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**Inglorious revolution:
administrative muddle and constitutional change in the Scottish Parliament of William
and Mary¹**

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In the past the pre-1707 Scottish parliament has not enjoyed a particularly high reputation with English and Scottish constitutional and political historians. The early years, for example, have been summarised bluntly: ‘compared with the English Parliament, the medieval Scottish parliament was insignificant’.² But if the reputation of and interest in the Scottish Parliament is now the subject of much historiographical revision and effort,³ controversy surrounding the significance of the ‘Glorious Revolution’ of 1688-9 has been with us for much longer.

I

We know, nevertheless, that the Revolution led to constitutional changes in the English Parliament.⁴ Kathryn Ellis’s study of parliamentary procedure from 1660 to 1714 confirms three major changes to the English House of Commons resulting from the Revolution.⁵ Firstly, after decades of sporadic sessions, annual sessions of parliament now met, usually from October to April, dovetailing well with the regular summer sessions of the Scottish Parliament. Secondly, there was a huge increase in the amount of legislation passed, feeding of course on the regularity of sessions, and this resulted in an unprecedented number of standing orders to fine-tune the procedures of the house in order to cope with the greater level of activity. Committees became more structured and specialised in response to the new level of business, although mostly based on existing models. Lastly, and also made possible by the regular sessions, the Commons took the opportunity to regulate and agree Crown finances on an annual basis, indicating that the key change in the balance of power between Crown and Parliament was actually an extension of the familiar control of taxation English monarchs had lived with since the fourteenth century. Indeed, many of the procedural changes associated with the post 1689 period, such as recourse to ‘appropriation’ or hypothecation of tax for a specific purpose, say for the navy, were prefigured under Charles

II. Changes arose mostly due to the burgeoning level of business, not directly from the Revolution.⁶ But party politics was also at play. In the 1690s House of Commons a group of ‘country’ MPs consciously developed procedural techniques as a method of ‘supervising and attacking government’ and to Scottish historians this has echoes in the behaviour of opposition factions in Scotland’s post-1689 parliament.⁷

In spite of notions to the contrary, the procedural and administrative impact of the Revolution on the Scottish Parliament was neither sudden nor immediately efficacious. The ‘new-born constitutionalism’⁸ was, in the short term, the harbinger of chaos. Revolutions are, of course, rarely tidy affairs. Nonetheless, in the medium term there was considerable institutional reform. The most obvious change was the abolition of the Lords of the Articles, the traditional session committee of Parliament through which legislation was vetted and drafted. This objective was contained within the statement of grievances, the Articles of Grievance, agreed after the drafting of the Claim of Right and published by the revolutionary Convention of Estates in April 1689.⁹

After the 1689 Convention transformed itself into a Parliament, the short session in June and July saw William and Mary’s High Commissioner, William, 3rd Duke of Hamilton fail to negotiate a compromise over the fate of the Lords of the Articles. King William and a presbyterian-dominated Parliament, egged on by the ‘Club’, an opposition grouping of allied Jacobites, episcopalians and rogue presbyterians, found themselves poles apart. William, not unreasonably, wished to preserve those managerial and moderating advantages of the Articles, even though he was prepared to concede that the election of members of the Committee could now be more fully under the control of the Estates. He was surprised that the Estates wished to remove a traditional mechanism that worked. Meanwhile, a majority of the Parliament believed that King William was either putting up token resistance, or was being misled by his London advisers. In the middle was Hamilton who, as early as mid June, confirmed that ‘no business [could] be brought in ... untill the law establishing the articles be repealed’.¹⁰ When three weeks later the King suggested a complex compromise, the Commissioner abruptly informed George, Lord Melville, the Secretary of State, that the ‘expedient about the Articles will not do’. Hamilton had no choice but to adjourn the session

on 2 August.¹¹ The tone of his correspondence with Melville conveys his frustration at the turn of events, yet also the bewilderment of a pro-revolutionary yet establishment figure observing a revolution careering out of control.¹²

Nevertheless, on 8 May 1690, during the second parliamentary session under William and Mary, and with Melville, now 1st earl of Melville, as High Commissioner, an act was passed abolishing the Lords of the Articles. King and Commissioner had been forced to concede that Parliament and Estates could now elect committees ‘as they shall desire’.¹³ And so a system of standing committees was put in place.¹⁴ But how did this dramatic victory come about and why was the Committee of the Articles such a popular target?

The conventional view of the Lords of the Articles, as laid down by Rait, is of a committee virtually of the Crown, not of Parliament, which acted as a conduit of Crown policy with a firm control over parliamentary business. This straitjacket is sometimes thought to have held back the representational strength of the Scottish Parliament, especially in comparison with England, and also its institutional and constitutional evolution. Royal control of ‘election’ to the Articles and the parallel membership of the Scottish Privy Council emphasised Crown authority and agenda manipulation.¹⁵ However, Roland Tanner has established a revisionist analysis that counters this view for the period before 1540. Examples of the weakness of the Committee of the Articles in the face of the full Estates, even in the reign of the powerful James IV, and the fact that Committee membership often reflected current political circumstance rather than Crown or council popularity contests, suggest the Articles remained before 1540 ‘much more the servant of the Estates than of the Crown’.¹⁶

Few historians have challenge the omnipotent position of the Articles for the remainder of its existence. The committee, it is argued, relegated Parliament to a mere instrument of royal policy so preventing effective scrutiny or consultation over legislation.¹⁷ James VI, Charles I, Charles II and James VII all, with varying degrees of success, used the Committee to maintain control of Parliament. The conventional picture is that from James VI’s reign, the Articles consisted largely of privy councillors and those generally nominated by the king, though Alan MacDonald has demonstrated that the link was not straightforward before 1640.

While nobles were very anxious to take their place in Parliament and the Articles, as privy councillors they were not necessarily active members of the administration.¹⁸ Nonetheless, the resemblance between Council and Articles was especially close in the reigns of Charles II and James VII. Also, Rait and others proclaim that, from the 1580s until 1633, the time available for debate before the whole house was ostensibly reduced to a few days as parliament met merely to rubber-stamp the legislative programme formulated by the government and the Articles. The case for royal authoritarianism seems unassailable and so follows the historiographical justification for revolutionary attacks on the Articles in 1640 and 1689-90.

There is, nonetheless, a revisionist case for more gradual constitutional change and for the relative independence of the Articles. Firstly, from the 1570s the Articles expanded from the medieval committee of between nine and eighteen people to about forty, even though before this some committees of thirty or so met occasionally, as in 1488 and 1535. The Articles was therefore a large committee, on average representing twenty five per cent of the full sederunt or parliamentary roll from 1603 to 1707, and with a composition that necessarily produced some diversity of opinion.¹⁹ Research on multicameralism in the Scottish Parliament shows that the three or four Estates frequently met separately up to 1633, and so exercised some influence on debate and opinion within the Articles and before voting by the whole house. Access to the Committee and advance briefing of non-committee members, before voting before the whole house, was commonplace. Also, before 1621, the king was not always able to nominate his chosen members of the Articles and even then we still find opposition within the Committee to some royal policies.²⁰ The conventional picture of royal control of the Articles has been greatly exaggerated, at least before Charles I's tightly managed Parliament of 1633.

After the years between 1640 and 1651, when no Committee of the Articles existed, the Restoration brought back the Committee but not the complete constitutional position at 1633 or before. In debates over committees and legalisation in 1661 and 1662 it was clearly stated that the Estates had the right to consider and approve all statutes.²¹ The procedure of passing of all acts *en bloc* on the last day of the session - which occurred notably in 1584 and 1633,

although in other instances usually after wide consultation - was clearly set aside, and acts were now more frequently 'read, voted and approved' one by one.²² Therefore, while control of and by the Articles was re-imposed to 1633 levels, with open access to the Committee limited in 1663, 1669 and 1685 and proximity to Privy Council membership brought even nearer, the extra powers of deliberation established after 1660 made it necessary for the governments of Charles II and James VII to employ more sophisticated management of political faction and Parliament. This, of course, also led to Secretary John Maitland, 1st duke of Lauderdale's use of bribery, patronage and favouritism under Charles II, and the interference in burgh elections by James VII. Although bribery was a feature in the parliaments of 1621 and 1633 such management techniques were not quite so necessary to retain control in the reigns of James VI or Charles I. Indeed, the rise of faction and of opposition to the regime of Lauderdale in the 1670s was a clear sign that the internal dynamics of Parliament had altered.²³ The constitution was under medium term pressure before 1688/9.

The extent of the constitutional threat posed by the Covenanters is also debatable. In fact the main issue in 1639 was not the very existence of the Committee but the method of nomination and election, with the clergy now removed, and the relationship of all to the Crown. However, when the Commissioner, John, 1st earl of Traquair, nominated those of the nobility to the Articles, Parliament only allowed this for the 1639 session. Subsequently in 1640, the Estates asserted their right to elect members themselves from within their respective estates, and this led to the entire house absorbing the legislative powers of the Articles and devolving power to new committees at their own discretion. The Articles became optional.²⁴ So, while reform was the intention in 1639/40, suspension of the Articles was the result.

Political necessity made King William a more flexible 'reformer' than Charles I or Traquair, but did the Convention of 1689 intend to abolish or to reform the Committee of the Articles? Had James VII manipulated the activities or composition of the Committee in such a way as to bring it into even greater disrepute by 1689? In April 1685 James's High Commissioner, William, 1st duke of Queensberry, was satisfied with the elected list of Lords of the

Articles. All eight members of the nobility, along with the two archbishops, several barons and of course all the officers of state, were also in the Scottish Privy Council commissioned the month before. This level of continuity, where the Articles mirrored the Privy Council, continued the pattern set under Charles II and so no constitutional innovation had taken place.²⁵

Nonetheless, James VII did begin to place his authority in fewer and fewer hands in the Privy Council and to an extent within Parliament. In the parliamentary session of 1686 Queensberry, blamed by James for the failure of Parliament to grant toleration for Catholics, was replaced as Commissioner by one of the Scottish secretaries Alexander, 5th earl of Moray, who had just converted to Catholicism. With the announcement of Moray's conversion came also those of James Drummond, 4th earl of Perth, the Lord Chancellor, and his brother, the other Secretary, John, Lord Melfort. The duke of Hamilton advised these ministers that Parliament should be delayed to October over the toleration question. He warned of the 'strange malicious temper got into the heads of the people against the papists seeing their worship so publicke', but was ignored.²⁶ Consequently, in the 1686 session, commencing in April, Moray and Perth failed to get a toleration act agreed by Parliament in spite of much pressure and even the dismissal of some members of the house, including Sir George Mackenzie of Rosehaugh, the Lord Advocate, and Andrew Bruce, Bishop of Dunkeld. The session was adjourned on 15 June, though not before the Lords of the Articles found themselves split almost equally on the passage of the draft toleration act.²⁷ The first draft passed the Articles by a small majority with most of the clergy opposed.²⁸ As the act was then tabled before the whole house, with open efforts to influence voting, there were fears that the Committee of the Articles itself might be usurped. George Leslie of Birdsbank, burgh commissioner for Cullen, writing to the earl of Findlater in late May, was alarmed that 'that bitt actie' on the penal statutes might be submitted by the Commissioner 'by vertue of the King's prerogative power' rather than via the revising power of the Lords of the Articles.²⁹ Significantly, it was James VII's use of prerogative powers and the by-passing of the Articles that led to criticism.

This was part of a pattern in Crown management. From 1686 James increasingly operated through a council within a council, using the conduit of Melfort in London and the earl of Perth in Edinburgh, and not through the entire Privy Council. Queensberry, having been passed over as Commissioner, now lost the post of President of the Council in June 1686. Before the Revolution, therefore, growing resentment was aimed at the way James excluded the traditional constituency and noble council of peers, such as Hamilton and Queensberry, not at the institution of the Lords of the Articles. Even though the king nominated the Articles, this proved no guarantee of loyalty or the easy passage of the royal legislative programme, as James VI discovered in 1617 and 1621. If the Committee of the Articles was a target for reform minded parliamentarians it was due to long-term anxieties and not to the policies of James VII.

The main political conundrum of revolution is the battle between continuity and change. The Privy Council commissioned in May 1689 was, like that of 1685, just over forty strong. While the clergy were now omitted, the number of peers increased, and of the eight elected to the Articles for 1685-6 six re-appear, the duke of Hamilton, marquis of Douglas and the earls of Erroll, Marischall, Mar and Tweeddale.³⁰ Although a clear bias in favour of presbyterianism and pro-revolutionaries is evident, with James's die-hards obviously discarded and waverers such as the duke of Queensberry set aside, there was still room in the council for James's Lord Privy Seal, the earl of Atholl, and his Treasurer Depute, the earl of Kintore. Yet the revolution Convention that met on 14 March 1689 was even more inclusive. Thirty-five of the fifty-eight noblemen present had attended the Parliament of 1685-6.³¹ All six nobles from the Articles of 1685-6 were present, but so also was the duke of Queensberry and a number of James's Privy Council of 1685 including the Jacobite earls of Balcarres, Linlithgow and Panmure, as well as other 'loyalists' such as Lord Sinclair and the earl of Home. When in April this gathering approved the Claim of Right and the Articles of Grievance, passing by three to one that episcopacy was a grievance, episcopalians and moderate Jacobites were reticent.³² Open opposition to the presbyterian majority would be viewed as support for Catholic counter-revolution and, after all, there was time yet for the Revolution to fail and for James to return.

After William and Mary accepted the conditional offer of the Scottish Crown, agreeing to transform the Convention into a parliament, the composition of the Estates that gathered in June altered significantly. There are a variety of explanations for this change. The presbyterian victories in March and April had discouraged episcopalians and Jacobites, many of whom absented themselves. Here the nobility show the clearest break with the administration of 1685-8. James's privy councillors and erstwhile Lords of the Articles the duke of Queensberry, and the earls of Mar, Tweeddale, Atholl and Marischall stayed away, along with other more committed Jacobites such as the earls of Panmure and Dunfermline. John Graham, Viscount Dundee had raised James's standard in April.³³ As the military position grew more alarming, building towards the Jacobite victory at Killiecrankie on 27 July, it is no surprise that uncommitted peers absented themselves from Parliament so delaying a decision on whether or not to co-operate with the new regime. Peers were anxious to back the winning side, the threat of forfeiture being especially calamitous. Absenteeism was as often the result of self-interest as of loyalism.³⁴ Debates about parliamentary reform must have seemed peculiarly obtuse to many.

What was the impact of this absenteeism? In early July it was noted in Parliament that twenty-two noblemen were absent, along with eighteen elected burgh and shire commissioners. In fact, whereas fifty-seven nobles attended the Convention, only thirty-five attended the Parliament in June and July 1689.³⁵ This represented a dramatic collapse in the noble interest, which conversely strengthened the voting power of the burghs and shires. The burgh and shire elections in the winter of 1688/9 had been carefully managed by the revolutionary 'party'. Both the testimony of the earl of Balcarres, though a Jacobite, and the decisions over disputed elections by the Convention's Committee for Controverted Elections, confirm the manipulation of the electoral system to party advantage.³⁶ Essentially, an electoral backlash took place which eliminated efforts by King James to interfere with burgh councils.³⁷ In the elections for the 1689 Convention the revolutionary interest won an overwhelming victory in the burghs. This was repeated in the shires with the result that many an exiled laird took his place in Parliament. The two elected commissioners for Selkirkshire are especially good examples of the return of the 'godly'. Sir William Scott of Harden and George Pringle of Torwoodlie both took part in Argyll's rebellion in 1685 and suffered

forfeiture and exile. Such members of the Convention/Parliament had nothing to lose and everything to gain from the success of the Revolution, and so most elected commissioners returned when the Estates reconvened in June 1689.³⁸

These circumstances were crucial to the debate on the Committee of the Articles as well as that concerning episcopalianism. It is clear that the revolutionary majority was far greater in the Parliament of June/July 1689 than it had been in the Convention of March/April the same year. Compromise was now less possible as Hamilton sought to deliver on his instructions from King William. Given that the Lords of the Articles represented a means for elite and noble control, as well as crown patronage and management, the reduced size of the noble estate made it more difficult for Hamilton to appeal to the natural conservatism of fellow peers and to mobilise support for William's proposals to retain the Lords of the Articles. Those, of the shires especially, who under other circumstances might have been persuaded to support the Court found themselves allied to the 'Club'. This disparate group, about seventy in number, was motivated by a mixture of frustrated ambition, resentment and hatred of those in office, especially Sir James and Sir John Dalrymple who were perceived as having too easily switched sides and prospered well under their new master.³⁹ When Hamilton was forced to prorogue Parliament on 2 August it was without supply for the army, an agreed church settlement or a decision on the Articles. Court policy was in tatters and the Revolution at risk. It was fortunate for the new government that the Jacobites failed to take advantage of their victory at Killiecrankie.

With the next session of Parliament from April to July 1690 the circumstances of politics and attendance had altered yet again. The attendance of peers increased to forty-seven, less than in the Convention though significantly more than in the subsequent session of Parliament.⁴⁰ The likes of the duke of Queensberry and earl of Atholl returned and immediately joined the ranks of the opposition and the 'Club', along with a disgruntled Hamilton. Jacobites such as Breadalbane and Balcarres returned to Parliament and took the oath, encouraged by a new system of fines for absence, and also by 'Club' members who saw the chance to make further trouble. But with the return of Queensberry, Atholl, Sir George Mackenzie, Viscount Tarbat and others came a tone of more moderate opposition. It is ironic that at the very time

when King William instructed Melville to concede over the abolition of the Articles a compromise solution had more chance of success. Inconsistent noble attendance as much as negotiations with the opposition created the circumstances for procedural reform, though only just.

As it was, Parliament's main element of constitutional and procedural revolution took place in May 1690 when Melville conceded the demise of the Articles, using the concession and the news of the Jacobite defeat at the battle of Cromdale (1 May) to encourage moderates to vote with the government. Sir James Montgomerie of Skelmorlie, leader of the 'Club', resorted to desperate tactics by proposing an extreme form of presbyterian settlement that even perplexed some of his fellow presbyterians. For a few radicals there was some merit in such extremity: after all, if Hamilton could be replaced as High Commissioner, why not Melville? But the abolition of the Articles, coupled with the leaking of details of the Jacobite conspiracy known as 'Montgomerie's plot', respectively satisfied and appalled many other 'Club' members.⁴¹ And so, though not all the fine details were to the liking of King William, the Parliament then moved to restore presbyterianism and to grant much needed taxation. The Committee of the Articles fell not as a result of a strongly supported reformist agenda but because too few defended its existence.

The absence of the traditional controlling committee would make the management of Parliament a more arduous task from 1690 to 1707. This was to have enormous significance as Anglo-Scottish economic rivalry increased from 1695. Yet most clients of the four great post-revolution noble interests, Argyll, Atholl, Hamilton and Queensberry, would have been happy to preserve the Articles provided the Committee could be controlled by them and their own affairs firmly secured. The major peers had no wish to share power unnecessarily. Indeed, if the nobility at the Convention of 1689 had all attended the subsequent Parliament, and Viscount Dundee's rising had not manifested itself and heated the atmosphere, King William's compromise could have been accepted with likely benefits for improved management and parliamentary procedure. As it was, party politics and faction expanded after the demise of the Articles and we are left to ponder if what was good for dynamic

politics was quite so good for the smooth passage of parliamentary business, especially as the Articles fell more by chance than by design than has hitherto been appreciated.

II

Some procedural matters in parliamentary history are less obviously subject to the vicissitudes of high politics. After the dust settled on Melville's relatively successful session of April to July 1690 there was opportunity to reflect on more peaceable aspects of parliamentary administration. However, administrative stresses and strains developed from the onset of the Revolution. The first signs of difficulty arose with the general upheaval in the nature of the position of Clerk Register. The Clerk Register had a crucial role in ensuring the official records and registers of Parliament were maintained along with the printing of volumes of statutes.⁴² In the course of 1689 a number of chief offices of state, the Chancellor, Privy Seal, Treasurer and also the Clerk Register had been put into commission. There were sound political reasons for this in the heated months of 1689. The revolutionary government sought to be as inclusive as possible and to extend patronage widely, and conversely, of course, limit the concentration of power in individuals and family interests.⁴³ As far as the Clerk Register was concerned, James VII's incumbent Viscount Tarbat, Clerk Register since October 1681, vacated the position in April 1689. The commission granted in December that year split the post among five individuals: Sir Thomas Burnet of Leys, John, Lord Belhaven, Sir Duncan Campbell of Auchinbreck, John Hay of Park [Lochloy] and Robert, Master of Burleigh, the last of whom was given sole right to vote in Parliament as an officer of state.⁴⁴ When a new administration was established early in 1692, bringing James Johnston into the government (replacing Melville) as joint Secretary of State with Sir John Dalrymple, Master of Stair, Tarbat was restored to favour and returned to his old position as Clerk Register.

Tarbat and the new face Johnston were in careers, temperament and religion very different individuals. The former episcopalian and the latter presbyterian, they could barely conceal their contempt for one another.⁴⁵ Tarbat was an astonishing survivor, weak in the details of

administration but an astute political operator. He was, indeed, the only individual to hold high office under Charles II, James VII, William and Mary and Queen Anne, for whom he was Secretary from 1702 to 1704. Johnston was the son of Sir Archibald Johnston of Wariston, a leading figure of the Covenanting regime from 1638 to 1651 and himself appointed Clerk Register in 1649 and again by Cromwell in 1657. Wariston did what he could to preserve the Scottish national records during the Cromwellian interlude.⁴⁶ After the execution of his father in 1663, James spent his formative years exiled in Holland and returned more Anglo-Dutch than Scottish. To many, on his arrival on the political scene as joint Scottish Secretary, Johnston was an unknown quantity. Yet the son had the father's zeal for work, and James set about discovering the condition of parliamentary administration. Bishop Burnet, his cousin, described James Johnston as of 'a good understanding and a great dexterity in managing business' and 'of an entire virtue; and prone to bluntness and honesty'.⁴⁷ These qualities ensured he made friends and enemies in equal measure and by the time Parliament met in 1693 the political landscape was split into opposing Dalrymple and Johnston camps. The hatred between the two secretaries, which dominated politics for the next three years, is summed up by one of Johnston's letters, written soon after his appointment: 'my colleague (Dalrymple) makes bold with [my business], I shall learn to do with his too'.⁴⁸ Rivalry and weak administration must have been encouraged by the bizarre system in place by early 1693 in which they took command of Scottish affairs on alternate months.⁴⁹

After Johnston joined the government in March 1692, his first year in office was dominated by various political controversies. The two most significant were the dispute between King William and a vengeful presbyterian General Assembly, and the political reaction to the Massacre of Glencoe (13 February, 1692) and the subsequent campaign against Sir John Dalrymple who was blamed for the affair. With the latter, Johnston could gain political capital posing as a neutral. Nonetheless, from the start of 1693 Johnston faced two main administrative tasks: firstly, agenda preparations for a new session of Parliament and secondly, securing the records of Parliament.⁵⁰ The position concerning the registers of Parliament is summarised in a letter from Johnston to Melville of March 1693:

I spoke long ago to Mr Nairn to write to you (for he says it is not his work) to have the books filled up in as much as they are defective during your time. It is stranger how that came at all to be neglected and yet stranger that upon fair advertising it should not be helped. Now the King must know it. Mr Nairn has brought to me some scrolls of papers but owns that he knows not which were originals that passed the King's hand so I am not a whit wiser than I was. If this be his fault he may be made wiser.⁵¹

The Clerk Register should have been responsible for the delegation of this work. Clearly the years in commission had been hopelessly inefficient and Tarbat had not retrieved the situation during his twelve months back in post. Indirectly, of course, Johnston was blaming Melville for the chaos, and questions had already been asked before about maladministration by the Melville family, especially at the Treasury run by Alexander, Lord Raith, Melville's son.⁵² Melville and Johnston should have been natural presbyterian allies against Dalrymple, yet they became rivals for the leadership of presbyterianism in the eyes of William and his ministers in London.

The Nairn referred to by Johnston is David Nairn, later Sir David, and initially a Melville man. In the 1680s he was a treasury-clerk, but when Melville was appointed Secretary in May 1689 Nairn replaced Sir Andrew Forrester as under-secretary of state.⁵³ Nairn, based thereafter in London, carried on an extensive communication with Melville's son in Scotland, David, 5th earl of Leven, and also became a conduit for general communications between London and Edinburgh. When Melville was in Scotland, he relied heavily on Nairn who, for example, despatched in April 1690 £2000 sterling of secret service money to oil the machinery of government.⁵⁴ Nairn's role did create tensions, however. Sir William Lockhart, the Solicitor General, seems to have taken a peculiar dislike to the under-secretary, threatening in April 1690 to 'brak his neck' if he was handled as 'sausielly' as Nairn had treated Melville's brother, and he also accused Nairn of leaking to all London the King's resolution to adjourn the Scottish Parliament 'before it was under the King's hand'.⁵⁵ The under-secretary pleaded innocent to all charges, and in turn complained to Leven that the official channels of communication through himself, as agreed by Melville, were being

thwarted by Lockhart, who was moving back and forth with papers for the King without working Melville's office in London. That Melville frequently used Lockhart as an intermediary in his dealings with Queen Mary simply added to the confusion.⁵⁶ Clearly in the years 1690 to 1693 Nairn had other matters to worry about than maintaining registers, which he considered in any case the work of the commissioners for the Register in Edinburgh.⁵⁷

Do we have any other evidence to justify Johnston's claims of a collapse in the keeping of the official records of parliament? Thomson and Innes provide few obvious indications in volume nine of their *Acts of the Parliaments of Scotland*. The official register for 1689, that recording the Convention of March to May and the subsequent Parliament of June to August, appears in good order. The register begins with the words: 'This Register is written By John Corss Extracter in Sir Alexander Gibson's chamber anno 1689', and was clearly compiled before the end of the year.⁵⁸ The importance placed on the accurate maintenance of parliamentary registers is seen early in 1690 when a commission was appointed to examine the registers and to obtain Tarbat's oath that he had not tampered with them.⁵⁹

However, the chaos in the next register, covering the period from 14 April to 10 September 1690, is the greatest of any compiled since the Restoration. Thompson's efforts to tidy the record hide a very confused manuscript volume where legislation is inserted out of chronological sequence, gaps are left in the record for items to be inserted, though some are left blank, and in the end the clerks gave up and dumped a quantity of mostly private acts at the end of the register under the last day of the second session on 22 July.⁶⁰ Johnston's account of various scrolls forming a muddled record is confirmed by the confused nature of the manuscript register. Although it concludes in an orderly manner with the very brief business of the September session, the register was clearly compiled in 1693 in the weeks before the Parliament of that year.⁶¹

The 1689/90 printed records appear not to have suffered the same fate. The 1689 acts, as part of the smaller, portable (12to or smaller than octavo) format series of session legislation, were printed very late in 1689.⁶² Also, the commissioners of the Register appointed in

December 1689 printed the customary folio edition of the 1689 acts during 1690. They initiated several folio editions of the acts for 1690 along with the portable version.⁶³ Patrick Aikenhead, burgess of Edinburgh, informed John Hay, Lord Yester, when the publication of these printed acts were imminent: firstly, writing two days after the new September 1690 session commenced, when he must have been referring to the printing of the April to July session, and secondly, after the September session was over when he stated: 'The acts of parliament I expect out in three or four days'.⁶⁴ The commissioners of the Register had fulfilled their duty to print the acts of Parliament of 1689 and 1690. These, as was customary, consisted of public acts and not private legislation. Therefore, administrative failures, as reflected in that part of the 1690 manuscript register most blighted by confusion, concerned tardiness in the recording of private matters: recommendations, warrants, ratifications and acts in favour of individuals. Such omissions were unlikely to be damaging for the state but could be embarrassing for the interests of private individuals. Also this state of affairs hindered the efforts of Secretary Johnston both to familiarise himself with client and patronage networks and to make government more efficient. The orderly nature of the manuscript registers thereafter suggests lessons were learned from the clerical debacle of 1690-92.

III

Johnston began preparing the agenda for the 1693 session from January that year. He encouraged and took advantage of decisions to adjourn the opening of the session until 18 April in order to communicate with others over agreed policy priorities. In this planning period he also developed the mechanism of Crown 'instructions' to unprecedented levels of sophistication. The term 'instructions' was loosely employed in the early modern period with regard to commands from on high. Thus Charles I issued instructions to his Scottish Privy Council or the Scottish Convention of Royal Burghs issued instructions to its representatives in Parliament.⁶⁵

After 1603 the need arose to instruct the king's representative, the Commissioner, on Crown policy before each session of Parliament. However, an entirely new situation developed when James VII came to the throne. Before then Crown instructions to the Commissioner had been general, such as to secure the kingdom and the Protestant religion, or specific to a few defined issues, say supply and church government. From the Restoration there were various examples of this device. Charles II provided his Commissioner John, 1st earl of Middleton, with a fairly comprehensive set of instructions for the Parliament of 1661, when much needed to be enacted to restore the monarchy. Then, for the 1662 session, Middleton received two separate and more specific instructions concerning church affairs and an Act of Indemnity.⁶⁶ Lauderdale's instructions for the Parliament of 1669 were the most detailed to date, reflecting not only the controversial question of Anglo-Scots union but also Crown revenue, debt, trade, the church, the militia and the courts.⁶⁷ More general instructions were given to him for the sessions of 1670 and 1672, and those for 1673, though appearing to be detailed, relate almost exclusively to conventicles and military matters.⁶⁸ Significantly in the administrations of Lauderdale the concept of private and public instructions had evolved.⁶⁹

From 1679 Lauderdale, now old and politically eclipsed, was replaced by James, duke of Albany and York, as the chief political force in Scotland. James, representing the mind and concerns of his brother the King, presided over the Parliament of 1681 from the Commissioner's throne. Symbolically he was the first Commissioner to take the title 'High Commissioner'. James took a firm grip of the legislative programme, showing a passion for military affairs and for trade as well as for policies to suppress Protestant nonconformity. As an active 'viceroy' he attended almost all Privy Council meetings during his two spells in Scotland 1679-80 and 1680-2. James was to be the only Scottish monarch to carry out the roles of both Commissioner and head of state and this fact, given his tendency to his father's authoritarianism and his grandfather's meddling in detail, produced the most extraordinary effusion of royal instructions for the 1685 Parliament after James succeeded to the throne. William, duke of Queensberry, James's choice as High Commissioner, received forty-one detailed instructions in March 1685 on a vast range of legislative measures, and all but five were accepted by a remarkably loyal Parliament.⁷⁰ This was just the beginning. James delivered via his secretaries Moray and Melfort no fewer than eleven additional sets of

instructions between April and June, sometimes on specific topics, such as the College of Justice or the episcopacy, and sometimes concerning a variety of different matters. The Argyll rebellion, which began as Parliament sat, was the main focus of royal instructions by late May. But not all the instructions were strictly necessary. When he ordered the Commissioner and Parliament to ensure they pass an act *salvo jure cujuslibet*, that is such that the rights of unrepresented parties were protected, he was telling them to carry out a procedure used at every Parliament since 1592.⁷¹ James's excessive interest in legislative detail was reminiscent of James I in the fifteenth century.

As in the months after the Restoration, in the immediate aftermath of the Revolution it was crucial to pass transparent instructions from Crown to Parliament. The priority was not the fine detail of legislation but the security of the Revolution. King William's instructions to Melville, in advance of the choice of Hamilton as President of the Convention of March to May, were simply to consult with the well-affected and with military commanders over security. Also, before the meeting of the Estates, he was to assess party strength, prepare for the consideration of grievances and 'to take the [parliamentary] Registers [into] custody'.⁷² Nonetheless, for the June to August Parliament, with Hamilton as High Commissioner, a comprehensive list of twenty-one instructions was passed to the duke in late May covering not merely security and religion, but a wide range of issues including abuses in the system of courts, arrest without due process, the extension of shire representation in Parliament and limitations of royal prerogative. Essentially, the priority of the Crown was to defuse grievances to such a degree as to maximise support for the new regime. Considerable planning will have been carried out by William and Melville, his Secretary of State, although the fact that Hamilton was not consulted over the very instructions he had to carry through damaged the chances of success. When in July the business of Parliament faltered on the question of the Committee of the Articles a frustrated Hamilton requested fresh instructions. William's compromise proposals and instructions of early July had been rejected and the last formal instructions for the session, in transit to Scotland as Hamilton expressed impatience to Melville, also failed to avoid a humiliating defeat for Hamilton and the Court.⁷³

Hamilton was even more annoyed in the winter of 1689/90 when King William made the decision to print the original Commissioner's instructions, those dated 31 May 1689. William was angry that during the last session of Parliament the duke had failed to show his instructions to other members, and so confirm openly the good intentions of William and Mary over just grievances. Some in the Parliament claimed, from convenience or conviction, that the failure to reach agreement stemmed from Hamilton's own agenda and not that of the Crown. Yet the decision to print was only a qualified success. In December William Lindsay, earl of Crawford, informed Melville that the printing was most welcome and had helped calm protests, but a week later he reported that rumours were now spreading that Hamilton's secret instructions were not those printed by royal authority, which of course they were not. In early 1690 Hamilton complained to Melville that the printing was an unwanted innovation 'which never one of [the King's] predecessors did before' which 'stirr[s] up the rable against me', and indeed this seems to be the first time that a Commissioner's detailed instructions were published in print.⁷⁴ This practice was mostly avoided in future.

Melville and the King took greater care to formulate instructions for the next session of Parliament, though the fact that Melville himself was Commissioner eased communication. Between February and the opening of the session on 15 April 1690 a series of draft instructions was compiled. Gradually some of Melville's grander schemes, such as the setting up of a law commission to 'compile a bodie of law... to be a standing law... in all time comeing', were set aside in favour of more straightforward objectives relating to the universities, stipends, church patronage, the courts and trade.⁷⁵ Melville was given two sets of private instructions in February. The first was of a general nature indicating what the King expected from his Commissioner, who should 'deal with the leading men in the Parliament', establish 'how the members of Parliament stand affected' with the understanding that any 'gratifications yow shall promise... shall be made good'. Melville was given a relatively free hand to bring people over to the Court through bribery and royal patronage. Importantly, Melville also had private instructions to concede on the Articles, to re-visit Hamilton's instructions on supply for the army and presbyterian church government, and also to concede an act abolishing clerical patronage 'if the parliament shall desire', which it duly did.⁷⁶

After Melville arrived in Scotland he and the King continued to communicate over instructions and in late March Melville, after consulting in Edinburgh, 'sent [back] some additional instructions to be subscribed and subsigned' by William. These must have been in preparation for the last instructions for this session, those issued in May. These instructions are remarkable for their succinctness, with most items referring to specific pieces of legislation. Though not printed as far as we know, these additional instructions were clearly intended to be circulated widely in manuscript form, and they concluded with the bland but reassuring catch-all that allowed the Parliament to do as it wished in many policy areas such as 'augmenting of Trade and Commerce, supresing of vyce and encouraging of vertue'.⁷⁷

The Parliament of April-July 1690 was then fairly successful, even though Melville conceded more ground than William and his English ministers had wished. The next session, the following September, was that thinly attended 'Melvillian' gathering mainly consisting of those associated with Melville clientage. Little was done other than agree an extension of much needed supply, and all that survives in the nature of instructions to Melville is a memorandum, the greater part of which was not considered by the Estates.⁷⁸ In the reign of Charles II such a parliament would have been convened as a convention of estates.

As James Johnston began to prepare for the 1693 session of Parliament, we see the planning of Commissioner's instructions taken to new levels. Consultation before the composition of instructions was not, of course, entirely new. In 1669 Charles II had ordered John Hay, 2nd earl of Tweeddale, President of the Privy Council, to 'advise with our chancellor, register and advocate and such others of our privy council ... what is necessary ... to be done in parliament (besides what we have already resolved upon) and return the advice to our secretarie [Lauderdale] that we may accordingly thinke of further instructions to him'.⁷⁹ It is certain also, as seen above, that Melville took advice in Edinburgh before final instructions were issued for the Parliament of April-July 1690. However, starting in January 1693, Johnston went to extraordinary lengths to consult. This was especially important in relation to the two burning issues of that year: the political fallout of the Glencoe Massacre; and the attempts to bring the episcopalian clergy into the church by some form of comprehension,

and so finally bring both Scottish church parties together to the pleasure of the king and the clergy and parliament of England. Johnston was driven by his rivalry with Dalrymple to deliver an administrative *tour de force*, and by doing so he established a breakthrough in procedural reform.

Johnston's consultation process developed in three directions: officer-of-state opinion, party opinion and elite opinion. Adam Cockburn of Ormistoun, the Justice Clerk, Sir James Stewart of Goodtress, Lord Advocate, and the earl of Tweeddale, the Chancellor, were in January and February 1693 all asked to 'write all you can think about a parliament'.⁸⁰ On the party front Sir William Hamilton of Whitelaw, the burgh commissioner for Queensferry, a committed presbyterian and former 'Club' member, was asked by Johnston 'without speaking of this to any man' to send 'a draught of such instructions as you think may be got executed and that are for the public good ...to make me understand the disposition of those with you'. By the end of March Johnston confirmed to Tweeddale that he had received draft instructions 'from some of the Presbyterians'. The episcopalian view was provided by Tarbat in Edinburgh and the co-secretary Dalrymple in London.⁸¹ As for the magnates, outside the major officers of state, Johnston contacted Hamilton in February to get 'his full mind on a parliament'. A few days later Johnston reported to Ormistoun that the duke would not comment until he had consulted with Goodtrees and Ormistoun. Hamilton's views were more forthcoming when on 21 March 1693 Johnston confirmed that the duke would once again be High Commissioner. But Hamilton's experiences in 1689 also interested Johnston. Two weeks before he wrote both to Hamilton and Melville, now Privy Seal, asking for copies of the instructions they used when High Commissioners in 1689 and 1690 respectively.⁸²

Johnston's preparations represent the most comprehensive effort to date to obtain an agreed set of parliamentary instructions. These were finally despatched to Hamilton on 23 March 1693. The King had requested draft instructions in mid March but Johnston, determined to avoid the difficulties that beset Hamilton in 1689 and to a degree Melville in 1690, had already done the preparatory work. Thereafter the development of a political consensus by means of agreed instructions became a 'new' and crucial management device to control the

business of Parliament in the absence of the Lords of the Articles. Indeed, just as the Parliament was about to convene in April 1693, Johnston could write to William Carstares, the Scottish cleric who was William's adviser on Scottish affairs, that on the Secretary's request Hamilton had distributed copies of instructions to Tweeddale, the Chancellor and President of Parliament and other officers of state. Yet Johnston and the King retained the traditional distinction between public and private instructions and levels of subterfuge existed before instructions were composed and after they were given. As Johnston explained to Hamilton, 'the publick instructions (I mean those we both know) are agreed on. There are to be others which only one of us [Johnston or Dalrymple] or neither of us will see'.⁸³ Secrecy in government was as important as ever.

The significance of consensual parliamentary instructions was retained until the Union of 1707. With his usual efficiency Johnston made preparations for the Parliament of 1695, at which Johnston attended and Tweeddale, now allied to Johnston, was High Commissioner. Draft, private and public instructions were drawn up during the early months of 1695, and tackle in particular the thorny questions of economic grievances and the establishment of a great trading company.⁸⁴ The less experienced John Murray, earl of Tullibardine was appointed High Commissioner for the 1696 session of Parliament. As Johnston had been dismissed, for political considerations rather than any administrative failings, in July Carstares took it upon himself to edit the draft instructions submitted by Murray. Indeed, Murray responded with further amendments communicated to the King via William Bentick, 1st earl of Portland, a reluctant expert on Scotland who was close to the ear of the King. Instructions were re-cast to avoid controversy. The public instructions, twenty-seven in all, were altered to exclude William's willingness 'if [parliament] desired' to allow an act that continued the revolution parliament beyond his death, though only if the wording followed the English act, and this very question would create one of the major political controversies of 1702-3. Even the private instructions were altered to exclude the humiliating idea that acts to further trade should 'not give occasion of jealousy' in England with the suggestion that the English parliament should be consulted. This was too much for Murray and other senior Scottish advisors who were consulted over the private instructions.⁸⁵ William often showed himself muddled over what was practical in Scottish politics.

But a pattern in management had nevertheless been set. The instructions to all subsequent High Commissioners - to Patrick Hume, earl of Marchmont, for 1698; to the 2nd duke Queensberry for four sessions 1700-3, when the failure of Darien dominated; to John Hay, 2nd marquis of Tweeddale for 1704; to John Campbell, 2nd duke of Argyll for 1705; and finally again to Queensberry for 1706-7, when parliamentary Union predominated – all continued the procedure of a royal request for draft instructions followed by a consultation process among the main political figures.⁸⁶ Johnston had built on loose pre-Revolution arrangements a mechanism for the management of post-Revolution party politics. As Queensberry put it in a letter to Melville, ‘concerting businesse among ourselves will make matters more easy and very much conduce to the King’s service’.⁸⁷

IV

The parliamentary session from April to June 1693 was a triumph for the managerial skills of James Johnston, though he may not have recognised Rait’s assessment that the session was ‘quiet and peaceful’! Both Hamilton as Commissioner and Tweeddale as Chancellor took their lead from the Secretary. Johnston’s co-secretary Sir John Dalrymple remained in London, wisely absenting himself given the Glencoe scandal. Johnston’s overriding objective was to manage the Parliament with such efficiency as to simultaneously please the King and eclipse Dalrymple. Relations between the two secretaries were, as Sir James Stewart, the Lord Advocate, put it ‘quite brock’.⁸⁸ Dalrymple attempted but failed to rubbish Johnston and Hamilton’s 1693 achievements in the eyes of the king.⁸⁹ But in spite of Johnston’s successful efforts a level of administrative muddle continued into the 1693 session. The preparation of manuscript registers for the 1693 session proceeded speedily enough, and perhaps some credit for this should even go to Tarbat the Clerk Register. Tarbat and Johnston came into dispute, however, over the distribution of parliamentary minutes during the session.

The difficulties of having two rival and distrustful secretaries, both representing Scottish business to a king more interested in English, Dutch and European affairs, were accentuated

by the location of Johnston in Edinburgh and Dalrymple in London. When the 1693 session began Johnston moved to outflank any dangers which might result from unofficial reports or minutes of Parliament reaching the King via Dalrymple. On the same day in May when he wrote to Dalrymple stating he ‘doubted not the clerks would send [Dalrymple] a double (copy) of the parliament’s letter to the King and the minutes’, he obtained the agreement of Parliament that, for the first time, daily minutes would be printed by the royal printer. These would be vetted after the dissolution of each day’s meeting, the Lord Advocate and Justice Clerk being always present at the adjusting of the minutes before publication. This had been prefigured a week or so before, when it was reiterated that the minutes should be signed by the Chancellor; agreed that they would only contain details of the acts and ordinances of Parliament, and lastly decided that each day’s minutes would be read at the next sederunt.⁹⁰ While manuscript minutes of Parliament had been regularly produced since the Restoration, these new formalities emerged for three reasons: because of the expanding quantity of business; due to the desire for new procedures to eliminate unnecessary dispute; but also as a result of Johnston’s determination to control the flow of information from Edinburgh to London.

Opponents did what they could to frustrate these reforms. Johnston’s anxieties over the minutes stemmed from the Clerk Register Tarbat and his close links with Dalrymple. Indeed, one of Dalrymple’s brothers was Deputy Clerk Register under Tarbat, and he appears to have continued to furnish manuscript and even unauthorised printed minutes to the co-secretary in London.⁹¹ The matter came to light, according to an account given by Johnston to Carstares, a week or so after agreement to publish and print only approved minutes. During an investigation into the letters of Lady Largo copies were found of the minutes of Parliament bound for London ‘before they were revised and allowed here’. Johnston and Hamilton confronted Tarbat before Parliament. It seems that ‘minutes were produced in parliament, printed by ...Tarbat’s order’, in which, after the house had been officially adjourned for the day ‘the parliament [was] made to act on as if it was still sitting’. Such confusions resulted in the Parliament losing ‘an hour or two every day by the minutes’. Johnston claimed that the tactics of Tarbat and other wreckers were obvious: ‘to ridicule the parliament by ridiculous minutes’.⁹²

Tarbat's reputation for maladministration had already been further tarnished a few days before. Not only had Tarbat issued an order in the name of Parliament 'which order they never gave' concerning a private process, but also he had been repeatedly found to have '[falsified] the minutes'. Indeed, months later the Privy Council was still authorising the reprinting of minutes from specific days from the 1693 session.⁹³ The Estates themselves were so appalled at his behaviour that 'it was only to prevent noise that he was not suspended from his office'.⁹⁴ Obviously Johnston, no neutral, had political as well as ethical reasons to complain to Carstares and the King about Tarbat's conduct. Nonetheless, Tarbat's administrative lapses, deliberate or accidental, make Melville seem efficient. The parliamentary events of 1693 descended to farce with the defective printing of the acts as a result of Tarbat's continued mismanagement. Tarbat attempted to shift the blame to Agnes Campbell, the king's printer, though it transpired he had provided her with an authorised text, used his own corrector and was presented with a bound copy before distribution commenced. Officials and members of Parliament, including Sir James Stewart, the Lord Advocate, had noticed 'the act anent the Justice Court not touched [with the sceptre, indicating royal assent] was printed, and the act anent the fines and forfeitures [was] touched but not printed [along with] several other errors'.⁹⁵ In August the Privy Council instructed Tarbat to recall all offending copies and to reprint replacements at his own cost. When he eventually offered to resign the Clerk Registry in 1695 it must have been a great relief to many.⁹⁶ However, Tarbat remained an important political figure and his administrative abilities always appeared in inverse proportion to his perceived status as a political heavyweight.

Johnston's project for administrative reform arose from many motives but it was nonetheless of enormous significance and set the tone for the reforming agenda from 1693. He supported the proliferation of regular session committees that arose after 1689 whereby all matters came back to the full house, and Johnston was happy enough with the idea that business was carried out in plain or full parliament after 1702. Yet the reforms he initiated outlived the changes of 1700-3 which saw the demise of most committees. In 1695 acts were regularly to 'lie on the table' enabling a pause in the legislative process for drafts acts and overtures to be

scrutinised.⁹⁷ In 1696 the procedure for processing legislation was further improved by passing the printing of draft acts and the ‘Act that no Law pass at first reading’. This act meant that the word ‘reading’ was formalised as a technical term and an act was now subject to a likely four-stage process: first reading, second or further reading, voting and then touching with the sceptre to make it law.⁹⁸ The Scottish procedure always retained a more flexible structure than the equivalent in the House of Commons but at least the reforms ensured that legislation after 1696 was subjected to the level of scrutiny one would expect from a diligent parliament.

V

From the perspective of parliamentary procedure and administrative reform, the similarities in the Anglo-Scottish experience mattered more than what Sir John Clerk of Penicuik considered as the ‘Englishing’ of Scotland’s parliamentary system before the Union.⁹⁹ Clerk seemed not to realise that in its relationship to the Court the Scottish Parliament was more like the English House of Lords, at least before 1689. In a judicial and procedural sense, after all, the Lords resembled the Scottish Parliament: both were, unlike the Commons but like the Aragonese Cortes and some other European equivalents, law courts and houses that formed committees by estate.¹⁰⁰ Yet it was the shared Anglo-Scottish, post-revolutionary circumstances and not the character of the different assemblies before or after 1688/9, that necessitated new methods of political management. Scottish problems were then tackled with Scottish solutions.

If there are difficult questions over institutional and constitutional convergence before 1707, there are undoubtedly strong parallels in the experiences of the House of Commons and Scottish Parliament after the Revolution. More regular parliaments made it possible to conduct more business and more business put pressure on existing procedures. The House of Commons responded to this challenge by changing its standing orders, although in addition by developing existing ideas of committee structure. Even though the Commons continued to tinker with reform through the 1690s, the principal changes took place within two years of

the Revolution and were mostly based on existing precedents. Therefore, for the Commons the Revolution was procedurally brief and less dramatically wholesale than has sometimes been painted, and was marked by a strong sense of continuity.

The Scottish Parliament, meanwhile, had a mixed record of continuity and change in response to the Revolution. Certainly, in the elections to the Convention in the winter of 1688/9 the electoral machinery of pro-revolutionaries was deployed with astonishing effectiveness. This party management, the relatively close control achieved by William's Scottish ministers during 1689, and the unstoppable wave of presbyterian opinion, on which William had to rely for political reasons, suggests that Scotland's Revolution was more dramatic than that of England. However, the impact on the Scottish Parliament was less sensational or immediate. The reform of the procedures of the Edinburgh Parliament was held back by the single-issue politics of the attack on the Lords of the Articles led by the opposition and especially the 'Club', and also a degree of institutional conservatism. It was not fully in place until 1695-6. Remarkably this reform depended on the initiative of Crown officials and on the direction of James Johnston from 1692. Management was the main motivation for the King and his ministers. Johnston's consultative procedure for creating Commissioners' instructions was developed as an essential, Scottish management device which had, of course, no direct English equivalent. 'Same-day' reporting to the King on Westminster debates, as much as the impact of absentee monarchy on Scotland, accounted for divergent management techniques for the two parliaments. As for the abolition of the Lords of the Articles being so patently a catalyst for freedom of action for the Parliament, this is a point too easily exaggerated. Johnston's report to the King in 1695 makes the fascinating observation that the parliament 'in the last session (and ...this) did acquiesce as much in the resolutions of [the committee of security] as ever parliament did in those of the Articles'.¹⁰¹ Parliament, managed by Johnston and his successors, was certainly capable of acquiescence to the Crown but, as seen in the parliamentary debates from the late 1690s, it was an increasingly conditional loyalism.

While the Claim of Right and Articles of Grievance of 1689, like England's Bill of Rights of the same year, may have held out the promise of a revised constitutional relationship

between Parliament and Crown, it took a lengthier Johnstonian revolution to deliver the mechanisms for Scotland's Parliament to express fully its new sense of purpose. But much reform was not deliberate or with foreseen consequences. The Crown, forced to concede over the Lords of the Articles, wished to maintain the *status quo* through Johnston's new consultative mechanisms. These consultations, which necessarily opened up Crown policy to some debate, and the deliberative changes to make parliamentary procedures more transparent, ensured that in the 1690s opposition to the Court within Parliament could be expressed in a greater variety of procedural ways. Paradoxically subsequent post-revolution parliamentary management was of limited success. Although Johnston could defuse the scandal of Glencoe, management was less effective against the growing economic rivalry between England and Scotland and the political fallout of the Darien affair. The defeat of the Crown in the general election of 1702 responded to and added to the momentum of dissent. Therefore, if the constitutional relationship between monarch and parliament had changed surprisingly little in 1689/90, the position by 1702 was more obviously of a Scottish monarchy limited by the constitution and procedures of a more independent Parliament.

¹ My thanks to Professor Keith Brown and Dr. Roland Tanner formerly of St. Andrews University, Dr. Alan MacDonald of Dundee University and an anonymous referee for useful comments on this article. Any errors are entirely my own.

² A.S. Myers, *Parliaments and Estates in Europe to 1789* (London, 1975), p.92

³ See for example R.J. Tanner, *The Late Medieval Scottish Parliament* (East Linton, 2001) which provides fresh insight into the period before 1488; A. R. MacDonald, 'Deliberative processes in the Scottish parliament before 1639: multi-cameralism and the Lords of the Articles', *Scottish Historical Review* [hereafter *SHR*], (2002); J.R. Young, *The Scottish Parliament 1639-1661: a political and constitutional analysis* (Edinburgh, 1996); and J. Goodare, 'The Estates in the Scottish Parliament, 1286-1707' in C. Jones (ed.) *The Scots and Parliament: Parliamentary History* (Edinburgh, 1996), pp. 11-32 as well as his 'The Scottish Parliament of 1621' in *The Historical Journal*, 38, 1 (1995), pp. 29-51. R. S. Rait's *The Parliaments of Scotland* (Glasgow, 1924) still remains, for all its faults, the most informed and wide-ranging parliamentary history.

⁴ The impact was on the House of Commons rather than directly to the House of Lords which was, up to this point at least, 'the more politically powerful and procedurally sophisticated house'. D.L. Smith, *The Stuart Parliaments, 1603-1689* (London, 1999), p. 2.

⁵ K. M. Ellis. 'The Practice and Procedure of the House of Commons 1660-1714' (unpublished Ph.D, University of Wales, 1993), Chapter 3.

⁶ The Whig interpretation is still popular. W. A. Speck's claim that 'in 1689 [the English] parliament was finally transformed from an event into an institution' is familiar Whiggish exaggeration. W. A. Speck, *Reluctant Revolutionaries: Englishmen and the Revolution of 1688* (Oxford, 1988), p. 246.

⁷ Ellis, 'Procedure of the House of Commons', pp. 485-91. See also T. Rowland, 'Robert Harley's Parliamentary Apprenticeship 1690-1695' in *British Library Journal*, xv (1989).

⁸ Rait, *Parliaments of Scotland*, p. 97.

⁹ T. Thomson and C. Innes (eds.), *Acts of the Parliaments of Scotland* [hereafter A.P.S.], IX, 45. E.E.B. Thomson, *The Parliament of Scotland, 1690-1702* (Oxford, 1926), pp. 2-4.

¹⁰ *Letters and State Papers Chiefly Addresses to George, Earl of Melville ... 1689-1691* (Bannatyne Club, Edinburgh, 1843), [hereafter *Leven and Melville Papers*], pp. 58-61 (Hamilton to Melville, 18 June, 1689).

¹¹ *Leven and Melville Papers*, p. 149 (Hamilton to Melville, 9 July, 1689); *Calendar of State Papers (Domestic)* [hereafter CSPD], 1689-90, p. 176, National Register of Archives (Scotland), [NRA(S)], Duke of Hamilton 2177, bundle 632 (4 July, 1689) and *The Melvilles, Earls of Melville, and the Leslie's, Earls of Leven* ed. W. Fraser, (3 vols), (Edinburgh, 1890), [hereafter *The Melvilles and the Leslie's*], II, p.133 (Melville to Hamilton, 4 July, 1689); CSPD, 1689-90, 189 and National Archives of Scotland [NAS], Leven and Melville Muniments, GD 26/7/194 (17 July, 1689); *Leven and Melville Papers*, pp.174-5 (Hamilton to Melville, 18 July, 1689).

¹² King William, blind to the difficulties, believed Hamilton was 'at the bottom of opposition in Scotland'. This is ironic given the duke's opposition activities in the reign of James VII. See *The Life and Letters of Sir George Savile ... first Marquis of Halifax* ed. H.C. Foxcroft, (London, 1898), II, pp.236-9.

¹³ *Leven and Melville Papers*, p. 414 (Instructions from the King to Melville); A.P.S, IX, 113, appendix, 142.

¹⁴ Rait, *Parliaments of Scotland*, pp. 391-2 and Thomson, *Parliaments of Scotland*, pp. 69-72. The most regular committees became those for controverted elections, trade and security of the kingdom.

¹⁵ Rait, *Parliaments of Scotland* pp. 7-9 and pp. 349-93 and R.S.Rait, 'Parliamentary representation in Scotland:V. The Lords of the Articles', *SHR*, XIII (1915), pp. 68-83.

¹⁶ R.J. Tanner, 'The Lords of the Articles before 1540: A Reassessment' *SHR*, LXXIX, 2. No.208, October 2000, pp.189-212.

¹⁷ J.J. Scally, 'Constitutional Revolution, Party and Faction in the Scottish Parliaments of Charles I' in 'The Scots Parliament', *Parliamentary History* (Edinburgh, 1996), pp. 57-8; Young, *The Scottish Parliament 1639-1641*, p. 3; J. Goodare, 'The Scottish Parliamentary Records, 1560-1603', in *Historical Research*, 72 (1999), p. 246; Rait, *Parliaments of Scotland*, pp. 59-60.

¹⁸ See forthcoming A.R. MacDonald, 'Deliberative processes in the Scottish parliament before 1639: multi-cameralism and the Lords of the Articles', *SHR*, (2002).

¹⁹ C.S. Terry, *The Scottish Parliament: Its Constitution and Procedure 1603-1707* (Glasgow, 1905), pp. 1-3. The Articles represented an even larger percentage of the entire house before the Restoration.

²⁰ MacDonald, 'Multi-cameralism and the Lords of the Articles', *passim*.

²¹ See for example A.P.S., VII, 16; *ibid.*, appendix 59; *ibid.*, VII, 472; Terry, *The Scottish Parliament*, pp. 147-9.

²² There are a number of examples of voting for acts 'one by one' before 1633.

²³ The means of choosing shire/burgh members of the Articles changed in 1663. Nomination was put in the hands of some rather than all clergy and nobles, facilitating even greater control. R. Lee, 'Retreat from Revolution: the Scottish Parliament and the Restored Monarchy, 1661-1663', *Celtic Dimensions of the British Civil Wars*, ed. J.R. Young (Edinburgh, 1997), pp. 197-8.

²⁴ Terry, *Scottish Parliament*, pp. 110-113; J.R. Young, 'The Scottish Parliament and the Covenanting Revolution: the Emergence of a Scottish Commons', *Celtic Dimensions of the British Civil Wars*, p. 166 and p. 178; Scally, 'Scottish Parliaments of Charles I', pp. 58-61; *A.P.S.*, V, 278.

²⁵ *A.P.S.*, VIII, 457; *Register of the Privy Council (Scotland)*, [hereafter *RPC*], 3rd series, XI, pp. 12-14; Rait, 'Parliamentary Representation in Scotland: V: The Lords of the Articles' in *SHR*, XIII, (1915), p. 77.

²⁶ NAS. Dukes of Hamilton Muniments GD 406/1/7151 and 6146 (Hamilton to Arran (10 and 23 February, 1686))

²⁷ For the voting and debate see *Reports of the Historical Manuscripts Commission* [hereafter *HMC*], 60, Manuscripts of the Earl of Mar and Kellie (1904), pp. 217-9 and NAS. Earls of Mar and Kellie, GD. 124/10/418, and for drafts of the acts and pamphlets for and against see Robert Wodrow, *The History of the Sufferings of the Church of Scotland from the Restoration to the Revolution (1721/2)*, (4 vols) (Glasgow, 1828) IV, pp. 366-86; Sir John Lauder of Fountainhall, *Historical Notices of Scottish Affairs*, (2 vols), (Bannatyne Club, Edinburgh, 1848) II, pp. 715-39. R. Hutton, 'The Triple-crowned Islands', *The Reigns of Charles II and James VII and II*, ed. L.K. Glassey, (London, 1997), pp. 79-80; K.M. Brown, *Kingdom or Province?: Scotland and the Regal Union, 1603-1715* (London, 1993), pp. 162-4; Rait, *Parliaments of Scotland*, pp. 88-95.

²⁸ NAS. Dukes of Hamilton Muniments GD 406/1/9149 (4 March); 406/1/9234 (2 June); 406/1/9236 (10 June), all letters Melfort to Hamilton.

²⁹ *Seafield Correspondence from 1685-1708*, ed. J. Grant (Scottish History Society [SHS], Edinburgh, 1912), p. 29. Letter dated 29 May, 1686.

³⁰ *CSPD, 1689-90*, pp. 109-10.

³¹ Rait, *Parliaments of Scotland*, pp. 95-6. The periodical 'Account of the Proceedings of the Estates of Scotland' provides a list of those who absented themselves from the convention, but this conflicts with the sederunt in the registers. This may be explained by the statement 'some of those that had withdrawn themselves, have upon second thoughts returned'. *An Account of the Proceedings of the Estates of Scotland, 1689-1690* (2 vols) (SHS, Edinburgh, 1954), I, pp. 16-17 and 20.

³² National Library of Scotland [NLS], Yester Papers, MS 7026, 195. From Tweeddale's notes of debates in April 1689.

³³ B. Lenman, *The Jacobite Risings in Britain, 1689-1746*, (London, 1980), p. 37 and M. Lynch, *Scotland: A New History* (London, 1992), pp. 300-1.

³⁴ *A.P.S.*, IX, 102. Lenman's view of noble inaction contributing to the success of the Revolution and Riley's account of noble self-interest conflate to a degree. See B. Lenman, 'The Scottish Nobility and the Revolution of 1688-1690', *The Revolutions of 1688*, ed. R. Beddard (Oxford, 1991), pp. 137-62 and P.W.J. Riley, *King William and the Scottish Politicians*, (Edinburgh, 1979) pp. 1-10, still the most detailed account of politics in Scotland under William and Mary.

³⁵ A.P.S., IX, 3-4 and 95-6.

³⁶ Colin, Earl of Balcarres, *Memoirs Touching the Revolution in Scotland*, ed. Lord Lindsay (Bannatyne Club, Edinburgh, 1841), pp. 24-25; Rait, *Parliaments of Scotland* pp. 95-6. The legality of the general election was questionable. Burgh representatives were chosen by all burgesses instead of the traditional constitutional procedure of being commissioned by the town councils. Many voted without legal claim to the franchise.

³⁷ James had nominated hand-picked provosts who, he hoped, could be relied upon to choose magistrates and councillors who would become Crown 'lobby-fodder' in a future parliament.

³⁸ *The Parliaments of Scotland: Burgh and Shire Commissioners*, ed. M.D. Young, (2 vols), (Edinburgh, 1992-3), II, p.574 and p. 613. The notion that Jacobites were as numerous as revolutionaries in 1689 is not borne out by the evidence of voting in the Estates. See W. Ferguson, *Scotland 1689 to the Present*, (Edinburgh, 1978), p. 2 and I.B. Cowan, 'Church and State Reformed? The Revolution of 1688-9 in Scotland', *The Anglo-Dutch Moment: Essays on the Glorious Revolution and its World Impact*, ed. J.I. Israel, (Cambridge, 1991), p. 164. See also the Jacobite George Lockhart of Carnwath's view in 'Scotland's Ruine': *Lockhart of Carnwath's Memoirs of the Union*, ed. D. Szechi (Aberdeen, 1995), pp. 8-9.

³⁹ Riley, *King William and The Scottish Politicians*, pp. 29-33 and J. Halliday, 'The Club and the Revolution in Scotland, 1689-90', *SHR*, XLV, (1966).

⁴⁰ A.P.S., IX, 106-7. For attendance at sessions 1689-1702 see Riley, *King William and the Scottish Politicians*, appendix A, pp. 165-78.

⁴¹ For key legislative moments see A.P.S., IX, 111; *ibid.*, 113; *ibid.* 133-4; *CSPD*, 1691-2, pp. 256-8, (Melville to King William, 27 April [1690]); *Leven and Melville Papers*, pp. 436-8, (King William to Melville, 22 May); *ibid.*, pp. 456-7 and Nottingham University Library [NUL], Portland collection, PwA 2338 (Melville to the Queen, 2 July) and Balcarres, *Memoirs*, pp. 56-8. For a summary of the plot see Riley, *King William and the Scottish Politicians*, pp. 39-42 and also *Leven and Melville Papers*, pp.453, 478-9, 479-80, 492-3, 484, 506-13 and 523-5 (June to September 1690) and NUL. Portland, PwA, 2347 (Melville to [William Carstares]1690) and PwA 2344 (Melville to Queen Mary, 17 August, 1690).

⁴² A. J. Mann, *The Scottish Book Trade, 1500-1720: Print Commerce and Print Control in Early Modern Scotland* (East Linton, 2000), p. 113 and p. 155. See A.L. Murray 'The Lord Clerk Register' in *SHR*, LIII, (1974), pp. 124-56.

⁴³ For a full list of commissions see *Leven and Melville Papers*, p. 340 (7 December 1689). Some group commissions did occur under James VII.

⁴⁴ A.P.S., IX, 110 and 149.

⁴⁵ For example see NAS. State Papers [SP] 3/1, Johnston's Letter Book [Johnston] (Johnston to William Carstares, 16 May, 1693).

⁴⁶ Young, *Burgh and Shire Commissioners*, I, pp. 381-2.

⁴⁷ *A Supplement to Burnet's History of My Own Time*, ed. H.C. Foxcroft, (London, 1902), pp.370-3, 392 and 415.

⁴⁸ NAS. SP 3/1, Johnston (Johnston to earl of Tweeddale, Chancellor, 18 February, 1693)

⁴⁹ *Ibid.*, (Johnston to William Carstares, 16 May, 1693). For alternate work see letters to Tweeddale, the Chancellor, about adjournments to Parliament: Johnson wrote on 25 January 1693 to delay the Parliament until 1 March but Dalrymple wrote on 21 February 1693 to delay it to 6 April. NLS Johnston Letters, Mss. 14408, 166 (Johnston to Tweeddale); NLS Yester Papers, 7015, 23 (Dalrymple to Tweeddale).

⁵⁰ See Riley, *King William and the Scottish Politicians*, pp. 74-86.

⁵¹ NAS. SP 3/1, Johnston (Johnston to Melville, Privy Seal, 2 March, 1693). The letter was just before Melville moved to ally himself with the episcopalians in the session of April/June 1693.

⁵² Riley, *King William and the Scottish Politicians*, pp. 71-2; *State Papers and Letters addressed to William Carstares*, [hereafter *Carstares State Papers*], ed. J. McCormick (Edinburgh, 1774), (Johnston to Carstares, 16 May 1690 [sic. 1693]), pp. 170-7 and *ibid.*, (Johnston to Carstares, 19 May 1693), pp. 178-81.

⁵³ This is not the Sir David Nairn who became from 1689 under-secretary to James VII and the Old Pretender at St. Germain. See NLS. Mss. 14266 'Journal of Sir David Nairn, (1655-1708) under-secretary of state to James II and his son the Old Pretender'.

⁵⁴ NAS. Leven and Melville Muniments GD 26/13/48/1 (Letters dated 19 and 24 April, 1690).

⁵⁵ *Leven and Melville Papers*, pp. 430-1 (Lockhart to Melville, 29 April 1690). See also *ibid.*, pp. 342-3 (Lockhart to Melville, 10 December, 1689).

⁵⁶ *Leven and Melville Papers*, pp. 432-3. (Nairn to Leven, 1 May, 1690). NUL, Portland, PwA. 2339-2344 (Letters Melville to the Queen, July-August 1690).

⁵⁷ When Johnston became Secretary Nairn's position was continued due to some desire of the king, even though Johnston would have preferred his brother Alexander. NLS. Mss. 14408, Johnston Letters, 174r-v (Johnston to Chancellor Tweeddale, 14 February 1693). Nairn had the pleasure of 'out-surviving' many of his more illustrious critics and retained his post until the union of 1707.

⁵⁸ NAS. PA.2.33. For quote see unfolioed recto before fl 1.

⁵⁹ *Leven and Melville Papers*, pp. 373-4 (Sir James Dalrymple of Stair to Melville, 17 January, 1690).

⁶⁰ NAS. PA.2.34 and especially 122v to 130v.

⁶¹ The September session was so thinly attended Hamilton claimed 'it looked not lyck a parliament'. NLS. 7012 Yester Papers, 163 (Aikenhead to Yester, 5 September, 1690).

⁶² This series would be continuous from 1685.

⁶³ For printed editions 1689/90 see H.G. Aldis, *A List of Books Printed in Scotland before 1700* (1904, reprinted and updated 1970), nos. 2526; 2627; 2852; 3018; 3019; 3020; 3021 and for 1693 session, 3284; 3285 and 3286.

⁶⁴ NLS. 7012 Yester Papers, 163 (Aikenhead to Yester, 5 September, 1690) and *ibid.*, 175 (Aikenhead to Yester, 30 September, 1690). Aikenhead also provided Yester with reports of debates in Parliament during 1690. See *ibid.*, 91 (15 June, 1690) and 106 (1 July, 1690).

⁶⁵ See for example for Charles I NAS. Duke of Hamilton, GD 406/1/1031 (October 1639) and GD 406/1/1906 (September 1643).

⁶⁶ *The Lauderdale Papers*, ed. Osmund Airy (3 vols), (Camden Society, London, 1884-5), I, pp. 39-40 (December, 1660); *ibid.*, pp. 103-5, *ibid.*, appendix pp. 296-8 (January/February 1662); see British Library Additional Manuscripts [hereafter BL. Add. Ms.] Lauderdale Papers [ex. microfilm NAS RH4/178] 23114, f.88, 23117, f.19 and 23117 f.11; Sir George Mackenzie of Rosehaugh, *Memoirs of the Affairs of Scotland from the Restoration of King Charles II* ed. T. Thomson, (Edinburgh, 1821), p. 67 and J. Buckroyd, *Church and State in Scotland, 1660-1681* (Edinburgh, 1980), p. 46.

⁶⁷ BL. Add. Ms. Lauderdale Papers 23132, 93; NLS. Ms. 14488, Yester Manuscripts, 79-80; 'Letters from John, second earl of Lauderdale, to John, second Earl of Tweeddale, and others' in *Miscellany of the Scottish History Society*, vi, ed. H Paton, (Edinburgh, 1939), pp.

220-1. R. Lee, 'Government and Politics in Scotland, 1661-1681' (unpublished PhD, Glasgow, 1995), p. 203.

⁶⁸ For 1670 BL. Add. Ms Lauderdale Papers 23134,40; NLS. Ms 7004, Yester Papers, 91; *Lauderdale Papers*, II, pp. 183-7 and NAS. Dukes of Hamilton, GD 406/2/640/3 'Memorandum of Some Passages past in Parliament begune 28 July 1670, second session' for Hamilton's querying of Lauderdale's instructions re supply; 1672, *Lauderdale Papers*, II, pp. 223-4 and Mackenzie, *Memoirs*, pp. 222-3; 1673, *Lauderdale Papers*, II, pp. 234-6 and III, p.1. Conventions, being generally limited to taxation, were not treated through the mechanism of formal and detailed instructions.

⁶⁹ For example *Lauderdale Papers*, II, pp. 223-4, BL. Add Ms. Lauderdale Papers 23135, f.170, (23 May, 1672). Lauderdale's private instructions show the extent to which the king trusted him to make decisions.

⁷⁰ *HMC*, xv, 8, Buccleuch and Queensberry Mss, pp. 90-3 (28 March, 1685).

⁷¹ *Ibid.*, (15 April); *ibid.*, 94 (21 April); *ibid.*, 94-5 (29 April); *ibid.*, 95 (4 May); *ibid.*, 95 (12 May); *ibid.*, 96 (14 May); *ibid.*, 96 (25 May); *ibid.*, 96-7 (25 May); *ibid.*, 97 (25 May); *ibid.*, 98 (25 May); *ibid.*, 98 (10 June).

⁷² *Leven and Melville Papers*, pp. 1-3.

⁷³ *CSPD*, 1689-90, pp. 126-8 and *A.P.S.*, IX, appendices, 125-6; *The Melvilles and the Leslies*, II, pp. 111-13 (Dalrymple to Melville, 23 June 1689); *Leven and Melville Papers*, pp. 174-5 (Hamilton to Melville, 18 July 1689); *The Melvilles and Leslies*, II, p. 133; *CSPD*, 1689-90, p. 176 and NRA(S), Duke of Hamilton 2177, bundle 632; *CSPD*, 1689-90, p.189; NAS. Leven and Melville Muniments GD. 26/7/194, NRA(S), 2177, bundle 632 and *A.P.S.*, IX, appendices, 135. Sir John Dalrymple and others realised Hamilton's instructions were inadequate.

⁷⁴ NAS. Dukes of Hamilton, GD. 406/1/6447 (Hamilton to Duchess, 24 October 1689); *Leven and Melville Papers*, pp. 349-50 (Crawford to Melville, 19 December 1689); *ibid.*, pp. 354-5 (same to same, 24 December 1689); NAS. Dukes of Hamilton, GD 406/1/3806 (Hamilton to Melville, date uncertain); *ibid.*, GD 406/1/3651 and *The Melvilles and the Leslies*, II, pp. 144-5.

⁷⁵ NAS. Leven and Melville Muniments, GD. 26/7/210 and *The Melvilles and Leslies*, III, pp. 203-5; NAS. GD 26/7/228; *Leven and Melville Papers*, p. 432.

⁷⁶ Thomson, with great exaggeration, views this as the virtual starting point of bribery in Scottish politics. See Thomson, *Parliament of Scotland*, pp.5 and 24. *Leven and Melville Papers*, pp. 414-15 and 417-18. Melville conceded the 'Act concerning Patronages' rather too easily in the eyes of the king and many noble landowners.

⁷⁷ *CSPD*, 1691-2 [1690] pp. 186-8 (Melville to William, 20 March 1690); *Leven and Melville Papers*, pp. 438-9.

⁷⁸ NAS. Leven and Melville Muniments, GD. 26/7/221 'Memoriall ffor his Grace My Lord Commissioner'. For Melville's suggestions for suitable business see NUL, Portland, PwA 2345 'Memoriall concerning the affaers of Scotland' (1690).

⁷⁹ NLS. Yester Mss.14488 f67 (7 and 15 Jan. 1669)

⁸⁰ NAS. SP 3/1, Johnston (Johnston to Ormistoun, 17 January 1693); *ibid.*, (Johnston to Goodtrees, 14 February 1693); *ibid.*, (Johnston to Tweeddale, 18 February 1693).

⁸¹ *Ibid.*, (Johnston to Hamilton, 14 February 1693); *ibid.*, (Johnston to Hamilton, 2 March 1693); *ibid.*, (Johnston to Tweeddale, 21 March 1693). Before Johnston left for Scotland,

Dalrymple did what he could to hinder this planning phase by raising awkward questions, although to be fair some of these reflected the king's own opinions.

⁸² Ibid., (Johnston to duke of Hamilton, 19 February 1693); *ibid.*, (Johnston to Ormistoun, 23 February 1693); *ibid.*, (Johnston to duke of Hamilton, 21 March 1693); *ibid.*, (Johnston to duke of Hamilton, 2 March 1693); *ibid.*, and GD. Leven and Melville Muniments 26/13/35/1 (Johnston to Melville, 2 March 1693).

⁸³ NRA(S), Duke of Hamilton 2177, b.634; NAS. SP 3/1, Johnston (Johnston to Tweeddale, 14 March 1693); *Carstares State Papers*, p. 154 (Johnston to Carstares 18 April 1693); NAS SP 3/1, Johnston (Johnston to duke of Hamilton, 21 March 1693).

⁸⁴ *CSPD*, 1694-5, pp. 428-30; NLS. Yester Mss 14488, f93.

⁸⁵ *Carstares State Papers*, pp. 294-5; NUL, Portland, PwA 956 1-2 (Murray to Portland, 21 July, 1696) and PwA 957 1-4 for listed draft and final instructions.

⁸⁶ For examples: NAS. Hume of Marchmont GD. 158/914, *HMC*, xiv,3, Marchmont Mss, 98-9; NRA(S), Lord Polwarth 245/60; NAS. Leven and Melville Muniments, GD 26/13/67/9; NAS. Hume of Marchmont GD. 158/2991; *CSPD*, 1702-3, p. 671 and Riley, 'The Formation of the Scottish Ministry of 1703' in *SHR*, XLIV,2, (1965), pp. 132-3.

⁸⁷ For Queen Anne's requests for draft instructions see *HMC*, xiv,3, Mss Countess of Seafieid, pp. 194-5; NAS. Leven and Melville Muniments GD 26/13/67/9, (Queensberry to Melville, 14 October 1700).

⁸⁸ Rait, *Parliaments of Scotland*, p. 106; *Seafieid Correspondence*, p. 120 (Stewart to Sir James Ogilvie, 30 August 1693).

⁸⁹ NUL, Portland, PwA 327 1-2 (Dalrymple to King William, 30 May 1693) and NUL, Portland, PwA 328 (same to same, 20 June, 1693). See also NUL, Portland, PwA 217 'Memorial concerning the Management of Affairs in the last session of the Parliament of Scotland' which contrasts the instructions with what was achieved in 1693, talks much of bribery and was probably by Dalrymple. Incorrectly dated 1690 in the Portland Papers.

⁹⁰ NAS. SP 3/1 Johnston (Johnston to Dalrymple, Master of Stair, 2 May 1693); *A.P.S.*, IX, appendices, 75; *A.P.S.*, IX, 248; *ibid.*, 250 and *ibid.*, 351.

⁹¹ *Carstares State Papers*, p. 170 (Johnston to Carstares, 16 May 1693).

⁹² NAS. SP 3/1 Johnston (Johnston to Carstares, 19 May 1693) and *Carstares State Papers*, pp. 178-81.

⁹³ NAS. PC.1/48, f.112 (3 August, 1693) and f. 127 (5 September, 1693).

⁹⁴ NAS. SP 3/1 Johnston's Letter Book (Johnston to Carstares, 16 May 1693) and *Carstares State Papers* pp. 170-8.

⁹⁵ *Seafieid Correspondence*, pp. 113-14 (Sir James Stewart to Sir James Ogilvie, 7 August 1693).

⁹⁶ NAS. PC.1/48, f.112-3 (3 August, 1693). For offer to resign see *Carstares State Papers*, pp. 229-30 (Tarbat to Carstares, 16 May 1695).

⁹⁷ Some acts had done this as early as 1681. See NAS PA7 11, 96 Minutes of the Committee of the Articles, 1681.

⁹⁸ *A.P.S.*, IX, 353; *A.P.S.*, X, 20; *ibid.*, 35, *ibid.*, 207; Rait, *Parliaments of Scotland*, pp. 429-34; Terry, *Scottish Parliament*, pp. 149-52; Thompson, *Parliament of Scotland*, pp. 88-91.

⁹⁹ Sir John Clerk of Penicuik *History of the Union of Scotland and England* (c.1724-30), ed. D. Duncan, (SHS, Edinburgh, 1993), pp. 81-2, surprisingly bitter for a pro-unionist.

¹⁰⁰ A. Swatland, *The House of Lords in the Reign of Charles II* (Cambridge, 1996), pp. 50-70. Myers, *Parliaments and Estates in Europe*, pp. 29- 34.

¹⁰¹ *CSPD, 1694-5*, pp. 465-6 (9-17 May, 1695).