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WITH SPECIAL REFERENCE TO THE
CASE OF ANDREW FLETCHER,
LORD MILTON

by

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ABBREVIATIONS

APS	Act of Parliament, Scotland
<u>APS</u>	<u>Acts of the Parliaments of Scotland (Edinburgh 1844-75)</u>
BLC	British Linen Company
<u>CP</u>	<u>The Complete Peerage</u>
<u>DNB</u>	<u>Dictionary of National Biography</u>
ELC	Edinburgh Linen Company
HMC	Royal Commission on Historical Manuscripts
NLS	National Library of Scotland
RBS	Royal Bank of Scotland
SB	Saltoun Box (NLS reference)
SC	Saltoun Correspondence (NLS reference) and, where specified, Sheriff Court records (SRO reference)
S.C.J.	Senator of the College of Justice (Lord of Session)
<u>SHR</u>	<u>Scottish Historical Review</u>
<u>SP</u>	<u>The Scots Peerage</u>
SRO	Scottish Record Office
W.S.	Writer to the Signet

PREFACE

The majority of the letters from Lord Milton quoted are copies which he kept of his more important communications. His main correspondent was the Earl of Ilay (1706), 3rd Duke of Argyll (1743). The Argyll papers at Inveraray Castle are unavailable. Ilay's papers apart from estate material are not at Inveraray, however, being included in his English estate and going to his mistress Mrs Anne Williams or Shireburn, then to her son by him, William Williams or Campbell, and then to the latter's son Archibald Campbell, who gave William Coxe access to them for his Memoirs of Sir Robert Walpole (1798). After that these papers were lost (Sir Lewis Namier having failed to trace them in recent times) and might, if found, be disappointing in one respect, the injunction of Milton to Ilay being to burn his (Milton's) letters. Fortunately Ilay's letters to Milton are preserved in the latter's vast archives (the bulk of the Saltoun Papers at the National Library of Scotland). It is evident that Milton systematically stored every scrap of paper addressed to him.

Milton is correctly described as plain Andrew Fletcher before he took the judicial title of Milton from part of his uncle's and father's estate of Salton (there already being a Lord Salton, in the Scots peerage). And his proper title during the centre of his career was, according to the usage of the time, "the Lord Justice Clerk", the designation of Milton not then applying. For simplicity's sake, however, he is referred to throughout as Milton. Similarly Ilay is always referred to as Ilay rather than Argyll to avoid confusing him with his brother the 2nd Duke of Argyll. And the 18th century spelling of Salton is preferred to the preciously antique form of Saltoun now prevailing.

I am greatly indebted to Professor R.H. Campbell for his valuable advice and unstinting encouragement, and to Mrs Margaret Anderson, Dr Anand Chitnis, Dr Derek Dow, Dr Alastair Durie, Mrs Rita Hemphill, Mr Murdo MacDonald, Mr Michael Moss, Dr Alexander Murdoch, Miss Chris Robertson, Mr John Simpson, Miss Veronica Stokes, Mr Arnott Wilson, the Secretaries of the Royal Bank of Scotland and the Bank of Scotland and the staff of the National Library of Scotland and the Scottish Record Office for their generous help and cooperation.

INTRODUCTION

Lawyers in 18th century Scotland are believed to have been an elite. This applies especially to members of the Faculty of Advocates, judges and advocates in the Court of Session in Edinburgh, the head civil court, who were known to contemporaries as the lawyers.¹ In Scotland after the Union of 1707 "The law, lawyers and legal system were", it is said, "like a hub of a wheel ... with spokes going out to touch most areas of elite activity."² The literature on the period between the Union and the rise of Henry Dundas late in the century refers to one particular strand in lawyers' influence, their power in the country's administrative and political life: they did "the effective day-to-day work" of political management; they "were involved in making and executing economic policy".³ Some observe that advocates (and sometimes their lesser brethren, writers to the Signet), drew influence from their legal skills, when used, for example, in election business⁴ - where they were employed in creating fictional votes, managing electoral meetings and conducting litigation - or in framing legislation.⁵ Another view, a traditional one, conjures up a vacuum which lawyers filled. The idea, which is disputed by N.T. Phillipson, is that with the removal of Parliament and the Privy Council at the Union and with the nobility, the traditional ruling class, taking "the highroad to London, ... the legal system and legal profession had filled the vacuum", the Court of Session becoming "a substitute for Parliament" and the Faculty of Advocates "a natural substitute for the natural leaders of Scottish society who had lost their virtu on the road to London".⁶ Another belief, springing from the works of G.W.T. Omond, George Menary and Duncan Warrand, is that high legal office holders, especially the Lord Advocate and the Lord President, took over the direction of political administration in Scotland after the Union, in the absence of the old structure of government.⁷ This is contested by Phillipson and John M. Simpson,⁸ yet not without a certain ambivalence,

in that Simpson, in dismissing the pretensions of Lord Advocate Duncan Forbes in the control of patronage, alludes to his "administrative achievements".⁹ The final view, based on the writings of Alexander Carlyle of Inveresk, John Ramsay of Ochtertyre and, later, Duncan Warrand, is that "the greatest Scottish statesmen in London used great lawyers (like Lord Milton or Duncan Forbes of Culloden) as their agents in their homeland."¹⁰

It is proposed to end this division of opinion by tackling its causes. Of these there are two: first, the fundamentals of the lawyers' induction into and subsequent effectiveness in work at the core of Scottish political, social and economic administration in Edinburgh have never been explored; and, second, that core has remained rather elusive, being understood clearly (through Simpson's analysis) in only one of its elements, that of political management in relation to the disposal of patronage.¹¹ In short, it is generally unclear why the lawyers were leaders (if such they were) at the centre of Scottish administration and what they were leaders of.

The second of these problems, that of the nature of the political-administrative structure, is reflected in the inescapably vague term "the civic leadership", chosen to represent activity at the centre of political management and administration in Edinburgh, and borrowed from Phillipson who uses it in a broader way to include leadership in culture and polite society, which is not of concern here. As a preliminary definition of civic leadership with regard to public administrative matters, it is taken to stand for endeavours designed to direct or shape whole areas of Scotland's economic, social and political life, as distinct from small and strictly local, personal or narrowly private enterprises. A fuller understanding of what it involved will appear in course out of the argument, which will reveal the creation (mainly from the 1720s) and nature of the parts of the administrative structure. Those parts will be found to be few yet wide in their scope and embracing

organisations which today would be understood as private institutions.

The main line of argument will pursue the fundamentals of the lawyers' introduction to and place in the civic leadership. This will be done by first seeking out the general conditions which affected them, and second enquiring into the particular case of Lord Milton. Of the general conditions the surest to begin with is the disposition of the old Scottish ruling classes, especially the nobility, after the Union. If the old ruling regime had continued to be available for administrative work in Scotland after the Union it would be difficult to claim any great pretensions for the lawyers as the new force in public life. Once it has been established that the leaders of the old regime were indeed not disposed to remain in administration in Scotland, the way is clear to find how far the lawyers as a group were their natural successors, either by virtue of their own positions in the Administration before the Union, or, somehow, because of their professional qualifications, or, strongest of all, their ranking below the nobility in the ruling social hierarchy of landed society. And contributory factors of subsidiary weight will be slotted into place where appropriate. Conclusions drawn from this examination will be tentative until hardened through analysis of the case of Lord Milton, in which the factors determining his status and effectiveness as a civic leader will be scrutinised.

Milton has been selected for special attention because contemporaries accounted him supreme among the lawyer politicians and administrators of his generation,¹³ his nearest rival being Duncan Forbes of Culloden. Unrepresentative though Milton's stature may have made him, his successes and failures can be used to assess the impact of his weaker colleagues, by signifying the absolute upper limit on the potential of the civic leaders in Scotland. Then, the scope of his work was broad, so through him a wide sweep of political administration can be scrutinised. The full panoply does not appear, because he was not deeply immersed (either

from expediency or disqualification) in every area of endeavour: thus he was interested in the Boards of Customs and Excise without being a Commissioner, and in the General Assembly of the Church of Scotland, without being a member of it: but no other could match his interest, whether remote or intimate, overall. Following from the breadth of his concerns, he worked with, directed or opposed all other activists, lawyers and non-lawyers, for forty years, so that through him the merits of these appear. Fortuitously, that period began with the revival of interest in Scottish civic life after the post-Union trough - as betokened especially by the appearance in 1727 of two new institutions, the Board of Trustees for Manufactures and the Royal Bank of Scotland - and ended before serious dislocation to the entrenched and thitherto stable economic, social and political order when confronted by industrialization. The latter phenomenon was to entail a partial decline in the relevance of the land-based administrative regime and the assumptions upon which it operated, and a shift in power from Edinburgh and the east towards Glasgow and the west.

1. Andrew MacDouall, Lord Bankton, An Institute of the Laws of Scotland (Edinburgh 1751-3), ii, 484.
2. A.C. Chitnis, The Scottish Enlightenment (London 1976), 75.
3. T.C. Smout, A History of the Scottish People, 1560-1830 (London 1972), 350.
4. William Ferguson, Scotland: 1689 to the Present (Edinburgh 1968), 142.
5. Chitnis, The Scottish Enlightenment, 81-2.
6. N.T. Phillipson, "Lawyers, Landowners and the Civic Leadership of Post-Union Scotland", The Juridical Review, 1976 - part 2 - August, 98.
7. e.g. Omond, The Lord Advocates of Scotland (Edinburgh 1883), ii, 273-4; Menary, The Life and Letters of Duncan Forbes of Culloden (London 1936), 78-104, 136; Warrand (ed.), More Culloden Papers (Inverness 1923), iv, 124.
8. See citation of Phillipson's "The Scottish Whigs and the Reform of the Court of Session, 1785-1830" (Ph.D. dissertation, Cambridge University, 1967) by John M. Simpson in "Who Steered the Gravy Train, 1707-1766?", in N.T. Phillipson and Rosalind Mitchison (eds.), Scotland in the Age of Improvement (Edinburgh 1970), 67.
9. "Who Steered the Gravy Train?" in Phillipson and Mitchison, op. cit, 67.
10. Smout, History of the Scottish People, 350; Carlyle, Anecdotes and Characters of the Times (London 1973), 137; Ramsay, Scotland and Scotsmen in the Eighteenth Century (Edinburgh 1888), i, 87; Warrand, More Culloden Papers, vol. ii, including correspondence between Forbes and the second Duke of Argyll.

11. As discussed in "Who Steered the Gravy Train?". Chitnis and Phillipson stress the tentative nature of their own conclusions on the lawyers' significance and point to the need for further research. I am very grateful for their stimulating ideas on the law and lawyers.
12. As in "Lawyers, Landowners and the Civic Leadership in Post-Union Scotland".
13. Carlyle, Anecdotes and Characters, 137; Ramsay, Scotland and Scotsmen, i, 87-8.

CHAPTER 1

THE DISPOSITION OF THE NOBILITY AFTER THE UNION

The precondition upon which rested the potential of the Edinburgh lawyers for civic leadership in Scotland after the Union was the absence of the nobility. Accelerated or triggered by the Union, the lack of interest in civic affairs in Scotland of those at the summit of the old ruling order left a void to be filled by others who had been below them, including, notably, the lawyers. That is the theory. It is supported by the view of a contemporary, James Erskine of Grange, Lord Justice Clerk, who told the Duke of Queensberry in 1733 that

The Country now, and for some years, has lookt on it self as dserted, not only by the Courtiers, but by the principall of its Nobility and Gentry, who either did not reside in it and but rarely made it a visit, or did not meddle nor concern themselves with any thing but their own immediate private affairs.... and that if this was not put a stop to, that Country would be left a Prey to rapacious rogues.¹

The narrow context of Grange's statement was that he feared that in this vacuum his political enemies in Scotland, the "rapacious rogues Lord Ml___n &c" would "have all before them and no men of sufficient Figure to counteract them".² In a general context the nobility and part of the gentry had departed, leaving behind some members of the gentry who were in a position to take over the leadership. The reality of the change has not, however, gone entirely unchallenged:

For it is simply not true that Edinburgh's aristocratic social life disintegrated after the Union. Although the great territorial magnates do seem to have taken the high road to London soon after the Union ... the lesser nobility and substantial gentry did not do so, and from the late 1710s until the 1780s it is clear ... that the city continued to be the resort of a highly aristocratic society around whom much of the political and cultural life of the country revolved.³

To establish how far Scotland was abandoned physically after the Union by the pre-Union ruling order, the latter is now defined, so that the disposi-

tion after 1707 of its leading members can be assessed.

The source of power before the diverse economic expansion of society and the rise of the industrial classes, was land, in which lay wealth.⁴ "It is an uncontrovertible Maxim in Politicks that Dominion ought to follow the Property", said Milton's uncle, Andrew Fletcher of Salton, in 1703, the allusion being to heritable property as distinct from moveable goods.⁵ This was more than a philosophical ideal. It was reflected in the representation in Parliament, Scotland's supreme legislative and revenue-raising body.⁶ Parliament supposedly consisted of three estates, those of the nobility, the barons and the burgesses.⁷ In fact it was dominated by one interest, the landed, with burgesses having a marginal share.

The first estate, that of the nobility, was linked more intimately to the land than was the nobility of England. Thomas Innes explains that in England the peerage

in the sense of personal dignities, developed from the de-feudalism of eleventh and twelfth century comital and baronial fiefs and the substitution of a body of hereditary ... councillors dependent upon the Royal summons and segregated in Parliament from the Commoners of England.⁸

Under the Plantagenets and Stuarts the aim in England was to supplant the feudal baronage "by a more controllable body of councillors dependent upon the Court and Ministry". In Scotland there was not the same challenge to the feudal order. Perhaps this was because the clan system had "divested Scottish feudalism of the oppressive and unsociable features", or the worst of them, observed elsewhere. The land-based peerage of Scotland developed from the sub-kings or mormaors, "who acquired a feudal character towards the twelfth century", and from the great feudal baronage. It "gradually converted to a personal basis during the fifteenth-sixteenth centuries, but remained in a measure territorial in concept until the eighteenth century".⁹ Although "a Scottish personal dignity could exist apart from the land", it was for long considered "that the

nomen dignitatis could not be retained without the chief message".¹⁰ This partly explains why, at the Union, three Scottish peers, the de jure Lords Borthwick, Colville of Culross and Somerville, did not assume their titles, when in poor material circumstances.¹¹ These families would also have been reluctant to claim their peerages because parliamentary attendance was required of peers at their own expense.¹² Thus distilled, the nobility kept its strength at the time of the Union. A sign of this was the grouping of parliamentarians after the Revolution into four main coalitions formed round

the Douglasses, who looked at this time to the dukes of Queensberry, the Hamilton family interest represented by Anne, duchess in her own right, but led in parliament by her husband and, later, her son, the Murrays under the marquesses and then dukes of Atholl and the Campbells under their chieftains, the earl and subsequent dukes of Argyll.¹³

The second estate in Parliament and the second tier of the landed ruling order, that of the barons, drew its title from the minores or lesser barons: the majores or greater barons were the peers.¹⁴ Strictly, a baron was one whose lands, held of the Crown, had been erected or confirmed by the King in liberam baroniam, with attached privileges.¹⁵ In the applied sense the second estate was wider. The property qualifications for electors and M.P.s in this estate were possession of, or subject superiority over, 40s. lands of old extent held of the King or Prince, or, under the new style of valuation, infeftment (feudal investiture) in lands of £400 Scots valued rent held of any superior. The voters in each shire sent two, three or four representatives to Parliament.¹⁶

The third estate, representing the commercial interest of the royal burghs, was heavily outmatched by the landed interest in terms of parliamentary numbers. Thus "A True List of the Lords, Barons and Burgesses" in the first session of Parliament 1703-7, numbered the nobility at one hundred and fifty three, the barons at eighty five, the great officers of state, drawn from the first and second estates, at nine and the burgesses at sixty seven.¹⁷ This reflected the greater economic

importance of the land; but the reflection was not true: it exaggerated the strength of the burghs in Parliament. Of the sixty seven burgh M.P.s in that session a substantial number represented territorial interests. Seventeen were younger sons of peers (eldest sons being disqualified), brothers of peers, or married to peers' daughters.¹⁸ Another eleven are readily identified as coming from the upper ranks of landed society, being barons, landed proprietors of long standing, or members or close associates of noble families.¹⁹ Not less than twenty eight of the sixty seven burgh M.P.s in this randomly selected session of Parliament were, therefore, prominent members of or spokesmen for the landed interest, whatever their commitment to the burghs they represented.

Although the general dominance of the landed interest is clear it is not possible to be precise in ranking it internally. A ranking based on estate values would be ideal, but the only feasible instruments by which this might be attempted, the valuation rolls, are unsatisfactory. First, these, which were used in the sheriffdoms for land tax ("cess") assessment, were not changed after 1667: "There was then an increasing discrepancy between the 'valued rent' and 'real rent' and for this reason the valuation rolls cannot be taken as a guide to the actual value of the properties concerned."²⁰ Second, as mentioned by Milton,

The valuation by which the Cess at present [1740s] is payed was not ... duely proportioned to the reall rent. Some out of vanity had their lands overrated, for example the Estate of Weem full 15000 lib real rent was valued only at 1000, the Estate of Delvin scarce worth 10000 [1000?] real rent was valued at 4000, and these estates lye in the same county and contiguous.²¹

Estate values also tended, said Milton, to be falsified for voting purposes.²² Finally, valuation rolls are "of very limited use in determining ownership", because of infrequent revision and, in some cases, the absence of owners' names.²³

An alternative sampling method is to take social dignities or titles instead of landed titles as raw indicators of high social-economic-

political status, even although such dignities only hint at the hierarchy prevailing in fact within the landed order. The titles in question are those of peers, baronets and knights. The choice is not arbitrary. For example, the minimum fees an advocate could be paid for representing clients were laid down according to a strict code which implied a match between those titles and economic well-being. "A nobleman" paid a minimum of "nine rix dollars, or two guineas", "a baron or knight", which included baronets or "knight bannerets" of Nova Scotia, paid "seven rix dollars or a guinea and a half", "any other gentleman or chief burges" paid "four rix dollars or one guinea", and "all the rest of the leiges" paid "three rix dollars".²⁴ The dignities of baronet and knight (in the non-feudal sense of the 17th century) were not related per se to landholding as was the peerage; but the grant of either indicates that the recipient had a comfortable niche in landed society. The baronetage, an order beneath the peerage and above the knightage,²⁵ was created to raise revenue.²⁶ And the high fee paid by new baronets was a token of their economic and social eminence. When the Scottish Privy Council was told by James VI that he intended to create the order of baronets of Nova Scotia it submitted that "We humblie wisse that the honour of Baronet should be conferrit upoun none but upon Knights and Gentlemen of chiefe respect for their birth, place, or fortunes."²⁷ This coincided with James's view. He, wishing to create the order to aid in the plantation of Nova Scotia, did desire

to conferr the ... honour within that our Kingdome of Scotland, upon such as are worthie of that degree, and will agree for ane proportoun of ground within New Scotland, furnishing furth such a number of personis as shall be condescended upon to inhabite there. Thus shall bothe those of the chiefe sort ... being by this hereditarie honour preferred to others of meaner qualitie, know their own places at home, and likewyse shall have their due abroad from the subjects of other countryis.²⁸

The Privy Council recommended that each baronet should pay 1,000 merks Scots and provide "Sex men towardis your Majestie's Royal colonie, armed,

apparelled, and victualled for two years":²⁹ James preferred that baronets should make a straight cash payment of 2,000 merks (£1,333-6-8 Scots, £111-2-2 $\frac{2}{3}$ sterling).³⁰ In exchange each baronet received his title and 16,000 acres of land in Nova Scotia, "to be incorporated into a full, entire, and free Barony and Regality for ever".³¹ James stated that "this degree of Baronet is the next steppe into a farther" (the peerage).³² The order was established in 1625, after James's death, by Charles I.³³ A family that had received a baronetcy - a form of hereditary knighthood - in the mid-17th century was not certain to have retained its landed possessions in Scotland and hence its position in the ruling elite after the Union. But the tendency within the oligarchy to bestow patronage upon its dependants³⁴ and the custom of entailing land to preserve status³⁵ ensure that the baronetcy retained potency as a general guide to social distinction. Knights were sure to have current high status, because that dignity was bestowed on them personally rather than being an hereditary honour. The Privy Council's statement that baronetcies "should be conferrit upoun none but Knights and Gentlemen of chiefe respect for their birth, place, or fortunes" is a guide to their credentials. The fee on becoming a knight was a modest £40 Scots or £3-6-8 sterling:³⁶ this dignity was apparently conferred - in circumstances which are obscure - as a reward to high administrative functionaries and loyal friends of the regime, or as an honour sought to mark social distinction. And the eldest sons of baronets could acquire knighthoods as a right.³⁷

The most ready test of the peerage, baronetage and knightage as tools in assessing the loss of leadership in Scotland after the Union is provided by the House of Commons. Between 1707 and 1760 two hundred and sixty one individuals sat for the forty five Scottish constituencies in the Parliament of Great Britain.³⁸ Of these, sixty four were sons, brothers or heirs of peers, sixty five were baronets or sons or heirs of

baronets and twenty two were knights or sons of knights.³⁹ There would have been more M.P.s in the peerage category if the eldest sons of Scots peers had not been disqualified from sitting in the Commons: four eldest sons of peers were elected in 1707 and 1708 before the bar came down in 1709.⁴⁰ The baronetcies were all granted before the Union: no Scottish M.P. or his father received a baronetcy of Great Britain between 1707 and 1760. The knighthoods in question were also granted before the Union: excluded are knighthoods granted by the British Administration for diplomatic or other services. In this way the total from the three categories was one hundred and fifty one out of two hundred and sixty one M.P.s. Unfortunately these figures have no statistical validity in terms of the total of titled families in Scotland. They can be used only to give an impression of one area of seepage from public life in Scotland. The problem is that the total could never be discovered, because there is insufficient genealogical material before 1855.⁴¹ The same problem applies to any other sample, such as Army officers, and, indeed in that case a sample could not be provided, because full Army lists did not begin until 1756.⁴²

A narrower survey is practical using the peerage alone as material, since it is wished to assess the disposition of the leadership of the pre-Union ruling order and the peerage was at the pinnacle of the social hierarchy: it may also be inferred from any trend observed among the peers how those in the ranks immediately below them acted. There is fuller evidence available on the peerage than on the other orders and this can be used without recourse to statistical comparisons. A simple process of elimination can be applied to find how many peers were in Scotland after the Union ready and able to take control of civic affairs there. This can be done conveniently for 1707 to 1745: as well as the complication of the aftermath of rebellion from 1746 there were from then, by chance, many young peers whose careers belonged to the last

quarter of the century, and beyond, a period outside the reckoning here. In this survey the intention is to expose characteristics which would have disqualified individuals from public work in Scotland, or have made it difficult for them so to participate, during the tenure of their peerages after the Union. Account is not taken of their careers before joining the peerage: information on the early careers of eldest sons and heirs is patchy; and the intention is to show them as peers, when their scope for leadership was at its greatest.

Two hundred and forty one persons held Scots peerages between 1707 and 1745 (Table 1), excluding disputed and unclaimed titles, English families holding Scots peerages (seventeen), an Irish family, Dutchmen of Scottish extraction who had followed William of Orange to England (two)⁴³ and females (eight).⁴⁴ This number is cut to one hundred and ninety seven by the elimination of peers who died soon after the Union (ten),⁴⁵ died young (nine),⁴⁶ were aged during post-Union tenure or retired soon after the Union (eight),⁴⁷ had short tenure (up to five years) (seven),⁴⁸ or were invalids, mental defectives, insane or criminals (twelve).⁴⁹

The most relevant characteristic of fifty four of the residue was that they were representative peers (without also being professional soldiers).⁵⁰ The designation representative peer is explained by articles 22 and 23 of the Treaty of Union. The Treaty declared that members of the Scottish nobility should be represented in the House of Lords by sixteen of their number, to be elected by themselves.⁵¹ In this way the Union encouraged a limited efflux from Scotland. A peer's election to the Lords allowed him to spend some time every year in Scotland, from summer to harvest; but this was no qualification for entry into the administration in Scotland, because business there was quiet during those seasons, and being a representative peer meant commitment to interests in London not Edinburgh. The important matter

Table 1

Male Scots peers of Scottish family, 1707-1745		
Categorised to show strongest characteristics in excluding them from the civic leadership in Scotland		
	Number in Category	Number from category who could have had more than 5 consecutive years free to devote to civic life in Scotland
Died soon after the Union	10	-
Died young	9	-
Aged, or retired soon after the Union	8	-
Short tenure of peerage (up to 5 years)	7	-
Invalids, mental defectives, insane, or criminals	12	-
Representative peers who were not also professional soldiers	54	12
Professional soldiers	43	-
Sailors	6	-
British peers	6	-
Others living outside Scotland	10	-
Non jurants and known Roman Catholics and Jacobites	40	-
Impoverished	7	-
Circumstances unknown, or living in Scotland	29	29
(Totals)	241	41

is the length of time a representative peer might have devoted himself exclusively to civic life in Edinburgh. A five year span is taken to be the approximate minimum for such an exclusive interest to bear fruit, in allowing an individual to grasp the intricacies of business, make contacts and form and carry through policy.

Most of the representative peers did have five or more years outside

the Lords, but they were subject to influences which commonly stopped them from using that time in Scottish civic life. Thus the great career politicians among the representative peers, Secretaries of State and equivalent (Table 2), who spent their active days in Ministerial and

Table 2

Representative peers who were not also professional soldiers 1707-1745	
Groups in which they are assessed	Number
Great career politicians	7
Those who spent almost all but their later years as members of the House of Lords	3
Others who, with certain restrictions, did not have more than 5 consecutive years to devote to civic affairs in Scotland	25
Eliminated individually	7
Those who may have been available for work in Scotland for more than 5 consecutive years	12
(Total)	54

Court circles,⁵² would not have given their later years to business in Scotland once they had left office, and in fact did not. This was because, first, their disappearance from the body of the representative peers signified their dismissal from the Administration - which made it impossible to operate effectively in Scotland, where administrators had to defer to London - or retirement or death. And, second, work in Scotland, being of provincial status, would have been demeaning for such grandees, as is signified by a light remark made to the Viscount of Dupplin, a London politician, by his father the Earl of Kinnoull, another Londoner, who was then on a visit to Edinburgh: "George, you sit in London and prescribe impossibilities to we poor worms in Scotland."⁵³

A few others less important than the great career politicians are also disqualified on the grounds that they could not have tolerated the

indignity of moving to the backwater of Scottish administration: nobody who had served as a representative peer would have relished such a change, but, to be rigorous, it is judged that those alone who had a stretch of time to spare in their later years after passing most of their adult tenure in the Lords would have found it unendurable.⁵⁴

There were many more who did not have such a choice, those who did not spend more than five consecutive adult years outside the Lords from accession to death, except perhaps during enforced retirement from public life as *persona non grata* or as rebels.⁵⁵ Others again are most readily eliminated through individual examination. Thus the 3rd Earl of Aberdeen succeeded in 1745 and was a representative peer from 1746 to 1761 and from 1774 to 1790, dying in 1801: his first period as a representative peer excluded him from Scottish public life during the relevant decades. The 1st Marquis of Annandale was elected in 1707 for one year only. He nevertheless "spent his later days in England" and he declined an offer of public office in 1711. The 2nd Duke of Buccleuch succeeded in 1732, was a representative peer from 1734 to 1741 and gained automatic entry to the House of Lords in 1743 when he succeeded to an English peerage. The 10th Earl of Eglinton was described by Lord Holland as a "worthless and silly ... wretch" and by the Duchess of Hamilton as a person who was for ever "whistling to himself for want of thought", with a perpetual "absent" expression: he was twenty one years old in 1744 and had seventeen years to spare on Scottish internal affairs, had he been able, before becoming a representative peer in 1761. The 3rd Earl of Marchmont succeeded in 1740 and did not become a representative peer until 1750; but he resided in London as an M.P. before his succession (being a younger son) and spent 1740 to 1750 plotting to have himself brought into the Lords.⁵⁶ The 2nd Earl of Selkirk, who succeeded in 1688, was intermittently elected, but lived in London throughout, before and after the Union, as a courtier, being a Lord of the Bedchamber to William III,

George I and George II.⁵⁷ The 4th Earl of Selkirk succeeded in 1744 as an adult and did not become a representative peer until 1787; but he was an eccentric academic, who lived "in the most retired manner" at the College of Glasgow for ten years from 1742, seeing only two or three close friends: "he came into the world more fit to be a professor than an Earl."⁵⁸ When these and the above groups are eliminated there remain twelve of the category who may have been available for work in Scotland for more than five consecutive years.

The next category of peers distracted from public life in Scotland was that of professional soldiers. Forty three of the peers of 1707 to 1745 were career soldiers after 1707 and during the tenure of their peerages.⁵⁹ Military life meant long spells outside Scotland, because there was no large standing army there in peace-time, and there was reluctance to allow Scottish regiments to return home after campaigns, on grounds of suspect loyalty.⁶⁰ Also, a military career was incompatible with civic administrative, as distinct from political, interests. So all soldier peers are automatically disqualified from the reckoning of potential civic leaders in Scotland.

As with the House of Lords (and the Commons) the Army shows how the Union encouraged a drift away from Scotland in the upper echelons of the social hierarchy. From the Restoration (1660) to the Union there were three hundred and forty two male Scots in undisputed possession of Scots peerages, and fifty one of these were active professional soldiers during the period, in the Scottish or English establishments,⁶¹ or in the service of foreign states, that is 14.9 per cent of the category.⁶² The equivalent proportion for 1707 to 1745 was 17.8. But the same value cannot be assigned to the pre- and post- Union proportions, there being irregular contractions and expansions in the Army establishment before and after the Union. The isolatable difference is qualitative rather than quantitative, and concerns the greater ease with which Scots peers

achieved high military rank in the second period. Not only did a much higher proportion join the general staff after the Union (Table 3),

Table 3

Male Scots in undisputed possession of Scots peerages who were professional soldiers		
	1660-1706	1707-1745
Total soldier peers	51	43
Total peers	343	241
Percentage of total peers who were professional soldiers	14.9	17.8
Number on general staff	9	20
Percentage of soldier peers who were on general staff	17.6	46.5

their posts were often more prestigious. Before the Union the majority had to be content with posts in the backwater of Scotland or exotic locations.⁶³ After the Union opportunities increased in England with the formation of the British Army, and Scots⁶⁴ could reach the top: the 2nd Duke of Argyll and the 2nd Earl of Stair both became commander-in-chiefs, as field marshals (a rank created in 1736) and the 1st Earl of Orkney (a son of the Duke of Hamilton) was senior field marshal in 1736. This post-Union success of Scots in the Army was due not only to the Union itself and the amalgamation of the English and Scottish Armies following it, but to the greater weight which representation in the House of Lords gave to Scots. Scots could be generally passed by in the 17th century, because of poor contacts and slight political leverage; but those who had votes in the House of Lords after the Union had high expectancy of success in the Army if they remained loyal to the Administration (Table 4). This is found with Stair and Argyll. Stair, after opposing Walpole's

Table 4

Soldier Scots peers 1707-1745		
	In House of Lords	Not in House of Lords
Total	19	24
On general staff during tenure of peerage	15	5
Percentage of total who were on general staff	79.0	20.8

Excise Bill in 1734, was informed by the Duke of Newcastle that he had been deprived of his regiment: "I was this morning commanded by the king to acquaint your lordship that he has no further occasion for your services."⁶⁵ And Argyll also lost his appointments when he opposed the Administration later in the decade. Conversely, Argyll was made commander-in-chief in 1742 after helping to oust the Walpole Administration,⁶⁶ and upon his retirement he was followed as commander-in-chief by Stair, another friend of the new regime. Of the nineteen Scots peers of 1707 to 1745 who were in the House of Lords - eighteen representative peers and Argyll, who was Earl of Greenwich in the English peerage - fifteen were on the general staff.⁶⁷ Those, numbering twenty four, who were not in the Lords fared less well, only five joining the general staff.⁶⁸ So there were exceptional opportunities for some if not all after the Union; and for the optimistic there were persuasive attractions in the Army to encourage them to look with extra keenness to the south.

Sailor peers, of whom there were six,⁶⁹ are similarly eliminated, as having no interest or concern in civil affairs in Scotland. The Union was irrelevant in respect to the number of peers entering the Navy. Certainly more peers were in it in the period after the Union than before. Between 1660 and 1706 there was only one Scots peer a sailor,⁷⁰ the 3rd

Lord Duffus (succeeded 1705), who was in the West Indies "in the service of the Crown at his father's death"⁷¹ - as opposed to the six between 1707 and 1745; but there is no question of reading significance into the ratio when the numerical increase was so small. In truth, the Navy was unattractive before and after the Union, perhaps not least because life expectancy in it was short: the 6th Lord Banff, a commander, died at Lisbon aged about twenty eight; the 3rd Earl of Delorain, a captain, died at the same age; the 6th Lord Forrester became a commander in 1744 and died in 1748 aged twenty three. Only those who survived the arduous of the service were assured of high rank: the 7th Lord Colville of Culross became a rear admiral in 1762, and the 6th Earl of Northesk became Admiral of the White in 1778. The remaining sailor peer, the 3rd Lord Duffus, was in Queen Anne's Navy after the Union; he joined in the 1715 Rebellion, however, and spent the rest of his career in the Russian Navy.

Another small category consists of British peers, of whom there were six⁷² (excluding persons who were representative peers before entering the British peerage).⁷³ This dignity was granted to Scots peers in consequence of their advocacy of the Union or their assistance to the post-Union Administration. In a sense it is a false category for use in eliminating peers from possible work in Scotland: a British title was not an automatic guarantee of activity in London politics or administration, because, by two "wild acts of anti-Scottish prejudice" in 1709 and 1711, British peers who also held Scots peerages were excluded from the House of Lords.⁷⁴ Resolutions by the House of Lords in 1709 "laid down that a Peer of Great Britain might neither vote nor give a proxy in the election of Representative Peers". And in 1711

a debate in the House resulted in a resolution "that no patent of honour, granted to any Peer of Great Britain who was a Peer of Scotland at the time of the Union, can entitle such Peer to sit and vote in Parliament, or to sit upon the trial of Peers".⁷⁵

The double disability remained in force until late in the century. Perhaps the most curious case resulting was that of the 2nd Duke of Roxburgh. He was created a peer of Great Britain in 1722, while still a boy, as a reward to his father, the Secretary of State for Scotland. He was thereby enabled to sit in the House of Lords, once reaching majority, and did so from 1730 to 1741, when, succeeding his father in the Scots dignity of Duke of Roxburgh, he was excluded.⁷⁶ But although these British peers were excluded from Parliament they were not the sort to welcome rustication in Scotland, being among the grander members of the Scots peerage who naturally veered towards high society; so that all six had careers outside Scotland. The 5th Duke of Hamilton (succeeded 1712) was educated at Winchester from 1716 to 1717, matriculated at Oxford in 1718, was a Lord of the Bedchamber from 1727 to 1733 and died at Bath in 1743. The 6th Duke of Hamilton was educated at Winchester from 1734, matriculated at Oxford in 1741, and "died while hunting, in his 34th year, at Great Tew, Oxon., 1758". The 8th Earl of Kinnoull (succeeded 1719) had been imprisoned as a Jacobite suspect between 1715 and 1717, but redeemed himself sufficiently to be appointed Ambassador to Constantinople, where he could do no harm, from 1729 to 1734: he died in Yorkshire in 1758. The 2nd Duke of Montrose "resided chiefly in England, his country seat there being Petersham, and latterly Twickenham Park", where he died: he was blind from about middle age. And the aforementioned 2nd Duke of Roxburgh, who sat in the House of Lords from 1730 to 1741 before becoming a peer of Scotland, died at Bath in 1755.

There were ten others who, like the British peers, found English society irresistible, but who were altogether more obscure.⁷⁷ The Union probably had no great material effect in dictating their residence in the south, although it could have eased the way, judging from the behaviour of one, the 4th Viscount of Arbuthnott, who, "Soon after reaching majority ... left Scotland in 1708" and "appeared with an equipage

suiting his quality at the Court of England": he died at Bath two years later.⁷⁸ Two others, the 2nd and 4th Earls of Delorain, descendants of Anne Scott, Duchess of Buccleuch, and the Duke of Monmouth, were anglicised and would be better described as thorough Englishmen, were it not that the 1st Earl was a representative peer of Scotland: both married and died in England. Another, the 13th Lord Forbes, who had been an active Privy Councillor in Scotland before the Union, sank from view in 1708 and was buried at St Martin's-in-the-Fields, Middlesex, in 1716. This would be insufficient evidence of his residence in the London area, were it not that his son, the 14th Lord, another in this category, married in Middlesex and had an only son who was born and died there. The 6th Lord Cranston died at Portman Square, London, and was described in his will as "of Portman Square". The 4th Lord Mordington "is said to have kept a gaming table in London" and he died "at his dwelling house in Covent Garden Piazza". The 4th Lord Rutherford was of Scots extraction, but was born in Northumberland and lived in the north of England. The 6th Lord Napier (born about 1702, succeeded 1706) travelled abroad early in the 1730s and served "as a volunteer with the allied armies in the campaign of 1743": he died at Lewes, Sussex. The last in this category, the 6th Earl of Strathmore (succeeded 1735), died at Glamis Castle in 1753, but married in England in 1736 and was Grand Master of the Freemasons in England between 1744 and 1745.

An altogether different category from those so far is that containing non jurants and known or suspected Roman Catholics and Jacobite zealots, of whom forty have been identified (Table 5).⁷⁹ An abortive Jacobite threat, in which some of these were implicated in the year following the Union, suggests that the Union had some effect in forming this category; and among those who were encouraged to turn Jacobite in 1715 because of their disenchantment with the Union's results was the Earl of Mar, Secretary of State for Scotland in the post-Union Ministry,

Table 5

Politically alienated Scots peers 1707-1745	
Non jurants	12
Roman Catholics	10
Jacobite zealots	14
Eliminated individually	4
(Total)	40

who led the 1715 attempt. But the main stimulants in the formation of this alienated group came from the Revolution and the Revolution Church settlement, which estranged supporters of the House of Stuart, Catholics and keen advocates of the episcopal form of church government; the death in 1714 of Queen Anne, the last of the Stuart dynasty; and the accession of George, Elector of Hanover; which were the final blows for Jacobites and their allies.

Known Catholics,⁸⁰ and non jurants who would not take the oath of loyalty to the protestant, post-Revolution regime, or did not take part in the Compulsory Union Vote,⁸¹ were automatically excluded from the civic leadership. And others, who were known or thought to be zealous Jacobites,⁸² could not hope for public office or responsibility. Only those about whom there is some doubt need to be examined individually here. The first of these, the 3rd Earl of Balcarres, was known to be a Jacobite from the time of the Revolution, but was appointed a Privy Councillor in Scotland in 1705 and given a government pension, having been allowed to return in 1700 from the Court of the titular king at St. Germain. He had friends in high places, including the Duke of Marlborough, and it is assumed that he was brought into the Privy Council as a tool to further the cause of the Union. After the Union, however,

there was no further use for him and he was excluded from office: he reverted to type in 1715, when he joined the Rebellion. The 5th Earl of Southesk returned from a Continental education in 1712 and friends petitioned to have him employed in some way in "the Queen's service"; but within three years he joined in rebellion. The 2nd Earl of Strathmore, was succinctly described in c.1712 by John Macky as one who "hath not yet endeavoured to get into the Administration, being no friend to Presbytery". And the last, the 3rd Earl of Strathmore, succeeded in 1712 and was soon an open rebel, being killed at Sheriffmuir. In short, there was no one in this category who could have lent his services, had he wished, to the administration in Scotland.

The final category, traces of which could be found in the Scots peerage at all times, whatever the political climate, before and after the Union, consists of impoverished individuals, of whom six are known, that is six who held onto their titles despite their poverty.⁸³

Poverty was a severe impediment to public ambition. This was partly because public work required some neglect of private affairs, an indulgence which the straitened could ill afford, and the upkeep of a residence or lodgings in Edinburgh and the cost of entertainment there. A note to the 4th Earl of Kilmarnock from his wife describes the depths to which such peers could sink: "After plaguing the Stewart for a fortnight I have only succeeded in obtaining three shillings from him."⁸⁴ The 3rd Earl of Kintore was only more fortunate in that he had a government salary. He wrote:

I must let you know that my affairs having fallen into disorder, I was obliged to consent to a voluntary sequestration of my estate, and to put it under the management of trustees for the payment of my creditors, so that at present I draw not a shilling from it, and have nothing to depend on for the subsistence of my family but the office I enjoy by the bounty of the Crown.... if I should act any part that might give offence to the administration it would ruin me.⁸⁵

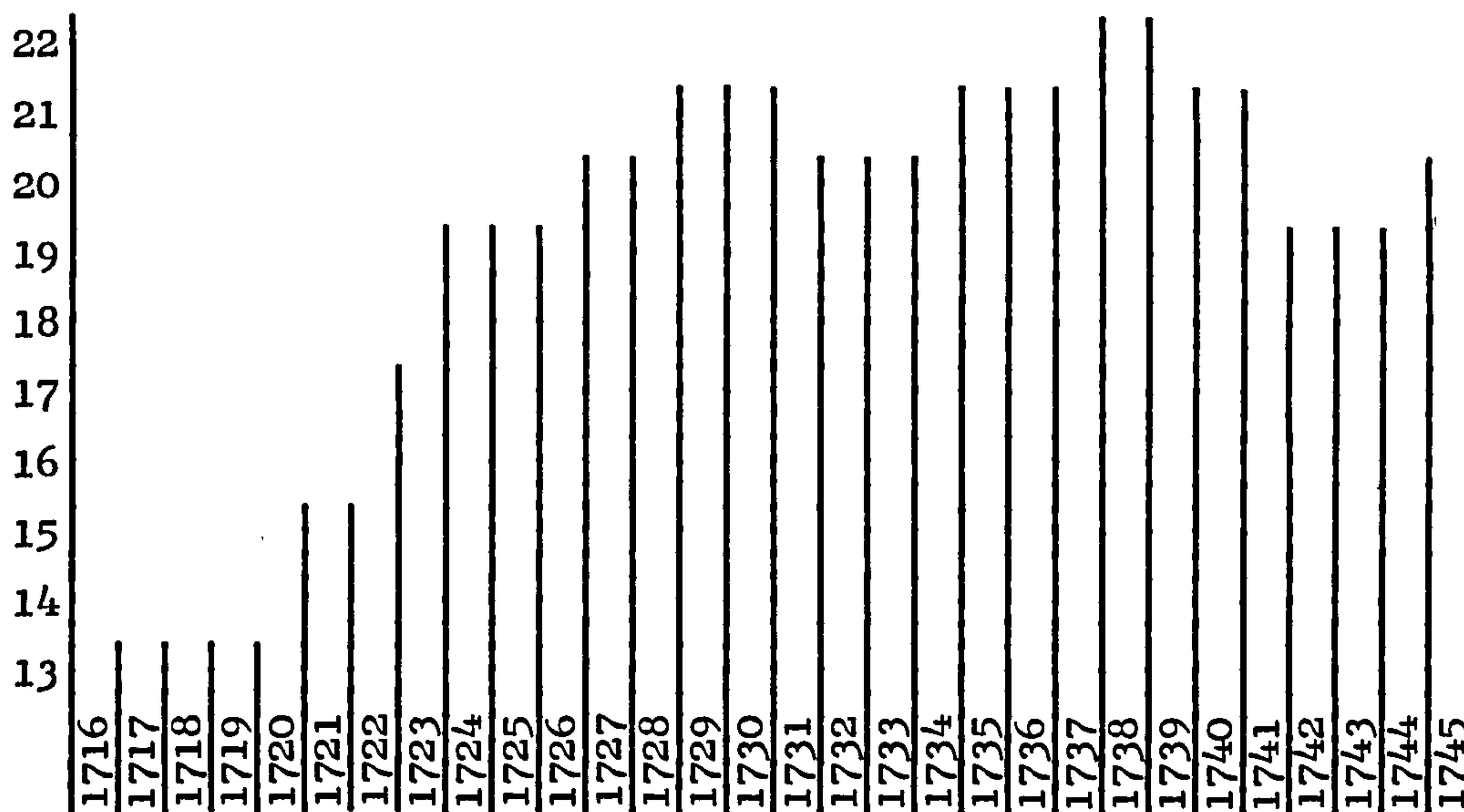
The office in question was that of Knight Marischal, a sinecure, entailing no public activity or duties. Indeed, offices of trust

requiring sureties could not be given to those in his predicament, and a peer whose own affairs were in the hands of trustees could not be placed in charge of public business.

There remain twenty nine whose circumstances are unknown or who lived in Scotland.⁸⁶ These, with the twelve representative peers who could reasonably have devoted more than five consecutive years to business in Scotland,⁸⁷ form the maximum stock from which the nobility might have continued to lead the country from within after the Union. Taking thirty years at the centre of the period, from 1716 to 1745, it is found that the greatest number possibly available in any one year was twenty two, with the average being below twenty. (Table 6). It is

Table 6
1716-1745

Maximum no. of Scots peers who could have been available for work in Scotland in any year over more than 5 consecutive years



probable that some, such as those who died in England, did not live in Scotland; and that others about whom little was known, often from lesser noble families with seats far from Edinburgh, were thoroughly rusticated and unable to live in style there, characteristics as displayed by the 3rd Lord Reay who lived "in the Leanes in Macklowd's country", Caithness, "not very considerable and a small estate". A passion for estate improvement could have explained the preference for

country life of others more prosperous, as epitomised by the 6th Earl of Haddington, who devoted "his mind to the improvement and beautifying of his Tynningham estate". There may have been others who did not have the personal qualities for public work. And several were hardly to the leadership born, having succeeded to their dignities in middle life as cousins or uncles, and being more properly classified as coming from the middle gentry than the nobility.

And in fact few made public careers for themselves. The 6th Lord Balmerinoch and the 7th Earl of Leven were Lords of Session. The 4th Lord Belhaven and the 7th Lord Cathcart had official posts which were hardly more than sinecures, respectively as General of the Mint and Receiver General of the Land Tax. Belhaven was more active, however, as a Trustee for Manufactures, and, as such, was one of the three peers active in the administration which haltingly appeared from the late 1720s. The other two were the 12th Lord Somerville and the 13th Lord Ross. Somerville was a Trustee for Manufactures and an Annexed Estates Commissioner, a director of the British Linen Company and an extraordinary director of the Royal Bank. Ross, a truly exceptional figure, was a Trustee for Manufactures, a Commissioner of Excise, first, and then of Customs, Rector of Glasgow University, an extraordinary director of the Royal Bank, and a notable political activist. There were no others. Twenty peers may have been left in Scotland, but they were an unprepossessing residue. There was real justice in Grange's claim that the country had been deserted by the nobility, at least physically; and there is reason to accept - from the trend in the peerage and the specific case of the M.P.s - that, as Grange said, the principal gentry followed suit. With this came the possibility of change in the structure of leadership; and it becomes feasible to conceive of the lawyers as the new force in Scottish administration.

1. NLS Yester Papers, MS.7044, f45, London, 21 October 1733, Grange to the Marquis of Tweeddale, reporting a conversation with Queensberry.
2. *ibid.*
3. Phillipson, "Lawyers, Landowners and the Civic Leadership", 99.
4. Smout, History of the Scottish People, 261-5.
5. An Historical Account of the Antient Rights and Power of the Parliament of Scotland (Aberdeen 1823), vii.
6. See Appendix 1.
7. Alexander Wight, An Inquiry into the Rise and Progress of Parliament, chiefly in Scotland (Edinburgh 1784), book I, ch. II, sect. II.
8. "Peerage Law", in An Introductory Survey of the Sources and Literature of Scots Law (Stair Society, Edinburgh 1936 - hereafter referred to as Stair Society I), 425.
9. *ibid.*, 425.
10. *ibid.*, 435.
11. SP (The Scots Peerage, ed. Sir James Balfour Paul, Edinburgh 1904-14), ii, 559; CP (The Complete Peerage, London 1910-59), xii, pt. 1, 104-5.
12. APS (Act of Parliament, Scotland), 1427, c.101, and 1587, c.114.
13. P.W.J. Riley, The Union of England and Scotland (Manchester 1978), 11.
14. Encyclopaedia of the Laws of Scotland (Green & Co, Edinburgh 1927 - hereafter referred to as Green's Encyclopaedia), ii, 153.
15. *ibid.*, 154.
16. *ibid.*; APS, 1681, c.21.
17. William Cobbett and J. Wright (eds.), The Parliamentary History of England (London 1806-1812), vi, Appendix.
18. Appendix 2 (i).
19. Appendix 2 (ii).
20. SRO, Introduction to Exchequer Series, E.901.
21. SB (Saltoun Box) 363, folder 1, memorial on election laws.
22. *ibid.*
23. SRO, E.901 introduction.
24. John Spotiswood, The Form of Process before the Lords of Council and Session (2nd edition, Edinburgh 1718), xlix.
25. Case of the Honourable the Baronets of Scotland and Nova Scotia, Shewing their Rights and Privileges, Dignitorial and Territorial (Edinburgh 1836).
26. *ibid.*
27. *ibid.*, 90.
28. *ibid.*, 8.
29. *ibid.*, 8.
30. *ibid.*, 12
31. *ibid.*, 25-7. Subsequent French possession of Nova Scotia prevented fulfillment of the second undertaking, and from 1737 no new grants of land were made per expressum.
32. Case of the Baronets, 12.
33. *ibid.*
34. *infra*, chapter 3.
35. Henry Home, Lord Kames, Historical Law Tracts (4th edition, Edinburgh 1792), 154-6.
36. APS, (Acts of the Parliaments of Scotland (Edinburgh 1844-75) viii, 293,
37. Case of the Baronets, 50-2. 263.
38. Extracted from Joseph Foster, Members of Parliament, Scotland, 1357-1882 (2nd, revised, edition, 1882) and Gerard Noel and Sir William Fraser, Members of Parliament (London 1878).
39. Information drawn primarily from Foster, Members of Parliament, Romney Sedgwick (ed.), The House of Commons, 1715-54 (London 1970) and Sir Lewis Namier and John Brooke (eds.), The House of Commons, 1754-90 (London 1964).

40. William, Lord Haddo, son of the Earl of Aberdeen; James, Lord Johnstoun, son of the Marquis of Annandale; John, Master of Sinclair; William, Lord Strathnaver, son of the Earl of Sutherland (Foster, Members of Parliament).
41. With the registration from then of births, marriages and deaths.
42. Robin Higham (ed.), A Guide to the Sources of British Military History (London 1972), 125.
43. Appendix 3 (i).
44. Appendix 3 (ii).
45. Appendix 3 (iii).
46. Appendix 3 (iv).
47. Appendix 3 (v).
48. Appendix 3 (vi).
49. Appendix 3 (vii).
60. Appendix 3 (viii). In this survey source footnotes are given only in relation to material extra to Appendix 3.
51. Sir James Fergusson, The Sixteen Peers of Scotland (Oxford 1960), 13-14.
52. 3rd Earl of Bute, First Lord of the Treasury (i.e. Prime Minister); Earl of Ilay, "minister for Scotland"; 11th Earl of Mar, Secretary of State and then a Jacobite; 1st Duke of Montrose, Secretary of State; 2nd Duke of Queensberry, Secretary of State; 1st Duke of Roxburgh, Secretary of State; 4th Marquis of Tweeddale, Secretary of State.
53. HMC, Report on the Manuscripts of His Grace the Duke of Portland (London 1891-1931), v, 121.
54. 1st Duke of Atholl, b.1660, r.p. 1710-15; 9th Earl of Eglinton, b. c.1660, r.p. 1710-15, d.1729; 1st Earl of Rosebery, b.1664, r.p. 1710-15, d.1724.
55. 2nd Earl of Aberdeen (forced retirement); 2nd Duke of Atholl (became English peer); 4th Lord Balmerinloch (forced retirement); 6th Lord Blantyre; 2nd Earl of Breadalbane; 2nd Earl of Bute; 4th and 5th Earls of Findlater; 3rd Duke of Gordon; 4th Duke of Hamilton; 7th Earl of Home (implicated in 1715); 3rd Earl of Hyndford; 3rd Viscount of Kilsyth (attained 1715); 7th Earl of Kinnoull (implicated in '15; q.v. Viscount of Dupplin); 3rd Earl of Loudoun; 2nd Earl of Marchmont (forced retirement); 8th Earl Marischal; James, Earl of Moray; 12th and 13th Earls of Morton; 3rd Earl of Northesk (implicated in '15); 8th Earl of Rothes; 17th Earl of Sutherland; 2nd and 3rd Marquises of Tweeddale.
56. Correspondence between Marchmont and his brother, Alexander Hume Campbell, M.P., in HMC Report on the Manuscripts of the Right Honourable Lord Polwarth (Edinburgh 1911-61), V, 274-314.
57. There is an erroneous belief that Selkirk, who joined the Privy Council in 1733, was Secretary of State for Scotland at that time. A recent statement of it is in George Pottinger, The Secretaries of State for Scotland 1926-76 (Edinburgh 1979), 4.
58. Carlyle, Anecdotes and Characters, 92-3.
59. Appendix 3 (ix).
60. S.H.F. Johnston, "The Scots Army in the Reign of Anne", Transactions of the Royal Historical Society, 5th series, vol. 3 (1953), 21.
61. *ibid.*, 10: "The royal prerogative was all that was necessary to move Her Majesty's regiments out of Scotland."
62. Extracted from The Scots Peerage and The Complete Peerage.
63. Those on the general staff before the Union were: 2nd Duke of Argyll, England; 19th Earl of Crawford, Scotland; 1st Viscount of Dundee, Scotland; 4th Duke of Hamilton, England; 5th Earl of Leven, Scotland; 3rd Earl of Linlithgow, Scotland; 1st Earl of Middleton, Scotland and Tangier; 1st Lord Rutherford, England and Tangier; 1st Viscount of Strathallan, Scotland.

64. Including the 1st Earl of Delorain, son of Anne, suojure Duchess of Buccleuch, and her husband the Duke of Monmouth: he was on the Scottish Privy Council (SRO Seafield Muniments, GD248/594/6, Journals of Council, 1708) and was a representative peer.
65. John Murray Graham (ed.), Annals and Correspondence of the Viscount and the First and Second Earls of Stair (Edinburgh 1875), ii, 281.
66. DNB, John Campbell, 2nd Duke of Argyll.
67. Argyll, 8th Lord Cathcart (c-in-c America, taken to be equivalent to general staff rank), 9th Lord Cathcart, 19th and 20th Earls of Crawford; 1st Earl of Delorain, 2nd Earl of Dunmore, 8th Earl of Home, 5th Earl of Leven, 2nd Marquis of Lothian, 4th Earl of Loudoun, Orkney, 10th Earl of Rothes, Stair and 16th Earl of Sutherland. Those not on the general staff were: 5th Earl of Balcarres, 4th Earl of Callender, 4th Earl of Dundonald and 7th Earl of Lauderdale.
68. 4th Visc. of Garnock, 13th Earl of Glencairn, 2nd Earl of Hyndford, 6th Lord Lindores, 12th Lord Sempill, Those not on the general staff were: 6th Earl of Balcarres, 7th Lord Blantyre, 6th Lord Colville of Culross, 5th, 6th and 7th Earls of Dalhousie, 5th Earl of Dumfries, 7th Earl of Dundonald, 5th Lord Elibank, 9th Lord Elphinstone, 2nd Earl of Forfar, 5th Lord Forrester, 3rd Earl of Glasgow, 9th Earl Marischal, 8th Lord Oliphant, 3rd Viscount of Primrose, 10th Lord Sempill, 5th Earl of Strathmore and 7th Lord Torphichen.
69. For sources see Appendix 3 (x).
70. Extracted from The Scots Peerage and The Complete Peerage.
71. SP, iii, 212; CP, iv, 497.
72. For sources see Appendix 3 (xi).
73. 4th Duke of Hamilton and 2nd Duke of Queensberry.
74. Fergusson, The Sixteen Peers of Scotland, 38.
75. ibid., 39.
76. CP, xi, 223-4.
77. For sources see Appendix 3 (xii).
78. SP, i, 311.
79. Appendix 3 (xiii).
80. 2nd Earl of Dumbarton, 1st and 2nd Dukes of Gordon, 6th Earl of Kinnoull, 5th Earl of Nithsdale, 9th Lord Oliphant, 4th Earl of Perth, 5th Earl of Seaforth, 3rd Earl of Traquair, 7th Earl of Wigton.
81. 5th Viscount of Arbuthnott, 5th Earl of Carnwath, 3rd Lord Colvill of Ochiltree, 5th Lord Cranston, 4th Lord Forbes of Pitsligo, 5th Lord Lindores, 6th Earl of Moray, 2nd Lord Nairne, 4th Earl of Panmure, 1st Earl of Ruglen, 5th Viscount of Stormont and 4th Viscount of Strathallan.
82. 3rd Earl of Airlie, 13th Earl of Erroll, 6th Viscount of Kenmure, 7th Earl of Kincardine, 2nd Earl of Kintore, Lord Lovat, 5th Earl of Perth, 3rd Lord Salton, 10th and 11th Lords Sinclair, 6th Viscount of Stormont, 4th Earl of Strathmore, 4th Earl of Traquair and 6th Earl of Wigton.
83. Appendix 3 (xiv).
84. DNB, William Boyd, Earl of Kilmarnock.
85. Ninth Report of the Royal Commission on Historical Manuscripts (London 1883-4), pt. ii, 229.
86. Appendix 3 (xv).
87. 3rd Lord Belhaven, 1st Earl of Breadalbane, 1st Earl of Buchan, 1st Earl of Glasgow, 6th Earl of Haddington, 2nd Earl of Hopetoun, 6th Earl of Lauderdale, 7th Earl of Leven, 3rd Marquis of Lothian, 12th Lord Ross, 13th Lord Somerville and 3rd Earl of Wemyss.

CHAPTER 2

THE BASIS OF THE LAWYERS' POTENTIAL FOR CIVIC LEADERSHIP

i. The irrelevance of the earlier position of the lawyers in government.

It is possible to visualise the Edinburgh lawyers as the new force in Scottish administration because of their erstwhile high status in government and their situation a stage or two below the nobility in the social hierarchy. In these ways the lawyers seemingly represented a substantial section of the pre-Union regime remaining in Scotland, and one well-placed to expand into the void left by the nobility. Their past status in or links with government are sufficiently well documented to have instant appeal in making a case for them, especially those who were high legal office holders, as the new unchallenged civic leaders in Scotland; but the case is vulnerable and weakens under scrutiny, leaving a social-based interpretation as the stronger one. A third element in the equation, their professional skill, also has immediate appeal, in the idea that they could have insinuated themselves into a prominent civic role because their knowledge was essential in political management and public administration. Its merits hardly appear, and then reluctantly, as the argument, which concentrates on social status, unfolds, and are found to be of secondary weight to social factors in giving lawyers the administrative places they came to have after the Union.

The Court of Session was one institution through which the Edinburgh lawyers, as advocates and judges, had ancient associations with central government. Specifically, the Court existed informally, before its endowment in 1532, under the name of the College of Justice, as an offshoot of the Privy Council. Although Parliament was the supreme court, it had become so overworked in hearing appeals (from about the reign of James III), that the Privy Council had taken a share of the burden, some of its members being selected to devote attention to appeals in civic causes.¹ In this the Court of Session had its origins. But in 1504 a distinct

break had been made, with two bodies sitting, each with different membership, the one the Council, the other "the Lords of Session".² Thus the designation of the Court's judges at the Union, and thereafter, as "the Lords of Council and Session" hearkened back to a shared identity between the Council and the Court that had lapsed over two hundred years before. At the Union the Court of Session was limited to acting as a court of law, apart from in its nobile officium, its extraordinary office. This was the power its judges had to make such acts and ordinances as they should think expedient for ordering of process and expedition of justice.³ The Court was not concerned in the non-legal aspects of government and administration.

A more proximate link with central government was provided by certain legal officers who were also officers of state or members of the Privy Council. There were nine officers of state in the 17th century, the Lords Chancellor, High Treasurer, Treasurer-Depute, Secretary, Privy Seal, Justice General, Justice Clerk, Advocate, and Clerk Register.⁴ These were members of the Committee of Articles⁵ and the Privy Council.⁶ And they "had an appropriate place in the Scottish Parliament", sitting "on a bench one step lower, and immediately next in front of the Throne, the Chancellor sitting in the middle, and the rest on either side of him", with votes in both Parliament and the Committee of Articles.⁷ Of these influential persons four had important places in the administration of justice, namely the Chancellor, Justice General, Justice Clerk and Advocate; but only the last two were professionally active lawyers. The Chancellor and the Justice General were figureheads, the one in the Court of Session, the other in the Court of Justiciary, the criminal court. The real, the active, head of the Court of Session was its president - the Lord President - with the Chancellor, a statesman rather than a lawyer, being his inactive superior as the King's representative.⁸ And the active head of the Court of Justiciary was its vice president - the Lord Justice Clerk - with the office of Justice General being a

sinecure, held for a time as the hereditary right of the family of Argyll, the qualification being noble birth not legal knowledge.⁹ The Justice Clerk was a member of two royal councils, the Committee of the Articles and the Privy Council, where he acted as assessor,¹⁰ a term describing persons deferred to because of their exceptional knowledge,¹¹ in the criminal law. And the Lord Advocate or King's Advocate, also gained entry to the executive because of legal knowledge, being another adviser to the Crown on the Law and an official entrusted with pursuing and defending the King's causes.¹² To the Justice Clerk and Advocate can be added, as being influential in the inner circles of government, the Lord President and a fluctuating number of his fellow judges, the Lords of Session, otherwise known as Senators of the College of Justice. The President was not an officer of state, which may be explained by a need to direct most of his attention to the efficient management of his court in Edinburgh, but he and several of his colleagues on the Bench were always among the members of the Privy Council,¹³ where they would have acted with the Justice Clerk and Advocate as assessors in legal questions arising in the management of the Realm. And the judiciary as a whole was recognised to have high status within the structure of government, the Lords of Session being given seats in Parliament only one step beneath the officers of state.¹⁴ This marked the place assigned to justice in the maintenance of the State, rather than being a token of the judicature's power outside the courts, but it strengthened a charismatic association of the law with executive and legislative authority, so adding to the credentials of lawyers as civic leaders after the Union.

Little other than charisma, indeed, could have survived the changes of the Union and the natural workings of time, to give lawyers automatic authority in the post-Union civic leadership. With the removal of central government to Westminster and Whitehall, Scotland was devoid of executive councils from which to work. Without such a base, survivors from the old

executive were left only with the memory of authority. Any charisma drawing from this was dissipated if not extinguished as the years passed, in that when there was a tentative reawakening in Scottish civic life from the 1720s only one of the major figures from the old legal-administrative regime remained,¹⁵ that being Sir Hew Dalrymple of North Berwick, Lord President since 1698, and his influence had greatly declined. Twenty five years after the Union he noted that "the Judges" were "all the remains of the Government of the Antient Kingdome"; but, as a mark of how little that counted for, he made this statement in a petition to a junior colleague, Lord Milton, asking him to recommend an increase in judges' salaries to influential circles in London.¹⁶ A new source of power had supplanted the old. The stage belonged to the next generation of lawyers, who did not have confidence inspired by personal experience of government before the Union and could draw from that period only unassessable charisma issuing from the receding memory of what once had been.

ii. Statistical analysis of the social status of the Faculty of Advocates.

The lawyers' potential as civic leaders after the Union is related more properly to their social status within the ruling order, status which grew in Scotland when the nobility went, leaving the lawyers as representatives of the remaining elite of landed society. The mere fact of their new elevated status did not, however, lead inevitably to participation in civic affairs. There had to be some mechanism by which this might be brought about. In this respect the attractive vacuum motif, which could be used to suggest how the lawyers were drawn into the vacuum left by the nobility, is dangerous, implying a natural and self-explanatory process - there was none such. The lawyers' concern in public affairs in the first half of the 18th century will begin to be defined, first, by showing, in statistical terms what the social status of the Faculty of Advocates was; second, by giving the reasons behind that status; and, third, by exposing the precise mechanism by which status could lead to serious involvement in political, public and semi-public affairs.

The social status of entrants to the Faculty of Advocates has been given much attention by N.T. Phillipson.¹⁷ He notes a gradual decline in status during the first half of the 18th century from the position in the 17th century, and a continuing decline in the second half of the 18th century. But he stresses that, even with the decline, status remained high. He writes:

We may note that between 1707 and 1751, 96% of those entering the Faculty were sons of landed gentlemen or had the most intimate connection with them. More important, 56% of the whole belonged to those who are defined as the greater gentry (in general, sons of peers, baronets and other politically powerful gentry).... Between 1751 and 1811 the gentry still provided 89% of all entrants.¹⁸

His findings demonstrate well certain social trends within the Faculty of Advocates; but his survey, which is as strict as his purposes demand, produces results which are perhaps not fine enough for the present purpose. For example, the phrase "sons of landed gentlemen" does not distinguish fathers who were peers;¹⁹ those who were very small landholders; those with heavily encumbered estates; those having only titular possession of land, with the purpose of multiplying the votes of their superiors;²⁰ those who held lands as superiors or as feudal vassals; or those who were by custom given landed designations without real title. His narrower category, that of "the greater gentry" - "sons of peers, baronets and other politically powerful gentry" - more nearly coincides, (although it is still markedly different) with categories preferred here, those of sons, brothers and heirs of peers, sons and heirs of baronets and sons of knights. He finds that "sons of peers, baronets and other politically powerful gentry" made up 56.0 per cent of entrants to the Faculty between 1707 and 1751.²¹ A survey restricted to sons, brothers and heirs of peers, baronets and knights, as above, shows that they made up 31.1 per cent of all entrants between 1707 and 1670 (Table 7).²² Incidentally, if to these are added grandsons of peers (7.0 per cent)²³ and grandsons of baronets and knights (15.3 per cent) from the residue,

Table 7

Entrants to the Faculty of Advocates 1707-1760 Grouped according to social category		
Category	Per cent	Number
Sons, brothers and/or heirs of peers	8.4	28
Sons or heirs of baronets	19.4	65
Sons of knights	3.3	11
Others	68.9	231
(Total)	100.0	335

this gives a total of 53.4 per cent of advocates who had titled connections, as specified, a proportion which closely matches Phillipson's 56.0 per cent, perhaps by chance as much as real similarity. Whatever figure is chosen, it is found that membership of the Faculty of Advocates was attractive to the social orders below the nobility and was not entirely objectionable to the latter (Table 7).

More is discovered through comparing entrants to the Faculty of Advocates and M.P.s for Scottish constituencies of the Parliament of Great Britain, 1707 to 1760. This shows that whereas 31.1 per cent of advocates were sons, brothers or heirs of peers, baronets or knights (or these in their own right), the equivalent for M.P.s was 57.8 per cent. (Table 8).²⁴

Table 8

Proportions of entrants to the Faculty of Advocates and M.P.s who were in selected social categories, 1707-1760		
Social categories	Advocates per cent	M.P.s per cent
Sons, brothers and/or heirs of peers	8.4	24.5
Baronets, or sons or heirs of baronets	19.4	24.9
Knights or sons of knights	3.3	8.4
(Total)	31.1	57.8

In every category the proportion was greater for the House of Commons than for the Faculty of Advocates. The widest divergence was in the peerage category where the ratio was 24.5 M.P.s to 8.4 advocates. The difference in that category would have been wider still if the eldest sons of Scots peers had not been disqualified from the Commons in 1709, only four of these being elected before that happened.²⁵ And there was a qualitative unbalance. Only two advocates entering between 1707 and 1760 were eldest sons of peers, without such a legal barrier as applied to eldest sons in the case of the Commons.²⁶ And the sons, brothers and heirs of peers who entered the Faculty generally belonged to second rank noble families.²⁷ The most notable families represented in the Faculty were Haddington, Hyndford, Rothes, Stair, Findlater (and Seafield) and Marchmont. The M.P.s could boast a number of top rank associations, most notably with Argyll - from which family there were six M.P.s, including two future Dukes - Atholl, Hamilton, Queensberry, Montrose and Gordon.

A comparison of M.P.s and advocates is also instructive on the question of the gradual decline in social status in the Faculty over the period, as observed by Phillipson. By dividing the period into two parts, 1707-1733 and 1734-1760, it emerges that there was a decline in status in both groups, the ratio of high status M.P.s being about 6 to 5 between the first part of the period and the second, and the equivalent for advocates being about 3 to 2 (Table 9). The decline in status within each group must have been caused partly by a fall in the number of titled families. Peerages, baronetcies and knighthoods were given out fairly liberally before the Union, but after it there were no knighthoods and rarely new peerages and baronetcies. Peerages and baronetcies fell dormant, peerages were forfeited and knighthoods, which were not hereditary, lapsed, so there were fewer in each category at the end of the period than at the beginning. This, however, is not the whole explanation in the case of the Faculty of Advocates, because its status-

Table 9

Decline in the social status of M.P.s for Scottish constituencies and entrants to the Faculty of Advocates, 1707-1760					
Categories	M.P.s		Advocates		
	Per cent	Number	Per cent	Number	
1707-1733	(Peers)	23.1	40	9.4	19
	(Baronets)	27.7	48	22.2	45
	(Knights)	10.4	18	4.4	9
Totals		61.2	106	36.0	73
Persons in group			173		203
1734-1760	(Peers)	27.3	24	6.8	9
	(Baronets)	19.3	17	15.1	20
	(Knights)	4.5	4	1.5	2
Totals		51.1	45	23.4	31
Persons in group			88		132

decline was more severe than was that of entries to the House of Commons. The most striking change was that proportionately more persons from noble families entered the Commons between 1734 and 1760 than had done between 1707 and 1733, whereas there was a parallel fall in the numbers entering the Faculty.

Estimates of the social status of the membership of the Faculty of Advocates are qualified by these unfavourable comparisons between M.P.s and advocates. Certainly the Faculty had some appeal for the upper gentry and the lower nobility, but it had less appeal for them than careers outside Scotland in the shape of membership of the House of Commons, and had none for the great nobility. And its merits diminished in real terms as the period advanced, suggesting that there was something lacking in the profession of an advocate in Scotland. The net result of the cream of the old ruling families avoiding the Faculty, as they avoided other careers in Scotland, and of the Faculty having some pull

on the second and third tiers of the social hierarchy was that the Faculty came to have in its ranks a significant although unassessable proportion of the highest of the social groups left in Scotland.

iii. Explanation of the social composition of the Faculty of Advocates.

The social potential thus appearing within the Faculty of Advocates to take over the civic leadership in Scotland was shaped by cultural social and economic checks and balances. Sons of the great landed families tended not to enter the Faculty because there was no economic necessity for them to do so and because of traditional reasons of social prestige. Those at the lower end of the social scale of landed society were discouraged from entry because of the economic impracticality of such a step. And the ranks in between had the greatest social and economic inducements to become advocates.

Sons of the great landed families had no economic incentive to enter the Faculty because, leaving aside estate revenues, there were sinecures, offices and appointments to be had which gave them salaries well above what the generality of advocates or legal office holders could expect and such positions did not involve hard work nor tie them down to life in Scotland. A sinecure as a Lord of Police, of whom there were nine, provided salaries within the range £400 to £1,200,²⁸ and there were other Scottish offices open to the nobility up to a maximum value of £3,000.²⁹ A London office, such as achieved by Gilbert Elliott younger of Minto as a Lord of the Treasury might return about £2,500.³⁰ And a colonel in the Army could expect, as early as the reign of Queen Anne, an income of from £350 to £700, plus about £400 to £900 pruned from the subsistence allocation of his regiment.³¹ In comparison the "law profits" of a well-connected but not notably brilliant advocate, Robert Dundas younger of Arniston (d.1787), averaged £280 a year between 1738 and 1742, by his own reckoning.³² The case of Robert Craigie of Glendoick indicates the maximum that could be earned. Craigie, the

"first lawyer" at the Bar³³ was reluctant to give up his practice to become a parliamentarian in 1742 as Lord Advocate at a salary of £1,000. It was reported that "his liking to better his fortune would have led him rather to refuse [the post of Lord Advocate] than to accept of it", were it not that becoming an M.P. and Lord Advocate appealed to his vanity.³⁴ He considered that if he did not get "the privy seal warrant for £500 st. pension which Arniston & Sir David Dalrymple had over and above their salaries", when they were Lord Advocates, "he will be disappointed and will reckon himself a loser by his preferment".³⁵ Expenses in London society were high. In the 1760s Onslow, the Speaker, talked of M.P.s "ruining their estates in the luxury of all sorts of living in London, which is false grandeur for a country gentleman, and gives him no credit".³⁶ So it appears that Craigie, allowing for this, had earnings at the Bar which were less than the £1,500 he wanted and more than £1,000. And Ramsay of Ochtertyre says of him that "At the end of a winter session, he would have had a thousand guineas in gold lying in his escutoires.... He was so bad an accountant that he could hardly sum ten figures deep."³⁷ Should an advocate leave the Bar for the Bench his salary as an ordinary Lord of Session was £500 (£700 from 1759, £1,000 from 1766) and £1,000 as Lord President (£1,300 from 1759, £2,000 from 1766).³⁸ On balance such emoluments compared unfavourably with those to be obtained outside Scotland and could not compensate for the loss of quality of life.

It is more difficult to isolate the other discouragements to entry to the Faculty from the top of the social order, the traditional reasons of social prestige. The first clue to this is that several sons of grandees acquired legal training, but none of them entered the Faculty. Among these were three of the great politician peers of the age, the Earl of Ilay (a younger son), the 4th Marquis of Tweeddale and the 3rd Earl of Bute.³⁹ It was considered desirable to have such an education. The

future 4th Duke of Argyll wrote in 1740 that

My eldest boy who is a second Lieut in my own Regt I propose to keep abroad two years and that he should study the Civil Law and in short to doe all I can towards his improvement so as to fitt him to cutt a figure if he should happen to come to the head of the Duke of Argylls Family.⁴⁰

By why education should not have been followed by the formal step of entry to the Faculty is obscure. There was no statutory bar for the eldest sons of peers, as is attested by the entry to the Faculty of the Master of Elibank, he being the only eldest son of a peer to enter between 1707 and 1760.⁴¹ It must be that such a step was considered socially improper. The only evidence found which even hints at this as the reason is found in a statement made by the 6th Earl of Findlater, and that in relation to a second son:

You know I have scarce any acquaintance with my Lord Dalhousie. When a second brother he was bred to the law and universally esteemed. His becoming a peer by the death of his elder brother drove him from the Bar, and the narrowness of his fortune confines him to the country where he will be absolutely lost.... the only chance we have for anybody among the peers who knows anything of our law is by second brothers, bred lawyers, succeeding to peerages.⁴²

Evidently it was not thought proper for a peer to plead before a court, even the Court of Session which was lofty enough to deal with peerage cases.⁴³

The discouragements to entry from low in landed society and beneath are understood from less elusive reasons. There was no declared or discernible social prejudice against entry from the lower landed classes. Natural and deliberately contrived economic barriers limited the influx.

As noted in chapter 1 the precise dividing lines between the strata of landed society are hard to calculate because of the inadequacy of the economic-based evidence. Calculations of income are particularly difficult because the great part of rents were often received in kind⁴⁴ and valuation rolls are but poor tools.⁴⁵ But despite their imperfections valuation rolls can be used to give a rough guide as to the lower landed

classes in question. The rolls for some six sheriffdoms, taken at random, show that a solid majority of landholdings were valued at less than £600 Scots in 1656;⁴⁶ that is, the rentals of these lands were assessed at below £50 sterling a year. Allowing for under-assessment and inflation, by suggesting a hypothetical doubling of value by the 1720s, it still remains that most landholders in Scotland after the Union were worth less than £100 sterling a year. These, and persons with incomes somewhat above them are taken to be the lower landed classes.

The initial economic checks to entry by elder sons of families in the £100 income bracket were severe but surmountable. These were the costs of training and qualification. A comprehensive education consisted of the following parts after early schooling, not all of which were essential: time, rarely, in a W.S.s office⁴⁷ and/or at a law college;⁴⁸ general education at a Scottish university;⁴⁹ and legal education at a European or Scottish university.⁵⁰

Advice to a hopeful father in 1727 shows roughly the total annual cost of training in a W.S.'s chamber and the complexities involved:

I have received your's and as yet cant learne of a writter to the signet for your sone, but I thinke we'll gett room for him this winter in some chamber or other though he's full too late. As to what money you should send with him, I can't well tell you unless you had condiscended wither you putt him to Mr Bain's colledge of Scotts law's what clothes you dessigne him and if a wigg or his own hair. Ther's the dancing and fencing absolutly necessair these two will cost him in three months three pounds ten shill: str. The writters to the signett take now one hundred pounds scotts [£8-6-8 sterling] per annum for the use of their chamber, I shall see to gett that divided and if they'll take less. I know no more but pocket money and as to that you'll instruct Hary what you think proper that way.⁵¹

So, for a year in a W.S.s chamber, a young man could expect to pay about £8, or less with persuasion. The cost of board and lodging in Edinburgh is not known, but in the "ordinary boarding houses" in Glasgow ten years later students paid "but £5 a quarter".⁵² If a youth was living with relatives in Edinburgh it may be surmised that he could cut this figure substantially. Finally, dancing and fencing at £3-10-0 a quarter, may

have been inessentials, but a prospective advocate had to spend something on the social graces and entertainment, to acquire polish and make contacts.

As for attending "Mr Bain's college of Scots law's", this referred to an alternative or complementary form of introduction to the Scots Law, the "college" or course of lectures conducted by Alexander Bayne of Rires, advocate, professor of Municipal Law at the University (whose chair was established in 1722).⁵³ Bayne's charges are not known. He received no salary⁵⁴ and had to take fees. If he followed the practice of Glasgow professors, then a boy of modest means could escape lightly: "Gentlemen of Distinction give the professors 3 guineys and the other College dues may be payed with one."⁵⁵ Scots Law was also taught at Glasgow University, from 1714, under Professor William Forbes⁵⁶ and at private colleges in Edinburgh, conducted by John Spotiswood in the first two decades of the century and by Bayne himself before 1722.⁵⁷ It is conjectured that this early part of a legal education, dealing with the Scots law in a writer's chamber and college, could be obtained for about £15 a year with ingenuity. Three years was normal for this training, a full term with a W.S. being of that length - normally for the purpose of passing W.S. - and Bayne's full course at the University running for at least that time.⁵⁸

But, in effect, education in the Scots Law was not enough to secure entry to the Faculty. It could serve only as an introduction to the process in which knowledge of the Civil Law, otherwise known as Roman Law, was more important. In Spotiswood's words "The admission by a Trial on the civil Law is looked on to be the most honourable, and makes the Intransigent to be the more respected, than those who pass upon Scots Law."⁵⁹ This prejudice had effect, in that of two hundred and sixty advocates admitted between 1707 and 1750, details of whose trials are known, every one passed trial in the Civil Law; there being

another thirty five entrants details of whose admission were omitted from the records by busy clerks.⁶⁰ Not until 1750 did practicalities force a change, when after a campaign, which had been started in the mid-1720s by Robert Dundas of Arniston, it was declared by the Lords of Session that nobody was to be allowed to enter the Faculty without knowledge of both the Civil and the Scots Law.⁶¹

The financial disadvantages for poorer candidates following from the discrimination against the Scots Law were two. First, anyone foolish enough to ignore the stigma of qualification in the Scots Law had to pay £60-11-1 $\frac{1}{2}$ upon entering, double the usual fee.⁶² This was part of a deliberate contrivance to prevent a mass influx to the Faculty, which would have threatened the interest of existing members. Such fears dated from the late 16th century when the advocates protested that there was "als mekle law in Edinburgh as there is silluer to pay for it".⁶³ Second, those who faced reality and saw qualification in the Civil Law as the only real option, found themselves prohibited from doing this in what was the best way for most of the period, at a European, preferably a Dutch, university.⁶⁴

There costs varied depending on habits and circumstances, but were always high. Sir John Clerk of Penicuik, 1st bart., who had studied at Leyden,⁶⁵ believed that his son, William could live there "cheaper than at pennicook".⁶⁶ In 1700 he allowed the latter expenses of 600 guilders, itemised as follows:

To your professor yearly	25 doucadors	78	gilders
for your chamber yearly		70	"
for fire &c		24	"
for candle &c		16	"
for washing &c		16	"
for your matriculation		10	"
for books		30	"
for your diet yearly		200	"
for your cloaths & incident charges yearly		156	"
total yearly [plus exchange]		600	gilders. ⁶⁷

Provision was not made for extra-mural pleasures: "You must study moderation in all things, particularly in your spending, because your

stock will be but very smal.... A fiddling, dancing, singing, mimical fope is the sadest fellow in the world."⁶⁸ After two years at Leyden an extra allowance of 299 guilders had been sent to his son, who returned to Scotland with debts of 477 guilders;⁶⁹ so that his total expenditure was about 2,000. Taking exchange into account, this amounted to some £220 sterling.⁷⁰ A father more liberal in all respects, Sir Patrick Scott of Ancrum, told his son that if "ye are neither given to gaming, drinking nor keeping mrses & if ye abstain from these am sure ye may live as any gentleman on 1200 gilders per annum [£130 sterling]".⁷¹ With such sums involved the only way poorer children could contemplate a European education was through bursaries; but these were mostly attached to Scottish universities and were commonly designed for Divinity students.⁷²

There was, however, a second-best alternative available in Scottish universities. After the Union Edinburgh and Glasgow began to cater more or less seriously for the intensive study of the Civil Law (as opposed to any law studies provided under the old university regents). James Craig, advocate, became the first professor of Civil Law at Edinburgh, following the endowment of that chair in 1710.⁷³ A chair of "Public Law and the Law of Nature and Nations" had also been established in Edinburgh in 1707.⁷⁴ The first incumbent was Charles Areskine, later of Tinwald, who "apparently used the salary of his Professorship as a means of studying Law at Utrecht" and "travelled abroad a great deal with his brother Robert Areskine, physician to Peter the Great...."⁷⁵ The Law chair at Glasgow, held for many years after its institution in 1714 by William Forbes, advocate, included the Civil Law in its compass, although Forbes refused to teach articles of that discipline except "on exorbitant fees".⁷⁶ Not until the 1740s did this chair flourish in the time of Hercules Lindsay.⁷⁷ In short, the opportunities were not great nor completely satisfactory, but there was scope for a moderately

expensive education in the Civil Law at home for those who found the cost of a stay abroad prohibitive.

The real stumbling block to entry from law in the landed order came after qualifying as an advocate. The check in question was suggested by Kenneth MacKenzie younger of Delvine after he had passed advocate:

The Session is now begun and I wait daily and daly on, tho I have nothing to do, but to be a Spectator. Et un mot me voila quatre mois un Advocat sans, que quelque un m'a encore graisse la patte,⁷⁸ but I have laid up a stock of patience⁷⁹ instead of guineas, have got Stair's Institutions for business.

Such complaints were common. Upon qualifying as an advocate in 1732 Robert Clerk pleaded with his brother, Baron of Exchequer Sir John Clerk, to use his influence with the Duke of Queensberry to have him appointed retained lawyer to the young Earl of March, at £10 a year; because "if Opportunitys of this kind are not taken of advancing young Lawiers eight of ten of them might wait till their beards grew to their knees before they fell into business".⁸⁰ The problem was summarised in 1718 by Sir James Agnew, bart., when discussing the future of his second son, Patrick. The latter

hath studied the law for some time, and hath got a very liberal education for fitting him for that business, having studied the law for some years at home, and went thereafter to Poictou, in France, where he plyed the law pretty close for two years. Since his coming home he has still inclination to prosecute their business, and to enter advocate, but is very much discourag'd from that by reason that there are already too many of that profession; for there is not one-third of that employment but are able to gain their bread by it, and even of that number the most part are such as have good estates, and are able to live upon their own till such time as they come into business; and, indeed, they cannot propose to come into business for a good many years after their entering.⁸¹

The lawyers cited above came from distinguished families. They could hope for eventual business from within their own circles. As Kenneth MacKenzie wrote to his father: "I saw the highland Chieftain you sent me for a Client who with our other north country friends has kept me

pretty Busy this week."⁸² With those of humbler origins the chance of getting business was wretched: an expensive education followed by unemployment were strong barriers to keep them out of the Faculty. Hence a prospective advocate was "discouraged" because "there are already too many of that profession": the problem was commonly understood. Nor was exceptional ability enough to bring business, unless tinged by good fortune. This is found in the career of Henry Home of Kames. He, the son of a small Berwickshire freeholder, studied privately to become an advocate and succeeded in entering the Faculty in his late twenties. At first he got little business, despite his legal skill, and not until he published his Remarkable Decisions of the Court of Session, which drew attention to his abilities, was his progress assured.⁸³

Hence a series of economic checks inhibited entry to the Faculty from the lower landed classes as effectively as self-exclusion stopped entry from the top. For those remaining, the solid middle section, there were, conversely, social, cultural and economic inducements to entry.

These, the middle and upper gentry and the lower nobility, had, first, the traditional Scottish appreciation of the value of legal knowledge in managing their private and public interests. The essentials of this are contained in an "Address to posterity", written in 1708 by Gilbert Burnet, Bishop of Salisbury, a Scotsman.⁸⁴ While chastising the English gentry for their lack of education, they being "... for the most part the worst instructed, and the least knowing of any of their rank I ever went amongst", he compared them unfavourably to the Scots, and included within the scope of their ignorance their poor knowledge of the law. To him

A competent measure of the knowledge of the law is a good foundation for distinguishing a gentleman.... A competent skill in this, makes a man very useful in his country, both in conducting his own affairs, and in giving good advice to those about him: it will enable him to be a good justice of peace, and to settle matters by arbitration, so as to prevent

lawsuits; and, which ought to be the top of an English gentleman's ambition, to be an able parliament man....⁸⁵

This traditional notion of the value of the law, went as far back as the late 15th century, when a statute of James IV ordained

... through all the realm that all barons and freeholders that are of substance put their eldest sons and heirs to the schools from they be eight or nine years of age, and to remain at the grammar schools untill they be completlie foundit, and have perfect latin, And thereafter to remain three years at the schools of art and Jure, so that they may have knowledge and understanding of the laws, through [which means] Justice may reign universal through all the realm so that ... the king's hienes may have knowledge to do Justice.⁸⁶

That the belief in the value of legal knowledge for the landed classes retained some potency in the late 17th century and the 18th century is suggested in paternal advice of 1716 to Milton, when a law student, "to prosecute your studys and render your self capable to serve your Country and your Friends";⁸⁷ in Stair's claim "that no man did so much, to make the law of this kingdom, known and constant, as I have done, that not only bred lawyers, but generally, the nobility and gentry of this nation might know their rights";⁸⁸ in the future 4th Duke of Argyll's plan to give his son a legal education to enable him "to cutt a figure if he should happen to come to the head of the Duke of Argylls Family";⁸⁹ and in the 9th Earl of Eglinton's reported death-bed advice of 1729 to his son and heir that "It would be of unspeakable advantage to you would you when you come to more years, employ some part of your time in the study of the Civill and Scots Law."⁹⁰

Neither of the two aspects of this, serving country and serving family and friends is entirely convincing as a reason for encouraging sons of the substantial landed classes to enter the Faculty of Advocates. On the question of serving country, Andrew Fletcher of Salton complained in the early 18th century that freeholders were not generally willing to accept the responsibilities expected of them, such as those of Justices of the Peace.⁹¹ And the Act of Parliament stipulating that barons and freeholders should "have knowledge to do Justice" had fallen into

desuetude, judging from the many landed gentlemen who had no legal education, such as those who entered the Army as youths. On the question of serving family and friends, education as a civilian, as expected of advocates, was not obviously useful in dealing with the feudal-based laws of property and succession, in which a landed proprietor would require most help.⁹² Civilians studied the Roman Law as codified and issued by the Emperor Justinian (527-565 A.D.) and some of his successors, in the Institutes, Digests, Codex and Novels.⁹³ This was not helpful in mundane legal business in Scotland, because the Scots Law, as applied, was a mixture of statute, custom, feudal law and canon law.⁹⁴ So a student at Leyden was warned by Lord President Sir Andrew Gilmour that while he should concentrate his studies on Justinian it was "fitte to tacke Mackenzie and the last edition of Stairs Institutions, and Craig deffeudis [Jus Feudale] with you that you be not a stranger att home".⁹⁵

But there were some merits in becoming an advocate in order to serve country and family and friends. Those with parliamentary and other political ambitions learned public speaking at the Bar. And the study of constitutional questions, albeēt in relation to Roman society, could benefit a would-be statesman: as it was said of Lord Chancellor Seafield, "He is a gentleman of great knowledge in the Civil Law, and the Constitution of that Kingdom; understands perfectly well how to manage the Scots Parliament, to the Advantage of the Court."⁹⁶ And in the service of family and friends the Civil Law and those skilled in it were of value when disputes arose, as they often did, given the complicated mesh of rights in the feudal hierarchy and a tendency to renege on contracts in a poor society.⁹⁷ The Civil Law, said Stair, has "great weight with us, namely in cases when a Custom is not yet formed".⁹⁸ This was useful to an advocate both in court and when acting to solve disputes as an arbiter, the decret arbitral of friends with legal expertise being a device to keep questions out of court.

The strongest impetus towards joining the Faculty from the substantial landed classes came, however, from another source, the need to supplement income from the land. Becoming an advocate was an attractive way to do this. It was calculated by William Forbes, advocate, writing in 1714, that "at this day" there were about two hundred advocates and of these one hundred and seventy "constantly attend the House":⁹⁹ membership of the Faculty of Advocates gave entry to a profession, a means of earning a living. In Scotland the gentry were so straitened that even eldest sons could not be guaranteed a suitable income by managing their family estates. Between 1710 and 1760 over half the advocates qualifying were only or eldest surviving sons.¹⁰⁰ Baron Sir John Clerk of Penicuik made some telling points on this which had relevance beyond his family's affairs:

if an eldest son in this family has no great genius to the Law let him freely go to the Army or the Sea for his Estate will soon go to ruine if he fall not on some way to make it better or at leaste to save it, for by marrying young and a numerous family, the Estate which his forefathers have provided for him will soon dwindle to nothing.¹⁰¹

And as added incentives in deciding on a career as an advocate there were the privileges which could follow, the most obviously beneficial being the Lords of Sessions' exemption from taxation, (except in time of emergency).¹⁰²

Finally, the education of an advocate, as it was followed until the 1740s, gave the Scottish gentry the most suitable way possible to them of combining the acquisition of social polish and provision for remunerative careers: the Grand Tour, the expense and risk of which (in Presbyterian, post-Revolution Scotland) was not easy to contemplate, was replaced by a limited tour of study in Europe. Education at a selected European seminary, with restricted excursions, was the popular format. Duncan Forbes of Culloden wrote from Scotland in 1732 that

When I sent John into the south of France, you know it was my intention he should pass some years there, partly that he might form his manners and habits in a place where example gives less temptation to vicious ones and where he might have some encouragement to study; and partly to keep him out of this most corrupt corner of the world till those habits were put on, and his mind grown firmer by age.¹⁰³

David Forbes of Newhall thought that his nephew, when in Leyden, should "Shun all occasions of conversing any manner of way with Scots or Englishmen" and regularly visit an inn frequented by the best travellers, where he should eat at the common table and "examine their habits".¹⁰⁴ Milton was advised by his father to learn the social graces in Paris and London either at the end of his studies at Leyden or during a break from them, provided that he continued his application to the law, without which all would be wasted.¹⁰⁵ Holland was the first choice¹⁰⁶ both because of its fine universities and because it was the safest place to be. The latter circumstance may have encouraged a stress on legal education, in which Dutch institutions were famed.¹⁰⁷ Duncan Forbes found that his son was impatient to see Italy, the centre of Catholicism, and although Forbes "did not contradict (because I know what fruit that commonly produces)", neither did he approve.¹⁰⁸ Sir Patrick Scott, hearing that his son was planning a break from his studies at Leyden, commented:

Ye writt of going to Germany and Italy - in the first nothing can be learned butt drinking and a deal rude simplicity; in the other nothing but debaucheries unknowen on this side of the alpes, great show of religion butt all trick and intrest of church men besides their superstition and idolatrie.¹⁰⁹

France itself was not without its risks. The great influx of Scots to Dutch universities¹¹⁰ came in the 1690s and the 1700s during hostilities with France, it being ordained by statute that Scots could not visit that country without express leave from the King or Privy Council.¹¹¹ Sir Patrick Scott instructed his son in 1705 that France was "not to be hazarded upon by any has intrest here for it will not only prejudice yourself butt bring troble on your frends here that may cost them dear in the end".¹¹²

Whereas economic, social, cultural and even political factors tended to conspire to direct the sons of the gentry towards the education and career of an advocate, no other profession had such advantages. Before the expansion of society in the industrial age only the Army could match the law as a career, for the same reasons as attracted the nobility. But for those who sought adventure and the greater possible financial returns of military service there was a difficult hurdle in the cost of a commission. In the reign of Queen Anne "an ensign of the line cost, according to regiment, from £200 to £500 upwards: a company sold for a minimum of £250, and a regiment seldom went for less than 400 or £500".¹¹³ A company in the guards "might cost £1,600".¹¹⁴ Forty years later Lord Somerville found the cheapest company on offer going for between £1,000 and £1,200.¹¹⁵ And those who could afford this expenditure then had the risk of being put on half pay in time of peace. The Army was not therefore an automatic first option for those seeking a remunerative career.

The three other professions which were open to numbers, those of ministers of the Church, merchants and W.S.s simply did not have enough to offer.

The Church could not offer enough in terms of remuneration. In the 1780s, the age of Principal William Robertson, "Several Presbyterian ministers in Edinburgh and Professors in the University, kept their own carriages"; but this was only made possible by a fashionable demand for their published writings, and was "unequaled in any former period of the history of the Church, or of the University".¹¹⁶ Conditions for Churchmen between the Union and the 1760s were certainly not so attractive, anywhere in Scotland, despite a claim by John Smith, minister of Campbeltown, writing in 1798, that "Professor Hutcheson, in a pamphlet which is little more than 50 years old, states the clergymen in the generality of the parishes in Scotland to be second man in point of income."¹¹⁷ Ministers' stipends had been fixed by the Commission of

Surrenders and Teinds in June 1627 at a minimum of 800 chalders of victual or 800 merks Scots (£44 sterling), with provision for them to go lower in certain circumstances;¹¹⁸ and this remained the position until 1810.¹¹⁹ Some 800 livings were said to have provided a spread of incomes between £30 and £110, the majority being at the lower end.¹²⁰ Figures on the richer livings are corrected by a memorial of 1751, which notes that "The highest Livings in Scotland do not exceed £139" (of these there were only sixteen, all in Edinburgh), "about one half of them are under £55, many are under £40 and some under £30".¹²¹ In 1627 the stipend may have been handsome: a hundred years later it was comfortable and then only for the minority. Churchmen from good families could, however, expect the best livings, thanks to their social and political contacts.

They could also hope for university professorships and royal chaplaincies to double their incomes. The top university post open to Churchmen was that of Professor of Divinity at Edinburgh:¹²² in 1753 the incumbent had "above a hundred and sixty pounds with a free house which is a great deal more than the Principality".¹²³ The Principal's post at Glasgow University was worth "about 150 pounds" in the same year.¹²⁴ Gentlemen who attained such rarified positions were equivalent in status - within their respective professions - to the top salaried legal functionaries, the Lord President, salary £1,000, the Lord Advocate, salary £1,000 (plus a possible £500 for London and travelling expenses) and the hard-worked Lord Justice Clerk, salary £1,150 (including emoluments as a Lord of Session, £500, and circuit expenses, £150).¹²⁵ And plain Edinburgh ministers at £139 a year were perhaps equivalent to the ordinary Lords of Session at £500 a year, again within their respective professions. Although the occasional member of a distinguished family is discovered in the pages of Fasti Ecclesiae Scoticae (ed. Hew Scott) there was no general appeal in attending Latin, Greek and

Philosophy classes and Divinity Hall for three or four years, followed by a six year term as a probationary preacher or family chaplain, in the hope of relatively small returns.¹²⁶

Trade was also of limited appeal, but not, as might be expected, because of any social stigma attached to it.¹²⁷ Sir David Hume of Crossrig noted that he was engaged in trade in the late 17th century, as an adventurer rather than a full-time merchant, with Sir John Nisbet, Sir John Baird of Newbaith, Sir Peter Wedderburn of Gosford and Sir Alexander Seton of Pitmedden.¹²⁸ Nor were the costs of setting up as a merchant necessarily prohibitive. They could compare favourably with the expense of an advocate's education. A prospective apprentice declared in 1718 that "for any thing that I can learn there is no compture nor Society of merchants in Europe of any business that would accept of me under £300, or at the very least £200".¹²⁹ Trading stock could be built up gradually through careful planning, as Henry Fletcher proposed for his younger son (Milton's brother):

at the end of a prentiship, it may be of 5 years, a considerable stock was necessar to set up, which we could not afford altogether. Therfor we thought fit to breed him to the Sea, and venture a smal stock with him: that so he might learn at the same time, how to sail a ship; and merchandizing by his own experience; going from port to port, and understanding by this means what and where every sort of goods was to be best bought and sold.¹³⁰

This was to be done by putting him on the ship of a family friend:

And we laid our account that this smal stock, if improved with industry, as one of his capacity might have done, would have produced a very considerable ane befor the end of ane ordinar prentiship, and then he would have been ready to set up for more considerable things, being thus provided with knowledge and money at a time when others who follow the ordinar course of apprentiships are very bare of both. And this we were advised to by the best merchants in Edr, who said it was the shortest way to enter into business.¹³¹

Fletcher followed this plan, giving his son £100 initial stock:

"several other Gentlemen did the same, and particularly the president of the Session, who bestowed not so much on his son, who is in a very thriving condition."¹³²

In the cases noted above every son who was intended to be a merchant had an eldest brother who was an advocate.¹³³ Becoming a merchant was a second choice because, first, Scottish merchants were usually in a small way of business as a consequence of the narrowness of the domestic market;¹³⁴ and, second, in foreign trade, where profits were greater, hazards were also greater, "particularly in the running trade, in which ten to one perish and have no relief, but in the Army or betaking themselves to the East or West Indies, a new lottery".¹³⁵

A more sedate alternative was entry to the Society of Writers to the Signet; but this, again, did not have the appeal of the Faculty of Advocates, probably because of prejudice against it and restricted opportunities in the profession, rather than economic causes. The family backgrounds of many W.S.s in the period are not known, but a genealogical search has probably uncovered virtually all who were members of titled families,¹³⁶ and this permits a comparison to be made between advocates and W.S.s at that social level. This shows that a much smaller proportion of sons, brothers and heirs of peers, baronets and knights became W.S.s than became advocates and that, indeed, the attractions for these titled categories in becoming W.S.s was negligible (Table 10).

Table 10

Proportions of entrants to the Faculty of Advocates and the Society of Writers to the Signet who were in selected social categories, 1707-1760		
Categories	Advocates per cent	W.S.s Per cent
Sons, brothers or heirs of peers	8.4	0.6
Sons or heirs of baronets	19.4	3.0
Sons of knights	3.3	1.7
(Totals)	31.1	5.3

Although evidence is not available to assess the financial returns moderately successful W.S.s might expect in relation to those expected by their counterparts in the Faculty of Advocates,¹³⁷ it is clear that W.S.s

could make very good livings, especially if they had the business of great landowners. Thus Archibald Campbell of Succoth, writer to the 3rd Duke of Argyll, stated that

the agenting business before the Session for country gentlemen of small estates is verrie undesireable work, and small profites attend it in a very fair way (which I hope I shall always adhere to).... The business again of any noble family who have vassals does by the writeings and entries of the vassals &c bring in considerable profits in a fair and honest way.¹³⁸

With only one hundred and eighty one entrants to the profession between 1707 and 1760¹³⁹ as opposed to three hundred and thirty five advocates, it may be that there was enough business large and small to supply comfortable returns for most. And family connections would provide business, as with advocates, so that a person of social distinction and professional competence might hope for large returns from his great friends.

A non-economic factor in discouraging entry to the Society by those who had a choice is suggested in the view of Succoth that the business of a W.S. was "a drudge";¹⁴⁰ but this was a question of personal preference. He proceeded, however, to a complaint which had general bearing, that "the Gentlemen Lawiers should not grudge us the offices which depend upon the pen".¹⁴¹ This was revealing in two ways. First, there was the concept of the "Gentleman Lawiers". This phrase was echoed by John Spotiswood in his discourse to students at his college of law. After lecturing them on how he proposed to teach the Scots Law, the special province of prospective W.S.s, he added for the benefit of prospective advocates: "What I purpose to do in relation to the Roman Law, shall be told to you Gentlemen Students, of it, at your proper Hour."¹⁴² If there was no social stigma in being a W.S., there was not the social honour of being an advocate. This could perhaps be attributed to the relative prestige of the special spheres of the W.S. and the advocate, the Scots Law and the Civil Law, remembering that

admission to the Faculty of Advocates by a trial in the Civil Law was "looked on to be the most honourable" and made the entrant "to be the more respected, than those who pass upon the Scots Law".¹⁴³ The distinction between the functions of the W.S. and the advocate, which was finer than it is today, may also have had effect. The W.S. or solicitor took instructions: he was a servant who worked on specific legal tasks set by his employer.¹⁴⁴ The advocate, as his name suggests, represented his client, stood in for him in a court of law, to present his case expertly: no matter how distinguished the client, his advocate was his peer, a form of legal second self.

Second, there was the matter of "offices". Succoth asked that "the Gentlemen Lawiers should not grudge us the offices which depend upon the pen", those specifically of the Principal Clerks of Session, because the major offices within the Court of Session, those of judges, were monopolised by advocates.¹⁴⁵ Article 19 of the Treaty of Union declared that W.S.s could become Lords of Session - provided that they had practised for at least ten years and had shown they had the knowledge to qualify as advocates¹⁴⁶ - but in fact only one W.S. was appointed to the Bench in the 18th century,¹⁴⁷ that being the Hon. James Hamilton of Pencaitland, and he became a judge in 1712 on the strength of another qualification laid down by article 19, that of Principal Clerk of Session.¹⁴⁸ So W.S.s could not expect to attain the prestige and dignity of Lords of Session and were excluded from the management of the Court, the College of Justice, although members of it, this being undertaken by the Lords of Session through Acts of Sederunt.¹⁴⁹

The social bias within the Faculty of Advocates in favour of the substantial middle landed classes was formed therefore out of their need to find financially rewarding careers, a poverty of opportunities in other Scottish professions as opposed to the special merits of being an advocate, natural and contrived discrimination in the Faculty against the

lesser landed classes and more desirable alternatives outside Scotland for the top landowners. In this way the Faculty's membership became representative of the vestiges of the more elevated tiers of the truncated hierarchy remaining in Scotland. Advocates thereby found themselves at the pinnacle of polite society in Edinburgh; but there was no natural monopolisation of the civic leadership following, in terms of public administration and politics. In fact this would have been unnatural, given the economic circumstances leading people to become advocates: they did so because they were shackled to careers in Scotland by their moderate property status. By the maxim that "Dominion ought to follow the Property", dominion could not be theirs. Their potential for civic leadership was indeed defined by their economic-social position, as will now be shown, and that was a position subservient to others having greater economic or propertied status, those in the south.

1. R.K. Hannay, The College of Justice (Edinburgh and Glasgow 1933), 1-11.
2. *ibid.*, 20.
3. APS, 1540, c.10. Henry Home, Lord Kames, Principles of Equity (2nd edition, Edinburgh 1767), 250, 261.
4. George Crawford, The Lives and Characters of the Officers of the Crown, and of the State in Scotland (Edinburgh 1726).
5. Cases Decided in The Court of Session from Nov. 12, 1836, to July 21, 1837, xv, (Edinburgh 1837), 334, - hereafter referred to as Shaw's Cases.
6. The Register of the Privy Council of Scotland (Edinburgh 1870-1977), *passim*.
7. Shaw's Cases, xv, 335.
8. Spotiswood, The Form of Process, iii-iv. Chancellors who were exceptions - being lawyers first and statesmen thereafter - were the Hon. Alexander Seton, appointed Chancellor and created Earl of Dunfermline in 1604, and Sir George Gordon of Haddo, appointed Chancellor and created Earl of Aberdeen in 1682 (SP, iii, 369, i, 88).
9. R.K. Hannay, "Judicial Administration in Session and Justiciary", Stair Society I, 407-9.
10. Bankton, Institute, ii, 523.
11. Green's Encyclopaedia, vii, 261.
12. Uncertainties over the precise compass of the Advocate's responsibilities are debated by Lord Medwyn in Shaw's Cases, xv, *op. cit.*
13. Register of the Privy Council, *passim*.
14. Shaw's Cases, xv, 335.
15. The Careers of the Presidents, Justice Clerks and Advocates are chronicled by John Philp Wood in NLS Adv. MSS.37.2.1-10.
16. SC50, f5, 1732, to Milton.
17. "Lawyers, Landowners and the Civil Leadership"; Dissertation, chapter 1.
18. Dissertation, 17.

19. Extracted from Sir Francis Grant (ed.), The Faculty of Advocates in Scotland, 1532-1943 (Scottish Record Society, Edinburgh 1944).
20. As in the case of wadset votes who "paid the proprietor of a superiority a certain sum (however small) for the interest of which he receives the yearly feu-duties" (R. Ferguson, The Proposed Reform of the Counties of Scotland Impartially Examined (Edinburgh 1792)): the advantage of this arrangement was that a wadset was redeemable upon the repayment by the superior of the sum contracted for.
21. Dissertation, 17.
22. Genealogical material on the advocates is drawn primarily from Grant, The Faculty of Advocates; J.P. Wood's lists of Scottish lawyers, Adv. MSS. 37.2.1-10; George Brunton and David Haig, An Historical Account of the Senators of the College of Justice (Edinburgh 1832), Burke's Landed Gentry, 18th edition (London 1965-72), Burke's Peerage, Baronetage and Knightage, 104th edition (London 1967), Sir Robert Douglas, The Baronage of Scotland (Edinburgh 1798), Sir Robert Douglas, The Peerage of Scotland, 2nd edition, ed. J.P. Wood (Edinburgh 1813), and George W.T. Omond, The Lord Advocates of Scotland (Edinburgh 1883).
23. Included in this group, for convenience, are one cousin, one nephew, one half brother of peers, and one rightful claimant to a peerage.
24. supra, 6-7.
25. supra, 7.
26. Patrick Murray, Master of Elibank and Simon Fraser of Lovat (who qualified after his father's attainder).
27. i.e. Aberdeen, Airlie (attained), Belhaven, Blantyre, Caithness, Cardross, Dalhousie, Elibank, Findlater, Fife (Irish peer), Garnock, Glasgow, Haddington, Hyndford, Kilmarnock, Leven, Lovat, Marchmont, Primrose, Reay, Rothes, Salton, Sinclair, Stair and Stormont.
28. Adv. MS. 31.5.3, [John Maule], "List of places in Scotland in the gift of the Crown" [c.1747].
29. ibid.
30. NLS Minto Papers, MS. 11001, ff102-3, 1762.
31. R.E. Scouller, The Armies of Queen Anne (Oxford 1966), 127-8, 148, Appendix G.
32. G.W.T. Omond, The Arniston Memoirs (Edinburgh 1887), 66-8.
33. NLS Yester Papers, MS. 7046,
34. ibid., ff72-3, Hay to Tweeddale.
35. ibid.
36. William Coxe, Memoirs of the Life and Administration of Sir Robert Walpole, Earl of Orford (London 1798-1816), ii, 278.
37. Scotland and Scotsmen, i, 116n.
38. Adv. MS. 37.2.11, A Catalogue of the Lords of Session by Lord Hailes (1798), with MS. additions by J.P. Wood.
39. DNB, Archibald Campbell, 3rd Duke of Argyll, John Hay, 4th Marquis of Tweeddale, and John Stuart, 3rd Earl of Bute.
40. SC80, f202, to Milton.
41. Grant, Faculty of Advocates.
42. HMC The Manuscripts of the Duke of Roxburghe; Sir H.H. Campbell, Bart.; the Earl of Strathmore; and the Countess Dowager of Seafield - 14th Report, Appendix III (London 1894), 229.
43. John Riddell, Inquiry into the Law and Practice in Scottish Peerages, before, and after the Union (Edinburgh 1842), I, xxix, 35.
44. Clement B. Gunn (ed.), Records of the Baron Court of Stitchill, 1655-1807 (Scottish History Society, Edinburgh 1908), xvii.
45. supra, 4.
46. Valuation of the County of Aberdeen for the Year 1667 (Spalding Club, Aberdeen 1933); Records of the County of Banff (New Spalding Club, Aberdeen 1922), 269-280; Robert Sibbald, History of Fife and

- Kinross (1802), Appendix vii; Roll for Forfar (1683) in A.J. Warden, Angus or Forfarshire (Dundee 1882), v, 237-255; Roll for Kincardineshire (1663) in Archaeological Collections of Ayrshire and Wigtonshire (1889) vi, 106-128.
47. John Spotiswood, An Introduction to the Knowledge of the Stile of Writs (4th edition, Edinburgh 1752), preface.
 48. John Spotiswood, A Discourse Shewing the Necessary Qualifications of a Student of the Laws (1704), 12.
 49. e.g. Evidence Oral and Documentary Taken ... by the Commissioners Appointed in 1826 and 1830 for Visiting the Universities of Scotland (London 1837), i, Appendix, 226; W.C. Dickinson, Two Students at St Andrews (St Andrews 1952).
 50. *infra*, 38-9.
 51. St Andrews University Muniments, Cheape of Rossie Papers, MS.36929, 5/323, Edinburgh, 7 December 1727, Thomas Hope of Rankeillor, advocate, to the Laird of Rossie.
 52. SC69, 19 August 1732, Principal Neil Campbell to Milton.
 53. Walter Menzies, "Alexander Bayne of Rires, Advocate", Juridical Review, vol. 36, 1924, 60-70.
 54. *ibid.*, 62.
 55. SC69, 19 August 1732, Neil Campbell to Milton.
 56. J.D. Mackie, The University of Glasgow 1451-1951 (Glasgow 1954), 165.
 57. Menzies, "Alexander Bayne", 62; John Spotiswood (ed.), Sir Robert Spotiswoode's Practicks of the Laws of Scotland (Edinburgh 1706), i; Spotiswood, The Form of Process, prefatory remarks.
 58. Spotiswood, The Form of Process, xci; Alexander Bayne, To the gentlemen who have attended his college of Prelections (Edinburgh 1725) - a broadsheet.
 59. The Form of Process, xlv.
 60. Extracted from SRO CS1/10, CS1/11, Books of Sederunt of the Lords of Council and Session.
 61. William Anderson, The Scottish Nation, i, 262; Sederunt Book of Council and Session, CS1/13, f139.
 62. Spotiswood, The Form of Process, xliii.
 63. W.C. Dickinson, "The Advocates' Protest against the Institution of a Chair of Law in Edinburgh" (quoting British Museum Add. MS. no. 33531, ff207-8), SHR, xxiii, 1925-6, 205-12.
 64. Evidence to the Commissioners for visiting the Universities of Scotland (1826-30), i, Appendix, 226.
 65. SRO Clerk of Penicuik Muniments, GD18/2307/14.
 66. *ibid.*
 67. *ibid.*
 68. *ibid.*
 69. Clerk of Penicuik, GD18/2307/34-5.
 70. According to Sir Patrick Scott of Ancrum, in 1705, "200 gilders ... stands heir [Scotland] 266 lib Scots or 400 Merks". (SRO Scott of Ancrum Muniments, GD259/4/29).
 71. Scott of Ancrum, GD259/4/29. See also Mitchell Library, Bogle Papers, letter book of George and Matthew Bogle, 1725-30, for diffuse description of the costs of education at Leyden in the mid-1720s.
 72. See for example, Evidence to the Commissioners for visiting the Universities (1826-30), i, Appendix, 99-106, and Carlyle, Anecdotes and Characters, 32.
 73. Sir Alexander Grant, The Story of the University of Edinburgh (London 1884), ii, 364.
 74. *ibid.*, ii, 314.
 75. *ibid.*
 76. Robert Wodrow, Analecta ([Edinburgh] 1842-3), iii, 332.
 77. James Coutts, A History of the University of Glasgow (Glasgow 1909), 233-4.

78. That is, he was still waiting, after four months, for someone "to grease the palm".
79. NLS Lauriston Castle Collection, Delvine Papers, MS.1209, f22, 1722.
80. Clerk of Penicuik, GD18/5299/54, 1732.
81. Letter to the Earl of Stair in Graham, Stair Annals, ii, 381-2.
82. Delvine Papers, MS.1209, f44, 1723.
83. DNB, Henry Home, Lord Kames.
84. Gilbert Burnet, History of His Own Time (Oxford 1823), iv, 201.
85. ibid.
86. APS, 1496, c.3.
87. SC3, f184, from Henry Fletcher.
88. An Apology for Sir James Dalrymple of Stair by Himself [1690], 12.
89. SC80, f202, 1740.
90. William Fraser, Memorials of the Montgomeries Earls of Eglintoun (Edinburgh 1859), i, 116.
91. Antient Rights of Parliament, 98.
92. See, for example, Sir David Home, Lord Crossrig, Domestic Details (1707) (Edinburgh 1843).
93. Clerk of Penicuik, GD18/2301, "A method prescrybed how to studie the law by S[ir] A[ndrew] Gilmore", n.d.; Rudolf Sohm, The Institutes of Roman Law (Oxford 1892), 9.
94. James Dalrymple, Viscount Stair, The Institutions of the Law of Scotland (2nd edition, Edinburgh 1693), 10.
95. Clerk of Penicuik, GD18/2301.
96. Memoirs of the Secret Services of John Macky, Esq. (London 1733), 114.
97. e.g. Crossrig, Domestic Details, passim.
98. Stair, Institutions, 10.
99. A Journal of the Session (Edinburgh 1714), vii.
100. Extracted from sources as in footnote 22, above.
101. Clerk of Penicuik, GD18/2329, "Advice about the education of my whole posterity, in case it shall please God to continue them in possession of any lands which now belong to me", 1743.
102. Robert S. Rait, The Parliaments of Scotland (Glasgow 1924), 505.
103. Culloden Papers (London 1815), 127 (1732).
104. Clerk of Penicuik, GD18/2301.
105. SC3, f113, 1715.
106. Phillipson, "Lawyers, Landowners and the Civic Leadership", 120, provides details of numbers matriculating at the Dutch law schools.
107. John C. Gardner, "French and Dutch Influences", Stair Society I, 232-4.
108. Culloden Papers, 127 (1732).
109. Scott of Ancrum, GD259/4/29, 1705.
110. Phillipson, "Lawyers, Landowners and the Civic Leadership", 120.
111. A Proclamation for Apprehending the persons After-named, as having been in France contrair to the Acts of Parliament (Edinburgh 1696).
112. Scott of Ancrum, GD259/4/29, 1705.
113. Scoullar, The Armies of Queen Anne, 138.
114. ibid.
115. SC166, f53, 1750.
116. William Creech, "Letter to Sir John Sinclair", Statistical Account of Scotland (Edinburgh 1791-99), vi, 587.
117. James Smith, The General View of the Agriculture of the County of Argyll (Edinburgh 1798), 42.
118. APS, 1633, c.8 and c.19.
119. Chitnis, The Scottish Enlightenment, 45.
120. ibid., 70, quoting John Cunningham, The Church of Scotland (Edinburgh 1882), 332n.
121. NLS Lee Papers, MS.3431.
122. Extrapolated from the Rev. Patrick Cuming's letters to Milton, SC179, ff112-4.

123. SC179, f144.
124. SC179, f112.
125. Adv. MS.37.2.11; Adv. MS.31.5.3; SC153, f44, 1748.
126. Thomas Somerville, My Own Life and Times, 1741-1814 (Edinburgh 1861), 10n.
127. T.C. Smout, Scottish Trade on the Eve of the Union, 1660-1707 (Edinburgh and London 1963).
128. Domestic Details, 17-18.
129. Clerk of Penicuik, GD18/5299/3, 1719.
130. SC3, ff93-4, 1715.
131. *ibid.*
132. *ibid.*
133. Baron Sir John Clerk, Milton and Sir Robert Dalrymple.
134. SB350, folder 1, Milton memorial to John Goodchild, 14 August 1744.
135. *ibid.*
136. Based on History of the Society of Writers to Her Majesty's Signet (Edinburgh 1890), Burke's Peerage and Landed Gentry, Douglas, Peerage and Baronage and Alexander Nisbet, A system of Heraldry (Edinburgh 1722 and 1742).
137. But see NLS Stuart Stevenson Papers, MS.8325, ff3-5, for tables of fees in the 1750s.
138. SC72, f128, 1738, to Milton.
139. History of the Society of Writers to the Signet.
140. SC166, f211, 1750.
141. *ibid.*
142. Necessary Qualifications of a Student of the Laws, 12.
143. Spotiswood, The Form of Process, xlv.
144. J.S. Muirhead, Notes on the History of the Solicitor's Profession in Scotland (London, Edinburgh and Glasgow 1952).
145. SC72, f128, 1738.
146. Cobbett, Parliamentary History of England, vi, Appendix.
147. Brunton and Haig, Senators of the College of Justice.
148. Adv. MS.37.2.4, J.W. Wood, "Ordinary Lords of Session", f12.
149. Memoirs of the Secret Services of John Macky, Esq., 117.
150. Fletcher, Antient Rights of Parliament, vii.

CHAPTER 3

SOCIAL CONNECTIONS AND CIVIC LEADERSHIP

i. The structure of political power.

The south, as represented by England's pervasive economic and political supremacy, was to have a sustained inhibiting effect on those, including lawyers, who would be civic leaders in Scotland. One facet of this southern mastery has particular relevance for them, however, in that it did not merely inhibit them, but actually gave them their public administrative positions. This, the fundamental from which all else followed, the mechanism by which social status was transformed into potential for public activity, was the London-based Scottish magnates' practice of employing agents in Scotland, the only accurate explanation of the lawyers as civic leaders to be found in literature on the subject. The magnates had left Scotland, but, retaining their property, they did not relinquish their traditional hold over the country. And having interests to protect there, they needed agents. The interests of the many related to their estates, their private economic, social and political domains. The interests of the few, the major politicians, related to the management of the entire Scottish public. When an agent acted for a magnate in the second category, the way lay open for him to enter the public administration. It is agents of this type who are of concern here. To them their social status could be of great value, because their positions depended upon some form of introduction to political grandees and the most promising introduction was one produced by social ties, ties of family and friendship.

The lawyers came into the picture with force, because the concentration within the Faculty of Advocates of persons of the right social background entailed that lawyers would contribute substantially - but not exclusively - to the pool of agents. They are placed squarely in their

setting. As general subsidiary factors, first, the lawyers were based in Edinburgh, which, to help them, was the economic and administrative centre of pre-industrial Scotland, and, to hinder them, was a backwater, a peripheral or satellite economic and political zone, in relation to England. Second, they were active in business by virtue of their profession, the important stress being on their activity not their law. And, as a particular contingent or subsidiary factor, those with the right personal qualities could expect to make the most of opportunities. These factors were lesser, because the attachment to a great political patron was at the root of all, and a person having preexisting social ties with such a patron had a headstart over competitors. Two genuises, two cunning fellows, able men of business in Edinburgh, were badly matched if one was the cousin of a grandee while the other had to forge his links by patience and stealth.

The basis of the lawyers' potential for civic leadership from the 1720s, the time of the observed revival in Scottish civic life, to the 1760s, will be discovered by submerging them into their settings, showing, first, the power structure prevailing in Scottish politics and, second, the manner in which agents, lawyers and others, came to be employed in supporting it. The practice of using agents under the system of clientage is found to be the same as that discovered by P.W.J. Riley during earlier decades:¹ only the complexion of political leadership had changed, with new personalities and different party alignments. The realities of power during almost all of the period from the middle 1720s to the early 1760s were that, under the shadow of English supremacy, Scottish politics were dominated by the Earl of Ilay (1682-1761, 3rd Duke of Argyll from 1743) and his friends, and in opposition to them, a coalition of Scottish aristocrats known as the Squadrone.

Ilay was the Scottish colossus. The relevant part of his career can be divided into two phases, from 1724 to the early 1740s and from then until his death in 1761. In the first, more secure, phase his influence

was based on his close association with the First Lord of the Treasury, Robert Walpole; on his own abilities; on a strong organisation in Scotland; and on the great political interest in Scotland of his brother, the 2nd Duke of Argyll. In the second phase Ilay was weakened permanently by the political disgrace of Walpole and temporarily by the loss of the 2nd Duke's friendship: he compensated only partially by an alliance with Henry Pelham, First Lord of the Treasury (d.1754) and by his own elevation to the dukedom on his brother's death.

Ilay and Walpole finally cemented their association in 1725, when the former supplanted the Duke of Roxburgh, the Secretary of State for Scotland, becoming unofficial, but de facto "First Minister for Scotland", the office of Scottish Secretary being temporarily suppressed.² It is probable that Walpole threw in his lot with Ilay because of the value of the parliamentary votes which the Argyll interest in Scotland represented.³ Whatever the reason, their association was very close until the 1740s and Walpole's fall. Lord Hervey, a well-informed political gossip, implied, in paraphrasing a complaint made by the Earl of Stair to Queen Caroline of Ansbach (who acted as Regent during George II's visits to Hanover), that Ilay was Walpole's closest colleague, being the person that the Queen's favourite, Walpole, had "placed nearest to (his bosom)".⁴ And Robert Wodrow, a less informed source, observed in 1728 that "It is said my Lord Isla and Sir Robert are extraordinary bigg and inseparable; and one scarce knowes which of them has the direction of the other."⁵

The test of Ilay's influence over Walpole and of the power drawing from it is found in the disposal of Ministerial patronage. The management of this was the leitmotif of 18th century politics; it both represented and consolidated power. Taking one important example of patronage, that of the appointment of Lords of Session, which was in the gift of the Crown,⁶ it is found that of twelve persons elevated to the Bench between 1724 and 1740⁷ eight clearly owed this to Ilay. These

were Milton, Sir Gilbert Elliot of Minto, 2nd bart., Patrick Campbell of Monzie, Alexander Fraser of Strichen, Patrick Grant of Elchies, John Sinclair of Murkle (brother of the Earl of Caithness) and the Earl of Leven.⁸ In some instances instructive comments were made. Milton, for example, was told by Ilay that "Your affair has met with no difficulty ... Mr Walpole has been very kind in it."⁹ And of Monzie's elevation Ilay said that "My friend Scroop gave me a devilish deal of work against Monzie, but Sr Robert was very kind in it to me, the Letter is signed":¹⁰ this, which referred to John Scrope, Secretary of the Treasury, previously a Baron of Exchequer in Scotland,¹¹ showed that Ilay's influence was great but not absolute. Of the four appointments not credited to Ilay, one went to Robert Dundas of Arniston (d.1753), who was attached to the Squadrone: there is a suggestion that Ilay cooperated in his appointment.¹² Another went to Duncan Forbes of Culloden, a friend and agent of Ilay's brother, the 2nd Duke of Argyll, but not then close to Ilay:¹³ Forbes's great popularity in Scotland¹⁴ and the influence of his patron Argyll, ensured his appointment (as Lord President). Scrope's nominee, John Pringle of Haining received another place.¹⁵ And the fourth went to Hew Dalrymple of Drummore, a cousin of the Earl of Stair, drawing the comment from Ilay that "Sir R seemed inclinable to let Hugh have it upon which I gave way to it."¹⁶

Court of Session places were among the more attractive in Scotland.¹⁷ They were the shining tip of a submerged iceberg of patronage at Ilay's command. The Walpole-Ilay connexion, and especially the wealth of patronage which Walpole placed in Ilay's hands, were, in short, immense sources of power for the latter. Thus in 1733 a Squadrone pamphleteer observed - after noting that Scotland was Walpole's "peculiar Province", seduced by a "babbling Peer" (that is Ilay, who was known as "The Peer")- that whenever Ilay visited Scotland

All the Electors attend his Levee, his Generosity is unbounded, as is his P...r. The private Commissions he has to execute will make you wallow in Riches. The starving P[ee]rs, pay a Reverence to his Command; and preferment, besides a Pen[sio]n, shall be your Reward.¹⁸

Ilay's influence drew, secondly, from his own character and abilities. These would be difficult to assess - he was so "dark and shrewd",¹⁹ so "cunning and crafty"²⁰ - were it not that his contemporaries have left testimony. Lord Hervey spoke grudgingly of "his Parliamentary skill and accomplishments"²¹ and observed that he

... was the man on whom Sir Robert Walpole depended entirely for the management of all Scotch affairs; a man of parts, quickness, knowledge, temper, dexterity and judgment; a man of little truth, little honour, little principle, and no attachment but to his interest. A pedantic, dirty, shrewd, unbred fellow of a college, with a mean aspect, bred to the sophistry of the civil law, and made a peer, would have been just such a man.²²

To Horace Walpole Ilay was "the old wizard".²³ In 1742 he noted that Ilay was one who "... appears little, lives more darkly and more like a wizard than ever ... he is of the mysterious, dingy nature of Stosch".²⁴

A vital weapon in Ilay's armoury was his studied political diffidence, which helps to explain his dark and obscure behaviour. Hervey said that

His great maxim on which he regulated his whole political conduct with regard to persons was so to love that he might hate, and so to hate that he might love; that is, never so far to confide as not to dare to break, nor ever so far to outrage as to make it impossible to be reconciled.²⁵

These were the right qualifications for a Scotsman desiring long-term success in the politics of London, where Scots were not loved. Ilay himself said, in 1710, that "it being very plain that no party here has our country much at heart, the exasperating any side here might at some conjecture or other, draw both upon us, and crush us at once".²⁶ A self-proclaimed neutral Scottish view was given by William Crosse, advocate. It hinted at the third element in Ilay's power, his fine organisation in Scotland, formed round efficient agents, the components of which organisation will appear later in the text. To Crosse, Ilay was

a very great man, great, not only by his Estate and employments, (particularly the first) and the power which arises from them, but great also by his personal abilities, which last have enabled him to make choice of the men of the best judgments and greatest parts in the Country to serve under him.²⁷

The fourth and basic element up to some time in the late 1730s, was the interest in Scotland of his brother, John, 2nd Duke of Argyll. The Duke was a substantial political figure in his own right,²⁸ but the level of participation in political life has commonly been exaggerated by historians.²⁹ John Simpson puts the record straight when he remarks of "substantial managers running eighteenth-century Scottish politics" before Henry Dundas, that, "with the mighty exception of Archibald, Earl of Islay and third Duke of Argyll, there is no one. Duke John had no stomach for the role and no one else the opportunity."³⁰ The 2nd Duke's real preoccupation was with his military career, and he handed over the family's political interest to Ilay, even though the brothers were not friendly towards each other.³¹ It is impossible to pin down the Argyll political stock entirely. Central was the economic and political leverage provided by the Argyll estate and jurisdictions; but the strands of influence which extended beyond this were so extensive as to become indefinable. For example the Duke (and Ilay) had family ties with peers including Lothian, Sutherland, Lauderdale, Bute, Buccleuch, Loudoun, Breadalbane, Crawford, Home, Moray, Caithness, Eglinton and Rosebery,³² who had influence on voters in their own territories. Then the Duke was the chief of the Clan Campbell, including a number of distinguished cadet branches of the Argyll family.³³ All these had their own family connections, so that the tentacles of influence burrowed deep into Scottish society. As for the personal territorial interest of the Duke, this was based on Argyllshire, which was "the [second] largest and Richest of all Shires in the Highlands and North" and "Nine part of ten of the whole shire" belonged "to the Duke of Argyll and his Clan".³⁴ The Duke drew "a prodigious mass of money" from it.³⁵ He also had properties

and jurisdictions outside Argyll, which gave his scope to exercise persuasion over a much larger area. In particular, the Campbell regality, in which he owned Castle Campbell and its lands, embraced parts of Dumbartonshire, Stirling, Clackmannan, Fife, Perth, Forfar, Inverness and Uist.³⁶

The acid test of the value to Ilay of his brother's interest came at the general election of 1741. Before the dissolution of Parliament the Ilay-Walpole axis controlled thirty Scottish Commons' seats out of forty five.³⁷ After the election this dropped to nineteen seats, which, with defeats in Cornwall, threw Walpole out of power, while Ilay went into political eclipse from 1742 to 1746.³⁸ The fall in their Commons' support was the result of a move into opposition by Argyll. This led to the defection before the 1741 election of four members of the Ilay camp, and to a fatal division of loyalties between supporters of Argyll and Ilay at the election.³⁹ According to Lord Hervey, writing retrospectively, Ilay had

... owned to me that he had had such precaution in the choice of those men who he had brought into either House of Parliament, that, knowing his brother's violence and sudden turns (these were his words), "I have so contrived it so that if my brother should run mad, and break with the Court, there are not three people in Parliament who will follow him unless I go along with them."⁴⁰

But when the Duke finally succumbed to paranoia⁴¹ Ilay's support was undermined. Ilay remarked of his relationship with his brother at this time that,

As for my self, he renders me useless by his asperity to me; I can keep my temper, but I cannot transact bussiness which requires secrecy and confidence, with one who snubs me every time I talk to him of any affairs, how all this will end I dont know, but when I see no remedy I always tranqualize my self.⁴²

In the following phase of his political career Ilay was able to tap the Argyll family interest unhindered, as 3rd Duke. And he had a good working relationship at the centre of power and patronage between 1746 and 1754 with Pelham to replace the old Walpole alliance.⁴³ His influence

then was such that George II bitterly described him as "Vice Roy in Scotland" in the sense of sub-king rather than loyal servant of the Crown.⁴⁴ This drew the comment from Pelham, as Romney Sedgwick notes, that

I can't but say he is a Vice Roy of an extraordinary nature, not supported nor even countenanced by the royal family, arraigned by many of the King's servants, and warmly protected by very few of 'em. Yet this man does all we want. Can H.M. or his faithful servants desire more?⁴⁵

And, in truth, English reluctance to deal frankly with Ilay diminished his political credibility in this last phase of his career. Pelham himself declined to give him as free a hand in the disposal of Scottish patronage as Walpole had done; and Pelham's successor as First Lord of the Treasury, his brother the Duke of Newcastle,⁴⁶ went to the extreme of attempting in 1754 to manage Scotland without Ilay, being irked by his dependence on the latter's cooperation⁴⁷ - this scheme failed because Ilay's natural interest and organisation in Scotland were too strong to permit it.⁴⁸ Hence Ilay remained the leading Scotsman at Westminster until his death in 1761, although not as powerful as he had been in the age of Walpole.

And, to give a preliminary summation of his position from 1725 to 1761, before relating it directly to that of the Squadrone, he was not only the dominant figure in Scottish affairs throughout, but also one of the dozen or so most powerful politicians in England, performing the feat of retaining a place in "the Cabinet Council" (which usually numbered between twelve and fourteen) for almost forty years, where he participated in English and colonial decision making;⁴⁹ was regularly appointed as a Lord of the Regency, after Caroline's death, during the King's visits to Hanover;⁵⁰ and was matched as a political survivor only by Newcastle and the Earl of Hardwicke.⁵¹ His weakness was that he was too cautious, and rarely risked his power by interfering in the political process to help Scotland.

Opposed to him and his friends was the coalition of noblemen and gentlemen called the Squadrone, who could not match his power. They came nearest to flourishing after the fall of Walpole, when the English Administration, in checking Ilay, insisted upon giving them a share of Scottish patronage to win their favour.⁵² The Squadrone took their name from a group from which they were linearly descended, formed in Scotland before the Union and then "known as the 'New Party' or more commonly, by (the) nickname of the 'Squadrone Volante'" earned by "keeping out of permanent alliance with any other party".⁵³ J.Y.T. Greig describes them as "a section of the Country Party in Scotland" who "actually voted for the Union, but afterwards remained nearly always in opposition to the Government" and "By mid-century the name was ... given to those who opposed the administration of the Duke of Argyll [Ilay]...."⁵⁴ There was in fact no official Opposition during the 18th century: opposition to the King's Ministry implied disloyalty to the Crown.⁵⁵ Hence the Squadrone, in its opposition to the Walpole Administration, joined forces with other disgruntled elements - who called themselves the Patriots or Country Party - under the device of protecting the King from his Ministers.⁵⁶ As for the text-book "party" names of Whig and Tory, these do not describe the then important division. The Squadrone and Ilay, the Patriots and the Administration were all Hanoverian Whigs: the Tories were not then a parliamentary force.⁵⁷ More important was the division of the Whigs, supporters of the Revolution Settlement and the House of Hanover, "into Courtiers and Patriots - which was, in plain English, Whigs in place and Whigs out of place".⁵⁸ Ilay and his group belonged to the Court Whigs; and the Squadrone belonged to the Country Whigs, the Patriots, from 1725 to 1742 and to the Court Whigs from 1742 onwards.

Thus during the Walpole Administration (that part of it between 1725 and 1742) the Squadrone opposed both Walpole and Ilay with equal vehemence.⁵⁹ Walpole shared the odium with Ilay because together they

excluded the Squadrone from a share in Scottish management and patronage.⁶⁰ Between 1742 and 1746 the Squadrone had a brief share of power, during the Scottish Secretaryship of the 4th Marquis of Tweeddale;⁶¹ and although Ilay was able to reassert his position in 1746, the Squadrone were from then no longer in opposition to the Administration: they were in opposition to Ilay alone.⁶² Although Pelham then attempted to please all parties and gave the Squadrone a share in patronage,⁶³ perhaps learning from Walpole's fall, this did not reconcile them to Ilay, with whom they had old scores to settle. Finally, with the death of Pelham in 1754, his successor, Newcastle, was reluctantly forced to ally himself with Ilay, while plotting with the latter's enemies, the Squadrone, to overthrow him.⁶⁴ Hence in the last phase the Squadrone were firm friends of the Administration and opponents of its Scottish manager.

Leadership of the Squadrone was rarely vested in an individual. In 1716 the head was the Duke of Montrose, Secretary of State.⁶⁵ From then until 1725 it was Roxburgh,⁶⁶ and between 1742 and 1746 it was Tweeddale,⁶⁷ during their tenures as Scottish Secretaries. Otherwise the leadership was shared. In the late 1720s and the 1730s, for example, it included Montrose, successive Marquises of Tweeddale and the Earls of Stair, Marchmont, Haddington and Rothes.⁶⁸ In the 1740s and 1750s the Earl of Findlater, his son Lord Deskfoord, the Earls of Hopetoun and Marchmont, and Marchmont's twin brother, Alexander, were prominent.⁶⁹ Constantly active were the Dundases of Arniston, who were the dominant parliamentary family in the county of Midlothian (Edinburgh),⁷⁰ and seemed to have an almost pathological hatred of Ilay.⁷¹

So far the Squadrone as a political coalition is only partly defined. Its most obvious characteristic was its opposition to Ilay; but it was not simply a coalition of elements dissatisfied with his rule. It was also a family interest. It is true that some who joined it, notably James Erskine of Grange⁷² and the Earl of Stair and his family,⁷³ did not have

close family ties with it. Thus Erskine belonged to the eclipsed Erskine-Mar interest;⁷⁴ while Stair, ably abetted in Scotland by Hew Dalrymple, Lord Drummore, S.C.J., led the Dalrymples,⁷⁵ who were one of the three or four leading "family" lobbies in the country,⁷⁶ including the Campbells⁷⁷ and the Erskines⁷⁸ notably.⁷⁹ Grange and the Dalrymples had joined the Squadrone in the early 1730s because they were unhappy with Ilay and Walpole.⁸⁰ Otherwise there were early links between the Squadrone's leading families (Montrose, Tweeddale, Rothes, Haddington, Hopetoun, Marchmont, Findlater and Dundas),⁸¹ with the exception of the Marchmonts, who are not perceived to have had a strong blood tie with the others. (Figure 1).

It is possible to connect many of the leading landed families in Scotland, despite their different political persuasions, but the ties between the leaders of the Squadrone were of such strength as to define them as a family group opposed to the Argyll family group and not as a mere coalition of disparate dissatisfied individuals. As for the Dundas connection which shows that Robert Dundas (d.1727) had three ties with the Haddington family (Figure 1 (iii)), all of these were less close than a tie he had with one of Ilay's intimate lawyer associates, Charles Areskine of Tinwald (later of Alva), who was Dundas's nephew (Figure 2).⁸⁵ However Areskine was something of a Vicar of Bray. His first public appointment, that of Professor Public Law at Edinburgh University, was received during the Secretaryship of another relative, John Erskine, 11th Earl of Mar⁸⁶ (Figure 3).⁸⁷ He thereafter dallied with and deserted the Jacobites in Paris (who were led by Mar),⁸⁸ and finally abandoned another patron, the Duke of Queensberry, to join Ilay.⁸⁹ There is no real difficulty presented by such cross links. Through judicious assessment of careers in relation to family connections the relevant links readily show themselves. It remains to note the Earl of Findlater. The 4th Earl was a close colleague of Ilay.⁹⁰ But following his death in 1730 the family's loyalties changed. It so happened that his son and successor,

Figure 1(i)

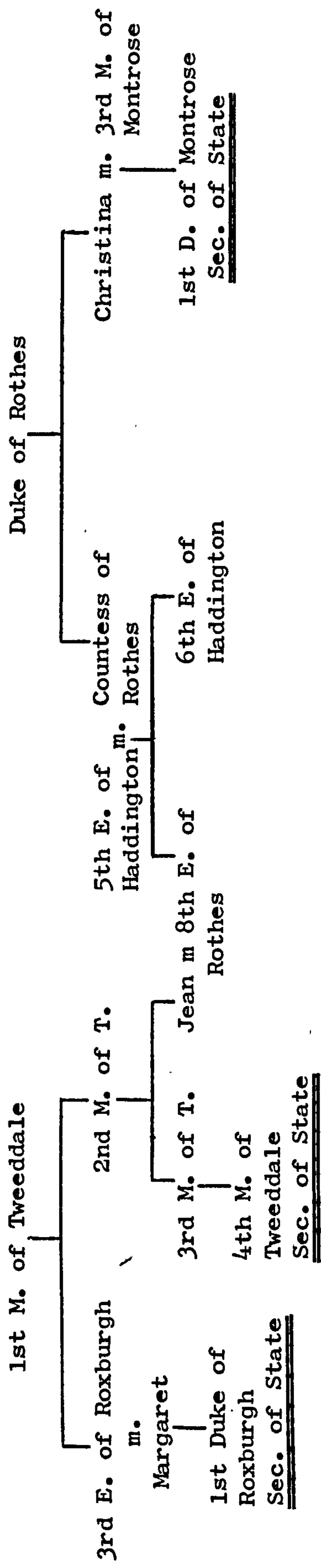


Figure 1(ii)

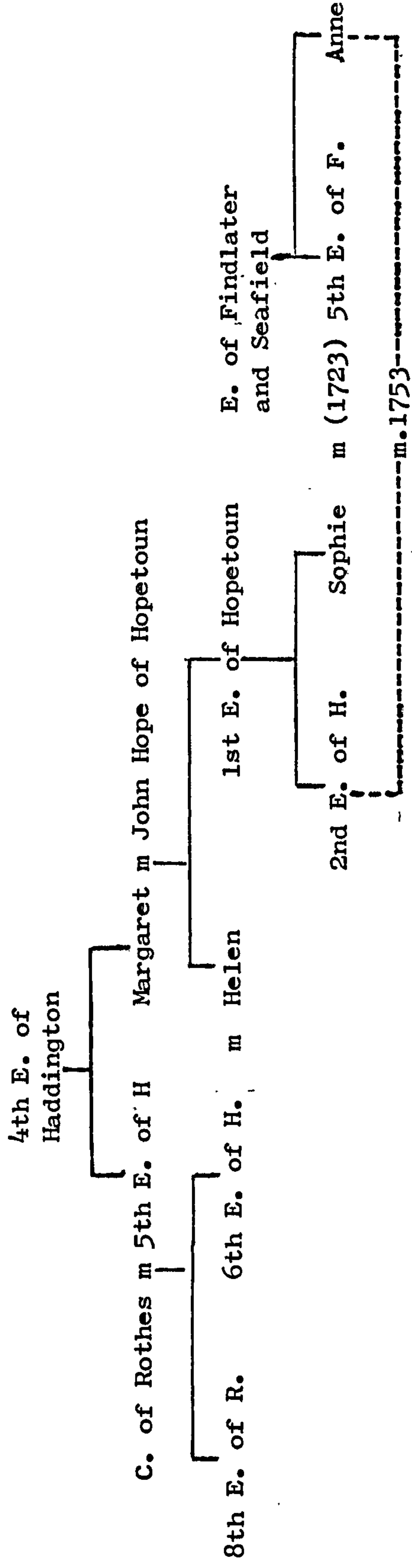


Figure 1(iii)

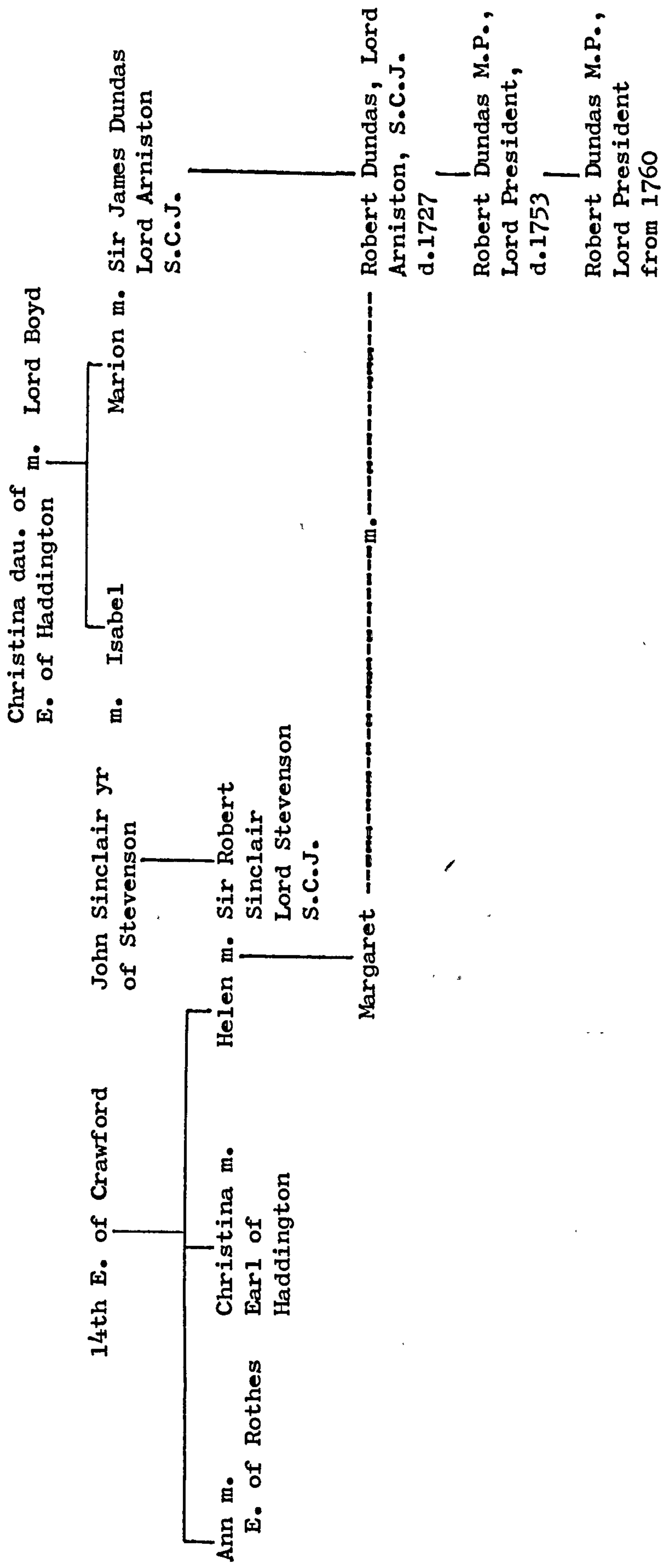


Figure 2

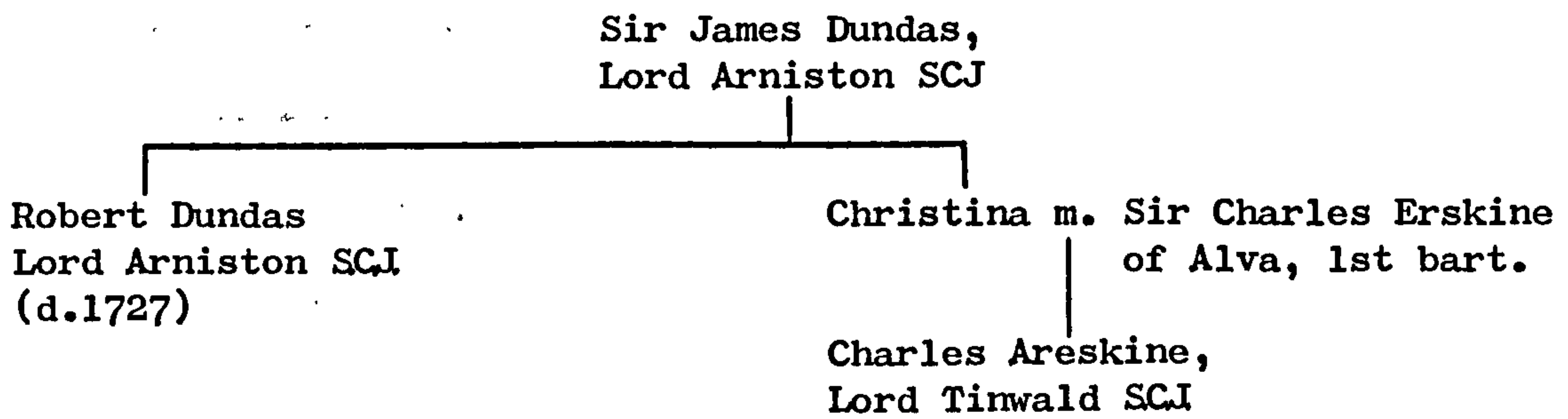
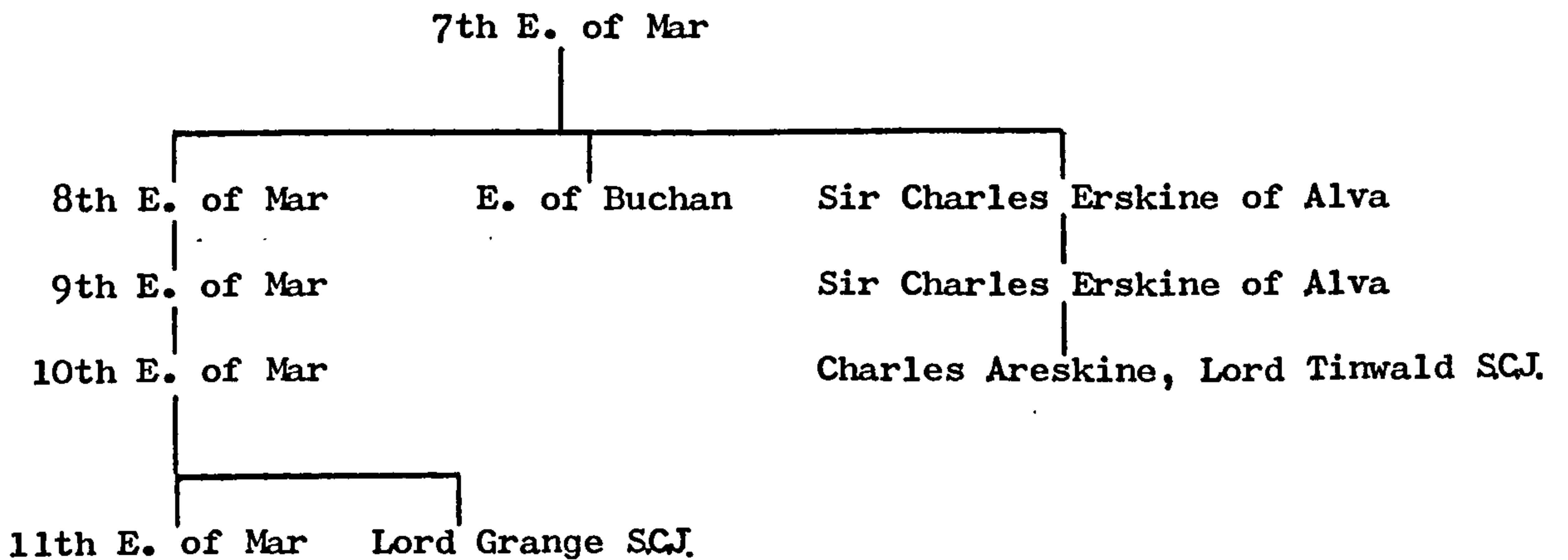


Figure 3



and his daughter, had, against the custom in their family, married into a Squadrone family, that of Hopetoun. So the 5th Earl's attachment, after a brief contact with Ilay,⁹¹ transferred to the Squadrone,⁹².

As for the weakness of the Squadrone, William Crosse said of them in 1746 that

That other party [the Squadrone] If it deserves the name, is no more than the poor remains of a weak party, that got the administration of this country into their hands for some years in the beginning of the late King's reign [George I], but soon shwe'd themselves unable to manage it. This poor remainder keeps together and effects still to wear the name of a party, which was not considerable at it's greatest height, but is now well nigh extinguish'd. There are few, or rather none among them that have a true judgment of men and things, nor have they any general interest in the Country not even among the Whigs though they are themselves all Whigs. They have accidentally got into a great share of the management of this Country, when the late Rebellion broke out and what a fine spot of work they made of it, is known to every body, and gives a better idea of the men than it is possible to describe or convey in any other way.⁹³

Their weakness up to this time was reflected in their receipt of patronage. Again using the test of Lords of Session, it is recalled that Ilay was instrumental in obtaining the appointments of eight of these between 1724 and 1740, in which time only one of the Squadrone, Robert Dundas (d.1753) became a judge. After that, however, their influence revived somewhat because of the English Administration's readiness to countenance them more than it had done under Walpole. So between 1741 and 1760, nine of the persons appointed to the Bench of the Court of Session were friends of Ilay or his associates and the remaining seven, including Lord Presidents Craigie and Dundas (d.1788) were attached to the Squadrone (Table 11).⁹⁴ But the bare details falsify Ilay's impact

Table 11

Lords of Session appointed 1741-1760		
	Friends of Ilay	Squadrone
1744	Charles Areskine of Tinwald	
1746	Patrick Boyle of Shewalton	
1749		James Grahame of Easdale
1751		
1752	Henry Home of Kames	
1754		Robert Craigie of Glendoick
1754	Alexander Boswell of Auchinleck	
1754	William Grant of Prestongrange	
1754		Robert Pringle of Edgefield
1754		Thomas Hay of Huntington
1755		Andrew MacDouall of Bankton
1755	Peter Wedderburn of Chesterhall	
1755		George Carre of Nisbet
1756	George Broun of Coalston	
1759	Andrew Pringle of Alemore	
1760		Robert Dundas of Arniston

in that they do not show where the success of Squadrone candidates depended on his agreement, which happened with Robert Pringle of Edgefield and Thomas Hay of Huntington at least.⁹⁵ He was wise enough to trim his

sails according to the political wind at Westminster and Whitehall. Even then his reluctant colleagues in the Administration acknowledged that he had most to say in Scottish patronage. The method followed was suggested in a letter of 1755 from Newcastle to Lord President Dundas:

The Duke of Argyll says That in two instances viz the Sheriff Depute for the County of Edinburgh and the other which I forgot He has agreed to Your Lordship's recommendation, tho I think neither of the employments are yet vacant.⁹⁶

And this say which Ilay had in Scottish patronage, even when at his weakest, marked the Administration's recognition that he, not the Squadrone, had the right to dictate the general management of Scotland. So Newcastle's secretary, Lord Dupplin, in 1755 advised members of the Squadrone in Scotland that

The Duke of Argyle was by misrepresentations of the Duke of Newcastle's behaviour so much chagreened last year, that he was upon the point of breaking with the Duke of Newcastle. The Duke of Newcastle has felt the effects of the loss of the Duke of Argyle's freindship; which from his Weight and Consequence here which is very great and very Important as well as from his Connections and Influence in Scotland is extremely essentiall to any Minister who would carry on the affairs of the Government with success. Therefore it is necessary for the Duke of Newcastle to cultivate the Duke of Argyle's freindship, and those who are his [Newcastle's] freinds in Scotland cannot give him a more essentiall proof of their regard, than by using the most likely means to keep them well together.⁹⁷

Of the political forces which mattered most in Scottish administration Ilay and his friends came first, with the Squadrone families trailing far behind, and the English administration having something to say in determining the rules of the competition.

ii. The system of clientage as it applied to representative institutions.

From the mid-1720s lawyers and others were drawn into the civic leadership in Scotland as agents and clients of Ilay and the Squadrone. That was the premise upon which their potential was founded. Following upon it, only those who had Ilay's sanction had consistent scope to act positively, such was his dominance: just as the Squadrone were forced into the negative stance of opposition to him in London, so too were

they obliged to act in that way in Scotland, the seat of his power; and those who deserted him after receiving administrative appointments found their scope for action to be drastically curtailed. The general soundness of these propositions is found by applying simple arithmetic, together with insights into the political arts, to the membership of organisations representative of the structure of public administration in Scotland, four of which have been chosen as a sample. And when the individual circumstances of members of these organisations are drawn together a clear implication is produced that the generality were selected for their social connections first, their abilities, activity in business and location in Edinburgh second, with their law, where they had any, very far behind (except in administering the law itself).

The four bodies in question were the Court of Delegates to decide claims against the forfeited estates (1728), the Board of Customs, the Board of Trustees for Fisheries and Manufactures and the Annexed Estates Commission. These were representative of the legitimate institutional structure of administration outside the law courts - legitimate in that they were created by central government, being of the nature of modern quangos, in contradistinction to "independent" institutions such as the Convention of Royal Burghs and the Royal Bank of Scotland which were used in some way to manage Scottish society. The Court of Delegates is quickly passed by as an example of a minor body formed to make peripheral adjustments to the running of the public machine.⁹⁸ The Board of Customs (and its smaller partner, the Board of Excise) undertook the management of the collection of the revenue,⁹⁹ a function of obvious importance to government. And the Annexed Estates Commission was conceived to reform the entire social and economic order of the backward Highlands, the greater part of the country.¹⁰⁰ The Board of Trustees for Manufactures requires special comment, so easy is it to underestimate it.

Two other commissions established after the Union suggest its

potential status. The first of these, the Commission of Trade and Chamberlainrie was formed in 1711.¹⁰¹ The then Lord Advocate, Sir James Stewart, observed of this Commission, that

it seems to be principally for the regulating and improving of trade and manufactures, disposing of the 2,000l. yearly for our loss upon the export of wool, the regulating of "metts" and measures and for noticing the state of our boroughs.¹⁰²

So, excluding matters under the control of landed magnates, the law courts, the revenue officers and the Church, it was intended to actively administer the public's interest in the remaining sectors of a rather primitive society dependent on agriculture, trade and commerce. It was casually designed, however, in that the paid positions of its members were given to minor Scottish noblemen as a way of satisfying them,¹⁰³ and their places quickly developed into sinecures.¹⁰⁴ A similar fate befell the Commission of Police, another paid body, set up in 1714, and packed with noblemen.¹⁰⁵ Its powers were restricted to considering and reporting on the state of the Highlands and the means of controlling them, the activities of papists and non jurants, the maintenance and employment of the poor (i.e. the encouragement of manufactures), the repair of highways and the rendering rivers navigable.¹⁰⁶ Ilay was later to comment that it was "... I believe once taken notice of in some Act of Part, I think in some clause relating to Highland Schools".¹⁰⁷

In connection with these two commissions Robert Wodrow stated in 1726 that:

I am told by Mr Sinclair, late [H.M.'s] Solicitor, that after the Union the English were content ther should be somewhat of a form of Government in Scotland, in room of the Scots Council; and that the Lord Godolphine was particularly for this. That severall projects wer formed in order to this; a Council for Trade and Manufactures was spoken of to have some standing power, and after that, the Commission of Police [and] a Comitty of the British Council to sit at Edinburgh &c.¹⁰⁸

Hence a commission for trade and manufactures could be grander than its title suggested: "in room of the Scots Council.... a Council for Trade and Manufactures". It is also evident that there was a clear if

reluctant understanding, in an age of mercantilist interference, that Scotland lacked a proper framework for managing the public end of social and economic planning. Fiscal and statutory administration could be managed by the organs existing at Whitehall and Westminster; the means of legal administration existed in Scotland; but there was a perception of a need for some devolution in the economic management, although the English were prepared to forget this or concede as little as possible.

The Board of Trustees, established in 1727, was not identical with either of these Commissions. In particular it was stronger than the Board of Police, in that it had some power of independent action,¹⁰⁹ and was narrower, in that Church management was controlled by Ilay's private machine,¹¹⁰ while papists, non jurants and the Highlands were largely ignored until the '45,¹¹¹ and communications were dealt with through the private efforts of the burghs, supported by legislation which enabled them to raise revenue to improve their harbours, and through the Turnpike Acts of the 1750s.¹¹² But when the Board of Trustees was set up, in the face of political imperatives,¹¹³ it was following in a tradition and was reflecting contemporary thinking both of which ascribed central importance to its role. It should therefore, be viewed as a prominent element in a very thin administrative structure.

The membership of the Board of Trustees, the Court of Delegates, the Board of Customs and the Annexed Estates Commission all reflected Ilay's determination to control what he could of Scotland's institutional framework and, indeed, its public life. For him it was not just desirable to have his clients in the majority, it was a necessity and a compulsion. In 1730, the Rev. Robert Wodrow put the matter thus, with emphasis on his own concern, the Church:

the Duke of A[rgyll] and the Earl of Isla, take much pains to have some interest in all the various societies of Scotland and to have some thorough engaged to their side every where. Every body sees it in the Members of Parliament, the Lords of Session, the settlements of Ministers, and particular Presbyteries in the General Assembly.¹¹⁴

The intention was the same as that which P.W.J. Riley observes the 2nd Duke of Queensberry and the 1st Duke of Argyll, Ilay's father, to have had at the beginning of the century: "Their ultimate objective was a monopoly of the apparatus of patronage and administration."¹¹⁵ And insofar as "For Queensberry the attainment of the objective appeared to be almost a psychological necessity",¹¹⁶ Ilay imitated him precisely. But there was more to it in political terms: the more of Scotland Ilay could control, the easier he could manage it, dispose of it and cover unforeseen emergencies and eventualities. His view was that

Politics is a continual petty war and game, and as at all other games, we will sometimes win and sometimes lose and he that plays best and has the best stock has the best chance.¹¹⁷

It was a theme he was fond of, writing again that

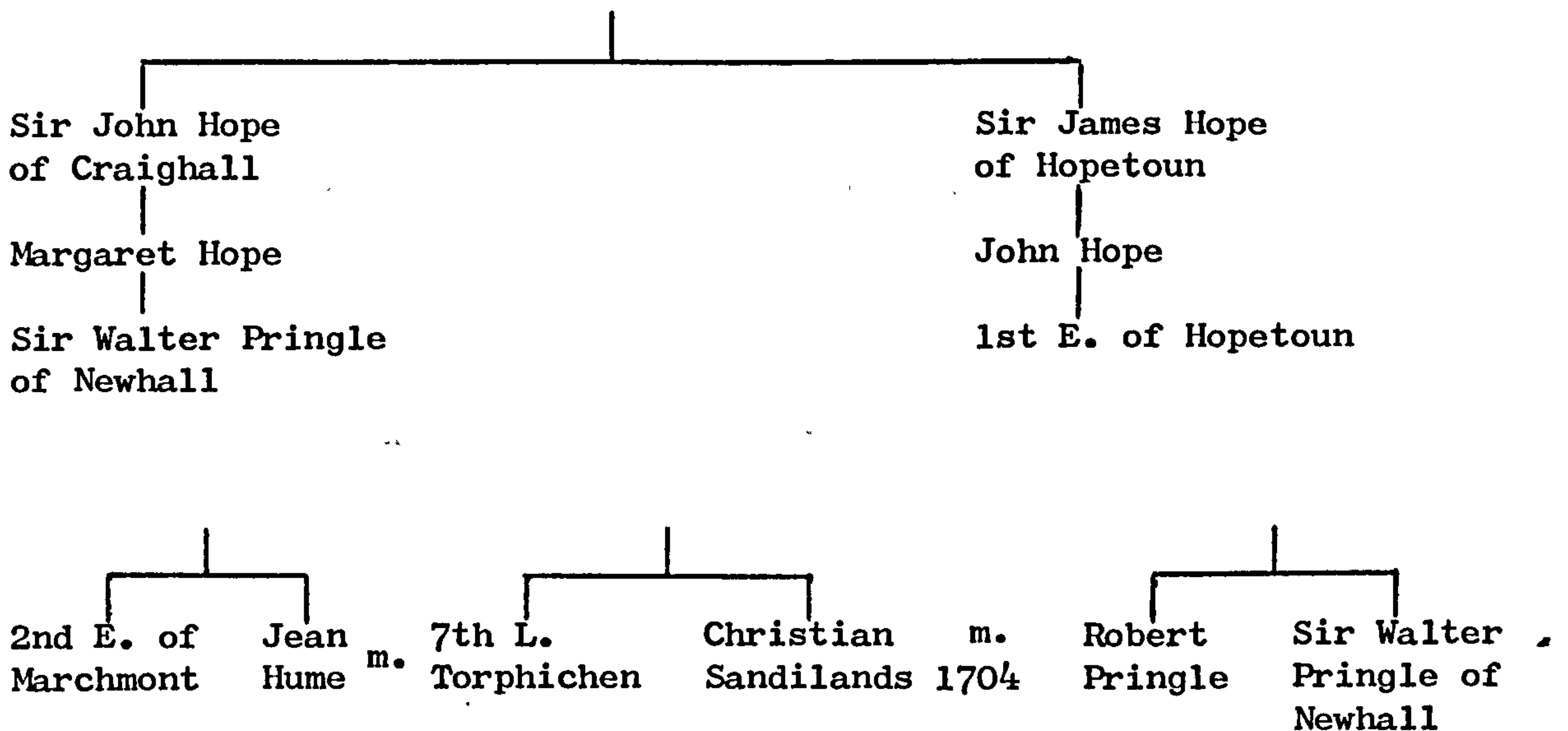
in short alls a game and I'll play the cards selon le jeu, quel^s fois on gagne and quelq^s fois on perd, in the main good cards never lose at the long run ... though I am very far from thinking that any consolation maxims are necessary for me at present, I leave them to my enemies.¹¹⁸

The membership of the Court of Delegates appointed under the Great Seal to decide claims against the forfeited estates, a judicial body formed in 1728, did not seem to reflect Ilay's political supremacy nor his determination to command the institutional network. But the appearance was deliberately deceptive. This minor commission is noticed here to show the fixed purpose and cunning with which Ilay pursued his objective.

The five commissioners were judges, the Lords Kimmerghame, Newhall, Grange, Milton and Minto.¹¹⁹ Sir Andrew Hume of Kimmerghame (1676-1730) was brother of the Earl of Marchmont, who was then prominent in the leadership of the Squadrone.¹²⁰ Sir Walter Pringle of Newhall

(advocate 1688, d.1736) also had Squadrone links. (Figure 4).¹²¹

Figure 4



Indeed he had been made a judge by Roxburgh in 1718.¹²² Another important attribute was that he was widely respected in Scotland for his integrity and great legal knowledge,¹²³ being described as "a permanent name in the annals of Scottish jurisprudence".¹²⁴ The Hon. James Erskine of Grange, the Justice Clerk, represented the old political interest of his brother, the attained Earl of Mar, former Secretary of State, under whose regime he had been made Justice Clerk in 1710.¹²⁵ Being a political opportunist like his kinsman, Charles Erskine of Tinwald,¹²⁶ Grange had joined the Argyll-Ilay connexion.¹²⁷ He was used by Ilay occasionally in the management of the Church; but, according to Wodrow, he was not thought reliable by Ilay's group.¹²⁸ At the time of the appointment of the Court of Delegates he was under suspicion for his Jacobite sympathies.¹²⁹ Sir Gilbert Elliot of Minto, 2nd bart., had no discernible blood relationship with Ilay, but he was a close friend of Argyll.¹³⁰ This friendship can be traced to the early 1680s when Minto's father, the 1st baronet, had helped to extricate the Earl of Argyll from political difficulties.¹³¹ In 1705 the Earl's grandson, John, 2nd Duke of Argyll, had recommended the 1st baronet for

a place on the Bench of the Court of Session, and in 1705 this was obtained.¹³² Milton, like Minto, was of the right political complexion: his link with Ilay is examined in the next chapter.

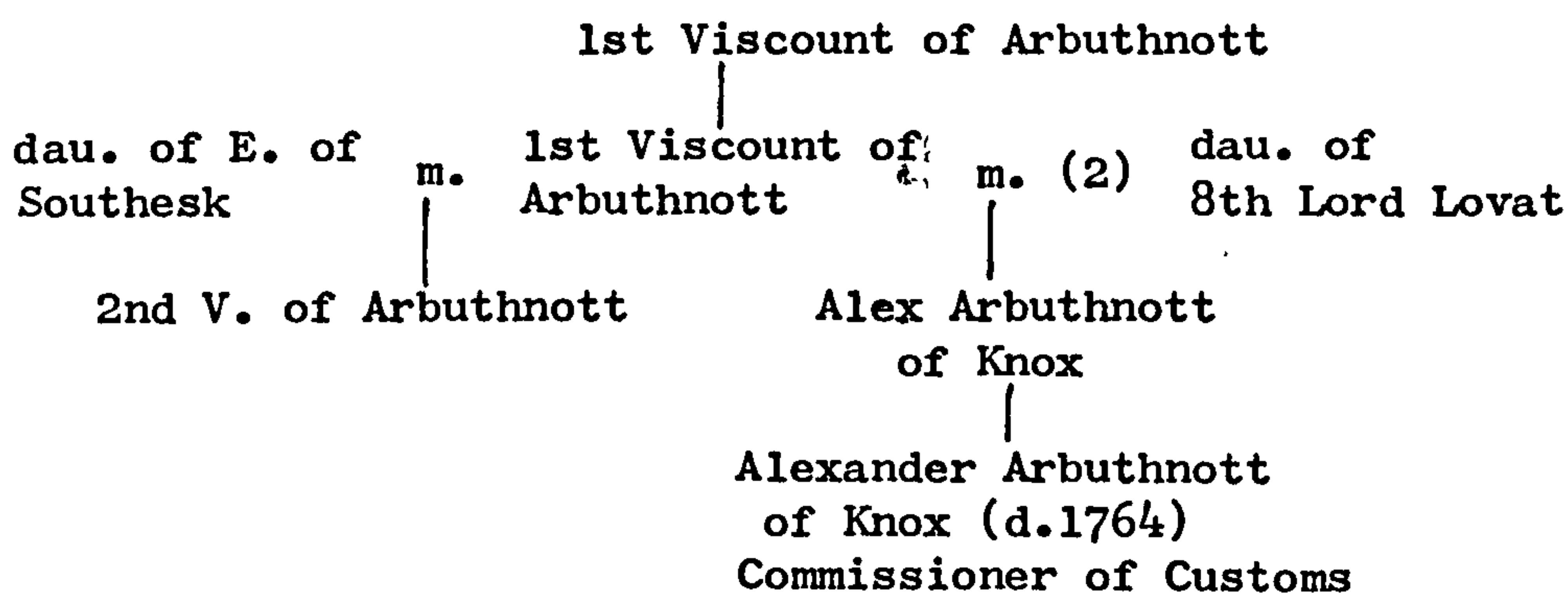
The explanation of this bizarre selection, which seemed to place Ilay's sure friends in a minority, lay in a private statement of Ilay's that "I have today proposed the Commission of delegates viz Ld Kimmerghame, Newhall, Grange, Milton and Minto, two being dead and brother Justice Clerk too exotic for the Climate at present."¹³³ In other words it was intended to appear that the commissioners represented a political cross section, but strength really lay with Ilay's friends, in that Kimmerghame and Newhall were elderly or unwell and so past taking keen interest in business, and Grange, the Justice Clerk, could not afford to take a strong independent line because of suspicions of Jacobitism against him. This had significance beyond the Court of Delegates. Ilay's determination to retain mastery through the manipulation of numbers had general application to all the institutions in Scotland in which he was interested.

Whereas the selection of the Court of Delegates followed the basic principle in the use of agents, the protection of party interests in Scotland - its members being lawyers exclusively because of its judicial function - the Commissioners of Customs (and Excise) were appointed to answer the basic principle and more besides. The Commissioners were salaried (£1,000 a year until 1738, £500 a year thereafter),¹³⁴ so clients could be placed on the Board as a reward for their services elsewhere in the political management: the Board of Customs was ideal for rewarding non-lawyer clients, lawyers being provided for with salaried places on the Bench.

The Customs as it stood in 1744 - during a time of supposed Squadrone power at Whitehall, when Tweeddale was Secretary of State - exemplifies how agents and clients, especially those of Ilay, formed its

membership. At that time the Commissioners of Customs were Alexander Arbuthnott of Knox, George, 13th Lord Ross, Colin Campbell of Pinkie, Richard Somers and Mansfeldt Cardonnel.¹³⁵ Only one, Arbuthnott, a bailie and merchant councillor of Edinburgh, was a Tweeddale man. A rounded account of this obscure person's attachments cannot be given; but it can at least be said that he had the right credentials for being introduced to an august patron, being related to the noble families of Arbuthnott, Southesk and Lovat (Figure 5).¹³⁶ The circumstances in which

Figure 5



he was introduced to Tweeddale are unknown. In 1742 he took over the management of Squadrone business in the Town Council of Edinburgh, the Board of Trustees for Manufactures and the Board of Customs.¹³⁷ Lord Ross, former Master of Ross, was one of the few peers permanently resident in Scotland (at Ross House, in, and Melville Castle, outside Edinburgh).¹³⁸ It has been claimed that he was one of the Squadrone.¹³⁹ In fact he was "absolutely under the influence" of Ilay, as Thomas Hay of the Squadrone observed.¹⁴⁰ It was natural that he should be, being married to Ilay's cousin Elizabeth Ker, daughter of the Marquis of Lothian (Figure 6).¹⁴¹ In 1730 Ilay stated that "I shall bring Mr Ross into the Custom", and Ross became a Commissioner in that year.¹⁴² He was particularly active as Ilay's agent in the management of the Church.¹⁴³ Colin Campbell was younger son of Lord Aberuchill, S.C.J., one-time sheriff depute of Argyll (Figure 7).¹⁴⁴ Ilay, Argyll and their ally the Earl of Loudoun were warm friends of Colin and his brother Sir James, 2nd bart., former Commissioner of Customs,¹⁴⁵ who was married into the

Figure 6

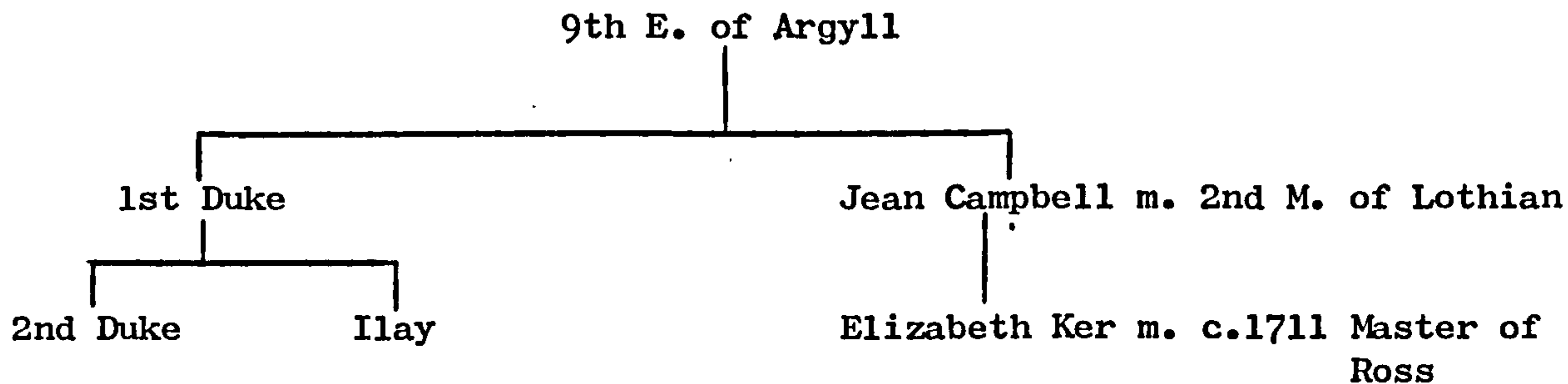
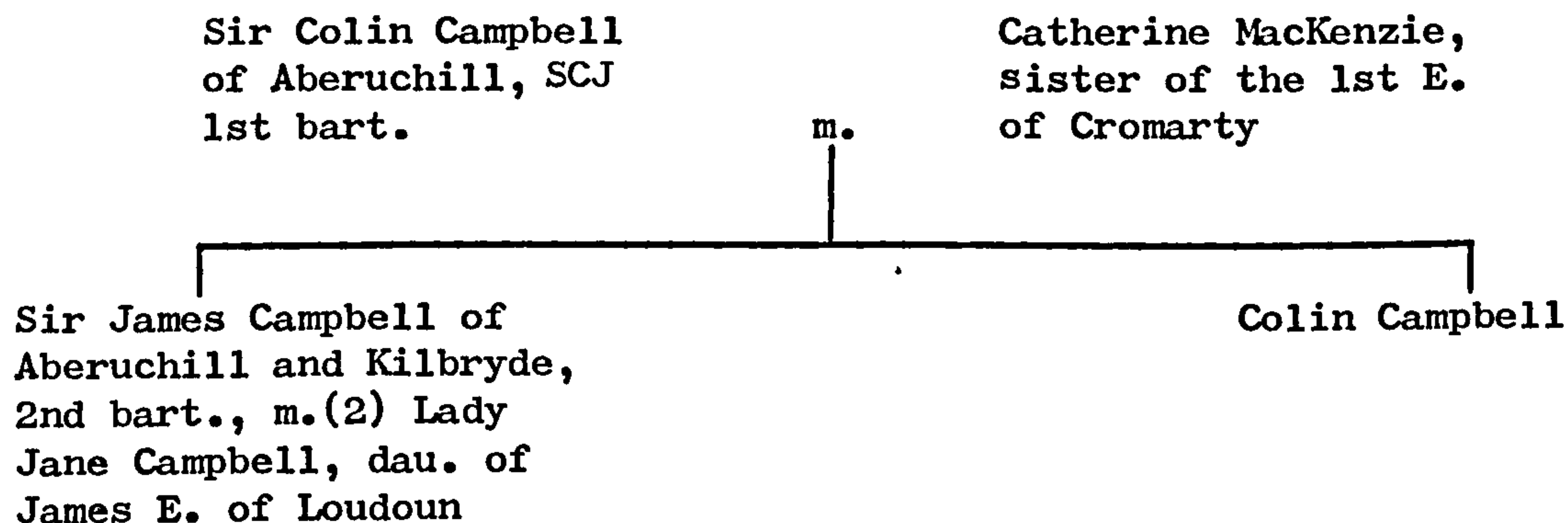


Figure 7



Loudoun family (Figure 7). Argyll protected Colin, when under threat of dismissal from the Customs in 1742,¹⁴⁶ and in 1734 Ilay and Argyll had promoted his career in the most difficult circumstances. In that year Colin, then Collector of Customs at Prestonpans, came under the shadow of disgrace when he was found to be £572 in arrears, caused by delays in the repayment of loans he had made to his son-in-law, Lord Lindores, and his own brother, Sir James.¹⁴⁷ Ilay deplored this, observing that "the fellow has ruined himself" when "I was prepared to do him good".¹⁴⁸ However the problem was solved when Sir James accepted the blame and resigned the commission he then had at the Customs, enabling Colin to take his place.¹⁴⁹ Colin's loyalty was thereby ensured and he could be and was used¹⁵⁰ as an agent in Customs business.

The Boards of Customs and Excise at that time always had some English members.¹⁵¹ The characteristics of the two remaining

Commissioners of the Customs in 1744, Richard Somers and Mansfeldt Cardonnel, both Englishmen, would therefore be almost incidental, were it not that they were Ilay's creatures, as were other English Commissioners before and after.¹⁵² When Richard Somers moved to Scotland in 1730 as a Commissioner of Excise, Ilay remarked that "Mr Somers is related to Dr Bland dean of Durham and has been all along a friend of Sr Robert Walpoles. I have been of so much use to him in his preferment that I really believe he will be intirely my friend."¹⁵³ Somers proved to be a fairly reliable worker for Ilay in the Revenue.¹⁵⁴ Mansfeldt Cardonnel's family depended on the Dukes of Marlborough for patronage,¹⁵⁵ which was not conducive to friendship between them and Ilay, there being an old animosity between the latter and the 1st Duke of Marlborough.¹⁵⁶ But in 1756 it was said of Cardonnel by Ilay's political secretary in London that "he has been always a Friend".¹⁵⁷ Such Englishmen tended to migrate towards the dominant faction because it was in their interest to do so. This is implied in a report from Tweeddale's Edinburgh agent, Thomas Hay, advocate, that Ilay had held "a very great Levee" in Edinburgh in 1744: Hay met the Board of Excise going in en masse, the magistrates of Edinburgh going down to it and the Board of Customs preparing to set out for their visit.¹⁵⁸ Earlier in the century George Lockhart called the English who took public appointments in Scotland the "scum and canalia" of England.¹⁵⁹ This impression is not gained of Englishmen in Scotland from the mid-1720s to the mid-1760s; but Lockhart's comment stresses the point that Englishmen who came to work in outlandish Scotland were obliged to do so by necessity. It was in their interest to make the best of things once there. Cardonnel, for example, was rewarded by Ilay with patronage for his dependants.¹⁶⁰ And another Englishman in the Scottish Customs, John Westby, risked his career by taking an independent line, according to a comment made by Ilay in 1737, with reference to both Westby and Commissioner of Excise

George Drummond, who had already been dismissed for disobedience:¹⁶¹

"Sure the devil is in the man", said Ilay: "his friends are mightily mistaken if they think him in favour. If it had not been for you [Milton] he might have accompanied George Drummond."¹⁶²

Secretary of State Tweeddale believed the Customs Commission as it stood in 1744 to be the plaything of Ilay.¹⁶³ Consequently he attempted to change its personnel, but the intervention of the 2nd Duke of Argyll, then in a strange alliance with the Squadrone, prevented a wholesale clear-out of the Duke's old friends,¹⁶⁴ so that it remained firmly in Ilay's grip. It adds to the evidence that administrative bodies were packed with friends, old and acquired, of the political leadership: all the Commissioners were clients in one way or another and all worked under the shadow of the great patron.

Whereas the members of the Court of Delegates were lawyers and those of the Board of Customs were non-lawyers, the two remaining commissions, appointed under the Great Seal, the Board of Trustees and the Annexed Estates Commission, contained both. These commissions, the one founded in 1727,¹⁶⁵ the other in 1755,¹⁶⁶ were firmly in the centre of the new Scottish public institutional network. The official duties of their unpaid members will appear in later chapters; but there is evidence enough from the characteristics of individual commissioners, together with hints from their attendance record, to lead to the conclusion that the fundamental requirement for those who mattered, those in the political majority, was attachment and loyalty to their patron. They got salaries from positions elsewhere and in return managed or were supposed to manage business on their master's behalf.

Taking the Board of Trustees first, as it stood in 1749, a year chosen to show it in the Pelham era, when Ilay was not quite at the height of his power in London, it is found that of its twenty one members, four were peers or heirs of peers, ten were lawyers, two were

gentlemen office-holders and five were Edinburgh merchant councillors (Table 12).¹⁶⁷ All were ready and able to work in Edinburgh except one

Table 12

Occupational/social status and salaries of the Trustees for Manufactures, 1749	
Peers or heirs of peers	
Ross: Customs:	£400
Somerville: Police:	£400
Belhaven: Mint:	£300
Deskford:	-
Lawyers	
Arniston: Lord President:	£1,000
Tinwald: Justice Clerk:	£1,150
Milton: S.C.J. and Keeper of Signet:	£2,000
Monzie: S.C.J. and Justiciary Bench:	£850
Strichen: S.C.J. and Justiciary Bench:	£850
Shewalton: S.C.J.:	£500
Clerk: Baron of Exchequer:	£500
Maule: Baron of Exchequer:	£500
Grant: Lord Advocate:	£1,000(+)
Hope: Advocate:	-
Gentlemen	
Gorthie:	?
Kinloch: Writer to the Privy Seal:	£100
Edinburgh merchant councillors	
Drummond: Excise:	£400
McAulay: Conservator at Vere:	£200 gross
Arbuthnott: Customs:	£500
Alexander: Tobacco Factor to France:	-
Lindsay: Governor of the Isle of Man:	?

of the Edinburgh merchants, Patrick Lindsay, who had retired to the Isle of Man, one of the gentlemen, Mungo Graeme of Gorthie, who was aged, and the Lord Advocate, William Grant, who was an M.P. As for their political

affiliations, fourteen were attached to Ilay, four to the Squadrone and three were independent (Table 13).¹⁶⁸

Table 13

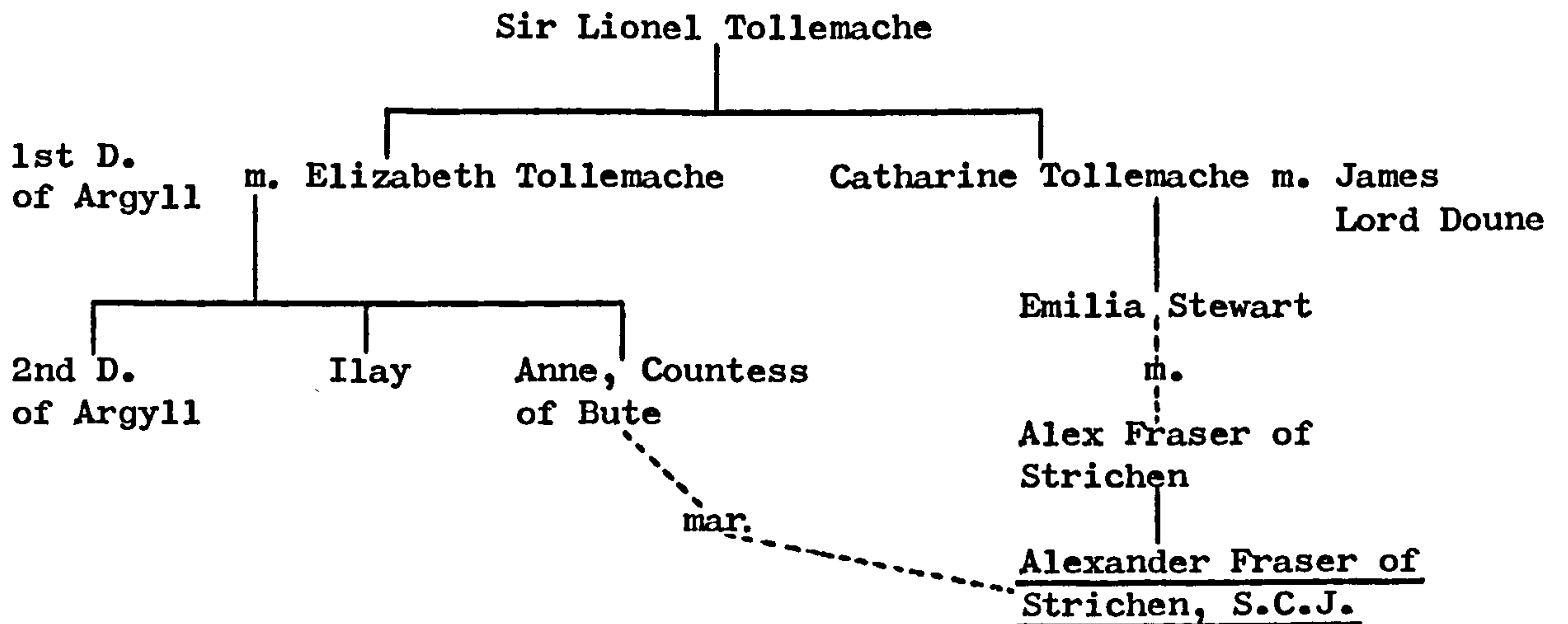
Political affiliations of the Trustees for Manufactures, 1749		
Ilay	Squadrone	Independent
Ross	Deskfoord	Monzie
Somerville	Arniston	Clerk
Belhaven	Gorthie	Hope
Tinwald	Arbuthnott	
Milton		
Strichen		
Shewalton		
Maule		
Grant		
Kinloch		
Drummond		
McAulay		
Alexander		
Lindsay		

Turning to the peers and gentlemen first, to find the crucial factor in their appointment as Trustees, the nature of their occupations is irrelevant, except perhaps in that the places of two of them, Lord Ross and Lord Belhaven, as a Commissioner of Customs and General of the Mint respectively, gave the appearance of breadth of representation. Belhaven and the third peer, Lord Somerville, were, like Ross, both Ilay's firm adherents, although, unlike Ross, they were not closely related to him. Lord Somerville, a person of modest means who depended on dowries from successive marriages to restore his fortune, had reclaimed the dormant peerage of Somerville.¹⁶⁹ Ilay had early espoused his cause,¹⁷⁰ and although he engineered Somerville's selection as a representative peer in 1741 (to 1747),¹⁷¹ his best advice to him was that he should stay in Scotland and build up his estate, London being

two Barons of Exchequer, John Maule of Inverkeillor and Sir John Clerk of Penicuik, were likewise not lawyers in any meaningful sense. Positions in the Court of Exchequer were considered easy. For example, it was said of John Maule that, in the Law "of bussiness or practice (has he) not".¹⁸² And when he was appointed a Baron of Exchequer it was written of him by Lord Drummore, S.C.J.: "Mr Maule is to be our Baron, of which I wish him joy. It is an honourable, and genteel retreat from more publick business."¹⁸³ Maule, half-brother of the Earl of Panmure in the Irish peerage,¹⁸⁴ had been Ilay's confidential political secretary in London for about ten years until his retirement to Scotland and the Court of Exchequer.¹⁸⁵ In short, his status as a lawyer was not significant in his appointment. Sir John Clerk, a protégé of the Duke of Queensberry,¹⁸⁶ was also in the "genteel retreat" of the Exchequer Court, and had, like Thomas Hope, joined the Board of Trustees when it was founded, he then also being among the leading improvers who encouraged the Board's establishment.¹⁸⁷ This circumstantial evidence suggests that he was put on the Board as a sop to the public mood, then strong, in favour of improvement.¹⁸⁸ His qualifications as a lawyer do not come into the equation.

Apart from Milton, those who were lawyers in any real sense were Charles Areskine of Tinwald, Patrick Boyle of Shewalton, Alexander Fraser of Strichen, Patrick Campbell of Monzie, Robert Dundas of Arniston and William Grant of Prestongrange, and only Tinwald and Prestongrange had reputations as lawyers. Tinwald's association with Ilay has been observed. Strichen was related to Ilay by birth and marriage (Figure 9); indeed he was the lawyer with the closest relationship to him. The latter described him as "a Country Gentleman".¹⁹⁰ At one time he considered making him M.P. for either Aberdeenshire or the City of Edinburgh.¹⁹¹ Instead he made him a Lord of Session, following representations from Elizabeth (Tollemache), Dowager Duchess of Argyll.¹⁹² Monzie first came

Figure 9



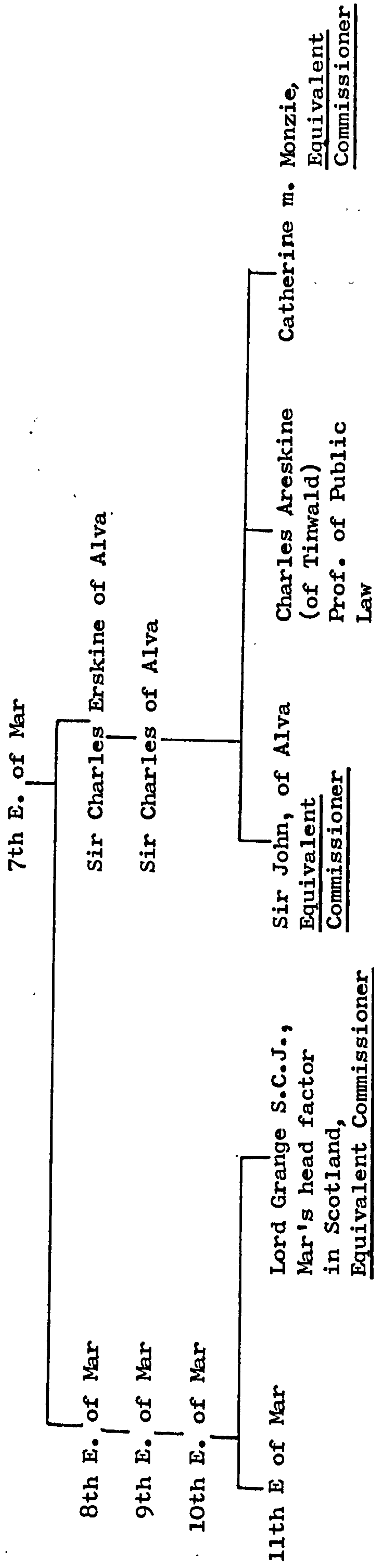
into the public administration through a connection with an earlier regime, that of the Earl of Mar. He was married into the Erskine-Mar family and became a Commissioner for the Equivalent when Mar was Secretary of State (Figure 10).¹⁹³ This gave him the chance to shine as a financial and business expert (not as a lawyer).¹⁹⁴ He was also related to the Earl of Breadalbane and managed the latter's estate business in Scotland.¹⁹⁵ Breadalbane was attached to Ilay.¹⁹⁶ It is therefore inferred that sound connections gave Monzie the means of showing his talents, and connections and talents led to his employment by Ilay as his political treasurer in Scotland.¹⁹⁷ Monzie detached himself from Ilay's interest in the early 1730s,¹⁹⁸ but by then Ilay had given him his place as a Trustee for Manufactures.¹⁹⁹

The two remaining lawyers, Arniston and Prestongrange, were special cases, both being Trustees by virtue of their legal offices. Neither case was straightforward, however. Of the appointment as a Trustee of Arniston, the Lord President and one of the Squadrone, Ilay said:

The list of Trustees is I believe sent down. [Arniston] was proposed by Mr Pelham merely upon seeing that his predecessor was in the office, and that several of his bretheren [Lords of Session] were in it, so that it was unavoidable, and when ever any thing hapnens of that nature the best way is to approve it.²⁰⁰

In other words Pelham insisted upon Arniston's appointment because the

Figure 10



latter was Lord President, and the preceding Lord President and other Session judges were on the Board; but these were appointed for reasons other than their legal offices. Thus the previous Lord President, Duncan Forbes, joined the Board at its institution when he was Lord Advocate in the Walpole-Ilay Scottish administration, and continued on it as President.²⁰¹ When he became a Trustee he had years of experience working as a political agent for Ilay and Argyll, thanks to his friendship with the Duke.²⁰² In this confidential area he was one of those who engineered the establishment of the Trustees to placate public disquiet in Scotland.²⁰³ His selection as a Trustee followed naturally from these circumstances (and his post as Lord Advocate). So little necessity did Forbes himself see for Lords of Session to be on the Board that, before it was founded, he proposed to exclude them.²⁰⁴ The appointment of Arniston as a Trustee by Pelham started a trend whereby the Lord President was automatically on the Board, but before 1749 this functionary was a member for reasons other than his legal office.

The case of William Grant of Prestongrange, son of Sir Francis Grant of Cullen, bart., and Lord Advocate under Ilay's auspices,²⁰⁵ is altogether different. It is assumed that the Lord Advocate was certain to be on the Board by virtue of his office as head Crown lawyer in Scottish affairs. But it does not follow that this made him a civic leader in Scotland. The Lord Advocate was an M.P., and as such he had hardly more to do with administration in Scotland than had others who had deserted the country to sample the charms of London. An earlier Lord Advocate, Duncan Forbes, boasted that

Since I first had the honour to serve the Crown, I never was one day absent from Parliament. I attended the first and last and every intermediate day of every session, whatever calls I had from my private affairs.²⁰⁶

The main stretch of public business in Edinburgh, in the winter months, coinciding with sittings of Parliament, gave the Lord Advocate little scope to exercise his talents in Scotland. And, to mark this,

Prestongrange's attendance record at Trustees' meetings was poor (Table 14).²⁰⁷

Table 14

Attendance at meetings of the Board of Trustees for Manufactures and its sub-committees, 1753-1754			
Trustee	Attendances	Affiliation	Comments
Milton	35	Ilay	
Alexander	32	Ilay	
McAulay	31	Ilay	
Strichen	28	Ilay	
Shewalton	27	Ilay	
Drummond	26	Ilay	
Maule	23	Ilay	
Belhaven	19	Ilay	
Ross	17	Ilay	d.1754
Somerville	14	Ilay	
Tinwald	12	Ilay	
Prestongrange	11	Ilay	Including 3 meetings in one day and 3 after becoming an S.C.J.
Deskfoord	9	Squadrone	
Clerk	6	Ind?	
Arniston	3	Squadrone	d.1753
Hope	3	Ind?	
Kinloch	3	Ilay	
Arbuthnott	2	Squadrone	
Gorthie	-	Squadrone	Aged
Lindsay	-	Ilay	Gov. of the Isle of Man.
[Monzie]	-	[Ind.]	Dead
Total number of meetings: 46			

In general the Lord Advocates' influence, whether in Scotland or Whitehall was exaggerated until Phillipson and Simpson began to rectify this.²⁰⁸ As Simpson says, G.W.T. Omond's The Lord Advocates of Scotland (1883) and George Menary's Duncan Forbes of Culloden (1936) have "caused the office to continue to bulk too large in our minds".²⁰⁹ Where effectiveness depended upon being on good terms with the great patron and

having his trust, and upon being in the right place at the right time, the fact of office as head Crown lawyer had no great relevance, except in that perhaps the Lord Advocate could use his office to gain access to Ministers.

The remaining Trustees in 1749 were all leading merchant councillors or former councillors. Ilay had nominated the original Board (of 1727) to include those experienced in "trading matters".²¹⁰ And Edinburgh dominated the Scottish commercial lobby.²¹¹ Hence there is a strong suggestion that the merchant councillors were placed on the Board because of their positions in Edinburgh Town Council and their occupational status. But there are three provisos to show this to be a superficial verdict. The exploitation of connections had weight in promoting the merchants as it had with others.

It is observed, first, that when the Board of Trustees was commissioned under George II there were eight merchant councillors on it; by 1749 there were five; and on the newly commissioned Board of George III's reign there were just two.²¹² Hence, in the long term there was no absolute need for this group to be represented. Only when the Board was instituted had it to have merchant members, and then not for their expertise, but to ward off accusations that it was designed as a political "job" rather than as a disinterested public-spirited measure to serve the Scottish manufactures.²¹³ Second, and in connection with this, the commercial-manufacturing lobby was poorly served by the "merchant" Trustees. Of the five remaining in 1749, one, George Drummond, was a failed merchant. A copartnery formed in 1712 by him, James Nimmo and John Campbell of Skipnish had foundered in about 1720.²¹⁴ For many years Drummond was dunned by creditors and threatened with ruin, noting in 1737 that:

As I [Drummond] was drest to go to the Custom house, J. N. [nimmo] came in sinking under distress, and telling me some alaruming circumstances in his situation which made him conclude our affairs would, this very day, be exposed.... Yet

the pannick with which I use to be seized on such occasions did not seize me. I talkt reasonably to him of The Lord's [God's] concern in and of his promises past for our deliverance.²¹⁵

After his failure in trade Drummond abandoned it, and although he was a merchant councillor he was no merchant. He was provided for by Ilay, first, as a Commissioner of Customs, second, as a Commissioner of Excise, and, finally as a Commissioner of Customs again.²¹⁶ Another, Archibald McAulay, was a poor man, whose only income was his salary of £200 (gross) as Conservator of the Scots Privileges at Vere.²¹⁷ This was given to him by Ilay in 1726, with strings. Ilay said, after securing his appointment, that "he must give 100 lb. of the sallary amongst the relations of Kenedy", the previous Conservator, "as was done before".²¹⁸ McAulay, like Drummond, was not a merchant in the true sense. A third, Patrick Lindsay, was of very modest means.²¹⁹ And although his The Interest of Scotland Consider'd, with regard to its Police in employing the Poor, It's Agriculture, Its Trade, Its Manufactures, and Fisheries (1733) was a sophisticated tract, it was inspired not so much from his great experience of trade as a merchant as from his experience as a Trustee for Manufactures. An upholsterer in Edinburgh,²²⁰ his credentials to represent Scottish trade on the Board of Trustees were not great. A fourth, William Alexander was in business in a big way, as one of Scotland's two tobacco Factors to France,²²¹ a position which, incidentally, Ilay may have had a say in, judging from a comment from the latter's secretary, that the French were disappointed with the service of Alexander and his colleague and that, if there were to be changes, Ilay would "probably recommend the new Factors".²²² Whatever Alexander's merits in this business, his experience was not ideal for the Board of Trustees, which was concerned with the linen and wool manufactures and the fisheries. The business, if any, of the fifth of the merchant councillors, Alexander Arbuthnott, Commissioner of Customs, is not known. In general, they were poor representatives of trade,

because trade was not their most important characteristic. Beneath the trappings of merchant councillors lay attachments, to Ilay or the Squadrone.

These persons, less favoured socially than others such as the lawyers, had to exploit openings keenly. If they did not have traditional family attachments they made them. And to improve their chances of being noticed by the great they could use Edinburgh burgh status, old or acquired, to recommend them: this was the qualification for election to the Council,²²³ and had use for magnates wishing to exploit Edinburgh's political weight in Scottish society. Three of the five merchant councillors on the Board of Trustees in 1749 were certainly opportunists of this sort. For example, Patrick Lindsay, whose son fell heir to the Earldom of Lindsay, through the failure of several senior lines,²²⁴ was son of a headmaster of St Andrew's Grammar School, and qualified as an Edinburgh burgh through marriage (1715) to a burgh's daughter.²²⁵ His second marriage (1730), to a daughter of James Murray of Polton,²²⁶ gave him a contact with the Murrays, Dukes of Atholl: Murray of Polton's brother was Captain James Murray (afterwards Sir James of Claremont), one of Atholl's business agents.²²⁷ In 1747 the Duke of Atholl appointed Lindsay Governor of the Isle of Man.²²⁸ And in 1734 Lindsay was "brought into Parliament by Lord Ilay with whom he appears to have been associated in procuring the election of the Duke of Atholl as a representative peer of Scotland in 1733...."²²⁹ The last step in Lindsay's progress was his third marriage (1741) to a daughter of the 18th Earl of Crawford: he then took over the direction of the 20th Earl's financial affairs.²³⁰ George Drummond, who was a burgh by right of his father, John, of Newton, of a Perthshire family which had settled in Edinburgh, made four marriages,²³¹ three of which certainly helped him. The relevance of the first marriage is unclear. This was to a daughter of Mungo Campbell of Burnbank, Perthshire. The connection of this Campbell with James

Campbell - brother of the 1st Duke of Argyll - who shortly afterwards held Burnbank is not known: certainly, they were not closely related; and the nature of their connection vis a vis Burnbank is not recorded in the appropriate registers of deeds.²³² Drummond's second marriage (1721) was to a daughter of Sir James Campbell of Aberuchill. Sir James was closely associated with Argyll, as noted, and very friendly with Drummond.²³³ In two later marriages Drummond concentrated on making a fortune.²³⁴ He was used by Ilay in several areas of political management, notably in Church affairs, electioneering and Edinburgh town politics.²³⁵ Archibald McAulay, who was also used, particularly, in the control of Edinburgh Town Council,²³⁶ made a necessary step by getting himself added to the roll of Edinburgh burgesses in 1710 for unspecified "services" to the town.²³⁷ He came to Edinburgh as a bailie of Dumbarton, with the advantage of a connection with the McAulays of Ardincaple, who were close associates of John Campbell of Mamore, M.P.:²³⁸ Campbell dominated the burgh and county politics of Dumbarton,²³⁹ and was father of the 4th Duke of Argyll, cousin of the 2nd Duke and Ilay. Of the merchant Trustees of 1749 only William Alexander appears to have taken a passive roll, not pushing himself forward aggressively into the patron's favour. His recommendations were his burgess qualification and his character. Ilay made him a Trustee in 1738 as one who would "not be ruled" by the rebellious Duncan Forbes,²⁴⁰ and although Ilay found him to be "a most unaccountable man", he liked his integrity so much that he chose him to be M.P. for the City of Edinburgh in 1754.²⁴¹

The primacy and value of attachments, the right attachments, for those on the Board of Trustees will become clearer still when the particulars of Scottish administration and political management are discussed in the Milton case study. This can be made more distinct even now, however, by referring to the attendance record of the Trustees. Taking the years 1753 to 1754, for example, it is found that Ilay's

friends generally had a record far superior to that of independents and supporters of the Squadrone (Table 14). The conclusion to be drawn from this, tentatively at present, is that those who were not attached to the dominant interest were discouraged from appearing at meetings, because they were used to being outvoted. The Trustees with the potential were those who could exploit the advantages of belonging to the Ilay interest and of being in Edinburgh where the Board met.

The same considerations applied to the Annexed Estates Commission of 1755, on which were a number of those examined so far, including the principals, Ilay, Tweeddale, Marchmont, Findlater and Hopetoun.²⁴² The majority of active Commissioners were Edinburgh clients - their occupations in Edinburgh were of subsidiary value to them and their patrons - and the most effective Commissioners, judging from attendance, were Ilay's friends. As usual lawyers formed the largest occupational group (Table 15),²⁴³ which was to be expected for reasons already given, and, as before, their law was not fundamental in their selection. One qualification is that the trend started by Pelham continued, with major legal officials being appointed because of their offices. This probably applied to the Lord Chief Baron of Exchequer (an Englishman), the Lord President and the Lord Advocate. And there were two representatives of the Army, the Commission's overt design being to pacify the Highlands. But it does not follow that these lawyers and soldiers were civic leaders in a real sense, as Annexed Estates Commissioners, because ^{use} of their professions. They could not be successful if outvoted at the Commission by a group of political associates acting together. The right connection was the thing to have. Another qualification is that, as another new trend, there were leading peers and M.P.s on the Commission, perhaps to add to its prestige. This is irrelevant, however, because only one of them, Lord Somerville, was able or willing to attend the Commission throughout the year.

Table 15

Annexed Estates Commission, 1755
Occupational/social division of members
Peers
Argyll (Ilay)
Cathcart
Findlater
Hopetoun
Marchmont
Morton
Somerville
Tweeddale
Lawyers
Robert Craigie of Glendoick, Lord President
John Idle, Chief Baron of Exchequer
Tinwald, Lord Justice Clerk
Milton, Lord of Session, Keeper of Signet
Prestongrange, Lord of Session
John Edlin, Baron of Exchequer
Maule, Baron of Exchequer
[Dundas, Lord Advocate, M.P.]
[Gilbert Elliot yr. of Minto, M.P.]
Customs and Excise Commissioners
Cardonnel, Customs
Deskfoord, Customs
Drummond, Excise
Alexander Le Grand, Customs
Joseph Tudor, Customs
M.P.s
Alexander
Dundas
Elliot
Charles Hope Weir
Andrew Mitchell
James Oswald
Soldiers
General Humphrey Bland, c-in-c, Scotland
Lt. Colonel John Watson

Nine new personalities are introduced here, leaving aside Lord Cathcart, the Earl of Morton, Chief Baron Idle (succeeded by Robert Ord in 1756) and Baron Edlin, another Englishman, whose affiliations are not known. Two of the nine, Joseph Tudor and Gilbert Elliot younger of Minto were Ilay's friends. Tudor, a Commissioner of Customs, was one of the Englishmen who attached themselves to Ilay. He was described by Lord

Deskfoord in 1756 as "the Duke of Argyle's tool".²⁴⁴ Two years before Deskfoord had been put on the Board of Customs by Newcastle "to correct abuses" and had been roundly trounced by Tudor. Deskfoord complained to Whitehall, and received cautious advice from Dupplin:

... if it be intimated to Mr Tudor that as he is under the Treasury, it is expected that he shd have no other attachment which can possibly interfere with that, he may probably think it his interest to alter his conduct.²⁴⁵

The attachment in question was to Ilay.²⁴⁶ Dupplin added that he hoped

... Mr Tudor should think it proper to alter his conduct & lay aside every other dependance but that which he ought to have upon the Treasury ... and whatever ambition and thirst of power may suggest to him, I cannot think that he will, after admonition, persist in a manner of acting which if continued must unavoidably expose him.²⁴⁷

However Tudor persisted in his wrong-headed ways: Ilay "(fought) some battles for him" in London²⁴⁸ and Deskfoord was removed from the Customs.²⁴⁹ The second new personality, Gilbert Elliot younger of Minto, M.P. and advocate, was son of Lord Minto, S.C.J., noted as being one of Ilay's friends on the Court of Delegates.²⁵⁰ In 1745 Elliot had been advised by Milton thus: "Gibie ... I wish you'd put yourself as far forward with the Duke of Argyll [Ilay] as possible; be not too easily rebutted for he is only to be taken with perserverance".²⁵¹ In the 1750s a Squadrone M.P. was warned to "Be careful" of Elliot: "he belongs to the Duke of Argyle entirely".²⁵² And in 1753 Ilay "found him a seat in Selkirkshire at a by-election".²⁵³

Four others, Lord President Robert Craigie of Glendoick, General Humphrey Bland, c-in-c, Scotland, Charles Hope Weir, M.P., and Andrew Mitchell, M.P., were Squadrone. Craigie, from an old Perthshire family, was the Squadrone's Lord Advocate between 1742 and 1746. He had been brought in as Advocate by "his friend" Tweeddale without apparent Squadrone family ties.²⁵⁴ A link had existed since at least 1719 when Robert Dundas (d.1753), Solicitor General, had appointed him his deputy.²⁵⁵ Craigie was one of the few lawyers who may have owed their administrative

positions to legal ability, his reputation, as noted, being great. If this was so then his masters made a mistake. Tweeddale was told by his Edinburgh agent, Thomas Hay, advocate, that

I take him beyond question to be the first lawyer at our Bar but ... I dont believe he is very much to be relyed upon even in things that may concern the particular policy of this county in our manufactures or the like.²⁵⁶

A later opinion was that Craigie was such a bad administrator that he could not manage even the Court of Session properly when he was President.²⁵⁷ He got this post as Lord Chancellor Hardwicke's nominee in 1754²⁵⁸ and it is assumed that the same source proposed him for the Annexed Estates Commission. This was despite hints to Hardwicke from Craigie's predecessor as President, his friend Arniston, that "he is better employed in private business".²⁵⁹ This is one of the strongest indications that lawyers were not valued in the public administration because of their legal skills. The second Squadrone man, General Humphrey Bland, the commander-in-chief for Scotland, was English, but plotted with the Squadrone against Ilay.²⁶⁰ In 1755 Bland married a daughter of the 5th Earl of Stair, drawing the pious sentiment from Ilay that "I hope Gen Blands marriage will bring a friend into the family."²⁶¹ The two other new Commissioners from the Squadrone were M.P.s. Charles Hope Weir was the Earl of Hopetoun's son.²⁶² And Andrew Mitchell was son of a rich Squadrone clergyman, the Rev. Andrew Mitchell.²⁶³ At the age of fourteen the future M.P. married an heiress, aged ten.²⁶⁴ Mitchell had been Tweeddale's private secretary and was Under-Secretary of State from 1742 to 1746.²⁶⁵

Three new Commissioners remain. Lt. Colonel John Watson, who was English, was the representative of the Duke of Cumberland, whose interest in the Commission was keen.²⁶⁶ Alexander Le Grand, who was also English, was a Commissioner of Customs.²⁶⁷ His allegiance is uncertain. In 1723 he accompanied Tweeddale's son, Lord Charles Hay, on his European education.²⁶⁸ However, in 1736, when Le Grand was a Customs officer at

Leith, he was said to be "a creature" of Commissioner Gwynn Vaughan, one of Ilay's closest friends.²⁶⁹ And in 1751 Vaughan, by then a Customs Commissioner in England, wrote to Tinwald "under Mr Le Grands cover, in whom you may confide".²⁷⁰ Tinwald must have expressed surprise at this, because Vaughan hastened to assure him that "As I have approvd Mr Le Grands truth and integrity for many years, I correspond with him only on business."²⁷¹ Le Grand is most safely described, therefore, as a neutral. It cannot be said if he was put on the Annexed Estates Commission as a client of a great patron, or as an Englishman, there to guard against Jacobitism in the Commission's dealings with the Highlands. The last Commissioner to be noticed is James Oswald, M.P. He was son of a rich merchant in Kirkcaldy and, during the Walpole Administration had become "one of the principle opposition speakers on economic and naval affairs".²⁷² From 1751 he was a Lord of Trade at Whitehall, and Ilay's secretary spoke of "His great abilities, and knowledge in Trade".²⁷³ On Pelham's death in 1754 "Newcastle tried to secure him by additional favours, but Oswald avoided being involved in Newcastle's intrigues against Argyll, and maintained his independence in Scottish affairs".²⁷⁴

Over all the selection of the Annexed Estates Commission of 1755 was more diverse than in other public bodies noted, because Ilay did not have an almost uninhibited free hand to choose whom he pleased as in earlier years. Even so, he could have fared much worse. After pressurising Newcastle he was able to report that the selection of Annexed Estates Commissioners as originally designed was "not a little mended". And in fact the largest group in the Commission was his own, although it did not have an absolute majority (Table 15).²⁷⁵ More pertinently, he did have a clear majority among the Commissioners who were able to attend regularly (Table 16). Eight of his clients in Edinburgh, Tuder, Cardonnel, Maule, Drummond, Milton, Prestongrange, Somerville and Tinwald, could outvote the Squadrone's three friends

Table 16

Annexed Estate Commission, 1755-1759

Political allegiance of Commissioners, with their attendance record at
the Commission and its standing committee

Ilay	Attendances	Squadrone	Attendances	Others	Attendances
Tuder	77	Craigie	75	Le Grand	9
Cardonnel	67	Cs.-in-Chief	42	Chief Baron	4
Maule	53	Deskfoord	20	Watson	4
Drummond	50	Hope Weir	16	Oswald	3
Milton	50	Tweeddale	11	Cathcart	-
Prestongrange	49	Dundas	10	Edlin	-
Somerville	46	Hopetoun	8	Morton	-
Tinwald	35	Findlater	1		
Alexander [M.P.]	21	Marchmont	1		
Elliot	5	Mitchell	-		
Ilay	-				

Total number of meetings: 109

there, Craigie, Bland (followed as c-in-c by another enemy, Lord George Beauclerk)²⁷⁶ and Deskfoord, and two others, Le Grand and the Chief Baron (Idle, succeeded by Robert Ord).²⁷⁷ From the cunning with which Ilay contrived the Court of Delegates there is reason to suppose that he concentrated on having appointed friends who could participate regularly, leaving to others the folly of nominating absentees. And his ploy was successful judging from the generally better attendance of his friends in comparison with his enemies, in conjunction with a complaint from Deskfoord in 1761 that

Formerly when I attended ... I had not influence to do any good, as some people possessed of more power had v. different plans in view from mine; and I apprehend if I was to attend now it might be disagreeable to them, and rather interrupt business....²⁷⁸

Those who thwarted him included lawyers and Commissioners of Customs and Excise; but their power lay not in their professional identity, except in that this kept them in Edinburgh. It lay in their social-political identification, their determined coalition, under the auspices

of a patron sufficiently able and strong to manipulate power politics in London to advantage. Connections with this patron, above all others, aided in some cases by personal determination, brought administrative positions and the means to exploit them.

Through this broad review of the structure of power and the system of clientage as it operated on representative public administrative institutions a number of variables have been produced to show that a hypothesis that the lawyers were able to take over the civic leadership in a vacuum is inadequate, as Phillipson insists. Certainly the social status of advocates and their weight of numbers in Edinburgh business life made it probable that they would be heavily represented in the new Scottish administration. But these advantages were not in themselves sufficient: in particular it was necessary to have the right social links, which led to employment as agents. Then there were others in Scotland marginally less favoured who shared in the civic leadership with the lawyers, a truth which is studiously ignored by commentators: lawyers had no monopoly, and what special favour they had came from their closer social links with the great, not their law nor their legal offices, more important than which were special personal qualities. Overall Scotland had to contend with the south, a feature of the situation which has been underestimated or ignored in its general effect, even by those who correctly favour the theory that lawyers were civic leaders as agents of Scottish grandees in London. The power lying with property remained with those grandees, one especially - who had not after all abandoned Scotland entirely to rapacious rogues - and also in English strength. This does not augur well in terms of the real significance of the civic "leaders" in Scotland. These conclusions are tentative, being drawn from an overview and narrow features of the case. It is appropriate to turn to Lord Milton at this point, to add substance to the view of what shaped the Scottish civic leadership.

1. The Union of England and Scotland, 15.
2. Edward R. Turner, The Cabinet Council of England in the Seventeenth and Eighteenth Centuries, 1622-1784 (Baltimore 1930-2), ii, 28; Sedgwick, House of Commons, i, 159. Ilay "loved power too well to hazard it by ostentation" (Horace Walpole, Memoires of the last Ten Years of the Reign of George the Second (London 1822), i, 240), which may explain why he never became Scottish Secretary, answerable for all disturbances in Scotland, whereas three of the relatively weak leaders of the Squadrone all got the office.
3. J.H. Plumb, Sir Robert Walpole: The King's Minister (London 1956-60), 106-7.
4. John, Lord Hervey, Some Materials Towards Memoirs of the Reign of King George II, ed. Romney Sedgwick (London 1931), 139.
5. Analecta, iii, 488.
6. Adv.MS.31.5.3, Maule, List of places in the gift of the Crown.
7. Brunton and Haig, Senators of the College of Justice, 498-512.
8. SC29, f40; SC31, f21; SC35, f89; SC42, ff32-3; SC50, ff44-5; HMC Polwarth V, 108; SC57, f151; SC60, f77.
9. SC29, f40.
10. SC35, f89.
11. DNB, John Scrope.
12. Sedgwick, House of Commons, i, 629.
13. e.g. Culloden Papers, 32-3, 35-6, 47-8; Warrand, More Culloden Papers, ii, 47-79.
14. See, for example, James Thomson's "The Seasons" (1730):
 Thee, Forbes! too, whom every worth attends,
 As Truth sincere, as weeping Friendship kind:
 Thee, truly generous, and in Silence great,
 Thy Country feels thro' her reviving Arts,
 Plan'd by thy Wisdom, by thy Soul inform'd.
 And seldom has she felt the Friend like Thee;
 and [Henry W. Lauder's] Chamaeleon Redivivus &c ... most humblie inscribed to a Learned Clerk of the Town Council of Edinburgh [1741], 17, on Forbes, "a second Jupiter":
 Hence it is, that every good Countryman in Scotland,
 all to a Man, with Souls quite transported and overflowing with Joy, incessantly address their ardent Prayers to Heaven, that He may be long, very long, continued in Life, vigorous and chearful, a publick Blessing to this Kingdom; and at last, tho' late, very late, revisit his native Skies. Whence undoubtedly he has been lent, for a half a Century of Years, for the Service and Benefit of Mankind: while, in the mean Time, all Forgers, Deceivers, Cozeners, and other Rogues and Villains of that Stamp, grin in their fetters, and bite their chains.
15. SC31, f21.
16. SC33, f148.
17. Adv.MS.31.5.3, Maule, List of places in the gift of the Crown.
18. The Patriot, no. vii, 25 July 1740, 132.
19. W.S. Lewis, C.H. Bennett and A.G. Hoover, Horace Walpole's Correspondence with Sir David Dalrymple (Oxford 1952), 153.
20. Wodrow, Analecta, iii, 275.
21. Memoirs, 296.
22. *ibid.* Ilay had studied the Civil Law at Utrecht (DNB).
23. Paget Toynbee (ed.), The Letters of Horace Walpole (Oxford 1903), xi, 393.
24. *ibid.*, i, 221.
25. Memoirs, 296.
26. State Papers and Letters Addressed to William Carstares, Confidential

- Secretary to King William during the Whole of His Reign ... relating to Public Affairs in Great Britain, but more particularly in Scotland during the Reigns of King William and Queen Anne, ed. J. McCormick (Edinburgh 1774), 786.
27. NLS. MS.5201, William Crosse, "Some considerations by way of essay, upon the means of civilizing the Highlands and extinguishing Jacobitism in Scotland".
 28. DNB, John Campbell, 2nd Duke of Argyll.
 29. This is not to say that it is inappropriate for Patricia Dickson to devote a chapter of Red John of the Battles (London 1973) to Argyll "The Statesman".
 30. "Who Steered the Gravy Train?", 64.
 31. George Lockhart, The Lockhart Papers (London 1817), 394; Simpson, "Who Steered the Gravy Train?", 65; Wodrow, Analecta, iii, 317.
 32. SP, i, 361, 368, 370, ii, 207, 241, 346, iii, 38, 456, iv, 480, v, 477, 479, 507, vi, 323, vii, 222-3, viii, 355.
 33. Henry Paton (ed.), The Clan Campbell (Edinburgh 1913-22), IV, xii-xxiv.
 34. The Highlands of Scotland in 1750 (Edinburgh 1898), 133.
 35. Wodrow, Analecta, iv, 68.
 36. SB421, folder 2, "Scheme of the lands falling under the Duke of Argyle's heretable offices".
 37. Estimated from political biographies in Sedgwick, House of Commons.
 38. Sedgwick, House of Commons, i, 46, 159. Ilay retained his Cabinet seat, however (Turner, The Cabinet Council, ii, 7-8, 83).
 39. HMC 14th Report ix, 25-6, 46; SP, i, 375; political biographies in Sedgwick, House of Commons.
 40. Memoirs, 708.
 41. Historians tend to attribute abstruse political motives to the Duke's actions at this time and forget that he was deteriorating mentally. His secretary William Smith, told Milton in 1742 that "our worthy friend is a good deal out of order and in the same way he was in eight years ago.... (Do not) send anything under his cover but what you have in mind he should see, he is grown extreamly suspicious and is apprehensive people are writing about him.... The Brother is in great affliction on this account." (SC90, f29, September).
 42. SC76, ff23-4, November 1739.
 43. e.g. NLS Erskine Murray Papers, MS.5075, ff102-4.
 44. Sedgwick, House of Commons, i, 160.
 45. *ibid.*
 46. DNB, Thomas Holles Pelham, 1st Duke of Newcastle.
 47. HMC Polwarth V, 290-1; SRO Dundas of Arniston, RH4/15/5, no. 181, December 1755; SRO Seafield Muniments, 248/562, 1754-5, Dupplin to Deskfoord.
 48. Seafield Muniments, GD248/562/55, October 1755, Dupplin to Deskfoord.
 49. Turner, The Cabinet Council, i, 383, ii, 4-8, 28, 44, 81-4, 90-1, 110, 208, 210-14, 220, 242, 277-8, 291, 309, 311, 331-4, 338-41, 392.
 50. SC83, f227.
 51. DNB, Newcastle and Philip Yorke, 1st Earl of Hardwicke.
 52. e.g. see *infra*, 72.
 53. P.W.J. Riley, The English Ministers and Scotland, 1707-1727 (London 1964), 21-2.
 54. The Letters of David Hume (Oxford 1932), i, 165n.
 55. Archibald S. Foord, His Majesty's Opposition, 1714-1830 (London 1975), 6-7.
 56. *ibid.*
 57. John B. Owen, The Eighteenth Century, 1714-1815 (London 1975), 113-4.

58. Graham, Stair Annals, ii, 86.
59. Foord, His Majesty's Opposition, 119; Toynbee, Letters of Horace Walpole, ii, 349.
60. *ibid.*
61. Sedgwick, House of Commons, i, 159-60.
62. Observed from correspondence between English Ministers and the Squadrone in, e.g., Seafield Papers, GD248/572/8, Dundas of Arniston letters RH4/15/5-6.
63. *infra*, 72.
64. Seafield Muniments, GD248/562/55, October 1755, Dupplin to Deskfoord.
65. DNB, James Graham, Duke of Montrose.
66. *ibid.*, John Ker, Duke of Roxburgh.
67. *ibid.*, John Hay, Marquis of Tweeddale.
68. Toynbee, Letters of Horace Walpole, ii, 349; Graham, Stair Annals, ii, 206; Foord, His Majesty's Opposition, 119; HMC Polwarth V.
69. SC17, ff75-9, 164, 209, 221; HMC Polwarth V; Seafield Papers, GD248/572/8; Dundas of Arniston, RH4/15/5-6.
70. Sedgwick, House of Commons, i, 628.
71. Carlyle, Anecdotes and Characters, 161-2; Omond, The Arniston Memoirs, 79-80, 145.
72. Yester Papers, MS.7044, f45, 1733, Grange to Tweeddale; Graham, Stair Annals, ii, 206, 432, 434.
73. Graham, Stair Annals, ii, letters of 1734-5, from Lord Drummore to Stair.
74. James Erskine of Grange was brother of the Earl of Mar, former Secretary of State (DNB).
75. Graham, Stair Annals, ii, letters of 1734-5, from Drummore to Stair.
76. e.g. SP, viii, 120-156; SC48, f99, 1732, Milton to Ilay; SC69, f119, 1737, Ilay to Milton.
77. SC52, ff74-5, 1733, list of offices in Scotland possessed by Campbells.
78. The influence of the Erskines may be gleaned from the text.
79. There were, of course, other great families, but those mentioned tended to monopolise the places in Scotland in the decades after the Union.
80. Graham, Stair Annals, ii, 194-215.
81. Wodrow, Analecta, iii, 290; Yester Papers, ACC.4862, box 12, folder 2, 15 July, Graham, Stair Annals, ii, 206.
82. SP, iv, 319-20, vi, 261, vii, 301-4, 349-50, viii, 451-62.
83. SP, iv, 39, 319-20, 493-7, vii, 301-4.
84. DNB, Sir Robert Sinclair of Stevenson (d.1713), Dundas of Arniston; SP, iv, 318, v, 169-71. N.B. These family trees and others following do not always show children in order of birth.
85. Adv.MS.37.2.4, Wood, Lords of Session.
86. Grant, The University of Edinburgh, ii, 314.
87. Douglas, Peerage, ii, 214, 217.
88. Royal Commission on Historical Manuscripts, Calendar of Stuart Papers Belonging to His Majesty the King Preserved at Windsor Castle, ed. F.H. Blackburne Daniell (London 1902-23), vols. III and IV, contain many references to Areskine's Jacobite activities under his codename "Doyle".
89. HMC Polwarth V, 265-6.
90. SC29, f50, 1724; SC44, ff110-2, 1730.
91. SC44, ff110-2, 112-3, August 1730, Findlater to Milton.
92. Seafield Papers, GD248/562/55, 565/83.
93. MS.5201, Crosse, Essay on the Highlands.
94. SC21, f73; SC86, f183; SC157, f24; SC186, f80; SC187, f203; Dundas of Arniston, RH4/15/5, nos. 14, 71, 91, 129; Loudoun MSS, Mountstuart (NRA(S) inventory), boxes 1753-4; Yester Papers, Acc.4862, box 13, folder 5; Philip C. Yorke, The Life and Correspondence of Philip Yorke, Earl of Hardwicke (Cambridge 1913), i, 142.

95. Dundas of Arniston, RH4/15/5, letter 14, October 1754, Newcastle to Dundas; Yester Papers, Acc.4862, box 13, folder 5.
96. Dundas of Arniston, RH4/15/5, letter 165, July 1755.
97. Seafield Muniments, GD248/562/55, October 1755.
98. The papers of the Court of Delegates have not been traced.
99. Riley, The English Ministers and Scotland, chapter III.
100. infra, 188-98.
101. HMC Portland V, 116-7, 121-2, 124-5.
102. ibid., 124.
103. ibid.
104. Wodrow, Analecta, iii, 308.
105. ibid., SB364, folder 1, copy warrant for Court of Police, 1728; Culloden Papers, 38. The Lords of Police were suppressed in 1782 (22 Geo. III, c.82).
106. Culloden Papers, 38.
107. SC59, f168, 1735.
108. Analecta, iii, 308.
109. infra, 249.
110. infra, 135-48.
111. infra, 177-98.
112. Harbour and other improvement in the burghs were financed by exactions allowed by the Ale Acts.
113. infra, 171-6.
114. Analecta, iv, 191.
115. Riley, The Union of England and Scotland, 15.
116. ibid.
117. Fifth Report of the Royal Commission on Historical Manuscripts (London 1876), appendix, 618.
118. SC29, ff21-2, February 1724, Ilay to Milton.
119. SRO, Great Seal, Index of Commissions: Delegates, Court of.
120. Adv.MS.37.2.4, Wood, Lords of Session.
121. Douglas Peerage: Marchmont, Torphichen; HMC Polwarth I, 453.
122. HMC Polwarth I, 453.
123. DNB, Sir Walter Pringle of Newhall.
124. Adv.MS.37.2.4, Wood quoting "Hamilton of Bangour".
125. DNB, James Erskine of Grange.
126. Douglas, Peerage, 214-7.
127. Wodrow, Analecta, iii, 290.
128. SC29, f46, 1724; SC35, f103, 1727; Analecta, iii, 209, 220, 290, 306.
129. Wodrow, Analecta, iii, 306; DNB.
130. Anderson, The Scottish Nation: Elliot.
131. Lady Elliott and Sir Arthur Elliott, The Elliots (London 1974), 139-41; George F.S. Elliot, The Border Elliots and the Family of Minto (Edinburgh 1897), 271.
132. Elliot, The Border Elliots, 288; Grant, The Faculty of Advocates.
133. SC35, f89, 1727.
134. Calendar of Treasury Books and Papers, (London 1897-1903), 1735-1738, 629.
135. ibid., 1742-1745, 644.
136. SP, i, 304.
137. SRO Craigie of Glendoick, GD1/609/2, nos. 20 and 34; Yester Papers, MS.124424, 15 March 1744.
138. CP, xi, 163.
139. Riley The English Ministers and Scotland, 286.
140. Yester Papers, MS.124425, 2 June 1744.
141. SP, v, 478-9, vii, 261-2.
142. SC42, f59; Treasury Books and Papers, 1729-1730, 462.
143. infra, 139, 144-5.
144. Burke's Peerage, Baronetage and Knightage, 105th edition (London 1970). 460.

145. Edinburgh University Muniments, Dc.1.8.2-3, George Drummond's diary, 28 June-20 October 1738; SC58, f186.
146. Craigie of Glendoick, GD1/609/2, 24 July 1742, Andrew Mitchell to Robert Craigie.
147. SC58, f186, draft letter, Colin Campbell to Argyll, written by Milton.
148. SC55, ff90-1, October 1734, to Milton.
149. Drummond's diary, October 1737; SC55, f98, Ilay to Milton.
150. SC86, ff180-6; SC153, f9; SC183, f1.
151. Calendar of Treasury Books and Papers, passim.
152. e.g. Joseph Tudor, *infra*, 97-8, and Gwynn Vaughan, *infra*, 122-5.
153. SC42, f84.
154. Colin Campbell reported him to be rather gullible (SC139, ff26-7, 1747).
155. Lockhart, The Lockhart Papers, i, 357; Henry L. Snyder (ed.), The Marlborough-Godolphin Correspondence (Oxford 1975), passim.
156. Wodrow, Analecta, i, 293; Graham, Stair Annals, ii, 274.
157. SC18, f141.
158. Yester Papers, MS.124425, 2 August 1744, to Tweeddale.
159. Quoted by Riley, The English Ministers and Scotland, 56-7.
160. SC18, f141, f155; SC191, f57, f59.
161. Drummond's diary, 24 April 1737; SC69, f129, 1737.
162. SC69, f141.
163. Craigie of Glendoick, GD1/609/2, no. 18.
164. SC87, f87, July 1742, Ilay to Milton.
165. Great Seal, Index of Commissions.
166. *ibid.*
167. *ibid.*; Adv.MS.31.5.3, Maule, List of places in the gift of the Crown; SC153, f44, June 1748; Sedgwick, House of Commons, ii, 218.
168. Details of affiliations appear in text.
169. SP, viii, 32.
170. SC35, f107, 1727.
171. SP, viii, 32; SC84, f46, 1741.
172. SC35, f107, 1727.
173. SC21, ff93-4, 1759.
174. SP, iv, 39.
175. DNB, James Graham, Duke of Montrose.
176. SP, i, 368, vi, 442.
177. Erskine Murray Papers, MS.5075, ff102-4, to Tinwald.
178. Yester Papers, MS.14424, 10 January, from Thomas Hay.
179. NLS Culloden Papers, MS.2967, f161.
180. SP, iv, 489-90; Grant, The Faculty of Advocates.
181. George Chalmers, Caledonia (London 1807-24), 736.
182. Yester Papers, Acc.4862, box 13, folder 1, 9 November 1744; Dundas to Tweeddale.
183. SRO Hamilton-Dalrymple of North Berwick Muniments, GD110/916/34.
184. Sedgwick, House of Commons, ii, 248.
185. *ibid.*; Saltoun Correspondence, letters from Maule to Milton.
186. Riley, The English Ministers and Scotland, 25.
187. J.M. Gray (ed.), Memoirs of the Life of Sir John Clerk, 1676-1755 (Scottish History Society, Edinburgh 1892), 132n.
188. *infra*, 171-6.
189. SP, i, 370, ii, 300n, v, 544-5, vi, 323.
190. SC40, f23, 1729.
191. SC42, ff32-3, ff132-3, 1730.
192. SC42, ff132-3, Duchess to Milton.
193. Calendar of Treasury Books (London 1904-1957), xxi, pt.ii, 352; Royal Bank of Scotland Archives, H.H. Pillans, "A Short Account of the Finances of the Union in 1707"; SP, v, 615-628; Grant, The Faculty of Advocates.

194. Pillans, "A Short Account of the Finances of the Union".
195. SRO Breadalbane Muniments, GD112/57/1, "Genealogies"; Erskine Murray Papers, MS.5114, f81, inventory of Monzie's Breadalbane estate accounts; HMC Stuart IV, 70.
196. SC48, ff86-7, 1732.
197. SC38, f141, 1728.
198. SC51, ff133-4, May 1732, Vaughan to Milton.
199. SC35, f90, May 1727, Ilay to Milton.
200. SC161, f95, June 1749.
201. SRO, minutes of the Board of Trustees, NG1/1/1-7, passim.
202. Warrant, More Culloden Papers, iii, 104-5.
203. This is described in chapter 5, *infra*.
204. SC35, ff89-90, Ilay to Milton.
205. Sedgwick, House of Commons, ii, 80; DNB, William Grant of Prestongrange.
206. Warrant, More Culloden Papers, iii, 104-5.
207. Attendance record drawn from SRO, Annexed Estates Commission minutes; E721/1-4.
208. Phillipson, Dissertation, 29-30; Simpson, "Who Steered the Gravy Train?", 67.
209. "Who Steered the Gravy Train?", 67.
210. SC35, f90, May 1727, Ilay to Milton.
211. Extracts from the Records of the Convention of Royal Burghs of Scotland, 1711-38 (Edinburgh 1885), 283, for example, shows how Edinburgh paid by far the largest share of the burgh taxes.
212. 1727: Drummond, Lindsay, McAulay, Wightman, Stewart, Jamieson, Arbuthnott, and Fall (Dunbar); 1749: Drummond, Lindsay, McAulay, Arbuthnott and Alexander; 1761: Drummond and Coutts. (Trustees minutes, NG1/1/1-16).
213. *infra*, 171-6.
214. SRO Abercairney Muniments, GD24/1/833.
215. Drummond's diary, 18 August 1736.
216. *ibid.*, 7 October 1737; DNB, George Drummond.
217. SC33, f95, f107, 1726; SC41, f209, 1729.
218. SC33, f95.
219. SC40, f23, 1729.
220. Sedgwick, House of Commons, ii, 218.
221. Namier and Brooke, House of Commons, ii, 16.
222. SC16, f218, March 1753.
223. The complexities involved and provisos are described by Hugo Arnot, The History of Edinburgh (Edinburgh 1816) 391-9.
224. SP, v, 402, 408-10.
225. Sedgwick, House of Commons, ii, 218. The Register of Marriages for the Parish of Edinburgh, 1701-1750, ed. Henry Paton (Scottish Record Society, Edinburgh 1908).
226. *ibid.*
227. John Murray, 7th Duke of Atholl, Chronicles of the Atholl and Tullibardine Families (1908), ii, 419, 467, iii, 249, 354, 406n.
228. *ibid.*, iii, 474.
229. Sedgwick, House of Commons, ii, 218.
230. NLS Eaglescarnie Papers, Adv.MS.23.3.27, letters from 20th Earl to Lindsay.
231. DNB, George Drummond; Register of Edinburgh Marriages, 1701-1750.
232. *i.e.* SRO Books of Council and Session, RD2-4; SRO Perth Sheriff Court, SC49, section 48. The obscurity of the relationship between the Campbells of Burnbank is discussed in James Maidment (ed.), The Argyll Papers (Edinburgh 1834), xviii-xx.
233. Drummond's diary, 1736.
234. DNB, George Drummond.
235. His activities are noticed in chapters 4, 5 and 6, *infra*.

236. *infra*, 126-7.
237. Roll of Edinburgh Burgesses and Guild-Brethren, 1701-1760, ed. Charles B. Boog Watson (Edinburgh 1930).
238. Edward R. Welles, Ardincaple and its Lairds (Glasgow 1930), 137-8.
239. *ibid.*, 140-4.
240. SC72, f85.
241. SC182, ff135-9, January-February 1754.
242. Annexed Estates Commission minutes, E721/1, 23 June 1755.
243. *ibid.*
244. Dundas of Arniston, RH4/15/6, no. 8.
245. Seafield Muniments GD248/562/55, 28 September 1754.
246. *ibid.*
247. *ibid.*
248. SC186, f72, January 1755.
249. SC182, ff173-4, 1754; SC186, f96, November 1755.
250. *supra*, 78-9.
251. NLS Minto Papers, MS.11009, f3.
252. HMC Polwarth V, 306.
253. Sedgwick, House of Commons, ii, 9.
254. *ibid.*, i, 592.
255. Craigie of Glendoick, GD1/609/1, no. 3, 1719.
256. Yester Papers, MS.7046, ff72-3, 1742.
257. Ramsay, Scotland and Scotsmen, i, 114.
258. Yorke, Hardwicke, i, 142.
259. *ibid.*, i, 621-2.
260. DNB, Humphrey Bland; Seafield Muniments, GD248/562/55, 12 November 1754, Dupplin to Deskfoord.
261. SC186, f72.
262. Sedgwick, House of Commons, ii, 148.
263. *ibid.*, ii, 261; SC29, ff57-8, 1724.
264. Sedgwick, House of Commons, ii, 261.
265. *ibid.*
266. Seafield Muniments, GD248/572/8, 4 December 1751, Findlater to Hardwicke; *infra*,
267. SC190, ff178-9.
268. Yester Papers, MS.7044, ff20-1 and Acc.4862, box 9, bundle (a).
269. SC64, f176.
270. Erskine Murray Papers, MS.5076, f198.
271. *ibid.*, MS.5077, f1.
272. Sedgwick, House of Commons, ii, 314-5.
273. *ibid.*; SC16, f71, 1751.
274. Namier and Brooke, House of Commons, iii, 237. See also letters from Ilay to Oswald in Memorials of the Public Life and Character of ... James Oswald of Dunniker (Edinburgh 1825), 163-4.
275. Annexed Estates minutes, E721/1-4.
276. Namier and Brooke, House of Commons, ii, 72; SC18, 24 November 1756, Andrew Fletcher to Milton.
277. Great Seal, Index of Commissions (November 1755).
278. Selections from the Family Papers preserved at Caldwell (Glasgow 1854), II, i, 130.

CHAPTER 4

MILTON THE POLITICAL AGENT

i. General survey.

Andrew Fletcher of Salton (1692-1766), advocate, 1717, Cashier of the Excise in Scotland, 1718, Court of Session judge as Lord Milton, 1724-66, Lord of Justiciary, 1726, Lord Justice Clerk, 1734-1748, and Keeper of the Signet, 1746-66,¹ was the leading administrator and politician in Scotland, one who was uniquely favoured, for about forty years, from 1724 or 1725 to 1764. Towards defining him as a civic leader his activities are divided for convenience, although the division is not always true, to show him as a political agent, an innovator and an administrator. The political agent was head agent in Scotland, some called him sub-minister or sous ministre, to Ilay.² He defies fully detailed description, owing to the extreme sensitivity of his duties and a consequent paucity of documents, but is nevertheless approached separately, because had he not been a political agent he could have achieved little. The innovator, whose schemes would have been abortive had he not first been a political agent, effected or is believed to have effected profound economic and social works. And the administrator, whose functions were partly an extension of his political and private work for Ilay and partly of his innovative efforts, dealt with exigencies and recurring business in Edinburgh. Relevant particulars and episodes from his experience in each area will be used to isolate the conditions which effected and defined his status as a civic leader. The elemental condition was his employment by Ilay, which depended upon his social connection with the latter, and his situation in Edinburgh business in terms of convenience and local knowledge. A condition which fused into this was his position of subservience, in a narrow sense to Ilay, and in a broader sense to the south by virtue of his location in a satellite

zone. As another condition he required great personal gifts, in the shape of resoluteness and ingenuity, to exploit the connection with Ilay and minimise the effects of southern domination. His law contributed hardly a scintilla and that not a vital one; his profession being perhaps most valuable in that it made him available in Edinburgh. In short, the conditions in question matched those suggested from the foregoing survey.

To begin, then, Milton the political agent is examined. His background is introduced. And his political work for Ilay is, first, reviewed in relation to representative institutions and, second, shown as it applied to the election management of the Aberdeen Burghs.

The family tree of the Fletchers of Salton, East Lothian, does not show how he and Ilay became connected, there being no close relationship with the House of Argyll (Figure 10).³ The most it shows is the general status of the family, a family which from trade in the 16th century moved to solid landed respectability in the 17th. Reflecting their gentry status, four of the family before Milton became advocates, four had important places in public life (Andrew, the great parliamentarian and "patriot", Sir Andrew of Innerpeffer, Lord of Session, Sir John, Lord Advocate, and David, Bishop of Argyll), and, of particular relevance, there was a sprinkling of noble marriages (Kinnoull, Middleton, Kingston, Carnegie-Southesk, Bruce-Balfour of Burleigh and Dalrymple-Stair). Milton's granddaughter remarked that his father's marriage to Margaret Carnegie of the attained^k Southesk line

procured to the family many great and valuable connections. Her mother Catharine Primrose was daughter to Sir Archibald Primrose of Carrington, Lord Clerk Register.... By this Lady the family of Salton was also connected with the Earls of Rosebery, Caithness and Fife.⁴

But in fact these connections with declining noble families were not of use to Milton in promoting his career. More important links had to be manufactured. His father, Henry, younger brother of Andrew, the patriot (d.1717), and heir to the latter's estate,⁵ attempted to forge

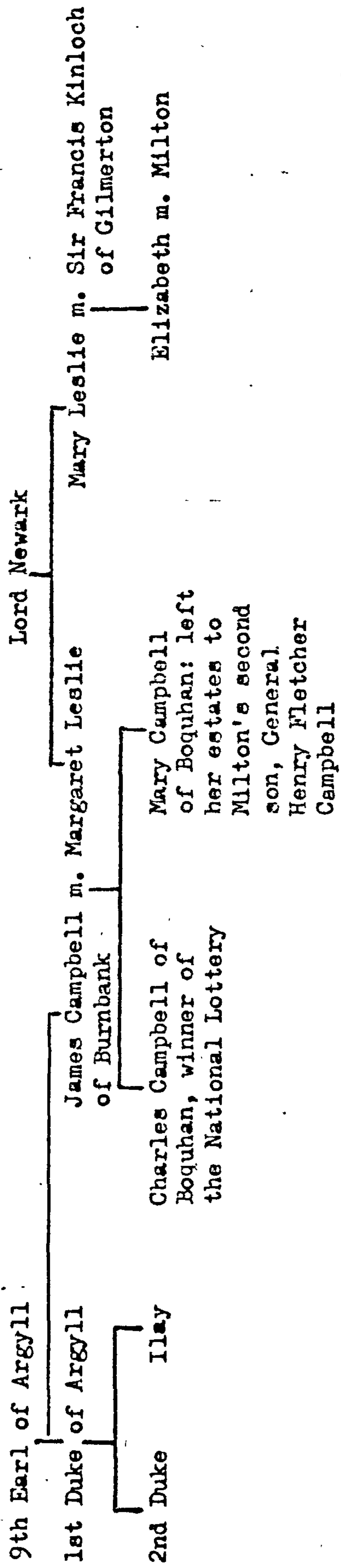
these when he engaged Alexander Cunningham of Block as Milton's private tutor at Leyden. Cunningham had gone abroad previously with other noblemen and gentlemen, including "the Duke of Argyll".⁶ When Cunningham and the young Milton arrived in London from Leyden in 1716, Cunningham reported to Henry that

The first time I waited on the D. of Argyle and the E. of Isla I gave his Grace and his Lo. a character of your son and since he left this place I repeated it to them that he had been twice to pay his respects to them and they were both sorry they had not seen him and I make no doubt but he will be honored with their favor and friendship.⁷

There is no hint in the family correspondence that anything came of this.

Milton's uncle, Andrew, then in his last days, believed, that there might be a fruitful alternative, this being his friendship with one of the English Secretaries of State, Sunderland, who visited him at his deathbed in London, where Milton was also in attendance.⁸ And in the following year, 1718, Milton was appointed Cashier of the Excise in Scotland at a salary of £300.⁹ Apart from the salary this was no spectacular advance for him, because any ambitions he had to be a significant public figure could not be fulfilled through this or any other such office unless accompanied by the support of the Squadrone, then in power,¹⁰ or the Campbell brothers, whose power was potentially the greater, and Milton was not associated with either faction. But success came at last, in 1723, following his marriage in c.1722 to Elizabeth Kinloch, daughter of an East Lothian neighbour, Sir Francis Kinloch of Gilmerton, bart.¹¹ Elizabeth's aunt was married to Ilay's uncle, James Campbell of Burnbank (Figure 11).¹² This brought Milton to Ilay's notice quickly, a correspondence between them, the one in London, the other in Edinburgh, beginning abruptly in 1723, with assurances from Ilay, after formally addressing Milton as "Sir", that he would not be long at the Bar.¹³ In the same letter Milton was asked how old he was and how long he had been an advocate: not that Milton's legal qualifications were of great moment in conducting Ilay's personal affairs,

Figure 12



because "The Peer" did not then have any land in Scotland. He wished to know how long Milton had been an advocate to be sure that he had been at the Bar for five years to qualify as a judge. Within a year Milton was a Lord of Session and, in return, was supplying Ilay with news from Edinburgh and transacting political business for him.¹⁴ By this time Ilay was addressing him as "My Dear Lord" and concluding his letters graciously as "Your Slave, Ilay". The thralldom was mutual, Milton requiring Ilay's sponsorship and Ilay needing Milton as a trusty agent in Scotland.

Ilay brought Milton into an organisation which was well-established. It dealt certainly with the management of the Church, the Convention of Royal Burghs, Edinburgh Town Council and elections.¹⁵ Very active in it were Duncan Forbes and George Drummond, and it appears from Forbes's correspondence that he was the leading agent before Milton's arrival.¹⁶ But Forbes was closer to Argyll than to Ilay and tended to take an intolerably independent line.¹⁷ Ilay may have been prepared to endure this, but the need to make a change came when Forbes left Scotland in 1721 for the House of Commons.¹⁸ Milton was then brought in by Ilay to assist in the general control of important institutions, the control and distribution of their patronage and that of the Crown and the management and maximization of the connexion's parliamentary interest. It appears from reviewing the management of institutions and by reference to the Aberdeen Burghs that he had to be close to Ilay because of the confidentiality of the work, hence the special value of a family link; he had to be in Edinburgh to coordinate activities, oversee the efforts of his colleagues, deal with contingencies, report difficulties and supply local knowledge; and otherwise he needed little more than good sense. He was essential as an agent, but his duties were not momentous.

The representative institutions through which the survey of Milton's value as an agent and the scope of his duties are introduced,

are the Court of Session, the Board of Customs, the Town Council of Edinburgh, the Convention of Royal Burghs and the Church. Three others, the Board of Trustees, the Annexed Estates Commission and the Royal Bank of Scotland, did not exist when Milton joined the political management, so his work on them was additional to the basic political duties required of him; and their management had more profound purposes than straightforward political control. For these reasons the last three institutions are examined separately, in chapter 6, although features of Trustees' patronage will appear at this early juncture.

The first of the institutions in question, the Court of Session, is introduced immediately that it might be dismissed quickly as a probable intruder. There is insufficient justification for declaring that methodical control of it was attempted. Indications of political interference with the Bench are slight. Among these is a remark attributed to the Duke of Newcastle. According to hearsay, Newcastle once observed to Lord Chancellor Hardwicke that "the indignation of Heaven ought to have fallen upon it", the Bench of the Court of Session, because of its corrupt judgments.¹⁹ Newcastle's familiarity with the Session's decisions is problematic, and his statement does not amount to an accusation or acknowledgement of methodical political management. On another occasion, in 1725, shortly after Milton joined Ilay's political team, Margaret Campbell, widow of Ilay's uncle, James Campbell of Burnbank, and aunt of Milton's wife (Figure 10), asked "My dear Miltoun" to "mack us gaine our plea thus we Campbells may Triumphe", in relation to an untraced process.²⁰ There are no more references to the case in Milton's correspondence. The Home of Wedderburn Papers contain a "Copy Letter to Lord Milton" from the Rev. Ninian Home, another relative, in which it is suggested that "It is full time your Lops were come to a resolution" - a suitable one - regarding a petition against an election return, because "the meeting of parl. draws near".²¹ But such interference

in the judicial process did not constitute a pattern of political control.

Unfortunately the records of the Court of Session do not reveal the voting divisions of the Lords of Session when sitting as a group²² from which something might have been drawn. The only body of evidence on this for the period is produced by the Lord of Session Patrick Grant, Lord Elchies, in his Decisions of the Court of Session From the Year 1733 to the Year 1754 (Edinburgh 1833). But he is not an impartial source, being among the few of Milton and Ilay's friends who knew the cipher used by them in delicate political correspondence.²³ He may have withheld information on cases in which there was a suggestion of political bias. From the few cases in which he does detail the division of judges in political causes - such as appeals in disputed elections - no distinct party alignment appears on the Bench.²⁴ The one striking feature of these recorded divisions is that Arniston of the Squadrone and Milton never voted on the same side.

Although Ilay was not above interfering with or subverting the judicial process, as the way in which he selected the Court of Delegates makes clear,²⁵ it would have been very dangerous for regular, strict control of the Bench to have been attempted. This would, in particular, have created a storm during the presidency of Duncan Forbes, 1737-48, and it is unimaginable that his successor, Arniston, 1748-53, who, like Forbes, was violently cantankerous and jealous of his privileges,²⁶ would have submitted to it, as a keen enemy of Ilay and Milton. The jealousy in general with which judicial honour was guarded may be observed from a regulation of the Court barring judges from voting in cases in which they had a personal interest. Thus Elchies noted that Strichen, an Aberdeenshire gentleman, declined to vote in an Aberdeenshire election appeal in 1746; and in an action of 1749, between the "Friendly Insurance Company" and the Royal Bank,

so many of the Lords were concerned in the one or other Company, that if they were declined they did not remain a quorum; and therefore they were not allowed to decline themselves, not even the Justice Clerk [Tinwald], though an Extraordinary Director of the Bank; but Lord Milton, the Deputy Governor, was allowed to decline himself.²⁷

The strongest evidence of concerted efforts at political control of the Bench comes in a letter of 1735 from Ilay to Milton commenting on the appointment of Strichen as a Lord of Justiciary and Sir James Fergusson of Kilkerran as a Lord of Session: "The Letters of Ld Strichen and Sr J Fergusson are signed by the Queen, so that the Enemy have not gained ground in our Judicatures this year."²⁸ It is possible that the most Ilay dared to do in relation to the Bench was to ensure at least that the Squadrone did not themselves have the chance to subvert it, should they be so rash. And the only certainty as to judicial appointments is that Ilay used these in terms of simple patronage, to reward friends and clients for past or expected services outside the courts.²⁹ In short, it is not proven that the control of the Bench was an element in Milton's usefulness to Ilay.

Elsewhere, the most powerful of the inhibitions placed on Milton came from his relationship with Ilay. This inhibition arose not from a lack of discretionary authority granted to him by Ilay - Milton had virtual *carte blanche* in Scotland - but from the illegitimacy of Ilay's intentions and position and Milton's own most prominent characteristic as the main agent in carrying out those intentions. Ilay as unofficial "Minister for Scotland" did not have any rights over government institutions, although he used their patronage, and the constitutional if not actual independence from government and Ilay of most of the other institutions the latter sought to control similarly limited Milton's authority. Where Milton was a member of an institution, namely any one of those described in chapter 6, he could be fairly daring in controlling it, under the justification that his purpose was its proper management not the service of party interest or his personal devices. But, wisely,

he was not a member of the standard institutions traditionally associated with political management, being content to deal with Ilay's placemen on them from a distance, to delegate authority. This worked smoothly enough - although Milton always had to be watchful - except where the placemen were answerable to central government, the Treasury specifically. In such cases the placemen were able to justify acts of self-will as responses to their first loyalty, that to their institution, and their accountability to the Treasury, and there was little either Milton could do or the cautious Ilay would wish to do to rectify this, unless rebellion was extreme, without running the risk of being accused of usurping the powers of Parliament and the Treasury. Non-government institutions could be handled more easily, because in Scotland there was no higher power than Milton. Provided that he was discreet in avoiding blatantly antagonising the institution in question, he could take steps to have acts of rebellion by his associates on it punished, usually by Ilay, and was answerable to nobody but Ilay for his actions: so in this area the placemen tended to be loyal, or cautious in their petty acts of private ambition. Hence Milton's political work in relation to the following institutions was to thwart the schemes of a weak declared enemy; more commonly, manage and negotiate with a stronger group, Ilay's "friends"; and exploit accruing patronage efficiently.

At the Board of Customs the least of his problems was the management of its patronage, in the narrow sense, in the form of small Customs' places. As with the Commissioners of Excise, each Customs Commissioner in filling vacancies made presentations to the Treasury on a rota basis.³⁰ The Treasury then accepted or rejected the recommendation, a process in which Ilay had considerable say.³¹ There was, in other words, little point in a Commissioner making a presentation of which Milton did not approve. Ilay's secretary in London kept a patronage book, the contents of which included Milton's recommendations.³² So the wise Commissioner

might contact Milton thus: "I deferr'd making the presentment till I had seen your Lordship which I shall endeavour tomorrow",³³ or thus:

as Your Lordship was pleased to desire I would acquaint you with any vacancy that might answer for Bailey Mark Spence of Musselburgh, I judged that giving you this early notice of the likelihood of a vacancy, might not be improper.³⁴

Milton's power was such that he was stronger than the Commissioners in getting presentations accepted by the Treasury, judging from a communication to him from Commissioner Mansfeldt Cardonnel noting that "you was so obliging to send me by Mr Campbell [Colin, Customs Commissioner], that if I had any particular regard for any of the persons presented by me now lying at the Treasury you would be so good to get them warranted."³⁵ Such was the widespread recognition of his importance in filling Customs' vacancies that in his preserved papers for 1749 to 1754, when neither his nor Ilay's influence was at its greatest, with Pelham heading the Treasury, there are fifty requests to him for places in the Commissioners of Customs' presentment out of a total of two hundred and fifty two requests for jobs (including, incidentally ten for posts under the smaller Commission of Excise).³⁶ The percentage of requests to him that were successful cannot be calculated, because many others, perhaps the more hopeful ones, would have been delivered verbally by close contacts. The political value of the efficient disposal of such small patronage will be assessed through the examination of the Aberdeen Burghs to follow.

Less was achieved when Milton perceived that some greater favour from the Customs might be applied to oil the political machine. Indeed the few recorded incidents show that he tended to fail in this respect. This was partly because the Commissioners were risking their careers if they went too far in managing the revenues on behalf of Milton or Ilay rather than the Treasury. Thus Commissioner Joseph Tuder was warned from London in 1754 when he and other Commissioners were negotiating (successfully) with Milton to purchase Ilay's yacht, this being thought

in other quarters to be a corrupt deal, that he should remember "that as he is under the Treasury, it is expected that he shd have no other attachment which can possibly interfere with that".³⁷ And individual Commissioners tended to show a streak of independence in the knowledge that the most Milton could do was report them to Ilay and that Ilay, who did not like to rule by process of crisis, had to be pushed very far before disciplining them. The worst offender was George Drummond, according to an undated letter of the 1730s from Milton to Ilay: "As for G.D. ... all the Jobs the Ennemy have to work at the B. of Customs he is employed in."³⁸ Drummond was unquestionably a friend, but one who had a fine opinion of himself - "that Coxcomb", "that vain Prig", the future 4th Duke of Argyll called him³⁹ - and could not resist following his own devices when this could be done in secrecy and with impunity. He went too far in the late 1730s, however, and after hearing that "my Lord Ilay looks upon me as a friend to his enemys, and underhand opposer of his measures, both in Church and State",⁴⁰ he was dismissed from the Customs, which he blamed on Milton: "I mett Ld Miltoun for the first time since he has got me turned out, in our meeting as Trustees of the Manufactures."⁴¹ Milton professed innocence of what had happened and, said Drummond, claimed to have a "strong desire to bring me into the Excise".⁴² This followed letters from Ilay to Milton one of which noted that "In case G.D. takes his rebuke with decency I intend to let him come into the Excise but he must humble himself",⁴³ and the other that "G. Drummond has sent me an humble Epistle. I shall get him put in" - as a Commissioner of Excise - "so you make your own use of it, and talk to him or his friends accordingly".⁴⁴ This case is instructive regarding the notion of Milton's power as Ilay's confidant, a notion carefully nurtured by both of them, but as far as concerned severe punishment for a refractory Customs Commissioner the incident was an exception.

Such was the resulting relative freedom of activity for the Commissioners that even the member of the Board for whom Ilay had the greatest respect as a forceful personality was unable to keep his colleagues in check and, indeed, showed tendencies towards disobedience himself. This was Gwynn Vaughan, a Welshman closely associated with Walpole and Ilay in London.⁴⁵ When Vaughan was appointed in 1728 and sent to Scotland, Ilay told Milton that "Mr Maynard is out of the Customs and is succeeded by one you will be much rejoiced at; of all the birds in the air it is My Lord Chief Justice Vaughan."⁴⁶ The latter was warmly recommended to Milton, as an aide in the general political management: "You may know from Mr Vaughan pretty well my mind", Ilay advised him, "and you can hardly do amiss if you follow his advice, I find he has a good opinion of you".⁴⁷ Six months later, Vaughan, on leave in London, asked Milton to tell Ilay, who was then in Edinburgh, that

my being there will have no other consequence, by my being one or two against three, I had the pain all last winter of having a trinity in unity against me, and while his Ldship suffers that allegiance, it will be no greate matter whether it be one or two to three.⁴⁸

The four other Commissioners then were Henry Hale (an Englishman), one John Campbell, Sir James Campbell of Aberuchill and George Drummond;⁴⁹ so at least one of two of Ilay's known dependants, Sir James and Drummond, were acting against his manager at the Customs, Vaughan. And Vaughan had also succumbed to temptation by 1730, when Ilay complained to Milton that

I believe I mentioned to you before that Vaughan by not following my repeated advice in writing to Sr R W has spoilt a scheme for the present that I intended in the Customs. If I had thought him foolish enough to neglect my directions I had no need of his assistance ... however you will have soon I believe a little change in the two boards one Scotch man [the Master of Ross] and one new Englishman brought in, both useful.⁵⁰

The consequent incomplete success of Milton's applications to the Customs are illustrated, first, by an approach he made to the Board in

1741 for relief to the Falls, merchants in Dunbar, from Custom's measures. The Falls were loyal friends with political weight in their area.⁵¹ Their difficulty arose over interest on a tobacco bond, a bond they had given to the Customs in 1734. It had been "the practice of the Board of Customs before their Order of 9th April 1741 to charge 5 per cent on all Tobacco Bonds".⁵² Now they aimed to charge the Falls 6 per cent from the time the bond was made.⁵³ The Falls asked Milton to intercede.⁵⁴ He did, to no effect. The Customs Commissioners told him, he said, "according to their usual way", that, even if they had been willing, "they had no power", so that the Falls' relief could "only come from the Treasury".⁵⁵ Ilay advised Milton that the solution would come through a report from the Customs to the Treasury, which he asked Milton to "endeavour to get".⁵⁶ Such a report did not appear. Milton had failed. The solution came from London thirteen years later after Ilay's secretary (Milton's son Andrew, an M.P.) had supervised the presentation of a petition from the Falls to the Treasury.⁵⁷ The Treasury then ordered the Board of Customs in Scotland to send a report; following which the Board was instructed to levy interest of 5 per cent for the years 1734 to 1741 and 6 per cent from 1741 and to discharge all other claims and demands.⁵⁸

Milton had better but incomplete success in another case concerning tobacco, this relating to Glasgow in the late 1720s and the early 1730s. It began in 1729. The Magistrates of Glasgow informed him then that

You were pleased to express the very great regard you had for the trade of this country, and particularly for the trade and welfare of this place: and most frankly offered to use your good offices for procuring us relief from the vexatious prosecutions we have the misfortune to be at at present under before the Exchequer, which have very much diverted our merchants from their business and putt them to an Incredible Charge.⁵⁹

They explained that "Several of these prosecutions" which the Customs had instituted at the Court of Exchequer, the court for revenue matters,⁶⁰ "are only for one, four, or six hhds tobacco, and the charge this has allready been upon each of them ammounts to sixteen and some to

twenty pounds sterling, which is the value of three or four hhds."⁶¹
 Evidently Milton was able to persuade his friends at the Customs to do something; because, within days, the Board of Customs asked the Exchequer Court to speed up the proceedings and so reduce the costs.⁶²

A court case heard in 1730 indicates the source of the problem. In 1727 Thomas Hyndman had shipped, in the name of Alexander Oswald, two hogsheads of tobacco "for exportation" from Port Glasgow to Europe. It was established by affidavits, however, that the tobacco had been "unship't and sold ... at the Island of Mull".⁶³ The fraud was that the owner, by claiming that the tobacco was for export, received a drawback on the import duty.⁶⁴ Accordingly "an information had been filed in the Court of Exchequer" for double the amount of the drawback⁶⁵ (the penalty laid down by statute, 8 Anne, c.13). Milton petitioned Gwynn Vaughan; and the Customs gave directions to the Exchequer Court "for withdrawing and discharging said action", upon receipt of a promise by the "exporters" to "relinquish and disclaim" any title to the drawback on the hogsheads in question.⁶⁶ The political benefit was that it made the Town of Glasgow see that the Argyll interest was a useful friend. Hearing that these directions were to be issued to the Exchequer Court, Milton thanked Vaughan for "This piece of Extraordinary Justice", which he thought would be "no bad ingredient towards gaining favour in the present quest".⁶⁷ He explained "the present quest":

I am really concerned that they are as fond of having their immediate dependence upon the peer [Ilay] as I could wish, and their sincerity can hardly be doubted, since thereby they get rid of the ungratefull dependence upon their fellow citizen [Daniel Campbell of Shawfield].⁶⁸

Ultimately his friends at the Customs worked against him in this. He aimed at a change in the rigorous way penalties were applied. "It is too true", he told Vaughan, "that 8 of 10 of the Glasgow merchants are broke";⁶⁹ in which context the expensive prosecutions which followed all suspected petty infringements endangered Glasgow's trade

(and the revenue *pari passu*). He designed to have a more gentle mode of proceeding applied, and petitioned Ilay:

I should be glad to know if your Lop inclines to gratify the Glasgow people ... because if you do, I would endeavour by the help I could get from Messrs Brent [Commissioner of Customs Humphrey Brent] and Vaughan to put that matter in such a light as to make it practicable by the Treasury without a clause in an Act of Parl. I ... believe by doing it your Lop would gain the hearts of the people there.⁷⁰

It was not to be. Ilay made promising noises: "Let the Glasgow Provost know", he instructed Milton, "that during the sitting of the Parliament it was impracticable for many reasons to meddle in their affairs, but I will now see what I can do in it".⁷¹ No change appeared. And the Customs Commissioners began to exert themselves in direct conflict to Milton's intentions. In November 1730 George Drummond and Gwynn Vaughan, sitting as a quorum, sent the following instructions to the Collectors of Port Glasgow and Greenock:

Complaint being made to Us that the Revenue as well as the fair traders in this country are very much prejudiced by the smuggling trade, particularly that of reimporting tobacco, We direct you therefore to order all the officers in your precinct to exert themselves diligently in their stations to prevent such pernicious practices.⁷²

The prosecutions continued unabated, greatly to the Glasgow merchants' dissatisfaction.⁷³

To balance the impression these incidents give of difficulty in the political management of the Customs it is noteworthy that very few others are recorded over the forty year period, so that the incidents quoted may have been abnormal. It remains, however, that Milton's successes in applying to the Customs were not as complete as he would have wished, because of the Commission's accountability to the Treasury.

On the three other institutions to be reviewed, the Town Council of Edinburgh, the Convention of Royal Burghs and the Church, there is enough material to indicate that these were more open to direct control than was the Customs, being constitutionally independent of central government and the Treasury.

Control of the Town Council of Edinburgh was important because of the Council's authority over public affairs in the capital, its right as the only burgh to elect its own M.P. - the other royal burghs joining together as regional groups to do this; its influence in the Convention of Royal Burghs and in commercial life; and its patronage, Church and Edinburgh University patronage especially.⁷⁴ The methods of control applied by Milton were withdrawal of client status to malcontents on the Council, bribery and organisation.

The withdrawal of client status was noticed by James Ker, an Edinburgh jeweller and a former councillor and M.P. (for the City),⁷⁵ who had used his influence inside and outside the Council to oppose the schemes of Milton. He wrote in 1763 to Gilbert Elliot younger of Minto:

God forgive these implacible enemys I have who seem resolved upon my ruin, so far as in their power ... from no Earthly reason I know of, but of having the misfortune some how or other of incurring Lord Milton's displeasure, who carries his unreasonable resentment to the highest pitch....⁷⁶

The loss Ker had experienced was that of his secret service pension,⁷⁷ and he could be sure of receiving no public or semi-public patronage as long as Milton had influence. Another reprobate, one who escaped lightly, was Archibald McAulay. When Ilay gave him the place of Conservator at Vere in 1726, Milton commented to Ilay that "he will in all time comeing be Your Obedient Slave";⁷⁸ but by 1729 McAulay, then Lord Provost, was plotting to have Daniel Campbell of Shawfield chosen as the City's M.P. against Ilay's inclinations.⁷⁹ Milton, divining this scheme, reported it to Ilay, and McAulay was warned from London that Ilay "would most certainly expect him to be certified" by Milton before trusting him again.⁸⁰ And McAulay, who relied on the Conservator's place for his support, seeing his danger gave assurances of future good conduct to Milton, who reported back that he was "morally certain that McAula would be a good bairn - if he could but get out of [George] Irvine's reverence to whom he owes money".⁸¹ Gwynn Vaughan concluded the affair by writing

to Milton from London that McAulay's

being sincere with your Lordship is all my Lord Ilay desires of him and as you reporte it of him, my Lord told me that he would take him by the hand and do more for him than he is aware of.⁸²

The obverse of withdrawal or threatened withdrawal of client status was bribery, the gift of patronage by Ilay and Milton. Where major clients such as Drummond and McAulay were being considered this patronage was issued from London by Ilay, in the form of places such as those of Commissioner of Customs. In lesser cases, as when some application of patronage was needed to maintain the party's interest in the Council, Milton's knowledge of conditions in the field was required and he might deliver the oil of patronage himself. The latter form is described in a letter from him to Ilay, and shows how he could use the patronage of the Council to control the Council:

The Town Counsell ... have appointed Thomas Allen a friend of long standing [and] one of the magistrates of this City to be Shore Master of Leith a place a good hundred pounds a year.... It has cost some management and thereby one debt is payed, which alwayes gains credite.⁸³

And, added Milton, "if another person I mentioned to yr Grace were provided for either at home or abroad", it would help towards "clearing our greatest debts". As an added incentive to cooperation, there was the knowledge that attachment to the dominant faction on the Council gave the best chance of advancement to prestigious offices, those of Lord Provost, Dean of Guild, Treasurer and the four bailies, with the Provost benefiting also in definible material terms through his £300 salary.⁸⁴ Ilay's leading agents on the Council, Drummond, McAulay and Patrick Lindsay, filled the Provost's chair for twenty two of the thirty nine years between 1725 and 1764, with other certain supporters, William Alexander, John Osborn, James Colquhoun, Robert Montgomery and George Lind taking up another ten of those years.⁸⁵ And while individuals were served in these ways the general goodwill of the Council was gained by grants of political largesse.

In this climate the Council became almost self regulating. Even the central event in its calendar, the internal election held at Michaelmas, could be left to operatives on it, Drummond especially. Thus Milton was able to spend every Michaelmas from 1743 to 1761, except that of 1745, at Inveraray,⁸⁶ after Ilay's succession to the Argyll estate in 1743. With Milton there, Drummond and others would write to him reporting the several stages of the election: first the selection of deacons by the fourteen incorporations, and approval by the Council of the selection; then the election of six of these deacons to the Council by it; then the election of three new merchant councillors and two new craftsmen by the old Council (minus the old deacons and plus the new ones), with the previous magistrates and office-holders retaining their membership of the Council; then agreeing on leets from which the new "magistrates and office-men" would be chosen and, lastly, the election of these.⁸⁷ There were two or three days between most stages, which gave Drummond time to negotiate with and court the individuals and groups of friends who would unite to defeat smaller cliques. An extract from one of his detailed reports to Milton suggests the tenor of the business. Drummond reported that "Rothead" (James Rothead who was married into the Kinloch of Gilmerton family, like Milton),⁸⁸ "Sandy Grant" (younger son of Lord Elchies and brother of Milton's son-in-law)⁸⁹ and "Flint" (David Flint, Secretary of the Board of Trustees),⁹⁰ all merchant councillors, "dined with me on Munday":

We talked over the measure of Ro Smith being deacon of the Surgeons, which Browsterland and his people are so certain of, that they are very assiduous solliciting every particular member of the Councill for their vote to bring him out in the short leet. You know that it was Smiths vote which overturned Colquhoun - if he is in, he will be Conveener and govern the whole election. The Justice Clerk [Tinwald] put the provost [William Alexander] upon his guard against him. I did the same. So did Flint and Rothead.... Our friends have agreed to dine with me tomorrow & spend the evening ... and I will endeavour to have the same kind of meeting the day before every several step.... As oft as any thing happens, worthwhile, I'll acquaint Your Lordship.⁹¹

Such detail was only recorded because Milton was absent, but it suggests the tight rein on which he kept his creatures throughout, even in his absence; it being particularly noticeable that two of those Drummond was in consultation with had intimate family connections with Milton.

By means of this system the Council was held for most of the period, with clear defeat only in the early 1740s, when the party was in disarray following the 2nd Duke of Argyll's defection, and a partial defeat in 1754, the year of the above extract.⁹² Another result was that the Council's patronage was absolutely secured. Thomas Somerville, who, as a young man, knew Drummond (d.1765), wrote in My Own Life and Times 1741-1814 that

I know it to be a fact, that Provost Drummond the most meritorious benefactor of the community over which he presided, did not find himself at liberty to promise any preferment at the disposal of the Town Council of Edinburgh, without the previous consent of Lord Milton.... To such an extreme was this scheme of universal patronage stretched, that it was always deemed prudent to obtain Lord Milton's goodwill before making any application, even for places of the most inconsiderable emolument and importance.⁹³

And in 1737 Drummond, who had tendencies towards hypocrisy, complained in his diary (not long after returning "shattered" from a drinking bout at Campbell of Shawfield's) that

The conduct of our Magistrates for some years past, has been very grievous to all good men in the City. They have been named by the Justice Clerk [Milton] and have prostituted their power to his will in every instance. The morals of the City has been criminally neglected by them, some of themselves are openly wicked....⁹⁴

One advantage in having control of Edinburgh Town Council was that this made easier the management of the Convention of Royal Burghs, a powerful voice in trade and commerce. This was added to by Milton's influence over many individual royal burghs and by effective central organisation watched over by him.

Edinburgh and Ilay's friends dominated the Convention before Milton became Ilay's agent. In 1721 Lord Advocate Robert Dundas (d.1753) protested that "the natural tendency" of the royal burghs' way of

proceeding in the Convention was "to subject their rights and properties to the absolut determination of a few men in one particular toun".⁹⁵

The root cause of Edinburgh's strength was economic. Specifically, the bulk of the tax paid by royal burghs to the Exchequer was contributed by Edinburgh. Its share in the 1730s was about double that of Glasgow and some seven hundred times that of the smallest burghs, such as North Berwick, Kintore, Sanquhar and Lochmaben.⁹⁶ Milton's right to the disposal of this power was signified in a letter of 1729 from McAulay to an unknown correspondent (who passed it on to Milton):

There has nothing worth while happned since you left us only a litle skirmish in Counsole about the choice of our commissioners to the Borrowes, in which Peter [Patrick Lindsay] and I differed. It would not be worth the trouble to state the cause, only I laid it before Miltoun and proposed an expedient to reconcile us which he approved so I hope the matter will be accomodate.⁹⁷

And Milton was able to add to this power by channelling the votes of other friendly burghs in the right direction. These burghs were either dominated by Ilay and sympathetic landed magnates or were obliged to Milton for political favours. Regular among the representatives of such burghs was, a personal friend of Milton's, George Ogilvie, advocate, brother of the Earl of Findlater (who later defected to the Squadrone), and commissioner for Cullen.⁹⁸ Of him Milton remarked to Findlater that "As for your brother Your Lop may be assured that I will continue my best endeavours to serve him.... I hope if Your Lop countenance him we shall soon have him on the Bench."⁹⁹ Ogilvie died soon afterwards.¹⁰⁰ There was also William Duff, whose brother, Patrick Duff of Premnay, advised Milton in 1730 that "I have a brother lives in Banff, a mercht who is this year to be an assessor at the Burrows for Banff, he will do himself the honour of waiting of your Lop and receiving your commands."¹⁰¹ William Duff informed Milton from Banff five years later that "The bearer Mr Forbes goes to attend the meetings of the Burrows as commissioner from (this) town. I hope

your Lop will be so good as to countenance the toun in case any addition of stent [tax] is propos'd."¹⁰² The regular commissioner for Dumbarton was George Smollet, advocate,¹⁰³ who asked Milton to "doe me the favour as you have occasion to return Earl Islay thanks" for a political job done in London: "I shall ever retain a grateful sense of it upon every occasion."¹⁰⁴ And there was John Somerville, of Renfrew, who was "very agreeable" to Ilay's friends at the Convention.¹⁰⁵ In 1738 two persons sent to the Convention by Aberdeen (only one of whom could vote) were referred to Milton that "they might entreat to be honoured with your Lops advice as to their conduct in the meeting of the Burrows."¹⁰⁶ That Milton was accustomed to take advantage of such offers is implied in a letter from George Irving of Newton, Lanarkshire, W.S., Agent of Edinburgh Town Council and one of Milton's political helpers,¹⁰⁷ informing him that

I was calling this forenoon at your lodgeing but you was not come.... I was to have put your Lopp in mind when you are in Eglinton care be taken that a friend and not a foe be sent from the burgh of Irvine to the Convention.¹⁰⁸

The burgh of Irvine was controlled by Milton and his relative the widowed Countess of Eglinton, as tutors and curators of the young Earl.¹⁰⁹

From an analysis of the General Convention meeting on 8th July 1731 the benefits that could accrue from using the friendship of amenable burghs appear. The full complement of representatives at the Annual Convention was sixty six, including three from Edinburgh, one of whom, the Lord Provost, acted as non-voting president.¹¹⁰ At the meeting of 8th July 1731 six burghs were not represented, so that the sederunt was sixty.¹¹¹ Of these twenty are positively identified as persons who would follow Milton's instructions: the three Edinburgh men, including Lord Provost Patrick Lindsay, George Master of Ross, commissioner for Tain, Ross-shire; Gwynn Vaughan, for Rothesay, the Earl of Bute's burgh; Lord Strichen, for Campbeltoun, one of the Duke of Argyll's burghs; George Smollet, for Dumbarton; John Somerville, for Renfrew; Captain

James Fall, for Dunbar; Henry Cunningham, for Inverkeithing, controlled by Cunningham's family;¹¹² Peter Murdoch, for Glasgow; Sir Robert Monro, for Dingwall, controlled by Monro himself;¹¹³ the commissioners for Irvine and Ayr, controlled by the Eglinton family;¹¹⁴ those for Banff, controlled by Findlater;¹¹⁵ and five from the Aberdeen parliamentary Burghs, which were entirely under Milton's influence.¹¹⁶ Such a body of support could not be easily overcome by uncoordinated opposition. Thus on that day it was agreed to appoint David Gregory of the famous academic Aberdeen family as staple factor.¹¹⁷ This followed a private request to Milton from the Council of Aberdeen to grant them that favour.¹¹⁸

This was the manipulation of numbers at its coarsest. More subtle methods could be used on the smaller standing ("annual") committee of the Convention which met occasionally to deal with business arising when the Convention was not in session. There is information available on one incident which shows the organisation involved and Milton's part in it. In 1734 the Squadrone in Scotland and "the Patriots" throughout Great Britain were attempting to introduce triennial general elections to replace septennial elections.¹¹⁹ This would have made election management difficult for the Walpole Administration by keeping the country in a continual election fever and stretching patronage resources to the limit. The Squadrone and Patriots in Scotland took an initiative, by trying to procure "letters of instructions" from individual royal burghs to their M.P.s "for repealing the 7nial act and restoring 3nial parliaments".¹²⁰ A counter attack was launched by the Convention of Royal Burghs. Milton explained to Newcastle, Secretary for the Northern Department, that the Convention had a special meeting relating to "things which require to be explained in the Salt Bill" and

Your Graces freinds here thought it a proper opportunity by getting them in so great a body to declare against the patriots scheme to busle the affair in their addresses or letters of instructions, which accordingly the Convention of R.B. have done to their great mortification¹²¹

Letters were sent by the standing committee on behalf of the Convention to the fifteen burgh M.P.s. The letters were on trade matters, but included a paragraph earnestly requesting the M.P.s to join in opposing the move for triennial elections.¹²² The standing committee consisted of commissioners from any burghs which would go to the trouble and expense to have representatives in Edinburgh throughout the year: few did.¹²³ The method used in managing it, therefore, was for Milton's friends, whose other duties kept them conveniently in Edinburgh, to act as agents of friendly burghs and by this device have control of the Convention's business during the year. When Milton told Newcastle of "so great a body" declaring against the Patriots he was really talking about his own agents in the standing committee.

Normally this committee consisted of about six persons. On this occasion it was larger owing to the discussion of the Salt Bill. It represented twenty two burghs out of sixty four.¹²⁴ Among the commissioners were four of Milton's more active agents, Patrick Lindsay, Archibald McAulay, George Irving and the Master of Ross. They represented the burghs of St Andrews, Burntisland, Sanquhar and Tain respectively. Also attending were James Bogle, who was a close dependent of Milton's and servitour to the Earl of Selkirk;¹²⁵ Ronald Dunbar, W.S., who was the Duke of Argyll's legal agent¹²⁶ and represented Inveraray; and others representing burghs in Milton's pocket, these certainly including Irvine and Inverkeithing.¹²⁷ The committee appointed a sub-committee to frame the letter to the M.P.s.¹²⁸ The sub-committee had five members, including Lindsay, McAulay, George Irving and Charles Maitland, advocate (grandson of the Viscount of Arbuthnott and related to Milton,¹²⁹ but best viewed as a political neutral).¹³⁰ Only three of these, Lindsay, McAulay and Irving, were "acquainted with the sub-committee's dyet of meeting".¹³¹ The unscrupulous appearance of this transaction helps to justify the opinion expressed of George Irving in 1741 by a pamphleteer as being

"qualified to be a Member, or rather a Chief Pillar or prime Supporter of the Synagogue of Satan".¹³²

Milton capitalised, first, by telling Newcastle of the declaration in "so great a body" in favour of septennial elections, and, second, by placing a notice in the Edinburgh Evening Courant advertising the decision of "the Convention": Lindsay informed him that "I have the honour of your Lops letter with the advertisement which I have sent with Mr Irving to the printers to be put in."¹³³ This led one of the Patriots, Hew Dalrymple, Lord Drummore, S.C.J., to complain of "the dirty use that is made of the Job of the Annual Committee in the Edinb Evening Courant".¹³⁴ He wrote this in a letter to Sir Robert Dickson of Carberry, who passed it on to Milton. Drummore also thought that it was of consequence "to all Scotsmen, that upon every occasion the opinion of the whole nation shall not depend upon the assurances of what one two or inshort very few men, are pleased to give, that such and such is our opinion".¹³⁵ In his capacity as commissioner to the Convention for North Berwick (he was son of Sir Hew Dalrymple of North Berwick, Lord President),¹³⁶ he submitted a "letter of dissent" against the standing committee's decision.¹³⁷ And he used "expressions" at a meeting of the committee referring to "persons cringing to the Lords of Session" - which must have been an oblique reference to Milton - and called "the general powers of the convention in question".¹³⁸ He was rebutted in a reply from the committee, penned by Lindsay and others.¹³⁹ It rejected his allegations as being without foundation, especially that relating to Lords of Session, of which there was "no example", "so far as the committee knows or have heard". This reply from the committee had Milton's approval. Lindsay had written to him that "The answers to Ld Drummores reasons of dissent is now ready, but we do not think it proper to lay it before the Committee befor your Lop peruse it."¹⁴⁰ There the matter ended.

This incident exposes one sound reason for Milton's aloof stance in some areas of political management, the political inexpediency of being blatantly involved where he had no legitimate business. He could have acted as representative in the Convention for any one of the burghs which were friendly towards him. Thus a magistrate of Irvine notified him that

I presume tho' with pleasure, to advise you, that yesterday our Magistrates and Councill did unanimously elect you to be their assessor to the ensuing Convention. I expect to be with you upon Munday when I shall deliver your commission if you should be pleased to accept thereof;¹⁴¹

but he declined, although there was no social stigma in attending the Convention, considering that Duncan Forbes, Strichen, Monzie and Drummore were among the commissioners at various times.¹⁴² And because Milton was situated in Edinburgh, with his finger on the pulse, he was able to delegate authority, leaving his lieutenants to initiate action and carry it through, so long as he was kept informed and was consulted and could regulate and use the efficient organisation when necessary.

The story of the management of the last institution, the Church, was fairly similar, with others doing much of the work, and in a well-drilled way, while Milton watched closely and distributed the fruits. From the evidence, however, he was by no means idle in routine matters, at times participating directly (if discreetly), perhaps because the Church presented specially acute problems of political control. Political control was the objective, neither Ilay nor Milton having religious enthusiasms to promote. There was some truth in whimsical verses by Branston, author of The Art of Politics, which, when describing improvements at Ilay's estate, Whitton, Middlesex, alluded to his views on organised religion:

Old Ilay, to show his fine delicate taste
In improving his gardens purloin'd from the waste

Bade his gard'ner one day to open his views
By cutting a couple of grand avenues:
No particular prospect his lordship intended,
But left it to chance how his walks should be ended.

With transport and joy he beheld his first view end
 In a favourite prospect - a church that was ruin'd -
 But alas! what a sight did the next cut exhibit!
 At the end of the walk hung a rogue on a gibbet!
 He beheld it and wept, for it caus'd him to muse on
 Full many a Campbell that died with his shoes on.¹⁴³

In the judgment of Henry Sefton "to Ilay ministers were either useful or insolent".¹⁴⁴ And Milton talked of the Church of Scotland as follows:

No society of men can subsist without doing good or bad and since (whatever they may do in their private capacity) they cant do much good as a society we should compound for their doing as little harm.¹⁴⁵

The issue around which control of the Church came to revolve under this regime was "patronages". The aim was to protect, in general, the rights of the lay patrons who presented candidates to the parish ministries and, in particular the rights of the Crown, patron of about one third of the charges in the country,¹⁴⁶ and of other patrons whose presentations were controlled by the Ilay interest, the most considerable being Edinburgh Town Council. As is common knowledge, Church patronage was difficult to control because of doctrinal beliefs, popular among a minority, conflicting with the system of presentations, and because of the democratic pretensions of the Church and the resentment of those who were most interested in it at parish level but had least to say in the selection of the ministers. Thus on grounds of Calvinist doctrine, the godless should not be allowed to rule the Holy City of the Elect, which had been established by Christ in his apostles: "you see the melancholy Situation of Affairs", declaimed an opponent of the management of the Church by Milton and his colleagues: "the Righteous out of Court, the Wicked bearing Rule, and the People mourning".¹⁴⁷ The generic term for the stern Calvinists who took this attitude was "the Marrow men", from their association with the champions of Edward Fisher's Marrow of Modern Divinity (republished in 1718), a work dealing with Calvinist concepts of predestination. And a consequence of Calvinist beliefs, the Presbyterian form of Church government, which brought an

element of democracy to Church courts, was contrary to the system of presentations by outside patrons, patrons moreover who did not pay the stipends of the ministers they presented, this being the burden of the local heritors.¹⁴⁸ The currency by which the Marrow men were known among Milton's colleagues, as the "hot brethren", "mad men" or "daft praying people",¹⁴⁹ speaks volumes of the acuteness of the problem of checking them, a problem exacerbated by the Squadrone's tendency to side with the zealots in order to wreak havoc in Ilay's organisation, although themselves natural allies of the patrons.¹⁵⁰ Great though the problems were, Milton was exercised by them for a relatively short time, in the 1720s and early 1730s. Secessions in the 1730s by those implacably opposed to patronages, the first led by Ebenezer Erskine in 1733,¹⁵¹ weakened the opposition within the Church. Thus Craigie observed to Tweeddale in 1742, at the beginning of the Squadrone's last brief years in charge of the Administrations interest in the Church, that matters had been much "more peaceable" since "the deposition of the seceding ministers", this having "in a great measure heald the division among those that remain in the Church".¹⁵² And the problem was reduced to insignificant proportions in 1752 with the appearance of the new Moderate Party, led by William Robertson, who came to an arrangement with the Administration whereby the latter (whose de facto manager in Scotland was Milton) forebore from interfering in Church business in return for an assurance from the Moderate Party, that they would "assert the law of patronage and the authority of the supreme court, the General Assembly, over recalcitrant synods and presbyteries".¹⁵³

At the height of the problem two methods were used to minimise it. First, under Milton's watchful eye, Church courts were infiltrated, the most important being the General Assembly, where the Crown's official representative, the Royal Commissioner, worked in conjunction with a team of lay agents and selected influential "moderate" Churchmen.

Second, the Church patronage owned by the Crown and others sympathetic to Ilay was disposed of with the greatest caution, through the employment of Milton's local knowledge strengthened by the advice of his clerical friends.

In the first particular, the management of Church courts, the least important figure was the Royal Commissioner. Invariably a noble friend of Ilay's, usually one sent up from London for the meeting of the Assembly in May,¹⁵⁴ his function was to make known the Administration's views on Church matters, for example, in relation to stipends or possible concessions in the official attitude to patronages should the Church be well behaved.¹⁵⁵ He was virtually under the direction of the experts on the spot. "I hope", said Ilay to Milton in 1724, soon after the latter had joined the political management, that "our friends will take what care they can to support our interest in the Assembly. Findlater [the Royal Commissioner] will want management, that is advice and encouragement."¹⁵⁶ Milton quickly acquired knowledge enough to give such help. In 1731 he used the Commissioner for that year, the Earl of Loudoun, to browbeat (successfully) some Churchmen who were planning to raise a storm in the Assembly over a particular presentation. Milton "waited on my Ld Loudon" and "we sent for parties concerned", who were told by Milton in Loudoun's presence "that their standing out and making a bustle could end in nothing but their defeat, or hurting the Kirk and their freinds and more sensibly themselves".¹⁵⁷ In the following year one of the lay agents, the Master of Ross, entreated Milton, who was in London, to "get your bussiness soon ended to your satisfaction" in order to be in Edinburgh to give "your assistance" to the Commissioner, the Marquis of Lothian.¹⁵⁸ Milton also advised London on the policy the Commissioner should follow. Hearing that Loudoun, had received no instructions in 1731 as to supporting the Crown's presentee to the first charge of the West Kirk, Edinburgh, and

that members of the Edinburgh Presbytery who were unhappy with the presentation were threatening to raise "a generall mutiny" in the Assembly "about Patronages", Milton advised Ilay of this and Ilay answered that "I will epistolize My Lord upon that subject."¹⁵⁹ And in 1735 Milton warned Ilay that the Synod of Dumfries had "recommended to the several Presbyteries ... to concurr in some method for preventing accepting of presentations either by ministers or preachers" and that it would "be necessary the Commissioner have some instructions how to behave in that occasion".¹⁶⁰ The Commissioner was, in short, a well-primed figurehead; experts in Scotland having to be given the lead because of their familiarity with what was required.

Milton never sat in the Assembly, although he could have done by having himself elected a ruling elder, but others, laymen and Churchmen, could do the work very well, with Milton exerting authority whenever he wished. The leading laymen were the Master of Ross, who reported to Milton on Assembly business,¹⁶¹ and, above all, George Drummond, Drummond's effectiveness was shown in 1724, when Milton was a novice. In 1724 Ilay asked Milton to instruct Drummond to take care of the election of the Assembly representatives from the Edinburgh Presbytery and Town Council.¹⁶² Milton replied that

I delivered Your Commands to G. Drummond &c who have taken care to promise to continue, but there will be great need of Ld Grange, Duncan [Forbes] and Skip [John Campbell of Skipness, M.P. for Edinburgh]. I have never attempted to deal in these matters else my mite should not be wanting.¹⁶³

In the Assembly following Drummond was able to take charge, some calling him "the Moderator, with the velvet coat".¹⁶⁴ Wodrow observed that "the matters of the Assembly were intirely managed by such as wer of one side, and one person Commissioner Drummond, in a particular manner, set up for dictator."¹⁶⁵ The Town Council of Edinburgh "keped entertainments in toun, and had persons waiting at Leith and other places to pick up and inform all upon one side".¹⁶⁶

But although Ilay's organisation in the Assembly was strong before Milton appeared and could, it follows, operate without him, he was valuable to Ilay in strengthening it further and controlling it, through his political skills and his local knowledge and activity. He strengthened the organisation by introducing into it the most influential moderate Churchmen of the age. His success in this respect was all the more notable in that in achieving it he weakened the political opposition of the Squadrone in the Assembly. In 1724 he described the Squadrone's Church leaders as "the Bishops of Edinburgh".¹⁶⁷ The flower of the party then in the Assembly were Robert Dundas (d.1753) and the Revs. James Smith, Andrew Mitchell and William Hamilton.¹⁶⁸ Of the last three Milton contrived to win over Smith and Hamilton. Hamilton, Professor of Divinity at Edinburgh,¹⁶⁹ was captured by the simple expedient of giving him a royal chaplaincy, in 1727, added to in 1731 with a parish to his son, and in 1732 with the Principalship of Edinburgh University.¹⁷⁰ Milton's power in disposing of the last institution, which was in the gift of the Town Council of Edinburgh,¹⁷¹ appeared in a letter sent to him from London by George Drummond in 1753, Drummond being Lord Provost three times in the 1750s:¹⁷²

Principal Wisehart's death makes an opening to your Lordship to favour me with your Lordship's good offices to obtain the principalship to poor [John] Jardine [Drummond's son-in-law] which will be doing the most obliging thing in the world by me.... I could not get access to the Duke [Ilay] this morning - he was busy, and bid me call to-morrow - I don't imagine he will say anything decisive about it till he hears from you.¹⁷³

James Smith, one time tutor to the Dundases of Arniston, was no more difficult to please than Hamilton. The first token of his conversion was his translation in 1731 from Cramond outside Edinburgh to the richer and more prestigious charge of West St. Giles in the heart of the City, which was in the gift of the Town Council.¹⁷⁴ Before this was granted Milton, Drummond and Hamilton visited Smith and told him Ilay would "do him service" if he would cooperate. Smith then "profered freindship" and

"agreed to abandon his former opposition".¹⁷⁵ To assure him of Ilay's good faith Milton asked Ilay to send Milton himself a letter mentioning a "pardon to him in case his future behaviour came up to his present professions".¹⁷⁶ It was intended that Milton would show this letter to Smith.¹⁷⁷ Milton reproached Ilay for a delay in sending it, as "delays of this kind give time to new projects and difficulties":¹⁷⁸ Milton was afraid that if Smith was not won over he would "get to work with his freinds and tools" and upset an intricate plan of patronage Milton had concocted in consultation with Drummond and the Town Council. Smith was captured, however, and his greatest reward was the place of Principal of Edinburgh University in succession to Hamilton.¹⁷⁹

Other prominent Churchmen employed by Milton were James Alston, John Gowdie and Patrick Cuming.¹⁸⁰ The last two were involved in the intricate patronage scheme just noted, a scheme which, even in its barest outline, demonstrated the local complexities Milton grappled with to pay for the services of loyal friends. Between June 1729 and January 1730 three Edinburgh ministers died: James Hart of Old Greyfriars, William Wishart of the Tron and John Flint of West St Giles. Their livings were all in the gift of the Town of Edinburgh.¹⁸¹ Wishart had also been Principal of the University.¹⁸² To fill the vacancies Milton told Ilay that "The ministers we [Milton and the Town Council] design are George Wisehart, Mr Cuming, and Mr Smith, and Gowdie to be principall without a church."¹⁸³ In the event this plan was not carried out in all its details, but dexterous political management, as in the Smith case, and the shuttling of ministers from church to church allowed the broad design to be retained. George Wishart gave up the first charge at the West Kirk and succeeded his much-loved father at the Tron.¹⁸⁴ John Gowdie received benefits although not the Principalship. He gave up his country parish, Earlston, which was handed to his son, by means of a Crown presentation, and was himself admitted to the Edinburgh church of

Lady Yester's.¹⁸⁵ To make way for him the minister of Lady Yester's was translated to the vacant Old Greyfriar's church.¹⁸⁶ James Smith got the vacancy at West St Giles and, by doing so, provided a way to reward Professor William Hamilton, whose son Robert was admitted to Smith's old charge at Cramond.¹⁸⁷ This explains why Milton chided Ilay for not replying quickly to his letter, this delay endangering the whole plan. Cuming, then a junior member of the managerial team, had to be content with a deferred preferment. Upon a vacancy at the Old Kirk, second charge, he was translated from his parish in Dumfriesshire, Lochmaben, to Edinburgh in 1732.¹⁸⁸ In the same year Hamilton got the Principalship and James Smith took over Hamilton's Divinity Chair and then the Principalship, following Hamilton's death later in the year, this leaving room for Gowdie to occupy the Divinity Chair: Gowdie became Principal in 1754.¹⁸⁹ There was only one slip in the entire arrangement. By translating the young Wishart from the West Kirk to the Tron this left a troublesome vacancy at the former.

The difficulty was that there were two charges at the West Kirk (St Cuthbert's) - both in the gift of the Crown - and the minister of the second charge, Niel McVicar, wanted the vacancy to be filled by his own choice not that of "the Crown".¹⁹⁰ He asked Milton that "by the permiesible indulgence of the court wee may be allowed to goe on in our own good old way without any disturbance by any presentation".¹⁹¹ Milton referred this request to Ilay, who insisted upon a presentation, to preserve the Crown's privilege. He conceded, however, that McVicar "should be humoured": the congregation were to choose their minister, who the Crown would then present.¹⁹² On the strength of this McVicar put up one Mr Jardine and pushed ahead to have him elected, although Milton claimed to have warned him not to "hurry things too fast, but allow time for bringing in the most considerable Heritors who had hitherto opposed Mr Jardine which we had hopes to get done".¹⁹³ But

McVicar would not be denied and gave Milton insufficient time to suborn these heritors:¹⁹⁴ At a meeting of heritors and elders Jardine was defeated by another candidate, Patrick Witherspoon.¹⁹⁵ The Crown went ahead with the presentation of the latter; but McVicar would not accept it.¹⁹⁶ Gwynn Vaughan - known to his friends as "the Fat Man" - reported with some relish despite the seriousness of the affair, that when the edict was served at the West Kirk in March 1732 McVicar's servants and relatives were prominent in a riot during which the pulpit was torn down and "the mobb rose and insulted" the minister delivering the edict and "made at him with great (staves) in their hands".¹⁹⁷ Upon this Lord Provost Osborn "Calld out to seize the rioters"; and when they were being escorted to prison by the Town Guard, one of the soldiers shot "a Godly good woman in the belly" after being set upon by a stone-throwing mob. Milton was in London at this time and Vaughan wrote to him that "if you do not return soon, the church and state being mad, I will withdraw myself."¹⁹⁸ Milton might not have been able to prevent the riot, but the incident and its causes show one reason why an agent such as he, familiar with local problems and alert, had to be used in Edinburgh by Ilay. Failure could be merely irksome or positively catastrophic. An earlier disturbance, the Malt Tax Riots, destroyed the credibility of Secretary of State Roxburgh,¹⁹⁹ and a later one, the Porteous Riot, almost cost the City of Edinburgh its privileges and led to Milton, the Justice Clerk, being summoned to vindicate himself (which he did) before the House of Lords, after the escape of the murderers of the English Captain Porteous of the Town Guard.²⁰⁰ The essential mistake in the West Kirk affair was that Ilay had taken the management of part of the delicate business out of Milton's hands and given it over to McVicar.

The minister in Milton's team not participating in the above arrangement was James Alston, an East Lothian neighbour of Milton's as minister of Dirleton.²⁰¹ His circumstances show how Milton could exercise

authority, borrowed from Ilay, to ensure that the team of agents did their work in Church courts dutifully. Milton both made and broke Alston. In 1724 he introduced him to Ilay telling the Peer that Alston should be adopted "In order to maintain your interest".²⁰² Alston was Moderator in 1725 (which Milton had the power to fix).²⁰³ And in 1726 Ilay promised Milton at the time of the Assembly "to take care to serve Mr Alston your friend who I have a great opinion of".²⁰⁴ One year later Alston received a royal chaplaincy, salary £50.²⁰⁵ Apart from the Moderator's post in 1729, this was his last preferment. In 1731 he abstained from voting with Milton's friends in a meeting of the Assembly's standing committee, the Commission of Assembly. He followed his conscience "notwithstanding the particular obligations" he was under.²⁰⁶ At the General Assembly of 1732 he stood again for election as Moderator. In the view of the Master of Ross, however, it would "not be thought proper to encourage Mr Alston to think himself absolutely necessary, he may indeed be verry usefull, when he comes to think right of himself and others".²⁰⁷ Milton shared this opinion and had already written from London via Ross to the Royal Commissioner, the Marquis of Lothian, that Alston was to be opposed and that Neil Campbell, Principal of Glasgow College, was to be the Moderator: "your commands will be obeyed" said Ross.²⁰⁸ Consequently Lothian insisted, to those friends of the Court who were in two minds, that Campbell must be their choice, and they concurred.²⁰⁹ Milton also wrote to Hamilton and Smith, who had great prestige as ex-Moderators, instructing them to favour Campbell.²¹⁰ Campbell became Moderator.²¹¹ Alston was the closest of Milton's Church associates in personal terms, his son William, W.S., being Milton's confidential secretary in later years;²¹² but absolute loyalty and the smothering of private opinion was demanded to allow the connexion to function effectively, in the Church as in other bodies. Milton ensured that such discipline was kept: as Vaughan wrote to him during his 1732 visit to London:

I wish you were here ... for really people are a little dispirited without some body to speak to them.... little tricks and affronteries will be attempted when there is no body of weight and authority to keep people in order.²¹³

In this disciplined atmosphere Milton could safely stand back and let others do the labouring in the vineyard of the Assembly. The sources of their power over it were strikingly alike those elsewhere in the management and were explained in Ross's reports to Milton from the 1732 Assembly. This was a difficult Assembly with "many warm brethren" in it, "particularly from the north, some of them as wild as bucks". Ross "never was so much among black coats and never saw so much stiffness, and distrust of one another, in any coats".²¹⁴ But, although there were "great numbers of warm men in the assembly, yet they lost every vote by a good majority, having none to head them and no regular concert among themselves".²¹⁵ The concerted block vote was always more powerful than the fractured efforts of the sizeable opposition. And political guile was an easy match for hot temper. Milton's friends in the Assembly had "many meetings" with the warm people, sometimes separately, "and sometimes jointly, to bring them to right measures".²¹⁶ It was persuasively argued that to oppose patronages violently would bring upon them the wrath of the Crown, which would "for ever fix patronages on them, in a worse way than they are at present".²¹⁷

The great feat of Milton's friends in 1732, one which they had determined to achieve, was to have the notorious Act of Assembly on patronages passed, in response to an overture on this carried forward from the 1731 Assembly. The Act upheld that the normal first step in a minister's appointment was his presentation by a patron.²¹⁸ In 1731 every presbytery had been referred to for its written opinion on the overture, and at the Assembly of 1732 each opinion was to be treated as a vote for or against.²¹⁹ A Church historian explains that

When the Assembly met in May 1732, it was found that eighteen ... approved, while thirty one disapproved. In glaring opposition to all law, it was agreed that twelve

presbyteries which suggested alterations in terms of the overture and eighteen which made no return, should be added to those favourable, and in this way a majority was secured for the overture. It was thus illegally declared a law of the church.²²⁰

Under the blanket protection of an agreeable Assembly Milton could proceed with caution to the business of managing the Church patronage at his disposal, mainly that of the Crown. There are occasional signs of his confidence in both Ilay's power over this and his support. Thus Milton wrote to Alston early in 1732 in relation to a vacancy at Garvald that "I spoke to Sr Robert Hay", who was to be indulged in choosing the minister, and he "has now fixed on Mr [Archibald] Blair brother to the minister at Athelstoneford.... I shall write first post for a presentation to him."²²¹ And for a vacancy at Renfrew, Milton selected Robert Paton, minister of Haddington, who, he told Ilay, "I introduced to yr Lop last year and who will if I can believe any thing be very thankfull all his days to yr Lop for it.... I hope in a few days to be able to say that it is agreed to."²²² In both cases the presentation went through.²²³ He might have to remind Ilay to get the business done:

None of the presentations your Lop wrote you had desired Mr [Charles] Delafaye [Newcastle's secretary] to forward are come down yet, one of them was for Ld Carmichael's man and would be of use to prevent a Marrow man.²²⁴

But Ilay appears to have been genuinely recalcitrant only when there were special considerations in London which meant the overruling of Milton's choice. Ilay wrote in 1730:

I shall tomorrow propose your levites you mentioned in your Ecclesiastick Memorial, only they would think here that it was only out of old grudges, if I was against Lord Rothes..., and though I could easily get it done, yet it would do no good.²²⁵

Even at such times he did not always overrule Milton automatically.

John Drummond, M.P., notified Milton two years later that

There is one Whittet puting in for a paroch in the presbytery of Miple in the gift of the Crown, his father is my friend at Dundee. Lo Ilay is willing I should be favored in it if your Lordp thinks proper.²²⁶

To add to Milton's local knowledge in assessing what was proper he called in clerical advisers. One of these was Patrick Cuming, who, according to Alexander Carlyle, had access to his town house "by the political back door at Gray's Close".²²⁷ The nature of part of their business may be drawn from one of the few written communications between them, Cuming remarking in relation to a vacancy of 1751 that "if Your Lordship have no particular person in view I wish a presentation could be stopt till there shall be time to deliberate."²²⁸ At the height of the problem of patronages the main advisers were Hamilton and Smith. In April 1732 Smith advised Milton that "As to the vacant parishes for which your Lop tells me presentations are sought I doubt not Professor Hamilton will write you his opinion concerning fit persons to be presented."²²⁹ Hamilton duly gave his opinions, such as those concerning a vacancy at Leuchars:

The case at Leuchars as I am informed stands thus. There is some interest for Mr Matthew Moncrieff a friend of Mr Wisheart and a very sober good lad, but there is a gentlemans brother Mr James Walker who as I am told has far more of the paroch for him, than Mr Moncrieff. I know this Walker to be a very worthy young man.... I am affraid a presentation to another would be attended with trouble to the Judicatoryes.²³⁰

James Walker was presented by George II three months later and was accepted by the parish without argument.²³¹ Even the informed Hamilton could make mistakes. In regard to the M.P. John Drummond's recommendation of Thomas Whittet (Whitehead) for the parish of Kingoldrum, Meigle, Perthshire, noted above, Hamilton's view was that Kingoldrum "is no considerable parish and may be served by a man though none of the brightest parts. And as for Mr Whittet I hope he may do well enough in it."²³² Whittet was presented by George II, but on the moderation of the Call a majority called another and this the presbytery sustained. The General Assembly reversed this judgment and sustained Whittet's call.²³³ In other words Hamilton was unfamiliar with local sentiment in this remote parish and so gave poor advice to Milton. Such slips reinforce the

judgment that local expertise and the assessment of detail in Scotland was required by Ilay to keep the machine running smoothly. His agent there, Milton, answered this need using his own knowledge and calling in others to assist where useful.

ii. The Aberdeen Burghs.

The control of the Church and other institutions and of their patronage were desirable ends of political management in themselves. They also contributed towards the management of elections. In a memorandum of 1763 Milton observed that the

one great object of a Ministers attention should be the establishing and preserving a parliamentary interest in the Country which is indeed necessary for carrying on the Public Service by adding a proper weight to the power and influence of the Crown.²³⁴

Milton's role in this was to support the candidatures of Ilay's friends by providing short-term election campaign packages and long-term servicing of the constituencies: Ilay sometimes referred to him for his advice on choice of candidates, but this was not a significant area of responsibility for Milton, since many candidates selected themselves because of their private interest in their constituencies, and the credentials of others could be as easily, perhaps better, assessed in London as in Edinburgh. The short and long-term elements of the management required extraordinary attention to minutiae, which could not be done properly from London either by the M.P.s or Ilay or their servants there. Occasionally Milton might refer to London for help, for example from the M.P.s or in terms of major Crown patronage. Consistently the most appropriate patronage was small, however, and was supplied from Scotland by the institutions under his direction there. And, once again, purposeful organisation in Scotland and local knowledge were needed: as in the institutions mentioned Milton had to be in Scotland to supervise this organisation and to assess, from his understanding of local affairs, the advice of his helpers. The Aberdeen

Burghs give the fullest possible demonstration of his value to Ilay in these particulars because their distance from Edinburgh meant that their management was dealt with in written correspondence.

The Aberdeen Burghs were headed by Scotland's third town. The others were Arbroath (Aberbrothock), Inverbervie (Bervie), Montrose and Brechin.²³⁵ To elect their M.P. delegates from the five Councils met, one from each, and voted.²³⁶ At the General Election of 1715, James Erskine, an independent gentleman, defeated Colonel John Middleton of Seton, a Whig attached to Argyll and Ilay. Middleton, claiming an illegal election, gained the seat upon petition to Parliament.²³⁷ At the General Election of 1722 Middleton was defeated again, by William Kerr of the Squadrone, Roxburgh's brother, and again petitioned Parliament successfully.²³⁸ In 1727, at a General Election called because of George I's death, Milton was in charge of election business for Ilay for the first time. It did not make his task easier in the Aberdeen Burghs that Middleton had twice been forced upon reluctant voters there. The other candidates, Garden of Troup and James Maule younger of Kellie, were better favoured, or so it seemed. Before the election, Duncan Forbes, who was on his way to his own constituency, the Inverness Burghs, made a detour to judge matters in the Aberdeen Burghs. He was particularly pessimistic about two, Aberdeen and Arbroath. He informed Ilay that, as to Aberdeen, "Your Lop so well knows the complexion of the Magistracy of this place that you can easily imagine, Middleton will not be their choice, if they can at all help it."²³⁹ In the case of Arbroath, Forbes noted that when he arrived there he "soon perceived, that the strong byass of the leading people lay towards Mr Maul". He thought the "Game" seemed to be "desperate" there.²⁴⁰ It was Milton, however, who, of Ilay's friends, had the best knowledge of each burgh. His agents were at work in them, sending him detailed information as well as carrying out small measures, entertaining,

negotiating, petitioning, flattering, and cajouling.²⁴¹ These were Alexander Abercrombie of Glasshaugh, James Allardice of Allardice, who had the advantage of being Milton's relative as well as being Provost of Inverbervie, and Robert Middleton, the M.P.'s brother.²⁴²

Forbes had been pessimistic about Aberdeen: Milton knew, through Abercrombie, that the Council was undecided. The magistrates were determined to vote unanimously and seemed likely to follow the majority decision of the other burghs.²⁴³ Abercrombie held forth to them "All the advantages that would accrue to the town by choosing or preferring Middleton"; and he told Milton that he promised "more in the Earle of Ilay's name and yours than I fear you'll perform".²⁴⁴ Meanwhile, Robert Middleton, following Milton's instructions, had entered negotiations on the price that would have to be paid for Aberdeen's support: "On receipt of your Lordps Letter I spoke with Mr. Cruikshank" (who was a magistrate with great influence over his fellows), and promised

the reward to be the getting a renewal of the grant of 2d of the pint for either twenty five years or for the same time granted to the town of Edinbr as well as a remission of the Extraordinary Assessment laid on this town by the Burroughs.²⁴⁵

To fulfill the second of these undertakings Milton mobilized his troops in the Convention of Royal Burghs under the generalship of Archibald McAulay, then Lord Provost of Edinburgh. At the General Convention, meeting on 8th July 1728, Aberdeen's share of the tax roll was reduced from £6.19.0 to £6.1.0 per £100 of the Royal Burghs' contribution to the public revenues.²⁴⁶ Aberdeen had dissented in 1726 when her portion of the tax roll had been increased by the Convention,²⁴⁷ so the reduction in 1728 was a great point gained. The first undertaking, "the renewal of the grant of 2d of the pint", was secured at the end of the session of Parliament 1730-31 when the previous Ale Act in their favour lapsed.²⁴⁸

Promises of these two rewards were hardly sufficient to win over this important, recalcitrant burgh. Robert Middleton confessed to Milton that he had spent £500 of his own money to gain support there for his

brother: "no doubt", he said, "you will be surprised at my venturing such a sum, but there was not the least shadow of succeeding without it".²⁴⁹

He also noted that

Bayly Cruikshanks ... would have fain seen your Lordp to (have) proposed something relating to encouragement expected to their woolen manufactures in that country, which I desired him to write to you of.²⁵⁰

This related to encouragements from the new Board of Trustees for Manufactures, a matter upon which Milton heard Cruikshank without making a clear undertaking at the time of the election. It was finally reported that the Aberdonians "never yielded till the last minute when they could do no better", and then gave their vote to Middleton.²⁵¹

The four remaining burghs, small communities, were much easier to win. Arbroath, which had been viewed as "desperate" by Duncan Forbes, had a council, Milton knew, "att present divided among themselves ... the provost has one pairty and the Dean of Gild ane other but all declare they are under no Engagements to any person as yett".²⁵² And Milton appreciated Arbroath's weakest point. This was the town's desire to have a harbour built. "Young Troops Agent" had "proposed 300 Guineas to the harbour if they will be for Troup".²⁵³ Milton sent a messenger to reinforce undertakings he had made to them about the harbour. The messenger

told them how much it might tend to the advantage of their place and the furtherance of their peer both by the Governments recommendation and a contribution of the Royal Burghs. In which I assured them my Lord I--- yor Lordship and the Provost & Dean of Gild of Edin wold stand their true freinds.²⁵⁴

In the months before the election Milton had set his friends to work in the Convention of Royal Burghs. The General Convention, meeting on 7th July 1727, "remitted to a committee to prepare a recommendation to the burghs for raising collections at the doors of churches for building a harbour at Aberbrothock".²⁵⁵ On 10th July 1727 the General Convention "appointed the annual committee to write the burghs which are deficient to make their collection".²⁵⁶ A year later the standing committee

continued to pursue the matter. It appointed its chairman to write to recalcitrant burghs "in the most pressing terms that they doe cause the collections within their respective burghs to be made without delay".²⁵⁷ Without himself or the candidate Middleton having to contribute a penny piece to the harbour fund, Milton, working through his friends in the Convention of Royal Burghs, got others to pay the price.

Milton won Brechin and Inverbervie with the help of James Allardice, who had influence in both burghs. From any early stage a majority in Brechin, led by its Provost, favoured Middleton. It was noted, however, that a local magnate, the Viscount of Arbuthnott, was interfering on behalf of James Maule. Allardice asked Milton to "let me know how to manage in the affair".²⁵⁸ Milton took steps to make the matter certain. He wrote to the Provost of Brechin that he was "very glad to hear from every body that you and your Bretheren in the Magistracey and your frends continue so steady to your engagements to Pr: Drummond and me".²⁵⁹ He assured the Provost that

on our part we think our selves bound to support your interest in the Town and do what service we can to your Town upon your account. The commissar clerkship shall be given to any body you recommend.²⁶⁰

Allardice had complained that his task was being made difficult by the absence of the candidate Middleton from the scene of the contest.²⁶¹

To counteract this Milton told the Provost of Brechin that Middleton's brother was "to make you a visit and if there be any thing necessary for promoting or securing your interests against the other party they will be ready to concert proper measures with you and your freinds".²⁶² It took very little to win this insignificant burgh. The only other favour which is noted as being done was the appointment by the General Convention of Royal Burghs of a committee to visit and report Brechin's condition to the next Convention.²⁶³ The outcome of this was that in the following year (July 1728) when the committee had reported, Brechin was granted £5 sterling to be applied for fencing their bleaching green from the

Water Esk".²⁶⁴ This was not entirely trivial: it gave Brechin a token to show it was being protected against discrimination in the Convention. Each £5 that Brechin and like burghs received was a depredation against other weak, and less favoured, burghs.

Inverbervie presented a problem. Although it was in the pocket of Allardice, its Provost, there was a threat from Arbuthnott, who was implacable in his opposition to Middleton. Abercrombie advised Milton that while Allardice thought he would certainly be elected delegate, "I really doubt of it unless £100 is given to gain a secure majority that will be uncontravertable for they are all tenants of My Lord Arbuthnott and will be turned out".²⁶⁵ Milton may either have viewed the Arbuthnott threat as an exaggeration or else a matter that if correct there was nothing he could do to counteract, because there is no indication that he took any action on it. Instead he supplied Allardice with £60 to meet both his drinking expenses and the costs of his appointment by the Ministry as sheriff to oversee the election.²⁶⁶ After the election Ilay, spurred by Milton, added £40 to this and got a government pension of £100 a year for Allardice as a reward for his services.²⁶⁷ It was left to Allardice to square with his supporters in the Council out of his own rewards. "The Council", he said (after the election), "I have entirely settled to my mind".²⁶⁸ One other prize was noted. Allardice wrote to Milton: "I return yr Lo a great many thanks as does all the Counsil of Bervie for the kindness your Lop sho'd in making Linton stamp master."²⁶⁹ This is the first recorded example of Milton using the Board of Trustees for electioneering purposes. The Board had in its gift the positions of stampmasters who were to supervise the quality of linen put up for sale.²⁷⁰ The bestowal of a stampmaster's place on a local man served to please the area in question: it favoured one of its burgesses, and gave it a linen official who would deal with its merchants as a friend. There was a risk in this of petty corruption, and, indeed, Linton was later moved to Elgin

by the Trustees for passing poor cloth.²⁷¹

Details are not known of how Milton won the fifth of the Aberdeen Burghs, Montrose, but win it he did, "on reasonable terms".²⁷²

Middleton was unanimously elected by the five burgh delegates, and the other candidates, sensing the inevitability of defeat, did not appear at the poll.²⁷³

The next stage was the long term servicing of the constituency. After the 1727 election one of the five Aberdeen Burghs, Aberdeen itself, was given such special management by Milton. The four others were weak enough to be secured by less concentrated attentions. To begin the process of placing Aberdeen firmly in his power, Milton found a thoroughly proficient agent in Aberdeen. This was Patrick Duff of Premnay, a local gentleman, who was privy to the thinking of the town's leading burgesses and highly regarded by them. Within days of the 1727 election success Duff told Milton that Middleton "owes this town, intirely to your Lop".²⁷⁴ To carry this success into the future was more important than flattery. Duff mentioned the persons in the town who had worked hardest for victory: "Bailie Cruikshanks, Doctor Gregory and Principal Blackwell, were all early and most sincere friends to Collonel Midleton upon your Lops account."²⁷⁵ Of these, the crucial individual was William Cruikshank. It was Duff's view, as expressed to Milton, that, by continuing "your correspondence with Bailie Cruikshank", and showing regard to his recommendation "in any thing that happens to be done", then "matters will go very well here".²⁷⁶ Cruikshank, he said, "has at present the intire direction of the Council, and he seems sincere if any man can be trusted, and I know no other attachments hes under at present".²⁷⁷ The potential enemies in the Council he suspected to be "Provost Fordyce and Provost Stuart." These two worked in cahoots. Fordyce, the town's current Provost, had, it transpired, supported Middleton, although Duff informed the latter that "he was by

no means hearty in your affair."²⁷⁸ After thus summarizing his view of the disposition of the Council, Duff proceeded, with Milton, to an analysis of how more certain control might be attempted. First, Cruikshank had to be encouraged and Fordyce's faction rooted out.²⁷⁹ Second, the Cruikshank-oriented Council had to be tested for loyalty: "Your Lop Justly observes the hazard is great and its putting too much trust in people of whom there has been no assurance hitherto."²⁸⁰

On the first matter, the ousting of Fordyce and Stuart, Duff proceeded to particulars. Once George Fordyce's term as Provost was ended in Michaelmas 1728 Stuart would be named his successor, if prevailing practice was followed. Before any major favours were granted to Aberdeen, therefore, Bailie Cruikshank, who controlled the Council in a rather unambitious and desultory fashion, would have to undertake to act more firmly:

I must beg leave to suggest that your Lop have a positive stipulation with B: Cruikshank, that Provost Stuart shal not be on the new Council, and that either B: Crookshank himself or some of his friend shal be Provost, and that two or three friends of your Lops may be brought upon the Council to strengthen his interest.²⁸¹

Cruikshank had previously declined to be Provost, but succumbed to these pressures after visiting Milton in Edinburgh in July 1728. He became Provost of a satisfactory Council.²⁸²

In the interim there was an opportunity to test loyalties in the unreformed Council and show all malcontents in their true colours. In February 1728 Principal Thomas Blackwell of Marischal College died.²⁸³ His position was in the gift of the Crown, with a salary of "about £60".²⁸⁴ Provost Fordyce and Bailies Cruikshank, Linden and Chalmers sent a joint letter to Milton beseeching him to be "so good as to allow Mr James Chalmers your countenance and favour" for the post.²⁸⁵ They promised that if Milton allowed their petition they would "always reckon it a partikular obligation upon us to study the most gratefull returns that are in our power". They had also "presumed to address the Earl of

Ila to the same purpose". Milton was not satisfied that this selection would serve the political ends intended, however, and advised Ilay accordingly: "This sett of Magistrates", he thought

its ten to one may be kicked out before you have use for them again, ... giving them this will swell their interest and they are such rogues theres no believeing their promises, theyll surely betray whenever their interest (is) of any consequence.²⁸⁶

To strengthen his point he gave Ilay a character study of Chalmers: "he was lately brought to (a parish in) Aberdeen by our Ennemies in a most irregular manner contrair to the inclinations of the people"; "he is a dull heavy man improper for such a place"; by being "so much obliged" to our enemies "and particularly to that drunken knave Old Chamber he is entirely at their devotion"; and "a principall is a constant member of the Genll Assembly, and though it has been admitted to work by rogues yet it was never thought adviseable to put them in offices of trust".²⁸⁷

In the meantime Milton recommended to Ilay that Blackwell's widow should be given her husband's salary for a year as it would "not be amiss to make use of so charitable a handle to delay determining the main question".²⁸⁸

In the end the post was given to another, John Osborn, on Duff's recommendation to Milton.²⁸⁹ Events then turned out as Milton had suspected. Cruikshank accepted Osborn's selection: Fordyce and friends refused to do so, going over Milton's head by writing to Ilay in the futile hope of having the decision rescinded. Duff concluded that the Fordyce set were "not so much to be trusted as I did at first apprehend".²⁹⁰

In consequence Cruikshank was encouraged to assert his dominance over the Council, as seen; and after the Council election of Michaelmas 1728 this episode in Milton's capture of Aberdeen was concluded.

Matters could not be allowed to rest there. Cruikshank had to be permanently secured. Milton effected this easily. From late 1727 Cruikshank, head of a prominent family of wool merchants,²⁹¹ had been petitioning keenly for some encouragement to the wool manufactures of

Aberdeenshire. In particular he told Milton that "the malady concerning the manufactures here lies in the want of a fund for a sallary to a fitt person to inspect them and see the due execution of the laws."²⁹² He also asked that, if such a person were to be appointed, he, Cruikshank, should be consulted on his suitability.²⁹³ In addition it was the view of Patrick Duff that the Aberdeen Council would never be "fully fix'd" until "Baillie Cruikshank be more heartily engadged" and that "the only way to do that effectually would be to provyde for one or two very good young lads he had for his sons. He has educat them very well."²⁹⁴ Milton asked Cruikshank to memorialise the Trustees,²⁹⁵ and in June 1729 a new post under them was created, that of Riding Officer "for inspecting the improvement of the coarse wool" in Scotland at a salary of £100: it was given to William Cruikshank, the Provost's eldest son.²⁹⁶ In 1736 Milton observed to the Trustees that the son was not doing his job properly. He was dismissed and his father appointed in his place.²⁹⁷

The reformed Council of Aberdeen assured Milton that the appointment of Cruikshank's son would "lay a special obligation on our whole Town to make gratefull returns to your Lop always when opportunitys offer".²⁹⁸ This was confirmed later in the year when Milton asked them, against their inclinations, to support the presentation by the masters of King's College of that college's Principal, the "drunken knave" George Chalmers, to Old Machar (St Machar's). This they did.²⁹⁹ And he gave them further patronage between then and the next General Election. A plea by them to Milton to have their share of the Royal Burghs' tax roll reduced further, was answered in the Convention of 1730 with a cut from £6-1-0 to £5-18-0 in the £100.³⁰⁰ Another request was to have the cost of administering the introduction of their new Ale Act met by the Board of Excise.³⁰¹ At first the Excise Commissioners would not cooperate, but were persuaded to do so after Milton took one of them, Tam Cochrane, the future 8th Earl of Dundonald, "to task about it":³⁰² the Council were "full of gratitude

for your Lops kind assistance". Finally Milton reported to the Board of Trustees from their wool committee that two Aberdeen wool merchants should receive special encouragements.³⁰³

Ilay, by having Milton as an agent in Scotland, one who devoted discreet attention to such detail there and capitalised on local knowledge, was helped to build extraordinary political strength and parliamentary interest. Milton, by forging a link with Ilay and offering him his services in Edinburgh, and a measure of personal ability, came into the civic leadership in Scotland, and his power within it was defined in the same way: Ilay being the great patron, Milton had the chance, which he took, to become the most powerful civic leader, one who, nevertheless, was confined by the basic source of his power, the connection, and by his value in Scotland alone. His training as a lawyer did not feature among the forces shaping his potential at this fundamental political level, except in that it kept him in Scotland. Others working in Scotland had inferior positions to him either because they worked under weak patron, had no real patron, were in opposition, or had a lesser connection with the great patron than had Milton. Among the lawyers noticed in these categories were Drummore, Grange, Monzie, Tinwald, Strichen, Craigie and, when in Scotland, Forbes and the Dundases. Moreover, the references to these lawyers are fleeting. In the political management the civic leaders of subsidiary importance who were most active were, perhaps by chance, not lawyers, and included an heir to the peerage, the Master of Ross, a Welshman, Gwynn Vaughan and, above all, the Edinburgh merchant councillor, George Drummond. At times Ilay's agents, lawyers and non-lawyers were allowed to use their own discretion, just as Milton was allowed to do by Ilay; at others they could take an independent line, to Milton's chagrin; but in the last analysis they were not free agents and their power as civic leaders in the political management is judged accordingly.

1. DNB, Andrew Fletcher, Lord Milton.
2. Carlyle, Anecdotes and Characters, 210n; Ramsay, Scotland and Scotsmen, i, 88.
3. Burke's Landed Gentry (1972): Fletcher of Saltoun; Burke's Peerage (1970): Leslie of Wardis, Murray of Blackbarrony; DNB: Fletcher; Edinburgh University Muniments, La.III.364, "Memoir of the family of Fletcher of Salton by Elizabeth Halkett"; James Anderson (ed.), The Bee, or Literary Weekly Intelligencer, ii (Edinburgh 1792), 1-2; SB393, genealogies; Grant, The Faculty of Advocates: Fletcher; Scott, Fasti, vii, 333; APS, VI, i, 413, VII, 652; SP, i, 552, iii, 282, v, 196, viii, 78, 120, 125, ix, 121; The Register of the Great Seal of Scotland, 1660-1668 (Edinburgh 1914), 80, 283; Register of the Privy Council, 3rd series, i, 612.
4. Halkett, Memoir of the Fletcher family.
5. SC3, f184.
6. Wodrow, Analecta, iv, 151n.
7. SC3, f186.
8. SC3, f147, Paris 1716, Andrew Fletcher to Henry Fletcher; SC3, f173, n.d., Milton to Henry Fletcher; Irene J. Murray (ed.), "Letters of Andrew Fletcher of Saltoun and his family, 1715-16", in Miscellany of the Scottish History Society, x, (Edinburgh 1965), 164; W.C. MacKenzie, Andrew Fletcher of Saltoun (Edinburgh 1935), 304-5.
9. SRO, Transcripts of State Papers Scotland, RH2/4/426, f37 (Civil List, Scotland): the salary of £300 included pay for clerks. It was augmented to £450 soon afterwards (f103).
10. DNB, John Ker, Duke of Roxburgh.
11. No record of Milton's marriage can be found, but his eldest son was born in late 1722.
12. Douglas, Peerage, ii, 305-6; Burke's Peerage (1970): Kinloch of Gilmerton; SP, i, 367-8, vii, 81-2.
13. SC28, ff16-17, July.
14. SC29, letters from Ilay to Milton.
15. SC29, ff40-1, ff63-4, Wodrow, Analecta, iii, 200; Records of the Convention of Royal Burghs, 1711-38, 282.
16. e.g. Culloden Papers, 53, 58, 74; Warrand, More Culloden Papers, ii, 205 et seq.
17. infra, 250-1.
18. DNB, Duncan Forbes.
19. HMC Polwarth V, 266.
20. SC31, f94, November 1725.
21. SRO Home of Wedderburn MSS, GD267/14/19, 16 October 1735.
22. I am indebted to Dr Ian Grant of the Scottish Record Office for advice on this.
23. SC70, f191, 1737.
24. Elchies, Decisions, ii, 74, 259-60, 268-9, 273, 279, 281, 285.
25. supra, 79.
26. Yester Papers, MS.7046, ff47-8, Arniston to Tweeddale gives an idea of Arniston's temperament.
27. Decisions, i, cases no. 45 and 50, ii, 269.
28. SC59, f143.
29. supra, 59-60, 72-3.
30. SC42, f68; SC47, ff71-2.
31. As seen, for example, from Milton's confidence in undertaking to get presentations ratified (below).
32. SC18, f141, 1756, Andrew Fletcher to Milton.
33. SC193, f159, 1758, Tudor to Milton.
34. SC191, f57, 1756, Cardonnel to Milton.
35. SC191, f59, 1756.
36. See appendix 4.
37. Seafield Muniments, GD248/562/55, 28 September 1754, Dupplin to Deskfoord.

38. SC58, f139.
39. SC139, f144, July 1747, John Campbell to Milton.
40. Drummond's diary, 24 April 1737.
41. *ibid.*, 4 November 1737.
42. *ibid.*, 18 October, 12 November 1737.
43. SC69, f129, September 1737.
44. SC69, f138, 25 October 1737.
45. SC20, f25, SC45, f107, SC46, ff228-9.
46. SC38, f59.
47. SC40, f30, 1729.
48. SC41, ff235-6, September 1729.
49. SRO, Customs records, CE60/2/264, letter book, 1723-34.
50. SC42, f52, July.
51. SC40, f66, 1729, Milton to Ilay.
52. SC175, f203, 1752. Of the duty of 6 $\frac{1}{2}$ d per lb on imported tobacco "one penny per lb was payable in ready money" and, as a form of credit, "all the remainder was bondable" (T.M. Devine, The Tobacco Lords (Edinburgh 1975), 15, n.2).
53. CE1/8, minutes of the Commissioners of Customs in Scotland, 14 December 1752.
54. SC83, ff258-9, 1740, Milton to Charles Fall.
55. *ibid.*
56. SC84, f60, March 1741.
57. SC174, f202, July 1752, Charles and Robert Fall to Milton.
58. CE1/8, 30 April 1754, 14 December 1758.
59. SC40, f190, February 1729.
60. Baron Sir John Clerk and Mr Baron Scrope, Historical View of the Forms and Powers of the Court of Exchequer in Scotland (Edinburgh 1820).
61. SC40, f190.
62. CE1/3, Customs minutes, 11 and 27 February 1729.
63. CE60/2/264, letter 187, January 1730.
64. Information kindly supplied by Laura Cochran, Stirling University.
65. CE60/2/264, letter 187.
66. *ibid.*, SC41, f242, f246, December 1729.
67. SC41, f246.
68. *ibid.*
69. *ibid.*
70. SC40, f28, March 1729.
71. SC42, f47, May 1730.
72. CE60/2/264, letter 218, November 1730.
73. SC46, f32 and f35, March and November 1731, Richard Graham to Milton.
74. Sedgwick, House of Commons, i, 398.
75. *ibid.*, ii, 187-8.
76. Minto Papers, MS.11017, f18.
77. Sedgwick, House of Commons, ii, 187-8.
78. SC33, f107, 1726.
79. SC41, ff254-262.
80. SC41, f209, Gwynn Vaughan to Milton.
81. SC41, f248.
82. SC41, f212, July 1729.
83. SC178, f130, 1753.
84. Arnot, History of Edinburgh, 155.
85. Thomas B. Whitson, The Lord Provosts of Edinburgh, 1296-1932 (Edinburgh 1932), 61-71.
86. Saltoun Correspondence, *passim*.
87. Arnot, History of Edinburgh, 391-9.
88. Burke's Peerage (1970): Kinloch of Gilmerton.
89. Roll of Edinburgh Burgesses, 1701-1760, 84.

90. NG1/1/1, Trustees minutes, pages 6 and 19.
91. SC183, f239, 11 September 1754.
92. Sedgwick, House of Commons, i, 398-9.
93. My Own Life and Times, 380.
94. 7 April 1737.
95. Records of the Convention of Royal Burghs, 1711-38, 282.
96. ibid., 401-2.
97. SC41, f70.
98. Records of the Convention of Royal Burghs, 1711-38 (10 entries).
99. SC44, f113, 1730.
100. Grant, Faculty of Advocates.
101. SC43, f27.
102. SC60, 29 June 1735.
103. Records of Convention of Royal Burghs, 1711-38 (10 entries).
104. SC44, f151, 1730.
105. SC67, f7, 1736, George Irving to Milton.
106. SC73, f151.
107. Lauder, Chamaeleon Redivivus, vii. Several instances of Irving's assistance to Milton appear in the text; e.g. infra, 133-4.
108. SC61, f238, 1735.
109. Namier and Brooke, House of Commons, i, 500; and e.g. SC41, ff118-142, 1729, correspondence between Countess of Eglinton and Milton.
110. Records of the Convention of Royal Burghs, 1711-38, 523.
111. ibid., 523-5.
112. Sedgwick, House of Commons, i, 597-8.
113. ibid., 403-4; SC52, f48, 1733; SC59, f117, 1735.
114. Namier and Brooke, House of Commons, i, 500.
115. Sedgwick, House of Commons, i, 399.
116. infra, 148-58.
117. Records of the Convention of Royal Burghs, 1711-38, 525.
118. SC45, f259, July 1731, Patrick Duff to Milton.
119. Foord, His Majesty's Opposition, 184; SC57, ff32-3, March 1734.
120. SC57, ff32-3.
121. ibid.
122. Records of the Convention of Royal Burghs, 1711-38, 560-3.
123. e.g. ibid., 433, 445-6, 448-9.
124. ibid., 559-60.
125. HMC Polwarth V, 61.
126. SC92, f169.
127. e.g. Records of the Convention of Royal Burghs, 1711-38, 433, 445, 446, 448-9.
128. ibid., 560-1.
129. SP. i, 308-9.
130. Records of the Convention of Royal Burghs, 1711-38, 566.
131. ibid.
132. Lauder, Chamaeleon Redivivus, vii.
133. SC57, f95, March 1734.
134. SC56, f87, 13 March 1734.
135. ibid.
136. Records of the Convention of Royal Burghs, 1711-38, 563; SP, viii, 125-6, 132.
137. ibid., 577.
138. ibid.
139. SC57, f93, 8 March 1734, Lindsay to Milton.
140. ibid.
141. SC61, f234, Irvine, June 1735.
142. e.g. Records of the Convention of Royal Burghs, 1711-38, 232, 279, 397, 453.

143. Quoted by Toynbee, Letters of Horace Walpole, i, 234.
144. Henry R. Sefton, "Lord Ilay and Patrick Cuming: A Study in Eighteenth Century Ecclesiastical Management", Records of the Scottish Church History Society, vol. xix (1977), 204.
145. SC47, f173, 1731, to Gwynn Vaughan.
146. Figure extracted from Scott, Fasti.
147. Alexander Webster, The Wicked Life, and Fatal but Deserved Death of Haman, Ahasuerus's Prime Minister (Edinburgh 1740), iv.
148. Chitnis, The Scottish Enlightenment, 51.
149. e.g. SC63, f255; SC51, f64.
150. SC29, f57, 1724, Milton to Ilay.
151. James Rankin, A Handbook of the Church of Scotland (Edinburgh 1888), 232-241.
152. Yester Papers, MS.7045, f138.
153. Chitnis, The Scottish Enlightenment, 62.
154. See SRO, Exchequer records E313/2, for Royal Commissioners' charges and expenses, and State Papers RH2/4/400, Church books, vol. 1, General Assembly 1724-48, for information on their instructions.
155. See especially private instructions to Commissioner, 24 April 1729 (RH2/4/400).
156. SC29, f40.
157. SC45, f83, Milton to Ilay.
158. SC51, f53, March 1732.
159. SC45, ff84-7, April 1731.
160. SC63, f255.
161. *infra*, 144-5.
162. SC29, f43, April 1724.
163. SC29, f46, April 1724.
164. Thomas McCrie (ed.), The Correspondence of the Rev. Robert Wodrow (Edinburgh 1893), iii, 132.
165. Analecta, iii, 200.
166. *ibid.*
167. SC29, f57.
168. *ibid.*
169. Scott, Fasti, i, 146.
170. RH2/4/400, f20;
171. Grant, University of Edinburgh, ii, 264.
172. Whitson, The Lord Provosts of Edinburgh, 69-71.
173. SC179, f176.
174. Scott, Fasti, i, 143-4.
175. SC47, ff176-9, 1730, Milton to Ilay.
176. *ibid.*
177. *ibid.*
178. *ibid.*
179. Scott, Fasti, i, 143.
180. *ibid.*, vii, 382;
181. Scott, Fasti, i, 39, 135, 145.
182. *ibid.*, 36.
183. SC47, ff176-9.
184. Scott, Fasti, i, 136.
185. *ibid.*, 81, 143.
186. *ibid.*, 40.
187. *ibid.*, 143.
188. *ibid.*, 11.
189. *ibid.*, 143, vii, 382.
190. SC44, ff12-13, August 1730, Milton to Ilay.
191. *ibid.*
192. SC44, ff214-5, October 1730, Milton to Ilay.
193. *ibid.*

194. SC44, f18, October 1730, McVicar to Milton.
 195. SC44, ff131-2, November 1730, Patrick Lindsay to Milton.
 196. SC47, f142, March 1732, Gwynn Vaughan to Milton.
 197. *ibid.*
 198. *ibid.*
 199. DNB, John Ker, Duke of Roxburgh.
 200. William Roughead, Trial of Captain Porteous (Glasgow 1909), 123.
 201. Scott, Fasti, i, 360.
 202. SC29, ff57-8, May 1724.
 203. See below.
 204. SC33, f79.
 205. RH2/4/400, f12.
 206. SC51, f20, March 1732, Lord Provost John Osborne to Milton.
 207. SC51, f59, 2 May 1732, Ross to Milton.
 208. *ibid.*
 209. *ibid.*, SC51, ff61-2, 6 May 1732.
 210. SC50, f21, 27 April 1732, Hamilton to Milton.
 211. SC51, f90, 6 May 1732, Smith to Milton.
 212. Saltoun Correspondence, *passim*, William Alston to Milton.
 213. SC51, f152, April.
 214. SC51, f64, 11 May 1732.
 215. SC51, ff66-7, 13 May 1732.
 216. SC51, f64.
 217. *ibid.*
 218. SC50, ff23-4, 13 May 1732, Hamilton to Milton.
 219. John MacPherson, A History of the Church of Scotland (Paisley 1901), 316-7.
 220. *ibid.*, 317.
 221. SC48, f9.
 222. SC44, f205, 1730.
 223. Scott, Fasti, i, 363, iii, 187.
 224. SC48, f86, September 1732.
 225. SC42, f90, November 1730.
 226. SC49, f115, January 1732.
 227. Carlyle, Anecdotes and Characters, 167.
 228. SC171, f126, October 1751.
 229. SC51, ff88-9, April 1732.
 230. SC50, ff23-4, May 1732.
 231. Scott, Fasti, v, 222.
 232. SC50, ff23-4.
 233. Scott, Fasti, v, 266.
 234. SB364, folder 2, memorandum, July 1763.
 235. Sedgwick, House of Commons, i, 395.
 236. John Spotiswood, The Law Concerning Election of Members for Scotland to sit and vote in the Parliament of Great Britain (second edition, Edinburgh 1722), 34-9.
 237. Sedgwick, House of Commons, i, 395-6.
 238. *ibid.*
 239. SC36, ff114-7, Aberdeen, 26 August 1727.
 240. *ibid.*
 241. A somewhat whimsical idea of the lengths to which such agents might go is found in a memorial of 1754 to Milton on how a councillor of Linlithgow could be influenced by attentions to his wife:

Mrs C ___ w is venal to the last degree or rather a system of Venality or Lust but the first prevails, which must be therefor chiefly respected in any application to her, and it wont succeed the worse if attended with an affectionate but virtuous compression of the lipps, a good deal of seeming cheerfulness and alacrity, for she

- is blyth and cheerfull. (SB363, folder 3 "Lithgow
plan April 1754")
242. Douglas, Peerage, i, 40; SP, iii, 23-4; Burke's Landed Gentry (1972)
243. SC35, f67, 19 August 1727, Abercrombie to Milton. iii, 335.
244. *ibid.*
245. SC37, ff101-2, 1 August 1727.
246. Records of the Convention of Royal Burghs, 1711-38, 457.
247. *ibid.*, 401-2.
248. SC47, f170, March 1731, Milton to Middleton.
249. SC47, ff107-8, 11 September 1727.
250. SC37, f103, 23 August 1727.
251. SC37, f107.
252. SC35, f3, 14 August 1727, Abercrombie to Milton.
253. *ibid.*
254. SC35, ff238-9, 5 September 1727, from James Cuming.
255. Records of the Convention of Royal Burghs, 1711-38, 457.
256. *ibid.*, 461.
257. *ibid.*, 482.
258. SC35, ff18-9, 13 July 1727.
259. SC35, f45, August 1727.
260. *ibid.*
261. SC35, ff18-9.
262. SC35, f45.
263. Records of the Convention of Royal Burghs, 1711-38, 461.
264. *ibid.*
265. SC35, ff3-4, 14 August 1727.
266. SC35, ff3-4, f126, August and November 1727.
267. SC35, f126, Ilay to Milton.
268. SC35, ff24-5, December 1727.
269. *ibid.*
270. 13 Geo. I, c.26.
271. NG1/1/4, Trustees minutes 28 March 1735.
272. SC35, f5, August 1727.
273. Sedgwick, House of Commons, i, 395-6.
274. SC36, ff62-3, Aberdeen, 11 September 1727.
275. *ibid.*
276. SC36, ff66-7, 24 November 1727.
277. SC38, ff182-3, 28 February 1728.
278. SC36, ff64-5, 8 November 1727, to Colonel John Middleton.
279. SC38, ff182-3.
280. *ibid.*
281. *ibid.*
282. SC30, f200, 11 September 1728, Duff to Milton.
283. SC38, f3, February 1728, Magistrates of Aberdeen to Milton.
284. *ibid.*
285. *ibid.*
286. SC40, f25, February 1728.
287. *ibid.*
288. *ibid.*
289. SC38, ff182-3; E313/2, 206.
290. SC38, f192, 8 April 1728, to Milton.
291. Assessed from, particularly, SC36, ff66-7, SC37, f103, Abercrombie
and Duff to Milton.
292. SC38, f162, 13 November 1728.
293. *ibid.*
294. SC38, f196, 27 May 1728.
295. SC38, f162.
296. NG1/1/1, 20 June.
297. NG1/1/4, 19 November.
298. SC40, f1, 21 July 1729.

299. SC40, f5; SC40, f153; SC41, f41.
300. SC43, ff29-30, June 1730, Duff to Milton; Records of the Convention of Royal Burghs, 1711-38, 507.
301. SC47, f170, March 1731, Milton to Middleton.
302. *ibid.*,
303. SC45, f254; SC55, f3; NG1/1/3, 2 August, 18 October and 15 November, 1734.

CHAPTER 5

MILTON THE INNOVATOR

i. The foundation of the Board of Trustees.

Milton the political agent was able to do much because, first, he was acting in concert with his master's aims and, second, his work was restricted to Scotland where there was none more powerful than he. In innovating, a complementary area of leadership, in which the civic leader might make notable social changes, not just control society in a negative way, there had to be a realignment in the forces which shaped and defined his potential. Milton the innovator was or is believed to have been concerned in devising and bringing to maturity social and economic schemes of consequence - the foundation of the Board of Trustees, the Annexed Estates Commission, the Edinburgh Linen Copartnery and the British Linen Company. And his actual level of participation in this sphere continued to spring from three sources, his connections with Ilay, situation in Scotland and personal qualities. But as the innovations in question were of some moment they necessarily had dimensions which impinged upon English political and economic influence, and where he acted as a true innovator he could not remain the plain agent of Ilay - he had to break out on his own behalf: hence the realignment of forces. Because of the extreme difficulties presented by Scotland being a satellite zone, his prime requirement as an innovator became his extraordinary personal qualities, with which he could counteract these difficulties and exploit whatever advantages local knowledge gave him. And while the connection with Ilay was crucially helpful, in that without it he would not have been in a position to do anything of great social-political consequence, it also served to reflect his dependent status at the periphery. He was Ilay's agent and Ilay was ready to reward him with favours, but the latter, despite his unusual power for a Scotsman in English circles, was not sufficiently great in London or bold enough to do all that Milton might wish, to help the cause of improvement in

Scotland or Milton's devious selfish schemes, subjects of profound insignificance to the prime movers in English political and economic life. Furthermore, neither Ilay nor his Scottish friends at Westminster were inclined to take directions from Scotland, whether from Milton or anybody else. Once again, therefore, Milton had to show special personal qualities to counter these difficulties. In the foundation of the Board of Trustees in 1727 he and others in Scotland were at their weakest, in their satellite dependent setting, as the instruments of their political and economic masters in the south. In the foundation of the Annexed Estates Commission Milton emerged as a fully developed politician and, in suitable conditions, in which his local knowledge became of vital importance, attacked southern constrictions, with some although not complete success. In the foundation of the Edinburgh Linen Copartnery he attempted to introduce a viable innovation by his own devices, to extend the administrative base from which the Scottish economy could be improved, and, perhaps, to preserve his influence over the Scottish linen industry, which influence was under attack from Whitehall: it was found, however, that the Copartnery could not flourish without an injection of English capital; and this led to the Copartnery gaining a royal charter with Ilay's help, being thus incorporated as the British Linen Company, an initiative taken by Scots in London, not Milton as has been supposed.

The establishment and powers of the Board of Trustees for Fisheries and Manufactures followed from two Acts of Parliament of 1727, the first "for the better regulating of the linen and hempen manufactures" in Scotland; the second "for encouraging and promoting fisheries and other manufactures and improvements" there.¹ One laid down regulations to standardise the quality and measurements of linen offered for sale and provided for the establishment by letters patent, of a board of twenty one trustees to oversee the operation of these regulations. The

other set out that sums, which were due to the Scottish public under the equivalent agreed at the Union, and by legislation of 1718 and 1724 to compensate for losses incurred at the Union, should at last be paid over by the Treasury and be devoted to the improving purposes to which they were originally assigned. These sums amounted to about £30,000 plus payments to be made yearly. The management of this fund was given to the board of trustees mentioned in the first Act.

One explanation of how it came about that Scotland was given these long-outstanding sums, with trustees to manage them, is part of the mythology of the Edinburgh lawyers' importance in Scottish civic life. It is provided by the editor of Sir John Clerk's Memoirs. He writes:

In 1727 on a representation from certain public-spirited gentlemen in Scotland (Duncan Forbes, King's Advocate; Charles Areskine, King's Solicitor; Baron Sir John Clerk; Lord Royston;² Lord Milton and others), seconded by an application from the Convention of Royal Burghs of the Kingdom, his Majesty King George I issued letters-patent for the appointment of a Board of (twenty-one) Trustees, with power to administer the fund.³

This is immediately misleading in that it describes Duncan Forbes and Charles Areskine as "public-spirited gentlemen in Scotland" when in fact they were M.P.s and government functionaries in London. A fuller explanation first relates that on the 9th of February 1726 a committee of the Society of Improvers in the Knowledge of Agriculture in Scotland (to which society all of the above-named gentlemen-lawyers belonged)⁴ presented to the Annual Committee of the Royal Burghs proposals "touching the improvement of the manufactures of Scotland and other matters of importance to the nation in general and the state of the burrows in particular".⁵ From the Records of the Convention of Royal Burghs it is also understood that "The proposalls from the committee of Improvers being read and fully argued", the Annual Committee of the Royal Burghs adopted the scheme, petitioned the burgh M.P.s accordingly and despatched their president for that year, George Drummond, Lord Provost of Edinburgh, to act as their lobbyist in London.⁶ Among the

proposals which he took there was one asking that the fund, from the sums owing as above, might "be put into the hands of disinterested persons".⁷ This venture, it is said, was successful, although "It took all Drummond's powers of persuasion" to win over the Lords of the Treasury to agree to the appropriation of the funds for the encouragement of the manufactures.⁸ On the basis of this evidence it has been said that during the 18th century, from 1712, successive Ministries

contented themselves with initiating only such Scottish legislation as had been initiated and sanctioned in Scotland itself. Thus the Act of 1727 which set up the Board of Trustees for Improving Fisheries and Manufactures was the work of the Convention of Royal Burghs and the enterprising landlord [Thomas Hope, advocat] who formed the⁹ Society of Improvers in the Knowledge of Agriculture in Scotland.

On the contrary the way in which the Board of Trustees really came into being adds weight to the evidence that home Scots, because of their peripheral, dependent status, were not in a position to initiate legislative action (except that of a minor political nature beneficial to Ilay's interest, such as the Ale Acts)¹⁰ or to direct the distribution of public funds.

First home Scots could not call upon Ilay's M.P.s to support their measures. In view of the relatively low status of Scottish public life after the Union, it would have been extraordinary if gentlemen who had the means to leave the country to take up London appointments had followed such instructions. A demonstration of the home Scots' weakness in this was the way in which Milton's views were ignored by the Scottish M.P.s on the one major piece of Scottish election legislation of the period, even although he managed the election interests of many of those M.P.s. This Act of 1743,¹¹ was foisted onto Scotland and Milton by a group of Scottish M.P.s. Ilay's secretary at the time, John Maule, M.P., told Milton that "We went through our Election bill this day in the Committee ... and we have agreed unanimously in it ... and upon the whole I believe the bill in generall will be right for everybody."¹² Later in the year, as the weakness of the Act became apparent, Milton rebuked

Maule:

I think you told me it was with your approbation and I know Sir Jas Carnegie [M.P., Milton's cousin] seemed pleased with it; I thought however you were all so far in the wrong as to go into an Act of that kind without advising with your constituents.¹³

He later submitted a strong and closely-reasoned plea for its repeal, without success. He reported that it had occasioned "noise", "murmurings" and "discontent"; and he thought that it was particularly ill-conceived in that the documentary evidence it required of voters to establish their qualifications were so strict that "by this stroke in the dark" a great number of freeholders lost their votes, were "stripped of their most valueable privileges, derived from the most ancient part of the Constitution and secured to them by the Treaty of Union".¹⁴ Even Ilay, who agreed with Milton and "did heartily wish it were either repealed or very much explained and altered", could or would do nothing to retrieve the situation, since "so many of the Members were weak enough to approve of it".¹⁵

The consequence of this reluctance of Scots in London to take directions from Scotland were exacerbated by general English apathy or antipathy towards things Scottish. Ilay's cautious diffidence in forcing the English's hand was one result, although he could have done more with the support of the largest group of M.P.s in the Commons,¹⁶ if he had been temperamentally bolder. Another result was the sparsity of Scottish legislation. Between 1727 and 1745 (which year was followed by a mass of anti-Jacobite legislation, mainly punitive)¹⁷ there were only nine Acts of Parliament dealing solely with problems of Scotland as a whole. Two of these Acts led to the establishment of the Board of Trustees. Four were negative, dealing with the sale of estates forfeited after rebellion and with the punishment of persons aiding the killers of Porteous.¹⁸ Another named a fund to provide for the widows of Church of Scotland ministers.¹⁹ And there remained two election Acts, that of 1743 and a minor Act of 1734 banning M.P.s

from being judges in the Scottish courts, after Lord Grange stood for Parliament.²⁰ If Scotland's M.P.s were so ineffectual, their friends in Scotland were bound to be weaker still: they could not hope to dictate to the English political and commercial lobbies. As the last factor in determining their inconsequentiality in the legislative process there was the determination of the Commons to brook no petitions as to legislation relating to revenue questions.²¹ Since the main schemes for Scottish improvement then as now depended on expenditure of public funds this was sure to cut off most Scottish social initiatives at root.

The initiative in creating the Board of Trustees had to come from England and so it did. Milton was not responsible for this innovation. The claims that are made for him, Drummond and others in regard to it are incorrect. The Board of Trustees' scheme was devised by Scots in London to answer a political emergency in Scotland and was countenanced by the Walpole Administration which relied on the peaceful management of Scotland by Ilay.

This is what happened. On 17th December 1725 the annual standing committee of the Royal Burghs wrote to the King (i.e. Ministry), deploring disorders which the imposition of the Malt Tax in 1724 had occasioned, but nevertheless begged for relief, as the tax was "a burden too heavy for this country to bear".²² The King's reply was unsympathetic.²³ Notwithstanding, George Drummond was instructed by the Convention on 27th January 1726 "to repair to London" with the sole purpose of petitioning for a total exemption for Scotland from any further Malt Tax levies.²⁴ Ilay was angered by this. He wrote from London that Drummond would "find his situation here very extraordinary", because

no man living that I know is of opinion that he has done right; our Scotch members are very angry and think it impertinent in George to undertake what is their business.²⁵

Before Drummond left, the committee of Improvers handed in their proposals to the committee of the Convention on 9th February 1726.²⁶ The committee discussed and accepted these with unusual speed for a body that could let decisions hang for months or years.²⁹ It was decided on 17th February that Drummond should proceed to London as planned, including in his brief a petition in favour of the Improvers' scheme.²⁸

The key to the change of purpose between the end of January and the 17th February 1726 was not, however, the presentation of the Improvers' scheme to the Royal Burgh. It was a letter which Duncan Forbes, M.P., Lord Advocate, sent to Drummond on 29th January 1726 from London.²⁹ This letter was a cover for certain proposals contained in what contemporary politicians called an "ostensible", a letter excluding all delicate information and intended for public view. Unfortunately Forbes's ostensible is lost but the contents of the private covering letter are sufficiently revealing. Forbes referred to a scheme concocted in London:

You may communicate it with such people as you have confidence in as a private hint of mine without any authority whatsoever, and tho that [ostensible] letter desires it may be seen only by a few, you may use your own discretion, and show it to as many as you think fit, if the thing is liked.... But this note I desire you may show to very few indeed.³⁰

He wished a carefully orchestrated campaign to be mounted in Edinburgh in favour of the scheme:

... if the Honest people in general think of this matter as I do, and will give themselves the trouble to communicate their thoughts to others there can be little difficulty, neither do I think it impossible to bring the Committee of the Royal Burroughs (if they shall think the expedient advantageous) into a resolution to propose it [the scheme], which is the only approbation it can have from any considerable body of people.³¹

And he instructed that:

If you find the proposition relishes, you are to encourage the discourse and to try whether the Committee of the Royall B: and such other members of the Convention as are in Town may not be induced to propose it in the form of a petition ... as you shall thereafter be advised from hence.³²

The idea behind this plan of action was to quell disturbances and negate the threat of civil disobedience in Scotland following the imposition of the Malt Tax there.³³ The Tax had been opposed by the Secretary of State, Roxburgh, and his Lord Advocate, Robert Dundas, M.P., (d.1753) who lost office in consequence.³⁴ And it had taken Ilay's political expertise, when he was sent to Scotland as the Administration's trouble-shooter, to bring an uneasy calm back to the country.³⁵ Once back in London, however, Ilay, with others at the centre of power, were confronted with two continuing problems. First the dissident Dundas was on the prowl ready to capitalise on the expensive consequences of the Malt Tax.³⁶ Second, the calm won by Ilay might only be temporary (as shown by the insistence of the Convention of Royal Burghs to continue to petition against the Tax during 1725 and early 1726), unless Scotland could be compensated to its satisfaction. In the previous decade rebellion in Scotland, led by another Scottish Secretary, Mar, who felt that the country had been ignored after the Union, had threatened the Realm.³⁷ The imposition of the Malt Tax was especially irritating to Scots in that there were funds (for the improvement of the manufactures, as noted) owing to the country under the Equivalent and the payment of these was long overdue. Hence, if the Administration was to stop procrastinating and pay over this money by placing it in the hands of persons (acceptable to Scots) who would manage it, this might satisfy Scotland and remove the tension. However the Administration, in particular its Scottish manager, the cautious Ilay, had to be reasonably sure that this expedient would work. So, before it could be effected leading representatives of Scottish trade, the members of the Convention of Royal Burghs, were asked to petition in its favour, in this way signifying their acceptance and approval, "which is the only approbation it can have from any considerable body of people". This schemata is covered in a remark by Forbes in his letter to Drummond:

The chief thing he [Ilay] sticks at, is, if after this concession is made the people with you, should continue mad, it might hurt not only the country in general, and us who act for its interest, but even him also, who advised it. I see the force of this objection, and know no other way to answer it, than by sounding the opinion of those of best judgment and trying if possible to have them declare for it....³⁸

And the success of the expedient was confirmed in an anonymous pamphlet which was written in 1734 in support of the Ilay interest's management of the Board of Trustees:

And was not this Application of the Burrows owing to the Encouragement and Assurance that was given them by our Friends, who promised to use all their Interest to procure Justice to the Nation, in having these Funds actually applied for the Good of their Country.³⁹

That Drummond rather than Milton was chosen to manage the Scottish end of arrangements is probably explained by the former's intimately close association with the Convention of Royal Burghs, which body held the key to the solution: in view of the Convention's unusual rebellious tendency following the reimposition of the Malt Tax it would have been dangerous to have handed their management to the inexperienced outsider Milton. To seduce the Burghs further Forbes suggested to Drummond that they could be given management of the fund once the proposals had been firmly agreed to, but, in the meantime, he warned that

Care must be taken, that in any such application mention should not be made of committing the management of the fund to the Royal B(urghs), that will look partiall, may give umbrage....⁴⁰

Consequently the Improvers' proposals and those based on them, of the annual committee of the Royal Burghs, asked only

That the persons entrusted with the establishing and overseeing the aforesaid purpose, as regulating the manner and conditions of applying the said sum be named in such a manner as to satisfie the country that it is to be duly applied.⁴¹

This gave Ilay the opportunity to pass the Royal Burghs by and select a board of trustees which would reflect both trading interests and his own.⁴²

Scottish residents were allowed to take a genuine initiative only after the Administration had approved the basic proposals devised by its own members. The initiative related to the specific arrangements which the Board of Trustees were to manage for the improvement of the Manufactures. This secondary participation in the scheme-making reflected the special circumstances pertaining: as the Administration's purpose was to remove tensions in Scotland, the wisest course was to indulge Scottish residents by letting them argue out the detail. Even in this area, however, heavy pressures from England appeared.

The particular scheme which was concocted for the distribution of the monies to be provided for the encouragement of the manufactures and fisheries is to be found complete in Extracts from the Records of the Convention of the Royal Burghs, 1711-1738.⁴³ It followed deliberations by the Convention of Royal Burghs and the Society of Improvers, was ratified by the King's letters-patent,⁴⁴ and took the form of a three year plan, after which Board of Trustees were at liberty to form their own plans, which had to be delivered to the Convention of Royal Burghs and approved by the Treasury. The three year plan went into great detail on how annual sums totalling not more than £2,760 were to be devoted to the fisheries. It concentrated on bounties, other rewards, and salaries to encourage and regulate the industry. In another detailed passage not more than £2,650 was assigned to the linen manufactures and flax growing. This was to be spent on salaries, rewards, premiums, a fund to prosecute traffickers in poor quality and irregular cloth, and provision for spinning schools (Milton's contribution to the plan).⁴⁵

The wool trade was, in comparison, given short shrift. A Squadrone pamphleteer, complaining in 1734 about the neglect by the Board of Trustees of the wool manufactures, observed that

Wool is the Product of this Country, and consequently our natural Staple, and much more so, as yet than Lint the Bulk of which, for Linen of the better Sort, is imported from abroad, as all the Lintseed almost we saw is, and perhaps always must be.⁴⁶

But the planners of 1726 treated linen as the staple. Not only were the funds which were intended for "the manufactures" in general allotted to linen and fisheries to the exclusion of wool, but the distribution of the £14,000 wool money was passed over in a vague way. The plan said that

The proprietors of the wool countrys humbly propose that the trustees may be impowered to apply the intrest of the sum of £14,000 annually for encouraging the consumpt of the coarse wool by imploying the poorer sort to spin the same in workhouses or spinning schools, or granting premiums, or in such other manner as the trustees and the proprietors of those shyres or such as have commission from them may think most proper.⁴⁷

The problem was that wool was the English staple⁴⁸ and that even if the Scots had thought it worthwhile economically to attack the English supremacy, it was inexpedient politically to do so. Thus Ilay responded angrily from London when Monzie made a suggestion about the wool money: "Monzie is a Puppy, what the devil has he to do with the 14000 lib; I find the disposition of the people here about that money very just and right."⁴⁹ And Thomas Hope, when making his contribution to the scheme, submitted that

As nothing can retrieve and establish the trade of this country without assistance by publick money, and that the getting thereof depends upon the countries being as harmonious as possible in the laying down of a rational and unpairtial plan; not interfering with the staple of South Britten....⁵⁰

So political and economic imperatives shaped the entire scheme of the Board of Trustees for Manufactures. And although problems in Scotland created the first imperative, the need to maintain tranquility, the underlying imperative was always the maintenance of the well-being and interest of the south. Scotland's environment, that of the political and economic periphery, was not one in which civic leaders there, including Milton, had much scope to exercise initiative or freedom of choice in the public economic and social management.

ii. The foundation of the Annexed Estates Commission.

Milton and others in Scotland could become prominent in the legislative process only through a shift in their own and the country's peripheral status. In fact a temporary and partial shift of this kind happened during the Rebellion of 1745 and its immediate aftermath. First, the '45 brought Scotland to the forefront of British affairs, panic seizing the south as the Jacobite army marched deep into England. Second, Milton shrugged off his dependence on Ilay - who, with his colleagues in the Administration, was a helpless observer in London - and took command of public affairs in Scotland, through his own ingenuity and determination and his convenient position and local knowledge at the centre of trouble. Milton is now introduced at work during the '45, to show the manner in which the Rebellion placed him in an extraordinary position and gave him unique opportunities. Then the legislation which followed the Rebellion, particularly the Annexing Act, is examined, to show, first, how far he was able to take initiatives in this sphere, and, second, what ideas he sought and managed to apply when given such an unusual chance to propose action rather than merely carry out southern measures. A striking feature to appear will be that, in spite of the special openings which presented themselves to those in Scotland, there were still such barriers to independent action, that only special talents, as displayed by Milton, bore fruit. The main legislative, innovative outcome of the Rebellion was the establishment by statute of the Annexed Estates Commission, an innovation achieved through Milton's efforts. This innovation was not, however, as far-reaching as he intended. It was limited by the executive and legislature in London. Milton had unusual influence at that time both in Scotland and with the Administration, and the emergency seemed to call for radical solutions devised by those who knew the problem best, namely home Scots; but

these factors were not enough to overcome entirely the natural tendency of the central agencies to interfere, prune, adapt and dictate.

The panic the Rebellion caused in England and the inadequacy of early measures taken to stem it give the first insight into this case. Sir John Cope's failure to prevent the march of the Jacobites south, after Prince Charlie landed on the coast of the south-west Highlands and raised his banner at Glenfinnan; Cope's defeat at the hands of the rebel army at Prestonpans in August 1745, owing to his poor knowledge of local terrain; the march of the rebellious horde as far south as Derby; and their victory over the incompetent General Hawley at Falkirk in January 1746, after their self-induced retreat from England:⁵¹ each of these deeds constituted dismaying news for Westminster. The Ministry, faced with such realities, could no longer act either with complacency as regards Scotland or in a narrow politically expedient way. At worst the status quo was threatened and at least there was the possibility that failure to overcome events swiftly entailed political disgrace for individuals in power (as happened to the Scottish Secretary, Tweeddale).⁵² The imperatives were these: in the short term, efficient management of the war-effort was needed, and in the longer term a method had to be formed to extinguish the ever-present threat to peace and tranquility which the Highlands presented.

As far as the short term was concerned, Milton noted that the management of effort was not properly embarked upon. He said that during the first period of danger

No power vested in a proper person was given up to animate and move the whole machine to whom all civil, military and navall power must be subservient..., who may have power to pull down and raise up, to reward and punish, the command of intelligence..., powers to do what he judges necessary or usefull for the main chance, though contrary to the standing laws made for the generality and for times of peace. Such times requires the interposition of a person fit to be a Dictator and the powers that were then given.⁵³

Instead those in charge of affairs at London, specifically the Scottish

Secretary, Tweeddale, did nothing,⁵⁴ until they were goaded into overdue action. It was uselessly left to Court of Session judges, representatives of legitimate authority, to do what they could, for, as Milton reported, "While anarchy subsists in the civil government here my bretheren Judges and I as J(ustices) of peace do all we can to prevent confusion, but how long that will do depends on future accidents...."⁵⁵

As early as February 1744, however, when invasion first threatened, Milton was showing signs that he was ready to direct the flow of events personally as far as he could in the face of London indolence. Ilay, who was not of power throughout these eventful times (no doubt to his relief, judging from the manner in which he fled from Scotland as soon as he received the news of invasion),⁵⁶ warned him that "Your part is ministerial and in strictness goes no farther than the office of a Judge; Points of Government are in other hands."⁵⁷ This was correct. Milton as Lord Justice Clerk was no more than president of the criminal court. Nevertheless he took the initiative.

He began to pester Tweeddale, warning him that "there appears a necessity to do something effectual to awake the people here out of the lethargy they seem to be in, and to animate them with a sense of what they and indeed Europe has at stake."⁵⁸ He specifically wanted to have the loyal Highland chiefs ordered back to Scotland from London as an encouragement to their clans.⁵⁹ He also suggested that "the militia of the low country" should be called together, to assist the regular troops and raise the people to a state of enthusiasm.⁶⁰ There was no response to this advice. He then created a network of spies and information gatherers, assuring Ilay that he searched for intelligence "only on condition of sending it to yr Grace".⁶¹ The network included the collector of Customs at Lochbroom, John Campbell, who, a Gaelic speaker and "a sensible cliver fellow", was instructed "to go through the most suspected places"; the Earl of Eglinton's

bailie, Quintin Craufurd, who was to watch the south-west coast; the chamberlain and deputy-sheriff of Argyll, Archibald Campbell of Stonefield, who was to watch the Argyllshire coast; and "one of the name of McDonald", who was to watch "the west Highlands north of Argyll".⁶² He has "another in Perthshire to have a particular eye on the country of Drummonds", and a number of informers in Edinburgh.⁶³ One of his creatures, the Provost of Stirling, James Christie, offered to go to Peterhead - under the pretext of doing Trustees' business - to watch affairs in that quarter, but Milton told him that "I must keep you for better things than merely go in search of Game, and therefore shall reserve you for what is of more consequence",⁶⁴ which suggests the rationality of his planning. It was not by sheer chance that the news of the Prince's landing was first transmitted to London via Milton and Ilay who were at Roseneath in Dumbartonshire at the time and received the intelligence direct from the chamberlain-informant, Archibald Campbell of Stonefield.⁶⁵

All such initiatives were devalued because the military presence in Scotland was insufficient in size and organisation to meet the emergency.⁶⁶ To rectify this Milton began to insinuate himself into military councils, much to the chagrin of the Squadrone's Solicitor General, Robert Dundas younger of Arniston, who was also in Scotland. He complained to his leader, Tweeddale, that Milton was interfering in military business.⁶⁷ Tweeddale was not surprised, telling Dundas that "you know very well the Justice Clerk is very assiduous in making his court to all strangers, and particularly to military men."⁶⁸ The Marquis added that "Every day shows more and more the necessity of preserving at least a good correspondence between the Justice Clerk and you", because

There are at this juncture many things necessary to be done for the execution of which will not be very popular in a certain country and I am pleas'd that it does not fall to your lot to bear the whole odium.⁶⁹

So Milton's enemies gave him a freer hand to interfere in public affairs.

In December 1745 it was complained in Edinburgh that "Everything here is conducted by the Justice Clerk, and some well meaning people are made the tools."⁷⁰ Milton concentrated on improving the military position. In August 1744, for example, General Joshua Guest, who was said to be under the influence of another creature of Milton's, George Cheap, Collector of Customs at Prestonpans,⁷¹ followed Milton's advice and called the few troops then available in Scotland from dispersed points to their respective headquarters, that they might "have themselves in readiness to March on an hours warning".⁷² When Prince Charlie landed, and Cope, the new commander-in-chief for Scotland, was ordered by London to march north and engage the enemy "wherever they were to be found", Milton tried to save the situation and his new friend Cope, by warning Tweeddale that "Sir John Cope will have no small difficulty in getting at the rebels in so inaccessible a country, or preventing them from getting betwixt there and the Low Country."⁷³ Events showed this to be true. Where he could Milton directly interfered with troop movements⁷⁴ and his knowledge of local conditions gained him increasing attention. In Edinburgh on 6th December 1745, he, General Guest and Lt. Colonel Ligonier invited Robert Dundas to sit in conference with them, but, as Dundas told Tweeddale:

I took no great share in directing military operations.... The result of their conference was that a batallion of foot should march tomorrow to Linlithgow and thence to Stirling, next day to be under the command of Gen: Blakney.... Lo J: Clerk talked a good deal of the Glasgow [militia] regiment going to assist them at Stirling and as his Lordship was the only person I know that advised sending arms to that place [Glasgow] in our present situation and was certain that they would march, Col. Ligonier thought they might be of service ... accordingly Mr. Guest has wrote to Lo: Home [colonel of the Glasgow regiment] to go to Stirling.⁷⁵

This strategy entailed the abandonment of the commercial town of Glasgow to the rebels so as to preserve the central military base of Stirling. Milton's informants had told him that the rebels planned to invest

Stirling and this happened in January 1746.⁷⁶

His knowledge of local conditions was becoming evident even to those in London. After Tweeddale's resignation early in 1746 Milton warned Newcastle, the Secretary of the Northern Department, of his belief as to the rebels likely movements, and Newcastle replied that

The King hopes you will have suggested to Mr. Hawley [General Hawley, the new commander-in-chief], what you mention in your letter to me; and that, if the design of the rebels should be (as they give out) to besiege Sterling, they will be prevented.⁷⁷

He added:

Your Lordp's ... perfect knowledge of the country, will enable you to give very useful lights to Mr. Hawley, for him to form his dispositions upon; His Majesty is persuaded, that you will do it: and Mr. Hawley will give great attention to any thing you shall offer for His Majesty's service.

In consequence Hawley marched west; but he was defeated at Falkirk, failing to prevent the rebels' siege of Stirling and their march north.⁷⁸

Matters were going so badly that Newcastle had in fact completely capitulated to local expertise. On 7th October 1845 he had written to Milton:

His Majesty is so well satisfied with the accounts that have been contained in your letters, that he has directed me to desire, that you would let me know your thoughts, as soon as possible, in what manner the friends of the Government in Scotland may now be of service to raise a force there.... And as soon as I receive Your Lordp's letter, I will not fail to lay it before the King; and I am persuaded, I shall have His Majesty's direction to see what you advise for this purpose, put immediately in execution. Your Lordp's [zeal, etc.], long experience, and great knowledge of the circumstance, and situation of Scotland, will, I am persuaded, enable you, better than any body else, to suggest what may be proper on this occasion.⁷⁹

This led to the distribution of arms to loyal Scots and the formation of militia regiments against existing statute.⁸⁰

To end military affairs, the informed contemporary hearsay evidence, as provided by Milton's young friend John Home (1722-1808), is that Milton influenced the strategy of the Duke of Cumberland himself, when the latter marched north after the Falkirk debacle. At a council of war at Milton's house in Edinburgh, the Duke's officers

were in favour of waiting for the Spring and then proceeding to "ferret the rebels out of their strongholds and fastnesses".⁸¹ After hearing these opinions the Duke, turned, it is said, to Milton, whose capabilities he already knew.⁸² Milton, with unaccustomed reticence, "excused himself from giving his opinion in a Council of War, as he was not a military man". The Duke insisted, however, and Milton "wished he might be mistaken, but believed, with his knowledge of the Highlands and the Highlanders", that although the King's troops could not follow the Highlanders through "their wild and unaccommodated country in the winter season", the Army should nevertheless march north, because "he was persuaded that the rebels, divided and scattered as they were, would unite again, and risk a battle before they gave up the cause".⁸³ And so it was proved at Culloden in February 1746.

That Cumberland relied greatly on Milton in everyday necessities of the campaign is certain and - being ignorant of or untroubled by Milton's anomalous position as a judicial rather than a governmental functionary - he used him as the director of Scottish civil life. He gave Milton the order that "when ever you may think of any thing that would contribute to the publick tranquility you would immediately put into execution."⁸⁴ Milton also provided Cumberland with an intelligence network, using ministers of the Church as spies; issued directives on the apprehension of rebels; managed the disembarkation and embarkation of the Prince of Hesse and his mercenaries (some 5,000 of them) at Leith, and arranged their quarters; organised sea-going troop- and provision-transports; procured, and had delivered to the north, food, coal, horses, fodder and ammunition; and did small services besides.⁸⁵ Cumberland wrote to Newcastle that

The Justice Clark is as able and willing a man as there exists but too much an Argyle man to be trusted with all that will be necessary after this affair, this I say to you and you alone for he is of vast use to me and does all I want with the greatest readiness imaginable.⁸⁶

To this Newcastle responded:

The behaviour of Lord Justice Clerk, I own, has pleased me better than any man's in Scotland. There is a spirit, a sense and a zeal for the Government, which cannot be put on, but he must be consider'd absolutely in the light Yr. R.H. represents him.⁸⁷

It is not clear whether Newcastle added the final clause of this note to please Cumberland. Without doubt he admired Milton very much. The latter had worked assiduously to impress him. For example, the first news to reach London of important events was invariably delivered to Newcastle House before any other had heard it, thanks to Milton. Thus Newcastle (and "His Majesty") "extremely approv'd the great caution" of Milton when the latter impounded all letters going south after the rebel victory at Falkirk: Milton had instead directed them under one cover to Newcastle House.⁸⁸ And Newcastle was also gratified when Milton gave him "the earliest notice" of the victory at Culloden, Milton's express being delivered one day before the arrival of the next messenger, Lord Bury.⁸⁹ Ilay told Milton in January 1746 that "You are for the present in great favour with them"⁹⁰ (Newcastle and Pelham); and Milton's value was maintained through 1746 and 1747, when he directed with "great diligence" the gathering of evidence, arrest of rebels and their transportation south for trial.⁹¹

Sir Everard Fawkener, secretary to the Duke of Cumberland, said of Milton, as if to sum up the latter's contribution during the Rebellion, that "Your Lordship seems made for his Royal Highness and the conjuncture."⁹² Milton gained the respect of the English during the Rebellion and showed them how valuable local expertise could be.

This description of his activities during the Rebellion has been given to establish not only that he was a unique operator but also how strongly those at the centre of power in London resisted being led by provincial underlings: for it will be seen that in spite of his extraordinary influence and the apparent need to take radical action to solve the Highland problem, the bold measures he envisaged had by

no means an easy or complete passage on their way to the statute book.

Before his Highland scheme got under way there were a number of measures enacted by Parliament which were generally designed to be punitive, although one, the partial abolition of the heritable jurisdictions, was in essence wise and necessary. At this stage there was very little that home Scots could do to influence the course of legislation, when reaction naturally ran high against Scotland. It is a tribute to the influence Milton had won that in these bitter times he was instrumental to a degree in bringing forward and shaping the first of the legislative changes in question. This was the Act dealing with non-jurant meeting houses,⁹³ an Act which made more effectual the existing laws against religious meetings conducted by pastors who had not taken oaths of loyalty to the post-Revolution regime. In the clearing-up operation following Culloden Milton complained to Newcastle of such establishments as "nurseries and schools of Jacobitism and disaffection" which for several years the Government had "tollerated and overlookt".⁹⁴ Newcastle replied that "His Majesty took great notice of what you mention."⁹⁵ He agreed that the non-jurant meeting houses were indeed "the nurseries and schools of Jacobitism and disaffection" and ordered Milton to execute the full rigour of the laws against them.⁹⁶ Milton suggested that a clause in an Act of Parliament would make the task easier, namely one allowing offenders to be proceeded against "before the Sheriffs by summary complaint" rather than before the Justiciary Court with full jury trial.⁹⁷ This was the main provision of the Act which followed.

Milton's suggestions in relation to the non-jurant meeting houses were blatantly punitive in nature, so it was not strange that they were so readily accepted by London politicians enraged by the Rebellion. These suggestions also reflected the angry mood of loyal Scots during and immediately after the Rebellion. But Milton soon began to see

matters more rationally and positively. Meanwhile English anger continued to have effects. Four legislative enactments followed, the Vesting Act, forfeiting rebel estates, the "Act for the more effectual disarming the Highlands ... and for restraining the use of the Highland Dress", the Act abolishing ward holdings and the Act abolishing heritable jurisdictions.⁹⁸ Of these only the first, which was inevitable, and the last, were not criticised by Milton.

In the case of the heritable jurisdictions it was widely agreed that these had caused the common people in some parts of the Highlands to be "cruely oppressed";⁹⁹ the feudal superiors who held these heritable rights had intimidatory powers (such as the ability to imprison at will) over "not only their Vassals but also over all those that live within their Jurisdiction".¹⁰⁰ This entailed that the landed magnates could force entire local populations into rebellion.¹⁰¹ But there was great vested interest involved in maintaining this anachronism, and its abolition breached the Treaty of Union.¹⁰² So, in his communications with London, Milton dared go no further than refer to it as a matter "too delicate for me to offer any oppinion about offhand or at such a distance".¹⁰³

In his letters to Ilay on the other proposals he was bolder; as, for example, on the idea of abolishing ward holdings and converting them into blanch¹⁰⁴ and feu holdings. In some circumstances when a vassal succeeded to his estate as a minor his feudal superior had "the whole Estate of the Male Heir 'till he be Twenty-one, and of the Female Heir 'till she be fourteen years old".¹⁰⁵ The superior gathered the income of the estate for his own use during his ward's minority, and in return was obliged only to maintain the ward's house and garden and provide him with a proper education.¹⁰⁶ Milton was aware of and disapproved of this, especially as it was "a great discouragement to improving our grounds"; but he thought that legislation envisaged in this area would be mere tinkering, in that "if it is intended to help

prevent Rebellions in time comeing it is much doubted whether it will have any great influence in that matter."¹⁰⁷ He explained that

Very few if any fees have been created either in this or the last century and it is thought that in the north and northwest Highlands which was the source of the Rebellion there are few ward fees of any date held of a subject superior.¹⁰⁸

As for disarming the Highlands and banning Highland dress, he objected to these proposals on the counts of practicality and justice. He believed that it would be difficult to disarm thieves and other rogues and, "if the rogues can keep their arms their honest neighbours who are disarmed must be undone".¹⁰⁹ On the question of abolishing the Highland dress, he saw the difficulty as being "to conceive a law in such terms as it may not be eluded and yet bring no hardship upon poor people that are Innocent".¹¹⁰ A letter of 1749 from his son-in-law, John Grant, the newly appointed sheriff depute of Perthshire, described the hardship which did, in fact, result: Grant was

not a little diverted on the road with the variety and oddity of the dresses they have chosen, some having made their plaids into something resembling night gowns, others like cloacks or great coat, whilst some screened themselves from the weather under their wive's petticoats.¹¹¹

Milton would not have been entertained by Grant's levity. Disarming legislation and the banning of Highland dress were, in his view, more likely to alienate the people than prevent rebellion.¹¹²

Taking such proposals as these in total, Milton did not find them satisfactory. In an ostensible letter to Ilay, which was intended to gain the attention of a wider English audience, he stressed that "a wrong setting out, as was the case last Rebellion, could never be right cobbled"; and he suggested that "Not only a knowledge of the law but of the Country and persons who inhabit it" would be necessary "for preventing any wicked attempts of the like nature for the future".¹¹³ In an accompanying letter intended for Ilay's eyes only, he said that "something new must be thought of" and that it must be executed "with skill and coolness and a determinate resolution"; but he wondered

"whether the world is far minded (enough) as to think coolly and execute keenly without prejudice or party vies": if it was not, then he concluded that "nothing will be done to purpose".¹¹⁴ He had, however, prepared his ground with hints; he had proved the need for local expertise, through his work during the Rebellion; his stock was high in London, and he awaited his opportunity and the coolings of English passions before presenting his own grand scheme for the management of the Highlands.

He had been shaping his thoughts on the Highland problem since at least June 1746. His mind turned in particular on the matter of the rebel estates which were to be forfeited to the Crown. Before enabling legislation (the Vesting Act) was passed, he wrote to Ilay in an unusually blunt and pressing way: "I want to know", he said, "in what manner and by whom and what authoritie possession of the estates is to be taken for the Crown how they are to be managed in time coming...."¹¹⁵ At the same time he wrote to Newcastle, warning him that "unless proper care of them be taken", as ordered by the forthcoming legislation, "the rents of those estates must perish and the houses go to ruine and possibly other waste be committed in them".¹¹⁶

Not until the passage of the Vesting Bill of 1747, whereby the forfeited estates were to be placed in the charge of the Barons of the Exchequer - who were empowered only to settle debts on the estates and thereafter to sell them - was Milton able to step in and capitalise on the respect he had won in London. Newcastle, remembering his value in military-related matters, recommended to him at the beginning of November 1747 that he should converse with and give every assistance in relation to Highland pacification to General Humphrey Bland, the new commander-in-chief for Scotland.¹¹⁷ Milton grasped the opportunity. A month and four days after Bland's arrival in Edinburgh, he sent a

scheme to London for the management of the Highlands.¹¹⁸ This scheme, which embraced social, economic and military measures, was, he told Newcastle, the "joint opinion" of himself and Bland, as to the "manner the Peace of this Country may be secured and his Majesties Government established upon the most solid and lasting foundation".¹¹⁹ Bland had been the governor of the military establishment at Fort William for a time,¹²⁰ so his ignorance of Highland society was not total; but it may be perceived that Milton, with his deep knowledge of Scottish society, was the main author, at least of the fundamental non-military clauses. His mind had been on the problems in question for not less than a year and a half¹²¹ and it took only a month from his first contact with Bland for a detailed and profoundly knowledgeable plan to be shaped. He subsequently claimed authorship without giving Bland a scrap of attention.¹²² It is probable that he manipulated the soldier Bland to his own advantage.

The scheme met with full Ministerial approval, as Newcastle indicated to Milton:

(I) have the pleasure to let you know, that His Majesty is very sensible of your attention to His Service: particularly in the scheme transmitted hither by Your Lordship, relating to the Highlands, which was prepared with so much ability, and accuracy, and which the King has ordered, should be considered by His Servants here.¹²³

And Ilay confirmed that the scheme was to be acted on:

The great folks begin now to approve so much of the Highland scheme sent up by you and Bland, that they want to see a draught of a Bill for putting all the parts of it into execution which may require a new Law.¹²⁴

So far it has been shown how Milton, defying normal patterns in the relationship between London and Edinburgh, used both the special position he had built for himself and the peculiar sensitivity of London after the Rebellion, to gain initial approval for a grand scheme. The scheme, its novelty or lack of it, and its implications are now scrutinised, before describing its shaky path to the statute

book.

When introducing the scheme to Newcastle, Milton said that "The foundation upon which the success of our scheme depends is the great power that naturally attends Property."¹²⁵ This commonplace notion of property was the sole philosophical point around which the scheme pivoted and reflected the 18th century view that the first purpose of civil government was to defend property.

The main property holders in the disaffected Highlands, he noted, were the chiefs and their duniewassels.¹²⁶ Duniewassels¹²⁷ are more commonly referred to as "tacksman", the officer class the chiefs depended upon, when warfare and banditry were the primary methods of maintaining and enhancing the chiefs' economic and social power. Milton used the term "tacksman" strictly, that is with reference to one who held a tack or lease,¹²⁸ which was not the exclusive privilege of the duniewassels. The chiefs and duniewassels had two forms of property at their disposal: the land (and its produce) and, in effect, the people.¹²⁹ Milton was not interested primarily in the way they managed the land they kept for themselves, although he had no respect for their role as improvers, noting that the duniewassels thought themselves to be "of too high blood to stoop to Trade and manufacture",¹³⁰ which would inevitably restrict the full utilization of their land. His main interest lay in the view held by the chiefs and the duniewassels that the people were their property. He disliked the consequence of this. In his analysis, the chiefs, whose wealth and security had depended on the number of fighting souls at their disposal, deliberately kept the people in ignorance and poverty, to secure them fully.¹³¹ Hence they had discouraged "all attempts to introduce the knowledge of the protestant Religion and our happy Constitution, and the true notions of Husbandry, Trade and Manufacture".¹³² To secure the dependence of the people, another

ploy of the chiefs, said Milton, was to grant few or no leases.¹³³ Where no lease was granted "nothing that a Tennent is possest of can be called his own, but all at the Masters Disposal"; and where leases were granted, the law had so little force that "Tennents durst not refuse to surrender them without running the hazard of being murdered in twenty four hours".¹³⁴ In addition, the duniewassels, aiding the chiefs, had "been successful instruments to keep the Common people in Slavery": of the land they obtained from the chiefs they kept the best for themselves, "and oblige the people to pay dear for the worst".¹³⁵ This and other regressive measures had the design of making "the Common people believe that they were the property of the Chiefs".¹³⁶

No fundamental benefits could be obtained, it followed, by piecemeal secondary measures. These had included the support which the Government had given to itinerant preachers; the erection of charity schools by the S.S.P.C.K; the recent legislation discharging lease-holders from all services not mentioned in their leases; and disarming the Highlands.¹³⁷ The combined weight of the chiefs, the duniewassels, and their colleagues, the popish emissaries of Rome, ensured the neutralisation of such measures.¹³⁸ In consequence a basic change in the property arrangement had to be made before any improving measures could be introduced. It was necessary for the Government to vest "as much of the property of that part of the Country as can be got either by Forfeiture or Purchase unalienably to the Crown".¹³⁹ Once this was done it followed that the chiefs and their lieutenants would also lose their human property, the common people, to the Crown.

Only then could secondary improvements succeed. Among those proposed by Milton were: the division of large parishes; the erection of public schools wherever there were churches; and the encouragement

of the linen manufacture by instructing the people in its several branches, providing them with flax and paying them spot cash for their produce.¹⁴⁰ Nineteen year leases were to be given to small tenants on strict conditions to induce them to improve their ground.¹⁴¹ And retired soldiers and loyal lowlanders were to be planted in the area through the inducement of cheap leases: these settlers Milton believed, would show the local people, by example, the fruits of labour and good husbandry.¹⁴² To protect the reformed society from the depredations of remaining pockets of thieves and disaffected elements, military stations were to be established.¹⁴³ Patrols could set out from these for the straths and glens. And, by becoming local centres of commerce, the station would advance the beneficial consequences of the whole.¹⁴⁴ All non-military aspects of the scheme were to be under the supervision and direction of a commission appointed by the King and reporting to His Majesty "as often as shall be required".¹⁴⁵

The final practical consideration was the matter of finance. This was not a problem on the forfeited estates where rents, he estimated, would be £2,000 or £3,000 a year.¹⁴⁶ As for the lands which the Government was to purchase, these were to be bought on a voluntary basis at reasonable prices.¹⁴⁷ The particular estates Milton had in mind were those of "the McLeans, the Steuarts, the McDonalds of Glengarry, the Grants of Urquhart and Glenmorrison, and the Camerons, all lying in Lochaber, or contiguous to it".¹⁴⁸ He suggested that "the Purchase money of these Lands would be but a Trifle in comparison of the Sums that have, and probably must still be laid out to keep these parts of the Highlands in Subjection".¹⁴⁹ The declared design was to give the Crown "the property of a Tract of Lands from the West to the East sea".¹⁵⁰ The fundamental element was the change in property ownership over this area from the chiefs to the Crown.

The real direction of the plan, however, was to be placed in the

hands of a commission in Scotland; so the real property handover was designed to be from chiefs to Scottish administrators rather than to "the Crown". The implications in relation to the management of Scotland were three. First, the pacification of the Highlands would end attacks on lowland society. Second, the smooth-running of affairs in Scotland would stave off interference or retribution from London after the Rebellion. Third, the Highlands could be used as a source of wealth that would benefit the country; the country being Scotland. This last implication draws from mercantilist thinking on wealth. Such thought was expressed by a close associate of Milton's, Patrick Lindsay, in his aptly-named work, The Interest of Scotland Consider'd (1733):

Our chief Care then ought to be, to promote and encourage Manufacture, and that none of our Hands be allowed to be idle. That Country, where the People are employed, will always have an advantage in Trade over any other, where they are allowed to be idle, whatever their Product be; for the Profit gained by every Nation, upon foreign Trade, must always be in proportion to the Numbers and Industry of their Subjects. ¹⁵¹

Milton's scheme stressed to an English audience that the chiefs owned two forms of property, the land and the people: he suggested that the land should be taken from the chiefs to allow the second form of property, the people, to be released: but it was not recommended that they should be released to go their way in freedom. They were to enter a new form of bondage, where, for example, those who co-operated would be granted leases on favourable terms but on strict conditions. The overt explanation was that this would lead to pacification, and so it was intended; but another aim, if mercantilist thought is followed through, was to use the people, a latent source of wealth, to Scotland's advantage, by handing them over to commissioners in Scotland who would encourage them to participate in the manufactures and to learn good husbandry.

Milton's scheme was not unique in every respect. For example,

the Earl of Findlater peevishly remarked in a margin note attached to an abbeviated version of the Milton and Bland proposals that "There is scarce any thing in these proposals which I had not the honour to mention in several conversations and papers when I came to London immediately after the Battle of Culloden."¹⁵² Another plan, laid down in an anonymous Scottish work, the perceptive Enquiry into the Causes of the Late Rebellion, published in London in 1746, differed from Milton's in giving primacy to the workings of time. The author proposed the introduction of schools and manufactures and the weakening of the power of the chiefs through the abolition of heritable jurisdictions and other rights they had over the people. He did not, however, go so far as to desire to change property ownership in the Highlands through purchase and annexation to the Crown. His astute belief, in which he was anticipating Adam Smith's theory on the exercise of the natural progress of opulence, was "that from the natural Course of Things, the Clannish spirit which now prevails in the Highland only, will become at last entirely extinct".¹⁵³ Nevertheless, without going as far as Milton, he thought that "that Effect which Nature will produce in a Length of Time, may, like many other natural Productions, be very much precipitated by Art".¹⁵⁴ A scheme proposed by Duncan Forbes in the early 1740s, before the Rebellion, hoped to change Highland society through the introduction of commerce, manufactures and schools; but instead of destroying the property rights of the chiefs as a way to make the implementation of such measures successful, he argued for the provision of military stations, where schools, commerce and manufacture would be established in safety and gradually spread outwards to influence the whole area.¹⁵⁵ It is interesting that this idea was known to Milton¹⁵⁶ and was similar to Milton and Bland's military proposals, which speaks volumes of Bland's real participation in the scheme making. It is also interesting, in

support of the underlying theme, the power of the centre, that Milton (and Ilay) had lobbied unsuccessfully for the adoption of Forbes's scheme.¹⁵⁷ By that time Forbes was no longer a London politician, being resident in Scotland since 1737 as Lord President. It was a novel experience for him to be reminded, in 1738, when he sent the plan of a Bill on an unknown subject to Hardwicke that, with his "long experience of our Parliamentary Genius" he ought to know better than expect that the Bill could pass "without alterations" and, as Hardwicke gently added, "It would be impertinent to put you in mind of another matter, that, unless some of your countrymen here are taken into the original project, many obstacles may arise."¹⁵⁸ As for Forbes's Highland plan, Ilay gained Walpole's favour for it, but others in the Ministry "refused their assent".¹⁵⁹

Ultimately no plan other than Milton's can be found which attacked the foundation of Highland society, the landed-property status of the chiefs, at root. This is not to say that Milton had launched a fundamental attack against property rights: the property transfer he envisaged was by annexation after forfeiture (which the Vesting Act had already accomplished) and by voluntary disposal through sale. His scheme was not significantly radical in terms of prevailing tenets. But he went beyond others in his extreme application of those tenets. To that extent he fulfilled his own words that "something new must be thought of".

It was of real historical significance, not that he devised a novel scheme, but that he gained the approval of London, which, for example, another lawyer-administrator, Duncan Forbes, had failed to do. Even after initial sanction had been won, however, the old pattern began to reassert itself. As memories of the Rebellion and fears faded, so the unusual power of Milton, the leading Scottish administrator, faded in like measure. Delay after delay followed in England despite the

support of Newcastle, Pelham, Hardwicke¹⁶⁰ and Ilay. On 2nd April 1751 the Lord Advocate, William Grant, M.P., complained from London to his associates in Edinburgh about the "long meditated, prepared and promised highland bill".¹⁶¹ He noted that the death of the Prince of Wales had prevented discussion on the Bill during that session of Parliament. "This day", said Grant, "I have solicited and obtained a new appointment for Thursday next at Newcastle house - so I hope to get it once set agoeing and that, it shall not be my fault if it go not forward."¹⁶²

In fact it was almost fortuitous that any legislation giving effect to the plan was enacted; because a last ditch surprise attack was mounted before the Throne and in the House of Lords in March 1752, by the Duke of Cumberland and his supporter the Duke of Bedford. Cumberland gave a packet to the King, as Newcastle informed Hardwicke,

containing, I suppose a sort of state of Scotland, and all the names of Jacobites employed by the King; chiefly, I presume in the revenue. - As a specimen, it is said, - "Lord Milton, a Jacobite, a place of £1500 per annum [Signet] his son a place for life [at £1200 per annum], Lord Justice Clerk, Mr. Areskine [Tinwald] said by the earl of Albemarle to be a Jacobite" and so on.¹⁶³

When the Annexing Bill, which dealt with the Plan, was introduced in the House of Lords, Bedford made several charges. For example, one Cummings, he said, "on the Duke of Cumberland's arrival in Scotland, was imprisoned by command of his Royal Highness ... but at the desire of Lord Milton was released."¹⁶⁴ And, reported Ilay to Milton, Bedford told "an odd story about passes given by you during the time of Lord Abermall's command, and men taken out of Ships...."¹⁶⁵ The result of these attacks was a partial collapse of the Bill's main advocates in the Lords. The Bill passed almost despite them, although Newcastle gave the Ministry's half-hearted support. Said Ilay of Newcastle: "d. N. sat still all day to the last, was frighted and hared, and at last when he spoke he made most sad work of it."¹⁶⁶ It was observed of Ilay himself that "notwithstanding the animation which he had

formerly displayed in debate, his speech was short and confused. He principally confined himself "to a positive disavowal of any private view or personal interest in the bill."¹⁶⁷ Ilay confessed to Milton that

I was actually affraid if I had launched out too far that I might have been engaged in altercations with one too much above me and whatever reflection I had thrown on the d. of Bedford would, all have been construed to have been levelled at his Superior.¹⁶⁸

If Cumberland had been a better tactician and had opposed the scheme earlier, it is unlikely that it would have reached the statute book.

In any case, with the waning both of Milton's influence and its prime cause, fear of rebellion, his scheme was emaciated by the time it passed through Parliament. Once the plan had first gained delighted approval in London he had been instructed by Ilay as follows:

I would desire that you, Tinwald and Elchies and Gen Bland or any of you form such a draught [of a Bill] and send it to me alone. I shall then revise it and cook it farther up to an English stile and taste with young Charles [Tinwald's son, a commissioner at law] and show it (to) the great folks as a draught come from Scotland as they desired to have; the sooner all this is done the better, you may make different forms of clauses, by way of quaries, that they may take their choice.¹⁶⁹

This entailed that the influence of both the Scots and English at the centre of power was felt from the early stages. In the end one drastic revision was made. Those in Scotland were satisfied to make minor adjustments. Milton told Ilay:

On friday I dined and sate till 8 at night wt Lord President [Arniston], Id Advocate Lord Elchies on the subject of the Bill proposed, for civilizing the Highlands - (Id. J. Clerk was indisposed so could not come to us). Upon the whole the president has approved the plan and made some small amendments or rather additions for rendering the execution more easy....¹⁷⁰

The main change was decided in London. Ilay informed Milton that "the Highland bill is likely to go on as annexing the Forfeited Estates; but as to purchases to be delayed till anoyr year."¹⁷¹

In other words it was at last decided in London, perhaps because of financial considerations, to drop a major element in the scheme, the purchase of the lands of chiefs in rebellious areas. This undermined

the essential basis of the plan, the idea of changing property ownership across the disaffected central Highlands. The legislation which followed, the Annexing Act of 1752,¹⁷² therefore made provisions which were a shadow of Milton's grand concept. He could take comfort in the view that "the great matter is once to set the wheels in Motion....";¹⁷³ but the purchasing scheme was in fact never brought in.

In conclusion, Milton was able to take certain initiatives, because of the extraordinary circumstances of the Rebellion, which favoured local expertise, and his unique talents and enterprise. He aimed to use his temporary special influence to the advantage of the Scottish economy by the application of contemporary tenets. He also designed to have the control of a great part of Highland society given over to the Edinburgh administration. But the centre re-asserted itself so that a less profound innovation appeared. As for the other Edinburgh lawyers, their part was limited to moulding the Highland plan into a form suitable for presentation to Parliament: even then it was redrafted by Ilay to suit English tastes. The Rebellion temporarily increased Milton's scope as an innovator, but the general inability of the Edinburgh lawyers and others in Scotland to innovate through the legislative process, in the face of resistance from the centre, remained.

iii. The foundation of the Edinburgh Linen Copartnery and the British Linen Company.

Major innovations in the public sector were rarely achieved by resident Scots partly because the latter did not have the power to direct the legislature. The legislature process could be circumvented, although with slim chances of success without help from London. An attempt of this kind was the establishment of the Edinburgh Linen Copartnery, which developed to become the British Linen Company upon receiving a royal charter. The Copartnery was designed to be more

than a private business: the difficulties which the Scottish administrators faced in getting the political centre to provide them with a comprehensive, formal, legitimate machine to manage Scottish affairs encouraged the use of private enterprise for public purposes. Milton was not intending only to mouth the cant of the day in saying that "the good of the country and the copartnery ... are and must be inseperable".¹⁷⁴ To be noticed particularly, therefore, was his deliberate application of a current political-economic tenet in devising the Copartnery - that self-interest rules society - to benefit Scotland, his aim being to overcome the disadvantages of the country's underdeveloped economy by maximizing the effect of the limited capital available. Also to be noticed is that it was to his own selfish advantage that the Copartnery should be formed. Changes at the political centre from the late 1730s and during the early 1740s threatened his seat on the Board of Trustees for Manufactures who regulated the Scottish linen trade: it may not have been coincidence that an alternative organisation, the Copartnery, appeared at this time. Finally, there is the question of the royal charter. Those who obtained the charter did so to strengthen the Copartnery's financial base by attracting English capital: so Scotland's satellite status was once again recognised; and the charter was procured by Milton's friends in London, not by Milton himself. To begin, the first of three serious errors which have been disseminated in relation to these innovations is rectified.

This first error lies in the dating of the establishment of the Edinburgh Linen Copartnery sometime in the late 1720s. Charles A. Malcolm says of the British Linen Company that, in 1746, "While the name of the Company was new, the business which it took over had been carried on for about a score of years under the designation of the Edinburgh Linen Co-partnery."¹⁷⁵ S.G. Checkland, following Malcolm,

states that "Under Milton's inspiration, there was founded about 1727 the Edinburgh Linen Co-Partnery."¹⁷⁶ In fact, the Copartnery came into formal existence on the 28th March 1745, as A.J. Durie notes.¹⁷⁷ The confusion probably arises because a short-lived copartnery, called "The Edinburgh Linen Company", -operated in the late 1730s and early 1740s. Its founder was William Dalrymple of Cranston, son and heir of Sir Hew, 3rd baronet of North Berwick. The partners were Milton, Lord Drummore S.C.J. (William's uncle), Sir Hew, Thomas Dundas of Fingask (Laurence Dundas's father) and a "Mr. Home".¹⁷⁸ This copartnery's rules and regulations were agreed in January 1739.¹⁷⁹ Its purpose was to market Scottish linens in Edinburgh and London: in the event it was importing linen from Camphvere in 1740, bleaching it in Scotland and then "exporting" it to London.¹⁸⁰ Opinion was that Dalrymple's mismanagement brought about the copartnery's failure.¹⁸¹ There was no "Edinburgh Linen Company" before 1739, however, and the Dalrymple concern had no direct connection with the Copartnery of 1745.

In October 1744 Milton declared:

I have for many years past (and even before I had the honour to be named by the King one of the Trustees for encouraging the Linnen Manufactures &ca of this countrey &ca,) had my thoughts employed in considering and lamenting the low state of our linnen manufactory, without being really concerned in any way, or till now, being able to satisfy myself wt the appearance of any proper remedy.¹⁸²

The solution, in his view, lay in the formation of the Edinburgh Linen Copartnery, which he called "the Grand Manufactory".¹⁸³ One advantage this would have over earlier enterprises was that it would be ambitiously funded. Milton thought that among the "chief obstacles to the success of the linnen manufacture in this country appeared to me to arise from the smalness of the stocks of those employed in the manufactures".¹⁸⁴ He explained that this meant, for example, that manufacturers could not offer a selection of goods, not even sufficient "to supply the ordinary demands of a linnen draper". Worse still, it meant that it

became impossible to make goods of high quality. Manufacturers lived a kind of hand to mouth existence, seldom having more money than allowed them to buy yarn for one web, as the previous web was done. This rendered it ...

impracticable ever to sort yarn, or to make it for any particular use, view or mercat, and thus their webs come out some broader, some narrower, some longer, some shorter, some coarser, some finer, wch (except in the very coarsest sort) proves grat discouragment to whole sale traders.¹⁸⁵

He gave a practical example of the results of this. If, he said,

a collonell was inclined to make shirts for his regiment of Scots linnen, he could not be furnished by any one or few Scottish linnen drapers wt proper linen cloath, all of the uniform same kind, fit for his purpose, without collecting it a piece here another there, wt more trouble and expence than the subject can bear.¹⁸⁶

In consequence,

It was to remedy these evils and prove a leading card to put our linnen manufacture upon a more solid and usefull footing, that this Copartnery was designed and framed, whereby two gentlemen of Skill, experience and character are supplied with a proper stock sufficient to make effectual experiments and tryalls in all the branches of the linnen manufacture.¹⁸⁷

The stock which was proposed to be made available was £20,000 to be drawn on, when needed, by 10% calls upon subscribers. In fact subscribers committed £16,750.¹⁸⁸

Milton's other stated aim, his main one, in the way in which he devised the Copartnery, was to bring into play a second form of capital, without which it would founder. To him money as a form of capital, provided through subscriptions, was important but not crucial. He persuaded his associates of the justness of this reasoning, all except Thomas Hope of Rankeillor, who did not favour the scheme: "my good friend Mr Hope, who in my opinion always put too great a value on money...", said Milton of him.¹⁸⁹ To Milton the capital to be vested in the Copartnery in terms of skill, industry, invention and prudent management was the real key to success, "the cheife hidge upon which the whole Copartnery is proposed to move".¹⁹⁰ And to create a pool of

such capital he used self-interest, which he saw as the ruling motive of human action.¹⁹¹

Alexander Carlyle, who knew Milton, observed of him, in relation to his friendship with the philosopher Adam Ferguson, that he

had a mind sufficiently acute to comprehend Ferguson's profound speculations, though his own forte did not lie in any kind of philosophy, but the knowledge of men, and the management of them, while Ferguson was his admiring scholar in these articles.¹⁹²

So Milton's ideas on self-interest may have been formed through observation of the world rather than from books. But he could have got the idea from Bernard Mandeville's Fable of the Bees (1725). Certainly Mandeville's belief in the primacy of self-interest was known in Scotland through the lectures on The Fable of the Bees which were conducted by his opponent, Professor Francis Hutcheson of Glasgow.¹⁹³ On self-interest in relation to the Copartnery Milton wrote:

I have lived long enough to see that in private as well as public treaties mankind will be no further bound than they find their interest leads them, - one way or other they'll declare off, and pursue what they think most for their interest. This led me to contrive a copartnery so that the good of the whole might become the particular private interest of each person any way concerned in the management. After all thats commonly said of publick spirit we in fact see that tis private interest that makes every person active and diligent, open his eyes and his ears, raises his invention, supports him under fatigue & makes his bussiness an entertainment.¹⁹⁴

The idea embodied in this statement gained further currency through the writings of the Scottish political economist Sir James Steuart (An Enquiry into the Principles of Political Oeconomy, 1767) and Adam Smith (An Inquiry into the Nature and Causes of the Wealth of Nations, 1776). The Edinburgh Linen Copartnery of 1745 provides the first evidence of the theory being applied.

To manipulate self-interest to the benefit of the Copartnery Milton used a simple device, learned, perhaps, from the failure of William Dalrymple's Copartnery. When Milton was a stockholder in the latter the method of operation was as follows. Milton and the other partners raised a total stock of £3,000. This they placed in the

hands of the manager, Dalrymple. Dalrymple gave his partners 5 per cent a year, for the money they had subscribed, and half of the profit, retaining remaining profits for himself.¹⁹⁵ The failure of this copartnery - whereby Dalrymple lost nothing but his reputation - gave a hint of the requirements for success. Milton gave the management of the Edinburgh Linen Copartnery over to two young linen merchants and manufacturers, Ebenezer McCulloch and William Tod.¹⁹⁶ Whatever their competence, this was not enough. Milton demanded, as was later included in the by laws of the British Linen Company, that the managers should "at all times be proprietors for the sum of £2000" jointly ("not less than 1/10th of stock" in the case of the Copartnery).¹⁹⁷ They were to receive 2 per cent of annual sales and 4/17ths of surplus profits after the payment of dividends. In these ways appeal was made to their self-interest to the benefit of the whole: they were enticed to avoid the accumulation of dead trading stock and to work with vigour, skill and ingenuity. Adam Smith did less than justice to the British Linen Company and Milton's memory when he wrote of joint-stock companies that

The directors of such companies ... being the managers rather of other people's money than their own, it cannot well be expected, that they should watch over it with the same anxious vigilance with which the partners in a private copartnery frequently watch over their own.¹⁹⁸

More than thirty years before Milton had appreciated that joint-stock companies were prone to this weakness and had compensated for it in the design of the new company.

The deployment of self-interest by Milton in this case can be taken further. His position in the public administration and his intention to create "Grand Manufactory" that should benefit the Scottish nation by strengthening the linen industry, imply that he was manipulating self-interest for more than the benefit of the partners. Mandeville wrote that "private Vices by the dextrous Management of a skilful Politician, may be turned into publick Benefits."¹⁹⁹ Milton acted

precisely in that way. First, he contrived the Copartnery "so that the good of the whole might become the particular private interest of each person any way concerned in the management".²⁰⁰ Second, he offered the prospect of a prosperous, well-managed business to subscribers. And, third, he considered that "the good of the country and the copartnery ... are and must be inseperable."²⁰¹ By manipulating the self-interest of the Copartnery's managers and subscribers, the skillful politician Milton designed to advance the national economy. And the Copartnery, by extending the structured administrative base from which the Scottish economy could be controlled internally, was a response to the narrowness of the institutional network provided by London.

There may also have been political pressures from the south which encouraged him to form the Copartnery; and the latter's change in identity when it acquired a royal charter and became the British Linen Company was certainly inspired by the recognition of England's economic supremacy. In the first case the connection between political pressures on Milton and the establishment of the Copartnery is not certain; but the coincidence is extraordinary. When he devised the scheme he said that he had not "till now" been able to satisfy himself "with the appearance of any proper remedy" to the plight of Scotland's linen industry.²⁰² But there was no obvious social or economic circumstance appearing in the early 1740s (except perhaps for his recent experience with Dalrymple), which led spontaneously to the formation of the Copartnery. It was formed in his mind and he then converted his friends to the idea. So it is as well to look to his special position for the trigger mechanism, not to society as a whole. The striking feature of his public career in the early 1740s was that it was threatened. He was secure as Lord Justice Clerk, a position which was granted for life (although he gave it up on 1748 as part of a bargain whereby he got the Keepership of the Signet),²⁰³ but his seat on the Board of Trustees for

Manufactures, which regulated the linen industry, was in danger. Up to the late 1730s the Board was controlled by him as the leader of Ilay's friends in Scotland, although he was occasionally checked by errant members of the faction, notably Lord President Forbes.²⁰⁴ Milton's hold over the Board became insecure, however, when first, the 2nd Duke of Argyll went into opposition in the late 1730s, so weakening Milton's patrons in Government, and more so when the Marquis of Tweeddale and the Squadrone came to power at Westminster in 1742. Among other plans, Tweeddale was considering the appointment of a new commission of Trustees. He wrote to his Lord Advocate, Robert Craigie of Glendoick, in August 1742, that he was desirous "that some alterations should be made in the Trustees of the Linnen Manufacture, because I have heard complaints that severals had been put into places under them with views very different from that of promoting the manufacture".²⁰⁵ He was of opinion "that it would be of great advantage to Scotland to have men of credit, interest and knowledge named Trustees".²⁰⁶ Earlier Tweeddale had asked Craigie to sound out Duncan Forbes on the notion of bringing in a new commission.²⁰⁷ This was a mistake because the split between Forbes and Milton was not complete; and Craigie was notorious for his loose tongue - as Tweeddale's confidential agent in Edinburgh, Thomas Hay of Huntingdon, advocate, warned his master: "he is not the best secret keeper in the World; of this I gave you some distant hint before and therefore he need hear no more than is necessary as where he is to act some part."²⁰⁸ In short Milton may have heard talk of changes at the Board of Trustees and, as the Squadrone's leading foe in Scotland, he was particularly vulnerable. Even if Forbes and Craigie had kept quiet, it was clear that Tweeddale would not, could not, for long tolerate a Board of Trustees controlled by his enemies. That the expected end did not come can be explained by the distraction of Rebellion and the tenacity with which Ilay retained some influence at

Whitehall as a Cabinet Minister and a member of the Regency. But if Tweeddale had held and consolidated his position the end would eventually have come.

There is one piece of evidence to support the possibility that Milton was creating an independent organisation, to ensure that he kept an interest in the linen industry, in response to threats from the south. This was the transfer to the Edinburgh Linen Copartnery of part of the Board of Trustees' business, the cambric weaving concern at Picardy (Broughton) near Edinburgh. In 1738, when Argyll broke with Ilay, Milton had attempted to make a similar transfer from the Trustees to William Dalrymple, with whom he was in partnership, and had failed, through the opposition of certain Trustees led by Forbes, and by Dalrymple's blunders in antagonising the Board.²⁰⁹ In 1742, when the threat to Milton's position on the Board was even greater, he began moves to have McCulloch and Tod, then merchants in Edinburgh, given charge of the Picardy venture, receiving the encouragements it got from the Trustees. He was successful this time, despite renewed objections from some Trustees.²¹⁰ When McCulloch and Tod took over the management of the Edinburgh Linen Copartnery he then arranged matters so that the cambric business came with them to the Copartnery.²¹¹ This was considered highly improper even among Milton's friends.²¹² It was thought that a company founded by a Trustee and subscribed to by him and other Trustees should not be granted financial encouragements by the Trustees. In a passage laced with non sequiturs McCulloch explained to Milton how he had quelled the doubts of the former Solicitor General, William Grant, on this matter:

I presented the Article yesterday to Mr. Will: Grant who had some scruples at that clause reserved to the Copartnery on the cambrick. I told him the publick encouragement should more properly belong to the Copartnery than to my partner and me but that Your Lordship had often declared you would have no share in any praemium where you had a power of giving them though at the same time he or no man could find fault with a clause that barely obliged us to pay interest to the Coparty for what Money was advanced by them on our cambrick manufacture in case of loss by it.

However/

However, though he was at last willing to sign for one share I rather referred him to Your Lordship to have his scruples fully cleared with which he was better pleased at the same time putting the Articles in his pocket.²¹³

The relevant clause of the agreement of copartnery, clause 13, stated that

a separate account of the cambrick manufacture be kept, and in case the same shall not produce a clear 5 per cent to the proprietors, the said Messrs Tod and McCulloch are to make up a clear 5 per cent to the proprietors, out of the encouragement given them by the publick, which in all other cases is hereby understood to belong wholly to the said Messrs Tod and McCulloch.²¹⁴

This clause was a poor contrivance because the public encouragements could not be accounted for in simple cash terms. They included not only the provision of looms, premises, costs of bleaching and warehouse accommodation, but also the skills of the Frenchmen who had been brought to Scotland and of their journeymen who had been trained at "the public's" expense.²¹⁵ And even if there was sufficient accounting knowledge to break all this down into simple annual percentage payments, there remained the inescapable fact that 5 per cent, even if only 5 per cent, was being handed over to Milton's company, despite his declaration that he "would have no share in any praemiums" where he "had power of giving them".

Milton was certainly building up his own organisation at the expense of the public. This is the strongest evidence in support of the proposition that when his position on the Board of Trustees was threatened from the south he prepared for the break by creating a strong alternative base, using his power over the Board, while he had it, to transfer what he could from the Board to his new organisation. There were commercial reasons, however, in terms of monopolistic thought, for giving the Edinburgh Linen Copartnery every advantage; so that the grounds are not sufficient to establish that the Copartnery was formed in response to a threat from the political centre.

The power of the centre did have effect in bringing the Copartnery

to final shape, as the British Linen Company, established by royal charter in 1746. The aim in obtaining a royal charter was to increase the subscribed capital that could be called on from £16,500 to £50,000.²¹⁶ In particular there was scope for attracting more money from London, especially Scottish money there. Liquidity improved dramatically after the royal charter was received.

The richest sources of capital were in England (Table 17)²¹⁷ mainly in London, among Scottish peers, M.P.s, merchants, and gentlemen there, with occasional contributions from English investors (including John Goodchild, Galfridus Mann, William Beckford, merchants, and Thomas Orly Hunter, "Esq.").²¹⁸

Table 17

Categories of subscribers to the Edinburgh Linen Copartnery, 1745-6, and the British Linen Company, 1746-50 (new stock)			
<u>Subscribers Scotland</u>	£	<u>Subscribers Scotland</u>	£
Lawyers	3,500	Lawyers	11,100
Peers	-	Peers	2,500
Merchants, etc.	3,500	Merchants, etc.	6,150
Gentlemen	1,250	Gentlemen	6,850
	total 8,250		total 26,600
<u>Subscribers England</u>		<u>Subscribers England</u>	
Peers	2,500	Peers	11,400
M.P.s	1,250	M.P.s	5,200
Merchants, etc.	4,250	Merchants, etc.	13,050
Gentlemen	500	Gentlemen	10,000
	total 8,500		total 39,650
<u>Subscribers Europe and unknown</u>	-	<u>Subscribers Europe and unknown</u>	1,400
	E.L.C. total 16,750		B.L.C. total 67,650

The attractions of royal charters have been discussed by R.H. Campbell in "The Law and the Joint-Stock Company in Scotland".²¹⁹ Campbell explains that, after the Bubble Act of 1719, incorporation in England could only be obtained by a special Act of Parliament or by royal charter: incorporation by royal charter "gave the right to sue

and the right to transfer stock" and, it was assumed (with a doubtful basis in legality) that it conferred limited liability.²²⁰ The Copartnery was able to attract funds from England before it got its royal charter: the above advantages would draw more. As for Scotland, Campbell notes that modern opinion differs on whether the Bubble Act applied there, and indeed 18th century opinion was not clear on this point. It was generally understood by contemporaries, however, that Scots law provided the three chief attractions of incorporation (without the need of a royal charter): "the transferability of shares, the separate legal personality of the company, which enabled it to sue and to be sued in its own name instead of in the names of individual members, and the limited liability of the shareholders."²²¹ This being so, the additional funds attracted from Scotland after the royal charter are explained partly by the greater prospects of success which trading in England under official sanction would give. The appeal was especially strong because safe investments in Scotland were few. A bandwagon effect, following from the desire to be in on a good thing, would follow. But it will be seen that crucial to Scottish investors was the danger that the Edinburgh Linen Copartnery might be sued, because of a weakness in its constitution: subscribers in Scotland may not have had a personal liability, but a company that was under threat of legal action from its foundation was a bad investment.

Almost similar fears engrossed the thoughts of potential subscribers in England. The difference was that those in England did not have the protection of the law to prevent them from being sued personally. The problem concerned the handover of the Picardy cambric business to the Copartnery, as weakly justified in Clause 13. Thus McCulloch informed Milton:

We have this day a letter from Mr Craufurd telling us that the signed opinion of My Ld Tinwald Messrs Grant and Fergusson [Pitfour] upon the 13th Article of our linnen contract, which

he has shown to My Lord Duke of Argyll has not proven so clear and explicit to his Grace, as to satisfy his doubts on that head, and that the signing of the contract was still deferred till your opinion on that affair could be had at London where everything might be canvassed at more length, or a new salvo thought upon to save this risque.... We hope, how soon the affair is cleared up, that you will be pleased to cause some person or other to write us fully of it that we may be able to satisfy every body here [Edinburgh] which we could wish were pretty soon, otherways are afraid some stop will be put to our affairs, for want of cash to carry on the plan already settled.²²²

A royal charter giving official approval to all clauses in the contract legitimised a dubious deal and allowed funds to flow from Scotland and England uninhibited. This is not to say that other attractions to English investors in having a royal charter, as described by Campbell, did not have an effect in drawing English funds. It is certain, however, that only one desire is on record as being articulated in England, the desire to have protection from being sued, either corporately or individually, which a royal charter would give. And Charles Malcolm is wrong in claiming the appeal of limited liability to have been the paramount topic of debate. He says that the main difficulty with the original contract of copartnery was clause 13:²²³ this is correct: he errs in relating clause 13 to problems of limited liability. He says that the clause had caused problems to the Copartnery: lawyers, who had been unable to design it to save "every particular person from being affected with the Company's debts to a greater extent than his share or shares paid in". And this, he suggests, had frightened off potential subscribers in London, who found that they would be made liable for the Company's debts.²²⁴

Whatever were the requirements of those at the economic centre, these requirements were the main stimulant in bringing the Copartnery to its final shape under royal charter, and the centre took the initiative in getting the Charter. It is wrongly believed, as the third error in this affair, that Milton, because he had a useful contact in London political circles, Ilay, brought influence to bear

on him to obtain a royal charter. One statement of this kind is that "Milton was anxious to extend his Co-Partnery to make it both national in scope and export-oriented, capable of marketing in England and the empire", and, with the support of Ilay and others "determined in 1744 [sic] greatly to extend the scope of the Co-partnery."²²⁵ Another such statement is that both Milton and Ilay "had been active in securing the Charter".²²⁶ In fact the initiative came from London. Patrick Craufurd, M.P., wrote to Milton from there:

Mr. Tod [the London manager] representing the great want of money we met and came to two resolutions as our unanimous opinion viz. To apply and prepare by all necessary steps the obtaining a charter to incorporate us and for supplying our present want of money to make another call of 10 per cent.... Those resolutions I am desired to communicate to your Lordship for your and other partners approbation. Lord Tinwald [lately retired from Parliament to join the Bench in Scotland], Mr. Grant [M.P.], Mr. Gordon, Goodchild and all our other city partners were present and I understand our resolutions are agreeable to the Duke of Argyle.²²⁷

The partners in London were very keen to get Milton's approval - perhaps because Ilay would withdraw his support if Milton played up - but they conceived the idea and saw it through to its conclusion. An uneasy Tod wrote to Milton about the royal charter,

... that every thing might be agreeable to you it was plann'd by the old contract and nothing done in it without His Grace the Duke of Argylls advice and approbation, Notwithstanding of which I still determined to send your Lordship a scroll so soon as in my power which I beg leave to assure you was never till this hour.... I now have the pleasure to send it you and inform your Lordship it is look'd on here as the most National thing that could have been devised for the good of our country and as it is well known your Lordship is the sole author of it, you'l permit me to give you Joy.²²⁸

Milton had given early approval on the question of a royal charter, but had been too busy with rebellion to give it thought. Thus William Tod wrote to him from London in July 1746:

When I returned here in Winter I wrote Mr McCulloch to wait on your Lordship and receive what directions you thought proper to give about applying for a Charter - In return he wrote me that you desired it might be immediately don but that your hurry in publick affairs was so great you had not time to spare you would otherwise give it.²²⁹

So this is not a neat standard example of the lead in major scheme-making being taken by London. Nevertheless the development of the Edinburgh Linen Copartnery into a British joint-stock company under royal charter adds to the list of cases in which London took the initiative in innovating.

This concludes the evidence on the four major innovations in which Milton has been thought by historians to have been involved. The initiative was taken by Milton in the cases of the Annexed Estates Commission and the Edinburgh Linen Copartnery, in neither of which case, was the political or economic strength of Scotland sufficient to fulfil Milton's hopes entirely. Scots in London led in the establishment of the Board of Trustees for Manufactures and the British Linen Company; and, London influences, political and economic, dictated the shape of all four innovations. Limited though Milton's impact was, his achievements were stunning in comparison to those of other resident Scots. His special relationship with Ilay gave him advantages over others, first in situating him in a public position that he could capitalise on, particularly during the Rebellion, and second in granting him relatively small favours, including the gift to his company of the royal charter and assistance in framing the Annexing legislation. He also had local knowledge which was of great value during the Rebellion. In this respect he was not alone, yet no other was able to use it. From this it appears that Milton's innovative successes were unique largely because of his special abilities. Only remarkable ability could have effect, so profoundly was Scotland submerged in its dependency upon England. Since few could have the characteristics required, amounting the political genius, so, in the field of innovations impinging upon the English interest, home Scots, lawyers and others, generally were not civic leaders in any real sense, no matter how many the references to their names in connection with these innovations.

1. 13 Geo. I, c.26, and 13 Geo. I, c.30.
2. Sir James MacKenzie of Royston, S.C.J., who, said Milton to Ilay, "has on all occasions been yr Lops very humble servant" (SC48, f68, 1732).
3. Gray, Memoirs of the Life of Sir John Clerk, 132n.
4. Robert Maxwell (ed.), Select Transactions of the Honourable the Society of Improvers In the Knowledge of Agriculture in Scotland (Edinburgh 1743).
5. Records of the Convention of Royal Burghs, 1711-1738, 382
6. *ibid.*, 383.
7. *ibid.*, 384.
8. Alastair J. Durie, "The Scottish Linen Industry 1707-1775 with particular reference to the Early History of the British Linen Company", Ph.D. Thesis, Edinburgh University, 1973, 14.
9. Phillipson, Dissertation, 4-5.
10. e.g. *supra*, 150, 157.
11. 16 Geo. II, c.11.
12. SC94, f23, London, 27 January 1743.
13. SC94, f75, October 1743.
14. SB363, folder 1, "Memorial in relation to the late Act of Parliament Intituled an Act to Explain and Amend the Laws touching the Election of Members &ca", February 1745.
15. SC96, f115, January 1744.
16. As assessed from Sedgwick, House of Commons.
17. *infra*, 185-8.
18. 13 Geo. I, c.28; 1 Geo. II, St.2, c.21; 2 Geo. II, c.33; 10 Geo. II, c.35.
19. 17 Geo. II, c.11.
20. 7 Geo. II, c.16: DNB, James Erskine of Grange.
21. P.D.G. Thomas, The House of Commons in the Eighteenth Century (Oxford 1971), 69.
22. Records of the Convention of Royal Burghs, 1711-1738, 378-9.
23. *ibid.*, 379.
24. *ibid.*, 382.
25. SC33, ff37-8, 3 February 1726.
26. Records of the Convention of Royal Burghs, 1711-1738, 383.
27. *ibid.*, 383, *passim*.
28. *ibid.*, 383.
29. NLS Culloden Papers, MS.2967, f3.
30. *ibid.*
31. *ibid.*
32. *ibid.*
33. Menary, Forbes of Culloden, 57-75.
34. *ibid.*, 69, 76.
35. Coxe, Walpole, i, 234.
36. Lockhart Papers, ii, 88; Omond, The Arniston Memoirs 60-3, 69-70.
37. Alistair and Henrietta Tayler, 1715: The Story of the Rising (1936), 183-198.
38. NLS Culloden Papers, MS.2967, f3, Forbes to Drummond.
39. The Occasional Patriot (Edinburgh 1734), 19.
40. NLS Culloden Papers, MS.2967, f3.
41. State Papers (Scotland), RH2/4/323, nos. 69 and 71, proposals of the committee and the Improvers.
42. SC35, f90, Ilay to Milton.
43. Pages 424-430.
44. Durie, Thesis, 13-17.
45. SB327, folder 1, "Memors Manufactories", "Conditions and rules for the distribution of 150 lib per annum"; Board of Trustees minutes, NG1/1/1, 13 October 1727.

46. An Enquiry into Some Things that Concern Scotland (Edinburgh 1734), 36.
47. Records of the Convention of Royal Burghs, 1711-1738, 36.
48. Peter J. Bowden, The Wool Trade in Tudor and Stuart England (London 1962), xv.
49. SC30, ff45-6, February 1726.
50. Clerk of Penicuik, GD18/5888, to Baron Clerk.
51. W. Drummond Norie, The Life and Adventures of Prince Charles Edward Stuart (London and Edinburgh, n.d.), vol. 3; Rupert C. Jarvis, Collected Papers on the Jacobite Risings (Manchester 1971), i, 3-45.
52. DNB, John Hay, 4th Marquis of Tweeddale.
53. SC111, f166, August 1745, to Gwynn Vaughan.
54. Yester Papers, Acc.4862, box 13.
55. SC104, f219, 22 November 1745, to Ilay.
56. Jarvis, Jacobite Papers, i, 104.
57. SC96, f132, March 1744.
58. Yester Papers, Acc.4862, box 13, folder 4, February 1744.
59. *ibid.*
60. *ibid.*
61. SC96, ff164-5, August 1744.
62. Yester Papers, Acc.4862, box 13, folder 4, March 1744.
63. *ibid.*
64. SC98, f79, f81, March 1744.
65. Norie, Charles Edward Stuart, i, 185-7.
66. SC96, ff164-5, August 1744, Milton to Ilay.
67. Yester Papers, Acc.4862, box 13, folder 2, Whitehall, March 1744, Tweeddale to Dundas.
68. *ibid.*
69. *ibid.*
70. G.F.C. Hepburne Scott (ed.), "Marchmont Correspondence Relating to the '45", Miscellany of the Scottish History Society, v (Edinburgh 1933), 334.
71. Yester Papers, Acc.4862, box 13, folder 1, November 1745, Dundas to Tweeddale.
72. SC96, ff164-5, 16 August 1745, Milton to Ilay.
73. Norie, Charles Edward Stuart, i, 188; letters from Cope to Milton in Saltoun Correspondence, 1745.
74. For examples not mentioned here see Yester Papers, Acc.4862, box 13, folder 1, letters from Dundas to Tweeddale, 1742-6.
75. Yester Papers, Acc.4862, box 13, folder 1, 6 December 1745.
76. Norie, Charles Edward Stuart, iii, 36-37.
77. SC124, f9, 9 January 1746.
78. Norie, Charles Edward Stuart, iii, 44-63.
79. SC108, ff26-7, 7 October 1745.
80. Jarvis, Jacobite Papers, i, 103-4.
81. John Home, The History of the Rebellion in the Year 1745 (London 1802), 194-5.
82. *ibid.*; SC119, letters from Sir Everard Fawkener, Cumberland's secretary, to Milton.
83. Home, History of the Rebellion, 1945.
84. SC119, f69, Aberdeen, 26 March 1746, Fawkener to Milton.
85. SC119, 1746, correspondence between Fawkener and Milton; Adv.MS. 23.3.28: Eaglescarnie Papers.
86. 28 February 1746: quoted by Warrand (ed.) in More Culloden Papers, v, 36.
87. *ibid.*, 37, 6 March 1746.
88. SC124, f22.
89. SC124, ff31-2; Norie, Charles Edward Stuart, iii, 160.

90. SC114, ff31-2.
91. SC124, f128, 22 August 1746, Newcastle to Milton.
92. SC119, f20, 19 February 1746.
93. 19 Geo. II, c.38, 1746.
94. SC124, f67, 26 April 1746.
95. SC124, f69, Whitehall, 30 April 1746.
96. *ibid.*
97. SC124, f98, 13 June 1746, to Newcastle.
98. 20 Geo. II, c.41, 1747; 19 Geo. II, c.39, 1746; 20 Geo. II, c.50, 1747; 20 Geo. II, c.43, 1747.
99. An Enquiry into the Causes of the Late Rebellion (London 1746), 43; Sir Alexander Murray, A Letter of Remonstrances &c (London 1740).
100. An Enquiry into the Causes of the Late Rebellion, 43.
101. *ibid.*
102. *ibid.*
103. SC114, ff67-8, May 1746, to Ilay (an "ostensible" letter).
104. A term describing a form of feudal holding where services were nominal.
105. An Enquiry into the Causes of the Late Rebellion, 44-6.
106. *ibid.*
107. SC114, f62, "Memorandum for answering the Duke of Argyle's letter of the 17th May 1746".
108. *ibid.*
109. *ibid.*
110. *ibid.*
111. SC163, f107.
112. SC114, f62.
113. SC114, ff67-8, May 1746.
114. SC114, f66, May 1746.
115. SC136, f116, June 1746.
116. *ibid.*
117. Charles Sanford Terry (ed.), The Albemarle Papers ... with an appendix of letters from Andrew Fletcher, Lord Justice Clerk, to the Duke of Newcastle, 1746-48 (Spalding Club, Aberdeen 1902), ii, 479.
118. *ibid.*; DNB, Humphrey Bland.
119. Albemarle Papers, ii, 479.
120. DNB.
121. SC136, f116.
122. Albemarle Papers, ii, 529, February 1748, letter to Newcastle.
123. SC157, ff5-7, 18 February 1748.
124. SC152, f31, 20 February 1748.
125. Albemarle Papers, ii, 479, December 1747.
126. *ibid.*, "Proposals for Civilizing the Barbarous and Rebellious parts of the Highlands of Scotland", December 1747.
127. Gaelic, Duin(e)-vassal, a gentleman, from duine, a man, and vasal, noble, well-born (Scottish National Dictionary).
128. Albemarle Papers, ii, 481.
129. *ibid.*, 480.
130. *ibid.*, 480.
131. *ibid.*, 480-1.
132. *ibid.*, 481.
133. *ibid.*, 481.
134. *ibid.*, 481.
135. *ibid.*, 480.
136. *ibid.*, 480-1.
137. *ibid.*, 481-3.
138. *ibid.*, 481-3.
139. *ibid.*, 480, my emphasis.
140. *ibid.*, 485-8.

141. *ibid.*, 485-8.
142. *ibid.*, 484.
143. *ibid.*, 489-90.
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145. *ibid.*, 488-9.
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147. *ibid.*, 484.
148. *ibid.*, 484.
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150. *ibid.*, 484.
151. The Interest of Scotland Consider'd, with regard to Its Police in
employing of the Poor, Its Agriculture, Its Trade, Its Manufactures
and Fisheries (Edinburgh 1733), 75-6.
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154. *ibid.*
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the Highlands of Scotland".
156. Henry Craik, A Century of Scottish History (Edinburgh and London
1911), 105.
157. *ibid.*
158. Culloden Papers, 140, January 1738, Hardwicke to Forbes.
159. Craik, A Century of Scottish History, 105.
160. Erskine Murray Papers, MS.5976, f11, August 1749, Hardwicke to
Tinwald.
161. *ibid.*, ff189-190.
162. *ibid.*
163. William Coxe, Memoirs of the Life and Administration of the
Right Honourable Henry Pelham (London 1829), ii, 412.
164. *ibid.*, 217.
165. SC174, ff129-30.
166. SC174, ff131-2.
167. Coxe, Pelham, ii, 218.
168. SC174, ff131-2.
169. SC152, f31. "Young Charles" was Tinwald's son, a commissioner at
law in London.
170. SC165, ff209-10.
171. SC170, f124, February 1751.
172. 25 Geo. II, c.41.
173. SC170, f124, to Argyll.
174. SB350, folder 1, October 1744, letter to John Goodchild, merchant
in London "anent the Grand Manufactory 1744".
175. The History of the British Linen Bank (Edinburgh 1950), 1.
176. Scottish Banking, a History 1695-1973 (Glasgow 1975), 94.
177. Thesis, 204.
178. SC73, ff42-3, December 1738, William Cheap, weaver, to George
Cheap, collector of Customs, Prestonpans; f147, London 1740,
William Dalrymple to Milton.
179. SC77, ff130-1.
180. SC73, ff42-3, December 1738, William Cheap to George Cheap;
SC81, September 1740, David Doig to Milton.
181. SC81, f144, December 1740, William Dalrymple to Milton.
182. SB350, folder 1, letter to John Goodchild.
183. *ibid.*
184. *ibid.*
185. *ibid.*
186. *ibid.*
187. *ibid.*
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Copartnery, commencing 1 March 1745.

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Oeconomy, ed. Andrew S. Skinner (Edinburgh 1966),
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chapter 6, *infra*.
205. Craigie of Glendoick, GD1/609/2, f27, Whitehall.
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207. *ibid.*, f18, July 1742.
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30 June, 14 and 21 July, 4 August, 22 and 26 December, 1738.
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cambric weavers; SC95, f244, March 1743, William Tod to Milton;
SB327, folder 3, "The Petition of Ebenezer McCulloch and William
Tod, Merchants in Edinburgh"; SB328, folder 1, "Observation on
the Additional Report of the Committee" and "Remarks" on "The
Proposition for Promoting the Cambric Manufacture 1744".
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212. *ibid.*
213. *ibid.*
214. SB328, folder 1, "First Scroll of the Linnen Copartnery...October
1744".
215. SB327, folder 3, "The Petition of Ebenezer McCulloch and William
Tod"; SB328, folder 1, "Observations on the Additional Report
of the Committee" and "Remarks" on "The Proposition for Promoting
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1746-1798 (Bank of Scotland Archives).
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Studies in Scottish Business History (London 1967).
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CHAPTER 6

MILTON THE ADMINISTRATOR

i. Director of the Royal Bank of Scotland.

In the political management Milton acted on Ilay's behalf exclusively and his duties were restricted to Scotland, where he had almost complete discretionary powers; while in innovations he acted independent of Ilay, and his efforts impinged upon English interests, which restricted him accordingly. As an administrator, managing contingencies and recurring business, his activities had features observed in both these fields. Some of his work was an extension of his political or private endeavours for Ilay (and for a new patron, Bute, from 1761), and is classified separately because it opened up social and economic opportunities for Milton beyond narrow political control. At other times it embraced innovative pursuits, lesser, perhaps, than those noticed so far, and which certainly brought him into difficult contact with the political and economic supremacy of the south. Hence, as before, the conditions determining his effectiveness as a civic leader in general administration were his connection with the great patron of the day, his situation in Scotland - with all its implications as to convenient situation, local knowledge and satellite status - and his personal qualities. These conditions came into play with varying intensity depending on how far any activity allowed the connection with the patron to be manipulated and was limited to Scotland.

A special feature appears for the first time. It relates to Milton's personal qualities and his association with Ilay. Ilay was able to use Milton without demanding special professional skills of him because Milton, as a representative of stable landed society, had the gentry and aristocracy's understanding of the economic and social characteristics of that relatively simple regime, and Milton could exercise supervision,

more or less intensively, over a wide spectrum of activities, because these activities were of manageable proportions. Increasingly, however, society was becoming both too complicated for the polymath administrator and of a nature conflicting with the social assumptions upon which Ilay's employment of Milton was based. Milton implicitly recognised the changing climate early, in the 1740s, when he handed over the management of the Edinburgh Linen Copartnery to professionals. The change was also to be recognised by Ilay in 1749 when he based plans for "industry" on the Argyll estate round the skills of a professional. And it had special force in inhibiting Milton's scope for social interference as Deputy Governor of the Royal Bank of Scotland.

The institutions on which Milton worked as an administrator were the Board of Trustees, the Annexed Estates Commission and the Royal Bank of Scotland, which last has been referred to so far only in passing, because Milton and other Edinburgh lawyers did not share in setting it up and it has never been claimed of them that they did. Excluded from discussion is the British Linen Company. Since this organisation was managed by professionals, Milton's contribution to it was discreet and supportive, not dynamic and active.¹ Aspects of Milton in his capacity as overseer of the Argyll estate management are included in the survey following in conjunction with his work as a Trustee for Manufactures. Through reference to a selection of his activities at the Royal Bank, the Board of Trustees, the Argyll estate and the Annexed Estates Commission the relative merits of the conditions determining his impact as an administrator will be assessed.

In making this assessment a difficulty arises from the nature of the institutional framework in question. Milton was one member among many on the Board of Trustees and the Annexed Estates Commission and was similarly placed as a director, albeit Deputy Governor from 1737, of the Royal Bank. And the minutes of these bodies rarely tell where decisions were taken

corporately or by Milton alone. In that Ilay's friends predominated on each and that Milton was Ilay's alter ego in Scotland it could be reasoned that Milton at least determined each decision in that he ratified it. There is, however, need for discrimination. From the rebellious tendencies, already registered, of Lord Monzie, George Drummond, Alexander McAulay and others it is clear that Milton was exercised by keeping friends in check as well as defeating the declared enemy. Indeed, confronting the problems of internecine strife was one side of his experience and duties as an administrator, extending from his political functions. Milton the administrator will be approached by concentrating on the occasions when he was certainly either under attack from his colleagues or in command.

One of the earlier institutions with which Milton was associated was the Royal Bank of Scotland. He was appointed a director of the Bank in 1727 under the royal charter by which it was erected and he took the oaths of office in January 1728.² He remained on its board (as Deputy Governor from 1737) until his retirement from public life in 1764.³ His potential in the administration as a director of the Bank depended on his connection with Ilay, his location in Edinburgh and his personal qualities. Dictating the release of his potential in these forms were the principles underpinning the Bank. It was private, as a joint-stock bank erected under royal charter. It was public, being within the sphere of Ilay's management, as one of "the various societies in Scotland" which he took "much pains to have some interest in":⁴ the Royal Bank was one of the series of institutions by which Ilay infiltrated and attempted control of great areas of Scottish public life. Second, and connected with this, the Bank had economic and political characteristics, which in some cases were inextricably interlinked.

The basic economic facet was the modesty and nature of its working capital. Its stock was founded on the Equivalent debentures issued

after the Union to creditors of the public in Scotland.⁵ Many of the original debenture holders had sold or pawned them to money lenders such as Patrick Craufurd of Auchinames, senior, and over the years the trade in debentures had come to centre on London.⁶ There they came into the possession of merchants and stock-jobbers.⁷ In 1724 these last were incorporated by Act of Parliament as the Equivalent Company, which had the functions of managing stock transfers and distributing interest on the debentures.⁸ And in 1727 the Company obtained a royal charter empowering it to use its stock for banking in Scotland.⁹ In this way the Royal Bank was established using funds which were mainly English but had once been Scottish. Within weeks of the subscriptions book being opened £106,000 of Equivalent stock was transferred to the Bank.¹⁰ But the proprietors were predominantly chary English investors. They did not have generous leanings towards the development of Scottish society. The Bank found that it was expected to make do over the years with basic working capital provided by three early calls on subscribers.¹¹

Economic and political characteristics had a duality within the Bank, because of Ilay's link with it and the prevalence of mercantilist theory. The Equivalent Company - whose proprietors in London included Ilay's banker, George Middleton, goldsmith in the Strand, the largest shareholder in the Royal Bank, with over £9,000 of stock¹² - had obtained its banking charter through Ilay. The Company's directors declared that

we are obliged in justice to my Lord Ilay to declare that the success in general and the despatch of this important affair in particular has been greatly owing to his Lordship's diligent and powerful assistance.¹³

In consequence Ilay was rewarded with the Governorship of the Bank,¹⁴ with a say in the choice of directors, who were to be based in Edinburgh. This was sufficient to give the Bank a political aspect. Then Ilay's approach to the political management of Scotland matched economic theory prevailing there. This was the theory that world resources were strictly

circumscribed and had to be competed for, one's gain being another's loss.¹⁵ It was a persuasive theory in Scotland's narrow and stagnant society. Poverty and scarcity of opportunities in Scotland encouraged family and friends to protect the careers of their dependants, and, by extension, political groupings, the most successful of which was Ilay's interest or connexion, operated to control available patronage. For Ilay the Royal Bank drew value from the same political-economic dimension: it gave him another means of absorbing and having the disposal of as much as he could of the country's limited resources. In this lay power.

The strength of this conjunction of political aims and economic theory appears from the early relationship between the Royal Bank and the Bank of Scotland. In 1724, the year in which Ilay first took a serious part in the management of post-Union Scotland, his agent Milton bought £1,000 of Bank of Scotland stock (costing £700), a maximum holding.¹⁶ This was held by Milton on Ilay's behalf. Ilay was one proprietor among many at the Bank of Scotland, few of his partners were closely attached to his interest and one of them, Marchmont (its Governor from 1728, this having political implications) was a major enemy:¹⁷ the arrangement was unsatisfactory from Ilay's point of view. Founded in 1695¹⁸ the Old Bank had an entrenched pattern of ownership before he came to have monopolistic designs on Scottish society. The Royal Bank gave him a more promising entree into banking.

This was not enough for him. The continuing existence of the Bank of Scotland was hard for him to tolerate. On economic grounds the coexistence of the two banks seemed unendurable, according to mercantilist thought: "It is impracticable to support and carry on two Banking companies in one country. No nation did ever attempt it, England, where banking is as well known as in any part of the world did never try it", said John Holland, son of the founder of the Bank of Scotland.¹⁹ At the very least competition for the whole market would have to be reduced to

a compromise whereby each was given a share: "we must either agree with the bank or destroy it", said Milton.²⁰ And on political grounds compromise was not consistent with Ilay's policy in Scotland, where he would have all. He had taken over the Royal Bank, but the Bank of Scotland remained as an affront. This was all the more irksome as, from 1727, the Bank of Scotland blatantly flaunted the banner of the Squadrone, with Marchmont being appointed its Governor as noted, followed by Hopetoun and Tweeddale.²¹ Hence Ilay wished to "demolish it".²² The directors of the Royal Bank organised a run on the Old Bank's notes, which forced the Old Bank to close its doors until it could arrange a call on subscribers' capital.²³ Milton hoped that the Royal Bank could "keep them from ever opening again".²⁴ It was not to be. The Royal Bank proceeded against the Old Bank in the Court of Session for not honouring promissory notes; but the Bench, dominated by clients of the old Squadrone regime of Montrose and Roxburgh and heavily influenced by Lord Kimmerghame S.C.J. , Marchmont's brother,²⁵ rejected the Royal Bank's petitions on the grounds that its behaviour amounted to harassment.²⁶ Consequently the Bank of Scotland was able to organise its resources and survive. In political terms, Ilay was defeated. In economic terms, both banks were able to carve a share of the market, especially as the myth of the strict confines of capital resources was undermined, although not then discredited, when the Royal Bank introduced cash credits for merchants without demanding collateral:²⁷ this released enterprise. But the myth was slowly exposed and monopolistic tendencies prevailed throughout the period.

These events, which took place in the early days of the Royal Bank, before Milton had established his authority, help to define the economic practicalities and political-economic obsessions he had to respond to; which in turn suggests the conditions required for administrative success in this area. The conditions are illustrated in relation to features

of, first, the Scottish and, second, the English ends of the Bank's undertakings.

In Scotland, Milton's connection with Ilay was fundamental. It provided him with his seat on the board and colleagues that could be ruled, the evidence for which is not direct. It follows from Ilay's sponsorship of the Equivalent Company's cause and the predominance of his friends on the Bank's board. Few of the gentlemen of the Equivalent Company, who included Benjamin Mendez da Costa of St. Mary Axe, Francis Craiesteyn of Putney, Jacob Pereira de Paiva, Abraham Crop of Fenchurch Street, Sir Bulstrode Peachey and, not least, Edward Harrison, Governor of the Bank of England,²⁸ could have known Milton or the majority of his colleagues on the Royal Bank board. Only two of the latter were certainly known to the Company, Lord President Sir Hew Dalrymple and Lord Monzie: these, with Patrick Craufurd of Auchinames, senior, formed the committee in Edinburgh which in the 1720s managed the collection of interest of debentures on the Company's behalf.²⁹ Ilay's only recorded words addressed to Milton on the selection of Royal Bank directors was that "You are a Director and they have dignified me with their Chiefship."³⁰ Milton himself had to buy Equivalent stock to qualify as a director, because, as was said by the Bank's secretary to the secretary of the Equivalent Company in London, "It will be no surprize that Lord Milnton demands a £1,000", of Equivalent stock, "seeing that the stock in his name in the books, is none of his but only in security of a sum of money he lent to the proprietor of that stock, who has no mind to part with it".³¹ Thus Milton and his associates were invited to become directors (appointed by royal charter) thanks certainly to Ilay's influence.

When Milton joined the board in January 1728 he had nine colleagues apart from the absentee Ilay. These were Sir Hew Dalrymple (Deputy Governor), Monzie, James Paterson of Kirkton, advocate, George

Irving, W.S., Hew Somerville, W.S., George Drummond, James Nimmo, John Philp and Richard Dowdeswell.³² Three of these, Dalrymple, Paterson and Somerville cannot be linked readily with Ilay's interest: Dalrymple, because he was a grand independent figure, as Lord President since before the Union; Paterson and Somerville because their circumstances are unknown. The attachments of Monzie, Drummond and Irving have been discussed. Nimmo, Philp and Dowdeswell had, like them, suitable credentials.

James Nimmo, an Edinburgh merchant councillor and Cashier of Excise, was a great friend of George Drummond's.³³ Possibly more useful in recommending him to Ilay was his marriage in 1720 to Mary Erskine, sister of the Earl of Buchan.³⁴ The Earl had joined Argyll in suppressing the 1715 Rebellion.³⁵ In the year of his marriage Nimmo acted for the first time as commissioner to the burgh of Inveraray - Argyll's seat - at the Convention of Royal Burghs.³⁶ He was made Cashier of Excise in the mid-1720s following two notes from Ilay to Milton in 1724: first, cryptically and not necessarily in relation to Nimmo, "Buchan spoke to me today about the project";³⁷ and second, some months later:

I could lately have provided for Nimmo but to make the ... project easy I have agreed to wait some future opportunity. You may tell him from me that I believe I shall be able to provide for him but that I expect he shall say nothing of it till its done.³⁸

In 1726 Nimmo's political work for Ilay was reported to Milton by Patrick Lindsay, in connection with the management of Inverkeithing Council on behalf of Harry Cunningham, M.P. for the Stirling Burghs (which included Inverkeithing):³⁹

Nimmo, McAulay, Irving and I went to the ferry att Mr Cunningham's desire to meet with him and his friends there ... we found matters going pretty well and because the election at Inverkeithing as well as the ferry was to be next day, Harry and I went over in the evening, Lord _____? and his brother were busie in the ferry, doing what they could for Dundass, and therefor Nimmo, McAulay and Irving stayed to keep matters right there.⁴⁰

The information on Dowdeswell and Philp is less full. Richard Dowdeswell, an Englishman, was appointed Secretary to the Commissioners of Excise in 1707.⁴¹ Ilay had adopted him after the Malt Tax disturbances, during which Ilay wrote from Edinburgh that

Mr Dodswell, who is secretary to the excise, is extremely useful and able in his business; if it were not for him, that board could do nothing; the two commissioners however skilful they may be in the lower parts of their business, are far from being able to conduct the management of the excise here, which requires authority, spirit, and a proper behaviour, suiting an office that ought to carry respect with it in this country. Instead of this, the whole town knows that they are frighted out of their wits, that they lie in different places, cording as the panic seizes them.⁴²

In 1726 Ilay asked Milton to "tell Dodswell that St Rob is as much convinced as my self of his merit in the service and I dont doubt that it will appear pretty soon".⁴³ And upon a vacancy in 1730 Dowdeswell was made a Commissioner of Excise with a salary of £400,⁴⁴ following another letter from Ilay to Milton:

You may tell Dodswell that I believe he is very safe, and that even before Wedderburn dyed I did him justice, and if I was at liberty to tell all that has passed he would have great reason to be pleased with me.⁴⁵

John Philp of Greenlaw was appointed Deputy Auditor of Exchequer in Scotland in 1727, at a salary of £200.⁴⁶ A remark by Ilay to Milton following this is not sufficient to establish him as one of Ilay's protégés: "Philps business was done before I knew it and almost before anybody else that knows most, this is mysterious, but I cant explain further."⁴⁷ But Philp was certainly attached to Ilay through the Earl of Findlater and Seafield, Lord Chancellor of Scotland. Philp had succeeded his father, George Philp, as "servitour" in Edinburgh to the Earl.⁴⁸ This involved managing the latter's business there and corresponding with him, as Milton did with Ilay.⁴⁹ Findlater was close to Ilay although later Earls joined the Squadrone. His work in the 1720s in partnership with Ilay's agents, as Royal Commissioner to the General Assembly, has been alluded to. And his attachments were signified in a letter from his

son and heir to Milton in 1730: "It is my sincere desire to follow constantly my father's footsteps in his attachment to the Duke of Argyll and the Earl of Ilay."⁵⁰ Milton trusted Philp sufficiently as an ally to recommend him to Ilay in 1737, unsuccessfully, for a vacancy on the Board of Trustees: "We have two places of the Trustees vacant Your Lop once thought of Mr Bogle for one and if John Philp were the other it would oblige both Ld. Findlater and Ld. Selkirk."⁵¹ By giving Milton such colleagues Ilay furnished him with the basis of internal control over the Bank.

This did not automatically release Milton to devote his political talents to external challenges facing the Bank. He had to look out sharp to check the usual drift among his "friends" towards petty designs. The recorded incidents of caballing related to the disposal of offices at the Bank not to banking intricacies. This matched the essentially political obsessions motivating Ilay's interest in the Bank which had encouraged him to place Milton on its board as a political sentinel. A scramble for offices was unacceptable: these had to be disposed of in an orderly way, that is with Milton's concurrence.

Significantly, both the incidents in question happened in Milton's absence. And both involved James Bogle, writer in Edinburgh, servitour to the Earl of Selkirk.⁵² On the first occasion, in 1732, Milton was in London on banking business, when he heard that the board had appointed a new secretary after the decease of the previous incumbent.⁵³ The new secretary was John Campbell, servitour to Lord Monzie and, like Monzie, related to the Earl of Breadalbane (Lord Glenorchy).⁵⁴ On hearing this news Milton's first response, to George Irving, was diplomatic:

I wish you had chosen a person of more distinction that could be of use to us. . . . If you had chosen Mr Bogle or a person of his rank I should not have thought it amiss, but it would never have entered my head to have recommended my servant, but this is to yourself only. Let me know by what means this was so suddenly brought about, and if there can be anything yet done to put it right.⁵⁵

In truth Milton had his own candidate, in Bogle. When he returned to Edinburgh he wrote to tell Ilay that "Here is Lord Selkrag putting me in mind of Your Lops promise of getting Mr Bogle made Secretary to the Bank. Mr Bogle has been informed of what Your Lop intended for him."⁵⁶

He pressurised Ilay for help in overturning the directors' decision:

I should have got this matter settled before now, but waited for an ostensible. On receipt of such a letter our directors will unanimously set the matter right and will all, save one or two, be very pleased with the change.⁵⁷

Ilay sent a suitably worded ostensible to Milton:

You may remember what I told you at London about the vacancy of the Secretary to the Bank, in which some considerable proprietors here were very much of the opinion that it would be far better to give that place to Mr Bogle than to Mr Campbell. I am unwilling to repeat my objections to the last, they are very obvious, so that without having any personal prejudice to Mr Campbell, I wish this matter was reconsidered.⁵⁸

In Milton's absence Bogle was elected in Campbell's place a few days later.⁵⁹ It remained for Milton to tidy up. Campbell was restored to his former place as assistant secretary and, as Milton said "to refresh him and comfort Ld. Monzie, we have given him £20 additional to what he had.... I agreed to this to make every thing easy, beside Ld Glenmurchy had recommended him strongly."⁶⁰ Bogle, in thanking Milton, noted "the difficulties I hear your Lop ... had to struggle with ... which nothing less than your steadyness and resolution would have got the better of".⁶¹

A side effect of this affair was that, for better or worse, it impressed upon the directors that Milton's political authority counted for more in decision making than Monzie's authority as a financial expert, which had tended to seduce them. In the Bank's first two years Milton reported to Ilay that Monzie, a director of the Darien and Equivalent Companies, the most active Commissioner of the Equivalent and erstwhile friend and disciple (as was Ilay) of the celebrated if discredited financier and theorist John Law,⁶² had bemused his fellow directors with his knowledge of finance: they, said Milton, had "implicit faith in My Lord M" and "The truth is few of them make any use of their own

reasoning but go plunk into any thing Id M proposed out of deference to his great skill or that they don't understand how to answer his arguments."⁶³ In 1731, following Monzie's defeat on the Bogle issue, Milton asked for his agreement in relation to the printing of banknotes, to which Monzie replied:

Sure you'l not neglect to get the approbation that's necessary to this transaction - I take it to be making merry with your humble servant to ask mine for I'm exceedingly sensible of how little consequence that is or would be which way so ever it went.⁶⁴

But Milton still had to be vigilant, as the second incident suggests. This marked a defeat for him. In 1739 he put forward James Bogle as a candidate to fill a vacancy on the board.⁶⁵ When the board met to elect the new director Milton was in Dumbartonshire "taking the goat's whey" to help him over an illness.⁶⁶ He was not able therefore to manage the affair. There was another candidate, John Hamilton of Newton, W.S., and he was elected.⁶⁷ Bogle had failed to buy enough stock in time to qualify for election and George Irving reported to Milton on behalf of those who favoured him:

upon consulting together, everything considered, it was thought inexpedient to attempt any opposition, since the election is this day at 3 o'clock and we chuse rather to absent. This is a damnd faled thing for had we got your letter on Saturday it might have been overhauled yesterday.⁶⁸

He added in a following letter that "Bogles affair was irretrevable. We must look sharp out, for according to what I hear their schemes are not to end soon."⁶⁹ Bogle was elected in 1742.⁷⁰

The warning to "look sharp out" signified again why Ilay needed a Milton in Scotland, to protect him even from his friends: quis custodiet ipsos custodes? Attacks such as those above were not aimed at Ilay directly. They were directed, if anywhere, at Milton. But factionalism within the faction tended to dissipate its effectiveness, wherever directed, by undermining its cohesion. Hence a single-minded controlling presence was needed in Scotland. The cases of indiscipline noticed are

the only two on record during Milton's period at the Royal Bank; which suggests that, in general, he served his purpose there.

Turning to the Bank's external relationships in Scotland, the view of Milton in connection with these is also limited. Most regrettably the accounts of the Bank's customers have not been preserved, so that it is not known how far the Bank, let alone Milton, gave cash credits to friends to extend Ilay's political influence. It is clear from the major incidents on record, however, that the attributes Milton needed and used above all were those of the politician. It could not be otherwise given the Bank's egocentric nature. Clashes with other vested interests presented Milton with his main challenges.

There were two outstanding episodes of this kind, in addition to the early dispute with the Bank of Scotland. The first was central to the Bank's survival. It involved Milton as a determined political monopolist, backed by Ilay, and concerned £40,000 which the Board of Trustees had deposited with the Bank in stages. In December 1727 the Bank of Scotland and the Royal Bank had made bids to borrow the first £20,000 of this from the public.⁷¹ In return the Trustees were offered five per cent interest as a secure annual income.⁷² The Royal Bank's bids for the £20,000 and later for the whole £40,000 the Trustees had were successful,⁷³ as, inevitably, they had to be, given the Trustees' link with Ilay and Milton. Such eventualities as this made a Board of Trustees packed with friends useful to Ilay.

The Trustees' deposits were important to the Royal Bank. The first, indeed, was vital in the early days, when the Bank had to break into the Bank of Scotland's market with basic working capital of £30,000 drawn from calls on subscribers.⁷⁴ The Royal Bank directors reported to their London proprietors that the first deposit by the Trustees "turned the scale remarkably in favour of the Royal Bank".⁷⁵ The remaining £20,000 allowed the Bank to expand its funds for loans, cash accounts and the

management of the exchange.⁷⁶ But over the years the benefits diminished, as the Bank stabilised and no longer needed to borrow at five per cent, maximum legal interest.⁷⁷ Consequently it contemplated a change in the late 1730s.⁷⁸ It was faced with one difficulty. At that time there were plans to have the Bank made a perpetual corporation instead of, as it was, a body whose existence depended upon Equivalent debentures which might be redeemed by the Treasury. Such a change entailed a new charter. With Ilay's help this would not normally have been a problem; but the Bank had a great opponent in Scotland who aimed to use the question of a new charter to stop it returning the £40,000 to the Trustees. The opponent was Duncan Forbes who had by then detached himself from Ilay's interest. Forbes determined that a codicil should be inserted in the new charter, guaranteeing the Trustees' deposit at the Bank at five per cent.⁷⁹ To achieve this he wrote to his friend John Scrope, Secretary to the Treasury. He explained to Scrope that "The Managers for the Bank in this project are Lord Justice Clerk [Milton], Lord Monzie, and the Advocate [Charles Areskine], who are also trustees for the Manufactures." "Some years ago they agreed by a formal writing", said Forbes, "to hold the £40,000, but upon being told this, by a great Man" - Ilay - "that they might have their Charter without this clog, they found one difficulty after another to propose the settlement" and

They made no attempt for seeing what fate it must probably have; but now, that my back is turned you see they put forth the cloven foot, and endeavour to steal a favour.... It grieves one to think, that the projectors of this surprize to overreach the Manufactures are themselves trustees for those Manufactures, and trustees who are fond of many projects, in wch I have the misfortune to differ from them.⁸⁰

Meanwhile Milton wrote to Ilay with a counter-petition.⁸¹ Scrope was Walpole's close friend,⁸² so there was apparently some purpose in Forbes's letter to him, although Ilay said that "Duncan is stark mad, if he was to petition, that is the worst place to lodge it in."⁸³ Monzie, who was then

in London, reported to Milton that Ilay had "talk'd over the matter with St Robert and charg'd him with having made a promise to D----n", but "he Sr R----t utterly and absolutely disclaimed any such promise".⁸⁴

Ilay assured Milton that

I have no notion that the Bank will meet with any difficulties from the wild project, and I will in the meantime tip my friend Duncan with two new Trustees who will not be ruled by him.⁸⁵

In November 1738 Ilay wrote that "You will have by this time the new charter of the Bank as it was desired. Scrope was very much against it."⁸⁶

The matter was not then resolved. Forbes, the Lord President, threatened to resign from the Board of Trustees,⁸⁷ which would have raised an embarrassing political storm. Milton met him privately and agreed to an accommodation.⁸⁸ The final agreement was presented to the Board of Trustees by Charles Areskine of Tinwald, the Lord Advocate, who "signified that his only motive for hinting of this was the publick good".⁸⁹ It gave him "great pleasure to observe it was so agreeable to the whole meeting". A dispute would have been surprising, because, the dominant personalities, apart from Forbes, had an interest in each institution. The Trustees attending the meeting which ratified the agreement were:

Lord Ross, extraordinary director, Royal Bank;
Forbes;
Milton, Deputy Governor, Royal Bank;
Monzie, director, Royal Bank;
Tinwald, extraordinary director, Royal Bank;
Irving, director, Royal Bank;
Drummond, director, Royal Bank;
McAulay;
Wightman;
Alexander, director, Royal Bank;
Colhoun.⁹⁰

The new Trustees selected by Ilay who would "not be ruled" by Forbes, were William Grant, William Alexander and James Colhoun.⁹¹ Forbes had caused trouble because he was an aberrant who could not be disciplined. Hence Milton had had to compromise. It was agreed that the Trustees' £40,000

was to be retained by the Bank, but not as a deposit. Instead it was to be changed into Royal Bank stock, open to the risks of all other stock, with an expected return but one which was no longer guaranteed, of about five per cent on the capital sum from dividends.⁹²

Whereas Forbes was an abnormal restrictive influence on Milton, a more regular inhibitor was the power of London. This was exercised in 1741 to destroy the above hard-won agreement. After the Bank had written to its committee of proprietors in London, the major stockholders, to explain the arrangement and ask for their help in getting legislation to allow the public funds vested in the Trustees to be transformed into Royal Bank stock,⁹³ it received a reply which stopped the scheme.⁹⁴ The London proprietors considered that "It would suit our opinion better if the whole could be transacted without coming to Parliament, the consequences whereof wou'd be attended with great inconvenience."⁹⁵ This led to the scheme being dropped and it was not referred to again.

The other major episode in Scotland showing the attributes Milton needed at the Bank to make him an effective administrator appeared in the 1750s with the establishment of the Glasgow Ship and Arms Banks. This displayed him in his regular guise with the characteristics of the politician, the negotiator, the manipulator, the essentials for success, given the Bank's outstanding quality, its natural inclination towards the monopolisation of its market. In this case the forces confronting Milton and the Bank were, however, too formidable to quell.

The affair began in 1749, when the directors of the Royal Bank received news that a bank, circulating its own notes, was to be opened in Glasgow, by Colin Dunlop, Alexander Houston and Co.⁹⁶ This was the Ship Bank. Milton was then at Inveraray and the directors in Edinburgh sent word to him that some step would have to be considered that "puts an end to all these projects of erecting banks at pleasure"⁹⁷ (a bank having also been opened in Aberdeen in 1749).⁹⁸ They suggested that the Bank of

Scotland might be "prevailed upon to take part with the Royal Bank" against the new Glasgow bank. Milton's reply is not recorded; but an approach was made to the Bank of Scotland. This was rejected: "it did not appear" to the Bank of Scotland directors "to be an affair of such consequence as to engage them to pay out their money, or venture their interests to the legality of such an erection".⁹⁹ Behind this lay the circumstance, as the Royal Bank was to find, that the Bank of Scotland was encouraging the Ship Bank as a method of extending its own operations in the west of Scotland, using it as an agent.¹⁰⁰ The Royal Bank reacted by accepting a proposition "from Provost Andrew Cochrane of Glasgow" desiring that the directors "would give allowance to ----- Buchanan accomplant to the new Banking Company at Glasgow (erecting in opposition to the present Company of Bankers there, who are supported by the Old Bank)".¹⁰¹

In this way the Bank of Scotland had triggered off a process which neither it nor the Royal Bank could control. In relation to this it happened that there was a constant shortage of gold and silver specie in Scotland,¹⁰² which was unfortunate because the banks' notes promised to pay in specie on demand.¹⁰³ A treaty was made between the Royal Bank and the new bank of Andrew Cochrane, John Murdoch and Co., the Glasgow Arms Bank, agreeing that if the latter should have occasion to draw specie from Edinburgh it would "take the same from the Old Bank there only", unless the latter should not have any, in which event the Royal Bank engaged to supply a maximum of £6,000.¹⁰⁴ The Royal Bank gave the Arms Bank a cash credit account and the Arms Bank drew its requirements from this account in Bank of Scotland paper which it then presented to the Bank of Scotland for payment in specie.¹⁰⁵ A battle had therefore to ensue, during which the Ship Bank drew its specie from the Royal Bank, to protect the Bank of Scotland, while the Arms Bank drew its from the Bank of Scotland to protect the Royal Bank. The Edinburgh banks were the losers.

The Glasgow banks' accounts in Edinburgh were particularly useful because a number of their proprietors were in the tobacco trade,¹⁰⁶ in which their Virginia and Maryland factors "purchased tobacco outright" and in return sold goods exported from Scotland: this involved granting the planters credit, because of the time between the two transactions.¹⁰⁷ The Glasgow banks also had country gentlemen as partners,¹⁰⁸ so they did not depend completely on tobacco merchants to provide capital; but a dependence on the tobacco trade implied some irregularity in their cash flow. They used the rivalry, ambitions and fears of the Edinburgh banks to get credit accounts with them, from which they drew specie when necessary, to help answer the needs of their trade and demands on their notes. This was damaging to the Edinburgh banks, first, because it exacerbated difficulties with their own specie supplies. Thus the Royal Bank was forced in 1758 to introduce the guinea note: gold guineas were offered in exchange for these notes when specie was demanded, although customers usually needed trivial sums in silver:¹⁰⁹ in this way the Bank seemed to keep its promise to pay, but failed to satisfy its clients. Second, the specie the Edinburgh banks supplied to the private banks was obtained expensively from London at premiums of up to two per cent, to cover transport costs and merchants' fees.¹¹⁰ And, third, the Edinburgh banks found it irksome to be financing a challenge to their cherished monopoly.

In 1756 they decided to attempt an end to the problem. They agreed between them to withdraw the credit facilities given to the Glasgow banks; they would not accept or pay any bills drawn by the latter; nor bills drawn by them on London or elsewhere; and they would not take Glasgow notes in payment if this could be avoided.¹¹¹ The Glasgow banks responded by contacting Milton, begging his "salutory advice" and asking "in what manner the Glasgow gentlemen should conduct themselves in order to support

such violent and unprecedented measures".¹¹² Sensing that the Glasgow banks could be browbeaten into submission, the Edinburgh banks appointed Milton to bring them to terms.¹¹³

Intent upon forcing them to limit their activities severely, he asked George Murdoch to submit proposals to him. Murdoch replied that

Our two companys ... will limit their circulation of notes to £120,000 which we hope will be thought abundantly reasonable and by your Lordships influence may fix the foundation of a solid and lasting agreement betwixt the gentlemen of the Banks and us.¹¹⁴

He added that

We have truly mentioned the least sum that can be issued out for the accommodation of our trade and manufactures in this place neighbourhood and we flatter ourselves your Lordship will approve of the proposal.

Milton would not allow that this was a sufficient retreat. He was determined on a greatly reduced circulation in a very narrow geographical area and a restriction on the facilities the Glasgow bankers offered.¹¹⁵ In response Murdoch complained that the Glasgow proposals were "much more moderat than could have been expected", but his friends were prepared to concede more. They, he said,

in deference to your Lordship's opinion will be very pleased to confine themselves to a few countys and lend no cash, nor give cash accounts to any, but such as live in Lanerkshire, Dumbartonshire, Argylshire, Renfrewshire and Ayrshire.¹¹⁶

A displeased Milton handed this proposal over to a committee of the Edinburgh banks who, with "the greatest deference for his Lops opinion", concurred that it "had the air of declaring of than shewing ane inclination to have matters accomodate betwixt the Two Banks and the companys".¹¹⁷ They sanctioned Milton's further efforts to close with the latter "upon such terms as the exegencies of their town require - and the sum advanced by their banking companies can answer".¹¹⁸ In short, Milton and his associates were bent upon restricting the Glasgow banks to Glasgow, keeping the rest of Scotland to themselves.

He began to find, however, that he was dealing with an opponent who

did not really need to give way, unlike so many of his previous opponents, because it was not humbly dependent upon him for its well-being. It was protracting the negotiations by constantly shifting its position. In this way an outright trade war against powerful vested interest was delayed as long as possible. When the Glasgow bankers met Milton in Edinburgh they told him, he said, that

they thought it reasonable to limit their banking to the immediate support of their trade and manufactures in the City of Glasgow and neighbourhood, which I could not imagine by any just interpretation could exceed Glasgow, Paisley, Port Glasgow and Greenock.¹¹⁹

But when he subsequently met them in Glasgow, on his way to Inveraray, they expanded their proposals to include again "the shires of Lanark, Air, Renfrew, Dumbarton and Argyllshire".¹²⁰ George Murdoch explained to Milton that

as the gentlemen in these countys had supported the Glasgow banks with specie and circulating their notes, and had come under stricter engagements lately to continue their freindship and support, they could not desert them, or make demands on them to bring in their money.¹²¹

Milton then saw that he would have to offer concessions. He advised Murdoch that

if the Glasgow merchants agreed to reasonable limitations, the banks of Edenburgh upon any emergent in trade where money became necessary, such as a delay in the sale of their tobaccos, the banks would be ready to advance their money wch would come easier to them than borrowing money in the country or negotiating London bills.¹²²

The Glasgow banks allowed that in this case they might be able to restrict their activities to the Glasgow area, providing that their outlying proprietors could also use their facilities.¹²³ They appointed Robert Christie, Lord Provost of Glasgow, to "finish" the negotiations.¹²⁴ He immediately expanded their demands again. He insisted that they would have to be allowed to offer banking facilities to merchants in "Irwin, Inveraray and Campbeltoun" and to landed gentlemen anywhere in Scotland who had been refused credit facilities by the Edinburgh banks, as well

as negotiate bills of exchange "by whomsoever offered or demanded".¹²⁵

Milton ran out of patience and he broke off discussions. He told Christie that he would inform the Edinburgh bankers

that my endeavours to bring about a reconciliation has failed, that I tried to get your gentlemen to send me such a proposal as I pointed out as a proper foundation of the treaty, that you had declined sending me any such and that therefore I look'd on the treaty with me at an end. I make no doubt, but your Lordship and the other gentlemen concern'd with you know your interest and have very good reasons for the part you have acted, tho I do not see them. I wish you success.¹²⁶

And he assured Christie that the towns the Glasgow banks wished to serve

... found credit and were able to carry on their business before your companies had a being and I hope will do so when they are gone. The land interest will also be supplied with such credits as they want.¹²⁷

Christie, observing that no more was to be gained in delaying punitive action by the Edinburgh banks ended the correspondence with impudent boldness, which was more than empty braggadocio. He could afford to be bold. "This", he said,

is a very bad time for distressing or restraining credit of any kind, when his Majesty is engaged in war with France hitherto not successful.... The gentlemen in the direction at Edinburgh must see this matter in a different light from us if they pursue a measure of that kind.¹²⁸

He added that

I flatter myself that your Ldp will agree with me in sentiment, that a corporation devoted to the Government, attached to my Lord Duke of Argyll, ambitious of your Ldp's favour and freindship ... ought not to meet with any check or interruption from such who wish well to our happy Constitution or to our Mother Country among whom your Ldship is deservedly placed.

The Edinburgh banks proceeded to the attack which the Glasgow banks had so successfully delayed. One Archibald Trotter was employed to collect as many Glasgow bank notes and to demand specie for them.¹²⁹ The Glasgow banks refused to honour notes presented by Trotter, who instituted a process against them.¹³⁰ Their embarrassment was not severe, however, because they were able to offer to pay up and cover his expenses. This was not accepted and the process was continued at the Court of Session.¹³¹

The Glasgow bankers were obliged to pay on their notes and Trotter was awarded £600 compensation.¹³² But private banking in Glasgow survived.

In this case Milton had confronted an economic force he could not control. He was unwilling to accept or did not understand that Scottish society was expanding beyond the stage at which much of public life could be managed comfortably through the disposal of patronage and the exercise of sanctions. This is implied in his refusal to concede that there was a need for extended credit:

Before the Glasgow merchants had any thoughts of banking, the extent of the cash accounts granted to them by both the Edinburgh banks did not exceed £30,000 under the favour of which they carried on trade and manufactures in as flourishing a way as they now do.¹³³

The old conditions which had brought him to administrative prominence in Scotland and had maintained him there - including his connection with Ilay, the weight of Ilay's political machine and his own exceptional personal qualities - could not always answer the thrust of social change and economic expansion. That diverse expansion as it advanced tended also to limit his effectiveness as manager of an inherently monopolistic organisation.

In the Bank's external relationships, with England, Milton could do even less. Ilay could help him politically, for example by obtaining royal charters and arranging that all pay for troops in Scotland should be paid into the Royal Bank.¹³⁴ But Ilay was not a great figure in English financial circles, nor could he overcome Scotland's economic insignificance in relation to England. The Royal Bank was itself of limited consequence to its English-based proprietors. Giving a glimpse of this, one of those proprietors, Francis Craiesteyn, merchant in Putney, left over £500,000 when he died in 1758, many times more than the Royal Bank's assets.¹³⁵ Given the problems of the English connection, Milton had to fall back on his exceptional personal qualities if he was to draw any large benefit to the Bank from England. He was able to do this on one notable occasion.

On another he failed because the economic forces he was trying to counter were, once again, insuperable.

The first of these episodes concerned attempts by the Royal Bank to open a credit account with the Bank of England. Such an account was to be used for "the holding of reserves in London, the drawing of drafts for settling debts in England and abroad and the provision of credit to support ... exchange operations" between England and Scotland.¹³⁶ In January 1732 Milton told Ilay that all attempts by the Royal Bank to "settle a regular fund of credite with the Bank of England ... have proved unsuccessful" and that the directors having "resolved to send one of their number to try what can be done they have asked me to go" (to London).¹³⁷ He added that "if I do not accept Ld Monzie I beleve will be desired to go. I told them I coud give them no answer till I consulted your Lop." Ilay replied that "I don't dislike your errand to London only you must take care not to give them too great hopes of success."¹³⁸ Milton's task was formidable: "a number of private bankers had drawing accounts at the Bank of England, but none had discounting or credit facilities before 1797, and the country bankers were studiously ignored."¹³⁹ He was about to achieve a unique success. The intention was to get a £50,000 credit account with the Bank of England.¹⁴⁰

On arriving in London he was immediately made aware of his insignificance in the great world, being treated with unaccustomed scant respect. Equivalent Company directors John Merrill and Benjamin Longuet were arranging to get him an appointment with Edward Harrison, Governor of the Bank of England, but he had to be patient: "Mr Longuet has seen Governor Harrison who would not appoint any time to see your Lop which I hope he will do in a day or two", said Merrill.¹⁴¹ The directors in Edinburgh reassured Milton:

Some of us who have been engag'd in solicitations in the City of London, are extremely sensible, and so can feel the uneasiness and vexation your Lop mentions of attending and being disappointed, however, if we are rightly inform'd about

Governor Harrison's character, when you do meet, he will tell out at once, what he thinks shou'd be done, and what he will do himself.¹⁴²

At last a time was fixed. Milton had to submit to one more indignity as he waited in the Smyrna Coffee House for Harrison. The latter sent him a note: "Being obliged to attend the Duke of Newcastle before I can wait on you, and he not being an early one I send this that you may not think me forgetfull and will be at the Smyrna as soon as I can."¹⁴³ This meeting did not bear fruit: prospects seemed bleak, the gentlemen of the Equivalent Company assuring Milton that he was wasting his time; that there was no possibility of the Bank of England granting the Royal Bank "a cash account of credit in the same manner as the Royal Bank do, no such thing having ever been practised by them or anybody else at London".¹⁴⁴ Yes, said the Edinburgh directors to Milton,

Its certainly true, that in the correspondence, which for a long time past we held with our friends at London, they have once and again declar'd, what they now say to your Lop, that it would be utterly impracticable to bring the Bank of England to such an agreement.¹⁴⁵

But by this time Milton was finding his way in London. He wisely enlisted the help of George Middleton, Ilay's private banker, a Scot (grandson of the Earl of Middleton).¹⁴⁶ They decided to approach the Bank of England's cashiers, Gregory and Maddocks.¹⁴⁷ Monzie thought this was a clever move. "If", he said, Milton "gets Maddocks and Gregory on his side of the question ... I think my Lord will have carried his affair at leaste half seas over."¹⁴⁸ And something did come of it once Milton has arranged satisfactory security. "What I aim at", he said "is to try if the Bank of E will take our, I mean the directors personal security, as the principal security and the committees as collaterall."¹⁴⁹ But the committee, that of the London proprietors, would not agree to this: "Messrs Edwards and Crop" of the committee positively refused "to be troubled to give personal security".¹⁵⁰ Milton remarked to his Edinburgh colleagues that they would have had more difficulty in prevailing on him to go to London had he "foreseen all the patience this work required".¹⁵¹

His patience at last paid off when he resorted to two simple expedients. One was to drop the original plan of obtaining a credit of £50,000. This he did on the advice of his London friends, who thought it to be too ambitious.¹⁵² The initial sum agreed was in any case not vital, because, as Monzie told him £5,000 would do as well as £50,000 to make "an effectual tryall".¹⁵³ The other expedient was to revert to "the old project" the Royal Bank had tried, "of getting the Bank to give us credite upon a deposite, which formerly we aimed at but they had refused".¹⁵⁴ The idea here was to put interest bearing securities such as East India bonds in the Bank of England's care to cover the credit given.¹⁵⁵ This was attractive to the Royal Bank because, as Milton explained, "whatever sum of cash we had here" (i.e. the securities) "would be always bearing interest, so that in Summer and harvest we can amass a sum to answer a Spring demand without losing interest or its lying a dead stock".¹⁵⁶ When the idea was broached the English proprietors suddenly became keen, since it did not involve a pledge of their personal security. As Milton said, "our friends were mightily intent to bring this about as what was more lasting and advantageous to the bank and would bring themselves out of a scrape."¹⁵⁷ They and Milton persuaded the Bank of England officials to accept this proposal over "dinner and drink at Pontack's".¹⁵⁸

Milton then arranged a temporary deposit of East India bonds to the value of £16,700, by using £5,000 of Royal Bank funds, £10,000 borrowed, mysteriously, from the Duke of Dorset and his son the Earl of Portmore, and £1,700 of his own money.¹⁵⁹ A third ten per cent call on subscribers helped to provide a more permanent fund for buying securities.¹⁶⁰ It remained for Milton to set up a reliable scheme for buying these at that time and in the future: Governor Harrison, said Milton, "would not give himself the trouble", Mr Merrill was unwell and not used to dealing as a merchant and Mr Longuet would not be burdened with the business, nor did

he feel it right that the Bank should rely on the security of an individual.¹⁶¹ At last Abraham Crop of Fenchurch Street, merchant, was persuaded to act as the Bank's agent.¹⁶² Thereafter he corresponded and advised with Milton most felicitously, and for some years they had between them the management of the Royal Bank's securities.¹⁶³

The Royal Bank's cashier, Allan Whitefoord, gave Milton his opinion that

The prevailing with the Bank of England ... is certainly a very great point gain'd and what in all probability will turn out to be of great service to the Bank, at least it will determine you with respect to the scheme of governing the Exchange.¹⁶⁴

He noted that "Your Lop succeeding in this with the Bank of England" and so soon after the London proprietors "had again and again represented it as impracticable" and that the Bank of England "neither had nor wou'd go into any such agreement with any company" had "please the President", Sir Hew Dalrymple, "highly".¹⁶⁵ Milton's special attributes, above all his spirit - a characteristic Ilay had so admired in Dowdeswell - and his resolution were the reasons for his notable success, as representative of an obscure Scottish organisation, in getting a facility from the Bank of England sixty-five years before it granted this to any other company in Britain.

But in this triumph lay the seeds of failure. Be the support of his great connections ever so powerful and his personal qualities unique, he could not overcome the relentless economic forces that worked against Scotland. In fact he added fuel to the fire he wished to quench, because of his limited knowledge of economic theory. The paramount aim in getting drawing facilities with the Bank of England was to control the exchange rate between England and Scotland. In 1727 the Equivalent Company's committee in Edinburgh explained the matter of the exchange to their London directors:

to our surprize the exchange goes farther and farther against this country, and tho we cannot guess at the primary cause, we are sure the immediat one must be that we have not effects at London nor else where to answer the demands that are upon the country.¹⁶⁶

One of the committee who wrote this was John Law's disciple, Monzie. The other committee members were Sir Hew Dalrymple and Patrick Craufurd of Auchinames, senior. Law, in his work Money and Trade Consider'd had explained the essential cause of the exchange running against Scotland:

So long as Foreign Trade and Expence kept equal, Exchange was at the Par: But when a People imported for a greater value, or had other occasion abroad, more than their Export: and the Expence of Foreigners among them would ballance, there was a Necessity of sending out the ballance in Money or Bullion, and the Merchant or Gentleman who owed, or had occasion for money abroad, to save the Trouble, Expence or Hazard of sending it out, gave so much per cent to another as the Trouble, Expence and Hazard was valued at. Thus Exchange rose above Par, and became a Trade.¹⁶⁷

In terms of the normal currency of trade, bills of exchange, any of these entitling the bearer to draw on cash in Scotland were also discounted:

When the demand for payments is greater in one place than another, the bills of the place where the payments are to be made bear a premium.... The Glasgow merchant having a deal of money to remit to his correspondent in London, and few there to draw upon, purchases bills on London, which he gives a premium above the money price, in proportion to the expense of remitting specie, and the scarcity of, or demand for London paper in the market.... Glasgow paper sells exactly at the same discount in London, as is paid by way of premium in the market for London paper in Glasgow.¹⁶⁸

In 1730 Milton said that "What has straitned the Bank in dealing in Exchange this last year was the great demand London had upon us, in a word the Ballance of Trade was against us, I mean Scotland."¹⁶⁹

The Royal Bank was particularly beset by exchange problems because, through its monopolistic tendencies and Ilay's help, the Scottish public revenues were remitted to London via it "at the desire of the Lords Commissioners of the Treasury".¹⁷⁰ This would have been costly to the Bank since its bills, being Scottish, were discounted in London. The problem was counteracted in two steps. First, the Bank used its account with the Bank of England to pay over the revenues: these were paid by

bills drawn on the Royal Bank's account at the Bank of England,¹⁷¹ that is in English not Scottish bills. Second, to balance the account, troops pay for Scotland was paid into it. This was first achieved in 1732 after Milton had "din'd at St Robert Walpole's with my Lord Ilay" and "Sr Robert was so very oblidging" and "approved".¹⁷² The regimental paymasters of the troops in Scotland were induced "to receive their money of the Royal Bank and give bills on their agents at London".¹⁷³ The Bank had bills drawn on London, for the troops, paid into its account with the Bank of England and this provided a fund of bills to pay the Scottish revenue at par.¹⁷⁴

This, however, did not solve the general effects of the trade imbalance. Milton although no banking theorist was prepared to apply himself to this, relying on his customary determination. Where Monzie had theory¹⁷⁵ but was by then inactive (having being excluded by Milton), Milton had spirit and was active, saying that "I know little or nothing about matters of exchange, but I am convinced, as we can deal at less expense if we be diligent, we must carry the whole business."¹⁷⁶ In 1741 Patrick Craufurd (junior), M.P., who was an extraordinary director of the Bank,¹⁷⁷ his father-in-law¹⁷⁸ - a banker to Scots in London - George Middleton (predecessor of Coutts) and Milton devised a scheme. The first intimation came in a letter from Middleton to Milton:

Mr Craufurd tells me he had some conversation with your Lordship on our opening an account with the Royal Bank, who he believes wou'd incline to be concerned jointly with us in the matter of exchange.¹⁷⁹

This was to be on the footing that "each party shall run the risque of their own remittances and credits, and the profits which may arise by the exchange and interest on such remittances be equally divided".¹⁸⁰ Milton replied that he could speak for his colleagues: "if you point out what we should do from time to time in a private letter I will set it a going and spur them on for our mutual interest."¹⁸¹

The system devised was this. First, Middleton was given an account

with the Royal Bank in Edinburgh. Any substantial bills drawn upon Edinburgh coming into his possession in the normal course of business were delivered to Edinburgh at his own risk, by post and through acquaintances travelling there, and deposited in his account. The Bank took over as his agent in Edinburgh collecting on the bills. Middleton thereby gained the discount charged to his clients when they gave him Scottish bills and saved the costs of collecting in Edinburgh.¹⁸² The first transaction was noted in a letter from Middleton to Milton:

I take the liberty of troubling you with the enclosed bill of Wm Veres of 21st past at 30 days date on James Vere per £546 which you'll be so good to indorse to the Bank for our account and if not duly honour'd, pray lett it be notted but not returned. If the above project goes on this bill may begin it, the value we paid being £525. If not they'll creditt us ... in cash.¹⁸³

A proportion of the bills coming into Middleton's hands were drawn on accountsheld at the Royal Bank, which reduced the Bank's collecting costs to nil. For example Middleton advised Milton that "Last post we remitted the Bank £1100 of Lord Ancram's bills on you which we presume are good."¹⁸⁴

As an additional feature of the plan the Royal Bank was to purchase bills drawn on London when the market there was flooded with English bills, that is when the premium on these was reduced. Milton informed Middleton in 1742 that

In order to bring more of the exchange to us we have stopt lending and by degrees bring in money, and as there will be a demand for money at the term of Candlemass, bills will be had the cheaper and then design to buy all we can.¹⁸⁵

The whole scheme was seriously flawed. First, the Royal Bank's motive was to cut its losses on the exchange; whereas Middleton, who had no losses as a London banker, was out for a profit, which implied that the adverse exchange rate against Scotland should be maintained. "As for drawing at small profit", a confused Milton conceded to Middleton,

its certain if it was to continue so it would not be worthwhile, but as it appears to us to be the most effectual way once to be masters of exchange, considering it in that light I should be glad to have your opinion which well determine mine.¹⁸⁶

The danger to the Bank was clear. It was helping to perpetuate the adverse exchange rate it feared by designing a system to cash in on it. And the problem of controlling the exchange was too great to be eased by a trivial scheme which depended on the bills coming George Middleton's way in the course of his business. Only a big and comprehensive system, such as one through which filtered a high proportion of the bills used in the Anglo-Scottish traffic could hope to cut the exchange to par or near par and keep it there.

The scheme, which was not mentioned again in Milton's correspondence or the Bank's minutes after 1743 - was shown to be inadequate in terms of scope and economic logic by events in the 1750s and early 1760s. Then the Seven Year's War increased the flood of specie leaving Scotland: "The adverse balance of payments caused ... a huge loss in the cash reserves of the established banks."¹⁸⁷ A contemporary gave a specific example of this:

parliament in order to raise the subsidies necessary for carrying on the war for the year 1761, were under the necessity of borrowing a very large sum of money at a higher rate of interest than usual. At this period there were many considerable sums, lent out by Englishmen upon heritable security in Scotland because the interest given in that country was higher than the interest paid in England.¹⁸⁸

So it ensued that "a great part of the English money lent out in Scotland, was carried out and several persons in Scotland, tempted by the prospect of great profit and gain, made large remittances to London."¹⁸⁹ In other words Milton the representative of a modest Scottish institution did not have the resources to answer the vast problems which could confront Scotland's small and vulnerable economy.

Nor did he have the resources in terms of professional expertise to find a true solution. Thus a near doppel-ganger of his misconceived scheme to tackle the exchange imbalance came back to haunt him, by exacerbating that imbalance. In the early 1760s Scottish and English enterprisers perceived that they too could make a profit by cashing in on the premium on London bills and bullion there. When the premium rose in

1761 "to 3, 4 and 5 per cent" a trade started in which the Royal Bank's notes were presented to it in exchange for specie at par.¹⁹⁰ The specie was then transported by rider or "common waggon" to London where it was exchanged at a premium in return for Scottish bills.¹⁹¹ Those bills were brought back to Scotland where they were sold or presented at par in return for Scottish bank notes (which were in wide circulation through credit account issues). The notes were then presented to the Edinburgh banks who had again to pay in specie at par. And this specie was moved to London once more so that the premium could be collected again.¹⁹² The Royal Bank (and the Bank of Scotland) was financing this circular process, because it had to replenish its specie supply continually by buying it in London at a premium, and had to bear the cost of transporting it back to Scotland.¹⁹³ The scale of the problem was suggested in a memorial from William Alexander and Sons, who acted for the Royal Bank in buying specie in London. In two years and three months between 1762 and 1764, in which year Milton retired, they delivered almost £500,000 of specie and London bills to the Royal Bank.¹⁹⁴

Milton's failure to overcome the exchange problem was to be expected. He was employed at the Royal Bank by Ilay to use the attributes of a politician not those of an economist. In this case his personal qualities acted against him, where in others they acted for him, notably in getting a credit account from the Bank of England. His particular attributes, together with his association with Ilay and Scotland's weak economic position in relation to England, conditioned his effectiveness at the Royal Bank. An additional influence on his potential as a banker was the economic expansion of society, which reduced his effectiveness because personal initiatives and political responses were insufficient to cope with it. This, however, was not a standard condition. It looked towards the era of industrialisation rather being representative of Scottish affairs at the height of Milton's career: Scotland then was relatively encompassable and predictable, as a landed and commercial society.

ii. Trustee for Manufactures and Argyll estate supervisor.

The conditions determining Milton's roles as a social administrator on the Board of Trustees for Manufactures and the Argyll estate were those of the stable landed and commercial age; although there was an acknowledgement paid to future trends. They were milder, therefore, than some of those affecting him at the Royal Bank. And they were considerably less severe because the Board of Trustees was not deeply concerned with problems of the English connection. At the Board of Trustees Milton depended primarily on his link with Ilay. Ilay made him a Trustee, with a majority of political associates on the Board and, trusting him, left him to manage the Board according to his own judgment. After that Milton needed to be active in Edinburgh, competently familiar with the linen trade - which was an enthusiasm of his class, the landed class¹⁹⁵ - and moderately adept as a politician. His task was easier because the Board had been set up by Whitehall to placate restless Scottish society after the reimposition of the Malt Tax, so that Whitehall was ready to let it function without interference within the confines of its patent and Scotland.¹⁹⁶ English interests were not dangerously challenged by the Trustees' regular work in Scotland. This embraced, for example, supervision of the stampmasters who regulated linen intended for sale; the promotion of the fishing industry through grants of cash aid, of the wool manufacture through small grants of working implements, and of the linen trade through prizes and premiums to flax growers, spinners and weavers and facilities for education in the several branches of the trade.¹⁹⁷ The Trustees' annual reports on such matters were approved automatically by the Treasury.¹⁹⁸ In Scotland their work was not challenged politically or economically. The only serious threat to Milton came from recalcitrant elements on the Board itself.

The immediate question is this one of control, because at the Board of Trustees, as with the Royal Bank, the feasibility of exercising control over decision-making was at the root of administrative effectiveness. Once the question of control has been explained a surer view can be given of Milton in command of the Board, as direct representative of Ilay, forwarding the improvement of the Argyll estate.

Problems of internal control of the Board of Trustees were simplified in that the selection of its members lay with Ilay. The resulting majority of "friends" normally enabled Milton to direct the Trustees as manager of Ilay's machine in Scotland. Occasional oblique indications of Milton's dominant presence are found in his correspondence, especially in routine letters to him from the Board's secretary, David Flint. For example, Flint wrote to him before a meeting in December 1747 that "I greatly wish to know what hour of that day would be the most convenient for your Lop that I may some time before acquaint Lord Monzie of your Lops choice and warn all the rest of it."¹⁹⁹ And in May 1736 Flint told him that George Irving, one of the Trustees,

told me, as he was taking his horse for the country, that he had forgot to mention yesternight to your Lop the death of the stampmaster of Aberdeen, and an earnest recommendation of one George Gordon, a mercht, from the Magistrates and of one Campbell from others of that town ... for the office, for the supplying of which ... he thinks there may be a risk unless your Lops pleasure is signified to some other of the Trustees now in Town.²⁰⁰

The faithful Irving wrote to Milton in 1730 that

I forgot to ask you whether you have any matter depending before the commission at their next meeting that required the attendance of your friends. If you do, please give me notice this night forwarded by the Galloway post to Leadhills and I shall endeavour to bring in from that corner all your friends.²⁰¹

But friends were not always reliable. In particular Milton was greatly exercised in controlling them when Duncan Forbes retired from Parliament in 1737, took up the post of Lord President in Edinburgh and began to harry him. This split the Trustees, because Forbes, who was not one to follow a party line, had the charisma to act as a rallying point

for would be mutineers. His break with Ilay was referred to by the latter in 1737: to Ilay Forbes was "too sublime to carry on any part of my business. He would make a different use of the battle than what I desire."²⁰² And his self-will was alluded to in a letter of 1743 from Thomas Hay to Tweeddale about Trustees' business:

His intentions are good but he is certainly often misled and is impetuous and overbearing and very whimsical and begging pardon for speaking so of one of his character and station in my very humble opinion he runs out of sight in his publick schemes.²⁰³

Milton was prepared to compromise with Forbes where he could; perhaps because Forbes had the potential to raise a political rumpus at will, as in the case of the Royal Bank and the Trustees' £40,000. In 1737 Milton stopped a scheme to have one George Donaldson made "an itinerant instructor in the linnen manufacture",²⁰⁴ and then informed Forbes that

I have been since told that this was your scheme. I wish you had told me so, I should (have) stated my objections and if you still insisted to have a tryal why not. I never had nor will have any disputes with you.²⁰⁵

But compromise did not always suit Milton. Sometimes he had to call up his built-in majority on the Board. Forbes told Thomas Hay of an instance when, in relation to unspecified Trustees' business, Milton (the Justice Clerk) and he

differed but in which the Justice Clerk was much in the wrong tho very zealous. That the Trustees in speaking gave their opinion of his [Forbes'] side, notwithstanding which the Justice Clerk insisted to have the question put, whereas he [Forbes] pressed to have no question nor division in any case, but the Justice Clerk insisted. The vote was put and Lord Ross voted on the Justice Clerk's side against what he had given as his opinion but that Mr Wightman joined with the President as did Provost McAulay at the hazard of his conservators place and that the Justice Clerk had the majority of votes.²⁰⁶

The remark about the risk to Archibald McAulay's Conservator's place is very significant. Milton could propose a line of action and use the threat, even if unspoken, of the withdrawal of patronage bestowed by Ilay. Even so he could be outmanoeuvred by rebellious friends, particularly during the period of Forbes's activity on the Board, 1737 to 1746.²⁰⁷

In at least one instance his plans went awry as a result of a combination against him and a rare mistake by himself.

The occasion was an attempt by Milton in 1738 to provide William Dalrymple with a manufacturing set up to rival and eventually supplant that of the French cambric weavers at Picardy. The circumstances are drawn from the minutes of the Trustees and George Drummond's diary. The minutes stated that on 3rd March 1738 Milton represented

that tho' a good many apprentices had been put to the cambrick weavers, yet they had not yet given any bred tradesmen and that therefore it was his opinion, that unless journeymen instead of apprentices ... were presented and instructed, all the vaults would not so soon be employed in cambrick weaving.²⁰⁸

He suggested Dalrymple should take on four or more journeymen, train them with the help of the French and have the same encouragements as the French did.²⁰⁹

In Forbes' absence the Trustees agreed that under Dalrymple "an experiment be made of instructing journeymen instead of apprentices" and that a clause be included in the annual report asking for other encouragements to Dalrymple.²¹⁰

At the next meeting David Flint "informed" the Trustees, this time with Forbes present and Milton absent, that

immediately after the rising of the last meeting some of the Trustees proposed the putting Mr William Dalrymple in possession of the west most vault at Picardy and that therefore now the Board would be pleased to direct an order to be given to that effect.²¹¹

It was agreed, however, to delay until Forbes visited Picardy and reported back.²¹²

Drummond wrote in his diary on the same day that the Trustees had met to approve the report to the Treasury as drafted by Forbes, without the alterations in favour of Dalrymple proposed by Milton, and:

The Justice Clerk has been forming a party among us to oppose it, which threatens ruin to the whole affair - But providence so ordered it that he did not get to the meeting - he sent us a message to wait for him - but we went on with our work.²¹³

In the following week the plan to give encouragements to Dalrymple was superseded, again in Milton's absence.²¹⁴

Drummond's part in the affair was not surprising. It will be recalled that a few months earlier he had been dismissed from the Customs

Commission for disobedience and that Ilay had brought him back to favour, putting him on the Excise Commission following humble assurances of loyalty;²¹⁵ yet here was Drummond working against Milton again, if not openly and frankly. He reserved strong expressions of his hatred at having to act as Milton's creature for his diary, in which he wrote:

From 4 till near 8 in our weekly meeting as Trustees of the manufactures most disagreeably. The good of that Commission I dread will soon be put an end to, by the Justice Clerk.... Thwarting the president will make him give it up, and if he does, to my apprehension, there is an end of its usefulness. I never sat in a publick meeting with more grief than in this to night. I have given my time, no 11 years, with pleasure to this matter, with a single view to promote the well fare of the publick, it promised in time, to be a greate benefite to Scotland, And now its like to be blowen up, by the insolence and villany of this wicked man.... In the duty with which I closed the day I could do nothing else but to cry to the Lord to avert this threatned mischief.²¹⁶

Drummond almost certainly voted with Milton at the next meeting. James Fall from Dunbar, a friend,²¹⁷ made a rare appearance at the meeting and, with him and Drummond voting the right way, Ilay's dependants, the others being Irving, Lindsay and McAulay,²¹⁸ had a sure majority of one. Dalrymple's scheme was reinstated.²¹⁹ Drummond and other errant friends were helpless in the face of Milton's insistence on his will, which was backed by the threat of vengeance.

Two days later a despairing Drummond confided to his diary:

I began the day exceedingly weighted with the dismal prospect to the countrey from the Justice Clerks, succeeding in the blowing up the present commission of the Trustees of the Manufactures. How mysterious and deep are the ways of providence! I seek grace to know what part The Lord calls me to act in this critical matter.²²⁰

But triumph came in August, Drummond noting on the 8th that "The villain who was to be made use of to ruin this affair has over reached himself by speaking out too strong, and too soon ... and he seems to be blown up."

It happened that Dalrymple, the villain here, got needlessly embroiled in an argument with the secretary, David Flint, accusing him of misusing funds designed for the cambric weavers.²²¹ The Trustees, Milton absent,

found Dalrymple's allegations to be false. And the consequent breach of trust between Dalrymple and the Trustees gave them a pretext for superseding the scheme again. Milton had made a mistaken choice of champion. In December Dalrymple embarrassed him further by causing a riot at Picardy (forcing entry, pulling down looms and assaulting a weaver). The Trustees ordered his prosecution before the sheriff of Edinburgh.²²² Milton wisely absented himself from all meetings between August and January 1738.²²³ He was defeated when success seemed near. Vigorous exploitation of the power he borrowed from his patron appeared to have given his victory, but his error in choosing a poor instrument to carry out his plan destroyed his position.

In this as in other cases, powerful connections, constant attendance to business (here to stop himself being outflanked) and the personal qualities to use these advantages to the full were important requisites of success for Milton the administrator. For Ilay, Milton's absentee patron, a primary requirement was to have an agent in his field of influence who would maintain order - in the face of a tendency to anarchy - even an order of the agent's own choosing. This applied to the Board of Trustees, as much as it did in the narrower field of political management and to the Royal Bank and, later, to the Annexed Estates Commission.

From 1743 Ilay's interest in Scotland increased upon his becoming 3rd Duke of Argyll. This extended Milton's opportunities for a type of management beneficial to society beyond the advantages of order produced by rigid control over factional strife. His role as Ilay's estate overseer is introduced here because it is the best vehicle, indeed the only one, for showing this other side of his work on the Board of Trustees. This was the side in which the stress was placed not on the paramountcy of maintaining control but on a positive approach to administration. It is the best vehicle, first, because the management of the Argyll estate during the Ilay-Milton regime, 1743 to 1761, was greatly concerned with the

encouragement of the local linen industry, and the Board of Trustees was used as an aid in this: the two complement and add to each other. And, second, Argyll estate business at the Board provides the only sure major example in which Milton was unquestionably in control of the Board over the long term: he was Ilay's acknowledged estate overseer, so Argyllshire business at the Board (excluding that of Islay, the distinct territory of Campbell of Shawfield) was certainly introduced by him, given his confidence in his own ideas. This circumvents the difficulty normally presented by the minutes of the Trustees, that of isolating Milton's interventions. And whereas fractious members such as Drummond might have dared to cross him in instances where he was possibly acting on his own account - which cannot be drawn from the minutes - these rebels would never dare to oppose him when he introduced measures to benefit the Argyll estate.

This aspect of his work as an administrator depended entirely on his connection with a great patron, who put him on the Board and gave him power over society in a large tract of the Highlands. Conversely it reinforces knowledge of the benefits to a great London patron of having an agent in Scotland, active and informed in local affairs, with family attachment and gentry status. Less apparent in this case was the importance to the successful civic leader in Scotland of exceptional personal qualities. Where Milton would not be crossed by his associates and could act without severe interference from his patron, because it was intimately to the latter's interest to let the local expert do the work and share in estate policy making, in these circumstances the only special quality Milton needed was a good appetite for work. As for his legal qualifications, these were of little moment. Members of the Board of Trustees needed no more knowledge of the law than the ability to understand the provisions of statutes affecting the Trustees and to hand over to Crown prosecutors details of fraud cases, such as when stampmasters took bribes to pass irregular cloth.²²⁴ And on the estate the legal side of its business

dealing with writs and contracts was carried out by a functionary Archibald Campbell of Succoth, W.S.²²⁵

Before Milton took over on the Argyll estate it was managed on location, from 1737, by chamberlains or factors,²²⁶ the head chamberlain at Inveraray being Archibald Campbell of Stonefield.²²⁷ These were Highland gentlemen and writers,²²⁸ functionaries rather than policy makers. Consequently there was a managerial vacuum in the time of the 2nd Duke, who was constantly active on Army duty. Rents might be collected, abuses rectified and disputes solved, but the estate was not progressively managed. Policy was static. The 2nd Duke suffered from not having an intermediary of the Milton type. It is understood that he had a commissioner of the same type, in Duncan Forbes.²²⁹ But in one important respect Forbes was different. Until 1737 he was no better equipped than the Duke to form and carry out policy on the estate, because, like the Duke, he was engrossed in a career outside Scotland, as an M.P. and Lord Advocate. The Duke's friend over many years he certainly was and undertook commissions for him,²³⁰ but he was not a deputy like Milton, one involved constantly in business in Scotland. Only when Forbes left Parliament in 1737 and returned to Scotland was he used as the Duke's agent in connection with the estate, and then not to full advantage.

After the 2nd Duke's succession in 1703 there was no review of estate management until 1737, so that the estate did not have a satisfactory cash return.²³¹ Forbes's retirement to Scotland provided a suitable opportunity to send him in Argyllshire to see what could be done (at a cost to the Duke of £300 for Mull, Morvern and Tiree alone).²³² For the first time since 1703 policy was changed. After Forbes had enquired into local conditions the tacksmen (called duniewassels by Milton), intermediaries between the population and the Duke, were dismissed, which, in Forbes's view, freed the tenants from their oppressors. The tenants were then obliged to take leases from the Duke, or so it was planned. These leases were for nineteen

years, an inducement to improvements. And feudal services were eased.²³³
 This done Forbes went back to Edinburgh a month later²³⁴ and there is no record of any further concern by him in the management of the estate in the years left before the Duke's death. The results of this inadequate attention to policy were as unsatisfactory as the previous total inactivity. Confronted by an exodus from Tiree the factor there informed Milton in 1748 that

The rest of this country has always been precarious, owing to the poverty of the people, ignorance of agriculture, their remoteness, ... besides the greatest part of the country being sandy soil... My Lord President (augmented) the rents beyond what the tacksmen ever exacted; a rent that the country was less capable to yeild during the factory than in the tacksmens time because they occupied several of the farms with their own stock, and when any of the lands could not be sett, they possessed it themselves, which cannot be done by His Grace to any advantage.²³⁵

He added that "His Grace judged it necessary to allow his factor of Mull and Morvern to give abatements of the presidents rentals, and I believe he judged right."

The linen manufacture on the estate suffered from similar neglect, lack of regular attention. One aspect of this was that by 1743 the only encouragement asked for or received from the Board of Trustees for Argyllshire (outside Campbell of Shawfield's Islay) was £22-10-0 a year to provide for three flax raisers in Kintyre, Nether Lorn and Tiree.²³⁶ Just as Forbes took no regular part in estate management because he was in London, so he had no intensive contact with the Board of Trustees between 1727 and 1737 although a member of the Board.²³⁷ He was not the right sort of agent to protect his master's interest in Scotland. In Ilay's time the situation was altogether different.

Although Ilay was a jealous master where his own interest was acutely at issue, he understood the need to defer to a proper deputy. In Argyllshire matters he was ready to concede authority to Milton, who was expert in the details of improvements, familiar with and active in Scottish

business and accessible to the seat of the problem and solutions. Thus Ilay wrote to Milton making concessions towards at least a partnership, concessions such as that "Among other projects I am think of getting some sort of manufacture to Inveraray ... think of it";²³⁸ that the chamberlain Archibald Campbell of Knockbuy "wants directions about completing the orders about the spinning, there having been some blanks in the scheme we had before us";²³⁹ and that "You will from time to time send such instructions to Inveraray, as perhaps I may forget, or you may think proper. I shall send peremtory orders to have your directions punctually obeyed."²⁴⁰ And, again, Ilay's secretary (Andrew Fletcher junior) wrote from London to Milton during a famine in Kintyre that

At this distance he cannot easily determine what is proper to be done, He desires you'll send to the chamberlaine of Kintyre whatever orders and instructions you think are necessary for the immediate relief of the tenants &c;²⁴¹

and that "His Grace desired me to send you the inclos'd" - a factor's letter - "which you'll please consider and report what is proper to be done, that he may give his orders accordingly. By this letter it appears that the tenants in Kintyre are in the utmost distress."²⁴² To which Milton replied from Edinburgh, showing his usefulness:

The distress in Kintyre is not so greivous in the north part of Kintyre as in the south. Mr Watson a mercht in Campbeltoun in here and has assistance of his namesake²⁴³ to buy up a cargo of meal in the north of England or north of Scotland, for Campbeltoun which I hope will come in time before the cargoes of meal and barley mentioned in the bailie of Kintyre's letter are exhausted, and if more meal can be had in this country for their supply I shall encourage it being carried there that there may not be an absolute want of meal.²⁴⁴

Although Milton was better placed geographically than the Duke to deal with estate business, primitive communications meant that even Edinburgh was remote from the centre of the problem, Argyllshire, being almost two weeks' journey from it.²⁴⁵ Expresses between Edinburgh and London took four days.²⁴⁶ In a sense, therefore, being in Scotland, in Edinburgh, made Milton hardly more suitable from this point of view than those in London.²⁴⁷

But he had utility to recommend him more than the local functionaries to the Duke.

First, he was trusted. Ilay told him in 1744 that "I have great reason to believe that there are many frauds practised there of various kinds that will take me some time to discover and obviate."²⁴⁸ When a bargain for meal to feed estate workers was transacted by two of the Inveraray officials, Knockbuy and Robert Campbell of Asknish, Ilay gave typical expression to his helpless frustration and his suspicions that he was open to profiteering. He complained to Milton:

about Knockbowie's contract for meal and oats with that exotick clause in it of their drawing upon me here for the price of the goods before my receiving them, and all that without acquainting you, or even my self.... Pray try to convince Robert Campbell that such schemes are what I will never suffer and that you must be acquainted with every thing that is proposed.²⁴⁹

He added that "I never saw such a bawdy house agreement in my life. Some measures or other must be taken about my Inveraray affairs which you'l think of against I come to Scotland."²⁵⁰ Of course the trust between Ilay and Milton was atypical, in that it had been built up over twenty years before being applied to Argyll estate business. But it was based initially on a family attachment, which gave a measure of protection if an inadequate one and which was an aspect of the standard requirement in the relationship between grandee and confidential agent.

Milton's social background in more general terms was of extra value to Ilay in that it gave him an agent who thought in similar terms to himself. Most pertinently, they shared the perspectives of the Scottish landed classes of the low country. Highland gentlemen tended to have narrower views, certainly narrower in terms of social and economic improvements. The 8th Duke of Argyll remarked of this class:

None of them were farmers in the modern sense of the work, although some of them acquired a taste for and knowledge of the breeding of cattle, by which they made an adequate profit.... Beyond this and perhaps the making of some fences, very few of them were agricultural improvers.²⁵¹

In support of the 8th Duke's contention is the only known scheme for improvements in Argyll to be submitted by one of the chamberlain class during the 3rd Duke's tenure. This scheme, addressed to Milton in 1744, concentrated heavily on cattle breeding and improving the stock, because "Argyllshire is naturally fitt for raising that kind of cattle". "These", in his opinion, were

the improvements from which the most sudden, general and considerable advantages could be hoped for, and at the same time may be bro't a great length with a small, if any expence at all and therefore I humbly think ought to be first attempted.²⁵²

Whatever the merits of Knockbuy's case it did not match fashionable southern ideas on improvements among the aristocracy and gentry as represented, for example, in the enthusiasms of the Society of Improvers.²⁵³ Milton's social background, that of the lowland gentry, added to his value as a deputy in that he and Ilay (who was eulogised by the secretary of the Society of Improvers for work done at the Whim, a small estate outside Edinburgh which he bought in the late 1720s)²⁵⁴ shared the same attitudes to progressive estate management.

The new possibilities which opened up to Milton the administrator as overseer on the Argyll estate therefore depended on similar conditions to those recommending him in the political management: family and class ties, activity in business and closeness to the seat of operations. The truth of this is evinced from his work as co-director of policy with Ilay on the estate, particularly in policy relating to the encouragement of industry there, backed with aid from the Trustees, the favoured industry being linen.

After a delay caused by the Rebellion Milton and the Duke, working in harmony, set about encouraging the Argyllshire linen industry by recourse to a combination of trigger mechanisms. These were, the use of the skills of a professional manager; the use of the weight of the Duke to persuade the county to assist the project; an appeal to self-interest by obliging

the manager to finance the scheme partly out of his own pocket; and back-up assistance out of public funds, via the Trustees, and from the estate organisation.

The Duke appears to have taken the initiative. It may be pertinent that Milton was very ill at the time and that Lord Tinwald took over from him briefly as caretaker estate overseer.²⁵⁵ In 1748 Ilay received a letter (which he passed on to Milton) from David Campbell (of Dunloskin, parish of Dunoon), a merchant in London.²⁵⁶ It began:

In obedience to your Grace's desire, before you left London, I shall give you my opinion on the properest method for improving the shire of Argyll, for introducing industry among its inhabitants and of making that industry turn to the best account, both to the promoters of it and to the country in general.²⁵⁷

Campbell's idea was to introduce the manufacture of coarse brown linens (oznaburgs) into the county, a manufacture most suitable given the limited skills available.²⁵⁸ He planned to set up a factory which would eventually employ one hundred looms.²⁵⁹ And in the following year he returned from London and opened such a business in Dunoon.²⁶⁰ For a time there was a flirtation with an even more ambitious scheme, also devised by Campbell. At a meeting of the gentlemen of the county held with the Duke's blessing,²⁶¹ he suggested that they should form themselves into groups on a geographical basis and subscribe to and establish linen companies in their own areas each to be subscribed to and managed by him. These companies were to be concerned in all parts of coarse linen production, from raising the flax to preparing and spinning it and weaving the linen. At this point the name of Milton appeared for the first time. He asked William Tod, joint manager of the British Linen Company, for his thoughts on the scheme²⁶² and was advised:

Your Lordship knows that the raising of flax, heckling it, spinning of yarn and weaving of linnen are different branches of the manufacture. And if any man shall at first undertake all those when the country is not skilled in any of them I am afraid it would not answer.²⁶³

Perhaps because of this and the unwieldy organisation of the proposed network of companies nothing came of this grand plan. For a short time it seemed that the support of the Duke would be given at least to factories run by David Campbell at Inveraray and Campbeltoun in addition to that at Dunoon. In September 1749 Campbell asked Milton to expedite the building of a factory in Inveraray, the provision of houses in Campbeltoun for a factory there and stables at Inveraray and a loan of £2,000 from the Duke.²⁶⁴ But after another enquiry from Campbeltoun to Milton a month later, expressing fears that these projects had been dropped,²⁶⁵ no more was heard of them. The original scheme was reverted to whereby Campbell ran an oznaburg weaving factory on his own account.²⁶⁶ His company was to be fed with raw material by domestic outworkers and from the products of encouragements given to the population of Argyll by the Board of Trustees.²⁶⁷ Milton gave help through the estate organisation and the Board of Trustees.

Operating from the Trustees' linen committee, on which also sat regularly Ilay's dependants Belhaven, Ross, Somerville, Strichen, Maule, Drummond and McAulay,²⁶⁸ Milton gave encouragements to Argyllshire which corresponded to William Tod's advice of 1749 about the county and David Campbell's linen scheme. Tod had advised Milton that Argyllshire was "not skilled" in any of the "different branches of the manufacture", so that Campbell's linen scheme was not likely to succeed; but that

if care is taken in first raising the flax and instructing the people gradually in the several branches I have no doubt it will answer and I believe sooner and more effectually than by grasping at too much in the beginning - These my Lord I only offer as general hints which I submit to your Lordships better judgement who not only knows the manufacture but also the country in which it is to be carried on.²⁶⁹

The aim was to set the county to work producing yarn, thereby providing employment and supplying the weavers with a cheaper product than imported flax.²⁷⁰

The production of coarse yarn started with the preparation of flax, an enormously complex operation. It involved sowing in specially prepared ground; weeding; pulling when just ripe; separating the new seed from the lint with a rippling comb; drying the new seed; submerging the flax stalks in layers in trenches of water for about two weeks, in which time the woody straw of the stem softened and separated partly from its fibrous (lint) cover; continuing the process by "grassing" - laying the plants in "a field of close-swarded grass" or stubble and turning it until the bark or lint on both sides began to blister and part freely from the sheaf of the plant; completing the separation by scutching - bruising and breaking the woody parts to allow easy separation; and, finally, hackling, combing out the fibres.²⁷¹ The main way in which the Trustees encouraged flax growing and spread knowledge of its complexities was through the employment of flax raisers. These were young men trained at the Trustees' expense and then directed to their "stations". Every one had either to

sow

... wholly on his own Account, Ten Acres of Ground with Lint seed yearly, for which, beside his Salary he is to get a premium of 15s. per Acre ... Or ... Purchase from the Raisers of Lint in his Neighbourhood, the growth of full Ten Acres yearly while it is growing.²⁷²

He was also obliged to give advice to all the farmers and raisers of flax in the neighbourhood of his station and when desired "repair, or send a skilled Servant, to any Place, within a reasonable Distance from his Station", to assist.²⁷³ In 1749 there were thirty of these flax raisers throughout the country, three of them in Argyll - two in Nether Lorn and the other on Tiree.²⁷⁴ By 1755 there were thirty-five in the country, six of them in Argyll, at Morvern, Nether Lorn, Straw (parish of Campbeltoun), Strontian, Tangie (parish of Kilchenzie) and Tiree.²⁷⁵ To make them more effective it was decreed in 1749 that all should be attached to scutching mills, except at Tiree where there was no mill.²⁷⁶ In Argyllshire these mills were built totally at the expense of private proprietors, with the

exception of the mills at Straw and Tangie built by Alexander McMillan of Dunmore, W.S. McMillan was deputy to the Keeper of the Signet (Milton), held his lands in wadset from the Duke of Argyll and acted as an assistant to Milton in election management. He built his mill for a total of £485 and received an encouragement of £40 from the Trustees.²⁷⁷ The owners of the other mills are not known.

Extra impetus to flax culture was given by the Argyll estate organisation. In 1751 David Campbell observed in a memorandum which he sent to both Milton and the Board of Trustees that he had

persuaded some of my neighbour heretors, friends and relations to make it a condition with their tennants and cotters, that against next Whitsunday every house, hearth, or smoak, shall be oblidge to keep one wheel constantly employed (harvest time and accidents excepted) and that the tennants be most religiously oblidge to sowe one peck of flax seed for every such wheel belonging to themselves and their cotters, excepting the hilly and rough grounds that cannot yield a flax crop whereof there are but a few; and even these farms not to be excused from spinning.²⁷⁸

He suggested that it was

a practicable and reasonable measure for all this shire, where land is so scarce and tennants so plenty, that all landlords have it in their power, to make this proposall an essential part of their bargain, where few tennants have leases and these should be express conditions in all new ones.²⁷⁹

And he hoped, incidentally, that this should be done throughout the Highlands through the encouragement of the great proprietors. In a covering note to Milton Campbell apologised for his forthright suggestions:

"I hope you will take my proposal about spinning and raising flax in good part, tho' you should not think fit to try it."²⁸⁰ Evidence is gleaned

from E.R. Cregeen's Argyll Estate Instructions that Milton did try it, through the factors' and chamberlains' instructions, which he compiled.²⁸¹

Cregeen has traced a copy of instructions, those for the factor of Tiree for 1756, in which all tenants were enjoined by "the Duke" to supply a quota of yarn to the chamberlain, under penalty of ejection:

I will fall on some proper way of showing my displeasure to such as are refractory as to encourage those who do as I direct. I'm resolved to keep no tenants but such as will be peaceable and apply to industry.²⁸²

The last step before weaving coarse brown cloth was to spin the yarn. When Milton took over on the Argyll estate these were four "small" spinning schools opened by the Trustees (as distinct from larger schools at Edinburgh, Glasgow and Perth) all outside Argyll.²⁸³ Each received an encouragement of £10 a year, consisting of £5 for the mistress's salary and £5 for prizes of spinning wheels and reels to good scholars: in 1750 the cash for salary and prizes was doubled.²⁸⁴ The linen committee said that "The prizes at spinning schools are of great use in stocking the country with good wheels and reels and in raising a spirit of emulation among the scholars."²⁸⁵ The first school opened in Argyll was at Ballechuan, Nether Lorn, in 1748.²⁸⁶ Incidentally, the enquiries instituted by the Trustees before opening it, show the difficulty in associating Milton directly with any encouragement designed for Argyll. It was agreed that Monzie should enquire into the prospects of the Nether Lorn school, while Milton was to do the same for Eyemouth;²⁸⁷ the need to present an impartial front obscured Milton's true concern.

His interest was evident, however, mainly by implication, in January 1751. A special sum of £600 was allocated to "introducing and establishing spinning in the Highlands" and £40 of this was devoted to "the neighbourhood of Inveraray, under the direction of Mrs Campbell", while another £40 was devoted to "Dunoon and the rest of Argyllshire under David Campbell Esq".²⁸⁸ Mrs Campbell was Betty, wife of James Campbell, writer in Inveraray, later chamberlain of Argyll.²⁸⁹ James reported regularly to Milton on progress at the school.²⁹⁰ In his first letter on this topic he told him that

my wife ... has oppened the spinning school and lately got 12 new scholars which with 28 formerly imployd without the school makes 40 now at work and will I hope creat such a spirit of industry that triple that number will soon be imployed in and about Inveraray.²⁹¹

In the same letter he noted that he had petitioned the Trustees for extra wheels and reels. Two months later he was given £35 for these.²⁹²

This was followed by the compliments of the Duke to Milton for what he had done "to encourage and establish this great and necessary work".²⁹³ By April 1753 there were one hundred and fifteen wheels at work at the school and by October 1755 one hundred and fifty four.²⁹⁴ On 6th December 1754 the linen committee (Milton, Drummond and Deskfoord sitting) gave Mrs Campbell a prize of £5 after finding that she "has had the most schollars, spun the greatest quantity of flax" of all the schools of this type in the country.²⁹⁵ By 1756 there were about thirty of these schools in Scotland.²⁹⁶ Seven of them were in Argyllshire, at Airds, Ballechuan, Barcaldine, Barr (Kintyre), Inveraray, Torloisk (Mull) and Tiree.²⁹⁷ The school at Airds was under the direction of Donald Campbell of Airds, chamberlain of Morvern and Mull; that at Barr was on the estate of Alexander McMillan; and that at Torloisk was opened following a petition to Milton from David Campbell, who also recommended the spinning mistress, a member of the MacLean family.²⁹⁸ The school at Airds was taken off the establishment in 1758 after the linen committee (Milton, Drummond and McAulay sitting) suggested that it could be of no further service: it had saturated its area with spinners.²⁹⁹

In addition to the spinning schools, the Trustees resolved to push the art of spinning up country, beyond the central areas of population in the Highlands. It was thought that the best solution would be to assist local gentlemen with grants for wheels and reels which they would distribute "to such women and girls as they think are most likely to do well".³⁰⁰ Such grants were made irregularly on the recommendation of the linen committee (Table 18).³⁰¹ From the distribution a pattern appears in which the estate management (represented by James Campbell and his wife, Airds, Knockbuy and the chamberlain of Tiree) and David Campbell were at the forefront of the attack launched on the Argyllshire linen industry by the Trustees and Milton; and David Campbell's company held the key to success.

18
Table 18

Grants made by the Board of Trustees for spinning implements Argyllshire, 1751-1756			
Date	Total granted	Granted to Argyll	Under the care of:
18 Jan. 51	£600	£ 80	Betty Campbell, David Campbell
15 Nov. 51	£260	£ 65	Campbell of Airds, MacLean of Torloisk
24 Jan. 52	£505	£120	Torloisk, Airds, James Campbell, David Campbell
5 Apr. 53	£300	£ 20	Torloisk
12 Jan. 55	£ 24	£ 24	Knockbuy
23 Jan. 56	£437	£205	Airds, Campbell of Barbreck, Campbell of Barcaldine, James Campbell (chamberlain), David Campbell, Torloisk and chamberlain Tiree.
	£2,126	£514	

£105 was put in David Campbell's hands for wheels and reels for Dunoon and those parts of Argyll not covered by others. This was a direct subsidy to his business, as in effect, was a proportion of the funds given to the chamberlains and MacLean of Torloisk. A letter from Campbell to Milton divulged that he took the yarn spun by the population of Tiree; a population which was, as seen, taught at the Trustees' spinning school, provided with flax by the Trustees' flax raiser and trained by the latter to grow their own, supplied with wheels and reels by Campbell and the chamberlain out of Trustees' funds, and compelled to spin by the estate organisation. In his letter Campbell also indicated that the estate organisation helped with his transport problems; and he showed finally the the reality of the close co-operation between the company, the estate management and Milton. He wrote:

When lately I was concerting the operations and oeconomy of our manufacture with Donald Campbell, the bailie of Tiree, he informed me that a bargain was made permitting Mr Robert Finlay of Glasgow to send vessels from time to time to that island, to bring away clay for making their crockery ware; and that your Lordship (for our encouragement) added a clause obidging Mr Finlay or his company to carry out to Tiree freight free whatever lint, wheels and other necessarys we may from time to time want to send and indeed this was well done, as we are sadly at a loss how to get out our things and to get home our yarn.³⁰²

The penultimate stage of the joint venture was manufacturing the cloth.

At his own expense Campbell sent "weavers and others to Edinbro and other places to learn the weaving, the washing, the sorting of yarn, the lapping and even the keeping of the several books and accompts properly".³⁰³ And a pool of weavers was also available in Argyll through the Trustees' help, expecially those instructed by Henry Hook, Campbeltoun, who received £240 between 1747 and 1752 for instructing thirty-two journeymen weavers (persons recommended to the Trustees by Alexander McMillan) and £285 for looms and other weaving implements for them.³⁰⁴ There was only one other scheme of this type financed by the Trustees.

The last stage before the sale of the cloth was to have it stamped to confirm that it met regulations on quality and measurements. Figures for cloth stamped in Argyllshire are available (Table 19).³⁰⁵ These show how the Argyllshire weaving industry began to flourish in 1749 or 1750 and that by the mid-1750s there was more cloth stamped for sale there than in the other Highland counties (excluding Perth, straddling the Highland and Lowland zones) of Inverness, Ross and Cromarty, Caithness and Sutherland together. But the bare figures are insufficient to allow a full estimate of the success of the joint venture of David Campbell, the Argyll estate organisation, the Trustees and Milton.

Table 19

Linen stamped in Argyll and other Highland counties
1742-1761

	Argyll: yards	Argyll: % of Highland total	Other Highland counties
1742-3	3,659	9.5	34,989
1743-4	3,158	9.0	32,147
1744-5	3,472	8.7	36,366
1745-6	7,060	15.5	38,348
1746-7	6,456	12.3	45,763
1747-8	7,318	14.7	43,421
1748-9	2,531	6.3	37,363
1749-50	14,157	26.7	38,994
1750-1	40,549	49.6	39,947
1751-2	37,821	48.2	40,548
1752-3	25,883	34.8	48,363
1753-4	38,368	43.5	49,788
1754-5	45,188	49.9	46,868
1755-6	52,892	47.5	58,307
1756-7	64,931	55.7	51,561
1757-8	81,215	62.8	47,970
1758-9	15,514	24.3	48,248
1759-60	23,420	33.8	46,742
1760-1	19,474	26.7	53,256

First, there are different measurements of success. While, for example, long term growth was not achieved there was nevertheless a contribution, albeit incalculable, to the prosperity of the estate (and Argyllshire) during the 3rd Duke's tenure (when revenues rose from £6,700 in 1743 to about £10,000 in 1761).³⁰⁶ Conversely, the Duke would have been disappointed with the short-term impact of the linen enterprise. His only son was illegitimate and could not succeed to the Argyll estate and titles,³⁰⁷ but the Duke esteemed future remembrance, a token of this being his enthusiasm for the building of the magnificent Inveraray Castle when

in his seventies.³⁰⁸ To balance this, he was deeply concerned with problems of maintaining the estate's prosperity during his lifetime.³⁰⁹ And, to use a specific example, the encouragement of flax raising on Tiree added to the success of the venture and the prosperity of the island, but it entailed eventual disaster: the island's sandy soil was suitable only for pasturage, not for growing crops, because when ploughed for replanting it commonly lifted in the high Atlantic winds and large tracts turned into sand-blown wilderness.³¹⁰

The returns on cloth stamped in Argyll are insufficient to allow a full estimate of the success of the joint venture because, secondly, they are too bald. In themselves they allow objections to any proposition associating the marked improvement in the county's trade with the efforts of David Campbell, the estate organisation, the Trustees and Milton. There are two particular objections. One is that any growth in the trade should be associated more properly with the county's advantageous proximity to Glasgow, a growing commercial town and outlet for the American trade.³¹¹ The other is that the rise in cloth stamped in Argyll from between 1748 and 1750 may not have reflected a rise in cloth produced in the county when Campbell started business in Dunoon (in 1749). A stampmaster was appointed to Duncan by the Trustees in 1750 and, conceivably, linen produced in the area before then would have been sent to Glasgow for stamping in preference to the nearest stamp office in Argyllshire, at Campbeltoun.³¹² The increase in cloth stamped in the county did not necessarily come from increased production.

Both objections are answered by looking more closely at the figures, in conjunction with additional facts. Campbell opened his factory in Dunoon in 1749, a stampmaster was appointed there in 1750 and the amount of cloth stamped in Argyll rose: if there had been substantial cloth production in Dunoon before Campbell's arrival the Trustees would have catered for it. In 1752 Campbell persuaded the Trustees to give the Dunoon

stampmaster a salary.³¹³ It follows that he was using the stampmaster. Consequently when Campbell told the Trustees in 1753 that "I ... reckon I work at present at the rate of fifty thousand yards annually and which are generally allowed to be of superior quality and much esteemed in America",³¹⁴ it follows that the greater part of the unusual success of Argyllshire cloth production in the mid-1750s was intimately connected with his company. And just as the trade flourished when Campbell arrived in Argyll so it declined both in real terms and relative to production in other Highland counties after his death in 1757.³¹⁵ Access to good markets may have been helpful but a significant factor in Argyllshire's excellent performance over most of the 1750s was the existence of a specially favoured company in Dunoon.

A precise assessment of Milton's contribution to this cannot be made. There are, as observed, insuperable difficulties in judging success, let alone a share in success. Without the Duke's initiative and promises of estate co-operation Campbell would not have set up in business in Dunoon. Without Campbell or someone with his enterprise the scheme would not have flourished. Without the Board of Trustees the potential of the venture would have been limited. Without Milton's approval of the project the full weight of the Trustees and estate organisation would have been withheld. Without a happy concurrence between Milton and the Duke, Milton could have done little; and had Milton had a patron of smaller estate he would have been inhibited in proportion. Without a deputy who was interested in the project, well-informed and able to inject aid swiftly the Duke's initiative would have faltered or withered.

The least that can be said, therefore, is that without Milton the Argyllshire linen industry would not have flourished so far as it did and that he owed this chance for social interference to Ilay's need for a representative in Scotland. Milton's special opportunities as a Trustee for Manufactures were exceptional in that not all deputies had seats on the

Board, nor the power when they did to use them freely to assist their masters or their masters' friends. In essence, however, this feature of Milton's background matched the prime requisites for a successful deputy: one who was ready to protect and promote his master's interests through constant attention to the particulars of business in Scotland.

iii. Annexed Estates Commissioner.

With one addition Milton's scope as an administrator on the Annexed Estates Commission was subject to the same determining factors as operated on the Board of Trustees and the Argyll estate. As with these his impact depended on his patron, his convenient situation in Edinburgh, his knowledge of Scottish business and his personal qualities. The extra factor was the constraint placed on him by London, the same as conditioned his role in major innovations and his work at the Royal Bank. At the Annexed Estates Commission the dominance of London overshadowed all else. It caused the failure of the Commission until 1761 and permitted its revival from that year. Milton was similarly affected, as is illustrated by examining in turn each phase, 1753 to 1761 and 1761 to 1764.

The issues relate almost exclusively to the mechanisms dictating Milton's administrative potential as an Annexed Estates Commissioner. There is no place for a parallel assessment of the schemes he wished to effect. In outline the schemes produced by the Commission between 1755 and 1764 were based on his plan of 1748. Their particular clauses reflected the advice of surveyors appointed by the Commission.³¹⁶ Where Milton shared in framing particular clauses these did not always show the judgment of a person at the height of his powers: most noticeably, the scheme brought into the Commission by Milton in the 1760s for settling sailors in the Highlands was badly designed and weakly executed. And his scheme-making during the Commission's first six years, when he was relatively alert mentally, was thwarted by the Treasury's failure to approve the Commission's reports during that time: this left him with only two or three of his

declining years for positive action and no chance to make adjustments in the long term.

The first phase began before the appointment of the Commission (in 1755). This was a time of anxiety for Milton as he waited to find what shape the management of the Annexed Estates would take. The decision was to be made by "the Crown".³¹⁷ Above all he needed a controllable machine. This was stated explicitly in a letter to him of 1753 from William Tod in London referring to the twenty-one Trustees for Manufactures as possible commissioners. "I think", said Tod, that the management will "be vested in the Trustees in which event you can even then dispose of 20 as you intended. - Doeth your Lordship think it right to point out that board as proper Commissioners."³¹⁸ On this issue Milton was helplessly reliant on Ilay. And he was not sure that Ilay's power, then under attack by Newcastle, would be sufficient to ensure the selection of a satisfactory commission. He suggested to Ilay that "If you can not get proper persons named for Comrs their powers may be curtailed."³¹⁹ If Milton could not have power he would keep it from others, even at the risk of weakening his own scheme. In the event Ilay was eventually able to give him a controllable commission, telling him that "You will observe that the list of the Trustees for the Forfeitures is not a little mended."³²⁰

Milton and his colleagues proceeded with plans for the exploitation of the estates' and their revenues. He and a group of his friends were strikingly active on the standing committee, formed in February 1757 "to consider of proper plans and regulations for the distribution and application of the monies now in the Receiver General's hands".³²¹ Their most sweeping initiative was to plan the establishment of "schoolhouses and manufacturys and ... settlements" at Callender, Kinloch Rannoch, Beaulie and Ullapool and New Tarbet",³²² a scheme originating in outline in Milton's proposals of 1748. When the standing committee made its decisions on this in 1757 the attendance record was:

- 11 February: Somerville, Tinwald, Prestongrange, Maule, Drummond, Tudor (Milton ill);
- 24 February: Milton, Somerville, Prestongrange, Maule, Drummond, Tudor;
- 3 March: Somerville, Maule, Drummond, Tudor;
- 16 March: Milton, Somerville, Craigie, Maule, Tudor;
- 22 March: Milton, Tinwald, Maule.³²³

The committee was dominated by Milton and his political associates, with only one appearance by an outsider, that of Lord President Robert Craigie. In the absence of strong disruptive personalities such as Duncan Forbes and Lord Monzie (who were dead) this ensured that the Commission would not stray from Milton's original concept.

But his power over his colleagues was of no consequence without the approval of London for the Commission's decisions. This was not forthcoming. Under the terms of the Annexing Act the Commissioners were not permitted to take initiatives. They were authorised to propose and lay before the Treasury plans and methods, in the form of annual reports. Until 1761 the Treasury failed to acknowledge their reports, to Milton's dismay.³²⁴ His helplessness is perhaps suggested in his attendance record in the first five years at the Commission and its standing committee (which sat in 1757 and then disbanded with no more work to do because of Whitehall's inactivity). He appeared at only four meetings out of the twelve he could have attended in 1759, with no apparent excuse such as illness to keep him away (Table 20).³²⁵ Previously he tended to appear when

Table 20

Summary of Milton's attendance record at Annexed Estates Commission
1755-1759

	Total meetings	Milton able to attend	Milton attended
1755	13	6	5
1756	12	7	7
1757	41	31	24
1758	16	4	4
1759	17	12	4

he could, except during 1757, when it was not necessary for him to be at every one of a rash of meetings.

London's failure to respond cannot be completely explained. But it was surely more than "just massive indifference" which Annette Smith says.³²⁶ Four contributing factors suggest themselves: the eminence of the Duke of Cumberland in Court circles until 1757; war with France from 1756; political turmoil at Whitehall; and Ilay's decline. The evidence is circumstantial.

The first of these, the eminence of the Duke of Cumberland, has relevance because he was the implacable enemy of the scheme from the beginning. As Henry Pelham said, "this scheme ... has its enemys, not from reason but from passion and prejudice."³²⁷ The attack on it in the House of Lord's by Cumberland's ally Bedford had left Newcastle and Ilay stunned and afraid.³²⁸ When the Commission was established in 1755 Cumberland was in the ascendant, being appointed one of the Lords Justices (a regent) when George II, his father, was in Hanover. And he remained in high favour with the King until August 1757, when he was defeated by the French at Bielefeld and settled with them on poor terms at the Convention of Kloster-Zeven. The King then told him that "he had ruined his country and the army".³²⁹ After this there was no need to fear him: at George II's funeral the portly Duke found himself unable to move and turning round perceived a bolder Duke of Newcastle standing on his train keeping his feet warm. Cumberland's early strength could have had two effects. Newcastle and Ilay might have been reluctant to risk their places in the King's Ministry by giving open approval to the reports of a commission towards which Cumberland was hostile. And the Annexed Estates scheme, aiming at achieving a settled and industrious Highland population, disagreed with a plan advanced by Cumberland and Bedford for using Highlanders as cannon fodder.³³⁰ As Cumberland proposed his final solution to Bedford in 1756: "it is much to be wished that these people may be disposed of in such a

manner as to be of service to the government instead of a detriment to it."³³¹ They were influential in getting official approval for the raising of the Highland regiments.³³² In such an atmosphere and with fears of rebellion having subsided the proposed work of the Annexed Estate Commission did not obviously match the best interests of the Realm during the Seven Years War. War also discouraged interest in the functions of this new Scottish commission, particularly from 1757, when, with William Pitt as the real head of the Administration, attention was directed to the War and foreign affairs.³³³

The ascendancy of Pitt and the decline of Newcastle were the last in a series of Ministerial disruptions in the 1750s which tended to distract attention from the Commission's reports. From March 1754 to October 1756 Newcastle was First Lord of the Treasury and there were other Ministerial changes at this time. From the end of 1756 until April 1757 the Duke of Devonshire was First Lord of the Treasury after Henry Fox had declined to form an Administration. Pitt was the real head of the Devonshire Administration. In April 1757 Pitt was dismissed and, after a short hiatus, he returned as Principal Secretary of State, with Newcastle as the Treasury Administration's nominal head.³³⁴ A sense of the disruptions was given by Ilay in 1754:

There is a strange madness and confusion now in Town, what it will all end in I believe hardly anybody is wise enough to foretell. I think the Duke of Newcastle will get the better of it, which I shall be very glad of, for I don't love his enemies.³³⁵

He wrote to Milton three years later that "Things are in the utmost confusion" and that "Scotland will in all probability be directed by Lord Bute. You will be surprised to hear that he has not been near me these six weeks."³³⁶ Confusion was such that in 1758 Hardwicke, former Lord Chancellor, blamed the Annexed Estates Commissioners not the Treasury for the Commission's inactivity. Writing to Lord Advocate Robert Dundas, he spoke of "the lamentable dilateriness in proceeding under the Commission

of the Annexed Estates", adding that "If Your Lordship and your friends do not take up a spirit of attending and pushing it on, I foresee nothing will be done."³³⁷ Political instability and lack of continuity meant that the sensitive but essentially unimportant reports of the Commission would be shelved and forgotten.

Connected with the unsettled political climate was Ilay's ineffectuality at this time. Always a cautious politician, unwilling to commit himself where he could be outflanked, his character and mode of action were not suitable to meet the exigencies of mercurial political change and constant factional strife. And he was by then in his seventies, sufficient reason from withdrawing from the fray. His nephew Bute did not replace him as head of the Scottish management in the late 1750s,³³⁸ but his own management was lacklustre and weak. He did not refer to the Annexed Estates Commission once in his letters to Milton between 1755 and 1761, and, in short, Milton no longer had a strong patron's support in London.

Whereas in the first phase London negated the Commission's efforts, probably from a coincidence of the above particulars, in the second phase it enthusiastically promoted the Commission's revival. And Milton used his political skills to build on the new perspectives.

By the early 1760s Cumberland was in eclipse, the War was no longer a consuming obsession, a new king brought in a new Administration and Ilay was dead. The key changes were the deaths in 1760 and 1761 of George II and Ilay. The first brought Bute to supremacy in the Ministry, initially under the nominal leadership of Newcastle and between 1762 and 1763 on his own account as First Lord of the Treasury.³³⁹ Bute owed his brilliant rise to his close friendship with George III: "As Shelburne says, Bute panted for the Treasury and George III panted with him."³⁴⁰ The second gave Bute undisputed hegemony over Scotland. The particular benefit to the Annexed Estates was that he placed the direction of Scotland in the hands of two enthusiastic lieutenants who were keen to get business moving, his brother

James Stuart MacKenzie, Lord Privy Seal, who was appointed to the Commission in 1761,³⁴¹ and Gilbert Elliot younger of Minto, a Lord of the Treasury, who had been an absentee Commissioner since 1755 (then as a Lord of the Admiralty).³⁴²

The particular benefit to Milton was that Bute became his patron, a patron who would assist him and one he could use. Just as Ilay had needed a machine in Scotland so did Bute. Although he gave the direction of Scottish affairs over first to Elliot and then to Stuart MacKenzie,³⁴³ these were London politicians. The old organisation of Bute's uncle, headed by Milton, filled the gap conveniently and smoothly. Bute therefore assured Milton that matters would go on as before³⁴⁴ and although Milton was not altogether inclined to trust him³⁴⁵ he made the best of this splendid chance. And the transfer was a natural one, because Scots attached to Bute and Ilay were almost indistinguishable. They were members of the same family interest. For example, Milton had negotiated Stuart MacKenzie's marriage settlement³⁴⁶ and, as noted, he was even closer to Elliot, whose career he had promoted.³⁴⁷

Milton also gained from the ignorance in Scottish business of his friends in the Bute interest. Ilay and Milton had monopolised the Scottish management for so long that this compounded the ignorance Ilay's successors already had because of their careers outside Scotland. Elliot advised Milton after Ilay's death that Bute was

very desirous to be fully informed of the state of everything regarding Scotland, so as he may be enabled to carry matters on in the best train for that country.... it is wish'd that your Lordship would send up the fullest account and state of those matters in your power, with such observations as you think proper.³⁴⁸

The relationship between Bute and Milton in this respect was an example in extreme form of the need London grandees had for Scottish representatives and of the advantages the latter could draw from this, if sufficiently adept, to further their own ends. The second phase of the Annexed Estates Commission's history illustrates how Milton was aided by his new patron and used him.

The first thing Milton wanted under the new regime was official approval of the Commission's early reports. This was not automatically assured. Bright politicians suddenly elevated to power do not naturally follow their predecessors' schemes in preference to their own. James Stuart MacKenzie displayed a symptom of this upon his return from diplomatic service in Turin to help Bute, remarking to Elliot that the Annexed Estates Commission "will probably rather chuse new plans of their own than adopt the old".³⁴⁹ But Milton had by then made a pre-emptive strike. He struck when Elliot, then supposedly in command of Scottish business, was at his weakest, ignorant and overwhelmed after Ilay's death. Elliot had told Milton that

The few papers regarding Scottish business, as well as some few private applications left at Lord Bute's office by the Duke of Argyll, some of them the very day of his death, are now in my hands: they are however extremely imperfect and by no means answer what will be wanted here.³⁵⁰

What Elliot wanted specifically were list of Crown appointments,³⁵¹ a matter of extreme importance in 18th century government. He said that among the papers needed were "Those for the forfeited estates and their vacancys": he required full lists and Milton's observations. Milton replying sent him "copies of the papers that appeared necessary for understanding the present state of the Forfeited Annex'd Estates", and explained that the Commission's royal patent would have to be confirmed of the death of the old king.³⁵² He also put pressure on Elliot:

From the report by the Commissioners for managing the Annex'd Estates in Scotland ... to King, it appears that several former reports have been made to his late Majesty, but none of them have been approved, altered or varied which is (the reason) that so little had been done and makes it the more necessary now to obtain, if it shall please his Majesty, an approbation of the proposals contained in these reports or such directions as his Majesty shall think proper.³⁵³

Elliot shifted the burden onto Milton, asking him to send "a form of approbation ... for the annexed estates" which "may be of use, at least I conjecture it may".³⁵⁴ Milton was not one to let such a chance slip.

Keeping his manoeuvring from his fellow Commissioners, he related to Elliot

that he had gone to the Annexed Estates office "on Monday the 8th at 11 aclock",

to which that Board was adjourned by their last meeting which was intimated to all the commissioners then at Edinburgh. I waited till past 12 aclock but none of the comrs came to the meeting, however I was not loss my time. I ordered the clerks to make out copys from the different reports so far as was necessary for my forming a scroll of the Royall Approbation of the last and former reports. I wish it may be of some use.³⁵⁵

A month later Elliot, by then a Lord of the Treasury, told Milton that the Treasury had given general approval, including that of the major scheme, the erection of settlements in the Highlands.³⁵⁶ The only limitation was that the Treasury wanted to be sure it had a clear view of the financing of the scheme - which was to be out of rents - and would send instructions on this.³⁵⁷ Elliot was true to his word, instructions being sent a fortnight later asking that plans of surveys and abstracts of surveyors' reports should be sent up to the Treasury annually, as well as "copies of the rentals of the several estates which have been properly authenticated".³⁵⁸ No longer was the Treasury delaying progress: it was exercising its proper function in auditing the books. Milton was delighted. "I have read over with pleasure the King's approbation and instructions", he told Elliot:

every circumstance has been clearly considered, and the instructions framed with judgement and precision. The knowledge of what is acceptable to the King, and the manner in which his Majesty chuses our reports should be framed, makes us happy and easy in the execution of our duty, whereas formerly we were left to guess what might be acceptable.³⁵⁹

At last the bottleneck was cleared through the help of a willing and effective patron and the clever manipulation of every favourable circumstance by the administrator in Edinburgh.

Milton's next requirement was a Commission as amenable as it had been in Ilay's time. He tried to arrange this by stealth, testing Elliot's simplicity, by sending him a draft of a warrant confirming the Commission's old patent, as if this was routine.³⁶⁰ But Elliot was his match. He replied with advice that what was wanted was a draft of an "absolutely" new

patent, not a confirmation; and he said that from Ilay's papers it seemed that Ilay "also meant an absolute renewal" of the patent for the new reign.³⁶¹ Milton conceded the game, sending a draft warrant for a new patent, while assuring Elliot that "I was not acquainted with what the late duke intended."³⁶² There was no danger to Milton himself of being excluded from the new Commission. But he relied on Elliot and Bute's political sense in having Commissioners appointed who would act together. He told Elliot, "I had much rather that Lord Bute named his friends as they would be more ready to join in what was necessary for the publick Service."³⁶³ A good sign was that Elliot did not "believe many changes are intended".³⁶⁴ He also asked Milton to send recommendations,³⁶⁵ to which Milton replied:

taking it for granted that I formerly mentioned Mr James Veitch one of the Senators of the Colledge of Justice and Mr William Mure one of the Barons of Exchequer, I now suggest the Earl of Dunmore who lives near the Annexed Estate of Perth and Mr Alex Gray one of the outer house Clerks of Session he is very sensible and speaks the Highland Earse which is of great use.³⁶⁶

Of these only Mure was appointed; but Milton could be satisfied with the choice his patrons made. The old members then living kept their places, except Colonel Watson who had left Scotland.³⁶⁷

Of the thirteen members added most were friends or relations of Elliot or Bute, which suited Milton. Six of the new members had certainly been attached concurrently to Ilay or Milton and Bute or Elliot. James Stuart MacKenzie has been noticed. John Campbell younger of Stonefield, advocate, (or, more properly a sheriff depute and shortly an S.C.J.)³⁶⁸ was son of Archibald Campbell, sheriff depute and former chamberlain of Argyll, and was married to Lady Grace Stuart, Bute's sister (and Ilay's niece):³⁶⁹ Milton had negotiated the marriage settlement. Henry Home, Lord Kames, S.C.J., was grandson of Christian Fletcher of the same Dundee family as Milton.³⁷⁰ This was probably not significant. Of sure relevance, Kames, a Berwickshire gentleman, was attached to Ilay through his chief the Earl of Home in opposition to the Earl of Marchmont in Border politics.³⁷¹

Described as "a friend" by Milton's son, he was given his high legal offices by Ilay.³⁷² In the 1750s he supported Elliot, M.P. for Selkirkshire under Ilay's auspices, against Marchmont.³⁷³ The links between Andrew Pringle, Lord Alemore, S.C.J., a Selkirkshire gentleman,³⁷⁴ and Milton were suggested in a letter from Milton to Elliot in 1756, at the time of Elliot's re-election to Parliament after taking office in the Admiralty: "as to your being re-elected I cannot think it possible youll have any opposition.... I spoke to my friend Mr Pringle ... and he immediately gave your father full assurances."³⁷⁵ In 1755 Milton told Ilay of Alemore that "I need not inform yr Grace of his abilities, friendship and service"; and Ilay rewarded Alemore with legal offices.³⁷⁶ Elliot's father, Lord Minto, S.C.J., was another new Commissioner. He had long-standing links of friendship and peripheral political service with the 2nd Duke of Argyll and Ilay.³⁷⁷ Finally William Mure of Caldwell, advocate, who retired from Parliament in 1761 to take up an easy post in Scotland as Baron of Exchequer,³⁷⁸ was related to Elliot through the Stewarts of Goodtrees and Coltness, their mothers Anne and Helen Stewart being first cousins.³⁷⁹ Mure was also Bute's friend and advised him on estate matters.³⁸⁰ And he had a link with Milton. Mure's first cousin, Sir James Stewart the political economist, was married to Lady Frances Charteris, one of the children, to whom Milton had acted as tutor, of the 4th Earl of Wemyss: the Wemyss-Charteris family were related to Milton's wife.³⁸¹

These six were the new Commissioners who can be connected surely with Ilay or Milton and Bute or Elliot. One other Sir David Dalrymple of Hailes, advocate, was first cousin of Elliot's wife, Agnes Dalrymple.³⁸² Dalrymple also had associations with the Squadrone Earls of Haddington, however,³⁸³ and was not Milton's friend. Another, John Swinton of Swinton, advocate, was friendly enough with Elliot to tell him in 1760:

I think I cou'd be useful, and I think it might put me in a favourable light were I of the nomination of the Trustees on the Annexed Estates.... I have not yet mentioned my view to any body. Tell me whether you approve and I know you'll assist me if in your power.³⁸⁴

Swinton had no known link with Milton. To balance these two, Thomas Miller, the Lord Advocate, an automatic member of the Commission by virtue of his office, was a protégé of Milton's;³⁸⁵ and James Burnett of Monboddo, advocate, was a protégé and close relative of Milton's first cousin Sir James Carnegie of Pittarrow, M.P.³⁸⁶ The joint Solicitor Generals were also on the Commission, probably by virtue of their offices according to the pattern established by Pelham in the 1740s.³⁸⁷ One, Sir James Montgomery, owed his political-legal appointment to Robert Dundas;³⁸⁸ while the other, Francis Garden, was similarly obliged to Ilay, who thought him "a good man and true".³⁸⁹ The remaining new Commissioner was Baron Winn, an Englishman.

Two features emerge from this detail. First, all the new Commissioners were members of the Faculty of Advocates, except James Stuart MacKenzie and Baron Winn. It does not follow that these, apart from the three legal-political office holders, were chosen for their legal qualifications. Bute told Mure in 1757 that "I have been for many years absent from my country, uncertain of my return; no friend remaining but Will Stuart; come to a time of life when friendships are seldom contracted."³⁹⁰ In consequence he relied on Elliot's judgment when making appointments in Scotland. Elliot in turn had had but a few years of adult life there, as an advocate and sheriff-depute, before leaving for London politics.³⁹¹ So the men of affairs he knew in Scotland were not town councillors or merchants: they were lawyers. Secondly, a number of the new Commissioners were closely related to Elliot, were border gentlemen like him, or had helped him politically. When therefore he sought new Commissioners he looked for friends, relatives and neighbours who were active in Edinburgh and found lawyers. Their primary characteristic was their association with him or

Bute: their secondary characteristic was their law. For Milton the primary characteristic was all. A collection of amiable pettifoggers was useless to him. He required friends who could act together to support a party line, the party being Bute's and the line Milton's.

In the two years left to him Milton introduced only one new scheme, but it was one which demonstrated this last truth. An adaptation of his plan of 1748 to settle Chelsea pensioners in the Highlands to encourage industry and civilized habits, it laid down a plan for improving the Highlands "by giving bounties and encouragements out of the produce of the Annexed Estates to such sailors only who have served during the late War on board of any of his Majesty's ships, to induce them to settle in the fisher towns of the Highlands, to replace in some measure the fisherman who have been taken on to his Majesty's Service from those towns since the commencement of the War, to the number of 3000".³⁹² Sir David Dalrymple's response to the way in which Milton pushed this scheme through the Commission was given to Gilbert Elliot:

it may suffice at present to say that the most candid of the commissioners, such as Lord Chief Baron and My Lord your father, do not attend nor can I wonder at their absence. Others, perhaps of less candor, might be usefull as an equipose, ballancing faction with faction, But they too keep at a distance. I do not like to be considered as a tale-bearer, but I will venture to say, that the Board consists of one man [Milton], and he veteratus as he is, makes no scruple to call in just as many voters as will be necessary for his occasions. Honest Swinton's nose grows longer every day, when he sees with how despotic a hand matters are conducted.

... When I see myself out-voted by people who know nothing of the business, nor indeed, with respect be it spoken, of any other business, who have no ideas of their own, and scarcely give themselves the trouble of enquiry into the ideas of their leader, I cannot but consider my presence as superfluous and as irksom to the good company.

... It has been often matter of astonishment to me why a minister in England should think a minister here necessary; we are so well broke, so thoroughly paced, that we can be managed by a whipcord as well as by a double bridle; and yet the no-significancy of such tools serves in this country for talents and influence, and were that necessary, would supply the place of integrity likewise.³⁹³

In a following letter Dalrymple added:

Lord Milton by his plan for the providing of sailors passed at the Board and has received the royal approbation.... I wish you saw the plan itself, it is a jewel for composition; in the first draught it was said that fishers are remarkably chaste. Whether the plan transmitted to the treasury contained this anecdote I dont know nor can I say whether it is confirmed by what an unmarried sailor told me today. "One can find a rag of a wife any where."³⁹⁴

Dalrymple's sense of the absurdity of the scheme was justified: it ended with sailors who applied for support making off with the cash they got from the Commission.³⁹⁵

But Milton's geriatric folly has no historical significance. The significant aspect of the affair was the demonstration that in political power and the sharp use of it lay administrative potential. Milton's new patron had the power to select the Commission and Milton had the acumen to capitalise on this. He also had the influence in London to get a favourable hearing for the scheme. He got William Mure, lately an M.P. and still in London, to act as his intermediary there.³⁹⁶ Mure proposed the scheme to Stuart MacKenzie and the Prime Minister and it was accepted.

This was Milton's last success. He was overcome by a psycho-geriatric disorder and, making only rare public appearances in 1764, retired in the middle of that year.

iv. Conclusions

Milton had his easiest victories as an administrator when acting in Scotland in concert with Ilay's aims and intentions. This is evident from those features of his work at the Royal Bank, the Board of Trustees and the Annexed Estates Commission which were extensions of his duties as a political agent. As a political agent his most valuable assets were the discretionary authority and patronage handed to him by Ilay (later Bute) and, in repayment to Ilay, local knowledge and ready access to problems and solutions. As an administrator these factors came most strongly into play in the help he gave to the Argyll estate from the Board of Trustees and in the postscript to his career when he manipulated Bute's ignorance of Scotland.

What disappointments he had as a political agent and administrator happened when the fundamental of his authority, his link with the great patron, hindered or could not help him. It was not a hindrance through any inhibition Ilay placed on those of his initiatives restricted to Scotland. The only limit Ilay placed on Milton in Scotland was to expect political prudence of him, to keep the country and friends and enemies in control and quiescent. This inhibited Milton only slightly in that as a political agent he had to stay in the shadows and act with caution to avoid cries of political jobbery. More radically Milton's source of power in Ilay led to failure in that, founded on the assumptions of a small and stable landed society, it was an insufficient, increasingly irrelevant base from which to attack the challenges of a changing, more complex society. This was striking in his failure to curb the Glasgow banks and his futile attempts at controlling the exchange rate between England and Scotland. It was a problem of marginal proportions, however, appearing in the later part of his career. The severest drawback of influence through Ilay was that the latter was inclined and able only to give limited help in getting concessions from England to help Scotland.

Generally Milton was confronted by his severest difficulties when dealing with London, whether with Ilay, other Scots or English there. The weakness and pride of Scots in London did not normally permit great initiatives from Scotland requiring their assistance at the political centre to bear fruit, such as in enabling legislation. Thus the hitherto unchallenged claim that the foundation of the Board of Trustees was inspired by home Scots is a mistake. Above all, the lack of interest by the English in matters Scottish, their actual contempt for Scotland and their political and economic supremacy drastically reduced the scope of the Scottish leadership in London and Edinburgh. This was striking in the Annexed Estates Commission's helplessness in the face of the Treasury's failure to ratify its reports for five years and in the general sparsity of benevolent Scottish legislation.

Hence Milton had to draw on exceptional personal qualities to make himself a real civic leader. When the power of the centre was temporarily weakened at the time of the Rebellion he stepped in to get acceptance, although only partial, of his Highland scheme; and he got things moving at the Annexed Estates Commission when the centre, represented by the novices Bute and Elliot, was briefly at his mercy. He also used outstanding abilities to counteract London's economic dominance, when getting a drawing account from the Bank of England for the Royal Bank.

His genius in innovations and administration had general relevance to all civic leaders including lawyers. It was only through his abilities that he was able to swing the pendulum of influence back some of the way from London to Edinburgh. In the wide sweep of activities observed no other had the personality to do this. Thus the supremacy of the south was one of two factors which diminished the consequence of the entire civic leadership in Scotland.

The other was their dependency on the great patron and his leading agent. Those, taking the lawyers, who were not attached to the great patron, such as the Dundases, Craigie, Grange and, eventually, Monzie, were civic leaders in no real sense - being in a minority in decision making - with the exception, perhaps, of Duncan Forbes, whose obstructive disposition and charisma enabled him to exert at least a negative presence, as he did at the Board of Trustees. And those, such as Tinwald, Strichen, Maule and Shewalton, and the crop of younger lawyers dismissed by Sir David Dalrymple as Milton's tools at the Annexed Estates Commission in the early 1760s, who were attached to the patron either directly or through introductions from lesser grandees and appeared to have influential positions through him on, for example, the Board of Trustees and the above Commission, were reduced by being secondary agents beneath Milton. They rate only passing mention in each field and often appear as votes used by Milton rather than as personalities. Individual study of each, as given to Milton here, might show them to have had important and successful schemes of their own or of

their lesser patrons, but the extant papers dealing with the core of politics and administration during the period to the early 1760s do not suggest that there is a body of major public initiatives to be explored.

Moreover the lawyers mentioned did less to help Milton (or obstruct him, with the exception of Forbes) than non-lawyers such as the heir to a peerage, the Master of Ross, the Welshman, Gwynn Vaughan and, above all, the Edinburgh merchant councillor, George Drummond. This may have been owing to a freak coincidence of dull personalities among the lawyers, dull, that is, when compared to the energetic non-lawyers. Whatever, in total over the forty year period from the 1720s to the 1760s lawyers apart from Milton and Forbes were in the civic leadership in Scotland on a singularly inconsequential sub stratum.

The claims that have been made for the Edinburgh lawyers in the literature on the period, in relation to activity at the centre of the public management in Edinburgh, have to be revised. Leaving Milton aside, "the effective day to day work" of political management did not, after all, depend on them; they "were involved in making and executing economic policy" on a trivial level compared to those in the south. Their legal talents in framing legislation were hardly called upon and legal expertise was not basic to whatever importance they had, being swamped by the primacy of more worldly talents. They did not take advantage of a true administrative vacuum following the departure of the nobility, because the management of Scotland was transacted for southern masters who retained a keen interest in the country. And their high legal offices did not make them automatic leaders in public affairs in Scotland, since offices such as those of the Lords of Session usually signified rewards for work done or anticipated in controlling society on behalf of others, and the office of Lord Advocate signified that the holder's career was that of an M.P. in England.

The most accurate claim is that lawyers "like Lord Milton or Duncan Forbes of Culloden" were used by "the greatest Scottish statesmen in London ... as their agents in their homeland": but Milton and Forbes were not like each other, either in terms of their relationships to the greatest Scottish statesmen or their careers, the one spending all his time in Scotland, the other much of it in England; nor were they like other lawyers, there being none who could match them. Of all the lawyers resident in Scotland from the 1720s to the 1760s, where their immediacy to business and their local knowledge could be used, none employed his social connections to find precisely the right degree of attachment to the right patron and none overcame his dependent status at the periphery, except Milton.

1. The activities of the British Linen Company are described in Durie, Thesis.
2. Warrants of the Charter Erecting, Confirming and Granting New Privileges to the Royal Bank of Scotland (Edinburgh 1789), 12-20, Royal Bank of Scotland Archives, minutes, 1727-30.
3. RBS minutes of the court of proprietors, 1727-1879.
4. Wodrow, Analecta, iv, 191.
5. Pillans, "A Short Account of the Finances of the Union".
6. *ibid.*; Hamilton-Dalrymple of North Berwick Muniments, GD110/1275, 9 January 1725, Craufurd to Sir Hew Dalrymple. Milton observed in 1729 that of the small sum in debentures then left in Scotland "no less than £20,000 was engrossed by Patrick Craufurd the usurer" (SC40, f69, to Ilay).
7. Pillans, "A Short Account of the Finances of the Union".
8. *ibid.*
9. *ibid.*
10. *ibid.*
11. RBS minutes of the court of proprietors, 1727-1879.
12. RBS stock ledger no.1, 1727-85.
13. Pillans, "A Short Account of the Finances of the Union".
14. SC35, ff89-90, May 1727, Ilay to Milton.
15. e.g. Lindsay, The Interest of Scotland, 75-6.
16. SC29, f39, April 1724, Milton to Ilay.
17. Bank of Scotland Archives, List of Adventures in the Bank of Scotland.
18. C.A. Malcolm, The Bank of Scotland, 1694-1945 (Edinburgh 1945).
19. Quoted by W. Graham in The One Pound Note (Edinburgh 1886), 33.
20. SB338, folder 1, n.d., paper containing Milton's rough notes.
21. Malcolm, Bank of Scotland, 227-9.
22. SC35, f89, May 1727, to Milton.
23. RBS minutes, 5 March 1728; SC38, ff48-9, February 1728, Milton to Ilay.
24. SC38, ff48-9.
25. SC38, ff63-4, July 1728, Milton letter.
26. *ibid.*
27. Neil Munro, The History of the Royal Bank of Scotland, 1727-1927 (Edinburgh 1928), 69.

28. RBS stock ledger no.1.
29. RBS, letter book of the committee of the Equivalent Company in Edinburgh, 1724-8.
30. SC35, ff89-90, May 1727.
31. RBS, Equivalent Company letter book, op. cit., July 1727, Daniel Campbell to John Mounsey. The stock held by Milton, book value £701-13-0, was transferred to Patrick Craufurd junior in 1728 (RBS stock ledger no.1).
32. RBS minutes of the court of Proprietors, 1727-1879.
33. DNB, James Nimmo (1654-1709) - Nimmo's father; Calendar of Treasury Books and Papers, 1735-1738 (London 1900), 41; George Drummond's diary.
34. Register of Marriages for the Parish of Edinburgh, 1701-50; SP, ii, 368.
35. SP, ii, 368.
36. Records of the Convention of Royal Burghs, 1711-1738, 255.
37. SC29, f12, January 1724.
38. SC29, f70, August 1744.
39. Sedgwick, House of Commons, i, 597.
40. SC34, ff144-7, October 1726.
41. Roll of Edinburgh Burgesses, 1701-60.
42. Quoted in Coxe, Walpole, ii, 461.
43. SC33, f48, February 1726.
44. Calendar of Treasury Books and Papers, 1729-1730 (London 1897), 611.
45. SC42, f23, January 1730.
46. Calendar of Treasury Papers 1720-28, 471.
47. SC35, f139, December 1727.
48. Roll of Edinburgh Burgesses, 1701-60.
49. Seafield Muniments, GD248/564/75-7, 1727-8, letters from Philp to Findlater.
50. SC44, ff114-5, September 1730.
51. SC69, f116, June 1737.
52. HMC Polwarth V, 61.
53. SC50, ff183-4, May 1732, Allan Whitefoord to Milton.
54. SC51, ff235-6, 1732; Breadalbane Muniments, GD112/57/1, "Genealogies"; R.N. Forbes, "John Campbell of the Bank", The Three Banks Review, no.99, September 1974.
55. SC50, f71, London, March 1732.
56. SC51, ff235-6, 1732.
57. *ibid.*
58. SC48, f91, September 1732.
59. SC48, f86, 11 September 1732.
60. *ibid.*
61. SC48, f58, September 1732.
62. RBS Archives, "Notes by Hugh Williams on Patrick Campbell of Monzie", n.d.; Letters to and from Henrietta, Countess of Suffolk ... 1712 to 1767 (London 1824), 42-45, Ilay to Mrs Howard, Paris, 1719.
63. SC40, f64, 1729.
64. SC48, ff208-9, 16 September 1732.
65. SC78, f137, July 1739, George Irving to Milton.
66. *ibid.*
67. *ibid.*
68. *ibid.*
69. SC78, f139, July 1739.
70. RBS minutes of the court of proprietors, 1727-1789.
71. RBS minutes, 15 December 1727.
72. *ibid.*, 15 December 1727.
73. *ibid.*, 8 and 10 January 1728, 12 April 1734, 5 August 1737.
74. RBS minutes of the court of proprietors, 1727-1789.
75. SB338, folder 1, February 1741, letter to the London proprietors.

76. RBS minutes, 12 April 1734.
77. Culloden Papers, 145-6.
78. ibid., 5 August 1737.
79. ibid., 147.
80. ibid.
81. Erskine Murray Papers, MS.5074, f121, February 1739.
82. Warrant, More Culloden Papers, vol. iii, letters to Scrope.
83. SC72, f83, April 1738.
84. SC72, f221, April 1738.
85. SC72, f85, April 1738.
86. SC72, f114, to Milton.
87. Erskine Murray Papers, MS.5074, f117, 1739, Monzie to Tinwald.
88. ibid., f151, April 1739, George Drummond to Tinwald.
89. Board of Trustees minutes, NG1/1/6, 2 January 1741.
90. ibid.; RBS minutes of the court of proprietors, 1727-1879.
91. SC72, f85, April 1738; Index of Commissions under the Great Seal.
92. NG1/1/6, 2 January 1741.
93. SB338, folder 1, 10 February 1741.
94. ibid., 3 March 1741.
95. ibid.
96. SC161, ff22-3, October 1749, David Baillie to Milton.
97. ibid., Checkland, Scottish Banking, 115.
98. SC161, ff22-3.
99. RBS minutes, 3 November 1749.
100. ibid., 7 September 1750.
101. ibid., 7 September and 23 November 1750.
102. R.H. Campbell, Scotland Since 1707 (Oxford 1971), 73-5.
103. G. Eyre-Todd, History of Glasgow (Glasgow 1934), iii, 219.
104. RBS minutes, 23 November 1750.
105. ibid.
106. SB338, folder 2, 2 October 1756, Milton to George Murdoch.
107. Campbell, Scotland Since 1707, 42-4.
108. SB338, folder 2, 2 October 1756, Milton to the committee of the Edinburgh banks.
109. "The Note Issue of the Royal Bank of Scotland - I", The Three Banks Review, no.67, September 1965, 35-6.
110. "The Royal Bank and the London Edinburgh Exchange Rate in the Eighteenth Century", The Three Banks Review, no. 38, June 1958, 29-30.
111. RBS minutes, 11 June 1756.
112. SB338, folder 1, 9 July 1756, Murdoch to Milton.
113. ibid., 11 August 1756, Murdoch to Milton.
114. ibid.
115. SB338, folder 2, 30 April 1756, Murdoch to Milton.
116. ibid.
117. SB338, folder 2, 8 September 1756, memorandum to Milton.
118. ibid.
119. SB338, folder 2, 2 October 1756, Milton to the committee of the Edinburgh banks.
120. ibid.
121. ibid.
122. ibid.
123. ibid.
124. SB338, folder 1, 10 November 1756, Robert Christie to Milton.
125. ibid.
126. SB338, folder 1, December 1756, Christie to Milton.
127. ibid.
128. SB338, folder 1, 31 December 1756.
129. Eyre-Todd, History of Glasgow, iii, 219.
130. RBS minutes, 14 June 1759.
131. ibid.

132. Eyre-Todd, History of Glasgow, iii, 219.
133. SB338, folder 2, October 1756.
134. Pillans, "A Short Account of the Finances of the Union"; SC72, f112, Ilay to Milton; SB338, folder 1, 15 April 1732, Milton to Royal Bank directors.
135. RBS, Equivalent Company letter book, 31 October 1758, James Mathias to John Campbell.
136. "The Bank of England, agent of the Royal Bank of Scotland", The Three Banks Review, no. 39, September 1958, 36.
137. SC48, ff70-1.
138. SC48, f75, January 1732.
139. "The Bank of England, agent of the Royal Bank", 37-8.
140. SB338, folder 1, 1 June 1732, Monzie to Milton.
141. SC46, ff196-7, March 1732.
142. SB338, folder 1, 23 March 1732.
143. *ibid.*
144. RBS minutes, 30 June 1732.
145. SB338, folder 1, 28 March 1732.
146. SP, iii, 177-8; SC86, f256, 1741.
147. SB338, folder 1, n.d., Milton to Royal Bank.
148. *ibid.*, 14 April 1732, to Royal Bank's committee in waiting.
149. *ibid.*, n.d.
150. *ibid.*
151. *ibid.*
152. *ibid.*
153. SB338, folder 1, 1 June 1732.
154. *ibid.*, n.d., Milton to Royal Bank.
155. *ibid.*
156. *ibid.*
157. *ibid.*
158. *ibid.*
159. RBS minutes, 30 June 1732.
160. *ibid.*
161. SB338, folder 1, n.d., Milton to Royal Bank.
162. *ibid.*
163. Saltoun Correspondence, *passim*, Crop to Milton.
164. SB338, folder 1, 16 May 1732.
165. *ibid.*
166. Equivalent Company letter book (Edinburgh), 1724-8.
167. Money and Trade Consider'd; with a proposal for supplying the Nation with Money (second edition, London 1720), 18.
168. William Glen, A Treatise on the Law of Bills of Exchange, Promissory Notes, and Letters of Credit in Scotland (second edition, Edinburgh 1824), 13.
169. SC42, f72, 1730, to Ilay.
170. SC38, f83, 1728, Milton to Ilay.
171. *ibid.*
172. SB338, folder 1, 15 April 1732, Milton to Royal Bank.
173. *ibid.*, n.d., "Memorial for the Royal Bank".
174. SC38, f83, 1728.
175. Milton's comments on how Monzie dominated the Bank for the first few years because of "his great skill" (SC40, f64, 1729), suggest the possibility that Monzie devised and initiated the cash credit system, which the Royal Bank introduced into World banking practice.
176. SC86, f256, 1741, Milton to Patrick Craufurd, M.P.
177. RBS minutes of the court of proprietors, 1727-1879.
178. Sedgwick, House of Commons, i, 592-3.
179. SC86, f22, August 1741.
180. *ibid.*
181. SC86, f256, August 1741.

182. *ibid.*; SC86, f22.
183. SC86, f22.
184. SC86, f26, December 1741.
185. SC90, miscellaneous scrolls.
186. *ibid.*
187. "The Royal Bank and the London Edinburgh Exchange Rate in the Eighteenth Century", 32.
188. SB338, folder 3, 29 March 1762, anonymous memorial.
189. *ibid.*
190. *ibid.*, March 1762, letter on measures to prevent specie being carried from Scotland.
191. *ibid.*
192. *ibid.*; SB338, folder 3, October 1761, Royal Bank directors to the Newcastle Bank.
193. SB338, folder 3, memorial for William Alexander and Sons.
194. *ibid.*
195. Durie, Thesis, 9.
196. *supra*, 171-6.
197. Trustees minutes, NG1/1/1 and following.
198. *ibid.*
199. SC142, f167.
200. SC66, f61.
201. SC43, f111.
202. SC69, ff168-9, to Milton.
203. SC70, f160.
205. *ibid.*
206. Yester Papers, MS.14424, 28 July 1743.
207. Trustees minutes, NG1/1/1-8, *passim*.
208. *ibid.*, NG1/1/4.
209. *ibid.*
210. *ibid.*
211. *ibid.*, 17 March 1738.
212. *ibid.*
213. 17 March 1738.
214. NG1/1/4, 24 March 1738.
215. *supra*, 121.
216. 14 July 1728.
217. Sedgwick, House of Commons.
218. NG1/1/4, 14 July 1738.
219. *ibid.*
220. 16 July 1738.
221. NG1/1/4, 21 July, 4 August, 1738.
222. *ibid.*, 22 and 26 December 1738.
223. NG1/1/4.
224. Trustees minutes NG1/1/1-16, *passim*.
225. The Campbell of Succoth Papers at Strathclyde Regional Archives include no Argyll legal-business papers; but Succoth's letters to Milton in the Saltoun Correspondence are full.
226. SB406, folder 1, "Memorial concerning Tirry, 1748"; E.R. Cregeen, "The Changing Role of the House of Argyll in the Scottish Highlands", in Phillipson and Mitchison, Scotland in the Age of Improvement, 21.
227. Ian G. Lindsay and Mary Cosh, Inveraray and the Dukes of Argyll (Edinburgh 1973), 12.
228. Including, for example, John Campbell of Cloichombie, writer in Inveraray, chamberlain and deputy chamberlain of Argyll, 1743-52, John Campbell of Danna, writer in Inveraray, chamberlain and deputy chamberlain of Argyll, 1752-6, James Campbell, writer in Inveraray, Commissary of the Isles, chamberlain of Argyll, 1756-7, and the gentlemen, Archibald Campbell of Stonefield, Archibald Campbell of Knockbuy and Robert Campbell of Asknish, "Accountant to the Duke". (Saltoun Correspondence and Paton, The Clan Campbell, Abstracts from the Sheriff Court Books of Argyll).

229. E.R. Cregeen, Argyll Estate Instructions (Edinburgh 1964), xiv.
230. Culloden Papers and More Culloden Papers, passim.
231. Cregeen, Argyll Estate Instructions, xiv.
232. SB406, folder 1, "Memorial concerning Tirry, 1748".
233. Duncan Forbes to John, 2nd Duke of Argyll, September 1737, in Report of Her Majesty's Commissioners of Inquiry into the Conditions of Crofters and Cotters in the Highland and Islands of Scotland (Edinburgh 1884).
234. *ibid.*
235. SB406, folder 1, "Memorial concerning Tirry, 1748", my emphasis.
236. NG1/1/6, 11 March 1741, 2 March 1762.
237. NG1/1/1-6.
238. SC91, f83, December 1743.
239. SC179, f161, December 1751.
240. SC182, f177, November 1754.
241. SC19, f118, May 1757.
242. SC19, f111, May 1757.
243. John Watson, W.S., Milton's cousin, from whose estate, incidentally, John Watson's school in Edinburgh was endowed.
244. SC194, f159, May 1757.
245. Judged from correspondence between Inveraray and Milton.
246. Judged from letters between Milton and Ilay.
247. Both he and the Duke also visited Inveraray every autumn.
248. SC96, f138, April 1744.
249. SC182, f143, February 1754.
250. SC182, f149, March 1754.
251. George Douglas Campbell, 8th Duke of Argyll, Crofts and Farms in the Hebrides (Edinburgh 1883), 384.
252. SRO Campbell of Stonefield Papers, GD14/17, 1744.
253. A.J. Durie, The Scottish Linen Industry in the Eighteenth Century (Edinburgh 1979), 14-15 and Thesis, 9.
254. Maxwell, Select Transactions of Society of Improvers, vi; SC41, ff95-6, 1729.
255. SC153, f127, f138.
256. SB328, folder 3, London, September 1748.
257. *ibid.*
258. *ibid.*
259. *ibid.*
260. Argyll and Bute District Archives, minutes of the Commissioner of Supply, 23 June 1749.
261. *ibid.*
262. SC165, f161, August 1749, William Tod to Milton.
263. *ibid.*
264. SC162, f30, Inveraray, September 1749.
265. SC162, f31, October 1749.
266. SB329, folder 2, October 1753.
267. SC186, f199, November 1755.
268. NG1/1/10-14, 1749-60.
269. SC165, f161, August 1749.
270. SC171, ff9-10, November.
271. John Keyser, The Rules to be observed by the Flax-Raisers appointed by the Trustees for Manufactures (1740), 1-16; Alfred S. Moore, Linen, from the Raw Material to the Finished Product (London 1920), 48-52.
272. Instructions given by The Commissioners and Trustees ... to The Flax Raisers at Lint Mills (n.d.), para. 1.
273. *ibid.*, para. 3.
274. NG1/1/9, 3 February 1749, The figures for Argyll exclude Islay.
275. NG1/1/10, 23 February 1750; NG1/1/11, 3 January 1752; NG1/1/12, 19 January 1753, 6 December 1754.
276. NG1/1/10, 23 February 1750.

277. History of Society of Writers to the Signet, - Alexander McMillan; SB425, "State of Wadsets ... on the Estate of Argyll" 1748.
278. SC171, ff9-10, November 1751.
279. *ibid.*
280. SC171, f7, Dunloskin, November 1751.
281. e.g. SC16, f266, 1753, SC19, f111 and f168, 1757, SC199, ff268-9 and ff272-3, 1758, SC207, ff123-4, 1759.
282. Estate Instructions, xviii-xix.
283. NG1/1/7, 17 June 1743.
284. NG1/1/10, 12 January 1750.
285. *ibid.*
286. NG1/1/9, 18 January 1749; NG1/1/10, 2 February 1750.
287. NG1/1/9, 21 March 1748.
288. NG1/1/11, 18 January 1751.
289. SC171-200, letters from James Campbell to Milton.
290. *ibid.*
291. SC171, f28, 30 November 1751.
292. NG1/1/11, 24 January 1752.
293. SC16, f139, April 1752, Andrew Fletcher to Milton.
294. SC179, ff9-10; SB329, folder 2, "Abstract of the spinning mistresses' report".
295. NG1/1/12.
296. The establishment fluctuated, schools being struck off for failing to send in reports (NG1/1/12, 19 January 1753, 6 December 1754).
297. NG1/1/10, 2 February 1750; NG1/1/11, 15 November 1751; NG1/1/12, 17 and 19 January, 15 June, 1753; 6 December 1754.
298. NG1/1/11, 15 November 1751; NG1/1/14, 9 December 1757, 3 February 1758; SC171, ff9-10, November 1751.
299. NG1/1/14, 3 February 1758.
300. NG1/1/11, 16 November 1751.
301. NG1/1/11-13.
302. SC186, f199, November 1755.
303. SB329, folder 2, October 1753.
304. NG1/1/9, 24 February 1748, 17 February 1749; NG1/1/10, 12 January 1750; NG1/1/11, 11 January 1751.
305. Based on returns for the whole of Scotland, in SB327, folder 1.
306. Cregeen, Argyll Estate Instructions, xii.
307. SP, i, 380-1.
308. Lindsay and Cosh, Inveraray and the Dukes of Argyll.
309. SC96, f138, 1744; SC182, f143, f149, 1754.
310. The Statistical Account of Scotland, x, 394.
311. Anthony Slaven, The Development of the West of Scotland, 1750-1960 (London 1975), 6-8.
312. NG1/1/10, 9 February 1750; NG1/1/7, 1 March 1745.
313. NG1/1/11, 3 January 1752.
314. SB329, folder 2.
315. Paton, The Clan Campbell, Sheriff Court Books of Argyll, 1st series, 240, 2nd series, 88.
316. Virginia Wills, Reports on the Annexed Estates, 1755-1769 (Edinburgh 1973), viii-xv.
317. 25 Geo. II c.41.
318. SB329, folder 2, April 1753.
319. SC198, f231, n.d., "Scroll about the Highland Trustees".
320. SC186, f91, June 1755.
321. E721/2, 7 February 1757.
322. E721/3, 24 February 1757.
323. E721/3 (minutes of the Standing Committee).
324. SC216, f20, May 1761, Milton to Gilbert Elliot.
325. E721/1-4.
326. Thesis, 18-19.

327. Erskine Murray Papers, MS.5077, ff19-21, March 1752, to Tinwald.
 328. *supra*, 196-7.
 329. DNB, William Augustus, Duke of Cumberland; Walpole, Memoirs, ii, 247.
 330. Walpole, George II, ii, 131.
 331. Correspondence of John, Fourth Duke of Bedford (London 1842-6), i, 564.
 332. Walpole, George II, ii, 131.
 333. Correspondence of William Pitt, Earl of Chatham (London 1838), i, 237-480.
 334. DNB appropriate entries.
 335. SC182, f177, November, to Milton.
 336. SC194, f162, June 1757, to Milton.
 337. Dundas of Arniston, RH4/15/5, 20 July 1758.
 338. Romney Sedgwick (ed.), Letters from George III to Lord Bute, 1756-1766 (London 1939), xliii.
 339. *ibid.*, 45-212; DNB, John Stuart, Earl of Bute.
 340. Sedgwick, Letters from George III, lvi.
 341. SP, ii, 300; Caldwell Papers, II, i, 132n; Annexed Estates minutes E721/5.
 342. E721/1-4.
 343. SC218, f146, August 1761, Bute to Milton.
 344. SC218, f143, April 1761, Milton to Bute.
 345. Carlyle, Anecdotes and Characters, 210.
 346. SC165, f128, February 1749, Bute to Milton.
 347. *supra*, 98.
 348. SC216, ff4-5, April 1761.
 349. Minto Papers, MS.11016, ff41-2, July 1762.
 350. SC216, f45.
 351. *ibid.*
 352. SC216, f20, May 1761.
 353. *ibid.*
 354. SC216, ff48-51, June 1761.
 355. SC216, f66, June 1761.
 356. SC216, ff79-80, July 1761.
 357. *ibid.*
 358. E721/5, 11 August 1761.
 359. SC216, f91, August 1761.
 360. SC216, ff39-40, May 1761.
 361. *ibid.*
 362. SC216, f55, May 1761.
 363. *ibid.*
 364. SC216, ff48-51, June 1761.
 365. *ibid.*
 366. SC216, f74, July 1761.
 367. DNB, David Watson.
 368. Grant, Faculty of Advocates.
 369. *ibid.*
 370. SC166, 1750, letters from Ilay and Archibald Campbell of Stonefield.
 371. Minto Papers, MS.11014, ff81-2, October 1757; HMC Polwarth V, 214-5.
 372. SC17, f186, June 1755; HMC Polwarth V, 278-9.
 373. Minto Papers, MS.11014, ff81-2; HMC Polwarth V, 214-5; SC17, f186.
 374. DNB, Andrew Pringle.
 375. SC191, f176, November 1756.
 376. SC166, f120, 1750; SC186, f102, 1755.
 377. Sedgwick, House of Commons, ii, 9.
 378. DNB, William Mure of Caldwell, died 1776.
 379. DNB, Elliot and Mure; The Coltness Collections, 1608-1840 (Glasgow 1842), 376; The Complete Baronetage, iv, 353.
 380. Caldwell Papers, II, i, 115-6, Bute to Mure, 1757.
 381. Douglas, Baronage, 131, 152-3; SC88, ff3-10; SC92, f13; SC96, f23.

382. Burke's Peerage (1970), Dalrymple of Newhailes.
383. *ibid.*
384. Minto Papers, MS.11015, f82, December 1760.
385. SC212, f206, 1760.
386. SC153, ff29-30, 1748, Milton to Ilay; Burke's Peerage (1970), Earl of Southesk.
387. *supra*, 88-90.
388. DNB, Sir James Montgomery.
389. SB363, folder 3, August 1760, Andrew Fletcher to Milton.
390. Caldwell Papers, III, 115-6.
391. DNB, Sir Gilbert Elliot of Minto, 3rd bart.
392. SB336, folder 2.
393. Minto Papers, MS.11016, ff55-6, February 1763.
394. *ibid.*, f61, April 1763.
395. Smith, Thesis, 84-7.
396. Caldwell Papers, II, i, 166.

APPENDIX 1

The power of the Crown, the Privy Council, the
Lords of the Articles and Parliament

In the Stuart period of the 17th century power in Scotland was held not by Parliament but by a noble clique acting on behalf of the Crown. James VI and I, in London, told the English Parliament: "here I sit and govern it" - Scotland - "by my pen: I write and it is done".¹ He alluded to his power to rule through his Privy Council in Scotland, a body dominated by the nobility. During the reigns of Charles II and James VII and II a section of the Council sat in London, with the Duke of Lauderdale, the first Secretary to act under this new regime, resident there.² In 1683 Sir John Lauder of Fountainhall wrote from Edinburgh that "At Privy Council the King's letter was made publick, commissionating his seven great Ministers of State to manage all affairs here". These called themselves the Secret Committee,

To be a preparatory committee to the Privy Council to mould, form, and prepare matters; so that the rest of the Counsellors will have little more to do, save to ratify their conclusions. There is nothing to be proposed in Council, and no account of affairs, or recommendations to be transmitted to the King, but by them; that one single man may not abuse him, by misrepresenting and undermining others.³

Parliament was also at the mercy of the Committee of Articles, which included the same officers of state. This committee "rendered the sway of the Crown almost absolute" over it:

In the public records, the Lords of the Articles are sometimes termed "those to whom the whole power of Parliament is committed"; and as their authority in that assembly could not but be irresistible, the Court was ensured of over-ruling most of its interesting resolutions. All matters purposed to be laid before it, were previously examined by the Articles. Bills which they thought ought to pass into laws, were prepared by them: and overtures which had been rejected by their voice, could not regularly be introduced into the House.⁴

At the Revolution, however, Parliament was able to assert its authority. The Claim of Rights of 1689 undermined the "Arbitrary Despotick power" of the Crown.⁵ Then, by Act 1690, c.3, the Committee of Articles was abolished, with the consent of William and Mary. By the same Act

Parliament was given power to appoint its own committees: officers of state could sit on these, but without votes unless elected to any given committee by their peers. No declaration was made about the Privy Council at the Revolution; but its London section was abolished and "under William and Mary Parliament and not the Council was the predominant power".⁶

1. W.K. Dickson, "Privy Council Records, 1545-1707", Stair Society I, 83.
2. *ibid.*, 84; O. Airy (ed.), The Lauderdale Papers, Camden Society, new series, 34, 36, 38 (London 1884-5).
3. Sir John Lauder, Lord Fountainhall, The Decisions of the Lords of Council and Session from June 6th 1678 to July 30th 1712 (Edinburgh 1759-61), i, 250.
4. George Wallace, Thoughts on the Origin of Feudal Tenures, and the Descent of Ancient Peerages in Scotland (Edinburgh 1783), 353-5.
5. APS, 1689, c.28.
6. Wallace, Feudal Tenures, 353-5.

APPENDIX 2

Known representatives of the landed interest among the burgh M.P.s, first session of Parliament 1703-7.

- i. Younger sons of peers, brothers of peers, husbands of peers' daughters:¹ Banff, Sir Alexander Ogilvie of Forglen, bart., son of George, Lord Banff; Bervie, Alexander Arbuthnott, son of the 2nd Viscount of Arbuthnott; Burntisland, Sir John Erskine of Alva, married to a daughter of Henry, Lord Sinclair; Campbeltown, Charles Campbell, brother of the 1st Duke of Argyll; Cullen, Patrick Ogilvie of Cairnbuilge, son of the 3rd Earl of Findlater; Culross, Sir David Dalrymple of Hailes, bart., son of the 1st Viscount of Stair; Dornoch, John Urquhart of Meldrum, married to a daughter of the Marquis of Huntly and related to the Earl of Airlie; Elgin, William Sutherland, son of James, Lord Duffus; Fortrose, John Mackenzie of Assynt, son of the 3rd Earl of Seaforth; Kirkcudbright, Sir Andrew Hume of Kimmerghame, son of the 1st Earl of Marchmont; Kirkwall, Robert Douglas, brother of James, Earl of Morton; Lanark, William Carmichael, son of the 1st Earl of Hyndford; Lauder, Sir David Cunninghame of Milnecraige, bart., married to a daughter of the 1st Viscount of Stair; North Berwick, Sir Hew Dalrymple of North Berwick, bart., Lord President of the Court of Session, son of the 1st Viscount of Stair; Rothesay, Dougal Stewart of Blairhall, brother of James, Earl of Bute; Stirling, Lt. Col. John Erskine of Carnock, son of the 2nd Lord Cardross; Stranraer, George Dalrymple of Dalmahoy, son of the 2nd Viscount of Stair.
- ii. Barons, freeholders of long-standing, or members or close associates of noble families. Aberdeen, Sir John Forbes of Craigievar, whose family were in possession of the barony of Craigievar from 1607.² Annan, Dumfriesshire, William Johnstone of Skeenes, who succeeded his brother as baronet of Westerhall, Dumfriesshire, an estate held by his family for some four hundred years.³ Anstruther Easter, Sir John Anstruther, younger of Anstruther: the family were "proprieters and superiors of the

lands, barony, and town of Anstruther" from the 12th century.⁴ Anstruther Wester, Sir Robert Anstruther of Balcaskie, bart., who was son of Sir Philip Anstruther of Anstruther.⁵ Dunfermline, Sir James Halkett of Pitferran, bart., who was head of a family in Fife which "had considerable possessions in lands, and was settled in the western part of that county" from the 14th century.⁶ Forfar, "Mr" John Lyon, whose parents are unknown, but his courtesy title suggests gentle connections, and Forfarshire was in the territorial ambit of John Lyon, Earl of Strathmore.⁷ Kilrenny, Fife, John Beaton, younger of Balfour, Fife, who succeeded to the lands of Balfour as 15th laird.⁸ Dundee, Forfarshire, John Scrimgeour of Kirkton, Forfarshire, who was head of an old landed family which "had a charter of the lands of Kirkton of Erlistrathickty ... on the forfeiture of the Earl of Angus": Scrimgeour had been personally deprived of his rightful succession to the Earldom of Dundee (as heir to his kinsman John Scrimgeour, 1st Earl), which had fallen wrongly to the King as ultimus haeres.⁹ Forres, Elginshire, George Brodie of Askisk, who succeeded to the "ancient" estate (the family's records were destroyed in the 17th century) of Brodie, Elginshire, and who was among the leaders of Elgin county affairs.¹⁰ Whithorn, John Clerk, younger of Penicuik, the future Baron of Exchequer, who was a minion of the Duke of Queensberry and heir to the barony of Penicuik, the first baron having got a charter under the Great Seal from Charles II in 1664.¹¹ To these may be added Sir William Hamilton of Whitelaw, S.C.J., M.P. for Queensferry, son of John Hamilton of Bangour: Whitelaw was a career politician, who was Under-Secretary of State in 1692 and became, in 1704, an officer of state with Privy Council membership as Lord Justice Clerk.¹² Excluded is James Melville "of Halhill", Fife, M.P. for Kinghorn, Fife: his grandfather "was retoured heir of line to his cousin, Robert, 2nd Lord Melville, in the lands of Nethergrange, the castle and mill of Burntisland and other lands" in 1653; but his father sold the barony of Burntisland; and James

himself lost Halhill in 1675, when it was "adjudged to George, Lord Melville, in payment of debt."¹³

1. Extracted from Foster, Members of Parliament and Noel, Members of Parliament, pt. 2.
2. Douglas, Baronage, 76.
3. Francis H. Groome (ed.), The Ordnance Gazetteer of Scotland (Edinburgh 1882-5), vi, 480-1.
4. Douglas, Baronage, 313.
5. *ibid.*, 313.
6. *ibid.*, 284.
7. CP, xii, pt. i, 395 and following.
8. SP, iii, 379, iv, 492.
9. Douglas, Peerage, i, 467; SP, iii, 308.
10. Sedgwick, House of Commons, i, 488-9.
11. Memoirs of the Life of Sir John Clerk; Douglas, Baronage, 421.
12. Brunton and Haig, Senators of the College of Justice, 462-3.
13. SP, vi, 91-2.

APPENDIX 3

The Scots Peerage, 1707-1745

i. Scots peerages held by non-Scottish families (English unless stated otherwise).¹

Abercorn (Irish).
 Aston of Forfar.
 Bellenden (anglicised).
 Churchill of Eyemouth.
 Cramond.
 Dingwall.
 Dunbar.
 Dunblane.
 Dysart.
 Elgin.
 Fairfax.
 Falkland.
 Irvine.
 Kingston.
 Lennox.
 Newhaven.
 Portmore (Scottish-Dutch, living in England).
 Preston.
 Stirling.
 Teviot (Scottish-Dutch, living in England).

ii. Females in possession.²

Buccleuch (duchess to 1732).
 Dumfries (countess from 1694 to 1742).
 Erroll (countess from 1717 to 1759).
 Lovat (baroness from 1702 to 1730).
 Newark (baroness from 1694 to 1740, then title extinct).
 Newburgh (countess from 1694 to 1755).
 Orkney (countess from 1737 to 1756).
 Ruglen (countess from 1744 to 1748).

iii. Died soon after the Union.³

1708: 2nd Lord Belhaven.
 1st Viscount of Garnock.
 1709: 6th Lord Cathcart.
 1710: 1st Earl of Bute.
 1st Earl of Dunmore.
 1st Earl of Hyndford.
 4th Earl of Kellie.
 3rd Earl of Kincardine.
 5th Earl of Lauderdale.
 1711: 3rd Lord Bargany.

iv. Died young.⁴

5th Lord Banff, age 21.
 4th Lord Bargany, age 25.
 8th Lord Blantyre, age 24.
 5th Earl of Dundonald, in 17th year.
 15th Lord Forbes, in 13th year.

3rd Viscount of Garnock, age 17.
 4th Lord Kinmaird, age 17.
 2nd Viscount of Primrose, died "under age".
 3rd Viscount of Strathallan, in 16th year.

v. Aged, or retired soon after the Union.⁵

1st Earl of Aberdeen (1637-1720).
 1st Earl of Cromarty (1630-1714).
 8th Lord Elphinstone: retired from the Army in 1696 and lived in embarrassed circumstances.⁶
 3rd Earl of Findlater (mar. 1658, d.1711).
 1st Earl of Forfar: in enforced retirement; no public post being given to him after the Union, despite promises.⁷
 1st Earl of Kintore (b. before 1635, d.1715).
 1st Earl of Marchmont (1641-1734): deprived of all offices by 1710.⁸
 11th Earl of Morton (d. 1715): in enforced retirement: "I need not say anything of the Earl of Morton for I find the Queen does not include for him" (Mar to Oxford).⁹

vi. Short tenure of peerage.¹⁰

c. one year: 8th Earl of Kincardine (s.1740, d.1740).
 6th Earl of Leven (s.1728, d.1729).
 c. three years: 5th Earl of Kincardine (s.1715, d.1718).
 6th Earl of Kincardine (s.1718, d.1720).
 c. four years: Earl of Moray (s.1735, d.1739).
 c. five years: 4th Lord Banff (s.1713, d.1718).
 4th Earl of Kincardine (s.1710, d.1715).

vii. Invalids, mental defectives, insane, or criminal.

2nd Marquis of Annandale, s.1721, d. of consumption at Naples, 1730.¹¹
 3rd Marquis of Annandale, declared insane by Chancery.¹²
 5th Lord Balfour of Burleigh, sentenced to be beheaded for murder, 1709, escaped and turned Jacobite (1715).¹³
 3rd Lord Banff, s.1668; then a Catholic; Protestant by 1706: "in 1708 indicted for shooting a pistol at a baillie of Banff"; d.1713.¹⁴
 2nd Earl of Cromarty, s.1714; tried and acquitted for murder, 1691: "He got into money difficulties, and his estates were sequestered in 1724"; d.1730.¹⁵
 1st Duke of Douglas: "A person of the most wretched intellects"; "doubts as to his sanity"; "killed his cousin in a fit of jealousy".¹⁶
 3rd Lord Falconer of Halkerton, in 1710 was "found of unsound mind and to have been so for 20 years".¹⁷
 4th Lord Fraser, "sentenced to death in his absence by the Court of Justiciary" in 1698; turned Jacobite (1715).¹⁸
 5th Earl of Kellie, "a person who notwithstanding his quality lived obscure and little regarded by any body, his fortune small, and his understanding of an inferior size, not many removes from the very lowest" (Milton to Newcastle, 1746); Jacobite 1745.¹⁹
 3rd Viscount of Kingston: "On 16 August 1690 he was concerned ... in the robbery of the mail-bags on the high-road near Dunbar"; Jacobite 1715.²⁰
 2nd Earl of Rosebery, "declared a lunatic".²¹
 5th Earl of Winton: "He had gone abroad in June 1700; he did not return till 1st November 1707. During his absence he is said to have worked for some time as a journeyman blacksmith in France. He seems to have been looked upon by his contemporaries as eccentric and mentally somewhat deficient."²²

viii. Representative peers who were not also professional soldiers.

- 2nd Earl of Aberdeen (s.1720, d.1745), r.p., 1721-7, opposed Court measures and excluded, 1727.²³
- 3rd Earl of Aberdeen (s.1745, d.1801), r.p., 1746-61, 1774-95.²⁴
- 1st Marquis of Annandale (d.1721), r.p., 1707, "spent his later days in England".²⁵
- 1st Duke of Atholl (d.1724), r.p., 1710-15.²⁶
- 2nd Duke of Atholl (s.1724, d.1764), r.p., 1733-6, Privy Council, 1734, succeeded to English peerage, 1736.²⁷
- 4th Lord Balmerinoch (s.1704, d.1736), r.p., 1710-14, removed from all his places on accession of George I.²⁸
- 3rd Lord Belhaven (s.1708), r.p., 1715-21, governor of Barbadoes, 1721, and d. on voyage.²⁹
- 6th Lord Blantyre (s.1704, d. Westminster 1713), r.p., 1710-13.³⁰
- 1st Earl of Breadalbane (d.1717, age 81), r.p., 1713-15: in the rising of 1715 he sent 500 men to join the Chevalier, but escaped punishment.³¹
- 2nd Earl of Breadalbane (s.1717, but idiot elder brother then still alive, so his right to the peerage was not allowed until 1733, d.1747), r.p., 1736-47.³²
- 2nd Duke of Buccleuch (s.1732, d.1751), r.p., 1734-41, restored to English honours, 1743.³³
- 1st Earl of Buchan (created peer, 1695, d. London 1745), r.p., 1715-34.³⁴
- 2nd Earl of Bute (s.1710, d. London 1723), r.p., 1715-22, Lord of the Bedchamber, 1721 to d.³⁵
- 3rd Earl of Bute (b.1713, s.1723), educ. Eton from 1730, r.p., 1737-41, 1761-80, tutor and Lord of the Bedchamber to the Prince of Wales, 1750s, First Lord of the Treasury 1762-3; etc.³⁶
- Viscount of Dupplin (7th Earl of Kinnoull, d.1719), r.p., 1710-15, suspected Jacobite 1715.³⁷
- 9th Earl of Eglinton (b. c.1660, d.1729), r.p., 1710-15.³⁸
- 10th Earl of Eglinton (b.1723, s.1729, d.1769) educ. Winchester, r.p., 1761-9, Lord of the Bedchamber, 1760-7.³⁹
- 4th Earl of Findlater (Earl of Seafield, d.1730), r.p., 1707-1727.⁴⁰
- 5th Earl of Findlater (s.1730, d.1764), r.p., 1734-61.⁴¹
- 1st Earl of Glasgow (b.1666, d.1733), r.p., 1707-10.⁴²
- 3rd Duke of Gordon (b. c.1720, s.1729, d. France 1752), r.p., 1747-52.⁴³
- 6th Earl of Haddington (s.1685, d.1735), r.p., 1716-34.⁴⁴
- 4th Duke of Hamilton (killed in duel, Hyde Park, 1712), r.p., 1708, created Duke of Brandon (G.B.), 1711.⁴⁵
- 7th Earl of Home (s.1706), r.p., 1710-13, imprisoned 1715-16 on suspicion of Jacobite activities.⁴⁶
- 1st Earl of Hopetoun (created peer, 1703, d.1742), r.p., 1722-42.⁴⁷
- 3rd Earl of Hyndford (s.1737, d.1767), r.p., 1738-67, European diplomatist.⁴⁸
- Earl of Ilay (created peer, 1706, 3rd Duke of Argyll, 1743, d.1761), r.p., 1707-13, 1715-61. Privy Council, Lord of Regency, minister for Scotland.⁴⁹
- 3rd Viscount of Kilsyth (s.1706), r.p., 1710-15, in Rising, 1715 attained.⁵⁰
- 6th Earl of Lauderdale (b. c.1688, s.1710, d.1744), r.p., 1741-4.⁵¹
- 7th Earl of Leven (b.1699, s.1729, as uncle of 6th Earl, d.1754), r.p., 1747-54, S.C.J. 1734-d.⁵¹
- 3rd Marquis of Lothian (b.1690, s.1722, d.1767), r.p., 1731-61.⁵³
- 3rd Earl of Loudoun, r.p., 1707-d., Privy Council (G.B.), 1708.⁵⁴
- 6th Earl of Mar, r.p., 1707-15, Secretary of State, 1705-9, Privy Council, 1707-14.⁵⁵
- 2nd Earl of Marchmont (s.1724, d.1740), r.p., 1727-34, Privy Council, 1726, diplomatic service, 1716-25, in opposition from 1734.⁵⁶

- 3rd Earl of Marchmont (b.1708, s.1740, d. Herts 1794), M.P., 1734-40, r.p., 1750-84, Privy Council, 1762; married in London, 1731 and 1748, to English ladies.⁵⁷
- 8th Earl Marischal (d. London 1712), r.p., 1710-12.⁵⁸
- 1st Duke of Montrose, (s.1707, d. London 1742), r.p., 1708-10, 1715-34, Secretary of State, 1714-16, dismissed from all offices, 1733.⁵⁹
- James, Earl of Moray (b.1708, s.1739, d.1767), r.p., 1741-61.⁶⁰
- 12th Earl of Morton (s.1708, d.1738), M.P. 1708-30, r.p., 1730-8.⁶¹
- 13th Earl of Morton (s.1738, d. Middx. 1768), r.p., 1739-68.⁶²
- 3rd Earl of Northesk (s.1688, d.1729), r.p., 1708-15, implicated in 1715.⁶³
- 2nd Duke of Queensberry (d. London 1711), r.p., 1707-8, Secretary of State, 1709, created Duke of Dover (G.B.), 1708.⁶⁴
- 1st Earl of Rosebery (d.1724), r.p., 1707-15.⁶⁵
- 12th Lord Ross (b. c.1656, s.1682, d.1738), r.p., 1715-22.⁶⁶
- 8th Earl of Rothes (d.1722), r.p., 1708-10, 1715-22.⁶⁷
- 1st Duke of Roxburgh (d.1741), r.p., 1707, 1708, 1715, 1724, Privy Council 1709, Secretary of State, 1716-25, Lord of the Regency; deprived of office, 1725, and thereafter lived in retirement.⁶⁸
- 2nd Earl of Selkirk (s.1688, d. London 1739), r.p., 1713-15, 1722-39, Lord of the Bedchamber, 1689-1702, 1714-39, Privy Council, 1733.⁶⁹
- 4th Earl of Selkirk (b.1722, s.1744), educ. Yorkshire and Glasgow University, r.p., 1787-99.⁷⁰
- 12th Lord Somerville (bapt. 1698, de facto Lord Somerville from 1723 after petition to House of Lords, d.1765), r.p., 1741-7; (profession soldier in early 1720s before reclaiming honours); director, British Linen Company; Annexed Estates Commissioner.⁷¹
- 17th Earl of Sutherland (s.1733, d. France 1750), educ. France and Hanover, M.P. 1727-33, r.p., 1734-47.⁷²
- 2nd Marquis of Tweeddale (b.1645, d.1713), r.p., 1707-8.⁷³
- 3rd Marquis of Tweeddale, (s.1713, d.1715), r.p., 1715.⁷⁴
- 4th Marquis of Tweeddale (b.1695, s.1715, d. London 1762), r.p., 1722-1734, 1742-62, Secretary of State, 1742-6.⁷⁵
- 3rd Earl of Wemyss (d.1720), r.p., 1707-10, lived in London, 1707-11.⁷⁶

ix. Professional soldiers.

- 2nd Duke of Argyll (s.1702): "After a brief visit to Scotland where he afforded his active assistance in carrying the Treaty of Union through Parliament, he went back to his military duties."⁷⁷
- 5th Earl of Balcarres (s.1722, d.1736), served in Flanders in 1707, company in the Foot Guards, 1732, r.p., 1734-6.⁷⁸
- 6th Earl of Balcarres, retired from military life after the Battle of Fontenoy: "He devoted the rest of his life to literature and to the improvement of his estates."⁷⁹
- 7th Lord Blantyre (s.1713, d.1743), captain of a regiment of Foot, and Foot major at Fort St. Philip, Minorca, 1713.⁸⁰
- 4th Earl of Callender, company of Foot, 1712, r.p., 1713-15, in Rising, 1715, attained.⁸¹
- 8th Lord Cathcart (s.1732, d. on voyage to America 1740), c-in-c America, r.p., 1734-40, Groom of the Bedchamber, 1727-32.⁸²
- 9th Lord Cathcart, a.d.c. to Duke of Cumberland, lt. gen., 1760, r.p., 1752-76.⁸³
- 6th Lord Colville of Culross, d. on campaign in Cartagena, 1741.⁸⁴
- 19th Earl of Crawford (d. London 1710, lt. gen., 1710, r.p., 1708-10.⁸⁵
- 20th Earl of Crawford (b.1702, s.1714, d. London 1749), entered Army, 1726, lt. gen., r.p., 1732-49.⁸⁶
- 5th Earl of Dalhousie, d.1710 on campaign in Spain.⁸⁷
- 6th Earl of Dalhousie, colonel.⁸⁸
- 7th Earl of Dalhousie, lt. colonel.⁸⁹

- 1st Earl of Delorain (d. Oxfordshire 1730), major gen., r.p., 1715-30.⁹⁰
 5th Earl of Dumfries (s.1742, became Earl of Stair, 1760), served 26 years in Army, 1721-47.⁹¹
 4th Earl of Dundonald (d.1720), col. of the 4th Horse Guards, r.p., 1708 (election declared void) and 1713-14, Lord in Waiting at Hampton Court, 1717-18.⁹²
 7th Earl of Dundonald, (b.1729, s.1737, d. on campaign at Cape Breton, 1758, age 29), officer in British and Dutch Armies.⁹³
 2nd Earl of Dunmore (s.1710, d. Middx. 1752), entered Army, 1704, lt. gen., 1739, r.p., 1713-47, Lord of the Bedchamber, 1731.⁹⁴
 5th Lord Elibank (s.1736, d.1778), joined the Army 1723.⁹⁵
 9th Lord Elphinstone (s.1718, d.1757), retired from Army in 1720, aged 38, in embarrassed financial circumstances.⁹⁶
 2nd Earl of Forfar, d. of wounds at Stirling, aged 23.⁹⁷
 5th Lord Forrester (s.1705, d. France 1727), served in Army under Marlborough.⁹⁸
 4th Earl of Garnock (Earl of Crawford, 1749) - soldier, details of career unknown.⁹⁹
 3rd Earl of Glasgow, British Army.¹⁰⁰
 13th Earl of Glencairn, major gen.¹⁰¹
 8th Earl of Home (b.1704, s.1720, d. London 1784), lt. gen., 1759, r.p., 1741-61.¹⁰²
 2nd Earl of Hyndford (s.1710), brigadier gen.¹⁰³
 7th Earl of Lauderdale (s.1744, d.1789), Army, 1740-65, lt. col., 1745, r.p., 1747-61, 1782-4.¹⁰⁴
 5th Earl of Leven (b.1660, d.1728), lt. gen., 1706, r.p., 1707, dismissed from all offices, 1712.¹⁰⁵
 6th Lord Lindores, (s.1719, d.1765), major gen., 1761.¹⁰⁶
 2nd Marquis of Lothian (s.1703, d. London 1722), lt. gen., 1708, r.p., 1715.¹⁰⁷
 4th Earl of Loudoun (b.1705, s.1731, d.1782), general, 1770, r.p., 1734-82.¹⁰⁸
 9th Earl Marischal (b.1693, s.1712, d. Potsdam 1778), British Army, attained, 1715.¹⁰⁹
 8th Lord Oliphant, British Army.¹¹⁰
 1st Earl of Orkney (d. London 1737), field marshal, 1736, r.p., 1707-34.¹¹¹
 3rd Viscount of Primrose (d. Wrexham), British Army.¹¹²
 10th Earl of Rothes (s.1722, d.1767), c-in-c Ireland, 1758-67, general, 1765, r.p., 1723-34, 1747-61.¹¹³
 10th Lord Sempill, British Army.¹¹⁴
 12th Lord Sempill, brigadier gen.¹¹⁵
 2nd Earl of Stair (d.1747), field marshal, 1742, r.p., 1707-8, 1715-34, 1744-7, diplomatist.¹¹⁶
 5th Earl of Strathmore, British Army.¹¹⁷
 16th Earl of Sutherland, (d. Chelsea 1733), lt. gen., 1715, r.p., 1707-8, 1715-33, Privy Council, 1721.¹¹⁸
 7th Lord Torphichen (s.1696, d.1753), soldier before and after the Union, retired 1722.¹¹⁹

x. Sailors.

Details provided in text. Sources: CP, i, 411, iii, 384, iv, 169, v, 558, ix, 696; SP, iii, 212.

xi. British peers.

Details provided in the text. Sources: CP, vi, 269-71, ix, 156, x, 698, xi, 223-4; SP, v, 232.

xii. Others living outside Scotland.

Details provided in text. Sources: CP, iii, 496, iv, 168-70, v, 548, ix, 207, 457-8, xii, pt. i, 399; SP, i, 311, vii, 381.

xiii. Non jurants and known Roman Catholics and Jacobites.

- 3rd Earl of Airlie, described in 1711 as being "All for Pretender", attained 1717.¹²⁰
- 5th Viscount of Arbuthnott, non jurant.¹²¹
- 3rd Earl of Balcarres, known Jacobite before the Union, engaged in 1715, pardoned.¹²²
- 5th Earl of Carnwath, non jurant, engaged in 1715, forfeited.¹²³
- 3rd Lord Colvill of Ochiltree, strenuously opposed the Union, non jurant.¹²⁴
- 5th Lord Cranston (s.1687), did not vote at Union.¹²⁵
- 2nd Earl of Dumbarton, R.C., had no estate in Scotland.¹²⁶
- 13th Earl of Erroll, "considered ... disaffected", imprisoned in 1708 on alarm of invasion.¹²⁷
- 4th Lord Forbes of Pitsligo, did not vote on the Union, implicated in 1715 and attained 1746.¹²⁸
- 1st Duke of Gordon, R.C.¹²⁹
- 2nd Duke of Gordon, R.C., Jacobite, 1715.¹³⁰
- 6th Viscount of Kenmure, was at the court of St. Germain in his youth, Jacobite, 1715, beheaded.¹³¹
- 7th Earl of Kincardine, "a zealous Jacobite and a councillor of Prince Charles Edward".¹³²
- 6th Earl of Kinnoull, educ. R.C. in France.¹³³
- 2nd Earl of Kintore (s.1715), in Rising 1715, not punished.¹³⁴
- 5th Lord Lindores (s.1706, d.1719), did not vote at Union.¹³⁵
- Lord Lovat, suspected Jacobite for many decades, attained and executed, 1746.¹³⁶
- 6th Earl of Moray, non jurant.¹³⁷
- 2nd Lord Nairne, non jurant, Jacobite, 1715, attained.¹³⁸
- 5th Earl of Nithsdale, "a Roman Catholic ... in Paris", in Rising, 1715, d. Rome 1744.¹³⁹
- 9th Lord Oliphant, R.C., Jacobite, 1715.¹⁴⁰
- 4th Earl of Panmure, non jurant, Jacobite, 1715, attained.¹⁴¹
- 4th Earl of Perth, R.C., resided at St. Germain.¹⁴²
- 5th Earl of Perth, in Rising, 1715, forfeited on succession to peerage, 1716.¹⁴³
- 1st Earl of Ruglen (created 1697, son of Duke of Hamilton, 3rd Earl of Selkirk, 1739, d. Edinburgh 1744, in 80th year), did not vote at Union.¹⁴⁴
- 3rd Lord Salton, Jacobite suspect, 1708.¹⁴⁵
- 5th Earl of Seaforth, educ. by priests abroad, attained, 1715.¹⁴⁶
- 10th Lord Sinclair, protested against William of Orange coming to throne of Stuarts, imprisoned as Jacobite suspect, 1708.¹⁴⁷
- 11th Lord Sinclair, Jacobite, 1715, forfeited on succeeding to peerage, 1723.¹⁴⁸
- 5th Earl of Southesk (b.1692, s.1699), attained after 1715.¹⁴⁹
- 5th Viscount of Stormont, denounced as a rebel, 1689, strenuously opposed the Union.¹⁵⁰
- 6th Viscount of Stormont (s.1732), imprisoned as suspect after the '15.¹⁵¹
- 4th Viscount of Strathallan, non jurant, Jacobite, 1715 and 1745.¹⁵²
- 2nd Earl of Strathmore, "hath not yet endeavoured to get into the Administration, being no Friend to Presbytery".¹⁵³
- 3rd Earl of Strathmore (s.1712), killed, Sheriffmuir, 1715.¹⁵⁴
- 4th Earl of Strathmore, (s.1715), Jacobite, 1715.¹⁵⁵
- 3rd Earl of Traquair, described in 1705 as a "papist malignant".¹⁵⁶

- 4th Earl of Traquair (s.1741), took no part in '45, but was imprisoned, 1745-6, as known intriguer.¹⁵⁷
 6th Earl of Wigton, educ. in France as a zealous Jacobite, imprisoned during '15.¹⁵⁸
 7th Earl of Wigton, educ. R.C. at Douai; with titular King, 1716, 1717, 1718.¹⁵⁹

xiv. Impoverished.

- 3rd Earl of Aboyne, estate heavily encumbered; son of an R.C.¹⁶⁰
 4th Earl of Aboyne, entirely cleared his estate from debt, "devoted his life to the improvement of his estate".¹⁶¹
 4th Lord Elibank, lived in continual financial embarrassment, and depended on a government pension.¹⁶²
 2nd Viscount of Garnock, "In constant litigation respecting debts on the estate".¹⁶³
 4th Earl of Kilmarnock: see text; Jacobite, 1745.¹⁶⁴
 3rd Earl of Kintore: see text.¹⁶⁵
 Francis, Lord Oliphant, "Being left an orphan at an early age, he was utterly neglected, but subsequently was taken care of and educated by the Countess Marischal." He had a "small pension from the Government which was his only means of support".¹⁶⁶

xv. Circumstances unknown, or living in Scotland.

- 5th Lord Balmerinoch (s.1736 in 61st year, d.1746), Lord of Session (Lord Coupar), 1714-d.¹⁶⁷
 4th Lord Belhaven (s.1721, d. Newcastle 1764), General of the Mint in Scotland, 1735-62, Trustee for Manufactures in Scotland.¹⁶⁸
 2nd Earl of Buchan (b.1710, s.1745, d. Somerset 1767).¹⁶⁹
 9th Earl of Caithness (d. Caithness 1765), voted against all articles of Union; married at Durham, 1738.¹⁷⁰
 8th Earl of Cassillis (b.1700, s.1701, d. at South Arlington Street, Middx., 1759).¹⁷¹
 7th Lord Cathcart (s.1709, d. Scotland 1732, in 85th year), Receiver General of the Land Tax in Scotland.¹⁷²
 3rd Earl of Cromarty, (b. c.1703, s.1732, d. Portland Street, London, 1764), rebel, 1745.¹⁷³
 6th Earl of Dundonald (b.1702, s.1725, d. Scotland 1737), son of William Cochrane of Kilmarnock, succeeded as cousin and heir male of 5th Earl.¹⁷⁴
 4th Lord Falconer of Halkerton (b.1681, s.1724, d. Scotland 1751), son of Sir David Falconer of Newton, S.C.J., and succeeded as cousin and heir male of 3rd Lord.¹⁷⁵
 16th Lord Forbes (s.1734, d. Aberdeenshire 1761, in 73rd year), uncle and heir male of 15th Lord.¹⁷⁶
 5th Earl of Galloway (s.1690, d. Glasserton, Scotland, 1746).¹⁷⁷
 2nd Earl of Glasgow (s.1733, in 48th year, d. Kelburn, Scotland, 1740), implicated in smuggling, 1711.¹⁷⁸
 12th Earl of Glencairn, (s.1703, d. Finlayston, Scotland, 1734), among government pensioners in Scotland (1710).¹⁷⁹
 9th Lord Gray (d.1724), acquired peerage in 1707 as son-in-law and cousin of the 8th Earl, who resigned it in his favour.¹⁸⁰
 10th Lord Gray (bapt. 1683, s.1724, d.1738 at Gray House, Angus).¹⁸¹
 11th Lord Gray (b.1716, s.1738, d. Perthshire 1782), "He much improved his estates".¹⁸²
 7th Earl of Haddington (b. c.1721, s.1735, d.1795), travelled on Continent until 1744, and then led by his wife "to devote his mind to the improvement and beautifying of his Tynningham Estate". "He took no part in public affairs."¹⁸³

- 2nd Earl of Hopetoun (b.1704, s.1742), led the anti-Argyll Whig faction in Scotland, from Hopetoun House, in 1750s.¹⁸⁴
- 3rd Earl of Kilmarnock (d.1717 aged about 34).¹⁸⁵
- 9th Earl of Kincardine (b.1732, s.1740, d. Broomhall, Scotland, 1771), educ. at Rugby School.¹⁸⁶
- 3rd Lord Kinnaird (d. Edinburgh 1715): "Nothing is recorded of him save that he was opposed to the Union and voted against it."¹⁸⁷
- 5th Lord Kinnaird (s.1727, d. Perthshire 1758), uncle and heir male of 4th Lord. "After his wife had been childless for 18 years of marriage he announced she had given birth to twin sons: when an action for forgery was brought against him he declared his sons to have died."¹⁸⁸
- 2nd Earl of March (s.1705, d. Barnton, Midlothian, 1731, in his 35th year).¹⁸⁹
- 4th Earl of Northesk (b.1701, s.1729, d. at Ethie, Scotland, 1741): "He appears to have had a defect or impediment in his speech."¹⁹⁰
- 3rd Lord Reay (b.1678, s.1681, d. Caithness 1748): "Lives in the Leans in Macklowd's country ... not very considerable and a small estate."¹⁹¹
- 13th Lord Ross (b.1681, s.1738, d. Ross House, Edinburgh, 1754), Commissioner of Excise in Scotland, 1726-30, of Customs, 1730-54, Trustee for Manufactures, 1727-54, extraordinary director of the Royal Bank of Scotland, 1727-54, Rector of Glasgow College, 1727, 1728.¹⁹²
- 4th Lord Salton, (s.1715, d. Scotland, 1748, aged 64): "took no part in public affairs".¹⁹³
- 10th Lord Sempill (b. before 1688, s.1716, d.1727).¹⁹⁴
- 5th Earl of Wemyss (s.1721, d. Co. Durham,1756).¹⁹⁵

1. Extracted from The Scots Peerage and The Complete Peerage.
2. ditto.
3. ditto.
4. ditto.
5. Extracted mainly from The Scots Peerage and The Complete Peerage.
6. SP, iii, 542-3.
7. DNB, Archibald Douglas, Earl of Forfar.
8. SP, vi, 15.
9. HMC Portland X, 4 June 1712.
10. Extracted from The Scots Peerage and The Complete Peerage.
11. CP, i, 167.
12. CP, i, 168.
13. CP, i, 381.
14. SP, ii, 20.
15. CP, iii, 546.
16. CP, iv, 439; DNB, Archibald Douglas, 1st Duke of Douglas.
17. CP, v, 237.
18. SP, iv, 119.
19. SP, v, 88.
20. SP, v, 197.
21. CP, xi, 134.
22. SP, viii, 603.
23. CP, i, 15.
24. ibid.
25. SP, i, 267-8.
26. CP, i, 317.
27. CP, i, 318.
28. SP, i, 569.
29. SP, ii, 46.
30. CP, ii, 184.

31. CP, ii, 290-2.
32. SP, v, 281.
33. CP, ii, 366-7.
34. SP, ii, 275.
35. CP, ii, 441.
36. ibid.
37. SP, v, 231.
38. CP, v, 23.
39. CP, v, 23-4.
40. SP, iv, 37-8.
41. CP, v, 383.
42. SP, iv, 201.
43. CP, vi, 4; SP, iv, 553-4.
44. CP, vi, 234-5.
45. SP, iv, 383.
46. SP, iv, 480.
47. SP, iv, 493-4.
48. DNB, John Carmichael, Earl of Hyndford.
49. SP, i, 379; Saltoun Correspondence, *passim*.
50. SP, v, 192-5.
51. CP, vii, 493.
52. SP, vi, 112.
53. CP, viii, 152.
54. SP, v, 508-9.
55. DNB, John Erskine, Earl of Mar.
56. SP, v, 17-18.
57. CP, viii, 461.
58. SP, vi, 61.
59. SP, vi, 263-5.
60. CP, ix, 190.
61. CP, ix, 299.
62. CP, ix, 299-300.
63. SP, vi, 500.
64. SP, vii, 140-1; CP, x, 695.
65. SP, vii, 221.
66. CP, xi, 161-2.
67. CP, xi, 202.
68. CP, xi, 221-3.
69. SP, vii, 517; CP, xi, 617.
70. CP, xi, 618.
71. CP, xii, pt. i, 104. See also text of thesis.
72. CP, xii, pt. i, 561-2.
73. CP, xii, pt. ii, 77-8.
74. CP, xii, pt. ii, 79.
75. CP, xii, pt. ii, 79-80.
76. SP, viii, 506-7.
77. SP, i, 371.
78. CP, i, 378.
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98. CP, v, 558.
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APPENDIX 4

Requests for patronage addressed to Milton, as observed in "Saltoun Correspondence", 1749-1754

Year	Position wanted:	In gift of:
	<u>Church: ministries:</u>	
1749	Kilninian	Duke of Argyll
	Old Grefriars	Edinburgh Town Council
1750	Lethendry (assistant)	Crown
	Liberton	"
	Currie	Edinburgh Town Council
1751	"	"
	Liberton (6)	Crown
	Ayton	"
	New Greyfriars	Edinburgh Town Council
	Unspecified (1)	-
1752	Canongate (3)	Crown
1753	The Tron (second charge) (2)	Edinburgh Town Council
	Yarrow	Crown
	St Andrews (second charge)	St Andrews Town Council
	Alloa	Crown
	Meigle	"
	St Boswells	Tutors of the Duke of Buccleuch inc. Milton
1754	Craignish	Duke of Argyll
	Port Glasgow	Glasgow Town Council
	Crieff	Crown
	Abbey St Balkans	?
	Carrington	Lord Dalmeny
	<u>Church: other positions:</u>	
1749	Sexton: Abbey Church (2)	Crown
	Almoner to Gen. Assembly	General Assembly
	King's Chaplain	Crown
1753	Clerk to Widows Scheme	Directors Widows Scheme
	Clerk dep. to Gen. Assembly	General Assembly
	<u>Universities:</u>	
1750	Prof. of Logic, Glasgow (2)	?
1751	Regent, Marischal Coll.	?
1752	Prof. of Church Hist. G'gow (2)	Crown
1753	Principal, Glasgow	"
	Principal, Edinburgh (3)	Edinburgh Town Council
	Humanity Prof., St Andrews	Scot of Scotstarvit
1754	Principal, Glasgow	Crown
	Prof. of Law, Edinburgh	Crown
	<u>Legal: Court of Session:</u>	
1749	Small post unspecified	Clerks of Session
1750	Lord of Session	Crown
1753	Gown Keeper (3)	Lords of Session
1754	Lord of Session (2)	Crown

Year	Position wanted:	In gift of:
	<u>Legal: Sheriff Deputes:</u>	All Crown
1749	Dumbarton	
	"	
1750	Selkirk	
	"	
1752	Forfar	
1754	Edinburgh	
	Banff (2)	
	Berwickshire	
	Any vacant (2)	
	<u>Legal: Sheriff Subs:</u>	
1749	Stirling	Sheriff Depute
	Aberdeenshire	"
	<u>Legal: Sheriff Clerks:</u>	All Milton (K. of Signet)
1749	Lanark	
1750	Fife	
1751	Perth	
	Moray	
	Kincardine	
1752	Kincardine (7)	
1753	Haddington	
	Inverness (2)	
1754	Inverness	
	Fife (2)	
	<u>Legal: Commissaries:</u>	All Crown
1750	Glasgow	
	The Isles	
1751	Aberdeen	
1753	Moray	
	The Isles	
	<u>Keepers of Reg's of Sasines:</u>	All Crown
1749	Perth	
1750	"	
1753	Argyll etc.	
1751	Sasine clerk, Moray	
	<u>Legal: various:</u>	
1749	Keeper Gen. Reg. Hornings	Crown
	Clerk to J.P.s, (Perth)	Wrongly believed to be in Milton's (Signet) gift
	Advocate depute	Lord Advocate
	Post in Examiner's Office	Court of Exchequer
1751	Proc. Fiscal Glasgow (2)	Commissary
1753	Macer of Justiciary	Lord Justice Clerk
1754	Place in Admiralty Court	Judge Admiral

Year	Position wanted:	In gift of:
	<u>Customs:</u>	All Crown
1749	Collector, Irvine (2) Comptroller, Port Glasgow (2) Comptroller, Montrose (2) Surveyor, Edinburgh ports Coast Waiter, Leith (2) Salt Officer, Kirkcaldy Captain, Customs cruiser Unspecified (1)	
1750	Collector, Aberdeen Collector, Dunbar Comptroller, Glasgow Comptroller, Stranraer (2) Land Surveyor, Bo'ness (2) Land Waiter, Arbroath Land Waiter, Leith Land Waiter, Montrose Tide Surveyor, Dunbar Tide Surveyor, Inverness Unspecified (2)	
1751	Commissioner of Customs Collector, Alloa Comptroller, Aberdeen (5) Comptroller, Ayr Comptroller, Kirkcaldy Keeper of Reg. of Goods Tide officer, Glasgow Place on yacht Unspecified (1)	
1752	Port Surveyor, Edinburgh (3) Land Surveyor, Montrose Tidesman, Bo'ness Tidesman, Newburgh Unspecified (1)	
1753	Comptroller, Ayr Tidesman, Innerleithen	
1754	Land Waiter, Prestonpans Unspecified (1)	
	<u>Excise:</u>	
1749	Collector, North Berwick	All Crown
1750	Collector, Teviot Collector Supervisor Unspecified (1)	
1751	Unspecified (1)	
1753	A Division	
1754	Commissioner of Excise Collector, Paisley Unspecified (2)	
	<u>Post Office:</u>	
1749	Postmaster, Dunbar	All Head Postmaster (Alex Hamilton of Innerwick)
1751	Postmaster, Aberdeen	

<u>Year</u>	Position wanted:	In gift of:
	<u>Post Office: (cont'd)</u>	
	Clerk, P.O., Edinburgh (7)	
1753	Postmaster, Dundee	
1754	Postmaster, Coupar	
	Postmaster, Glasgow	
	<u>Trustees for Manufactures:</u>	All Trustees
1749	Wool Surveyor	
	Inspector, fishing busses	
	Lint boor	
	Spinning mistress, Edinburgh	
	Stampmaster, Kirkintilloch (2)	
	Stampmaster, Linlithgow	
	Wool sorter	
	Factory overseer, Banff	
	Apprenticeships (5)	
	Unspecified (3)	
1750	Inspector, fishing busses (3)	
	Stampmaster, Glasgow (7)	
1751	Wool surveyor	
	Spinning mistress, Iona	
	Stampmaster, Banff	
	Stampmaster, Bervie	
	Stampmaster	
	Unspecified (1)	
1752	Stampmaster, Dundee	
	Stampmaster, Falkland	
	Apprenticeships (2)	
	Unspecified (1)	
1753	Surveyor of lint boors	
	Stampmaster, Galashiels	
	Stampmaster, Forfar	
	Stampmaster	
	Unspecified (3)	
1754	Riding Officer	
	Wool Surveyor (West)	
	Station overseer, Lochbroom	
	Station overseer	
	Stampmaster, Aberdeen (4)	
	Stampmaster, Kelso	
	Stampmaster, Stowe	
	Stampmaster, Tain	
	Flax raiser	
	Wool sorter, Stirling	
	Unspecified (1)	
	<u>Edinburgh various:</u>	All Edinburgh Town Council
1750	Town cooper	
1751	Captain of Town Guard	
1752	Conjunct Keeper, Parliament Ho.	
1753	" "	
1754	Town Assessor (5)	
	Captain of Town Guard	

Year	Position wanted:	In gift of:
	<u>Miscellaneous</u>	
1749	Collector of Supply, Aberdeenshire	Commrs. of Supply, Aberdeenshire
	King's plumber	Crown
1750	King's smith	"
	Turnpike collector, M'lothian	Freeholders
	Collector of Bps. Rents, Aberdeen	Crown
	Keeper of the Wardrobe	Crown
1753	Lord of Police (2)	"

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