddale that 'the Queen is ill disposed towards him [Queensberry]' as were 'My Lord Treasurer [Godolphin], the Duke of Buckingham...and the

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<sup>61</sup> BL. Add. 28055(Godolphin), f 134. Seafield to Godolphin, 20 May 1703.

<sup>62</sup> Drum. MSS, Vol. 128, f. 64. Memorial to the Queen, 24 May 1703.

<sup>63</sup> NLS. MS. 14414 (Yester), f. 185. Sir Alexander Bruce April 16 1703.

Bishops of London'.<sup>64</sup> The point of those comments was that despite a remit from the queen to gain a supply, and settle the succession, toleration still loomed large in the minds of English Tories. Sir Alexander Bruce said as much in the same letter on 16 April. His advice to Tweeddale was 'your business in short is to promote a toleration and indulgence to the Episcopal Clergy'.<sup>65</sup> Here, Ferguson is correct in his analysis of events. The church settlement was still not written in stone as far as Episcopalians were concerned. Neither was there any certainty that the succession in Scotland would fall to the Electress of Hanover after Anne's death.<sup>66</sup> It is therefore difficult to envisage a Scottish ministry made up of any combination of people which could have carried toleration in parliament. Queensberry's failures should be seen firmly in that context.

Shortly after the session met on 6 May, the Cavaliers were abandoned by Queensberry, despite supporting him against Hamilton with respect to recognising the queen's title to the crown.<sup>67</sup> This was after pressure was put on him from Argyll, Marchmont, and Annandale to pass an act ratifying the Revolution.<sup>68</sup> As a consequence, the Cavaliers, sensibly in the circumstances, went quickly over to the opposition.<sup>69</sup> The opposition when combined were undoubtedly formidable, but they had different objectives which still could have been exploited. Macinnes is correct in his statement on Jacobite aims.<sup>70</sup> However, it is only from this period, rather than from the Revolution, that they can really be said to be 'permanently associated with the Country interest

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<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ferguson., *Scotland's Relations with England*, p. 203.

<sup>67</sup> Szechi, ed., *Scotland's Ruine*, pp. 28-29.

<sup>68</sup> Riley., 'The Formation of the Scottish Ministry of 1703', p. 113.

<sup>69</sup> Ibid, pp. 30-31.

<sup>70</sup> Macinnes, A. I., *Clanship and Commerce and the House of Stuart 1603-1788* (East Lothian, 1996), p. 193.



opposed to the Court's dominance'.<sup>71</sup> Queensberry then wrote to the Queen on 9 June in a mood that did not adequately reflect the scale of the problems he faced:

I have again presumed to send a memorial to be laid before your Majesty with an account of what has passed of importance in your Parliament since my last, by which your Majesty will perceive that your Parliament here is by a considerable plurality zealous for approving and maintaining the Revolution and the Claim of Right, and preserving and securing of Presbyterian Government, it was indispensably necessary to gratify that party to remove the Jealousy that had taken impression upon them because of the indiscreet behaviour of some of their enemies of late, I am confident your Majesty shall find that what is yet done is entirely for the good of your service here and perfectly agreeable to my Instructions and I am also (if there be faith and truth in man) that I shall be able in a few weeks to bring your Parliament to a happy conclusion and to obtain supplies for entertainment of your forces, and the acts which are necessary for the civil list, and withal...<sup>72</sup>

Queensberry was perhaps more pragmatic than he was given credit for, as he must have known that toleration was not an issue that would win the hearts and minds of the parliament. The passage of the wine act is illustrative of the difficulties the opposition could also get into over issues of political principle. That act was clearly beneficial to the Court in terms of raising revenue. The opposition on the other hand found themselves in the position of arguing the case against the wine act in terms which supported the English viewpoint, despite their own protests of English influence:

It seems therefore necessary, My Lord that you should consult and take advice of the most pointed and able Lawyers among us to fortify those reasons of the

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<sup>71</sup> Young, J. R., 'The Parliamentary Incorporating Union of 1707: Political Management, Anti-Unionism and Foreign Policy', in Devine, T. M & Young, J. R. eds., *Eighteenth Century Scotland. New Perspectives* (East Lothian, 1999), p. 74.

<sup>72</sup> Drum. MSS, Bundle 1222-1228. Queensberry to the Queen, 9 June 1703.

Protestation, which are founded on the inconsistency of that Act with the Grand Alliances in which the Queen is engaged.<sup>73</sup>

The consequences of the parliamentary session of 1703 are documented, and in matters of fact there is little to dispute in the current historiography. Queensberry lost control of his own ministry, broke his alliance with the Cavaliers, and ended up with the act anent peace and war (which was touched by him as High Commissioner), and the act of security lying on the table untouched at the end of the session.<sup>74</sup> Riley put this outcome down to Queensberry's own unwillingness to accept a broad bottom ministry.<sup>75</sup> Queensberry's position was never secure enough within his own ministry to allow the alliance with the Cavaliers to continue. His abandonment of the Cavaliers was pushed on him by Leven, Marchmont, and Argyll. Queensberry could see no resolve to the intransigence of key men like Argyll. If, for example, had he gained the Earl Marischal (a Jacobite) for the Court, that would have caused 'vexation to the Duke of Argyll and the Earl of Breadalbin'.<sup>76</sup> Had he insisted on toleration, or any other alteration in church government, he would have lost much of his own Revolution party support. Their insistence on an abjuration of the Prince of Wales, and the confirmation of the Revolution settlement, gave Queensberry no real chance of a lasting accommodation with the Cavaliers. That problem was expressed by Seafield before the next session of parliament met.

Seafield had advised Queensberry that 'your presence is very necessary for the Duke of Hamilton is expected in 4 or 5 days...It is said the Revolution party will stand their ground and will be for granting no cess to the Episcopal Clergy'.<sup>77</sup> Seafield then addressed the problem Queensberry had with his own supporters

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<sup>73</sup> NLS. MS. 14414 (Yester), f. 189. Sir Alexander Bruce, London, 30 September 1703.

<sup>74</sup> APS xi. 23 July - 9 September: Drum MSS, Vol. 1 (128), f. 96. Instructions from London - [reference the wine act] 1703.

<sup>75</sup> Riley., *The Union of England and Scotland*, p. 60.

<sup>76</sup> Drum. MSS. Bundle 1128. Queensberry to Glasgow, July 1703.

<sup>77</sup> Drum. MSS, Vol. 116, f. 67. Seafield to Queensberry, 6 April 1703.



‘the Earl of Marchmont was with me this day and discourses in the old manner’. The ‘old manner’ being a desire to see the Hanoverian succession accomplished with no concessions given on toleration.<sup>78</sup> In other words, Marchmont would not condone an alliance with the Cavaliers under any circumstance. It was also the case that Godolphin seemed to have little understanding of the political situation in Scotland, and the queen even less. His clear judgement of the fact that a union was out of the question was blunted by his naive comment to Queensberry that ‘why might not there be yet a propensity to settle the same succession of the Crowns as we have in England’.<sup>79</sup> Why the Cavaliers would have been minded to accept that proposition is a mystery. Seafield was also being told from England that failure was due to disunity, and that ‘the Queen is the Queen of Scotland upon the foot of the Revolution’.<sup>80</sup> In that context, Queensberry may have felt justified in keeping faith with Argyll at the expense of the Cavaliers. That statement also seems to contradict Riley’s argument that Godolphin and Marlborough ‘accepted, perhaps surprisingly, that any attempt to settle the succession or pass the abjuration in the 1703 session of parliament would be undesirable’.<sup>81</sup> It is even more apparent that Riley’s explanation was at fault, as he argued that Godolphin was seeking union, when clearly he had accepted that was already a dead issue. Godolphin had already stated ‘the Parliament of Scotland seems to have very little thought of a Union with England.’<sup>82</sup> During the treaty negotiations of 1703 one of the key English commissioners, the Archbishop of York, had also made it clear that he wanted the Episcopalian church established in Scotland, and not just toleration. Godolphin, again, must have known that this prospect was unrealistic.<sup>83</sup>

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<sup>78</sup> Ibid.

<sup>79</sup> Drum. MSS, Vol. 116, f. 76. Godolphin to Queensberry, 27 June 1703.

<sup>80</sup> NAS. GD248 (Seafield), f. 4. Unsigned letter to Seafield, Windsor, 24 July 1703.

<sup>81</sup> Riley., *The Union of England and Scotland*, p. 47.

<sup>82</sup> Drum MSS. Vol. 116, f. 76. Godolphin to Queensberry, 27 June 1703.

<sup>83</sup> *Jerviswood*, pp. 10-11. From Secretary Johnston 13 February 1703.

Queensberry had initially put a brave face on affairs, and his first tactic with the Queen had been to stress uncertainty rather than give a clear outline of his strategy to deal with matters. He wrote to the Queen on 10 May 1703:

Your Parliament met on the sixth of the Month to which it was adjourned... I cannot give your Majesty any certain account of the state of things or the temper of persons here, all Parties profess great zeal for your Majesties service...the Presbyterians are pretty positive that every thing should be continued as to their interest, which they have at present, others are zealous for more favour to be shown to the Episcopal Clergy...<sup>84</sup>

What he wrote was out of keeping with the events, and there was little indication, even this early in the parliament, that Queensberry had the means to gain anything the queen wished. The 'Presbyterians' were certainly not zealous for toleration. Stair also pointed out another pitfall for Queensberry. If he was seen to be too close to the Revolution men whom he professed to lead, then 'your Grace and friends appearing as a Party will keep your enemies united who are otherwise disposed to divide'.<sup>85</sup> This was advice, in matters of fact was correct, but it left Queensberry with the same dilemma mentioned above. The Country party-Jacobite alliance could not be broken if he was seen to be favouring the old Revolution interest. The programme the Presbyterians wished to see promoted was explained in a letter from Stair to Queensberry:

I doubt not tho, your Grace is satisfied with the General Assembly's choice of a moderator, and the letter to the Queen, there had been motions made for an Act asserting the intrinsic powers and the divine right of the Government for which six Presbyteries had instructed the Commissioners to insist or protest if that was not obtained which hath ill appearance...<sup>86</sup>

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<sup>84</sup> NLS. MSS. 3414, *transcripts*. Queensberry to the Queen, 10 May 1703, pp. 262-264.

<sup>85</sup> *Ibid.* Stair to Queensberry, 17 June 1703.

<sup>86</sup> *Ibid.* Stair to Queensberry, 16 March 1703.



What Stair was suggesting, was that the mood of the Presbyterians was for a confirmation and expansion of church government, and no toleration. There is no evidence to suggest that the Presbyteries were encouraging riots, but coincidentally, anti-Episcopalian riots were breaking out in Glasgow.<sup>87</sup> Queensberry for his part felt that Hamilton was behind much of the dissent that was being expressed by the Presbyterians.<sup>88</sup>

Despite the arguments of Riley and Ferguson, that Queensberry was the cause of many of the consequences that occurred during the coming session of parliament, it is fair to argue that the Queen had tied his hands somewhat beforehand. Anne had insisted that she 'was averse to consent to any stripping the Crown of its past rights and prerogative after her death'.<sup>89</sup> In other words any thoughts of limitations that included increased shire representation, interval committees similar to the parliamentary session 1640 to 1641, or crucially, the succession being determined by anyone other than the Queen, were out of the question.<sup>90</sup> In that case, what could Queensberry reasonably have been expected to achieve? Displaced Revolution men like Marchmont could argue without fear for nothing less than a confirmation of that Revolution settlement.<sup>91</sup> Marchmont had every reason to dig his heels in, as he no longer had any position in the ministry to defend. The General Assembly also made it plain how far Presbyterian sentiments stretched with regard to concessions by sending Queensberry an address which bluntly stated 'there can be no just ground to desire or grant toleration'.<sup>92</sup> Queensberry therefore would have been happy with simply

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<sup>87</sup> Ibid.

<sup>88</sup> Ibid. Queensberry to the Queen, 10 May 1703.

<sup>89</sup> Drum. MSS, Vol. 116, f. 72. Godolphin to Queensberry, 6 June 1703.

<sup>90</sup> Brown, ed., *Letters and Diplomatic Instructions*, p. 113.

<sup>91</sup> Although linked to the New Party from 1704, Marchmont was still arguing for 'Revolution men' to be included in the ministry. NAS. GD158/966/212 (Marchmont). To George Baillie of Jerviswood, 4 November 1704.

<sup>92</sup> BL. Add. 29588 (Hatton-Finch), f. 472. Representations to the Lord High Commissioner, 1 June 1703.



gaining a supply and adjourning the session. Even that process caused upset, and Seafeld was forced to defend Queensberry after a short adjournment to consider the act anent peace and war.<sup>93</sup>

An initial analysis of the 1703 session suggests a parliament determined to unequivocally assert its independence from England. There is some truth in that view. However, in spite of the failure of attempts to negotiate a treaty with England, the idea of a union with would gradually become more palatable to some key commissioners and members of the nobility of the parliament.<sup>94</sup> Nor were the Cavaliers averse to confirming Anne's position. That support would only be given if there was a future prospect for the Prince of Wales.<sup>95</sup> What was of equal importance was the developing relationship between Queensberry and Montrose. Despite some initial setbacks this effort by Queensberry would produce solid results by the winter of 1705.<sup>96</sup> In the short term Queensberry's options were severely limited by his ability to offer anything concrete to the opposition. At the same time pressure was being put on him to provide funds for the forces.<sup>97</sup> A storm was also in the making over the position of Atholl. Godolphin made it plain that Queensberry was at liberty to withhold his patent for a Duke until he had shown himself compliant to ministry's wishes.<sup>98</sup>

For all his faults, and later lack of commitment to the ministry, Atholl in all appearances initially acted his part. Perhaps at first glance Queensberry appeared to be at fault. Atholl was among those who 'took instruments' in protest against the act of security with the inclusion of Roxburgh's clause in it (following Anne's death the successor in Scotland should not be the same as in England unless there

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<sup>93</sup> BL. Add. 28055 (Godolphin), f. 50. Seafeld to Godolphin, 27 July 1703.

<sup>94</sup> Rosebery, 1. 1. 125. Vol. x. *Some thoughts on the present state of affairs*. 1703

<sup>95</sup> Riley., *The Union of England and Scotland*, p. 48; Pittock, G. H. M., *Jacobitism* (London 1998), p. 30.

<sup>96</sup> NAS. GD220/523/3 (Montrose). Mar to Montrose. 19 December 1702.

<sup>97</sup> Drum. MSS, Vol. 116, f. 73. Northmore to Queensberry, 7 June 1703.

<sup>98</sup> Ibid. Godolphin to Queensberry, 19 June 1703.



was a previous treaty on trade and religion, free from foreign, or English influence).<sup>99</sup> Atholl's correspondence with English ministers showed that he was saying he was willing enough to assist the Queen, but that he disagreed with Queensberry on the methods to be used to overcome dissent in parliament. Queensberry wanted to push for a supply immediately. Atholl's initial objection was that 'it was better for the Queen that her servants should first offer to bring in good laws as she had empowered her Commissioner to grant'.<sup>100</sup> What he was referring to was laws related to church government, trade, and an equivalent of the English habeas corpus. In this opinion he was probably wrong and it is unlikely that acts of that nature would be sufficient.

By July 1703 the ministry was in such straits that a proposal was put to the queen to allow some limitations, and pass the act of security.<sup>101</sup> That proposal was signed by the key men in the ministry, and included Argyll, Seafield, Tarbat, Mar, Atholl, Northesk, Dunmore, Stair and Boyle. The latter advice had followed from a meeting called by Queensberry with his ministry. What it also illustrated was Queensberry's determination to lay blame at Atholl's door.<sup>102</sup> Queensberry was obviously under some strain, but clearly Atholl's opinion was not out of line with the rest of the ministry. Despite this fact, Queensberry insisted that 'he [Atholl] thinks...that he has so much favour and interest that he may take what liberties he pleases'.<sup>103</sup> Atholl on the other hand was getting very impatient with delays in issuing his patent as Duke. He was blaming Queensberry for that situation because 'he had failed to me once, I do not know but he may again'.<sup>104</sup> Queensberry must bear some blame for allowing his personal feelings about Atholl to hinder the development of a working relationship between them.

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<sup>99</sup> APS xi. 26 July 1703.

<sup>100</sup> BL. Add. 28055 (Godolphin), f. 25. Atholl to Godolphin 30 May 1703.

<sup>101</sup> BL. Add. 6420 (Remarks), f. 10. Proposal 20 July 1703.

<sup>102</sup> Drum. MSS, Vol. 1 (126), f. 93. Queensberry to Godolphin July 1703.

<sup>103</sup> Ibid.

<sup>104</sup> BL. Add. 28055 (Godolphin), f. 37. Atholl to Godolphin, 19 June 1703.

Seafield tried to gain a compromise by suggesting that the act anent peace and war could be passed as it had little immediate impact on the queen.<sup>105</sup>

Godolphin should have seen by this point that a Queensberry-Atholl alliance was impossible. Instead he continued to give support to both these intractable magnates. It transpired that Atholl was in fact playing a double game (or giving all appearances of doing so). He did what was necessary to convince Godolphin he was firm for the ministry, while he had been scheming with Montrose, and told him, that ‘I am staying now [with the ministry] to serve your Lordship and our other friends’.<sup>106</sup> In hindsight, Queensberry may have had some justification for complaints about Atholl. He was incensed that Atholl acted with rudeness in response to him ‘acting with civility and kindnesses’ towards Atholl.<sup>107</sup> Even Queensberry’s opponents recognised that he consistently acted with good manners in his dealings with other members of the nobility. Atholl’s rudeness may have seemed to be a minor matter, but was intensely irritating to Queensberry. The results of this conflict were never to be resolved. Ultimately, Queensberry was at fault as he did not openly attempt to work with Atholl, and thereby put his apparent good faith under more scrutiny.

Queensberry may have given a public face of confidence but his reports on the parliamentary session of 1703 leave no doubt that he understood the depth of his dilemma. His memorial on the parliamentary session stated the problem clearly:

You will easily perceive by these accounts what troublesome ail that [act] for the security of the Kingdom has been...I find the members and generally all other people without doors to have an incalculable fondness for the limitations about peace and war and I must own it shall not be in my power to hinder it

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<sup>105</sup> BL. Add. 64180 (Autograph Letters), f. 13. Seafield to Godolphin 8 July 1703.

<sup>106</sup> NAS. GD 220/53/2 (Montrose). Montrose, Tulibardine [Atholl] to Montrose, April 1703.

<sup>107</sup> Drum, MSS. Bundle 1181. Queensberry to Godolphin, 20 June 1703.



from carrying by a vote of the house, people of all ranks and persuasions are zealous for it.<sup>108</sup>

The letter clearly implies Saltoun had support outside the parliament, and to make matters worse, Queensberry had to admit that his attempts to gain Montrose for the ministry were foundering at this time.<sup>109</sup> His key tactic for controlling the session had quickly been negated, leaving him nothing to offer the Queen but adjournment. He laid out that tactic, and the results in another memorial:

In my last I told your Lordship [Godolphin?] of the clause offered by the Earl of Roxburgh to be added to the Act of Security... I adjourned the Parliament for some days that I might have time, and to deliberate with the Queen's servants... I had their advice that a clause should be offered about the communication of trade with England... this clause they pretended to advise because it would, others would bring it in, and carry it over our bellies and the Queen get no thanks, whereas if the Queen's servants brought it in, it would be a sure antidote to expel all other limitations, but when the clause was proposed they found their mistake, for those who formerly designed to propose it, seemed to value it but little, and pressed the necessity of the Earl of Roxburgh's clause...<sup>110</sup>

This failure of the ministry has been laid firmly at Queensberry's door, and both Ferguson and Riley stressed Queensberry's selfishness in pursuing his own interest as the primary cause, despite the fact that there is evidence enough that that was not the case.<sup>111</sup> Why these writers thought Queensberry's support for the Revolution cause, as opposed to toleration, were inconsistent with Queensberry's known political views is rather puzzling. Retaining the cohesion of his own party was hardly baseless self-interest on Queensberry's part. Bowing to pressure from his friend Rochester, by pushing toleration, would have been more in

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<sup>108</sup> Drum. MSS, Vol. 111. Memorial July 1703

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Ferguson., *Scotland's Relations with England*, chapter 11: Riley., *The Union of England and Scotland*, pp. 62-73.

Queensberry's self-interest than the course he took. The latter writers disagreed over the significance of the parliamentary session of 1703. Ferguson saw it very much as a confirmation of the determination of the parliament, and Scottish people to affirm and strengthen their independence from England at any cost.<sup>112</sup> Riley, in keeping with his emphasis on Queensberry's failures, stressed his inability to manage the parliament. In one sense it is as if all ills could be placed at Queensberry's door, whatever the circumstances. Young made the crucial point about the session when he argued that there was a distinct 'Covenanting heritage of constitutional reform' in the parliament that 'should not be discounted'.<sup>113</sup> The Queen also assisted little by failing to push the English commissioners to accept free trade.

The factors that were beyond Queensberry's control that determined the outcomes of the parliamentary session of 1703 were diverse. There was the long standing issue of Darien. Only some form of compensation for the losses of the Company of Scotland could possibly have settled that issue. The prospect of offering compensation for the losses of the Company was something England would not contemplate at this time. There was no offer of compensation on the table to tempt the investors in the Company of Scotland (as there would be in 1706) to support the queen. The English elections in 1702 had witnessed gains for the Tories, and they had no intention of allowing equitable terms for a union with Scotland, as they wished an Episcopalian church to be re-established in Scotland. The Cavaliers had no real desire for either union, or a settlement of the succession (whatever they said to the contrary). Even Tweeddale would come to recognise that reality in 1704.<sup>114</sup> The Country party wanted some, but not all of Fletcher's limitations put in place.<sup>115</sup> Some contemporary writers were also criticising

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<sup>112</sup> Ferguson., *Scotland's Relations with England*, chapter 11.

<sup>113</sup> Young., 'The Scottish Parliament', p. 249.

<sup>114</sup> NLS. MS. 14416 (Yester), f, 34. Memorial, 26 July 1704.

<sup>115</sup> Ferguson. *Scotland's Relations with England*, p. 204.



English influence in the parliament.<sup>116</sup> The logic of their argument though seems related to more pragmatic than constitutional concerns:

By taking our King's from us, we are deprived of all the benefits which we would undoubtedly reap by enjoying his presence: where Courts are, Money Circulates, and all ranks of people are certainly gainers... a great many of our nobility and gentry give constant attendance at London, by which their fortunes are not only wasted and lavished but being taken, and accustomed with English plenty.<sup>117</sup>

As an added pressure, the mob was out in force in Glasgow rioting against Episcopalian intrusions (as they perceived it). Presbyterian radicals also seemed to be present in the Country, and they were actively promoting the ideas of contractual monarchy contained in the original Sanquhar declaration.<sup>118</sup> There is no doubt the 'generality of the country', as Queensberry described them, were against any form of union, but the polity (which consisted of far fewer numbers) had less confirmed views.<sup>119</sup> It begs the question; in those circumstances could Queensberry have done anything else, other than resign, which would have alleviated the situation? As Ferguson rightly argued 'only some quite remarkable stroke' could have retrieved the situation.<sup>120</sup>

At first glance, it appears as if Queensberry could have made some progress in the session. The opposition parties in parliament seemed to have little common ground. The Cavaliers may have detested the Court, but limitations on the Pretender were as odious to them as they were to the queen. In matters of fact, they were both for the preservation of the prerogative. In Queensberry's case it was in defence of the Queen's rights, and for the Jacobites, for the Pretender

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<sup>116</sup> Rosebery, 1. 1. 125. Vol. x. *Some thoughts on the present state of affairs* (1703).

<sup>117</sup> Ibid.

<sup>118</sup> The original declaration was published on 22 June 1680.

<sup>119</sup> Drum. MSS, Vol. 111. Two Memorials', August-September 1703.

<sup>120</sup> Ferguson., *Scotland's Relations with England*, p. 213.

(should he be restored to the throne).<sup>121</sup> The difference in the agendas of the various elements within the Country party and Cavaliers was not ever wide enough to allow a compromise with the ministry. Queensberry could only bemoan the actions of the Cavaliers as acting ‘under popular pretensions as may ruin the Kingdom and endanger our Religion and the Liberty of Europe’.<sup>122</sup> As a consequence, Queensberry’s shift away from toleration could now be seen to be confirmed as the correct stance to take. It is also clear that Queensberry was fully aware of the European context of these issues. If England would go to war over the Spanish succession, it would hardly flinch at a war with Scotland to secure the Hanoverian succession, should the Scottish parliament continue to withhold their consent.<sup>123</sup>

Elements within the Country party also genuinely sought to strengthen the constitutional status of the parliament. Against all this opposition the queen still wanted the succession settled. Bringing Hamilton into the ministry would have alienated him from Saltoun, Rothes, and Haddington who were some of the more radical element of the Country party at that time. Others in the Country party appeared to have a single objective of displacing Queensberry. The Marquis of Tweeddale had been called to London in 1702, and the Queen tried hard to gain him for the Court.<sup>124</sup> His response was rather vague, and his basic argument was that he was eager to serve the Queen, but that he disagreed with the tactics of the present ministry. This was despite the encouragement given to him by Sir Alexander Bruce that ‘...the Duke of Queensberry is a good natured man, [and] has neither malice nor callousness in his nature, why then not push your suit...’<sup>125</sup> Despite these uncertainties, the idea of a parliament actively pushing an agenda

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<sup>121</sup> Riley., *The Union of England and Scotland*, p. 55

<sup>122</sup> Drum. MSS. 1166 (Colnaghie). Undated memorial, August 1703.

<sup>123</sup> Ibid. Draft memorial. September 1703.

<sup>124</sup> *Jerviswood*, pp. 8-9. Secretary Johnston, 22 December 1702.

<sup>125</sup> NLS. MS. 14414 (Yester), f. 171. Sir Alexander Bruce to Tweeddale 4 February 1703.



which promoted constitutional change, and greater independence from England does have a basis in fact.<sup>126</sup>

Much of the push for constitutional change in 1703 came from Saltoun (a shire commissioner for Haddington) and his contribution to the intellectual debates in parliament was immense. His actions rightly overshadowed the contribution of any other member. Saltoun showed that he had a grasp of the real issue for the opposition, which was to focus on the nature of the union of the crowns, and England's disregard for Scottish opinions before deciding issues of war, trade, and just about any other matter.<sup>127</sup> There is no doubt that many of his ideas came from the parliamentary session of 1640 to 1641, and the convention of estates in 1689.<sup>128</sup> Had his twelve limitations passed the parliament in full, then it is reasonable to argue that Young was correct to suggest that something akin to 'a Scottish Commons' would have in fact been established.<sup>129</sup> It is no wonder that Saltoun's reputation reached the continent and was the subject of debate among Scots serving overseas, and was 'of admiration to some and of laughter to others'.<sup>130</sup> The stumbling block to constitutional change was not only Queensberry, but also opposition magnates like Hamilton. He was happy to make use of Saltoun's intellect, but not to the extent that the nobility were supplemented by a stronger shire representation.<sup>131</sup> Even if Saltoun's ideas were not fully taken on board, they had an impact on the Court.<sup>132</sup> Robertson argued that Saltoun was instrumental in wrong footing the ministry by proposing an act of security with

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<sup>126</sup> Ferguson., *Scotland's Relation with England*, p. 207.

<sup>127</sup> Scott., *Andrew Fletcher of Saltoun*, p. 77.

<sup>128</sup> Glasgow City Archive. Ru/1/2. The Pamphlet cover note states 'attributed to Andrew Fletcher of Saltoun, 1703'.

<sup>129</sup> Young, J. R., 'The Scottish Parliament'. Saltoun's twelve limitations are detailed in Scott., *Andrew Fletcher of Saltoun*. Appendix A.

<sup>130</sup> BL. Add. 29589 (Hatton-Finch), f. 72. Cockburn to Godolphin, 3 August 1703.

<sup>131</sup> NAS. GD124/10/434/1(Mar & Kellie). Reports of the 1704 Parliament, 24 August 1704.

<sup>132</sup> Brown, B. C. ed., *The Letters and Instructions of Queen Anne* (London, 1968), pp. 138-139.



limitations, and that argument has some force.<sup>133</sup> Hamilton, on the other hand had no intention of losing his aristocratic perspective on who should control parliament, to the extent that breaches would later appear between him and Saltoun over this issue.<sup>134</sup>

Tweeddale's education would come later in 1704, when he had replaced Queensberry as High Commissioner. He was happy enough to show outrage at Queensberry because he 'the Duke of Queensberry was pleased to refuse Royal assent to [the act of security], and in a way I believe without a precedent with us'.<sup>135</sup> Tweeddale had kept a correspondence with Atholl which offers some idea of his attitudes. The most apt description which can perhaps be applied to Tweeddale at this time is that of 'courtier in waiting'. His comments to Atholl were really nothing more than a tirade against Queensberry, and he showed no real ideological opposition to the queen's wishes for a settlement of the succession. Rather, he stressed the need for 'good management', presumably under his hand.<sup>136</sup> For all his outrage Tweeddale (whatever his own feelings about it) would find himself bitterly resisting the passage of the same act of security. Atholl was also busy consorting with Tweeddale and other opposition members, thereby lending some credibility to Queensberry's opinion of him.<sup>137</sup>

As the session progressed there was little sign that Queensberry had any resolutions to offer to solve his dilemma. He was reduced to making comments on 'My Lord Belhaven's long speech' the content of which he did not address, but rather, he implied that 'I believe his Lordship would have liked influence very well had he obtained such posts as he pretended to'.<sup>138</sup> This comment may have

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<sup>133</sup> Robertson. ed., *Andrew Fletcher*, p. xvii.

<sup>134</sup> HMC 2.44. *Buccleuch*, pp. 661-662. Somers to Shrewsbury, 25 June 1703,

<sup>135</sup> NLS. MS. 14416 (Yester), f. 2. Tweeddale to the Duke of Marlborough, 27 October 1703.

<sup>136</sup> *Ibid*, f. 8. To Atholl, 16 November 1703.

<sup>137</sup> *Ibid*, f. 6. Tweeddale to the Duke of Marlborough, 27 October 1703.

<sup>138</sup> Drum MSS. Bundle 1202. Queensberry to Godolphin, 12 June 1703: A copy of Belhaven's speech is in Rosebery, 1. 2. 123 (91-20).



been true enough, but it hardly offered a solution to his dilemma. Godolphin also wrote in terms which clearly distanced him from the Commissioner's attitude with respect to the act anent peace and war:

I beg leave to represent to your Lordship that the Act of putting the power of peace and war in the Parliament which has always been one of the chiefest flowers in the Crown (and in this case perhaps a very necessary one for the good of the subject) this the Queen was unwilling to give my Lord Commissioner such an instruction as he desired to consent to it...tho she finds her other servants do generally concur in the desire of such an act...yet she hopes they will all concur in endeavouring to prevent the necessity of it...England is now at war with France, if Scotland were in peace and consequently at liberty to trade with France would not that immediately necessitate war betwixt England and Scotland also.<sup>139</sup>

Neither was Seafield intending to be brought down on the basis of Queensberry's actions. While supporting his own actions to Godolphin, Seafield was still promoting Atholl.<sup>140</sup> The seeds of Godolphin and Seafield's later actions in secretly forming a new ministry in 1704 were perhaps sown here. Atholl, through the intermediary of Sir James Murray of Philphaugh, and at first appearance, did however make an offer of friendship to Queensberry. His condition was that Queensberry 'would assure him not to keep such a close correspondence with the Duke of Argyll as he fancied I did'.<sup>141</sup> Queensberry did not pursue that offer, as Argyll for all his disagreement with Queensberry, was a more necessary ally.

It is clear that Queensberry had lost a grip on matters by this time. His focus was rarely on dealing with the opposition, but rather, it was on his personal battle with Atholl. He wrote again in the midst of crisis to Godolphin:

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<sup>139</sup> NAS. GD248/559/36A (Seafield), f. 3. Godolphin, 17 July 1703.

<sup>140</sup> BL. Add. 28055 (Godolphin), f. 48. Seafield to Godolphin, 10 July 1703.

<sup>141</sup> Drum. MSS. Bundle 1202. Queensberry to Godolphin, 12 June 1703.

I can tell your Lordship that in most of all votes hitherto that were reckoned to distinguish the affection of members he [Atholl] has seldom concurred with the Queen's servants, and tho he does not meet with the Duke of Hamilton and others in their public cabals, yet those who are thought to be most under his influence do meet with them.<sup>142</sup>

This situation was so bad that he suggested to Godolphin that 'it were better for her Majesty's service to recall and discharge my Commission than put orders upon me to gratify others (meaning Atholl) while have the honour to represent her'.<sup>143</sup> He then summarised the motives of the parties in the parliament in the following terms:

The Presbyterians are foolish enough to be amused with every little story that is contrived to frighten them, the Cavalier Lords go in generally in these things that may recommend them to the Queen's favour, but their Commissioners for the Shires and Burghs are always cross whenever there appears anything that they think may break up the Parliament then generally they leave us.<sup>144</sup>

Queensberry then hinted that more underhand methods may have been used to cause disunity. He wrote, 'I will satisfy your Lordship when I have the pleasure to see you, but the reasons for my opinion are too nice and tender to be committed to writing'.<sup>145</sup> He was further enraged, and as consequence confirmed in his opinions, when he heard a rumour that there was 'underhand correspondence' between his Officers of State and the opposition.<sup>146</sup> Given Atholl's earlier admission above, he was correct in that summation.

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<sup>142</sup> Ibid. To Godolphin 20 June 1703.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid. Queensberry to Godolphin, 10 July 1703.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid. Queensberry to Godolphin, 29 July 1703.



Queensberry tried to get back on track, and to concert some real measures by next calling a meeting of his Officers of State. The tactic they decided on to try and divide the opposition is detailed in the following letter:

When I called the Queen's servants together to take measures about the clause given into Parliament by my Lord Roxburghe, I was made to understand that there was another clause prepared that the same person should never be sovereign of both kingdoms till there was a free communication of trade and freedom to the plantations established for Scotland...my Lord Privy Seal [Atholl] entered into the project which was popular, and he proposed it to the Queen's servants as a thing that could not be avoided and would be received above all other limitations.<sup>147</sup>

This was much the same as had been proposed during the negotiations for union, and it was firmly rejected by the opposition. Had it succeeded it would have been unlikely to have been accepted by the English ministry in any case. Queensberry then stressed the need for money for the forces, and the civil administration. He really had no concrete answer to this dilemma, and whilst accepting the dangers of making concessions, he wrote to Godolphin with his opinion:

I am most sensibly convinced of what your Lordship writes of the danger of admitting some limitations, because more will follow, and on the other hand it is of the last ill consequence that her Majesty's first Parliament should rise so abruptly without a fund to the civil list or forces.<sup>148</sup>

His answer to this problem exposed the weakness of his position. He could only suggest concessions be made to the opposition in the hope that the situation could be recovered in another session of parliament.<sup>149</sup> Given his initial breach with the Cavaliers that prospect was dead by now. On three separate occasions (23 July, 26 July, and again on 10 August 1703) the opposition pushed the act of

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<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

security.<sup>150</sup> It was about this time that Queensberry was further deflected from the immediate issues in parliament by a letter he received from the Earl of Nottingham related to Jacobite activity in Scotland.<sup>151</sup> That issue will be discussed in the following chapter. In the meantime Queensberry could only continue to relate more bad news to England. Even his hopes of gaining Montrose seemed remote and he feared that Montrose was falling under the influence of ‘Republican Governors’. Presumably Queensberry meant Saltoun, Roxburgh, and Rothes.<sup>152</sup>

Roderick Mackenzie seemed to have had some sort of disagreement with Queensberry at this time, and found that the Duke ‘would not allow me to vindicate myself’.<sup>153</sup> Despite this, he felt that settlement of the church issue was out of the question and his advice was that ‘if he [Queensberry] were to follow his own sentiments [this] would be very acceptable to the generality of the Nation, but I am sorry to say that he is advised by men who are of different inclinations from him’.<sup>154</sup> Queensberry’s health was also poorer than is perhaps generally accepted by some writers, and it is likely that he was confused, and perhaps even incapable at times of taking decisive action because of this.<sup>155</sup> It is clear from the contents of a long memorial that Queensberry had lost interest in any further attempts to organise any alliances. In his reflections on the 1703 parliamentary session he switched his focus from trying to gain co-operation among competing interests to other methods:

It is impossible the same set of servants that we employed can be continued together, and employed again because of the animosities that have appeared

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<sup>150</sup> APS xi, pp. 47-107.

<sup>151</sup> Drum. MSS, Vol. 117. Nottingham to Queensberry, 7 August 1703.

<sup>152</sup> BL. Add. 29589 (Hatton-Finch), f. 14. Queensberry, Holyroodhouse, 10 July 1703.

<sup>153</sup> Ibid, f. 18. R. MacKenzie, Edinburgh, 15 July 1703.

<sup>154</sup> Ibid.

<sup>155</sup> BL. Sloane. 3325. Papers on Natural Curiosities, f. 163. Post - mortem examination of the Duke of Queensberry, 8 July 1711.



and widened the breach, and if the heads of the opposite parties should be continued together they would so divide and engage the members that the Queen behoved to stand entirely upon one party, which is as much to be avoided as possible, but if her Majesty should be driven of that necessity it is far more safe for her to trust herself entirely to that Party which is for the Revolution.<sup>156</sup>

Queensberry at last recognised that he could not be both the champion of the Revolution, and Episcopalian clergymen in Scotland. His affirmation of his Revolution credentials would not be tested with him as High Commissioner until 1706, but it did produce surprising results in 1704.

Riley's impressive analysis of the parliamentary session of 1703 is flawed in certain respects. He had the motives of individuals generally correct, but in the end he could not resist blaming Queensberry; ever the bogeyman of Scottish politics in this period. His argument (after slating Queensberry) was that 'logic seemed to dictate as the only solution the court-cavalier alliance'.<sup>157</sup> It is patently clear that whatever Queensberry's failure of judgement, supporters like Annandale, Marchmont, Leven, Argyll, and Lord Boyle would not tolerate the concessions he needed to offer to keep the Cavaliers happy.<sup>158</sup> The fact is that Boyle, for one, was a regular attendee of the General Assembly, and he sat for some time as a ruling Elder. He would have made the position of the church on working with the Cavaliers very clear to Queensberry. The prospect of a 'cavalier-court' alliance was dead before Queensberry had time to settle into the session. It was killed off by his own men, whom he could not afford to alienate. Riley was however correct when suggesting that Queensberry tried to scapegoat Atholl after the session. The reality is that the parliamentary session of 1703 was a new experience for Cavalier, Court, and Countryman alike. It took on a life of

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<sup>156</sup> Drum. MSS. 1166 (Colnaghie). Draft Memorial, August 1703.

<sup>157</sup> Riley., *The Union of England and Scotland*, p. 60.

<sup>158</sup> BL. MSS. Add. 28055 (Godolphin), ff. 29-32. Atholl to Godolphin, 10 June 1703.

its own, and the impetus for the acts that were passed came from forces for constitutional change that Queensberry could barely understand.

By the end of the parliamentary session of 1703, both Tarbat and Atholl were actively working with Nottingham, and both were making their pitch by arguing for a union, and by opposing the act of security.<sup>159</sup> How they expected to achieve this after watching Queensberry's failure is a mystery. Queensberry knew after this session that his position was untenable. He spoke with Seafield and suggested he may resign before the next session of parliament.<sup>160</sup> It is clear that he knew Godolphin and Seafield had been making overtures to Tweeddale. Queensberry exhibited some defiance though, and he insisted that while he still held his commission he should have all information on the Queen's proposals for the coming session of parliament.<sup>161</sup> Seafield was also making it clear to Godolphin that he thought 'I found the Cavaliers very well inclined...but the Whig Party being jealous that this might recommend them to the Queen did give them so much discouragement'.<sup>162</sup> Seafield then made it clear he thought that contrary to Queensberry's opinion 'my Lord Privy Seal [Atholl] is very sensible of your friendship to him'.<sup>163</sup>

There is no great puzzle of the parliamentary session of 1703. The fact is that the acts passed in this parliamentary session called into question Scotland's relationships with England. The very nature of the union of crowns came under scrutiny. It could be added that the Cavaliers had few apparent options left when it became obvious the Prince of Wales would not convert, and become a Protestant. There is force Ferguson's arguments and the mood of the parliament

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<sup>159</sup> BL. Add. 29595 (Hatton-Finch), ff, 237-245. Nottingham to Tarbat, 17 July 1703: Atholl to Nottingham, 14 August 1703.

<sup>160</sup> BL. Add. 84, 180 (Autograph Letters), f. 27. Seafield, 7 April 1704.

<sup>161</sup> Ibid.

<sup>162</sup> BL. Add. 84, 180 (Autograph Letters), f. 25. Seafield to Godolphin, 22 September 1703.

<sup>163</sup> Ibid.



was undoubtedly aggressively anti-English, and Young gave compelling reasons for the intellectual heritage of opposition tactics. Even Queensberry conceded that the parliament had passed acts which ‘lay the foundation for division betwixt the Nations’.<sup>164</sup>

However, the number of opposition commissioners and members of the nobility needed to switch allegiance was not great if the Court strength was eighty or so commissioners and nobles. Given the fact that the New Party apparently constituted a significant proportion of that number, then there must have been a substantial number in parliament who were consistently opposed to union from 1703 until 1706. But, enough of them could be persuaded to change their opinions, if the Court could find the right measures to promote. Riley listed twenty four names as Squadrone or allies who voted in 1706.<sup>165</sup> That calculation will be discussed in a following chapter. However what is clear is that once a move had been made to radically change Scotland’s relationship with England, that force was sustained both inside, and outside the parliament. As Szechi put it, there was ‘a rise of a permanent chorus of ideological, patriotic opposition’ in Scotland.<sup>166</sup> Much of that ‘patriotic opposition found a coherent voice through Saltoun, who now had ‘a group of young Whig peers’ under his influence (including Rothes, Haddington, and Roxburgh).<sup>167</sup>

Queensberry’s actions can be attributed to several factors. Riley rightly implies that his hatred of Atholl was irrational.<sup>168</sup> Queensberry consistently complained about his Privy Seal with some force.<sup>169</sup> Even his general defence of his conduct ‘I was always against the bringing it in (Atholl’s attempt to introduce

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<sup>164</sup> Drum. MSS. Bundle 1202. To Godolphin, 1 September 1703.

<sup>165</sup> Riley., *The Union of England and Scotland*, p. 334.

<sup>166</sup> Szechi., *The Jacobites*, p. 70.

<sup>167</sup> Robertson. ed., *Saltoun*, p xvii.

<sup>168</sup> Riley., *The Union of England and Scotland*, pp. 52-53.

<sup>169</sup> Drum. MSS. Bundle 1202. To Godolphin, 25 September 1703.

a watered down act of security) focused on disunity among the Court'.<sup>170</sup> Atholl hardly engendered confidence however, and his commitment to the ministry was always tenuous, as is shown by his keeping in correspondence with Montrose, Tweeddale, and others in opposition.<sup>171</sup> Queensberry did not have the same relationship with Archibald, first Duke of Argyll as he later did with his son, John, the second Duke. He was forced to be much more circumspect with the first Duke, and the results showed when he was forced to abandon toleration. His health was also very poor and he was often disabled for long periods. For all his failures Queensberry could have done little to soothe matters. His analysis of events in parliament also had some truth when he laid out the situation to Godolphin near the end of the session:

I am afraid that it will be hardly possible to preserve the prerogative of the Negative from violent attempts next session of this or any other Parliament, and if this Parliament break up upon this account without giving funds to the civil list and army, I believe her Majesty will not be able to hold any Parliament here (employ who she will) without yielding more than is demanded by this Act.<sup>172</sup>

As matters stood in 1703, Queensberry was incapable of forging a coalition strong enough to secure the Queen's business, but neither was anyone else. No potential High Commissioner, whether it was Tweeddale, Atholl, Hamilton, or any combination of them, could have resolved the diversity of aims of the various opposition members in parliament. Whether Queensberry admitted that was the case or not, his suggestion that if 'her Majesty give me patents of honour except the Dukes [Atholl's], I reckon it in her interest, for that will make an addition to the peers bench and the barons places in parliament, may be supplied with well affected members' shows that he had no realistic prospects of resolving the

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<sup>170</sup> Ibid. To Godolphin, 20 August 1703.

<sup>171</sup> BL. Add. 28055 (Official Correspondence), f. 50. Seafield to Godolphin, 27 July 1703.

<sup>172</sup> Drum. MSS. Bundle 1202. To Godolphin, 1 September.



conflicting forces that existed in the parliament.<sup>173</sup> One commentator [James Johnston] got it right when he wrote that ‘Queensberry seems not able to do their business and therefore must be laid aside’.<sup>174</sup> He was wrong to argue that Queensberry ‘hath been entrusted with a great secret’ which would save him.<sup>175</sup> That comment may have been a reference to the Scotch Plot (that event is the subject of the following chapter). The significance of the parliamentary session of 1703 is that it highlighted a kingdom, and a parliament struggling to redefine a place with respect to England and Europe. In the past the threat of withholding taxes had been a formidable weapon. Marlborough had not gained his great victories in Europe that would give confidence to the English Court. The prospects for Scotland’s economic growth were still limited by the English navigation acts. It is not surprising then that a significant opposition in Scotland wished to test, and renegotiate the union of the crowns. The acts proposed during the parliamentary session of 1703 show the scale of Queensberry’s dilemma.

Queensberry left the parliament behind him to go to London to defend his actions with respect to the Scotch Plot. He remained High Commissioner until just before the opening of the parliamentary session of 1704. For the moment, Queensberry was left tired and defeated. His rage at his dismissal would force him to show his potential strength to prove to the Court that he could not be ignored. Tweeddale may have been happy at gaining Queensberry’s place, but he would come to regret his treatment of Queensberry and his friends. The second Duke of Argyll would come into Queensberry’s interest and provide the means to fundamentally shake the confidence of the opposition, and the English Court with regard to their perceptions of Tweeddale, and consequentially, Queensberry’s worth.

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<sup>173</sup> Drum. MSS. Vol. 111. Memorial, September 1703.

<sup>174</sup> NAS. GD220/5/64A (Montrose). Unsigned [Secretary Johnston] to Montrose, London, 14 December 1703.

<sup>175</sup> *Ibid.*

#### IV. Our poor defenceless nation.<sup>1</sup>

The English and Scots Nations cried out against him as the blackest and most perfidious Traitor that ever was known; one whom no Party ought to countenance, and who deserved the severest Punishment from each of them. This [was the] Notion conceived of him then, and published to the World since by Whig, Tory and Jacobite [Comment on Simon Fraser, 1746].<sup>2</sup>

Despite giving assurances in June 1703 that ‘I shall be able in a few weeks to bring your parliament to a happy conclusion’ by the autumn of 1703 it was clear to English Court managers that the Scottish parliament could not be controlled by the use of patronage, coercion or any other means.<sup>3</sup> The dominant issues of the succession, and an act for supply could not be resolved despite rumours that Queensberry had received substantial sums of money of an undisclosed amount from Hanover for that purpose.<sup>4</sup> That rumour was reported back to Queensberry from London, as was the expected consequence of the use of such money:

I spoke to Baron Schuts what your Grace allowed me to say... The old architect of calumny goes on, for it is reported here that your Grace hath carried down some thousands of pounds to bribe members, and that your Grace means to defeat the [opposition] by settling the succession this parliament.<sup>5</sup>

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<sup>1</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, 19 February 1704.

<sup>2</sup> Rosebery. Ry. 1. 5. 299. *Genuine Memoirs of the Life of Simon Fraser of Lovat* (Printed by M. Cooper at the Globe in Paternoster Row, London, 1746)., p. 25.

<sup>3</sup> Drum. MSS, Vol. 126, f. 91. Queensberry to Godolphin 1703: GUL, Special collections, Bf72-c. 6. *Two Speeches. The one relating to Trade [spoken in the Parliament] the other relating to the Limitations of the Crown thereof* (Edinburgh, 1703) [these sources give a good general impression of the mood of the Parliament].

<sup>4</sup> Drum. MSS, Vol. 116, f. 48. Letter to Queensberry, London, 27 May 1702.

<sup>5</sup> Ibid.



Bribery was either never used, or simply failed, as neither supply nor the succession was carried. It was unlikely that any concession could be made that could satisfy the diversity of interests in parliament, including the Country party and Jacobites, never mind the Revolution party. The Episcopal interest also now had some force in parliament.<sup>6</sup> This point was clearly spelt out by the Earl of Glasgow in the following terms:<sup>7</sup>

It is true that there is some disgusted by these acts but there are none of the Queen's friends...I need not let your Grace opinion of that Party that term themselves Episcopal and Cavalier, there is not one hundred of them heartily wish well to the Queen<sup>8</sup>

The effectiveness of the opposition during the parliamentary session of 1703 is hardly disputable.<sup>9</sup> Lockhart (writing from a Jacobite perspective) described Queensberry's dilemma after breaking with 'the Cavaliers and seen them when joined to the Country, so strong and zealous a party that there was no hope to stand against it'.<sup>10</sup> The Earl of Stair writing to Godolphin in April 1703 also had particular comments for the 'south and west countries' (Queensberry's own domain) who would choose 'the most rigid and bigoted Presbyterians and Republicans' in the event that another election was considered as a possible solution to the problem.<sup>11</sup> Those 'bigoted Presbyterians' would have expected Queensberry to maintain his Revolution credentials above all else.

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<sup>6</sup> Drum. MSS. Political Letters, Vol. 119, passim.

<sup>7</sup> David Boyle, first Earl of Glasgow, a close confidant of the Duke and his family.

<sup>8</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, Kelburn 15 October 1703.

<sup>9</sup> Ferguson, W., *Scotland's Relations with England. A survey to 1707* (Edinburgh, 1994), pp. 197-213; Drum. MSS, Vol. 119. Godolphin to Queensberry, 24 July 1703. The queen thought that 'Lord Roxburgh's clause seems to be very vile and inconvenient'.

<sup>10</sup> *Lockhart Letters*, p. 49.

<sup>11</sup> *Annals of Stair*, I, pp. 207-208. Stair to Godolphin, April 1703.

Outside of parliament some of the more radical republicans contemplated a new 'revolution', and about eighty of them went to Sanquhar in the heart of Queensberry's own domain to make a new 'declaration' (as well as re-affirming the Solemn League and Covenant).<sup>12</sup> It is clear from these actions that the influence of the ideas put forward in the parliamentary session of 1640 to 1641 still held some appeal in Scotland. Similar arguments to those put forward by the protesters at Sanquhar would also be used during anti-union protests in 1706, suggesting an organised opposition outside the parliament who were consistently pushing for dramatic constitutional reform.<sup>13</sup> Failure in parliament drew Queensberry into the events of the 'Queensberry' or 'Scotch Plot'. The events of that plot require a fuller analysis, as the consequences of this issue forced Queensberry to reorganise his party and lead it into an alliance that would ultimately secure the Treaty of Union by 1707. Initially, thoughts of union were far from his mind. Queensberry bore the brunt of the failure of the Court's policies, and he was more desperate to redeem himself for good judgement to prevail. There was already a general feeling that 'the Queen is ill disposed' towards him even before the impact of the plot.<sup>14</sup>

The 'Queensberry' or 'Scotch Plot' was a fundamental event in proving his venal principle as far as the established historiography stands.<sup>15</sup> Ferguson argued of Queensberry (in relation to the events of the plot) 'to this day his counter-stroke, which had great if unexpected results, remains something of a puzzle'.<sup>16</sup> The reasons for Queensberry's actions are hardly a 'puzzle'. The problem with that view of events is that the conclusions rest on an incomplete analysis of both the plot, and the consequences of it. Scott for example, simply cited from Ferguson,

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<sup>12</sup> Drum. MSS, Vol. 128, f. 64. Stair to Queensberry, 24 May 1703.

<sup>13</sup> Young, J. R., 'The Scottish Parliament and the Covenanting Heritage of Constitutional Reform', in Macinnes, A. I & Ohlmeyer, J., *The Stuart Kingdom in the Seventeenth Century: Awkward Neighbours* (Dublin, 2002), pp. 33-34.

<sup>14</sup> NLS. 14414 (Yester). Sir Alexander Bruce 16 April 1702.

<sup>15</sup> Ferguson., *Scotland's Relations with England*, pp. 214 -217.

<sup>16</sup> *Ibid*, p. 214.



and the single primary source of Lockhart, as a sufficient analysis to conclude that Queensberry was intending to set up most of the opposition in Scotland.<sup>17</sup> It is poor history, and weak analysis, to go on to demonise Queensberry on the basis of a citation of a Jacobite opponent. Even the otherwise meticulous Riley resorted to some tortured logic in explaining, that ‘even if Queensberry really believed this [the plot] it does no credit to his judgement’.<sup>18</sup> Bad judgement, even if can be called a motive, is a long way removed from the construction of a sham plot, and as such, would lead to a different conclusion on the actions of Queensberry with respect to the plot.

Prior to Simon Fraser’s arrival in Scotland fear of Jacobite plotting was endemic.<sup>19</sup> Scares over possible Jacobite invasion had been raised periodically since the Revolution of 1688, and following the attempted assassination of William II in 1696 (this plot was still being investigated in 1702).<sup>20</sup> That fear was understated by critics of Queensberry with respect to its influence on his decisions. Queensberry’s position as High Commissioner influenced his decisions relating to the information he received from Simon Fraser in the summer of 1703. As holder of that office, he was expected to ensure Scotland was defended from Jacobite threats.<sup>21</sup> Queensberry never shirked from dealing with dissent in the past, particularly when he was appointed to set up Courts to judge possible rebels in 1684.<sup>22</sup> Even if the threat from Jacobites was in fact minimal, Steele argued that anti-Jacobite pamphleteering lent credibility to Jacobite claims of support’ among

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<sup>17</sup> Scott, P. H., *Andrew Fletcher and the Treaty of Union* (Edinburgh, 1994), pp. 106-107.

<sup>18</sup> Riley., P. W. J., ‘The Scottish Parliament of 1703’. *The Scottish Historical Review*, 47: 1968, p. 149.

<sup>19</sup> Drum. MSS, Vol. 128, ff. 31-37. Hedges to Queensberry, 20 May 1702.

<sup>20</sup> Ibid: Harris, T., *Politics under the Later Stuarts. Party Conflict in a divided Society* (London 1993), p. 208.

<sup>21</sup> Drum. MSS, Vol. 128, f. 31. Memorandum from Hedges to Queensberry, 20 May 1702.

<sup>22</sup> Terry, C. S., *John Graham of Claverhouse* (London, 1905), p. 180.



the population.<sup>23</sup> That perception of Jacobite support among the population lent credibility to fear of invasion and provoked an attempted solution to Jacobite support in the Highlands reminiscent of the events prior to Glencoe. Queensberry, in keeping with this mood, did push the Privy Council, including rivals like Tarbat, to use information on Highland chiefs from the investigations into the plot to subjugate the clans once again (including the Macdonalds of Glencoe).<sup>24</sup> At a deeper level there is reluctance to present evidence in any light that offers a more reasonable explanation for Queensberry actions, even when it is warranted by the evidence.

Ferguson stated in his summary of the plot, that as a 'first step' to gaining the title of Lord Lovat, 'Fraser approached Queensberry'.<sup>25</sup> It is more than merely an objection to the semantics of Ferguson's arguments to suggest that an introduction made by the Duke of Argyll would have a significant impact on Queensberry's subsequent treatment of Fraser's information. Fraser's 'first step' was in fact to approach Leven and Argyll. The circumstances of that introduction are of fundamental importance with respect to the chronology, and historiography of the plot.<sup>26</sup> Queensberry was not going to ignore Argyll with an issue of this importance, particularly as the parliamentary session was going so badly for him. The actions of Queensberry in investigating Fraser's allegations were initially based on his own attitudes towards possible rebels. There were of course pragmatic political considerations to consider, whatever Queensberry personally thought of Simon Fraser. It may be the case that Ferguson relied on the Duke of Atholl's

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<sup>23</sup> Steele, M., 'Anti-Jacobite Pamphleteering'. *The Scottish Historical Review*, 60: 1981, p. 140.

<sup>24</sup> See Drum. MSS, Vol. 128, ff. 31- 49. Lists of Highland Chieftains to come to Edinburgh 1704: NLS. Rosebery. Ry. 1. 2. 127 (9). *A Collection of Original Papers about the Scots Plot. Containing Besides what has already been published the following Papers never before Printed July 1704. List of Clans and men provided by Sir John Maclean.:* Pc. 1 ACTA. 6 January 1704. The council decided to send letters to highland chiefs demanding 'bonds' of loyalty.

<sup>25</sup> Ferguson., *Scotland's Relations with England*, p. 215.

<sup>26</sup> Archibald Campbell, first Duke.



memorial to the Queen on the plot, although he gave no citation to indicate this. That suggestion is made because Atholl's memorial to the Queen contains the same error in the chronology of the plot. Atholl stated 'he [Simon Fraser] had come from St. Germain in May or June last, and having stayed sometime in London, had gone to Scotland and there met with the Duke of Queensberry'.<sup>27</sup> It is clear that Atholl omitted Leven and Argyll's part in these events. Fraser in fact travelled to 'several places in Scotland', particularly to 'Argyle-shire', and he met with the Duke of Argyll, before being introduced to Queensberry.<sup>28</sup> The previously exiled Jacobite, Sir Colin Campbell, gave evidence on the plot which indicates Atholl's chronology was wrong.<sup>29</sup> The failure to state the chronology of these events correctly leaves the impression that Queensberry instigated matters with Fraser.

The fact of the matter is that 'the Duke of Argyll, and Earl of Leven' (two key men in Queensberry's party) introduced Fraser to Queensberry.<sup>30</sup> Riley also made the same error, which critically leaves out any influence on Queensberry other than his own self-serving interest. Argyll's influence cannot be easily dismissed, and Fraser's 'Highland Jaunt' was not made known to Queensberry prior to Argyll's introduction of Fraser to Queensberry.<sup>31</sup> Ferguson's memorable statement (similar to one made in 1704) that 'Simon Fraser's word could not have hanged a dog, let alone hanged a man for treason' misses the point.<sup>32</sup> Although he was still acting in keeping with his past actions with respect to his attitudes towards possible rebels

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<sup>27</sup> Rosebery, 1. 2. 127 (9). *Memorial to the Queen by the Duke of Atholl, read to Her Majesty in the Scots Council at St. James, 18 January 1703/4.*

<sup>28</sup> *Ibid.* Sir Colin Campbell's interrogation.

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Riley, P. W. J., *The Union of England and Scotland. A Study in Anglo-Scottish Politics in the eighteenth century* (Manchester, 1978), p. 68.

<sup>32</sup> Ferguson., *Scotland's relations with England*, p. 214. A similar quote was made in 1704, although there is no citation by Ferguson, see Ry. 1. 2. 127 (9), p. 71. The quote reads 'It were a pity to hang a dog upon his evidence [Simon Fraser], and much more to suspect any man upon his information'.



(and with committed Revolution men like Argyll, and Leven pushing him) Queensberry made what was in essence a pragmatic political decision. He simply could not afford to alienate Argyll and Leven, even in the improbable event he was convinced that Hamilton was incapable of pitching his fortune with St. Germain. Even Lockhart made it plain in his memoirs that ‘Argyll, Stair, Leven, and Mr Carstairs’ advised Queensberry on how to use Fraser’s information.<sup>33</sup> The Argyll interest constituted an influential element of his party. If Queensberry had ignored the most prominent of his supporters he would have been committing political suicide. Carstairs involvement also confirms that some at the Court knew what was happening before Atholl’s exposure of the plot.

It is as well to lay out the bare bones of the ‘Queensberry Plot’ as it presently stands in historiography. The current version of events is that Simon Fraser was condemned by letters of fire and sword for forcibly marrying the sister of the Marquis of Atholl (Lady Amelia Murray) in order to secure the title Lord Lovat.<sup>34</sup> He turned up at the Court of St. Germain in 1702 and with the support of Cardinal Gualtiero (the Pope’s Nuncio) sold them a plan to engage the Highland clans in a rebellion.<sup>35</sup> After travelling throughout England and Scotland he was introduced to Queensberry, who as High Commissioner offered him money to implicate Atholl and Hamilton in a sham Jacobite plot.<sup>36</sup> After Robert (Plotter) Ferguson exposed the plot to Atholl, Queensberry’s attempt to implicate Atholl and Hamilton was exposed and he was subsequently dismissed, therefore exposing his character as an ‘unprincipled magnate’.<sup>37</sup>

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<sup>33</sup> Szechi. ed., *Scotland’s Ruine*, p. 49.

<sup>34</sup> Simon Fraser, second son of Thomas Fraser of Beufort 1666-1747: Rosebery. Ry. 1. 5. 299., *Genuine Memoirs of the Life of Simon Fraser of Lovat*, p. 7.

<sup>35</sup> Rosebery. Ry. 1. 2. 127 (9). *Original Papers*.

<sup>36</sup> John Murray, second Marquis, and first Duke of Atholl: James Douglas fourth Duke of Hamilton.

<sup>37</sup> Robert ‘Plotter Ferguson’ he was involved in many plots from the Rye House Plot onwards and was apparently a Jacobite at this time.



To understand the plot it is necessary to firstly realise that Fraser's first contact with Argyll was no small matter. Secondly, Fraser's priority was not intended to embroil Queensberry in any plot. His original concern had been to make his peace with Atholl, and live once again in Scotland. Thirdly, his contact with Queensberry was unsolicited by the Duke. Finally, his correspondence from Rotterdam, which provided the main evidence of the plot, was written after the plot was exposed in Scotland.<sup>38</sup> The real problem with the current historiography of the plot is that it is flawed in laying out the sequence of events as they actually happened.<sup>39</sup> For Queensberry and the Court, the Scotch Plot initially represented a continuation of investigations into Jacobite activities in general, rather than a plot plucked out of thin air to depose Hamilton and Atholl in particular. Fraser happened to arrive in Scotland when the Jacobites were strong in parliament, and fears about a possible invasion were at the forefront of Scottish and English ministry concerns, as the following letter shows:

When the Duke of Queensberry went into Scotland last summer as her Majesty's High Commissioner, amongst other things he was ordered to spare neither Money nor Pains, to discover any ill Designs that might be in Scotland against her Majesty's Government. Soon after the meeting of Parliament, the Earl of Nottingham and Sir Charles Hedges by the Queen's Order sent the Duke of Queensberry a Copy of a Letter from Mr. Stanhope to them, by which it appears that great sums of Money had been remitted out of France to Amsterdam, and Lisle, to be remitted from thence to Scotland and Ireland<sup>40</sup>

The letter that is mentioned above was from the Queen's secretary (the Earl of Stanhope) to Sir Charles Hedges, and was sent on the 9 July 1703. That letter predates Queensberry's memorial to the Queen on the plot (11 August 1703).

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<sup>38</sup> Rosebery. Ry. 1. 2. 127 (9): MS. 10335 (Hamilton), *passim*.

<sup>39</sup> Ferguson., *Scotland's Relations with England*, pp. 214-216.

<sup>40</sup> Rosebery. Ry. 1. 2. 127 (9). *Original Papers*.

Queensberry's memorial was in fact a response to the concerns expressed by Stanhope. It was meant to show that he was doing something about fears of Jacobite invasion. Stanhope did draw attention to the fact that 'it is dated from Amsterdam and marked on the outside 2 *Stivers*, whereas the letters from Amsterdam constantly pay 3'.<sup>41</sup> Despite there being some element of doubt about the veracity of the contents of the letter, they were still deemed to be 'of such concern that I think it my duty to transmit it to you'.<sup>42</sup> A fact clearly emphasised in the preceding letter above.<sup>43</sup> An anonymous contemporary critic of Queensberry made much of the above letter with respect to doubts about whether it came from Amsterdam, or not, in a long article printed in London 'in the year 1704'.<sup>44</sup> It is clear however that English ministers brought this letter to Queensberry's attention, and that it was not the same memorial Queensberry presented to the Queen.

What compounded fears of plots and insurrection was the rise of Jacobite influence following their electoral success in 1702.<sup>45</sup> That point was made by Pittock as a significant event in the rise of Jacobitism in Scotland, although his analysis was limited by a lack of discussion on the plot. Pittock neither condemned nor justified Fraser's character.<sup>46</sup> His summary of the plot ran to a sentence that 'the nationalist-minded Lord Lovat had already tried to foment a plot in 1703'.<sup>47</sup> The Indemnity (16 March 1702) offered to Jacobites following Queen Anne's accession to the throne only increased paranoia about a possible invasion from

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<sup>41</sup> Drum. MSS, Vol. 119. Political Letters. Mr. Stanhope to Mr. Secretary Hedges, 9 July 1703.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> See, Roseberry. Ry. 1. 2. 127 (9), p. 54. The author supported 'limitations' and identified himself with Saltoun and the Country Party.

<sup>45</sup> Drum. MSS, Vol. 116, f. 67. Seafield to Queensberry, 6 April 1703: Brown gives the number of Jacobite members in the Scottish Parliament as around 70, *Kingdom or Province.*, p. 185.

<sup>46</sup> Pittock, G. H. M., *Jacobitism* (London, 1998), p. 31.

<sup>47</sup> Ibid.



France.<sup>48</sup> Bishop Burnet and other contemporaries highlighted the fact that ‘the lords who had hitherto kept out of the parliament, and were known to be Jacobites, came and qualified themselves’.<sup>49</sup> There is also sufficient evidence to show that from 1702 exiles returning from St. Germain were being actively scrutinised as a matter of course, in what was clearly a climate of suspicion.<sup>50</sup> Queensberry as a consequence, was expected to vigorously root out plotters.<sup>51</sup> From May 1702 at least, there were vigorous attempts to discover Jacobite intrigues.<sup>52</sup> That included a suggestion from London that ‘a watchful eye be kept on Edinburgh Castle and Fort William, something I heard this morning makes me presume to give this hint’.<sup>53</sup> A ‘watchful eye’ meant that information from any source, particularly from someone just returned from St. Germain, would be taken very seriously.

It was during this period that Simon Fraser emerged as the unlikely saviour of the Court interest in Scotland. Fraser had proclaimed ‘James VIII’ in 1702 on the death of William II. After the ‘Queensberry Plot’ he was imprisoned in France for ten years. He gained the title of Lord Lovat after supporting the government in 1715, hardly the actions of the ‘patriot’ Pittock described. His intrigues finally led to his execution in London in 1747.<sup>54</sup> Fraser was a complex man. He was also brave (as his behaviour at his execution showed), but he was driven by the desire to establish himself at the head of the Fraser family at any cost. He was shrewd enough to understand that if he could serve the Court he could fulfil his ambition to

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<sup>48</sup> NLS. MSS. 1031 (Hamilton), f. 223. Hamilton to Selkirk, 21 April 1703. ‘The proclamation for the parliament meeting on the 6 of May and the gracious indemnity was proclaimed with great solemnity on [Tuesday]’.

<sup>49</sup> Burnet. *History of his own Time*, VII, p. 20.

<sup>50</sup> Rosebery. Ry. 1. 2. 127 (9): Drum MSS, Vol. 128, f. 31. Hedges to Queensberry, 20 May 1702.

<sup>51</sup> A point conceded by Ferguson., *Scotland’s Relations with England*, p. 215.

<sup>52</sup> Rosebery. Ry. 1. 2. 127 (9). *Papers about the Lord Belhaven*, London 9 May 1702.

<sup>53</sup> Drum. MSS. Vol. 131, Index, p. 55. London 21 May 1702.

<sup>54</sup> Ibid.



become ‘the greatest Lord Lovat ever’ and never to ‘quit my Birth-Right’.<sup>55</sup> Fraser was certainly confident, and in his correspondence Queensberry and Argyll were described as ‘his Great friends’, whereas lesser mortals were addressed with the less circumspect ‘my Dear’. He reserved particular venom for his perceived enemies as the following comment on Sir John Maclean shows, ‘I hear that Sir John Maclean and the Bitch his Wife, or his Whore, which you please is come to London’.<sup>56</sup> Having been pardoned for treason (but not the rape of Atholl’s sister) by William II, Fraser then sought to either make his peace with Atholl, and if not, at least to ruin him.<sup>57</sup> Fraser obtained a commission from both the Court of St. Germaines, and the French Court, through the intervention of the Popes Nuncio (Cardinal Gualtiero), to come to Scotland to assess the potential for an armed rebellion.<sup>58</sup> He arrived in Scotland accompanied by two companions who were appointed by the Court of St. Germaines to scrutinise Fraser’s activities.<sup>59</sup> The St. Court of St. Germaines had sensibly chosen to withhold full support for Fraser until he proved himself.<sup>60</sup> Fraser was able to move about the Highlands with relative ease. Despite his reputation, apparently Fraser still had ‘adherents’ in Scotland who were ‘pretty numerous’.<sup>61</sup>

Queensberry was still struggling with the disastrous parliamentary session of 1703, and at this time he was unaware of Fraser’s activities.<sup>62</sup> It was now that

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<sup>55</sup> Rosebery. Ry. 1. 2. 127 (90). *To the Honoured Alexander Fraser, Younger of Culduthel* 17 December, 1703: *letter to the Honourable, all the Gentlemen of the name of Fraser, of the Lord Lovat’s Family*, 14 December, Rotterdam, 1704.

<sup>56</sup> NLS. MS. 10335 (Scotch Plot), f. 9. *Original Letters addressed to Mr Thomas Clark, To William Smith at the Marine Coffee House, Rotterdam*, December 14 1704.

<sup>57</sup> Rosebery. Ry. 1. 5. 299. *Genuine Memoirs of the Life of Simon Fraser of Lovat*: NLS. Ry. 1. 2. 127., *Original Papers*: Szechi. ed., *Scotland’s Ruine*, pp. 48-68.

<sup>58</sup> Rosebery. 1. 2. 127. *Original Papers*.

<sup>59</sup> Captain John Murray and Captain James Graham. Drum. MSS, Vol. 128, ff. 31-45. December 1703.

<sup>60</sup> Rosebery. Ry. 1. 2. 127. *Original Papers*.

<sup>61</sup> Szechi. ed., *Scotland’s Ruine*, p. 50.

<sup>62</sup> Drum. MSS, Vol. 119. Godolphin to Queensberry, 15 July 1703.



Fraser surfaced in Edinburgh and was introduced to Queensberry through the intervention of Leven and the Argyll.<sup>63</sup> Fraser then spent some 'two or three hours' relating stories of Jacobite intrigues to Queensberry.<sup>64</sup> Irrespective of his own feelings about Fraser, Queensberry could not risk upsetting Argyll if he was to have any hope of restoring management of the parliament to a level acceptable to the queen. Neither did Queensberry know of Fraser's attempts to make his peace with Atholl.<sup>65</sup> Prior to writing to the queen on the subject of Fraser's information, Queensberry had received the following Letter from Daniel Finch, Earl of Nottingham:

Some letters which had been send to Edinburgh under Cover to Mr David Lindsay were given to me by Mr Nairne and I send them to Dr Wallis in hopes that he might have been able to have deciphered them: but he failed in it and returned them to me again with some remarks only of what he could pick out of them he says that there seems to be a design of some insurrection in Scotland as there is in the Cevennes and that there is a computation of that money of Flanders compared with that of Scotland viz how much 100000 lib scotch will amount to in that of Flanders which seems to make it more probable that there is something of truth in the letter I sent to your Grace on the 22<sup>nd</sup> of July last than could at first be imagined and that tis very fit to enquire what remittances have lately been made to Scotland and Ti's certainly very necessary if a strict search should be made for these. David Lindsay who can discover the meaning of these letters and the persons to whom they are directed by the figures.<sup>66</sup>

That letter may in fact refer to a suggestion made by Colonel Hooke to the French Court, that '100,000 Francs' would buy the votes of burgh commissioners in Scotland, who would then be expected to support the succession of the Prince of

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<sup>63</sup> David Melville third Earl: Rosebery. Ry. 1. 2. 127 (90). *Colin Campbell's Declaration*, 24 December 1703.

<sup>64</sup> Drum. MSS, Vol. 128, f. 34. Memorial to the Queen, 11 August 1703.

<sup>65</sup> NLS. MS 10335 (Scotch Plot), f. 13. Intercepted Letters, remarks.

<sup>66</sup> Drum. MSS, Vol. 117, f. 1. Nottingham, to Queensberry, August 1703: The letters sent to Dr Wallis are described as 'the Gibberish letters' in NLS, Ry. 1. 2. 127.

Wales following the death of the Queen.<sup>67</sup> In response to this information, Queensberry wrote to the Queen on 11 August 1703, probably just after receiving the above letter. The information he was getting seemed to fit with information sent in the earlier letter by Hedges on 9 July 1703.<sup>68</sup> The key sentence in Queensberry's memorial was 'God knows whether the story be true or false, but my author is a Man of that Quality and integrity, that I do assure your Majesty, there's neither Mistake or Trick on his Part'.<sup>69</sup>

If there was one sentence that ensured Queensberry's fall from favour it was the latter. Fraser, in the opinion of few who crossed him, was considered to be a man 'of Quality and integrity'. Queensberry seemed to be more sensible in his appraisal of the worth of Fraser's information in the same letter. Queensberry then said 'God knows whether this story be good coin or counterfeit, I shall not answer'.<sup>70</sup> That comment had it stood alone may have removed the suspicion that Queensberry had masterminded a sham plot. In hindsight, it is easy to say he should not have trusted Fraser (much as Ferguson argued). However, Ferguson also argued Queensberry had a duty to investigate the matter. Ferguson also implied that Queensberry kept Atholl and Hamilton in the dark about the allegations made against them.<sup>71</sup> Clearly it is nonsense to suggest that the main suspects in an investigation of this kind should have been informed of suspicions prior to the conclusion of the investigation.

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<sup>67</sup> Lenman, B. P & Gibson, J. S., *The Jacobite Threat. Rebellion and Conspiracy 1688-1759. England, Ireland, Scotland and France. A source Book* (Edinburgh, 1990), pp. 86-88.

<sup>68</sup> Drum. MSS, Vol. 119. Mr. Stanhope to Mr. Secretary Hedges, 9 July 1703.

<sup>69</sup> Rosebery. Ry. 1. 2. 127. *Extract of the Duke of Queensberry's Letter to the Queen dated 11 August 1703*. Several copies of this letter are in Drum. MSS. Vol. 128.

<sup>70</sup> Ibid.

<sup>71</sup> Ferguson., *Scotland's Relations with England*, pp. 214-216.



Ferguson's puzzlement at Queensberry's actions was reinforced by the inclusion of Atholl and Hamilton in the plot. There are some grounds for his comment on Atholl, but Queensberry had information in July 1703 (before he met Fraser) of money being sent to Jacobites in Scotland, and Hamilton was specifically mentioned in that correspondence:

There is something pernicious to the Queen and her Government working in England Scotland and Ireland, for here are great remittances of money from Paris and from Lisle to the Duke of Hamilton 50 pistoles to Sir Robert Hamilton with 25 pistoles to William Worth Esq 20 pistoles, there to latter in Ireland, most of this money is already drawn for this money has passed through many hands, to appear in this would ruin me and my partners, however I thought it my duty.<sup>72</sup>

Whoever was High Commissioner would have had to treat such information with some degree of seriousness, whatever his own reservations. Jacobite opposers, made up of supporters of the exiled Stuarts (their basic ideology was rooted to the concept of hereditary kingship), allied themselves to the Country party, who sought to retain the independence of Scotland's parliament by ensuring the confirmation and refinement of the idea of a contractual monarchy (some, including Saltoun, would have accepted a federal union with England with limitations, and trade as the main element).<sup>73</sup> Chancellor Seafield warned that 'they will have a strong party' in the following session.<sup>74</sup> This climate promoted the fear that the opposition commissioners actions in parliament would lead to 'division and separation of her Majesty's kingdoms'. As Macinnes described it, Jacobites were intent on 'amending the political direction of Scotland', whereas after 1707 they were striving to 'retain a political identity' [with respect to Scotland].<sup>75</sup> The inclusion of Roxburgh's clause (16 July) into the proposed act of security created genuine fear that the Prince of Wales could be induced to turn Protestant and emerge as

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<sup>72</sup> Drum. MSS, Vol. 119. *Copy of a Letter from an unknown hand to Wm Stanhope*. June 1703.

<sup>73</sup> Macinnes, A. I., *Clanship, Commerce and the House of Stuart 1603-1788* (East Lothian, 1996), p. 188.

<sup>74</sup> Drum. MSS, Vol. 116, f. 67. Seafield to Queensberry, Edinburgh, 6 April 1703.

<sup>75</sup> Macinnes, A. I., 'Jacobitism', in Wormwald, J., *Scotland Revisited* (London, 1991), p. 132.



successor in Scotland.<sup>76</sup> In fact, Lord Belhaven presented that very option at St. Germain in 1702.<sup>77</sup> At this point the fear of Jacobite success in overturning the Revolution of 1688 was very real. Queensberry's actions, as a consequence, were in keeping with his Commission to defend Scotland, and his principles as a party leader who was 'firm for the revolution'.<sup>78</sup> Even if Ferguson did question Queensberry's principles, the core of Queensberry's party accepted his leadership on the basis of the latter perceptions.<sup>79</sup>

The accusations made against Atholl and Hamilton would have not surprised many contemporary politicians. The mystery is that they should they be much of a surprise to Ferguson and Riley. Hamilton's actions in 1705 and 1706 showed (as Ferguson admitted) a willingness to lay out his stall to St. Germain to see what was on offer.<sup>80</sup> It was hardly 'madness' then that led Queensberry to view Hamilton with some suspicion, but rather knowledge about his actions, both within, and outside parliament.<sup>81</sup> What is also omitted from Ferguson's work is any mention of the fact that Hamilton could have let the High Commissioner, or the queen know that St. Germain had been making approaches to him, and in law he may have had a duty to do so.<sup>82</sup> Such actions would have removed any suspicion from him. Hamilton admitted privately to such correspondence at the time of the plot, although he rejected the advances made to him because he felt the Cavalier party had previously snubbed him.<sup>83</sup> Several witnesses (including Sir John Mclean

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<sup>76</sup> Roxburgh's clause stipulated that on Anne's death the successor named by the Scottish parliament should not be the same as in England unless there was a treaty for free trade between Scotland and England in place

<sup>77</sup> Rosebery. Ry. 1. 2. 127. *Papers about the Lord Belhaven*, London, 9 May 1702, pp. 19-22.

<sup>78</sup> Drum. MSS, Vol. 128, f. 74. Comments on the Parliament, July-August 1704.

<sup>79</sup> Ibid.

<sup>80</sup> Ferguson., *Scotland's Relations with England*, p. 189.

<sup>81</sup> Drum. MSS, Vol. 111. Queensberry had been ordered to investigate Hamilton [Earl of Arran at the time] and his father [William, third Duke] during the reign of William II.

<sup>82</sup> Rosebery. Ry. 1. 2. 127. *Original Papers*.

<sup>83</sup> NLS. MS. 14414 (Yester), f. 197. Hamilton, Kenill, 5 November 1703.



and David Lindsey) called in the investigations following the plot confirmed that Hamilton was seen by St. Germain as the best choice to lead Jacobite forces in Scotland.<sup>84</sup> What was also underplayed by Ferguson and Riley is the evidence of Jacobite intrigues prior to the autumn of 1703.<sup>85</sup> By omitting that evidence the context of the 'Scotch Plot' is missed and it is easier to argue Queensberry plucked the plot out of thin air.

To be fair, there is less evidence that Atholl would have had any truck with Jacobite plots, and Queensberry should perhaps have been more cautious in putting forward Atholl's name. Atholl was not much of a threat to Queensberry in any case. His primary concerns were to lord it over the Highlands, and gain his title as first Duke.<sup>86</sup> There is also an unequivocal accusation made against Hamilton that he intended to break the parliament. Supporters of Atholl and Hamilton were at some pains to discredit this claim.<sup>87</sup> This accusation was an integral part of Queensberry's charge against the two of them. It was not just Queensberry who mistrusted them and his successor as High Commissioner for the parliamentary session of 1704 (the Marquis of Tweeddale) conceded that Hamilton (and Queensberry by this time) was making such an attempt.<sup>88</sup> Hamilton himself was aware of the allegation before Fraser met with Queensberry, and he stated 'it were better the parliament were broke without one [a cess being approved] than have it granted'.<sup>89</sup> There is little doubt that at least some of the charges against Hamilton stand up to scrutiny. However 'breaking a parliament' is hardly treason, although this event was believed by Queensberry to be the precursor to an armed rising.

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<sup>84</sup> Rosebery. Ry. 1. 2. 127 (9). *Papers related to the Scotch Plot*. JHL: 17, pp. 447-453.

<sup>85</sup> CSP. Dom, II, p. 53. Hedges to Queensberry, 20 July 1703. 'I send information [also sent to Sir Henry Furnace] It may serve to make a discovery of such practice...

<sup>86</sup> Drum. MSS, Vol. 126. Queensberry to Godolphin, before June 1703.

<sup>87</sup> Rosebery. Ry. 1. 2. 127 (9). *Comments on the Plot*.

<sup>88</sup> NLS. MS. 14416 (Yester), f. 26. To Mr. Wedderburn, 14 July 1704 (Tweeddale, Secretary Johnston, and Jerviswood defended Atholl and Hamilton): Rosebery. Ry. 1. 2. 127. Offers a long defence of Hamilton from an anonymous Country Party supporter, pp. 32-88.

<sup>89</sup> NLS. MS. 1031 (Hamilton), f. 203. Tweeddale, 10 July 1703.



Much of the substance of allegations of a sham plot relies on the fact that Queensberry told the Queen ‘I am not allowed to name either the Gentlemen that came from France or the friend that met with him’.<sup>90</sup> However, there was enough information in his letter for anyone who cared to make a little effort to identify Fraser as the man ‘who was under the lash of the law here’ and ‘trying his fortune at the French Court’.<sup>91</sup> Bishop Burnet also argued that ‘the Queen did not ask his name, but had more regard to what he said because in the main it agreed with the intelligence that her Ministers had from their spies in Paris’.<sup>92</sup> The Queen could also have insisted that Queensberry named his informant, and had she demanded it he could not have refused her. The correspondence from Hedges and Stanhope seems to confirm the statement made above by Burnet. The accusations made against Hamilton and Atholl in that letter are open to interpretation, and they generally reflect the opinions of Fraser, or the Court of St. Germain, rather than Queensberry.<sup>93</sup> Both Ferguson and Scott ignored this fact. Scott cited part of the Queensberry memorial. It is clear that it does not in fact ‘name every politician of note’ in Scotland as Jacobite.<sup>94</sup> Apart from Hamilton, Atholl, and Ludovick Grant of that ilk, and Fruchie, there are no other significant ‘persons of note’ accused of any major intrigues. There is a convincing case to be made that Hamilton could not be trusted, and he was capable of provoking an insurrection. Hamilton was equally mistrusted by St. Germain and some at that Court favoured William Keith, Earl Marischal, or the Charles, Earl of Home to do their business in Scotland.<sup>95</sup>

The specific allegation made in Queensberry’s memorial to the Queen was that the Hamilton ‘was by all means to obstruct the Queens business and if possible

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<sup>90</sup> Drum. MSS, Vol. 128, f. 34. Memorial to the Queen, 11 August 1703.

<sup>91</sup> Ibid.

<sup>92</sup> *Burnet*. VII, p. 23.

<sup>93</sup> Drum. MSS, Vol. 128, f. 34. Memorial to the Queen, 11 August 1703.

<sup>94</sup> Scott., *Andrew Fletcher and the Treaty of Union*, pp. 106-109; JHL: 17, pp. 447-453.

<sup>95</sup> Drum. MSS, Vol. 128, f. 34. Memorial to the Queen, 11 August 1703.



break up the parliament'.<sup>96</sup> It is simple enough to judge whether Hamilton was in honest opposition or not. Even a cursory glance at his letters shows his contempt for people he was meant to be leading in opposition to the Court.<sup>97</sup> There is hardly room for doubt that that he was capable of mischief. It was Hamilton's actions in the preceding session of parliament that contributed significantly to the difficulties the Court were having passing legislation, or collecting taxes. Queensberry also included a letter from Brigadier Maitland with his Memorial, which stated 'the Laird of Grant had ordered six hundred of his best men to be readiness with arms and clothed with one sort of colour of tartan in the beginning of August'.<sup>98</sup> There is no doubt some event of this sort was planned, but excused away by supporters of Hamilton and Atholl as 'a Hunting Party'.<sup>99</sup> 'Hunting party' or not, what really seemed to convince Queensberry of plotting was the above information, and the fact that he felt 'it is also observable that several who came into this parliament with good professions to serve her Majesty have of late notably changed sides'.<sup>100</sup> Queensberry then sought advice from the queen on whether he 'should countenance and encourage this gentlemen, or not' (Fraser).<sup>101</sup>

There is little evidence in Queensberry's memorial that leads to the conclusion that he was at this point constructing a sham plot. Mention of Atholl, for example, was made with respect to an invitation to the above-mentioned 'Hunting Party'.<sup>102</sup> Ferguson's assertion that Queensberry, on the basis of the information Fraser provided, named 'almost every politician of note in Scotland' is unsupported by

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<sup>96</sup> Ibid. the Earl Marischal, and Earl of Home are mentioned in Queensberry's Memorial only as alternative candidates by St. Germain's for leadership of the Jacobites and the Memorial does not contain any specific allegation against them.

<sup>97</sup> Rosebery. Ry. 1. 2. 127 (9). There is a long defence of Hamilton based on his 'Presbyterian credentials', pp. 7-84.

<sup>98</sup> NLS. 14414 (Yester), f. 187. Maitland to Queensberry, 23 July 1703.

<sup>99</sup> Rosebery. Ry. 1. 2. 127 (9). *Comments of the Plot*.

<sup>100</sup> Drum. MSS, Vol. 128, f. 34. Memorial to the Queen on the plot, August 1703.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.



either footnote or any apparent reference to what Queensberry reported of Fraser's conversation with him.<sup>103</sup> A handful of minor political figures were included in Queensberry's missive. Belhaven, for example, had been the subject of investigations in 1702.<sup>104</sup> Belhaven's later requests for access to the papers on the plot may have been self-defeating, as he figured prominently in the 1702 investigations.<sup>105</sup> It is also clear from the available evidence that Fraser admitted he could not entice the Earl of Breadalbane and others into his scheme.<sup>106</sup> Queensberry also had a report that at least twenty-one other (unnamed) members of the nobility actively opposed him.<sup>107</sup> The same note also gave a figure of thirty-three Barons who also opposed him.<sup>108</sup> Given that level of opposition to his ministry, the lack of other named persons suggests he was acting on information specific to individuals he had evidence about, rather than attempting to accuse all and sundry of treason. It may be the case that Ferguson and Scott have confused Queensberry's allegations with the other evidence used by the English ministry and the Scottish Privy Council to force Highland chiefs to submit to the succession based on evidence from Fraser's correspondence from Holland in 1704.<sup>109</sup>

Had the matter been left at this juncture there may have been some investigation which would have probably led to nothing more than keeping an eye on the two men. Atholl and Hamilton as major political figures in Scotland would probably not have been prosecuted in any case. Others were implicated in the plot, but only after Fraser returned to the continent. Meanwhile, Queensberry was getting encouragement for his actions from his supporters. One (unnamed)

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<sup>103</sup> Ferguson., *Scotland's Relations with England*, p. 215.

<sup>104</sup> Rosebery. Ry. 1. 2. 127., *Original Papers*: Drum MSS, Vol. 128, f. 37. Memorandum 20 May 1702.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Drum. MS. Bundle 1128. Letter to Queensberry, 1703: Note, no date. A List of names and votes for and against 1703-4.

<sup>109</sup> Drum. MSS, Vol. 128, f. 37. List of Highland Chiefs June 1703.



supporter serving in the army wrote ‘I should be glad to hear what diligence yet concerning the projects you hear are turning at St. Germain and Versailles’, and ‘I shall take care to put our Army in the best order I can’.<sup>110</sup> Queensberry was warned by the Earl of Glasgow, that given the prominence of Atholl and Hamilton, reliance on Fraser’s evidence alone would be unlikely to be successful.<sup>111</sup> Trapped somewhat between the need to find useful information without relying completely on Fraser (and the need to keep Argyll, Leven, and others within his interest) Queensberry chose what probably seemed to him to be the best course of action. Rather than sending Fraser to London, Queensberry sent him back to St. Germain to force him to produce more evidence (with the approval of the English Secretary of State, Daniel Finch, Earl of Nottingham).<sup>112</sup> Whether Fraser could have confirmed Queensberry’s allegations or not is a question that cannot be answered as Robert Ferguson exposed the plot to Atholl before Queensberry had much more information.<sup>113</sup>

It was Fraser’s trip back to France that was the catalyst for the storm that now broke over Queensberry. Fraser initially settled in Rotterdam, and he set up a correspondence with Robert Ferguson, David Lindsey, Thomas Clark, and others in England and Scotland.<sup>114</sup> In order to do this Queensberry gave him money and a pass signed by Nottingham.<sup>115</sup> For Queensberry to gain any use from Fraser he had to hope that he would come up with some evidence. Fraser safely ensconced in Rotterdam led Queensberry to believe that evidence would be forthcoming:

What I told you of our Chief Scots Ministers having Correspondence with France is true. I had it confirmed to me by one of Ta [sic], [probably Tarbat]. His own relations who are employed at Ambassage, he told me plainly that

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<sup>110</sup> Drum. MSS, Vol. 119. Letter from Kilkenny, 7 September 1703.

<sup>111</sup> Drum. MSS, Vol. 128, f. 37. Memorial, 3 February 1704.

<sup>112</sup> Rosebery. Ry. 1. 2. 127 (9). *Original Papers*.

<sup>113</sup> *Ibid.*

<sup>114</sup> NLS. MS. 10335, f. 5. *Original Letters on the Plot*.

<sup>115</sup> Rosebery. Ry. 1. 2. 127 (9). *Nottingham’s declaration*: JHL: 17, pp. 447-453.

Atholl and Tarbat were revolved to call home the King. He having discovered himself to be a Jacobite: I convinced him I was one too...<sup>116</sup>

Fraser's correspondence to and from Rotterdam would come to represent the substantive evidence in future investigations into the plot. Queensberry was now left with little to back up the allegations made in his memorial of the 11 August. He wrote again to the Queen on the 15 and 25 September 1703 confirming his continuing investigations, but making no mention of Fraser, or his trip to Rotterdam.<sup>117</sup>

Fraser would provide the means of turning the plot from a Jacobite conspiracy into accusations of a sham plot. Fraser also needed real evidence if he was to have any hope of gaining his own private ends. He continued to correspond with Robert Ferguson, among others. 'Plotter Ferguson', who knew Fraser was not acting for the Jacobite interest, then passed this information on to Atholl.<sup>118</sup> Up to this point there was some evidence that some minor political figures had corresponded with St. Germain (Belhaven and Ludovic Grant of that ilk). Atholl then raised the issue (November 1703) with the Queen, and his attack was specifically against Queensberry.<sup>119</sup> That attack would provide one element of the plot. The other was that Queensberry was now using evidence from Fraser to get the Privy Council to put forward plans to deal with Jacobite support in the Highlands.<sup>120</sup> The Highlands were to be put into the hands of 'Breadalbane, Atholl, and Tarbat'.<sup>121</sup> He also now

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<sup>116</sup> Rosebery. Ry. 1. 2. 127 (9). *Original Papers*. Simon Fraser to Queensberry, from Rotterdam, July 1704.

<sup>117</sup> *Ibid.* Queensberry to the Queen, 25 September 1703.

<sup>118</sup> *Ibid.*

<sup>119</sup> NLS. MS. 14416 (Yester), f. 8. To Atholl, 16 November 1703.

<sup>120</sup> Drum. MSS, Vol. 119. Edinburgh, 15 October 1703: Pc. 1, ACTA, 6 January 1704. Queensberry had significant influence in the Privy Council with Mar, Glasgow, Rosebery, March, Leven and Argyll all sitting from 1703-4.

<sup>121</sup> Drum. MSS, Vol. 119. Queensberry, Edinburgh, 15 October 1703.



knew that he could not condone Fraser's conduct, as a petition was presented to the Privy Council from Lady Emilia describing Fraser's crimes.<sup>122</sup>

The plans to subjugate the Highlands had been in place before Queensberry met with Fraser.<sup>123</sup> Cromartie later used the exposure of the plot to allow plans to be made to disband the independent highland company and send '2 or 3 hundred soldiers north of the Tay...in two or three divisions' as it was suspected that there was a real threat against the government.<sup>124</sup> There is little doubt that sham plot or not, the fear of an insurrection was being promoted in the Privy Council. General George Ramsey expressed fears over this plan (first promoted earlier in 1703, and then revised after the plot by Cromartie) as he feared 'it will cause opposition to increase'.<sup>125</sup> Ramsey wrote again in a similar vein on 6 January 1704 because Cromartie wanted to send 'two or three hundred men to Inverlochy'.<sup>126</sup> On the same day, the Privy Council met to draft a memorial on 'charges to be given to the Chieftains of clans and others, and the bonds required of them', other voices also expressed similar concern over these actions.<sup>127</sup> The threat to the Hanoverian succession was also raised again:

There is nothing I am worse at than writing of news. However not only the report, but some say pregnant documents found out all is well here as at Court, warrants people to say that a formed design of an insurrection in Scotland... The Highland Association lastly subscribed was in reference to the standing by a Successor separate from that of England, yet it is now discovered to have a tendency towards the owning of a new sovereign from France'<sup>128</sup>.

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<sup>122</sup> Pc. 1, ACTA. 4 September 1703.

<sup>123</sup> Drum. MSS, Vol. 116, f. 61. George Ramsey to Queensberry, 6 January 1703.

<sup>124</sup> Drum. MSS, Vol. 119. Cromartie to Queensberry, 31 December 1703.

<sup>125</sup> Drum. MSS, Vol. 116, f. 61. George Ramsey to Queensberry, 6 January 1703.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid. Gilbert Elliot to Queensberry, 6 January 1704: Pc. 1, ACTA. 1 January 1704.

<sup>128</sup> Warrand, D. ed., *More Culloden Papers 1626-1704*, I (Inverness, 1923), p. 282, 1 March 1704.

Highland chiefs were to be called to Edinburgh and expected (as at the time of Glencoe) to swear their loyalty to the Crown.<sup>129</sup> Even the ‘honest’ Tweeddale justified an opposition clause on arming the Country on the following grounds:

Though it looked strange at first appearance, but it is considered that the body of those averse to the Succession as the Highlands and North are already armed, and if they were not armed, arms would be sent there by their friends across the sea’.<sup>130</sup>

Queensberry may have had another motive for these actions. The comment below suggests he may have been trying to confirm his reputation as a defender of the Revolution. Hamilton certainly thought so in a letter to his mother (Duchess Anne) ‘now the Presbyterians are as zealous for [the] Duke of Queensberry as if he had been one of the first reformers’.<sup>131</sup> The Queen had also sanctioned action to ‘keep the peace in the highlands despite her opinion of Queensberry’.<sup>132</sup>

Clearly it was fine for Tweeddale to use evidence of Jacobite intrigue to put down dissent in the Highlands, whilst at the same time demanding investigations into Queensberry’s use of such evidence. Even at the beginning of Tweeddale’s ministry, the queen was still stressing to the Scottish parliament that ‘divisions have proceeded to such a height as to prove encouragement to our enemies beyond the sea’.<sup>133</sup> There was also further evidence of a threat from the North when a mob of three hundred or so Jacobites attacked a presbytery at Dingwall in the Highlands and turned out the minister, whilst calling for the return of the Pretender.<sup>134</sup> Either the plot was patent nonsense, and there was no real Jacobite threat, or there was a valid concern. At the very least Ferguson’s appraisal of the Marquis of Tweeddale

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<sup>129</sup> Drum. MSS, Vol. 128, ff. 34-42. Comments: Vol. 119. Queensberry, 6 January 1704.

<sup>130</sup> NLS. MS. 14416 (Yester), f. 34. Memorial to the Queen, 26 July 1704.

<sup>131</sup> NAS. GD406/1/7919 (Hamilton). Hamilton to Duchess Anne, 16 March 1704.

<sup>132</sup> Pc. 1. ACTA. 4 January 1704.

<sup>133</sup> *Seafield*, p. 145. To the Parliament of Scotland, 21 June 1704.

<sup>134</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, Edinburgh 18 March 1704.



needs some revision. Tweeddale was prepared to consent to the actions described above with respect to the Highlands, as much as Queensberry was. He was also prepared to let Captain Green and the crew of the English ship the Worcester be used as sacrificial lambs in 1705 on evidence far less substantial than that of the plot.<sup>135</sup> This was something that even Queensberry hesitated at doing because ‘after a reprieve, execution is still possible, but a reprieve cannot be granted after an execution’.<sup>136</sup> What compounded Queensberry’s problems in trying to deal with these issues was the death of the first Duke of Argyll (20 September 1703). This left a major element of his support in disarray, and the loss of such an influential supporter was particularly damaging to him. Events were very much out of Queensberry’s hands, and he could do nothing for the moment but lie low. It was left to the Earl of Glasgow to mount a defence of him in the Privy Council.<sup>137</sup> He would have taken some comfort in the support he was receiving in England from the ‘whig Lords’.<sup>138</sup>

What is also absent from discussions of the plot (despite Ferguson’s work on the Tweeddale ministry) is the clumsy attempt by the New Party to undermine Queensberry by using David Baillie of Jarviswood as a provocateur.<sup>139</sup> The New Party applied pressure by getting Baillie (whom Lockhart describes as a near relation of George Baillie of Jarviswood) to write a letter accusing Queensberry of trying to threaten him into colluding in a sham plot.<sup>140</sup> In Scotland it was David Baillie who came under investigation.<sup>141</sup> The unfortunate Baillie was tried and found guilty, and put in the pillory. Eventually he was liberated, and then he went

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<sup>135</sup> Ibid. To Seafield, 24 December 1704.

<sup>136</sup> Drum. MSS, Vol. 128, f. 83. Queensberry, 10 September 1704.

<sup>137</sup> Ibid: Pc. 1, ACTA. 1 February 1704.

<sup>138</sup> NLS. MS. 1445 (Yester), f. 3. Tweeddale to Mr, Johnston, January 1704: JHL: 17, p. 505

<sup>139</sup> Ferguson., *Scotland’s Relations with England*, p. 218.

<sup>140</sup> See, NLS. MS. 1031-1032 (Hamilton), ff. 5-8. Hamilton to Selkirk, 8 February 1704.

<sup>141</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, Edinburgh 12 February 1704.

insane and was hanged for murder.<sup>142</sup> Despite the tragedy of this event, George Lockhart of Carnwath conceded that Baillie had attempted to set up Queensberry.<sup>143</sup> Of the others named by Fraser, only two were prosecuted in England and later pardoned (Sir Colin Campbell and David Lindsay). The queen removed Queensberry from the position of High Commissioner and he was replaced by Tweeddale as High Commissioner for the parliamentary session of 1704. Queensberry was left to lick his wounds. The expectation was that he was unlikely to gain power again.

Although Queensberry was for the moment out of office, and out of favour this did not mean that he had completely lost influence, or effective power. Although Ferguson argued Queensberry was now demoralised, he would now use the time to organise his party in alliance with John Campbell, second Duke of Argyll to the point where ‘nothing could be done in Scotland without him’.<sup>144</sup> Here again, Ferguson’s arguments that Argyll was the dominant politician with respect to his alliance with Queensberry is inaccurate. Although it is correct that Argyll was appointed High Commissioner after Tweeddale, Ferguson failed to understand, as contemporary politicians did, that ‘Queensberry’s party ‘is headed by the Duke of Argyll who begins to take mightily on him assisted by Annandale and Stair’ and his ministry did not solely constitute his own interest.’<sup>145</sup> Their effectiveness can be judged by Tweeddale’s comments below:

So we set about to defeat the design which we soon found we would be able to do, all the Duke [of] Queensberry’s friends and those that had got favours, by his means even those who had joined with all in opposition to the Queen’s measures contriving with using the point, but upon the view to have him, and some others named, as Annandale, Leven and Stairs, which you may judge we

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<sup>142</sup> APS xi, p. 129: GUL. Special collections, BL10-e. 8. *An Account of the Scotch Plot* (London, 1704).

<sup>143</sup> Szechi, ed., *Scotland’s Ruine*, p. 54.

<sup>144</sup> NLS. MS. 14416 (Yester), f. 52. John second Marquis, to Wedderburn, 16 August 1704.

<sup>145</sup> *Ibid*, f. 54. Tweeddale to Wedderburn, 26 August 1704.



could never consent to because of the consequences that might have, both here and there, which you may easily guess, and this carried on by the Duke of Argyll who hath put himself upon the head of the party, this you may be sure broke all our measures, and they are so strong especially among the nobility as to be able to defeat the Duke Hamilton.<sup>146</sup>

A more significant omission from the current historiography of the plot is the absence of a discussion on the impact it had on the following Tweeddale ministry.<sup>147</sup> Tweeddale is presented as an honest but naive politician devoid of motives of enhancing his personal fortune in his quest to resolve the succession issue.<sup>148</sup> This did not prevent him pushing the English ministry for positions for his own family much in the manner of any other politician of the period.<sup>149</sup> Nor did it stop him repeating the allegation that Hamilton and Atholl were out to break the parliament, despite defenders of the latter two Dukes criticising Queensberry for making the same allegation to the Queen.<sup>150</sup> That sort of action would damage the view expressed by Ferguson that Tweeddale was 'honest'.<sup>151</sup> Therefore Tweeddale's personal concerns to increase his family's fortunes are generally absent from the historiography, or are excused away. How else can Queensberry's villainy be compared to the honest politicking of Tweeddale? Queensberry had little reason to trust Tweeddale, given their families opposing positions during the Darien issue, when Queensberry had worked hard for the Court, whilst Tweeddale's father took on the mantle of patriot. If Queensberry was inconsistent, then Tweeddale was equally so.<sup>152</sup>

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<sup>146</sup> Ibid, ff. 47-48, 16 August 1704.

<sup>147</sup> John Hay, second Marquis.

<sup>148</sup> Ferguson., *Scotland's Relations with England*, pp. 217-222.

<sup>149</sup> See, NLS. MS. 14416 (Yester), ff. 30-36. Copy Letters from John second Marquis of Tweeddale, passim.

<sup>150</sup> Ibid, f. 27. To Mr. Wedderburn, 14 July 1704.

<sup>151</sup> Ferguson., *Scotland's Relations with England*, p. 218.

<sup>152</sup> Drum. MSS. Vol. 116, f. 3. Queensberry, Edinburgh 30 April 1700: NLS. 3141, *transcripts*. Carstares to Queensberry, 9 January 1700.



The real impact of the plot was that it left Queensberry relatively unscathed, and concomitantly left Tweeddale with the worst of both worlds. Fears of a Jacobite insurrection had been compounded by the actions of the Scottish parliamentary opposition in 1703, with its threat to withhold taxes, or settle the succession.<sup>153</sup> That issue was still dominant in the minds of supporters of the Hanoverian succession in England and Scotland, and was the subject of a printed defence of that succession in 1704.<sup>154</sup> Tweeddale could not drop any investigation into the events of the plot, even when Seafield cautioned him that raising the issue would ‘divide and weaken the Revolution Party’ who would then make ‘interest with the opposers’ which is exactly what they did.<sup>155</sup> Tweeddale’s friends in England advised him to ‘explicate the infamous Plot’ and ‘put your Nation in a good posture of defence either with respect to invasion or insurrection’.<sup>156</sup> This was something Tweeddale could hardly do without maximising fears of Jacobite intrigue, in other words by lending credibility to the some of the information given with respect to the plot.<sup>157</sup>

In the aftermath and heat of accusation and counter accusation Queensberry received his pension, and he held on to the office of Lord of the Session, despite Seafield’s attempt to remove this office from him (this was despite Seafield’s earlier encouragement to Queensberry to pursue possible plotters).<sup>158</sup> The Queen may have been venomous in her condemnation of him, but she would very quickly be forced to revise her views.<sup>159</sup> Tweeddale was driven to placate the opposition by seeking the papers on the plot from England; in this he was snubbed. Despite assurances that the mood of the queen was to assist in clearing the names of those

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<sup>153</sup> See, JHL: 17, p. 505: CSP. Dom, II, p. 495. Hedges to Queensberry 12 January 1704

<sup>154</sup> Rosebery. Ry. 1 2. 75 (1-2). *A Manifesto asserting and Clearing the Legal Right of the Princess Sophia* (William Rodgers, London 1704).

<sup>155</sup> *Seafield*, pp. 15-16. Edinburgh, 6 July [5] 1704.

<sup>156</sup> NLS. MS. 1445 (Yester), f. 27. Cromartie to Tweeddale 22 June 1704.

<sup>157</sup> NLS. MS. 14416 (Yester), f. 25. Tweeddale to the Treasurer, 8 July 1704.

<sup>158</sup> Drum. MSS. Vol. 128, f. 80. Reports on the Parliament, 18 July 1704.

<sup>159</sup> *Seafield*, p. 159.



accused in the plot, the advice was very different. What was suggested to Tweeddale was a polite 'hands off' the issue. He was even provided with a ready-made excuse in the event of disorder in the Scottish parliament. He was told to put forward the excuse that as matters related to the plot were under legal consideration in England, the papers could not be made available at this time.<sup>160</sup> The facts of the plot are confused by a historiography which lays Queensberry's actions firmly in the realms of madness to consider taking such actions as he did. Understanding the events and consequences of the plot requires an appraisal of the evidence as it was presented to Queensberry. There is also a need to focus of the politics of the day, rather than solely on the character of Fraser. Whatever his past misdeeds, Fraser was just one of many who were willing to renounce their affiliations to St. Germain and embrace the government (the Earl of Balcarras being another).<sup>161</sup> The proof of that argument surely lies in the fact that Fraser gained the title of Lord Lovat after changing sides in 1715.<sup>162</sup> Ferguson also correctly pointed out that many leading political figures in England and Scotland were in secret correspondence with St. Germain.<sup>163</sup> At one point following the plot supporters of the Revolution feared the queen was contemplating acknowledging the Prince of Wales as Successor.<sup>164</sup>

There is substantial evidence that Carstares and Stair played a significant role in encouraging Queensberry to use the evidence presented by Fraser, and Carstares was close enough to the Court, so it is likely they would have been aware of the development of the plot.<sup>165</sup> Fraser had his own motives, which initially were to make his peace with Atholl, and establish himself in Scotland at the head of his

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<sup>160</sup> NLS. MS. 1445 (Yester), f. 50. Wedderburn to Tweeddale, 14 August 1704.

<sup>161</sup> Drum. MSS. Vol. 116, f. 7. Carstares to Queensberry, 5 August 1700.

<sup>162</sup> Rosebery. Ry. 1. 5. 299. *Papers on the Plot*.

<sup>163</sup> Jones, G. H., *The Main Stream of Jacobitism* (Massachusetts, 1954). Jones suggested Marlborough had been in correspondence with St. Germain, p. 2.

<sup>164</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, 11 November 1703.

<sup>165</sup> BA. 5. 4, f. 10. John Fleming to Atholl, 10 December 1704.

house.<sup>166</sup> After being snubbed in his attempts to make his peace with Atholl, he knew he had to produce solid proof of his allegations, if he was then to provide the means of Atholl's downfall. He must also have known that once the plot was exposed his credibility with St. Germain's was ruined. More importantly it served his purpose little to have Queensberry discredited and out of influence with the Court. The House of Lords investigators into the plot understood Fraser's predicament.<sup>167</sup>

By Fraser's Letters to the Duke of Queensberry it is plain that he is out of hands, he repeats what he said formerly and that if he could get his pardon, he might have been willing to have done these services to the Government that he promised the Duke of Queensberry, and that he considers it a great cruelty to put him in the necessity to take another course.<sup>168</sup>

Every plot needs a villain and Queensberry provided that element. That does not necessarily imply that Queensberry was of the same character as Fraser, or knew intimately of Fraser's personal agenda. The problem with focusing solely on Fraser with respect to the plot, as Ferguson does, is that it ignores, or at least, underplays, the real fears of Jacobite insurrection or French invasion that were prevalent at the time. England was engaged in a European war at the time, and a threat to their northern border was unacceptable.

The acceptance of a sham plot did not end fears of Jacobite intrigues. The demands on any High Commissioner, whether it be Queensberry or not was to defend the Revolution, and promote the Hanoverian succession. Queensberry must certainly have known very quickly after September 1703 that Simon Fraser was not going to provide sufficient evidence to take action against Atholl or Hamilton. He would have been better placed had he identified Fraser to the Queen, and then

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<sup>166</sup> Rosebery. Ry. 1. 2. 127. *Papers on the plot.*

<sup>167</sup> JHL: 17, pp. 447-453.

<sup>168</sup> NLS. MS 10335 (Scotch Plot), f. 5. Intercepted Letters, comments.



sought her approval to send him back to France. By omitting to do this he exposed himself to the counter-charge of creating a sham plot. Whatever his other failings, Queensberry's bad judgement does not constitute a venal attempt to destroy 'every politician of note in Scotland'.<sup>169</sup> The following letter also suggests that Queensberry made no allegation specific to the conduct of Atholl and Hamilton when it was not merited:

I have to tell your Lordship that tho' I cannot yet aduce evidence to fix the matter upon any particular man, I am informed there is close correspondence with St. Germain, and that there are projects there to be execute after the campaign against the peace of these nations, and I am told that part of the project is to carry the Queen's person, and carry her to some place where she may be in safe custody, I have said nothing of this to the Queen, lest it should alarm frighten her, but I thought it my duty having heard it to acquaint your Lordship with it, but tho' I cannot answer for the particulars of this project and I hope God almighty shall bless her Majesty and her allies arms with such success it shall disable all her enemies abroad, deter those at home, from disturbing her, I can assure your Lordship that I am well informed that some who are lately come from France when they do speak among their friends they give good grounds to suspect there are such proposals deeply laid, and I have letters from one, that insinuate great confidence and assurance of a sudden change, your Lordship may be assured I shall take all possible pains to let light into this matter.<sup>170</sup>

That letter deals with a very specific plot to attack the Queen. As it was, Atholl survived the plot with little difficulty. He got his title as first Duke, and despite acting as Lord Privy Seal, he continued as he had in the past to stifle the government, the opposition to the government, and the English ministry. As far as Queensberry's allegations relate to the breaking of parliament, Atholl continued with his opposition and there is little difference in the language used with respect to his conduct between what Queensberry alleged in 1703, and what Tweeddale wrote

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<sup>169</sup> Ferguson., *Scotland's Relations with England*, p. 215.

<sup>170</sup> Drum. MSS, Vol. 111. Queensberry, draft memorial, July 1703.

of Atholl in 1704.<sup>171</sup> Hamilton continued as the nominal leader of the opposition and did not seem to be too upset about the plot. He spent his time intimidating the Privy Council during the investigations into David Baillie, and revelling in this role as a popular leader of the mob.<sup>172</sup> His future actions lend credibility to the idea that he would consider joining with St. Germain's. His colluding in the destruction of his own opposition party on 1 September 1705 finally exposed the real character of the man. That view of Hamilton survived the plot and was the subject of the following poem:

Dukes of Atholl and Gordon  
 make agreements in secret,  
 though their names firm in writing,  
 but *Hamilton's* two-faced;  
 but with Brathan his crony,  
 their minds united, to trade in full view  
 crown and sovereign rights.<sup>173</sup>

For Queensberry, the outlook still seemed bleak, but the House of Lords Committee investigating the plot came to the conclusion that there had been a real danger of an insurrection in Scotland.<sup>174</sup> This verdict perhaps reflects a general fear of Jacobite intrigues rather than a conviction that the plot presented a real danger. The comments by English investigators on the contents of the intercepted

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<sup>171</sup> NLS. MS. 14416 (Yester), f. 27. To Mr. Wedderburn, 14 July 1704.

<sup>172</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, 8 February 1704.

<sup>173</sup> Scott, P. H., *Scotland. An Unwon Cause* (Edinburgh 1997), p. 61.

<sup>174</sup> Szechi. ed., *Scotland's Ruine*, pp. 72-76: JHL: 17, pp. 447-543. The Committee were all prominent Whigs, William Cavendish (Duke of Devonshire), Charles Seymour (Duke of Somerset), John (Baron) Somers, Robert Spencer (Earl of Sunderland), Charles Townshend, Thomas Wharton (Baron)



correspondence of Fraser for the most part read ‘nothing remarkable’.<sup>175</sup> The caveat to the investigation of the latter letters was in Queensberry’s favour:

It is to be remembered that whatever Fraser said to the duke of Queensberry and Argyll, and the earl of Leven, he named the same persons and said several things more plain to his own confidants of whom he has not the least apprehension, that they should ever reveal what he told them, so that what he told the duke of Queensberry and the other Lords to be revealed were the same things which what he said was either true, or that it did at least arise from himself without prompting or project.<sup>176</sup>

That analysis of the evidence of the plot seems to be pragmatic, and untainted by emotion. It also fits with the evidence presented above. Queensberry handled the ‘Scotch Plot’ badly, but it is unlikely that he embellished the evidence to suit his needs. It was perhaps the case that he had hoped Fraser or others could confirm the evidence he already had. John Churchill, Duke of Marlborough had also received evidence about Hamilton that suggested he was involved in plotting with St. Germain:

...I had occasion to be in the Company of the Earl of Wigtoun a relation of mine and being by ourselves he told me positively, talking of the other years plot, that the Jacobites in this Country designed to rise in armes and that James Murray formerly a Captain of Dragoons and of the French emissaries, spoke seriously to him to follow the Duke of Hamilton as also that his brother Mr Charles Fleming who is a popish was gone to France not a month ago, this is a truth and what I thought my duty to acquaint your Grace of...<sup>177</sup>

Queensberry’s accusations reflected what Fraser had said to him. Those accusations were in keeping with the climate of fear that the Pretender’s best chance of gaining the throne lay in the support of Scottish Jacobites. Key elements of Scott

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<sup>175</sup> NLS. MS. 1035 (Scotch Plot), f. 13. Intercepted Letters on the Plot,

<sup>176</sup> Ibid.

<sup>177</sup> BL. Add. 61136 (Blenheim), f.19. Ramsey to M[arlborough] 16 January 1704/5.

and Riley's arguments on the plot rest on a cursory examination of the evidence, and a failure to deal with the chronology of the events which has led to simplistic conclusions about Queensberry's motives.<sup>178</sup> The significance of Fraser's correspondence from Rotterdam was underplayed, particularly with regard to the attempt by Fraser to make his peace with Atholl. There is also little, if any, acknowledgement of the pressure put on Queensberry from English ministers.<sup>179</sup> Riley's statement that 'No attempt was made to investigate the plot' is demonstrably wrong.<sup>180</sup> The Privy Council did see all the relevant papers, and then sent them to England. No matter how much sympathy there was for Baillie, his conviction was the result of investigations into the plot, as were the moves to suppress the Highlands.<sup>181</sup> The Earl of Cromartie (no friend of Queensberry) knew in December 1703 of Fraser's allegations, and as a Minister of State (he was reluctantly appointed Secretary by Tweeddale) he was sanctioning arrests.<sup>182</sup> This was despite his flirtations with the Cavaliers. He even advised that the matter be kept away from public scrutiny, and be discussed only in private.<sup>183</sup> The major significance of the plot was that it exposed the hatred of Jacobites among a significant part of the population of Scotland. The immediate aftermath was that the queen expected Queensberry to follow the Court policy despite his own, and then his supporters' (Philhaugh and Annandale for example) removal from office. Queensberry's dismissal was justified on the basis of a breach of protocol and accusations of leasing making, which the Queen took a harsh view of.<sup>184</sup> That

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<sup>178</sup> Ferguson., *Scotland's Relation's with England*, pp. 214 -218: Riley., *The Union of 1707*, pp. 68-72.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid, p. 68

<sup>181</sup> Drum. MSS. Vol. 128, ff. 80-83. Interrogation of Neil Macleod, 28 December 1703 Ibid, Edinburgh, 3 February 1704: Ibid. Letter confirming the papers on the Plot have been sent to London: 30 March 1704. A Letter indicating a receipt for the Papers was given to Mr Tucker.

<sup>182</sup> Drum. MSS. Vol. 128, f. 39. List of highland chiefs to come to Edinburgh, March 1704.

<sup>183</sup> Ibid: Ferguson., *Scotland's Relations with England*, pp. 214 -218

<sup>184</sup> APS xi, ironically, it was Queensberry as High Commissioner, who passed an act on leasing - making on 30 June 1703.



judgement seemed to confirm the views of those who wanted to remove him before the plot.<sup>185</sup>

Why Ferguson thought it was strange that Queensberry should then go on to oppose some Court measures is perhaps the only mystery left with respect to the plot. Riley also gave a ready excuse to opposition politicians turned out during the Queensberry ministry as acting with ‘some reasonable ill feelings’ that ‘might reasonably be expected from men recently put out of office’.<sup>186</sup> Why Queensberry should be denied the same ‘ill feeling’ or motivation for acting ‘reasonably’ in opposition after being turned out by the Queen remained unexplained. Queensberry’s motives in the aftermath of the plot can be easily understood. He had to give the Court a demonstration, which clearly pointed out their error in removing him. He had a loyal following, and his friends were determined to revenge themselves (the felt Tweeddale acted from malice having consistently opposed the Court) on the new High Commissioner.<sup>187</sup> This action by Queensberry’s supporters was more understandable, because, as Burnet correctly put it, the Queen’s actions looked as if she was ‘rewarding Atholl and Tarbat for their opposition’.<sup>188</sup> The plot fizzled out with no real conclusion. The Earl of Seafeld commented that ‘all the steps in the matter are discovered and nothing yet appears in it’.<sup>189</sup> For some it seemed to signify the end of Queensberry’s power. The outcry over the plot held the opposition together for a period, but even Hamilton was happy to drop the matter once it was clear they would not be tainted by it, and Atholl was advised that raising the issue again ‘may do him more harm than good’.<sup>190</sup>

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<sup>185</sup> *Burnet*. VII, p. 76.

<sup>186</sup> Riley., ‘The Scottish Parliament of 1703’, p. 133.

<sup>187</sup> Drum. MSS. Vol. 128, f. 78. Comments on parliament 1704.

<sup>188</sup> *Burnet*. VII, p. 24.

<sup>189</sup> Grant. ed., *Seafeld Correspondence*, pp. 371-372.

<sup>190</sup> Drum. MSS. Vol. 128, f. 78. Comments on Parliament [unnamed author], October 1704: BA. 45. 4, f, 119. Patrick Scott to Atholl, 18 March 1704.

Finally, what can be gleaned from the plot is that like politicians past and present, Queensberry used what information he had available to try and defeat his opponents. He believed in the prerogative of the Crown and the confirmation of the Revolution by settling the succession on the House of Hanover. The presence of Jacobite supporters opposing the succession in parliament added to the fear that an insurrection was possible. The Duke of Hamilton in particular was a plausible suspect, and had the information come from anyone other than Fraser, there may have been a willingness to take the information seriously. There has also been a degree of unwillingness by Riley, Scott, and Ferguson to use the available evidence when it supported Queensberry's actions. Seafeld wrote to Queensberry in 1704 with dire warnings of Jacobite intrigue 'there have been some from Scotland with King James...the other party may call this a sham plot but I saw and read every word written'.<sup>191</sup> Seafeld was not known for making wild speculations, and this type of letter was in keeping with those sent to Queensberry before the exposure of Fraser's activities. It was not beyond the means of Queensberry to embellish that information had he chosen to do so. His memorial was less sensational than is portrayed with respect to the plot. It was the lack of information, not the embellishment of it that led to the collapse of the plot. There is no doubt that Queensberry despised Atholl and Hamilton. He would have been happy to see them fall from influence. That measure alone would not have destroyed the opposition to the Court. Hamilton may also have been correct to suggest Queensberry was actively promoting his Revolution credentials once again. In reality the events of the plot caused a major reorganisation of Queensberry's party, and this would lead to his rise to power and eventual success. That rise to power can only be discussed properly by firstly assessing the actions and motives of Queensberry during the subsequent Tweeddale Ministry.

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<sup>191</sup> Drum. MSS. Bundle 1155. Seafeld to Queensberry, August 1704



## V. A quiet diversion with some friends.<sup>1</sup>

Yet such is the Power of Influence and Faction over the Minds of Men once engaged in a Party, that they commonly stick at nothing which they think may support those of their own side and blacken those of the other. That our Courtiers from time to time represented those who opposed their [opinions].<sup>2</sup>

Having been rudely stripped of office, the formation of the Tweeddale ministry in 1704 had a fundamental impact on Queensberry. He was now left without a significant position, and with a substantial interest to support. There was also the added expectation that he would now support the Queen, despite her actions against him and his friends. This decision by the Court could have signalled the end of Queensberry's political career. The Court badly misjudged the consequences of dismissing Queensberry. Instead of damaging him, it led to the strengthening of his influence. Queensberry would from gain in confidence in 1704, and as a consequence, he would demonstrate that he could stop any measure the ministry proposed. Queensberry had been aware that he was likely to be replaced by a High Commissioner who could (in theory) produce a 'broad bottom' ministry, and was therefore thought more likely to carry the policy of the succession.<sup>3</sup> Whatever Queensberry's failings had been, few who had sat in the parliament since the 1702 election would have expected a successful alliance to be built among Cavalier, Countryman, and Courtier. Queensberry was now in no mood to assist the Court, and his party would show that it needed no support from others in parliament to destroy the ministry agenda.

Queensberry had a valid argument when he suggested that the Queen could not hope to carry any business 'employ who she will', as he put it. He was in effect making it plain that he believed having any truck with Countrymen, Cavalier, and New Party reformers would lead to disaster. In those circumstances, he would have

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<sup>1</sup> HMC 60. *Mar and Kellie*, p. 228. Queensberry to Mar, 1 August, 1704.

<sup>2</sup> Rosebery, 1.1.127 (9). *Original Papers*, p. 75.

<sup>3</sup> Drum. MSS. Bundle 1202. Queensberry to Godolphin, 28 October 1703.



no part in any bargain between them.<sup>4</sup> His initial response to his dismissal was mundane, and very human. His response was clearly tinged with an appearance of desperation that is evident in his correspondence to Godolphin.<sup>5</sup> In an attempt to hold on to power he proposed a plan to reintroduce (what would be in effect) a committee of articles:<sup>6</sup>

A Scheme. Wednesday 22 September 1703.

If the Privy Council Officers of State and Session being rightly in order to this, this scheme is offered.

i. That the Council consist of 15 noblemen the 15 ordinary Lords of Session 15 Barons 8 Officers of State and the Provost of Edinburgh for the time.

2. For the right constituting of these his Grace is moved that there should be a seminary.

ii. For the 15 Noblemen Councillors That the whole parliament nominate 30 Noblemen of such who have sat 7 years in parliament, at least from their first sitting-seven years have elapsed, and that after the first three years before which it is intended to take effect. The King or Queen at this time nominate such of the 30 noblemen as have been 3 years in that number, to supply the return of those who shall be removed by death or otherwise, And that after the Queens death failing heirs of her body her Successor shall name the 15 noblemen Commissioners.....

iii. From the 15 ordinary Lords of Session 7 should be Barons.

This scheme was patently unworkable, and it would have threatened his already strained relationship with the old Revolution men who had supported the abolition of the articles in 1690.<sup>7</sup> They had also deeply resented the idea that the 'Episcopal party' should be seen as anything other than 'the Jacobite party', whatever loyalty to the queen they professed.<sup>8</sup> Meanwhile (and behind his back) Godolphin and Seafield were attempting to induce Tweeddale to take on the task of satisfying the queen's wishes.<sup>9</sup> Following the end of the parliamentary session on 16 September, Queensberry was reduced to making demands for his arrears of salary and expenses.<sup>10</sup> The tone of his letters was indignant, and he was incensed that he had

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<sup>4</sup> Drum. MSS. Bundle 1202. To Godolphin, 1 September 1703.

<sup>5</sup> Ibid, 18 September 1703.

<sup>6</sup> Drum. MSS, Vol. 128, f, 70. To the Queen, 22 September 1703.

<sup>7</sup> Ferguson, W., *Scotland's Relations with England. A Survey to 1707* (Edinburgh, 1994), p. 173.

<sup>8</sup> NAS. GD26/13/92-136 (Leven and Melville), f. 124. Memorial, July 1704, no signature.

<sup>9</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry 2 October 1703.

<sup>10</sup> Drum. MSS. Bundle 1202. To Godolphin, 28 October 1703.



been 'got out of government' by people who 'would mislead the Queen'.<sup>11</sup> This was no spiteful salvo designed to cause problems for the Court. He would later be proven to be right about that assertion. Queensberry's hesitancy and uncertainty would not last for long. As Tweeddale prepared to take over the Scottish ministry, he had no idea of the display of power Queensberry would now unleash on him. Hamilton's brother Selkirk got wind of the Tweeddale's intentions for Queensberry, and his comment suggested that Queensberry would be rightly angered, as 'Tweeddale will dismount the Duke of Queensberry and may go to a greater length against him than the English ministry intend'.<sup>12</sup>

Godolphin and Tweeddale may have had some genuine hopes of excluding Queensberry and gaining the Queen's measures, if they really believed the rumours that 'the Duke of Queensberry hath been observed to be wonderfully out of humour'.<sup>13</sup> This comment was clearly an inference that Queensberry may have been losing his confidence. That optimism was counteracted by other rumours that 'Queensberry will go down commissioner...if you [Tweeddale] do not accept'.<sup>14</sup> James 'Secretary' Johnston stretched the credibility of these rumours even further by suggesting to Tweeddale that in the event that Queensberry was returned as High Commissioner, Tweeddale should muster support from the people of Scotland and 'resort to violence' to oppose another Queensberry ministry, despite the reaction that would provoke from England.<sup>15</sup> That advice clearly lay in the realm of madness, and perhaps for Tweeddale's sake, he did not need to consider it as an option. James Graham, fourth Marquis of Montrose also believed Queensberry would be retained because 'he hath been entrusted with a great secret'.<sup>16</sup> Montrose showed caution by arguing that 'no one had more power at Court than

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<sup>11</sup> Ibid.

<sup>12</sup> NAS. GD406/1/5204 (Hamilton). Selkirk to Hamilton, 19 May 1704.

<sup>13</sup> NLS. MS. 1445 (Yester), f. 1. Sir Alexander Bruce to Yester, London, 8 January 1703/4.

<sup>14</sup> Ibid, f. 5. James Johnston to Tweeddale 6 April 1704.

<sup>15</sup> Ibid.

<sup>16</sup> NAS. GD220/5/64A (Montrose). Montrose to Tweeddale, London, 17 December 1703.



Queensberry's friend Stair' (Sir John Dalrymple).<sup>17</sup> Montrose was pessimistic and he still refused to commit to any party. He wrote to Hamilton and stated that he 'was not qualified to comment on this sudden and great change'.<sup>18</sup> Godolphin and Seafield, if they had any real understanding of Queensberry, should have reckoned on the effect of dismissing him on the Earl of Mar, Murray of Philphaugh, Argyll, the Earl of Leven, and his other supporters.

Despite rumours of Queensberry's political demise, and the death of the first Duke of Argyll (20 September 1703), the queen's reluctance to make her intentions known about the Revolution settlement would still provide the basis for Queensberry to regroup his party, and then show his strength in parliament.<sup>19</sup> He had firstly offered the Court proof of the increasing support he was gaining in the hope of retaining his Commission, but this offer had been discarded.<sup>20</sup> There was some credibility to his arguments that he was gaining in influence. Even Sir Alexander Bruce was urging caution on Tweeddale with respect to his treatment of Queensberry.<sup>21</sup> The second Duke of Argyll also made it clear that 'as a revolution man' he would unconditionally support Queensberry. Despite his reputation for bluntness, his tone was cordial and his attitude must have encouraged Queensberry.<sup>22</sup> The only danger for Queensberry was that the Earl of Glasgow was pushing for Argyll's father's old places to be distributed more widely to solidify support among the Revolution men in the party. That tactic was sensible, but it was something Argyll would not tolerate.<sup>23</sup> It was also somewhat ironic that just as Queensberry was losing his position as High Commissioner, Glasgow was also

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<sup>17</sup> Ibid.

<sup>18</sup> NAS. GD406/1/5097 (Hamilton). Montrose to Hamilton, 7 June 1704.

<sup>19</sup> Drum. MSS. Vol. 119. Glasgow to Queensberry, Edinburgh, 11 November 1703.

<sup>20</sup> NLS. MS. 1445 (Yester), f. 5. James Johnston to Tweeddale 6 April 1704.

<sup>21</sup> See previous chapter.

<sup>22</sup> Drum. MSS, Vol. 119. Argyll to Queensberry, from the Hague, 31 October 1703.

<sup>23</sup> Ibid.



working hard to gain Queensberry support among the lay elders of the assembly.<sup>24</sup> Queensberry would also now put the talents of the Earl of Mar to good use.

As a result of the Court dismissing Queensberry, and the consequences of Tweeddale's own behaviour, Queensberry was able to use Tweeddale's ministry as means to both re-establish his own power base, and to teach the queen a lesson on the folly of dismissing him. His friends (Murray of Philphaugh had been Lord Register, and his brother the Earl of March, Governor of Edinburgh castle) stayed loyal to him and acted with remarkable unity during the parliamentary session of 1704. While Queensberry stayed in England, Glasgow and Mar got on with the business of organising and strengthening the Duke's interest for coming parliamentary session.<sup>25</sup> Glasgow advised him to 'encourage and support your friends' whilst making sure that Queensberry had money available to do just that.<sup>26</sup>

Sir William Cunningham of Cunninghamhead 'heir to line of Lord Ruthven' responded with an offer of assistance to Queensberry.<sup>27</sup> Glasgow suggested that Queensberry gain him 'a baron's patent' as a suitable reward.<sup>28</sup> Another person who was identified simply as 'the Doctor [Hamilton]' was offered '6000lib Scots on ten days sight and 1000lib Scots on this Monday night...if he will quit the bargain of Lennox' which the Earl of Montrose wanted to purchase.<sup>29</sup> Montrose had written to Queensberry for support in this matter, and he was seen as the most promising prize for any party. He would eventually spurn the advances of the

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<sup>24</sup> Ibid. Glasgow to Queensberry, Edinburgh 8 March 1704: Ibid, Unknown writer to Queensberry, 18 March 1704. Glasgow was a ruling elder and attended the general assembly on a regular basis.

<sup>25</sup> Drum. MSS, Vol. 128, f. 78. Reports on Parliament, July to August 1704.

<sup>26</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, 23 March 1704.

<sup>27</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry 19 February 1704: Szechi. ed., *Scotland's Ruine*, p. 261. Cunningham was later twelfth Earl of Glencairn. He was named in list of those Lockhart accused of receiving bribes to vote for the union of 1707, see, Szechi. ed., *Scotland's Ruine*, pp. 257-261.

<sup>28</sup> Drum. MSS. Glasgow to Queensberry, 19 February 1704.

<sup>29</sup> Ibid.



Squadron to secure his support, and come to the Court (and the union) under Queensberry's as High Commissioner.<sup>30</sup> Montrose's letter to Tweeddale, at the end of the parliamentary session, more than hinted at his changing loyalties. Although it was cordial enough in some places, he bluntly stated 'I am loath to give any public engagement and more especially to engage in such terms may import a compliance with such measures which I know nothing off'.<sup>31</sup> Obviously Seafield and Godolphin's secrecy surrounding Tweeddale's remit was working against them. Queensberry pretended ignorance of the intentions of Tweeddale in a letter to Mar, but he made it plain to Mar that his friends were now expected to oppose Tweeddale.

I neither know the measures of the new governors, nor is it my business to meddle. What touches nearer is that I believe their chief design, and probably at their first meeting, is to attack particular persons. No doubt you know who these are. In this case the best service our friends can doe is stick together and give and give constant attendance; and if they doe so I can [not] believe that the attempts will be great, or if they should, that they will be able to carry their point. So nothing is so necessary as diligence and union; and if they are disappointed in this, and other matters fail, wee may soon see the face of affaires alter to our advantage. I know yow will you will show this to Loudoun, therefore I will not trouble him with a repetition. Pray let me know freely how those formerly professed kindnesses to me doe now carry.<sup>32</sup>

Despite dismissing Queensberry under the cloud of accusations of creating a sham plot, the Queen was still intimating that there was in fact a real threat of a Jacobite uprising, and the Privy Council issued a decree against the highland chiefs of 4 July 1704.<sup>33</sup> In spite of the concerns of the Queen, the English Court did not

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<sup>30</sup> Ibid. Montrose to Queensberry, 28 February 1704.

<sup>31</sup> NLS. MS. 1445 (Yester), f. 7. Montrose to Tweeddale, 3 November 1704.

<sup>32</sup> HMC 60. *Mar and Kellie*, p. 228. Queensberry to Mar, 1 July 1704.

<sup>33</sup> Pc. 1, ACTA, 4 July 1704. Queensberry was now in London, Buchan and Cromartie regularly acted as Presses in the Council until Atholl and Tweeddale started attending meetings [from July 1704].



want to resurrect fears of Jacobite influence as this would hinder an alliance between the Cavaliers and Tweeddale, but the Queen still wanted to play that card.<sup>34</sup> A proclamation was issued offering a reward to anyone who could ‘discover the Key or Cipher of certain Letters Relating to the Scotch Conspiracy’.<sup>35</sup> The plot also gave the Duke of Hamilton an excuse to try some intimidation by turning up at the Privy Council whilst Baillie was being tried for his part in the plot (during the month of February 1704) with ‘five or six coaches and the noblemen and others in company’.<sup>36</sup> Hamilton seemed to be developing a habit for preferring theatrics over politics of substance. That fear of Jacobite intrigue worked for Queensberry by damping calls from the Cavaliers to open up the plot to further scrutiny.<sup>37</sup>

In general (and before parliamentary session was to meet on 6 July 1704) there was still much bargaining to be done with respect to the organisation of the new ministry. Both Queensberry and the opposition members would now have to resolve their own attitudes to the queen’s demands. That situation would create a strange alliance indeed. Even old Breadalbane, who had been out of politics since the aftermath of Glencoe, was promised that Queensberry ‘would serve him in the old way’ if he would do any service for the Duke.<sup>38</sup> The ‘old way’ as far as Queensberry was concerned was to do as he wished, and take the rewards he offered. Breadalbane responded with a commitment to support Queensberry, whilst he condemned Atholl.<sup>39</sup> The decision taken by Queensberry’s to oppose the Queen was not done lightly and Glasgow summed up the contradictory feelings within his party:

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<sup>34</sup> NLS. MS. 3414, *transcripts*, pp. 261-300. Stair to Queensberry, 17 January 1704.

<sup>35</sup> Drum. MSS, Vol. 22 (Proclamations and State Papers). Proclamation to discover a cipher, 24 February 1704.

<sup>36</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, Edinburgh, 12 February 1704.

<sup>37</sup> *Ibid.* Montrose to Queensberry, 28 February 1704.

<sup>38</sup> NAS. GD112/190/5 (Breadalbane). Earl of Glasgow to Breadalbane, 27 September 1703.

<sup>39</sup> Drum. MSS, Vol. 119. Breadalbane to Queensberry, 29 September 1703



I am sure all this struggle that your Grace and friends are engaged in and difficulty they undergo in her Majesty's interest singly and sincerely [they] will ever hope that her Majesty will acquaint fairly, who from our souls wish her welfare and prosperity, before she commit herself into our opposites hands.<sup>40</sup>

Queensberry's party were having real concerns about their change of tack, and they were not blindly following him, as Riley suggested.<sup>41</sup>

At this point, even the Earl of Roxburgh (nominally a member of the Squadrone, and a close friend of Saltoun), was considering joining with Queensberry, and it was suggested Roxburgh take 'Eglington's place who has great ingratitude to you'.<sup>42</sup> Much of the negotiations between Tweeddale and the English Court were meant to be secret, but there was some knowledge that a new ministry was being constructed under his leadership.<sup>43</sup> By May 1704 it was certain that Queensberry and his interest would be firmly committed to opposing Tweeddale. Queensberry displayed contempt for the new High Commissioner (whose attempts at gaining Queensberry's supporters were answered with the opinion that they 'would see his throat cut').<sup>44</sup> Glasgow in particular must have been angry, as he had been busy successfully gaining support for Queensberry with the impression that the queen would still use his services.<sup>45</sup> Having Secretary Johnston as an advisor to Tweeddale was perhaps the biggest insult to Queensberry, and that action alone ensured his active opposition. His involvement was an affront to Queensberry's previously stated beliefs that only noble families (as Queensberry perceived them to be) should have influence. The Duke of Hamilton also made an attempt to gain the Earl of Mar (whom Lockhart described as 'a man of good sense but bad morals')

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<sup>40</sup> Ibid. Glasgow to Queensberry, 12 February 1704.

<sup>41</sup> Riley., *The Union of England and Scotland*, pp. 94-95.

<sup>42</sup> Drum. MSS. Vol. 119. Glasgow to Queensberry, 29 February 1704: Edinburgh, 1 March 1704, no signature.

<sup>43</sup> Ibid, 17 February 1704: Ibid. Glasgow to Queensberry, 24 February 1704.

<sup>44</sup> Ibid, 21 March 1704: Ibid. Glasgow to Queensberry, 13 May 1704.

<sup>45</sup> Ibid. Glasgow to Queensberry, 18 March 1704.



from Queensberry.<sup>46</sup> Mar, 'bad morals' or not, was important to Queensberry's party. His talent and 'good sense' lay in the 'cunning management of his designs and projects'.<sup>47</sup> That view expressed by Szechi is certainly not an overestimate of Mar's talents.

John Hay, second Marquis of Tweeddale, started his new ministry by confidently dismissing as many Queensberry supporters as he could.<sup>48</sup> The surprising element of that decision was that his own adviser (James Johnston) had warned him in April that 'Queensberry will have all the power succeed' had he regained his Commission.<sup>49</sup> How Tweeddale and Johnston imagined that 'all the power' could be overcome after their own actions is a mystery. Tweeddale had rather naively tried to retain, Mar, Leven, and Philphaugh. Had he succeeded, his optimism for the future of his ministry may have had a more solid foundation, but those men were wholeheartedly committed to Queensberry. To give him the best chance of success, the Queen had allowed Tweeddale the right to offer acts for 'triennial parliaments, and for declaring all farmers or collectors of the revenue incapable in any succeeding parliament of being members of parliament'.<sup>50</sup> Despite his reputation as an honest politician, Tweeddale must have known (and he should have told Godolphin) that this measure would lead to violent opposition to his ministry. The nobility were decidedly touchy about any possibility (however remote) of their rights to heritable jurisdiction, or the collection of taxes being tampered with. Despite his promises to the contrary, he must have been aware from the opening of the session that he could not carry the Cavaliers, who were still violently opposed to the Hanoverian succession. Nor could he separate Queensberry from his supporters, who now felt slighted at Tweeddale's actions

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<sup>46</sup> Szechi. ed., *Scotland's Ruine*, p. 85.

<sup>47</sup> Ibid. This comment was made by Lockhart.

<sup>48</sup> NLS. MS. 7121 (Tweeddale), ff. 22-23. Tweeddale to Godolphin, 30 May 1704

<sup>49</sup> NLS. MS. 1445 (Yester), f. 5. James Johnston to Tweeddale, April 1704.

<sup>50</sup> HMC 14. *Seafield*, p. 195. Anne R. Instructions to our right trusty and wellbeloved cousin and councillor, James Earl of Seafield, 5<sup>th</sup> Day of April 1704.



against their leader.<sup>51</sup> They were also bitterly opposed to ‘a mixed ministry’, which was in their opinion, ‘the only way to ruin the Queen’s interest’.<sup>52</sup> That combination alone meant Tweeddale’s hopes of ‘succeeding to her [Queen Anne] satisfaction’ were ill founded.<sup>53</sup> Before a single resolve was even tabled, it should have been clear to Tweeddale that he could not continue to antagonise Queensberry’s party. He chose to do nothing to avoid that prospect. Queensberry in the meantime had spent time in Bath, before being called to London, along with Atholl to justify his actions before the Queen in relation to the plot.<sup>54</sup> Queensberry had no call to be invited to the Court and he bemoaned that fact, but he ensured his presence would be felt in Scotland. He advised Mar on the management of his party in his absence.

...But I must tell you that since my being dismissed her Majesty’s service I have not been there but once; for first I thought that my going might be considered as if I was either come to insult or to observe what they were doing. On the other hand I thought it might doe prejudice to business with you by giving jealousy to some who you are at present joined with, as if I either had interest or was making mean courtship to bring myself in again, which I never intend to doe. I hear, tho, from some who have often occasion to be at Court that they could not conceal a good deal of dissatisfaction; but our new governors will easily find good reasons for that disappointment; and it is not being very certain how sincere our great people here are in that matter, very plausible pretences may pass for good reasons. But if they fail in the supply it will be a far greater disappointment and it will show to every body the weaknesses of the present undertakers...I think you advised Morton right; but if you have occasion for him afterwards, you need not fear his acting’s can doe prejudice to me, for I have little to manage here. Now, my dear Lord, I shall only add that I am very sensible of your friendship and shall always value myself upon it. When I was in employment I had no other design but what I thought was for the interest of

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<sup>51</sup> Drum. MSS. Vol. 128, f. 78. Reports on Parliament, July to August 1704.

<sup>52</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, 18 March 1704.

<sup>53</sup> NLS. MS. 7121(Tweeddale), ff. 20-21. Tweeddale 18 May 1704.

<sup>54</sup> NLS. MS. 1032(Hamilton), ff. 1-4. Hamilton, 17 October 1703: ff. 5-8, Hamilton to Selkirk, 8 February 1704.



my country and to assist my friends with my best services, and all I wish for, now that I am out, is to be able to live quietly like a gentleman at home and sometimes to divert myself with my friends.<sup>55</sup>

Queensberry spent his time in London happily allowing Stair to defend his conduct with respect to the plot. In Scotland, he gave his supporters a free hand to wreck the New Party ministry, which they proceeded to do with some gusto.<sup>56</sup> When the new ministry was made known, Queensberry's patent had not been set aside and this caused a farcical confusion between Seafield, Godolphin, and Tweeddale.<sup>57</sup> Seafield had been left with the onerous task of trying to placate Queensberry, something he did not relish.<sup>58</sup> His actions, and those of Godolphin, guaranteed that Queensberry would not co-operate with the High Commissioner. By the opening of parliament Tweeddale had set his stall out, and despite the obvious signs of Queensberry's interest working with the opposition, he was initially confident that he could carry the Queen's business.<sup>59</sup> Whatever the outcome for Tweeddale, this ministry did set the stage for the clarification of some issues that would lead to the settlement of the union in 1707.

Some confusion remains in the historiography about the intentions of the queen with regard to the possibility of putting forward a resolve for a treaty of union at this time. Ferguson was correct in his criticism of Smout, that a possible union was not discussed as 'part of the official programme of the ministry'.<sup>60</sup> That argument relies somewhat on semantics and there are numerous references to secret as well as public instructions to Tweeddale in the primary sources (this was normal practice). That suggests there may have been aims other than the succession and

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<sup>55</sup> HMC 60. *Mar and Kellie*, p. 228. Queensberry to Mar, 1 August, 1704.

<sup>56</sup> NLS. MS. 3414, *transcripts*, pp. 261-300. Stair to Queensberry, 17 January 1704.

<sup>57</sup> NLS. MS. 14416 (Yester), f. 8. Tweeddale to Athol, 16 November 1703.

<sup>58</sup> NAS. GD220/5/73/1 (Montrose). Seafield to Montrose, 20 April 1704.

<sup>59</sup> NLS. MS. 7121 (Tweeddale), ff. 20-21. Tweeddale to the Queen, 18 May 1704.

<sup>60</sup> Ferguson., *Scotland's Relations with England*, p. 217.

cess, which Tweeddale was meant to achieve during the session.<sup>61</sup> William Seton (younger) of Pitmedden for example, put in an overture that which was meant to be tacked to the act of security stating that once the measures in that act had been fulfilled ‘we may be in a condition to treat with England for a federal union’.<sup>62</sup> Many of the leading politicians were also discussing not only the possibility of a federal union, but also an incorporating union with England outside the doors of parliament. Tweeddale was receiving long letters from Sir Alexander Bruce which justified that position during this period.<sup>63</sup> Another key opposition leader, Hamilton, was by the beginning of 1704, seriously discussing his brother Selkirk’s argument that people were now supporting the idea of an incorporating union with England.<sup>64</sup> His own attitude at this time seemed to one of resignation, even if he still disagreed with a union:

The Queen of Britain may put her two Kingdoms upon an equal foot for ever after; I make not the least doubt if we come upon an equal foot to a Treaty whether it be for an entire Union or upon particular limitations to nominate her successor. I don’t know but the issue of a Treaty will be to the satisfaction of both kingdoms.<sup>65</sup>

Hamilton, despite being the nominal leader of the opposition, was a troubled and complicated man who was open to prevarication and contradiction. He faced accusations by Montrose of being turned into ‘a mock Courtier’ through the influence of ‘the Duke of Queensberry’.<sup>66</sup> It seems clear that he was torn between private concerns, and maintaining the role of ‘patriot’ in public. He was a clever

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<sup>61</sup> NLS. 1445 (Yester), f. 5. Sir Alexander Bruce to Tweeddale, London, 6 April 1704

<sup>62</sup> NAS. GD124/434/7 (Mar and Kellie). Minute of the 1704 Parliament, 11 July 1704, Pitmedden’s resolve ( Pitmedden was a shire commissioner for Aberdeenshire 1703-7)

<sup>63</sup> NLS. MS. 1445 (Yester), f. 5. Sir Alexander Bruce, London, 6 April 1704.

<sup>64</sup> NLS. MS. 1032 (Hamilton), pp. 15-16. Hamilton to Selkirk 2 February 1704.

<sup>65</sup> Ibid.

<sup>66</sup> NAS. GD220/5/64A (Montrose). Montrose, London, 14 December 1703.



and charismatic man, but he could never fully take on responsibility for overturning the Revolution in Scotland.

Queensberry (for once showing bad manners) had rather curtly handed over his Commission to Tweeddale, and then left much of the direction of his business to Glasgow, Philpauigh, Mar and his other supporters.<sup>67</sup> He was undoubtedly in somewhat of a dilemma. The repercussions of the plot meant that he had the support of English Whigs who wished to displace Godolphin, but he also faced the resentment of the queen. If he had chosen to support Tweeddale he would have lost the support of the Revolution element of his party, therefore, he had to make an unequivocal show of power to dislodge the Tweeddale ministry if he was to regain control of Scottish politics.<sup>68</sup> This he set out to do with a vengeance, despite now showing cordiality towards the new High Commissioner (he was known for his good manners in difficult situations).<sup>69</sup> Whilst he was in London, Queensberry was receiving regular reports on the session, and he must have taken some comfort in the progress of events.<sup>70</sup>

Queensberry's alliance with the second Duke of Argyll, and the continuing support of the Dalrymple interest would now give him the means of making his voice heard again.<sup>71</sup> Even without Queensberry's actions, the Tweeddale ministry must rank as even more ineffectual than Queensberry's of 1703. Within a few days of the parliamentary session starting, hopes of making gains for the Court disappeared. Tweeddale then degenerated into tirades against Queensberry.<sup>72</sup> He may have had a point, but he had created the situation in collusion with Seafield and Godolphin. He still had time to try and resolve the situation, but he decided not

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<sup>67</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, 23 March 1704.

<sup>68</sup> See, Drum. MSS, Vol. 128, ff. 71-76. Correspondence from the Earl of Glasgow, July to August 1704: NAS. GD26/127/1(Leven and Melville). Glasgow to Leven, 11 May 1704.

<sup>69</sup> NLS. MS. 1445(Yester), f. 110. To Tweeddale from Queensberry, 13 May 1704.

<sup>70</sup> Drum. MSS, Vol. 128, f. 80. Reports on the Parliament July to August 1704.

<sup>71</sup> NAS. GD 220/5/64A (Montrose). Montrose, London, 14 December.

<sup>72</sup> NLS. MS. 7121(Tweeddale), ff. 21- 45. For numerous references to Queensberry's influence.



to do so. He had made no real effort to placate Queensberry, and now he was wasting any further chance of a compromise. In contrast, Queensberry's absence had been carefully calculated to keep the opposition off guard, and on Stair's advice, to avoid the perception that 'his friends were appearing as a party'.<sup>73</sup> Although this tactic was seen through by Tweeddale, he could do nothing about it.<sup>74</sup> The reality was that Glasgow had been actively working to make sure Queensberry's friends were 'easy and fixed to a true party to your interest'.<sup>75</sup> Even Stair, in the end, accepted that Queensberry's suggestion that he should 'write to your friends to be all present for whether to appear as a party or not it is necessary that we be all on the spot at the opening of the session of Parliament'.<sup>76</sup> That advice was correct in the circumstances. One writer [Carstares] could plainly see the message Queensberry intended to put across to the Court by writing with some insight 'The Duke of Queensberry's whole strength was against the Queen, but it is properly the Queen's strength, for it consists of an opinion, or rather a persuasion, that he is to be in power'.<sup>77</sup> In the context of Queensberry's actions, 'persuasion' was a rather mild description of his tactics.

Queensberry had now personally set his party to do as much damage as they could to Tweeddale and the Court. The session began with Tweeddale reading the queen's letter to parliament. He had two sets of instructions, one was secret, and the other was a public address to parliament.<sup>78</sup> The Queen stressed the need for unity (and with no sense of irony given the events of the plot) the dangers from France, and consequently, the need for a supply for the troops. The succession was also of paramount importance, as it was now clear she would not bear an heir to the

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<sup>73</sup> NLS. MS. 3141, *transcripts*, pp. 261-300. Stair to Queensberry, 17 June 1704; Stair to Queensberry, 17 January 1704.

<sup>74</sup> See, NLS. MS. 7121(Tweeddale), ff. 30-31. Tweeddale to Godolphin, 18 July 1704.

<sup>75</sup> Drum. MSS. Vol. 119. Glasgow to Queensberry, 23 March 1704.

<sup>76</sup> NLS. MS. 3414, *transcripts*, pp. 284-286. Stair to Queensberry, 17 January 1704.

<sup>77</sup> HMC 72. *Laing*, II. Unsigned [Carstares] Memorial of proceedings in the Scottish parliament, 18 July 1704, p. 72.

<sup>78</sup> NLS. MS. 1445 (Yester), f. 23. Cromartie to Tweeddale, 11 June 1704.



throne. There was also a scheme under consideration to create a new Council composed of Scottish and English ministers and Officers of State to oversee the Scottish parliament.<sup>79</sup> The secret instructions included concessions for parliamentary nominations for Officers of State after the Queen's death, and triennial parliaments<sup>80</sup>. The nature and technicalities of the resolves put forward by the opposition are now well known in the historiography. On 13 July, Hamilton, with some degree of confidence, ensured that the act of security, and discussions on limitations, would not be allowed to fall in favour of discussion of the succession, and a cess, by proposing a resolve that 'this parliament will not proceed to the nomination of a successor until we have had a previous treaty with England' (on trade, not a union).<sup>81</sup> On 17 July, the Earl of Rothes added to Tweeddale's misery by putting forward a resolve for 'consideration of such conditions of government as may be judged proper for rectifying our constitution'.<sup>82</sup> Tweeddale had expected that the resolves offered by Rothes would make the opposition divide and fall, instead the two resolves were joined, and in essence Tweeddale's own supporters botched an attempt to dismiss the Hamilton's initiative.<sup>83</sup> Tweeddale's excuses were rather weak, and he should have been aware before the session started, that in 'most counties and burghs the members get instructions against settling the succession'.<sup>84</sup> His other excuse, which he again should have foreseen, was based on the actions of Queensberry's party. Although Queensberry was in London, his influence loomed large, and the consequences of his actions had repercussions for the future securing of the union. Godolphin and the Queen should not have been as naïve as to expect that Queensberry would quietly give up his position and influence.

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<sup>79</sup> HMC 14. *Roxburgh*, p. 200. Seafeld, 24 May 1704.

<sup>80</sup> Riley., *The Union of 1707*, p. 81.

<sup>81</sup> Szechi. ed., *Scotland's Ruine*, p. 72.

<sup>82</sup> *Ibid*, p. 73.

<sup>83</sup> NLS. MS. 7121 (Tweeddale), ff. 30-31. Tweeddale to Godolphin, 18 July 1704: APS xi, p. 127: Szechi. ed., *Scotland's Ruine*, p. 74.

<sup>84</sup> NLS. MS. 7121 (Tweeddale), ff. 30-31. Tweeddale to Godolphin, 18 July 1704 [no indication of who was giving the instructions to the commissioners].



Queensberry initially gave no intimation of any dissent, and he was anxious to give the appearance that he ‘was happy not be employed at present’ as ‘nothing has been said in parliament to his prejudice’, although he knew that was not the case.<sup>85</sup> Whatever appearance he offered for the Queen’s benefit, his supporters got a very different slant on what actions to take. Queensberry was kept informed of events in the parliament through a series of letters and reports from Mar and Glasgow.<sup>86</sup> The details of those reports show the extent of the control Queensberry had over his supporters, even from a distance. That fact was relayed to Godolphin by an exasperated Tweeddale ‘It is likewise remarkable that all the D. of Queensberry’s friends and particular dependents went into it [opposing the Court] to a man’.<sup>87</sup> By 18 July Tweeddale was writing to the Queen in less optimistic terms, as he knew the concession granted by the opposition of six months cess was hardly what she expected.<sup>88</sup> Tweeddale in desperation was proposing even more changes to a ministry already shorn of Queensberry’s friends.<sup>89</sup> The proposing of a two months cess, and then the granting of a six months cess, represented nothing more than a gesture signifying the strength of the opposition to the succession being passed by the Tweeddale ministry.<sup>90</sup> Tweeddale next sought to gain nominations to treat with England. This move was defeated by a combination of Cavalier and Queensberry supporters.<sup>91</sup> Queensberry’s opposition on this issue was genuine. He would not tolerate the parliament choosing commissioners to treat for a union, whoever was High Commissioner, as this challenged the prerogative and influence of the nobility. Belhaven then moved that the plot be discussed.<sup>92</sup> That move only enraged Queensberry supporters even more, and Hamilton and Atholl did not push

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<sup>85</sup> Drum. MSS, Vol. 128. Abstract of letters, 21 July 1704.

<sup>86</sup> Ibid. Abstracts of letters, 1704: Vol. 128, f. 80-82. Reports on Parliament July to August 1704.

<sup>87</sup> NLS. MS. 7121 (Tweeddale), ff. 32-34. Tweeddale to the Queen, 18 July 1704.

<sup>88</sup> Ibid.

<sup>89</sup> Drum. MSS, Vol. 128, f. 80. Reports of Parliament, 18 July 1704.

<sup>90</sup> Szechi. ed., *Scotland’s Ruine*, pp. 72-85.

<sup>91</sup> Ibid, p. 75.

<sup>92</sup> Ibid.



this move. Given the actions of Queensberry's party, this was something Tweeddale should have been wary of attempting.

Despite Tweeddale's apparent support for an investigation into the plot, at this stage it only wasted valuable time and deflected from resolving the question of the succession. In any case, Tweeddale had no help from Godolphin on this point.<sup>93</sup> It also gave Fletcher of Saltoun a chance to put forward his own arguments for constitutional reform.<sup>94</sup> Again the issue of shire representation, interval committees, annual parliaments, and other limitations were discussed.<sup>95</sup> Queensberry and his supporters were aware that the thrust of Belhaven's action was a crude attempt to embarrass Queensberry, by keeping him off the commission.<sup>96</sup> Even more harm was done to Tweeddale through the inclusion of James [Secretary] Johnston in the ministry. Johnston had been dismissed by William II after the Darien fiasco. Johnston, rather than Queensberry, became the focus of Saltoun's attacks.<sup>97</sup> Johnston's response was simply to lay all the blame for any wrongs at Queensberry's door.<sup>98</sup> Saltoun was far too shrewd to be sidetracked by this ploy, and he increased his attacks on Johnston. Queensberry was amused by this turn of events.<sup>99</sup> Saltoun found support from Rothes, Haddington, and Roxburghe (his 'Account of a Conversation' was dedicated to these young nobles).<sup>100</sup>

Queensberry's absence was a pretext for him to plead (with respect to the resolve on a treaty with England prior to any settlement of the succession) that 'I dare not say that had I been here myself that I could have prevailed with all of them

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<sup>93</sup> NLS. MS. 7121 (Tweeddale), ff. 44-45. Tweeddale to Godolphin, 10 August 1704.

<sup>94</sup> Szechi. ed., *Scotland's Ruine*, p. 75

<sup>95</sup> Scott, P. H., *Andrew Fletcher and the Treaty of Union* (Edinburgh, 1994), pp. 106-118.

<sup>96</sup> Drum. MSS. Vol. 128, f. 80. Reports of the Parliament, 9 August to 10 August 1704: NLS. MS. 7121 (Tweeddale), ff. 44-45. Tweeddale to Godolphin, 10 August 1704.

<sup>97</sup> Drum. MSS, Vol. 128, f. 80. Reports of the Parliament, July to August 1704.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Robertson, J. ed., *Andrew Fletcher. Political Works* (Cambridge, 1997), p. xvii.

to have made a short turn out of that resolve'.<sup>101</sup> His answer was of course rather tongue in cheek, but it was confident, and was perhaps merited, given his treatment by the Court. This defence of his actions was of course spurious, although there was a grain of truth in it, as his supporters had free reign to vote as they pleased in matters that were of less consequence.<sup>102</sup> Johnston and Tweeddale railed against Atholl (Lord Privy Seal) and Hamilton to some extent, but the main focus of their anger was Queensberry in particular, and 'the Earl of Leven and Lord Belhaven's cases' were mentioned to the Court as 'proof of the strength of the Duke of Queensberry'.<sup>103</sup>

The reality was that Tweeddale had no more to offer the opposition. His correspondence now sought support for adjournments rather than new resolves or bargains to solve his problems. He again stressed 'the Duke of Queensberry's friends do act quite another part when he is concerned than they did in her Majesties service, wherein the far greater part of them have been all along opposite'.<sup>104</sup> That should hardly have surprised him, and he bore a fair degree of responsibility for the situation. This was just as Stair had suggested on 17 January 1704 when he advised Queensberry that 'whether the succession is truly designed and most probable that it shall not succeed all the miscarriages will be laid at your door'.<sup>105</sup> However, Stair was wrong to suggest in the same letter that Atholl and Hamilton would be more interested in damaging Queensberry than wrecking Tweeddale's plans.<sup>106</sup> The fact of the matter was that Hamilton and Atholl could not defeat Tweeddale without Queensberry's help. Tweeddale, on the other hand, could only carry a vote when

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<sup>101</sup> Drum. MSS, Vol. 128, f. 80. Queensberry, to Mar 1704,

<sup>102</sup> Ibid, ff. 77-82. Reports on Parliament. The Leven case involved a lawsuit against the Duchess of Buccleuch.

<sup>103</sup> Ibid.

<sup>104</sup> NLS. MS 7121(Tweeddale), ff. 46-47. Tweeddale to Godolphin, 21 August 1704.

<sup>105</sup> NLS. MS. 3414, *transcripts*. Stair to Queensberry, 17 January 1704.

<sup>106</sup> Ibid.



‘our party, I mean the revolution party and the Duke of Queensberry did not join them’ [Hamilton and Atholl].<sup>107</sup>

The real puzzle with respect to Tweeddale’s actions was that he did not predict that ‘his [Queensberry] friends being know to be firm to the Revolution and a Protestant succession made some think that her Majesty had been brought into the measures of those that had been opposers’.<sup>108</sup> Whatever motives of cynicism are ascribed to Queensberry’s actions by Ferguson, the fact was that his followers were outraged at the treatment Queensberry received from the Court. They also acted from a genuine desire to see the Revolution settled, but they believed Queensberry, rather than Tweeddale, was the man to do that, whether that view was misguided or not. Although Riley accepted that this was the case, his arguments were also slanted towards exposing Queensberry’s cynical manipulation of his party.<sup>109</sup> When the desire of his party to settle the succession (expressed above by Queensberry’s friends) had been frustrated in the past by people who now held office (including Tweeddale) they naturally acted against the incumbent High Commissioner. Although only covering the period 1689 to 1702, in a more recent work, Patrick concluded that there ‘was little evidence to support the traditional notion of a faction led parliament dominated by grasping regional elites’.<sup>110</sup> That conclusion also has some validity for the period 1702 to 1704.

Queensberry’s party were driven by both a personal loyalty to him, and a belief in the Revolution. Those motivations were evident during this session and Tweeddale could testify to that fact. The Queen’s own hesitance in making clear her intentions with respect to that settlement, suggest that Riley was wrong to argue that reports of the Queen’s hesitance were simply a rumour that Queensberry was

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<sup>107</sup> Drum. MSS, Vol. 128, f. 72. No signature, August 1704.

<sup>108</sup> Drum. MSS, Vol. 128, f. 78. Comments on Parliament, 1704.

<sup>109</sup> Riley., *The Union of England and Scotland*, p. 92.

<sup>110</sup> Patrick, D. J., ‘People and Parliament in Scotland 1689-1702’ (University of St. Andrews Ph.D., 2002).



to see promoted.<sup>111</sup> The point was that the nobility, and commissioners, who were firm for the Revolution in the parliament believed it. The above letters from Glasgow to Queensberry shows that it was his followers who were putting forward concerns about the queen's diffidence to the settlement, and not vice versa.<sup>112</sup> Those concerns are omitted from Riley's work. Those actions suggested Queensberry's friends acted on the basis of loyalty and principals, rather than greed.

Queensberry had been sacrificed not solely because of the plot, but also because English politics were now closely linked to Scottish politics. Tories in the House of Commons wanted to challenge the Whig Junto in the House of Lords and toleration was still a key issue for them. The battle between Tories and Whig's in England influenced the decision to bring in Tweeddale. The High Church Tories were desperate for any Scottish High Commissioner to gain toleration for outed Episcopalian clergymen, and the Whig Junto was happy to see the succession fall to put pressure on Godolphin.<sup>113</sup> Tweeddale also complained specifically about the interference of Robert Harley, Earl of Oxford, who as Secretary of State was one of the key English ministers involved Scottish affairs.<sup>114</sup> Those facts are well know, and accepted in the current historiography, what is less clear is the nature of Queensberry's support, and whether it consisted of vassals, or constituted an organised party. The Tweeddale ministry provided enough evidence of Queensberry and his follower's actions to suggest that they in fact constituted a cohesive party that acted as they did because their primary loyalty was to Queensberry. That is why they opposed Tweeddale, despite being confirmed Courtiers in normal circumstances.<sup>115</sup>

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<sup>111</sup> Riley., *The Union of England and Scotland*, p. 92.

<sup>112</sup> See, Drum. MSS, Vol. 119. Glasgow to Queensberry, 11 November 1703.

<sup>113</sup> Riley., *The Union of England and Scotland*, p. 92: Coward, B., *The Stuart Age* (London, 1980), pp. 373-380.

<sup>114</sup> NLS. MS. 7121(Tweeddale), ff. 28-29. Tweeddale to Godolphin, 14 July 1704.

<sup>115</sup> Drum. MSS, Vol. 128, ff. 78-80. Reports on Parliament July to August 1704: NLS. MS. 7121 (Tweeddale), ff 41-45. Tweeddale to Godolphin, 10 August 1704.



Whatever his own personal attitude towards Tweeddale, the fact was that Queensberry's friends who were turned out by Tweeddale were described as being 'entirely of the Revolution settlement and never so zealous for the Protestant succession'.<sup>116</sup> Riley was incorrect to argue that Queensberry alone dictated the actions of his party out of a motive of simple malice. Queensberry's opposition to parliament choosing commissioners to treat for a union is one example of his party acting on the basis of a clear political motive. Queensberry believed that was a task for the ruling King or Queen (and their High Commissioner) and his party apparently showed no resentment to this stance taken by him. His friends were also rightly outraged by the queen's actions, and felt fully justified in discarding their own inclination to support the succession because 'of the usage of the Duke of Queensberry'.<sup>117</sup> It is simplistic to suppose that Queensberry and his friends would be restrained enough not to carry resentments. True enough, Queensberry felt no need to justify his failure to support a succession he had sought to achieve since 1702. However, even Queensberry had the right, having been 'turned out', as Riley put it (in defence of people who had opposed Queensberry) to 'act with some reasonable ill feeling' and that is exactly what he did.<sup>118</sup> Seafeld and Roxburgh in particular, were slated by the vociferous opponent of Queensberry, Lockhart of Carnwath, for behaviour, which was not only 'indiscreet and haughty' but also earned them the 'contempt of all the world'.<sup>119</sup> That summary of the Tweeddale ministry was fully supported by Queensberry's party, whether, vassal, friend, follower, or family member.<sup>120</sup> Riley also omitted any reference to the impact 'three hundred men with arms slings and forks' had on the Revolution Party when they had attacked a Presbyterian church in Dingwall (reported to Queensberry on 18

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<sup>116</sup> Drum. MSS, Vol. 128, f. 80. Reports on Parliament, 10 June 1704.

<sup>117</sup> Ibid, 6 July: Riley., *The Union of England and Scotland*, p. 92.

<sup>118</sup> Riley., *The Scottish Parliament*, p. 133.

<sup>119</sup> Szechi. ed., *Scotland's Ruine*, p. 80.

<sup>120</sup> Drum. MSS, Vol. 128, f. 80. Mar to Queensberry, 18 July 1704.



March 1704) ‘crying King Willie is dead, but our King James lives on’.<sup>121</sup> That sort of event represented to them the real danger of Jacobitism, hence the need for the queen to be unequivocal, and appoint a proven Revolution man like Queensberry as High Commissioner.

There is no doubt Queensberry felt a deep resentment at his treatment, and later on when reporting Hamilton’s resolve for commissioners to be nominated by the queen to treat for union (1 September 1705), he still spoke of ‘the ill usage’ he and his friends had met with in 1704.<sup>122</sup> The force and strength of Queensberry’s actions no doubt came as a surprise to Seafield, Godolphin, and Tweeddale. It is likely however, that their perception had initially been skewed by Seafield. They may have believed that the plot would bring unity in the ministry, much as they believed that their meeting with ‘Rothes, Roxburgh, and the Laird off Jerviswood’ truly represented ‘Pat Steils Parliament’ (the tavern Hamilton, Saltoun and the opposition Country party held meetings in).<sup>123</sup> Although both Belhaven and Saltoun raised the plot, little damage was done to Queensberry, and the consequences were always worse for Tweeddale and the ministry.<sup>124</sup> The truth was that neither Hamilton, nor Atholl were particularly worried about the plot by this time.<sup>125</sup> The possibility of gaining a commission to treat for union was also defeated at this time through the refusal of Hamilton and Atholl to accept Queensberry on such a commission.<sup>126</sup> If the parliament had chosen the commissioners, Queensberry would have been unable to secure places for his friends, and he would have been under pressure to support the Queen, even if he disliked the makeup of the commission.

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<sup>121</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, Edinburgh, 18 March 1704: Bowie, K., ‘Public opinion and the making of the Union of 1707’ (University of Glasgow Ph.D., 2004), p. 262. Reference mobs attacking ‘Priests and Jesuits’ following Jacobite scares,

<sup>122</sup> Drum. MSS, Vol. 128, f. 82. Queensberry to Glasgow, September 1704.

<sup>123</sup> Drum. MSS, Vol. 119. Edinburgh, Mar to Queensberry, 17 February 1704.

<sup>124</sup> Ibid, 26 August 1704.

<sup>125</sup> Drum. MSS, Vol. 128, f. 80. Comments on Parliament, July to August 1704.

<sup>126</sup> Ibid, 19 August 1704: Szechi. ed., *Scotland’s Ruine*, p. 78.



Tweeddale was by now desperate to end the session, and he was putting more than a little gloss on his lack of achievement by writing that ‘matters were tending to a close and happy conclusion’.<sup>127</sup> The ‘happy conclusion’ was something apparently only he knew about, as he had no gains to present in reality. It was now that Saltoun proposed an increased representation for the barons of the shires.<sup>128</sup> Hamilton then proposed the exclusion from parliament of ‘persons not only concerned in the revenues, but who had military offices or pensions’ (which would also have excluded Tweeddale and many of the nobility).<sup>129</sup> Tweeddale’s excuse for these hindrances to his own policy of adjournment was that ‘this was a measure they were put upon, I am certainly informed by some of the Duke of Queensberry’s friends particularly the late Register to prevent the parliament ending in a regular way’.<sup>130</sup> That accusation is more than vaguely similar to Queensberry’s accusation against Hamilton in 1703. Tweeddale could only lamely promise Godolphin vague plans for the next session of parliament which would ‘bring in the succession’.<sup>131</sup> His hope seemed to be that by bringing in ‘My Lord Montrose and Mr. Baillie of Jerviswood’ those matters would be resolved.<sup>132</sup> Mar and Queensberry had other plans for Montrose, and Montrose had no plans to commit to Tweeddale at this time. Montrose was far too independent in spirit to be led by Tweeddale, or Queensberry, against his wishes. Queensberry’s only real fear during the 1704 parliamentary session had been an alliance between Hamilton and the Court and that did not happen:

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<sup>127</sup> NLS. MS. 7121 (Tweeddale), ff. 44-45. Tweeddale to Godolphin, 10 August 1704.

<sup>128</sup> Ibid: See, Young, J. R., ‘The Scottish Parliament and the Covenanting Heritage of Constitutional Reform’, in MacInnes, A. I & Ohlmeyer, J., *The Stuart Kingdoms in the Seventeenth Century: Awkward Neighbours* (Dublin, 2002), p. 249.

<sup>129</sup> NLS. MS. 7121(Tweeddale), ff. 44-45. Tweeddale to Godolphin, 10 August 1704.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.



I wish matters may be so managed that this may not be the occasion of Duke of Hamilton or any of his parties joining with the Court and get them a victory at last, which yet they have had no great reason to brag off. And for this end pray be earnest to keep all our friends in town till the Parliament be up, especially my Lord Stair, who talks of going to Galloway, which if he and others should doe, some advantage will certainly be taken. Therefore it's not good to be too secure, and now I hope a little time will end all.<sup>133</sup>

Riley assessed the parliamentary session of 1704 in some detail. In that analysis, very few motives were ascribed to the whole of Queensberry's party other than as supporting players to boost Queensberry's personal advancement and self-interest.<sup>134</sup> That assessment was used to support the idea that the session once again exposed the return of the old style 'magnate politics'. Whilst individuals could be persuaded to act on the basis of personal loyalty to a magnate, political ideas were still important. The Earl of Leven, for example, stressed the need to placate the church during the negotiations between the union commissioners in 1706, despite Queensberry's revulsion of the subject.<sup>135</sup> The Earl of Glasgow also complained that 'I wish from my heart the Queen would be pleased some way to signify her inclinations for the Revolution Settlement'.<sup>136</sup> Nor did Riley's own analysis of manuscripts at Drumlanrig castle prevent him from questioning the Earl of Glasgow's loyalty to Queensberry, and his party<sup>137</sup> Only the most cursory glance at those letters could lead to a conclusion other than the fact that Glasgow remained a loyal and faithful supporter of Queensberry. Glasgow's letters with respect to the Hanoverian succession always indicated that Queensberry would lead the party to that settlement.<sup>138</sup> Glasgow was unequivocal and sincere when he wrote to the Earl

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<sup>133</sup> HMC 60. *Mar and Kellie*, p. 229. Queensberry to Mar, 15 August 1704.

<sup>134</sup> Riley., *The Union of England and Scotland*, pp. 115-129. Riley did not list Queensberry's party, or evidence that they considered themselves as being duped by Queensberry.

<sup>135</sup> See, Stephen, J., 'Scottish Presbyterians and Anglo-Scottish Union of 1707' (University of Aberdeen Ph.D., 2004).

<sup>136</sup> Drum. MSS, Vol. 119. Glasgow to Queensberry, 11 November 1703.

<sup>137</sup> Riley., *The Union of England and Scotland*, p. 95.

<sup>138</sup> Drum. MSS, Vol. 128, f. 80-84. Reports on the Parliament July to August 1704.



of Leven ‘while I breathe I shall never part with the Duke of Queensberry and you that are of his party’.<sup>139</sup> He went even further in the letter to Leven that Riley cited as proof of Glasgow’s uncertainty in supporting Queensberry. The statement ‘Let the world turn upside down I shall never alter from being their Grace’s most faithful and obedient servant’ is hardly an equivocation with respect to Glasgow’s future intentions.<sup>140</sup> Glasgow may have been anxious to assist Montrose, as were Tweeddale, Saltoun, and Hamilton, but that was indicative of the growing fragmentation of the opposition.<sup>141</sup> Queensberry would not have tolerated an old friend like Glasgow deserting his party without some comment. It could simply be the case that Glasgow was trawling for information on the thoughts of the opposition, much as Mar did with Hamilton and Atholl in the spring and summer of 1706.

Riley and Ferguson’s analysis also missed a major outcome of the parliamentary session of 1704 for Queensberry. Queensberry, having flexed his political muscle, and having gained the services and loyalty of Argyll, now realised he could break the old cycle of stalemate politics, and he could potentially build an irresistible party in parliament. Macinnes argued Argyll ‘split with the mercurial confederated opposition at the outset of 1705’, but Argyll was acting with Queensberry before that time, and he certainly had no wish to maintain a working relationship with Hamilton and Atholl once the Tweeddale ministry had been wrecked.<sup>142</sup> He was Queensberry’s man, and it was the co-operation between two great magnates that would break the Country Party and Cavaliers, not jealousy between them. That is after all what secured the union in the end. Seafield’s confidence that he could ‘dispose the far greatest part of our old party to concur in

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<sup>139</sup> NAS. GD26/127/1 (Leven and Melville). Glasgow to Leven, 11 May 1704.

<sup>140</sup> Ibid, 127/1. Glasgow to Leven, 18 May 1704: Riley., *The Union with England and Scotland*, p. 110.

<sup>141</sup> NAS. GD220/5/64 (Montrose). Glasgow to Montrose, 11 December 1703: Montrose to Queensberry, 28 February 1704.

<sup>142</sup> Macinnes, A. I., ‘Influencing the Vote: The Scottish Estates & the Treaty of Union’. *Microcomputer Review*: 6, 1990, p. 16.



her Majesty's measures' had been shown to have been nothing more than a dangerous and misguided illusion.<sup>143</sup> Tweeddale had to eat humble pie, and he was forced to get the queen's approval for the act of security by August 1704. That then became the catalyst for English responses, including the alien act in 1705, which Queensberry would be able to use to clarify the nature of the choices available to the nobility and commissioners of the Scottish parliament in 1706.

Queensberry's present position could have hardly endeared him to the Queen, but he now had nothing to lose, and everything to gain, having demonstrated the strength of his party. A peculiar aspect of the current historiography of the Scottish parliament from 1703 to 1707 is the failure to critically assess the actions of the Queen. The Queen, once convinced that Tweeddale was her man, was reluctant to shift from that view irrespective of the evidence of his failure.<sup>144</sup> She even allowed him to grant what she consistently refused Queensberry (royal assent to the act of security). She allowed Tweeddale to unite the 'old party' behind Queensberry through wholesale dismissals, yet she would not let Queensberry be rid of Atholl despite his open defiance of her policies.<sup>145</sup> Queensberry for some reason did not seem able to find the skills to gain the queen's confidence that Tweeddale possessed.<sup>146</sup> Tweeddale blamed everyone he could, from Queensberry and Hamilton, to Atholl and Saltoun, and he even hinted that Harley had a hand in the actions of the opposition.<sup>147</sup> Tweeddale had shown some degree of arrogance in dismissing people 'considering how obnoxious they are' without expecting any consequence.<sup>148</sup> He even expected that the result of this action would be to 'give satisfaction and calm men's spirit in great measure'.<sup>149</sup> Knowing Queensberry

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<sup>143</sup> Brown. ed., *Letters and Diplomatic Instructions*, p. 13. Seafeld, 6 [5] July 1704.

<sup>144</sup> NLS. MS. 144166 (Yester), f. 38. To the Queen, 6 August 1704.

<sup>145</sup> See Drum. MSS, Vol. 128. Memorial on the Plot, September 1703.

<sup>146</sup> Brown. ed., *Letters and Diplomatic Instructions*, p. 148. To the Marquis of Tweeddale, 24 July 1704.

<sup>147</sup> NLS. MS. 7121 (Tweeddale), ff. 28-29. Tweeddale to Godolphin, 14 July 1704.

<sup>148</sup> *Ibid.*, ff. 24-251. To Godolphin, 3 June 1704.

<sup>149</sup> *Ibid.*



would respond by attacking him, and accepting that ‘the Duke of Atholl...will decline...to declare himself’ for his ministry should have provoked far more caution in his assessments of what he could reasonably achieve.<sup>150</sup> Nor should Tweeddale have been surprised by ‘Atholl and Mar and the Lord Justice Clerk opposing him’, Mar had done nothing to suggest he would entirely abandon Queensberry.<sup>151</sup> All of these problems were foreseen on 2 May 1704 in a letter Tweeddale wrote to his advisor Johnston.<sup>152</sup> Tweeddale could do nothing to gain Queensberry’s trust, and Queensberry would ensure that he became a minor player in the ensuing session of the parliament (1705).

The major significance of the 1704 parliamentary session was that Queensberry built a formidable party that could break any Scottish ministry the Court could now construct.<sup>153</sup> It would not take much to build that strength to a point where it could hold a majority in parliament on its own. Despite gaining the royal assent for the act of security during the parliamentary session, the opposition also began to weaken just as Queensberry was gaining strength. Saltoun, for example, became enraged with the leader of the opposition (the Duke of Hamilton) to the point of nearly provoking a duel.<sup>154</sup> Saltoun was enraged that Hamilton wanted the ‘act of security to be added to the act for supply’. Saltoun also may have had some suspicion that Montrose, Rothes, and Roxburgh were not as firm as they had been and were now slipping towards Queensberry.<sup>155</sup> Queensberry was certainly trying hard to gain them. Hamilton and Atholl also took different approaches to the plot and were unable to coordinate their opposition effectively.<sup>156</sup>

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<sup>150</sup> Ibid, ff. 28-28. Tweeddale to Godolphin, 21 June 1704.

<sup>151</sup> Ibid, ff. 30-31. Tweeddale to Godolphin, 18 July 1704.

<sup>152</sup> NLS. MS. 1446 (Yester), ff. 10-11. To Mr. Johnston, 2 May 1704.

<sup>153</sup> NLS. MS. 14416 (Yester), f. 43. To Mr. Wedderburn, 16 August 1704.

<sup>154</sup> NAS. GD 124/10/434/1 (Mar and Kellie). Account of what happened in Parliament 1704, Tuesday 25 July 1704.

<sup>155</sup> See chapter VII.

<sup>156</sup> NAS. GD 125/10/434/1 (Mar and Kellie). Account of what happened in Parliament July-October 1704.

They also needed Queensberry's party to support their own attacks on the ministry. The plain fact is that it was only when Queensberry joined them, that the opposition could put real pressure on Tweeddale.<sup>157</sup> The consequence of the session can easily be understood. The assent for the act of security may have given heart to a few constitutionalists like Saltoun, but the threat of war with England, and the need for commerce and trade was beginning to pull the parliament towards a treaty with England.

The Queen may still have placed her faith in Tweeddale but it was Queensberry who had come out the stronger in 1704, despite being absent from parliament. The Queen may have been reluctant to dismiss Tweeddale but reports reached London of his failure, and they could not be ignored:

It is evident that our new courtiers or managers had no party or strength to do any business; The Queens interest has lost much by the late changes for every one the managers can pretend to have brought into the Queens measures two at least have gone of who joined with the Duke of Queensberry and who probably would still have continued out of friendship to him if he and his friends had been but differently used.<sup>158</sup>

Tweeddale's frustration was now obvious when he wrote, even in opposition, Queensberry 'hath been able to obtain more precepts pensions and commissions than he did in any half year before...there is hardly a post passed that there is not three or four come down [of Queensberry servants]'.<sup>159</sup> Queensberry even had control over military appointments, with an unnamed General [possibly Ramsey, a Privy Councillor] being described 'as Queensberry's rather than the Queen's'.<sup>160</sup>

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<sup>157</sup> NLS. MS. 1446 (Yester), f. 43. To Mr. Wedderburn, 16 August 1704 '...So we set about to defeat the design which we soon found we would be able to do, all the Duke of Queensberry's friends and those that had got favours, by his means even those who had joined with all along in opposition to the Queens measures contriving with us in the point...'

<sup>158</sup> BL. Add. 6420 (Remarks on the Tweeddale ministry), f. 1. September 1704.

<sup>159</sup> NLS. MSS. 14416 (Yester), f. 14. Mr. Johnston, to the Lord Register, 9 June 1704.

<sup>160</sup> *Ibid.*



Queensberry was meticulous in dealing out patronage to friends and that control extended to the most minor appointment. It was argued that ‘a French man in my Lord Mar’s [regiment], who is a pitiful fellow, and only came to preferment by marrying the Duke of Queensberry’s chamber maid’ was given a post.<sup>161</sup> Not that Tweeddale’s friends were any less backward in seeking to gain from his position.<sup>162</sup> Queensberry control over his party had been remarkable.<sup>163</sup> Mar, for example, continued to join with Atholl in attacking Tweeddale’s measures until he had clear instructions from Queensberry not to do so.<sup>164</sup> A particular element of Queensberry’s strength seems to have come from supporters who were ‘especially among the nobility’ who were able ‘to defeat Duke Hamilton unless we joined with him’.<sup>165</sup> Argyll by now was described as being ‘at the head of the party’ [Queensberry’s] but that would make no difference unless Queensberry was seen to be back in favour.<sup>166</sup> Queensberry’s party opposed Argyll in error, until corrected by Queensberry at the start of the parliamentary session of 1705. Tweeddale, by the end of the parliamentary session, was again reduced to lamely writing the following excuse to Godolphin:

The Duke of Queensberry’s friends have all along [opposed] the Queen’s measures, and those that did not were so cool in them that they gave little or no assistance but by their bare vote which signified nothing, but now in his concerns they appear quite of another temper and are always warm and hot as any in the house upon which I leave the Court to judge how they have been served by him and then how they are likely to be if they think to trust him again.<sup>167</sup>

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<sup>161</sup> Ibid, f. 18. Tweeddale to Mr. Johnston, 13 June 1704.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid, f. 29. Tweeddale to Mr Wedderburn, 22 July 1704.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid, f. 43. Tweeddale to Mr. Wedderburn, 10 August 1704.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid, f. 45. Tweeddale to the Treasurer, 10 August 1704.

Queensberry's long stay in London had not assisted Tweeddale, and the nobility in particular seemed to be coming over to Queensberry in increasing numbers.<sup>168</sup> Tweeddale even resorted to raising fears about plotting himself by suggesting that 'Lord Drummond was gone off the Country...he might have been seen to be tampering with Simon Fraser'.<sup>169</sup> This accusation was clearly an act of desperation on Tweeddale's part. It was not just that Tweeddale felt the force of Queensberry. Queensberry's party was assisting the Cavaliers; the consequence was that 'the other two Dukes [Hamilton and Atholl] make now not great figures in the house'.<sup>170</sup> A final attempt was made to curb opposition to Tweeddale in October, when the Queen put a stop to 'grants which have been obtained during life, and diverse localities upon various branches of the revenue and customs'.<sup>171</sup> In other words if they continued their opposition, they would be denied pensions. This measure was aimed particularly at Queensberry's supporters. Argyll intervened and the measure did not succeed. Queensberry remained in control of events. By 28 August 1704 Tweeddale had little more to offer other than adjourning the session. An honest summary of the 'new party experiment' of a broad bottomed ministry came in a letter to the Earl of Roxburgh:

I think it is next to impracticable to carry what may be designed in our Parliament after what have occurred there and so not to be attempted by the new party, tho ever so willing to go into it for the old in all appearance will never heartily concur while they have some management and if it miscarry (as it certainly will) they will be sure to be blamed tho they do their best. Therefore I do propose as the safest way for us, and the likeliest to do the business that the new party quit the management to the old so far as the one of them be Commissioner, so it be not Queensberry or Leven and I wish Argyll were it.<sup>172</sup>

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<sup>168</sup> Ibid, f. 46. Tweeddale to Mr. Wedderburn, 10 August 1704.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid, f. 52. To Mr. Wedderburn, 28 August 1704.

<sup>171</sup> Drum. MSS, Vol. 129. Anne R [signed Roxburgh], 30 October 1704.

<sup>172</sup> NLS. MS. 14416 (Yester), f. 90. To the Earl of Roxburgh, 25 January 1705.



That statement needs to be carefully considered, as it lays out the implications for the Court, and the opposition of the parliamentary session of 1704. Ferguson argued that Tweeddale was ‘an honest politician’ who was clear sighted and stressed the need for a united ministry’.<sup>173</sup> The letter above to Roxburgh details problems Tweeddale should have been aware of before the session opened. There was no possibility of even a ‘united’ New Party ministry carrying anything; they just did not have the numbers. Tweeddale needed an alliance with the Cavaliers, old party, or Countrymen. It was hardly clear-sighted honesty then that led him to wholesale dismissals of the ‘old party’. By insulting Queensberry, he ensured his own failure. He knew well enough that the Cavaliers would not support the succession (whatever he offered them) following the refusal of the Pretender to convert to Protestantism. That measure would have taken away the very reason for their being. In the end Tweeddale could not have carried the Queen’s business unless Queensberry and his party had displayed extraordinary tolerance by not resenting the wholesale decimation of his ministry. Riley referred to these issues and concluded that the New Party represented ‘a narrow and exclusive clique’.<sup>174</sup> Despite this, Ferguson resorted to the tack that it was all Queensberry’s fault ‘ably supported by the Whig Junto’.<sup>175</sup> On reflection, it appears the Junto got it right. While Ferguson was correct to point out that the increase in peer representation in the parliament had an impact by increasing support for the Court, other important points are missed.<sup>176</sup>

The fact was that even if the New Party preferred ‘Argyll’, he was still Queensberry’s man. The New Party now faced another dilemma. Having now supported the Court, and the Hanoverian succession, they could hardly return to unqualified opposition to the Queen. The days of being all things to all people were now over. Whatever has been written of the New Party (the Squadrone from the winter of 1704) sitting on the fence until the last moment during the union debates in

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<sup>173</sup> Ferguson., *Scotland’s Relations with England*, p. 218.

<sup>174</sup> Riley., *The Union of England and Scotland*, p. 95.

<sup>175</sup> Ferguson., *Scotland’s Relations with England*, pp. 219-222.

<sup>176</sup> *Ibid*, p. 221.



1706 is overstated. They simply had no choice but to support the Queen.<sup>177</sup> Tweeddale and the New Party must have known they could only now gain any rewards or influence by following a ministry controlled by Queensberry, irrespective of whether he or Argyll was High Commissioner (that in fact proved to be the case). Queensberry gained from the increase in the representation of the nobility. That assessment can be justified by reference to the union vote. Peers proportionally supported the union, far more than either the burgh or shire commissioners.<sup>178</sup>

The repetition of references to Queensberry as being self-serving in the works of Ferguson, and Riley were presented as a matter of fact, and beyond dispute. What is left out however is the fact that Queensberry's supporters constituted a party with a set of values based on a final settlement of the Revolution (as both writers well knew). The omission of that fact has led to other work that merely paraphrases Riley and Ferguson. Scott was particularly guilty of this type of analysis to the point that he (on occasion) merely referenced these works as adequate proof of his arguments.<sup>179</sup> There is some justification in the point made by Scott that generations of Whig historians have been too lax in attributing a label of 'Statesmanship' on Queensberry's actions during 1704.<sup>180</sup> However, blinkered nationalism is as undesirable in assessing the parliamentary session of 1704, as much as blinkered unionism. A clear example of that is a partial citation of Pitmedden's resolve in which Scott critically left out the reference to a proposed treaty for federal union.<sup>181</sup> William Seaton of Pitmedden in fact ended up voting for the union of 1707.<sup>182</sup>

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<sup>177</sup> Ferguson., *Scotland's Relations with England*, chapter 14: Riley., *The Union of England and Scotland*, appendix A, p. 330.

<sup>178</sup> Ibid, pp 330-331. 46 nobles voted for the first article and 21 against. The burgh vote was 33 for and 29 against and the shire vote 37 for and 33 against.

<sup>179</sup> Scott., *Andrew Fletcher and the Treaty of Union*, p. 110.

<sup>180</sup> Ibid, p 109.

<sup>181</sup> Ibid, p. 110: NAS. GD 124/437/7 (Mar and Kellie). Pitmedden's Resolve.

<sup>182</sup> Riley., *The Union of England and Scotland*, p. 331.



The conclusions to any analysis of the 1704 parliamentary session have to be understood in the context of changing attitudes to some form of union with England. The decisions taken in that parliamentary session did not wholly represent a continuation of support for the independence from English influence displayed in the parliamentary session of 1703 (among the nobility at least). Queensberry started the year still in a dilemma and not at all certain what to do to restore his fortunes. By the close of the parliamentary session of 1704 he had benefited from a demonstration of the unity of his own party. Rather than him having 'had a staff broken over his head' (a reference to the plot being used to end Queensberry's political career by Atholl), Queensberry had in fact exposed the weakness of Atholl, Hamilton and Tweeddale.<sup>183</sup> The divisions within the opposition were also exposed which served Queensberry's short-term interest of defeating Tweeddale. Perhaps the most important consequence for Queensberry was the confirmation of his relationship with Argyll. By March 1705 Argyll would be 'at the head of our [Queensberry's] business.'<sup>184</sup>

It was the combination of three great magnates, Queensberry, Montrose, and Argyll, not the competition between them that now enabled Queensberry to capitalise on the events of 1704. Queensberry's absence from parliament had a positive effect in the circumstances of 1704, but the strength of his party had yet to be tested with him present in parliament. Perhaps by this point, Queensberry had some justification for being opposed 'to the uniting of parties'.<sup>185</sup> The New party's prospects of gaining anything were, as a consequence, slim and Johnston's plan of 'going into the project of 38 (Argyll) 'to keep out 37 (Queensberry)' served no real purpose in its hope of diminishing Queensberry's influence.<sup>186</sup> Only someone who had not read the correspondence between Argyll and Queensberry would accept that

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<sup>183</sup> Drum. MSS, Vol. 119. Edinburgh January 6 1704, no signature.

<sup>184</sup> Drum. MSS, Vol. 1 (128), f. 53. A[nnandale] to Queensberry 20 March 1705.

<sup>185</sup> *Jerviswood*, p. 28. To Secretary Johnston, 30 December 1704.

<sup>186</sup> *Ibid*, p 32. From Secretary Johnston, 9 January 1704-5. Much of the *Jerviswood* correspondence has codes in place of names. The codes are listed at the end of the work.

Johnston's 'plan' was based on reality rather than gossip.<sup>187</sup> There was still much work to be done by Queensberry to gain office again. He would have to force a very reluctant Queen to make use of his services again, but at least he had shown the real force of his influence. More importantly he would have to prove to the Queen that he could implement Court policy in the Scottish parliament. 1705 would be a difficult year for Queensberry, but a crucial one. He would have to maximise his support once again by making use of the fear of English responses to the act of security to ensure that this time he would succeed. The development of his relationship with Argyll, and the formation of the approaches to be taken in the following parliamentary session will be discussed in the next chapter. Despite the sarcasm it contains, Lockhart accepted the scale of Queensberry's influence and success, by summarising the strength of the relationship between Argyll and Queensberry:

The Duke of Queensberry did not think fit to come down to the beginning of this session of Parliament, being desirous to see how affairs would go before he ventured himself in a country where he was generally hated and abhorred. And therefore he sent the Duke of Argyll down as Commissioner, using him as a monkey did the cat in pulling in the hot roasted chestnuts.<sup>188</sup>

Argyll was no 'cat', and Queensberry no 'monkey'. They acted on the basis of mutual respect for each other. There was no conflict with respect to their personal ambitions to hinder them (Argyll sought glory on the battlefield, not in parliament), and that would be clearly shown in the following months.

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<sup>187</sup> See, NLS. MS. 3366 (Argyll), f. 15. Argyll to Godolphin 26 May 1705.

<sup>188</sup> Szechi. ed., *Scotland's Ruine*, p. 85.



## VI. A Bold unnatural undertaking and compliance.<sup>1</sup>

During his apparent absence from active politics, Queensberry had used his close friend the Earl of Mar to keep control of his influence in parliament. He had instructed Mar that ‘you may prevail with Stair and his family to balance the others, for they have little reason to help affairs to succeed in your uncle Johnston’s hands’. In other words, if Tweeddale and the Squadrone (whom Johnston advised) remained in power for the next parliamentary session, then they were to be vigorously opposed even if that meant continued opposition to the Court.<sup>2</sup> In the meantime, Queensberry bemoaned the fact that he was no longer privy to events going on at Court.<sup>3</sup> Queensberry’s had however been effective in terms of giving proof of his influence when used in opposition to the Court. There was a definite perception that Queensberry’s party was now a necessary addition to the Court.<sup>4</sup> Queensberry’s greatest asset was that Mar had the skills to manage his party more effectively than had been the case in the past. Clerk of Penicuik later described Mar as being ‘not so much an orator as a bold man of action’ and that description seems to be fairly accurate.<sup>5</sup> In due course, Mar’s qualities were also what Queensberry needed to secure the treaty of union.

Whatever Anne’s opinion of him, the recognition of Queensberry’s influence was beginning to pay dividends.<sup>6</sup> The destruction of the Tweeddale ministry had demonstrated to the English Court that Queensberry out of office was far too dangerous a prospect than having him in government. Lockhart for one saw the danger (for those opposed to settling the succession, or to an incorporating Union with England) of Argyll and Queensberry combining and as a consequence ‘making

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<sup>1</sup>James Dean Ogilvie, 955. Lord Belhaven’s speech in parliament, and comments, 2 November 1706, part of the ‘mother Caledonia speech’ argued from a constitutional and historical basis that the independent Scottish parliament and crown could not be negotiated away in a treaty.

<sup>2</sup>HMC 60. *Mar and Kellie*, p. 228. Queensberry to Mar, 1 August 1704.

<sup>3</sup>Ibid, p. 229.

<sup>4</sup>BL. Add. 28055 (Godolphin), f. 196. Seafield to Godolphin, 25 May 1705.

<sup>5</sup>*History of the Union*, p 86.

<sup>6</sup>Ferguson., *Scotland’s Relations with England. A Survey to 1707* (Edinburgh, 1994), pp. 226-227.



a very dangerous party'.<sup>7</sup> Queensberry had also hinted that he had at one point considered (however unlikely a prospect it seemed) a firmer relationship with Hamilton. At the very least, it is likely Queensberry would have responded to any offer Hamilton made with courtesy, perhaps leading some to suppose he took the prospect seriously. Queensberry was in fact surprised that Hamilton continued to oppose him with vigour leading him to the conclusion that 'what I hear of his carriage this day seven nights [since that] takes away all his former merit'.<sup>8</sup> It is difficult to assess the actions of the much troubled Duke of Hamilton within the context of this work, and only a full biography would give some real insight into his tortured character. Queensberry now gave assurances before his journey to Scotland that he would support the Court. The Court in turn, was anxious to know 'how he turns himself and his friends towards the Queen'.<sup>9</sup> This was no small worry as one report to the Court made it clear that during the parliamentary session of 1704 'all his [Queensberry's] new nobility voted against the queen'.<sup>10</sup> The parliamentary rolls for 1703 and 1705 show four new Lords, three new viscounts and seven new earls sitting in 1705.<sup>11</sup> Of those, Queensberry could initially count on Wemyss, Kilmarnock, Duplin, Garnock, and Belhaven.

The appointment of Argyll as High Commissioner for the 1705 parliamentary session also gave Queensberry fresh hopes of regaining his former position at some point in the future. Queensberry was still very ill at this time and he was not able to travel. Riley and Scott were wrong to suggest that his health problems were more psychological than physical, and, consequently, that his absences were more to do with 'diplomatic indispositions' or rivalry with Argyll.<sup>12</sup> Much of the evidence for this argument may have come from Lockhart's statement that 'The Duke of

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<sup>7</sup> *Lockhart Letters*, p. 13. To Hamilton, [before 26 March] 1705.

<sup>8</sup> HMC 60. *Mar and Kellie*, pp. 229-230. Queensberry to Mar, 15 August 1704.

<sup>9</sup> HMC Fourteenth Report, Appendix, Part III, *Duke of Roxburghe, H. Campbell Bart, and the Countess Dowager of Seafield*, p. 206, Windsor, 14 July 1706.

<sup>10</sup> HMC 72. *Laing*, p. 73. Unsigned memorial of the proceedings in parliament, 18 July 1704.

<sup>11</sup> APS xi.

<sup>12</sup> Riley, P. W. J., *The Union of England and Scotland* (Manchester, 1978), p.174; Scott, P. H., *Andrew Fletcher and the Treaty of Union* (Edinburgh, 1994), p. 123.



Queensberry, as I said before, pretended sicknesses'.<sup>13</sup> It is clear that this argument was wrong. However, the question of Queensberry's health will be discussed in the following chapter.<sup>14</sup> It is also clear that Queensberry had no conflict with Argyll over place, or position, and their relationship was based on respect for each other.<sup>15</sup> Argyll would need to depend on the support Queensberry mustered for the coming parliamentary session or he would have ended up with a very small Court party. Sir James Murray of Philphaugh (Lord Clerk Register) in the meantime, kept a correspondence with Queensberry, in which the Duke (even if he was indisposed) still seemed happy enough to allow uncertainty over his actions to continue (probably to compound the Court's unease). Philphaugh wanted the Duke to give him some indication of his attitudes as 'friends might be in the dark or see only the representations on the other side'.<sup>16</sup> This enquiry may also have originally been prompted by uncertainty over Queensberry's attitudes, as he had met with Roxburgh late in 1704, causing speculation over his intentions.<sup>17</sup> It was also a circumspect enquiry on whether Queensberry's following should continue in opposition to the Court. Queensberry did therefore cause some confusion which led to the erroneous speculation that his actions were targeted at Argyll.

There was no likelihood of Queensberry working with Tweeddale, despite the vigorous assertion by Seafield on the need for cooperation 'the Commissioner and the old Party would do themselves a great deal of right if they would desire the concurrence of the New Party to the Queen's measures and be contented to allow them some measures of share in it'.<sup>18</sup> The 'unkindly and injudicious' use of Queensberry had left a bitter resentment against Tweeddale, and it was 'a Utopian notion' that Queensberry would ever share real power with him, or his friends.<sup>19</sup> In

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<sup>13</sup> Szechi. ed., *Scotland's Ruine*, p. 89.

<sup>14</sup> I am grateful to Doctor Maria Horgan of the Kennilworth Health centre for her comments on the details of Queensberry's autopsy contained in, BL. Sloane 3325, f. 163.

<sup>15</sup> NLS. MS. 3366 (Argyll), *passim*.

<sup>16</sup> Drum. MSS. Vol. 127 f. 103. Philphaugh to Queensberry, Edinburgh, 25 April 1705.

<sup>17</sup> *Jerviswood*, pp. 12-13. From Roxburgh, London, 2 December 1704: *Ibid*, pp. 61-62. Secretary Johnston, 24 March 1705.

<sup>18</sup> NAS. GD248/559/36A (Seafield), f 22. Seafield to Godolphin, 10 May 1705.

<sup>19</sup> Drum. MSS. Bundle 1128. Unsigned Memorial, March 1705.



essence, Queensberry was the 'old party', and he was determined not to give any sign of deference to Tweeddale, or his minions. Tweeddale and the Squadrone could support the ministry (and have a few places and pensions) but they would not have a share of the power. Jerviswood, for one, knew that an Argyll ministry would be formed around the 'old party', which would be dominated by Queensberry.<sup>20</sup> Queensberry's own supporters were making that point to him. They wrote to Queensberry with the advice that 'your friends made a very considerable appearance last [session] to be sure it will be no less if you are here your self'.<sup>21</sup> Queensberry's importance to Argyll and the Court was confirmed by the level of support he could bring to bear in parliament.

Godolphin was under intense pressure from the Whigs in England following Tory losses in the 1705 election, and he was desperate for a solution to the crisis in relations between England and Scotland.<sup>22</sup> Godolphin had only been rescued from certain humiliation when the Whigs prompted him to introduce the alien act.<sup>23</sup> The measure was meant to embarrass the Tories, and to force Scotland to negotiate a treaty so that the Whigs could also be seen to be acting in defence of England following the passing of the act of security in the Scottish parliament.<sup>24</sup> That desperation could be seen in Godolphin's attempts to draw Hamilton into the Court.<sup>25</sup> Nothing would have been more certain to force Argyll and Queensberry into opposition than that prospect. It may have been that uncertainty over Queensberry's intentions had instigated that scheme. Seafield, for example, seemed unsure of matters when he wrote to Godolphin 'I have not yet spoken to the Duke of Queensberry since those letters came, nor do I know how he will be inclined to

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<sup>20</sup> *Jerviswood*, pp. 56-58. To Secretary Johnston, 13 March 1705.

<sup>21</sup> Drum. MSS, Vol. 1 (128), ff. 62-63. Annandale to Queensberry, 9 December 1704: 20 March 1705.

<sup>22</sup> NAS. GD248/559/36A (Seafield), f. 24. Seafield, 31 May 1705.

<sup>23</sup> McInnes, A., *Robert Harley, Puritan Politician* (London, 1970), p. 65; Trevelyan, G. M., *Ramillies and the Union with Scotland* (London, 1965 edition), pp. 39-47; Harris, T., *Politics under the Later Stuarts. Party conflict in a divided Society* (London, 1993), pp. 178-202.

<sup>24</sup> JHC: 17, p. 31. 17 July 1705. The House of Commons passed a clause in the alien act for the Queen to choose commissioners to treat for a union. The Commons was now more balanced with the Tories losing their majority following the election April-May 1705.

<sup>25</sup> NAS. GD248/559/36A, f. 25. Godolphin to Seafield, 14 July 1705.



go down and assist the Commissioner tho I think his friendship to him [oblige] him to engage'.<sup>26</sup> Argyll, as well as Queensberry, had little to thank the New Party for, as Tweeddale had vigorously opposed the Queen granting Argyll tax exemptions on his lands.<sup>27</sup> Whatever Seafield's worries, Argyll felt secure enough to snub Tweeddale even before the parliamentary session was due to start.<sup>28</sup> Queensberry would not have minded Argyll's actions in the least, despite telling Seafield the opposite (this had apparently been done against the advice of Seafield).<sup>29</sup>

The Earl of Glasgow was also working on Godolphin, and he was insisting that Queensberry's earlier ideas on the government being 'all of a piece thoroughly upon the Revolution bottom' be now carried through with Argyll as High Commissioner.<sup>30</sup> The appointment of Argyll as High Commissioner had at first seemed to Godolphin (with Seafield's encouragement) to offer the Court a means of uniting some of the opposition with Argyll.<sup>31</sup> Seafield now expected the Squadrone to get more of a share in the ministry. To the contrary, it was not long before Argyll repeatedly made demands that Queensberry be given a prominent share in government, because if he were not, 'any slight to him will hinder his influence'.<sup>32</sup> In other words the old party ministry, Queensberry included, was to form the government. Those demands were unequivocal, and finally (despite the opposition of the queen) gained Queensberry the position of Lord Privy Seal for the coming parliamentary session. Ever the soldier, rather than politician, Argyll was honest enough to admit that 'affairs here are confoundedly perplexed' and, sensibly, he wanted to 'put of business' once Queensberry arrived in Edinburgh.<sup>33</sup> The actions taken by Argyll quickly cleared away any illusions Godolphin had of him accepting

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<sup>26</sup> NAS. GD248/559/36A, f. 24. Seafield to Godolphin, 31 May 1705

<sup>27</sup> NLS. MS. 14416 (Yester), f. 68. Tweeddale to Seafield, Edinburgh, 12 December 1704.

<sup>28</sup> *Jerviswood*, pp. 77-79. To Secretary Johnston, 26 April 1705.

<sup>29</sup> Brown, P. H., *Letters Relating to Scotland in the Reign of Queen Anne by James Ogilvy, first Earl of Seafield and others*, SHS, second series, 11 (Edinburgh, 1913), p. 19. Seafield, Edinburgh, 31 March 1705.

<sup>30</sup> BL. Add. 28055 (Godolphin), f. 168. Glasgow to Godolphin, Edinburgh 26 April 1705.

<sup>31</sup> NAS. GD248/559/22 (Seafield). Seafield to [Godolphin] 10 May 1705: *Jerviswood*, pp. 11-12. Roxburghe to the Treasurer Depute, London, 30 November 1704.

<sup>32</sup> NLS. MS. 3366 (Argyll), ff. 14-18. Argyll to Godolphin, 7 July 1705.

<sup>33</sup> Drum. MSS, Vol. 126, f. 52. Argyll to Queensberry, 27 June 1705.



a broad bottomed ministry. Queensberry, in turn, would make similar demands on Argyll's behalf in 1706.<sup>34</sup>

The parliamentary session began 28 June 1705 in circumstances which were far different from those of 1704. The future course of Scotland's relations with England would be determined against a backdrop of several key factors. The Jacobites now had a firm idea of what was possible, and what was not. They could no longer hope for concessions on toleration under a Scottish parliament as the 'Old Pretender' remained devotedly Catholic, so there was no hope of him uniting Scottish and English opposition to the Court.<sup>35</sup> The Cavaliers had to hope that Anne would still have some sympathy for the Stuart cause (as opposed to the Jacobite cause) and that she would be resolved to grant toleration. The only real prospect left for toleration lay in the creation of a future British parliament with a Tory majority. To achieve even that, the Cavaliers would be forced to give some service to the Court. Even Belhaven was prepared to compromise, and he only put on his patriotic mantle after being snubbed when he sought a position in the ministry.<sup>36</sup> Events outside parliament also impacted on the politicians and arguably they also had a significant bearing on the future course of the Scottish politics.

There is now some research on the impact of the mob on Scottish politics of this period, and Bowie argues their activities may have affected the perceptions of the nobility and commissioners.<sup>37</sup> There is no evidence however, that Queensberry and Argyll had ever tolerated a challenge to the nobility from the mobs.<sup>38</sup> The case of Captain Green and some of the crew of the English ship the Worcester had no doubt frightened the nobility. The Privy Council had witnessed the threat of the mob when they forced the execution of Captain Green and his first mate against a call for clemency from the Queen (an event which was largely blamed on

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<sup>34</sup> NLS. MS. 3366 (Argyll), f. 47. Queensberry to Godolphin, Edinburgh, October 1706.

<sup>35</sup> Pittock., *Jacobitism*, p. 30: Also the previous chapter on the Scotch Plot, on attitudes to the Pretender converting to Protestantism.

<sup>36</sup> Grant. ed., *Seafield Correspondence*, p. 385. Lord Belhaven's Letter, 24 February 1705.

<sup>37</sup> See, Bowie, K., 'Public opinion and the making of the Union of 1707' (University of Glasgow Ph.D., 2004).

<sup>38</sup> NLS. MS 3366 (Argyll), f. 14. Argyll to Godolphin, 6 April 1705.



Tweeddale).<sup>39</sup> Argyll, for one, argued this was proof of the level of unrest in the Country.<sup>40</sup> Seafield also wrote to Godolphin that ‘there was no possibility of preserving the public peace without allowing some that were thought most guilty to be execute’.<sup>41</sup> Fear of the mob may have been exacerbated because of rumours about the large number of arms and ammunition that had been circulating since 1703 among the population.<sup>42</sup> Lockhart (as a Jacobite, he may have been exaggerating) suggested for example that ‘the Shire of Perth have contributed money, and agreed with a merchant to furnish 12,000 stand of arms, and many more shires are going to follow their example’.<sup>43</sup> Even if Lockhart may exaggerated the amount of arms available, there was still real concern about possible rioting and insurrection. Even Fletcher of Saltoun was reported to be in Holland in 1704 ‘buying armes etc in pursuance of the clause for arming etc [in the act of security]’.<sup>44</sup> Queensberry (as High Commissioner in 1706) would take extraordinary measures to prevent riots, or sedition.

The Bank of Scotland had also collapsed leaving an actual shortage of coinage and means of obtaining credit.<sup>45</sup> Marlborough had now secured a major victory in Europe (at Blenheim) in August 1704.<sup>46</sup> As a consequence, England’s economic and military power could hardly be ignored. Lady Ann Hay (Atholl’s sister-in-law) wrote to Atholl’s wife that ‘the English are afraid of having dealing with Scots in view of proceedings in the English Parliament’.<sup>47</sup> In other words, sources of credit in England were also drying up. Neither could the Jacobites expect much help from France. England was also growing less tolerant of the activities of the Scottish parliament, and the response by the English House of Commons to the act of

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<sup>39</sup> BL. Add. 28055 (Godolphin), f. 162. Roxburgh, 19 April 1705: Drum. MSS. Bundle 1128. Memorial, 1705.

<sup>40</sup> NLS. MS 3366 (Argyll), f. 14. To Godolphin, 6 April 1705: Bowie., ‘Public opinion and the making of the Union’, p. 307.

<sup>41</sup> Brown. ed., Seafield, pp. 26-27. Seafield, Edinburgh, 7 April 1705.

<sup>42</sup> Drum. MSS. Bundle 1181. Queensberry to Godolphin, 18 September 1703.

<sup>43</sup> *Lockhart Letters*, p. 10. To Hamilton, 16 January 1704/5.

<sup>44</sup> Mal/God, 1, pp. 408-9, ff. 6.

<sup>45</sup> NLS. MS 14416 (Yester), f. 73. To the Earl of Roxburgh, 19 December 1704.

<sup>46</sup> Mal/God, 1, p. 349. Marlborough to the Duchess, 2/13 August 1704.

<sup>47</sup> BA. 45. 5, f. 14. Ann Hay to the Duchess of Atholl, 24 January 1705.



security, and anent peace and war, was to threaten to impose the alien act on Scotland if they did not settle the succession.<sup>48</sup> If a treaty was not in place by 25 December 1705 all Scots living in England would be treated as aliens (all trade between England and Scotland would also cease). Argyll laid out the issues to be addressed when he read the Queen's letter to the parliament:

‘In your last meeting we recommended to you, with the greatest earnestness, the settling of the succession of that ancient kingdom in the Protestant line, and several things which have happened which shows the great inconvenience of the matters continuing in suspense’.<sup>49</sup>

Despite continued success by the opposition, minds were turning towards compromise with England, including thoughts of a complete union. It is apparent from correspondence between Seafeld and Godolphin that if Queensberry came back in, he would no longer push the succession as he had in 1703. Instead ‘the treaty’ was preferable to ‘a succession with limitations’.<sup>50</sup> This was a risky strategy, but it was preferred, despite the advice to Godolphin from Adam Cockburn of Ormiston (Justice Clerk) that ‘I don't find ten men of parliament will go into an entire and complete Union’.<sup>51</sup> By June 1705, there was some concern expressed by Argyll that Queensberry's appointment as Privy Seal had not yet been confirmed.<sup>52</sup> This seems to cast doubt on Ferguson's evaluation of Argyll's impact, which appears to have been far less confident and bullish as he suggests.<sup>53</sup> Argyll's confidence came from the security of his relationship with Queensberry, and the young Duke was anxious to have him in Edinburgh. Queensberry's role was vital

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<sup>48</sup> NLS. MS 1445 (Yester), f. 85. Seafeld to Tweeddale, 26 December 1704.

<sup>49</sup> GUL. Special collections, Mu10-b-29. *The Queen's letter to parliament*, 18 June 1705.

<sup>50</sup> BL. Add. 28055 (Godolphin), f. 204. Seafeld to Godolphin, 29 May 1705.

<sup>51</sup> Ibid, f. 208. Adam Cockburn to Godolphin, 31 May 1705: Cockburn had been a shire commissioner for Haddingtonshire 1689 to 90, and he was Justice-Clerk and ordinary Lord of session in 1705. He was also a director of the Company of Scotland: Young., *The Parliaments of Scotland*, I, p. 131.

<sup>52</sup> BL. Add. 28055 (Godolphin), f. 234. Seafeld to Godolphin, 29 June 1705.

<sup>53</sup> Ferguson., *Scotland's Relations with England*, pp. 226-232.



for the Court's attempts to bring the parliamentary session to a successful conclusion.<sup>54</sup>

Queensberry would play his part in events, but only after his supporters (in his absence) had mistakenly continued in opposition. With Argyll as High Commissioner, Tweeddale now bore the brunt of his wrath, and Argyll insisted that the Squadrone be dismissed.<sup>55</sup> Queensberry had earlier been asked to 'make use of friends in England', and that 'no excuse [is] to be made if you have strength to come to any vote' to assist the new ministry.<sup>56</sup> Queensberry had also been asked to mediate in a dispute between Argyll, and Annandale. Annandale felt that he, rather than the Earl of Loudon, should have been given the post of joint Secretary, and he was now causing problems much to Argyll's annoyance.<sup>57</sup> Annandale also wanted to push the succession, and he was writing directly to Godolphin with his opinions, thereby exacerbating the situation.<sup>58</sup> Queensberry's mediation with Argyll would prove vital with respect to the success of the union in 1706. However, in this attempt he failed, and Annandale would later become a bitter opponent of the union. Queensberry's post of Privy Seal was sold to him on the basis that it was necessary for the good of the 'common cause', which at this point was rather vague.<sup>59</sup> For his part Queensberry was happy enough to be back in office, but as yet, he had no clear objectives with respect to gaining the Queen's wishes.

Queensberry's relationship with Argyll was more complex than is recognised by Riley, and Ferguson. Argyll's lack of deference to other people, which Ferguson somewhat laboured, did not ever stretch to insulting or demeaning Queensberry's position (prior to the union at least).<sup>60</sup> It is more likely, given the present evidence, that Queensberry was the dominant partner and he knew Argyll was happier being a

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<sup>54</sup> BL. Add. 28055 (Godolphin), f. 236. 30 June 1705. No signature or name.

<sup>55</sup> Ibid, f. 168. Glasgow to Godolphin, Edinburgh 26 April 1705.

<sup>56</sup> Drum. MSS, Vol. 127, f. 103. Philpough to Queensberry, Edinburgh, 25 April 1705.

<sup>57</sup> Ibid, f. 104. Philpough to Queensberry, 3 May 1705.

<sup>58</sup> BL. Add. 28055 (Godolphin), f. 212. Annandale to Godolphin, 1 June 1705.

<sup>59</sup> Drum. MSS, Vol. 127, f. 105. Philpough to Queensberry, 25 May 1705.

<sup>60</sup> Ibid, f. 108. Stair to Queensberry, 27 May 1705: Ferguson., *Scotland's Relations with England*, p. 226.



soldier, rather than a politician. In Lockhart's words, Argyll's 'head was more upon the Camp than the Court'.<sup>61</sup> This arrangement in fact suited both their personalities and aspirations. Seafield, for example, was shrewd enough to recognise that reality (although he wished to change it) at the time and said so 'I can see no advantage either to him [Argyll] or to the Queen in putting all in the hands of Queensberry's party'.<sup>62</sup> Seafield in keeping with his nature, and to cover his back, also suggested that 'many of the Duke of Queensberry's Party would go into the supply and the Treaty'.<sup>63</sup> It was recognised by Argyll that Queensberry could bring in potential Court dissidents like the Earl of March (Queensberry's brother who died later that year), the Earl of Galloway, and his brother-in-law, the Earl of Wemyss. It is fair to argue that Queensberry had a reputation among his own supporters of loyalty to them. He was also conscious of that perception and he spelt out his understanding of that relationship to Mar:

As to what you so kindly write concerning myself and my being of your great Commission, I confess I am of your opinion, but since it has been moved I must expect to hear of events tomorrow, and God knows as it will give me fresh proofs of the obligations I lay under to so many honourable and worthy persons, which I shall ever have a grateful sense off, and so shall not be wanting to make suitable returns if it is ever in my power.<sup>64</sup>

When Queensberry had real power in 1706 as High Commissioner, he kept his word and he made sure his supporters did get the 'suitable returns' he promised them. The point of the relationship between Argyll and Queensberry was that it complimented their own personalities. Argyll's organisational skills may have been as impressive as Ferguson suggested, but without Queensberry and Mar, it is likely he would have failed to achieve anything of substance. This was a fact opposition members like Lockhart were happy enough to acknowledge, even if Ferguson did not.<sup>65</sup> The options for the Court initially seemed limited and it was correctly

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<sup>61</sup> Scott., *Andrew Fletcher and the Treaty*, p. 124.

<sup>62</sup> BL. Add. 28055 (Godolphin), f. 186. Seafield to Godolphin, Edinburgh, 3 May 1705: Also, chapter V. Tweeddale made similar comments.

<sup>63</sup> Ibid, f. 196. Seafield to Godolphin, 29 May 1705.

<sup>64</sup> NAS. GD124/15/214/8 (Mar and Kellie). Queensberry to Mar, 15 August 1704.

<sup>65</sup> Szechi. ed., *Scotland's Ruine*, p. 89.



suggested to Queensberry that ‘if the declaring the succession or an act of abjuration or exclusion is insisted upon I believe the Commissioner will not find a party to obtain anything he demands’.<sup>66</sup> Instead, the tactic suggested was to go for a cess, or an act to treat with England.<sup>67</sup>

The tactic of pushing for abjuration may have worried Queensberry, as it was Argyll’s father, in combination with Marchmont and Leven, who had contributed to Queensberry’s failures in 1702 with their insistence on an act of abjuration, thereby alienating the Cavaliers. That prospect seemed likely to be repeated with respect to Marchmont (whose writings on William II come close to hagiography) at least, as he appeared to be busy colluding with the Squadrone. He was still trying to push his old Revolution party credo of the succession above all else on them.<sup>68</sup> Argyll gave Mar the initial task of testing the mood of parliament on 6 July by proposing an act to treat with England.<sup>69</sup> Seafield was also called in to coax Queensberry by offering him more practical rewards through ensuring ‘his appropriations’ were being processed.<sup>70</sup> Queensberry’s requests for payments for past services had hitherto been one of his chief concerns.<sup>71</sup> Stair advised Queensberry (as had Mar) that a push for a cess and an act for a treaty would be the preferred tactic in parliament.<sup>72</sup> There was also a comment to him on Hamilton’s inactivity, and Saltoun’s influence, which was described as preparing ‘to trump up the ill state of the Nation’.<sup>73</sup> ‘The ill state of the Nation’ was not in doubt however; it was solutions to those ills which were in short supply.

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<sup>66</sup> Drum. MSS, Vol. 127, f. 108. Stair to Queensberry, 27 May 1705

<sup>67</sup> Ibid.

<sup>68</sup> Ibid: NAS. GD158/566/101-102 (Mar and Kellie). To Queensberry 19 March 1702, ‘the loss which Europe [and] these Kingdoms and we sustain by the death of our King now in glory is unspeakable’: Ibid, /966/126. Marchmont to the Queen 9 July 1702 (on the need for the abjuration of the Pretender).

<sup>69</sup> Szechi. ed., *Scotland’s Ruine*, p. 100.

<sup>70</sup> Drum. MSS, Vol. 127, f. 106. Seafield to Queensberry, Edinburgh, April 1705.

<sup>71</sup> Drum. MSS. Bundle 1202. Queensberry to Godolphin, 28 October 1705.

<sup>72</sup> Drum. MSS, Vol. 127, f. 106. Seafield to Queensberry, Edinburgh, April 1705.

<sup>73</sup> Ibid.



Queensberry, like many of the nobility of the period, suffered from hubris and despite the Queen's recent opinion of him, he still wrote in terms which were less than humble. Despite Argyll holding the position of High Commissioner Queensberry's reports on the Court's measures placed him very much to the fore. He wrote to Godolphin that 'our Parliament meets frequently and I employ myself so much as I can in the intervals to deal with members to comply with her Majesty's just and reasonable demands'.<sup>74</sup> Queensberry's powers of persuasion were already well known by Lockhart, and he rightly feared them.<sup>75</sup> Queensberry then went on to lay out clearly the problem the Court faced, and more importantly what he felt he could do about it. He wrote the following account with respect to the defeat of Mar's resolve for an act to treat with England:

Ten or more appeared against a treaty, some pretended it was fit to lay it aside till the last act in England [the Alien Act] was rescinded, others yielded to pricked upon the act, if there was a proviso in it, that before any meeting of the Commissioners of both Kingdoms for a treaty the English act should be rescinded.<sup>76</sup>

Queensberry was less evasive than in the past about solutions and he was happy to name the people he felt could sway matters for the Court:

If we can bring in my Lord Cromartie and those he calls followers (tho I must say they have not yet followed him in any other vote for the Queen's service) and my Lord Marchmont and four or five of the Country Presbyterians who make great professions to us, I say if we can bring those to a firm concert with us we shall be able to carry these acts.<sup>77</sup>

This assessment was more convincing than his excuses in 1703. This time there were real grounds for his comments on Cromartie and Marchmont.<sup>78</sup> The other obstacle to success was seen as Secretary Johnston because of his influence with

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<sup>74</sup> Ibid, f. 111. Queensberry to Godolphin, June 1705.

<sup>75</sup> Ibid, f. 131. Queensberry to Loudon, September 1705, Comments on his ability to persuade friends of Loudon to join with the ministry.

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> BL Add. 28055 (Godolphin), f. 252. Seafield, 18 July 1705.



Tweeddale and the Squadrone.<sup>79</sup> At least Queensberry and Saltoun were of the same opinion about someone, and they both despised his interference in Scottish politics.<sup>80</sup> Saltoun disliked Johnston for supporting the Tweeddale ministry of 1704. Queensberry also bore a grudge from 1701, when Johnston had opposed him over Darien.<sup>81</sup>

Hamilton (as an opposition leader) was less predictable than Saltoun, who was consistent and unwavering, even if his ideas on the constitution now seemed too extreme to some. Queensberry perhaps made some move to work with Hamilton, but then he was also in opposition at the time. Hamilton's motives were always suspect, but he knew as much as anyone that a treaty with England was gaining favour. Even among his family there was recognition of that fact and pressure was put on him by his brother Selkirk to discuss the issue. His answer to his brother was intelligent and thoughtful:

I see you [his brother] desire me to come into the treaty with England it's been too long wanting & been the source of our misfortunes since our King's became theirs, but now this is called a Treaty for an entire Union & yet I am afraid when you come to see the act it will be found the body does not agree with Part of the title.<sup>82</sup>

In other words a treaty may be delayed, but it was almost a certainty, and the terms would be laid down by England. Queensberry would also have known Marlborough's mind on the matter (Marlborough was fearful of a Jacobite invasion) as he met with him 20 June 1705.<sup>83</sup> The fact was pressure was building in England to take action against Scotland should a treaty not come to pass. Selkirk was close to the English Court, and Hamilton could only argue that any treaty had to be based on 'an equal foot' and insisted 'I am far from [desiring] to lose any opportunity wherein I can promote the good of the Country & the tranquillity of

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<sup>79</sup> Drum. MSS, Vol. 127, f. 111. Queensberry to Godolphin, June 1705.

<sup>80</sup> NAS. GD220/5/75 (Montrose). Fletcher of Saltoun to Montrose, June 1704.

<sup>81</sup> Drum. MSS, Vol. 128, f. 82. Reports on the parliament July to August 1704.

<sup>82</sup> NLS. MS. 1032 (Hamilton), ff. 15-16. Hamilton to Selkirk, Preston, 2 February 1704/5.

<sup>83</sup> Mal/God, I p. 451. Godolphin to the Duchess, 20 June 1705.



Britain'.<sup>84</sup> Had Queensberry read that letter it would have strengthened his already growing confidence. As it was, Saltoun and Hamilton seemed to have a strained relationship, the effect of which was weakening the opposition.<sup>85</sup> Queensberry's arrival in Scotland had caused real panic amongst the opposition, as they had some inkling that he was there to push a treaty through parliament.<sup>86</sup> Hamilton's actions (before Queensberry arrived in Scotland) seem to have been taken with a view to undermining the Court whilst there was still some uncertainty among Queensberry's supporters on the line they should take with the ministry.<sup>87</sup> It was a good tactic, but that uncertainty would end with Queensberry's return to Scotland.

The Squadrone was also slowly coming to terms with the idea of a treaty as a solution to Scotland's ills. Tweeddale had little option but to follow the English Court, given his previous commitments to the Queen, and despite his preference for the succession with limitations. The 1705 parliamentary session at first followed much the same course as the 1704 session, with Cavalier and Country Party resistance to the Court, and further calls for limitations from Saltoun. Queensberry's letters to the Queen correctly focused on the impact of the alien act as a hindrance to achieving success in the face of this opposition. He clearly laid out the feelings on the people of Scotland when he wrote 'the Nation are generally under an impression that by that act we have suffered great injustice and indignity'.<sup>88</sup> Queensberry could clearly see the problem, and the solution to that dilemma now lay with the English parliament. The proposals put forward by the opposition worried Queensberry and Argyll. There was a push on 7 August for triennial parliaments, which the Court offered as a concession (they would begin after the Queen's death).<sup>89</sup>

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<sup>84</sup> Ibid.

<sup>85</sup> BL Add. 28055 (Godolphin), f, 248. To Mr Harley, 17 July 1705.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> Drum. MSS, Vol. 127, f. 111. Queensberry to Godolphin August 1705.

<sup>89</sup> NAS. GD124/15/231/13 (Mar and Kellie). Mar, 23 August 1705: APS xi, p. 219.



Saltoun also wanted the increasing number of peers balanced by an equal number of commissioners of the shires.<sup>90</sup> That prospect could have done little to soothe the concerns of the nobility, who were already frightened by the influence of both the church, and the mob. The attitude of the nobility was described by Macinnes as being ‘aristocratically led factions in pursuit of power and office’.<sup>91</sup> The reality, however, was that ‘pragmatism’ was more important than factionalism by this time. Magnate influence also depended on some commitment to a clear policy. Most appeared to recognise a compromise with England was necessary, and at least for Queensberry supporters, they had the comfort of knowing their ‘intractable magnate’ has solid Revolution credentials. The nobility were under pressure from the resolve which was passed by a majority of twenty-three votes that ‘the Estates of Parliament shall name officers of state after the Queen’s death’.<sup>92</sup> Control of patronage was integral to political management, as would soon be shown during the passage of the treaty of union through the Scottish parliament.

Despite these reservations there was some comfort for Queensberry and the Court. Saltoun was at loggerheads with Hamilton and Roxburgh over opposition tactics. He seemed to have recognised a shift in the Squadrone towards a treaty.<sup>93</sup> This perception perhaps led Saltoun to challenge the Earl of Roxburgh to a duel (apparently the dispute was over a discussion on the expansion of credit for Scotland).<sup>94</sup> Argyll and Queensberry now began to work on discipline among the ministry, with much of the burden for the organization of that task being placed on Mar’s shoulders.<sup>95</sup> Mar also feared that Queensberry would be deflected from business by becoming embroiled with Atholl again over the Scotch Plot.<sup>96</sup> Queensberry, in contrast to 1703, avoided this pitfall. He knew that Argyll had

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<sup>90</sup> Ibid, 15/231/13. Mar, 23 August 1705.

<sup>91</sup> Macinnes, A. I., ‘Covenanting, Revolution and Municipal Enterprise’, in Wormwald, J., *Scotland Revisited* (London, 1991), p. 132.

<sup>92</sup> BL. Add. 28055 (Godolphin), f. 278. 16, August 1705, no signature,

<sup>93</sup> Robertson, J. ed., *Andrew Fletcher. Political Works* (Cambridge University Press, 1997), p. xvii.

<sup>94</sup> NAS. GD124/15/231/11 (Mar and Kellie). Mar, 16 July 1705: BL Add. 28055 (Godolphin), f. 278. To Godolphin, 15 August 1705: See, Young., ‘The Scottish Parliament, and the Covenanting Heritage’, on the political heritage of these reforms.

<sup>95</sup> NAS. GD124/15/231/12 (Mar and Kellie). Mar to Queensberry, August 1705.

<sup>96</sup> Ibid.



instructions that he was ‘to endeavour to prevent the reviving of former questions or debates about the late Plot’.<sup>97</sup> Godolphin did not help matters much as his understanding of Scottish politics could be rather vague. He answered accusations of English influence in Scottish politics with the following rather naive comments ‘how can the Queen but be influenced by her English servants near her person... why don’t they [the Scots] make an address to her Majesty that she would appoint a certain number to her Council of Scotland to be always attending upon her person’.<sup>98</sup> These comments were hardly useful to Argyll or Queensberry, and they were still left with an absence of possible solutions to their problems with the opposition.

The parliament may well have continued to oppose all attempts to settle business to the queen’s satisfaction had it not been for the actions of Hamilton. On 6 July a resolve for a treaty presented by Mar had already been defeated.<sup>99</sup> It is then difficult to fully understand the motives of Hamilton at this point, but his actions opened the door to an incorporating union. Queensberry seems to have played little part in Hamilton’s astonishing volt-face. It is true that Mar was still on reasonable terms with Hamilton, and he may have acted some part in it, but there is no solid evidence on this event. As it was, Hamilton had nothing to thank the ministry for, as he had not been nominated to sit on the council of trade set up by the parliament.<sup>100</sup> On 1 September Hamilton, against all expectation, and knowing his party were outnumbered at the time (having also assured them the matter would not be discussed), then proposed a resolve that the Queen nominate commissioners to treat for a union. His own opposition were thunderstruck. Argyll and Queensberry immediately recognised the importance of this resolve and it was quickly seized on by the ministry. Some idea of Hamilton’s state of mind at this time came in a letter dated 1 September to his Mother (Duchess Anne) ‘I am now resolved to lay down the cudgel and acknowledge I am beaten since my country

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<sup>97</sup> Brown. ed., *The Letters and Diplomatic Instructions*, p. 162. Instructions to the Duke of Argyll, Windsor, 18 June 1705.

<sup>98</sup> NAS. GD 248/559/36A (Seafeld), f. 29. Godolphin to Seafeld, 18 August 1705.

<sup>99</sup> *Ibid.*, 559/34, f. 30. Seafeld, 9 August 1705.

<sup>100</sup> BL Add. 28055 (Godolphin), f. 282. Seafeld, 18 August 1705.



will do nothing to preserve its own interests when uniting with England'.<sup>101</sup> Hamilton's mother offered a further explanation for her sons actions by suggesting that Hamilton 'was aware that' the Cavaliers were about to join with the Court, therefore he was pre-empting that event.<sup>102</sup> That scenario is not beyond belief, given the rumours that were spreading about party affiliations. It would also explain his earlier comment about 'throwing down the cudgel'. If his action was taken in error, it was perhaps the greatest mistake of his political career.

The day of 'Scotland's Ruine', as Lockhart described it, seemed to have no rational political development.<sup>103</sup> It was not part of the opposition's strategy to put forward such a measure, and the ministry had little hopes of its being passed before Hamilton proposed it. Queensberry and the ministry seemed as surprised as Hamilton's own party at this turn of events.<sup>104</sup> That much at least can be put forward on the basis of Sir David Nairne's (Secretary-Depute for Scotland) letter to Queensberry on 31 August which gave no indication that the Court expected any immediate resolve to their problems.<sup>105</sup> Even when Nairne knew of the passing of the nomination in favour of the Queen he did not indicate that it was due to anything that Queensberry or the ministry had done.<sup>106</sup> Mar dined with Queensberry shortly after Hamilton's actions, and there is no indication that Queensberry took any credit for this turn of events (they discussed the prospect for a treaty).<sup>107</sup> Queensberry also had lost his brother, the Earl of March, on 2 September and he was busy making arrangements for the funeral, so it is unlikely his mind would have been entirely on Hamilton's actions. Queensberry did however show his usual courtesy by inviting Hamilton to the funeral 'at the burying

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<sup>101</sup> NAS. GD406/1/5137 (Hamilton). Hamilton to Duchess Anne, 1 September 1705.

<sup>102</sup> BA. Box 45, 5, f. 121, Duchess Anne to the Duchess of Atholl, 11 September 1705.

<sup>103</sup> Szechi. ed., *Scotland's Ruine*, p. 106.

<sup>104</sup> NAS. GD124/15/231/15 (Mar and Kellie). Mar gave no indication that Hamilton, whom he was on good terms with, was about to betray his own party, 24 August 1705.

<sup>105</sup> Drum. MSS, Vol. 127, f. 115. David Nairne to Queensberry, 31 August, postscript, 1 September, 1705.

<sup>106</sup> *Ibid.*, f. 117. Nairne to Queensberry, 10 September 1705.

<sup>107</sup> NAS. GD124/15/231/16 (Mar and Kellie). Mar to Queensberry, September 1705.



Pebbles'.<sup>108</sup> Seafield suggested Hamilton had been very willing to serve the Queen, and his actions were therefore in keeping with her letter to the Hamilton:

The D[uke] [of] H[amilton] was told plainly, that if the Queen was sure her measure would succeed in his hands, yet she was not in circumstances to make use of his services just now, nor indeed hereafter till he would be pleased to make one step towards Her Majesty, which the present occasion of a treaty makes very natural.<sup>109</sup>

Seafield was probably just inflating his own importance with this letter, as it was written 31 May 1705, and Hamilton had opposed Mar's resolve for a treaty before his actions on 1 September. Rumours still continued however that 'the Duke of Hamilton and the Duke of Queensberry are in very good understanding'.<sup>110</sup> It is inconsistent with Queensberry's personality that he would not have trumpeted the fact if he had indeed induced Hamilton to do what he did that day. Queensberry would have presented Hamilton's action as a triumph to the Queen, had he been involved in it, in order to secure further rewards. There is no available evidence that Argyll had a hand in the matter either. Queensberry was then called upon to intervene in a dispute between Argyll and Nairne. Argyll had accused Nairne of supporting Annandale against him.<sup>111</sup> If issues such as this could be resolved, then the ministry stood a chance of achieving a treaty with England. So far Queensberry had quietly played his part in the ministry, but in matters as important as a possible treaty with England he would be less than satisfied if he did not control the whole process. He insisted that 'no opposers should be named, and if any advise otherwise, the advisors should name them and answer for them'.<sup>112</sup> This comment can be seen as a warning that there was to be no ideas about cooperation with the Squadrone in the process. The Squadrone had previously clung to Secretary Johnston's illusion that Godolphin favoured them, until finally it was clear that

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<sup>108</sup> NAS. GD406/1/5324 (Hamilton). Queensberry to Hamilton, 21 September 1705.

<sup>109</sup> HMC 34. *Roxburghe*, p. 206. Seafield, 31 May 1705.

<sup>110</sup> *Jerviswood*, p. 125-126. From the Earl of Roxburgh, 1 October 1705.

<sup>111</sup> Drum. MSS, Vol. 127, f. 118. Nairne to Queensberry 22 September 1705.

<sup>112</sup> NAS. GD 124/15/253/2 (Mar and Kellie). The Register [Philphaugh] to Mar, 20 November 1705.



‘Argyll is to have what he pleases, because in effect, it is Stairs, the Register (Philphaugh) and Queensberry that will do all under his shadow’.<sup>113</sup>

Queensberry’s friends and followers therefore constituted the majority of the commissioners on the Scottish side, and his English Whig supporters made up a fair number of the English negotiators. However, Annandale was irrevocably lost to the Court, and ‘none who are opposed to her Majesty’ were to be on the commission.<sup>114</sup> In other words Queensberry and Argyll would choose the Scottish commissioners.<sup>115</sup> Queensberry now had the opportunity to finally show how effective his influence could be. In his attitudes, he was always more of a British than Scottish politician. Early in his political career he recognised the fact that England as a powerful military-fiscal state, was at the centre of European politics, particularly as they, like the ‘Dutch, had sea power’ at their disposal.<sup>116</sup> That point is well illustrated by Young, who argued by ‘Linking these developments to the union crisis...’ in Scotland, ‘...the might of English military strength had now been clearly demonstrated at Blenheim...’<sup>117</sup>

The Earl of Mar was appointed joint Secretary with the Earl of Loudon, and he again took the lead in organising Queensberry’s supporters for the coming negotiations.<sup>118</sup> Mar (and Glasgow) had a key role in communicating Queensberry’s wishes to his party. Mar seems to have been particularly close to Queensberry and their correspondence often showed a more light-hearted and warm

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<sup>113</sup> *Jerviswood*, pp. 128-129. To the Earl of Roxburgh, 9 October 1705.

<sup>114</sup> BL. Add. 6420 (Autograph letters), f. 17. Unsigned Memorial, 4 December 1705.

<sup>115</sup> See, Dicey, A. V & Rait, R. S., *Thoughts on the Union between England & Scotland* (London, 1920), p. 181. The writers described the Queen nominating the commissioners ‘under the advice of her English and Scottish ministers’

<sup>116</sup> See for example, Drum. MSS. Bundle 1202, 12 June 1703. Comments on Belhaven: Drum. MSS. Bundle 1128. Queensberry, October 1700: JHC: 15, 25 October 1705 to 1 April 1708, pp. 20-23. The English Navy had 221 ships and 50,635 men, and the land forces in England numbered 12,659 with 39,829 serving overseas at a cost of £886,223, 18s 06d sterling.

<sup>117</sup> Young, J. R., ‘The Parliamentary incorporating Union of 1707’, in Devine, T. M. ed., *Eighteenth Century Scotland. New Perspectives* (East Lothian, 1999), p. 41.

<sup>118</sup> NAS. GD124/231/14 (Mar and Kellie). Mar, 27 August 1705.



side to Queensberry, which is absent in most of his letters to other people.<sup>119</sup> Mar was perhaps Queensberry's greatest asset, as he could still remain friends with people like Hamilton and Atholl, despite his closeness to the Duke. Both Hamilton and Atholl kept in touch with Mar. Atholl had previously lodged a protestation that an incorporating union was contrary to the constitution and Claim of Right.<sup>120</sup> In one curious letter to Mar, Atholl now seemed to be supporting a union as long as the Alien Act was rescinded. Atholl gave his opinions on the issue in the following letter:

You will allow me to mind your Lordship of the common concern of our Country which of late has been much depressed, if your Lordship will endeavour to procure the prohibitions in the English Act to be either rescinded or suspended during the treaty it will render your Lordship very acceptable to this nation, and be a means to make the treaty go smoother.<sup>121</sup>

Queensberry therefore had a direct source of information on the tactics and thoughts of key opposition leaders. With his 'own dear Mar' in place, Queensberry now had to await the English parliament repealing 'a Clause in an Act passed in their last session of parliament entitled an act for effectual securing the kingdom of England' before he could proceed to a treaty.<sup>122</sup> Some care had also been taken before the commissioners departed to allay the fears of the church, and Loudon tried to assure 'the brethren' that their concerns would be addressed.<sup>123</sup> By 27 November 1705 the English parliament finally rescinded the alien act thereby paving the way for negotiations for the treaty. This was achieved when 'my Lord Haversham moved that the clause declaring us aliens might be repealed, he was seconded by Buckingham and Rochester'.<sup>124</sup> Clearly Queensberry's friendship with Rochester was paying off. Given that state of relations between England and

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<sup>119</sup> Ibid, 15/214/6. Queensberry to Mar, 1 July 1704: Ibid, 214/3. Queensberry to Mar, 12 August 1702.

<sup>120</sup> APS xi, p. 313.

<sup>121</sup> NAS. GD124/15/246 (Mar and Kellie). Athol to Mar, 13 October 1705.

<sup>122</sup> Ibid, 15/214/8. Queensberry to Mar, 15 August 1704: Ibid, 435/9, Draught of a clause to be added to the Act of Treaty, 1705.

<sup>123</sup> Ibid, 12/240/5. Loudon to [Mar] 12 October 1705.

<sup>124</sup> Ibid, 15/259/2. William Cleland to Mar, 24 November 1705: JHL: 15, p. 31.



Scotland, there is some truth in the remarks of William Cleland, that ‘This affair has been managed with the greatest dexterity by the Whigs, who as Saltoun himself confesses are the best party men in England’.<sup>125</sup>

Queensberry then suffered another personal setback in November with the death of one of his daughters from smallpox. As a consequence he was for the time being sitting ‘at home dropping [and] will not come out abroad, and inclines neither to speak nor hear of business, but just entertains his grief’s and fears’.<sup>126</sup> Glasgow was working hard to prepare Queensberry for his journey South, despite both the Duke and his wife suffering illness.<sup>127</sup> If that situation remained, it was likely to damage the prospects of a union. There was also a potential source of conflict with Argyll, as Queensberry supported the Earl of Glencairn being appointed governor of the Castle of Dumbarton over Argyll’s brother Archibald.<sup>128</sup> This however, was a simple case of lack of communication within the ministry as to Argyll’s wishes for his brother. That matter would be easily resolved. The state of relations between England and Scotland had now entered a critical period, and all hopes of a solution acceptable to the Court rested with the union commission, in other words, with Queensberry. Argyll did not choose to sit on that commission in order to return to serve with Marlborough.<sup>129</sup> Argyll had left the way open for Queensberry to regain his position as High Commissioner when he gained his promotion in the Army.<sup>130</sup> Argyll had been desperate to obtain command of a brigade under Marlborough and he had no thought of competing with Queensberry.

The initial blot on prospects of success was the loss of Annandale, who now went to England to rally anti-union support.<sup>131</sup> Annandale has some influence over at least two commissioners within Queensberry’s domain, and there would now be

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<sup>125</sup> NAS. GD124/15/259/2 Mar and Kellie). William Cleland to Mar, 24 November

<sup>126</sup> Ibid, 15/253/2. The Register, to Mar, 20 November 1705.

<sup>127</sup> Ibid, 15/263/1. Glasgow to Mar, 20 November 1705.

<sup>128</sup> Ibid, 15/253/2. The Register, to Mar, 20 November 1705.

<sup>129</sup> Dickson, P., *Red John of the Battles* (London, 1973), p. 95.

<sup>130</sup> Drum. MSS, Vol. 127, f. 139. Seafield to Queensberry, London, 13 November 1705.

<sup>131</sup> NAS. GD124/253/2 (Mar and Kellie). Lord Register to Mar, 1 November 1705.



three less votes for the ministry.<sup>132</sup> Queensberry was also personally concerned to know the Queen's opinion on the issue of 'disbursements [made] when I was High Commissioner, which were not proper to be stated in the accounts with the treasury, for which he had private instructions and warrant'.<sup>133</sup> Queensberry was clearly aware that any knowledge of secret payments, for whatever reason, could wreck a possible union. He still delayed any move to London, as he was concerned that his son Charles still had not overcome a bout of smallpox.<sup>134</sup> Queensberry then, in keeping with his normal priorities, sought 'near nine hundred pounds Sterling...expended in Her Majesty's service' as well as a further six hundred pounds Sterling which is not stated in his account'. As already stated, the amounts not listed in accounts were to cover the expenses related to the secret service.<sup>135</sup> Gaining this money was a constant concern of Queensberry's. Glasgow again wrote on the subject on 9 December to Mar, stating that the money was paid by Queensberry 'could not be stated in his Grace's accounts, for it cannot be spoke of and much less contained in an account'.<sup>136</sup> Evidence for Queensberry's use of spies comes mainly from Lockhart who named James Cunningham of Aiket as one of the agents Queensberry used.<sup>137</sup> Although there is scant evidence of the scale of any spy network, it would not be unreasonable to conclude that attempts were made to infiltrate opposition groups outside of parliament.

After the parliamentary session of 1705 ended on 21 September, a more intense effort began to bring the young Marquis of Montrose into the fold of the Court. Queensberry regarded Montrose as coming both from a good family, and being a 'most considerable' person.<sup>138</sup> Montrose is generally categorised as a member of the Squadrone, but letters from Atholl and Tweeddale seem to cast

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<sup>132</sup> Annandale, Sir William Johnston of Sheens (Annan) and Robert Johnston of Kelto (Dumfries), see Appendix -A.

<sup>133</sup> NAS. GD124/253/2 (Mar and Kellie). Lord Register to Mar, 1 November 1705.

<sup>134</sup> Ibid, 15/253/3. Lord Register to Mar, 4 December 1705.

<sup>135</sup> Ibid, 15/263/2. Glasgow to Mar, 22 November 1705.

<sup>136</sup> Ibid, 15/263/5. Glasgow to Mar, 9 December 1705.

<sup>137</sup> Szechi. ed., *Scotland's Ruine*, pp. 182-183.

<sup>138</sup> Drum. MSS. Bundle 1128. Unsigned Memorial, 1703.



doubt on the idea that he was firmly committed to any interest.<sup>139</sup> Atholl's letter read as if Montrose was committed to opposing the Hanoverian succession, and any treaty with England.<sup>140</sup> Tweeddale had also been anxious to let Montrose know that 'the Queen will not employ any who opposed her...she is resolved to make your Lordship High Admiral' and therefore the expectation was that Montrose would support the succession under Tweeddale.<sup>141</sup> Roxburgh also feared that Montrose would move over to the Court on the promise of a place in the ministry, thereby causing a split among the opposition.<sup>142</sup> The day to day management of affairs was now left to Glasgow and Mar, whom Queensberry was 'perfectly pleased to leave them in' while he underwent blood letting in an attempt to get him fit to travel.<sup>143</sup> Mar and Glasgow continued to attempt to draw Montrose into Queensberry's interest. Montrose was as yet not fully committed, but he left his options open when he wrote to Glasgow 'I shall frankly own at this time that it is not that I decline her Majesty's service...but your Lordship knows I have not hitherto shown myself very fond of appearing in public posts'.<sup>144</sup> He had written in similar terms to Tweeddale on 3 November 1704 'I am loath to give any public engagements and more especially to engage in such terms as may impair compliance in future measures'.<sup>145</sup>

The relevance of Montrose's affiliations is that Riley categorised Montrose as a confirmed member of the Squadrone. There is some doubt that he was ever that committed to any party, and therefore the voting on the articles of union may not be as clear cut as Riley suggests with respect to the Squadrone holding the balance. Montrose was shrewd, individualistic, and perhaps too self-centred to ever be fully committed to a single political faction or idea. What is clear is that after some confusion over which post he was to receive, Montrose was firming up a possible

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<sup>139</sup> NAS. GD220/5/53/2 (Montrose). Athol to Montrose, April 1703: Ibid, 5/81/1. Tweeddale to Montrose, 16 October 1704.

<sup>140</sup> Ibid, 5/53/2. Athol to Montrose, April 1703

<sup>141</sup> Ibid, 5/81/1. Tweeddale to Montrose, 16 October 1704.

<sup>142</sup> *Jerviswood*, pp. 134-135. From The Earl of Roxburghe, 19 November 1705

<sup>143</sup> NAS. GD124/15/263/8 (Mar and Kellie). Glasgow to Mar, 18 December 1705.

<sup>144</sup> NAS. GD220/5/92/1 (Montrose). Montrose to Glasgow, 4 June 1705.

<sup>145</sup> Ibid, 5/81/2. Copy letter to Tweeddale from Montrose 3 November 1705.



relationship with the Court by the end of 1705. He was given a place as Lord President of the Privy Council by March 1706.<sup>146</sup> Given the efforts Queensberry made to gain Montrose, there is some degree of sincerity in Queensberry's words when he wrote, 'I always had a great esteem for your self and honour for your family and wished nothing more than to have you joined in government with me'.<sup>147</sup> How Montrose finally came over to the Court faction will be discussed in the following chapter. Queensberry's supporters were now also making moves to assure their places, or simply to pledge support. The Earl of Leven and Sir John Maxwell of Pollock also gave indications of support as well as seeking payments for past government service.<sup>148</sup> Even before the commissioners were to meet, Stair was certain that 'an incorporating Union to be the best for both nations' but he expressed fears of the consequences of failure to deliver the treaty.<sup>149</sup> Stair believed Queensberry would not accept the refusal of the parliament to pass the treaty, and if he then withdraw from public life it would be disastrous for the Court and Scottish ministry.<sup>150</sup> Military men were also seeking favours and Major General Murray sought the position of Commander-in-Chief of the forces in Scotland.<sup>151</sup>

The Queen's letters were sent to the commissioners early in March 1706. They stressed the argument that 'this affair is of such consequence and probably of such advantage to our Country that I doubt not that your Lordship will be very willing to embrace this opportunity of coming up'.<sup>152</sup> Mar began receiving the replies by the end of March 1706.<sup>153</sup> Montrose, whilst supporting the ministry, 'did not incline to be on the Treaty'.<sup>154</sup> Montrose did not give reasons for his decision,

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<sup>146</sup> Ibid, see, folios, 5/90/1. Argyll to Montrose, 25 April 1705, 5/96//22. Mar to Montrose, 2 March 1706.

<sup>147</sup> Ibid, 5/102. Queensberry to Montrose, 26 March 1706.

<sup>148</sup> NAS. GD124/15/265 (Mar and Kellie). Leven to Mar, 27 November 1705: Ibid, 15/269/1. Maxwell of Pollock to Mar, 1 December 1705.

<sup>149</sup> Ibid, 15/282. Stair to Mar, 3 January 1706.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid, 15/273. Major General Murray to Queensberry, 4 January 1705/6

<sup>152</sup> Ibid, 451/1. Copy letter to the treaty commissioners, 2 March 1705/6.

<sup>153</sup> Ibid, 15/341, ff. 6-12.

<sup>154</sup> Ibid, 15/335/1. To Montrose, 2 March 1705/6.



but he seemed unable to commit fully to any party at this time. One of Tweeddale's old mentors, Sir Alexander Bruce, now also made a vigorous effort to re-ingratiate himself with Queensberry, whom he had maligned when the New Party was in power.<sup>155</sup> It appears then that the treaty appealed not only to the old party, but also to old opponents of Queensberry. Viscount Dupplin also put in his bid for recognition although his argument that the New Party had thought a treaty 'the only proper measure to prevent a rupture betwixt the two nations' was stretching the truth given their resolve upon the succession with limitations in 1704.<sup>156</sup>

Mar was allotted the task of writing to the commissioners and he devised a standard letter to each of the commissioner:

The Queen has been pleased to make your Lordship one of the Commissioners for Treating with those of England and her Majesty expects that you will be here some time before the first meeting which is to be the 16<sup>th</sup> of April, This being an affair of such consequence and probably of such advantage to our Country that I doubt not your Lordship will be very willing to embrace this opportunity of coming up and giving your assistance in this affair, You have a reasonable time to prepare your self for your Journey and there will be several of your friends here which will make it pleasanter for you, I will be glad to hear from you...<sup>157</sup>

The replies arrived by 15 March:

John Gordon, Earl of Sutherland, [Acknowledges his place on the Commission to treat and will be in London as soon as possible], Earl Roseberry, March 11, 1706..I believe nothing will ever make this country easy but an entire complete Union, Lord Aniston, March 12 1706.[As above but he cannot be in London], Sir James Sinclair , 9 March 1706, As my health allows me to travel, Hugh Montgomery, 7 March 1706, George Lockhart of Carnwath, 9 March 1706 [He will attend then commission to treat if he can], Patrick Johnston, 9 March, Sir John Clerk of Penicuik 7 March, Alexander Ogilvie,7 March, Francis Montgomery of Giffen, 7 March.<sup>158</sup>

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<sup>155</sup> Ibid, 15/340. Sir Alexander Bruce to Mar, 7 March 1706.

<sup>156</sup> Ibid, 15/350. Viscount Dupplin to Mar, March 16, 1706.

<sup>157</sup> Ibid. 15/340. Sir Alexander Bruce to Mar, 7 March 1706.

<sup>158</sup> Ibid, 15/341/12, ff. 5-10 to Mar, 15 March 1706.



The final commission consisted of Seafield, Queensberry, Mar, Loudon, Sutherland, Morton, Wemyss, Leven, Stair, Roseberry, Glasgow, Archibald Campbell, Duplin, Ross, Sir Hugh Dalrymple, Adam Cockburn of Ormiston, Robert Dundas of Armiston, Robert Stuart of Tillicoutrie, Sir Alexander Ogilvy of Forglen, Francis Montgomery of Giffen, Sir David Dalrymple, Sir Patrick Johnston, Sir James Smollet, George Lockhart of Carnwath, William Morrison of Prestongrange, Alexander Grant, younger of Grant, William Seton of Pitmedden, John Clerk of Penicuik, Hugh Montgomery, Daniel Campbell, and Daniel Stuart.<sup>159</sup> Lockhart was the only commissioner from the opposition, and his inclusion was thought to be due to the influence of his uncle, Lord Wharton. Lockhart was opposed to ‘an entire union’ and he was surprised to be chosen. He argued he only attended the negotiations after consulting Hamilton and other ‘friends’, and it was again evidence that the commission was to be carefully chosen on the basis of their loyalty to the Court.<sup>160</sup> Of the rest Archibald and Daniel Campbell were under the Duke of Argyll’s influence. The remainder were all firm Queensberry-Court men, although Seton of Pitmedden, and Clerk of Penicuik, had only recently come to prominence in Queensberry’s party.<sup>161</sup> Clerk was perhaps being less than honest in his history of the union when he implied he served Queensberry because the Duke had threatened to withdraw his patronage of him.<sup>162</sup>

If real success was to be achieved however, it was necessary to firm up any doubters among the ministry, and to ensure some likely opposition members were brought in. Daniel Campbell for example, was given a pension of £100.<sup>163</sup> Cromartie had been reluctant to support an incorporating union, and previously, he was instrumental in pushing for ‘restoring the ancient constitution of the kingdom for establishing an advantageous trade and securing these by a treaty’, by means of

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<sup>159</sup> GUL. Special collection, Mu44 –d. 9. *Essay upon the union* (London, 1706): See appendix A for biographies of the commissioners, most of who were in Queensberry’s party.

<sup>160</sup> Szechi. ed., *Scotland’s Ruine*, p. 119: *Lockhart Letters*, pp. 26-30.

<sup>161</sup> See appendix A.

<sup>162</sup> *History of the Union*, p. 3.

<sup>163</sup> NAS. GD124/15/284/6 (Mar and Kellie). Sir David Nairn, 29 January 1706.



a federal union.<sup>164</sup> He quickly changed his support to that of an ‘incorporating union’ whilst still clinging to the idea of a ‘federal Union’ although he now thought the prospect ‘romantic’.<sup>165</sup> Federalists, like William Seaton of Pitmedden, would also have to be persuaded that ‘a federal union’ was not the answer to Scotland’s ills.<sup>166</sup> Seaton readily changed his mind and he received a pension of £100 Sterling a year.<sup>167</sup> He would go on to provide perhaps the best defence of the union in parliament. The real work of pushing the treaty would have to be done against a background of secrecy. The union commission’s deliberations could not be revealed before the treaty was put to parliament in the winter of 1706. In the meantime Queensberry would confirm his worth to the Court.

Queensberry, as a young man, had set his mind to defend the prerogative, so a united parliament held no fears for him, as long as there was a Protestant Court to serve.<sup>168</sup> He therefore had little concern over the prospect of a complete union as he sincerely believed that failure to gain a treaty would lead to ‘an irreparable break betwixt the two nations’.<sup>169</sup> His immediate concern was to make gains from the success of the events on 1 September. As was the case in 1700 with the Darien affair, Queensberry had little sympathy with any proposal that was likely to cause a breach between England and Scotland. The Court and prerogative were the focus of his life.<sup>170</sup> There is no evidence to suggest that Queensberry ever changed his attitude on the right of the nobility, particularly himself, to manage affairs as he saw fit, since the Earl of Glasgow had written to him in 1695, that ‘persons of worth and quality who are fittest to serve the King and their native Country’ [should not be criticised].<sup>171</sup> That statement perhaps best sums up Queensberry’s own attitude. In a letter to Godolphin on 2 September Queensberry was optimistic, but he then insisted

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<sup>164</sup> Ibid, 10/434/3. Crom[artie]’s resolve, 1704.

<sup>165</sup> Ibid, 15/279/4. Cromartie, 15 January 1706.

<sup>166</sup> Ibid, 434/7. Pitmedden’s resolve, 11 July 1704.

<sup>167</sup> Brown., *Letters and Diplomatic Instructions*, p. 318.

<sup>168</sup> MSS. Bundle 1128. To Godolphin, 1 September 1703, in which Queensberry gives a defence of the prerogative in the face of accusations of English interference in Scotland.

<sup>169</sup> Ibid. To Godolphin, 25 August 1705.

<sup>170</sup> Drum. MSS, Vol. 1 (126), ff, 76-77. Robert Pringle to Queensberry, June 1699.

<sup>171</sup> Drum. MSS, Volume 115. Lord Boyle to Queensberry, June 1695.



of favours being given to the Duke of Douglas.<sup>172</sup> Clearly he was making sure his interest was well taken care of.

Queensberry, still unwell, began a slow journey south as there was no 'going above a stage a day' due to poor weather.<sup>173</sup> Queensberry's wife was given the task of writing to Mar to enforce her husband's possible objections to those seeking places, and warning against harbouring any possibility of wavering amongst supporters (or including anyone other than the old Party in the negotiations):

We are positive that if any mixture be made in the Treaty or Ministry the whole design will be ruined and he is sure [Queensberry] it can never be proposed but by this who are very ignorant of the methods of carrying business in Scotland, or have another view.<sup>174</sup>

Queensberry clearly had no intention of losing control of the situation, and the above letters seems as much a warning to English, as well as Scottish politicians, not to countenance a 'broad bottom ministry', or to loose sight of the idea that he was to be the main source of managing affairs. Queensberry finally arrived in London on 21 January 1706. Good behaviour was expected from the commissioners, and Queensberry and Mar put pressure on them by stating 'we are resolved to be very shy in things of this nature [granting pensions or places] and not pass them so easily as formerly'.<sup>175</sup>

Whenever Queensberry had been in trouble in the past, the names of Somers and Harley were also prominent, and so it was with the union commission as they would also be with Queensberry in London. Queensberry's ability to appeal to English High church Tories seemed to be undiminished. His life-long friend Rochester was anxious that Queensberry should play his part in negotiations.<sup>176</sup> The commissioners met at the 'cock-pit' in London between 16 April and 22 July

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<sup>172</sup> Drum. MSS. Bundle 1202. Queensberry to Godolphin, 2 September 1705.

<sup>173</sup> NAS. GD124/15/85 (Mar and Kellie). Mary, Duchess of Queensberry to Mar, 4 January 1706.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid, 15/289/2. Mar, 15 January, 1706.

<sup>176</sup> Drum. MSS, Vol. 1 (126), ff. 21-22. Rochester to Queensberry, November 1705.



1706.<sup>177</sup> Queensberry attended all but one of the sessions (15 May) and the Queen attended twice (21 May and 26 June). The English commissioners insisted that they would only discuss ‘an incorporating union’ and all proposals and had to be put in writing.<sup>178</sup> The discussions were to be kept secret and the focus of the negotiations would be ‘free trade and the succession’.

The minutes of the meetings of the commissioners are detailed in the appendix of APS, xi and other sources, and the following is a brief summary of the issues discussed. On 16 April Seafield as Chancellor opened the discussions, and a proposal was accepted that all communication between the English and Scottish commissioners should be in writing.<sup>179</sup> On 24 April Seafield proposed that the succession of the Scottish crown should be same as that of England following the death of the queen.<sup>180</sup> There is no minute of Queensberry’s comments, but Clerk had him ‘speaking...easy, felicitous, and brief’...<sup>181</sup> Clerk went on to summarise some key arguments. The Scottish commissioners argued on the issue of representation in the British parliament that tradition had shown that ‘the make-up of the common council or parliament had been determined partly by population and partly by the dignity of the participating nations’<sup>182</sup>. The English focused on revenue as the determining the numbers (which were finally agreed as 16 peers and 45 MP’s).<sup>183</sup> Much of the information on the commission’s activities comes from the single opposition member who sat on it, George Lockhart of Carnwath. A Director of the Company of Scotland, Robert Blackwood raised a potential source of conflict by writing to the commissioners over the issue of compensation for investor’s losses.<sup>184</sup> That matter would be dealt with when the commission

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<sup>177</sup> GUL. Special collection. Mu44-d. 9. *Essay upon the union*, London, 1706.

<sup>178</sup> Ibid, p. 7.

<sup>179</sup> GUL. Special collections. Mu44-d. 9. *Journal of the proceedings of the commissioners*, p. 9: APS xi, p. 164.

<sup>180</sup> GUL. Special collections. Mu44-d. 9, p. 10: APS xi, p. 165.

<sup>181</sup> *History of the Union*, p. 86.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid, p. 87.

<sup>184</sup> Drum. MSS. Bundle 1128. Robert Blackwood to Queensberry, 12 April 1706.



discussed the equivalent. The lack of real substantive discussions between the English and Scottish commissioners can be seen in the following extract:

The Lord Keeper delivered the board the following proposal.

That there be the same custom and excise and all other taxes and the same prohibitions, Restrictions, and Regulations of Trade throughout the united Kingdom of Great Britain, the Lords Commissioners for Scotland withdrew and being returned delivered the following answer. The proposal given in by your Lords contains so many particulars that the Lords Commissioners for Scotland do propose before they offer any answer to it that a Committee be appointed of an equal number of each side to adjust the points therein.<sup>185</sup>

Taxation continued to dominate the deliberations from 3 May until 15 May.<sup>186</sup> Leven raised the issue of the security of the church, and unlike the 1702 to 1703 negotiations, the English commissioners accepted there should be free trade between the countries, and trade between Scotland and the plantations.<sup>187</sup> Customs, excises, and regulations for trade occupied the discussions to 9 May, and debts were discussed up to 9 May.<sup>188</sup> The Queen came to the meeting on 21 May, and recommended the commissioner to 'bringing it to a happy conclusion'.<sup>189</sup> The equivalent, revenues, and the articles of union were finally agreed on 23 July.<sup>190</sup> Much of the work had been done by a 'committee to review the minutes' consisting of Queensberry, Mar, Leven, Sutherland, Penicuik, the Justice Clerk [David Dalrymple].<sup>191</sup> That committee allowed Queensberry absolute control of the negotiations. They could quickly deal with any possible areas of conflict before they were put to the English side.

There is little to dispute in current historiography with respect to the arguments that the Scottish commissioners had any intention of opposing with any

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<sup>185</sup> BL. Add. 61136 (Blenheim), xxxvi, f. 207. Proceedings of the Commission for the Union, 29 April 1706.

<sup>186</sup> Ibid, ff. 207-224. Minutes: APS xi, p. 166.

<sup>187</sup> Drum. MSS, Vol. 128, f. 63. Considerations of the Lord Commissioners of England, 1702.

<sup>188</sup> APS xi, pp. 164-167.

<sup>189</sup> Ibid, p. 171.

<sup>190</sup> Ibid, pp. 190-201.

<sup>191</sup> GUL. Special collections. Mu44-d. 9. *Journal of proceedings*, p. 11.



vigour the general thrust of English demands for an incorporating union. Pragmatism with respect to their own political futures seems to have been the main concern of the Scottish commissioners. This attitude could be seen in the way the Scottish commissioners ‘faintly proposed a federal union’ which Queensberry was opposed to (the English commissioners would have no truck with the proposal in any case).<sup>192</sup> After that token move to consider the proposal on a federal union, disputes were subsequently limited to discussion over the equivalent and representation to the British parliament. Issues of possible conflict like church settlements were to be left to the respective parliaments.<sup>193</sup> The issue with real potential to damage prospects of a union was perhaps related to Scottish representation in a future British parliament.<sup>194</sup> After much argument the Scottish commissioners accepted ‘forty five members to be the number of representatives for the commons and sixteen peers’ as long as ‘all the peers of Scotland and their successors to their honours and dignity be from the Union reckoned and declared Peers of Great Britain’.<sup>195</sup> Burnet and Clerk rightly pointed out that this issue caused fierce debate.<sup>196</sup>

The peers perhaps accepted the latter decision more easily as heritable jurisdiction would not be abolished with a union. The issue would however lose Queensberry the support of the Earl of Buchan. Queensberry and Hamilton would later become embroiled in the issue of the rights of Scottish Peers after the union. However successful the negotiations on a treaty seemed to Queensberry and the Court, (as Ferguson points out) ‘the treaty and act of union of 1707 certainly did not follow as a mere formality’.<sup>197</sup> The Reverend William Carstares warned Mar that ‘an incorporating Union will now furnish pretence to delay the settling of the succession’, and the consequences would fall on the present ministry.<sup>198</sup> Carstares

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<sup>192</sup> *Letters of Lockhart*, p. 30. To Harry Muale of Kellie, 25 April 1706: *History of the Union*, pp. 85-89.

<sup>193</sup> BL. Add. 61136 (Blenheim), xxxvi, f. 207. 9 May, also ff, 210-229.

<sup>194</sup> *Letters of Lockhart*, p. 31. To Henry Maule, [London] 9 May 1706.

<sup>195</sup> BL. Add. 61136 (Blenheim), xxxvi, f. 229. Proceedings of the Commission.

<sup>196</sup> *Burnet*, p. 160: *History of the Union*, p. 88.

<sup>197</sup> Ferguson., *Scotland's Relations with England*, p. 232: *Burnet*, p. 161.

<sup>198</sup> NAS. GD124/15/315/2 (Mar and Kellie). Mr Carstares to Mar, 2 March 1706. See p. 223.



was now in Edinburgh as Principal of the university, and his concern was the position of the church. Carstares' advice was not followed and the treaty was agreed. Queensberry made a final speech praising the work of the commission on 23 July.<sup>199</sup> The Scottish commissioners were on their way home by the end of July 1706.<sup>200</sup> Everything was now kept in suspense, and in Scotland, speculation could only take hold in the absence of concrete details of the treaty. The way was now paved for Queensberry to cement the work of the commission in the next parliamentary session by getting the treaty ratified.

The parliamentary session of 1705 is well covered in secondary literature, and the facts are little disputed. The main focus of this thesis is however the political life of the Duke of Queensberry, rather than a history of the parliament. For Ferguson, Riley, and Scott, there was little to be added to their earlier assessments of Queensberry. His actions were as always, a confirmation of his intrinsic selfish and grasping nature. For the latter writers, Queensberry's politics came not from conviction, but from self-serving interest. Ferguson added a dimension to the argument, by placing Argyll to the fore as the prime mover in securing the unity of the Court in 1705, whilst Scott accepted the dominance of Queensberry.<sup>201</sup> Argyll was far more of a friend than rival to Queensberry than Riley acknowledged, although the latter writer accepted Queensberry was indispensable to the Court.<sup>202</sup> Queensberry's supporters also raised issues he was averse to discuss. Leven, a firm Queensberry supporter, also pushed for the church settlement despite his knowledge of Queensberry's aversion to that subject, for example.

Queensberry now held the key to success for a treaty and his use of Mar's management skills would be crucial in achieving gains for the Court during the passage of the treaty in parliamentary session of 1706 to 1707. Queensberry also understood Argyll's motivations. Queensberry in his early life had the same ambitions as the young Duke of Argyll to be a great soldier. It was perhaps that

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<sup>199</sup> APS xi, p. 190.

<sup>200</sup> NAS. GD124/15/397/5 (Mar and Kellie). To James Erskine, 27 June 1706.

<sup>201</sup> Scott., *Andrew Fletcher and the Treaty*, p. 124.

<sup>202</sup> Riley., *The Union of England and Scotland*, p. 174.



understanding of Argyll's ambition that made the relationship between them work. Queensberry used the parliamentary session of 1705 to re-establish his worth to the Court after his fall from grace in 1704. His supporters felt that he had principles, including loyalty to them, and his opponent Lockhart (for one) never doubted his commitment to resolving the issue of the succession in favour of the house of Hanover, even if that meant a union.<sup>203</sup> Queensberry had previously argued that limitations on the prerogative were 'the foundation of animosity and division betwixt your Majesty's dominions' and his actions were consistent with that view.<sup>204</sup>

Queensberry again acted in the spirit of his earlier commitments to defend the prerogative, and secure the Hanoverian succession. There is unlikely ever to be a consensus on his motives. For nationalist writers he will always be the prime mover in 'Scotland's Ruine' for his own personal gain. For older Whig historians like Trevelyan, and others, he was the premier Scottish statesman of the time, and the union was 'a very great feat of constructive statesmanship whilst Speck still presented a 'Whig' view of the English parliament in more recent historiography.<sup>205</sup> The arguments presented above suggest that Queensberry acted from firm beliefs, however disagreeable they were to contemporaries, or modern historians. His actions reflected a long-term political commitment to maintain the role of the Court and consequentially, the nobility in government. He had demonstrated great personal courage in supporting the Revolution, and he meant to follow it through to a conclusion. If that meant union with England then so be it. Queensberry had argued as far back as 1700 that 'Scotland should share the burden of the wars in Europe and fully support England' and he intended to see that objective secured.<sup>206</sup> The granting of pensions and places was the bread and butter of cementing political support, and not unique to the Scottish nobility. Queensberry's management of the

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<sup>203</sup> Szechi. ed., *Scotland's Ruine*, p. 11.

<sup>204</sup> Drum. MSS. Bundle 1202. Queensberry to the Queen, 19 July 1703.

<sup>205</sup> See, Clark, G. N., *The Later Stuarts* (Oxford, 1934), p. 277; Ferguson., *Scotland's Relations with England*, p. 219; Trevelyan, G. M., *Ramillies and the Union*, pp. 365-395; Speck, W. A., *Reluctant Revolutionaries. Englishmen and the Revolution of 1688* (Oxford, 1988).

<sup>206</sup> Drum. MSS, Vol. 128, f. 56. Speeches of James Douglas, Duke of Queensberry, to the Parliament, 21 May 1700.

next session of the parliament would be his last chance to secure success on behalf of the Court. Queensberry now looked forward to 'more pleasant days' than the ones he had endured since 1702.<sup>207</sup> At least he was pleased that an 'act in favour of the Duke of Queensberry was passed'.<sup>208</sup> That act covered previous expenses the he was owed. For good or bad, the 'Century of the three Kingdoms' was on the eve of its demise.<sup>209</sup> Seafield perhaps pointed out the simple truth of what Scotland now faced by arguing with some insight 'what is there left to expect from England unless it be to conquer us'.<sup>210</sup>

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<sup>207</sup> Drum. MSS. Bundle 1202. Queensberry to the Queen, 1703.

<sup>208</sup> APS xi, 18 September 1705.

<sup>209</sup> Stevenson, D., 'The Century of the three Kingdoms', in Wormwald, J. ed., *Scotland Revisited* (London, 1991).

<sup>210</sup> NAS. GD 248/599/34/15 (Seafield). Seafield, 17 July 1704.



VII. Our Independence and our King Renounce.<sup>1</sup>

O Scotland thy Religion and Liberties are Sold;  
 Unto the English Nation for Silver and Gold.  
 The Blood of Gods saints is in the Skirts Found.  
 Which makes thy Sovereignty as low as the Ground  
 Jerusalem's sins are in thee to be Seen,  
 Jerusalem' judgements shall thee Circumveen.  
 Lament O Inhabitants! While here on this Earth,  
 Nothing but Repentance, [will] Quench Divine Wrath.<sup>2</sup>

Whilst the union of the Scottish and English parliaments on 1 May 1707 has led to controversy and contention among historians, there is no mystery as to why Queensberry pushed the twenty five articles of the Act of Union through the parliament in the winter of 1706 to 1707.<sup>3</sup> His beliefs were well enough established by that time, and they were plain enough for all to see. Never in his political or private life did Queensberry play the role of Scottish 'patriot' to achieve his ends. His defence of William II at the time of Darien did not include a political idea that had changed significantly by the time of the union (in terms of his perception of the relationship between England and Scotland). Neither did he need the motives of greed, or a lust for power. His own established perception of his duty was to carry the Hanoverian succession. An incorporating union with England would settle that matter once and for all. The substantial debate surrounding the union still focuses on the motivation of the one hundred and sixteen commissioners and nobles who supported Queensberry.<sup>4</sup>

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<sup>1</sup> BA. Box 54. 6, f. 133. Poem on the Union by the Duchess of Athol, 1707.

<sup>2</sup> Rosebery. 1. 2. 77. p. 25. Poem, c1707.

<sup>3</sup> The various economic and political arguments are summarised in, Whately, C. A., *Bought and Sold for English Gold. Explaining the Union of 1707* (East Linton, 2000).

<sup>4</sup> See, Macinnes, A. I., 'Influencing the Vote: The Scottish Estates & The Treaty of Union. *Microcomputer Review*: 6, 1990.

Queensberry's past actions had already shown that he was devoid of any sentimentality with respect to Scotland when it came to relations with England. However, he was educated, pragmatic, and he was no simple mandarin. His opposition to the Court during the parliamentary session of 1704 showed that he was not a mere puppet of Godolphin and the Queen. He had the means to stop any Court initiative he disagreed with. Queensberry could not be pushed to do what was against his will. He was principled enough in 1702 to resist the pressure put on him by his own party to pass an act of abjuration of the Prince of Wales, and he took that stance again in 1705. His political attitudes were well known, and as such, Queensberry saw no contradiction in joining the interests of Scotland with those of England in 1707. He would have been satisfied with an act for the supply in 1700 because that is what the Court needed. The settlement of the succession on the Electress of Hanover in 1703 would have satisfied him (and confirmed his commitment to the Revolution). Now the Court wished for a union of the parliaments to end further uncertainty with respect to the likely actions of the Scottish parliament. Queensberry had no quarrel with England about that strategy. That task would provide just as satisfying a conclusion to his management of Scottish affairs. Among other things, luck, accident, intimidation, coercion and (despite arguments to the contrary) honest persuasion won the votes for the union. Queensberry's ambition would be satisfied despite a vigorous campaign by opponents to the treaty.<sup>5</sup> Queensberry, from his own point of view, achieved his ends by recognising and making the most of the opportunities and resources available to him. If there were possible falterers, then Queensberry had money, his own talent for persuasion, and places with pensions for those with a mind to support him.

A treaty of union between Scotland and England was not a forgone conclusion by the time the parliamentary session began on 3 October 1706. As late as August

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<sup>5</sup> Rosebery. 1.2.22. No 3. *Sir George McKenzie's Arguments against An Incorporating Union. Particularly Considered, as they are in his Observations upon James 6. Parliament* (Edinburgh, 1706).



1705 Seafield made the point to Godolphin, that Queensberry ‘could not carry a treaty at that time’.<sup>6</sup> By October 1706 it was clear to Queensberry that it was likely a treaty would carry in the parliament. Many supporters of the union voted for it because they sincerely believed in it, as much as the opposers held their beliefs to be sincere. Even Hamilton (despite wearing the public mantle of patriot) privately conceded that much.<sup>7</sup> Some simply obeyed Queensberry as their Lord and master, some voted for trade, some for position, some for the security of their church, and possibly a very few, because they were compelled to support the treaty.<sup>8</sup> Queensberry used any means available to him to secure the treaty. There is also a possibility that something more substantial than bribery, and more damaging than simple gossip may have been used to compel a few of the Scottish gentry to vote for the treaty. No risks were taken with this issue, even if there was a degree of confidence that the treaty could have passed on its merits alone.

Prior to the negotiations between the union commissioners (in the spring of 1706) there had been some delay before Queensberry could travel to London because of his failing health. Here again Riley tiresomely set the scene for the union session, with Queensberry as prime demon and manipulator, with a statement that can hardly be supported by any available evidence. Riley argued once again that ‘they [his bouts of ill health] were merely diplomatic indispositions’.<sup>9</sup> Queensberry’s bill for the services of ‘Mr James Pringle, chirosurgeon, for his services in Scotland and London’ was £121.10s Sterling (a sum greater than many of the supposed bribes paid to Scotsmen to secure the union as shown in Lockhart’s list of those he argued sold their country for money).<sup>10</sup> For example, the Earl of

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<sup>6</sup> BL. Add. 28055 (Godolphin), f. 265. From Seafield, 1 Aug 1705.

<sup>7</sup> NLS. MS. 1032, ff. 15-16 (Hamilton). Hamilton to [Selkirk], Preston, 2 February 1704/5.

<sup>8</sup> For example, NAS. GD124/15/27 (Mar and Kellie). Earl of Wemyss, 6 December 1705, Wemyss was given the position of Vice-Admiral: Ibid, f, 15/ 5. Glasgow to Mar, 9 December 1705, Queensberry ‘persuaded’ Morton, and Clerk of Penicuik to support him, whilst Roseberry and Stair supported the union from conviction.

<sup>9</sup> Riley, P. W. J., *The Union of England and Scotland* (Manchester, 1978), p. 174

<sup>10</sup> DA. Sts, GGD/37/2/10, p. 1: See chapter I, ff. 8.



Forfar supposedly accepted £100 Sterling, as did John Muir, the Provost of Ayr, and the Lord Banf, a measly £11 Sterling.<sup>11</sup> Glasgow, Mar, and other supporters who met with Queensberry during this period were distinctly nervous about the condition of his health.<sup>12</sup> Sometime between 1 November, and 20 November 1705 Queensberry took ill, and James Murray of Philphaugh, the Lord Clerk Register, was compelled to write to the Earl of Mar to express his concerns at the time.<sup>13</sup> That letter unequivocally describes Queensberry's state of health at the time:

Your friend D. Queensberry is overwhelmed with grief, he is not only deeply afflicted for the loss of the pleasant child he had so much tenderness for, but he is full of fear that the rest may be taken with the same disease [smallpox], and have the same fate, he sits at home drooping will not come abroad and inclines neither to speak nor hear of business but just entertains his grief's and fears...<sup>14</sup>

Apart from his own ill health, the prospect of catching smallpox was no simple 'indisposition', and the disease was rightly feared as a scourge. Had Queensberry died, or become permanently incapacitated, it is likely that his supporters would have fallen from influence, so their concern was sincere. Queensberry was mortal, and his plea that 'the sickness of my children...my frequent indispositions and the state of my health had inclined me to retire my self from the fatigue of business' was neither contrived, nor unreasonable.<sup>15</sup> As it was, much of the business of planning the tactics to be used to achieve a union had to be delegated to Mar, and he acted for Queensberry during this long period of his 'indisposition'.

Queensberry planned to step back from the debates in the parliamentary session 1706 to 1707, and he let his managers take the initiative. He could not afford to repeat the mistakes of 1703 when he had become embroiled in personal

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<sup>11</sup> Szechi, D. ed., *Scotland's Ruine* (Manchester, 1994), p. 257.

<sup>12</sup> Drum. MSS, Vol. 127, f. 123. Glasgow to Queensberry, December 1705 for example.

<sup>13</sup> NAS. GD124/253/1 (Mar and Kellie). James Murray to Mar 1 November 1705.

<sup>14</sup> Ibid, f. 253/2, James Murray to Mar, 20 November 1705.

<sup>15</sup> Drum. MSS. Bundle, 1202. To Godolphin 24 November 1705.



feuds with other magnates (his personal feud with Atholl had nearly ended his political career). The tactics that were suggested by Queensberry to Godolphin on 21 September (just before the start of the parliamentary session) proved to be remarkably accurate, particularly with respect to the possible objections to the treaty:

...I have good grounds to believe that the treaty will be approved most important and material articles, but I do assure your Lordship that I shall, at least the not be secure upon this view, nor wanting in necessary appreciation or diligence for I see clearly that there is nothing to be done without great struggle and tugging for it, and there are many enemies to the treaty, some own themselves to be against an incorporating Union, but I hope there will be no great danger in that point, others are taking pains to find fault with some particular articles, and to propose alterations, amendments, or some additions, this perhaps be more dangerous and catch some unwary well meaning men, by which the conclusion of the treaty may be delayed if they prevail, but so far as I can learn, those gentlemen have not yet come to their measures.

I have discoursed in general with my Lord Montrose and he seems very well disposed to concur in the Queen's measures, but I have not yet had time to go through the details of the articles with him, so I cannot say but he may have some scruple or difficulty as to some articles.

The Queen's advocate came to see me the other day and happily my Lord Chancellor the two Secretaries and almost all her Majesty's other servants were with me...<sup>16</sup>

Likely objections to the treaty were known, and considered fully, including the likelihood that concessions would have to be made to satisfy those Presbyterians fearful over the future of their church. Queensberry made that point in a letter sent to Godolphin 28 September 1706:

...I have had several conferences with the Queen's Ministers that are in town about the method of our proceeding in Parliament, they are of the opinion that

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<sup>16</sup> Drum. MSS. Bundle, 1202. To Godolphin, 21 September 1706.

the Treaty should be presented the first day and ordered to be printed and that the Parliament should be adjourned for eight days that members may have some time to consider it, for they think if the Parliament should meet sooner we could not press the entering upon the consideration of the treaty, and possibly some act or overture might be tabled by others which might prove uneasy. They are also of the opinion that before the parliament proceed upon the articles of the treaty it will be necessary to adjust what may satisfy our Churchmen for the security of their government, there has been great endeavours used to alarm and frighten them and tho the sober and wise men among them are satisfied, yet if the articles of the treaty be insisted upon before security is provided for their church government, perhaps they may be zealous that there is a design to neglect them and this might tempt some to oppose and others to proceed, but heavily, and since this matter must be adjusted before the treaty can be concluded it is thought most convenient to begin with it to encourage the Presbyterians to concur, besides the Commission of the Assembly is to meet very soon and without doubt they will take the matter into their consideration, and if they understand that the Queen's servants has prepared what is just and reasonable for their security it may probably satisfy them...<sup>17</sup>

The church was the one institution that could effectively mobilise anti-union support among the population, and in parliament, and therefore end any prospect of a treaty. The Rev. Robert Wodrow, for one, was not one of the 'sober and wise among them' and he was against the union on the basis of the defence of the constitutions of both church and parliament.<sup>18</sup> Like Saltoun, he also relied on the work of James Hodges (he had produced pamphlets for the Court in 1700) to justify his stance.<sup>19</sup> The church went to the extent of drawing up proposals for a specific

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<sup>17</sup> Ibid. Queensberry to Godolphin, 28 September 1706.

<sup>18</sup> *Wodrow Letters*, pp. 286-7. For Mr George Ridpath, London, 17 April 1706. The work referred to is James Hodges. *The Rights and interests of the two British Monarchies, Inquired into, and Clear'd; With a special respect to An United or Separate State. Treatise I. Shewing the different Nature of an Incorporating and Federal Union; the Reasons why all Designs of Union have hitherto prov'd Unsuccessful; and the inconsistency of an Union by Incorporation with the Rights, Liberties, National Interests and Publick Good of Both Kingdoms* (London, 1703). A copy is available in the James Dean Ogilvie collection (945).

<sup>19</sup> *Woodrow Letters*, pp. 286-7.



anti-union petition to be spread among the army should that course of action be necessary.<sup>20</sup> This issue was crucial to Queensberry's conduct during the passing of the treaty. This action only engendered further mistrust in Queensberry's mind about the church. Queensberry would have no truck with those churchmen he considered to be fanatical. But, he knew he had to be careful with this issue. It is likely his attitudes to the church had changed little since 1703 when he expressed his views very forcibly in the letter below. As it was, he had both the Earl of Glasgow and Hugh Dalrymple regularly attending sessions of the General Assembly. Queensberry used strong language in his letter. But, he took the attitude that it was better to avoid dealings with the church as much as possible:

I am afraid the bigots of the West will be troubling with protestations, declarations and testimonies about the intrinsic power of the Kirk, and such like stuff: there are people ready to push things to extremes, to provoke all Presbyterians to throw off all duty to the Queen. I am not obliged to that Party neither am I their enemy: it is not prudent to raise the devil unless you know how to confine him again...They created great trouble to Charles II and the Queen would not like to be obliged to send a highland host among them, or condemn hundreds to the gibbet or stake of silly people who are only fit for Bedlam. Better to flatter the fools than to fight them.<sup>21</sup>

Stephens presents a very sound argument that the church was less against the union as is supposed in the current historiography. Whilst that argument is both supported by strong evidence, and is compelling, Queensberry's own perception was that there were still some 'phanaticks' in the church, and his own mistrust was not easily put aside.<sup>22</sup> Clerk suggested some uncertainty in the church with 'Presbyterians ready to affirm that union, meaning the domination of the weak by the strong, would

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<sup>20</sup> Wod. Qu. Lxxiii (lx), f. 128. Proposals for orchestrating anti-union petitioning from the army with a form of petition, December 1706.

<sup>21</sup> Drum. MSS, Vol. 131 (Index), f. 73. To David Boyle, March 1703.

<sup>22</sup> Stephen, J., 'Scottish Presbyterians, and Anglo-Scottish Union of 1707' (University of Aberdeen Ph.D., 2004).



finally force bishops upon them'.<sup>23</sup> According to Clerk, this reaction distressed Queensberry.<sup>24</sup> Given Queensberry's comments above, that distress was perhaps an unsurprising reaction.

Nor was there a likelihood that the Duke of Hamilton would come over to the Court. It is difficult to believe, given his future actions, that if he had been bought at all, it was on the basis that he would vote for the union. There is no doubt Hamilton was perceived by the 'commonality' to be a true 'patriot' who could lead Scotland away from union with England.<sup>25</sup> If he had shown more courage, and less duplicity, his story could have been very different. As it was, he played the same old game of thwarting the Court and pleasing the mob, whilst at the same time professing loyalty.<sup>26</sup> The fact was that mobs in Edinburgh did have expectations that Hamilton would lead them, and Lockhart described a mob 'three or four hundred of them...exhorting [Hamilton] to stand by his country, and assuring him of support'.<sup>27</sup> The actual 'patriot' of the 1706 to 1707 parliamentary session of the Scottish parliament, Andrew Fletcher of Saltoun, had by this time found his earlier arguments about limitations seemingly no longer relevant to the debates about the future of the Scottish parliament in 1706. The intellectual validity of arguments had been lost between 1704 and 1706.<sup>28</sup> The issues had changed in that time. Poverty and the prospect of war with England seemed more likely than the benefits of limitations, if a treaty was not approved. As a consequence, his well known temper came to the fore (particularly with Hamilton and Roxburgh). Saltoun's disposition in any case was on the verge of permanent agitation, and this could have been no easy time for him as he watched Rothes, Roxburgh, and others he had influenced in

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<sup>23</sup> *History of the Union*, p. 94.

<sup>24</sup> *Ibid.*

<sup>25</sup> BL. Add. 29589 (Hatton-Finch), f. 453. 'A considerable Company of young fellows waited on the Duke of Hamilton... [they numbered] about 500. Queensberry to Rochester, 24 October 1706.

<sup>26</sup> BL. Add. 28055 (Godolphin), f. 224. Seafield to Godolphin, 14 July 1705.

<sup>27</sup> Szechi. ed., *Scotland's Ruine*, p. 143.

<sup>28</sup> Robertson, J. ed., *Andrew Fletcher. Political Works* (Cambridge, 1997), pp. xvi-xvii.



the past, leave his fold.<sup>29</sup> Nothing he had seen from the mood and actions of the opposition so far suggested that a defeat for the Court would be as easy as it was in 1704. On 16 August 1706 Seafield took some time to report Saltoun's mood to Godolphin:

...Rothes proposed a resolve on choosing officers of state on the Queen's death...no progress was made on this...Mr Fletcher obtained a reading on an overture on limitations...he proposed twelve limitations but was surprised that nobody took them up...he endeavoured to carry them by Claim of Right and not by an Act of Parliament...No argument used by the Court Party to show a Claim of Right impracticable in the present circumstances etc and ask him to drop his resolve...he was even more determined...The debate whether the house should go upon limitations by way of an act of Parliament of Claim of Right, lasted four full hours and at length was let fall, Saltoun got angry at his own party and went into an act presented by Belhaven for regulating the constitution...the Earl of Stair, who is allowed to be the best spokesmen in the House took up him [Saltoun] roundly saying Mr Fletcher was resolved to do by his limitations as the Ape used to do by her young ones which she grasped so fast till at length she stifled them, ...after Saltoun angrily responded Rothes resolve was passed 'that the Estates of Parliament shall name officers of state after Queens death was carried by 23 votes...<sup>30</sup>

In terms of holding a balance in parliament through his influence, Montrose was the most significant member of the nobility next to Queensberry. If he could be gained fully, then his friends, particularly Rothes, Roxburgh, and Haddington would surely follow. Queensberry admired and respected Montrose, despite his opposition to the Duke in 1703, and 1704. If there were a candidate who was the likely object of extreme persuasion then it was him. Queensberry's anxiousness about which way Montrose would vote showed in a letter to Godolphin on 28 September 1706:

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<sup>29</sup> Ibid.

<sup>30</sup> BL. Add. 28055 (Godolphin), f 278. Seafield to Godolphin, 16 August 1706,

The Duke of Hamilton has not done me the honour to see me, but as I am informed he declares openly against the Union, and if he can find any considerable party to stand by him, he designs to make all opposition to it if he can, I had my Lord Montrose and some others of the Nobility with me and the other night, and the articles of the treaty were read over to them, of design that those who were upon the treaty might explain the articles and answer the [questions] of those that were not there, and that where any difficulty appeared that might be objected in Parliament joint resolutions might be taken in what to do or say upon it.<sup>31</sup>

The great asset Queensberry had available to him was Mar. Mar, as much as Queensberry, merits the adjective ‘union’ attached to his name’. For the Court, Mar would provide the faultless management of parliament, William [younger] Seton of Pitmedden, the eloquence, and Queensberry the diplomacy, troops, pensions, and places. Even before the commissioners met in London, the Earl of Eglington seemed to have picked up on the possibility of places. Eglington’s name had been on a list kept by Queensberry which showed him to be ‘against’ the Court prior to 1705.<sup>32</sup> Eglington then wrote to Mar on 18 October 1705 in an attempt to gain favour with Queensberry:

...I doubt not your Lordship will be obliged to vindicate yourself to her Majesty and English Ministry of the misrepresentations were made of your last year, if your Lordship would be pleased to name me at the time, the same apology would serve for both, I should not desire your Lordship to give yourself the trouble were it not that Argyll, Queensberry and the rest of the ministry here promised I should be reappointed my place in the Treasury...<sup>33</sup>

Mar (on Queensberry’s behalf) held the possibility of reward in his hands, and it did no little harm for those as yet undecided to court his favours. Flattery also has some force in encouraging men to remember who deserved reward, pension, or place, and

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<sup>31</sup> Drum. MSS, Bundle, 1202. Queensberry to Godolphin, 28 September 1706.

<sup>32</sup> Drum. MSS, Bundle, 1224. List of those for and against us without assistance.

<sup>33</sup> NAS. GD124/15/247 (Mar and Kellie). Eglington to Mar, 18 October 1705. Eglington voted for the first Article, but abstained on the vote for ratification of the Treaty.



even the Montrose put aside his doubts and took time to stroke Mar's ego in a letter to him 28 October 1705:

By the time I think your Lordship will have taken up your winter quarters, so may be now allowed to salute the Captain or may be Secretary any of them please you, your Lordship will be now so much troubled with grand letters of business that I am sure the best excuse I can make for this note is to assure you that I have nothing to say...<sup>34</sup>

At least James [Secretary] Johnston knew what he was getting from the union. He had lately advised Tweeddale, and he was still in close correspondence with members of the Squadrone. His own cynicism was perhaps tempered by his honesty with respect to his personality. He knew what Scotland would lose, and what he would gain by the union, but he was resigned to the bargain when he wrote to Marlborough 13 September 1706:

...As to the Union, my Lord Treasurer is satisfied how little it signify, what I am for or against, but so it is I have always pretended to be for it and have always been even to a fault what I pretend to be and am to old now to mind my faults, I have united myself to live and hope to die in England, my known argument for Limitations in 1704 was not chimerical prospects nor an aversion to prorogations without which I know Scotland is not to be governed but that Limitations would in time force an Union ... my revenue from Daryan and St. Germans (which some pretend to have got into the secret of) may be supposed at present as your Grace orders matters to be, ill paid, all this would [combine to] make a fund of 3000lib that I shall get by this Union...I believe few in Scotland at first and very lately have had serious thoughts on the subject, The nomination of their Treators made it a jest at first, they could not think that those that advised this nomination if they knew the persons would in earnest high Presbyterian and high Jacobite (if party [men] and party interest govern parties) must be thought against the Union, because the Union as they understood it is against them, But I hope the measures lately taken will give new inspirations

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<sup>34</sup> Ibid, 15/251/1. Montrose to Mar, 28 October 1705.

and that the same power which wrought this Marvel now in making such men agree in the Treaty will work greater miracles than in smashing them...<sup>35</sup>

Johnston may have had some idea of the proposed articles of the treaty by the time he wrote his letter on 28 September. The commissioners for the treaty had finished their deliberations by 22 July. Other Scotsmen had been kept in the dark as the two sets of commissioners met to decide the future of each others parliaments. The commissioners for the union met from April 1706 in the ‘cockpit’ in London.<sup>36</sup> The chronology and workings of the commission are detailed in the previous chapter. In brief, the two sets of commissioners met separately, and there were long adjournments while compromises were worked on and then transmitted between the two groups.<sup>37</sup> English commissioners fretted over taxes, and numbers of peers and commoners. Scottish commissioners worried about the church settlement and retention of feudal rights over their vassals.<sup>38</sup> It was Mar, for the Scottish Lords who finally ‘proposed forty five members to be the number of representatives for the commons, and sixteen peers’.<sup>39</sup> The English Lord’s had firstly proposed 16 peers and 38 members for the House of Commons, but then after some furious arguments, agreed to the Scottish proposal. Including the caveat that ‘as long as all the peers of Scotland and their successors to their honours and dignity be from the union reckoned and declared peers of Great Britain’.<sup>40</sup> That bargain did not long survive challenge following the union (Queensberry would be the focus of the disagreement).<sup>41</sup> It was a fundamental tactic of Queensberry’s that the articles would be firstly shown to possible Court supporters or opposition members likely to switch sides to encourage them to see the worth of the treaty. A ‘Doctor Gregory’ was to be brought from London to explain the equivalent. Daniel Defoe and

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<sup>35</sup> BL. Add. 61136 (Blenheim), xxxvi, f. 53. James Johnston to M[alborough] 13 September 1706.

<sup>36</sup> Ibid, f. 207. Proceedings of the Commissioners for the Union, 29 April 1706.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid, f. 224. 29 May 1706.

<sup>39</sup> Ibid, f. 229. 18 June 1706.

<sup>40</sup> Ibid.

<sup>41</sup> BL. Add. 61433 (Blenheim), dxxviii, f. 180. Proceedings of Scottish Peers, 1708.



William Paterson could educate the general population in less specific terms by publishing pro-union pamphlets.<sup>42</sup>

One secret Queensberry kept very close to himself was the fact that troops were later made available under his personal command to post throughout the Scotland and Ireland. The bulk of them were located on the borders (near Dumfries), and in the North of Ireland. Queensberry had a fair idea that the treaty would pass by that time, and the likelihood is that they were there to win a civil war (if it came to that) and to put down mobs. Queensberry was nervous, as the discussion of the treaty was well under way in parliament, and he distrusted local troops. Those troops were under Queensberry's personal command, and it is clear in a letter from someone called William Dobyms (writing from London) to Queensberry on 9 December 1706 that this arrangement was to be kept absolutely secret:

I am to acquaint your Grace that there are 4 Regiments of foot, 100 Dragoons mounted and 150 at present without horses now on their march towards the North to remain in those parts under any orders, who I am commanded by her Majesty to receive such instructions, and to follow such orders and commands in relation to those forces, as I shall from time to time receive from your Grace, when ever you are pleased to send me shall not fail to obey them in every particular, When they arrive at their several quarters now assigned them, shall likewise acquaint your Grace and endeavour to quarter them as consequent as the towns and villages will permit, or as your Grace shall direct.

It being for her Majesty's service this affair be kept as the greatest secret till we have your Graces further directions and orders I shall take care to have it so, therefore have not sent this by an express, but only desired the postmaster general to wait on your Grace...<sup>43</sup>

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<sup>42</sup> Daniel Defoe. *An Essay on removing national prejudices against the Union with Scotland. To be continued during the treaty here*, 1 (London, 1706).

<sup>43</sup> Drum. MSS, Vol. 127, f. 144. Dobyms to Queensberry, December 9 1706. I have been unable to find any information on this writer. He may not have held an official position in the government.

Argyll had also recently seen service with Marlborough, and his military skills would be available to Queensberry.<sup>44</sup> During the period of Queensberry's illness, the business of sorting places carried on through a constant stream of correspondence to Mar. The Lord Clerk Register, James Murray, wrote to Mar on 1 November 1705.

...I am glad your huffy predecessor [Annandale] has not blown you at first, the first puff of the haggish is the worst, I hope your Lordship has learned good manners at Court, but since I am to write about a friends concerns, I shall trouble you no further with this stuff.<sup>45</sup>

The process of sorting places and pensions had begun soon after the end of the 1705 parliamentary session, and took considerable time and effort to sort out. The fact was, that place seeking began soon after the vote for the Queen to choose commissioners had been passed in the Scottish parliament. Whether this was due to foresight or instinct is unknown. It does indicate that people were moving towards the Court's agenda of union even before the commissioners met. The guiding principle was that those rewarded should not be allowed to waver in their support for a union. That fact was evident in a letter from Glasgow to Mar on 9 December 1705:

...There is also a list of persons which we thought fit to be chosen and named by the Queen sent you up, out of which the Queen is to name, the Duke is concerned that the Earl of Wemyss should be named, he having made good advances to his Grace, and very particularly that the Earl of Morton be named, who is to attend his Grace, and that Mr Clerk of Penicuik be one, who is a very pretty gentlemen...<sup>46</sup>

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<sup>44</sup> Mal/God, II, p. 651, *ff.* 1. Sir John Dalrymple was also an experienced soldier, having commanded a brigade under Marlborough.

<sup>45</sup> NAS. GD124/253/1 (Mar and Kellie). Lord Register [Philphaugh] to Mar, 1 November 1705.

<sup>46</sup> *Ibid.*, 15/263/5. Glasgow to Mar, 9 December 1705.



Places and pensions cost money, and the normal means of financing posts [revenue from the Customs] was quickly exhausted, promoting a plea for funds from the Court.<sup>47</sup> Glasgow oversaw the treasury and customs. Queensberry may have been indisposed, but he had two resolute party men in Mar and Glasgow working hard for him. Queensberry was happy to let Mar know his worth to him.<sup>48</sup> Mar would have used information from the correspondence he was receiving to calculate likely support for a union. Most of the letters written to Mar were dry and to the point, and it is worth recording Wemyss letter of 6 December 1705 for its honesty and humour. As a plea for a place in the future British establishment, it was certainly more entertaining than the usual letters written to Mar:

... my politics as you know are almost as musty as my person and will I believe look as antique in a very little time, I dare scarcely venture [in public]... much less, at Court without a hazard for fear for frightening people, but if I could have a good mask for money that could be seen about Westminster hall or St. James lord knows how I should like to be but looked upon like another Christian, for as matter stands with me, that awkward gravity of dullness together with my ignorance of all the world would make me gape and stare ay any body and like a true country gentlemen believe everything were said to me... now my dear Mar, I have been sometime with the Duke of Queensberry and I am very glad to believe you are fixed in the esteem of every body there as you have been here, I doubt nothing of its continuance, if you stay sometime amongst them... the poor Duke and Duchess of Queensberry have been in terrible affliction for Lady Mary, Lord Charles is now ill and I believe he will have them...<sup>49</sup>

In reality Wemyss was no fool, and his price for his politics, ‘antiquated’ or not, was to be vice-admiral of Scotland.<sup>50</sup> In the end he got his place and had to face public life whether that brought ‘hazard’ or not. Queensberry’s wife wrote a long missive to Mar which outlined the Duke’s position and attitudes. It is clear from

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<sup>47</sup> Ibid, 15/263/6. Glasgow to Mar, 15 December 1705.

<sup>48</sup> Ibid, 15/263/8. Glasgow to Mar, 18 December 1705.

<sup>49</sup> Ibid, 15/271. Wemyss was married to Queensberry’s sister Anna, in 1697. She died in a fire in 1700.

<sup>50</sup> Ibid, 15/248/6. Sir David Nairne, 9 March 1706.



that letter that Queensberry was determined to stop any interference by Court managers to his plans, particularly if the intention was once again to contemplate a 'mixed ministry'.<sup>51</sup> This was intended as a warning that Queensberry would not tolerate an accommodation with the Squadrone if it meant giving a position of any real consequence to Tweeddale. As far as Queensberry was concerned the notion that a 'mixed ministry' could work died in 1703. Queensberry's arrival in London in January 1706 was preceded by an ill omen when he fell and damaged his knee.<sup>52</sup>

The union was now 'the only considerable thing now doing in 'Scots affairs'.<sup>53</sup> A new mood was settling in among Court and opposition leaders alike, although some were still thinking in terms of 1704 than the present. Prior to the commissioners meeting, the previously influential William Carstares (now Principal of Edinburgh University) had offered advice in a letter 2 March 1706 that Queensberry had ignored:

...my fears are that the urging of an incorporating Union now will furnish pretence to delay the settling of the succession, upon which the quiet of our Country seems very much to depend, and that such as have their tie upon St. Germans and others would be glad to have any good settlement to miscarry it in the hands of the present ministry and will frame many difficulties under pretext of concern for the honour and liberty of their country, and so keep affairs in the same unsettled state that now they are in...I hope his Lordship the Duke of Queensberry will do me the justice with your Lordship as to let you know that I never failed him in anything that he entrusted me with, though he hath honoured me so far as sometimes to tell me his thoughts of those with whom his Grace knows I was in friendship...the Earl of Glasgow is very acceptable...many of the Marquis of Annandale's friends here are very sorry that he hath laid himself aside from the government and do wish that he had complied with her Majesty's pleasure.<sup>54</sup>

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<sup>51</sup> Ibid, 15/285. Mary, Duchess of Queensberry to Mar (Alnwick) 4 January 1706.

<sup>52</sup> Ibid, 15/289/3. Mar to James Murray, London, 22 January 1706.

<sup>53</sup> Ibid, 15/308. Earl of Panmure, 6 February 1706.

<sup>54</sup> Ibid, 15/315/2. Mr Carstares to Mar, 2 March 1706. See also *ff.* 198.



The Scottish ministry was being put together with a clear message that those who received places had better keep their promises to the Court.<sup>55</sup> The correspondence between England and Scotland increased apace, and promises were made for ensuring new places in the army. The Commander-in-Chief of the forces in Scotland (the Earl of Leven) indicated on 2 March 1706 that more places in the army would be likely to gain more support for the union:

we are to propose to be of new regiment and to make barracks in Scotland, by this we think there may be five or six companies in Scotland to dispose off which we would advise the Queen to bestow on people of interest which would strengthen her service and her present ministry, without preferring our own particular friends....<sup>56</sup>

Montrose would still not fully commit himself to support a treaty of union, so more blandishments were thrown his way. He was offered 'Presidency of the [Privy] Council' as well as a place on the union commission.<sup>57</sup> The pressure that was being applied was paying off. A mood was growing in Scotland among the nobility that the treaty was at least worthy of serious discussion. Duplin was also stating he would be firm for the Court.<sup>58</sup> Glasgow indicated to Queensberry that he was also gaining support with some lay church members, and William Wishart, the Moderator of the General Assembly, made no immediate demands on Queensberry, other than to remind him to renew the annual act to 'deal with the growth of Popery'.<sup>59</sup> The fact that church members could take a pragmatic view of the union is confirmed in recent historiography.<sup>60</sup> The Company of Scotland also made their

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<sup>55</sup> Ibid, 15/382/2. Earl of Leven, 2 March 1706.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid, 15/335/1. Copy Letter to the Marquis of Montrose, 2 March, 1706.

<sup>58</sup> Ibid, 15/350. Viscount Duplin to Mar, 16 March 1706.

<sup>59</sup> Ibid, 5/385/3. William Wishart to Mar, 19 April 1706. See, Stephen., 'Scottish Presbyterians and Anglo-Scottish Union of 1707', this act was renewed annually.

<sup>60</sup> Ibid, p. 225.

expectations known.<sup>61</sup> Compensation for the losses suffered by the Company would be a significant element of the 'equivalent'.

Opinions were being clarified by the autumn of 1706 and it was clear old friendships and loyalties would be tested to the full, as Mar's brother James Erskine pointed out on 18 August:

...I am sorry our uncle Harry [Erskine] should be so much against the Union, but I am not much disappointed by it...Let me know when the Duke of Hamilton is expected and when Roxburgh is expected in town...I hope Saltoun and I shall still be on speaking terms, tho not of the same opinion in the measure for the Union, ...I believe we shall have pretty hard work in the Parliament but the terms of the Union are reasonable, fair and advantageous, that if we have some time before the Parliament meet to discourse people I doubt not of gaining ground and the more because if the Union should fail I see not what possible we can do to save our country from ruin...<sup>62</sup>

There were also those who wrote for favours with unashamed desperation, as did the Earl of Findlater.<sup>63</sup> At least Atholl did not shirk from letting his feelings be known, no matter who they displeased. In this case however, the content of his letter was designed to try and sway English High Church Tories away from supporting the Whig Lords. His apparent concern was now the fate of Scottish Episcopalian clergymen, and he perhaps thought that this issue would destroy a possible treaty. The Archbishop of York had demanded the establishment of the Episcopalian church in Scotland as a condition for a union in the 1702 to 1703 treaty negotiations. Atholl may therefore have believed he had some justification for using this tactic.<sup>64</sup>

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<sup>61</sup> NAS. GD. 124/15/386 (Mar and Kellie). Sir Robert Blackwood by order of the Court of Directors of the African Company, 20 April 1706.

<sup>62</sup> Ibid, 15/397/10. James Erskine, to Mar, 18 August 1706.

<sup>63</sup> Ibid, 15/398. Earl of Findlater to Mar, 11 May 1706

<sup>64</sup> Ibid, 15/410/1. Athol to Mar, 31 May 1706: *Jerviswood*, pp. 10-11. From Secretary Johnston, 13 February 1703.



Fletcher of Saltoun had arrived in Edinburgh on 22 June 1706 to prepare for the debates on the treaty (a month before the union commission would finish their work on 22 July 1706). James Erskine (Mar's brother) feared Saltoun was now 'out of the reckoning of people's inclinations for it' [an incorporating union].<sup>65</sup> James Erskine's letter to Mar gave his summary of the feelings of some of the commissioners and nobility towards a union when he wrote 'I think there seems to be many who are neither much for the union, nor against it, but are in a kind of suspense about it and know not what to think'.<sup>66</sup> Until the deliberations of the commission became widely known, that attitude was understandable. The same degree of toleration would not be shared by those who did not have a say in parliament. Queensberry and the Court, however, would have been happy with Erskine's report, particularly as 'Saltoun' was already 'angry at the Squadrone and Hamilton'.<sup>67</sup> In the absence of fact, and given the secrecy of the discussions of the union commissioners, wild speculation increased. It was even rumoured that Queensberry and his supporters would be turned out to be replaced by Annandale.<sup>68</sup>

Montrose now came to Edinburgh, and in keeping with his nature, he gave little away to any side involved in the debate. That caused some to suppose that he would not accept the union (Seafeld and Stair for example).<sup>69</sup> Something of Montrose's possible motives in accepting the union will be discussed later in this chapter. The same letter outlined Saltoun's strategy, which would be to argue that only a parliament specifically called to for the purpose, could ratify a treaty of union. Therefore an election would be needed in that case.<sup>70</sup> The union also caught

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<sup>65</sup> NAS. GD124/15/413/3 (Mar and Kellie). James Erskine to Mar, 22 June 1706.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid, 15/413/7. James Erskine to Mar, 22 June 1706.

<sup>69</sup> Ibid, 15/413/14. James Erskine to Mar, 20 August 1706.

<sup>70</sup> Ibid.

people's imaginations in England (bets were now being wagered on the eventual outcome of the treaty in London).<sup>71</sup>

Not everyone who wrote to Mar sought Queensberry's patronage. A few openly stated their opposition to the union, as did the Earl of Buchan.<sup>72</sup> Queensberry could do nothing about Buchan's objection over the number of Scottish peers decided upon to sit in the first British parliament. Argyll's man, Sir John Maclean (involved in the Scots Plot) was 'instructed' by Mar not to show his face in Edinburgh until the treaty had been decided.<sup>73</sup> Argyll put matters simply and forcibly in response to his summons to parliament. He argued that he was no 'footman' and if he was expected to come to Scotland to support the treaty then the 'proposal should be attended with an offer of reward'.<sup>74</sup> Much was made of this letter by Ferguson, but Queensberry took the same stance prior to departing from England in 1705, and in terms of judging future support for the union, it does not really amount to much more than blustering for more money.

Montrose would be the key figure in settling the question of the treaty, and it is worth taking some time to try and understand how he shifted from his position as a perceived champion of the Squadrone, and opponent of the Queensberry ministry of 1704, to becoming the most crucial gain for the Queensberry ministry of 1706. There is no doubt that Queensberry held Montrose in high regard, although there was little that he had done to earn that respect. Queensberry had already responded to his pleas for assistance with respect to 'the bargain of Lennox' in 1704 and got nothing from the 'bargain' in terms of any commitment from Montrose. Hamilton had written to Montrose 17 January 1706 in the following terms:

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<sup>71</sup> Ibid, 15/397/8. Mar to James Erskine, from London, 26 July 1706.

<sup>72</sup> Ibid, 15/241/1. Buchan to Mar, 6 July, 1706.

<sup>73</sup> Ibid, 15/435/3. Copy of a letter sent to Sir John Maclean, 6 November 1706. This decision (the reason for it is not stated) caused friction between Mar and Argyll.

<sup>74</sup> Ibid, 15/435/3. Argyll to Mar, 18 July 1706.



There being most important things under consideration upon which it is absolutely necessary that we should confer together, The Marquis of Tweeddale, Lord Yester, Belhaven and I were this night together and they have laid it on me to give your Lordship the trouble of this to beg you would be in town upon Thursday next, the Earl of Rothes, Roxburgh and Haddington with several others of your friends being also wrote to that we may take some joint measures so my dear Lord let me beg you would not fail for I assure you one moments delay may be of most pernicious consequences for us, so I hope we shall have the honour of your good consequence and I hope to see you soon.<sup>75</sup>

Saltoun had also corresponded with Montrose, and he sent him a copy of his seminal treatise, 'A Conversation Concerning a Right Regulation of Government'.<sup>76</sup> The purpose of the letter had been to get an assurance that Montrose was still firm for the opposition to the ministry. Mar always knew how to strike the right note with those he was writing to and initially he was friendly, but not overtly pressuring in his letter on 10 November to the Montrose:

...I am not so in love with my post to forget our old friend John Todd and the officers of the famous regiment... We expect Dal[rymple] in a little time and very probably Louden, he and I will mind you all in a sober way, for God's sake we cannot do it otherwise for want of the creature... I long for your having some business to be done here that I may have the satisfaction of being assisting in it, ...I believe the English are not yet perfectly resolved what to do in relation to our affair, however since we have put the bone in their foot, I hope they will not let it stand there, but take of their clause as we desire, tho there is no certainty of their doing so, but a little time will now show their intentions...<sup>77</sup>

Even Argyll was prepared to tone down his usual abruptness to endeavour to get Montrose on the side of the Court, whilst recognising that their differences had been obvious.<sup>78</sup> Mar became a bit more circumspect with Montrose after Wemyss was

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<sup>75</sup> NAS. GD220/5/67/1 (Montrose). Hamilton to Montrose, 17 January 1704.

<sup>76</sup> Ibid, 5/75. Andrew Fletcher of Saltoun to Montrose, June 1704: Scott., *Andrew Fletcher*, p. 97.

<sup>77</sup> NAS. GD220/5/95 (Montrose). Mar to Montrose, 10 November 1705.

<sup>78</sup> Ibid, 5/90/1. Argyll to Montrose, 28 April, 1705.



given the place of 'High Admiral' despite the post being earlier offered to Montrose. This situation could have led to disaster for Queensberry, and Mar now 'hoped' rather than expected Montrose would now support the treaty.<sup>79</sup>

Queensberry now made a plea that he 'earnestly wished' Montrose to 'join his name' and to sweeten that prospect Montrose was offered the post of Lord President of the Privy Council.<sup>80</sup> The conduct of Queensberry towards Montrose was certainly more tolerant and circumspect than his attitude to other members of the nobility. Annandale, for example, was described by Glasgow as behaving like a 'prostitute'.<sup>81</sup> The pleasures of Annandale were less than appealing to Queensberry than those of Montrose, and he was rebuffed, as he was now out of favour with Argyll. Copies of the proposed articles of union were not yet in general circulation and Queensberry insisted that 'Louden and Glasgow' meet with Montrose to let him know the content of the proposed treaty.<sup>82</sup> There were still a few indications of intrigue between Scottish Jacobites and St. Germain. Queensberry remained focused on the coming parliamentary session, rather than becoming once again embroiled in plots (real, or imagined).<sup>83</sup> With less than two months to go before the debates began on the articles of union, it was clear that Montrose was not yet fully committed to the union, even if he expressed support for the Court in general. In the meantime Argyll had got his promotion to Major-General and was ready to play his part in securing the treaty by ensuring his brother Archibald, and the commissioners in his domain, voted with the ministry.<sup>84</sup> Erskine, in the meantime, wrote to brother 22 August informing him of his latest encounter with Saltoun:

... Yesternight I was with Saltoun one in the company asked him what we could do for our Country's relief in case we rejected the Union, which with all the

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<sup>79</sup> Ibid, 5/96/22. Mar to Montrose, 2 March, 1706.

<sup>80</sup> Ibid, 5/96/3-5. Mar to Montrose, 6 March 1706.

<sup>81</sup> Ibid, 5/99/11. Glasgow to Montrose, 4 July 1706.

<sup>82</sup> NAS. GD124/15/449/3 (Mar and Kellie). Sir David Nairne to Mar, 25 August 1705

<sup>83</sup> Ibid, 15/449/5. Hedges to Mar, 28 August 1706.

<sup>84</sup> Ibid, 15/449/15. Sir David Nairne, 17 September 1706.



faults of it seems to be better than any other thing we can expect, that is not the way of arguing said he, the question is whether the Union itself be good or not, and not whether it be better than other things, this appears a very strange answer to me, but when he is pressed a little home he tells you that he will clear up the matter in Parliament, and till then he is your humble servant, for he will let you know more of his mind, that way of his has misgiving him some times already, tho he be still so fond of it, I told him that you had not forgot his instruments, but now he has found out it seems, that his eyes are to weak for drawing...<sup>85</sup>

Mar had done a remarkable job during the period of Queensberry's ill health. Everything now awaited the Duke's presence in Edinburgh. Glasgow was also busy on Queensberry's behalf with another matter of vital importance. He wrote to Godolphin on 4 October 1706 to ensure Queensberry had money for the pensions he was promising to potential supporters:

The Queens Commissioner the Duke of Queensberry with others of her Majesty's servants having written to your Lordship concerning the payment of ten thousand pounds to Sir David Nairn, gross four thousand five hundred pounds so be detained by Sir David upon the Duke of Queensberry to acquaint your Lordship that you would be pleased to remit the said money to Scotland....many of our nobility who are come to parliament, that want their bygone pensions are calling for some money and it is for her Majesty's service that they have a part at this juncture,...<sup>86</sup>

Prompt payments of pensions was seen a necessity to avoid discontent. In the meantime, the former Jacobite Balcarras had been persuaded to come over to the Court for '500lib' sterling.<sup>87</sup> There were also 'a certain affair' that was to be kept secret until the full Scottish ministry was in Scotland.<sup>88</sup> Whatever the secret was, the tactic was that the Court would control the release of any information of

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<sup>85</sup> Ibid, 15/413/15. James Erskine, 22 August 1706.

<sup>86</sup> BL. Add. 28055 (Godolphin), f. 390. Glasgow to Godolphin, Edinburgh, 4 October 1706.

<sup>87</sup> NAS. GD124/449/22 (Mar and Kellie). Sir David Nairne, 24 September 1706.

<sup>88</sup> Ibid, 15/449/24. Mar to Sir David Nairne, 28 September 1706.

importance.<sup>89</sup> Queensberry's official instructions from the Queen were to 'endeavour that the parliaments do first take into consideration the articles of union and obtain the same to be ratified'.<sup>90</sup> The Queen's instructions also authorised Queensberry to obtain a supply, or obtain 'a federal union' or the 'settling the succession with Limitations' should it be impossible to pass an incorporating union.<sup>91</sup> These options suggested that there was uncertainty in England that the treaty would pass. Therefore, the treaty was to be decided in the Scottish parliament before being put to the English parliament. Queensberry did not put much consideration into the other options, and instead, he put all his efforts into the treaty.

The session opened on 3 October, and the first piece of business was a dispute over the right of attendance of Sir Alexander Bruce.<sup>92</sup> His title of Earl of Kincardine was disputed by Lady Cochrane, who argued the title was passed to her late husband. Bruce was allowed to sit as Kincardine however. This matter would not have bothered Queensberry much. Kincardine was professing support for the Court, but Queensberry despised him, and would have none of him at any price.<sup>93</sup> It was also the case that 'This cannot be called a party vote for several of our friends were for him, but this may be observed of it, that no man who will probably be against the union was against him'.<sup>94</sup> That fact would have given the Court a fair idea of the size of the opposition to the treaty. The Queen's speech recommending the union was now read to the parliament and Queensberry and Chancellor Seafield read their own speeches in support of the treaty. Queensberry would say little more during the session.<sup>95</sup> The articles of union were then read and 'proposed to be printed'.<sup>96</sup> The Duke of Hamilton then started matters for the opposition:

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<sup>89</sup> Ibid.

<sup>90</sup> Brown. ed., *The Letters and Diplomatic Instructions*, p. 190.

<sup>91</sup> NAS. GD15/449/24 (Mar and Kellie). Mar to Sir David Nairne, 28 September 1706.

<sup>92</sup> Ibid, 15/449/28. Sir David Nairne, 4 October 1706. The debate is recorded in APS xi, p. 303.

<sup>93</sup> NAS. GD 124/15/449/28 (Mar and Kellie). Sir David Nairne to Mar, 4 October 1706:

<sup>94</sup> Ibid.

<sup>95</sup> Ibid: Brown. ed., *The Letters and Diplomatic Instructions*, p. 19.



...The Duke of Hamilton proposed that the minute of the Treaty might be printed too, we told that we agreed, but it was fit to have them read first which most people thought, but they were so fond of seeing them that the reading of them first was dispensed with so all is to be printed...<sup>97</sup>

It was also reported by Mar that ‘Montrose opens now fully for our grand affair and is taking pains with other people and I believe with success, so by all appearance we may have good hopes and very quickly the fate of the union will be seen’.<sup>98</sup> The ‘fate of the union’ was very quickly seen as it transpired. What finally persuaded Montrose to support the Court is generally thought to be the promise of a place in the British government (and title of Duke), but there may have been other measures taken to fully secure his compliance to the treaty.<sup>99</sup> It was also hoped that Montrose would bring in ‘his old friends of the Squadrone’ thereby justifying his inclusion in the Scottish ministry.<sup>100</sup> Riley showed some inconsistency with respect to Montrose, by including him in the Squadrone in his analysis of the union vote, whilst earlier in his work he highlighted his ‘disturbingly non-committal attitude’.<sup>101</sup> Queensberry could not however take any sort of comfort until the articles were put to the vote. An unlikely piece of information that Sir David Nairne transmitted to Mar, was that Lockhart of Carnwath would be for the treaty ‘I told my Lord Wharton that we were not very sure of his nephew he told me that he promised to be for the union’.<sup>102</sup> Had that rumour been accurate it would have devastated the Cavalier opposition in parliament. Queensberry would have taken heart from the activities of the opposition which appeared to be to delay matters by asking ‘a delay for some days and among other things [for] a fast for asking God’s

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<sup>96</sup> NAS. GD 124/15/449/28 (Mar and Kellie). Sir David Nairne to Mar, 4 October 1706.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Riley., *The Union of England and Scotland*, p. 266.

<sup>100</sup> NAS. GD124/15/449/31 (Mar and Kellie). Mar to Sir David Nairne, 8 October 1706

<sup>101</sup> Riley., *The Union of England and Scotland*, p. 267.

<sup>102</sup> NAS. GD. 124/15/449/33 (Mar and Kellie). Sir David Nairne, 12 October 1706.

direction in the great affair before us'.<sup>103</sup> Mar now proposed that the next sederunt should be given over to proceeding with the articles. It now seemed that Saltoun, Lord Balmerino, and Marischal proposed to use the issue of the future of the church to delay discussion of the articles.<sup>104</sup>

Queensberry still kept a distance from the debates, but he now knew something of the opposition tactics. When the argument that 'elective members should have time to consult their constituents before entering into consideration of the articles of union' was put forward, this was seen by the ministry as an act of desperation.<sup>105</sup> There was no delay to allow that appeal to proceed. The idea was certainly politically sophisticated for the time, and may have had an impact had it been proposed in 1704, rather than 1706. The mood of the parliament was very different if 1704, and the opposition was possibly strong enough to have passed such a measure. Mar reported Queensberry's growing confidence to the Court as it now seemed certain that the Squadrone would follow the ministry into the treaty.<sup>106</sup> Argyll now had a hand in matters, and he nearly derailed the treaty by insisting his brother Archibald be given a title.<sup>107</sup> That demand would lead to a clash with Montrose over the proposed title for Lord Archibald. It took all of Queensberry's diplomatic skills to resolve that issue by agreeing Archibald should get the title of Earl of Islay.<sup>108</sup> By 16 October the ministry was able to secure a vote to proceed with the articles by a majority of sixty six votes.<sup>109</sup> This vote indicated to Queensberry that the Squadrone may not have held the balance, as the number of their commissioners and nobles who were for the union was 'not above 18'.<sup>110</sup> The

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<sup>103</sup> Ibid, 15/449/34. Mar to Sir David Nairne, 13 October 1706.

<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid. Archibald Campbell wanted the title Dundee, which was linked to Montrose's family but Queensberry resolved this by suggesting the title of Islay.

<sup>109</sup> Ibid, 15/449/35. Mar, 16 October 1706.

<sup>110</sup> Ibid.



church also put aside ideas of a fast to help them clarify their thoughts, and instead opted for ‘prayers’ to direct the commissioners to come to the proper conclusions.<sup>111</sup> Information on activities and attitudes within the church would have been fairly reliable, as Sir Hugh Dalrymple and the Earl of Glasgow were in touch with lay members. Montrose now played his part by telling the members of the Squadrone his own position on the treaty. The following letter from Mar to Sir David Nairne on 27 October also suggests Montrose could bring over eight or so friends with him if Mar’s figures above are a guide:

[Montrose] told them fairly that he would be for the measure and all the interest he could make and if they joined him he would be glad of it, but if not, he took leave of them for ever, After this what could they do else for there was not ten of them left, This is a matter of fact and they never declared themselves till once Montrose told them.<sup>112</sup>

As much as Queensberry could take some comfort from events inside the parliament, no one could pretend that ‘the populace’ was for the union, and Hamilton always had an escort to and from parliament consisting of excited supporters.<sup>113</sup> Mar had been advised (he did not name the source) that ‘we [the ministry supporters] willed be mobbed’ the same night he received the letter, and that information proved to be accurate as there was a riot 23 October in Edinburgh.<sup>114</sup> The mobs expectations of Hamilton would fall on his later refusal to lead them into rebellion. The parliament was sitting late, and as Lockhart suggested, it was clear that ‘the commonality’ were posing a threat to the safety of supporters of the treaty.<sup>115</sup> Montrose was challenged by the mob, and the Lord

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<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid, 15/449/41. Mar to Sir David Nairne, 23 October 1706.

<sup>114</sup> Ibid: See Young., ‘The Parliamentary incorporating Union of 1707’, p. 37: Szechi. ed., *Scotland’s Ruine*, pp. 141-147: Riley., *The Union of England and Scotland*, pp. 282-283.

<sup>115</sup> NAS. GD124/15/449/41 (Mar and Kellie). Mar to Sir David Nairne, 27 October 1706: Szechi. ed., *Scotland’s Ruine*, p. 143.

Provost, Sir Patrick Johnston, had his house ransacked.<sup>116</sup> Queensberry was always outraged by the idea that the ‘commonality’ should have any role to play in politics, and troops were ordered to Edinburgh.<sup>117</sup> Queensberry wrote to Marlborough on 27 November saying of the opposition encouraging the mob ‘it is very dangerous and uncertain what train this humour may take’.<sup>118</sup> His reference in the same letter to his worry, that ‘Besides this the common sentiments of our few troops are likely to be tainted with the popular apprehensions’ is in keeping with his view of the ‘commonality’ and the influence of the church among them.<sup>119</sup>

It is likely that Queensberry was not the only member of the nobility to feel that way. It is unlikely that the actions of the mob would sway the votes of any member of the nobility sitting on the fence at this time. Queensberry hurried to the Town Council the next day and demanded, and got permission to station troops in the Town.<sup>120</sup> Clerk of Penicuik referred to this incident, and he highlighted the seriousness of the situation by pointing out Queensberry had brought in the militia without following the proper legal processes (this would normally have been done by order of the magistrates).<sup>121</sup> Queensberry went to the Privy Council the next day and a proclamation ‘against tumults and rabbles’ was passed.<sup>122</sup> When the issue was discussed in parliament, Fletcher of Saltoun praised the mob for showing the ‘true spirit of the reformation and revolution’.<sup>123</sup> It was also rumoured that Hamilton was keen to keep their support as ‘has spoken openly of his pretensions to

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<sup>116</sup> Ibid.

<sup>117</sup> NAS. GD124/15/449/42 (Mar and Kellie). Sir David Nairne, 24 October 1706.

<sup>118</sup> BL. Add. 61136 (Blenheim), cccxxxiii, f. 69. Queensberry to Marlborough, 27 November 1706.

<sup>119</sup> Ibid.

<sup>120</sup> NAS. GD124/15/449/42 (Mar and Kellie). Sir David Nairne, 24 October 1706.

<sup>121</sup> *History of the Union*, p. 102.

<sup>122</sup> NAS. Pc. 1. ACTA, 24 October 1706.

<sup>123</sup> NAS. GD124/15/449/42 (Mar and Kellie). Sir David Nairne, 24 October 1706.



the Scottish Crown'.<sup>124</sup> It is true that should Scotland decide to choose a different Sovereign from England, then Hamilton did have a claim to that Crown.<sup>125</sup>

Queensberry remained in a rage over the issue. He was determined he was not going to let Hamilton urge on the mob without challenge. On 29 October Queensberry met with Hamilton for 'two hours' but the subject of their discussion was supposed to remain a secret.<sup>126</sup> A proclamation 'against Unlawful Convocations' was eventually passed in parliament on 29 November in an attempt to deal with this behaviour.<sup>127</sup> Riley's argument that this behaviour by the mob did not demonstrably influence voting behaviour is reasonable.<sup>128</sup> Bowie argued that the mob did have an affect on voting behaviour, although, there is a fundamental flaw in her evidence for this argument.<sup>129</sup> In her appendix she listed at least two commissioners who were allied to Annandale, and opposed the treaty, without specifying which commissioners were 'shaken loose' by the actions of the mob.<sup>130</sup> In effect, three votes were lost to the ministry for political reasons, rather than the actions of the mob, as those commissioners had left the Court with Annandale following his earlier disagreement with Queensberry over the post of joint Secretary. Queensberry's attitude with respect to the expected behaviour of the nobility (as he perceived it) prompted this meeting, as he sincerely believed 'I can hardly think that our opposing noblemen and gentlemen will venture upon an open insurrection'.<sup>131</sup> He therefore expected Hamilton, opponent or not, to have no truck with the mob. It is evident that Queensberry's talk had an affect, as Hamilton did

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<sup>124</sup> Ibid. Hamilton was descended from Mary of Gueldres, wife of James II.

<sup>125</sup> Ferguson., *Scotland's Relations with England*, p. 260.

<sup>126</sup> NAS. GD124/15/449/47 (Mar and Kellie). Mar to Sir David Nairne, 29 October 1706.

<sup>127</sup> APS xi, p. 341.

<sup>128</sup> Riley., *The Union of England and Scotland*, p. 284.

<sup>129</sup> Bowie, K., 'Public opinion and the making of the Union of 1707' (University of Glasgow Ph.D., 2004), II, p. 312

<sup>130</sup> Ibid. See appendix A to this thesis, Robert Johnston of Kelto, burgh commissioner for Dumfries, and Sir William Johnston, burgh commissioner for Annan, both left the Court with Annandale.

<sup>131</sup> Drum. MSS. Bundle 1181. To Godolphin, 7 November 1706.

not take on the role the mob assigned to him as leader of a rebellion. His notorious ‘toothache’ (Hamilton’s excuse for not leading a popular protest, including opposition commissioners outside of the parliament) may have been induced by Queensberry. The real test for Queensberry came on 4 November when after long speeches by Belhaven, Saltoun, Atholl, and Hamilton, the first article of the treaty was put to the vote:

That the two Kingdoms of Scotland and England shall upon the first day of May next ensuing the date hereof [1 May 1707], and forever after, be United into one Kingdom by the name of Great Britain.

The vote came in and Queensberry could write to Godolphin with satisfaction that ‘the parliament has approved the first article of the union by a considerable majority 115 to 83’ [sic].<sup>132</sup> There is no doubt that Queensberry was now on the way to fully redeeming himself with the Queen. He now knew that the great stumbling block could be the church settlement, and that took his attention away from overly gloating over the vote.<sup>133</sup> It was left to Mar to assess the impact of the vote on the first article.

Mar, ever cautious, worried that two of the nobility, Glencairn and Buchan, had crossed over from the Court to the opposition.<sup>134</sup> Mar’s solution was to tighten his management of the parliament by indicating to Glencairn that he would not receive his pension when he came back over to the Court, which he eventually did on 16 January 1707, when he voted for ratification of the treaty.<sup>135</sup> Riley was persuaded the Squadrone held the key to attainment of the union, but only by including Montrose, Rothes, and Roxburgh in that calculation.<sup>136</sup> The latter three

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<sup>132</sup> Ibid. The figures listed had an error in that the approvers were listed at first as 115, as opposed to 116.

<sup>133</sup> Ibid.

<sup>134</sup> NAS. GD124/15/449/52 (Mar and Kellie). Mar to Sir David Nairne, 5 November 1706.

<sup>135</sup> Ibid. Glencairn had voted against the first article, but voted to ratify the treaty on 16 January.

<sup>136</sup> Riley., *The Union of England and Scotland*, p. 273.



nobles had already come over to the Court before the crucial vote. Sir William Bennet of Grubbet, shire commissioner for Roxburghshire (listed by Riley as a member of the Squadrone) had previously personally committed himself to Queensberry in April 1700 and voted for the union despite his involvement with the Squadrone.<sup>137</sup> It is therefore reasonable to suggest that the changing affiliation of commissioners does make the process of ascribing consistent loyalty to a party with any degree of certainty very difficult. It is likely however that the circumstances of the voting will continue to lead historians to take their own view on the significance of the Squadrone to the passing of the treaty. It is worth pointing out that Mar would have made an accurate assessment of the voting intention of members, and his figures for the Squadrone (eighteen) cannot be easily dismissed.<sup>138</sup> His numbers also make sense if Montrose brought ‘eight’ members of the Squadrone with him. That being the case then Queensberry could have perhaps carried the treaty without their support. Queensberry considered the Squadrone to be unreliable, and in a letter to Godolphin on 26 November he clearly indicated that his relationship with them was based solely on the fact that their support was only necessary to ensure a greater majority for the union:

All I shall now say is that there appears a greater majority in parliament for the Union than I have seen for any measure of the government these six or seven years past...But I dare not push my new friends, several of them are new and incline to be slow, I could perhaps carry the Union without them, but I think it most for the honour of her Majesty’s service and the reputation and security of the Union that we have all the numbers that is possible, Lord Archibald Campbell’s patent is made public and to pass the seals, the Duke of Argyll seemed earnest to have it presently, and the Queens servants thought not fit to

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<sup>137</sup> Drum. MSS, Bundle. 1152. Sir William Bennet to Queensberry, 12 April 1700.

<sup>138</sup> Drum. MSS. Bundle. 1128. Note, 17 January 1706, lists the names of supporters and opposers and comes to 115 for the Treaty and 83 against. This may have been written after the vote although it does say ‘tho Glencairn comes in’ so it may in fact have been written before the vote.



give him any occasion to grudge or complaint, for since the Queen was not pleased to refuse her own pleasure....<sup>139</sup>

Given the comments made by Queensberry about the influence of the church, the passing of an act for the ‘security of the true protestant religion’ meant that possible barrier to the treaty was lessened. The church however, still maintained a constant pressure on Queensberry, and as late as 24 December, further proposed amendments to the settlement were being drafted.<sup>140</sup> Queensberry expressed little concern over the rest of the articles in his reports to the Court, and he believed the parliament was now ‘disposed to the treaty’.<sup>141</sup> Surprisingly to some, it was arguments over the importation of salt [article VIII] that hindered the progress of the treaty. Salt was a vital commodity and therefore this article in reality was very important to commissioners, vassals, and merchant alike.<sup>142</sup> An amendment had to be inserted into article VIII to carry the vote on 26 December.<sup>143</sup> The flexibility to alter articles now also proved to be bonus for the Scottish ministry. Queensberry appeared to be in a more relaxed state of mind as each one of the twenty five articles of the treaty was approved.<sup>144</sup> He even let procedure slip by sitting quietly and allowing Hamilton to make a speech addressed specifically to him [rather than the Chancellor].<sup>145</sup> Hamilton made a desperate plea to Queensberry to accept a compromise of agreeing to the Hanoverian Succession.<sup>146</sup> This was really a desperate move by the opposition to get an adjournment of the session, and suggests that they knew by this point that they could not stop the treaty. Hamilton’s actions had infuriated his mother, and she took exception that he and the opposition had not

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<sup>139</sup> Drum. MSS, Bundle 1181. Queensberry to Godolphin, 26 November 1706.

<sup>140</sup> Wod. Qu. XL (xxviii). Overture by way of an Act to be presented to the parliament for further security of the Church as a hedge opposite the sacramental test in England (24 December, 1706).

<sup>141</sup> BL. Add. 61136 (Blenheim), cccxxxiii, f. 69. Queensberry to Marlborough, 27 November 1706.

<sup>142</sup> Whatley., *Bought and Sold for English Gold*, p. 6.

<sup>143</sup> NAS. GD124/15/449/56 (Mar and Kellie). Mar to Sir David Nairne, 11 November 1706.

<sup>144</sup> BL. Add. 61136 (Blenheim), cccxxxiii, f. 75. Queensberry to Marlborough, 17 December 1706.

<sup>145</sup> NAS. GD124/15/449/65 (Mar and Kellie). Mar to Sir David Nairne, 16 November 1706.

<sup>146</sup> *Ibid*, 15/449/65. Mar to Sir David Nairne, 11 November 1706.



‘left the parliament all together after the first 3 articles past and entered your protest’.<sup>147</sup> It seems Hamilton’s mother was more of a patriot than her son.

On 16 November the mob then attacked one of Queensberry’s servants and pelted his carriage with stones.<sup>148</sup> Queensberry was livid, and he promptly ordered the Court commissioners and nobles to a meeting in the Abbey the following morning to discuss this behaviour.<sup>149</sup> It was then agreed that the matter would be laid before the parliament to resolve.<sup>150</sup> Queensberry now had some doubts about the usefulness of local troops, and he wrote to Marlborough for more men to come from England to defend against insurrection.<sup>151</sup> It can perhaps be inferred that he may have had wind of the discussions relating to petitioning in the army mentioned by Wodrow, from Hugh Dalrymple, who attended the church sessions.<sup>152</sup> As it was, the fear that England would invade Scotland if the succession or a treaty failed had been real enough for some time.<sup>153</sup> Godolphin certainly thought it prudent to tell Marlborough troops were to be moved ‘to the north of England and Ireland’.<sup>154</sup> Queensberry addressed the issue of the state of the forces and the prospects of rebellion in a letter to Godolphin written on 27 November:

...My Lord the disposition in our Parliament is as favourable to the Union as can be wished, and tho the opposers are by far the fewest, yet they are bold and

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<sup>147</sup> NAS. GD406/1/9738 (Hamilton). Duchess Anne to Hamilton, November 1706.

<sup>148</sup> Ibid.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

<sup>151</sup> BL. Add. 61136 (Blenheim), cccxxxiii, f. 69. Edinburgh, Queensberry to Marlborough, 27 November 1706.

<sup>152</sup> Wod. Qu. lxxiii. (lx), f. 128. Proposals for orchestrating anti-union petitioning from the army with a form of petition, December 1706: NAS. GD124/15/449/74 (Mar and Kellie). Mar to Sir David Nairne, 26 November 1706. Mar stressed the role of local ministers supporting a possible armed rebellion.

<sup>153</sup> Rosebery. 1.2.128. No 10. *The Reducing of Scotland by Armes. And annexing it to England as a Province, considered* (George Ridpath, Edinburgh, 1705).

<sup>154</sup> Mal/God, II, p. 727. Godolphin to Marlborough, 1 November 1706.

resolved to spare nothing that may obstruct the Union, and the Kingdom generally is full of heat that they are deaf to all reason on that head, there is so little ground for this ferment that I doubt not if it break not suddenly into violence or open rebellion in a short time it will cool and all good men will be satisfied of advantages that will arise to both nations from the Union, but in the meantime it is very dangerous and uncertain what train this humour may take which is so catching that even the members of Parliament who are favourable to the Union are positive that they will have additions and alterations to the articles agreed upon by the Commissioners of both Kingdoms, which we hope to keep in bounds that it may not break squares or lay the necessity of refusal on the part of England.

Besides this the common sentiments of our few troops are likely to be tainted with the popular apprehensions, and tho we have all possible encouragement from the Queen and her ministers there of their firmness to this measure yet the not marching the troops towards the North of England and Ireland encourages our enemies and makes our few forces apprehend that if the country should rise in arms they are exposed without relief and with all my Lord Leven's illness which I am afraid will not be soon over....<sup>155</sup>

The mention of Leven again indicates Queensberry's was worried about an insurrection, as Leven was commander-in-chief of the forces in Scotland.

Still, the articles passed apace without the need for Queensberry to intervene, and by 4 January 1707, the twenty second article of the treaty was under discussion [this article dealt with the number of peers and members for the future British parliament] and Queensberry now had less apprehension of dealing with the mob as 'Brigadier George Hamilton came over from Holland' with 'his officers'.<sup>156</sup> The treaty progressed through the session and by 16 January 1707 the act 'ratifying and approving the Treaty of Union of England and Scotland' was passed by 110 votes

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<sup>155</sup> BL. Add. MSS. 61136 (Blenheim), cccxxxiii, f. 69. From the Duke of Queensberry, 27 November.

<sup>156</sup> BL. Add. 61136 (Blenheim), cccxxxiii, f. 79. Queensberry to M[alborough], 4 January 1707.



to 68, as was the act for securing church government.<sup>157</sup> Some work was still done by Queensberry to convince people in Scotland of the worth of the treaty, and a tract was prepared to explain how the issue of the public debt would be dealt with.<sup>158</sup> The opposition had most likely known they could not halt the treaty after the first vote had been taken. Hamilton's offer of the 'succession' in place of the treaty only makes sense if he and the other opposition members had made the same calculations as Mar and Queensberry, and having done so, reached the same conclusions. Queensberry played the part assigned to him, and he had the sense to leave the management of the parliament to Mar. Gaining the treaty was really Mar's accomplishment in many respects. Queensberry played the role of a figurehead to some extent. The significance of the events in parliament would now resonate throughout the Scotland. Among the 'commonality' there appeared to be very little to cheer about.<sup>159</sup> In England Queensberry 'was everywhere caressed and received with great acclamations of joy'.<sup>160</sup> Queensberry had to delay his journey to present the treaty to the Queen in London because of ill health and it was not until 13 May 1707 that he was fit to make his journey.<sup>161</sup> In the circumstances, this was no 'diplomatic indisposition'.

Debate has raged since the passing of the treaty of union to the present on the issue of bribery. Historians have taken sharply divided stances on how the treaty was achieved. For some, the economic arguments persuaded the Scottish commissioners to vote their parliament out of existence.<sup>162</sup> Nationalists have seen

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<sup>157</sup> See, Dicey, A. V & Rait, R. S., *Thoughts on the Union between England and Scotland* (London, 1920), p. 374.

<sup>158</sup> Drum. MSS. Bundle 1166 Colnaghie). Edinburgh, 1 February 1707. Resolutions of some doubts, with relation to the public Debt of Scotland as stated in the 15<sup>th</sup> Article of the Treaty of Union.

<sup>159</sup> *History of the Union*, Appendix C, p. 200.

<sup>160</sup> *Ibid.*

<sup>161</sup> NAS. GD124/15/506/6 (Mar and Kellie). Copy to the Earl of Glasgow, 10 May, 1707.

<sup>162</sup> See, Whatley., *Bought and Sold for English Gold*, pp. 56-80.



nothing but bribery.<sup>163</sup> For a time the ‘Whig’ theory of inspired diplomacy held sway. Queensberry was either, inspired diplomat, or the bogeyman man of the union. A ‘Mr. Scot’ wrote to Atholl on 1 July 1706 to say that ‘Dunmore and the Register [Philphaugh]’ had threatened to withhold money Atholl was due for his salary unless Atholl ‘stayed at home’ and away from the parliament.<sup>164</sup> It perhaps will never be clearly established if Queensberry triumphed because of bribery, rather than persuasion. The only letter found at Drumlanrig castle that clearly suggests pressure was applied to Scottish nobles, and mentions the word union, is apparently related to 1703. That letter from Queensberry to Godolphin is among a bundle of letters dating from 1703-1708. The letter itself is not clearly dated, and it is listed as being written on 20 August 1703 in the index to the bundle. The full text of the letter is given below:

I am very sorry to find by the honour of your Lordship’s letter that the uneasiness I showed from an apprehension of having any vestige remain of that affair, should give the Queen the least suspicion, I could be so unworthy as to have distrust of her, for I am sure no mortal breathing can have a greater deference for her commands or be more ready to obey them, and if I had not had the greatest trust for her Majesty that man is capable of, I should never parted with that paper out of my hand which I dare not venture to keep even in my own possession and your Lordship knows it was at first agreed by capitulation that no paper relating to that business should be extant, and I hope the Queen will be more just to me, than to be displeased at my owning, that I can never have ease in my mind so long as there is any possibility of bringing to light what would expose so many people that trusted their honours to me, besides it would bring a disparagement upon the Union it self and also make it plain from whence that management proceeded, and these are the reasons that make me more concerned, than for my own part in it, and tho I must submit to her Majesty’s pleasure in every thing yet I cannot without being unfaithful to her avoid first representing the dangers in this matter, and then humbly and earnestly beg that the Queen will be so good and so favourable to me as to let me destroy the papers without any copy remaining since it can be of no use to the Queen who is

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<sup>163</sup> See, Scott., *The Union of England and Scotland*, p. 3.

<sup>164</sup> BA. 45, 6, f. 73. Mr Scot to Atholl, 1 July 1706.



already as fully informed of the whole course of the business as she can possibly be, so that it can only have this effect that if by some accident (which nobody upon earth can foresee) some time or other it may be divulged to the greatest prejudice and dishonour of all who are concerned, when it cannot be remedied, and this is the cause of my apprehensions, god knows without the least doubt of the Queen's breaking her word, and I hope your Lordship will lay this so favourably before her Majesty that she may be pleased to grant what in all humility I do beg, and not to take any impression of me from it, who shall ever have the greatest duty imaginable for her Majesty, and I have hitherto served with all faithfulness, so the remainder of my life shall be laid out of her service.

Your Lordship will pardon me for troubling you so long upon a subject that is of so great concern, not only to my self, but to so many noble families besides, and the consequences that might happen from it being of so dangerous a nature, I could not but open my mind so freely to your Lordship upon whose justice and friendship I entirely depend and therefore I do beg (with all the earnestness I am capable of) that you will have the goodness if possible to make this matter easy, since I am certain, it is for the good of the Queen's service, that nothing of it should remain within the power of accidents to make it known, and among the many favours your Lordship has shown me, none shall ever be more gratefully acknowledged.<sup>165</sup>

The puzzle, with respect to this letter, is that the union negotiations in 1703 continued beyond August, and into November 1703. There was in fact no union in the end to put any 'disparagement upon' in 1703. There were no vote to be 'managed', and the union commissioners were solidly for the ministry in any case. The papers related to the 'Scotch Plot' (the other event that could have caused Queensberry such concern) were widely distributed in England and Scotland (copies went to the Privy Council, the House of Lords, and Queensberry's own archive). The tone of the letter is astonishing, particularly the language directed at the Queen. There is a clear sense that Queensberry was in a state of absolute panic over the issue. Clearly the contents of the letter suggest that several nobles were subjected to intense pressure to comply with the ministry with respect to a 'union' that never occurred. The form of those inducements was only known to

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<sup>165</sup> Drum. MSS, Bundle 1202. Queensberry to Godolphin, 20 August [listed as 1703].



Queensberry, Godolphin, and the Queen. There is nothing more in this letter that explains how Queensberry managed the events he referred to.

The available evidence therefore suggests that Queensberry and Mar would have carefully calculated all possible votes that he could depend on, and by October 1706 he was already confident that he could have carried the treaty without the assistance of the Squadron (although he was far happier to have as large a majority as possible to present to the Court). The Earl of Mar, friend to all, and able to deal effectively with supporter, or opposers, alike played his part admirably. Queensberry clearly stated to Godolphin his thoughts on Mar's character:

The Earl of Mar is made Secretary in his place he is a young gentlemen not yet much known, he with some others of my friends as I have told your Lordship formerly appeared backward in parliament last year, but he has given my Lord Commissioner and me full satisfaction of his hearty and cordial resolution to concur for advancing a treaty with England, and settling the Protestant succession, he is a man of great honour and if I may undertake for any man I dare answer for him, so I beseech your Lordship not to take notice of any insinuations that may be made against him, he was recommended because he is of an ancient and noble family and is generally well beloved, and he and the Earl of Loudon have been for many years the two most intimate comrades in this Nation, so we hope that they would live united for what wee have most to fear is division amongst our selves, and here I must entreat your Lordship and all our good friends who are with us in the common cause to be wary of giving any encouragement to any person, or complaints of the present ministry one against the other.<sup>166</sup>

It cannot be presumed that those commissioners and nobles who came over to Court did so as members of the interest they had been previously identified with. Marchmont for example was firm for the Revolution, despite his flirtation with the Squadron. Seton of Pitmedden apparently resolved his own conflicts between a federal and incorporating union without pressure being applied to him. It may

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<sup>166</sup> Drum. MSS, Vol. 127, f. 131. Queensberry to Godolphin, 1 September 1705.



simply be the case that many of them took those decisions on the basis of individual and not ‘party’ concerns. Queensberry left Scotland reviled by the ‘commonality’ to eventually pursue his new career as third Secretary of State in the British government. It is certain that he had no regrets about carrying the treaty of union. It was Mar who was first to receive a personal accolade from the Queen on 4 March 1707. Given his management of the treaty, he deserved it:

... The good news you send me in your letter of the 17<sup>th</sup> of January of the Treaty of Union being ratified in the Parliament of Scotland, the continual hurry of business, I have been in this winter being the cause of it, I can now return to tell you with great satisfaction that the Treaty is concluded here, and I intend please God, to give my assent to it on Thursday, the pains you have taken in bringing this great affair about deserves more thanks than I am able to express, I do assure you I am truly sensible of your faithful service which I shall be ready to show on any occasion...<sup>167</sup>

The final session of parliament ended on 25 March 1707 with a short speech from Queensberry in which he stated ‘the public business of the session is now over, it is full time to put an end to it. I am persuaded that we and our posterity will reap the benefit of union of the two kingdoms’.<sup>168</sup> There would be one more battle to fight over the status of Scottish peers before Queensberry could settle into his new life. Nothing in his future however would equal his management of the union. He was summoned to meet the Queen but once again his health was failing and he was unable to meet that summons. His influence was now ebbing away as much as his health.<sup>169</sup>

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<sup>167</sup> NAS. GD124/15/495/1 (Mar and Kellie). Queen Anne to Mar, 4 March 1707.

<sup>168</sup> NAS. PA6/36. Speech to the parliament, 25 March 1706.

<sup>169</sup> HMC 60. *Mar and Kellie*. Mar to his brother James Erskine, pp. 220 - 230

## VIII. Epilogue.

Most Noble Patriot then Accept our Praife,  
 For Admiration in each Breaft You raife!  
 Such Qualities a True-born Hero froms,  
 In Peace by Skill, You can fubdue our Storms.  
 So Affable! Beneficent! And Kind!  
 As if that Greatnefs was by Birth defgn'd.<sup>1</sup>

It was a weak and ailing Queensberry who arrived in London. He did however receive a tumultuous and generous welcome.<sup>2</sup> Clerk of Penicuik (who accompanied the Duke) described the reception Queensberry received:

In England he [Queensberry] was everywhere caressed and received with great exclamations of joy...within 20 miles of London all the Queen's ministers, all the peers commons of parliament waited upon him in their coaches, so that I am persuaded there never was so great & so joyful a concourse of people seen...<sup>3</sup>

He was satisfied with his reception, and he was glad that the turmoil of the last few years was now over.<sup>4</sup> His satisfaction was tinged by the reception the union had received in Scotland prior to his departure and he made his feelings known to Harley on 20 March 1707:

Sir  
 On Monday in the afternoon I received from the Queens messenger the exemplification's of the Act of the English Parliament satisfying the Treaty of Union. It has been read in Parliament here and ordered to be recorded as her Majesty directed. I am very glad that the great affair past so cheerfully with you. I wish this nation had been as wise and embraced it as readily, but I hope

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<sup>1</sup>Roseberry, 1. 1. 111. *A Congratulatory Poem*. 10 July, 1701 (Joseph Harris).

<sup>2</sup>*History of the Union*, Appendix C, p. 200.

<sup>3</sup>Ibid.

<sup>4</sup>NAS. GD124/15/506/8 (Mar and Kellie). Copy from Mar to the Earl of Glasgow, 13 May 1707.



the advantages of it will convince many of their mistakes. Return you my humble thanks for the obliging compliment you have pleased to make upon the success of it. I did all that was in my power with fidelity and zeal, and am overjoyed that it has now come to so happy a conclusion, and I am persuaded the ere long both nations will be sensible of the good effects of it.<sup>5</sup>

Following this letter, there appears to have been no desire on Queensberry's part to reflect further upon the events of the union as he settled into his house in Piccadilly. He seemed to now develop a reasonable relationship with the Queen and 'Great court was made to him by all degrees of men & in the new Establishment of the Kingdom of Great Britain'.<sup>6</sup> Queensberry did not forget his friends and the rewards for loyalty had begun to flow. The Earl of Glasgow had already received for 'my Lord Montrose and my Lord Roxburgh's patents as Dukes'.<sup>7</sup> Mar wrote to Glasgow on 10 May 1707 as Queensberry's health was causing concern to the Glasgow, who was now engaged in sorting out payments from the customs:

...The Duke of Queensberry's illness has been a means of delaying our business, I pray God he may now be out of hazard, if anything should ail him it is hard to tell what turn our affair would take...Balgownie is one for the Customs, he is a very honest pretty fellow...and that he was a man [unnamed] to whom we were very obliged during our Parliament: so I believe there is an end to that story, but our friends here especially and really everybody are so apprehensive of frauds and unfair doings in the affair of the Customs that it will be a scandal to our Nation and to us all in Parliament if there be any wrong doings in those matters, your Lordship being on the place is best able to prevent anything of this kind, so for God's sake do what you can in it, we will either gain much honour in this affair or quit otherwise, so we have need to be on our guard without respecting anybody or our friends private gain...<sup>8</sup>

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<sup>5</sup> NLS. MS 3414, *transcripts*, p. 197.

<sup>6</sup> *History of the Union*, p. 201.

<sup>7</sup> NAS. GD124/15/506/5 (Mar and Kellie). Earl of Glasgow, 29 April 1707.

<sup>8</sup> *Ibid*, 506/6. Copy to the Earl of Glasgow, 10 May 1707.

When Queensberry was well enough the first business he was to attend to was setting up ‘the Privy Council of Great Britain’ whose first order of business would be the disbursement of the equivalent.<sup>9</sup> A commission for disbursing the equivalent had been elected by the final on October 1706 consisting initially of the following commissioners and nobles.

... I told you we were to sit again on Wednesday, the whole debate that day was about printing the English book of rates and Acts of Parliament relating to the Customs and Excise, But when the house met first the Estates separated and choose a committee for considering the equivalent, and in all the 3 Estates Nobility, Montrose, Argyll, Tweeddale, Shires, Sir Alexander Campbell of Cesnock, Baillie of Jerviswood, John Haldane of Gleneagles, Burghs, Robert Inglis, Lt. Colonel John Erskine, Hugh Montgomery the people we designed carried it, their names you will see in the minute...<sup>10</sup>

The latter list was certainly added to as the Earl of Glasgow had to write to Mar to complain that ‘Sir Thomas Burnet, young Pitmedden, Mr Clerk of Penicuik’ were uneasy’.<sup>11</sup> Clerk later argued he had been a somewhat reluctant ‘Unionist’, and it now looked as if Queensberry’s party was showing signs of strain. Arguments over bribery did not end with the passing of the Act of Union. A key element for writers convinced that bribery secured the union was raised by Ferguson. £20,000 sterling had been disbursed to Scotland, and Ferguson argued that the payment of this money showed that Lockhart’s arguments ‘could not be brushed aside’.<sup>12</sup> The issue of the £20,000 was also recognised at the time as being a possible issue that could put a slur upon the union. Seafield and Glasgow responded to the accusations and it is clear that the money was to be repaid to Godolphin from the equivalent and could

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<sup>9</sup> Ibid, 15/506/8. To the Earl of Glasgow, 13 May 1707.

<sup>10</sup> APS xi, pp. 308-309: NAS. GD124/15/449/44 (Mar and Kellie). Mar to Sir David Nairne, 26 October, 1706.

<sup>11</sup> Ibid, 506/13. Earl of Glasgow to Mar, 26 July 1707.

<sup>12</sup> Ferguson., *Scotland's Relations with England*, p. 247.



hardly have constituted a bribe.<sup>13</sup> It was also to be dispersed among far more people than Lockhart suggested. The names also listed included Atholl, who had done nothing that would warrant any reward from the government.

Queensberry could only hope that this dissent that was apparent following the union would subdue. One aspect of his accomplishment was however beginning to become obvious. His 'party' at its core was strong and consisted of Glasgow, Mar, the Dalrymples and Leven. Argyll was generally loyal but many of his supporters were less predictable. It was remarkable that he had built his party without a strong core of family members. It was now apparent that the unity that secured the union was transient, and relationships, if anything, would become even more complicated as Scottish peers and members of the House of Commons allied themselves to English factions. Queensberry, did with some degree of pleasure, announce his appointment as third Secretary of State on 3 February 1707.<sup>14</sup> Mar's letter to Marlborough on 18 June 1707 (related to the election of the sixteen peers) had on paper, seemed to show Queensberry's influence would remain strong, but Hamilton obtained a large number of votes, and the Squadrone held a fair balance of the remaining nominations:

Yesterday being our day of battle here I thought my self obliged to give your Grace an account of it, I enclose a list of the 16 Peers who were chosen with the number of votes each of them had, there is also a list of those I had the honour to vote for as proxy for your Grace, Tho we have the greatest Party yet I am sorry more of them did not carry...there has been an influence used against us by the great folks in London that a great many of our friends who are in the Queen's service were frightened from us...List of proxy M Lothian, E. Mar, Morton, Loudon, Wemyss, Leven, Northesk, Orkney, Seafield, Stair, Roseberry, Glasgow, Hay, Dupplin, Blantyre, and Balmerino. List of votes cast. 1. Duke of Hamilton 53. 2. Duke of Montrose 48. Duke of Roxburgh 49. Marquis of Lothian 48. Earl of Crawford 49. E. Mar 56. E. Rothes. 50. E. Loudon 50. E. Wemyss 51. E. Leven 54. E Northesk. 54. E. Orkney 56. E. Seafield. 56. E.

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<sup>13</sup> BL. Add. 84. 180 (Autograph Letters), f. 1. Seafield to Queensberry, 20 July 1707.

<sup>14</sup> Ibid, f. 123. Queensberry to M[arlborough] 3 February, 1707.



Roseberry 59. E. Glasgow 51. E. Islay 53. Those nearest the vote to the 16 were the Marquis of Annandale 46, Earl of Sutherland 47. Lord Ross 46.<sup>15</sup>

The election of the Scottish peers had been as hot tempered as previous elections for the Scottish parliament, and Queensberry's vote was protested against on the basis that he now held an English peerage. Queensberry's vote was removed because he now sat as Duke of Dover, leading to very plausible allegations that the Squadrone had organised his disbarment.<sup>16</sup> Eventually, on the 17 January 1709 The House of Lords decided that a peer in Scotland choosing to sit in the house of peers (the Lords) by virtue of a patent under the seal of Great Britain had no right to vote in the election of Scottish representatives. Queensberry, already wearied, was created Marquis of Berverley, Duke of Dover, and Baron Ripon on 28 May 1708.

Despite his appointments, Queensberry gradually faded from political life and he took less and less to do with the infighting between the various factions that were developing. The Duke of Hamilton now joined forces with the Squadrone, but Argyll would eventually lead a family based interest which would dominate Scottish politics. Queensberry now turned to commerce, and the Queen 'was pleased to allot me Denmark, Sweden, Poland, and Moscovy' as areas where he was to develop trading links.<sup>17</sup> Queensberry also attempted to establish a cloth manufacturing industry based in Scotland.<sup>18</sup> His wife died on 2 Oct 1709 and he had little time left to make the most of his rewards. Another great sadness blighted his life with respect to his eldest son James (born 2 November 1697) who appeared to suffer from a serious mental condition to the extent that Queensberry had resigned his title of Duke of Queensberry into the hands of Queen Anne on 12 March 1706 so that his son James could not inherit the title third Duke of Queensberry. His title eventually fell to his third son Charles (born 24 November

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<sup>15</sup> BL. Add, 61136 (Blenheim), cccxxxiii, f. 111. Mar to M[alborough], 18 June 1707: Ibid, f. 114.

Mar to Marlborough, 17 June 1707.

<sup>16</sup> Ibid, f. 180. Proceedings of Scotch Peers.

<sup>17</sup> Ibid, f. 156. Queensberry to M[alborough], 13 June 1710.

<sup>18</sup> DA. Sts, GGD/37/2/14, passim.



1698). It was rumoured that James murdered, and then cooked and ate a servant after being left alone. Although I found no documentary evidence of this event, the archivist at Drumlanrig Castle believes the story to be true. Even the 'Union Club' set up in Edinburgh had floundered and Queensberry's health declined rapidly.<sup>19</sup>

The post-mortem on Queensberry showed that he must have suffered considerably during his life. His legacy to Scotland was of course the union of 1707. By 1712, and unsurprisingly, the union was nearly broken over the issue of church patronage. Queensberry concentrated on his finances and even an old family friend like Grierson of Lag found little sympathy from Queensberry with respect to money and Queensberry had his chamberlain, William Stewart write to him:

My Lord Duke commands me to let you know that he received your letter and as to your offer of selling some of your lands to his Grace, he bids me tell you that his present circumstances can not well allow him to make any purchase at present...however if you cannot dispose of your land, his Grace is satisfied to take land for the debt owing him...his Grace expects a speedy return to this letter.<sup>20</sup>

Queensberry was as complex as any other Scottish aristocrat, and far more than the one-dimensional venal and grasping ogre of the union. He was generally regarded to be a tolerant and courteous politician who had a fierce loyalty to his friends. He was certainly no bigot, and he had as set of principles based on loyalty to the crown. His political philosophy was unsophisticated, but nevertheless, it was sincerely and consistently held. The attainment of the union could probably have been gained more honourably. He could not take that risk, and his reputation will remained tarnished because of some of the methods he used to manage the Scottish

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<sup>19</sup> Lamont, A., 'Clubs against the Union of 1707'. *Scottish Journal of Science*: 1, part 4, (1957), pp. 217-226. 200 political clubs were formed from 1702 to oppose a possible union. Queensberry's club lasted from 1706-1710.

<sup>20</sup> EL. Dum, Grierson Papers, box 2. To Queensbury, Edinburgh 1705.

parliament. Queensberry's influence could not long survive his death. Unlike the Duke of Argyll, his 'party' had never been based on a core of family supporters, and a contemporary writer made the accurate observation that 'his death will make alterations and to his partie, a fatal stroke'.<sup>21</sup> That predication proved to be accurate, as the natural leader of his party, Mar, went on to lead a rebellion against the crown in 1715.

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<sup>21</sup> NAS. GD 224 (Buccleuch), f. 57. Letter from Countess of Argyll, 13 July 1711.



## Conclusions.

James Douglas, second Duke of Queensberry was the product of the upbringing and education of a typical young Scottish Aristocrat of the period. He was well educated, and well travelled by the time he returned to Scotland from a long trip overseas (began on 13 September 1680). During that trip he conversed with a Catholic Cardinal, and stood a few feet away from the Pope. It is during this period that evidence first appears that he was no bigot, and he believed religion was a not a matter for public scrutiny unless practised by 'fanatics'. He married Mary Boyle in 1684, and the evidence from his letters suggests that he was a contented 'family man' for the whole of his married life. That marriage also had a practical aspect, in that it created a secure political alliance with an English aristocratic family. His wife's grandfather, Burlington, and his father-in-law, Charles Clifford, may also have influenced his political decisions with respect to the Revolution of 1688. Those decisions had deeper consequences, and called on all of Drumlanrig's courage.

It has been a difficult task to begin to assess the life of a man who was perceived to have 'sold his country' for nothing more than personal gain by Lockhart, Saltoun and other opponents. The evidence presented within the first chapter showed the development of Queensberry's political ideas, values, and principles. His political beliefs were simplistic, but nevertheless sincere. Contrary to the accepted view that he was unprincipled, it is clear that as Lord Drumlanrig came to his own conclusions irrespective of his father's wishes, and he helped organise resistance to James VII. He actively supported the Prince of Orange and recruited other Scottish nobles into that cause. It took strength, courage, and a commitment to a set of values to do as he did, and set himself up as a rebel to the king. The fact is that he placed his life in danger for a cause he believed in. His courage was immense given the fact that he faced the prospect of being tried for treason had the Revolution failed.



He was no 'Whig' in the English mould, and he developed an individualistic view of the Revolution. Even at this early stage in his life, it was also apparent that he had little sentiment for Scotland. He was more comfortable in Bath, or at the Court in London. His outlook was 'British', rather than Scottish, and Drumlanrig took that view throughout his political career. All the major decisions he made reflected the mind of a 'British politician'. The issue of suzerainty of the English and Scottish crown never caused him to question English demands that Scotland should support their European wars. By the time he took the title of second Duke in 1695 he had no great interest or 'party' to support his ambitions. His political views at that time were simplistic and rigid. He was determined to support the right of the King, or Queen, to exercise the prerogative, and he was rarely deflected from that agenda. His only caveat to that support was that they must be Protestant. He was also by this time confirmed in his opinion that the nobility should rightfully manage the parliament. That stance brought him into conflict with radical Presbyterians, constitutionalists like Saltoun, and merchants alike, when William II refused to support Scottish trading ventures. Merchants who were also the Directors of the Company of Scotland trading to Africa and the Indies found Queensberry to be devoid of sympathy for his countrymen who had lost so much by the failure of the Scottish colony at Darien. The fact that Queensberry also invested £3000 (Scots) in the venture played no part in his decisions. Despite fierce opposition from supporters of the Company (John Hay, first Marquis of Tweeddale and James, 'Secretary' Johnston in particular) and the General Assembly (now meeting annually) who were taking a very active role in the politics of the nation. His successful management of those issues brought him into prominence, and earned him a Garter.<sup>1</sup>

By 1702 it was clear that the Scottish parliament was moving towards an even more independent course than the English Court could tolerate. Constitutional ideas founded on a Covenanting heritage found some force in the parliament and Queensberry could not achieve any gains for the Court. Cavaliers also recovered

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<sup>1</sup> The General Assembly had met in 1690, and then 1694 before meeting annually from 1695.



from the events of the Revolution, and they now sought to use political means to further the cause of the Pretender. Although his own personal support was growing with the Earls of Mar, Stair, Loudon, Leven, and Glasgow taking prominent roles within his 'party', Queensberry had to abandon his own wish for toleration to retain the support of Argyll. Queensberry failed to deal effectively with the upsurge in Jacobite members to the parliament in 1703. He created division among his own supporters when the issue of abjuration of the Prince of Wales was raised. It is clear from the evidence presented that Queensberry's well known 'toleration' was in fact damaging to him because he could not entirely distance himself from those Episcopalians (Queensberry was Episcopalian) who expected much from him. The development of his 'party', therefore, was based in large measure on personal loyalty to him. To others he still represented the true interest of the 'Revolution' men in the parliament. That support provided a consistent means of ensuring his influence remained strong. By the time he took on the title of second Duke of Queensberry he had already shown that he was consistent in his commitment to William II. Queensberry went into the Scottish parliament with little or no 'party' base and the results of the 1702 election exposed his inexperience. His success in preventing the passing of an act against William II during the parliamentary session 1700 to 1701 was quickly overshadowed. There is reasonable evidence to suggest that had that act passed it could have provoked a war between Scotland and England (and perhaps a civil war in Scotland). During the parliamentary session of 1702 Queensberry never found the skills to gain the trust of both Cavaliers, and his own Court party. Queensberry took little interest in the union negotiations 1702 to 1703 for the simple reason that he understood England would not accept free trade with Scotland, and no toleration for Episcopalians. At that time there was simply nothing in the bargain for England, and Queensberry knew that. The English Court bore some responsibility for this situation as they hindered his task by declaring war against France without consulting the Scottish Parliament (the declaration was passed in the Privy Council). Consequentially, the forces of Cavalier, and Countryman had common cause, and they were too strong to be overcome by him.



Queensberry's failings during the parliamentary session of 1703 were partly his own fault. He could not distance himself from his personal feud with Atholl, and he was given the impossible task by the English Court to secure the Hanoverian succession. The parliament had pushed an agenda of independence from English influence. He would have done better to admit to the Queen that no combination of interests could prevail in the parliament whilst the prospect of limitations on the crown (and calls for free trade) filled the minds of the Scottish nobles and commissioners. As he struggled with the frustration of being unable to pass any of the Court's business, he then became embroiled in the 'Scotch Plot'. The Plot is commonly cited as being indicative of Queensberry's malice and cunning, when in fact it was no such thing. Even the basic primary sources have been so misquoted that for some writers it is merely enough simply to paraphrase other historian's views of this event. The reality was much different, and at first Queensberry did no more than his duty by reporting the matter to the Queen. It is clear he did not entirely trust Simon Fraser. That is the reason he sent him out of the country to get more evidence to support his allegations. There was Jacobite intrigue occurring in the country in any case. Queensberry could not resist the opportunity to place Atholl under scrutiny. That error cost him his position as High Commissioner. He was also subjected to a very clumsy attempt by the New Party to use the Plot to undermine him. The Scotch Plot was no carefully drafted plan of Queensberry's that was designed to end the careers of 'every Scotsman of note'. Queensberry dealt with the information he was given on the basis of other investigations that had been initiated (and in a climate of fear over the possibility of a Jacobite invasion). The actual facts of the Plot are inadequately addressed in the current historiography of the period. It is also necessary to revise the historiography of the honesty and effectiveness of Tweeddale, and his ministry. Tweeddale quickly revived accusations of Jacobite plots for his own benefit, and his ministry ended in a debacle for the Court. Having been dismissed as High Commissioner Queensberry's resolve was tested to the limit, particularly as the queen despised him so much



The Tweeddale Ministry of 1704 represented much that Queensberry despised. The argument put forward that he was destructive towards it is rather naive given his recent dismissal (which had been brutal and condoned by the Marquis of Tweeddale). Queensberry made it plain enough throughout his political career that he would not accept a mixed ministry, or a decline in the influence of the nobility. Tweeddale (supported by Secretary Johnston) seemed to challenge that deeply held belief. Queensberry's ruthless demonstration of his power was due in some part to an increase in his party support, when John, the second Duke of Argyll firmly allied his interests to those of Queensberry's. That alliance sowed the seeds for the successful passing of the Act of Union. Queensberry also confirmed his position as leader of the Revolution party, and his actions in the Privy Council were a direct challenge to the Cavaliers. The instigation of action against Highland chiefs was designed to weaken Cavalier opposition in the parliament and solidify the core support of his 'Revolution' party. Queensberry's 'quiet diversions' with 'his friends' destroyed the Tweeddale ministry. The parliamentary session of 1704 presented both Tweeddale and the opposition with a clear statement that nothing could now be done without Queensberry's approval. Queensberry's period in the 'wilderness' also showed the English Court that he could not be ignored, or left out of office if they wished to secure the succession, or a union (whether it be federal, or incorporating). An attempt was then made to supplement Queensberry with Argyll in 1705. Riley and Ferguson failed to realise that Queensberry remained the dominant force in that relationship, and Argyll acted in support of the party that Queensberry still led. Queensberry's initial failure to direct his party in to support Argyll in 1705 was due to the state of his health, and not his distrust of Argyll.

The Court eventually realised that fact and Godolphin was forced to offer Queensberry his old post as High Commissioner for the remainder of the fourth and last session of Queen Anne's Scottish parliament from October 1706 to March 1707. Chapters five and six have demonstrated the extent of the increase in support for Queensberry, with clear evidence of key members of the nobility joining his



party during the period 1705 to 1706. It is noticeable that he could afford to dismiss the offer of support made by Sir Alexander Bruce. The volume of letters he and the Earl Mar received during this period show a clear move away from the radical ideas of Saltoun by Montrose, Rothes, Roxburgh, and Haddington, and a willingness by Scottish nobles and commissioners to consider a union with England. Queensberry also approached the coming parliamentary session with a new attitude, and consequentially he was able to use his resources effectively. The role of the Earl of Mar was crucial to his success. Queensberry also avoided the kind of personal feud that had cost him so dearly in 1703. He was also able to bring in the Marquis of Montrose (along with Rothes and Roxburgh) to his party. That accomplishment was perhaps the single most important gain in terms of securing the Treaty of Union. The fact is that the nobles in particular, who voted for the treaty, did not act from the spiteful motives Riley ascribed to them.<sup>2</sup>

Queensberry had very clear vision of the might and success of English sea power and commerce, and that was his own motivation for pushing the treaty through parliament. Queensberry was in essence a British politician well before the passing of the Treaty of Union. England needed security on its northern border, and the same successor for the crowns of Scotland and England. There is no evidence that Queensberry acted with ‘cackling malice’ with respect to the union, or any other issue that caused him concern.

Queensberry quickly vanished into British politics, and he took little part in any important events following the union. The Squadrone got some revenge on him when he was excluded from the elections for the sixteen Scottish peers in 1708. Queensberry took up an interest in developing trade with the Baltic States. He also tried to set up cloth manufacture in Scotland, and gold mining in his own domain. His health declined rapidly and he died a few years after the union (6 July 1711). He left behind a country full of hatred and anger. His name largely disappeared

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<sup>2</sup> Riley, P. W. J., *The Union of England and Scotland* (Manchester 1978), p. xvi



from history as far as the general population of Scotland was concerned. Queensberry was no monster. Nor was he more venal than other politicians of his age. He lived within a value system that was common to the nobility of the period. He was no more grasping than any other politician, Scottish, or English, of the period and much of his money went on supporting his party. He felt justified in the actions he took to secure a union between the Scottish and English parliaments because he sincerely believed it would benefit Scotland. The idea that that process should ever have been a democratic one was an anathema, not just to him, but to the nobility in general.<sup>3</sup> Even Saltoun did not want the franchise expanded to include the ‘commonality’. It is apparent that Queensberry was a generous and loyal friend to his supporters, and he had an easy going and pleasant manner. He was a devoted family man who remained faithful to his wife (although the wife of the Earl of Rochester was particularly devoted to him).

Queensberry’s achievement in bringing about the union seems extraordinary to those writers of a nationalistic mind. The reality is that by 1706 there were only two options for Scotland, a union, or war with England. The private correspondence of the Duke of Hamilton suggests that even firm opposition members recognised that reality. Hamilton also refused to take up the mantle of ‘patriot’ at a most crucial moment by refusing to openly lead a revolt against the crown. Apart from the period 1702 to 1703, Queensberry dominated Scottish political life. It is accurate to suggest that he dominated the parliament during the most crucial issues for Scotland and England during his life. Queensberry was effective in the management of the Darien crises 1700 to 1701, during his period in opposition 1703 to 1704, and in securing the Treaty of Union. The union was the most fundamental issue with respect to the political relationship between Scotland and England. He accomplished the objectives set by the Court by organising a cohesive party in parliament, and exposing the dangers to Scotland of continuing to oppose the succession, and then the union. Queensberry had no doubt in his own

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<sup>3</sup> Karin Bowie, ‘Scottish public opinion and the Union of 1707’ (University of Glasgow Ph.D., 2004), II, p. 311.

mind about his right as an aristocrat to dominate Scottish political life. He was tolerant, except towards 'fanatics' and he expected the 'commonalty to know their place. His accomplishments do not lead to the 'Whig' conclusion that he was an inspired diplomat. His political life was brutal, and required him to impose his will, rather than negotiate fair and free bargains. He was not the bogymen of the union. Enough Scotsmen in the parliament voted on the basis of their own principals, and pragmatic concerns, to secure a union with England. History should be an objective discipline and Queensberry deserves balanced conclusions about his political life. He was principled in his support for the Revolution and prerogative. He was also strong enough to oppose the Court if roused. Therefore he was no mere puppet. By looking back to his actions in 1688 it is easy enough to understand the motivations for his actions. Those actions were in the end consistent with his long held beliefs. His own view of his role in life was summed up in the following sentence 'I do think that our persons and fortunes belong to the public, but ourselves to no body but God'.<sup>4</sup> There is no doubt the people of Scotland were generally against the measures he promoted, but they had no say in matter. However, they could, and did, deny him any glory for helping create the first parliament of Great Britain.

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<sup>4</sup> Drum. MSS. Vol. 127. f. 150. 8 June 1702. This comment was made during the abjuration crisis, and Queensberry's opposition to that act suggests this comment was sincere.



## Appendix A.

A summary of the Duke of Queensberry's Party and the Court Party 1695-1707.

Nothing like modern political party structures existed during the Duke of Queensberry's life. It is hazardous therefore to list any commissioner of the parliament as having a permanent affiliation to a particular party. Queensberry did have a personal following and I have listed those names separately, although they are also included in the totals given for the Court Party. Apart from the union votes, reasonable conclusions can be drawn on commissioner's affiliations by looking back at the consistency of their opposition, or support for Court measures. Nobles and commissioners who supported the association in defence of William II in 1696, and the abjuration of the Pretender in 1702, then the union of 1707 were likely to be 'firm for the Revolution' and can be counted for the Court. Some care must also be taken with the Squadrone, as both Montrose, and Marchmont tended to change their views depending on who they corresponded with. Queensberry was also accused of paying individuals to spy on perceived opponents (£100 Sterling to Cunningham of Aiket for example) and he did have a budget for this type of activity so he would have had a good idea of the affiliations of nobles and commissioners.<sup>1</sup> Marchmont was a firm Revolutionist who had some correspondence with the Squadrone from 1704. He continued to push for the Court measure of the succession, although the Squadrone agenda was for the succession with limitations. He then voted for the union of 1707. Another example is Sir William Bennet of Grubbet who considered himself, in his own words, 'under the patronage' of the Duke of Queensberry from 1700. If he did go to the Squadrone, and then back to the Court in 1706, it is difficult to accept that he can be listed as being firmly committed to any interest with any degree of certainty. Only the 'Club' perhaps provided the nearest example to a modern political party. They met regularly to decide tactics in 'Penstouns tavern' in Edinburgh. The 'Country Party' continued that structure for much of the period up to the union (the venue was now Pat Steils

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<sup>1</sup> See, Szechi. ed., *Scotland's Ruine*, pp. 180-181.



tavern). The general headings of ‘Countryman’ or ‘Cavalier’ must therefore be used cautiously as much of the voting for various acts was clearly issue based.

Queensberry never developed a political ‘party’ in the modern sense of the word, and if his accomplishments are surprising, so is the fact that he achieved them with no substantial core family interest. Queensberry did have a solid core of supporters dedicated to him personally, as well as the adherents known as the ‘Revolution party’ (also known as the old party after 1703). Queensberry started his political career in 1695 with a very few supporters, and he slowly built up a substantial interest by 1705. It is evident that he attracted other ‘interests’ to his cause en-bloc. Sir John Dalrymple, Earl of Stair, brought six burgh and shire commissioners into Queensberry’s party. Having secured Argyll’s support, Queensberry secured the support of his interest as well. His own core support or ‘inner circle’ was never very large during the whole period from 1695 to 1707 and that fact is reflected in the effectiveness of the opposition to him after 1707 when the number of Scottish representatives was drastically cut.<sup>2</sup> I have only listed those burgh and shire commissioners (and members of the nobility) as supporters of Queensberry who gave that commitment in correspondence to him, or to the Earl of Mar or Glasgow. In addition the voting records of those listed have been analysed and only nobles and burgh and shire commissioners who consistently voted with Queensberry have been included. I have also made use of the ‘State of the Parties’ listed in HMC 29, III, for comparisons with the list below.<sup>3</sup>

Within his own domain of the Western Borders (stretching from Dumfries to Ayr on the West coast of Scotland) Queensberry was unable to completely control the commissioners to the parliament and several local burgh and shire

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<sup>2</sup> 45 members of the Commons, and 16 peers in the House of Lords, as opposed to the 240 or so commissioners and nobles of the Scottish parliament.

<sup>3</sup> HMC 29. *Portland*, III, pp. 203-208. List of the State of the Parties, 1705.



commissioners, listed below opposed the union.<sup>4</sup> Queensberry was well aware that in his domain there was support for both the Covenanting and Jacobite causes (he was friends with some of them). Grierson of Lag, for example, was clearly a Jacobite during the whole of Queensberry's political life, although the Duke never took action against him. Lag had been election agent for Queensberry's father. He was also a vassal and this may have tempered Queensberry's judgement of him. The majority of the biographical details below have been taken from the sources listed in the footnote.<sup>5</sup> I have avoided simply listing those who voted for the union as a sole criterion for inclusion in the list. The list is open to revision as I have only included names for which there is some evidence that they were members of Queensberry's party, or the Court, on a consistent basis.

#### **Opponents in Queensberry's domain of the Western borders.**

John Carruthers of Denbie was burgh commissioner for Lochmaben, a few miles from Queensberry's home. He was commissioner from 1703, protested against the wine act and the union of 1707. He consistently opposed Queensberry.

Robert Johnston of Kelto was a merchant, and the burgh commissioner for Dumfries from 1695 to 1702, then 1703 to 1707. He supported the Revolution, but voted against Queensberry with respect to the Treaty. He was probably influenced by William Johnston, Marquis of Annandale, who left the Court and actively

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<sup>4</sup> Queensberry's political domain included the burghs of Dumfries, Ayr, Annan, Lochmaben, Sanquhar, Stranraer, Kirkcudbright, Wigton, and Irvine. The shires include Ayrshire, Kirkcudbrightshire, Dumfriesshire, and Wigtonshire.

<sup>5</sup> Drumlanrig MSS. *passim*: *The New Oxford Dictionary of National Biography*, 60 volumes (Oxford, 2004); Young, *The Parliaments of Scotland. Burgh and Shire Commissioners*, two volumes, (Edinburgh, 1993 edition); *The Compact Edition of the Dictionary National Biography*, two volumes (Oxford, 1975); R. Chambers, *A Biographical Dictionary of Eminent Scotsmen* (Glasgow, mdcccxxxv).

campaigned against the union. The articles of union were also burned at Dumfries which was a key centre for organised dissent over the treaty of union.

Sir William Johnston of Sheenes represented the town of Annan from 1692. Although he voted against the first article, he abstained from voting on ratification of the treaty.

The commissioners listed below were consistent in their support for Queensberry. It is likely that other names could be added to the list, but they have been omitted as there is no clear indication in the Drumlanrig manuscripts that they fully committed to Queensberry.

### **Queensberry supporters in the Western borders.**

1. William Alves was commissioner for Sanquhar. He was a writer and notary public and became a burgher of Edinburgh in 1701 for services in parliament. He replaced Alexander Bruce of Brucehall as Commissioner in 1702 he can be considered a consistent Queensberry supporter, old party (burgh commissioner).

2. Archibald Douglas of Cavers was a Commissioner for Roxburghshire from 1700 until 1707 He sat on the 1702 Commission to treat for a union and was a consistent Queensberry supporter. He became a British MP, old party (shire commissioner).

3. John Muir was the commissioner for Ayr and had sat in the Convention in 1689. He had links to the covenanters and was a firm Revolution man., old party (burgh commissioner).

4. William Coltrane of Drummorall was a commissioner prior to the Revolution and served again until the union. He was commissioner for Wigton and signed the association in Defence of William II, old party.<sup>6</sup> (burgh commissioner).

5. William Crichton of Crawfordston, commissioner for Dumfriesshire 1693-1701. He signed the association in defence of William II, old party (shire commissioner).

**The Stair interest**, led by Sir John Dalrymple. They were allied to Queensberry and loyal to him until the union.

6. Mr George Dalrymple of Dalmahoy, commissioner 1703-7 for Stranraer. He was a son of Sir John Dalrymple. He voted for the union 1707. He served as a

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<sup>6</sup> Generally a firm Queensberry man, but he abstained from ratification of the treaty. He was closely associated with the Earl of Glencairn.



baron of exchequer in the British government in 1709, old party (burgh commissioner).

7. Mr William Dalrymple of Drongan, commissioner 1703 to 1707 for Ayrshire, fifth son of Sir John, he was a commissioner of supply 1702 and 1704. He voted for the union 1707. He also sat as a British MP, old Party (shire commissioner).

8. Sir David Dalrymple of Hailes, commissioner 1698 to 1702 for Culross, commissioner 1703 to 1707 for Culross. He was a commissioner of supply 1702 and 1704, and Lord Advocate 1709. He was a commissioner to treat for the union 1702 to 1703, and in 1706, and became a British MP, old party (burgh commissioner).

9. Sir Hew Dalrymple of North Berwick was a commissioner 1690 to 1702 for New Galloway. He was also commissioner 1703 to 1707 for North Berwick. Third son of Sir James Dalrymple, he was a commissioner to treat for union 1702 to 1703, and in 1706. He also sat as a ruling Elder in the General Assembly, old party (burgh commissioner).

10. Sir James Dalrymple of Stair was a commissioner prior to the Revolution, and a commissioner 1690. He returned with William of Orange in 1688 and was reappointed President of the Court of Session in 1689, elected Commissioner 1689 before second session of parliament but created Viscount Stair, old party.

11. Sir Robert Dickson of Inveresk was commissioner 1703 to 1707 for Edinburghshire, commissioner of supply 1689, and a Privy Councillor in 1706, he voted for the union 1707, old party (shire commissioner).

12. Sir Patrick Johnston (Lord Provost of Edinburgh) 1703 to 1706.

**The Argyll interest.** Loyal to Queensberry from 1704 under John Campbell, second Duke, but generally loyal to the Court from 1689 under Archibald, tenth Earl, then first Duke.

13. Sir Colin Campbell of Aberuchill, commissioner 1669 to 1674 for Inveraray, commissioner 1690 to 1702 for Perthshire, old party (burgh commissioner).

14. James Campbell of Ardinkinglas was commissioner 1703 to 1707 for Argyll, commissioner of Supply 1695 and 1704, Queensberry assisted in gaining him a

place in the Life Guards, and he voted for the union of 1707, and was a British MP, old party (shire commissioner).

15. Sir James Campbell of Auchinbreck was commissioner 1703 to 1707 for Argyll, he voted for the Union, was a British MP, but turned Jacobite in 1745, old party (shire commissioner).

16. Mr John Campbell of Mamore was commissioner 1701 to 1702 for Argyll and commissioner 1703 to 1707 for Argyll. Second son of Archibald ninth Earl of Argyll, he voted for the Union and he was a British MP, old party (shire commissioner).

17. Daniel Campbell of Shawfeild was commissioner 1703 to 1707 for Inveraray. He was a merchant in Glasgow and a collector of customs (the customs was under the control of Queensberry). He was also a commissioner for Union and, voted for the Union of 1707. He became a British MP, old party (burgh member).

18. Colin Campbell of Woodside was commissioner 1703 to 1707 for Renfrew. He was a representative at burgh conventions 1705-6 and voted for the union of 1707 (burgh commissioner).

19. Mr Charles Campbell was commissioner 1700-2 for Campbeltown and commissioner 1703 to 1707 for Campbeltown. Third son of Archibald ninth Earl of Argyll, he voted for the Union of 1707, old party (burgh commissioner).

20. George Munro Commissioner 1705 to 1707 for Irvine, representative at burgh conventions 1706 to 1710. He voted for the Union of 1707 (burgh commissioner).

**Other Court burgh and shire commissioners.**

21. Sir Robert Stewart of Tillicoutrie, commissioner for Bute 1703 to 1707. He was a commissioner to treat for the Union in 1706, voted for the Union of 1707 (shire commissioner).

22. Sir John Maxwell of Pollock was commissioner to the convention 1689, and parliament 1690 for Renfrewshire. He was appointed Lord Justice-Clerk 1699 and appointed a commissioner to treat for union in 1702 by Queensberry, old party (shire commissioner).



23. William Douglas of Dornock. Commissioner 1703 to 1707. Dumfriesshire, burgh of Edinburgh 1705, voted for the Union of 1707, old party (shire commissioner).
24. John Urquhart of Meldrum, commissioner 1703 to 1707 for Dornoch, admitted to parliament 1703 on signing the formula for preventing the growth of Popery, having formally been a Papist, he voted for the Union of 1707.<sup>7</sup> (burgh commissioner).
25. Lieutenant-Colonel John Stewart of Sorbie, commissioner 1703 to 1707, Wigtonshire. Voted for the Union of 1707 and he became a British MP (shire commissioner).
26. Mr John Clerk of Penicuik, commissioner 1703 to 1707 for Whithorn. Educated at Glasgow University, commissioner of Supply 1702, commissioner to treat for the Union in 1706, British MP, and commissioner for the Equivalent. He wrote a history of the union (burgh commissioner).<sup>8</sup>
27. Alexander Douglas of Egilshay was commissioner 1703 to 1707 for Orkney & Zetland. Commissioner of Supply 1696, 1698, 1704, his election in 1703 was objected to, but sustained, voted for the Union of 1707, British MP (shire commissioner)
28. Sir William Douglas of Cavers was commissioner 1690 to 1696 for Roxburghshire. An officer in Scots Dragoons, commissioner of supply 1685, 1689, 1690, signed the association 1696, old party (shire commissioner).
29. William Seton of Pitmedden was commissioner 1703 to 1707 for Aberdeenshire. Author of 'Memorial to the Members of Parliament of the Court Party' for which he was imprisoned, and the pamphlet burned at the Tollbooth, Protested anent the wine act 1703. Auditor of public accounts 1703-5, commissioner for union 1706, British MP, reluctant Courtier, (shire commissioner).
30. Sir James Smollet of Stainflett and Bonhill was commissioner 1689 to 1702 for Dumbarton, and commissioner 1703 to 1707, for Dumbarton. He was suspected of attending conventicles, signed the association 1696, and voted for address on

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<sup>7</sup> Listed as a supporter in Drum. MSS. Bundle 1222.

<sup>8</sup> He was barely mentioned by Queensberry until just before the union.



Caledonia 1701, appointed to council of trade 1705, voted for the Union of 1707, British MP, old party, (burgh commissioner).

31. Mr Robert Douglas was commissioner 1703 to 1707 for Kirkwall. He voted for the Union of 1707, representative at burgh conventions, succeeded as eleventh Earl of Morton in 1715 (burgh commissioner).

32. Sir Alexander Ogilvie, of Forglen was commissioner 1702 for Banff and commissioner 1703 to 1707 for Banff. Commissioner of supply 1690 and 1704, deputy keeper of the signet 1699, warden of the Mint 1699, baronet June 1701, and general receiver 1703. Placed in custody for 'unbecoming expressions and other undutiful behaviour' but pardoned 1703, on the council of trade 1705, Ordinary Lord of session 1706, commissioner for the Union in 1706, old party (burgh commissioner).

33. John Rose of Newck [sic], commissioner to Convention 1689 for Nairn. Commissioner 1689 to 1702 for Nairn and commissioner 1703 to 1707 for Nairn. He signed act declaring the Convention a lawful meeting 1689, representative at burgh conventions between 1689 and 1706. Commissioner of Supply 1695, 1696, voted for address on Caledonia 1701, voted for the union of 1707, old party (burgh commissioner).

34. Sir George Allardyce of that ilk was commissioner 1703-7 for Kintore, appointed master of the mint in 1704, knighted and voted for the union, British MP (burgh commissioner).

35. William Brodie of Whitereath was commissioner 1693 to 1702 for Forres. Representative to burgh conventions, 1693-1702. He signed the association 1696, burgh of Edinburgh November, 1703, old party (burgh commissioner).

36. Mr William Carmichael of Skirling was Commissioner 1703 to 1707 for Lanark, king's solicitor 1701, Auditor and extraordinary director of the Bank of Scotland, voted for the Union of 1707 (burgh commissioner).

37. Lt-Col John Erskine was commissioner 1703 to 1707 for Stirling. Deputy Governor of Stirling Castle 1694 and 1701, commissioner of supply 1695, and Provost of Stirling 1707 to 1709 and 1711 to 13, Privy Councillor 1707, voted for the Union of 1707, British MP (burgh commissioner).



38. Sir Robert, Forbes of Learney was commissioner 1693 to 1702 for Inverurie and commissioner 1703 to 1707. Commissioner of Supply 1695, 1702, 1704, 1706, signed the association 1696, Judge-Admiral 1699 and 1705, voted for address on Caledonia, voted for the Union of 1707, old party (burgh commissioner).
39. Sir Kenneth Mackenzie Cromarty was commissioner 1693 to 1702 for Cromartyshire and commissioner 1703 to 1707 for Cromartyshire, voted for the Union of 1707, British MP, old party (shire commissioner).
40. Captain Daniel McLeod of Geanies was commissioner 1703 to 1707 for Tain, commissioner of supply 1704, voted for the Union of 1707 (burgh commissioner).
41. Mr Francis Montgomerie of Giffen was commissioner 1690 to 1702 for Ayrshire, and commissioner 1703 to 1707 for Ayrshire, original member of Company of Scotland 1695, signed the association 1696. Governor of Dumbarton Castle 1696, commissioner for the treasury 1700, voted for an address on Caledonia 1701, commissioner for the Union in 1706, British MP (shire commissioner).
42. Mr John Montgomerie of Wrea was commissioner 1704 to 1707 for Linlithgowshire, elected in place of Charles Hope of Hopetoun, voted in favour of the Union of 1707 (shire commissioner).
43. William Morrison of Prestongrange was commissioner 1690 to 1702 for Haddington Constabulary and commissioner 1703 to 1707 for Peebleshire, he signed the association 1696, voted for address on Caledonia 1701. Commissioner to treat 1706, Privy Councillor 1706, British MP, voted for the Union of 1707, old party (shire commissioner)
44. John Murray of Bowhill was commissioner to Convention 1689 for Selkirk. Commissioner 1689 to 1702 for Selkirk, and commissioner 1703 to 1707 for Selkirkshire, signed the association 1696, voted for address on Caledonia 1701, and voted for the Union of 1707, British MP, old party (shire commissioner).
45. Mr John Pringle of Haining was commissioner 1703 to 1707 for Selkirkshire. Commissioner of Supply 1704, he supported the Union of 1707, British MP (shire commissioner).
46. John Scrymgeour of Kirton was commissioner 1681 for Dundee. Commissioner 1702 for Dundee and commissioner 1703 to 1707 for Dundee. He was a merchant,

and commissioner to treat in 1702, voted for the Union of 1707, old party (burgh commissioner).

47. Mr William Stewart of Castle Stewart was Commissioner 1685 for Wigtownshire. Commissioner 1700- 1702 for Wigtownshire and commissioner 1703-7. Wigtownshire. His commission was annulled in 1700, but he was re-elected, he voted for the Union of 1707, old party (shire commissioner).

48. Sir James Stewart of Goodtrees was commissioner 1705 to 1707 for Queensferry, baronet December 1705, voted for the Union of 1707, British MP (burgh commissioner).

49. Sir John Swinton of that ilk was commissioner 1690 to 1702, for Berwickshire. Commissioner 1703 to 1707 for Berwickshire. He had been a firm supporter of William II having lived in Holland, but he voted against treating for a Union. He became a British MP after voting in favour of the Union of 1707 (shire commissioner).

### **The nobility, Queensberry's Inner circle or party.<sup>9</sup>**

John Erskine, sixth Earl of Mar with his interest

David Boyle, first Earl of Glasgow.

David Melville, third Earl of Leven.

Sir John Maitland, Earl of Lauderdale.

John Campbell, second Duke of Argyll.

Sir John Dalrymple of Stair, Earl of Stair.

Hugh Campbell, Earl of Loudon.

Archibald Primrose of Dalmeny, Earl of Rosebery.<sup>10</sup>

Archibald Douglas, first Earl of Forfar.

William Ker, Marquess of Lothian.

William Douglas, Earl of March (died 1705). Queensberry's brother.

James Douglas, eleventh Earl of Morton.<sup>11</sup>

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<sup>9</sup> The names listed composed what can really be considered to be the core of Queensberry's party.

<sup>10</sup> Converted to Catholicism under James VII, but recanted to sit in Parliament.



Although not of the nobility, James Murray of Philphaugh, Lord Clerk Register, and a judge, was very close to Queensberry and particularly valuable in helping manage elections.

### **Court nobility.**

Earl of Crawford.

David Carnegie, Earl of Northesk.

John Carmichael, Earl of Hynford.

Sir James Ogilvie, Earl of Seafield from 1701. He always supported the Court, and the incumbent Commissioner.

William Johnston, Marquis of Annandale until 1705.<sup>12</sup>

Colin, Earl of Balcarres.<sup>13</sup>

James Stewart, Earl of Galloway (Reluctant).

John Campbell, Earl of Breadalbane (did not sit in the parliament 1703 - 7).<sup>14</sup>

Archibald Campbell, Earl of Islay.

David, third Earl of Wemyss from 1705. Brother-in-law of Queensberry.

Patrick Hume, Earl of Marchmont until 1704-5, and for the union vote.

Thomas Hay, Viscount Dupplin.<sup>15</sup>

William Cunningham, Earl of Glencairn 1706.<sup>16</sup>

Alexander Montgomerie, Earl of Eglinton.

George Mackenzie, first Earl of Cromartie.

John, Earl of Sutherland.

George Ogilvie, Lord Banff.

<sup>11</sup> He failed to support Queensberry during the 1704 parliamentary session, but voted for the union of 1707.

<sup>12</sup> Became disillusioned with Queensberry 1706 and was refused a place in the ministry.

<sup>13</sup> Generally believed to have been bribed for union vote with '500lib', but listed in 1703 as 'for us without assistance' in Drum. MSS. Bundle 1224.

<sup>14</sup> Involved in the massacre of Glencoe, later flirted with Jacobites.

<sup>15</sup> Although Dupplin was generally consistent for the Court, he could show some independence.

<sup>16</sup> His pension withheld after voting against first article, but voted to ratify the treaty. He was a consistent supporter of Queensberry prior to the union vote.

John Lyon, Earl of Strathmore.<sup>17</sup>

George Gordon, Earl of Aberdeen.

Charles Gordon, Earl of Aboyne (died 1702).<sup>18</sup>

**1704 to the Union only.**

James Graham, Marquess of Montrose.

John Leslie, Earl of Rothes.

John Ker Earl of Roxburgh.

**Supporters and close friends in England.**

Laurence Hyde, first Earl of Rochester.<sup>19</sup>

Richard Boyle, first Earl of Burlington (Died 1697).

Charles Boyle, Lord Clifford.<sup>20</sup>

William Bentinck first Earl of Portland.

Sir David Nairne.<sup>21</sup>

John, first Baron Somers.

Charles Seymour, fifth Duke of Somerset.

Richard Jones, first Earl of Ranelagh.<sup>22</sup>

**Queensberry influence in the Military.**

James Campbell of Ardinkinglas, Life Guards.

General Charles Douglas.<sup>23</sup>

Lieutenant-Colonel John Stewart.

Lieutenant-Colonel John Erskine.

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<sup>17</sup> Offered his support to Queensberry c1703, along with Aboyne, voted against first article but abstained on ratification.

<sup>18</sup> Former Catholic.

<sup>19</sup> Rochester's wife was extremely fond of Queensberry.

<sup>20</sup> Queensberry's father-in-law.

<sup>21</sup> Under Secretary for Scotland 1703.

<sup>22</sup> See Drum. MSS. Vol. 116. Paymaster General of England 1691 to 1702. Sat in English parliament until 1706, and a friend of Rochester.

<sup>23</sup> His uncle.



Major General Murray.

Brigadier John Maitland.

George Ramsey (Commander-in-Chief 1703).

Colonel Bruce (Mar Interest).

Sir Thomas Livingstone

**Vassals of the Duke of Queensberry.**

Crichton of Gairland, Cleland of Castlerobert, Maitland of Eccles, Hunter of Chreichen, Sir Robert Lawes of Maxwellton, Mr Forglen of Caitloch, Mcgachan of Dalquhal, Greirson of Lochur, Cunningham of Caorington, Mr Gibson of Auchinleck, Gibson of Glencross.

Queensberry's inner circle, or party, consisted of thirteen members of the nobility, and twenty burgh and shire commissioners. Those nobles and commissioners were committed to him personally. Queensberry's 'party' therefore numbered thirty - three commissioners and members of the nobility in parliament. Another twenty members of the nobility, and thirty burgh and shire commissioners constituted the remainder of the Court party. Selkirk (Hamilton's Brother) is not included although he supported the Court's views on the union (although he voted in support of his brother). Some nobles would have brought in individual commissioners who may not be listed, and I have excluded the Squadrone members, and Montrose, Rothes and Roxburgh. The total therefore comes to 83 commissioners and members of the nobility who consistently supported the Court from 1695 to 1707. The totals are less than those given by Lockhart of Carnwath (ninety members of the Court Party) and Macinnes (112).<sup>24</sup> The most satisfactory conclusion that can be given based on the evidence from the Drumlanrig MSS and from voting behaviour, is that the inner or 'Queensberry Party' figure of thirty-three is reasonably accurate, with the rest being confirmed Court supporters who were not necessarily committed to Queensberry personally. That number would have given

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<sup>24</sup> Macinnes, A. I., 'Influencing the Vote: The Scottish Estates & the Treaty of Union.

*Microcomputer Review*: 6, 1990, p. 12.

Queensberry the 'balance' of the 1704 session, and in combination with the Cavaliers he easily defeated Tweeddale. The numbers also suggest a significant number of those who supported the union (33) did so from personal reasons rather than being tied ideologically to a party in parliament. That conclusion does in general fit with some of the findings of Macinnes, in that the membership of the organized parties in parliament consisted of smaller core groupings based around loyalty to a particular magnate, with a fairly significant number of nobles and commissioners who were not fixed to a party, and whose voting tended to be issue based.<sup>25</sup> The correspondence of Montrose, suggests, that he in fact behaved in this manner consistently from 1703 to 1706.

I accept that these figures are open to further amendment. It is significant that Queensberry would have held the majority against any possible alternative ministry. Hamilton, Argyll, Tweeddale, or any other possible High Commissioner could not have achieved the union had Queensberry not been given his commission back in 1706, or he had chosen to continue to oppose the Court. His own 'personal' party of thirty-three commissioners and members of the nobility would have held the balance in any session of the parliament should he have remained in opposition after 1704. The table below shows the number of consistent supporters of Queensberry.<sup>26</sup>

Queensberry Party 1695 - 1707		Court 1695 - 1707	
shire	burgh	shire <sup>27</sup>	burgh
7	13	14	16

Queensberry Party 1695 - 1707	Court 1695 - 1707
nobility	nobility
13	20

<sup>25</sup> Ibid, pp. 14-15.

<sup>27</sup> Does not include Sir James Dalrymple of Stair who sat in the parliament as shire commissioner for Ayrshire 1690.



Queensberry also had significant support from key English politicians, both Whig and Tory. He also had significant influence in the military, and he controlled key appointments. Surprisingly after the events of 1702 to 1703, he still retained the support of some key Episcopalians among the nobility (Roseberry and Cromartie, for example) but he was much firmer in promoting the fact that he was leader of the Revolution party after 1702.<sup>28</sup> Ferguson argued that only Argyll and Marchmont pushed the Presbyterian interest in the Court with conviction, but Leven joined with Argyll and Marchmont in forcing Queensberry's hand during the abjuration crises of 1702. Both the Earl of Glasgow and Sir Hew Dalrymple also attended the General Assembly as ruling Elders, and they emphasised the importance of confirming the Revolution settlement. The impact of the Marquis of Annandale's action in 1706 has skewed the assessment of the control Queensberry had over his own domain, as at least two of the commissioners in his domain left the Court in support of the Annandale (Robert Johnston of Kelto, Dumfries, and Sir William Johnston of Sheenes, Annan). It is certain that Queensberry supported the elections of those commissioners however, as Annandale had been reasonably consistent in his support for the Court prior to 1706, and they would have supported him before the union vote. The most surprising aspect of the demographics of Queensberry's Party was the absence of a substantial core family element. The final conclusion to any assessment of party loyalty in the Scottish parliament 1695 to 1707 is that there were always a significant number of nobles and commissioners who would vote on the basis of the issue of the day, rather than within party constraints. That floating vote was more difficult to manage, and perhaps pragmatism, rather than bribery helps explain why the parliamentary votes in 1703 and 1706 could be so different in outcome.

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<sup>28</sup> Ferguson., *Scotland's Relations with England*, p. 203.

Appendix B. Abstract of the accounts of the second Duke of Queensberry.

In common with other members of the Scottish nobility, it is clear that Queensberry was expected to be well educated and competent in a range of subjects. His education included languages, fencing, and arithmetic. All his travelling abroad was done before he reached adulthood. As a Courtier, Queensberry would have been as familiar with London and Bath (the Court often decamped to Bath) as he was with Edinburgh. He was absent from Scotland from 1680 until 1684 and was in London just prior to the Revolution of 1688. He also spent substantial amounts of time in England between 1685 to 1707 (1704 to 5 for example). Queensberry kept and ran substantial households in both England and Scotland. William Stewart was his chamberlain and he received 'Instructions...to be observed by him, in the Duke of Queensberry's family during his Grace's absence in England. December 1695:

You are to advert that no idle or useless people haunt about this house under pretence of visiting any of the inferior servants, as their friends, and acquaintances, so that there may as little opportunity as possible for extravagantly spending provisions, such as bread, drink etc, and this are strictly advert to you, as you will be assumable, You are to employ any Baxter you think fit to furnish my said family in good bread, cheapest and best, and take from him every morning ten dozens of new baked rolls to serve the family every day, and you are not to allow the Butler to beware more in, except when you get my wife's orders to the contraire.<sup>1</sup>

It is clear that the Duke took care to supervise every detail of his household at Drumlanrig castle. The amount of food ordered suggests a substantial household. He also had a large number of vassals who would have paid rent to him, and supported his household. An auction was held in London after his death, and the information from that sale of his goods allows some sense to be gained of how much money the Duke had accumulated. The total amount raised through the sale

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<sup>1</sup> Drum. MSS, Bundle 1222-28. Instructions to Mary, Duchess of Queensberry.



of 'linen, prints, crockery, and gilt plate' was £4,066 15s 04d Sterling, a very considerable sum.<sup>2</sup> The rental for his house in Piccadilly amounted to £286 06s 03d Sterling, for the year 1705. The annual wages of his servants varied from '£6 for James Reid', £10 for 'Mary Pryce' to £20 paid to 'Mrs Gauntlet' (all in pounds Scots).<sup>3</sup> Queensberry continued to read avidly and he paid £10 Sterling, for a set of 'Grecian Antiquities' as well as £5 19s 08d Sterling, for English and French 'newspapers sent to Scotland'.<sup>4</sup> Visitors to Drumlanrig Castle can also get a glimpse of some of the acquisitions the Duke made during his life, including many paintings by Dutch Masters. The family accounts show that the family lived extravagantly, and he paid Sir Geoffrey Knellor '3 guineas' for 'drawing the Queen's picture'. Hugely exorbitant amounts of money went on 'chocolate and tea'. The total bill for those items was '£221 06s 00d' Sterling.<sup>5</sup> Queensberry's accounts show that his household was managed with efficiency and even daily 'pocket money' for him and his wife was carefully calculated.<sup>6</sup>

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<sup>2</sup> Dum. Sts, GGD37. Account of the sale of goods of his Grace the Duke of Queensberry and Dover, Tuesday 30 October, 1711 [Totals given in pounds, shillings, and pence].

<sup>3</sup> Ibid, p. 6.

<sup>4</sup> Ibid, p 7.

<sup>5</sup> Ibid, p 15.

<sup>6</sup> Ibid.

Abstract of Queensberry's accounts by William Stewart of Shambellie.

GGD/37/2/13.

Account of the sale of the Goods of his Grace the Duke of Queensberry & Dover,  
Tuesday 30<sup>th</sup> October 1711.

No.1

Lots 1 – 10; £11.02.00

No.2

Lots 1 - 6; £8.02.00

No.3

Lots 1 – 22; £54.10.00

No.4

Total raised through sale of linen, prints, crockery, gilt plate, etc; £4,066.15.04

GGD/37/2/15/1

22 January 1701.

Funds laid out for payment of the forces in the Parliament 1695, 1696, 1698 came short of the following sums.

Marquis of Tweeddale; £13,000

Lord Belhaven; £4,000

Owed to his Lordship [Queensberry] by the parliament; £17,000

To Lord Boyle of legal deductions; £1,635

To Duke of Hamilton for his equipage, 1693; £1,025

To Marquis of Tweeddale for equipage, 1695; £2,000

To the Earl of Tullibardine for his daily allowance as Commissioner, 1696; £1,750

Total; £75,370.10.03 [Scots]

GGD/37/2/15/2. Letter in which the Queen grants “the sum of £1500 sterling yearly to be paid to the said Duke of Queensberry”.

GGD/37/2/15/4. Signature in favour of Napier of Killmaheid, 1703.

GGD/37/2/15/5. Warrant for a gift of the office of Clerkship to the Commissariat of Edinburgh. To Mr Alexander Wedderburn, 1703



GGD/37/2/14. A proposal to the Duke of Queensberry for the manufacture for making course cloth, Balyes, Dennisons, and other course woollen goods in that part of Britain called Scotland 1708.

GGD/37/2/9. William Stewart of Shambellie Chamberlain's Accounts 1705-1709.

Page 1.

1705.

My Lord Duke Creditors.

By balance of William Stewart last London accounts ended with his Grace 20<sup>th</sup> June 1705 of £7.07.00

May 26. By cash received of William Alves for Watson's bill on Ayton at 15% for £200 paid the said William Stewart £200

June 30. Ditto £382.18.03

Ditto £500

Several other creditors

Total £3,209.00.03

Page 2

To cash paid in July 1705 for my Lord Duke and his children's pictures £51.05.00

For silverware to the children £5.14.05

Paid to Mr Dunnage for garter ribbon to his Grace £2.11.06

Page 3

Received off Sir Robert Grierson of Lagg in part of rent £293.01.03

Continuance of Page 3

Total of the credit given my Lord Duke extends to £6,534.11.06

Page 4

Paid of house rent for his Grace's house in Piccadilly to 23 August 1705 £286.06.03

Page 5

Paid of bills for wines owing when his Grace parted from London in July 1705  
£253.06.00

Page 6

Articles paid in year 1706

Bills paid to doctors in Chirourgeons on account of his Grace's sickness on the road £22.16.04

Bill paid to Doctor Fall at York on account of the Earl of Drumlanrig £50

Page 7

Paid my Lady Duchess of pocket money from February 20<sup>th</sup> to 10<sup>th</sup> July 1706 £129

Paid my Lord Duke of pocket money from March 15 to July 13<sup>th</sup> 1706 £163.08.00

Paid of servants wages in part from 9<sup>th</sup> April to 13<sup>th</sup> June 1706 £29.10.00

Paid for a diamond ring to his Grace £11.16.06

Paid to Richard Godart for newspapers sent to Scotland £5.19.08

Page 8

To Sir Geoffrey Kneller for drawing the Queen's picture 3 Guineas £3.04.06

Page 9

Abstract of servant's wages paid in 1705

Edward Taylor, footman, a year's wages £6.00.00

James Reid, a year's wages £6

To Mary Pryce, in part of wages owing £10

To Janet Anderson, in part, £7.10.00

To Mrs Gauntlet, a year's wages in part, £20

To Ned Goff, footman, his wife, for two year's was owing him £12

Etc

Total £129.00.

Bills for my Lord Duke and children, 1705 July and August £343.17.00

Page 10

July 2, 1705 paid to Mr Low, shoemaker, for shoes to his Grace £10.03.00



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APS x.

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