



~~Mait. Club. 64.~~

SCS. MC. 64



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BY
JOHN GORDON.

AIKENHEAD HOUSE, }
December, 1845. }

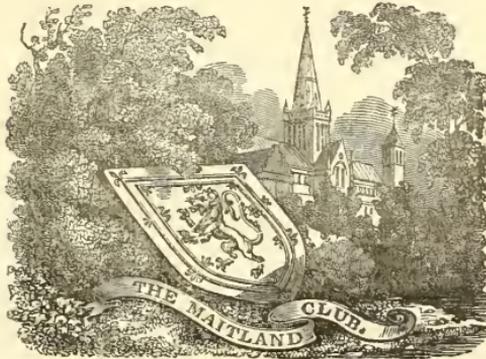
PAPERS

ILLUSTRATIVE OF THE POLITICAL CONDITION

OF THE

HIGHLANDS OF SCOTLAND,

FROM THE YEAR M.DC.LXXXIX TO M.DC.XCVI.



GLASGOW:—M. DCCC. XLV.



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INTRODUCTORY REMARKS.

THE late Rev. William Macgregor Stirling, by whom the documents contained in this volume were chiefly collected, was a native of Perthshire, and minister of the parish of Port of Menteith in that county. During his residence there he indulged to a considerable extent a taste for historical and antiquarian pursuits; and some short essays on those topics, as well as a poem embellished with engravings, descriptive of the Priory of Inchmahome, situated on an island of the Lake of Menteith, attracted considerable notice at the time of their publication. Having retired from the active duties of his office, he spent the last years of his life in Edinburgh in the zealous prosecution of his favourite subjects of research, and it is gratifying to know that his industry was rewarded by the discovery of many valuable facts and documents previously unknown; particularly those communicated to Mr. Fraser Tytler, for which that distinguished author, in his History of Scotland, has repeatedly acknowledged his obligations. At Mr. Stirling's death, in 1832, he left several collections of papers illustrative of the public affairs of his native county, and amongst them that which constitutes the principal part of the following volume. It is made up partly of documents formerly printed,

but which had become rare, and seemed, consequently, to require republication; and partly of original papers found in the Register House and other repositories. It has been acquired from his family by the Maitland Club, and their Council entertain a confident hope that it will be received by the members of that society as an interesting addition to the documentary part of modern Scottish history. Some difficulty was felt as to the title which it would be proper to give to a volume of miscellaneous papers derived from various sources, and not always bearing upon the same subjects; but as the majority of them related to the attempts made by the Government of William III. to pacify the Highlands, and to the circumstances which preceded, attended, and followed the lamentable incident known as the massacre of Glenco, that was selected which seemed to indicate generally the nature of the work—though several matters of considerable national importance are noticed in some of the others which have no immediate connection with the state of feeling prevalent at that time among the Highland Jacobites. One document, it is thought, is original; at least, the editor has not been able to ascertain that it was ever before published. It will be found at p. 131, and professes to be an answer to the Information for the Master of Stair (p. 120), written by Thomas Spence, and revised by “his master,” Sir James Stewart, the Lord Advocate. For this interesting document the Secretary is indebted to Mr. Dennistoun of Dennistoun, from the original manuscript in whose possession it has been transcribed.

The painful interest which has ever attached to the military execution of the M'Donalds of Glenco, and the obscurity which still hangs over the secret history of that deplorable occurrence, might justify some remarks on the character of the testimony which the present volume contains; but as the object of the society is, to collect materials for the

future historian rather than to issue works on pure history, it is thought better to leave it to the reader to draw such deductions as the character of the documents would seem to bear. There can be no doubt that the massacre of Glenco was a lamentable political blunder and was felt to be so by the Revolution Government, and by none more than by its head; but when all the circumstances are taken into consideration, and due allowance is made for the operation of the passions of the day, it will not seem so plain as it did to the political controversialists of that period, that William was ignorant of the designs of his Minister, or that he thought that Minister as much to blame as did his contemporaries. The instructions of the King to Sir Thomas Livingstone, superscribed and subscribed by his Majesty (p. 60, No. 58), is too distinct a document to have been hurriedly written or despatched. It was clearly the issue of those negotiations with which the Earl of Breadalbane had been charged in 1691,* and though no doubt can exist that the King acted on the advice given to him by the Master of Stair and others who were interested in Scottish affairs, a regard to historical impartiality must compel the modern student of these events to divide the responsibility between the Monarch and his Scottish Secretary. When the subject was publicly taken up and discussed both in Parliament and through the press, it is not surprising that no one could be found willing to bear the shame of so odious a transaction as the murder in cold blood of an aged gentleman and his followers, to the number of twenty-six, † including even a child of five years old; but when the reader has attentively perused, first, the instructions already alluded to, and secondly, the vin-

* He met the heads of the Clans in July of that year, at Auchallader, by royal order, and arranged with them a cessation of hostilities.—See p. 101.

† The number killed is variously stated. In the Commissioners' Report, p. 107, it is given as 25; but it has been frequently estimated as high as 38.—See Laing's History of Scotland, IV. 240.

dication by himself of the Master of Stair, with Sir James Stewart's answer, and the various commentaries of the Royal Commission and the Parliament, it will be seen, we think, that the object was, less to arrive at the truth, than to screen the King at the expense of his servant.* In the letters of Stair himself to the different military commanders in Scotland enough will be found to criminate him deeply. His language respecting the M'Donalds was harsh and revolting, and his purpose of rooting them out by fire and sword a settled one; but it will not escape the penetration of the reader that the charge of his having exceeded his instructions, which is what his enemies brought against him, is not borne out by the public documents now collected in this volume, and that the innocence of the Government is implied, not proved. Stair's defence is feeble—it could not be otherwise; but Sir James Stewart's reply does not amount to a conviction of his opponent. It is a clever specimen of special pleading, but by no means a successful argument; and that it did not appear so to King William may be inferred from the fact, that a royal mandate was issued in 1695 (p. 143), three years after the Glenco affair, discharging Viscount Stair from all the consequences of his participation in that transaction, and that this was immediately followed by the more substantial gift of the Bishop's rents of the barony of Glenluce, “as a mark of his favour.” The only intelligible apology for the massacre that has ever been suggested, is, that the M'Donalds, besides being irreclaimable papists and “thieves,” were in communication with the court of the exiled monarch, and encouraged in France the hope of a successful descent on Scotland; but the latter reasoning would apply with equal force to other Highland chieftains of that day, and

* See Malcolm Laing's reflections on the subject.—Vol. IV., p. 241. They contrast favourably with Mr. Hallam's apology for King William.—Constitutional History, 3d Ed., Vol. III., p. 446.

McDonald of Glenco was certainly not a man of sufficient mark or following to call for so severe and summary a mode of punishment. The family were notoriously disaffected, and had been outlawed by Act of Parliament in 1690 for their adherence to Dundee; and that, with other considerations, the value of which it is not easy in these times to appreciate, undoubtedly led to the barbarous conclusion in the mind of the Master of Stair, that the extirpation of the clan—that “damnable sept,” as he called them, was a political necessity. How much it was otherwise subsequent events showed, and we can now only regret that any species of doubtful reasoning, or any notion of temporary expediency, should have induced a regular Government in a civilized age to commit so violent an offence against the unchangeable laws of religion and morality.

Perhaps the most incomprehensible part of this tragedy is the share which the Earl of Breadalbane of that day had in it. He was not liked by his contemporaries, and it is possible that his personal and political character may have justified that feeling; but it is quite certain that he was authorized by the Crown to negotiate with the Highlanders in 1691, (p. 30, No. 36) and that he obtained a cessation of hostilities on certain conditions entered into between him, as the representative of King William, and the chieftains.* Twelve thousand pounds in money were to be placed at his disposal, with which to bribe them, and the apportioning of this money was the source of much jealousy and strife. He was suspected, on what grounds does not appear, of desiring to appropriate some of this money to his own use; but there is reason to doubt whether he ever received the amount specified, or had it in his power to apply it to

* See *ante*, p. 5, note.

his own purposes.† The surviving sons of M'Donald mentioned, on the inquisition into the Glenco business, that there was a feud between their father and Breadalbane—in the language of the day and race, there was “blood” between them (p. 101); but what ultimately brought him into trouble, and led in 1695 to his impeachment for high treason by the Parliament, was, the allegation that he had appended to the treaty with the Highland chiefs certain “private articles,” of which the fifth bore, that if King William and Queen Mary “denied any, or all, these articles,” he would join the Highlanders with a thousand men (p. 22). He seems to have maintained that these articles were forgeries, and the Master of Stair speaks of them slightly; but they have been received into historical collections as genuine, and may, we suspect, be accepted as such. In that case his object must have been to deceive the Highlanders by a pretended sympathy for their interests; but like all the other active instruments concerned in the Glenco affair he enjoyed much court influence, and was obviously trusted both by the King and his Royal Consort.

Upon the whole, it is hoped that these papers will elucidate some parts of a dark portion of Scottish history, and that when they fail to do so they will suggest some useful reflections on the state of society in Scotland at that period. If they demonstrate that public virtue is a plant of slow growth and the product of settled times they will not be without a use; since the end of history is instruction, and its chief value the power which it confers of instituting judicious comparisons between one condition of human life and another.

† See p. 76.—Letter from Sir John Dalrymple to Colonel Hill, wherein he states, that the King's necessities required him “to use the £12,000 which was designed for the Highlanders.”

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108. Scroll of Grant to John Viscount Stair. (Private archives of the Stair Family. M.S.)
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111. Recommendation to the Treasury of the inhabitants of Glencoe. 25th July, 1695—(Record of Privy Council.)
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ERRATUM.—At p. 85, for No. 78 read 87.

PAPERS

ILLUSTRATIVE OF THE POLITICAL CONDITION OF

THE HIGHLANDS OF SCOTLAND,

FROM THE YEAR 1689 TO 1695.

Edinburgh, 13th Apryll 1689.

Proclamation against owning of the late King James, and appoynting publick prayers for William and Mary, King and Queen of Scotland.

1. The Estates of this kingdome of Scotland haveing proclaimed and declared WILLIAM and MARY King and Queen of England, France and Ireland, to be King and Queen of Scotland, they have though fitt, by publick proclamacione, to certifie the leidges, that none presume to owne or acknowledge the late King James the Seventh for their King, nor obey, accept, or assist any commissions or orders that may be emitted by him, or any way to correspond with him; and that none presume upon ther highest perrill by word, writing, in sermons, or any other manner of way, to impugne or dissoune the Royall authoritie of WILLIAM and MARY King and Queen of Scotland, but that all the leidges render ther dutyfull obedience to ther Majesties; and that none presume or misconstrue the proceeding of the Estates, or to create jealousies or misapprehensions of the actings of the Government, but that all the ministers of the gospell within the kingdome, publickly pray for King

William and Queen Mary, as King and Queen of this realme. And the Estates doe require the ministers within the city of Edinburgh, under the pain of being depryved, and losing ther benefices, to read this proclamation publickly from their pulpits upon Sunday next, being the fourteenth instant, at the end of ther forenoon sermon; and all the ministers on this syde of the river of Tay, upon the twenty-one instant, and these benorth Tay, upon the twenty-eight instant, under the pain forsaid, discharging hereby the proclamations of the Councill, dated the sixteen September, one thousand six hundred eightie-six, to be read hereafter in churches; and the Estates doe prohibite and discharge any injury to be offered by any persone whatsoever, to any ministers of the gospell, either in churches or meeting houses, who are presently in the possessione and exercise of their ministrie therein, they behaveng themselves as becomes under the present Government; and ordaines this proclamations to be published at the mercat cross of Edinburgh, with all ordinary solemnities, that none may pretend ignorance, and that the same be printed.

*Acts of the Parliament of Scotland, Vol. IX., p. 43, printed
A.D. M.DCCC.XXII.*

At Edinburgh, July xxii, M.DC.XC.

ACT FOR SECURITY OF THEIR MAJESTIES GOVERNMENT.

[Containing *the Assurance.*]

The Estates of Parliament, &c.

[Follows *the Assurance.*]

2. I, A. B. doe in the sincerity of my heart assert, acknowledge, and declare, that their Majesties King William and Queen Mary, are the only lawful undoubted Sovereignes, King and Queen of Scotland, also well de jure as de facto, and in the exercise of the government. And therefore, I doe sincerely and faithfully promise and engage, that I will, with heart and hand, life and goods, maintaine and defend their Majesties title and Government against the late King James, his adherents and all other enemies who, either by open or secret attempts, shall disturb or disquiet their Majesties in the exercise thereof.

Acts of the Parliament of Scotland, IX, 223.

SIR THOS. LIVINGSTONE, COMMANDER-IN-CHIEF IN SCOTLAND, TO THE EARL OF MELVILLE, SECRETARY OF STATE FOR SCOTLAND.

MY LORD,

3. I am certainly informed, that Collonell Hill, Governour of ffort-William, is very sick, and is feared to be dead befor this tyme, by that means the garison is in great danger, ther being no Lwtentent-Collonell named for that regiment, for ought wee know; and the Major being taken up with modleing of some companies for that place, ther is no comanding officer ther to take care of the soldiers, who are as yett very unrullie, not being settled with their new officers; so that I earnestly intreat your Lop. wold be pleased to send down the Lwtentent-Collonell's commision, if it be past the King's hands. The troops of horse, turned into dragounes, are in a wery mutinous humour, haveing gott no pay as Troopers, nor lyke to gett any as Dragounes. Ther are many of the troops who hes taken their officers prisoners, with the standarts and trumpets, entered into a bond of association, and will not submitt to any that wold convince them to reason. I am wery much affraid this may be of bad consequence, when Buchan, the head of our contrair partie, is making great offers to them, so I remaine,

MY LORD,

Your Lops. most humble,

and most obedient servant,

T. LIVINGSTONE.

Edinbr. ye 5th february, 1691.

To the Right Honable the Earle of Melvill, London.

THE MASTER OF STAIR TO THE EARL OF MELVILLE.

Hague, Feb. 17, old stile, 1691

MY LORD,

4. I had the honour to receav on from yow by the last post, I hav not heard any mor of Langtoun sine I wrott to yr. Lop., that the King said to me he wold not exchang him that way. I do not know whether he did signify his pleasir to the Queen, or my Lord Sidney, in that matter. The not obeying the Counsel's order to preach the 31 of Janry, was unluicky, and givs occasion to mor discours then the thing is

worth: I do not well see what ground of confidence the Jacobits in Scotland should hav, for if ther be not a great party in Scotland so disobliged, that they will abandon the common centiments of mankind to mack ther nativ country a cockpitt, they will not solicit an invasion, or be deluded with vain dreams this year that failed them the last when it was mor feasible. I do not see that ther is much don by the Freinch to Irland wher they hav too sur footing, whereas a few sent to Scotland without any fast place, they must depend on ther reception, and mony can not be sent; besids, I do asser your Lop. the 48 ships to be furnished from the Stats ar all in readines, that they could saill in a fortnight, and we hear from England that the fleet is forward ther. The envoy from Saxony had his audience this day, with the offer of his troops to be disposed upon by the King. I am confident ther is as much regard and deference by all the alleys to the King, that he may order all they can make as he pleases; its very trew that France is unit and very pourful, bot I hop the different measurs and humours which alwys obstructed the alleys to do any thing considerable, shall now, for this year, be intyrlly at the King's direction.

My dear Lord, adieu.

For the Earle of Melvill, Ld. Secritairy of Stat for Scotland.

(Indorsed)—‘MR. OF STAIR, in relation to young Langtone—and showing the apprehensions of ane invasion to be groundless.’

SIR JOHN DALRYMPLE TO THE EARL OF MELVILLE.

MY LORD,

Hague, Feb. 24, 1691.

5. The last post brought the account that Coll. Hill is dangerously sick. I am the mor troubled that I do not know a man fitt to supply that charg, in caice he dy, nor do I know the present stat of that garison who was mad Liftennent-Governour. I beleiv Collodin's brother is Major to the regiment in garison ther; it falls out somtims unconveniently that I do not knov of severall commissions given by the King, wherby I may fall in mistaks, or may giv ansuers that are not trew or sutable to the circumstances; ther hath no other thing ocured heir since my last, nor is ther any papers dispatched the King's hand. I

apprehend it shall be after the middle of March befor we part from this side—the frost is returned. I am glad to hear the forces ar imbarqued befor the convoy cam off, and that Angus' regiment is so compleit.

My dear Ld., fairweill.

For the Earle of Melvill, Secritair of Stat for Scotland, at London.

SIR THOMAS LIVINGSTONE TO THE EARL OF MELVILL.—2 Apr. 1691.

MY LORD,

6. I am extremely obliged to your Lordship for speaking to the Queen to get tents for my regiment. I suppose my Lieutenant-Colonel will take care for getting them out of the tour.

The report we have had so long tyme heer of a Frens invasion, is now generally by ill and well inclined beleevd. If it comes, we shall fynd our selves in great straits; for notwithstanding my frequent representations of lying in provisions, nothing is done, so that we shall be a great deal worse provided as thoes that come to invade us. I have been necessitat, so that I may exoner my self, to represent this to Court. My humble opinion is, that some of the Englis fors is war send to the borders; for although they should never come further, it might creep some as is ill inclined at home.

We are so ill circumstantiat, that we shall not be in a condition to draw together; for no provisions, no Commisair for provisions, scars of amonition, no baggage horsis; all which will put us in the greatest confusion of the werelt; and, in such a case, as it is ordinarie all shall be laid at my door, and impossibilitys I can not work.

It is highly necessaire that a Luetenant-Governour, and one of experiens, be sent to Fort William. He is very weeck, and can not stur; the Major, a rasch, onexperienced yong man; so that if some good man doe not come presently, the King's service, in so considerable a post, is lyck to suffer. I have no more at present to trouble your Lordship with, but that I am, MY LORD, Your Lordships most humbel and obedient Servant,

Edenb. 2 Apryl 1691.

T. LIVINGSTONE.

Mr. Hameltone, for what reason, I know not, refuses to take my letters into the black box.

THE DUKE OF HAMILTON TO THE EARL OF MELVILL.—18 Apr. 1691.

Holyroudhous, 18 April 1691.

7. I received your Lo. by the flying packet this morning, and returns you my hearty thanks for the good neues you give me of the Kings safe return. I shall not trouble you with an account of what past in Council this day, supposeing you will have it from other hands, and being resolved to part from this nixt weeke, on my jurney to London; and so hoping to see you so soon, I shall only ad in this, that I am, Your Lops. most humble Servant,

HAMILTON.

SIR THOMAS LIVINGSTONE TO THE EARL OF MELVILL.—21 Apr. 1691.

MY LORD,

8. I received the favour of yours, dated the 11th of Aprill instant. I shall give your Lop. no further trouble concerning the want of necessarys in this countrey, and the difficulties I meett wittth, only shall tell your Lop. that the want of powder in this Kingdome is so great, that it gives our enimies (who know it) encouradgement. Ther is orderes sent to Holland for buying of some, but that will be at least two months befor wee can have it, wherfor I beg that this poynt may be taken in consideration, ffor comes ther any trouble or not from abroad, wee cannot want amonition here.

I told your Lop. formerly, how necessar it was that ther were ane Deputie-Gouvernour sent to Inverlochic. Hill seems not inclnyed to wryte any more for him, for he pretends he hes fully enough signified his mynd. I cannot blame Collonell Hill, that he hes no inclination for a Highlandman in that garison. From, my dear Lord,

Your Lops. most humble and

obedient Servant,

Edr., 14th April 1691.

T. LIVINGSTONE.

THE PRIVY COUNCIL TO THE EARL OF MELVILL AND THE MASTER OF
STAIR.—28 Apr. 1691.

MY LORDS,

9. Wee have resolved to give his Majestie ane account of our proceedings, which your Lo. will sufficiently understand by the inclosed extract of

our nominatione, the copie of our letter to Colonell Hill, and the copie of the inclosed letter to the King, the principall wherof is committed to your Lops. to be delyvered to his Majestie, which is all at present from, My LORDS, your Lops. most humble Servant, CRAFURD, P.
Edinbr, 28 Apryle 1691.

THE LORDS OF THE TREASURY TO THE EARL OF MELVILL AND MASTER OF STAIR AT COURT.—30 Apr. 1691.

MY LORDS,

Edr, 30 App. 1691.

10. There being a report heir for some time, which gave grund to the Privy Councell to haue some apprehensions that this kingdome might be invaded this sommer, they thereupon thought it fitting to recomend to us the provideing of the particulars conteened in the inclosed, which is the copie of their Act. In order thereunto, wee haue appointed Sir Patrick Murray to informe himselfe where such a quantitie of maill as is therein mentioned, (with 1800 bols alredy in store,) may be had; wee haue also given order to Captain Sledzer to caus fix such armes in the magasin as ar not for present use. The charge and expence of such a quantity of maill, which the armes, pulder, and other things appointed by the Councell to be provided, will be upwards of 10,000 lb. sterling; besides the price of 1000 fyrelocks, 300 barrell of pulder, and 300 pair of pistols, with hulsters, which wee haue alredy ordered to be brought home. For defraying of all this charge, wee haue no fond, and your Lo. knowes that as the agriement is made with George Hamiltoun of Buning, for payment of the forces and garisones subsistance money monethly by advance; it amounts to 48,000 lb. sterling per annum, and albeit the Cese and Inland Excise wer duely and fully payed in yeerly, (which, by reason of the troubles and vastations hes bene in severall shires these two years past, is not to be expected,) it wilbe bot about 6000 lb. sterling moir, and which will not neir pay the officers, who receave no pay at present. Besides that, there will be a considerable sum wanting to compleit the pay of the subalterns and souldiers yeirly, who receave now bot subsistance money. Be pleased to acquaint his Majesty with this affair, and if, after consideration had thereupon, he resolve the particulars conteened in the Councels reference salbe pro-

vided, then it would be considered where the money shalbe had for defraying the expence and charge thereof.

In our last to your Lop. of the 15th of February, Wee told yow, that untill the 11,000 lb. sterling we were necessitat to make use of, out of the thrie moneths cess, for makeing up the tuo moneths and halfe moneths cess, paiale at Candlemes last to Bunning, wer reimbursed, neither fie nor pension sould be payed; so, by this we think it not amise to let yow know, that as yet there is no pairt thereof reimbursed, nor any precepts drawn for fie or pension; nor doe wee sie how it wilbe otherwayes for some time, by reason the produce of the Customs and forran Excise in this time of warr is unconsiderable, and pressing vocations doe frequently necessitat us to draw upon it, which cannot be evited, by, MY LORD,

Your Lo. most humble Servants,

RUTHVEN.

CRAFURD.

RAITH, *Thesr. Dept.*

COLONEL HILL TO THE EARL OF MELVILL.—1 May 1691.

MY VERY GOOD LORD,

Fort William, ye first of May 1691.

11. It's not longe since I troubled yow with a letter, and now, tho I had great hopes before of haueing Dowart Castle deliuered to me, and some of the considerabest Highlanders submitting, the news of the surrender of Mons, and the expectacion they haue of assistance from France or Ireland, hath puft them up to a great degree, and that 's much heightened by the malignants in Edinburgh and other places; and now Glengary is fortificing his house of Invergary with earth-work and pallsadoes, resolving to be one of the last that shall comply. I haue sent your Lop. a list of the officers of the regiment, who are indeed good men for service, and sober men, and many of them, aswell as of the souldiers, I hope truly fear God. I haue run thro many difficultyes, and particularly this last of my sicknes, by which I find that sicknesses obtained here are loath to quit their post, for tho I am (thro the goodnes of God) growne pretty well in health, yet weaknes continues with me, that I can goe litle without helpe. Some gentlemen came to me aboute their setlement, and that of Dowart, but I fear the late newes, and their high expectacions of assistance, will alter their resolucions, I hope to their own destruction; and I could wish, (if they rise againe,) that all the West country, and

all the Clans whom they haue injured may be let loose upon them, till they be utterly rooted out. I haue had great sicknes and death amongst the souldiers, which puts me to trouble to get recruits, yet I hope to be compleat in a moneth, as any regiment can be, and they now make a very good appearance. The two companies I reserued to be at your Lops. dispose, my Lord Leven and my Lord Raith desired might be giuen to my Lord Kilmares, and to the Lord of Weems sonn, which order of theirs was obeyed. I doubt not but your Lop. saw some proposalls I made to the Lords of the Treasury, for sawing charges to the King in freight of ships, and the charge of the Lamb frigate, and they haue granted a small vessell according to those proposalls, which I expect shortly; and it will be found that the regiment shall doe as good service, (when there is occation of action,) as any other. I fear I haue wearied your Lop. and I'm sure I haue done soe by myselfe, who am,
My LORD, your Lops. most obliged, humble, and obedient Servant,

JO. HILL.

COLONEL HILL TO THE EARL OF MELVILL.—12 May 1691.

My LORD,

Fort William, the 12th May 1691.

12. In my last I sent you a list of the officers of my regiment. I have newly received an order from the Councill to fall upon those Highlanders within my reach, that do not presently come in and take the oathes of alledgeance, deliver up their armes, and which I shall endeavour to put in execution, that the world may see I will be behind with none in pressing forward those methods for his Majesties service, which wiser men than I judge convenient. At the present they are still quiet; only Glengary fortifieing his house with an earth-work and pallisados. Some of the Lairds were lately in a fair way of submission, as M'Lean was, of rendring Dowart Castle to me; but the news of the taking Mons, and the storyes of great assistance coming to them from France or Ireland, sent by Jacobites from Edinburgh and elsewhere, hath boyed them up againe at present. I have summoned the Braes of Lochabber, to come and take the oathes and the rest, according to the Councillis order. Some I know will come, as most of Duke Gordon's tennents and many of the best of the Clan Cameron, who have refused the Laird any more

to joyne him in this cause. This day (if the illnes of the wether prevent not) I expect severall of them in, and the M'Intoshes men in the Brae, and Glencoe men; if they fail, I'll put my orders in execution against them, and whatever happens shall be accounted to your Lop. by, MY LORD, your Lops. most obliged, humble, and obedient Servant,

Jo. HILL.

COLONEL HILL TO THE VISCOUNT TARBAT.—12 May 1691.

MY LORD,

Fort William, the 12th of May 1691.

13. Since my last, handed to yow by Mr. Cooper, I have received an order from the Councell, viz., my Lord Craford, Lord Argyll, Lord Stair, Arbruckle, Forfar, Beilhauen, and Liveington, to force the Highlanders to submitt by all acts of hostility, to disarme them on oath, and all their servants to swear the oath, and not to take up armes against the King and Queen, destroy their cowes, and this without distinction or exception of persons; and strictly to observe Sir Thomas Liveingstons orders. My Lord, whatever my opinion be, I shall obey the order as far as I can be able, or as any other could doe in my circumstances; but all the midle sort of people here of Clan Cameron will submitt, haue told the Laird they will not follow him; and he sayes hee'l not desire them. He was in a fair way to come in and submitt, and soe was M'Laine to surrender Dowart Castle, but the newes of surrender of Mons, and of assistance from France or Ireland, turned the scale. To-morrow are sumoned in Duke Gordon's tennents in the Brae of Lochabber, the next day M'Intosh and Keppoch, &c., and then Glencoe, but all the midle sort of men desire to liue peaceably, being well disposed to itt, and those that will not comply must suffer. What more I would say I refer to Mr. Sybbald. I finde illwillers grow upon me and some great men. They say I am old, and would, I think, haue me to reduce all the Highlands myselfe, which, if I could doe, there would be as litle need for them as they say there is for this garrison. I would his Majestie would giue me any other place, where I could be serviceable to him, and let some emulatour take this, and then I might be quiet. And from the 22d of March 90 to January 91, I haue not received a farthing of pay, except 100^{li}, and from January to now, only Colonels pay, and nothing

for Governour, soe that I want greatly of what I had when here before, and things here are soe dear, that I cannot get what I receive to keepe me, for none that comes can get any thing but what they get from me, which I buy at a distance, and at double rates; and to conclude, I confesse I loue not soe many masters; pardon, I beseech your Lops. this trouble, for I haue none I can soe freely speake to as your Lop. I am,

MY LORD, your Lops. most obliged humble Servant,

Jo. HILL.

COLONEL HILL TO THE EARL OF MELVILL.—15 May 1691.

MY LORD,

Fort William, the 15th May 1691.

14. I have sent your Lop. seuerall letters of late, but perceiue, by my Lord Tarbat, some of them have miscarried.

I lately received a letter of order from the Councill, to fall on with all severity upon all such Highlanders within my reach as refused to come in and take the oath of allegiance, and whereupon I sent out summons to them, and upon Tuesday next the Brae of Lochabber men come in; many of them I know will ingage, but some that are papists may stand out, and on Wednesday comes in all the gentlemen of the name of Clan Cameron, and some of them have told me they will all appear, and that it is with Lochiel's consent, who will not, as hee sayes, stir more then hee would have them doe, but delayes, to see who will break the ice, or till hee may get some with him, for that's a great matter amongst Highlanders. The people hereabouts haue robbed none all this winter, but haue been very peaceable and civill; Glengary is now fortifieing his house with an earth-work and a pallsadoe, and is the most bygotted man that wayes aliue. I haue last night received ane order to delay the severity proposed by the former order, till I hear further; however, I will push on the compliance of my neighbours as far as I can, and they shall not know I haue any order then the first, which they knew of themselves, word by word, longe before it came to my hands; what successe I haue in this I shall giue your Lop. ane account of, who am,

MY LORD, your Lops. most obliged and most humble Servant,

Jo. HILL.

WARRANT FOR TRANSPORTING DUNCAN-ALICH.

[At Edinburgh, 20th May 1691.]

15. "The Lords of their Maties Privy Councell, having heard and considered a letter from Major Monro, Captaine of ane independent company, at the Blair of Athole, to Sir Thomas Livingstoune, Comander-in-Cheif of their Maties forces within this kingdome, giving account, that the Laird of Dunkenalich, one of my Lord Marquess of Athol's Captaines of the watch, did come to the Blair of Athole, the night before the date of the letter, which is the seventh of May instant, who being concerned with drink, began to tell King William his affaires would not prosper, and to drink King James his health, and called the souldiers of the guard, and would have them drink it and Bellachines; and that he hath secured the said Dunken Alich, with a bag of money which he found upon him, which Duncan Alich sayes it is tuo thousand merks. They recomend to the said Sir Thomas Livingstoune, to cause transport, under a sufficient guaerd, from the said Blair of Athole to the Tolbooth of Edinburgh, the persone of the said Dunken Alich. And ordaines the Magistrats of Edinburgh, and keeper of the Tolbooth thereof, to receive and detaine the said Dunken Alich, closs prisoner in the said Tolbooth, till farder ordor. And ordaines the said Major Monro to send in, with the forsaid guaerd to the said Sir Thomas, the said money, found upon the said Dunken Alich, which he call tuo thousand merks. And also, to send in such persones as can bear witnes against the said Dunken Alich, with a full information of what the Major can learne anent him, to the effect, the said Sir Thomas may communicat the same to the Lords of Privy Councell.

THE EARL OF ARRAN TO THE LORD RAITH.—25 May 1691.

MY LORD,

16. I meak noe doutt my retiring will meak abundance of noice, but I hope your Lops. of the Comitty, and the otheris in the Government, will not bee surprized att it, after I hav given your Lo. ane account of the matter of fact.

Upon Saturday last, Major Hill caim to Hamilton with orders from Sir Thomas Livingston, by her Majesty's comand, to oblige me to signe a

paroll of honour, in such generall tyrmes, that is not possible but my enemies that have occasioned this may soon pick a holl in the other, and say I have failed in my paroll, and so I should expose my honor to the caprice of my enemies notions of defining what may be comprehended under itt; and considering that I am already under baill not to disturb the peace of the Government, or doe any thing against King William or Queen Mary, I thinke it strange that this should be required of me, since it was never practised befor to aske a paroll of honour without delivering upp the baill; for if they depend upon the one, ther is noe need of the other; but it seemes my enimies are alwies at work to render me suspitious, tho I am seur I have taiken all the paines I can to give them noe ground for itt. However, it seames that is not enough, so I was imediatly to signe that paroll, tho my baill was still depending, or instantly bee caried prisoner to the Castell of Edinburgh. I knew that the Major had sent for a troupe of dragounes to seaz me; but I would not stur for all that, hoping I meight prevaill upon him to permitt me to wrytt to Sir Thomas and my other freinds in the Government befor I was mead one; but he thought his orders ware so possitive, that it was not in his pouer to give me any delay, so I was foret to meak this retraitt, that I meight give my freinds ane account of my circumstance, and to begge ther assistance to deliver me out of this trouble. I am seur I designe nothing by it, but to see if, by your Lo. and my other freinds assistance, her Majesty may bee pleased to recall this order, since ther is noe bodie that lives under ther Government more desirous to doe itt peaceably then I am. I thought now all thos suspitions had bein out of dores. Hovever, my indeavours shall neaver be the less to continue to give noe just occasion, whatever be my enimies mallace at me, and I hope noe severities that I can meet with shall meak me play the fool, which I think is most designed by thos that so industriously taik pains to traduce me. So, my Lord, I earnestly begge your good officcs, that my enimies may not gain ther ends by forcing me to hurt my self, so I begge that your Lop. would represent my caisse to my Lord your father, that he may assist me now in my day of trouble. Your Lordship may eassily concludde that I have taisted too much of a confinement to like itt, and it's but naturell one should doe all they can to preserve themselves

from itt. I am seur I designe nothing but to live quietly, and, whatever my enimies may sugest, tho ther is a great talking of invasiones from France or Irland, I protest, befor God, I know nothing of itt, but what's by the publick reports. So after this I can adde noe more, but live itt to my freinds to assist me, and particularly I begge your Lo. on this occassion, which will infinitely oblidge your most humble and obedient Servant,

ARRAN.

May 25, 1691.

SIR THOMAS LIVINGSTONE TO THE EARL OF MELVILL.—28 May 1691.

MY LORD,

17. Upon last frydays night at 12 a'clock, I gott a copie of the Queens orders sent to me by a flicieing packet from the Master of Staires, the contents wherof were: That I should propose to the Earle of Arran, Earle of Hoome and Seaforth, to pass their words of honour not to act or contrive any thing against the present government; in caice of refussall, to take them prisoners, and convoy them to the Castle of Edinburgh, as accordingly I have done. The Earle of Seaforth hes passed his word of honour, the Earle of Hoome refused it, and is prisoner in the Castle. The Earle of Arran, who was at Hamilton, was informed of it, kept himselfe somewhat out of the way, but I have reasons to believe he will doe it. I wold not fail to give your Lop. ane account of this, as being, MY LORD,

Your Lops. most humble and most obedient Servant,

Edinr, 28 May 1691.

T. LIVINGSTONE.

Ther is nothing passes here worthie to impart. The Jacobins are all upon the wing, and in great hopes of ane Invasione, and the Lords of their Majesties Privie Counsell are dayly busied in putting things in order for secureing of the country.

COLONEL HILL TO THE EARL OF MELVILL.—3 June 1691.

MY LORD,

Fort William, 3d of June 1691.

18. Since my last, the Committee of Councell thought fitt, and the Commander-in-Chieff alsoe, to pass from that first strict order, which, iff I had pursued, I had putt the Highlanders to the hills, and turned them

enemys; or iff I had demanded their armes, it had been the same, for then they accopt they would have been a prey to their neighbours that doe not comply as well as they; and, besides, I know no oathes can gett the sword and gun, that was their predecessors; they will rather part with their lives. They possibly may, upon oath, deliver some old rusty trash, as they did in Mull and Atholl, and keep all their best armes to themselves; and had I gone aboute to putt that order in executione, they (having the coppie off that order long before it came to my hands) would have frustrated my endeavours; but I hope I have taken the better way, which is easier, viz., while they were expecting the event off that order, I sent them the fforme off a very strict oath, and that withall a draught of one more easie, which is never to take up armes against King William and Queen Mary, and their Government, nor to suffer any off their ffreinds, men, tennents and servants (whom they can be able to hinder) to take up armes; and to this oath most of the Clan Cameron have already sworne and subscribed, and many of the M'Donalds in the Brae of Lochaber; and Lochiel sent me word (ffor he left the gentlemen and people of his name to their freedom to come in) that he stood upon point of honour with his confederates that they should not accuse him as the first to break the ice, but waites for some to come before him, or with him, but saith he will not stirr to rise in armes. I have sent also to Sky, where I hear the gentlemen (except Sir Donald) are willing to come in; as also to the Captain of Clanronald and Laird of Moror to come in. More are coming in dayly; and if fforaigne force come nott to assist, I believe their will be litle to doe in the hills, except to take in Glengaryes house. I was willing to act by gentle methods, in respect off the Kings affairs att this juncture, and have thought fitt to gaine as much as I could off the Highlanders att present, and more as opportunity offers; but now to make them sitt quiet (iff oathes will tye them) that the Kings greater affairs may not be interrupted, and that iff all prove peaceable, his Majestie may use some off the forces now here where is greater occasione. The Appin and Glencow men have desired they may goe in to my Lord Argyll, because hee is their superiour; and I have set them a short day to do it in (my Lord being now about Inverara). I haue sent out the small

vessell wee haue to cruise of at sea, and amongst the Isles, to discover what he can of any ships, and to examine all boats, and to give account of his observations. As I make further progresse, I will giue your Lop. an accompt. Wee are at present as peaceable hereabouts as ever, and all are quiet, except broken men and thieves. I am, MY LORD,

Your Lops. most obliged, faithfull, and most obedient Servant,

Jo. HILL.

SIR JOHN DALRYMPLE TO THE EARL OF MELVILL.—8 June 1691.

MY LORD,

Bruxells, Jun ⁸/₁₈ 1691.

19. I hav bein heir thes six days; ther is nothing past the Kings hand as yett, the army matters ar so very throng this day; the Ministers had access to the King, who had ordered an ansuer to be drauen to the Commissions letter without takin notice of som parts of thers, which givs no satisfaction when it is singned; I shall send your Lop. the double; we ar not so much trubled at the newes of the Duke of Berwick's goin to Scotland, becaus it is beleived he is in the French army, and that few days ago his wagoon or wagoon horses wer takin forraging; the King never looked so weill; all the army is in good heart; we ar twenty thousand horse, and abow thritty thousand of the best foot of any army in the worlde; we ar marching about to destroy all the forrage on all quarters of Bruxells, that the French may not find subsistance to lay about it when our army goes els wher; since they did withdraw to Hall, they hav never appeared, tho they ar very strong. MY DEAR LORD, fairweill.

COLONEL HILL TO THE EARL OF LEVEN.—9 Jun. 1691.

MY LORD,

Fort William the 9th of June 1691.

20. Since my last, there are ffoure ffrench men off warr come from Ireland to Sky, (whereoff one off fyftie guns,) who have brought with them the Earle of Dumfermline and some officers, with armes, amonitione, provisions, and some mony and cloaths, but noe men; but they give out that the Duke Gordon and the Duke of Berwick are speedily coming with five thousand men from Ireland to land in the North; Buchane and Glengary are gone to Sky. I have given my Lord Argyle double notice heiroff, that he may take care of his people in Mull, and have

given his garrison there notice off it, for that these ships intend thither. I have also sent advice to any off their Majesties men off warr that I heare are in Clyde water. It is probable Sir Donald M^cDonald and Glengary may stirr (though Sir Donalds people are willing to be quiet,) as also Sir John M^cLaine; but the rest of their clans (except a very considerable fforce come,) will not stirr. I ffeare they have taken my Captain Lewtennent Richardson, who left his post in Orkney without order and went to Edinburgh, and there bought mault and some other provisions, which I feare are lost, for he had mony in his hands above the thousand lib. sterling he sent me from Orkney. As I gett any further intelligence off their proceedings, your Lop. shall have accompt theroff ffrom, MY LORD, your Lops. most humble Servant,

Jo. HILL.

I am in want of mony for the workes, and pray the memorandums Captain Callander hade may be considered. I am told some off these ships are to block our passage, and Sir Alexander M^cLeane, the Bishops sonn, the man to undertake it; but I hop some of the Kings ffriggotts will come and cleer that point.

SIR THOMAS LIVINGSTONE TO THE EARL OF MELVILL.—13 Jun. 1691.

MY LORD,

21. Since my last ther is nothing ocured of moment here. My Lord Arran did not keep himselfe out of the way, but only for fear of being imprisoned, he hath done what was desyred of him, and is now in town. I am perswaded that he never had, nor hes yett, any designe of making sturr in the countrey.

Wee have the news here that four French men of warr are come to the Isle of Sky, and brought ammonition, armes, provissions, and officers, with them; this requyres confirmation, which is all from, MY LORD,

Your Lops. most humble and obedient Servant,

Edin^r, 13 June 1691.

T. LIVINGSTONE.

SIR THOMAS LIVINGSTONE TO THE EARL OF MELVILL.—16 Jun. 1691.

MY LORD,

22. We have the certain nieus of four Frens ships being aryved at the

Ile of Skey, whit amonition, armes, cloos, monny, and officers, this I ame sure is not whitout desijngne.

The reasons of my desyngning to camp in Badinog was, to hinder the il inclyned, who are menny in this cuntry, from joining the Hylanders, or sutch as may be sent to their assistance, for they have armed themselves beiont ordinaire, and have moore horsis as ever, even some to the value of what they are worth; besyds, it migt have facilitat my Lord Breadalbans desyngnes, (if thee be good,) and had their be no other reasons, the drawing of forsis together, makes them good, and are redly to act with moor facility then when thee must be brought from all the extremitys of the cuntry. I ame persuaded that this would have broock all their missures, and I wisch that tyme may not choo it when it will be toe leat, for I can not imagin but we schal have action heer this summer. I ame realy very much straiteneth, being comanded by the Master of Stears to order Hil not to act as yit any ways vigorusly of his syde, and that I ame contramanded to drau the forsis together, for witche reason, I beg with all possible speed I may have instructions.

Just nou, I get the straing neus of the garison of the Bas being surprysed, it seems it is betraid by the sergent who comanded theer; theer being a boat of cool cent for the garison, the sergeant ordered all the soldiers into the boat except one centry, whereafter he set the prisoners, consisting of four, at liberty, who wounded the centry, and mead them selfs master. This will make a great noice, althoug in it self very inconsiderable. I schal not feal to give your Lordschip frequent notice of what occures, and remain, MY LORD,

Your Lordsp. moost humble and obedient Servent,

Edenb. 16 June 1691.

T. LIVINGSTONE.

COLONEL HILL TO THE EARL OF MELVILL.—18 Jun. 1691.

MY LORD,

Fort William, 18th off June 1691.

23. Since my last (by one ffrom Kintayl) I have intelligence, that Buchane carried the ship with provisions to Island Donan, (my Lord Seaforts house,) which, after some shotts one both sides, was rendred, and they have placed all their cargoe there, but I have sent ane intelligent man to Sky, to know how all the affaire goes, which, (so soone as he returnes,)

I shall give your Lop. ane accompt off; I find some of the Highlanders themselves, are off opinion, that they have all the assistance they may expect this year; I wonder none off our ffriggotts come this way as was ordered, our litle one is out to make discoverys. I should have had much more off the people under oath, had not this provisione ship, and my Lord Broadalbins designe hindred, which I wish may doe good, but suspect more hurt then good from it; ffor my parte, heirafter, iff I live to have geese, I'll sett the ffox to keep them. My Lord, I find his Majestie has been pleased to order me a sallary as governour, but not hawing named what, I shall haue difficulty in it, truly my Lord, tho I live ill, my expences are greate, the country affords nothing, and I am double dearer then I could live at London. Your Lop. will constantly heare from me as occation offers, who am, My LORD,

Your Lops. most obliged and most faithfull humble Servant,

Jo. HILL.

COLONEL HILL TO THE EARL OF MELVILL.—26 Jun. 1691.

MY LORD,

Fort William, 26th of June 1691.

24. I have the honour off yours off the tuentie sixt of May, and have written severall times to your Lop. of late. I order all my letters now to be given to Mr. David Scrimsiour to be sent in the black box. Since my last, (which gave ane accompt most of the Clan Cameron, and many off the M'Donalds came in and took ane oath never to take up armes against King William and Queen Mary, and their Government) my Lord Broadalbine is come to the countrey, haveing his remissione in his pocket, as also my Lord Athole, and they have obtained a Commissione, and have undertaken to settle the Highlands. Breadalbine is the manager, and hath mett with M'Leane, Locheil, and some others, but I ffind he hath done nothing with them, they (especially his cousine Locheil) will not trust him. Hee tells them the mony he has for them, is locked up in a chist att London, but they believe (iff he say true in that) he will find a way to keep a good part off it to himself. Buchan, Glengary, Sir George Barclay, and others, are gone through the Braes to his hous at Glenurchy. This (*prima ffacie*) looked some what strange, that a man that had been bouying them up all this while in

rebellione, and keept constant correspondence with Buchane, should now be trusted to settle them. The great designe, I believe, iff they cane gett it done, (as, for ought I yett perceive, they are not like to doe,) is, (by those steps,) to gett into the Government. I am apt to believe they obtained that Commissione after the Kings departure, and that Sir J: D: and M^cKay were agents in it. What I formerly proposed, was the taking off the Chiefs by some such munificence off the Kings, as might be no longer continued then they prove honest; but mony was not proper; fföre iff a fforce come, itt will but make them to joyne them the better; iff none come, they must submitt of course. Iff my Lord Breadalbine have ready mony to give them, they may take itt, and perhaps improve itt as I have said; iff he have not, they will not trust; and, by all circumstances, I am very much of opinione, they have all the assistance they are like to gett this year, and att or beffore the latter end off August, some off them may come in, iff hostility be not acted against them; (in the mean time, to turn them desperat,) twice or thrice a week I march a party off about ffour hundred men, some times up, some times doune the countrey, where the people (being under protectione) meet them, and are civil, so I lett them see wee cane reach them, iff they beheave otherwayes then they have engaged to doe.

The latter end of last week, ffrom Glengary and some other parts, went about five hundred men doun towards Ross, to rob Balnagouns lands, but the people had notice, and are upon their guard; and Sir James Leslie, with some off his ffoot, and some dragoons, are with them. Glengary is the most refractory of any man. I expect my Lord Argyle here in two or three dayes; some off Breadalbins people give out to their countrey, that my Lord Argyle bears not well at Court. Ane other thing Breadalbins strikes at. (as I am told,) is either to gett this garisone into their own hands, or to get itt slighted; and iff either off these fall out, (this being the center off the Highlands, and neer to which all the men of actione are,) the countrey will alwayes be in confusione, and never quiet, though the manage were in better hands then those who count to have it. I bless the Lord I am gott pretty well, but want mony to perfect the works, and, indeed, much of my own pay; ffor that of governour the King hath ordered a sallary, but hath not named the quota, and there it sticks att that point.

I trust in the Lord; lett what will come, I shall keep this place safe for the King.

My great and many obligations to your Lop. call for a constant acknowledgment, which in all humble duty I heartily recognize, who am,
MY LORD, your Lops. most faithful and most humble Servant,

JO. HILL.

I am greatly obliged to my Lord Leven, and to my Lord Raith, for there favour and kyndness.

I have account from Sky, that the people of the M'Donalds there are inclined to settlement, and resolved to tell Sir Donald soe, if he offer to rise. I treated with them by their Ministers, who are well affected men.

I am told by some that Buchan has a mynd to treat for himself.

CESSATION OF HOSTILITIES FOR A STATED TIME.

1691, *Jun.* 30.

25. We, Major-General Buchan, and S^r George Barclay, Generall officers of K: James the Seventh his Forces within the Kingdome off Scotland, to testifie our aversion of shedding Christian Blood, and y^t wee design to appear good Scotsmen, and to wish that this nation may be restored to its wonted and happie peace, doe agree and consent to a forbearance of all acts of hostilitie and depredaⁿ, to be committed upon the subjects of this nation, or England, untill the first day of October next, providing y^t there be no acts of hostility or depredaⁿ committed upon any of the King's subjects, who have been, or are, ingaged in his service under our command, either by sea or land; wee haveing given all necessary orders to such as are under [our] command, to forbear acts of hostility by sea or land, untill the afors'd tyme. Subscribed at Achallader, ye 30th of June 1691.

1691, *Jun.* 30.

Whereas the Chieftains of Clans have given bonds not to committ acts of hostility or depredaⁿ before the first day of October next, upon the conditions contain'd in the affors'd bonds; and in regard y^t the officers sent by King James to command ye said Chieftains, have, by one unanimous consent in their Council of Warr, agreed to ye said for-

bearance: Therefore I, as having warrant from King William and Queen Mary, to treat with the fors'd Highlanders concerning the peace of the kingdom, doe heirby certifie y^t the s^d officers and Chieftains have signed a forbearance of acts of hostility and depreda^on till the first of October next. Wherefor it's most necessary, just, and reasonable, y^t noe acts of hostility by sea or land, or depreda^ons, be committed upon the saids officers, or any of their partie whom they do command, or upon the Chieftains, or their kinsmen, friends, tennents, or followers, till the fors'd first day of October. Subscribed att Achallader, the 30th day of June 1691.

BRAIDALBINE.

PRIVATE ARTICLES.

1.—That if their be either ane invasion from abroad, or a rising of his Maties subjects in Britain, yⁿ this agreement is null.

2.—If his Matie doe not approve of the said agreement, it is also null.

3.—And to that purpose there is a passport to be granted to two gentlemen, to acquaint the King therewith in all heast.

4.—That if their forces goe abroad, then wee will rise.

5.—That if King William and Queen Mary deny any, or all of these articles, then my Lord Braidalbine is to joyne us with a thousand men, which he promises to perform, both on oath and honour.

And ther gen^l articles are, beside, the particular soums of money and oy^r conditions promitted to ye se'all Chieffes.

Those sent to King James, by Major-Generall Buchan and ye Clans, are Lieut.-Coll. Charters, and Major Duncan Meyne. The errand, to crave a speedy reliefe, or a libertie to capitulate, and doe the best they can for themselves.

[*The foregoing forms No. XXI. of the Culloden Papers, pp. 18 and 19.*]

(Copy) SIR JOHN DALRYMPLE TO SIR THOMAS LIVINGSTOUN.—23 Jul. 1691.
SIR,

26. I am commanded by the King to tell yow, that his Majesty expects yow have drawn togither and encamped his troops in some convenient place, towards the borders of the Highlands, according to his order,

signified in his letter to the Privy Council from Opprebaix in Junij last, and his Majesty doeth requyre yow to continue his forces so encamped, till yow receive his furder pleasure. But that in the mean tyme non under your command doe committ any acts of hostilitie against the Highlanders. This yow are to communicat to the severall Commandants in the severall quarters. But yow are to be in readines to follow what orders yow shall receive. This by his Majesties command is signified to yow by, SIR, your humble Servant,

Att the Camp at Gerpines, July 23^d 1691.

JO. DALRYMPLE.

THE VISCOUNT TARBAT TO THE EARL OF MELVILL.—25 Jul. 1691.

MY DEAR LORD,

Ed^r, 25 July 91.

27. Just now I saw from Colonell Hill ane account how Stewart of Appin had injuriously robed and seized some of Colonell Hills souldiers, and on it had writt ane insolent letter to Colonell Hill, a reply worthy of the Kings officer, and yett a more insolent duply. The result was, that after the Colonell had, as fairly as a governour should, desired observance of the truce, and finding both breach and injury, he sent Forbes with a party, and did take napping the Laird and the most considerable of his associats, who are now in Inerloch. Peace is at the door with these. Glengaries coosin, lately come from France, is on of the prisoners. The taking of the souldiers, and insolent letters, will shew who broke the truce. Adieu.

The injuries of this day to me yow will hear by the next. On hast.

The Laird off Appin, Colonell of Foot.

Ronald Mackdonald off Auchterera, Captain of Horse, Glengarries near kinsman and counsellour, and on that lately cam from France, and ane Papist.

John Sinclair, Laird of Telstan, Captain of Dragoons.

Alexander Mackdonald, sone to the Laird of Glenco, and Captain off Foot in Major-Generall Buchan his regiment, and ane Papist.

And Macklean, sone to ane merchant in Glasgow, and hath been with his Cheiff in all his undertakeings.

Eight more cusings and relations to the Laird of Appin.

WARRANT FOR TRANSPORTING APINE AND OTHERS FROM FORTWILLIAM TO
GLASGOW.

[At *Edinburgh*, 28 *Julij*, 1691.]

28. The Lords of their Maties Privy Councell doe heirby recomend to and requyre Sir Thomas Livingstone, Comander-in-cheif of their Maties forces within this kingdome, to cause transport under a sufficient guard, from ffortwilliam to the tolbooth of Glasgow by water, the prisoners following, viz.:—The Laird of Apine, Ronald M'Donald of Auchtera,* John Sinclair of Telstane, Alexander M'Donald,† son to the laird of Glenco, M'Lane, son to M'Lane, merchant in Glasgow, and eight severall other persones, all cousines and relations to the said Laird of Apine. And appoyntes the magistrats of Glasgow and keeper of the tolbooth to receive and detaine the hail forenamed persones prisoners, in their said tolbooth till further order.

THE PRIVY COUNCIL TO THE QUEEN.—29 Jul. 1691.

MAY IT PLEAS YOUR MAJESTIE,

29. Wee had, in obedience to his Majesties letter of the $\frac{15}{13}$ of Junij last, from the camp at Opprebaix, given order to Sir Thomas Livingstoun to march the troops under his cominand, and to encamp them in some convenient place towards the borders of the Highlands, without entering into any act of hostility, untill farder order.

This day Sir Thomas Livingstoun presented to the Board an order from the Duke of Leinster, as Commander in Cheif of all their Majesties forces within this Kingdom, and as haveing particular directiones from your Majestie, authorizeing and requyring Sir Thomas not to march with the forces to the borders of the Highlands, nor make any encamp-

* "*Achterari*" is mentioned, in letter from Secretary Stair to Colonel Hill, 16th January 1692, as having made proposalls, which Hill had sent to Stair. And the king, in his additional instructions, of the same date, at the commencement of this paper, which contained a warrant for the contingent slaughter of the Glencomen, says "The copy of that paper given in by *M'Donald of Achterari* to Colonel Hill has been shewn to us."

† This individual escaped in the massacre, and was one of the witnesses before the Commission for enquiring into the slaughter in 1695.

ment of them nigh the same, untill he should receive farder orders from his Majestie or the said Duke, unless the Highlanders draw together in any numbers, and that ther be just cause to apprehend any act of hostility from them.

Lykwayes, the Duke of Hamilton did acquaint us, that he understands this to be your Majesties pleasure.

Wherupon wee find ourselves obleidged, in persuance of the duty of that statione and trust wee are in, humblie to represent to your Majestie, both what wee, in obedience to your Majesties inclinacione so insinuated to us, have ordered in that affair; and also what uther things fall naturally under consideratione upon that subject.

Wee have given order to Sir Thomas Livingstoun to stopp the march of the troops towards the Highlands till farther order, notwithstanding a new insolence committed by som there.

Thus the effect of the order sent by the Duke of Leinster is accomplished in another methode, becaus no comission to a Commander in Cheif can regularlie take effect, till aither it be presented to this Board, or els pass under the Great Seall of this kingdom, which being the methode agreeable to law and custom, Wee doubt not your Majestie will appoynt to be followed.

The Highland rebells have been of late very peacable, acting no hostility; and, as wee are informed, wer not only disposed to ly quyett, but much affraid of being attacked by your Majesties forces. Severall of them accepted of an oath tendered to them by Colonell Hill, Governour of Fort William, never to ryse in armes against their Majesties or the Government; uthers were living in such quyett, that except an invasione had happened, they seemed resolved to have continued so; and ther was litle ground to doubt, if the armie had then marched against them, but they would have submitted themselves, or been easilie forced to it.

Wee judge it also our dutie to communicate to your Majestie what hes occurred betwixt Colonell Hill and one of a Highland clann, named Stewart of Appine, who detaining prisoner a souldier of the garison of Fort William, the said Governour sent a party and apprehended Appine and som other noted rebells, and brought them prisoners to the garison, whom, for ther better accomodatione, we have ordered to be sent about

by watter to Glasgow untill your Majesties pleasure be knowen; and, for your Majesties more particulare, Colonell Hills letter to Sir Thomas Livingstoun about this affair is heirwith transmitted to the Earle of Melville, Secretarie of State for this kingdom, to be communicat to your Majestie, with the copies of what letters past betwixt the said Appine and Colonell Hill.

As in the above particulars, so in every thing els relating to your Majesties service and our dutie, wee shall be readie to manifiast how much wee are, MAY IT PLEAS YOUR MAJESTIE,

Your Majesties most loyall, most faithfull, and most obedient
Subjects and Servants.

HAMILTON, P.	LEVEN.	CRAFURD.
MORTON,	CARDROSS.	FORFAR.
RAITH.	BALFOUR.	RUTHVEN.
POLWARTH.	T. LIVINGSTON.	S ^r C. CAMPBELL.
J. BRODIE.	AR ^d MURE.	

Edinbr, 29 July 1691.

[There is a manuscript copy of this letter in Mr. Stirling's collection, which differs in no essential particular from that given above; but which is thus headed—"A letter from this Board to the Queen's Matie: Redd, votted, approven, and signed, whereof the tenor followes." Mr. Stirling's copy is only signed by Hamilton.—ED.]

THE DUKE OF HAMILTON TO THE EARL OF MELVILL.—29 Jul. 1691.

MY LORD,

30. The inclosed exact copie of the letter directed to Her Majestie will acquaint yow fully with the contents therof; which, with Colonell Hills letter to Sir Thomas Livingstoun, and the copies of such letters as past betwixt the said Colonell and Stewart of Appine, and a list of the prisoners taken with him, are to be delivered by your Lop. to her Majestie with your first convenience. This, in name, and by warrand of the Councill, is signified by, MY LORD,

Your most humble Servant,

Edinbr. 29 July 1691.

HAMILTON, P

THE PRIVY COUNCIL TO THE EARL OF MELVILL.—3 Aug. 1691.

MY LORD,

31. The inclosed exact coppies of the letter directed to her Majestie, and the letter wrote by the Master of Stairs, Secretarie of State, by his Majesties command, to Sir Thomas Livingstoun, Commander-in-Cheiff of the Forces in this kingdom, will acquaint yow fully with the contents of both which are to be delivered by your Lop. to her Majestie with your first conveniencie; and, so soon as yow receive her Majesties pleasure therin, Wee expect yow will dispatch the same with all dilligence to this Board. This, in name and by warrand of the Councill, is signified by, My LORD, your most humble Servant,

HAMILTON, P.

Edinbr, 3^d August 1691.

THE DUKE OF HAMILTON TO THE EARL OF MELVILL.—3 Aug. 1691.

Holyroodhous, 3^d August 1691.

32. I received your Lo. of the 29 July, and you will see by the last, that the Councill write to the Queen, about the march of the Army, that those inconveniences you mention did occurre to us here, but was much opposed by my Lord Stairs and others; and as they wold not concurr in subscribing the letter to the Queen, so they sent an expres to Berwike with a flying packet, and dispatched it from that to the Earle of Nottingham. The occasion of this flying packet you will see by the Counsell's letter directed to you, and the copy of that write to the Queen, so I need not repeat; and the different orders from the King and Queen lookes very odd to us at distance, and I wish the Queen be not imposed upon, which your Lo. being on the place, may more easily discover, and put her Majestie on her gard, and indevove to hasten a return, that the season of the year be not lost. So I shall ad no more to your trouble at present, but that I am your Lo. most humble Servant,

HAMILTON.

EARL OF NOTTINGHAM TO THE EARL OF MELVILL.—4 Aug. 1691.

MY LORD,

Whitchall, Aug. 4th 1691.

33. The Queen commands me to acquaint your Lop. that shee is informed there are great numbers of horses sent out of Yorkshire into Scotland, and would have you informe your selfe by whom they are sent, and to whom delivered, and how disposed of, and give her Majesty an account what you can learne of this matter; and her Majesty would have you give such orders as you shall judge necessary, in such manner as shall be most agreeable to the laws of Scotland, for preventing these horses being employed any way to the prejudice of their Majesties service, or the disturbance of the peace of that Kingdom. I am,

Your Lops. most humble Servant,

NOTTINGHAM.

I received the inclosed for your Lop. just now; it came enclosed to me from Flanders.

(Copy) SIR THOMAS LIVINGSTON TO THE EARL OF MELVILL.—

4 Aug. 1691.

MY LORD,

34. I received the favour of your Lordships dated the 30th of July. I find that severall of my letters that I wrote of late, not only to your Lo. but to others who are with his Majesty in Flanders, are miscaried. what way, I do not know. I have created myself a great many enemies of late, by being too frie in telling my opinion of Broadalbins negotiation. I am at present so circumstanced, that I do not know what way to turne myself; for I would not willingly see any of his Majestys bussiness go wrong. I am now again commanded to encamp, as your Lo. will see by a letter from the Privy Councill to her Majesty, sent by a flying packet last night, but the place, as it was before, is not specified. The season of the year is fare spent, and we have verry great raines here. If I encamp, I cannot make the horse subsist but by eating of the peoples cornes. If I do this, to well-affected ther is a clamour; if to disaffected, ther is a breach of that they call cessation of armes, of which the Councill will

not take notice; and, after all, my hands is ty'd up in committing no acts of hostility; all this, together with other difficultys, putts me under hard circumstances; ffor as I have no other prospect as the good of the Kings service, and the peace of the country, so I cannot be at ease when I apprehend any thing to the contrair.

The independent companys are posted in Ruthven of Badenoch, Balledalloch, Abergaldie, Blair of Atholl, and Finlarig, beside many more houses I have garrisoned by detachments out of the regiments. Isledonald was at first under my view, and one M'Kay once mentioned something of it in a letter to me; but as there is nothing kept secret here, so it was immediately reported to the Highlanders, who presently garrisoned it. Ther was severall difficultys which hindered me from putting in a garrison there; for, first and foremost, ther must be two or three long boats; the way how to convoy them there, wee could not fall upon; the one half of the garrison behoved to be seamen; it could not be maintained but by sending provisions from Invernes, which is a great way, through verry many difficult passages; tho a strong convoy were sent easily were cut off.

Glangaries house was never in our power, for besides that, it is an extraordinary strong house. It is fortified and cannot be taken without great cannon.

I had never a particnlar order where to place the Independant Companys, so that I have posted them as I thought most necessar for the good of the country.

I have examined the reason of the Marquis of Atholls complaint, and, for what I can see, the reason in generall is only a grievance that ther is a garrison there, which is all att present from, MY LORD,

Your Lops. verry humble and faithful Servant,

Edr, 4 August 1691.

T. LIVINGSTON.

THE EARL OF MELVILL TO THE PRIVY COUNCIL.—4 Aug. 1691.

MY LORDS,

35. Upon the receipt of your Lordships, I waited upon the Queen, and delyvered your letter to her Majesty, with Collonell Hills to Sir

Thomas Livingstoun, and the coppies of these letters past betwixt the Collonell and the Stewart of Appine; and have herewith returned to your Lordships her Majestys ansuere to yours.

I have likewise, in obedience to the Queens command, sent to your Lordships, inclosed herein, an just coppie, attested under my hand, of their Majesties commission, appoynting Mainarde Duke of Linster, to be Commander-in-Chieff of all their Forces in Scotland during his Majesties absence furth of England. I am, MY LORDS,

Your Gra. and Lops. humble Servant.

Whitehall, 4th August 1691.

At Edinburgh, the Eighth day of Agust, MD.C. and Nyntie one years.

1691, *Aug. 8.*

36. The following letter ffrom the Queens Majestie redd and ordored to be recorded, wherof the tenor folloues.

LETTER FROM THE QUEEN ANENT THE HIGHLAND NEGOCIATIONE.

Suprascritur MARIE R:

1691, *Aug. 4.*

Right trustie and intirely beloved Cousine and Councillour, &c. wee greet yow well. We doe heirby acquaint yow that the Earle of Broadalbanes negociatione with the Highlanders, whereof the cessatione is a pairt, was done by the Kings command, and concerning which yow will in a short tyme know his further pleasure. Ue doe lykewayes acquaint yow that the order by the Duke of Linster, Commander-in-Cheiff of our fforges in Scotland, to Sir Thomas Livingstoune, was sent to him by our directione; and that we were well satisfied to understand by yours of the tuentty nynth of Jully last, that upon Sir Thomas produceing the same, yow did recall the former ordor given by yow to him for marching and encamping the troopes neir to the Highlands, Uee having per-used yours to us with Collonell Hills to Sir Thomas Livingstoune, and the coppies of the letters past betwixt the Collonell and Steuart of Appine, and transmitted by yow to the Earle of Melvill our Secretary.

Wee are of opinione that the said Steuart of Appine and the other persones who were taken and brought prisoners with him to ffort William, and ordored to be brought to Glasgow, be sett at liberty. And soe we bidd yow heartily ffarewell. Given at oure Courte of Whytehall the ffourth day of Agust, MD.C. Nyntie one, and of our reigne the third year. Sic Subscribitur M. R.

WARRANT FFOR LIBERATING STEWART OF APPINE.

The Lords of their Maties Privy Councill having considered a letter from her Matie direct to them of the date the ffourth day of August current, wherin her highness gives her opinione that Stewart of Appine and the other persones taken and brought prisoners with him to ffort William, and ordored to be brought to Glasgow, should be sett at liberty. Therfor the said Lords recommends to and requyre Sir Thomas Livingstone, Commander-in-Cheiff of their Maties forces in this Kingdome, to give the necessary ordors to Coll. Hill or any other officer under whose custody and keeping the saids prisoners are to sett them at liberty, ffor which this shall be the warrant. Sic Subscribitur Hamilton, Douglass, Craufurd, Mortoune, Cassills, Lothian, Leiven, Stair, Cardross, Co. Campbell, Lo. Abervehill, Ar. Murray, Lo. Blackbarony.

(Copied from the Record of Privy Council.)

COLONEL ARROTT TO THE EARL OF LEVEN.—21 Aug. 1691.

MY LORD,

Inuernes, the 21 of Agustij 1691.

37. The second battalion cummeth heir this affternoon, and the last battalion of Leslies regiment marcheth just nou out to mack them room. I find the fortifications about the castle prettie well don and larglie advanced, so that in little tym, if quickly gon about, they may be finished so farr. Sir James Leslie hes left no money with me on that head; he told me he was to give account theroff to the Treasury. What money the Council may hav allowed heirtofor thertoo, I cannot tell; bot Sir James is of opinione that ther is not abou on hundred pound as yett giuen out on that head. I have writt to Sir Thomas Livingston heir-

anent; and in case the worcks shalbe closed, which I find most nessimar, ther most be money remitted, and forder orders giuen, which I wish, becaues of the season of the year, to have the sooner the better. The most pairt of the carriages of the gunns ar ruinous, and not to be made nis of, which lyckuayes ought to be repaired. The monithion and magasin is deliuered, conform to the inclosed letter. I finding sum difference heir about Church affairs, and being loth to medle without good ground, it being abstrack from millitaire duty, I begg your Lo. aduyce theranent, lest I ether exceed or doe too little in the busines. I find that men may be ill to be had heir. Houeuer, I shall writt mor larglie, with a particular account what may be wanting, with nixt occasion. I have had no letter from your Lop. sinc my march; bot expects a return of this with first. The regiment hes marched beyond my expectations; and I have not had so much as the least complent of the battallion I commanded on the whol rod, but larglie applausd by all the inhabitants. Not doubting of the due remitting of money, I shalbe cairfull to keep the same orders, only intreating for the sending up of thes officers (Lundie accepted) that are behind, becaues of the nessesitie both of duty, and the macking up of ther compaignies, which cannot be well don without them. I long for to hear of you by good disposition, and to receve particular orders and aduyce in euere point, which shalbe cairfully obeyed by him who ever is, MY LORD,

Your Lo. most humble and obedient Servant,

W. ARROTT.

COLONEL HILL TO THE LORD RAITH.—22 Aug. 1691.

MY LORD,

Fort William the 22 of August 1691.

38. This acquaints your Lop. that wee are here still in the same peaceable circumstances that wee haue been for neere a year past. Your Lops. friend Mr. Gillis, hath been with me, and hath desired me to transmit the inclosed to your Lop. under my cover. Hee takes much paines to get the affair he is upon effected, and I suppose may get it partely done, but his impediments, (with seuerall,) will be the oath of confederacion amongst them, by which they are obliged to doe nothing

without the consent of each other, and the large promises that have been made to some of them, who (perhaps) will thinke they shall neuer come soe good speed any other way. As any thing worthy your Lops. notice doth occur, it shall be presented to you by, MY LORD,

Your Lops. most humble Servant,

JO. HILL.

At Edinburgh the Twentie sixth day of Agust, MD.C. Nyntie one years.

39. A Letter from the King anent the Highlanders, and ane indemnity, and anent the Clan Greigor—redd and ordored to be recorded, whereof the tenor folloues.

Suprascribitur WILLIAM R.

[1691, *Aug.* 17.]

Right trustie and entirely beloved Cousine and Councillour, Right trustie and right well beloved Cousines and Councillours, Right trustie and right well beloved Cousins and Councillours, Right trustie and well beloved Cousins and Cancellors, Right trustie and well beloved Cancellors, (V. C.) And trustie and well beloved Councillors, We greet yow well. Whereas we did allow John, Earle of Breadalbin, to meet with the Highlanders and others in armes, in ordor to the reducing of them to our obedience, by a representatione returned in their names, we doe understand their willingness to render themselves in subjectione to our authority and laues, humbly asking our pardone for what is past, and our assistance for accomodating some differences and ffeuds which doe at present, and have verie long trowbled these places. And we being satisfied that nothing can conduce more to the peace of the Highlands, and reduce them, then the taking away the occasion of these differences and feuds which obleidge them to neglect the opportunities to improve and cultivate their countrie, and accustome themselves to depra-dationes and idleness. THEREFORE, we are graciouslie pleased, not only to pardon, indemnifie, and restore all that have been in armes, who shall take the oath of alleadgance before the first day of Januarie next. But lykeways, We are resolved to be at some charge to purchass the lands and superi- orities, which are the subject of these debates and animosities, att the full and just avall, wherby the Highlanders may have their imediat and

entire dependence on the crowne. And since we are resolved to bestow the expence, and that no bodie is to sustaine any reall prejudice, we must consider it as ill service done to Us and the Countrey, if any concerned shall, through obstinacy or frouardness, obstruct a settlement so advantageous to our service and the publict peace. And we doe expect from yow the outmost applicatione of our authority to render this designe effectuall; and that yow will communicat our pleasure to the Governour of Innerlochic and other Commandants, that they be exact and dilligent in their severall posts; but that they shew noe more zeall against the Highlanders after their submissione, then they have ever done formerly, when these were in open rebellione. And furder, we doe requyre and authorize yow to emitt a proclamatioune, pardoning and indemnifying all that have been in armes against Us and our Government before the first day of Junij last, of all treasones, rebelliones, robbries, depredationes, seditiounes, leising—making, hearing and not revealing of treasones: and generally every thing that can be objected against them for being in armes or rebellion preceeding the date of the proclamatioune, restoring and reponing all that have been in armes to their lifes, estates, dignities, fame, and blood, as if they had never been guilty, or had never been condemned for the crymes foresaid, as fully and effectually as each of them had particular remissiones, containing a particular enumeratione of their crymes. And that yow expedite this indemnity with all convenient dilligence in the accustomed formes, with all clauses ordinary or requisite, without any oyr limitatione or restrictione. But that all such who have been in armes, who may plead the benefite of our gracious indemnity, shall be obliged to take the oath of alleadgance to Us and our Royall Consort the Queen, betuixt this and the first of January nixt, before yow, or the Shirreffs, or their deputes, of the severall shyres wher they live; and that they subscribe the same by themselves befor witnesses, or by the Shirreffs Clerks for those who cannot wryte. And yow are to require the respective Shirreffs, their Deputes and Clarks, to transmitt to the Clarks of our Privie Councell, exact lists of all persones, by their ordenar designationes, who have subscribed the oath, and taken the benefite of our indemnity, that if any remaine obstinat, they may be prosecute by the severity of the law. We doubt not before this tyme

yow have sett Steuart of Appine at liberty, and these who were taken prisoners with him, according to the letter from our dearest consort the Queen.* And not doubting of your ready obedience to our pleasure, signified to you, in this our letter, which shall be your warrand, we bid yow heartily fareuell. Given att our Camp of St. Gerard, the [1]7 of Agust, (see 27th p. 458 of Record,) and of our reigne the third year, by his Majesties command. Sic Subscritur,

JO. DALRYMPLE.

The Councill ordained their Clerks to prepare the above proclamations, and present them to the Councill at their nixt meeting. And lykeways to prepare ane ordor to Sir Thomas Livingstone, for communicating his Majesties pleasure to the commandants of the severall places in this kingdome anent the Highlanders, to be presented to the Councill the next day.

(Copied from the Record of Privie Council, Acta.)

At Edinburgh the Tuentie seventh day of Agust, M.DC. Nyntie one years.

PROCLAMATIONE OF INDEMNITY.

1691, Aug. 27.

40. William and Mary, by the grace of God, King and Queen of Great Brittain, France and Ireland, defenders of the faith, to our Lyon King at armes, and his brethren, heralds, pursevants, Macers of our Privie Councill, Messengers at armes, our Shirreffs in that part, conjunctly and severallie, specially constitut, greeting. Whereas we did allow John, Earle of Breadalbane, to meet with the Highlanders and others in armes against us and our authority, in order to the reducing of them, we understand their willingnes to render themselves in subjectione to our authority and lands, humbly asking pardone for what is past, and our assistance for accommodating some differences and ffends which doe at

* [An order is here inserted for emitting a proclamation, requiring all Herotors to give up to the Clerks of the Privie Councill, lists of those of the Clann Greigour living upon their respective lands, and to find sufficient suretie for all the thefts or depredationes that shall be committed by any of that Clann whom they harbour upon their ground. This is so much a *Rider* that it has been omitted.—S.]

present, and have verie long troubled these places. And we being satisfied that nothing can conduce more to the peace of the highlands, and reduce them from rapine and armes to vertue and industrie, then the taking away of these differences and feuds which prevail with them, to neglect the opportunities to improve and cultivat their countrie, and to accustome themselves to depredationes and idlenes. In order wherunto, wee are resolved graciously, to pardone, indemnifie, and restore all that have been in armes against us and our government, who shall take the oath of alleadgance prescribed by our Act of Parliament, before the first day of January next. Therefore we, with advyce of our Privie Counsell, doe indemnifie, pardone, and forgive all that have been in armes against us or our government before the first day of June last, of all treasones, rebelliones, robberies, depredationes, seditiones, leising—making, hearing and not revealling of treasones, and generallie everie thing that can be objected against the persones forsaid for being in armes or rebellion preceeding the date heirof; restoring and reponing all and every one of the saids persones who have been in armes against us before the tyme forsaid, to their lives, estates, dignities, fame, and blood, as fullie and freely as if they had never been guiltie, or had never been condemned for the crymes forsaid. And also, fully and effectually as each of them had particular remissiones containing a particular enumeratione of their crymes, dewly and orderly expedie under our great seall for the same, upon this express conditione allwayes, that the persones forsaid who have been in armes before the tyme forsaid, and shall plead and take benefite of this our gracious indemnity, suear and signe the oath of alleadgance to us by themselves, or the Shirreff Clerk subscribing for such as cannot wryte, and that before famous witnesses, betuixt and the first day of January next to come, in presence of the Lords of our Privy Counsell, or the Shirreff, or their deputes, of the respective shyres where any of the saids persones live. Requiring heirby and commanding the saids Shirreffs, their deputes and clerks, before whom any shall suear the said oath of alleadgance for the benefite of this our indemnitie, to transmitt to the Clerks of our Privie Counsell, exact lists of all persones by their ordinary designationes, who shall subscribe the said oath in their presence, and take the benefite of our said

indemnity, betuixt and the tenth day of the said month of January nixt, as they will be ansuerable at their highest perill. And we, with advyce forsaid, doe assure and declare all such persones who have been in armes before the first of June last, and shall betuixt and the first of January nixt, take the benefite of this our gracious indemnity, by suearing and signing, as said is the said oath of alleadgance to us, that they shall be altogether free, safe, and secure from all maner of punishment, paines, and penalties that can be inflicted upon them for open rebellione, or any other of the crymes above specified. And that such as shall continow obstinat and incorrigible after this gracious offer of mercy, shall be punished as traitors and rebels, and otherwayes to the outmost extremity of the law. And we, with advyce forsaid, requyre and command all judges and ministers of our law, to interpret this indemnity in the most favourable and ample maner, prohibiting and discharging them to call in questione any of the persones forsaid, who shall take the benefite hereof, in manner abovementioned, for any of the crymes above wryten in tyme coming. Our will is, therefore, and we charge yow strictly, and command, that incontinent, these our letters seen, ye pass to the mercat cross of Edinburgh, and to the remanent mercat crosses of the head burghs of this our antient kingdome, and ther, in our name and authority, be open proclamacione, make intimatione of the premises, as ye will ansuer to us thereupon; and ordaines these presents to be printed and published in manner forsaid. The which to doe, we comitt to yow, conjunctly and severally, as said is our full pouer, be these presents, delyvering them to yow, dewly execute and indorsed againe to the bearer. Given under our signet at Edinburgh, the twenty seventh day of August, MD.C. nyntie one, and of our reigne the third year. Sic Subscribitur.

RECOMMENDATION TO SIR THOMAS LIVINGSTOUNE TO WRYTE TO THE
COMMANDANTS ANENT THE HIGHLANDERS.—1691, Aug. 27.

Wheras, the Lords of their Majesties Privy Councell, in obedience to a letter under his Maties royall hand, dated from the Camp at St. Gerand, the seventeenth current, have published a proclamacione this day, indemnifying all such who had been in armes against their Maties

before the first day of Junij last, in maner therin at lenth contained, and by their said letter, they are requyred to communicat his Maties further pleasure therinmentioned; therefore the saids Lord recommend to and requyre Sir Thomas Livingstoune, Commander-in-cheiff of their Maties forces within this kingdome, to communicat his Maties pleasure to the Governour of Innerlochie, and other Commandants in the severall places of this kingdome, that they be exact and dilligent in their severall posts; but that they shew noe more zeall against the Highlanders after their submissione, then they have ever done formerly when they were in open rebellione. Sic subscribitur, Hamilton, Craufurd, Mortoune, Lothian, Leiven, Kintore, Raith, Ruthven, Will, Mr. of fforbes, Jo. Lauder, [Lo. Fountainhall,] C. Campbell, [Lo. Aberuchill,] Balfour, [Mr. of Burleigh,] Jo. Burnet, [Laird of Leyes.]

(Copied from the Record of Privy Council.)

Att Edinburgh, the Twenty Nynth day of Agust, MD.C. Nyntie one years.

Sederent, D. Hamilton, E. Craufurd, E. Mortoune, E. Louthian, E. Leiven, E. fforfar, E. Kintore, Lo. Raith, Lo. Ruthven, Lo. Pollwarth, Mr. of fforbess, Mr. of Burleigh, Lo. Aberurchill, Ld. Brodie, Sir Tho. Livingstoun, The Provost of Edinburgh.

A LETTER FROM THE COUNCELL TO THE KING ANENT THE HIGHLANDERS,
ISLAND-DONALD AND OTHER GARRISONES, &c.

MAY IT PLEASE YOUR MATIE,

41. In obedience to the commands contained in your Maties letter, direct to us from St. Gerard, of the $\frac{17}{27}$ current, ther was yesterday a proclamation emitted adjurning the present parliament of this kingdom to the fourteenth of January next, and ane other proclamation for your Maties gracious indemnity to such who had been in armes within this kingdome before the first of Junij last, with a third for securing your Maties subjects from the thefts and depredationes usually comitted by the name and clan of M'Greigour. As also ordors were imediatly direct to Sir Thomas Livingstoune, Comander of your Maties forces, to com-

municat your royall pleasure to the Governour of ffort William and other Commandants, in the termes of your Maties letter, that they be exact and dilligent in their severall posts, but that they shew now noe more zeall against the Highlanders after ther submission, then they have ever done formerly when these were in open rebellione. Which being somewhat unclear, may perhaps be understood otherwayes by these officers then your Matie intends it, wherfore we humbly beg your Maties pleasure may be more particularly signified heirin. Upon publishing your Maties indemnity, the Highlanders and others to whom the benefit therof may belong, will probably take the liberty to disperse them selves through the country, and repair to this city and other places of this kingdome before the first of January; att which tyme it can only be certainly knouen whither they accept the benefite of the indemnity, by swearing alleadgance to your Matie and your royall consort the Queen or not. And in the mean tyme, they may take occasione to pervert the leidges from their duty, and influence them to their way, we therefore judge ourselvs bound, for the security and peace of your Maties government. to beg your Maties pleasure how farr any who have been in rebellione shall have liberty to pass up and doune the country during the tyme allowed them to take the oath, or if it be your Maties pleasure that they should keep themselves within such bounds as they have haunted and frequented formerly, during their being in armes, untill they declare whither [they] accept of the indemnity or not, by taking the oath of alleadgance.* The Duke of Hamilton, president of your Maties Councill, did some tyme agoe communicat to us a letter from the Mr. of Stair, Secretary of State, intimating your Maties pleasure for garrisoning the Castle of Island Donald, which was then and ever since hath been in the hands of the rebels. Now we, in all humble submission, offer our opinion and advyce to your Matie, that it is necessary for the further securing the government and peace of the country, that the forsaid Castle of Island Donald, the house of Inergarie, belonging to M'Donald of Glengairie,

* [See letter from Secretary Stair to the Earl of Breadalban, dated Loo. Sep. 18-28, 1691. He agrees, "that it is not right that the Highlanders should thus travel over the country before swearing allegiance; and only adds, the best cure of all these maters is, that the Chieftains do take it [the oath] as quickly as can be, which will take off the tricks or suspicions against the rest."—S.]

with the Castle of Duart in the Isle of Mull, and other tuo houses in the Island, be garrisoned with some of your Maties ordinary forces, and shall expect your Maties comands therein. ffor your Maties more particular informatione of the estat of the garrisone of the Bass, we have sent to your Matie a full acount therof, under the Governours hand; we have lykewayes sent to the Mr. of Stair, Secretary of State, to be communicat to your Matie, *the cobby of a paper relating to the Earle of Breadalbins transactiones with the Highlanders, presented to the Duke of Hamilton, our president, by Sir Thomas Livingstoun*, which was given to him by Major fforbes as he entered in Councill yesterday, who declared he had received the same from Collonell Hill, his Collonell. As also the Earle of Kintore presented to us *a paper much to the same purpose*, which he declared was received be him from one that had it from *Leitennant Collonell Gordoun, Nephew to Euchan*, who comanded the rebels, as *a coppie of these articles sent to him by his Uncle*, both which coppies are attested by the Duke of Hamilton, our president. These papers, containing matters of high import to your Maties government, and peace and security of your good subjects, we thought fit to transmitt the same to your Maties, as being the duty of, May it please your Matie, your Maties most loyall, most faithfull, and most obedient subjects and servants. Sic subscribitur, Hamilton, Craufurd, Mortoune, Lothian, Leiven, fforfar, Kintore, Raith, Ruthven, Pollwarth, Mr. of fforbes, Balfour, [Mr. of Burleigh,] C. Campbell, [Lo. Aberurchill,] Brodie, [Laird of Brodie,] Tho. Livingstoun [Sir] [Provost of Edinburgh.]

LETTER FROM THE COUNCELL TO THE MASTER OF STAIRS.

Ther are here inclosed the Counsells letter to his Matie, with a true coppie therof, and of the paper presented to them be Sir Thomas Livingstoun, and that given in be the Earle of Kintore, both mentioned in the said letter, together with the account of the Bass under the Governours hands, and printed doubles of the severall proclamations exped upon his Maties letter; all to be delyvered and communicat to his Matie with his first conveniency. This, in name, and by warrand of the Councill, is signified to you by, your most humble Servant, Sic subscribitur,

Edinburgh, 29 Agust 1691.

HAMILTON.

The same day ther was ane other letter sent to the Earle of Melvill of the same tenor.

(Copied from the Record of Privy Council, which contains, under this date, 29th August 1691, a "Warrant to Sir Thomas Livingstoun for offering the indemnity to these in the Bass.")

LORD POLWARTH TO THE EARL OF MELVILL.—29 Aug. 1691.

MY LORD,

Edenb. 29 Aug. 1691.

42. I know you get accounts full enough of what passes here, in Counsell or otherwise, so I shall say nothing of information upon what has been here since the Kings letter ordering the adjournment of the Parlemt, and the Act of Indemnitie came. This only I tell your Lo. the D. of Hamilton seems very right inclined, and in the Counsell the strength is of that side, which has no favour from the Jacobites. For all this, when the King comes over, which, 'tis said, will be soon, unless your Lo. be airely, bold and diligent in giving a just account of actions and actors, it may be that others will put disadvantageous glosses and characters upon both. I entreat you, let not honest men and faithfull servants to the King, have any thing to blame you for, especially slowness, and too much niceness. I am very plain. Much depends on it, therefor I take liberty as, MY LORD, your L: obliged and humble Servant,

POLWARTH.

At Edinburgh, the threttie first day of Agust MD.C. nyntie one years.

1691, Aug. 31.

43. A letter from the Queen to the Councill, being this day read, was ordered to be recorded, wherof the tenour folloues.

LETTER FROM THE QUEEN ANENT THE ARMIE.

Suprascribitur MARIE R:

1691, Aug. 25.

Right trustie and entirely beloved cousine, &c., when we received yours of the third instant, and perused the coppie (which you sent to

the Earle of Melvill, our Secretary) of the Master of Stairs letter to Sir Thomas Livingstone, by the Kings command, dated at Gripins the twenty fifth of July last, we were well pleased to know that you did not hasten the march of our army until you might have a return from us. You may be assured, nothing could have prevailed with us to delay until this time, a return so much expected by you; but that you might, in the mean time, be fully satisfied, the stopping of the march of our troops towards the Highlanders, were no less agreeable to the Kings inclination than to our opinion. The King having signified so much to you by a letter from himself, there appears no necessity of any other answer from us, than to evidence our sense of your ready complying with our letter to you in that affair, and to give you our thanks for the same, which we should have done by the last post, if we had not been then at Hamptone Courte: and so we bid you heartily farewell. Given at our Courte of Whytehall, the twenty fifth day of August 1691. and of our reigne the year. Sic Subseribitur, M. R:

1691, *Aug.* 31.

Recommendatione to Sir Thomas Livingstone to cause these in the bass, who accept the indemnity, take the oath of allegiance.

1691, *Aug.* 31.

A single Councillour, with one of the Clerks of Councill, or the Shereff Clark of the place, when in the country, may administrat the oath of allegiance—albeit the proclamation of indemnity does not expressly impour a single Councillour to that effect.

ORDOUR TO THE CLARKS OF COUNCELL TO WRYTE TO THE EARLE OF ARGYLE TO OFFER THE INDEMNITY TO THE PERSONES THERIN CONTAINED.—1691, *Aug.* 31.

“The Lords of their Maties Privie Councill doe heirby appoynte the Clerks of Councill, or any one of them, to wryte to the Earle of Argyle, and intimat to his Lop. that it is the Councells pleasure that he send to the Castle of Duart, ffort of Carnbulg, and any other forts or castles within the bounds, which are in the hands of the rebels, and cause de-

liver to the persones in each of these places, ane printed coppie of their Maties proclamacione for indemnifying such as have been in armes before the first of Junij last, and offer the benefite of the said indemnity to such of the persones forsaid, as come under the compass therof; and requyre these persons, in their Maties name, ffurthwith to delyver up the saids castles, forts, and houses, for their Maties service, certifying them, if they delay, they shall be proceeded against as rebels and traitours to their Maties, with the outmost severity. And that the said Earle cause such of the persones fors^{ds} as shall accept, or are cappable of the said indemnity, take the oath of alleadgance to their Maties, King William and Queen Marie, in presence of the Sherreff, or the Sherreff Depute and Sherreff Clerk of the place, in termes of the said proclamacione of indemnity; and in case they refuse, that he secure them untill the Councells farder ordours. Albeit they surrender the saids castles, fforts, and houses, and that the Earle make report of his procedure and dilligence herein to the Counsell, with all diligence, conforme to the above ordour. Mr. Gilbert Eliot, one of the Clarks of Councell, did wryte a letter of the above tenour to the Earle of Argyle, of the date the first of September, M.D.C. nynie one years."

[Form of the Oath to be taken by every Officer and Soldier in the Army and Militia.]

"I, A. B. doe sincerely promise and swear, that I will be faithfull, and bear true alleadgance to their Maties, King William and Queen Mary, and to be obedient in all things to their Maties, or Commander in cheiff [appoynted] by their Maties for the tyme being; and will behave my self obediently to my superiour Officers in all that they shall command me for their Maties service. And I doe furdre suear, that I will be a true, faithfull, and obedient souldier, everie way performing my best endeavoures for their Majesties service, obeying all ordours, and submitting to all such rules and articles of warr as are, or shall be established by their Majesties, So help me God. This done and decreed at Arnhem, Agust 13, 1691.

(Copied from the Record of Privy Council, 31st August 1691.)

DUKE OF HAMILTON TO THE EARL OF MELVILL—11 Sept. 1691.

Hamilton, 11 Sept 1691.

44. I have received your Lo. of the 4th. This place affords me litle to trouble you with. That Breadalban will deny these artikles sent by Collonell Hill, I put no doubt of, as I litle doubt the truth of them wold be found, if put to exact tryall; but if he had leave to allow the Highlanders to send to France, I shall thinke no thing strange of all the rest, and does admire the politike. However, I hear I am much bleained in all that matter, and it's given out there I have onely done in it to serve you and the Presbiterians against your enemys, but I have write to those has write so to me, that they are much mistaken. What I have done I did to serve the King, and secure the Government from being betryed, and, if my services did not pleas, I was well satisfied to live at home, which I intend untill I hear the Kings pleasur. By what I sayed to yow, and my actings since, your Lo. knows my minde as to publike matters, so I shall onely add, that I am, your Lo. most humble Servant,

HAMILTON.

SIR THOMAS LIVINGSTON TO THE EARL OF LEVEN.—11 Sept. [1691.]

MY LORD,

45. I ame very wel satisfied the parti comanded by Lutenant Maxwel lay sutch a tyme in Fyf, as your Lordship shal thinck convenient. By the expres that goeth heerwith, I suppoos you shal see that your Lutenant-Colonel is marchet to opose a confiderat party of Hylanders that are falen down in Ros, sutch are the effects of the cessation; this is the second tyme that they have been opon that desygne. I schal send Arrat some troops of dragoons, so that he may be in the better condition to oppose thoois thiefs. I shal give Lutenant Maxwel orders to-morroou to march witch his party, and pas over to Fyf syde; so I remain, My LORD,

Your Lordships very humble Servant,

Edinb. 11 Septemb. [1691.]

T. LIVINGSTON.

LETTER FROM SECRETARY STAIR TO THE EARL OF BREADALBANE.
[In the archives of the Earl of Breadalbane.]

MY LORD,

Loo, Sept. 18th 1691.

46. I have been vaguing these three last posts. I got yours from London, as soon as the charge given in against you, which is still with the Secretary of England's baggage. So the King hath not seen the principal letter; but we have, and know the contents. No body believes your lordship capable of doing either a thing so base, or that you could believe there could be any secrets in your treaties, where there were so many ill eyes upon your proceedings; but the truth will always hold fast. The King is not so soon shaken; and this attempt against you is so plain, that it will recommend and fasten you more in his favour, when the issue clears the sincerity on your part. And I hope it's not in any body's power to deprive you of the success to conclude that affair in the terms the King hath approvén. But it will require more pains and dispatch. To return, the King will be over the beginning of October; and I hope to see you before it end. And I have heard there are endeavours using to make the Highlanders either own these base terms, as promised by your lordship, or else to declare their peaceableness did not proceed on your account, or for your negociation, but because of the endeavours of others. I am not ready to believe these projects will have great effect. Let not any thing discourage you, but believe all these devices will tend to magnify your service, when you finish your undertaking. It's represented* that the Highlanders do not intend to take the allegiance, but that they come down to the low-lands to debauch people, and make parties, during the interval till the 1st of January, which is too long. I see what advantage will be made of this. But these who are not ready, or presently willing to take the oath, should keep at home in their own country, till they be going to take the oath; for it is not fair, nor proper, that any man who hath been in rebellion should go to Edinburgh, and appear there, and do what he pleases, till the first of January; and then to be uncertain whether he will take the oath or not. The best cure of all these matters is, that the chieftains do take it as quickly as can be,

* [See letter from the Privy Council to the King, 29th August 1691.]

which will take off the tricks or suspicions against the rest. I doubt not it will be minded that my Lord Argyll should not meddle with the garrisons of Mull, or that men should be desired to render, upon the prospect of being prisoners, in case they take not the oaths. They should once be free, and have the time allowed to deliberate; but that space should not be used to insult the government, or to act against it in the mean time. I think you have brought this matter so good a length that I doubt not the rest, and then I believe the King will forgive bygone arrears of cess to these, so soon as he hears they are coming in frankly.

MY LORD, adieu.

[Published by Sir John Dalrymple, Bart., Baron of Exchequer in Scotland, in his *Memoirs of Great Britain and Ireland*, ed. 1773, Vol. III, App. pp. 251-2, and ed. 1790, Vol. III, App. pp. 212-13.]

THE EARL OF BREADALBIN TO COLONEL HILL.—10 Oct. 1691.

SIR,

Bellich, October 10th 91.

47. If I had not seen your letters in Flanders naming me, I could not have beleev'd you would have been the transmitter off ane accusation (yett very lame) to the Councell against me, untill you had first given up gossoprie, and resigned that old friendship past unviolated on my side for many years; as also that off late by your letters to me in June last. I was acting for your establishment, and your garrisons, when you were thus acting against me, without occasion or provocation. I know it hes been a trick putt upon you, wheroff you will doe yourselfe right to vindicat yourself. It hes not taken, seeing there was nothing off truth or honestie in it; and I was out off countenance to find one off whom I had spock soe well as I did of Colonell Hill, to have been made the tooll to ruine me, and obstruct the peace of the kingdom upon a false suggestion, that either he or his garrison were to be removed. I now advise you, as your old ffriend, to bring yourselfe fair off, and your justification will be very satisfactory to me, who yet continows

Your very humble Servant,

BREADALBIN.

(Copy) COLONEL HILL TO THE EARL OF BREADALBAN.—17 Oct. 1691.

MY LORD,

Fort William, 17th October 1691.

48. I have your Lops. of the 10th instant, and doe assure your Lop. I did nothing upon so weak suggestion (as you are pleased to alleadge) as the apprehention off myne or the garrisons removeall, (tho I can prove Major Meynes declared all that, and much more, to be your Lops. intention;) ffor (my Lord) iff his Majestie thinks fitt to remove me att any tyme, and putt in any one that can serve him better and more faithfully, my removeall shall be very pleasing to me for his Majesties better service; nor can it rationally be beleaved that I can be ever fond off such a banishment and such ffatigue as I have undergon here, to the hassard of my life, and under soe many masters and teachers, (who generally knou less off the matter then my selfe,) were I not led by a more than ordinary zeal to serve his Majestie to the utmost off my ability, (as, I hope, I have done, and shall here, or els where, soe long as I live;) and any thing that I have done cannot be justly charged to me on so mean ane accompt. But (my Lord) my dissatisfaction proceeded from a quite other cause. It's true I was satisfied with your Lops. proceedings when you were last here, till afterwards I found upon what low condiscentions, and mean proposalls, the proceedings were bottom'd, which I judged (at that tyme) too dishonourable to the King my master, and too advantageous to those gentlemen off the Highlands, and their cause; and it hath often mett me, that it was our cessation proposed to and pressed upon them, and that they did nothing but what was honourable in accepting such offers of advantage to themselves and King James his affairs, which some of them have said to my selfe before many witnesses; and this (my Lord) gave me concernment; and where the King, my masters interest and honour is concerned, it is, and allwayes shall be with me, paramount to all the interest and obligations in the world; and as for that paper which went to the Councell, it was not soe much to prejudice or injure your Lop. as to render my self faithfull and secure from the hasard which the concealment off such a paper might have brought me under; nor was I then sure that the partie which brought it me might not have some such ensnaring designe in itt; and, besides this, the same partie sent me ane other off the

same to a Lord of the Councell, who owned he received itt; and, moreover, when itt was read in Councell, ane other Lord att that board pulled out another paper off the same import, who asserted that it had been sent by Major-Generall Buchan to a nephew off his, as a true double off that transaction. My Lord, when I can exoner myselfe of the obligation to secrecy that lyes upon me, your Lop. may know more off the matter, but the countrey was full off this before I gott that paper, and I heard itt from severall, butt took little notice off vulgar reports, till that paper came, which was made use off for the reasons aforesaid. Nor (my Lord) will itt be found just to say, (as your Lop. would aleadge), that I (by these methods) obstruct the peace off the kingdom; ffor who laid the first stone in the fundation for peace and settlement, upon which your Lop. hath built the superstructure, and (ever since I knew itt was the Kings pleasure) I have used all arguments and perswasives to those gentlemen to settle with your Lop., which many off them cannott deny, and I beleeve that some off them may doe soe, and not the less by the advice I have given them. Soe that upon the wholl, itt will appear itt was not the thing to be done, but the *modus agendi* that I have been concerned ffor, and I hope to give your Lop. the satisfaction you desire, off seeing me justifie myselfe in these affairs, and that in order to my trust and faithfullness therein, I could have done no otherwise, and (with that only reserve) I am, My LORD,

Your Lops. most humble Servant.

THE MASTER OF STAIR, SECRETARY OF STATE, HIS LETTERS.

(*From Papers in the collection of the Family of Stair.*)

TO LIEUT COLONELL HAMILTON,

SIR,

London, Dr 1st, 1691.

49. Yours of the 13th and 17th came to my hands both together. I have likeways seen what you wrote to my Lord Balhaven, and I do thank you for all. I do very well know what paines by that Rogue M^cPherson and others have been used to keep the Kings service back, and to ruine these Highlanders who really for their part deserve little better; the reputation through the world of their submissiones is of more

importance than any thing can be promised from their honesties. And I do again assure you, the maintenance and provision of that garrison in Fort William, shall be alwayes, and hath been my particular care. I do not consider the lapses of single persons, so as to make me do harm to what I do know to be their Ma^{ts} service. I am very glade you are there. And you shall see that my way is not so partiall, or to mind nothing but my own friends and interest. The publick shall alwayes be first with me. And therefore, though I had never the good fortune to be acquainted with you, yet you shall find me as ready to do you justice, as if you were my nearest relation. You need not care that at present you are not to kiss the Kings hand. He wants not a just character of you. It may be shortly wee may have use of yo^r garrison, for the winter time is the only season in which wee are sure the Highlanders canot escape us, nor carry their wives, bairnes, and cattle to the mountaines. The Clan Donald is generally popish. Since the King hath to demonstration shown his exception, I am content that Clan doth except it selfe. I think Glengary's estate will maintain a garison, to be a middle step betuixt yo^{rs} and Inverness, which perhaps is more advantageous than his famed submission. And I well know that neither he, Keppoch, Appine, Lochiell, nor some other Chiftanes, can well sleep, being within the reach of a good nights march of your garrison. Believe me I am, SIR, your very humble Servant, Sic sub^{mr}.

JO. DALRYMPLE.

[The MS. Copy by Woodrow has the following postscript—"I earnestly recomend to yow my Cousin Capt. Stewart. I doubt not yow will find him ane honest braw young fellow. He is desirous to have a forlose to make a campaign with the King in Flanders, if business settle that wee have nothing to doe with the Highlanders. I will be much obleidged to yow [to] help him to a forlose, in the form that according to your discipline is proper."—MS. Advocate's Library, Edinburgh, Vol. XVI, No. 40.—S.]

LETTER FROM SECRETARY STAIR TO THE EARL OF BREADALBANE.

MY LORD,

London, Dec. 2, 1691.

50. I should be glad to find, before you get any positive order, that your business is done, for shortly we will conclude a resolution for the winter campaign. I do not fail to take notice of the frankness of your offer to assist. I think the clan Donell must be rooted out, and Lochiel.

Leave the M^cLeans to Argyll. But before this, Leven and Argyll's regiment, with two more, would have gone to Flanders. Now all stops, and no more money from England to entertain them. God knows whether the 12,000*l.* sterling had been better employed to settle the Highlands, or to ravage them; but, since we will make them desperate, I think we should root them out before they can get that help they depend upon. Their doing, after they get K. J. allowance, is worse than their obstinacy, for these who lay down their arms at his command will take them up at his warrant. Be assured no papist will be exempted from this oath of allegiance; and in Ireland they must take it by Act of Parliament now made, since the supremacy is out of it. You may assure yourself, in our settlement of government, you are not forgot by your friends, though I must tell you some are again emboldened, who had given over to object against your being assumed.

MY LORD, adieu.

[Published by Sir John Dalrymple, Baronet, Baron of Exchequer in Scotland, in his *Memoirs of Great Britain and Ireland*, editions 1773 and 1790, Vol. III, Appendix, p. 255 of first edition, and pp. 216-17 of second. It is remarkable, however, that, in the first edition, the following long passage precedes that above given.—S.]

“Yours of the 16th past was very uneasy, it's a little qualified by that of the 19th I know not by what I was moved to write you eight days ago, as if I had not known what these letters brought me; and, tho' what I wrote then was only to hasten matters, the lingering being of ill consequence, yet I never thought there was danger in the miscarrying of it. I confess I was desirous of your return, upon the finishing of your negociation; but, without that, or the having prevailed with one man, is what I never wish to see. I am convinced it is neither your fault, nor can prejudice arise to their Majesties service by the change of measures, but only ruin to the Highlanders; but yet, at the present settlement, it would do yourself and your friends no advantage. That person you suspect to have blown up the M^cLeans hath great access, and wants nothing but such an occasion to introduce him, and to make him in a manner necessary to do what you cannot. I doubt not all will come right; but tho' it is necessary you do seem to come hither, that they may rue, yet you had not best, in my opinion, leave it; and here you cannot

be before our settlement, as I apprehend, is in readiness. I shall not repeat my thoughts of your doited cousin; I perceive half sense will play a double game, but it requires solidity to embrace an opportunity which to him will be lost for ever; and the garrison of Inverlochry is little worth, if he can either sleep in his own bounds, or if he ever be master there. I repent nothing of the plan; what account can be given why Argyle should be forced to part with Ardnamurchan, to which Lochiel hath no more pretence than I? You cannot believe with what indifference the King heard this matter, which did alarm and surprise us all, and confirmed the bold assertions of others against you. I hope you will be able to document Sir Ewen's and Mr. John M'Lean's commissions, which are necessary for your vindication. Lieut. Col. Hamilton, deputy governor of Inverlochry, is a discreet man; you may make use of him."* [Follows the rest of the letter, as already given.]

LETTER FROM SECRETARY STAIR TO THE EARL OF BREADALBANE.

MY LORD,

London, Dec. 3, 1691.

51. The last post brought letters from Glengarry, or from his lady and Rorry upon a message. Glengarry had sent to him to Edinburgh. This hath furnished him with opportunity to discourse the king on all these matters. He tells me he hath vindicated you; only the share that the M'Donalds get is too little, and unequal to your good cousins (really that's true), and he would have the money given to Glengarry, and leave Argyll and him to deal for the plea. He thought his share had only been 1000 l. sterling. I have satisfied the king on these points, that his share is 1500 l. sterling; and that he, nor none of them, can get the money if Argyll consent not; for that destroys all that is good in the settlement, which is to take away grounds of hereditary feuds: to be brief, I'll assure you that I shall never consent any body's meddling shall be so much regarded, as to get any of your terms altered. By the

* [In the Stair Collection, is copy of letter from the Secretary Stair to Lt. Coll. Hamilton, London, Dec. 3, 91, in which he says, "Let me hear from you with the first, whether you think that this is the proper season to *maul* them in the long cold nights."—See his letter of the same date to the Earl of Breadalbane, in which he speaks of the Earl's "scheme for *mauling*" those who had not availed themselves of the Proclamation of Indemnity.—S.]

next I expect to hear either these people are come to your hand, or else your scheme for mauling them;* for it will not delay. On the next week the officers will be dispatched from this, with instructions to garrison Invergarry, and Buchan's regiment will join Leven's, which will be force enough; they will have petards, and some cannon. I am not changed as to the expediency of doing things by the easiest means, and at leisure, but the madness of these people, and their ungratefulness to you, makes me plainly see there is no reckoning on them; but *delenda est Carthago*. Yet, who have accepted, and do take the oaths, will be safe, but deserve no kindness; and, even in that case, there must be hostages of their nearest relations, for there no regarding men's words, whom their interest cannot oblige. Menzies, Glengarry, and all of them, have written letters, and take pains to make it believed that all you did was for the interest of K. James. Therefore look on, and you shall be satisfied of your revenge. Adieu.

[Published by Sir John Dalrymple, Bart., Baron of Exchequer in Scotland, in his *Memoirs of Great Britain and Ireland*, 1st edition 1773, Vol. III, App. pp. 255—6. In the 2d edition 1790, Vol. III, App. p. 217, it is given without the part introductory to the sentence beginning with the words, "By the next I expect, &c." See foregoing p. line 2. It ought to have been mentioned that this letter is from the original in the possession of the Earl of Breadalbane.—S.]

SIR JOHN DALRYMPLE TO LT. COL. HAMILTON.

(*From Papers in the collection of the family of Stair.*)

SIR.

London, Dec. 3, 91.

52. I got a letter from your Colonell, and to testify that I am not vindictive, nor do mind personall injuries where that may obstruct the publick service, I have written fully to him, and will remember no more what's past. I see the settlement of the highlands is obstructed by false insinuationes. Some make the M'Donalds think their parte is too small. Some have emulation at Breadalban, and do stop the work for the despite against the instrument. I am satisfied these people are equally and unthinking, who do not accept what's never again in their

* [See immediately preceding letter—Note at the end—shewing that the Secretary in a letter of the same date to Lt. Col. Hamilton, uses the favourite word "maul."—S.]

offer. And since the government cannot oblige them, it's obliged to receive some of them to weaken and frighten the rest. The M'Donalds will fall in this net. That's the only popish clan in the kingdom, and it will be popular to take severe course with them. Let me hear from you with the first whether you think that this is the proper season to maul them in the cold long nights, and what force will be necessary to yor garrison and the regiment of Leven which is at Inverness, whether dragoones can subsist any time ten or twelve miles from Invergary, to be at hand if any occasion require, and if your being provided with a petard and some cannon, may not easily be master of Invergary. Write your thoughts on the whole with the first, for all must be in readiness by the first of January. I have written to the same purpose to your Colonell, so you may talk together; but you will not think it fit to communicate these thoughts to others.

I am really, SIR,

Your humble Servant,

Sic Subtur. JO. DALRYMPLE.

[As no specific date is assigned to the following document, it is placed first in the series of 1692, though its chronological position is probably later in that year.—ED]

(Copied from a Transcript in the Collections of the family of Stair.)

Proposalls offered by the Earle of Broadalban to their Ma^{ts} for delaying to returne the money from Scotland, untill their Ma^{ts} pleasure be knowne in the same.

53. That which occasioned the promising this money to the Highlanders, being the French Kings design to supply them (last sumer) with six thousand men from France, the truth whereof is since confirmed from that kingdom. And therefore the Queen (in the Kings absence) judging it reasonable, to send the said Earle to them, with profers of their lives, fortunes, and money, incase they gave assurance not to joyn with any forreign force, nor comit acts of hostility within that nation; which they not only engaged under their hands to performe, untill the first of October last, but also punctually observed: the knowledge

whereof in France prevented the sending these promised succours. His Ma^{ty} from Flanders likewise ratifying the Queens instructions to the said Earle, and also approving his negotiation as good service. It is convenient and necessary their Ma^{ts} consider what followeth, as

1. That notwithstanding of the Highlanders foolish refusall of the mony, when offered them in November last; yet, in regard they observed the termes of cessation, and did no prejudice, after their first entering into a treaty; nor haue put the King to any expences since that time: and in consideration of the present circumstances of affaires at home and abroad; and of the too great number of discontented and disaffected persons in that kingdom, who not only used all kind of artifice to perswade the Highlanders to stand out, but also exclaimed exceedingly against them for submitting, it will be proper that such receive no occasion of satisfaction, in seeing the Highlanders yet disappointed, nor ground to improve it as they haue opportunity.

2. That if it be not their Ma^{ts} pleasure to gratify all the Highlanders with the money once profer'd them, (although their own folly and fault, made them lose their right to it) yet, it may be in prudence advisable to distinguish them: that at lest, such as submitted within the limited time, and never absolutely refused submission, may have their proportions, which will only amount to three thousand five hundred pounds sterline; of which number Lochzeal (the most considerable man amongst the clans) is one; and who, by his submission, broke the whole combination, and obliged the rest to follow his example; and therefore, a person who should neither be discouraged, nor lost, when he may be easily kept and ensured to the Government.

3. That in respect their Ma^{ts} fforges in that kingdom will not exceed three thousand men, nor is there a fond for more, which not only encourages enemies, but greatly discourages the government thereof. Therefore the Earle of Broadalban proposed, in a memoriall to the King, the raising, enrolling, and having in readiness, three thousand armed Highlanders, with Officers, to joyne the standing fforges (when required) without expence to their Ma^{ts}. And that to encourage the Highland landlords and chiftains, to provide, and haue always ready that modelled militia, there may be ten of that twelve thousand pound layd

out on interest in Scotland, at six per cent,* whereof their Ma^{ts} treasury may haue the management, and the interest may be given, yearly, to the Highlanders, in proportion, as they advance those men, who are quarterly to be mustered and reviewed by the Muster-Master. The stock of the money to continue with their Ma^{ts} in the treasury, whereby the money is still preserved to them; and yet with the interest they have obliged the Highlanders to haue their dependence on them and the government, because of the yearly payment of that interest which they are to receive, conforme to their good or bad behaviour; and the certainty of this additional force will not only fortify the government. but also deter wicked men from bad designs. This proposal being incase their Ma^{ts} give not Lochzeal his part of the principall sum: and if they do, that the rest may be thus ensured for their Ma^{ts} future service. And that therefore their Ma^{ts} may have the opinion of their Privy Councill in that kingdom, both in the foresaid proposalls, and also as to the condition of the Highlands, and other places of the nation, whence danger may be apprehended, before the money be disposed of, and thereby the Highlanders put from all hops of receiving any part of the principall, conform to the first proposall, or of the interest thereof, conforme to the last.

4. The Earle of Broadalban layd out of his own money, in prosecution of his negotiation, so considerably (resolving at any rate to effectuat the same, as now it is, with a profound peace following thereupon) as amounts to the summ of two thousand pounds sterline, which he humbly expects their Ma^{ts} will not only reimburse him of, but also allow him in recompence of his good service, trouble, and charges, what further their Ma^{ts} shall think fit. That thereby the enemies he has procured for his service may see their Ma^{ts} has both rewarded and reimbursed him.

5. That the King ordered the Earle of Portland to give Lochzeal two hundred pounds sterline, for defraying his charges of coming to London upon their Ma^{ts} call: who, although he accepted it not from the Earle of Portland at their first meeting, hoping to have received further marks

* [The Earl does not proceed on one tack; for he has already proposed to bestow otherwise £3,500. (See p. 54.) He afterwards says (see below) "This proposal being incase their Mats give not Lochzeall his part of the principal sum.—S.]

and encouragements of their Ma^{ts} bounty and favour at the second appointment, whereat the Earle of Portland desired him to attend, but came not himselfe, yet his necessity obliged him to call for and receive it from the Earle of Broadalban, as is to be instructed by his receipts for the same.

The Earle of Broadalban, conforme to his instructiones, gave one hundred and fifty pounds sterline to one of the chiftaines, who submitted willingly without any delay, when the Earle was in Scotland, which is to be allowed to him. So soon as their Ma^{ts} pleasures are signified in these proposalls, the Earle of Broadalban is willing to obey their royall commands.

[1692, Jan. 5.]

Att Edinburgh, the ffifth day of January, M.D.C. Nyntie two years.

54. A letter from Duncan Menzies to Sir Thomas Livingstone, Commander in Cheiff of their Maties forces within this kingdome, acquainting him that the said Duncan could not reach the Highlands till the day appoynted for taking the indemnity is over; and that therby he could not have occasione to bring the Highlanders to accept the indemnity, some persones having putt them in a bad temper; but that he is confident to persuade them, if a farder tyme were allowed, being by Sir Thomas produced and redd at the board, and the Councell refused to give any ausuer therto, but recommended to the said Sir Thomas to transmitt the same to Court.

(Copied from the Record of the Privy Council.)

TO SIR THOMAS LIVINGSTON.

SIR,

London, 7th Jan^{ry} 92.

55. I wrote to you last post in some haste, but I do again assure you that there was no ill intention in all this matter against you, but that the King confiding so much in you that had given this barbarous people the first rout, does expect that you shall conclude that matter. And if

yo^r health does not allow you to be present, yet you will post your selfe in such a place as you can understand what passes, and give the direction to those who shall be imployed to comand the parties that are to goe against these rebells. I apprehend upon the Inverness side a great share will fall to Colonell Cunningham; he is a stout fellow, capable of a great fatigue on the Inverlochies side. I hear that Lievtenant Colonell Cunningham is a discreet man, for it's impossible for the old Governour to goe abroad at such a season. You surprize me in yo^r last that Major Forbes was but then arrived; he would needs have Hill's dispatches, because there wer som concessions in favoures of the garrison, about which he did pretend to be sent up. But I had written by the former post to Colonell Hill, so I hope he hath made provisiones on that side. And I sent him both a precept to himselfe and one hundred pounds sterl: for former furnishings and other provisions. These precepts were drawn on Barntoun, and these are ready money. To morrow wee fall upon the highland business. I do see that the particulars I did formerly mention will not be with you in time, therefore an order will be directed to my Lord Leven to deliver your granadoes, shovells, &c. that he hath in the Castle, and to receive the same quantitie when the ships come down. The orders may be with you by a flying paequet almost as this comes to yo^r hands, therefore I do intreat you to be providing what will be necessary for your expedition. You know in generall that these troops posted at Inverness and Inverlochy will be ordered to take in the house of Invergarry, and to destroy intirely the countrey of Lochaber, Lochiell's lands, Keppoch's, Glengaries, Appine and Glencoe. If there be any opposition, then the troops will need to joyne; if not, they may act separately, which will make the work the shorter. I assure you their power shall be full enough, and I hope the souldiers will not trouble the Government with prisoners. The slighting the offered mercy, and depending still upon foreign assistance, will justify all the severity can be used against these who can neither be obliged nor trusted. I well know these are cheated with hope of prolonging the diet, and having the benefite of the indemnity without taking the oathes, and more mercy still; but in all these they are deluded: and wee must make sure of them before they can get these supplies from France. These depend

upon it.* It's true, it's a rigide season for the souldiers to work, but it's the only time that they cannot escape you; for human constitution cannot endure to be now long out of houses. A few dayes will do all that's at present either necessary or possible, and I doubt not the King will reward your service to your satisfaction, and that wee may yet see you in March. I am, SIR,

Your most humble Servant,

Sic subtur. Jo. DALRYMPLE.

LETTER FROM LORD BASIL HAMILTON TO THE DUKE OF HAMILTON.

London, 9th Jan. 1692.

56. I know not if the news of the Highlanders taking the oaths will put a stop to the marching of the troops that were designed for that purpose; but I believe it will not, but that the orders for their campaign will still go on.

[Published by Sir John Dalrymple, Bart., Baron of Exchequer in Scotland, in his *Memoirs of Great Britain and Ireland*, in both editions, 1773 and 1790, Vol. III, App. p. 257, and p. 218, from the original in the possession of the Duke of Hamilton.]

TO SIR THOMAS LIVINGSTON.

SIR,

London, Jany. 9th, 1692.

57. I have yo^{rs} by the flying packet. I know very well those de-luded devills had advices from people that made them obstinately expect new diets and better termes without oathes. I have not yet had opportunity to see the King, but I tell you plainly, I do not see how new treaties or termes can be entered into, which may be only to preserve them till help can be hade. There are so many come in, which breaks the wicked bond and knot, that these who remain are not able to oppose, and their Chiftans being all papists, it's well the revenge falls there. For my part I could have wished the MckDonalds had not divided, and I am sorry that Keppoch and M'Kean of Glencoe are safe. If any body ex-

* In the quotation of this passage in the *Information for the Master of Stair*, the reading is, "these supplies from France they depend on," which seems the true one.—S.

pects favour at this time of day, it must, I think, in my opinion be, by rendering a prisoner at mercy, and at most of war, which may import security for life; whereas rebels may be taken, and after hanged. I would be as tender of blood or severities as any man, if I did not see the reputation of the Government in question upon slighted mercy, and the security of the nation in danger by these who have been obstinate to that degree, that if we believe them rationally, we must think they depend upon such assurances of help, that we can never oblige them even to their own advantages from this Government, and therefore it must make sure of them. But I think it just that powers be lodged with you, who I know will use them discreetly, and for the common well. I am very gladd that your health is better. I expect you will find little resistance but from the season, and I am sure if there had not been some encouragements given them neither from you nor me, there had not one man staid out, and you will find these who stand out will leave the country.* I see the attempting the Bass is not adviseable. I have account that Lochiell and M'Naughtoun, Appin and Glencoe, took the benefite of the indemnity at Inveraray, and Keppoch and others at Inverness. This alters the case, and makes the rest as little to be feared as they are to be trusted. There is an Enginjer to throw bombs sent down, though I believe you will not have need of them. My Lord Chancellour will assist you in any thing you have to do, as hiring a vessel, or the like; for I presume the King's business will not goe so backward hereafter, and I am sure I had fair characters of you from the Lord Chancellour. So, I do presume you are well. Since the writing of this I have been with the King. He sayes your instructions shall be dispatched on Munday, so, coming by a flying packet, they will be as soon almost as this. The troops are to goe first towards Invergarry, and to destroy all that country that hath not taken the benefite of the indemnity. Adieu.

* *Adieu* here in Woodrow's copy, MS. Advocate's Library, Edinburgh, Vol. ~~XXI~~, No. 40.—S.

N B. [The whole of this slip is, in the order found, copied from transcript in the collections of the family of Stair.—S.]

INSTRUCTIONS TO SIR THOMAS LIVINGSTOUN.

Sic Supra Scribitur, WILLIAM R.

Jan. 11.

58. 1. You are hereby ordered and authorized to march our troops, which are now posted at Inverlochy and Inverness, and to act against these Highland rebels who have not taken the benefite of our indemnity, by fire and sword, and all manner of hostility; to burn their houses, seiz or destroy their goods or cattell, plenishing or cloaths, and to cutt off the men. To that end, 2. You are to joyu the troops and divide them in parties, as you see cause or opposition. The troops at Inverness ly most conveniently to be employed against Glenmoriston and Glengary. The detachment of the Earle of Argile's regiment at Inverlochy, with what you see proper to send out of that garrison, and of the independent companies there may be employed to reduce the Isle of Sky and the Castle of Ilandonald; but these troops would require to be conveyed by water. You will understand these matters best upon the place, and wee do leave it to yo^r discretion. The Earle of Argile having legall right to Sr John Maclean's estate, and most part of that clan having already taken the oath of alledgiance, you are to act in relation to the Maccleans by the Earle of Argil's advice. 3. You are to endeavour to seize the house of Invergary, and to put a garrisone there. 4. That the rebels may not think themselues absolutely desperate, wee allow to [our] own powers to give tearmes and quarters; but wee are so convinced of the necessity of severity, and that they canot be reclaimed, that wee will not allow you to give any other tearmes to Chiftans, Heretors or Leaders, but to be prisoners of war, whereby their lives are safe; but for all other things they must render on mercy, and take the oath of alleadgance. If yeomen and comonalty be content to take the oath of alleagance, render their arnes on oath, and be content to take new tacks from the Governour of Inverlochy, or whom else wee shall appoint, of their possessions at the rental they presently pay, in that case wee do allow you to give them quarters and indemnities for their lives and fortunes. And it is our interest to protect them from the souldiers, or being plundered.

5. Wee have written to our Privy Councill to assist you, and to emit a proclamation, discharging to resett the rebels persons or goods. If any shall transgress this proclamation, you are to use the resetter as parties engaged with the rebels. 6. Wee have ordered Colonell Hill at Inverloch, and Baillie Duff at Inverness, to make provisiones for the subsistence and transport of necessaries to our troops; and what else you find needfull for carriage or otherwayes, Wee do impower you to call for assistance of Sheriffs, Justices of Peace, or other Magistrates. And in case you canot find that assistance that is necessary in an expedition, Wee do authorise you to command, or make use of, anything you find necessary for the troops, but with the greatest ease and tenderness to the cuntry that you can. 7. By our command, our Secretary hath written to severall Chiftanes to send some of their men with a fourtnight's provisiones to assist our troops, and engage them in the destruction of the rebels. You may call for them, or order them, as you see it fit. Given under our Royal hand and signet, at our Court of Kensington, the 11th day of January 169 $\frac{1}{2}$, and of our reign the 3d year.

Sic Subscribitur, W. R.

To S^r THO. LIVINGSTON.

Lond. Jan^y 11th, 1692.

59. I send you the King's instructions, super and subscribed by himselfe. I am confident you will see there are full power given in very plain termes, and yet the methods left very much to your own discretion. The [ten]nents are very much the same I signified in my last. I am convinced these people can not be gained to us of that firmness the King can trust them. And since they have so madly slighted his mercy, no body can complain of any hardships that can befall them. Their task is chiefly with Glengarries bounds, the Captain of clan Ronald and Glenmoristoun. It's necessary you own and give out that you have powers; but I think it were not fit now to give chiftans or heretors other termes, but render on mercy prisoners of war. I am much concerned for the poor comonalty. I do well know if nothing be done to disable them, they would joyn with their lairds and chiftans when ever

these appear. But on the other hand, considering what intire obedience these comons pay to their masters, it would be hard to take the legall advantage of them if they be willing to submit, take oathes, and deliver their armes, and take leases of their possessiones at or about the present rental. In that case, I think they should have some ease, and feell the advantage of having the King their master. These estates being disposed on for a perpetuall subsistence to the garrisones, it would pay the one halfe of the charge of the garrisones, which in time of peace would be necessary. There is one thing not so very clear in the instructions, what's to be done with these yeomen who have not taken the alleagance, and their laird or chiftan hath done it. I have no great kindness to Keppoch nor Glencoe, and it's well that their people are in mercy. The King hath allowed Lochiell to come up, his people are in the reach of the garison. I do intend to speak with the King on this point, how these tennants shall be allowed, at least such of them as are favourable, to take the oathes before you or the Governour of Inverlochty. I did remember the King to day, that you are now a twelue month a brigadier, and longer Comander in Chife of his fforces there, which must occasion you to be at greater expence, and yet you have no more but the Colonells pay. He said he would take care to have that mended, it could not be done by this post, but I shall not forget it. He hath signed his intentions to the Councell, and required them to assist you in everything. Just now, my Lord Argile tells me that Glenco hath not taken the oathes, at which I rejoyce, it's a great work of charity to be exact in rooting out that damnable sect,* the worst in all the Highlands. I think the people of Argile shire will have hard living, now that I fear they are at Inverlochty. If you think fit, for what I can guess, at that distance you will not need them, and it will be best to dismiss them, besides I belive their fourteen dayes provision will be spent. If you send the orders to my Lord Argile, he will take care to hasten their dispatch. I hope you will find little resistance at Invergarry before you can be there; it were fit to cause try; for there would be little need of carrying granadoes, petards, or other things, at least a small number, if there be no opposition to be expected there. It's necessary that it be

[S^{pt} in Abstract in the Stair collection, which seems the true reading.—S.]

well understood, that these who have submitted and taken the oathes are safe, least wee fright them altogether again; for that cause, Wee have given encouragement to Grubet to come hither. Sr, I shall make you no complements, but I hope you shall easily finish what you well began, and I assure you I shall not fail to report what you doe. Dr Sr Thomas, Adiev.

I have sent you an order from the King to E. Leven, for what you need out of the magazines.

Att Edinburgh, the sixteenth day of January, MD.C. Nyntie two years.

Sederunt—Lo. Chancellor, M. Douglass, E. Craufurd, E. Mortoune, E. Leven, Vis. Stair, Lo. Ruthven, Lo. Pollwarth, Mr of Burleugh, Lo. Aberurchill, Lo. ffuntainhall, Ld. Grant, Ld. Pollock, Ld. Steivensone, Ld. Leyes, Sr Tho. Livingstoun, The Provost of Ed^t.

LETTER FROM THE KING ANENT THE HIGHLAND REBELLS.

Suprascriptur, WILLIAM R.

1692, Jan. 11.

60. "Right trustie, &c., We greet you well. Whereas we have signified the outmost of mercy, gentlenes, and compassion to those Highlanders who have continued so long in open rebellione, whereof many of their leaders stand convicted by our Parliament, and condemned as traitours; now that all of them have refused the favourable and advantageous offers we made them, and severall of their chiftaines, and many of their clanns have not taken the benefite of our gracious indemnity. We doe consider it indispensable for the well of that our kingdome, to apply the necessary severities of law. To that end, we have given [command to] Sir Thomas Livingstoun to imploy our troops (which we have already conveniently posted) to cutt off these obstinate rebels, by all manner of hostility; and we doe requyre yow to give him your assistance and concurrence in all other things that may conduce to that service. And because these rebels, to avoyde our fforces, may withdraw themselves, their families, goods, or catle, to lurk or be concealed among their neighbours, Therefore we doe requyre and authorize yow to emitt a proclamacione, to be published at all the mercat crosses of these or the

adjacent shyres wher the rebells reside, discharging upon the highest penaltie the law allowes, any resett of correspondence or intercomuning with these rebells. Yow will know before these come to your hands who have taken the benefite of the indemnity, and are therby safe, and who have not, that the names of the leaders in particular, and their clanns and tennents in generall, who have been engaged and involved with them, may be expressed, That noe body through ignorance may be ensnared. And not doubting of your care in what may concerne the vigorous executione of this our service, we bidd yow heartilie farewell. Given at our Court at Kensingtoun, the eleventh day of January 169 $\frac{1}{2}$, and of our reigne the third year, by his Maties command. Sic Subscribitur,

JO. DALRYMPLE.

COMMITTEE ANENT THE ABOVE LETTER.

The Lords of their Maties Privie Councell having heard a letter from his Matie to their Lops. of the date the eleventh of January instant, red in their presence, They heirby nominat and appoynte the Earls of Craufurd and Leven, Lord Viscount Stairs, Lord Thesaurer Depute, Lo. Ruthven, Sir Thomas Livingstoune, Commander in Cheiff of their Maties forces within this kingdome, Lord Aberurchill, one of the Senators of the Colledge of Justice, Sir Robert Sinclar of Steivensone, and Sir John Maxuell of Pollock, to be a committie for considering the said letter, and how the heids and poynts therof may be with all expeditione obeyed and fullfilled. And recommends to the said committie to prepare a proclamatione, in the tearmes and to the ends mentioned in the said letter; and declares any fyve of the said committie to be a quorum; and recommends to them to meet on Munday next, at ten of the clock in the forenoon, and to report to the Councell at their nixt dyett of meeting. And recommends to the said committie to consider what course is to be taken for the money alleadged, robbed from the Quarter master to the Earle of Argyls regiment,* and how that money shall be made up to the said regiment, and they supplied for their Majesties present service, being about four hundreth pounds sterline.

(Copied from the Record of the Privy Council.)

* [From Minute of Privy Council, 2d February, 1692, it appears that this robbery was perpetrated betwixt Linlythgow and Falkirk.—S.]

FOLLOWES THE ADDITIONALL INSTRUCTIONES.

Sic Suprascribitur, WILLIAM R.

[1692, Jan. 16.]

ADDITIONALL INSTRUCTIONES FOR SIR THOMAS LIVINGSTOUN.

61. The copy of that paper given in by Mckdonald of Auchterau to Colonell Hill hath been shoven to us. Wee did formerly grant passes to Buchan and Canon, and Wee do authorise and allow you to grant passes to them, and for ten servants to each of them, to come freely and safely to Leith, from that to be transported to the Netherlands before the day of March next, to goe from thence where they please, without any stop or trouble. 2. Wee allow you to receive the submissions of Glengary and these with him, upon their taking the oath of allegiance and delivering up the house of Invergary, to be safe as to their lives, but as to their estates they must depend upon our mercy. 3. Incase you find that the house of Invergary cannot probably be taken in this season of the year, with the artillery and other provisiones that you can bring there, in that case Wee leave it to your discretion to give Glengary the assurance of intire indemnity for life and fortune, upon the delivering of his house and arnes, and taking the oath of allegiance. In this you are allowed to act as you find the circumstance of the affair doth require; but it were much better that these who have not taken the benefite of our indemnity in the tearmes, and within the dyet prefixed by our proclamation, they should be obliged to render upon mercy. And the taking of the oath of allegiance is indispensable, others having already taken it. 4. If M^cKean of Glencoe, and that tribe, can be well separated from the rest, it will be a proper vindication of the publick justice to extirpate that sect* of thieves.

The double of these instructiones are only comunicated to Colonell Hill.

Jan^y 16th, 1692.†

Sic Subtur. W. R.

* [Sept? This reading, which has the intrinsic recommendation of common sense, is confirmed by the abstract of the Master of Stair's letters in the Stair collection. See p. 4, l. 18, of the abstract, as given in this collection.—S.]

† [The Commissioners of Inquiry into the slaughter of the Glenco-men, state, in their Report, 20th June 1695, that the date of the additional instructions is "marked by Secretary Stair's hand,"—S.]

TO S^r THO. LIVINGSTON.

SIR,

London, 16 Janr. 1692.

62. By this flying pacquet I send you further instructions concerning the propositions by Glengary, none know what they are but only Colonel Hill; incase you had not been upon the place, the same powers and instructions are given to him. The King does not at all incline to receive any after the diet, but on mercy, nor will he alter the termes of indemnity, for that's to make people alwayes dog* and hope for better termes than these get who obeyed and came in within the day and in the termes, which were not right, therefore that's left intirely to yo^r discretion, according to the circumstances, for, if the lairds houses can be taken in, it's better than all the toile, these estates being made a perpetuall fond to defray the expence of the garrisons that must be kept there, and the comons being all in mercy, must take tacks of the Governour, and should find ease and advantage, of what they payed to their lairds. But in this, no doubt, you will do what you find most convenient, but by no means leave any thing standing out that may encourage or invite the French to send hither succours in the spring or summer. But, for a just example of vengeance, I intreat that the thieving tribe in Glenco may be rooted out in earnest. I have sent down John Atkin's comission, and the rest of the officers. Let me know whether you would have me expedite your comission as a brigadier of the army in generall, or if you would rather want it till the end of this expedition; that I hope your success shall be such as may incline the King to give you a further advancement. Dear S^r Tho. Farewell.

TO COLL. HILL.

SIR,

London, Jary 16th, 92.

63. I had three of yo^rs about one time, to the last, with anterior^t proposalls, you have the King's instructiones, which are directed to you

* ["Dodge," in *Information for the Master of Stair*, quoting this passage.—S]

† *Achterraus* in abstract of the letter; and in MS. copy by Wodrow, in Advocates' Library, Edinburgh, Vol. XVI, No. 40, it is "*Auchterraus*." See additional instructions to Sir Thomas Livingstoun, at the beginning of which it is said, "A copy of that paper given in by Mckdonald of Auchterau to Colonel Hill hath been shown to us."

and to Sr Thomas Livingstoun. I know yo^r sentiments will be the same, but none else doth, or should know what powers the King hath given you. In short, rather than be baffled, and after the hardship the troops must suffer, not to tarry. It's adviseable to abate something that's otherwayes proper. It wer to be desired, that these who have stood out till the diet is elapsed, might be made examples of* their folly, and that they should not have the same termes, or better than these who within the time did obey the proclamation. And these rebels estates being made a perpetuall fford to defray some part of the charge of the garrisons, they were better employed than ever mercy would engaged these Highlanders. But I am not for punctilioes to indanger a disgrace to the King's troops, nor yet to force these people into a desperate resolution who are on the way to yield; but if it can be safely done, then they ought to render on mercy, who have so long been obstinate. I shall intreat you, that for a just vengeance and publick example, the theeving tribe of Glencoe may be rooted out to purpose. The Earles of Argile and Broadalban have promised they shall have no retreat in their bounds. The passes to Rannoch would be secured, and the hazard certified to the laird of Weem to *retreat*† them. In that case, Argile's detachment, with a party that may be posted in Island Stacker, must cutt them off, and the people of Appine, *or some of the least*.‡ I am, SIR,

Your very humble Servant,

Sic Subtur. JO. DALRYMPLE.,

[At Edinburgh, 16 Jan. 1692.]

LETTER FROM THE MARQUES OF ATHOLL ANENT A COMPANY OF MEN.

64. A letter from the Marques of Athole to Sir Thomas Livingstoune, acquainting him that his Lordship hes in readiness ane hundred men for his Maties service, upon the Master of Stairs letter, (but that none of his neighbours, tho requyred to provyde the lyke number, have any at all ready,) being presented by Sir Thomas Livingstoune, and red at the

* ["for," in quotation in *the Information for the Master of Stair.*—S.]

† *reset?*

‡ [*are none of the best?* This is the reading in R. Bragg's edition of the Report of the Commission of Inquiry.—S.]

board, the Counsell declyned to medle in that matter, as having neither received any advertisement nor instructions from the Kings Matie anent these companies.

(Copied from the Record of the Privy Council.)

[Address decayed, but seems to be to Coll. Hamilton at Fort William.]

Edr 18th Jary 92.

65. [I have sent?]* orders to Colonell Hill to fall upon all such rebels as have not taken the benefite of his Ma^{ts} [indemnity?] and because you must be the principall actor in it, so I do particularly recomend to you to [] is possible, if any of such as hath not taken the oathes can be reached, but I do apprehend that []m has taken it. I am going to Inverness, from whence I shall strive to send you further [orders? in?] case there should be necessity for the troops of Inverness and Inverlochy to joyn. I remain, [S]r, your most humble Servant,

T. LIVINGSTOUN.

At Edinburgh, 26 Jan. 1692.

66. The Lords of their Maties Privy Councell doe recommend to the Earle of Leven and the Lord Ruthven, to speake with the Earle of Seaforth, that he may deale with Mr. Colin M'Kenzie his uncle, to delyver up for their Majesties service the house of Island-Donald, to the possession q^rof his said uncle and some of his followers is lately entered, and that in respect this house belongs to the Earle himself.

(Copied from the Record of the Privy Council.)

TO COLL. HAMILTON AT FORT WILLIAM.

SIR,

Edr 23^d Jary. 92.

67. Since my last I understand that the Laird of Glenco, coming after the prefixed time, was not admitted to take the oath, which is very good news here, being that at Court it's wished he had not taken it, so that that [th]eiving nest might be intirely rooted out; for the Secretary in

* [See next letter, p. 26.—S.]

three of his last letters hath made mention of him, and it is known at Court he has not taken it. So Sir, here is a fair occasion for you to show that yo^r garrison serves for some use; and being* that the orders are so positive from Court to me not to spare [a]n[y] of them that have not timely come in, as you may by the orders I sent to your Col. I desire you would begin with Glenco, and spair nothing which belongs to him, but do not trouble the Government with prisoners. I shall expect to hear what progress you have made in this, and remain, SIR,

Your humble Servant,

T. LIVINGSTON.

TO SIR THO. LIVINGSTOUN.

SIR,

London, 30 Jany. 92.

68. I am very glade you find the Highlanders in the disposition you write of, that the house of Glengarry will be delivered. I wrote to you formerly, both as to Iland Donald and the Bass, to make use of the circumstances their consternation, and the necessity of passes to Buchan and Canon, to oblige them, in consideration of their geting themselues and followers off, to cause these places to be rendered. But in these you can only be advised, and will be left to prosecute them as the state of affaires will allow. And I doubt not you will not be wanting to do this, which is so very usefull to their Maties and our nation, that I dare say you will find yo^r own accompt in procuring us to be free of these two places continuing in the hands of rebels, especially the last; for though it's of little reall value, yet it's like a mote in our ey, it makes more trouble and disorder than any prejudice or danger. I doubt not you have comunicated these particulars to Colonell Hill, that he be not too far engaged with his nighbours in treaties before he hear of the rendering of these two places, which were forgote in yo^r instructions. I easily see [the] meaning of the note written with his hand and inclosed to you. It's his notion how the English frigats that are there now migh[t] seem enemies by a simulate fight, and disabling the English, that frigate which would be beleived to be French, might land as many men under that notion as might be masters of the garison. I wish from my heart some

* *Scing?*

thing were attempted with the frigate, then perhaps it might succeed, and there could be no loss. It will always prove the longer the worse to be retrieved, and it's folly to expect these shall want provisions, or not be supplied with amunition, or what else they want. One thing I am sure, it's easy to reach that great boat they have lately gotten, which cannot be hailed up by the crane, and all the boats that they can put up without reach are but small, that can hold no such numbers of men as may either fright the coasts or infest the trade. For what concerns yo^r selfe I do refer you to yo^r agent, whom I have called, and have given him these directions I think necessary for yo^r affair, of which you need have no doubt, either as to the date of yo^r commissions, or a present order for yo^r last years arrears of yo^r brigadiers pay. Dear Sr Thomas, farewell.

I am glade that Glenco did not come in within the time prescribed. I hope what's done they may be in earnest, since the rest are not in the condition to draw together to help. I think to herry their cattle or burn their houses is but to render them desperate, lawless men, to robb their neighbours; but I belive you will be satisfied it were a great advantage to the nation that thieving tribe were rooted out and cutt off. It must be quietly done, otherwise they will make shift for both the men and their cattle. Argil's detachment lyes in *Keppoch well** to assist the garison to do all on a suddain.

TO COLL. HILL.

SIR,

London, 30 Jan^y 1692.

69. Yours of the 14th instant I have shown to the King. I am glade matters they† are in so good disposition, and I doubt not you will, as the circumstances allow, make the best of them that may be there far at distance.‡ You cannot receive further directions than what you have had under the King's hand, which I doubt not are long since with you;

* [*Letrickweel* in printed Report, R. Bragg's edition, London, 1703. *Lepprick well* in abstract of this letter in the Stair collection.—S.]

† [there?]

‡ ["*Therefore at a distance*," is the true reading, as appears from the quotation of the passage in the paper, 28th July 1695, titled "*Information for the Master of Stair*."—S.]

only I was ordered to write both to you and Sir Thomas Livingstoun, to endeavour to get Buchan and Canon to order the rendering up of the Bass and Island Donald, for the passes and liberty to these, with them to be gone, who are in the mercy of law upon that account. Only I am sorry for what you write in yo^r postscript, that two ships were said to be come to Island Donald to transport them, for though I wish they were gone, yet if their going depends upon themselues, then I do not believe they shall be so earnest to get these forts delivered, and it's mightily their Mats interest and the kingdoms, that they were in the hands of these who own their Government. I intreat you be as earnest in the matter as you can, for it's disgracefull to want the Bass, and I see no appearance for reducing it; the time when the garrison was but seven or eight, it was easy, but now without a stratagem it's hardly possible. Pray, when any thing concerning Glenco is resolved, let it be secret and suddain, otherwayes the men will shift you, and better not meddle with them than not to do it to purpose, to cutt off that nest of robbers who have fallen in the merey of law now when ther is force and opportunity, wherby the King's justice will be as conspicuous and usefull as his clemeny to others. I apprehend the storme is so great, that for sometime you can do little, but so soon as possible I know you will be at work, for these false people will do nothing, but as they see you in condition to do with them. M^rLean hath written to some here in tolerable discreet termes, but he hath been miserably abused to delay his opportunity, and it was dispersed that he would have some body here, or ventured himselfe. But I am convinced ther's no security in the pack, they play fast and louse as they find themselues pressed; therefore all I shall say, to get their houses and strengths is better than any thing else of assurance wee can have from them, but the oaths are indispensable. Deale with them as you find their consternation and the circumstances allows you, but by all means be quick, that nothing remain till the sumer, that they can have help, till wee see what's done by the *

It's not time to receive their tennents, or adminting them to take the oaths, or hoping for pardon, till they give evidence that they are willing to pay their rents to you, and take tacks for their former duties; who

* [Blank in Transumpt.]

will not do so, and were in rebellion, must find the dismall consequences of it. Obedience to their laird must not defend their disobedience to the law. I am, SIR,

Your very humble Servant,

Sic Subtur. JO. DALRYMPLE.

I consider the captain of clan Ronald is a child. If it were not for his religion that may incline him never to be true to this government. If he do render friendly to the King, it were fit to breed him, and not in the least harme done him. In generall, make the best you can, but by any meanes settle all one way or other.

FOR HIS MAJESTIES SERVICE, TO CAPTAIN ROBERT CAMPBELL OF GLENLYON.*

SIR,

[1692, Feb. 12.]

70. Yow are herby ordered to fall upon the rebells, the M'Donalds of Glenco, and to putt all to the sword under 70. You are to have a special care that the old fox and his sones doe not escape your hands. Yow are to secure all the avenues, that no man escape. This you are to putt in execution at fyve of the clock precisly. And by that time, or very shortly after it, I will strive to be at yow with a stronger party. If I do not come to yow at fyve, you are not to tarry for me, butt to fall ou. This is by the King's speciall commands, for the good and safety of the countrey, that these miscreants be cutt off root and branch. So that this be put in executione without feed or favour, as yow may expect to be dealt with as one not true to King nor countrey, nor a man fitt to carry commission in the King's service. Expecting ye will not faill in the fullfilling herof, as yow love yourselfe, I subscrivye this with my hand at Ballacholis, 12 februry, 1692.

ROBERT DUNCANSON.

[First printed in 1692. A copy occurs in Wodrow's Manuscript Collections, Advocates' Library, Edinburgh, Vol. ~~XVI~~, No. 40, in Wodrow's handwrit, as would seem.—S.]

* This letter forms no part of the evidence before the Commission of Inquiry, 20th June 1695; and the Parliament, 8th July following, complain of the lack of evidence, so far as Major Duncanson is concerned. Its authenticity, therefore, must be decided by its contents, not by external proof.—S.

FOR THEIR MATIES SERVICE, TO CAPTAIN ROB. CAMPBELL OF GLENLYON.

(*From Paper in General Register House, Edinr.*)

1692, Feb. 12.

71. Yow are hereby ordered to fall upon ye M'Donnalds of Glencoe, and putt all to ye sword under seventy. You are to have a special care that the old fox and his sone doe on no acc^t escape yo^r hands. Yow're to secure all the avenues that none escape; this yow are to put in execution at 5 a cloack precisly, and by that time, or verie shortly efter it, I'll strive to be at yow w^t a stronger party. If I do not come to yow at 5, yow are not to tarie for me, but to fall on. This by the Kings speciall co[mmand], for ye good and saftie of the countrie, that the [miscrean]ts be cutt of, root and branch; see that this be put in ex[ecution with]out fead or favor, else yow may expect to be def[alt] with as o[ne] not true to [King no]r countrie, nor a man fitt to carie a c[ommissi]on in ye Kings service. Expecting yow will not fail in fulfilling hereof as yow love yo^r selfe, I subscribe this w^t my hand at Ballechillis, feb. 12, 1692. Sic sub.

ROBERT DUNCANSON.

[In dorso] A true coppie of Major Duncansons orders to Robert, Captaine Glenlyon.—12 feb. 1692.

TO LIEUT. COLL. JA. HAMILTON.

SIR,

Feb^y 12th, 1692.

72. You are with four hundred of my regiment, and the four hundred of my Lord Argil's regiment, under the command of Major Duncanson, to march straight to Glenco, and there put in due execution the orders you have received from the Commander-in-Chiefe. Given under my hand at Fort William, the 12th Febr^y. 1692.

Sic Subtur. Jo. HILL.

FOR THEIR MAJESTIES SERVICE, FOR MAJOR ROBERT DUNCANSON OF THE
EARL OF ARGYLE'S REGIMENT.

SIR,

Fort William, 12 Febr. 16(9)2.

73. Pursuant to the Commander-in-Chiefe, and my Colonell's orders to me for putting in executio[n the service*] against the rebels of Glenco, wherein you with that party of the Earle of Argil[c's regiment now] under your comand, are to be concerned. You are therefore to order yo^r aff[airs] so [that you be at] the severall posts assigned you by seven of the clock to-morrow morning, being [Saturday, and fall in action] with them, at which time I will endeavour to be with the party from this place, [at the post appointed] them. It will be necessary the avenues, minded by Lievt. Campbell on the south side, † [be secured,] that the old fox nor none of his cubs get away. The orders are that none be spared, ‡ [nor the government] troubled with prisoners, which is all I have to say to you [till] then. SIR, your humble [S]er[vant.]

[Subscription worm eaten, but is JAMES HAMILTON.]]

[Please to order a guard to secure the ferry, and the boats there; and the boats must be all on this side the ferry, after your men are over.]

TO COLL. HAMILTON.

SIR,

Edr. 26 Febr. 91 (??)

74. I received yo^{rs} of the 18th, wherein you give me an account that you have taken some Lochaber men prisoners, (I do wholly approve of

* [The blanks made by the worm are filled up from the extract made by the Commission to inquire into the slaughter of Glenco, dated 20th June, 1695, and partly from the Pamphlet entitled "Gallienus Redivivus."—S.]

† [Gallienus Redivivus says "those avenues on the south side," and omits the words "minded by Lievt. Campbell." See note at bottom of page.]

‡ [Gallienus Redivivus has here the words, "from 70 of the sword."]

|| [This letter is giveo in a Pamphlet, anonymous in regard to Author, Editor, Publisher, and Printer, printed at Edinburgh in 1695, and entitled "Gallienus Redivivus, or murder will out, &c.," being a true account of the De-Witting of Glencoe, Gaffney, &c.;" and from this, in default of a better authority, it is ventured to add the postscript. The signature, and the address, as given by the Pamphlet, are confirmed by the Report of the Commissioners for inquiring into the slaughter of the men of Glencoe, dated 20th June, 1695, and which quotes the greater part of the letter, as written by Lieutenant Colonel Hamilton to Major Duncanson. The Pamphlet dates the letter at "Ballacholis," instead of Fort William. Of this Pamphlet there are two editions, both printed at Edinburgh in 1695; which assert that the letter, in which Lt. Col. Hamilton's, and one to Campbell of Glenlyon from Major Duncanson, of same date, are given, was originally printed in 1692.—S.]

yo^r conduct in that business,) only I must say it was a mistake that these villaines were not shot in the place where they were found; being (seeing?) that the taking of them is but a burden to the government, and at last they either break out, or are set at liberty, so that if you form any more parties, which freely you may do, if you find good occasion, let no prisoners be brought in, but let them be dispatched in the place where they are found, for such robbers and thieves are not to be treated as regular enemies. SIR,

Your humble Servant,

THO. LIVINGSTON.

[NOTE.—Mr. Stirling marks this letter 1692, but from its contents it would rather seem to belong to 1691. It is not likely that the Commander-in-Chief would have expressed himself so strongly about prisoners so soon after the affair of Glencoe: but in obedience to Mr. Stirling's arrangement, it is placed in 1692.—ED.]

SIR JOHN DALRYMPLE TO COLL. HILL.

London, March 5th 1692.

75. I have the account both from you and yo^r Lievtenant Colonell of the affair of Glenco. There is much talk of it here, that they are murdered in their beds after they had taken the allegiance; for the last I know nothing of it. I am sure neither you nor any body impowered to treat or give indemnity did give him the oath, and to take it from any body else after the diet elapsed did import nothing. All I regrate is, that any of the sect* got away, and there is necessity to prosecute them to the utmost. If they could goe out of the countrey, I could wish they were let slip, but they can never do good there. Appin, who I believe is the heretor, should have encouragement to plant that place with other people than M'Donalds. I had yo^r letter signifying that you have no pay as Governour, which I did communicate to the King, but it was so near his going that he had no time to help you. When I goe over, I'll mind him again. I told him that you had spared some of the 100 lb. ster^l, but that you were in arrear some expence in getting intelligence, that superplus must reimburse you, and be a stock for what's still necessary to be done in that matter. I have written, by the King's order, to

* [Sept?]

the Chancellour, that a signature may be drawn by the King's Advocate concerted in Councill, and sent over to the King, for erecting of the jurisdiction you desire, and the burgh, not only of the former lands, but for what more shall be thought fit, as Glenco, Keppoch, and the Brae of Lochaber, which I believe were not formerly included. The necessity of mony is like to oblige the King to use the 12000 lb. sterl. which was designed for the Highlanders, and they did wisely slight, whereby Lochiell is not like to get so much as he did hope for. This may occasion them to meet again. In my opinion they should have been diversly used, and it will be necessary that you entertain all the misunderstanding amongst [them] that's possible. I know well that the garrisons will keep them fast and in aw, if they get no help. But I do not desire they should be in that good correspondence that France can venture any thing upon them. I did once hope to have gote good termes to Sir John M'Lean, with Argile's consent, but the strait of money spoils all. That clan was never a robbing, thieving people, nor ever deserved ill at the hands of its countrey. I wish there could be some paines taken to make Sir John goe over to fflanders and throw himselfe on the King. I'll introduce him, and I doubt not his business might be done, but to treat with him better than others who have formerly submited, were dishonourable in the termes he now stands. But if he came to offer himselfe to serve the King in the camp, he would find friends. If he is resolved to be a protestant, he will follow this course. If he hold in that way I know he was advised to, hee'll ruin his family. When Lochiell comes down you will have yo^r eye upon him, for disappointment may induce him to turne about again, which he was never so slow to do as lately, when he had too much encouragement. The King hath allowed Captⁿ Stuart to make the Campaign in fflanders, without prejudice to his being Captain there. He says you are kind to him, for which I heartily thank you. I hope he shall prove a very good souldier. I am, SIR,

Your very humble Servant,

Sic Subtur. Jo. DALRYMPLE.

ACT ANENT PASSES TO CANNAN AND BUCHAN.*

At Edinburgh, 22 Mar. 1692.

76. The Lords of there Majestyes Privie Councill haveing considered a representatione made to them be Sir James Leslie, Commander in Cheiff of there Majestyes fforces within the kingdome for the tyme, that Collonell Hill hes granted passes to Generalls Majors Buchan and Cannane for themselves, and ten officers for each of them, and servants, according to there resp'ive passes. And that by the private instructiounes left be Sir Thomas Livingstoun with Sir James, he does not find that Colonell Hill had power to grant more then tuentie servants. And that Sir James haveing made applicatioun to the Maister of Stair, one of the prin^{ll} Secretaryes of State for this kingdome, the Maisters ansuer seems to be dubious, and does not clear Sir James. And therefore, Humbly craveing the Councils positive orders how he is to behave in this affair. And the saids Lords of Councill haveing called for and spoke with the said Sir James, who produced to them the generall passes granted be Colonell Hill to the saids Generalls Majors Buchan and Cannan, and also some passes granted to particular officers, and haveing considered the saids passes, which were imediatly taken up by the said Sir James, the saids Lords of there Majestyes Privie Councill doe hereby declare that the hail passes granted by Colonell Hill, aither to the saids Majors Generalls, or to the particular officers, are all to be made effectuell to the persones in whose favours they are granted. And that the said Sir James Leslie is to grant passes to the same persones, and in the same termes with the passes granted by Colonell Hill, in order to these persones, there transportatione from this kingdome to the port of Haverdegrass in ffrance.

*(Copied from the Record of the Privy Council.)**At Edin. 22 March, 1692.*

77. The Lords of there Majestyes Privie Councill being informed by the laird of Grant, one of there oune number, that some persones who were latelie in rebellione in the highlands with Majors Generalls Buchan and

* Officers in the Service of King James.—Ed.

Cannan, and who are comprehended in the capitulatione made with these persones. By the termes of which capitulatione they are all to be transported abroad over seas, are desyrous rather to remain at home in this countrey, if the Councill will allow them; and because these persones are not clear to swear the publict oathes. Therefor they are content to find sufficient surety for there peaceable behaviour and appearance when called for, under such penaltyes as the Councill shall think fitt. The saids Lords of Privie Councill doe hereby declare, that they will allow such persones to remaine at home within this kingdome, upon there finding sufficient cautione, acted in the books of Privie Councill, under such penaltyes as the Councill shall appoint. That they shall live peaceable under the government of there Majestyes King William and Queen Mary. And that they shall not act, consult, nor contryve any thing in prejudice thereof. And that they shall not converse with rebels, and shall appear when ever called for, each of the persones forsaids being obleidged first to make particular applicationes to the Lords of Privy Council, by petitiones, for obtaining the forsaid favour, before the same be granted.

(Copied from the Record of the Privy Council.)

1692, Mar. 23.

78. The Lords of th^r Maties Privy Councill doe hereby recomend to the Lord High Chancellour, to signe a pass in there name, for the ship, coalls, and baggage therein, skipper and ships crew, which are to transport Major Generall Buchan and Major Generall Cannane, and these allowed to goe alongst with them, for their passadge from Leith to the port of Haverdegrace in ffrance, conforme to there particular passes, and appoints the Councill Seal to be thereto appended. Sic Subscritur, Douglas, Lothian, Leven, Stair, Jo. Lauder, Pat. Murray, W. Anstruther.

(Copied from the Record of Privy Council.)

MEMORIALL TO THE KING.

A.D. 1692, before 26 Apr.

79. Thers nothing can contribut mor to the reputation and security of ther May^{ty}s government, then the rewarding and advancing such as ar

true, and ar knouen to go upon the sam interest w^t the government, and the making proper examples of justice. Som of the most irreclammable familys that stand upon a foot oposit to the nation, as weill as ther Majestys, the D. of Gordons family is the head of the papists in Scotland, and hath alwys bein considered so. The E. of Seaforth hath turned papist, and both thes ar great familys, the leaders of clans, vassalls, and followers. If the law be allowed to have its cours against them, the process of treason, now depending, will doub[t]less reach to forfaultour; and if ther wer competent allowancees given to them and ther ladys, ther male childring takin and educat protestant, if the King did bestow ther estats upon them, it wer no hardship to disobleg the clans, bot an incredible advantage to that nation to hav thes family[s] protestant; for at any tim, a papist in Scotland, wher the laws ar so strik, must be an incongruous member, and in this reing its impossible a papist can be a good subject.

It appears usfull that the E. of Drumferlen, who hath bein alwys in armes, and still continows in Franc, his estat should be disposed upon the Viscount of Dundys and the captan of clan Ronald[s].* Dundy was a great tool in the last rengns for derecting the severitys of that tim, and the captan of clan Ronald having so treacherously gon to Franc. If the rest of the highlanders, who are uneasy for the disappointment of the mony, be not convincit that he hath rwined himself by that cours, they ar too likly to try it after him; therfor its proposed that the E. of Dumferlens estat in Murray shir, which is about six or seven hundreth pounds ster. be givin to the Lord Rae, the M'Kays bein all veill inclin'd to the goverment, besids the merit of Lifte. G. M'Kay, and they hav, w^t out reward, appeard severall tims in armes, in conjunction w^t ther Ma^ys forces, when they wer in greatest difficultys, and they particularly obliged my Lord Seaforth to render himself. Colonell Æneas M'Kay, who is uncle and tutor to my Lord Rae, and who formerly brought out the M'Kays, offers to bring a full battalion of foot, weill armed, any time of ther May^ys reing, on ther oun charges, to any place of that kingdom they shall be required. Its proposed that the E. of

* The meaning seems to be, that the Viscount of Dundee's estate, and that of the Captain of Clanronnald, should, as well as that of the Earl of Dunfermlin, be given away in the manner aftermentioned.—S.

Dinfermlins estat in Aberdeen shir, which may be about the sam value. sex or seven hundreth lbs ster. may be given to my Lord Forbess, who will bring tuo hundreth horse to ther May^{ty}s service any tim they shall be required. Thes tuo clans ar both weill affected to ther Majesty service, and ther cheiftans ar so low in ther fortunes, tho ther followings and freinds be considerable, that its proper for the government to support them.

The M'Leans has alwys deserved weill of ther country, never bein a robbing clan, and off the croun hes on all occasions appeared eminently for the Kings and country, and particularly against Cromwell at Innerkething. The laird of M'Clean, and a regiment of his name and followers uer wtyrly killed in ther ranks as they stood in battale. S^r John M'Cleans estat is wholly evedted by the Earle of Argyl, who hath unfavorable bot legall titles to it; therfor if the King wold preserv that family, thers no other way so feasible as to get the captan of Clanronald estat to M'Lean, except 150 punds ster. yearly, to be payd to the governour of Innerlochey for himself and keeping the fort in repair; by this means, both a considerable sept of that dangerous clan of M'Donald, wherof the yeomans ar as weill papists as the heritors and chiftan, and ther no other yeomans in Scotland so bot Ly^{tg}oys.* This must fix S^r John M'Clean to the interest of the government, and make him concerned against any revolution. The only difficulty is that the M'Donalds ar mor then thrice so strong as the M'Cleans, and so they wold not be able to defend themselves in the possession of ther captan of Glen Ronnalds estat, wheras Argyl is able to reduce them, and take the captans estat in stead of S^r John M'Cleans; either of thes ways wold preserv the M'Cleans, and root out the Macdonalds of Clanronald, which is in the middle of the other Lopls, and will bring them all low. M'Clean, in this caice, is willing to giv all the assurance he can, that he shall alwys ansuer ther Majestys call w^t a full battalione of weill armed good men, bot ther [is] not so great assurance heir as of the M'Kays and Forbesses; together thes make a thousand good foot and tuo hundreth horse, which wold be a great assistance to ther Majestys standing forces, sufficient to suppress any truble in Scotland, and capable to make a good body of

* Lithgows?—Ed.

men in caice of any invasion, which probably can not be great. Scotland lying so far from Franc, and ther foir no subsistanc for any horses in the hylands, bot only on grass in the months of July and August, this number of men is off mor importanc then any thing that's maid of thes estats, which will be exhausted by pretended debts, janitors and chamberlands fees; and its believed ther was not fyv hundreth lbs. maid of them thes four years, tho they stand all forfaulted in parl. abon tuo years, and wer sequestrat tuo years befor. The Viscount of Dundys estat lyes in the low countrys, wher numbers [of] men can not be expected, it could be disposed on to som person of quality or interest, that could keep whatever Scots men the King pleases to raise in his armys, may gett it whither brigadeir Rams[ay],* who is neerly related to the old family of dundy, or any other the King pleases, for in that shyr of Angus he hath not many freinds. The estat is about six or seven hundreth punds yearly, towards the on half is lifrented by the Viscontess.

[N.B.—It is seemingly this paper which contains what Secretary Stair, in his letter to Colonel Hill, dated 30th April, 1692, calls “an insinuation for Sir John MacLean.” From the proposal of £150 sterling a year to the Governor of Innerlochy, a presumption arises, that Hill, then the Governor, had some hand in the memorial, and at least furnished some of the materials.—S]

WARRANT [OF PRIVY COUNCIL] FOR A PASSPORT TO THE LAIRD OF M^CLEAN.

At Edin. 1692, Apr. 26.

80. The Lords of there Majestyes Privie Councill being informed by the Earle of Argyle, that Sir John M^CLean of that ilk hes, by a letter signified to his Lop. if the Councill will grant him a passport to goe for fflanders or England, that he may throw himself at his Majestyes feet, he will consigne all the houses upon his ground and under his comand, which have been or are kept out against there Majestyes, for his Ma-

* Ramsay? [The honorable George Ramsay, 2d son of George, 2d Earl of Dalhousie, was nephew of Lady Margaret Ramsay, 2d daughter of the 1st Earl of Dalhousie, and who married John, 1st Earl of Dundee. In 1690, after the battle of Valcour, he was made a Brigadier, and Colonel of the Scots regiment of guards. In 1693, after the battle of Lardin, he was made Major General. The facts of Ramsay's being Brigadier in 1692, and his promotion to the rank of Major General in 1693, and the warrant of the Scottish Privy Council for a passport to the laird of Maclean, 26th April, 1692, seem to authorize the year 1692 as the date of this paper.—S.]

jestyes service, and willingly performe all such things as his Matie requires the Earle of Argyll, by force, to bring him to. The saids Lords of Privie Councill appoints a passport to be granted to the said laird of M'Lean to the effect forsaid, and the same to be committed to the Earle of Argyll, to be by his Lop. delyvered to M'Lean. The said laird of M'Lean first consigneing the forsaid houses for his Majestyes service, and lykewayes performeing all things which his Majesty hes ordained the said Earle, by force, to reduce him to the performance of. And the Earle is to delyver the passport upon no other termes.

(Copied from the Record of Privy Council.)

At Edinburgh, 1692, Apr. 28.

81. The Lords of there Majestyes Privie Councill haveing received a letter from Captain M'Kay, captain of ane independent company lyeing in the garisone at the Castle of Island Donald, compleaning of the badd condition of that house, and desyreing the same may be put in better case now when the sease is good, they recomend to the Earle of Linlythgow and the Maister of fforbes to meet with the Earle of Sieforth, and speak with him anent the repairing of the forsaid house, whereof his Lordship is propriator. And to hear what complaints his Lop. hes to make of any illegall impositiones or exactiones done be the comandars of the said garisone upon his vassells and tennents. And to report the same to the Councill.

(Copied from the Record of Privy Council.)

At Edinburgh, 3 Maij, 1692.

Sederunt—Lord Chancellour, Marq^s Douglas, E. Linlithgow, E. Lothian, E. Leven, E. fforfar, Visc. Stair, Lop. Raith, Lop. Cardross, Lop. Polwarth, Mr. of fforbes, Sir Patrick Murray.

REMITT TO COLONELL HILL ANENT GLENCOE-MEN.

82. The Lords of there Majestyes Privie Councill being informed that sundrie louse and broken men, inhabitants of the countrie of Glencoe,

and others joyneing them, have drawn together for makeing heirships and disturbing the peace of the kingdome. And that they have signified to Colonell Hill, Governour of ffort William, there willingness to submit to there Majestyes mercie, and live peaceable, if protectione and assureance were granted to them. Have therefore thought fitt hereby to impower and requyre the said Colonell Hill to grant assureance to these persones, aither in generall or particularly off all security to there persones, lands, and goods, and a cessatione of all acts of hostility, trouble, ou molestation to them, upon the accompt of there haveing been in armes and rebellion againest their Majestyes. And to take what security he shall think meet for there liveing peaceable untill his Majestie signifie his pleasure therein. And the samen be intimate to them, ffor which this shall be to the said Colonell Hill a sufficient warrand. Sic Subscribitur, Tweeddale, Cancel: Douglas, Linlithgow, Lothian, Leven, Forfar, Stair, Raith, Cardross, Polwarth, Willi, Mr. of fforbes, Patrick Murray.

(Copied from the Record of Privy Council.)

SECOND NOMINATION OF A COMMITTEE FOR PUTTING THE COUNTRY IN A POSTURE OF DEFENCE.*

Att Edinburgh, 5 May, 1692.

83. The Lords of there Majestyes Privie Councill, in place of the persones formerly named, doe hereby nominate and appoint the persones following, viz., The Earles of Linlithgow and Lothian, The Lord Viscount Stair, Lord Raith, Thesaurer Deput, The Lords Cardross, Carmichaell, and Polwarth, and the Lord ffountainhall, to be a Committie for considering how the country may be put in a posture of defence, and how the same may be secured and provyded for againest any invasiōe from abroad, &c.

(Copied from the Record of Privy Council.)

* The first nomination was on 26th April, 1692, and embraced The Marquis of Douglas, the Earls of Linlithgow and Lothian, The Lord Viscount Stair, The Lord Cardross, and Sir Patrick Murray.—(*Record of Privy Council.*)—S.

LETTER FROM THE COUNSELL TO THE QUEENS MAJESTIE.

[*At Edin. Maij 21, 1692.*]

MAY IT PLEASE YOUR MAJESTY,

84. Upon the apprehensions of ane invasione, signified to us at your Majesty's comand by Mr. Johnstoun, Secretarie of State, we have mett frequently and almost everie day, and called together the whole standing forces within this kingdome, (except Colonell Hills regiment at ffort William, out of which detachments are made to Inverness and all the other castles and houses which are garisoned for keeping the highlands in quyet,) and brought them about Edinburgh, intending next week to encamp them not far from thence. Wee are also putting the kingdome in the best posture of defence we can, as is more fully exprest in tuo proclamationes sent to the Secretary.

LETTER. LORD CHANCELOUR TO THE LAIRD OF GRANT.

[*At Edinburgh, 9 Aug. 1692.*]

The following letter being read, wes approven and signed be the Lord Chancelour, in name of the Councill, whereof the tenour followes.

SIR,

85. The Councill being about to issue furth a comission for securing the peace of the Highlands, and being informed that you intend to hold Sherreff Courts within your jurisdictiones for redressing depredationes comitted there, they think fitt yow delay such courts untill that comission be expedd, and his Majesties mynd more particularly knowen in these matters, and about the persones concerned in them, least the anticipatione of any inferior courts be found not so agreeable to his Majesties intentiones, or prejudiciall to what may be neadfull for the quyet and settlement of that pairt of the countrey, speciallie the extent of the indemnity as to depredationes and persones concerned in them, not being fully determined. This in name and by warrand of the Councill, is signified to yow by, your humble Servant, Sic Subtur. TWEEDDALE, J. P. D.

(Copied from the Record of Privy Council.)

ANENT A COMISSION FOR THE HIGHLANDS.

[*At Edr 11 Aug. 1692.*]

86. A comiissione to be past under the great seall for securing the peace of the Highlands, being read, and a petitione for the Earle of Argyll, representing that no comiission can be granted within the bounds of his heretable justiciarie, being also read, the Councill recomends to the Lord Viscount Tarbatt* to make search what hes been the tenour of comiissiones for the Highlands in former tymes, and if there be any reservationes there in anent the Earle of Argylles right of justiciarie. and what these are, and to report to the Councill.

(*Copied from the Record of Privy Council.*)

BY COLONELL JOHN HILL, GOVERNOUR OF FORT WILLIAM.

(*From original in possession of Col. M^d. of Glencoe.*)

78. WHERAS, by his Majesties speciall order and comand, I have received the men of Glencoan unto his Majesties protection, upon there submission to his Majesties mercie, takeing the oath of alleadgence, and giving securitie to leive peacable, and ansewer, as law will, in all tyme coming for any crymes shall hereafter be committed by them, there men, tennents, subtennents, freindes, and these descended of there families, servants, followers, dependers and other tennents, subtennents, coaters, and other inhabitants whatsomever dewlling, or shall reside and dewll in Glencoan: as the said bond of security in it self at more lenth proports. AND fforasmuch as ALEX. M'DONALD, brother german to Donald M'Donald of Polweig, in Glencoan, hath performed all the above mentioned conditiones in dew forme and method, These are therefore to praye and require all officers, souldiers, and others whom it may concerne, to take notice that the said Alex. M'Donald, brother german to John M'Donald of Polweig, and his men, tennents, subtennents, freinds and followers above mentioned, as by virtue of his Majesties said order and comand, freied from all pursuits or other forme, hearships, depreda-

* [Lord Clerk Register.]

tions, spoilzies, and other crymes, for all tyme preceeding the dait herof: And all persons are requyred to permit him, his men, tennents, servants and followers, to leive peacable and unmolested, in there persons, goods, and whatever belongs to them, in tyme coming; and to passe to and fro in any parts of the kingdom, about there lawfull affaires, they demeaning peacable, and as becomes honest men and good subjects, according to their alleadgence and the bonds of securitie above mentioned. Given under my hand at Fort William, the third day of October, Ane Thousan Six hundreth Nyntie two years.

JO. HILL.

(Indorsed) Indemnitie and Protection, Coll. John Hill to Alex. M'Donald, 1692.

SIR JOHN HILL TO THE LAIRD OF CULLODEN.

DEAR SIR,

Fort William, 9th Oct. 1692.

88. I heartily wish this may find you in good health; and 'tis to let you know, that I am under some apprehensions (not ill grounded) that there are ill designs on foot; to make way for which, it will perhaps be pushed on to lessen the force and take off the small garrisons, (which are alike to me, if as conduceable to his Majesty's service and the common good), and to settle a Highland militia. I have three companys at Inverness, one at Ruthven and Islandonaw,* one at Invergarry, and a sixth at Dowart and Carnburge, with seven companys here, which are few enough; for we must not have barely such a number as may keep the fort, but to send one, two, or 300 men upon parties as occasione offers. To lessen these forces, and set up the other (prima facie) looks very ill; and tho' the Highlanders seem at present inclined to peace, yet too much trust is not to be given, nor too many advantages put into their hands; lest upon any design of invasion, or other unhappy chance of war, they may apprehend their interest better another way, and may enterprize accordingly. If these things prove othérways, I am sure they

* [Islandonane?]

have been once designed. I only give these private hints, that honest men may look about them, and be upon their guard; keep me secret for the present, lest my Lords Polwarth and Saltoun know what I say. I have, by the inclosed, referred them to you; and I know you may be free with Secretary Jonston; only beware of the Lords; and start nothing of this, unless you find any to stirr in it; but let them be narrowly watched.

I had a very kind letter from the Mr. of Stair, wherein he tells me there will be no alteration made in this regiment or garrison, and that the establishment will be shortly settled, and that he will also do all he can therein for our advantage. He also writ about the jurisdiction, (which he thought had been settled as well as it can be till the Parliament sit), that it may be erected into a Shire, and that some more lands may be added to those formerly so erected. I made him return, and gave him two memoirs, whereof the inclosed are copies. The Major gave you an account of a slender, tall, perpendicular man, gone to London under pretence of a furlough for Ireland, obtained without my knowledge from the Commander in Chief, gain'd by the mediation of the principal of his faction here, who in like manner hath got a furlough for Ireland; but from thence intends for England, as he told me just when he was taking boat, and not before. They should be watched; for w'tever ill they do, I am sure they will do no good. I wish my people so happy as to be eased of them. I pray that what I write may be only to yourself, and those you know to be honest friends. Make me as acceptable as you can to Secretary Jonston, to whom I have now written. We are all peaceable. The by-gone cess will be got in through the Isle and Highlands; but, coming all together, it falls heavy. The Glenco men are abundantly civil; I have put them under my Lord Argyle, and have Arkenloss' surety for them till my Lord comes; for they are now my Lord Argyle's men; for 'twas very necessary they should be under some person of power, and of honesty to the Government.

My Lord Braedalbane is lately become very friendly, and moved hard in some things for us in the treasury; which some there wondered at. The reason of this I will not venture to guess at; tho' perhaps I might do it, without being beside the purpose. Let the world go which way

it will, I will be found faithful to my trust, and just to honest men and principles; and will always be, as obliged, SIR,

Your most affectionate and very humble Servant,

JO. HILL.

[POSTSCRIPT TO SIR JOHN'S LETTER TO THE LAIRD OF CULLODEN.]

1692, Oct. 9.

Secretary Jonston was saying, he believed the King might be induced to settle a pension on me during life; and if soe, (if no better can be found for a fund), I could wish it were upon the rents of Ila. There is more reason for it than the world generally knows; for I laid out upwards of £300 s^{ts} on the Irish, and managed so as to keep the town of Belfast from utter ruin and burninge, which they were several times resolved to do; otherways the King could have had no landing-place nor reception for his stores and sick men in all the North of Ireland. I pray your favour, Sir, and such friends as you thinke fit to trust, to promote this for me. I know the Secretary Jonston will further it, and I believe my Lord Portland also, for he is very kind to me. The King had a certificate from the Magistrates of the town, under the seal of the town, which my Lord T. sent him.

(*Culloden Papers*, No. XXVII, pp. 21-2.)

EXTRACT OF LETTER OF DENUNCIATION, SOLLICITOR AGAINST CONVERSOURS
WITH THE LATE KING JAMES.

At Edinburgh, 8 Nov. 1692.

89. It being of veritie that there Majestyes haveing for many just and reasonable causes, declared warr against the french King, the enemy and disturber of Christendome, by which all there Majestyes subjects are discharged to hold correspondence or communicatione with the said french King and his subjects, by there declaratione of the date the Sixt day of August MD.C. Eightie nyne years. Yet notwithstanding thereof, true it is, that the persons particularly eternamed, viz. George Duke of Gordon, Earle of Lauderdale, Earle of Melfoord,

Lord Drumond, Sir William Sharp of Stoniehill, Sir James Montgomery of Skelmorly, Mr. William Livingstoun of Kilsyth, Græme, younger of Duntrine, Sir William Wallace of Craigie, Collonell Wachop, Cannon, pretended Collonell, Captain Patrick Graham, brother to Græme of Inshbraco, Major James Midletoun, Captains Robert and William Charteris, Captain John Ramsay, sone to the late Bishop of Ross, Major Duncan Menzies, Lievet. Collonell Rattray, Leivetenent Oliphant, Leivetenent Coll. Douglas, Captain [Robert] Dobie, Robert Stewart, agent in Ed^r., Ensigne John Menzies, sone to the deceit Menzies of Comrie, and Major Gordoune, in manifest contempt of the lawes and their Majesties authority, did, in the moneths of [Maij—December, 1689, or in the moneths of January—December, 1690, or in the moneths of January—December, 1691, or in the moneths of Jan^{ry}—August, 1692, hold correspondence with the late King James, &c. or with the ffrench King, &c., to be denounced at the mercat croces (excepting the Duke of Gordon, prisoner at the Hague, and Mr. William Livingstoun of Kilsyth, prisoner in the Castle of Ed^r.) our rebels.]

(Record of Privy Council.)

LETTER FROM THE COUNCILL TO THE SECRETARY, ANENT COMMISSIONS FOR
HIGHLANDS.

[At Edinburgh, 15 Mar. 1693.]

The letter underwreitten, from the Council to Secretary Johnstoun, being read, votted, and approven, was signed, and ordered to be recorded, whereof the tenour followes.

RIGHT HONOLL.

90. Wee find so great need of these Commissiones for the Highlands, that wee have mett on purpose to desyre your Lop. to recomend to his Majesty that these Commissiones, the one of a separate jurisdictione for Innerlochie, and the other for the wholl Highlands, may pass his Majesties hand, and he dispatch it with all expeditione. The Commissione for the Highlands doeth not only give the Earle of Argyll the power

of preventione within his bounds, but also doeth expressly reserve his right, which wee think should satisfy him. But to remove all his scruples, the Commissione may be ordered dureing pleasure, which is his Majesties prerogative, and not to endure longer than three years; which limitation of tyme we hope will both be sufficient for the work, and lykewayes ansuer all the Earles difficultyes. And therefor wee again intreat that yow would move his Majesty to dispatch the saids Commis-siones. Signed at command, and in name of the Lords of there Majesties Privie Councill, by, your humble Servant,

Sic subscribitur, TWEEDDALE CANCEL, J. P. D.

To COLL. HAMILTON.

SIR,

Edr Apr. 21, 1693.

91. Since you parted I have had nothing of moment relating to yo^r garison or regiment; I hope by this time it is in prety good condition. Some in the Parliament makes a talking about the business of Glenco, and gives out that they design to have it examined. I have write to your Colonell to send me a copy of what orders he ever gote thereanent, as likewise the methods of his proceedings, in which I desire you would advise him to be plain, which is all at present. SIR,

Your humble Servant,

THO. LIVINGSTOUN.

To COLL. HAMILTON.

SIR,

Edr May 8th 93.

92. Since my last, it is resolved that yo^r Coll. must come in person to Edinburgh, and give account of the Glenco business. It is not that any body thinks that thieving tribe did not deserve to be destroyed, but that it should have been done by such as was quartered amongst them, makes a great noise. I suppose I may have press'd it some what upon your Colonell, knowing how slow he was in the exaction of such things; but

all the matter lyes here, he hath kept up the orders a long while, pretending the house of Glengary must be first delivered. I should be glade you would let me have all the circumstances you know of that matter, &c. SIR, your humble Servant,

T. LIVINGSTOUN.

COMMITTEE FOR SECURING THE PEACE OF THE NATIONE, AND FOR ADMINISTERING THE OATH OF ALLEADGANCE AND ASSURANCE.

At Edinburgh, 20 Maij, 1693.

93. Their Majesties High Commissioner and Lords of Privy Councill, doe heirby recommend to the Earle of Drumlangrig, Earls of Argyle, Leven, Annandale, and fforfar, Lord Viscount Stair, Lord Raith, Thesaurer Depute, Lord Carmichaell, Lord Beilhaven, Lord Polwarth, Lord Secretarie, Lord Advocat, Lord Justice Clark, Mr. frances Muntgomery, Sir John Maxuell, and Sir Thomas Livingstoune, or any fyve of them, who are heirby declared to be a quorum, to consider what measures and methods are proper to be taken for securing the peace of the natione, &c.

WARRANT FFOR COLL. HILLS ADMINISTERING THE OATHS TO THE CLANNS.

[At Edinburgh, 27th June, 1693.]

94. The Lords of their Majesties Privie Councill doe heirby give ordor and warrant to Collonell Hill, Commander of the garrisone of ffort William, to requyre such of the Cheiffs of Clanns as have rendered, or heirafter shall render themselves to him or the said garrisone, to suear and signe the oath of alleadgance, and signe the assurance to their Majesties appoynted be Act of Parliament, and to administrat the same to them himself. And appoyntes the Collonell to returne the said oath suorne and signed, and assurance signed both be the persones takers and the Collonell himself, to the Clarks of Privie Councill, within fourteen dayes next after suearing and signing therof. And such as refuse to

suair and signe as said is, appoyntes the Colonell to report ane accompt of their names and designationes, subscribed be him to the Lords of Privie Councell, within fourteen dayes after their refusall. And in the mean tyme, to detaine the refusars prisoners till farther order of Councell.

At our Court of Kensingtoun, 30 Dec. 1693.

95. Commission of Justiciary for the peace of the Highlands, to The Earle of Sutherland, The Lord Strathnaver, Lord Lovatt, The Earle of Breadalbane, The Lord Murray, The Lord Ruthven, The Lord Rollo, The Earle of Argyll, and a vast number of gentlemen, including Colonnell John Hill, Governour of ffortwilliam, or his depute therof, conjunctly and severally to pursue, ffollow, take, apprehend, imprisone, and present to justice, all persons within the shyres of Caithness, Sutherland, Ross, Inverness, Cromartie, Nairn, Elgine, Banff, Aberdeen, Kincarden, fforfar, Perth, Stirlin, Dumbrittaine, and others adjacent, excepting such bounds as belong to the Earl of Argyll, their right and pouer of justiciary.

Conveners for the north district, including the shires benorth Spey, The Lord Lovatt, and the Laird of Grant; and for the east district, including the shyres of Bamff, Aberdeen, Kincarden and Forfarr, Mr. James ffalconer of Thesdoe, one of the Senators of the Colledge of Justice, and fforbes of Craigievarr; and for the south and west district, including the shyres of Perth, Stirlin, and Dumbrittane, The Lord Murray, and the Earle of Breadalbane, with pouer to each of these conveeners to name ane depute in case of absence, &c. And ordaines these presents to be printed. Given under our signet att Edinburgh.

At Edinburgh, 7 Junij, 1694.

96. The Lord Advocat having acquainted the Councell, that Robert Steuart of Appine being upon the place, he had taken bale of him to appear this day, and that accordingly he was readie attending the Councell. And Appine, and Ardvoirlich, his cautioner, being called in, the

Councill continued his libertie till the twenty one day of June instant, upon renewing his bale, which was done immediatly, and subscribed both by him and Steuart of Ardvoirlich, his cautioner, after they were both sent from the barr.

ORDER TO IMPRISONE STEUART OF APPINE.

At Edinburgh, 26 June, 1694.

97. The Lords of their Majesties Privie Councill being informed that Robert Steuart of Appine, who is under bale to the Councill, is guiltie of gross abuses committed by him upon some officers, to whose custody he was committed. And they having appointed a committee of their oune number, to call for and examine him, who having reported. And the saids Lords having considered their report, they found sufficient ground for imprisoning the said Robert Steuart of Appine; and therefore ordained their macers to carry him to the tolbooth of Edinburgh. And the Magistrats of Edr, and keeper of the tolbooth to receave and detaine him prisoner therein till farder order of Councill. And allowes the Clerks of Councill to give up the bond granted by him and his cautioner.

At Edr. Jun. 28, 1694.

98. The Lords of their Majesties Privie Councill having heard a petitione given in to them by Robert Steuart of Appyne, craving libertie, read in their presence, they heirby recommend Sir James Steuart, their Majesties advocat, to acquaint the petitioner, that the Councill inclynes he should suear and signe the oath of alleadgance, and signe the assurance appointed by act of parliament, to their Majesties King William and Queen Mary. And report his ansuer to the saids Lords of their Majesties Privie Councill att their next meeting.

At Edr. 3 Jul. 1694.

99. The which day Robert Steuart of Appine being brought from prisone to the Councill barr, did, in presence of the Lords of their Ma-

jesties Privy Councell, suear and sign the oath of alleadgance, and signe the assurance to their Majesties King William and Queen Mary, and did give his parroll of honor verballie to Sir Thomas Livingstoune, Commander in Cheiff of their Majesties forces within this kingdome, that he would appear before Collonell Hill at ffortwilliam, and at his sight give satisfacione to the officer in that garisone whom he hes offended. And therupon he was sett free from the barr. And appointes the Clerks of Councell to give up the bond granted by him and his cautioner.

WARRANT TO KINGS ADVOCAT FOR PROCESSING CORRESPONDERS WITH
KING JAMES.

[At Ed^o 19 Jul. 1694.]

Sederunt—Lo. Chancellour, E. Southerland, E. Morton, E. Cassells, E. Linlithgow, E. Strathmore, E. Leven, E. Annandale, E. fforfar, E. Broadalbane, Vis. Tarbat, Lo. Raith, Lo. Polwarth, Lo. Advocat, Lo. Justice Clerk, Lo. Hattoune, Ld. Blackbarrony, Ld. Stevensone.

100. The Lords of their Majesties Privie Councell doe heirby approve of Sir James Stuart, their Maties Advocat, his having caused raise and execute letters of treasons before the Lords Commissioners of Justiciary, against the persones following, as being in ffrance, or having been there contrare to the late Act of Parliament, and as corresponders with the late King James, viz.

(1.) Richard Earle of Lauderdale.

John Earle of Melfort.

Sir William Wallace of Cragie.

Sir Adam Blair of Carberrie.

Alexander M^cLane, late Commissar of Argyle.

Alexander Robertson of Strouan.

Mr. John Johnstoun, brother to the Earl of Annandale.

Mr. Alexander Maitland, brother to the Earle of Lauderdale.

Maxuell of Orchyardtoun.

(10.) Mr. Thomas Wallace of Elderslie.

- Graham, younger of Duntroon.
 Alexander Trotter, brother to the Laird of Mortonhall.
 Andrew Hay, son to the deceast Mr. Thomas Hay, somtyme
 Clerk to the Privie Councill of Scotland.
 Mr. Charles Kinaird, brother to the Lord Kinaird.
 David Lindsay, Secretary to the Earle of Melfort.
 Collonell Buchan.
 Collonell Cannon.
 Sir Charles Cairney.
 Captain Andrew Rutherford, somtyme Captain in Dumbartons'
 Regiment.
- (20.) Captain Patrik Achmutie.
 Captain Deans.
 Captain M'Adams.
 Captain Ruthven.
 Lievt. Isaac Threcald.
 Lievtentant George Shem.
 Lievtentant John fforester.
 Lievtentant Auchmutie.
 Ensigne Alex. Innes.
- (30.) Lievtennants Daniel and John Beans.
 Ensigne William Shuan.
 Ensigne Robert Maxuell.
 Lievtentant George Hemsyde.
 Ensigne William Ramsay, somtyme in Hodges Regiment.
 Ensigne Alex. Sandilands, somtyme in Wauchops Regiment.
 Ensigne Laurence Drummond of
 Ensigne William Menzies, brother to
 Lievtentant Patrik Achmutie, somtyme in the Scotts guards.
 Captain Robert Somervell.
- (40.) Captain William Davidsons.
 Lievtentant William Main.
 Lievtentant Samuel Winrhame.
 Lievtentant James Henriesone.
 Lievtentant Samuel Maxuell.

(80.) Captain James Murray, brother to Stenhope.

Lieutenant James Murray.

Captain John Livingstone.

Lieutenant John Creichtoune.

The Captain of Clanronald.

Captain Robert Dumbar.

The Laird of Meldrum.

Sir John M^cLane of that ilk.

Sir Æneas M^cPhersone.

Alexander Taite, called Whyte.

(90.) Alexander, skipper in Leith.

Alexander Taite, called Black.

Alexander, skipper ther.

Irvine of Stapletoune, and

(94.) Captaine Mair.

And grants warrand to the said Lord Advocat to insist in and follow furth the said proces of treasonc against the hail forsaid persons. Sic subscribitur, Tweeddale cancell. Southerland, Morton, Linlithgow, Cassills, Leven, fforfar, Tarbat, Raith, Ar^c Murray, R. Sinclair.

(Copied from the Record of the Scottish Privy Council.)

COMMISSIO PRO INQUIRENDO DE CÆDE DE GLENCOE.

1695, Apr. 29.

101. Gulielmus dei Gratia Magnæ Britaniæ, Franciæ, et Hyberniæ, Rex, fideique defensor, omnibus probis hominibus totius terræ suæ ad quos presentes literæ nostræ pervenerint, Salutem. Quandoquidem nos considerantes quod etiamsi nos anno millesimo, sexcentesimo nonagesimo tertio, per expressam instructionem, potestatem concessimus demortuo Gulielmo, Duci de Hamiltoun, aliisque, pro examinando et inquirendo de cæde quorundam, cognominis de M^cDonald, aliorumque de Glenco, anno millesimo sexcentesimo nonagesimo secundo, et de modo et me-

thodo. Commissions ejusdem nihilominus inquisitio, quæ tunc facta erat in prosecutione dictæ instructionis, defectiva erat. Nosque etiam perpendentes quod methodus maxime efficax pro plena informatione accipiendi de veris circumstancijs rei antedictæ, erit commissio in hunc effectum; cumque nobis abunde satisfactum sit de facultatibus et aptitudine personarum infra nominatarum in fines supra expressos: Sciatis igitur. Nos nominasse et constituisse, tenoreque presentis nostræ cartæ, nominare et constituere fidelissimos et dilectissimos nostros consanguineos et conciliarios, Joannem Marchionem de Tweddale, supremum nostrum Cancellarium, et Gulielmum Comitem de Anandale, et fideles et dilectos nostros consiliarios Joannem Dominum Murray, Dominum Jacobum Stewart, advocatum nostrum, Adamum Cockburne de Ormistoun nostrum Justiciarium Clericum, Magistrum Archibaldum Hope, de Rankeiller, et Dominum Gulielmum Hamiltoun, de Whitelaw, Senatores nostri Collegij Justitiæ, Dominum Jacobum Ogilbie, Solicitorem nostrum, et Drummond, de Meggins, quorum quinque numerus erit legitimus ac cum potestate ijs clericum suum eligendi, commissionarios nostros pro capienda precognitione ac inquisitionem faciendo de eadè predicta per quos, et quomodo, et per quam colloratum auctoritatem commissa erat. Atque in ordine ad detectionem ejusdem cum potestate dictis commissionarijs requirendi omnia warranta seu directiones, quæ eatenus concessa fuere, atque etiam examinandi omnes personas, quæ in re antedicta negotium habnere, atque etiam testes prout necessarium invenietur; sive per eorum juramenta, sive per declarationes, et tunc postea dicti commissionarij nobis transmittent verum statum rej antedictæ, una cum probationibus et testimonijs coram ipsis adducendis uti post debitam, et plenam informationem necessarias directiones eatenus concedamus, prout nobis congruum videbitur. In cujus rei testimonium huic presenti nostræ cartæ magnum sigillum nostrum appendi mandavimus. Apud Aulam nostram de Kensington, vigesimo nono die Aprilis, millesimo sexcentesimo nonagesimo quinto annique, Regni nostri Septimo.

(Printed Parliamentary Record, Vol. IX. Appendix, p. 98, from the Original Record in the General Register House, Edinburgh.)

PROTECTION FOR GLENCO AND OTHERS, 1695, BE THE COMMISSION.

1695, *Jun. 15.*

102. At Edinburgh, the Fyfteinth of June, MD.C. and Nyntie fyve yearis, The Lords Commissioners appointed by his Majestie for inquiring into the mater of Glenco, considering that, by that order, the persons afternamed came to this place to mak ther appearance before them, viz., Johnne Macdonald of Glenco, Alex^r Macdonald his brother, Alexander Macdonald of Auchatriaten, Alex^r MacDonald of Dalnes, Ronald Macdonald in Lockintuin, Ronald Macdonald in Innerrigen, Duncan Mackeanrig in Innerrigen, Donald Macstarken in Larach, Alex^r Macdonald in Braickled, and Angus Macdonald in Strone. They doe heirby give personal protection to all the above named persons ag^t all captions, arrestis, or other diligence of that sort, from the date heirof inclusive, to the tenth of Julij next to come. Wherof all concerned are to take notice, and to observe the same, as they will be answeareable.

ANNANDALE, P.

J. MURRAY.

JA. STEUART.

AD. COKBURNE.

WILL. HAMILTON.

JA. OGILVIE.

A. DRUMMOND.

(Copied from the Original in the General Register House, Edinburgh.)

REPORT OF THE COMMISSION GIVEN BY HIS MAJESTY, UNDER THE GREAT SEAL, 29th APRIL, 1695, FOR INQUIRING INTO THE SLAUGHTER OF THE MEN OF GLENCO, 13th FEBRUARY, 1692.

At Halyrudhouse, 20th June, 1695.

103. John Marquis of Tweeddale, Lord High Chancellor of Scotland, William Earl of Annandail, John Lord Murray, Sir James Stuart his Majesty's Advocate, Adam Cockburn of Ormistoun, Lord Justice Clerk,

Sir Archibald Hope of Rankeilor, and Sir William Hamilton of Whitlaw, two of the Senators of the College of Justice, Sir James Ogilvy, his Majesty's Solicitor, and Adam Drummond of Megginsh, Commissioners appointed by his Majesty, by his commission under the great Seal, of the date the 29th of April last, to make inquiry, and to take trial and precognition about the slaughter of several persons of the surname of Macdonald and others in Glenco, in the year 1692, by whom, and in what manner, and by what pretended authority, the same was committed, with power to call for all warrants and directions given in that matter; as also to examine all persons who had a hand therein, with what witnesses they should find necessary, either upon oath or declaration, and to report to his Majesty the true state of the said matter, with the evidence, and testimonies, to be adduc'd before them, as the said commission more amply bears: Having met, and qualified themselves by taking the oath of allegiance and assurance, conform to the Act of Parliament, with the oath de fidei, as use is in such cases, did, according to the power given to them, chuse Mr. Alexander Monro of Beireroft to be their Clerk, and he having also qualified himself as above, they proceeded into the said inquiry, to call for all warrants and directions, with all persons as witnesses that might give light in the said matter; and, having considered the foresaid warrants and directions produc'd before them, and taken the oaths and depositions of the witnesses undernam'd, they, with all submission, lay the report of the whole discovery made by them before his Majesty, in the order following. And, First, of some things that preceded the said slaughter; Secondly, of the matter of fact, with the proofs and evidences taken, when, and in what manner, the same was committed; Thirdly, of the warrants and directions, that either really were, or were pretended, for the committing it; and Lastly, the Commissioners humble opinion of the true state and account of the whole business.

The things to be remark'd preceding the said slaughter were, that it's certain that the Lairds of Glenco and Auchinriaten, and their followers, were in the insurrection and rebellion made by some of the Highland clans, under the command, first of the Viscount of Dundee, and then of Major Gen. Buchan, in the years 1689 and 1690. This is acknowledg'd by all. But, when the Earl of Braidalbine called the heads of the clans,

and met with them in Auchallader, in July 1691, in order to a cessation, the deceas'd Alexander Macdonald of Glenco was there, with Glengary, Sir John Maclene, and others, and agreed to the cessation; as it is also acknowledg'd: But the deceas'd Glenco's two sons, who were, at that time, with their father, in the town of Auchallader, depone, that they heard that the Earl of Braidalbin did, at that time, quarrel with the deceased Glenco, about some cows that the Earl alledg'd were stolen from his men, by Glenco's men; and that, tho' they were not present to hear the words, yet their father told them of the challenge; and the two sons, with Ronald Macdonald, indweller in Glenco, do all depone, that they heard the deceas'd Glenco say, that the Earl of Braidalbin, at the meeting of Auchallader, threaten'd to do him a mischief, and that he fear'd a mischief from no man so much as from the Earl of Braidalbin; as their depositions, at the letter A, in the margin, bears. And Alex. Macdonald, 2d son to the deceas'd Glenco, doth farther depone, that he hath often heard, from his father, and others, that there had been, in former times, blood betwixt Braidalbin's family and their clan; as his deposition, at the same mark, bears. And here the Commissioners cannot but take notice of what hath occur'd to them in two letters from Secretary Stair, to Lieutenant-Colonel Hamilton, one of the 1st, and another of the 3^d of December, 1691, wherein he expresses his resentment, from the marring of the bargain that should have been betwixt the Earl of Braidalbin and the Highlanders, to a very great hight; charging some for their despite against him, as if it had been the only hinderance of that settlement: Whence he goes on, in his of the 3^d of Decemb., to say, that, since the government cannot oblige them, it is oblig'd to ruine some of them, to weaken and frighten the rest, and that the Macdonalds will fall in this net:—And, in effect, seems, even at that time, which was almost a month before the expiring of the King's indemnity, to project, with Lieutenant-Colonel Hamilton, that some of them should be rooted out and destroyed. His Majesty's proclamation of indemnity was publish'd in Aug. 1691, offering a free indemnity and pardon to all the Highlanders who had been in arms, upon their coming in, and taking the oath of allegiance, betwixt and the first of January thereafter: And, in compliance with the proclamation, the deceas'd Glenco goes, about the end of Decemb. 1691,



to Col. Hill, Governor of Fort William at Inverlochie, and desir'd the Colonel to minister to him the oath of allegiance, that he might have the King's indemnity: But Col. Hill, in his deposition, mark'd with the letter B, doth farther depone, that he hasten'd him away all he could, and gave him a letter to Ardkinlas to receive him as a lost sheep; and the Colonel produces Ardkinlas's answer to that letter, dated the 9th of January, 1692, bearing that he had indeavoured to receive the great lost sheep Glenco, and that Glenco had undertaken to bring in all his friends and followers as the Privy Council should order; and Ardkinlas farther writes, that he was sending to Edinburgh, that Glenco, tho' he had mistaken in coming to Colonel Hill to take the oath of allegiance, might yet be welcome, and that, thereafter, the Col. should take care that Glenco's friends and followers may not suffer till the King and Council's pleasure be known; as the said letter, mark'd on the back, with the letter B, bears; and Glenco's two sons above named do depone in the same manner, that their father went, about the end of December, to Colonel Hill, to take the oath of allegiance, but, finding his mistake, and getting the Colonel's letter to Ardkinlas, he hastened to Inverary, as soon as he could for the bad way and weather, and did not so much as go to his own house in his way to Inverary, tho' he past within half a mile of it, as both their depositions, at the letter B, bears; and John MacDonald, the eldest son, depones farther, at the same mark, that his father was taken in his way, by Captain Drummond, at Barkaldin, and detain'd 24 hours.

Sir Colin Campbel of Ardkinlas, Sherif-Deput of Argyle, depones, that the deceas'd Glenco came to Inverary about the beginning of January, 1692, with a letter from Colonel Hill, to the effect above-mentioned, and was three days there before Ardkinlas could get thither, because of bad weather; and that Glenco said to him, that he had not come sooner because he was hinder'd by the storm; and Ardkinlas farther depones, that, when he declin'd to give the oath of allegiance to Glenco, because the last of December, the time appointed for the taking of it, was past, Glenco begg'd, with tears, that he might be admitted to take it, and promis'd to bring in all his people within a short time to do the like, and, if any of them refused, they should be imprisoned, or sent to Flan-

ders: upon which, Ardkinlas says, he did administer to him the oath of allegiance upon the 6th of January, 1692, and sent a certificate thereof to Edinburgh, with Colonel Hill's letter, to Colin Campbell, Sheriff Clerk of Argyle, who was then at Edinburgh, and further wrote to the said Colin that he should write back to him whither Glenco's taking of the oath was allow'd by the Council or not; as Ardkinlas's deposition, at the letter B, testifies. And the said Colin, Sherif Clerk, depones, that the foresaid letters, and the certificate relating to Glenco, with some other certificates relating to some other persons, all upon one paper, were sent in to him to Edinburgh by Ardkinlas; which paper being produc'd upon oath by Sir Gilbert Elliot, Clerk of the Secret Council, but rolled and scor'd as to Glenco's part, and his taking the oath of allegiance, yet the Commissioners found that it was not so delete or dashed, but that it may be read that Glenco did take the oath of allegiance at Inverary the 6th day of January, 1692. And the said Colin depones, that it came to his hand fairly written, and not dash'd, and that, with this certificate, he had the said letter from Ardkinlas, (with Colonel Hill's abovementioned letter to Ardkinlas inclosed), bearing how earnest Glenco was to take the oath of allegiance, and that he had taken it upon the 6th of January, but that Ardkinlas was doubtful if that the Council would receive it, and the Sheriff Clerk did produce before the Commissioners the foresaid letter by Colonel Hill to Ardkinlas, dated at Fort William the 31st day of Decemb. 1691, and bearing that Glenco had been with him, but slipp'd some days out of ignorance, yet that it was good to bring in a lost sheep at any time, and would be an advantage to render the King's government easie; and, with the said Sherif Clerk, the Lord Aberuchil, Mr. John Campbel, Writer to the Signet, and Sir Gilbert Elliott, Clerk to the Council, do all declare, that Glenco's taking the oath of allegiance, with Ardkinlas his foresaid certificate as to his part of it, did come to Edinburgh, and was seen by them fairly written, and not scor'd or dash'd; but that Sir Gilbert, and the other Clerk of Council, refused to take it in, because done after the day appointed by the proclamation. Whereupon the said Colin Campbel, and Mr. John Campbel, went, as they depone, to the Lord Aberuchil, then a Privy Councillor, and desir'd him to take the advice of Privy Councillors about it; and, accordingly,

they affirm, that Aberuchil said he had spoke to several Privy Councillors, and partly to the Lord Stair, and that it was their opinion that the foresaid certificate could not be received without a warrand from the King, and that it would neither be safe to Ardkinlas, nor profitable to Glenco, to give in the certificate to the Clerk of the Council; and this the Lord Aberuchil confirms by his deposition, but doth not name therein the Lord Stair; and Colin Campbel, the Sheriff Clerk, does farther depone, that, with the knowledge of the Lord Aberuchil, Mr. John Campbell, and Mr. David Moncrief, Clerk to the Council, he did, by himself, or his servant, score or delete the foresaid certificate, as now it stands scor'd, as to Glenco's taking the oath of allegiance, and that he gave it in, so scor'd or obliterated, to the said Mr. David Moncrief, Clerk of the Council, who took it in as it is now produced: But it doth not appear, by all these depositions, that the matter was brought to the Council board, that the Council's pleasure might be known upon it, tho' it seems to have been intended by Ardkinlas, who both writ himself and sent Colonel Hill's letter for to make Glenco's excuse, and desir'd expressly to know the Council's pleasure.

After that Glenco had taken the oath of allegiance, as is said, he went home to his own house, and, as his own two sons above nam'd depone, he not only liv'd there for some days quietly and securely, but call'd his people together, and told them he had taken the oath of allegiance, and made his peace, and therefore desir'd and engag'd them to live peaceably under King William's government; as the depositions of the said two sons, who were present, mark'd with the letter E, bear.

These things having preceded the slaughter, which happen'd not to be committed until the 13th of February, 1692, six weeks after the decess'd Glenco had taken the oath of allegiance at Inverary. The slaughter of the Glenco men was in this manner, viz., John and Alexander MacDonalds, sons to the decess'd Glenco, depone, that Glengary's house being reduc'd, the forces were call'd back to the south, and Glenlyon, a captain of the Earl of Argyle's regiment, with Lieutenant Lindsay, and Ensign Lindsay, and six score soldiers, return'd to Glenco about the 1st of February, 1692, where, at their entry, the elder brother, John, met them, with about 20 men, and demanded the reason of their

coming; and Lieutenant Lindsay shewed him his orders for quartering there, under Colonel Hill's hand, and gave assurance that they were only come to quarter; whereupon they were billeted in the country, and had free quarters, and kind entertainment, living familiarly with the people until the 13th day of Feb.; and Alexander farther depones, that Glenlyon, being his wife's uncle,* came almost every day, and took his morning drink at his house, and that the very night before the slaughter, Glenlyon did play at cards, in his own quarters, with both the brothers; and John depones, that old Glenco, his father, had invited Glenlyon, Lieutenant Lindsay, and Ensign Lindsay, to dine with him upon the very day the slaughter happened. But, on the 13th day of February, being Saturday, about four, or five, in the morning, Lieutenant Lindsay, with a party of the foresaid soldiers, came to old Glenco's house, where, having call'd, in a friendly manner, and got in, they shot his father dead, with several shots, as he was rising out of his bed; and, the mother having got up, and put on her clothes, the soldiers stripp'd her naked, and drew the rings off her fingers with their teeth; as likewise they killed one man more, and wounded another grievously, at the same place. And this relation they say they had from their mother, and is confirm'd by the deposition of Archibald Mackdonald, indweller in Glenco; who farther depones, that Glenco was shot behind his back, with two shots, one through the head, and the other through the body; and two more were kill'd with him, in that place, and a third wounded, and left for dead: And this he knows, because he came that same day to Glenco's house, and saw his dead body lying before the door, with the other two that were kill'd, and spoke with the third that was wounded, whose name was Duncan Don, who came there, occasionally, with letters, from the Brae of Mar.

The said John MacDonald, eldest son to the deceas'd Glenco, depones, the same morning that his father was kill'd, there came soldiers to his house, before day, and call'd at his window, which gave him the alarm, and made him go to Innerrigen, where Glenlyon was quarter'd; and that he found Glenlyon, and his men, preparing their arms, which made

* [Alexander's wife was Sarah, daughter of Lt. Col. Donald MacGregor, by a sister of Glenlyon. She was sister-german of the celebrated *Rob Roy*, 3d son.—S.]

the deponent ask the cause; but Glenlyon gave him only good words, and said they were to march against some of Glengarie's men, and, if there were ill intended, would not he have told Sandy and his niece? meaning the deponent's brother and his wife; which made the deponent go home, and go again to his bed, until his servant, who hindred him to sleep, rais'd him; and, when he rose, and went out, he perceived about 20 men, coming towards his house, with their bayonets fix'd to their muskets; whereupon he fled to the hill, and, having Auchnaion, a little village in Glenco, in view, he heard the shots wherewith Auchintriaten, and four more, were kill'd; and that he heard also the shots at Innerriggen, where Glenlyon had caus'd to kill nine more, as shall be hereafter declared. And this is confirm'd by the concurring deposition of Alexander Macdonald, his brother, whom a servant wak'd out of sleep, saying, it is no time for you to be sleeping, when they are killing your brother at the door; which made Alexander flee, with his brother, to the hill, where both of them heard the foresaid shots at Auchnaion, and Innerriggin. And the said John, Alexander, and Archibald Macdonalds, do all depone, that, the same morning, there was one Serjeant Barber, and a party, at Auchnaion, and that Auchintriaten being there, in his brother's house, with eight more, sitting about the fire, the soldiers discharged upon them about 18 shot, which kill'd Auchintriaten, and four more; but the other four, whereof some were wounded, falling down as dead, Serjeant Barber laid hold on Auchintriaten's brother, one of the four, and ask'd him if he were alive? He answer'd, that he was, and that he desir'd to die without, rather than within. Barber said, that, for his meat that he had eaten, he would do him the favour to kill him without; but, when the man was brought out, and soldiers brought up to shoot him, he, having his plaid loose, flung it over their faces, and so escap'd; and the other three broke through the back of the house, and escap'd. And this account the deponents had from the men that escap'd. And, at Innerriggin, where Glenlyon was quartered, the soldiers took other nine men, and did bind them, hand and foot, [and] kill'd them, one by one, with shot; and, when Glenlyon inclin'd to save a young man, of about 20 years of age, one Captain Drummond came, and ask'd how he came to be sav'd in respect of the orders that were given,

and shot him dead; and another young boy, of about 13 years, ran to Glenlyon, to be sav'd. He was likewise shot dead. And, in the same town, there was a woman, and a boy about four or five years of age, kill'd; and, at Auchnaion, there was also a child missed, and nothing found of him but the hand. There were likewise several killed at other places; whereof one was an old man, about 80 years of age. And all this the deponents say they affirm, because they heard the shot, saw the dead bodies, and had the account from the women that were left. And Ronald Macdonald, indweller in Glenco, farther depones, that he, being living with his father in the little town of Glenco, some of Glenlyon's soldiers came to his father's house, the said 13th day of February, in the morning, and dragg'd his father out of his bed, and knock'd him down for dead, at the door; which the deponent seeing, made his escape, and his father recovering, after the soldiers were gone, got into another house; but this house was shortly burnt, and his father burnt in it; and the deponent came there after, and gathered his father's bones, and burned them. He also declares, that, at Auchnaion, where Auchintriaten was killed, he saw the body of Auchintriaten, and three more, cast out, and cover'd with dung: And another witness of the same declares, that, upon the same 13th of February, Glenlyon, and Lieutenant Lindsay, and their soldiers, did, in the morning, before day, fall upon the people of Glenco, when they were secure in their beds, and kill'd them. And he, being at Innerriggin, fled with the first, but heard shots, and had two brothers killed there, with three men more, and a woman, who were all buried before he came back. And all these five witnesses concur, that the foresaid slaughter was made by Glenlyon, and his soldiers, after they had been quarter'd, and liv'd peaceably, and friendly, with the Glenco men about 13 days, and that the number of those whom they knew to be slain were about 25, and that the soldiers, after the slaughter, did burn the houses, barns, and goods, and carried away a great spoil of horse, nolt, and sheep, above a 1,000. And James Campbel, soldier in the Castle of Stirling, depones, that, in January, 1692, he, being then a soldier in Glenlyon's company, march'd, with the company, from Inverlochie, to Glenco, where the company was quarter'd, and very kindly entertain'd, for the space of 14 days, that he knew nothing of the design

of killing the Glenco men till the morning that the slaughter was committed, at which time Glenlyon[s], and Captain Drummond's companies were drawn out, in several parties, and got orders from Glenlyon, and their other officers, to shoot and kill all the country-men they met with; and that the deponent, being one of the party which was at the town where Glenlyon had his quarters, did see several men drawn out of their beds, and, particularly, he did see Glenlyon's own landlord shot by his order, and a young boy of about twelve years of age, who endeavoured to save himself by taking hold of Glenlyon, offering to go any where with him if he would spare his life, was shot dead, by Captain Drummond's order. And the deponent did see about eight persons kill'd, and severall houses burnt, and women flying to the hills, to save their lives. And lastly, Sir Colin Campbel of Aberuchil depones, that after the slaughter, Glenlyon told him that Macdonald of Innerigginn kill'd, with the rest of the Glenco men, with Col. Hill's pass, or protection, in his pocket, which a soldier brought and shew'd to Glenlyon.

The testimonies above set down being more than sufficient to prove a deed so notoriously known, it is only to be remarked, that more witnesses of the actors themselves might have been found, if Glenlyon and his soldiers were not at present in Flanders, with Argile's regiment; and it's farther added, that Lieutenant Colonel Hamilton, who seems, by the orders, and letters, that shall be hereafter set down, to have had the particular charge of this execution, did march, the night before the slaughter, with about 400 men, but, the weather falling to be very bad and severe, they were forced to stay by the way, and did not get to Glenco against the next morning, as had been concerted betwixt Major Duncanson and Lieutenant Colonel Hamilton; so that, the measures being broke, Lieutenant Colonel Hamilton, and his men, came not to Glenco till about eleven of the clock after the slaughter had been committed; which proved the preservation and safety of the tribe of Glenco, since, by this means, the far greater part of them escap'd; and then, the Lieutenant Colonel, being come to Cannelochleven, appointed several parties for severall posts, with orders that they should take no prisoners, but kill all the men that came in their way. Thereafter, some of the Lieutenant Colonel's men march'd forward in the glen, and met with Major Duncanson's party,

whereof a part, under Glenlyon, had been sent, by Lieutenant Colonel Hamilton, to quarter there, some days before; and these men told how they had kill'd Glenco, and about 36 of his men, that morning; and that there remained nothing to be done by the Lieutenant Colonel, and his men, save that they burnt some houses, and kill'd an old man, by the Lieutenant Colonel's orders, and brought away the spoil of the country; and this, in its several parts, is testified by John Forbes, Major in Colonel Hill's regiment, Francis Farquhar, and Gilbert Kennedy, both Lieutenants in that regiment, who were all of the Lieutenant Colonel's party; as their depositions more fully bear.

It may be also here noticed, that, some days after the slaughter of the Glenco men was over, there came a person from Campbel of Balcalden,* Chamberlain, i.e. Steward, to the E. of Braidalbin, to the deceased Glenco's sons, and offer'd to them, if they would declare, under their hands, that the Earl of Braidalbin was free and clear of the said slaughter, they might be assur'd of the Earl's kindness for procuring their remission and restitution; as was plainly deponed before the Commissioners.

It remains, now, to give an account of the warrands, either given, or pretended to be given, for the committing of the said slaughter; for clearing whereof, it is to be notic'd, that the King having been pleased to offer, by proclamation, an indemnity to all the Highland rebels who should come in and accept thereof, by taking the oath of allegiance, betwixt and the 1st of January, 1692, after the day was elaps'd; it was very proper to give instructions how such of the rebels as had refus'd his Majesty's grace should be treated; and, therefore, his Majesty, by his instructions of the date of the 11th Jan. 1692, directed to Sir Tho. Livingston, and super sign'd, and counter sign'd, by himself, did indeed order and authorize Sir Tho. to march the troops against the rebels who had not taken the benefit of the indemnity, and to destroy them "by fire and sword," (which is the actual stile of our commissions against intercommuned rebels); but with this express mitigation, in the fourth article, viz. "that the rebels may not think themselves desperate, we allow" you†

* [Balcalden.]

† ["We allow to our own powers," is the expression in the instructions, as in the transumpt of it in the Stair collections.—S.]

“to give terms and quarters,” but in this manner only, that chieftains and heritors, or leaders, be prisoners of war, their lives only save, and all other things in mercy, they taking the oath of allegiance; and the community, taking the oath of allegiance, and rendring their arms, and submitting to the government, are to have quarters and indemnity for their lives and fortunes, and to be protected from the soldiers;* as the principal paper of instructions, produced by Sir Tho. Livingston, bears.

After these instructions, there were additional ones given, by his Majesty, to Sir Tho. Livingston, upon the 16th of the said month of January, super sign'd, and counter sign'd, by his Majesty, and the date mark'd by Secretary Stair's hand, which bear orders for giving of passes, and for receiving the submission of certain of the rebels, wherein all to be noticed to the present purpose is, that therein his Majesty doth judge it “much better that these who took not the benefit of the indemnity” in due time, “should be oblig'd to render upon mercy,” they still taking “the oath of allegiance;” and then it's added, “If Mackean of Glenco, and that tribe, can be well separated from the rest, it will be a proper vindication of the publick justice to extirpate that sept of thieves:” and of these additional instructions a principal duplicat was sent to Sir Tho. Livingston, and another to Colonel Hill, and were both produc'd; and these were all the instructions given by the King in this matter.

But Secretary Stair, who sent down these instructions, as his letters produc'd written with his hand to Sir Tho., of the same date with them, testifie, by a previous letter, of the date of the 7th of the said month of January, written and subscribed by him, to Sir Tho., says, “You know in general that these troops posted at Inverness and Inverlochic, will be ordered to take in the house of Innergarie, and to destroy entirely the country of Lochaber, Locheal's lands, Kippoch's, Glengarie's, and Glenco;” and then adds, “I assure you your power shall be full enough, and I hope the soldiers will not trouble the government with prisoners;” and, by another letter, of the 9th of the said month of January, which is likewise before the instructions, and written to Sir Tho., as the former, he hath this expression, that “these who remain of the rebels are not able to oppose, and their chiftains being all papists, it is well the vengeance

* [See transcript of instructions in the Stair collections.—S.]

falls there; for my part I could have wish'd the Macdonalds had not divided, and I am sorry that Kippoch and Mackean of Glenco are safe;" and then, afterwards, "We have* an account, that Locheal, Macnaughton, Appin, and Glenco, took the benefit of the indemnity at Inverary, and Kippoch, and others, at Inverness." But this letter of the 11th of January, sent with the instructions to Sir Tho., hath this expression, "I have no great kindness to Kippoch nor Glenco, and it's well that [their]† people are in mercy;" and then, "Just now, my Lord Argile tells me that Glenco hath not taken the oath, at which I rejoice. It is a great work of charity to be exact in rooting out that damnable sept, the worst" of "the Highlands."‡ But, in his letter of the 16th of January, of the same date with the additional instructions, tho' he writes in the 1st part of the letter, "the King does not at all incline to receive any after the diet but on mercy;" yet he thereafter adds, "but, for a just example of vengeance, I intreat the theiving tribe of Glenco may be rooted out to purpose." And, to confirm this, by his letter of the same date, sent with the other principal duplicate, and additional instructions, to Colonel Hill, after having written that such as render on mercy might be saved, he adds, "I shall intreat you that, for a just vengeance, and publick example, the tribe of Glenco may be rooted out to purpose. The Earls of Argyle and Braidalbin have promised that they shall have no retreat in their bounds; the passes of Ronoch§ would be secured, and the hazard certified to the laird of Weems to reset them. In that case, Argyle's detachment, with a party that may be posted in Island Stalker, must cut them off; and the people of Appin are none of the best."

This last letter, with the instructions for Colonel Hill, was received by Major Forbes, in his name, at Edinburgh; and the Major depones, that, by the allowance he had from the Colonel, he did unseal the packquet, and found therein the letter and instructions, as above, which he sent forward to Colonel Hill, and that, in the beginning of February, 1692, being in his way to Fort William, he met some Companies of Argyle's regiment at Bellisheil's,|| and was surprised to understand that they were

* ["I have," in transumpt in the Stair collections.—S.]

† [Transumpt of letter in the Stair collections.—S.]

‡ [*The worst in all the Highlands*, is the expression in transumpt of letter in the Stair collections.—S.]

§ [*Rannoch*, in transumpt of letter in the Stair collections.—S.] || [*Ballacholis* ?]

going to quarter in Glenco, but said nothing, till he came to Fort William, where Colonel Hill told him, that Lieutenant Colonel Hamilton had got orders about the affair of Glenco, and that, therefore, the Colonel had left it to Lieutenant Colonel Hamilton's management, who, he apprehends, had concerted the matter with Major Duncanson; and Colonel Hill depones, that he understood that Lieutenant Colonel Hamilton and Major Duncanson, got the orders about the Glenco men, which were sent to Lieutenant Colonel Hamilton; that, for himself, he liked not the business, but was greived at it; that the King's instructions of the 16th of January, 1692, with the Master of Stair's letters of the same date, were brought to him by Major Forbes, who had received them, and unseal'd the packet, at Edinburgh, as these two depositions do bear.

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

* [any thing in transumpt in the Stair collections.—S.]

Sir Tho. Livingston having got the King's instructions, with Secretary Stair's letter of the 16th of January, and, knowing, by a letter he had from the Master of Stair, of the date of the 7th of January, 1692, that Lieutenant Colonel Hamilton was to be the man employed in the execution of the Glenco men, in pursuance of the Secretary's letter, he writes to Lieutenant-Col. Hamilton, upon the 23^d of the said month of January, telling him, that "it was judg'd good news that Glenco had not taken the oath of allegiance within the time prefixed;" and the Secretary Stair, in his last letter, had made mention of him; and then adds, "For, Sir, here is a fair occasion for you to show that your garison serves for some use, and, seeing that the orders are so positive from Court to me, not to spare any of them that have not timely come in, as you may see by the orders I send to your Colonel, I desire you would begin with Glenco, and spare nothing which belongs to him; but do not trouble the Government with prisoners:" as this letter, produced by Lieutenant-Colonel Hamilton, bears.

And Sir Thomas, being heard upon this letter, declar'd, that, at that time, he was immediately return'd from his journey to London, and that he knew nothing of any soldiers being [to be] quarter'd in Glenco,* and only meant that he should be prosecuted, as a rebel standing out, by fair hostility. And in this sense he made use of the same words and orders written to him by Secretary Stair. Thereafter, Col. Hill gives his order, to be directed to Lieutenant-Col. Hamilton, in these terms, "Sir, you are, with 400 of my regiment, and the 400 of my Lord Argyle's regiment, under the command of Major Duncanson, to march straight to Glenco, and there put in due execution the orders you have received from the Commander in Chief. Given under my hand at Fort William, the 12th day of February, 1692." And this order is also produced by Lieutenant-Colonel Hamilton.

Then, the same day, Lieutenant-Col. Hamilton wrote to Major Duncanson in these terms, "Sir, pursuant to the Commander in Chief and my Colonel's orders come to me, for putting in execution the service

* [The meaning seems to be that he knew nothing of the *intention* of quartering soldiers in Glenco; for this did not take place till the first of next month. Report from a letter which Sir Thomas wrote to Lt. Colonel Hamilton, from Edinburgh, on 18th January, it appears that he was not so immediately returned from London as seems implied in the report. His memory seems to have failed in this instance.—S.]

against the rebels of Glenco, wherein you, with a party of Argyle's regiment, now under your command, are to be concern'd. You are, therefore, to order your affairs so that you be at the several posts assign'd you by seven of the clock to-morrow morning, being Saturday, and fall in action with them; at which time I will endeavour to be, with the party from this place, at the post appointed them. It will be necessary that the avenues minded by Lieutenant Campbel on the south side be secur'd; that the old fox, nor none of his cubs, get away. The orders are that none be spar'd, nor the Government troubled with prisoners." And the copy of this last order is produc'd under Lieutenant-Colonel Hamilton's own hand. And, accordingly, the slaughter of Glenco, and his poor people, did ensue the next morning, being the 13th of February, 1692, in the manner narrated.

And, upon the whole matter, it is the opinion of the Commission, First, that it was a great wrong that Glenco's case, and diligence as to his taking the oath of allegiance, with Ardkinlas's certificate of his taking the oath of allegiance on the 6th of January, 1692, and Col. Hill's letter to Ardkinlas, and Ardkinlas's letter to Colin Campbel, Sheriff-Clerk, for clearing Glenco's diligence and innocence, were not presented to the Lords of his Majesty's Privy Council, when they were sent into Edinburgh, in the said month of January, and that those who advis'd the not presenting thereof were in the wrong, and seem to have had a malicious design against Glenco; and that it was a farther wrong, that the certificate as to Glenco's taking the oath of allegiance was delete and obliterate after it came to Edinburgh, and that, being so obliterate, it should neither have been presented to, [n]or taken in by, the Clerk of the Council, without an express warrant from the Council. Secondly, that it appears to have been known at London, and particularly to the Master of Stair, in the month of January, 1692, that Glenco had taken the oath of allegiance, tho' after the day prefix'd; for he saith, in his letter of the 30th of January, to Sir Tho. Livingston, as is above remark'd, "I am glad that Glenco came not in within the time prescribed." Thirdly, that there was nothing in the King's instructions to warrant the committing of the foresaid slaughter, even as to the thing it self, and far less as to the manner of it, seeing all his instructions do plainly import, that the

most obstinate of the rebels might be received into mercy upon taking the oath of allegiance, tho' the day was long before elaps'd, and that he ordered nothing concerning Glenco and his tribe, but that "if" they could "be well separated from the rest, it" would "be a proper vindication of the publick justice to extirpate that sept of thieves;" which plainly intimates, that it was his Majesty's mind that they could not be separated from the rest of these rebels, unless they still refused his mercy by continuing in arms and refusing the allegiance, and that, even in that case, they were only to be proceeded against in the way of publick justice, and no other way. Fourthly, that Secretary Stair's letters, especially that of the 11th of January, 1692, in which he rejoyces to hear that Glenco had not taken the oath, and that of the 16th of January, of the same date with the King's additional instructions, and that of the 30th of the same month, were no ways warranted, but quite exceeded the King's foresaid instructions; since the said letters, without any insinuation of any method to be taken that might well separate the Glenco-men from the rest, did, in place of prescribing a vindication of publick justice, order them to be cut off and rooted out in earnest, and to purpose, and that suddenly, and secretly, and quietly, and all on a sudden; which are the express terms of the said letters; and, comparing them, and the other letters, with what ensued, appear to have been the only warrant and cause of their slaughter, which, in effect, was a barbarous murder, perpetrated by the persons depon'd against. And this is yet farther confirm'd by two more of his letters, written to Col. Hill, after the slaughter committed, viz., on the 5th of March, 1692, wherein, after having said that there was "much talk" at London that the Glenco men were "murder'd in their beds, after they had taken the allegiance," he continues, "For the last, I know nothing of it. I am sure neither you, nor any body empower'd to treat, or give indemnity, did give Glenco the oath; and to take it from any body else, after the diet elaps'd, did import nothing at all. All that I regrave is, that any of the sort got away; and there is a necessity to prosecute them to the utmost." And another, from the Hague, the last of April, 1692, wherein he says, "For the people of Glenco, when you do your duty in a thing so necessary to rid the country of thieving, you need not trouble your self to take the pains to

vindicate your self by shewing all your orders, which are now in the Paris Gazette. When you do right, you need fear no body. All that can be said is, that, in the execution, it was neither so full, nor so fair, as might have been." And this their humble opinion the Commissioners, with all submission, return, and lay before his Majesty, in discharge of the foresaid Commission.

(Sic Subscribitur) TWEDDALE.
 ANANDALE.*
 MURRAY.†
 JA. STEWART.
 ADAME COCKBURN.
 W. HAMILTON.
 JA. OGILVIE.‡
 A. DRUMMOND.

MEMORANDUM OF THE FOREGOING REPORT.

This paper had (as appears from the minutes of Parliament, 24th June, 1695, Vol. IX, App. p. 107,) been forwarded to his Majesty on the day of its date, viz., 20th preceding; and (as appears from the same authority) was read to the Parliament on the 24th.

As the original of the report is missing, whilst no authenticated double of it is known to exist, and as, for these reasons, no copy of it is given in its place, in the minutes of Parliament printed under the auspices of the Commissioners on the public records; but, as a copy of it, tolerably authenticated for historical purposes, was printed and sold by a bookseller in London, whose name ("*B. Bragg*,") is given, in 1703, and it is a document of much importance, being, like the address by the Parliament to the King, 10th July, 1695, on the same subject, founded on the King's instructions, the Secretary of State for Scotland's letters, and

* [Afterward, by creation, Marquis of Anandale.—S.]

† [Afterward, by creation, Earl of Tullibardin; and, subsequently, by succession to his father, Marquis of Atholl.—S.]

‡ [Afterward, by creation, Viscount Seafield; and, by a 2d creation, Earl of Seafield. He succeeded his father as Earl of Finlater.—S.]

other papers arising out of these, and on the depositions of several witnesses: For these reasons, to which may be added the many internal proofs of authenticity, it is deemed expedient, that, till the report be discovered in a more authentic shape, such a copy of it as can be had should form part of the collections in the General Register House.

Of the pamphlet in which the report was originally printed, the title page is as follows;—"The Massacre of Glenco, being a true narrative of the barbarous murder of the Glenco-men, in the Highlands of Scotland, by way of military execution, on the 13th of Feb. 1692. Containing the Commission, under the great Seal of Scotland, for making an enquiry into that horrid murder: the proceedings of the Parliament of Scotland upon it: the report of the Commissioners upon the enquiry laid before the King and Parliament: and the address of the Parliament to King William for justice upon the murderers. Faithfully extracted from the records of Parliament. And publish'd for undeceiving those who have been impos'd upon by false accounts. London, printed and sold by B. Bragg, at the Blue Ball in Ave-Mary-Lane, 1703."

"Prefixed to the papers printed is the following letter, to the printer and publisher; unfortunately, though necessarily, anonymous.

"SIR,

In answer to yours of the first of October, I herewith send you, from the records of our Parliament, a true and authentick account of the massacre of Glenco, as you righteously call it. I wish this matter could have been forgotten to eternity; but since you say it is altogether needful for the vindication of the justice of our country, against many false slanderous accounts that are daily given of that business in England, I am willing you print what I now send you; and, that you may be furnish'd to answer all objections against the truth of this narrative, you may inform any English man of quality that is willing to be satisfied in the matter, that the report of the Commission, the address of our Parliament herewith sent you, and the duplicates of the Lord Stair's letters,* are,

* [The *Master* of Stair is meant; for Lord Viscount Stair, President of the Court of Session, father of the author of the letters alluded to, and which he wrote as Secretary of State for Scotland, did not die till 1705.

or were at least, in the Scots Secretarie's office at London: or, if they should happen to be withdrawn from thence, they may inform themselves fully in the truth of this from Mr. Johnston, who was at that time Secretary of State for Scotland, and had particular directions from the late Queen Mary to push on this enquiry, and search into the bottom of that horrid murder; for her Majesty was grieved at the heart, that the reputation of the King, her husband, should have suffer'd so much by that affair. I would not, however, that Mr. Johnston should know any thing of your design to publish this; for, tho' you know, as well as I, that his diligence to serve and obey the Queen in this matter was always judg'd here to be one of the cheif causes of our nation's losing that able and honest minister, yet he is so nice in point of honour, that he chused rather to be unjust to himself, and to lie under imputations, than to give any part of those papers to be publish'd, tho' frequently urged to it, because, he said, it would be undecent in him, that once had been his Majesty's Secretary, to do any such thing. Therefore, tho' you are carefully to conceal this matter from him till it be publish'd, yet, as soon as it is, I must pray you, if you think it proper, to go and tell him, that I beg his pardon for making this appeal to him without his leave: and, tho' I may suffer in his good opinion by what I have done, yet, if this publication may any ways oblige him to do himself, his late master, and his country, further justice, by telling what he knows more of the matter, I shall be the easier under his displeasure. I had almost forgot to notice, that the Duke of Athol, the Lord Chancellor, the Marquis of Annandale, all now at London,* were members of the Commission who made the inclosed report; and however scrupolous they may have been, in point of honour, to communicate any papers relating to this matter, they cannot, in honour, but own that this history is authentick, if any of the English nobility think fit to enquire at them about it. But you must be careful to let none of them know any thing of your design to publish it, or which way you have this information; tho', if they should come to know it, I chuse rather to incur their dis-

* [The writer of this letter is mistaken in asserting that John, 1st Marquis of Tweeddale, was then in London, (which he does in effect when he mentions "the Lord Chancellor"); for he had been dead since 1697. He perhaps mistakes the son for the father.—S.]

pleasure, by appealing to them, than to omit any thing that lies in my power to vindicate the honour and justice of our country.

“*Edinburgh, Nov. 1, 1703.*”

[The transcriber may perhaps be indulged when he states, that he flatters himself he has produced a more correct copy of the foregoing Report, than that of which his is a transumpt.—S.]

TO HIS GRACE, JOHN, MARQUIS OF TWEEDDALE, HIS MAJESTY'S HIGH COMMISSIONER, AND THE RIGHT HONOURABLE ESTATES OF PARLIAMENT.

[1695, *June 26.*]

The humble Supplication of John MacDonal'd of Glenco, for himself, and in name of Alexander Macdonald of Achatrie-chatan, and the poor remanent that is left in that family.

SHIEWETH,

104. That it being now evident, to the conviction of the nation, how inhumanly, als weil as unchristianly, the deceist Alexander MacDonal'd of Glenco, the deceist John MacDonal'd of Achatrie-chatan, and too many more of the petitioner's unfortunat family, were murdered and butchered in February,* 1692, against the laws of nature and nations, the laws of hospitality, and the publick faith, by a band of men quartered amongst them, and pretending peace, tho' they perpetrated the grossest crueltie under the colour of his Majesties authority; and, seeing the evidence taken be the right honourable Lords, and uther members of the Commission which his Majestie was most graciouslie pleased to grant for inqyreing into that affair, hath cleared, to the Parliament, that, after committing of the forsaid massacre, the poor petitioners were most ravenously plundered of all that was necessary for the sustentation of their lives, and besydes, all ther cloaths, money, houses, and plenishing, all burned, destroyed, or taken away; that the souldieris did drive no fewer than five hundred horses, fourtein or fyftein hundred coues, and many more sheep and goats; and that it is a proper occasione for his Majestie, and the Estates assembled in Parliament, to give a full vindication of there justice, and freeing the publick from the leist imputation

* [13th of that month, at 5 in the morning.—S.]

which may be cast thereon by forraigne enemies, on the account of so un-exampled an action; and that it is worthy of that honour and justice which his Majesty and the Estats have been pleased to shew to the world with relation to that affair, to releive the necessity of the poor petitioners, and to save them, and their exposed widdous and orphans, from starving, and all the misery of the extreamest poverty, to which they are inevitably lyable, unless his Majesty, and the Estats, provyde them a remedy.

It is therefore most humbly begged that your Grace, and the Estates, would, from the principles of commiseration to your petitioners sad circumstances, as well as those of honour and justice, ordain relief and redress to your poor petitioners, as, in your wisdoms, shall be found most fitt.

And your Petitioners shall ever pray.

JO. DONELL.

[Original in the General Register House, Edinburgh. This copy, however, was made from a transumpt only; and the copyist cannot vouch its fidelity in all points —S.]

INFORMATION FOR THE MASTER OF STAIR.

[1695, *Jun.* 28.]

105. His Majestie's Commissioner having thought fit to communicat to the Parliament the report, with the evidences and instructions taken and adduced before the Commission of Glencoe, and the Master of Stair's freinds conceiving that he is mightily prejudged by that report, which notices particular sentences or periods of certain letters of his, suppressing, or not expressing, other material periods of the same letters, and from whence consequences are drawn which cannot follow upon a due consideration of the whole.

The Master's friends had no opportunity to see these letters, or know the tenor of them, till they were read in Parliament; and then, being satisfied that they do not answer to the rumors and commentars that are

spread abroad upon them, it was earnestly desired that the letters might be printed for the Master's vindication, which was not obtained, nor doubles allowed to be taken; but the grounds of the report only allowed to be seen in the Clerk's hands.

There has been so much discourse about Glenco, that little needs to be said to state the case. It's known they were very ill men, rebels, papists, robbers and theivs, which did not justify any inhumanity in their execution, but did expose them more to legal severity than other subjects.

His Majesty, being justly displeas'd that many rebels had despis'd two indemnities, did resolve, in the next place, to apply the severity of the law; and none were found more fit to fall under it than those of Glenco.

To that end, his Majesty granted instructions to Sir Thomas Livingstoun, on the 11th of January, 1692, whereof the first runs in these terms: "You are hereby ordered and authorized to march our troops which are now posted at Inverlochic and Inverness, to act against these Highland rebels, who have not taken the benefit of our indemnity, by fire and sword, and all manner of hostility, to burn their houses, seize and destroy their goods, cattle, plenishing and cloaths, and to cut off the men." And the fourth article bears, "That the rebels may not think themselves alsolutly desperat, We allow you, to our own powers, to give terms and quarters; but we are so convinced of the necessity of severity, and that they cannot be reclaim'd, that we will not allow you to give any other terms to chiftans, heretors or leaders, but to be prisoners of war, whereby their lives are saved; but, for all other things, they must surrender on mercy, and take the oath of allegiance." And the fourth article of additional instruction[s], the 16th of January, 1692, bears, "If M'Kean of Glenco and his tribe can be well separated from the rest, it will be a proper vindication of the publick justice to exstirpat that sect* of theivs."

The Highland rebels, who had not accepted of the indemnity, might lawfully have been cut off without quarters; but his Majesty molifies that rigour, by allowing Sir Thomas Livingstoun to give terms and quar-

* [It is believed that the true reading is *sept.*—S.]

ters. Yet Glenco was, by these orders, to ly nearest to the just vengeance of the law.

Old M'Kean of Glenco did not take the oath in due time; but, six days after he prevailed with Arkinglass to administer the same, which Arkinglass did, and desired that his case might be represented to the Privy Council. But the rest of his clan and followers did not take the oaths at all; yet, upon his taking the oath, he, and his people, did look upon themselves as secure; and Glenlyon, and his company, was lodged among them, in a peaceable manner, from the 1st to the 13th of February. And it appears against the rules of hospitality, and humanity, that he, with his company, and others, did barbarously murder five and twenty men, and a woman, and particularly his own landlord; and many aggravating circumstances do clearly appear, particularly that men of great age, and a boy of fourteen years, were cut off; and that Captain Drummond was very forward in that cruel execution.

The Parliament has considered his Majesties instructions, and the execution; and have voted that the instructions contain a warrand for mercy to all who offer to take the oath of allegiance, and come in upon mercy, without exception, though the dyet prefixed was elapsed; and that the same contained no warrand for the execution of the Glenco men made in February thereafter.

It was also voted, that the said execution, as it was represented in Parliament, was a murder.

It was further moved, that the Parliament should proceed to consider the persons guilty of the said murder; and the report does load the Master of Stair, as if his letters had given the occasion of it.

In the first place, the report of the Commission is noways to be regarded to influence any member of Parliament, being privatly done, without access allowed to any party that might be interested; but the grounds and instructions upon which it is founded, are only to be considered.

If the Parliament shal proceed to consider the instructions, and probation adduced, the first, and most natural, point to be considered is, who were the executors; for, if these executors had no sufficient warrand for what they did, or if they did that which no warrand could authorize;

then, certainly, as they were the executors, so they ly nearest to, and most justly under, the censure of the nation. And the probation, as represented to the Parliament, bears that Glenlyon, Captain Drummond, Lieutenant Lindsay, and others, being most peaceably lodged and quartered among the Glenco men, from the first of February, and being civilly received and entertained for the space of 13 days, they got access, in a friendly manner, to come in to old Gleuco's chamber, where he lay, and killed him treacherously, behind his back, and that Glenlyon's landlord was killed by him, and that old men superannuated, two children, and a woman, were killed.

This execution was so barbarous that no warrand could authorize it, the laws of humanity being the strongest of all tyes, and whatever obligations may ly upon soldiers under pay to execute commands without disputing, yet they are rather obliged to give up their commissions than fly in the face of nature. 2. Though the command of superior officers be very absolute, yet no command against the laws of nature is binding; so that a soldier, retaining his commission, ought to refuse to execute any barbarity, as if a soldier should be commanded to shoot a man passing by, inoffensively, upon the street, no such command would exeem him from the punishment of murder. 3. There is no pretence of any warrand for killing of women, or children under age; neither did Glenlyon so much as ever remonstrat, to the giver of the order, that he and his men were under the confidence of hospitality; which the giver of the order might not have considered so well, as he who received it was bound to do, before the execution.

The Parliament having found the King's order legal, and the execution illegal, so soon as the executors are found to have exceeded either their warrand, or the laws of humanity, the work and design of the Parliament is done.

But, because the Master of Stair hath been named in the matter, for his vindication it is to be considered, First, that there is a great difference in the circumstances of affairs, betwixt the time and the supposition upon which he wrote, and what fell out about the same time, or shortly thereafter.

Glencoe and his son had been obstinate rebels, forfaited in the

Parliament 1690, irreconcilable to the Government; he himself a murderer; all his tribe hereditary theives; he and they had slighted two gracious indemnities; the King was resolved to make an example of justice, as many had been made of his mercy; and it was thought that the same could be no where exercised more fitly to the terror of others; and two of the Master of Stair's letters, the first and third of December, 1691, do expostulate that these men were deluded by hopes of better terms, and longer dyets, whereby they would fall into the net, which was a sufficient warning to beware, yet they did not imbrace the indemnity.

2. All the Secretarie's letters were wrote upon the supposition that they were still obstinat and irreconcilable rebels; and no man can reasonably say that rebels in such circumstances might not be cut off, for an example of publick justice; neither was that severity so much the Secretarie's proper sentiment, as that his endeavour to bring in the Highlanders without blood was misconstrued as flowing from good-will and tenderness to the Jacobite party, whom he would not have disabled from their old interprizes; and it was loudly discoursed, at that time, that this opportunity should be taken to rid the nation of the barbarous Highlanders.

The Master's project not taking full effect, and many rejecting the offered mercy, such as obstructed the negociation were ready to misrepresent his measures to the King, and there being resolution to make an example of severity on these very people, the Master was obliged to enter into it the more frankly, because the persons to whom the letters were directed, and had the trust of the execution, had not been favourable to that negociation: and, if he had appeared indifferent in that matter, he might have lyen under greater censure another way.

3. As the Master did not know that Glencoe had taken the oathes, even after the dyet elapsed, but looked upon all the tribe as in open rebellion; so much less did he know that the manner of execution would be by a man lodged as a friend thirteen nights in their bosom, or that they would kill women or children, in which the inhumanity doth really consist; for, suppose the case that they all had been standing out obstinat rebels, and never taken the oathes, nor so much as offered submission, and that, in such circumstances, military forces had gone in and de-

stroyed them all, no man can say that there was any thing illegal, or cruel, in that; and it was the opinion of all who advised the King, and it was his Majestie's pleasure it should be so; and the variation of circumstances, without the Master's knowledge, did not alter the case as to him.

The circumstances that altered were two; the one, that Glencoe took the oath after the dyet, which should have procured him mercy; and next, the manner of execution, by soldiers lodged in the place. Both were altogether unknown to the Master.

No body loads the Master with the last, and great, circumstance, which relates to all the persons slain: but the other circumstance, of old Glencoe's having taken the oath, is alledged to have been known to the Master; and the report of the Commission is not positive in that point, but it says that it appears the same was known.

To this it is answered, 1, That, if it can be instructed that the Master did know of old Glencoe's taking the oath, whether legally, or not legally, at the time of writing any of the letters preceding the slaughter, whereof the last is dated the 30th of Jan. 1692; in that case, the Master would be willing to forfeit reputation, life, and fortune: so that it is still positively and peremptorily asserted, that the Master was wholly ignorant of that circumstance.

The evidence upon which the report of the Master's knowledge of that circumstance proceeds, is the same letter of the thirtieth of January, bearing, "*I am glad Glenco did not come in within the time prescribed,*" &c., from whence it is inferred, that he knew of Glencoe's coming in after the time elapsed, which is a very wide consequence. First, the embracing the indemnity supposes the coming in in due time; and, the indemnity being in his view, he had no eye [to], nor consideration of, what followed.

2. That letter could never be the warrant of Sir Thomas Livingston's order, upon which the execution followed; because Sir Thomas his order is upon the 23d of the said moneth, seven days preceding.

3. His letter of the same date, direct to Collonel Hill, bears, in the beginning, that he doubted not the Collonel would make the best use of the present circumstance; and where Glenco is mentioned, it is said he

is fallen in the mercy of the law; and, shortly after, he adds, these false people will do nothing but as they see you in condition to do with them; by the first and last of which clauses, which afterwards will be more particularly related, it is evident, that the Master leaves all to the Collonell's management, to whom the order was also directed; and, by the middle clause, that Glencoe was still considered as in the mercy of law; which clears that the Master did not understand him to be under any security by taking the oaths; neither can these letters be reckoned peremptor, because all is thereby left to the discretion of the persons to whom they are directed.

And whereas it hath been further said, that, whether the Master knew of Glencoe's taking the oaths or not, yet his letters are more peremptor than the King's instructions, in so far as the King's instructions are qualified, and bear power to give terms, and several of the Master's letters are peremptor for the destruction of Glencoe, without mentioning the quality which the instructions do contain, and even the most peremptor instruction against Glencoe, bearing, that, if they could be well separated from the rest, it would be a proper vindication of the publick justice to extirpat that sect of theives, does not take off the quality, that they might be received upon mercy.

It is answered, 1, That tho' the Master's letters were more peremptor than the King's instructions; yet, if they were within the terms, and not exceeding the rigours which the law allows, the Master could never be quarreled upon these; for, either they were to be considered as writ by the Master of Stair, a privat person; in which case they could afford no authority or warrant to impair, or extend, the King's instructions, and these to whom the instructions were directed were bound to obey them, and not privat letters; or, if the Master's letters were considered as flowing from the Secretary of State, the King's authority is presumed to be there. And none can quarrel any expression in these letters, except the King himself, unless the King's authority were used to a tling in itself unlawful, which could not be pretended; in so far as the Glencoe men being understood to be forfeited obstinat rebels, they were absolutely in the mercy of law, to be cut off or destroyed by military execution, without any mercy.

2. *Et separatim*, it is positively asserted, that there is not one circumstance in the Master's letters beyond the King's instructions; but all the letters do bear qualities in them, whereby they are to be constructed suitable and agreeable to the instructions, in all points.

For clearing of this point, it's to be considered, 1, That nothing can be founded upon letters posterior to the fact, whereof there are two; one of which bears, that "the execution was neither so full, nor so fair, as it might have been," which blames and disapproves of the manner. And any expression of these letters that may be interpreted a justifying of severity, is rather to be considered a covering of an error and escape, than an approbation of what had past, and many things will be excused when they are done that a reasonable man would not advise, nor practise; neither can it be supposed that the worst of the circumstances were known, such as the murder under trust. 2. Nothing can be founded on the two letters [of] the thirtieth of January, though these do precede the execution; because no direction, or instruction, followed upon the letters of the 30th. In so far as Lieutenant Collonel Hamilton's orders, both from Sir Thomas and Collonel Hill, were not only before these orders could come to hand, but dated the 23d of the same month of January, seven days before the Master's letters, and there was no posterior orders directed on receipt of them, neither did these letters exceed the King's warrant, in as far as they bear still a reference to the prudence and management of these to whom they were directed. And the letter to Sir Thomas contains a clause, after several particulars mentioned, viz. "*In these you can only be advised, but must be left to prosecute them as the state of affairs will allow.*" And thereafter, desires him to communicate these particulars to Collonel Hill; and that he would not be too far engaged with his neighbours in treaty, before he had heard of the surrender of these two places, which were forgot in the instructions: and the words in relation to Glencoe are not commands, but advices. First, he says, "I *hope* what is done may be in earnest:" again, "I *think* to herry their cattle, and burn their houses, would render them desperat lawless men, to rob their neighbours; but I *believe* ye will be satisfied, it were an advantage to the nation they were rooted out;" which are not words of command or direction, nor in the least excluding the prudent manage-

ment which the King reserved to Sir Thomas; and they are not so peremptor as the words of the instruction, bearing, that if they could be separated* from the rest, they should be extirpated.

In like manner, the Master's letter of the same date, to Collonel Hill, bears, "I doubt not you will, as the circumstances will allow, make the best use of them that may be; *therefore, at a distance, you cannot receive furdre directions than what you have under the King's hand;*" and, thereafter, he says, "when any thing concerning Glencoe is resolved, let it be secret and sudden:" "better not meddle with them than not to do it to purpose, to cut off that nest of robbers, who have fallen in the mercy of the law." And, thereafter, he says, "these false people will do nothing but as they see you in condition to do with them." And, thereafter, he says, "they play fast and loose as they find themselves pressed; therefore all I can† say is, better get their houses and their strength,‡ than all assurance§ we can have from them." "Deal with them as you find their consternation, and your circumstances, allows; but, by all means be quick, that nothing remain till the summer, that they can have help."

The whole tenor of these letters clear[s], that the Master was far from designing to restrain Sir Thomas, or the Collonel, from the management of the affair committed to their care, or excluding the rebels from the benefit of his Majestie's bounty allowed to be extended to them, in case of their offering submission to Sir Thomas.

The next point to be cleared is, that none of these letters preceding the date of Sir Thomas's order did exceed the terms of law, or the King's instructions. This doth appear from the terms of the letters which the Master wished to have had printed. The preceding letters are seven in number; whereof the first two, direct to Lieutenant Collonel Hamilton, on the 1st and 3d of December, 1691, contain nothing but expostulations: that these unhappy men deluded themselves with the hopes of better terms, and new dyets, and that they would get off without taking the oaths, and foretelling that the MacDonalds would "fall in" the "net,"||

* ["*well separated,*" is the expression in the instructions.—S.]

† ["*shall*" is the word in the transumpt in the Stair collections.—S.]

‡ ["*and strengths,*" in transumpt in the Stair collectionns.—S.]

§ ["*than any thing else of assurance,*" are the words in the transumpt in the Stair collections.—S.]

|| ["*this net*" in the Stair transumpt of the letter quoted, a previous clause of which shews what the meaning is.—S.]

and in the mercy of law,* and blaining such as did obstruct their submission, and no bad commentar can be made upon these.

The next letter is on the 7th of January, direct to Sir Thomas Livingstoun, when the dyet was elapsed, and advertising him that the rebels would be prosecuted, and that powers would be given to him, which he assures [him] would be full enough, and hopes that the souldiers will not trouble the Government with prisoners, and that the slighting of mercy, and depending upon forraign assistance, will justify all the severity can be used against them; and adds, "I know well they are cheated with the hopes of prolonging the dyet, and having the benefit of indemnity without oaths, and more money,† but in all these they are deluded, and we must make sure of them before they can get these supplies from France they depend on." In this there is nothing amiss; but an evidence of great loyalty and affection, and a just zeal against obstinat rebels, who, every season, put the nation under the hazard of an invasion, by a cruel and powerful enemy.

The next letter is [on] the 9th, direct to Sir Thomas, and to the same purpose, in which he says, "I do not see how new treaties and terms can be entred into; which can only be to preserve them till help be had." Then he adds, towards the end, "I think it just that powers be lodged with you, who, I know, will use them discreetly for the common-well;" and adds, that, if they got not encouragement from others than the Master, or Sir Thomas, not one man would have stood out.

This letter relates to instructions to be made, and promised that powers would be lodged with Sir Thomas, which was accordingly done by the fourth article of the first instruction.

The next letter is of the 11th of January, of the date of the first instructions. This is one of the chief letters founded upon in the report, which doth not only notice this clause that the Earl of Argyle hath just now told me, that Glenco had not taken the oath, "at which I rejoice. It's a great work of charity to be exact in rooting out that damnable sect, the worst in all the Highlands." But the Commission takes no notice of the other clauses of the same letter, which, demonstratively,

* [The expression, "*in the mercy of law*," does not occur in the letter referred to, as given in transumpt in the Stair collections.—S.]

† ["*mercy still*," is the expression in the Stair transumpt of the letter quoted.—S.]

clear that nothing of that letter was design'd to cut off Sir Thomas's power to manage according to discretion, in as far as it bears, "I have sent you the King's instructions super and subscribed by himself. I am confident you will see there are full powers given you in very plain terms, and yet the method's left very much to your own discretion." And, thereafter, another clause bears, "It is necessary you own* that you have power;" and then proceeds to advise how he should treat, and manage these powers.

There remain only two letters, dated the 16th, which are of the date of the last instructions, bearing that, "if Glencoe could be well separat from the rest, it would be a proper vindication of justice to extirpat that sect." The words chiefly noticed by the Commission, in this letter, are these, "*I intreat you that, for a just vengeance, and publick advantage, the thieving tribe of Glencoe may be rooted out to purpose.*" but still, the tenor of the letter, and clause clearing the design, are omitted; neither is that very clause severer than the terms of the instructions to *extirpat that sect of thieves for the vindication of publick justice.* But furdur, to testifie that the said clause did not exclud mercy, and power to manage according to discretion. [1.] The letter to Sir Thomas Livingstone, of that date, is relative to the additional instructions, in the beginning of it. 2. It bears, "The King doth not at all incline to receive any after the term,† but on mercy; nor will he alter the terms of the indemnity; for that is to make people always dodge, and hope for better terms than these who obeyed, and came in within the day. Therefore, that is left entirely to your discretion, according to circumstances."‡ But, by no means, leave any standing, that may incourage or invite the French to send thither§ succours in the spring." And, in his letter of the same date, to Collonel Hill, he likewise relates to the instructions directed both to him, and to Sir Thomas. Then adds, "*I know your sentiments will be the same, but none knows|| what power the King hath given you.*" Then follows a clause in these terms, "*It were to be wished that*

* ["own, and give out," are the words in the transumpt in the Stair collections.—S.]

† ["diel," in transumpt in the Stair collections.—S.]

‡ ["the circumstances," in transumpt in the Stair collections.—S.]

§ ["hither," in transumpt in the Stair collections.—S.]

|| ["doth or should know," is the expression in the transumpt in the Stair collections.—S.]

these who stood out till the dyet were elapsed might be made examples for their folly, and that these should not have the same terms, or better than these who in time did obey;" "and these rebels estates may be made a perpetual fond for the charge of the garison."... "I am not for punctilios to endanger a disgrace to the King's forces," &c.*

So the whole tenor and strain of these letters do clear whatsoever rigour was designed for Glencoe, either by the instructions, or the Master of Stair's letters. Yet all was in the terms of law, and with reservation to be used by Sir Thomas, and Colonel Hill, according to discretion and circumstances.

(Copied from the Printed Paper which was circulated in the Parliament. It is preserved amongst Wodrow's collections, Advocates' Library, Edinburgh, and occurs in vol. XVI, No. 40, of those collections.)

ANSWERS TO A PAPER DISPERSED AMONG THE MEMBERS OF PARLIAMENT,
UNDER THE TITLE, INFORMATION FOR THE MASTER OF STAIR.

106. Tho' this paper be already condemned by the Estates of Parliament as false and calumnious, and be ordered to be marked as such in their minutes, and that the person who owned himself to be the author was confined and ordained to crave his Majesty, his Majesty's High Commissioner, and the Estates of Parliament pardon in their Parliament, which he also did; yet to satisfy the world of the reasonableness of the Parliament's procedure, and that their censure was far below the just severity that both the paper and author deserved. It may be remembered how much noise the barbarous murder of the poor Glencoe men hath made both at home and abroad, so that, for vindicating the public justice of the kingdom, his Majesty thought fit to give a commission under the great seal to certain persons thereon named, to inquire into the matter of fact, how and in what manner, and by whom and by what pretended authority, that slaughter was committed.

But the Parliament coming to meet in May last, and the whole nation having been of a long time desirous to know the truth of that affair,

* ["*have stood*," in transumpt in the Stair collections.—S.]

wherewith they had heard that both his Majesty and many others of his best subjects were by adversaries injuriously loaded. The members were very instant that the matter should be inquired into, which obliged his Majesty's High Commissioner to acquaint them that the King had been graciously pleased to give the foresaid Commission; and at their desire, and for their farther satisfaction, the Commission was publicly read in Parliament, and the Parliament also told that in due time they might expect a communication of the discovery. After which the Commission proceed into the inquiry, and having called all the persons concerned, and taken their depositions upon oath, and having also caused exhibit before them the whole instructions, letters and orders relating to that business, they, after many sederents, and great pains taken, formed, concluded, and signed their report. But the Parliament, on the other hand, growing in their expectation and earnestness to have a discovery communicated, wherein they judged the King and kingdom so much concerned, and his Majesty's Commissioner perceiving that to decline their importunity any longer, since his Majesty had been acquainted and had given no order to the contrary, was like to prove an hinderance to the King's service, and the supplies necessary for the country's defence, thought fit, after the sending away of the Commissions, signed Report to his Majesty to lay the just doubt thereof, with the whole depositions and documents whereupon it was founded, before the Parliament for their satisfaction.

The report, then, with the whole testimonies and writings whereupon it was founded, being read before the Parliament, and all left upon the table for a convenient time, in order to more full information, the Parliament judged themselves obliged, in the first place, to vindicate his Majesty, whom all men did now plainly see to be wholly clear of the foresaid slaughter, both as to manner and matter; and after his instructions were again read and considered in all their parts, they found by their vote, *nemine contradicente*, that his Majesty's instructions did contain a warrant for mercy to all the rebels who should offer to take the oath of allegiance and come in upon mercy, without exception, tho' the day prefixed by the proclamation of indemnity was elapsed, and that these instructions contained no warrant for the execution of the Glenco

men made in February thereafter; and how true, just and reasonable this vote was, may easily appear by the instructions here subjoined, without any farther light than what arises from the distinct and considerate reading of the words as therein marked; hereto insert the instructions with a different character, as the matter requires.

The Parliament having thus in duty vindicated his Majesty upon undeniable evidence, they proceeded in the next place to vindicate also the public justice of the nation; and seeing it was manifest that his Majesty had given no warrant for the slaughter committed, justly found, in the next place, that the foresaid slaughter of the Glenco men was a barbarous murder.

Thereafter it was proposed whether the letters, orders, and directions given touching that slaughter, or the actors, should be first considered; and though the informer for the Master of Stair hath the boldness to say, after the Parliament had determined the question, that the first and most natural point to be considered, was, who were the executors. Yet, it is plain that this was only a pretence to keep off the inquiry, as to the Master of Stair's letters; for, seeing that the deed was both notour and proven, and that the Parliament had found it a murder, and it was withal resolved, that the legal prosecution of the actors should be left to his Majesty's direction, it is evident the Parliament's proper work was to follow out their begun inquiry, and that after having cleared the King's instructions, the next work was to consider Secretary Stair's letters, especially those that were sent along with the instructions.

The informer indeed says, that if these executors had no sufficient warrant for what they did, or if they did that which no warrant could authorise, then certainly they, as executors, lye nearest to, and most justly under, the censure of the nation; and here he goes on to tell us that the execution was so barbarous, that no warrant, nor even military command could warrant it; but, supposing all this to be true, the utmost that it imports is, that, when his Majesty shall be pleased to order the authors and actors to be prosecute, the public justice may begin with the actors; and yet, it cannot be denied, but that, even in the most unwarrantable deed imaginable, he that gives the warrant or order, how insignificant soever as to the actors' vindication, is still guilty as well as

the actors; and that in the inquiry, which, at this time, was the only work of the Parliament, it was of greater concern to the King and Government, to discover by whose orders the slaughter was perpetrated, than to loose time about the actors, who were neither present, nor at this time to be tried, and were, as the informer himself acknowledges, manifestly guilty beyond all possibility of excuse.

The Parliament, then, having called for the Master of Stair's letters, there were many of them, whereof some to Lieutenant Colonel Hamilton, the chief actor in that business, some to Colonel Hill, and some to Sir Thomas Livingstone, of 11th and 16th of January, 1692, were openly read, and in most of them there appeared marks of great indignation, and insinuations of more than ordinary severity against the Macdonalds in general, and the Glencoe men in particular; but the letters principally adverted to, were those wherein his Majesty's instructions were sent to Sir Thomas Livingstone and Colonel Hill, and these of the 30th of the same month, written to the same persons, and about a fortnight before the slaughter, and, because, here it is that the informer says, that the Master of Stair's friends conceive that he is mightily prejudged by the Commission's report, which notices particular sentences, or periods of certain letters, suppressing or not expressing other material periods of the same letters, and from whence consequences are drawn which cannot follow upon a due consideration of the whole, and doth also allege that it was earnestly desired that the letters might be printed for the Master's vindication, which yet was not obtained, nor doubles allowed to be taken, but the grounds of the report only allowed to be seen in the Clerk's hands; the letters are here subjoined verbatim in their full length here, to insert the letters.

As to which letters, it is to be remarked, 1st, That the whole principal letters, and not the particular sentences and periods noticed in the report now produced, with the report that the Parliament might plainly see, that, though these passages now only set down in the report, which were proper and pertinent to the matter, yet, nothing materially was either suppress or not expressed, as the informer doth unjustly and arrogantly allege. 2d. That the printing or giving doubles of the whole letters, was refused for no other reason but because it was evident that

this was only sought for a superfluous delay, and that it was a manifest indecency to print or publish letters before the Parliament had passed any judgment upon them; but, seeing the informer plainly grants that the grounds of the report, which were the full principal letters allowed to be seen in the Clerk's hands, and that it is certain that he took them up, and revised them with as much leisure as could reasonably be desired, his complaint of the not printing or publishing is visibly another piece of calumny. 3d. The injustice and arrogance of the informer's procedure, lyes not only in his wrongous accusing of the Commission of suppressing, or not expressing, what was material in the letters, and drawing consequences from the particular sentences expressed, which would not follow upon a due consideration of the whole; but chiefly on his printing and publishing this, his false accusation, by more than hundreds of copies, both spread at home and sent abroad, when he knew that the Commission was in decency bound up, that they could not print nor publish their report for their own vindication, until first it were presented to his Majesty; so that this attack had the downright insolence of one man's insulting another, when bound and uncapable to make defence. But, 4th. Since the informer has now provoked to publication, and that the letters are fully herein ingrossed, the consequence drawn by the Commission from them is also subjoined, viz., that Secretary Stair's letters, especially that of the 11th of January, 1692, in which he rejoices to hear that Glenco had not taken the oaths, and that of the 16th of January, of the same date with the King's additional instructions, and that of the 30th of the same month, were no ways warranted by, but quite exceeded, the King's foresaid instructions, since these letters, without the least insinuation of any method to be taken, that might well separate the Glenco men from the rest, did, in place of prescribing a vindication of public justice, ordered them to be cut off and rooted out in earnest and to purpose, and that suddenly and secretly, and quietly, and all in a sudden, which are the express terms of the said letters; and comparing them and the other letters with what ensued, appear to have been the only warrant and cause of that slaughter, which, in effect, was a barbarous murder, perpetrated by the persons deponed against as actors. And this being the conclusion of the Commission

drawn from the Master of Stair's letters which accompanied the King's instructions, it is freely referred to the judgment of all ingenious and impartial men, if it do not justly and naturally follow upon the said letters, after the most full consideration whereof they are capable; and if the Commission in this matter hath not proceeded with all the fairness and justice that could possibly be used, and the informer's pardon challenged, if for all his bold asserting, that the Commission did suppress or not express material periods of the same letters, that might have exculpate the Master of Stair, and prevented ill drawn consequences, he hath in all his calumnious pamphlet instanced so much as one passage of these letters that can be said to have been either wrongously suppressed, or not expressed.

The informer indeed says, that the letters were wrote upon the supposition that the Glenco men were still obstinate and irreconcilable rebels; and here he runs out how much it concerned the honour and security of the Government, and the vindication of the Master of Stair, who was misconstrued as if friendly to them, to have the theiving tribe of the Glenco men exemplary cut off; but *esto* that those Glenco men were both notorious thieves and obstinate robbers, yet the King's instructions did plainly bear, as the Parliament hath found, and all men must acknowledge, a warrant for mercy to all the rebels, without exception, and the utmost can be found in them is, if Mackean of Glenco and that tribe can be well separated from the rest, it would be a public vindication of the public justice to extirpate that set of thieves, which plainly imports that they could only be well separate by their refusing mercy and the oath of allegiance; and that even then, and in that case, they were only to be proceeded against by way of public justice. Whence it manifestly follows, first, that they could not warrantably be destroyed, as they were destroyed, and not that Secretary Stair's letters sent with the King's instructions, leaving no insinuation of any method to be taken to separate these poor men from the rest, but intreating twice, and peremptorily, that they might be cut off and rooted out in earnest, and to purpose, and that suddenly and secretly, were the only warrant and cause of that slaughter and barbarous murder, both for matter and manner, specially if it be noticed that the informer himself acknowledges that the Master

of Stair's letters being considered as flowing from the Secretary of State, and (which may be added) accompanying the King's instructions, the King's authority is presumed to be there, which undeniably concludes, that if this presumed authority cannot be made out, as it is most certain that it never will nor can be made out, then the Master, in writing in such a manner, was both the sole giver of the warrant for the slaughter, and the wrongous usurper of the King's authority without any ground or order.

The informer, upon the distinction that he here lays down of these letters being writ by the Master of Stair, either as a private person or a Secretary of State, makes, indeed, two inferences, but both of them ill founded and impertinent; for, first, he says, if these letters were writ by the Master as a private person, then they contain no authority, which is true as to just authority, for they contain no just authority sufficient to warrant the actors; but yet they still contain such an authority or mandate *de facto*, as in all law and reason doth make the giver partaker, and guilty of, the crime that ensued. And secondly, he says, if they were written by him as Secretary, the King's authority is presumed to be there, which may be true as to the warranting of such to whom they were directed, and who *bona fide* understood them so; but this is not all true as to the warranting the Master himself, unless he can make that really appear which the informer says is presumed, and which in this case will certainly never be made appear, for the reasons already given.

The informer goes on to assert positively, that there is not one circumstance in the Master's letters beyond the King's instructions, but that all the letters do bear qualities in them, whereby they are to be construed suitable and agreeable to the instructions in all points. But first, this assertion is directly cancelled by the vote of Parliament finding that these letters did exceed the King's instructions, towards the slaughter and destruction of the Glenco men, and the informer, as to this assertion, was found in so gross a mistake, both as to the truth of it, in comparing the letters with the instructions, and likewise as to his downright contradicting the authority of Parliament, that if he had not excused himself by declaring, that he wrote this passage before the vote of Parliament passed, and that it was a mere oversight; that it was thereafter

printed, he had infallibly incurred a greater censure for first setting aside the contradiction given to the Parliament, which they have been pleased graciously to pardon. Can any man read the King's instructions with the Master of Stair's letters, but he must say that the Master's letters do exceed with a positive straightness and peremptory vehemence, both as to the matter and manner, wholly unaccountable. The King's instructions, with the command they contain, for hostile proceeding against the rebels, do plainly bear a warrant for mercy, that they be not rendered desperate; but the Master's letters intreat that the Glenco men may be forcibly, secretly, suddenly, and totally extirpate. The King's instructions will not have the Glenco men so much as given up to public justice, unless they can be well separate from the rest, whereas the Master's letters doth only separate them by a redoubled entreaty that they alone, in the first place, may be secretly and suddenly destroyed, to throw the rest into a consternation; and if this was either suitable or agreeable to his Majesty's warrant to remove or to separate them well, conformed to the last instruction, all men may judge. After the aforesaid positive and groundless assertion, the informer makes several observations upon the Master's letters, beginning with the two last that were written, the fifth of March and thirtieth of April, after the deed was committed; he only takes notice of that passage of the letter of the thirtieth of April, bearing, all that can be said is, that in the execution it was neither so full nor so fair as it might have been, which the informer will have to be considered rather as a covering of an error and escape, than as a justifying of the severity that had been used. But *primo*, even this single passage doth, instead of the informer's alternative, contain at best a downright conjunctive; for if it notice that men may say the execution was not so fair, it joins that they may likewise say it was not so full, which plainly intimates, that the writer thought this a sufficient apology. But second, the informer passes over the other more remarkable periods in these letters, to wit, all I regret is that any of the sort got away, and there is a necessity to prosecute them to the outmost, and since you have done your duty in a thing so necessary, you need not trouble yourself with viudications; which are passages so plain, as may be well left to speak for themselves.

In the next place, the informer observes upon the letters of the thirtieth of January, that they were not written till seven days after; that both Sir Thomas Livingstone and Colonel Hill had given their orders to Lieutenant Colonel Hamilton, and that the letter to Sir Thomas was a general reference, to wit, in these you can only be advised, but must be left to prosecute them as the state of affairs will allow; and after some extenuations offered as to the severe words the letter bare against the Glenco men, from the terms therein used, I hope, I think, I believe, which the the informer says were all words of advice, and not of command; he adds, since they exclude not the prudent management which the King reserved to Sir Thomas, they are not so peremptory as the words of the instructions, bearing, that if they could be separate from the rest, they should be extirpate.

As to all which it is answered, *primo*, that it is a mistake that these letters of the thirtieth of January, were written after Colonel Hill's orders to Lieutenant Colonel Hamilton, for Hill's orders to Hamilton were not given upon the twenty-third of January, as the informer proposeth, but upon the twelfth day of February, the very day before the execution, as the order itself plainly bears. *Secundo*, that the Master of Stair's letters of the thirtieth of January, bears date seven days after Sir Thomas Livingstone's orders to Lieutenant Colonel Hamilton, yet all men must grant that they still hold forth the Master's mind and intention in this matter, and that they are at least the best comment can be made of his letter of the sixteenth of January, since all of them breathe out downright slaughter and destruction to the poor Glenco men.

But, third, it is granted that the Master's words of *hoping*, *thinking*, and *believing*, are but words of advice; but it is as plain that they were words of the most severe advices of destruction, and *that* the informer should have remembered that they were wrote by the Secretary of State, and therefore presumed, as he saith, to bear the King's authority, which, though it might have been sufficient to the persons to whom they were direct, for their vindication, *yet* when questioned, can never clear the Master who wrote the letters, unless he instruct the authority presumed to have had a real warrant, which is impossible.

Fourthly, The informer comes to affirm, that, if the words of the

Masters letters are not so peremptore as the words of the instruction, which is an obvious gross untruth, it is manifest that his secret conviction has smote him to misrepeat the words of the instruction, which bear, if they could be well separate, and to leave out the word well, which so plainly solves his Majestie's instruction, and as plainly redargues the whole strain of the Master's letters. The informer doth likewise endeavour to put a gloss upon the Master's letter to Colonel Hill, of said thirtieth of January, and recites these words; therefore, at a distance you cannot receive farther directions than what you have under the King's hand. Whence he would infer, that the Master's referring to these directions, and to Sir Thomas Livingstone's and Colonel Hill's discretion, should answer for all his severities against the Glenco men. But to take off this pretence once for all, it is most certain and evident to ocular inspection, that whatever reference the Master's letters bear to Sir Thomas Livingston or Colonel Hill's management, or to their discretion, or to their prudence; all these references do, at most, concern the rest of the rebels, such as Glengarrie, and others then standing out.

But as to the Glenco men, what the Master writes about them is plainly distinct and absolute, and as peremptory as words can make, as the letters themselves do evidently demonstrate.

The informer says, that none of the Master's letters preceding the date of Sir Thomas his order, doth exceed the terms of law or the King's instruction. But first, these words, the terms of law, and the King's instruction, are ill conjoined, it being certain, that in this case, the King's instructions might have mitigate the rigour of law. And since, in effect, they did mitigate it, these were to be the Master's rule, and not the terms of law, whereof the King alone hath the sovereign executive.

Secondly, That the Master's letters do exceed the King's instructions, is not only the verdict already given by the Parliament, but obviously to the common sense of every man who reads the instructions and letters; and not to trouble the reader with the informer's reflections upon the Master's letters preceding the eleventh of January, which are remote and less to the purpose, when he comes to that of the eleventh of January, which was sent with the first instruction, and bears the Master's rejoicing that the Glenco men have not taken the oath, and that it was a work of

charity to be exact in rooting out that damnable sect, the informer says that the Commission takes no notice of the other clause in the same letter, which demonstratively bears that Sir Thomas had still power to manage according to discretion; but though this be insinuate by the letters, yet, can any man deny, but that when Sir Thomas received this letter with such severe words for rooting out the Glenco men, from the Secretary of State, his best discretion was to presume, as the informer also alleges, that this was the King's authority, though in effect it was not, and that Sir Thomas was to use all his other managements for that end.

But the Master's letters of the sixteenth January being indeed the principal letters intreating, that for a just vengeance and public advantage, the theiving tribe of Glenco may be rooted out to purpose, the informer says that the tenor of the letter and clause clearing the design is still omitted by the Commission, and that this clause in the letter is no severer than the terms of the instructions to extirpate that sect of thieves for the vindication of public justice; and that further, the Master's letter of that date to Sir Thomas, relating to the instructions, and the King's inclination to receive on terms of mercy. From all which, and some other of the like remarks, he gathers, that whatsoever rigour was designed, either by the instructions or by the Master of Stair's letters, yet all was in the terms of law, and with reservation to be used by Sir Thomas and Colonel Hill, according to discretion and circumstances. To all which it is answered, that it may justly be wondered at, that the informer should so often affirm that the terms of the instructions are as severe as the terms of these letters, when he himself cannot deny but that the instructions bear a warrant for mercy. And it is also visible that the informer is under so strong a conviction as to this point, that as oft as he compares the words of the instructions with the words of the letters, he either misrepeats or misrepresents the words of the King's instructions; and thus, he in this place alleges the terms of the instructions to be, to extirpate that sect of thieves, for vindication of public justice, unfairly concealing the words immediately preceding, viz., if Mackean of Glenco can be well separate, &c.; and likewise dissembling any notice of these words, for the vindication of public justice; whereas

the Master's words are absolute and peremptore. "I entreat you for a just vengeance and public advantage, the theiving tribe of Glenco may be rooted out to purpose." And his other letters do also bear that it may be done in earnest, and suddenly, and secretly; and if this be either to separate them well from the rest, or to vindicate public justice, the informer himself may judge.

Secondly, It is true the Master's letters of the sixteenth of January do make mention of the King's inclination not to receive but upon mercy. They contain also some references to Sir Thomas Livingston's and Colonel Hill's management, but it is as true that what the Master entreats, concerning the destruction of Glenco, is only so much the blacker, since it plainly appears to be to separate them for that mercy, and is not qualified with any of these references which at most do only regard the rest of the rebels.

Thirdly, The informer would gladly perplex and escape under the notion that both the instructions and letters were legal, but he must be again told that the King's instructions were not only legal but merciful, whereas the Master of Stair's letters doth not only presumptuously neglect and exclude the merciful part, but also vitiate and corrupt what otherwise might have been legal, by enjoining or advising a (v. c.) secret and sudden destruction of these poor people, which no public justice allows.

But fourth, It were in effect too tedious to trace *verbatim* all the informer's little quibblings in this point; but in a word, and to sum up all the reading of the King's instructions with the Master's letters, are certainly the best redarguation of all the misinformation of the informer's paper.

The informer doth likewise take notice of the circumstances of the murder, viz., that Glenco had taken the oath, though after the time was past, and that the same was perpetrated under trust.

[Copied from the original MS. in the possession of James Dennistoun, Esq. of Dennistoun, and never before published. The backing of that document runs thus: "Answers to ye Information for the Master of Stair upon the affair of Glenco, wrote by Thomas Spence, and corrected by Sir James Steuart, Lord Advocate, his master."—Ed.]

SCROLL OF DISCHARGE TO JOHN VISCOUNT STAIR.

107. His Majesty considering that John Viscount of Stair, hath been employed in his Majesty's service for many years, and in several capacities, first as his Majesty's Advocate, and thereafter as Secretary of State, in which eminent employments persons are in danger, either by exceeding or coming short of their duty, to fall under the severities of law, and become obnoxious to prosecutions or trouble therefor; and his Majesty being well satisfied that the said John Viscount of Stair, hath rendered him many faithful services, and being well assured of his affection and good intentions, and being graciously pleased to pardon, cover, and secure him now after the demission of his office, and that he is divested of public employment, from all questions, prosecutions, and trouble whatsoever; and particularly, his Majesty considering that the manner of execution of the men of Glenco was contrary to the laws of humanity and hospitality, being done by these soldiers who for some days before had been quartered amongst them, and entertained by them, which was a fault in the actors, or these who gave the immediate orders on the place; but that the said Viscount of Stair, then Secretary of State, being at London, many hundred miles distant, he could have no knowledge of, nor accession to, the method of that execution; and his Majesty being willing to pardon, forgive, and remit any excess of zeal, or going beyond his instructions by the said John Viscount of Stair, and that he had no hand in the barbarous manner of execution. Therefore his Majesty ordains a letter of remission to be made and passed his great seal of his Majesty's ancient kingdom, &c., and particularly any excess, crime or fault done or committed by the said John Viscount of Stair, in that matter of Glenco, and doth exoner, discharge, pardon, indemnify, and remit the said John Viscount of Stair, &c.

SCROLL OF GRANT TO JOHN VISCOUNT OF STAIR.

108. Whereas by the Act of Parliament abolishing Episcopacy, the rents, revenues, feu and teind duties, and others whatsoever, formerly

pertaining to the bishops, are now in his Majesty's hands, and at his disposal; and his Majesty being graciously pleased to give a mark of his favour to John Viscount of Stair, and to prevent his trouble that may arise from the collecting of the tithes and feu duties of the parish of Glenluce, in which he is the principal heritor; and likewise his Majesty having regard to the new erection of a church in that parish, so as there may be two distinct competent stipends, Therefore his Majesty gives, grants, and in take and assedation, lets all whole the foresaid teind duties and others whatsoever, due and payable out of the parish and regality of Glenluce, to the bishops of Galloway formerly, for the space years next to come, the entry or commencement of this take being from the date of Whitsunday last past, in the year of God 1695 years, and so forth, to continue during the whole space and years foresaid, to, and in favour of John Viscount of Stair, and his heirs for the time foresaid, for the payment of twenty shillings Scots money yearly, at the term of Martinmas, as also with the boarding, and for the payment of two stipends to the ministers of old and new Glenluce, according to the decret of locality and use of payment, and likewise with the burden and for payment of the Baillie fee, due and payable to the said Viscount of Stair, as Baillie of the regality of Glenluce, for all the years foresaid, &c.

WARRANT FOR CITEING OR APPREHENDING LIEUT. COLL. JAMES HAMILTON.

[A.D. 1695, *Jul.* 4.]

109. His Maties High Commissioner and the Estates of Parl^t doe heirby peremptorily order and command, and give warrant to massers and heraulds for executing due edictal citation at the mercat cross of Ed^r ag^t Liv^t Coll. James Hamiltoun, to compeare before the Parl^t upon forty eight hours next after the citation, with certification if he faile he shall incontinent be denounced his Maties rebell, and put to the horn; and upon his failzieing, immediatly to denunce and put him thereto accordinglie. And that in regaird of the said Liv^t Coll. his withdrawing and retireing after his being cited personally, and haveing attended the Parl^t in order to his declareing in presence of his Grace and the Estates

what he knew anent the slaughter of the Glenco men. Likeas his Grace and the Estates, for the causes forsaid, doe heirby give order and warrant and command to all messingers, shireffs, stewarts, bailzies of royalties and regalities, magrats of burghs, officers of the army, and all other officers and ministers of justice, to seaze upon, apprehend and secure the person of the said Liv^t Coll. James Hamiltoun, wherever he can be found, and to incarcerat him ay and while he find caution for his compearing in manner and to the effect forsaid.

ANNANDALE P., J. P. D. Parl.

(*Parliamentary Record, latest Printed Edition, Vol. IX, Appendix, p. 117.*)

ADDRESS BY THE PARLIAMENT TO THE KING, TOUCHING THE MURDER OF
THE GLENCOE MEN.

[1695, Jul. 10.]

110. We, your Majesties most loyall and dutyfull subjects, the Noblemen, Barrons, and Burrowes, assembled in Parliament, do humbly represent to your Majesty, that, in the beginning of this Session, wee thought it our duty, for the more solemn and publick vindication of the honour and justice of the Government, to inquire into the barbarous slaughter committed in Glencoe, in ffebruary one thousand six hundred and nynty two, which hath made so much noise, both in this kingdom and your Majesties other dominions. Bot wee, being informed by your Majesties Commissioner, that wee were prevented in this matter by a Commission under the great seal for the same purpose, wee did, upon the reading of the said Commission, unanimsolie acquiesce to your Majesties pleasure, and returned our humble acknowledgements for your royal care in granting the same. And wee only desired that the discoveries to be made should be communicated to us, to the end that wee might add our zeal to your Majesties for prosecuting such discoveries; and that, in so national a concern, the vindication might be also publick as the reproach and scandal had been. And principally that wee, for whom it was most proper, might testifie to the world how clear your Majesties justice is in all this matter.

And now, your Majesties Commissioner having, upon our repeated instance, communicated to us a copy of the report transmitted by the Commission to your Majesty, with your Majesties instructions, the Master of Stairs letters, the orders given by the officers, and the depositions of the witnesses, relating to that report; and the same being read and compared, wee could not bot unanimously declare that your Majesties instructions of 'the eleventh and sixteent dayes of January one thousand six hundred and nynety two, touching the Highlanders who had not accepted in due time of the benefit of the indemnity, did contain an warrant for mercy to all, without exception, who should offer to take the oath of alleagiance and come upon mercy, tho the first of January one thousand six hundred and nyntie two, prefixed by the proclamation of indemnity, was past; and that these instructions contain no warrant for the execution of the Glenco men made in February thereafter. And here, wee can not bot acknowledge your Majesties clemency upon this occasion, also well as in the whole tract of your government over us; for, had your Majesty, without new offers of mercy, given positive orders for the executing the law upon the Highlanders that had already despised your repeated indemnities, they had but met with what they justly deserved.

Bot, it being your Majesties mind, according to your usual clemency, still to offer mercy, and the killing of the Glenco men being on that account unwarrantable, also well as the manner of doing it being barbarous and inhumane, wee proceeded to vote the killing of them a murder, and to inquire who had given occasion to it, or were the actors in it.

We found, in the first place, that the Master of Stairs letters had exceeded your Majesties instructions towards the killing and destruction of the Glenco men. Thes appeared by the comparing of the instructions and letters, wherof the just duplicats are herewith transmitted; in which letters the Glencoe men are, over and over again, distinguished from the rest of the Highlanders, not as the fittest subject of severity in case they continued obstinat and made severity necessary, according to the meaning of the instructions, bot as men absolutely and positively ordered to be destroyed, without any further consideration than that of their not having taken the indemnity in due time; and ther not having taken it

is valued as a happy incident, since it afforded an opportunity to destroy them. And the destroying of them is urged with a great deal of zeal, as a thing acceptable, and of publick use. And this zeal is extended even to the giving of directions about the manner of cutting them off; from all which it is plain, that, tho the instructions be for mercy to all that will submit, tho the day of indemnity was elapsed, yet the letters doe exclude the Glencoe men from this mercy.

In the next place, wee examined the orders given by Sir Thomas Livingstoun in this matter, and were unanimously of opinion, that he had reason to give such orders for the cutting off of the Glencoe men, upon the supposition that they had rejected the indemnity, and without making them new offers of mercy, being a thing in itselfe lawful, and which your Majesty might have ordered. And, it appearing that Sir Thomas was then ignorant of the peculiar circumstances of the Glenco men, he might very well understand your Majesties instructions in the restricted sense which the Master of Stairs letters had given them, or understand the Master of Stairs letters to be your Majesties additional pleasure. And it is evident he did, by the orders which he gave, where any addition that is to be found in them to your Majesties instructions, is given not only in the Master of Stairs sense, bot in his words.

We proceeded to examine Collonell Hills part of the business, and were unanimous that he was clear and free of the slaughter of the Glencoe men; for, tho your Majesties instructions, and the Master of Stairs letters, were sent straight from London to him, also well as to Sir Thomas Livingstoun, yet he, knowing the peculiar circumstances of the Glencoe men, shunned to execut them, and gave no orders in the matter till such time as, knowing that his Lievtennent Collonell had received orders to take with him four hundred men of his garison and regiment for the expedition against Glencoe, he, to save his honour and authority, gave a general order to Hamilton his Lievetennent Collonell, to take the four hundred men, and to put to due execution the orders which others had given him.

Lievetennent Collonell Hamiltons part came next to be considered, and he being required to be present, and called, and not appearing, wee ordered him to be denounced, and to be seised on wherever he could be

found. And, having considered the orders that he received, and orders he said before the Commission he gave, and his share in the execution, wee agreed that, from what appeared, he was not clear of the murder of the Glencoe men, and that there was ground to prosecute him for it.

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

In the last place, the depositions of the witnesses being clear as to the share which Captain Campbell of Glenlyon, Captain Drummond, Lieutenant Lindsay, Ensign Lundy, and Serjant Barber,† had in the execution of the Glencoe men, upon whom they were quartered, wee agreed that it appeared that the saids persons were the actors in the slaughter of the Glencoe men under trust, and that we should address your Majesty to send them home to be prosecuted for the same, according to law.

This being the state of that whole matter, as it lyes before us, and which, together with the report transmitted to your Majesty by the Commission, (and which we saw verified), gives full light to it, wee humbly beg that, considering that the Master of Stairs excess in his letters against the Glencoe men has been the original cause of this unhappy business, and hath given occasion, in a great measure, to so extraordinary an execution, by the warm directions he gives about doing it by way of surprize. And, considering the high station and trust he is in, and that he is absent, wee do therefore beg, that your Majesty will give such orders about him, for vindication of your Government, as you in your royal wisdom shall think fitt.

And likeways, considering that the actors have barbarously killed men under trust, wee humbly desire your Majesty would be pleased to send the actors home, and give orders to your Advocat to prosecute them

* [A copy of Duncanson's letter to Glenlyon is given by Wodrow in his MS. collections, Advocates' Library, Edinburgh. It will be found in this collection, having been thence transcribed.—S.]

† [All of Argyll's Regiment.—S.]

according to law, there remaining nothing else to be done for the full vindication of your Government of so foull and scandalous an aspersion as it has lyen under upon this occasion.

We shall only add, that the remains of the Glencoe men who escaped the slaughter, being reduced to great poverty by the depredation and vastation that was then committed upon them, and, having ever since lived peaceably under your Majesties protection, have now applied to us, that wee might interceed with your Majesty, that some reparation may be made them for their losses. Wee do humbly lay their case before your Majesty as worthy of your royal charity and compassion, that such orders may be given for supplying them in their necessities as your Majesty shall think fitt.

And this, the most humble address of the Estates of Parliament, is, by order, and their warrand, and in their name, subscribed by,

MAY IT PLEASE YOUR MAJESTY,

Your Majesties most humble, most obedient, and most faithful
Subject and Servant,

Sic subscribitur, ANNANDALE P., J.P.D. Parl.

(*Parliamentary Record, latest Printed Edition, Vol. IX, pp. 424-5.*)

RECOMENDATIONE, THE INHABITANTS OF GLENCOE TO THE THESAURIE.

At Edinburgh, Thursday, the twenty fyfth day of July, MD.C.
nynty and fyve years.

Lo. Chancellor, E. Melvil, P. S., Ld. Queensberrie, E. Southerland, E. Mortoune, E. Cassells, E. Leven, E. fforfare, E. Kintore, Lo. Yester, Vis. Tarbat, Lo. Ross, Lo. Belhaven, Lo. Polwarth, Mr. Johnstoune, Secret. Lo. Advocat, Lo. Justice Clk, Lo. Hattoune, Ld. Grant, Ld. Blackburn, Sir George Campbell.

111. Anent the petitione given in to the Lords of his Majtes Privy Councill by M'Donald, sone to the deceast M'Donald of Glenco, and the rest of the inhabitants of Glenco, Shewing, that where

after the unhappy murder that was committed upon severalls of our relations, in the year of God MD.C. nynty and two years, not only the goods of those that were murdered, but also ye petitioners that escaped, were seased and disposed on, by which they were not only rendered unable to pay the cess due to his Majtie out of the said lands, but also to subsist, were it not by the charity of good neighbours that lived near them; and yet, notwithstanding of this their sad and miserable conditione, they are threatn'd to be quarter'd on for the cess payable out of the said lands, for the space of threttie moneths and a half since Candlemass MD.C. nynty and one years, extending monethly to ten pounds Scots, and in the haille for the said thretty moneths and a half to the sum of three hundred and fyve pounds, which they are not able to pay, and will intirely ruine them in case the same be uplifted from them. And therefore humblye craveing the said Lords to pittie their sad and indigent conditions, and recomend to the Lords of his Majesties Thesaurie to discharge the receivers of the supply from quartering for the petitioners proportions thereof; and to allow the same to the Collector of the Supply of the Shyre of Argyle in his accounts, that they may be freed, and noe furder troubled for the same, since they are uterly unable to pay it. as the said petitione bears.

The Lords of his Majesties Privy Councill haveing considered the fores^d petitione given in to them by M'Donald, sone to the deceast M'Donald of Glencoe, and the rest of the inhabitants of Glencoe, they hereby recomend to the Lords Commissioners of his Majesties Thesaurie, to give orders for sisting executione against the s^d petitioners as to the supply, untill his Majesties pleasure be knowen in this matter.

(Extracted from the Record of the Privy Council of Scotland.)

WARRANT REQUYREING COMMISSIONERS OF HIGHLAND JUSTICIARY TO SISTE
EXECUTIONE AG^t LOCHABERMEN AND OY^{rs}.

[Dec. 10, 1695.]

112. The Lords of his Majesties Privy Councill haveing heard and considered a representatione made to y^m by the Lord Advocat, upon

severall letters partly direct to himself and partly to the Sollicitor, and a letter from Sir John Hill, Governor of Fort William, dated the 3^d of November currant, direct to his Lo. read in y^r presence, the said Lords of his Majesties Privy Council doe hereby find it expedient for the peace of ye cuntry, and therefore requyre and command the Commissioners of Justiciary, authorized by ye Highland Commissione, to superceed and sist all proces and executione ag^t the Laird of Locheill and his men, Keppoch and his men, Alpine and his men, Glencoe and his men, the M^cClaines in Morverne, the M^cDonalds in Moydart, and any within the brae of Lochaber or Lochaber itself, and Ardgour or within the jurisdictions belonging to the Justiciary of the Earle of Argyle, for any cryme allea^d committed by any of the said persons, or within the bounds foresaid, before the act of his Majesties indemnitie, dated the twenty seventh day of August, MD.C. nynty and one years. And appoynt the Lords and oy^r members of ye foresaid Justiciary, and the Clerks of ye severall districts y^rof, to transmit to the Clerks of Privy Council, an account of ye severall processes intended before the said Commissione for any cryme preceeding the said indemnitie, and of ye persons ceitted and conveyed before the said Commissione of Justiciary, as alleadged guilty thereof, belonging to, or within the bounds foresaid.

(Extracted from the Record of the Privy Council of Scotland.

(Copied from a Paper in the Collections of the Family of Stair.)

MEMORIAL OF SOME AFFAIRS OF STATE.

[A.D. 1695.]

113. The supplies for the maintainance of the army and support of the Government being expyred, it wes necessar to hold a Parliament for renewing the same, or granting others suitable to the exigence.

It wes expected that the Parliament might have mett and advanced much the publick busines before the King went beyond sea, but severall difficulties occuring in adjusting the instructions, the dyett was put off till the nynth of May. About the same tyme, his Mattie was necessitat to prosecute the warr abroad.

The King knowes best what endeavors were used at court to remove some of his servants, yet his Mattie not thinking fitt to make any alteration of his Ministers.

Notwithstanding of ther different sentiments and measures, rumors and reports were spread abroad of heats that would happen in the Parliament; and that persons intrusted by his Mattie in the Government, would be attacked by one method or another. But ther crymes were not discoursed of, only ther places were to be made voyd, to be supplied by others; which wes plainly to obtain by Parliament, what the King thought not fitt to grant.

As the Parliament approached, thes rumors encreased; and the particular persons to be attacked were named, and were such as had their offices during the Kings pleasure; so that if they had bein burdensome or unacceptable to his Mattie, ther was noe difficultie to remove them; and noebody could think that the attacqueing Ministers in Parliament was honourable for the King, or for the peace and settlement of the nation.

Thes rumors being publickly discoursed every where, members of Parliament and most of the nation had opportunity to express their sentiments of them. And the farr greatest part of the nobility, especially thes of the first rank and quality, and such as are most eminent for parts, and of greatest esteats, and of very different interests, did openly declair their disslike of such projects. Many also of the commissioners for shyres and burghs were knowen to have noe inclination that way.

The mannagers chiefly intrusted did not discourage thes rumors, nor discountenance such as openly owned and professed thes designs; and lykewise went about with great dilligence to induce others to enter in their sentiments. But on the contrair, the hottest of them were chiefly advysed in the management of affairs, when little or nothing wes communicated to others of more eminent quality and employments of trust.

The first step of bussines being the choyse of committees, it wes conserted with the mannagers, that ther should be a committee for security of the kingdome, consisting of nyne of every esteat, twentie seven in all, and the persons were also conserted soe that above two to one should be of the hottest sort, who might carry every thing to their pleasure in that committee; and thes conserted lists carried with some alteration

in the nobility, and without any alteration at all in the commissioners for shyres and burghs. And all matters of any moment were designed, and actually have bein remitted to that committee, to the great retardment of the publick interest, and the raising and fomenting of heats and divisions.

At the first meeting of this committee, the Duke of Queensberry, the Earles of Argyle, Morton, Lothian, and Leven, did all attend; but it wes conserted that the Earle of Crawford should be chosen preces of that great committee, for preparing all the publick bussines of the nation, a man who wes not so much as upon his Matties Privy Council, and who wes knowen to be on the top of all violent designes; and tho' he be verie honourable descended, yet he hes not ane hundred pound sterling of property remaining to his family, which was done of purpose to discourage thes other noble persons to attend. And since that tyme, Sir William Hamiltoun of Whytlaw, a very forward man, a commissioner for a burgh, hes bein almost constantly chosen preces; yet thes other noble persones did not forbear to attend, especially when any thing wes to be agitat concerning his Matties service, or what was expressed by the King to be the designe of the Parliaments meeting. They did not outrun the mannagers, least they might be reckoned unseasonable. They remembered that the offering of ane Act for a continued cess during his Matties lyfe or the warr, after all the suplys given the last session of Parliament were compleated, wes misconstructured; but they mynded the King's bussines from tyme to tyme, and shew their readines to concurr in it, being more desyrous that the thing should be done, than to have the vain glory of being the doers of it.

It is most certain, that ther is not any considerable number of the Parliament that would either have obstructed or delayed the givinge of supplys at any tyme since the commencement of this session, if the mannagers had thought fitt to put them to it; but many obstructions and delays were made by the influence of the mannagers, which might and ought to have bein avoyded, and the whole tyme is spent one triffls which were not worthy of the meanest courts consideration.

Ther haveing bein great noise of the slaughter of some Highlanders in Glenco in ffebruary,* 1692, his Majesty wes pleased to grant Com-

[* In the Morning of the 13th.—S.]

mission under the great seall* for enquireing into that matter, appoynting the Commissioners to transmitt to his Mattie the true state of the affair, together with the proofs and evidences that should be adduced before them, to the effect that after due and full informatione, his Mattie might give such orders therein as he should think proper.

This Commission was granted by his Majesty of designe to satisfie the world that the warrand given by the King was legall and just, and that the error lay in the untimly executione of it. But least the King might have had a true view of the bussines, thes who obtained the Commission keep'd it privat from Secretary Stair; and it was still kepte privat till that very day that the King's goeing beyond sea was knowen at Edinburgh; then it wes exped.

The Commission bearing to report to the King, the nixt morning it was moved in the Committee for Security of the kingdome, that the Parliament would take enquiry into that matter; and this motion brought it streight in to the Parliament within ane hour, wher his Majesty's Commissioner haveing told that ther was a Commission from the King for that effect, he was pleased to promise that the Kings Commission should be read in Parliament.

The Commission being accordingly read, the nixt day it was moved, that what should be found in that matter might be made knowen to the house; and his Majesty's Commissioner assured them he doubted not his Majesty would give them satisfaction in that point before they parted.

It was remarked by ane eminent lawyer, that the Commission bearing ane enquiry to be taken one oath without a proces, was not aggrievable to ane article of the grievances, which will be afterwards mentioned; but many in Parliament desyring to know wher the true error lay, and others who suspected the designe of the Commission, thought not fitt to appear obstructers; conceaving also that by the Commission the report of that matter was to be brought before the King himself, therfor what might be said of the grievance was not pressed; and the Parliament voted ane address of thanks to his Majesty for enquiring into that matter.

This vote was noe sooner past then it was openly given out that Secretary Stair was to be attacqued on that quarter; and that noe mean

* [Dated "at our court of Kensington, 29th April, 1695." Registered 20th May, 1695. Sealed 20th May, 1695.—S.]

might be left for vindicating him, and laying the error on the untimely execution and manner thereof, where it truly was, the Commission did take an oath of secrecy; and severall of that Commission being the chief manngers of the great Committee of the kingdome, the assiduous sitting of the Commission for Glenco did dissappoint severall meetings of the Committee for Security of the kingdome.

The short and summar account of the bussines of Glenco was this. The opposition of the Highlanders haveing occasioned the expence of a vast treasure, and being a bait to draw invasion upon the nation, his Majesty was very desyrous to bring them to submission; and the Earle of Breadalbane being employed for that effect, he prevailed that upon an indemnitie they would take the oath of alleadgance and submitt, and his Majesty emitted a proclamation in August,* 1691, indemnifieing all who should take the oath of alleadgance before the first of January, 1692.

Many obstructions being made to that negotiation, some of the Highlanders did not embrace the indemnity, and amongst others M^cEan of Glenco and his followers, who were a nest of theeves and robbers.

M^cEan of Glenco and his son had been constantly in rebellion, and particularly at Killieranky, ffor which they stood forfeited in the Parliament 1690. They were papists and murderers without a remission, and did contemn the indemnitys.

The King being highly displeas'd that some Highlanders stood out, did call severall of his Privy Councill, both in England and Scotland, and most of the officers of the Scots forces that were in England for the tyme, to deliberat what should be done, and how the execution might be effectuell of what should be determined. All aggred that forfeited and obstinat rebels might be cut off by military execution; and no man can contravert that the law of this and all other nations doeth allow it. According to that resolution, orders were given to march in the winter against thes Highland rebels who had not taken the benefite of the indemnity, to act against them with all manner of hostility. And ther was a speciall warrand bearing that if M^cEan of Glenco could weill be separated from the rest, it would be a proper vindication of justice to extirpat that sept of theeves. And the Master of Stair, according to his duety, did wryt severall letters to render the Kings commands effectuell.

* [27th August.—S.]

Glenco did not take the oath in due tyme, but seven days after the dyet elapsed he tooke it; which, tho' it did not operat [as] a legall defence, yet it might have procured favour and more lenity. But the Kings warrand and the Secretarys letters are all expressly upon the supposition of his being still rebell and in the mercy of law; and the taking the oaths were altogether unknowen to his Mattie or the Secretary.

No man can say but the Kings order was legall and warrantable at the tyme, and it cannot be pretended that the alteration of circumstances or the method of execution were either knowen to the King or the Secretary.

The first publick attacque in Parliament was made upon the Viscount of Stair by a vile and evil person of noe credit or reputation in the world, who was prompted to offer a bill to the Parliament, complaining of injustice done him by the said Viscount of Stair, President of the Session, and this project was kept privat till it was ready for execution. Upon a Saturnday's night ther was a great meeting in a tavern of towards fourty members, wher harrangues were made that they should not divyde in their votes for the good of the nation. The Secretary Johnston was ther, but went away before the project was opened. The President of the Parliament and all the active members of that party in the Committee for Security stayed till the last, who held furth what a great injustice had bein done by the President, and how much it tended to the honor of the nation to punish the lyke; and it wes concerted that a precognition should be taken before the Committee for Security.

The bussines was brought in by surprize upon Munday morning; and a son of the Viscount of Stair's being a member of Parliament, haveing complained of the methods used in that matter, endeavored to clear the bussines and assert his father's innocence. He was twice reprimanded from the throne; and the assertion of the bill being bold and weil supported, it was with little difficultie aggried to be enquired into, but many thought it hard that the enquiry should be remitted to the Committee for Security of the kingdome; but that being conserted, and put to the vote, whither elect a new committee or remitt, caryed remitt only by three votes, which may satisfie the world how equally the Parliament is poised even as to number, when the influence of the persons cheifly trusted,

and a previous concert, did carry so narrowly upon a surprize of the other syde.

It is not fitt to reflect upon the procedor of that committee; but this is certain, that they were very vigorous in the prosecution and enquiry at first, untill the witnesses adduced to load the President did fully exculpat and clear him to the view of the world. But since the procedor hes bein very heavy, and when they could not load the President in his old age and absence, his freinds could not move them to advance one step towards his exoneration, and the punishment of his lybeller; but ther are informations printed and published, that doe sufficiently vindicate him in the eyes of the world.

Ther being a peremptory dyet appointed for reporting the committee's procedor to the Parliament, the Viscount's freinds were prepared to call for this report, and at least to have the lybeller secured or put under caution. But it was told by the President of Parliament ther was a publick matter which behoov'd to be first considered, which was a new and deeper attacque upon the Earle of Breadalbane for lyfe and fortune.

This was another surprize to the Earle, who wes sitting in his place in Parliament, and to all the house, except a few single persons.

The bussines was a new discovery made by the Commission of Glenco, in relation to the Earle's negotiation with the Highlanders; and ther was read to the Parliament certain alleadged privat articles verbally communed and aggried upon betwixt the Earle and the rebels; and the deposition of one witnes relateing to such a communing wes also read, which was urged to be matter of indictment for lyfe and fortune, and that the Earle should be therupon immediatly secured, and dissabled to serve the King in Parliament or his other stations.

This surprize being great, many things might have bein said that did not occur; but that transaction of the Earles, and particularly thes privat articles, haveing bein a great subject of publick discourse four years agoe, it wes presently remembered that Colonell Hill, who had now exhibit them, had formerly sent the same to the Privy Councill, with a letter in relation to them, and that the s^{ds} articles and Collonell Hill's letter haveing bein transmitted to the King, which the books of Privy Councill would instantly instruct; and the Lord Privy Seall, then

Secretary of State, did publickly declair that he had transmitted the letter, and that he had discoursed with the Queen about it, he being then noe freind to the Earle or his negotiation. And other honourable members did attest that the articles were laid before the King, and under his Majesty's consideration. And it was sufficiently cleared that thes articles formerly transmitted were materially the same with thes now offered to the Parlia^t. And that sieing the King had not thought fitt to enquire into that matter, but since had introduced the Earle to offices of great trust in the Government; and that the Earle had a posterior approbation of all his procedor in that matter, which was accepted as good and faithfull service, tho' it could not be in his pocket or presently produced; and therfor it was urged that before any procedor, the King might be made acquainted, and the whole matter laid before his Mattie. It was also urged, that albeit the King had granted a Commission to enquire anent the bussines of Glenco, yet that did not authorize ane inquisition into the Earle's negotiation, which was finished many moneths before, for by such a method that Commission might run back for many years. And what ever was the Parliament's desyre to have enquiry made into the bussines of Glenco, yet such inquisitions were not to be made a generall practice. And the article of greivance formerly mentioned was severall tymes read and urged in Parliament, which runs in thes termes, that the obleidgeing the leiges to depone upon crymes against delinquents otherwise then when they are adduced in speciall processes as witnesses, is a great greivance, and inquisitions upon oath against partys not called are new; but all could not prevaill to obtain one days delay. A vote was pressed and caryed by a narrow plurality ag^t the Earle, soe he was caryed immediatly from the Earles bench and made prisoner in the Castle, and a lybell of high treason ordered ag^t him by warrant of Parliament.

After the Earle's committment ther was ane address to the Parliament by the ministers of the synods and presbetrys of the church, presented to his Matties Commissioner, suggesting severall laws to be made, and complaining of certain protestations and appeals from church judicatories to the King, or nixt lawfull Generall Assembly, which were said to be very insolent papers, and by some were called treasonable.

The whole matter was remitted to the Committee for Security, with power to them to cite before them the persons who protested against the Committee of the Assembly lately sent north, and to enquire who wes subscribers therof. And this is another subject of inquisition, upon which many citations were ishued furth against ministers and heretors in the north of Scotland. Others more guilty not mentioned, of purpose to expiscat crymes by consequences, against some persons they have designes upon, who have bein endeavoring to unite and bring in the dissenting clergy. And all this does not look like that calmness and disposition to unity in church matters recomended by the King.

Sir John fforbes of Craigivar had offered ane appeal in modest termes, which did not bear the clausses that were soe offensive, but did bear that his minister, for whom he protested, did adhere to thes protestations formerly given in.

Sir John being cited, did appear, and acknowledged that he gave in the protesta^one, which did neither import nor was designed to be any adherence to thes protestations which are said to be offensive; and furder declaired, that he had never sien the Aberdeen protestations to this day.

The committee appointed him to attend at another dyet, and hes not proceeded furder since, but he hes received message upon message, shewing that he had bein wrong ever since the Parliament did sit; but that if he would either change his byas, or withdraw and goe home, his absence should be excused, and all that matter against the protestations should be let fall; and it is knowen that methods are taken to enquire into the lyves and conversations, and into all the transactions, both publick and privat, of such as doe not goe along in personall attacques, however they be current and forward in all the concernes of government of church and state; and such as are under difficulty or have employment depending on the publick are threatened, and who have any thing to demand get large promises many tymes exceeding the fond out of which thes promises could be performed, tho' all were at the mannagers disposall; and by thes means some are brought over, others prevailed upon to withdraw: and to keep the party under constant view and remembrance of their engagements, ther are frequent meetings and entertainments by turns, and great expence bestowed that way, yet all thes means doe only prevaill

to carry a narrow plurality in the Parliament, the bulk of the nobility, and many substantious barrons being more unite for the Kings service and in opposition to personall projects and attacques than have bein observed for many years, albeit yr be noe other common interest or concerne to unite them, but only that of their King and countrey, and that the interes of ther particular familys are very different.

The Earle of Lothian being ranked in the Parliament 1690, before the Earle of Roxburgh, the Commissioners grandson, ther is ane application made to the Parliament by the Earles of Roxburgh and Galloway, craving to be ranked before the Earle of Lothian.

In this application ther are two specialities, first, the Earles of Lothian and Galloway doe both heartily joyn for the common interest against particular designes, and the engaging thes two Earles in debate with one another is a project to divyde them and the severall relations of both, which are very considerable.

Another speciality in the application is, that the King hes bein represented by two dissinterested Commissioners for the Parliament since the Earle of Lothian's ranking, during which tyme the Earle of Roxburgh did not put in his claim; but now that the King is represented by the Earle of Roxburgh's grandfather, the Earle of Lothian does declair himself willing to be determined by the King himself, or any other session of Parliament wher ther shall be a dissinterested Commissioner, or to be remitted to the judge ordinar, as hes bein practised in the lyke cases. But the decisions as well as statuts being by the King or his Commissioner, with consent of Parliament, he thinks it hard to be judged by the Kings Commissioner who could not be judge in his grandchylds case in any other judicatorie, and yet the Earle of Lothian's declyning to debate before this session of Parliament is made a handle as tho' he declyned the authoritie of Parliament; albeit in the former session of this Parliament the Lord Blantyre declyned the Duke of Hamilton on the lyke occasion without any censure.

His Majesty's Commissioner having given ground to expect that the enquiry of the bussines of Glenco would be laid before the Parliament, ther was a seeming importunity to make that promise effectuall by moveing that bussines on three severall dyets of Parliament, which was

all of consent, many other members haveing noe such curiosity, and thinking it more proper that the enquiry should be reported to the King according to the tenor of the commission. But it being the commissioners proper province to look to that, they did not interpose, and his Matties Commissioner haveing twice excused himself upon the tenor of the commission, the motion wes noe further insisted in. But at the third tyme, his Matties Commissioner was pleased to declair that he would adventure or endeavor to lay that bussines before the house upon Munday the twentie fourth; and that enquiry being taken in a manner somewhat extraordinar, and mannaged by the same persones who supported all the warm projects, it is expected that some new matter of heat may arise from that discovery as it's mannaged.

Besydes the fores^d particulars, many privat affairs have bein brought in, and scarce any determined, which hes retarded the Kings bussines, but nothing wes offered to the house for the support of the Government, but what past with great unanimitie and cheerfullnes. But thes who had all the countenance of the mannagers did, and still doe, protract the Kings bussines, to have the fuller swing in privat designes. And haveing brought in a vote stateing the quota to be imposed, the same wes speedily and unanimously aggried to by the Parliament, but nothing wes done by the Committee for Security towards the fonds of making up that quota. On the contrair, it wes publicly discoursed, that the fonds were not to be condescended upon till satisfaction were given in particular matters, which thes who said so were not able to retard without the influence of the mannagers. And when at last a vote for six moneths cess past in the Committee, it wes brought in, voted and approven be the Parliament the same day. And many in the Parliament moved, that in place of six, eight moneths cess might be granted, so that the only question wes, whither six or eight. But the vote being stated, approve of the vote of the Committie or not, it caryed unanimously approve.

The same day a project for a pole wes read, argued, and generally aggried to, the same differing but in a few things from the former pole; and the project wes appointed to be printed, and remitted to the Committee to prepair and frame ane act, which would have past in one day.

but the Committee hath not thought fitt to proceed in that matter. On the contrair, it was said in plain Parliament, that the publishing the bussines of Glenco would encourage the Parliament to make the fond effectual, as if the compleating the subsidies had depended upon that. And the project of the pole being remitted to be considered by the Committie, it was said that ther was some other thing to be done before more supplies were given, ther being allready a cess for the present substance of the army; and altho' the Parliament did order ane act to be brought in by the Committie for the s^d pole, and urged twice in the Committee by the Earle of Melvill and oyr^{rs}, yet it is allways laid asyde by the Committee, and not yet brought in to the Parliament.

By all which, and many more particulars that have happened since the sitting of the Parliament, it is evident that ther is noe want of duety and affection to his Mattie in this Parliament; and that all the obstructions, heats and animosities that have happened in it, have bein procured by the influence of the managers, and by the threats and minaces offered to such as would not concurr with violent courses, and by the large and liberall offers to such as were willing to concurr, or, at least, absent, that they might not have opportunity to oppose. And thes methods are not only highly prejudiciall to his Majestys interes and service, but very disagreeable and displeasing to his Majesty's best subjects of all ranks.

(The only apology for the publication of the following paper that can be offered, is its very peculiar character. It was written twenty-three years after the event to which it relates; and Mr. Stirling has stated in a note under what circumstances it was produced.—Ed.)

[*October y. 5, 1715.*]

SIR,

114. In compliance with your desires, I here send you a short and summary acc^t of the affair of Glenco, which the faction never fail to improve, to the dishonour of his late Majesty King William (to you and me, and every true Englishman) of glorious and pretious memory.

Alexander Macdonald, Laird of Glenco, Sir John Maclean, the Laird of Glengary, and some others, upon the promise of an indemnity for what was past. came in and agreed to a cessation of arms, desiring that

the time of their taking the oaths to King William might be prolong'd to the first of January, 1691 $\frac{1}{2}$, which was easily granted them. At this first meeting, the Earl of Braidalbin demanded satisfaction of Glenco for cattle his men had rob'd the Earl's men of, and high words past. Glenco's refusing to make any restitution, added private resentment to that Earl's publick zeal, and determin'd him to take hold of the advantages the law gave him, to root out such a nest of theeves and cut-throats. Glenco not having taken the oath by the time prefix'd, the officers who commanded in the north had instructions to put in execution the former orders relating to those obstinate rebels that should not conform to the King's terms of mercy. Glenco, terrify'd at the fate of Glengary, who was then attack'd by Cap^t. Campbell of Glenlyon, with a detachment of Argyle's regiment, runs away to Coll. Hill, who commanded a fort King William built to curb the Highlanders, and offer'd to take the oath. But the time being expir'd, and above a week in January gone, that commander had not power to give him the oath on the terms of the King's proclamation; however, he gave it him, and sent an account of the matter to the Privy Council at Edinburgh, who transmitted it to the King to know his Majesty's pleasure.*

In the mean time, Sir Thomas Levingstone, Commander in Cheif of the forces in Scotland, receiv'd instructions from Court (some of the Highlanders being still in arms) to march the troops against the rebels who had not taken the benefit of the indemnity, and to suppress them with fire and sword. But those instructions, in the fourth article, directed that terms and quarter should be then given to all cheiftains, heritors, and leaders, for life only, they taking then the oath of allegiance; and their solders laying down their arms and taking the same oath, to have quarter and indemnity for their lives and fortunes. These orders Sir Thomas Levingston (having heard nothing of Glenco's coming in and

* [The facts are, as appears from the Report of the Commission of Inquiry into the Slaughter of the Men of Glenco, that the Laird of Glenco applied to Colonel Hill on 31st December, 1691, being the last day of grace; but that Hill, not having authority to administer the oath, referred him by letter to the Sheriff of Argyll, who, in consequence of physical impossibilities, did not administer the oath till 6th January, and who dispatched, but not till after 9th January, a certificate of his having done so to Edinburgh, to be laid before the Privy Council, before whom, however, owing to particular reasons, and, as would seem, intrigue, it never came.—S.]

swearing, tho' out of time) sent to Coll. Hill, who, knowing that Glenco had taken the oaths, forbore to execute them; but the officer who commanded under him, thinking it would be an acceptable peice of service, undertook, upon receipt of the like orders from Sir Thomas Levingston, to put them in execution, not thinking himself oblig'd to have regard to Glenco's tardy submission, espically he being one of the most mischievous of the Highland Popish Jacobite banditti. Accordingly he quarter'd his men upon Glenco's Clan, of whom twenty or thirty with their chief were slain, not only on account of their not having taken the oaths, which none had done but Glenco himself, and he too late, but on suspicion of their holding intelligence with Glengary, who was his relation and neighbour, and at that time in actual rebellion; for Glenlyon, when he was at Glenco, being ask'd why he made ready his arms, answered, (as it was swore by Glenco's eldest son,*) to march against Glengary's men.

This, Sir, is the truth of the fact, and whether or no Glenlyon was incited to this rash and cruel act out of revenge for the spoil and butcheries that had been committed by Glenco; whether he did it out of an officious zeal to distinguish himself by that service; whether he was animated by some leading men of the countrey, enemies to the Macdonalds, it must be said for him, that he acted by the orders of Sir Thomas Levingstone, his Commander in Cheif, who gave them, not knowing that Glenco had submitted, as himself swore when he was examin'd about them by the Lords Commissioners appointed for that purpose. Thus, to make the worst of this business, 'twas an undesign'd mistake of Sir Thonuas's, and a voluntary one of Glenlyon's, which does not at all reflect on King William's justice, who never gave or intended any such orders, but was so concern'd when he heard of it, that he immediately sent his commands to Duke Hamilton, his high commissioner, to have the matter strictly enquir'd into; and his enemies being very industrious to have his sacred character stain'd with this unhappy incident, he afterwards appointed a commission to make enquiry into the slaughter of Glenco, for which his Majesty rec^d the thanks of the then

* [This was sworn by Alexander Macdonald, second son of the late Laird of Glenco. See Report of Commission quoting the deposition.—S.]

Parliam^t. The Commiss^{rs} proceeded in the affair with great diligence; the ill will which some of them bore to the Master of Staires, who was then the Scotch Secretary, dispos'd them very greedily to accept of the Highlanders evidence in their own case, and to omit no circumstance that might reflect a blemish on the Crown. However, this Commission was spirited up by the faction; in the issue it proved the clearest vindication of his Majesty's conduct that cou'd be desired. For, when the Commiss^{rs} laid before the Parliam^t their report, they resolv'd, *nemine contradicente*, that his Majesty's instructions of the 11th and 16th days of January, 169 $\frac{1}{2}$, touching the Highland rebels who did not accept in due time of the benefit of his indemnity, did contain a warrant for mercy to all, without exception, who shou'd take the oath of allegiance and come in upon mercy, tho' the 1st day of Jan^{ry}, 169 $\frac{1}{2}$, prefixed by a proclamation of indemnity, was claps'd, and that therefore those instructions contain'd no warrant for the execution of Glenco's men, made in Feb^{ry} after.

Now, can any thing be more impudent, as well as unjust, then the calumny the faction has thrown on his Majesty's memory upon this acct, when, besides the vote above, in an address of the noblemen, barons, and boroughs, upon the discovery made to them, touching the matter of the Glenco men, they tell his Majesty they were desirous of that commission of examination, to testify to the world how clear his Majesty's justice was as to that matter, acknowledging his Majesty's signal clemency upon this occasion, as well as the whole tract of his government; declaring, that had his Majesty, without new offers of mercy, given orders for the executing of the law upon the Highlanders that had already despised his repeated indemnities, they had but met with what they justly deserv'd. In the same address they excuse (Glenlyon) the officer who put the orders in execution; they were unanimously of opinion that Sir Thomas had reason to give such orders; it appearing that Sir Thomas was then ignorant of the peculiar circumstances of the Glenco men, he might very well understand his Majesty's instructions in the restricted sence.

Thus, Sir, I've given you as succinct an acct as I cou'd of this worse than Irish massacre. This, this is that flagrant, unparrelle'd instance of

cruelty, which has wounded the hearts of a faction sprung from rebellion, and nurs'd with blood; but the spawn of the same monstrous hydra, we find, pertakes of the same accursed spirit with their forefathers; are embark'd at present in the same rebellious designs, against the same glorious interest, in a rebellion as black as hell, as ugly as the perjurd consciences of its hellish contrivers. May the same, may a worse than Glenco's fate attend the carcase of every miscreant that persists in it. May the name of a Jacobite rot, their hopes perish, and memory stink to perpetuity. May King George live for ever, is the hearty wish of his loyal subject, and your humble servant,

W. B[ENET.]*

* From a letter accompanying the foregoing, and autograph of the Duchess of the first Duke of Argyll, but, unfortunately, in a most hopeless state of obliteration, it appears that the surname of the writer signing "W. B." was Benet. The accompanying letter begins thus: "Sir, I send you Mr. Benet's letter to me, wherein you see he advises to draw an account to send to my son; but I know very * * * * &c. &c. &c.

"I am your humble Servant,

(Signed) "E. ARCYLE."

This lady was Elizabeth, daughter of Sir Lionel Talmash of Helingham, and mother of John Duke of Argyll, and of Archibald Earl of Islay, afterwards, by succession to his brother, Duke of Argyll.—S.

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