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P R E F A C E

IN 1792 the eleventh Earl of Buchan published a volume of *Essays on the Life and Writings of Fletcher of Saltoun and the Poet Thomson*. It contains our only biography of Fletcher; but, though founded on original sources of information, it is frequently inaccurate, and must, therefore, be used with great caution. The author of the article on Fletcher in the third edition of the *Encyclopædia Britannica* (1797) mentions that the tenth Earl Marischal, when Governor of Neuchâtel, suggested to Rousseau that he should write the life of Fletcher. Rousseau was furnished with MSS. for this purpose; but nothing came of it, and most of the materials on which that work was to have been founded seem to have been lost. Some interesting documents, however, are preserved in the University Library at Edinburgh, including MSS. used by Lord Buchan, and a letter to him from Lord Hailes, who had evidently been applied to for information. (Laing MSS. 364.)

Mr. F. Espinasse refers to most of the printed authorities for the life of Fletcher, in a succinct but

exhaustive article in the *Dictionary of National Biography*, vol. xix. p. 292 ; and in the *Scottish Review* for July 1893 (vol. xxii. p. 61) there is a very interesting paper on 'Andrew Fletcher, the Scottish Patriot,' from the pen of Mr. J. R. Donaldson. Many allusions to Fletcher's conduct as a member of the last Scottish Parliament are to be found in the Godolphin Correspondence in the British Museum. (Add. MSS. 28,055.)

I have to thank Mr. Fletcher of Saltoun for allowing me to consult a volume of *Recollections respecting the Family of Saltoun*, and for an opportunity of examining the library and visiting the scenes of Fletcher's early life.

Mr. E. Gordon Duff, librarian of the John Rylands Library, Manchester, and Mr. R. A. S. Macfie have for some time been engaged in compiling a Bibliography of Fletcher ; and I desire to thank them for their kindness in placing their MS. unreservedly in my hands. There is considerable doubt respecting the authorship of several pamphlets which have been attributed to Fletcher, as well as regarding the places at which his works were printed ; and if this Bibliography appears in print, it will be found most valuable by all who take an interest in his writings.

G. W. T. O.

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CHAPTER I

Fletcher's Birth and Education—Travels Abroad—A Member of the Scottish Parliament—Goes to the Continent.

ANDREW FLETCHER, eldest son of Sir Robert Fletcher of Saltoun, in the county of Haddington, and of Catherine, daughter of Sir Henry Bruce of Clackmannan, was born in the year 1653. He was educated either at home or in the parish school of Saltoun until 1665. On the thirteenth of January in that year his father died, having, on his deathbed, intrusted the charge of educating his son to Burnet, the future Bishop of Salisbury, who had just been presented to the living of Saltoun, of which Sir Robert was the patron. Burnet's first published work was, *A Discourse on the Memory of that rare and truly virtuous person, Sir Robert Fletcher of Saltoun, written by a gentleman of his acquaintance.* This volume, which the author calls, 'The rude essay of an unpolished hand,' contains almost nothing about either Sir Robert or his son; and, in fact, Burnet does little more than use his patron as a peg on which to hang a string of platitudes. But from the moment Burnet became minister of Saltoun, Andrew Fletcher lived in

an atmosphere of learning. There was a library belonging to the Church of Saltoun, founded by one of the parish ministers, and added to by Burnet and the Fletcher family; and among this collection of books we may fancy Burnet and his pupil spending many hours. There were two catalogues, one of them written by Sir Robert Fletcher; and in August 1666 we find the 'Laird of Saltoun,' then thirteen years of age, visiting the library, comparing the books with the catalogues, and gravely reporting to the Presbytery of Haddington that Burnet was taking proper care of the books.

These books were chiefly theological, but among them were *The Acts of the Second Parliament of King Charles*, from which Burnet might teach the boy many useful lessons, and the '*Book of the Martyrs*, 3 vol. in folio, gifted by my Lady Saltoun.' For the support of this library Burnet left a sum of money; and it is still known in the district as 'Bishop Burnet's Library.' The books are preserved in a room in the manse of Saltoun under the charge of the parish minister, and prominent among them are a fine folio edition of Burnet's own works, and a black-letter copy of Foxe's *Book of Martyrs*.

Of Fletcher's earliest days little is recorded, except that he was, from infancy, of a fiery but generous nature. According to family tradition Burnet imbued his pupil 'with erudition and the principles of free

government'; and perhaps it is not mere fancy which leads us to picture the keen, eager, excitable boy reading the *Book of Martyrs*, and listening to Burnet, who describes his system of education in the account which he gives of the manner in which he taught the Duke of Gloucester in after years. 'I took,' he says, 'to my own province, the reading and explaining the Scriptures to him, the instructing him in the Principles of Religion and the Rules of Virtue, and the giving him a view of History, Geography, Politics, and Government.' History, politics, and the theory of government—these were, all through his life, Andrew Fletcher's favourite studies; and we cannot doubt that Burnet not only drilled him thoroughly in Greek and Latin, as he certainly did, but also fostered that taste for letters from which not even the turmoil of politics could ever wean him.

Fletcher also owed much to the influence of his mother; and to this he himself, in his later years, bore testimony. 'One day,' it is recorded in the private family history, 'after Andrew Fletcher had entertained his company with a concert of music, and they were walking about in the hall at Saltoun, a gentleman fixed his eye on the picture of Katherine Bruce, where the elegant pencil of Sir Peter Lely had blended the softness and grace that form the pleasing ornaments of the sex. "That is my mother," says Andrew; "and if there is

anything in my education and acquirements during the early part of my life, I owe them entirely to that woman.”’

Burnet remained at Saltoun until November 1669, when he was appointed Professor of Divinity at Glasgow. It is, however, possible that Fletcher was sent to the University of Edinburgh before that date, as the name of an Andrew Fletcher occurs in the University Register for the year 1668. This may not have been young Fletcher of Saltoun ; but in any case we would suppose, from the acquirements which he afterwards displayed, that he had received a University education, though this is not to be gathered from Lord Buchan, who says : ‘When he had completed his course of elementary studies in Scotland, under the care of his excellent preceptor, he was sent to travel on the Continent.’ But as Fletcher was only fifteen when Burnet left Saltoun, it seems more probable that he was sent to the University of Edinburgh for a year or two before starting on the ‘Grand Tour.’

Of his travels nothing appears to be known ; but he doubtless followed the route usually taken, through France, Germany, and Italy, by young Scotsmen of family, who, it need scarcely be said, were almost always sent to finish their education by visiting foreign countries. Fletcher knew French, but with regard to Italian Lord Buchan mentions a curious fact. ‘He

had,' says Lord Buchan, 'acquired the grammatical knowledge of the Italian so perfectly as to compose and publish a treatise in that language; yet he could not speak it, as he found when having an interview with Prince Eugene of Savoy, and being addressed in that language by the Prince, he could not utter a syllable to be understood.'

Having returned to Scotland, he was, in June 1678, sent as one of the members for Haddingtonshire to the Convention of Estates which met that summer. His colleague was Adam Cockburn of Ormiston, a fine gentleman of the old school, but one of the most virulent Presbyterians even of that day. It is to be observed that the rolls of parliament have the name of 'James Fletcher of Saltoun.' It appears, from the Official Return of Members (published in 1878) that the original commissions for Haddingtonshire have been lost; but there is no doubt whatever that the rolls are wrong, and the name 'James' appears by a mistake instead of 'Andrew.'

This Convention of Estates, in which Lauderdale was Lord High Commissioner, sat from the 26th of June to the 11th of July. It was summoned for the purpose of voting money to maintain the troops who were to be employed in suppressing the conventicles or field meetings of the Presbyterians; and a supply of thirty thousand pounds a year, for five years, was

granted. The Opposition, led by Hamilton, could muster only thirty-nine votes, while the supporters of the Government numbered one hundred, including, of course, all the Bishops. Among the thirty-nine was Fletcher, who thus, from the outset of his public life, took his stand against the arbitrary system on which Scotland was governed until the Revolution.

During this short session an incident took place which was very characteristic of Fletcher. The Estates had ordered that none but members were to be admitted to the Parliament House. Fletcher's brother Henry, however, had managed to slip in. He was discovered, fined, and sent to the Tolbooth. So next day Andrew Fletcher 'pitched on little William Tolemache as no member,' as Lord Fountainhall puts it. On this Lauderdale was forced to declare that he was one of his servants, whom he was entitled to bring into the House. This is the first instance of that hot, pertinacious spirit which Fletcher so often displayed on the floor of the Parliament House; nor, trifling as the incident was, must it be forgotten that it required some courage to face Lauderdale, whose easygoing, plausible manner concealed a most vindictive spirit.

The Government had now resolved to rule Scotland by the sword; and their policy was to turn the militia, as far as possible, into a standing army. The Scottish Privy Council was ordered to draw five thousand foot

and five hundred horse from the militia, and quarter them at the expense of the heritors in all the counties; and instructions were given that, in addition to the oaths of allegiance and supremacy, the soldiers should be called upon to swear 'to maintain the present Government in Church and State, as it is now established by law, and to oppose the damnable principle of taking up arms against the King, or those commissioned by him.' In other words, the militia of Scotland, where a majority of the people were opposed to the Church established by law, were to swear that they would maintain the principles of passive obedience and non-resistance. And this oath was to be taken, 'not in the ordinary way that such military oaths used to be executed, by drawing up the troop or company together in a body, but that every soldier, one after another, shall by himself swear the same.'

Of the 'New Model,' as, borrowing the phraseology of the Commonwealth, the Ministers called the troops, two hundred foot and forty-six horse were quartered upon Haddingtonshire; and this led Fletcher into collision with the Government. At the end of July 1680, along with Sinclair of Stevenston and Murray of Blackbarrony, he was accused, before the Privy Council, of seditiously obstructing the King's Service, 'in putting the Act of the Privy Council to execution for levying the five thousand five hundred men out of the militia.'

It was expected that the accused, who, says Lord Fountainhall, stated 'difficulties and scruples,' would be fined and imprisoned, but they escaped with a rebuke. In January of the following year Lord Yester, Fletcher, and ten other gentlemen of Haddingtonshire, presented a petition to the Privy Council, 'complaining of the standing forces, ther quartering upon them.' This petition was extremely resented, because it spoke of the quartering of soldiers on the country, in time of peace, as contrary to law, and seemed to reflect upon the Government.

At the general election of 1681 there was a double return from Haddingtonshire. The Lairds of Saltoun and Ormiston were returned by those freeholders who opposed the Government, and Hepburn of Humbie and Wedderburn of Gosford by the Ministerial party. It is said that when the matter came before the committee on disputed elections, Bishop Paterson of Edinburgh, who was chairman, proposed that 'for the sake of serving the King,' some votes which had been given in favour of Fletcher should not be counted. But this dishonest advice was not taken; the case was fairly tried, and Fletcher and Cockburn were declared to have been duly elected.

The Duke of York was Commissioner in this Parliament, which met on the 28th of July 1681. The two great measures of the session were the 'Act acknow-

ledging and asserting the Right of Succession to the Imperial Crown of Scotland,' which was passed for the purpose of securing the succession of the Duke of York, and the famous 'Act anent Religion and the Test.'

Both of these measures were strenuously opposed by Fletcher, who is said to have written a number of private letters to members of the Parliament, imploring them to vote against the Succession Act, on the ground that the Duke was both a Roman Catholic and a tyrant.

The Test Act was, in spite of its vast importance, brought in and passed in the course of a single day; but at least one amendment was moved by Fletcher. 'Mr. Fletcher of Saltoun,' says Dalrymple, 'after long opposing the bill, with all the fire of ancient eloquence, and of his own spirit, made a motion which the Court party could not, in decency, oppose; that the security of the Protestant Religion should be made a part of the Test.'

The new clause was prepared by Sir James Dalrymple, then Lord President of the Court of Session, who so framed it that the 'Protestant Religion' was defined as that set forth in the Old Scots Confession of Faith of 1567, which was inconsistent with Episcopacy, and also allowed the lawfulness of resistance. 'That was a book,' says Burnet, 'so worn out of use, that scarce any one in the whole Parliament had ever read it. None

of the Bishops had, as appeared afterwards.' The result was that Fletcher's amendment, as framed by Dalrymple, became part of the Act, all the Bishops agreeing to it.

Fletcher also resisted the monstrous and unconstitutional clause which compelled the county electors, on pain of forfeiting the franchise, to swear that they would never attempt to 'bring about,' as the statute puts it, 'any change or alteration either in church or state, as it is now established by the laws of this Kingdom.' There was a division on this question. No lists remain to show how the members voted; but the following protest is inscribed on the rolls of Parliament: 'That part of the Act—If the Test should be put to the Electors of Commissioners for Shires to the Parliament, having been put to the vote by itself, before the voting and passing of the whole Act; and the same being carried in the Affirmative, the Laird of Saltoun and the Laird of Grant, having voted in the negative, desired their dissent might be marked.'

Fletcher had now incurred the implacable enmity of the Duke of York, who, says Mackay, 'would not forgive his behaviour in that Parliament'; and he was, moreover, soon involved once more in trouble with the Privy Council. The Estates had voted money for the public service; and Fletcher was named as one of the Commissioners of Supply for Haddingtonshire. Part of

the Commissioners' duty was to arrange for the troops which were quartered on the country; and in April 1682 the Lord Advocate accused them before the Privy Council for not meeting with the Sheriff-Depute, to set prices on corn and straw, grass and hay, for the soldiers' horses; 'or at least for making a mock act, in setting down prices, but not laying out the localities where the forces may be served with these necessaries.' In short, the Laird of Saltoun and the Commissioners of Supply did all they could to thwart and annoy the Government.

'After much trouble and pains,' in the words of Lord Fountainhall, the gentlemen of East Lothian consented to fix store-houses and magazines in the county; but in a short time Fletcher came to the conclusion that he could no longer remain in Scotland. He accordingly went to London, perhaps to consult Burnet on the situation, and thence made his way to the Continent.

CHAPTER II

The Whig Plot—Comes to England with Monmouth—Shoots Dare—
Is found guilty of High Treason and attainted—The Estate of
Saltoun forfeited.

FLETCHER'S movements cannot be accurately traced for some time after he left Scotland. Argyll wrote to him, on several occasions, for the purpose of enlisting his services against the Government ; but he did not answer the letters. At last, however, when he was at Brussels, he heard that the English Ministers had privately requested the Marquis de Grand to have him apprehended. This seems to have irritated him ; for he went to London and joined the circle of Whigs who were then engaged in preparing to resist the succession of the Duke of York. As is well known, before the plot was matured Shaftesbury fled to Holland, where he died, and the management of this dangerous business was left in the hands of a council of six—Monmouth, Russell, Essex, Howard, Hampden, and Algernon Sidney.

According to Lord Buchan, Fletcher and Baillie of Jerviswoode were the only two Scotsmen who were admitted into the secrets of the six ; but what part

Fletcher took in the Whig Plot, which, it need scarcely be said, must be distinguished from the Rye-House Plot, of which Fletcher probably knew nothing, it is impossible to say. Baillie of Jarviswoode was offered his life, on condition that he would give evidence against his friends, and against Fletcher in particular; but he answered, in the often quoted words, 'They who make such a proposal know neither me nor my country.'

In October 1683 he was in Paris, whither he had perhaps journeyed in company with Burnet, who had left England at the beginning of September. Viscount Preston who was then at Paris as Envoy-Extraordinary from the English Court, wrote to Halifax about Fletcher. 'Here,' he says, 'is one Fletcher, lately come from Scotland. He is an ingenious but a very dangerous fanatic, and doubtless hath some commission, for I hear he is very busy and very virulent.'

Burnet returned to England in the beginning of the following year; and Fletcher seems then to have gone to Holland, where he saw he would be safer than anywhere else, for we next find him travelling about in that country and in Belgium, visiting the libraries of Leyden, and picking up volumes among the bookstalls of Haarlem. It was perhaps at this time that the curious incident recorded by Mrs. Calderwood of Polton, in the Coltness Collection, occurred. The

story is almost incredible ; but Mrs. Calderwood gives it in the most matter-of-fact way.

‘They tell,’ she says, ‘a story of old Fletcher of Salton and a skipper : Salton could not endure the smoak of toback, and as he was in a night-scoot, the skipper and he fell out about his forbidding him to smoak ; Salton, finding he could not hinder him, went up and sat on the ridge of the boat, which bows like an arch. The skipper was so contentious that he followed him, and, on whatever side Salton sat, he put his pipe in the cheek next him, and whifed it in his face ; Salton went down several times, and brought up stones in his pockets from the ballast, and slipt them into the skipper’s pocket that was next the water, and when he found he had loadened him as much as would sink him, he gives him a shove, so that over he hirsled. The boat went on, and Salton came down amongst the rest of the passengers, who probably were asleep, and fell asleep amongst the rest. In a little time bump came the scoot against the side, on which they all damned the skipper ; but, behold, when they called, there was no skipper ; which would breed no great amazement in a Dutch company.’

In the meantime the Government had not lost sight of Fletcher ; for on the 21st of November 1684 he was cited at the Market Cross of Edinburgh, and at the pier and shore of Leith, to appear within sixty days,

and answer to the charge of 'Conversing with Argyll and other rebels abroad.' With regard to this charge, Lord Fountainhall says that Fletcher's intrigues with Monmouth, at the time of the Whig Plot, could not be criminal, as Monmouth had received his pardon in December 1683; but this was not the opinion of the Lord Advocate, for in the following January the Laird of Saltoun and a number of other 'fugitive rebels,' including Lord Loudoun, Lord Melville, and Sir James Dalrymple of Stairs, were charged with high treason, and declared outlaws.

Soon after the death of Charles II. Fletcher was at Brussels; and Monmouth, who was then living incognito at Amsterdam, sent his confidential servant, William Williams, with a letter to him. Williams afterwards, when he was called as a witness against Fletcher, said he did not know the contents of the letter; but it doubtless contained a request that Fletcher would come to Amsterdam.

Monmouth was now in despair. With the death of his father, his last chance of being received at the English Court was gone. He had fallen into the hands of conspirators who were urging him to invade England. His own opinions were all against this; and he wished to take the advice of Fletcher, which, whether sound or not, was certain to be disinterested. So Fletcher went to Amsterdam; and what happened shows that Monmouth had acted wisely in sending for him.

Along list could be compiled of the exiles who were now assembled at Amsterdam. Argyll, Lord Grey of Wark, and Ferguson the Plotter, were the most active and persistent of the conspirators who surrounded Monmouth ; but a great part in these fateful deliberations was taken by Aylofffe and Rumbold, whose names are so well known in connection with the Rye-House Plot, by Wade, and by Captain Matthews. Dare, known as 'Old Dare,' to distinguish him from his son, must be specially remembered, as his name will presently occur in connection with the most painful event in Fletcher's life. He had been a goldsmith of Taunton before he went into exile. He was a man of rough manners, but very popular in his native place. Having lived abroad for some time, he was now eager for an immediate descent on England, and persisted, more than any one else, in promising to Monmouth a general rising in the west country.

Another of the party was Anthony Buyse, who had served under the Elector of Brandenburg, and whom readers of fiction may recollect as the 'Brandenburgher' with whom Micah Clarke has the bout of 'handgrips,' in Mr. Conan Doyle's famous romance.

'The person,' Sir John Dalrymple says, 'in whom the Duke of Monmouth chiefly confided was Mr. Fletcher of Saltoun, in whom all the powers of the soldier, the orator, and the scholar were united ; and

who, in ancient Rome, would have been the rival and the friend of Cato.' Fletcher's opinion was strong and clear. He was against making an attempt on England. Monmouth himself held the same view. But the fates were driving Monmouth and Argyll relentlessly to their doom. Argyll's mind was made up, and nothing could turn him from his purpose of invading Scotland. Fletcher was so convinced that the expedition to Scotland was useless, that he refused to take a part in it, and said that, if there was to be an invasion, he would accompany Monmouth to England.

He was, nevertheless, as strong against the expedition to England as against that to Scotland; but it appears, from what he afterwards told Burnet, that all the English, except Captain Matthews, were pressing Monmouth to make the venture. The west of England, they told him, would rise to a man, as soon as he appeared. There would be no fighting. Even the King's Guards would support him. In London, too, the people were as disaffected as in the west. The King would not dare to send troops out of the capital; and so there would be time to raise such an army for the Protestant cause that he would be able to fight the King on equal terms. Monmouth was a soldier, and therefore knew that a force newly enlisted, and hastily organised, would have no chance against well-drilled troops. In the discussions, Fletcher and Matthews

alone seemed to have agreed with Monmouth—Lord Grey, Ferguson, Wade, and Dare all clamouring for action. ‘Henry the Seventh,’ said Grey, ‘landed with a smaller force, and succeeded.’ ‘He was sure of the nobility, who were little Princes in those days,’ answered Fletcher shrewdly. ‘It is a good cause,’ cried Ferguson, ‘and God will not leave us, unless we leave Him.’

And, in the end, the rash counsels of Grey and Ferguson prevailed; and Monmouth, who seems to have been at last talked into believing that success was possible, resolved to make the attempt. Nor could Fletcher persist in his opposition when, on the 2nd of May, Argyll, taking Rumbold and Ayloffé with him, sailed for Scotland, having received a promise from Monmouth that he would follow in six days.

It was not, however, until the 24th that the party of adventurers, thirty in number, left Amsterdam in a lighter. The weather in the Zuider Zee was bad, and it took them nearly a week to reach the Texel. Here the frigate *Helderenberg* and three tenders awaited them. The frigate, with papers made out for Bilboa, had been chartered by Monmouth, and carried arms and ammunition. An attempt was made by the agent of the English Government to induce the authorities at Amsterdam to prevent the ship sailing; but, though the States-General gave orders that she should be stopped, the

Admiralty of Amsterdam professed that they had not a force at their disposal strong enough to take her. One of the tenders was seized; but the *Helderenberg*, with the other two, sailed with Monmouth and his followers, who now numbered eighty-two—of whom Lord Grey and Fletcher were the highest in rank. The bad weather continued after they left the Texel; but at last the little company found themselves off the shores of Dorsetshire.

Their intention was to land at Lyme; but Dare was put ashore at Seaton, which lies a short distance to the west of Lyme, with orders to make his way to Taunton, and inform the friends of the Protestant cause that Monmouth was at hand.

Between seven and eight o'clock on the evening of Thursday, the 11th of June, the frigate anchored off Lyme, and Monmouth, accompanied by Fletcher, Grey, and the rest of his followers, landed.

What happened next is well known. The town was seized; the blue flag was hoisted in the market-place; the manifesto which Ferguson had prepared was read; and the people assembled with cries of 'Monmouth, and the Protestant Religion.'

The leaders of the expedition lodged in the George Inn; and during the following day Fletcher and Monmouth were constantly together, while recruits arrived in such numbers that the Duke's hopes rose high. All

that day they were arriving, and the lists filled rapidly—one of those who joined being Daniel Defoe, the future author of *Robinson Crusoe*, then a young man of twenty-four. The only bad news which reached Lyme was that the Dorsetshire Militia were assembling at Bridport.

Early next morning, Saturday the 13th of June, Dare returned from his mission to Taunton at the head of forty horsemen. He was mounted on a fine charger, which he was said to have obtained at Fort Abbey, the seat of Mr. Prideaux.

On that day Fletcher dined with Monmouth, and a council of war, at which Lord Grey was doubtless present, was held. It was resolved to attack the Dorset Militia at Bridport, and the command of the horse was intrusted to Grey and Fletcher. Orders were given that the attack on Bridport, which is only a few miles from Lyme, should take place that afternoon.

And now occurred that unhappy incident which not only sent Fletcher once more into exile, but probably had a fatal influence on the fortunes of Monmouth. The horse on which Dare had ridden into Lyme that morning had attracted the attention of Fletcher, and, without asking leave of Dare, he went and took it, thinking, as Dalrymple puts it, that times of danger were not times of ceremony. Dare objected, assailing

Fletcher with a volley of insults and bad language, which he bore patiently, perhaps because the other was not his equal in rank, or because he was unwilling to engage in a private quarrel when on duty. But the rough Englishman was at last foolish enough to think, from the calm demeanour of Fletcher, that he could bully him into giving up the horse, and had the insolence to shake a stick in his face. On this Fletcher, in a passion, pulled out a pistol, and in another moment Dare was a dead man.

There can be little doubt that this is what actually took place. Ferguson, indeed, represents it as a mere accident for which Fletcher was not to blame. 'The death of Dare was caused,' he says, 'by his own intemperate and unruly passion, and beyond the intention of the gentleman whose misfortune it was to do it; who, having snatched his pistol into his hand for no other end but to preserve himself from the other's rude assault with a cane, had the unhappiness, unawares, to shoot him, contrary to his thoughts and inclinations, and to his inconceivable grief.' But Burnet, who probably heard the story from Fletcher himself, says nothing about any accident, and his account is corroborated by the evidence which Buyse afterwards gave at Edinburgh, which will be found in the eleventh volume of the State Trials. Fletcher went and told Monmouth what had happened; and, while they were speaking, the country

people, headed by Dare's son, appeared, demanding that justice should be done. Monmouth instantly saw that it would be impossible to retain Fletcher in his service, and advised him to make haste on board the frigate, and at the same time he sent orders to the master to sail.

Ferguson says that Monmouth advised Fletcher to withdraw for a time, 'to prevent murmuring among some of ourselves, as well as to remove occasion of resentment in the inhabitants of Taunton.' But he says that he only told Fletcher to go 'under a desire and command to return and meet him at a place which he named, but where, alas! we never had the happiness to arrive.'

But Monmouth knew that he had lost the services of Fletcher, and he was distressed beyond measure at the double blow. The loss of Dare, who knew the country well, was serious; and when Fletcher rushed to the shore and made his way to the *Helderenberg*, Monmouth felt that he was losing the only competent officer in his little army, and one of the few men of any rank who were with him. 'Though,' says Ferguson, 'the damage that befell us by the dismissing of that gentleman cannot easily be imagined or expressed, yet this I may say towards giving an idea of it—that as he was a person who, by his courage, military skill, civil prudence, application to business, and the interest he had in the

Duke, would have contributed much to the conduct of our whole affairs, and have promoted the embracing all opportunities for action attended with any probable success; so he would have done everything that could have been expected from a person of character and worth in a decisive engagement.' Though prudence was not one of Fletcher's virtues, this is scarcely an over-estimate of the loss which Monmouth's army had sustained in the loss of Fletcher; and when, next morning, the attack on Bridport took place, in which the horse made such a poor display under the command of Grey, not only the Scotsman Ferguson, but the whole army, must have regretted the absence of the brave Scottish gentleman. 'With Fletcher,' says Dalrymple, 'all Monmouth's chances of success in war left him.'

Lord Buchan's account of the reasons which led Fletcher to leave Monmouth may be at once rejected. 'The account,' he says, 'given by Fletcher himself of his general conduct at this time to the late Earl Marshal of Scotland was, that he had been induced to join the Duke of Monmouth on the principles of the Duke's manifestoes in England and Scotland, particularly by the laws promised for the permanent security of civil and political liberty and of the Protestant religion, and the calling of a general congress of delegates from the people at large, to form a free constitution of govern-

ment, and not to pretend to the throne upon any claim, except the free choice of the representatives of the people. That, when Monmouth was proclaimed King at Taunton, he saw his deception, and resolved to proceed no further in his engagement, which he considered from that moment as treason against the just rights of the nation, and treachery on the part of Monmouth. That, finding himself therefore no longer capable of being useful, he left Taunton and embarked on board a vessel for Spain.'

It is difficult to explain this statement. That it is not in accordance with fact is undeniable; for the very simple reason that nothing can be more certain than that Fletcher killed Dare and left England on the 13th of June, and that Monmouth was not proclaimed King until the 20th. In fact, Fletcher had probably reached Spain before Monmouth entered Taunton, where the proclamation was made.

One explanation may be suggested. It is quite impossible that Fletcher could have told the Earl Marischal that he left England because Monmouth was proclaimed King; but it is possible that when Fletcher was hurried on board the *Helderenberg* to save him from the fury of the mob, there was an understanding that he would return. When, however, he heard that Monmouth had assumed the royal title, he may have changed his mind. He may have said something to

this effect to the Earl Marischal, who misunderstood him. At the same time, it is to be observed, he was soon in situations where he could scarcely have heard of the proclamation until after the battle of Sedgemoor, and perhaps not until after the execution of Monmouth. All that can be said is that there was some misunderstanding on the part either of the Earl Marischal or of Lord Buchan.

The Government in Scotland had put Henry Fletcher, Saltoun's brother, under lock and key as soon as they heard of Argyll's expedition; and they now took proceedings against Andrew. In August, Buyse, the Brandenburger, and Captain Robert Bruce, who were to be called as witnesses, reached Leith in one of the royal yachts; but it was not until the 21st of December that the case came on in the High Court of Justiciary at Edinburgh.

By that time Monmouth was dead; but he was cited, as Duke of Buccleuch, along with his widow and children.¹ At the same time Sir James Dalrymple and Fletcher were arraigned.

Sir George Mackenzie, then Lord Advocate, prosecuted. The charge was that Monmouth, Dalrymple, and Fletcher had, in the year 1683, entered into a plot

¹ James vi. Parl. 6, Act 69.—'Though regularly crimes die with the committers, and cannot be punished after their death, yet by this Act it is ordained that Treason may be pursued after the committer's death.'—Sir George Mackenzie's *Observations on the Statutes*, p. 136.

with Shaftesbury, Argyll, Russell, and others, to kill the King ; in short, they were accused, in the first place, of complicity in the Whig Plot and the Rye-House Plot. But the most serious charge against Fletcher was that he had come from Holland with Monmouth. The indictment against him set forth that he 'landed with him (Monmouth) and rode up and down the country with him, and was in great esteem with him at Lyme for two or three days, and continued in open rebellion with him, till, having killed one Dare, an English goldsmith, who was likewise with them in the said rebellion, he was forced to fly in the frigotts in which they came, and make his escape.'

When the case against Fletcher came on, it was found that of forty-five jurymen who had been summoned only thirteen were in attendance ; and the proceedings were adjourned until the 4th of January. On that day the charge of complicity in the Whig and Rye-House Plots was withdrawn, and he was accused only of taking part in Monmouth's invasion.

Fletcher was called, as a matter of form, and, when he did not appear, was declared a fugitive from the law. Then the Lord Advocate asked that his estate should be forfeited. A jury was chosen, amongst the members of which were the Marquis of Douglas, the Earl of Mar, the Earl of Lauderdale, and other peers, and of commoners Sir John Clerk of Pennycuik and Sir John

Dalmahoy of that ilk. Two witnesses, Captain Bruce and Anthony Buyse, were examined. Buyse could only say that he had himself sailed in the ship with Monmouth, 'where he did see a gentleman who was called "Fletcher of Saltoun," who was a little man, and had a brown periwig, of a lean face, pock-marked,' and that he heard he was 'a Scots gentleman of a good estate.' After the death of Dare he saw this gentleman 'flee to the ship.' Captain Bruce knew Fletcher, and had sailed with him to Lyme.

The judges, however, were very punctilious about complete identification, and the evidence was not considered sufficient until the deposition of Monmouth's servant Williams, then a prisoner in Newgate, was read. He stated that a few days before Monmouth embarked for England he 'saw the said Mr. Fletcher with the late Duke, at his lodging in Mr. Dare's house in Amsterdam,' and then described Fletcher's doings from the day they left Amsterdam until the afternoon of the 13th of June 1685.

The proceedings of the jury, when they retired to consider their verdict, show that the judges were right in requiring full legal evidence as to the identity of Fletcher; for Lord Torphichen, Sir John Clerk, Somerville of Drum, and at least one more of the jury, argued that the evidence was insufficient, on the ground that only one witness, Captain Bruce, had been examined

who could identify Fletcher of his own personal knowledge. Buyse, they said, who had spoken only from hearsay, 'might be mistaken.' But when they returned to the court-room, Lord Lauderdale, the foreman, announced that by a majority they found a verdict of Guilty.

Then Fletcher was sentenced to be put to death wherever he was found. He was attainted as a traitor. His name and memory were declared extinct, his blood tainted, his descendants incapable of holding any places or honours, and all his estates forfeited to the Crown.

This sentence was pronounced on the 4th of January 1686; and, by a grant under the Great Seal, dated Whitehall, 16th January, the lands and barony of Saltoun were given to George, Earl of Dumbarton.

CHAPTER III

Adventures in Spain—Serves in Hungary against the Turks—Returns to Scotland at the Revolution—Reforms in the Scottish Parliament—Saltoun restored—Darien.

As soon as Fletcher gained the deck of the *Helderenberg* the master sailed for Spain, carrying with him one John Kerridge, a pilot who had been pressed into Monmouth's service for the purpose of steering the vessel to Bristol. As soon as they reached Bilboa, Fletcher, the master, and this unfortunate Kerridge were all seized and put in prison; and soon afterwards the English Minister at Madrid requested the Spanish Government to send Fletcher to England. If he had been sent to England his fate would not have long remained doubtful; but, by some strange chance, he escaped. The Earl Marischal's account of what Fletcher told him of his adventures at this period is as follows:—

One morning he was sitting at the window of his prison, when a 'venerable person' appeared, and made signs that he had something to tell him. Fletcher somehow found an open door, at which he was met by the 'venerable person,' who led him past the sentinels,

who, strange to say, were all fast asleep. As soon as he was outside the prison, his deliverer, who was a perfect stranger, disappeared before he had time to thank him. Thereafter, in disguise, he wandered through Spain, where, as soon as he thought himself out of danger, he spent some time in studying in the conventual libraries, and buying rare and curious books.

‘He made,’ says Lord Buchan, ‘several very narrow escapes of being detected and seized in the course of his peregrinations through Spain, particularly in the neighbourhood of a town (the name of which Lord Marshall had forgotten) where he intended to have passed the night; but in the skirts of a wood a few miles distant from thence, upon entering a road to the right, he was warned by a woman of a very respectable appearance to take the left-hand road, as there would be danger in the other direction. Upon his arrival he found the citizens alarmed by the news of a robbery and murder on the road against which he had been cautioned.’

We next find him serving under the Duke of Lorraine in Hungary against the Turks, whom he calls ‘the common enemy of Christendom.’ Here he is said to have distinguished himself by his gallantry and military talents; but now events were happening elsewhere which soon led to his return from exile. The Revolution was rapidly approaching. James was losing ground in Scot-

land as well as in England; and when the Scottish Parliament, at which the apostate Earl of Murray was Lord High Commissioner, met in April 1686, the King's letter, artfully framed for the purpose of inducing the Estates to tolerate the Roman Catholics, contained not only the offer of free trade with England, but also the promise of a 'full and ample indemnity for all crimes committed against our royal person and authority.' It is possible that if the Scottish Parliament had yielded to the wishes of the King this indemnity might have been granted, and Fletcher might have returned to Scotland. But it was soon found that even the Episcopalians would not submit to the royal wishes; and the Parliament replied that they could only do as much for the relief of the Roman Catholics as their consciences would permit. Then followed the assertion of the dispensing power, the declarations of indulgence, and the series of events which brought about the Revolution.

On the 2nd of October 1688, the very eve of his downfall, the King granted a general pardon; but from that pardon several persons were specially excepted by name, and among these were Burnet, Ferguson the Plotter, Titus Oates, and Fletcher of Saltoun. By that time, however, Fletcher was at the Hague, whence he accompanied the Prince of Orange to England.

He did not linger in the south, but made his way as soon as possible to Scotland.

Lord Buchan errs in saying that Fletcher was a member of the Convention of Estates which met at Edinburgh in March 1689. The members for Had-dingtonshire were Sir Robert Sinclair of Stevenston and Adam Cockburn of Ormiston; but Fletcher was already taking an active part in public affairs. He had come back from the Continent with his Whig principles deepening into Republicanism, with his mind full of projects for the welfare of Scotland, and with a fixed opinion that the power of the Crown ought to be diminished.

He therefore joined the Club, that association which had been formed for the express purpose of thwarting the Government and decreasing the royal authority. Sir James Montgomery, Annandale, Ross, and Sir Patrick Hume were the leaders of this body; and among them there was 'no man, though not a member, busier than Saltoun,' writes Sir William Lockhart to Lord Melville on the 11th of July 1689.

His great aim, then and ever after, was to reduce the royal authority to a shadow, and to place all real power in the hands of Parliament. 'He is,' said Mackay in the paper which he drew up for the use of the Princess Sophia, 'a zealous assertor of the liberties of the people, and so jealous of the growing power of all Princes, in whom he thinks ambition to be natural, that he is not for intrusting the best of them with a power which they

can make use of against the people. As he believes all Princes made by, and for the good of, the people, he is for giving them no power but that of doing good.' The Club did not long survive; but apart from some of the questionable and factious purposes for which it had been formed, it was mainly responsible for that salutary reform by which the institution known as the 'Lords of the Articles' was abolished. Though Fletcher was not a member of the Convention, we are soon to enter on that period of his career when he was one of the foremost members of the Scottish Parliament; and the proceedings of that body, of which an account must be given, will be unintelligible unless certain facts connected with its history and character are understood.

The Scottish Parliament was originally divided into the three Estates of the Bishops, the Barons, and the Boroughs. The Estate of the Barons included the peers, or greater barons, and the county members, or lesser barons. The 'Boroughs' meant the representatives of the royal boroughs of Scotland. The three Estates sat in one chamber, there being no Upper and Lower House as in England. At the Revolution, when Episcopacy was abolished, the bishops lost their seats. The peers then became the first Estate, the county members (known as the 'barons') the second Estate, and the borough members the third Estate. The peers numbered sixty-four in 1606, soon after the Union of

the Crowns ; but by 1707 they had increased to one hundred and fifty-three. The number of commoners who sat in the Estates was never more than one hundred and fifty-six. Thus in the Scottish Parliament the feudal aristocracy was almost supreme. The franchise was then genuine, without the fictitious votes which were afterwards created on all sides ; but the county members were really nominated, in many constituencies, by the peers. This, coupled with the fact that there was only one chamber, made the subjection of the Commons complete.

The Commons, at the date of the Revolution, consisted of sixty-four county and sixty-six borough members. The county franchise was in the hands of the freeholders, who were few in number. The borough franchise was in the hands of the magistrates, who were self-elected. There was thus scarcely a trace of popular representation. Moreover, the officers of state had seats and votes without having to undergo any form of election, a custom which was often complained of.

But the chief peculiarity, and the most glaring defect in the constitution of the Scottish Parliament, before the Revolution, was the institution known as the Lords of the Articles. This was a committee chosen, at the beginning of each session, to prepare measures for the consideration of the Estates. It usually consisted of forty members, eight bishops, eight peers, eight county members, eight borough members, and eight officers of

state. The manner in which they were chosen was as anomalous as their powers. First the bishops chose eight peers. Then those peers chose eight bishops; and those sixteen chose the county and borough members. Eight officers of state, nominated by the King or his Commissioner, were added, and the Committee on Articles was complete. 'Not only,' Lauderdale once said, 'hath the King in Scotland his negative vote, but, God be thanked, by this constitution of the Articles, he hath the affirmative vote also, for nothing can come to the Parliament but through the Articles, and nothing can pass in Articles but what is warranted by his Majesty; so that the King is absolute master in Parliament, both of the negative and affirmative.'

All the business was, in most Scottish Parliaments, transacted by the Lords of the Articles. The usual course of procedure was this. As soon as the Estates met, the Committee on Articles was chosen, and directed to prepare the measures which were intended to become law during the session. The House then adjourned for a few days. When it met again, these measures were read, and passed at once into law. There was seldom any debating, and sometimes more than one hundred Acts of Parliament were passed, and received the royal assent, in one day. There was thus a constant danger of hasty legislation, and for this

there was no remedy. In England the Lords could reject any measure passed by the Commons, and the Commons could reject any measure passed by the Lords. But in Scotland, where there was only one chamber, there was nothing to prevent the Estates making any law, however rash or ill-considered, in the space of a single day.

At the Revolution, however, the Committee of Articles, which the Estates had declared to be a grievance, was abolished. Henceforth the Acts of the Scottish Parliament were no longer compiled in secret, brought, cut and dry, into the House, read over by the clerks, and carried to the Throne to receive the royal assent, in batches of a dozen at a time, within the space of a few hours. Power was given to the Estates to choose freely such committees as they might think necessary, subject only to the condition that some of the officers of state should sit on these committees, but without the right of voting.

The statute which put an end to the old institution of the Lords of the Articles became law on the 8th of May 1690. On the 1st of May 1707 the Union took place. Thus the Scottish Parliament lasted for just seventeen years after the introduction of this great reform. The old defects in the rules of procedure remained; the method of conducting debates was still irregular; and the risk of hasty legislation was as

great as ever, only a slight attempt having been made to remedy this evil by a statute which forbade that any measure should be passed until it had been read twice.¹ But during these seventeen years the Scottish Parliament was free. There was nothing to hinder the full discussion of any topic; and independent members could bring in measures, and move resolutions, as freely as in the Parliament of England.

In the session of 1689 Fletcher presented a petition to the Estates for the restoration of the estate of Saltoun, in which he asserted that the sentence of forfeiture had proceeded on 'frivolous and weak pretences, and upon lame and defective probation.'

This petition, along with some others of a similar character, was remitted to a committee of Parliament for inquiry. There was a long delay; and at last Fletcher was put forward to complain to the Duke of Hamilton, who was then Commissioner. So he went to Hamilton, and said it was unfair that Argyll's forfeiture should have been reversed without delay, while he and others, who had suffered unjustly, should have to wait so long. Having lodged this complaint, he asked Hamilton to mention the matter to the King.

'Tell the King,' he said, 'that Fletcher of Saltoun

¹ *Act that no law pass at the First Reading, 25th September 1695.* The term 'bill' was not used in the Scottish Parliament. When a measure was brought in, and while it was before the Estates, it was called an 'overture,' or 'the draft of an Act,' or simply an 'Act.'

has a better right to his estate than his Majesty has to the Crown.'

'Devil take me,' said the Duke in reply, 'if it isn't true!'

At last, on the 30th of June 1690, an Act was passed, rescinding the forfeiture, and putting Fletcher once more in possession of his family estate.

Before this event, so important to Fletcher, took place, Hamilton, superseded by Melville, had retired in disgust from public life; and there is some reason to believe that it was Fletcher who was the means of bringing him back to support the Revolution principles in 1692, when the country was alarmed by the threat of a Jacobite invasion. 'I know you will be surprised,' Fletcher wrote to Hamilton in April of that year, 'to receive a letter from me; but my writing to you in such an exigence shows the high esteem I must have of you, and of the true love you bear your religion and country. If, laying aside all other considerations, you do not come in presently, and assist in council, all things will go into confusion; and your presence there will easily retrieve all. The castle has been very nearly surprised, and an advertisement which Secretary Johnstone had from France, and wrote hither, has saved it. When things are any ways composed you may return to your former measures, for I do not approve of them. I do advise your Grace to the most honourable thing

you can do; and without which your country must perish.' This 'spirited letter,' as it is called by Dalrymple—in whose *Memoirs* it is printed—is said to have induced Hamilton to make up his quarrel with the Court, and in the following year he was once more presiding over the debates of the Scottish Parliament.

It was probably about this time, or soon after, that the project of forming the 'Company of Scotland trading to Africa and the Indies' first took shape in the fertile brain of William Paterson, who may perhaps have met Fletcher in Holland before the Revolution. He was in London in 1690; and Dalrymple says that in Scotland it was always believed that Fletcher brought him down to Saltoun, and presented him to the Marquis of Tweeddale, to whom Paterson unfolded the great scheme. Then Fletcher, 'with that power which a vehement spirit always possesses over a diffident one, persuaded the Marquis, by arguments of public good, and of the honour which would redound to his administration, to adopt the scheme.'

Sir John Dalrymple of Stairs, Mr. Secretary Johnstone, and Sir James Stewart, then Lord Advocate, took the matter in hand, and the famous Act constituting the Company was passed by the Scottish Parliament, and received the royal assent on the 26th of June 1695. When the subscription list was opened,

in February 1696, Fletcher put his name down for one thousand pounds' worth of stock.

The story of the expedition which the Company sent to Darien, and of the tragic fate of the adventurers, has been told and retold so often that every child from John o' Groat's House to the Cheviots knows it off by heart. It has never been forgotten in Scotland. England had to face the question—Shall we run the risk of a war with Spain to save the property of a Scottish trading Company, and the lives of some twelve hundred Scotsmen? And England answered—No.

Fletcher was a rich man, and the disaster at Darien did not mean ruin to him, as it did to so many of his countrymen. But the sight of their sufferings, the callous indifference of the English Government, and the knowledge that there was not one London merchant in a hundred who did not, in his heart, rejoice in the ruin which had befallen the Scottish traders, made him, as it made most Scotsmen, distrust England, and devote himself, heart and soul, for the rest of his life, to the cause of Scottish independence.

CHAPTER IV

Fletcher's Political Writings—'A Discourse on Militias'—The Affairs of Scotland—Supports Slavery as a cure for Mendicancy—Attacks the Partition Treaty.

IT was in 1698, while the fate of the Darien expedition was still uncertain, that Fletcher first appeared as an author.

In their original form his writings may be described as short, anonymous pamphlets, of duodecimo or small octavo size, and printed in italics. They were republished, some years after Fletcher's death, in one volume, in 1732, under the title of *The Political Works of Andrew Fletcher, Esq.*, and since then there have been other editions.

These earlier works consisted of—(1) *A Discourse of Government with relation to Militias*: Edin., 1698; (2) *Two Discourses concerning the Affairs of Scotland, written in the year 1698*; (3) a work in Italian, called *Discorso delle cose di Spagna, scritto nel mese di Luglio 1698*: Napoli, 1698; (4) *A Speech upon the State of the Nation*, 1701.

After the Peace of Ryswick there was a war of

pamphlets on the question of standing armies. William III. desired to maintain a force sufficient to cope with France ; but, as Burnet says, 'the word "standing army" had an odious sound in English ears' ; and most Englishmen thought that a thoroughly trained militia and a strong navy would afford the best means for repelling an invasion from abroad, and securing order at home.

Fletcher plunged into this controversy with his work upon militias. His argument is that standing armies kept up in peace have changed the governments of Europe from monarchies into tyrannies. 'Nor,' he says, 'can the power of granting or refusing money, though vested in the subject, be a sufficient security for liberty, when a standing mercenary army is kept up in time of peace ; for he that is armed is always master of him that is unarmed. And not only that government is tyrannical which is tyrannically exercised, but all governments are tyrannical which have not in their constitution a sufficient security against the arbitrary power of the Prince.' Therefore no monarchy is sufficiently limited unless the sword is in the hands of the subject. A standing army tends to enslave a nation. It is composed of men whose trade is war. To support them heavy taxes must be imposed ; and it thus becomes the interest of a large and formidable party in the state, consisting of those families whose kinsmen

are soldiers, to keep up the army at the expense of their countrymen.

No standing armies, Fletcher points out, have ever yet been allowed in this island. The Parliament of England has often declared them contrary to law ; and the Parliament of Scotland not only declared them to be a grievance, but made his keeping of them up one of its reasons for disowning King James. But, on the other hand, every free man should have arms, which are 'the only true badge of liberty.' Military service ought to be compulsory upon all classes ; for 'no bodies of military men can be of any force or value unless many persons of quality or education be among them.' The only men who are fit to be officers are gentlemen of property and position.

He has a plan all ready for organising the national militia. Four camps should be formed, three in England and one in Scotland. All men, on reaching their twenty-first birthday, must enter them, and serve for two years, if rich enough to support themselves, and for one year, if they must be maintained at the public expense. They are to be taught 'the use of all sorts of arms, with the necessary evolutions ; as also wrestling, leaping, swimming, and the like exercises.' Every man who can afford it should be forced to buy a horse, and be trained to ride him. These camps were to remain for only eight days in one place, moving from one heath

to another, not only for the sake of health and cleanliness, but to teach the men to march, to forage, to fortify camps, and to carry their own tents and provisions. The food of all, both officers and privates, was to be the same. 'Their drink should be water, sometimes tempered with a proportion of brandy, and at other times with vinegar. Their cloaths should be plain, coarse, and of a fashion fitted in everything for the fatigue of a camp.'

Each camp was to break up, at certain seasons, into two parties, and spread over the mountains, marshes, and country roads, and practise tactics by manœuvring against each other. No clergymen nor women should be allowed to enter them; but 'speeches exhorting to military and virtuous actions should be often composed, and pronounced publicly by such of the youth as were, by education and natural talents, qualified for it.' The strictest discipline was to be enforced. 'The punishments should be much more rigorous than those inflicted for the same crimes by the law of the land. And there should be punishments for some things not liable to any by the common law, immodest and insolent words or actions, gaming, and the like.'

In this Spartan system Fletcher had the fullest confidence. 'Such a militia,' he says, 'might not only defend a people living in an island, but even such as are placed in the midst of the most warlike nations of

the world.' But the practical conclusion to which he comes is that, in the meantime, the existing militia was sufficient. No standing army was necessary. The sea was the only empire which naturally belonged to Britain. Conquest could never be our interest, still less to consume our people and our treasure in crusades undertaken on behalf of other nations.

This *Discourse on Militias*, which was first printed in 1698, in the form of a pamphlet, will be found in the various editions of his *Works* published in 1732, 1737, 1749, and 1798, and was also reprinted in London in the year 1755.¹

It appears, from internal evidence, that the *Two Discourses concerning the Affairs of Scotland* were written in the autumn of 1698. The Darien expedition had sailed at the end of July, and Fletcher urges the necessity of providing supplies for the new colony. The whole future of Scotland, he says, depends on the fate of this enterprise. The condition of the country has become desperate. Partly through the fault of Scotsmen themselves, and partly because the seat of government has been removed to London, it is cruelly impoverished, and has fallen so low 'that now our motto may be inverted, and all may not only provoke, but safely trample upon us.' Commerce we have none. No use has been made of our harbours. Nothing has

¹ *MS. Bibliography*. By Mr. Gordon Duff and Mr. R. A. S. Macfie.

been done for the poor. Every year people are emigrating in search of work. We have no trade and no manufactures. Everything depends on the colony at Darien. Therefore the first business of Parliament should be to support the Company of Scotland, for which he proposes that the Estates should vote a large sum of money, and that three frigates which had lately been built by Scotland should be employed to convoy the next fleet that sailed for Darien.

He hopes that, after providing for the Darien colonists, the Scottish Parliament will take steps to encourage trade at home. The war is at an end. In that war Scotland has done great things. Seven or eight thousand Scotsmen served in the English fleet, and two or three thousand in that of Holland. 'Besides,' he says, 'I am credibly informed that every fifth man in the English forces was either of this nation, or Scots-Irish, who are a people of the same blood with us.' But there is now no reason for keeping up the standing forces in Scotland. 'There is no pretence for them, except only to keep a few wretched Highlanders in order, which might easily be done by a due execution of our old laws made for that purpose, without the help of any fort or garrison.' As to danger from the Jacobites, 'the party of the late King James was always insignificant, and is now become a jest.' Scotland is called upon to provide £84,000 a year for the army. This is the same thing

as if England had to find £2,500,000; and yet all England provides is £350,000. Scotland is, therefore, unfairly taxed; and for that reason, and also because the militia is sufficient, the Estates should refuse to vote supplies for the army, and devote the money to the improvement of trade and industry.

It is in the Second Discourse that Fletcher gives his well-known account of the poverty-stricken condition of Scotland, and prescribes domestic slavery as one remedy. No one who has minutely studied Scottish history during the seventeenth and the first half of the eighteenth centuries will think the picture overdrawn. The country was barren, and the seasons were inclement. But Fletcher thought of Holland, where he had seen field upon field rescued from the sea, harbours and ships, wealthy towns, flourishing farmers, canals running between rich pasturelands, or banks adorned by villas and gardens; and all this had been the work of the sober and industrious people of a free republic, who had worked out their own salvation. Then he looked at Scotland, the country which he loved, and saw 'many thousands of our people who are at this day dying for want of bread,' and asked, 'How is this to be changed?' He was under no illusions. He saw things as they really were. The Trading Company might do much. If the Parliament would spend money on the encouragement of industry instead of on the army, Glasgow and

Dundee might rise from petty seaports into rich commercial cities, and agriculture might flourish in the Lothians. But a great part of the population of Scotland consisted of people who would do anything rather than work. These were the descendants of the Border mosstroopers, the wild clansmen of the Highlands, and a vast migratory horde of sturdy beggars who wandered, in ragged hordes, over Lowlands and Highlands alike—starving, pilfering, and incorrigibly idle. ‘How,’ he asked, ‘are we to deal with these vagabonds?’ His answer was, ‘Force them to work.’ He foresees that he will be accused of inconsistency, and must face the question how he, the champion of liberty, can propose such a measure. But he answers that he regards not names but things. ‘We are told,’ he says, ‘there is not a slave in France; that when a slave sets his foot upon French ground, he becomes immediately free; and I say there is not a freeman in France, because the King takes away part of any man’s property at his pleasure; and that, let him do what he will to any man, there is no remedy.’ Public liberty may be complete in a country where there is domestic slavery, and he only proposes that the idle, sturdy beggar should be made a slave for the benefit of the country at large.

That Fletcher was favourable to domestic slavery, as a social institution, is clear. He argues that the clergy are to blame for the ‘multitude of beggars who now

oppress the world.' His view is that churchmen, 'never failing to confound things spiritual with temporal, and consequently all good order and good government, either through mistake or design,' recommended masters, when Christianity was established, to set at liberty such of their slaves as would become Christians; and the result of this advice was that thousands of persons, who had been well clothed, well fed, and well housed as slaves, were thrown loose upon the world, which has ever since been overrun by a ragged army of idle freemen who live on alms.

He therefore urges that in Scotland stern measures should be taken, especially with the Highlanders, for whom he has a profound contempt. 'Nor indeed,' he says, 'can there be any thorough reformation in this affair, so long as the one-half of our country, in extent of ground, is possessed by a people who are all gentlemen only because they will not work, and who in everything are more contemptible than the vilest slaves, except that they always carry arms, because for the most part they live upon robbery.' His proposals are that hospitals should be provided for such beggars as are old and feeble; but as for the rest, he would divide them into two classes. The harmless beggars should be employed as domestic slaves. The dangerous ruffians should be sent to Venice, to 'serve in the galleys against the common enemy of Christendom.'

Such were the means by which Fletcher would have put an end to idleness and mendicancy in Scotland; and his well-known description of the state of things may be once more quoted, as an explanation of how he came to hold such views. 'In all times there have been about a hundred thousand of those vagabonds who have lived without any regard or subjection to the laws of the land, or even those of God and nature. . . . Many murders have been discovered among them, and they are not only a most unspeakable oppression to poor tenants (who, if they give not bread or some kind of provision to perhaps forty such villains in one day, are sure to be insulted by them), but they rob many poor people who live in houses distant from any neighbourhood. At country weddings, markets, burials, and other the like occasions, they are to be seen—both men and women—perpetually drunk, cursing, blaspheming, and fighting together.'

Apart from this evil of a large pauper population, for which he had the courage to propose the remedy of slavery, Fletcher thought that much of the poverty in Scotland was caused by high rents. These, he says, are so excessive that they make 'the tenant even poorer than his servant, whose wages he cannot pay,' and this affects not only the day labourer, but the village tradesmen, and the merchants of the county towns. Rents must therefore be reduced; and not only so, but an

Act of Parliament should be passed, forbidding any man to possess more land than he can cultivate by his own servants. By this means more labour would be employed, the soil would be better cultivated, and the wealth of the country vastly increased. 'In a few years,' says Fletcher, 'the country will be everywhere enclosed and improved to the greatest height, the plough being everywhere in the hand of the possessor.'

He also suggested, as a cure for the depressed state of agriculture, the crude remedy that lending money on interest should be forbidden. By this means, he says, 'men who have small sums at interest will be obliged to employ it in trade or the improvement of land.'

Proposals such as these, which nowadays some will say were in advance of his time, and others will regard as impracticable and absurd, were not taken seriously at the time he made them. 'Mr. Fletcher's schemes,' says Sir John Clerk, a commonplace man, but a shrewd and cautious observer, 'had but very little credit, because he himself was often for changing them; though, in other respects, a very worthy man. It used to be said of him, that it would be easy to hang by his own schemes of government; for, if they had taken place, he would have been the first man that would have attempted an alteration.'¹

The Italian essay on the affairs of Spain was appar-

¹ MS. note on Lockhart, quoted in Somerville, p. 204.

ently suggested by the Partition Treaty of 1698. In the editions of Fletcher's collected works there is an 'Auviso,' or advertisement, prefixed to this pamphlet, in which the author explains that he has written the discourse in order to show how easily any prince who succeeds to the throne of Spain may acquire the empire of the world; and in the *Speech upon the State of the Nation*, he deals with the same topic. The letter of the Treaty, he urges, speaks of keeping the peace of Europe by breaking up the Spanish monarchy, but the spirit of it throws that monarchy into the hands of the Bourbons. The result will be that the balance of power will be upset, a war will follow, civil and religious liberty will be endangered. William III., he hints, may offer to support the Spanish policy of France, if Louis will assist him to become an absolute monarch in England and Holland. 'This treaty,' he says, 'is like an alarum-bell rung over all Europe. Pray God it may not prove to you a passing-bell.'¹

This manifesto, though described as a speech, was probably never delivered. But it may be regarded as an election address; for on the dissolution of the Convention Parliament, Fletcher was returned, at the general election, for the county of Haddington, with Adam Cockburn of Ormiston as his colleague.

¹ The 1749 edition of Fletcher's *Works* contains an English translation of the *Discorso di Spagna*.

CHAPTER V

The First Session of the Union Parliament—Fletcher proposes his Twelve Limitations on the Crown—The Act of Security—The Supplies are refused.

THE Estates met at Edinburgh on the 6th of May 1703. The forms of the opening ceremony were similar to those which had been used for at least a hundred years. But it was observed that on this day the preparations were more elaborate than usual. Queensberry, who was Lord High Commissioner, occupied the royal apartments in Holyrood House. On the evening of the 5th the crown, the sceptre, and the sword of state, known as the 'honours,' and regarded with peculiar veneration as the symbols of the ancient monarchy, were carried from the castle to the palace by the officials of the Treasury, and presented to the Commissioner. Next morning, at an early hour, Lord Errol, the hereditary High Constable of Scotland, waited upon the Commissioner to receive his last instructions, and then proceeded to the Parliament House, for the arrangements of which he was responsible during the sittings of the Estates. In the mean-

time, the long steep street which still leads from Holyrood to the Parliament House, and which was then the fashionable quarter of the city, had been cleared of traffic, and lined with wooden railings, to keep back the crowd which assembled to witness the Riding of the Parliament, as the procession of members to the place of meeting was called. The tall houses, with their picturesque gables and projecting balconies, were hung with tapestry, and the windows were filled with gay parties of gentlemen and ladies. The street was lined by a regiment of foot-guards, under the command of General Ramsay, then commander-in-chief of the forces in Scotland, and by the members of the town-guard.

At ten o'clock the Commissioner held a levee, which was attended by all the members of the Parliament, both peers and commoners. The Lyon King of Arms was there, with his heralds, pursuivants, and trumpeters, and the palace-yard was crowded by grooms and lackeys, in charge of the horses on which the members were to ride. The spectators on this day noticed that the liveries of the servants were richer than had ever been seen before, and that the horses were unusually fine. While the levee was proceeding, Lord Chancellor Seafield ; Annandale, President of the Council ; Tarbat, Secretary of State ; and Tullibardine, Lord Privy Seal, mounted and rode, with their attendants, to the Parliament House, to await the arrival of the Estates.

When the Commissioner was ready to start, the Lyon King declared the order in which the procession was to be formed, and one of his heralds, from a window of the palace, repeated his words to the attendants in the yard below. A troop of horse grenadiers headed the cavalcade. Then came the borough members, riding two abreast on horses with trappings of black velvet, and followed by the county members in the same order. After them rode those officers of state who were not peers of the realm. The barons, the viscounts, and the earls formed the next part of the procession, all arrayed in scarlet robes, and their horses led by serving-men in liveries which displayed the arms of their masters. Each earl had four, and each viscount three, servants with him. The Lyon King, wearing his official dress and carrying his baton, rode alone, with his pursuivants and trumpeters, immediately in front of the honours, which were carried by three peers. The sword of state was carried by the Earl of Mar, the sceptre by the Earl of Crawford, and the crown by the Earl of Forfar, as nearest kinsman of Archibald, Marquis of Douglas, who was then too young to take part in the ceremony. Then came the Lord High Commissioner, surrounded by his pages and the gentlemen of his household, and followed by Argyll, who rode last of the procession, at the head of a squadron of the royal horse-guards.

When the procession reached the precincts of the

Parliament House, the members were received by the High Constable, whose officers escorted them to the door of the hall in which the sittings were held. The last to enter was the Commissioner, who was conducted to the throne by the High Constable, and by William, ninth Earl Marischal, hereditary Keeper of the Regalia of Scotland.

The place in which the last Parliament of Scotland met that day was the spacious and lofty chamber which is now used as an entrance-hall to the Court of Session. The old oak roof, rising from curiously carved corbals, still remains ; but in other respects the appearance of the place is completely changed since the days of Fletcher. Then, at the south end, under the large mullioned window, stood the throne, elevated on steps to a considerable height. On either side there rose from the floor tiers of benches, on which the members of the Estates sat in places fixed according to their different ranks. In the centre of the hall, between the benches, was a long table, at which the Lord Clerk-Register, the clerks of the House, and sometimes the judges, sat. At the upper end of the table, in front of the throne, the crown, the sceptre, and the sword lay during each sitting. The officers of state clustered on the steps of the throne ; and near them the Lord Chancellor, who acted as Speaker of the House, had his chair. At the other end of the hall was the bar, behind which

there was an open space, in which strangers were allowed to stand and listen to the proceedings; and often, during the debates of the next four years, when the evenings closed in and the candles were lighted in the body of the House, murmurs of disapproval or shouts of applause came from the darkness behind the bar. It was amidst these surroundings that the Whig lords defended the policy of the English Government, and were answered by the Cavaliers, and that Fletcher and the Country Party declaimed on freedom and a limited monarchy.

The leader of the Country Party, of which Fletcher was the most enthusiastic and thoroughgoing member, was James, fourth Duke of Hamilton, the Hamilton of *Esmond*. 'Of a middle stature, well made, of a black, coarse complexion, a brisk look,' is the contemporary account of his appearance. He was, indeed, a gallant gentleman, as Thackeray describes him; but though perhaps afterwards, when he was appointed Ambassador to France, he may have been waited upon by obsequious tradesmen laden with jewels, and velvets, and brocades, yet during the greater part of his career he was overwhelmed with debts, a circumstance which interfered with his independence, and probably was the secret cause of a great deal that was mysterious in his conduct. As Earl of Arran he had, at the time of the Revolution, openly professed his

devotion to King James, and had, soon after, suffered imprisonment on suspicion of carrying on a correspondence with the Court of Saint Germain's. By his dexterity mainly the opposition was organised during the last years of William's reign, and, though his haughty demeanour sometimes gave offence, he was followed both by the Jacobites and by the Country Party.

He was assisted in the leadership by four peers, whose opinions, unlike his, were entirely on the Whig side. These were John, second Marquis of Tweeddale, and his son-in-law, the seventh Earl of Rothes, James, fourth Marquis of Montrose, and John, fifth Earl of Roxburghe. Tweeddale was now a man of between fifty and sixty; but Rothes, Montrose, and Roxburghe were young, each about twenty-four, fiery and impetuous, qualities which made them favourites at a time of great popular excitement. These were the chief colleagues of Fletcher during the arduous contest which now began; but none of them displayed a consistency or a disinterestedness equal to his.

At the beginning of the session Fletcher was occupied with an election petition from Haddingtonshire, which was presented by Sir George Suttie of Balgonie, who opposed the return of John Cockburn, younger of Ormiston, as one of the county members. The Committee on contested elections found that Suttie and Cockburn had received an equal number of

votes. A new election was ordered, and, to Fletcher's satisfaction, Cockburn was on the 1st of June returned as his colleague.

But more important matters than contested elections were already engaging the attention of the Estates. Queensberry had attempted to strengthen the Government by forming an alliance with the Jacobites, who had promised to vote the supplies for which the Parliament was to be asked. But Argyll and his friends had refused to follow him in this policy, and it became evident that the Government would have to fight a strong opposition, composed of the Jacobites and the Country Party acting in concert. The struggle began on the 26th of May, when the Estates discussed the question of whether they should vote the supplies, or proceed to 'make such conditions of government and regulations in the constitution of the kingdom, to take place after the decease of her Majestie and the heirs of her body, as shall be necessary for the preservation of our religion and liberty.'

The terms of this resolution, which was moved by Tweeddale, were often heard during the rest of the session ; and the issue was soon narrowed down to the single point of whether the Estates should grant a supply, or pass an Act of Parliament for the security of liberty, religion, and trade.

On the 26th of May Fletcher moved that the Estates

should divide on the question of whether they were to take the first reading of the Supply Act or proceed to make Acts for the security of liberty and religion.

‘My Lord Chancellor,’ he said, ‘I am not surprised to find an Act for a supply brought into this House at the beginning of a session. I know custom has, for a long time, made it common. But I think experience might teach us that such Acts should be the last of every session; or lie upon the table, till all other great affairs of the nation be finished, and then only granted. It is a strange proposition which is usually made in this House, that if we will give money to the Crown, then the Crown will give us good laws; as if we were to buy good laws of the Crown, and pay money to our princes, that they may do their duty, and comply with their coronation oath. And yet this is not the worst, for we have often had promises of good laws, and when we have given the sums demanded, those promises have been broken, and the nation left to seek a remedy—which is not to be found, unless we obtain the laws we want, before we give a supply. And if this be a sufficient reason at all times to postpone a money Act, can we be blamed for doing so at this time, when the duty we owe to our country indispensably obliges us to provide for the common safety in case of an event, altogether out of our power, and which must necessarily dissolve the Government, unless we con-

tinue and secure it by new laws : I mean the death of her Majesty, which God in His mercy long avert.'

There was a long debate ; and it was not until two days later, that the Ministers, seeing themselves in a minority, gave in, and allowed what was afterwards known as the Grand Resolve, of 28th May 1703, to pass without a division. By this Resolve it was declared that Acts for the security of religion, liberty, and trade were to have precedence over Supply or any other business whatsoever.

Fletcher, with the whole of the Opposition at his back, supported every proposal the effect of which was to guard against the influence of England, and to emphasise the fact that Scotland was an independent kingdom. But he had also elaborated a great scheme of his own, which he laid before the Estates. 'Before the Union of the Crowns,' he said, 'no monarchy in Europe was more limited, nor any people more jealous of liberty than the Scots.' But the result of the Union of the Crowns was that the people of Scotland lost their liberties. English influence, the source of every evil, had become supreme. Now was the time to strike a blow for freedom ; and he proposed Twelve Limitations, or conditions on which, after the death of Anne, the Crown of Scotland was to go to the same Sovereign as should rule in England. These Limitations were : 1. Annual Parliaments, which should choose their own

President, adjourn at their own pleasure, and vote by ballot. 2. That for every new peerage granted by the Crown, another county member should be added to the Parliament. 3. That none should vote in Parliament except peers or elected members. 4. That the king should not have the power of refusing the royal assent to any Act passed by the Estates. 5. That when Parliament was not sitting the executive Government should be in the hands of a Committee chosen by Parliament. 6. That the King should not have the power of making war or peace, or concluding any treaty, except with consent of Parliament. 7. That all offices, civil and military, and all pensions, should be given by Parliament, instead of by the King. 8. That without consent of Parliament there should be no standing army. 9. That a national militia, of all men between the ages of sixteen and sixty, should be at once armed with bayonets, firelocks, and ammunition. 10. That no general pardons should be valid without consent of Parliament. 11. That no judge should sit in Parliament, or hold any other office, and that the office of President of the Court of Session should be in three of the judges, named by the Estates. 12. That if the King should break any of these conditions, the Estates were to declare that he had forfeited the throne, and proceed to choose a successor.

These conditions, for proposing which he would have been sent to the gallows in the days of the Stuarts, and

to Botany Bay in the days of Mr. Pitt, Fletcher pressed upon the Estates as essential for the protection of Scotland against England. 'If,' he said, 'our Kings lived among us, it would not be strange to find these limitations rejected. It is not the prerogative of a King of Scotland I would diminish, but the prerogative of English Ministers over this nation. These conditions of Government being either such as our ancestors enjoyed, or principally directed to cut off our dependence on an English Court, and not to take place during the life of the Queen, he who refuses his consent to them, whatever he may be by birth, cannot sure be a Scotsman by affection. This will be a true test to distinguish, not Whig from Tory, Presbyterian from Episcopal, Hanover from Saint Germain, nor yet a courtier from a man out of place, but a proper test to distinguish a friend from an enemy to his country.'

But the Scottish Parliament, in spite of all its high-strung patriotism, was not prepared to accept so republican a scheme as this; and by a majority of twenty-six votes it was decided that the Laird of Saltoun's Limitations should not form a part of the 'Act of Security' which the Estates were now engaged in framing.

The basis of this famous statute was a measure introduced by the Lord Privy Seal, providing that the Estates should meet within twenty days after the death

of Anne, and proceed to name a Protestant successor to the throne of Scotland. But to this simple measure a number of clauses were added, until it grew into that elaborate Act which was the pivot on which Scottish history turned until the Union.

Roths proposed a clause which embodied the principle of one of Fletcher's Limitations: That war and peace were to be made only by consent of Parliament. Queensberry said that he was ready to consent to anything which was for the good of the country, and which 'the Queen had under her view when she left London.' This proposal, he said, she had never heard of.

On this Fletcher declared that it was now evident, as he had often thought, that in Scottish affairs the Crown was under the influence of English councillors. At these words some members were so ill-advised as to interrupt him, and even to suggest that he should be censured. This led to a scene. 'What!' exclaimed Hamilton, 'is this the liberty of Parliament?' There were shouts of 'privilege' from all parts of the House; and several members rose at the same time to demand that the member should be allowed, without interruption, to explain his words.

As soon as silence was obtained Fletcher continued. He had no difficulty, he said, in explaining. He spoke, not as a slave, but as a free man. He had the

greatest respect for the Queen and for her Commissioner. But the love and duty which he bore to his country obliged him to speak as he had spoken. What the Commissioner had said that day convinced him that the only way to secure Scotland from English interference was to refuse to settle the Scottish Crown on the English Sovereign. The two countries must have separate Kings.

This statement was received with a tumult of applause; but the matter was allowed to drop. Nor did the Estates embody the clause proposed by Rothes in the Act of Security. The next great fight was over a clause introduced by Roxburghe. It provided that the Succession was not, on the death of Anne, to be the same in Scotland as in England, unless conditions of government were settled which would secure the independence of the Crown of Scotland, the power of the Estates, and the liberty and trade of the country 'from the English or any foreign influence.'

This was really the most formidable proposal which any member of the Country Party, with the exception of Fletcher, had as yet brought forward. It was, nevertheless, evident that the House was ready to accept it, and that the Act of Security would, therefore, contain provisions which, though not so drastic as the Twelve Limitations, could scarcely be tolerated by England.

Fletcher was up, supporting the clause with his usual

vehemence, when suddenly the Chancellor rose and stopped him. It was, he explained, too late to finish the debate, and he, therefore, adjourned the House. Instantly there was one of those scenes to which members were becoming accustomed. Some declared that they would address the Queen, and complain that her Ministers were attempting to interfere with the liberty of debate. Others maintained that what the Chancellor had done was a violation of the Claim of Right, and that, therefore, he was guilty of treason. It was with difficulty that the noise was stopped while prayers were said. Hamilton announced that he would remain in the House and instantly draw up the address to the Queen, and Fletcher hurried to his side to help him; but when the Duke saw the Commissioner descending from the throne, he changed his mind and followed him out of the House.

That night, however, the address was prepared and signed by sixty members. On the morrow more signatures were obtained, and when the Estates met the Country Party tabled a protest against the irregular adjournment of the previous evening. But the Chancellor declared that the late hour was the reason why he had adjourned the House, said the Government had no desire to encroach on the privileges of members, and announced that the debate on Roxburghe's clause would be resumed on the following day.

In the meantime the Government had adjusted a clause which was admirably fitted to secure a large measure of support, and also to stave off the awkward question which had been raised by Roxburghe. It provided that, after the death of Anne, the same person should not wear both the Crowns unless free trade between the two countries was established, and the right of trading to the colonies was granted to Scotland. When the debate was resumed, the Lord Advocate, Sir James Stewart, moved that this clause should be substituted for that proposed by Roxburghe. To this Fletcher adroitly answered that the Country Party was delighted with the conduct of the Ministers in framing this most useful clause, and would gladly accept it as well as that of Roxburghe. He then moved that the two clauses should be joined, and made part of the Act of Security. The House would have agreed to this at once; but the Ministers made one struggle more, and obtained a short respite by moving the adjournment of the debate, which they carried, but only by a majority of three votes.

But the Government were in a hopeless position. The opinion of the Estates evidently was that the King of England must not be King of Scotland, unless England would agree to such conditions of government as the Scottish Parliament chose to enforce, and unless the home and colonial trade was thrown open to the Scottish

people. The clauses were joined, and then a division was taken on the question, 'Add them to the Act or not?' The Government voted against adding them, and were beaten by no less than seventy-two votes.

Godolphin heard with dismay of what had been done. In a letter to Athole he says that the Queen was not pleased with either of the clauses proposed by Roxburghe and by the Lord Advocate, as tending, each of them, to make a perfect separation, instead of a Union. Her Majesty, he declares, would never consent to any Act which establishes a different succession in Scotland to that in England.

The division in which the Government were so hopelessly beaten, took place on the 26th of July, and after that the Opposition had matters all their own way. The last great debate was on the 10th of August, when a clause was proposed directing the Protestant landowners and burgesses to arm and drill all the men in their districts who were capable of bearing arms.

This was a clause after Fletcher's own heart, and he supported it in a short but trenchant speech, in which he argued that to insist upon conditions of government, without the means of enforcing them, was folly. Without the support of arms, all enactments for the security of the country were vain and empty propositions. 'To rely upon any law,' he said, 'without such a security, is to lean upon a shadow. . . . To be found

unarmed, in the event of her Majesty's death, would be to have no manner of security for our liberty, property, or the independence of this kingdom. . . . If we do not provide for arming the kingdom in such an exigency, we shall become a jest and a proverb to the world.' The Government divided the House against this clause, but were beaten, and it was added to the Act.

Three days later, every bench in the Parliament House being crowded, the Act of Security was read over twice. No further amendments were proposed. The roll was then called; and, though a number of members did not answer to their names, the measure was passed by a majority of sixty votes.

The chief provisions of the Act of Security, in framing which the Estates had now spent two months, were as follows: On the death of Anne the Parliament was to meet, and settle the succession. If the Queen left an heir, or a recognised successor, the Crown was to be offered to him on the terms contained in the Claim of Rights. But if there was no heir, or recognised successor, then the Estates were to choose a successor, who must be of the royal line of Scotland, and of the Protestant religion. But it was not to be in the power of the Estates to choose the successor to the throne of England as successor to that of Scotland, 'nor shall the same person be capable, in any event, to be King or

Queen of both realms,' unless there were established, to the satisfaction of the Scottish Parliament, free home and colonial trade, and also such conditions of government as would secure the Crown, the Parliament, the religion, and the liberty of Scotland from English or any foreign influence. And, 'for a further security of the kingdom,' the men of every county and borough were to be furnished with fire-arms and drilled once a month. The Act was transmitted to London, and Godolphin was requested to say whether or not it was to be touched with the sceptre.

William the Third had, on several occasions, refused the royal assent to Acts passed by the Parliament of Scotland; and now the Courtiers, the Cavaliers, and the Country Party waited with curiosity to hear what course the Queen, on the advice of her Ministers, would take at the present crisis. The Country Party and the Cavaliers were equally determined not to settle the Scottish Succession except on the conditions set forth in the Act, and Queensberry was repeatedly questioned on the subject. Fletcher, in particular, made several speeches on this topic; but the Commissioner gave no sign until the 10th of September, when he stated that he had obtained leave to give the royal assent to all the Acts which had been passed, excepting the Act of Security. 'You may easily believe,' he explained, 'that requires her Majesty's further consideration.'

He ended a speech, which it must have needed some courage to deliver, by asking them to vote the Supplies. But the House was in no mood to comply with this request. We should have been told, one member said, at the beginning of the session that we were called together merely to vote money, and then adjourn. It would have saved us a great deal of trouble. If any Scotsman has advised the Queen in this matter, cried another, he is a traitor to his country. Fletcher denied the power of the Sovereign to refuse the royal assent, and there is a good deal to be said in favour of this view of the Scottish constitution. Hamilton and Roxburghe moved that an address be presented to her Majesty, praying her to reconsider the matter, and direct the Commissioner to touch the Act with the sceptre. After a long debate, in which every member who spoke blamed the English Ministers for what had happened, the motion to address the throne was rejected by twelve votes, and the House rose.

A few days after the Commissioner had announced that the royal assent was refused, Lord Boyle, the Treasurer-Depute, moved that the Act of Supply, which had been lying on the table since May, should be read, and on this Fletcher once more brought forward his Limitations. 'My Lord Chancellor,' he said, 'his Grace, the High Commissioner, having acquainted this House that he has instructions from her Majesty to give the

royal assent to all Acts passed in this session except that for the security of the kingdom, it will be highly necessary to provide some new laws for securing our liberty upon the expiration of the present entail of the Crown.' From this text he delivered an impassioned address, imploring the Estates, in particular, to accept his proposal that all places, offices, and pensions should, after the death of Anne, be conferred by Parliament alone, so long as Scotland was under the same Prince as England. 'Without this limitation,' he exclaimed, 'our poverty and subjection to the Court of England will every day increase; and the question we have now before us is, whether we will be free men or slaves for ever; whether we will continue to depend, or break the yoke of our dependence; and whether we will choose to live poor and miserable, or rich, free, and happy? . . . By this limitation our Parliament will become the most uncorrupted senate of all Europe. No man will be tempted to vote against the interest of his country, when his country shall have all the bribes in our own hands: offices, places, pensions. . . . If, therefore, either reason, honour, or conscience have any influence upon us; if we have any regard either to ourselves or posterity; if there be any such thing as virtue, happiness, or reputation in this world, or felicity in a future state, let me adjure you by all these not to draw upon your heads everlasting infamy, attended with

the eternal reproaches and anguish of an evil conscience, by making yourselves and your posterity miserable.'

The Ministry, well aware that only a portion of the Country Party would follow Fletcher on this question of the Limitations, wished the House to vote on the issue of whether Supply or the Limitations should be discussed. But Fletcher, who saw in a moment at what the Government were aiming, interposed, and said that he had had the honour to offer a means of securing the liberties of the nation against England; that in his opinion the country was nearly ruined, and that his proposals were necessary; but still he relied on the wisdom of the Estates, and withdrew his motion.

Thus checkmated, the Ministers were at a loss what to do. They knew that the motion to discuss overtures for liberty would be carried against their motion to discuss Supply, and they could think of nothing else on which they could ask the House to vote. There were anxious faces, and some hasty whispering on the steps of the throne. Cries of 'Vote! Vote!' resounded from all the benches. The Commissioner rose. 'If the House,' he said, 'will agree to the first reading of the Subsidy Act, I promise that it shall not be heard of for the next three sittings.'

Instantly Fletcher was on his feet. 'Those about the throne,' he exclaimed, 'could not really expect the

House to agree to this.' It meant that the Subsidy Act was to be read a first time now. Then the House was to be amused with three sittings on overtures for liberty, 'which sittings shall meet at six and adjourn at seven.' On the fourth day, the Supplies would be voted; and then Parliament would be prorogued. He was certain the House knew the artifices of the Government too well to be misled by them.

Another member pointed to the throne, and declared that the men who sat round it were endeavouring to destroy the privileges of Parliament, and filch away its liberty. 'The House,' says Lockhart, 'was crowded with a vast number of people; nothing for two hours could be heard but voices of members and others (it being dark and candles lighted) requiring "liberty and no subsidy."' The excitement of the members increased; the clamour of spectators behind the bar grew louder; and at last the voice of young Roxburghe was heard, above the din, shouting, 'What we desire is reasonable, and if we cannot obtain it by Parliamentary means, we shall demand it, upon the steps of the throne, with our swords in our hands.'

Upon this the Chancellor rose, and announced that the Government yielded, and that the overtures for liberty would be discussed upon the following day.

That night at Holyrood Queensberry and the Ministers discussed the situation. The town was in

an uproar. For several nights the troops had been under arms; and it had come to the ears of some members of the Estates that their commander had been so foolish as to threaten, in his cups, that 'ways would be found to make the Parliament calm enough.' The members were incensed against the Government and against England; and if they were allowed to discuss the favourite 'overtures for liberty,' there was no saying what might happen. As to the Supplies, the small sum of money which was obtained from Scotland was not worth fighting for; and when the Council separated, Queensberry had almost made up his mind to prorogue the Parliament at once.

Early next morning Fletcher and his friends had a meeting at which they prepared a measure which they intended to introduce. It provided that there should be an election every year, at which no officer of the army, or of the customs or excise, could be elected; that Parliament should meet at least once in every two years, and that each sitting should be adjourned on the motion of a member, and not by the Commissioner. They agreed that if the royal assent was given to this Act, they would vote the Supplies.

Queensberry heard of this, but he could not, for the sake of securing a small sum of money, run the risk of giving the royal assent to a measure which intro-

duced such important changes. Accordingly, when the House met, he rose, and prorogued the Parliament.

The Country Party spared no pains to let the people of England know the importance which the people of Scotland attached to the measure to which the royal assent had been refused. The Act of Security was circulated, and widely read in London, in an edition to which some notes were added stating that nothing was ever done with more deliberation by the Scottish Parliament, and that there was not a shadow of a reason for supposing that bribery, or any unfair means, had been used to secure a majority, 'considering the quality and estates of those who were for it.'

Fletcher revised his speeches, and printed them in a small octavo volume, for the purpose of educating the English mind. They were, perhaps, not much appreciated. The leaves of the copy in the Bodleian Library at Oxford remained uncut till the autumn of 1896. Englishmen saw just two facts—that the Scottish Parliament had refused Supplies in the midst of an European war, and that the Scottish people wished to be independent of the English Crown.

CHAPTER VI

'A Conversation concerning a Right Regulation of Government for the Common Good of Mankind.'

WHEN the turmoil of the Parliament House had ceased for a time, Fletcher took up his pen. The edition of his speeches which he prepared has already been mentioned. *A Speech without-doors concerning Toleration*, supposed to have been published about this time, has been attributed to him, but, both in style and argument, it is unlike anything he is known to have written. He has also been credited with the authorship of an *Historical Account of the Ancient Rights and Power of the Parliament of Scotland*, which appeared in 1703. The style is like that of Fletcher, but there is no evidence that he wrote it. Indeed, a passage in the preface, where he speaks of the author of the *Discourse of Government with Relation to Militias* as 'a very learned gentleman of our own country, a great patron of liberty, and happy in a polite pen,' makes it almost impossible. He composed, however, a short piece in which he embodied his theories of

government, and his views regarding the relations of England and Scotland, in the form of a dialogue on politics, under the title of '*An Account of a Conversation concerning a Right Regulation of Government for the Common Good of Mankind*: In a Letter to the Marquis of Montrose, the Earls of Rothes, Roxburghe, and Haddington. From London the first of December 1703.' In this little duodecimo, of ninety-two pages printed in italics, he described himself as walking slowly on the Mall one morning. The Earl of Cromartie and Sir Christopher Musgrave met him. Cromartie said he would be glad of Fletcher's company at dinner, and introduced him to Sir Christopher, with whom Fletcher was not previously acquainted. Some compliments passed between them, and then they went to Cromartie's lodgings in Whitehall to pass away the time till dinner.

'Here, gentlemen,' said the Earl, 'you have two of the noblest objects that can delight the eye—the finest river and the greatest city in the world.'

From the window they saw a charming view of London and the Thames, which led them to speak of the wonderful situation of the English capital; the ground on which it was built, sloping to the river and giving it a natural drainage; the gravel soil, and the salubrious climate. Then all the country round—Kent, with its choice fruits; Hertfordshire, with its fields of

golden corn ; Essex and Surrey, producing the best of beef and mutton ; and Buckinghamshire, whence came huge wains laden with wood. The river, too, brought to their doors the produce of all parts of the world in such plenty that nowhere else were things so cheap and abundant.

Fletcher, thinking how different it all was from Scotland, said that he had often admired the peace and happiness of the inhabitants, caused either by the advantages which they enjoyed, or by their natural temperament. He spoke of their civil and religious liberty, of the judgments of Westminster Hall, of the great affairs of the Parliament of England, of the vast transactions on the Exchange, of the shipping, and of the flourishing trade. He was going on to praise the recreations and pleasures of the court and the town, when Sir Christopher called out that these last words had spoilt all he said before. Talking about the pleasures of the town, he said, reminded them of all the cheating on the Exchange and in the gaming-houses, and of the facilities for intrigues which were afforded by the masques, the hackney coaches, the taverns, and the playhouses of a great city.

This interruption to the flow of Fletcher's eloquence led them to discuss social questions. But the problem of how to reform the morals of society seemed insoluble, and especially in London, where, as Sir Christopher

pointed out, they had to deal both with extreme poverty and excessive riches. While they were thus conversing, Sir Edward Seymour arrived, and Fletcher was presented to him.

‘Ah,’ said Sir Edward, ‘you are one of those who, in the late session of the Scots Parliament, opposed the interests of the Court.’

Then they began to talk politics, and Seymour said Fletcher had been engaged in framing Utopias. ‘In which, sir,’ he said, ‘you had the honour to be seconded by several men of quality, of about two or three and twenty years of age, whose long experience and consummate prudence in public affairs could not but produce wonderful schemes of government.’

Fletcher took this sally in good part, and was defending himself stoutly, when Sir Edward interrupted him.

‘Sir,’ he said, with a sneer, ‘you begin to declaim as if they overheard you.’

But Fletcher maintained that the Country Party had been right in acting as they did.

‘Pray, sir,’ asked Seymour, ‘of what is it that they complain?’

Fletcher’s answer was that Scotland was an independent nation, and that the National Party wanted to secure the honour of the Scottish Crown, and the freedom of their own Parliament and trade, from either English or foreign influence.

‘Heyday!’ cried Sir Edward, all in a pet. ‘Here is a fine cant indeed! Independent nation! Honour of our Crown! And what not? Do you consider what proportion you bear to England? Not one to forty in rents of lands. Besides, our greatest riches arise from trade and manufactures, of which you have none.’

To all this Fletcher replied by saying that the Union of the Crowns had ruined Scotland; that the French trade had once been great, and also the Spanish trade, whilst Spain and England were at war; but that since the Union of the Crowns everything had changed. The Scottish nobles spent their money in England, and the jealousy of English merchants had prevented the growth of Scottish commerce.

Here Cromartie said that, in his opinion, there was an easy remedy for all this, ‘which was an Union of the two nations.’ But Fletcher thought that an Union would not easily come to pass, nor would it be a remedy for the grievances he complained of. England, it seemed to him, had never shown any real willingness to unite. ‘I have always observed,’ he said, ‘that a Treaty of Union has never been mentioned by the English, but with a design to amuse us when they apprehended some danger from our nation.’ This was, he had no doubt, the reason for the late treaty. England, having chosen a successor to Queen Anne without consulting Scotland, had thought that the only way to

gain the assent of the Scottish people to the Hanoverian succession was to propose an Union. Then he gave an account of the state of public feeling in Scotland on that subject. 'The Scots, however fond they have formerly been of such a coalition, are now become much less concerned for the success of it, from a just sense they have that it would not only prove no remedy for our present ill condition, but increase the poverty of our country.'

He gave his reasons. An incorporating Union, which would abolish the Scottish Parliament, would make Scotland poorer than ever, because Scotsmen would spend more money than ever in England. Members of Parliament would go to London and live there. No Scotsman who wanted public employment would ever set foot in Scotland. Every man who made a fortune in England would buy land there. The trade of Scotland would be nothing more than an inconsiderable retail business in an impoverished country.

Cromartie said he did not think so, and tried to convince Fletcher that free commerce with England, and the right of trading to the Colonies, would be an immense boon to Scotland.

'For my part,' exclaimed Fletcher, 'I cannot see what advantages a free trade to the English plantations would bring us, except a further exhausting of our people, and the utter ruin of all our merchants, who

should vainly pretend to carry that trade from the English.'

Then he said that the Scots had a further grievance against England. They were indignant at the scurrilous attacks which were made upon them by Englishmen.

Here Sir Edward broke out 'all in a flame.'

'What a pothor is here,' he cried, 'about an Union with Scotland, of which all the advantage we shall have will be no more than what a man gets by marrying a beggar—a louse for a portion!'

At this Fletcher fired up, and told Cromartie and Sir Christopher that if Sir Edward had spoken these words in the House of Commons,¹ he might not notice them, but that as he had chosen to use them in a private conversation, he would take the liberty to say that he wondered Sir Edward was not afraid lest such language should make the company suspect him not to be descended of the noble family whose name he bore. This pretty way of saying he was no gentleman put Sir Edward into a towering rage, and they came to high words about the past wars between the two countries.

'Tis inseparable from the fortunes of our Edwards to triumph over your nation,' he said.

'Do you mean,' retorted Fletcher, 'Edward of Carnarvon and his victory at Bannockburn?'

¹ Sir Edward Seymour had actually used these words in the House of Commons.

The altercation was stopped by Sir Christopher, who adroitly changed the subject, and asked Fletcher what he thought of an Union between England and Ireland.

‘The better conditions you give them,’ Fletcher represents himself as saying, ‘the greater wisdom you will show.’

‘But you do not consider,’ said Sir Christopher, ‘that Ireland lies more commodiously situated for trade, and has better harbours than England, and if they had the same freedom and privileges, might carry the trade from us.’

‘Ay,’ said Fletcher, ‘there ’tis. Trade is the constant stumbling-block and ball of contention. But do you think that if Ireland, by a just and equal Union with England, should increase in riches, such an increase would prove so prejudicial to England, where the seat of the Government is?’

Sir Christopher argued that England, having conquered Ireland, had a right to use the Irish people ‘at discretion.’

‘Then,’ replied Fletcher, ‘you have a right to do injustice.’

‘’Tis not injustice,’ said Sir Christopher, ‘because it is our right.’ The danger, he argued, is that Ireland may break away from England, and ‘set up a distinct Government in opposition to our right, and perhaps with the ruin of this nation.’ ‘What can tempt and provoke them so much,’ asked Fletcher, ‘to do so, as

unjust usage?’ ‘But the surest way, was the reply, ‘is to put it out of their power to separate from us.’ ‘If so,’ said Fletcher, ‘you must own your way of governing that people to be an oppression; since your design is to keep them low and weak, and not to encourage either virtue or industry.’

He went on to expound his theory, which was that London should no longer be the only seat of Government, but that England, Scotland, and Ireland should be joined together in a federal Union. ‘That London, he said, ‘should draw the riches and government of the three kingdoms to the south-east corner of this island, is in some degree as unnatural as for one city to possess the riches and government of the world. . . . I shall add that so many different seats of Government will highly encourage virtue. For all the same offices that belong to a great kingdom must be in each of them; with this difference, that the offices of such a kingdom being always burdened with more business than any one man can rightly execute, most things are abandoned to the rapacity of servants; and the extravagant profits of great officers plunge them into all manner of luxury, and debauch them from doing good; whereas the offices of these lesser Governments, extending only over a moderate number of people, will be duly executed, and many men have occasions put into their hands of doing good to their fellow-citizens. So many different

seats of Government will highly tend to the improvement of all arts and sciences, and afford great variety of entertainment to all foreigners, and others of a curious and inquisitive genius, as the ancient cities of Greece did.'

'I perceive now,' Sir Edward broke in, 'the tendency of all this discourse. On my conscience, he has contrived the whole scheme to no other end than to set his own country on an equal foot with England and the rest of the world.'

Fletcher's answer was that Scotland, if separated from England, must be involved in constant war; but that if united to England, and at the same time left in possession of the power of self-government, she would be prosperous. 'This,' he exclaimed, 'is the only just and rational kind of Union. All other coalitions are but the unjust subjection of one people to another.'

At this point the conversation ended. 'I was going on,' he concludes, 'to open many things concerning those leagued Governments, when a servant came to acquaint us that dinner was set on the table. We were nobly entertained, and after dinner I took leave of the company, and returned to my lodgings, having promised to meet them again at another time to discourse further on the same subject.'

This imaginary dialogue is perhaps the best known of Fletcher's writings. The style almost approaches

that of the *Tatlers* and *Spectators*, and it contains the well-known saying about ballads. Sir Christopher alludes to the infamous ballads which were sung in the streets of London, and their bad influence on the morals of the people. 'One would think,' says Cromartie, 'this last were of no great consequence.'

'I knew,' remarks Fletcher, 'a very wise man so much of Sir Christopher's sentiment that he believed if a man were permitted to make all the ballads, he need not care who should make the laws of a nation.'

The 'very wise man' is, of course, Fletcher's ironical description of himself; and the epigram may be taken as an instance of the kind of humour which flashes out, every now and then, in his treatment of the grave topics on which he most delights to dwell. Lord Buchan has preserved another instance of Fletcher's irony. 'Fletcher,' he says, 'used to say with Cromwell and Milton that the trappings of a monarchy and a great aristocracy would patch up a very clever little commonwealth. Being in company with the witty Dr. Pitcairn, the conversation turned on a person of learning whose history was not distinctly known. 'I knew the man well,' said Fletcher; 'he was hereditary Professor of Divinity at Hamburgh.' '*Hereditary* Professor!' said Pitcairn, with a laugh of astonishment and derision. 'Yes, Doctor,' replied Fletcher, 'hereditary Professor of Divinity. What think you of an hereditary King?'

CHAPTER VII

A New Ministry in Scotland—Scenes in the Parliament House—The Act of Security becomes Law—England retaliates by passing the Alien Act.

BEFORE the next session of the Scottish Parliament there had been a change in the Scottish Ministry. The 'Scots Plot,' in connection with which Queensberry had played such a sorry part, had proved to Godolphin that a new Commissioner must be appointed; and Queensberry was discarded in favour of Tweeddale, who formed a Ministry in which Johnston of Warriston was Lord Register, Cromartie was Secretary of State, and Seafield Chancellor. He succeeded, moreover, in securing the support of several members of the Country Party, among whom Rothes, Roxburghe, Belhaven, and Dundas of Arniston were prominent. This party took the name of the New Party; and the Government in London hoped that the Opposition would now be so far weakened that nothing more would be heard of the Act of Security.

Parliament met in the beginning of July 1704. The Queen's Speech urged the necessity of settling the

Protestant Succession in Scotland, and, at the same time, promised that the royal assent would be given to any proper means of securing the liberties and the independence of Scotland ; but it was soon found that the Estates were as intractable as ever. Hamilton at once moved ‘that this Parliament will not proceed to the nomination of a successor to the Crown until we have had a previous treaty with England in relation to our commerce, and other concerns with that nation.’

On this subject there were long debates, in which Fletcher, says Lockhart, ‘did elegantly and pathetically set forth the hardships and miseries to which we have been exposed since the Union of the two Crowns of Scotland and England in one and the same Sovereign.’ At last Hamilton moved that the Act of Security and an Act granting supplies to the Crown should be tacked together. When this proposal was discussed, Johnston said that the plan of ‘tacking’ was reasonable in England where there were two Houses, and where the Commons might be forced to bring the Lords to reason by sending up a Money Bill along with some measure which the Upper House would not otherwise pass. Such a system, he argued, did not suit the Scottish Parliament, which consisted of only one chamber. It was, moreover, ‘a straitening of the Queen, who might possibly consent to the one and not to the other.’

‘Now,’ said Fletcher, ‘it appears there must be a

bargain, and unless the Parliament go into the measures laid down in England, nothing must be done; and he who spoke last has undertaken to obtain these measures to be performed here. I know,' he went on, 'and can make it appear that the Register has undertaken to persecute the English designs for promotion to himself.'

On this some of the members called out that Fletcher should be sent to the bar of the House for using such language.

Fletcher, backed up by Hamilton, then declared that the Queen's letter had been written when no Scotsman was with her, and must, therefore, have been concocted under English influence. Johnston denied this, and said that the draught of the letter had been sent up from Scotland.

Fletcher still maintained that he was right; and on this Sir James Halket called out that Saltoun was impertinent. To this Fletcher's reply was that any member who used such words of him was a rascal.

'The House,' says Sir David Hume, 'being alarmed at such expressions, Sir James Erskine moved both should be sent to prison.' The incident ended by the Chancellor giving a 'sharp rebuke' to both the honourable members, who were forced to express their regret, and to promise, upon their word of honour, that they would not take any notice elsewhere of what had happened.

In the end the House decided that the Act of Security should be read a first time, and should, along with the Act of Supply, lie on the table until it was known whether it was to receive the royal assent. It was soon found that the Scottish Parliament had at last gained the day; and in the beginning of August the Act of Security received the royal assent. On this the Estates voted the supplies.

During the rest of the session Fletcher spoke frequently. He was especially indignant against the House of Lords for an address which they had presented to the throne on the subject of the Scots Plot; and he went so far as to move that 'the House of Peers in England their address to the Queen to use her endeavours to get the succession of England settled in Scotland, and inquiring into the plot, so far as it concerned Scotland and Scotsmen, was an undue intermeddling with our affairs, and an encroachment upon the sovereignty and independency of Scotland; and that the behaviour of the House of Commons in these matters was like good subjects of our Queen, and as neighbourly friends of this nation.'

The feeling of the Estates may be gathered from the fact that they refused to approve of the conduct of the Commons, but agreed to censure the House of Lords. Nothing done by the English Parliament was right.

Just before the end of the session Fletcher brought

in a measure for the purpose of adding eleven county members to the Parliament, and one more, in future, for every new peer who might be created. Hamilton, at the same time, introduced an 'Act about free voting in Parliament,' the object of which was to exclude from the House officers in the army, collectors of customs, and some other persons in the pay of the Crown.

On the 24th of August, Fletcher moved the second reading of his measure; and, as soon as he sat down, Hamilton moved the second reading of his. On this Fletcher said, 'The member who has just spoken contradicts himself,' and explained that Hamilton had been in favour of the measure for adding to the county members, which he was now hindering.

Hamilton at once complained of the way in which he had been spoken of, and offered to go to the bar, 'If I have said anything amiss.'

'Such reckoning,' cried Fletcher, 'is for another place.'

Hamilton retorted that he did not refuse to give that satisfaction either. 'The Chancellor,' says Sir David Hume, 'took notice of both their expressions, and moved, that first Salton should crave my Lord Commissioner and the House pardon, if without design he had said anything that gave offence; which, after a long struggle he was prevailed with to do, if Duke Hamilton would do the like, and which both did, and promised,

on their word of honour, there should be no more word of what had passed.'

Four days after this incident the session ended. The Act of Security was now law. Fletcher and his friends were triumphant, and more hostile to England than ever; while the people of England were not only indignant, but alarmed by the news that the Scots were buying arms, and meeting for drill in every parish, under the provisions of the Act of Security.

The prospect was very dark; but there were some rays of light, the resignations of Nottingham and Seymour, the most violent members of the Tory party, making it possible that the claims of Scotland to equal treatment with England might be acknowledged. But England was not in a mood to be trifled with. A week after the royal assent had been given to the Act of Security, the battle of Blenheim was fought. Marlborough was now at the summit of his power; and the alliance between him and Godolphin alone saved the latter from falling before the storm of indignation which greeted him for advising the Queen to allow the Act to become law. The Government had been successful both in England and abroad; and the Opposition fixed upon the one vulnerable point—their Scottish policy. The Act of Security was printed and circulated throughout the country. The nations, it was pointed out, were now separated by law; and for this Godolphin was

responsible. Wharton boasted that he had the Lord Treasurer's head in a halter, and swore that he would draw it tight. It was believed that large quantities of arms were arriving in Scotland from the Continent, and that the people were being drilled for the purpose of fighting against England. Godolphin himself, a man of few words and great experience, did not share in the general panic. 'People,' he told Queensberry afterwards at another crisis, 'who mean to fight, do not talk so much about it.' His invariable answer to all the abuse which was hurled at his head was that there would have been more danger in refusing the royal assent than in giving it; and he added that the danger was 'not without a remedy.'

There can be little doubt that this remedy was the Union. But there were not many Englishmen who had the long experience or the calmness of Godolphin. The Scots, it was said, never wanted the will, and now they have the power, to attack us. France will find the money. They themselves will find the men, and their long-suppressed hatred against England will burst forth. Scotland must either be reduced by force of arms, or the militia must be embodied, and Parliament must petition the Queen to see that those gentlemen who allowed the Act of Security to pass may have the honour of defending the borders. By their policy they have undone the Union, such as it is, which has existed

since the death of Elizabeth, and have separated the countries. On them, therefore, the danger should fall. Much that was very foolish and very false was said and written ; but even to the coolest heads in England the peril seemed great, not on account of any immediate danger from the army in Scotland, but on account of the state of the Succession question. The situation was that England was now shut up to these alternatives :— either, on the death of Anne, she must make war on Scotland, conquer the country, and hold it by force of arms, without any attempt at constitutional government ; or she must allow a separate King to sit on the Scottish throne ; or she must consent to an Union, and at last submit to give Scotland an equal share in English trade. Godolphin saw this. So did Somers and Halifax. Everything depended on the course taken by the English Parliament.

The English Parliament met on the 25th of October 1704 ; and what followed is in marked contrast to the irregular proceedings of the Scottish Estates. The strife of parties was as keen in London as in Edinburgh. The factions were as violent ; but the proceedings at Westminster were regular and orderly. Speed there was ; but everything was done with that punctilious attention to forms which makes the resolutions of the English Parliament, by whatever angry passions the members may be influenced, so doubly weighty, not

only because they are the decisions of the representatives of a great and powerful nation, but because they are framed, revised, and adopted in such an orderly method, that to read the journals of the Lords and Commons (a vast mine of constitutional law, which is too much neglected) gives the student of our history an impressive idea of strength and durability.

In the Queen's Speech Scotland was not mentioned ; but a month later Haversham called the attention of the Lords to the state of that country. He attacked the Scottish policy of the Government, and said it proved that the Ministry had not honestly tried to settle the Succession question. 'There are,' he said, 'two matters of all troubles—much discontent and great poverty. Whoever will now look into Scotland will find them both in that kingdom.' And the character of this people, so poor and so discontented, made their condition all the more dangerous to England. The nobles and the gentlemen of Scotland were as brave as could be found in Europe. The common people were the same, yet they were all alike poor and discontented. By the Act of Security they could choose a King for themselves, and they could arm the whole nation ; and who could tell what dangers might not be in store for England if, on the death of the Queen, with France to help them, and with a King of their own, they chose to make war. 'I shall end,' he said, 'with an advice of my Lord Bacon's.

“Let men,” says he, “beware how they neglect or suffer matter of troubles to be prepared; for no man can forbid the sparks that may set all on fire.” It was resolved that, on the 29th of November, the House should go into committee ‘to consider of the state of the nation in reference to Scotland.’

On the appointed day there was a full muster of the peers; the Queen was present; and Rochester moved that the Act of Security be read. In this he was supported by the Tories, and by the High Churchmen in particular; but the Whigs resisted this motion, on the ground that there was no authentic copy before the House, and the debate proceeded.

Godolphin, who, it was noticed at the time, did not shrink from the responsibility of having advised the Queen to give the royal assent, said that it had been absolutely necessary to allow the Act of Security to become law. The danger of refusing it would have been greater than the danger of granting it. He deplored the system of irritating the Scottish people by constant interference in their business. Everything, in his opinion, would come right, if they would only let the Scots alone.

Burnet followed on the same side. Ever, he said, since the Union of the Crowns Scotland had been mismanaged. What could have been more reckless than the conduct of England in the reign of Charles I.?

At the Restoration a promise had been given that Scotland would be governed in accordance with the wishes of the people. This promise had been broken, and during the reigns of Charles II. and James II. the Scots had been persecuted and oppressed. At the Revolution religious persecution ceased; but since then the commercial policy of England had been enough to provoke them beyond endurance.

This plain speaking was not very palatable to an assembly of Englishmen, but those Scotsmen who listened to the debate were delighted. 'The Whigs,' Roxburghe wrote to Baillie of Jerviswoode, 'were modest in their business, but the Tories were mad.'

It was evident that there was a considerable difference of opinion between the two great parties as to the proper method of dealing with the Scottish question. Somers and Halifax, Rochester and Nottingham, alike regarded the Act of Security as dangerous, but they differed as to the course which England should pursue. Nottingham and his friends were for condemning the Act by a vote of the House; but the Whigs resisted this, on the ground that it amounted to a vote of censure on the Scottish Parliament. Somers, in a few weighty words, moved the adjournment of the debate. England, he said, must protect herself against the consequences of the Act of Security; but whatever was done, must be done calmly and without panic.

On the 6th of December he resumed the debate, when he laid down the principle that the Parliament of England must prove to the Scottish people that if they insisted on a complete separation they would be the greatest losers. He suggested, therefore, that an Act should be passed so framed as to bring the issue clearly and distinctly before them; an Act, for instance, imposing certain disabilities on the Scots, which would only be removed if they settled the Succession as it had been settled in England. Above all things, he urged the necessity of adopting none but deliberate and well-considered measures.

The result of these debates was that on the 14th of March 1705, the last day of the session, the royal assent was given to the statute which empowered the Queen to name Commissioners to treat for an Union, provided that the Scottish Parliament passed a similar measure; but the statute, at the same time, declared that, after the 25th of December 1705, natives of Scotland were to be held as aliens until the Succession was settled in Scotland as it already was in England. This was the chief clause of this important measure, which was therefore known as the Alien Act.

The news of what had been done was received with an outburst of indignation in Scotland; but the Union was now inevitable.

CHAPTER VIII

A Ministerial Crisis, and a Change of Government in Scotland—The Government is defeated—The Limitations again—Fletcher's Duel with Roxburghe—The Act for a Treaty of Union passed.

THE English Ministers had for some time suspected that Tweeddale and his party were not strong enough to carry on the Government of Scotland, and in February 1705 Argyll wrote to Leven, informing him that there was to be a change. Tweeddale was to be offered the place of President of the Council. Seafield was to be Lord Chancellor. Annandale was to be Secretary of State. 'And I am to be Commissioner,' he added. He had already been consulted as to the changes; but he had taken no one into his confidence except Queensberry and Annandale. They alone were in the secret; but 'the Whigs here¹ are positive that Mr. Jonson must be out.' Johnston, who had been Lord Clerk Register, was dismissed; and a few days after that event the new Commissioner started for the north.

The young Duke of Argyll, although not yet thirty, had already distinguished himself as a soldier, and was

¹ In London,

believed to possess the talents which were needed in the troublesome office of Commissioner to the Scottish Estates. But besides his personal qualifications there were other reasons for appointing him. His great-grandfather had been one of the first victims of the Restoration. His grandfather was that Earl of Argyll whose rash expedition to Scotland Fletcher had attempted in vain to prevent, but whose calmness on the eve of death had overwhelmed his enemies with shame, and made such an impression on his countrymen that 'the last sleep of Argyll' was, for long years afterwards, spoken of as a noble example of Christian and patriotic fortitude. His father, who had returned from exile at the Revolution, was the first Duke of Argyll. The fortunes of the family, ruined under the Stuart tyranny, were now mending. The young Duke was hereditary Justiciar of Scotland. It was said that three thousand clansmen were ready to draw the claymore at his call. He was trusted by the Presbyterians—an important matter, as Godolphin was well aware. Above all things, the Argylls were to be depended upon in an emergency such as the present. In office or out of office, whether their private characters were good or bad, they never swerved from their Whig principles. The place of Commissioner had therefore been offered to the Duke. He hesitated, and would have declined, if left to himself, but Queensberry persuaded him to

accept the office; and on the 9th of April he started for Scotland, 'attended,' says Cunningham, 'with a number of highlanders and swordsmen, in whom he took great delight.'

When the Commissioner reached Scotland the effects of the Alien Act were beginning to be felt. About thirty thousand head of cattle and great flocks of sheep had been annually exported from Scotland to England. But since the passing of the Act these had to remain on the north side of the Cheviots, and the breeders had no market for their stock, or had to sell at a ruinous loss in Scotland. Every branch of trade was paralysed; and no one knew what to propose as a remedy for the deplorable condition of the country.¹ It was a time when any scheme, however chimerical, was listened to; and amongst those who, full of projects for retrieving the finances of Scotland, awaited the arrival of the Commissioner were two well-known men, Hugh Chamberlen and John Law of Lauriston. Chamberlen's proposal of a Land Bank, already tried and found wanting in England during the last reign, was now about to be propounded in Scotland. Law was on intimate terms with Argyll and with Tweeddale, both of whom were charmed by his high spirits and good breeding. He had just published his proposals for curing the ills of Scotland. His intimacy with the Commissioner was certain

¹ Roxburghe to Godolphin, 24th March 1705. Add. MSS. 28,055.

to gain at least a fair hearing for his plans ; but, in the meantime, Argyll's time was fully occupied with preparations for the meeting of Parliament.

In the intrigues of the next few weeks, which are now to be described, the political parties in Scotland took the form which they retained until the Parliament of Scotland came to an end. Argyll and Queensberry had already agreed privately that the Scottish Ministry was to be rearranged ; and as soon as he reached Edinburgh Argyll came to the conclusion that the 'New Party' must be dismissed at once. He then took the advice of Glasgow and Annandale as to how the business of the session was to be managed, and their opinion was that Tweeddale, Roxburghe, and some of their friends must resign before Parliament met. It was agreed that letters expressing this opinion should be written to Godolphin. 'If her Majesty,' Glasgow wrote, 'be pleased to make the Government all of a piece, thoroughly upon the Revolution bottom, it is the only means left to retrieve the mismanagement of the last Parliament, when the prerogative and the monarchy so extremely suffered, and to pull us out of the confusion we at present lie under.' Seafield declined to advise Godolphin ; but in his letter he gives an account of the general drift of opinion amongst the members of Parliament. 'All,' he says, 'that I speak with of the Old Party are of one of these two opinions : First, that

there be a treaty set on foot for an entire Union betwixt the two kingdoms, or for commerce and other advantages, leaving the nomination of the Commissioners to her Majesty ; or second, that there be an Act of Succession, with conditions and limitations on the successor, and that we have free trade and commerce established with England as we had before the Act of Navigation.' Annandale also wrote and expressed his approval of the proposal to change the Ministry.¹

Argyll and Annandale had long been friends, and during the preceding winter and spring their friendship had increased. By the influence of Argyll Annandale had been appointed to represent her Majesty at the General Assembly of the Scottish Church, which had just been held. It was on his advice that the letters to Godolphin had been written. But at this point differences arose between them, which ended in a complete separation. Argyll, having no doubt that the English Ministers would agree to the dismissal of the New Party, wished to settle at once how the vacant offices were to be filled, and, a few days after the letters to Godolphin had been despatched, he called a meeting of his friends to discuss the subject. At this meeting Annandale was for delay. It would be time enough, he said, to think about new appointments when they had received an

¹ These letters of Glasgow, Seafield, and Annandale to Godolphin are all dated 26th April 1705. Add. MSS. 28,055.

answer from London. Argyll, however, said that he had promised to send a list of names 'within two or three days'; and at the same time he suggested that Loudoun should be Secretary, in place of Roxburghe. Annandale muttered something to himself, and then said that Loudoun was well fitted for the place, but he was married to Stair's daughter, and to appoint him would be to aggrandise the Stair family, and that would 'raise a dust in the Parliament.' On this Argyll gave way for the sake of peace, and nothing was arranged.

But in a few days Glasgow and Leven waited upon Annandale, and informed him that the Commissioner begged him to concur in recommending Loudoun as Secretary. Annandale was a most difficult man to deal with. 'Even those of the Revolution Party,' says Lockhart, 'only employed him, as the Indians worship the devil, out of fear.' He refused, point blank, to comply with Argyll's request, and never after acted cordially with him. There can be no doubt that this episode was the real cause of Annandale's opposition to the Union in the following year.

The next post from London brought a letter, from which it was evident that the Ministers wished to delay the change of Government in Scotland. Argyll instantly sent off an answer, in which he said that he would not act as Commissioner unless his advice was taken. This threat of resignation produced the desired effect,

and Argyll received authority to construct an Administration as he thought best.

Forthwith Tweeddale, Rothes, Roxburghe, Selkirk, Belhaven, and Baillie of Jarviswoode were informed that their resignations would be accepted. They took their dismissal with a good grace, and formed themselves into the party which was thenceforth known as the Squadrone Volante—a name which perhaps Fletcher, the student of Italian, may have suggested. Led by Tweeddale, Montrose, Rothes, Roxburghe, and Marchmont among the peers, and by Baillie of Jarviswoode among the commons, the policy of the Squadrone was to hold the balance between the Government and the combined forces of the Jacobites and the Old Country Party, to which Fletcher and the irreconcilable nationalists adhered. They mustered about thirty votes. Belhaven, piqued at losing office, did not join them, but preferred to form schemes for breaking up the Parliament.

The arrangements for the new Administration were soon completed, and in the list which was sent up to London Loudoun and Annandale were named as Secretaries, Glasgow became Treasurer-Depute, Queensberry was Lord Privy Seal, while Cockburn remained in office as Lord Justice-Clerk, and Seafield as Chancellor.

It was entirely a Whig Ministry, but there were

differences of opinion as to what line they should take. It was soon found that Annandale and Cockburn were in favour of pressing the settlement of the Hanoverian Succession, and leaving the Union alone. Sir James Stewart, the Lord Advocate, whose great influence with the Presbyterians made it desirable that he should act cordially, refused to commit himself. Baillie, now a member of the Squadrone, had an interview of two hours with him at this time, when he first said he intended to support a Succession Act, and then that he was in favour of an Union; and at last Baillie came to the conclusion that he was 'for no settlement whatsoever.'

The Commissioner, acting on the advice of Stair, used all his influence in favour of an Union. Queensberry had not yet left London. Lockhart goes so far as to say that he was so unpopular that he was afraid to face the Scottish Parliament, and that he had sent down Argyll, 'using him as the monkey did the cat in pulling out the hot roasted chestnuts.' The help of Queensberry was, however, urgently needed, and Glasgow was of opinion that the only way to settle the Succession question was for him to come down to assist Argyll. A combination of their friends would, he was certain, secure a majority.

Meantime the meeting of Parliament was close at hand, and it was necessary that the views of the

Scottish Government should be laid before the Ministers in London, so that the Queen's letter to the Estates might be prepared in time. On the night of the 30th of May Argyll consulted his colleagues. At this meeting (a 'Cabinet Council') Annandale insisted that the Succession should be earnestly pressed. Argyll pointed out that the support of Queensberry's friends could not be counted on. In the last session they had supported Hamilton's resolution postponing the settlement of the Crown until a commercial treaty with England had been adjusted. They would not, he feared, 'make so short a turn.' But if a Treaty of Union was proposed, they would probably support it, and also vote the supplies. Another proposal was that the Succession should be tried first, and if it failed, then they could fall back upon the Union. Cockburn was strongly in favour of a Succession Act. 'In my opinion,' he said, 'the treaty is but a handle to throw off the Succession, for I don't find ten men of the Parliament will go in for an entire and complete Union; so there is no prospect of a treaty taking effect.'

Of eight members of the Government who gave their opinions, six were in favour of a Treaty of Union, and two, Cockburn and Annandale, were for a Succession Act. But, in the end, two draughts of a royal letter were sent up to London. In one of these the

Union was put foremost, and in the other the Succession. The responsibility of advising the Queen which she should sign was left to Godolphin and his colleagues. In due course the royal letter arrived, along with the Queen's instructions to Argyll, and it was found that the preference had been given to the draught in which the Succession Act was put foremost. The instructions were to the effect that the Commissioner was to do his best to secure the passing of a Succession Act for Scotland, in terms similar to that by which the Crown of England had been settled on the house of Hanover. If the Estates would not agree to this, then an Act for the Union of England and Scotland was, if possible, to be carried, and it was to contain a clause leaving the appointment of Commissioners in the hands of the Queen. He was also expressly forbidden to allow the question of the Scots Plot to be opened up again.¹

The result of the recent changes in the Ministry, and of the intrigues which have just been described, was

¹ I have taken my account of the ministerial crisis in Scotland, and of the events which took place there before the session of 1705, chiefly from the *Godolphin Correspondence* in the British Museum, Add. MSS. 28,055, and from a memorial dated 21st Sept. 1705, among Add. MSS. 28,085 (fol. 225). This memorial seems to be Argyll's account of the session written for the use of Godolphin. An article in the *Edinburgh Review*, No. 362 (Oct. 1892), contains further information, and may be compared with 'A Brief View of the late Scots Ministry, *Somers State Tracts*, xii. 617, and a pamphlet entitled *Vulbone; or, Remarks on some Proceedings in Scotland relating to the Succession and the Union*. Printed 1707.

that the various political parties in Scotland now took the shape which they retained until the Parliament of Scotland was abolished. There were the supporters of the Government, known as the Old or Court Party, or simply as the Whigs. There was the regular Opposition, consisting partly of Jacobites or Tories, and partly of Fletcher's followers, the Old Country Party, who were determined to oppose the Union and the Succession also unless they could obtain good terms for Scotland. In the third place there was the *Squadron Volante*, the party formed by the discarded Ministers out of what had been called the New Party when Tweeddale was in office. They declined to commit themselves; but it would be a great injustice to assert that the *Squadron* acted, in any way, the part of dissatisfied placemen. They were certainly reserved in their attitude towards the Ministry, but they never behaved in a factious or discreditable manner. 'They were in great credit,' says Burnet, 'because they had no visible bias on their minds.'

When the Parliament met on the 28th of June, the position of Argyll and the other Ministers was one of peculiar difficulty. In six months the Alien Act would come into full force, if they did not succeed in persuading the Estates to accept either the Hanoverian Succession or a Treaty of Union. Even now Scotland

was suffering from those clauses of the Act which were already in force ; but if the Estates were obdurate greater evils were in store, and the coming Christmas would bring to the people of this island a message, not of peace and goodwill, but of civil war and discord. And it was soon apparent that the members were not in a complacent mood ; for on the 17th of July, Hamilton moved that the Parliament should refuse to name a successor to the throne until the commercial relations of the two countries were settled ; and further, that before naming a successor they should fix such conditions of government as would secure the independence of Scotland. This motion was carried, through the help of Queensberry's friends, who supported Hamilton to the number of thirty, by a majority of forty-three. Next day the Ministers met, and resolved that the Succession must be given up, and an Act for a Treaty of Union introduced.¹

In the meantime the Government had been anxiously awaiting the arrival of Queensberry ; and now, news having come that he was on his way to the north, Mar, on behalf of the Ministers, introduced an Act for a Treaty of Union. This was on the 20th of July, and three days later Queensberry arrived. 'He made,' Boyer says, 'a public entry with greater splendour and magnificence than the three times he had been Com-

¹ Seafield to Godolphin, 18th July 1705. Add. MSS. 28,055.

missioner.' On the following morning he took his seat as Lord Privy Seal.

The members of the Parliament were now canvassed by Seafield, Argyll, and Queensberry, and it was found that many of them were prepared to vote for an Union. But, when the question came before the Estates, it was evident that the Opposition were as determined as ever. Fletcher made a long speech, in which he argued that no treaty should even be considered until the hostile clauses of the Alien Act were repealed; and Hamilton moved that the Estates should discuss the questions of trade and limitations before that of Union. The discussion showed a formidable combination against the Government, who were defeated by a majority of four. It seemed as if Fletcher and Hamilton had brought all business to a deadlock, and as if neither the Succession nor the Union could be carried. In the opinion of Argyll, however, the division showed who were for the Government, and who aimed at 'nothing but confusion.' The Ministers, accordingly, resolved not to adjourn, but to sit, and see 'if we could not retrieve the treaty.'

Trade and limitations on the next Sovereign of Scotland now engaged the attention of the Parliament. The rival schemes of Law and Chamberlen were brought forward—schemes for improving the financial condition of Scotland, by means of Land Banks and a wholesale

issue of paper money. Preposterous as these plans were, they were fully debated ; and there seems to have been a feeling in favour of Chamberlen's proposal, because the English Parliament had rejected it. Argyll and Tweeddale gave some support to Law. Hamilton laughed at them both ; and, in the end, a resolution was passed 'that the forcing any paper credit by an Act of Parliament was unfit for this nation.'

During the discussions on this subject, Fletcher moved that the two financiers should be confronted with each other. Roxburghe said it would be unfair to Law to make him appear, without first finding out if he was willing. 'Mr. Law,' he said, 'or any gentleman that has employed his time and thoughts for the good of his country, ought to be treated with good manners.' 'If any one,' said Fletcher, 'taxes me with bad manners, he is unmannerly, and not I.'

On this Roxburghe turned to the Chancellor, and said, 'I did not mean to accuse any member of bad manners, but since that worthy member thinks himself struck at, he may, if he pleases, take it so.' 'I take it as I ought,' retorted Fletcher. The Commissioner, seeing that a challenge was inevitable, gave orders that, as soon as the House rose, both should be arrested. Roxburghe was taken into custody at his own house, where he remained in charge of an officer.

Fletcher was found in a tavern. When the officer came to take him, he said there must be some mistake, as he had given no occasion for being arrested; and so adroit was he that the officer actually went away to ask the Commissioner for orders. Fletcher, who had already sent a challenge, by the hands of Lord Charles Kerr, to Roxburghe, at once left the tavern—probably Patrick Steel's?—and drove down with Lord Charles to Leith, where he remained all next day waiting for his opponent.

Roxburghe, meanwhile, hearing that Fletcher was at liberty, induced his friends to persuade Argyll to remove the arrest; and, as soon as he was free, he and his second, Baillie of Jerviswoode, drove to Leith about six in the evening. There they found Fletcher waiting on the sands. The seconds tried to make up the quarrel, but Fletcher insisted in obtaining satisfaction for the affront which he considered himself to have received in Parliament House. Roxburghe was as ready, and they drew their swords. But Baillié 'stept between 'em,' and said that a duel with swords would be unfair, as Roxburghe had a weak right leg. At these words Fletcher sheathed his sword, and, producing two pairs of pistols, offered Roxburghe his choice. At that moment a party of the Horse-guards, who had been sent to look for them, appeared in sight, to the joy of the seconds, who persuaded their principals to fire two

shots in the air; and then the whole party drove back to Edinburgh.¹

When the Estates went into the question of Limitations, Rothes introduced a measure for regulating the mode of appointing Privy Councillors and other officers of the Crown, and Belhaven introduced another for triennial Parliaments. Both these measures were popular with the House. But Fletcher was not satisfied, and he again brought forward his own pet scheme. His Twelve Limitations, which the Estates had, in the session of 1703, declined to incorporate in the Act of Security, were now known as the *Duodecem Tabulæ*, the Twelve Tables of the Law. But Fletcher himself was in no joking humour when he moved that the Estates should solemnly adopt them as a Claim of Rights, not requiring the consent of the Sovereign.

On the 15th of August he made an elaborate speech upon the subject. He was listened to in silence, and, when he sat down, was asked to withdraw his motion. But the more he was appealed to the stiffer he became. A debate of four hours followed, in the course of which he fell foul of Stair. Stair had sneered at the tenth limitation, which provided that no pardon granted by the Crown, for any offence, should be valid without the consent of Parliament; and Fletcher thereupon ex-

¹ Add. MSS. 28,055, fol. 248. This is a document endorsed, 'To Mr. Harley.' It is evidently the report of a spy, one of the many employed by Harley.

claimed, 'It is no wonder his Lordship is against this, for had there been such a law he would have been hanged long ago for the advice he gave King James, the murder of Glencoe, and his whole conduct since the Revolution.' But the feeling of the House was against him. He saw this, and, muttering to himself, 'Well, is it so? I'll serve them a trick for it,' he announced that he would not press the subject, but would move that the House should consider the measures which had been brought in by Rothes and Belhaven.¹

On the following day, when Rothes moved the second reading of his measure, Fletcher again tried to bring forward his favourite subject, which led Stair to say that the honourable member was resolved to do by his Limitations as the ape did by her young, grasp them so tight that she stifled them. Fletcher lost his temper, and called out that the noble lord had, in the days of King James, stretched the prerogative till it nearly cracked, when he penned the declaration of arbitrary power.

This was a very palpable hit, but the Chancellor rose and stopped the altercation by moving that the House should proceed to business; and on a vote being taken whether the Estates, or the Sovereign with the consent of the Estates, should appoint Privy Councillors,

¹ Add. MSS. 28,055, fol. 277.

Judges, and other officers, it carried in favour of the Estates by twenty-three, in spite of the opposition of the Government. Nothing, however, came of these wild expedients for limiting the power of the Crown. The Estates passed Acts for triennial Parliaments, for giving to Parliament the power of appointing officers of the Crown, and for securing the presence of Scottish ambassadors at the making of all treaties, but to these enactments the royal assent was refused. The proposals for improving the trade of the country took the form of a number of measures, only a few of which received the royal assent. The general purpose of these measures was Protection to home trade and manufactures, and retaliation on England for passing the Alien Act. Of these the royal assent was given to an Act forbidding the importation of English, Irish, and foreign butter and cheese, to an Act for assisting the fisheries of Scotland, to an Act for encouraging the exportation of beef and pork, and to another declaring Scottish linen and woollen manufactures free of duty at exportation. In addition to these there was a statute, which was considered the most important of all, for appointing a Council of Trade for Scotland.

In the meantime the Government were waiting an opportunity for again bringing forward the question of the Union; and at last, on the 24th of August, Mar's resolution on the subject was discussed. Fletcher

moved, a few days later, an address to the throne, complaining of the way in which Scotland had been treated by the English Parliament, which he declared to be 'injurious to the honour and interest of this nation.' Though this address was not adopted, Hamilton pressed upon the House a resolution binding the Estates to resist any Union which would change the fundamental laws of the Scottish constitution. At this point the Country Party appear to have agreed to the principle of an Union; but they were resolved that the Scottish Parliament, the outward sign and instrument of an independent national existence, must not be abolished. Gradually the Act for a Treaty of Union took shape; but, when the Government were congratulating themselves on having weathered the storm, Fletcher moved to amend the Act by inserting a clause to provide that the Commissioners for Union should not meet until the 'Alien Clause' of the recent English Act was repealed. He and his friends, both Jacobites and members of the Old Country Party, probably believed that England would refuse to treat on such terms, and that, therefore, the Union, which he now saw was threatening the independence of Scotland, would collapse. It was likely that the Government would be defeated if Fletcher's amendment was openly opposed, and the dexterous hand of Queensberry is seen in the way in which the difficulty was met. The

Government professed to agree with the object of the amendment, but proposed that, instead of adding it to the Union Act, the House should, as soon as that Act was passed, proceed to consider whether the question of the Alien Clause should form the subject of a resolution of the Estates or of a separate Act of Parliament. Fletcher agreed to this, and his motion stands on the rolls of the Scottish Parliament in these terms: 'Then agreed and ordered, *nemine contradicente*, that the Commissioners to be named by Her Majesty for the Kingdom of Scotland shall not commence the Treaty of Union until the clause in the English Act declaring the subjects of Scotland aliens be rescinded.' The Scottish Ministers, in transmitting this resolution to London, carefully explained that they had found it necessary, if the Union was to go on, to comply with the wish of the Estates that some resentment should be expressed against England.¹

But before this point was reached there had been a very sharp debate regarding the appointment of the Commissioners on Union. The story is told by Lockhart, and is well known. At a late hour on the evening of Saturday the 1st of September, when most of the members had left in the belief that the House was about to rise, Hamilton suddenly addressed the Chancellor, and moved that the nomination of the Com-

¹ Halifax to Godolphin, 4th Sept. 1705. Add. MSS. 28,055.

missioners should be left to the Queen. Some members of the Opposition rushed from the House, shouting that they were betrayed; but Fletcher sprang to his feet, and made a personal attack on Hamilton for his inconsistency in making this proposal. 'Saltoun opposed that most bitterly,' says Sir David Hume, in his diary. But it was in vain. The vote was called for, and Hamilton's motion was carried.¹ 'From this day,' says Lockhart, 'we may date the commencement of Scotland's ruin.'

The session ended quietly on the 21st of September, when the Commissioner touched with the sceptre the Acts to which he had obtained leave to give the royal assent, of which the most important was the 'Act for a Treaty with England.'

¹ Lockhart says, 'by a plurality of eight voices, of which His Grace The Duke of Hamilton had the honour to be one' (*Memoirs*, i. 133). Sir David Hume says the majority was forty.

CHAPTER IX

The Union Commission at Westminster—The Act of Union passed—
Belhaven's Speech—Violent conduct of Fletcher and other Mem-
bers during the Debates.

WHEN the English Parliament met in October, not only the Alien clause, but all the hostile clauses of which the Estates complained, were repealed. Whether Fletcher was pleased that the object of his motion was so completely and speedily gained may be doubted; but there was now nothing to prevent the progress of the negotiations for the Union. So the Commissioners of both nations met at Westminster on the 16th of April 1706.

The result of their labours still remains. The question which they had to face was how to adjust the relations of the two countries in a manner consistent with a complete Union. It was not enough to say that there was to be one Sovereign, one Parliament, and equal trading privileges. The Union meant far more than that. Although the machinery of Government and the modes of social life were simpler then than they

now are, the problem of applying the principle of a full and incorporating Union to the usages of the two nations was one of the most formidable character. The institutions and the internal economy of the two peoples were, in many respects, entirely different. If they were to be really united, if they were to become one people in their interests and their aspirations, it was necessary that, at the commencement of their common national life, there should be a clear understanding of the precise terms on which they stood to one another. The difficulty of arriving at such an understanding was enormous. The one nation was rich, the other was poor. In what proportions were they to contribute to the common treasury? Each had a public debt; but the debt of England was far heavier than the debt of Scotland; and some equitable adjustment of the national liabilities must be arranged. Each nation had its own laws. Were these to be assimilated, or left unchanged? What was to be the form of that one Parliament, on which the responsibility of enacting laws for the United Kingdom was now to be devolved? Was there to be one executive for England, and another for Scotland? The incidence of taxation was different in each country. The customs and the excise and the manner of their collection was different. The coinage of England was different from that of Scotland. All these matters were now to be considered and adjusted, if

possible, in a fair and reasonable manner ; so that the Articles of Union should be ratified by the two Parliaments, and favourably received by the nations. Such were some of the difficult questions which were discussed by the Union Commissioners at Westminster from April to July 1706 ; and the famous Treaty of Union, the result of their deliberations, is, upon the whole, one of the most successful works of practical statesmanship which the world has ever seen.

On Monday the 22nd of July 1706 the Commissioners of both Kingdoms met at Westminster and signed the Treaty of Union ; and on the following morning they went to St. James's, and presented the document to her Majesty.

The Scottish Parliament was to meet upon the 3rd October, and the Government wished to keep the Articles of Union secret until then. No copies of the Treaty were allowed to pass into circulation. A proclamation forbidding the making of wagers upon the subject was strictly enforced, and a strong effort was made to prevent the publication of writings about the Union. But it was, of course, impossible to stop the discussion of so momentous a question ; all the more, as many persons were in possession of the main outlines of the Treaty. The Whigs had already made up their minds that the Articles would be ratified by the Estates ; and even the most violent members of the

Jacobite and Country Parties saw that the general feeling of Scotland was now favourable to the Union, a fact which Lockhart explains by saying that false accounts of the Articles were given by the Scottish Commissioners on their return from England. 'We have,' Halifax writes, 'all the reason to promise ourselves success in an Union with Scotland. All the letters from that country give us great hopes that it will be accepted by their Parliament.'¹

In the discussions which now took place, the community seems to have been divided into three classes: those who were distinctly in favour of an Union, those who were distinctly opposed to it, and those who were in favour of an Union, provided the separate Parliament of Scotland was allowed to remain. If Fletcher was the author of a pamphlet which has been attributed to him, entitled, *The State of the Controversy betwixt United and Separate Parliaments*, he must be reckoned as amongst the last class; and, indeed, he seldom expressed any opinion which was not consistent with supporting a federal Union. But it is very doubtful whether he wrote this pamphlet. He was, however, supposed to be writing, while the Commission was sitting at Westminster, in favour of a dissolution, on the ground that the question could only be lawfully settled by a Parlia-

¹ Halifax to the Elector of Hanover, 23rd August 1706.

ment elected for that purpose by the constituencies.¹ But, though the press was busy printing pamphlets on the subject of the Union, the time for such discussions was past, and everything depended on what was done on the floor of the Parliament House.

During the discussions on the Articles of Union Fletcher displayed the same courage, and the same defects of temper, as during the previous sessions of the Parliament. Sir David Hume, in his diary, frequently mentions the scenes in which the member for Haddingtonshire was the leader. For instance, on one occasion, when it was proposed that a sermon should be preached, on a 'Fast Day,' in the Parliament House, a proposal which was supported by some lay members of the Commission, or Standing Committee, of the Church of Scotland, 'Salton having alleged that if he would tell what he knew, those of the Commission who were for that manner of the Fast would be ashamed to hold up their faces; he being challenged by several honourable members of the House, who were also members of the Commission,

¹ Baillie to Roxburghe, 19th April 1706, in the *Jerviswoode Correspondence*. The full title of the pamphlet to which I have alluded is: 'State of the Controversy betwixt United and Separate Parliaments, whether these Interests which are to be united by the present Treaty, and the Interests which, by the same Treaty, are to remain separate and distinct, are most properly and safely lodged under the Guardianship of a United Parliament, or under that of Separate Parliaments. Printed in the year 1706.'

the business was with some struggle let fall.' On the next day after this incident, Fletcher, in attacking the Commissioners on Union, said they had 'betrayed their trust.' He was called to order, but said he was 'sorry he could not get softer words.' Then it was moved that he should be sent to the bar; but at last he was persuaded to say he was sorry if he had offended any one, and the matter dropped.

On another day Hume describes how, when he entered the Parliament House, he found an altercation going on, apparently over the Minutes of the last sitting. Fletcher said, 'What my Lord Stair has said in reference to the Minutes is not true.' To this Stair answered that he 'desired the House to take notice of what Salton had said; otherwise he would be obliged to say what he had said was a lie.'

There was an hour's 'discourse' about this; and then they were both called upon to ask pardon of the House. Fletcher at once apologised to the House, but 'shifted, craving Stair's pardon.' Stair then said, 'If what he had said offended the House, he craved pardon.' The Chancellor next appealed to Fletcher. He said he 'hoped Salton would acknowledge that he meant no reflection on my Lord Stair, but only to contradict the thing he had said, and if he had given him any offence he craved his pardon, which,' Sir David goes on, 'Salton assented to, and both of them gave their word of

honour not to resent it without-doors.' There were many scenes of this description during the last session of the Scottish Parliament. The passion with which the debates were conducted was extraordinary. It was sometimes difficult to hear a word of what was said. 'Scandalous disorder,' in the words of one member, challenges to fight on the floor of the House, shouting, interruptions, calls to order, Hamilton, whose voice was very loud, overbearing his opponents by sheer strength of lung, Fletcher springing to his feet, ready, at a moment's notice, to draw his sword,—it was amidst all this clamour and noise that the Union was debated.

Perhaps the stormiest sittings of all that stormy session were those of the 2nd and 4th of November, when the first Article of Union was debated and voted on. It was on the first of these days that Belhaven made his great oration. It was certainly the event of that day; and it is generally spoken of as the greatest speech delivered during the debates on the Union. But we have no means of knowing whether this was the case; for no materials exist from which we can judge of the eloquence of Stair, whom all the writers of his time agree in describing as an orator of surpassing power, the greatest that ever spoke under the roof of the Parliament House. And though the palm of oratory belonged to Stair, he was not without rivals. When Roxburghe spoke, he charmed even his opponents.

The speeches of Argyll were full of passionate vehemence. Hamilton's pathetic eloquence is the theme of every Jacobite pen. Nor can it be doubted that Seafield and Cockburn of Ormiston were adroit and ready debaters; while Fletcher's speeches in the session of 1703 are, so far as polished language and close reasoning go, superior to any of Belhaven's.¹ But of all that was said in the debates of these two days, only two speeches have been preserved in full. The speech of Seton of Pitmedden, a plain country gentleman, is one of them. Its solid reasoning and sound conclusions, which events have justified, did not catch the public fancy. On the other hand, the speech of Belhaven, full of predictions, every one of which time has falsified, was eagerly received, was read by thousands, and is still to be found, in more than one reprint, in every private library in Scotland. Belhaven was a great actor; but it is one thing to gain applause, and another thing to gain votes. Burke producing a dagger on the floor of the House of Commons, Brougham kneeling on the woolsack, are examples, in more recent times, of how little impression is produced by the dis-

¹ None of Fletcher's speeches in the session of 1706-1707 are preserved. The speaking in the Estates at this time was very good. The author of the Ochtertyre ms. says, in describing Mr. Spittal of Leuchat: 'He spoke the most elegant Scots I ever heard, probably the language spoken at the Union Parliament, which was composed of people of high fashion.'

play of dramatic powers ; and, both in its composition and its effects, it is as a theatrical display that the famous speech of Belhaven must be regarded.

On the same day Fletcher spoke, 'with great warmth,' says Cunningham, 'and vehemently reproached and inveighed against the Queen's Ministers, without any regard to his own fortune, though very large. Some there are who say that he was too hot in his arguments, and too violent in his resentments, and that he did thereby hurt his own cause.'

But the cause was past helping or hurting now. The time for argument was gone. It was on Saturday the 2nd of November that Fletcher and Belhaven poured forth the vials of their wrath ; and on the following Monday the vote was taken. As is well known, the Squadron threw in their lot with the Government, and the majority, by which the Union was supported during the rest of the session, was secured.

From that time until the 16th of January 1707, when the Treaty of Union was finally approved by the Estates, Fletcher continued to oppose the Government. As soon as the Act approving of the Treaty, with the changes made in it by the Estates, had been touched with the sceptre, it was sent up to London, to be discussed in Parliament ; and the Estates continued to sit for the transaction of formal business, and also to frame the Acts of Parliament which were

to regulate the method of electing the sixteen representative peers and the forty-five commoners who were to represent Scotland in the Parliament of Great Britain.

Fletcher's last piece of business in the Scottish Parliament was to move, 'That no peer, nor the eldest son of any peer, can be chosen to represent either shire or burgh of this part of the United Kingdom in the House of Commons.' This motion was rejected, by a majority of thirteen, in favour of an amendment providing that the elections for counties and burghs in Scotland should continue, as regards those who were capable of electing or being elected, on the same footing as before the Union.

Fletcher may have been present, on the 19th of March, when the Act of the English Parliament ratifying the Treaty of Union was presented to the Estates; but, according to tradition, he left Edinburgh immediately after the House rose. 'On the day of his departure, his friends crowded around him, entreating him to stay. Even after his foot was in the stirrup, they continued their solicitations, anxiously crying, "Will you forsake your country?" He reverted his head, and darting on them a look of indignation, keenly replied, "It is only fit for the slaves that sold it!" then leaped upon the saddle and put spurs to his horse, leaving the whole company struck with a momentary humiliation,

and (blind to the extravagance of his conduct) at a loss which most to admire, the pride of his virtue, or the elevation of his spirit.¹

And so, to the intense indignation of Fletcher, the old Scottish 'Estates' became a thing of the past. It would be difficult to find, in the history of any other country, laws more harsh and sanguinary than the long series of enactments which the Parliament of Scotland had passed for the purpose of suppressing liberty and increasing the power of the Crown. The independent spirit of the English people had constantly been reflected in the independent spirit of the English Parliament. The Scottish Parliament had been, before the Revolution, submissive to tyranny, because it did not fairly represent the people, and because of the defects which were engrained in its constitution. It had been a Parliament of which the only function, except on a few memorable occasions, was to pass, almost in silence, the laws which had been prepared by the King's servants. It sat for only a few days in each session, and free debate was almost unknown. The franchise by which the county and burgh members were elected was always in the hands of a few persons; and latterly, although a majority of the Scottish people were Presby-

¹ The author of the *History of Modern Europe, in a series of Letters from a Nobleman to his Son*, who tells this story, says, 'This anecdote the author had from the late Patrick, Lord Elibank.'

terians, no one who was not an Episcopalian could be either an elector or a member. The savage laws, therefore, which were passed, and which have frequently been quoted for the purpose of proving the slavish spirit of the Estates, were just the laws which, in an age of violence, might be expected to proceed from a legislature which represented only a tyrannical minority in the country. There were, indeed, times when the Scottish Parliament threw off the yoke. In the reign of Charles the First it extorted from the weakness of the King concessions which would never have been obtained by an appeal to his clemency; and in the reign of James the Second even the Lords of the Articles refused to act any longer as the blind tools of despotic power. The occasions, however, on which the Estates resisted the royal authority had been few. There is, nevertheless, a brighter side to the picture; for the Scottish statute law relating to private rights was equal, if not superior, to anything which the English Parliament had produced at the close of the seventeenth century. Wonder has often been expressed at the marvellously concise language of the Scottish Acts of Parliament. But the explanation is very simple. Each statute was the work of one or two thoroughly trained lawyers, who knew exactly what they wished to say, and whose productions were not afterwards subjected to the unskilled criticism of a large assembly.

It is curious to remember that this admirable system of laws was the handiwork of the very men who were foremost in the business of suppressing the liberties of the nation. The period between the Restoration and the Revolution, every page of whose history is stained by crimes perpetrated under the sanction of the law, was the Augustan age of Scottish jurisprudence ; and the rolls of the Scottish Parliament during these years are full of statutes, dealing with almost every department of the law, and containing provisions which conferred real benefits on all classes of the people.

Apart, then, from those laws which were destructive of public liberty, the Scottish Parliament had done good work for Scotland even under the Stuarts. It was now free ; and what Fletcher resented was not the Union with England, by which Scotland gained a great deal, but the destruction of the Scottish Parliament, which had become, not only the symbol of national independence, but a real instrument of self-government. It was evident that the wishes of the Scottish people could never prevail at Westminster, even in matters which concerned Scotland alone, against the prejudices or the ignorance of Englishmen, when Scotland was represented by only forty-five commoners and sixteen peers. But the Treaty had been ratified, and there was nothing more to be said.

CHAPTER X

Arrest of Fletcher—His Release—The Jacobite Prisoners of 1708—
Death of Belhaven—Fletcher retires into Private Life—Conversations with Wodrow—His Death—Views of his Character.

It is possible that Fletcher did not ride further than Saltoun ; but if he did leave Scotland as soon as the Union was accomplished, he was back again in the spring of the following year. At that time the country was alarmed by the fleet which was fitted out at Dunkirk by the French, and which sailed, with the Chevalier de St. George on board, for the shores of Scotland. The Habeas Corpus Act was suspended ; and the Privy Council ordered the arrest of a number of suspected persons, among whom were the Duke of Gordon, the Marquis of Huntly, and no less than twenty other peers of Scotland. One of these was Belhaven. Many commoners, too, were taken up, such as Stirling of Keir, Cameron of Lochiel, Moray of Abercairney, Edmonstone of Newton, and other notorious Jacobites. But, strange to say, Fletcher was also arrested ; on what grounds it is difficult to surmise, for it seems impossible

to imagine that he could have been suspected of plotting for the return of the Stuarts.

Fletcher took his arrest very quietly. 'All I fear,' he wrote to Leven, 'is that so inconsiderable a man as I may be forgot, and no further orders given about me.' His indifference was justified; for on the 15th of April 1708 the Privy Council issued a warrant directing Leven to send all the prisoners up to London, 'Andrew Fletcher of Saltoun, Esq., only excepted.' After this Fletcher disappears from public life; and Belhaven too, but in a sadder fashion. A few lines may be spared to say farewell to Saltoun's old companion of the Country Party. Belhaven went almost mad with rage. As soon as he heard that a warrant was out for his arrest, he wrote an impetuous remonstrance to Leven, which he read aloud at a coffee-house before sending it off. After he was apprehended he addressed a letter to the Queen, demanding his release, 'without bail, parole of honour, or any other suspicious engagement.' Then we find him despatching a long letter to Leven, protesting his innocence, and begging to be set at liberty. He is like a caged lion. He cannot rest. 'My good name is attacked,' he declares; 'I am called unfaithful to my God, and treacherous to my Queen. I must throw my stones about, I must cry and spare not.' A few days later, he writes a most pathetic letter. 'My wife,' he begins, 'who hath been my bedfellow those

thirty and four years, takes it much to heart to be separated from me now.' And then he asks authority for 'my dear old wife to be enclosed as a prisoner in the same manner with me in everything.' Another of his arguments is that he has work awaiting him at home at Biel; eight ploughs going, and a little lake to drain, and turn into meadowland. But he was never to see his home again. The prisoners were sent up to London; and there the eloquent Belhaven died of brain-fever, or, as some say, of a broken heart.¹

Henceforth Fletcher's life was that of a private 'person of quality.' He never married. When asked the reason why, he used to answer, 'My brother has got the woman that should have been my wife.' This was Margaret Carnegie, the eldest daughter of Sir David Carnegie of Pittarrow. Perhaps Andrew Fletcher did not attract her—'the low, thin man of brown complexion, full of fire, with a stern, sour look,' to quote the well-known description of the Laird of Saltoun. At all events she fell in love with Henry, the younger brother, who, besides, had this in his favour, that Andrew was an outlaw in Holland while he was paying his court to the young lady. Her father was at first against the marriage;

¹ Some of the prisoners took matters more quietly. Stirling of Keir writes to his wife, from Newgate, in June: 'We are all very well and hearty, and I assure you this is a palace in comparison of the Tolbooth of Edinburgh.'—Sir William Fraser's *Melville and Leven Book*, ii. 215-218

but the young people insisted on having their own way, and they were married on the 27th of April 1688.¹ The couple were very poor, and Henry became tenant of the mill at Saltoun, after the estate had been restored to his brother. Mrs. Henry Fletcher was a woman of great capacity, and it was she who, acting probably on hints given by her brother-in-law, got machinery from Holland, introduced the Dutch system of making 'pot barley,' till then unknown in Scotland, imported a winnowing machine, or fanners, and, in short, was the founder of the Saltoun Barley Mill, which was a household word in Scotland for many years. 'So jealous,' says Sir William Fraser, 'was Lady Saltoun of the secret of the construction of her machinery, and so anxious was she to retain a monopoly of this particular trade, that, whilst she occupied, during the day, a room in the mill specially fitted up for herself, all orders for barley were received across a door which was securely fastened by a chain to prevent strangers from entering.'

This clever Scottish lady of the old school also started the manufacture of Holland cloth on a wide field near the mill; and in a hollow near Saltoun Hall the British Linen Company worked for many years, until they changed their business into that of a banking company. Perhaps a dame of so very practical a turn

¹ Sir William Fraser's *History of the Carnegies, Earls of Southesk*, ii. 275.

would not have sympathised with the Utopian dreams of her famous brother-in-law, and had chosen wisely. The walls of a new mill which was erected at Saltoun in 1710 are still as strong as when they were built; and some fragments of the old machinery still remain.

During the latter part of his life Fletcher lived chiefly in England or abroad. Wodrow has preserved an account of some conversations which he had with him. On one occasion Fletcher told him that 'he used to say to Sunderland, Wharton, and the leading Whigs in England, that they were the greatest fools imaginable in three things, and acted directly contrary to their interest: 1st, In the settling of the Succession upon Hanover, he remarked that the Lutherans, and still the nearer people goes to Popery, they are still the more for absolute government; and so much the more for a Tory. 2nd, In promoting and violently pushing the Union with Scotland, which now they are sensible is an addition to the power of the Court, and makes the Prince by far more absolute than before; and 3rd, In the affair of Sacheverell, when he (Fletcher) was in London, and conversed with them at that time, their pushing of his trial was the most unpopular thing they could do, and raised the cry of the "Danger of the Church," and proposed nothing in the world to themselves by such a prosecution. Things were openly vented upon the behalf of absolute Government and

non-resistance ; and the event has sadly verified all his thoughts as to this.'¹

On another occasion Fletcher expounded his ideas on the subject of church patronage. He said a Presbytery was no judge of a young man's fitness to be minister of a congregation, and he had a plan of his own ready. He would appoint six Professors of Divinity in each University, none of whom were to teach more than ten or twelve students ; for they could not know more than that number intimately. These Professors were not only to lecture, but to watch the temper and character of each student, and license him when he was really capable of being a minister. Then, when a vacancy occurred, the Presbytery was to ask the Professor to send down a man whom they thought suited to the parish which was vacant. If the people did not like the man who was sent, another was to come ; and so on until the congregation was satisfied.

Wodrow asked Fletcher if he had not thought of writing a History of the Union ; but he replied that he had kept no notes of the proceedings, and his memory was not to be relied on. He lamented his bad memory, and said he used to write out all his speeches, and repeat them, over and over again, to himself, like a schoolboy learning his lessons. He also said that he

¹ This conversation was in 1712, when the Tory Government of Harley and St. John was in office.

had so little readiness in debate, that if he did not know what subject was to be brought forward, he was obliged to prepare several speeches, which he laboriously learned by heart.

In 1716 Fletcher was in Paris, where he took ill. His nephew Andrew, afterwards a judge of the Court of Session under the title of Lord Milton, who was then studying at Leyden, hearing that his uncle wished to return home, hurried to Paris. They reached London, but the old gentleman was unable to go further. Lord Sunderland called on him, and asked if there was anything he wished done. 'I have a nephew,' he replied, 'who has been studying the law. Make him a judge when he is fit for it.'¹

On the 15th of September 1716 he died; and his nephew brought his body to Scotland in a leaden coffin, which was laid in the family vault under the parish church of Saltoun, where it still remains.

A scrap of paper among the manuscripts in the Bodleian Library at Oxford bears this curious memorandum, in the handwriting of Thomas Rawlinson, the great antiquary and book collector: 'Andrew Fletcher of Saltoun, dyed in London, on Sunday, September 16th 1716, of a flux contracted by drinking ye waters of the

¹ 'I have heard,' says Mr. Ramsay, 'Sir Hugh Paterson say, who knew Saltoun well, that he early predicted his nephew would turn out a *corrupt fellow*, and a perfect courtier. Saltoun, however, hated all Kings and Ministers of State.'—Ochertyre MS. I. 87.

River Seine at Paris. He died Christianly and bravely, only concerned for ye ruin of his country, and yt he had been base enough to have kissed the hand of ye insulting Tyrant.’¹

He was succeeded, in the estate of Saltoun, by his brother Henry, and afterwards by his nephew, Andrew Fletcher of Milton, who, as Lord Justice-Clerk, was, for many years, the Duke of Argyll’s right-hand man in the management of Scottish affairs. Many of the books collected by Fletcher are still preserved at Saltoun Hall, where there is a tablet with this inscription, ‘This Library was built A.D. 1775, by Andrew Fletcher of Saltoun, to contain that excellent collection of books made by his great uncle of Illustrious Memory, whose name he bore. Lieutenant-General Henry Fletcher of Saltoun inscribes this marble to the memory of his lamented brother, and desires to remind their common successors that the Love of Letters or of Arms has always distinguished the family of Saltoun.’

Fletcher occupies a peculiar place in the history of Scottish Literature. His works were produced during a period of about six years, from 1698 to 1704, and at that time Learning had sunk to a very low point in Scotland. Sir George M’Kenzie stands out almost, if not

¹ The date given by Rawlinson is wrong. Fletcher died on the 15th of September.

entirely, alone as a man of Letters during the closing years of the seventeenth century ; but his style is turgid, and wholly wanting in that quality of simplicity which is to be found in everything written by Fletcher. Burnet's chief works, with the exception of the *History of His Own Times*, which was not published until after his death, appeared before the end of the century ; but though a Scotsman, he can hardly be placed in the catalogue of purely Scottish writers. Pamphlets and sermons there were in abundance, many of them composed with great skill, and most of them invaluable from the light which they throw on the controversies of that time ; but in point of style Fletcher is unique. He had no models. If he had written ten or fifteen years later, it might have been supposed that he had imitated Addison ; for, especially in the *Account of a Conversation*, the style of Fletcher resembles the style of Addison. But he had ceased to write long before the *Spectator* appeared. To Burnet he doubtless owed a sound classical education, and a knowledge of political history. The clearness and elegance of his style, however, were certainly not learned from Burnet, but were evidently the result of studying, very closely, the literature of Greece and Rome, from which he loves to draw illustrations for the purpose of enforcing his own theories of government, and his peculiar political schemes.

The political schemes of Fletcher may have been visionary, but that he honestly believed in them is evident. The Utopias which he loved to imagine may have been wild dreams, but there was always something noble in the ideals which he set up. His faults were those of a man of ardent temper. I have not attempted to conceal them, and the men of his own day, even those who most widely disagreed with him in his views on public questions, seem all to admire him, with only one or two exceptions. One of these exceptions is Swift, whose description of him is: 'A most arrogant, conceited pedant in politics; cannot endure any contradiction in any of his views or paradoxes.' But a Scotsman was to Swift like a red rag to a bull. Oldmixon, too, who knew Fletcher, says, and certainly with some truth, that he was 'hot, positive, obstinate, opinionative.' Nor does Sir John Clerk of Pennycuik seem to have fully appreciated Fletcher. 'He was,' he says, 'a little untoward in his temper, and much inclined to eloquence. He made many speeches in Parliament, which are all printed, but was not very dexterous in making extemporary replies. He was, however, a very honest man, and meant well in everything he said and did, except in cases where his humour, passion, or prejudice were suffered to get the better of his reason.' On another occasion he speaks of him as a 'worthy man'; but that excellent place-

man, Sir John Clerk, patting Fletcher of Saltoun on the back, is the tame pigeon patronising the eagle.

But, as against the hostile opinions of Swift and Oldmixon, and the lukewarm verdict of Sir John Clerk, it would be easy to fill page after page of unstinted praise from the writings of men who either knew him, or had good opportunities for observing his conduct. Of these I shall quote only two. In Mackay's well-known *Characters of the Nobility of Scotland*, which are said to have been compiled for the private use of the Princess Sophia, we have what may be called the official opinion of Fletcher. 'He is,' says Mackay, 'a gentleman steady in his principles, of nice honour, with abundance of learning; brave as the sword he wears, and bold as a lion. A sure friend, but an irreconcilable enemy; would readily lose his life to serve his country, but would not do a base thing to save it.'

The Tory Lockhart, also, in a passage which is too long for full quotation, draws the character of Fletcher. He tells us how the Laird of Saltoun was master of the Latin, Greek, French, and Italian languages, and well versed in history and the civil law; a nice observer of all points of honour; free from all manner of vice; impatient under opposition, but affable in private conversation. 'To sum up all,' says Lockhart, 'he was a learned, gallant, honest, and every other way well

accomplished gentleman ; and if ever a man proposes to serve and merit well of his country, let him place his courage, zeal, and constancy before him, and think himself sufficiently applauded and rewarded by obtaining the character of being like Andrew Fletcher of Saltoun.'

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