thanked by his brethren for his success. When in the following year the duke of York came to Scotland, Stair distinguished himself by a bold speech, in which he con­gratulated the duke on his coming amongst a nation which was entirely Protestant. This speech can have been little relished, and the duke was henceforth his implacable enemy. His influence prevented Stair from being made chancellor in 1681, on the death of the duke of Rothes.

The parliament of this year, in which Stair again sat, was memorable for two statutes, one in private and the other in public law. The former, relating to the testing of deeds, was drawn by Stair, and is sometimes called by his name. Although it is susceptible of some improve­ment, the two centuries during which it has regulated this important branch of practical conveyancing is a testimony to the skill of the draftsman. The other was the infamous Test Act, probably the worst of the many measures devised at this period with the object of fettering the conscience by oaths. Stair also had a minor share in the form which this law finally took, but it was confined to the insertion of a definition of “the Protestant religion”; by this he hoped to make the test harmless, but his ex­pectation was disappointed, and the form in which it emerged from parliament was such that no honest man could take it. Yet, self-contradictory and absurd as it was, the Test Act was at once rigidly enforced. Argyll, who declared he took it only in so far as it was consistent with itself and the Protestant religion, was tried and condemned for treason, and narrowly saved his life by escaping from Edinburgh Castle the day before that fixed for his execution. Stair, dreading a ’similar fate, went to London to seek a personal interview with the king, who had more than once befriended him, perhaps remembering his services in Holland ; but the duke of York intercepted his access to the royal ear, and when he returned to Scot­land he found a new commission of judges issued, from which his name was omitted. He retired to his wife’s estate in Galloway, and occupied himself with preparing for the press his great work, *The Institutions of the Law of Scotland,* which he published in the autumn of 1681, with a dedication to the king.

He was not, however, allowed to pursue his legal studies in peaceful retirement. His wife was charged with attending conventicles, his factor and tenants severely fined, and he was himself not safe from prosecution at any moment. A fierce dispute arose between Claverhouse and his son, the master of Stair, relative to the regality of Glenluce ; and, both having appealed to the privy council, Claverhouse, as might have been expected, was absolved from all the charges brought against him, and the master was deprived of the regality. Stair had still powerful friends, but his opponents were more powerful, and he received advice to quit the country. He repaired to Holland in October 1684, took up his residence, along with his wife, some of his younger children, and his grandchild, afterwards the field-marshal Stair, at Leyden. While there he published the *Decisions of the Court of Session between 166G and 1671,* of which he had kept a daily record, and a small treatise on natural philosophy, entitled *Physiologia Nova Experimentalis.*

In his absence a prosecution for treason was raised against him and others of the exiles by Sir G. Mackenzie, the lord advocate. He was charged with accession to the rebellion of 1679, the Ryehouse plot, and the expedition of Argyll. With the first two he had no connexion ; with Argyll’s unfortunate attempt he had no doubt sympa­thized, but the only proof of his complicity was slight, and was obtained by torture. The proceedings against him were never brought to an issue, having been continued by successive adjournments until 1687, when they were

dropped. The cause of their abandonment was the ap­pointment of his son, the master of Stair, who had made his peace with James II., as lord advocate in room of Mackenzie, who was dismissed from office for refusing to relax the penal laws against the Catholics. The master only held office as lord advocate for a year, when he was “degraded to be justice clerk”—the king and his advisers finding him not a fit tool for their purpose. Stair remained in Holland till the following year, when he returned under happier auspices in the suite of William of Orange. William, who had made his acquaintance through the pensionary Fagel, was ever afterwards the firm friend of Stair and his family. The master was made lord advocate ; and, on the murder of President Lockhart in the following year, Stair was again placed at the head of the Court of Session. An unscrupulous opposition, headed by Montgomery of Skelmorlie, who coveted the office of secretary for Scot­land, and Lord Ross, who aimed at the presidency of the court, sprang up in the Scottish parliament ; and an anony­mous pamphleteer, perhaps Montgomery himself or Fer­guson the Plotter, attacked Stair in a pamphlet entitled *The Late Proceedings of the Parliament of Scotland Stated and Vindicated.* He defended himself by publishing an *Apology,* which, in the opinion of impartial judges, was a complete vindication. Shortly after its issue he was created Viscount Stair. He had now reached the summit of his prosperity, and the few years which remained of his old age were saddened by private aud public cares. In 1692 he lost his wife, the faithful partner of his good and evil fortune for nearly fifty years. The massacre of Glencoe, which has marked the master of Stair with a stain which his great services to the state cannot efface,—for he was undoubtedly the principal adviser of William in that treacherous and cruel deed,—was used as an opportunity by his adversaries of renewing their attack on the old president. His own share in the crime was remote ; it was alleged that he had as a privy councillor declined to receive Glencoe’s oath of allegiance, though tendered, on the technical ground that it was emitted after the day fixed, but even this was not clearly proved. But some share of the odium which attached to his son was naturally reflected on him. Other grounds of complaint were not difficult to make up, which found willing supporters in the opposition members of parliament. A disappointed suitor brought in a bill in 1693 complaining of his partiality. He was also accused of domineering over the other judges and of favouring the clients of his sons. Two bills were introduced without naming him but really aimed at him,—one to disqualify peers from being judges and the other to confer on the crown a power to appoint temporary presidents of the court. The complaint against him was remitted to a committee, which after full inquiry completely exculpated him ; and the two bills, whose incompetency he demonstrated in an able paper addressed to the commission and parliament, were allowed to drop. He was also one of a parliamentary commission which prepared a report on the regulation of the judicatures, afterwards made the basis of a statute in 1695 supple­mentary to that of 1672, and forming the foundation of the judicial procedure in the Scottish courts down to the present century. On November 29, 1695, Stair, who had been for some time in failing health, died in Edinburgh, and was buried in the church of St Giles.

In the same year there was published in London a small volume with the title *A Vindication of the Divine Perfections, Illustrating the Glory of God in them by Reason and Revelation, methodically digested,—By a Person of Honour.* It was edited by the two Nonconformist divines, William Bates and John Howe, who had been in exile in Holland along with Stair, and is undoubtedly his work. Perhaps it had been a sketch of the “Inquiry Concerning Natural Theology ” which he had contemplated writing in 1681.