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Scottish Public Opinion and the Making of the Union of 1707

Vol. I

Thesis submitted for PhD degree

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Abstract

This thesis demonstrates the development of a public sphere in Scotland in which representations of public opinion began to affect political outcomes. Cases from 1699-1705 show how increasing amounts of political news and commentary created wider awareness of national political affairs among ordinary subjects; how public discourse, adversarial addressing campaigns and crowd activities were used by political factions to engage popular support and pressure the government; how the power of public opinion operated within constitutional and conventional limits on its legitimacy; and how the government managed public opinion with counter-propaganda, control measures and concessions. Recognising these dynamics, the formation, expression and impact of Scottish public opinion on the Union of 1707 is explored in detail, from early pamphlet debates to addressing and crowds in 1706-7. This reveals the participation of many individuals from elite, middling and lower social levels in public discourse and political activities related to the union debates, through which they formed considered views on the Anglo-Scottish union. Before 1705, this resulted in a strong opinion base against incorporation, while unfolding events and arguments in 1706-7 shifted some towards a reluctant acceptance of the treaty. Nevertheless, representations of oppositional opinion had a substantive effect on the form of the final union treaty. These findings challenge the dominant conception of the making of Union as a 'political job' orchestrated by Scottish and English elites over the unanimous opposition of the people of Scotland.

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Notes on the Text

All dates have been stated in Old Style, with the year starting on 1 January. Original spelling and initial capitals in primary sources have been retained, but manuscript contractions have been expanded and printed italics omitted.

The following abbreviations are employed in references:

APS Acts of the Parliament of Scotland
GUSC Glasgow University Special Collections
NAS National Archives of Scotland
NLS National Library of Scotland

Aspects of this thesis have appeared in print in K. Bowie, 'Public Opinion, Popular Politics and the Union of 1707', *Scottish Historical Review* 82, 2 (2003), 226-60.

Chapter 1: Introduction

No history of the Union of 1707 can avoid mentioning the high levels of popular resistance to the treaty of union seen during the parliamentary session of 1706-7. As the Scottish Parliament debated the articles of the treaty from October 1706, public displays of opposition to the proposed incorporation appeared in pamphlets, addresses, rioting and attempted risings. In describing these activities, historians have tended to contrast popular anti-unionism with elite pro-unionism as a fundamental dichotomy in the Union story. Within this, however, historians have disagreed over whether popular agitation should be considered the authentic voice of the people or the misguided voice of the mob; conversely, they have portrayed elite support for the Union as representing either far-sighted statesmanship or selfish corruption.

In many older accounts, popular anti-unionism is identified with a primordial, backwards-looking Anglo-phobia, while elite support for the Union is attributed to enlightened foresight. For G.M. Trevelyan, rejection of union was bred into the Scots: 'Popular poetry, tradition, history—strong influences on an imaginative and emotional race—all pointed to England as the ancient enemy....Flodden, still unavenged, was the lyric theme vibrating in every Scottish heart.' Innate anti-Englishness emerged from Scotland's 'Poverty and religious instruction and controversy [which] combined to form a national Scottish character, overriding the acute political divisions, and united all Scots in a mental and moral antagonism' against England. At the same time, however, the Scottish experience of the 1690s 'revealed to all thinking minds that political and

economic advance towards a happier future must lie through a closer Union with England.'[1] Trevelyan uses this opposition between a patriotic anti-English popular mentality and a 'thinking' elite to explain the active resistance presented to the treaty: while Scotland's statesmen saw the advantages of the treaty, its unthinking people rejected union with abhorred England. Other historians have echoed this prioritisation of elite opinion while seeking to discredit popular resistance. Uncomfortable with the idea of a deep-seated Scottish resentment of England, some in this more unionist camp have sought to explain away riots against union as the product of 'dishonest agitation,' allowing the views of pro-union MPs to emerge as the true sense of the nation.[2] These scholars follow the early lead of Daniel Defoe, whose 1709 *History of the Union* accused Jacobite instigators of infusing 'Prejudices into the Heads of the severall Parties and Perswasions of People' in order to 'possess the Peoples Minds with such Aversions, as might convince the Parliament, they were Acting against the general Current of the Nation.'[3]

In response, more recent accounts with a nationalist flavour have inverted this view by celebrating public rejection of the treaty as the authentic voice of the people. With an influential paper published in 1964, William Ferguson launched the now dominant view of Union as 'probably the greatest "political job" of the eighteenth century,' in which a corrupt parliamentary elite betrayed the Scottish people.[4] If earlier accounts followed Defoe, this account recalled George

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[1] G. M. Trevelyan, *England Under Queen Anne: Ramillies and the Union with Scotland* (London, 1948), 179, 184, 220.
[2] G.S. Pryde, *The Treaty of Union of Scotland and England 1707* (London, 1950), 25.
[3] Daniel Defoe, *The History of the Union of Great Britain* (Edinburgh, 1709), 18, 23.
[4] William Ferguson, 'The Making of the Treaty of Union of 1707', *Scottish Historical Review* XLIII (October 1964), 110. See also William Ferguson, *Scotland's Relations with England: A Survey to 1707* (Edinburgh, 1977); William Ferguson, 'Recent Interpretations of the Making of the Treaty of Union of 1707', *Scottish Tradition* VII/VIII (1977-78).

Lockhart of Carnwath, a Jacobite MP whose 1714 memoirs emphasised 'the nation's aversion to enter into this union.'[5] Ferguson's 'political job' narrative assumed a national rejection of the treaty as a central tenet of its argument: 'the people' opposed the Union, so MPs must have been bribed and corrupted into ignoring manifestly negative public opinion. According to Ferguson, 'in Scotland the treaty was not popular, in any sense of the term, and the ministry was hard pushed to whip up support for the coming session.' This forced the Court to turn to financial inducements to win votes, creating a 'hucksters' mood' in the Parliament.[6] Or as Paul H. Scott has put it, the Union treaty 'was not accepted by the Scottish people, who made their rejection of it very clear'; instead, it was voted by 'an unrepresentative Parliament which was bribed and intimidated into submission.'[7] Throughout, the people's native anti-Englishness united them against the treaty: 'a common antipathy to the Union now brought together all shades of belief from Covenanter to Jacobite.'[8]

Sadly, though Scottish opinion has preoccupied historians since the days of Defoe and Lockhart, few have researched popular opinion in detail. A short list of sources has provided most of the descriptions of petitioning and riots found in Union histories: the *Acts of the Parliament of Scotland*, Defoe's *History of the Union*, Defoe's letters to Secretary Harley and Lockhart's memoirs.[9] Relying on Lockhart, those scholars seeking to celebrate the voice of the people have taken

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[5] *'Scotland's Ruine:' Lockhart of Carnwath's Memoirs of the Union*, ed. Daniel Szechi (Aberdeen, 1995), 157.
[6] Ferguson, `Making of the Treaty of Union', 106-8.
[7] Paul H. Scott, `"Bought and Sold for English Gold"', *Chapman* 69-70, Autumn 1992, 166.
[8] Paul H. Scott, *Andrew Fletcher and the Treaty of Union* (Edinburgh, 1994), 181. Similar sentiments are found in Ferguson, *Scotland's Relations with England* 255.
[9] *Acts of the Parliament of Scotland* (Edinburgh, 1824), vol. xi; Defoe, *History of the Union*; *The Letters of Daniel Defoe*, ed. George Harris Healey (Oxford, 1955); *'Scotland's ruine'*.

petitions and riots as markers of public opinion, while detractors have pointed to 'dishonest agitation' based on Defoe's allegations.

This ongoing disagreement since the days of Defoe and Lockhart over the origins and meaning of popular resistance should indicate that a far more complex story remains to be discovered. Nevertheless, since the 1960s Scottish historiography has focused on elite opinion in order to explain why a majority of the 1706-7 Parliament voted for the treaty of Union. Reacting to Ferguson's overthrow of prior historical narratives portraying the Union as a natural evolutionary outcome or a triumph of statesmanship, historians have debated the relative importance of bribery, politics, trade and religion in motivating members of Parliament to pass the treaty. Downplaying economic and religious motives, Ferguson's 'political job' account has prioritised Anglo-Scottish political imperatives and the persuasive effect of patronage and other inducements on MPs. Following this lead, nationalist historians like Scott have incorporated Ferguson's evidence for the bribery of some members into over-simplified tales of Union as the outcome of intimidation and corruption.[10] Responding to this closing-down of historical analysis, other scholars have sought to add other factors back into the picture. T.C. Smout and Christopher Whatley have emphasised the importance of Scotland's pre-Union economic crisis in shaping contemporary thinking about free trade, access to colonial markets and other economic incentives.[11] In

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[10] Scott, `"Bought and Sold for English Gold"'; Scott, *Andrew Fletcher*. While Ferguson's initial 1964 article intended to add political detail and sophistication to older narratives, it has inspired a new over-simplification best seen in Scott's work. Scott has also followed the lead of P.W.J. Riley who saw trade as a cover story for power games in the making of the Union (P.W.J. Riley, *The Union of England and Scotland: A Study in Anglo-Scottish Politics of the Eighteenth Century* (Manchester, 1978)).

[11] T.C. Smout, *Scottish Trade on the Eve of Union 1660-1707* (Edinburgh, 1963); T.C. Smout, 'The Anglo-Scottish Union of 1707: The Economic Background', *Economic History Review* XVI (1963-4); T.C. Smout, 'The Road to Union', in *Britain After the Glorious Revolution*, ed. Geoffrey Holmes (London, 1969); Christopher A. Whatley, `Salt, Coal and the Union of 1707: A Revision

addition, John Robertson has examined pre-Union ideas of empire and sovereignty to better understand how MPs might have thought about Scotland's place in the British union; and Colin Kidd has considered how Scottish religious politics after the Revolution affected the attractiveness of union with Episcopal England.[12] In a more quantitative approach, a computer model of MP voting has been constructed in an attempt to measure the relationship between patronage and voting.[13]

Through this research, a more balanced portrait of the making of Union has emerged as far as MPs are concerned.[14] Nevertheless, key gaps in the analysis remain. While focusing on elite opinion, historians have not considered how elite opinion interacted with a wider popular or public opinion. In a paper published shortly after Ferguson's 1964 article, T.C. Smout recognised that the 'political job' narrative rested on the opposition of popular aversion to elite corruption: 'It appears to be implicit in Ferguson's view of events that since Scots outside Parliament were consistently opposed to Union...and since leading politicians within Parliament were so vacillating and unscrupulous, then the likeliest explanation of the vote in Parliament in favour of Incorporating Union is that these were secured by political jobbery'.[15] Smout's insight did not lead him to

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Article', *The Scottish Historical Review* LXVI (April 1987); Christopher A. Whatley, 'Economic Causes and Consequences of the Union of 1707: A Survey', *Scottish Historical Review* LXVIII (1989); Christopher Whatley, 'Scotland, England and 'the Golden Ball': Putting Economics Back Into the Union of 1707', *Historian* 51, Autumn 1996.

[12] John Robertson, 'Empire and Union: Two Concepts of the Early Modern European Political Order' and 'An Elusive Sovereignty: The Course of the Union Debate in Scotland 1698-1707', in *A Union for Empire*, ed. John Robertson (Cambridge, 1995); Colin Kidd, 'Religious Realignment Between the Revolution and the Union', in *A Union for Empire*. See also Jeffrey Stephen, 'The Kirk and the Union, 1706-07: A Reappraisal', *Records of the Scottish Church History Society* 31 (2002).

[13] Allan I. Macinnes, 'Influencing the Vote: The Scottish Estates and the Treaty of Union, 1706-7', *History Microcomputer Review*, Fall 1990.

[14] Christopher A. Whatley, *Bought and Sold for English Gold? Explaining the Union of 1707* (East Linton, 2001) synthesises much of this research into an accessible summary.

[15] Smout, 'Road to Union', 191.

investigate the nature of popular opposition more closely; instead, he suggested that 'Most Scots outside Parliament were apparently apathetic rather than actively hostile to what was going on within.'[16]

Other historians reacting against the 'political job' have also seen the wider dynamics of public opinion and popular politics as irrelevant to a Scottish political system run by a narrow elite. In his account of Union as the outcome of the power struggles of Scottish magnates, P.W.J. Riley has dismissed popular politics as meaningless to an elite transaction. For Riley, the outcome of the Union depended on elite political allegiances rather than debate or opinion within or outside the political nation.[17] Describing the pamphlet debates as 'really no more than a propaganda duel which was not going to settle anything,' Riley spurned 'a cruder strain of literature' targeting a wider audience.[18] With similar effect, scholars like Robertson and Kidd have focused on learned discourse, limiting their analyses to the impact of elite writings on elite voting. Their work assumes that while thinking Scots debated complex issues of sovereignty, 'Opinion out-of-doors remained firmly opposed to union and committed to the traditional national self-image.'[19]

Rather than investigating the relationship between voting and wider opinion, Union historians have tended to treat popular opinion as unitary, spontaneous, static and powerless: unitary in that 'the Scots' are understood to have opposed the treaty except for an elite minority in Parliament; spontaneous in that popular resistance is assumed to have emerged without instigation as the

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[16] Smout, 'Road to Union', 191.
[17] Riley, *Union of England and Scotland*, 214.
[18] Riley, *Union of England and Scotland*, 245, 230.
[19] Colin Kidd, *Subverting Scotland's Past: Scottish Whig Historians and the Creation of an Anglo-British Identity 1689-c.1830* (Cambridge, 1993), 41.

authentic voice of the people; static in that popular opinion on Union is taken as arising without deviation from a fixed and primordial patriotism; and powerless in that public opinion is believed to have had little impact on the outcome of the treaty debates. A different approach might consider that the viewpoints of MPs were contained within and interacted with a wider body of opinion held by those Scots with access to national political discourse and activities. To understand MP opinion, we need to understand its place within this wider opinion; equally, to understand the impact of public opinion on MP voting, we need to understand the power of public opinion in early modern Scottish politics.

In recent years, with the rise of 'history from below' and the 'cultural turn,' some Scottish historians have begun to consider popular resistance more closely. In 1989, Christopher Whatley examined a possible relationship between Edinburgh rioting and economic amendments to the treaty and called for more research into the pre-Union crowd.[20] Following this, his history of the Union, first published in 1994 and revised in 2001, has concluded that extra-parliamentary pressure helped to shape the final form of the union deal.[21] Other work has included fresh reviews of popular activity informed by scholarship on the early modern crowd.[22] A few writers have returned to the archives to review some of the original petitions, including Whatley, John R. Young and Jeffrey Stephen.[23]

While very welcome, these initial forays still indicate how little is understood about public opinion and the public sphere in pre-Union Scotland. In

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[20] Whatley, 'Economic Causes and Consequences', 160-2.
[21] Whatley, *Bought and sold for English gold?* 77-80.
[22] Keith M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603-1715* (Basingstoke, Hampshire, 1992), 189-90.
[23] Whatley, *Bought and sold for English gold?*, App. 5; J.R. Young, 'The Parliamentary Incorporating Union of 1707: Political Management, Anti-Unionism and Foreign Policy', in *Eighteenth Century Scotland: New Perspectives*, ed. T.M. Devine and J.R. Young (East Linton, 1999), 29-37; Stephen, 'The Kirk and the Union', 83-9.

the absence of polls, historians cannot state what 'the Scots' thought about the Union without serious consideration of the nature of public opinion in early modern Scotland: who could participate in national politics; how viewpoints were shaped; what parties sought to engage popular opinion on national affairs; and how opinion was represented to a wider public and to the government. Alongside cultural notions of patriotism, the role of public discourse, petitioning and crowd activities in shaping and representing opinion must be examined, as well as the possibility that opinions on the treaty changed over time as events unfolded. In claiming that bribery overcame public opinion, the 'political job' assumes that public opinion had the potential to influence MPs--an assumption that needs to be examined in the context of prevailing constitutional and conventional limitations on the participation of ordinary subjects in national political affairs.

In the absence of Scottish scholarship on the early modern public sphere, Chapter 2 will consider the development of popular political participation in England in the seventeenth and early eighteenth centuries, looking for insights applicable to Scotland. Using these lessons, the chapter will describe the structure of the public sphere in Scotland from the late 1690s, suggesting that prevailing political, social and economic conditions encouraged a greater engagement of ordinary subjects and the emergence of public opinion as a factor in Scottish politics. Chapters 3 and 4 will then examine public discourse in Scotland to show how rising communication on the issues of Darien, toleration and union shaped the viewpoints of growing audiences in Scotland. While Chapter 3 will cover discourse from the Darien crisis to 1705, Chapter 4 will examine the union debates of 1706-7; both will pay attention to changes in arguments to show how opinions on union may have shifted over time. Chapter 5 will examine

representations of opinion as seen in addresses from Darien to the Union, indicating how these were organised and how political conventions and Court management determined their impact on parliamentary proceedings. Lastly, Chapter 6 will review anti-union crowd activities, from rioting to musters to risings, placing these in a historical context to indicate their potential power within accepted methods of crowd control.

Throughout, pitfalls in the study of 'popular politics' will be avoided as far as possible. Public opinion will be acknowledged as operating on two levels, both as the actual views on national matters held by individuals, shaped by imperfect information flows from the centre; and as a rhetorical construct, used by oppositional writers and speakers to indicate resistance to the government.[24] Within this, pamphlets, petitions and crowds will be recognised as deliberate representations as well as indicators of local opinion. Since items like petitions sought to speak for a community in order to influence the government, these will not be assumed to embody an actual local consensus but will be taken to indicate the viewpoints of some in a locality, with efforts made to specify whose opinion is being expressed. In addition, strict demarcations between 'popular' and 'elite' political culture, opinion and practices will be avoided.[25] Instead of a narrow 'history from below' focus on rioting crowds, an inclusive definition of 'popular politics' will be applied. The potential social composition of the public will include elite, middling and lower ranks; public discourse will include oral, manuscript and printed material; and representations of opinion will include parliamentary tools such as addresses as well as extra-parliamentary crowds. This

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[24] David Zaret, *Origins of Democratic Culture: Printing, Petitions and the Public Sphere in Early Modern England* (Princeton, 2000), 209-16.
[25] Tim Harris, 'The Problem of 'Popular Political Culture", *History of European Ideas* 10 (1989).

approach will prevent the reification of certain communication forms as the authentic voice of the people or the dismissal of others as elite-controlled propaganda; and will allow the combined influence of popular political traditions and coordination by local and national political leaders to be recognised, while retaining sensitivity to social differences in communication, opinion-formation and influence where appropriate.

This study seeks to update our understanding of the dynamics of the early modern Scottish polity by incorporating recent learning on the role and power of public opinion; this in turn will expand our understanding of the making of the Union. Breaking out of the dichotomies of popular vs. elite and genuine vs. manipulated opinion, a closer look will reveal a more sophisticated and dynamic political situation. Rather than being unitary, spontaneous, static and powerless, public opinion in Scotland on the Union was diverse, influenced, changing and powerful: diverse in terms of viewpoints and social composition; influenced (though not controlled) by oppositional party leaders at the national and local level; changing as events and arguments shifted from the late 1690s to 1707; and powerful within contemporary limitations on the role of public opinion in the early modern polity. This understanding of pre-Union public opinion has the potential to transform our view of the making of Union from an act done to the Scottish people to an event in which many ordinary Scots participated through an emerging public sphere.

Chapter 2: The Emerging Public Sphere

A substantial body of historical work has investigated the development of a public sphere in England in the seventeenth and eighteenth centuries, identifying key shifts towards the increasing involvement of ordinary subjects in national political affairs. Applying varying perspectives, including political history, sociology, Marxism and literary studies, together this research has begun to illuminate the emergence of public opinion in early modern English politics.[1] A parallel body of work does not exist for Scotland, leaving some of these same scholars to draw very different conclusions about public opinion in Scotland. In reference to the Union, J.A. Downie adheres to the 'political job' line in describing Daniel Defoe's pamphleteering in Scotland as 'merely the icing on the cake,' though he credits Defoe with a direct impact on attitudes, voting and political outcomes in England during the same period.[2] Nevertheless, work on the English public sphere provides insights relevant to the Scottish situation by illuminating factors in the emergence of a public sphere. An examination of the Scottish polity with these factors in mind reveals the growth of a public sphere in Lowland Scotland from the late 1690s, with clear implications for the impact of public opinion on the making of the Union.

Studies of the Civil War period, the Exclusion crisis, the Revolution of 1688-9 and the post-Revolutionary 'age of party' in England reveal three consistent factors in the development of what one historian has termed a 'civic

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[1] See discussion and references below.
[2] J.A. Downie, *Robert Harley and the Press: Propaganda and Public Opinion in the Age of Swift and Defoe* (Cambridge, 1979), 76-7.

sphere of print, parties and public.'[3] In these events, English society fractured vertically into factions, with Royalist/Parliamentarian divisions evolving into Whig/Tory parties and Court/Country alignments. Slicing through social layers and communities, these entrenched politico-religious differences caused the disintegration of consensus politics at the national level. With the development of adversarial party politics in the English Parliament from the 1640s, oppositional groups sought to marshal popular support as a weapon against the government, using elections, propaganda, petitions and crowd activities both to engage a widening public and to represent 'the sense of the nation' to the Crown. Reluctantly, the Crown and its Court followers began to acknowledge public opinion as a political force, going beyond traditional royal processions, bonfires and bells to produce counter-propaganda, loyal addresses and crowd demonstrations in response. This Crown activity encouraged the developing public sphere, turning popular participation from an oppositional tactic to business as usual for both sides--though the Crown still maintained important limits on the public sphere in terms of censorship and control of disorderly activities.

David Zaret has claimed that a 'political public sphere first appeared in the English Revolution.'[4] In the Civil War period, the ideal of consensus government broke down under the pressure of irreconcilable political and religious differences embodied in oppositional factions in Parliament.[5] The disagreements reflected in these factions reached across social levels, driven by popular as well as elite

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[3] Harold Weber, *Paper Bullets: Print and Kingship Under Charles II* (Lexington KY, 1996), 10.
[4] David Zaret, *Origins of Democratic Culture: Printing, Petitions and the Public Sphere in Early Modern England* (Princeton, 2000), 174.
[5] Mark Kishlansky, 'The Emergence of Adversary Politics in the Long Parliament', *Journal of Modern History* 49 (December 1977). Though termed 'parties' by contemporaries, these did not yet resemble modern, organised political parties. It is more helpful to understand early modern 'parties' as coalitions around a prominent leader or leaders with a shared stance on political, religious and economic issues. Patronage and regional or family networks played a role in forming these groupings but did not control all voting.

experiences of religious innovation, taxation and other government policies.[6] As censorship broke down from 1641 with the abolition of Star Chamber, popular awareness of the connections between local grievances and national political parties was encouraged by a greater availability of news and printed political information, as well as partisan sermons.[7] Oppositional leaders encouraged the printing of parliamentary proceedings in newsbooks from 1641, breaking long-standing traditions of secrecy, while the printing of the Grand Remonstrance as well as Parliament's programme of 'fast sermons' also increased the publicity of parliamentary resistance.[8]

While newsbooks, pamphlets and sermons influenced public opinion, organised activities like petitioning and oaths created individual adherence to political platforms.[9] Such activities appropriated traditional methods for expressing grievances or creating loyalty to the state and transformed them into tools for the politicisation of masses of ordinary subjects.[10] The Root & Branch petitions of 1640-1, for example, solicited support for an oppositional programme among thousands in London and the provinces, initiating mass petitioning activity that would involve many from outside the parliamentary electorate through the 1640s. Similarly, the 1641 Protestation Oath produced popular commitment by requiring subscribers to defend the national Church and rights of Parliament.[11]

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[6] John Walter, *Understanding Popular Violence in the English Revolution: The Colchester Plunderers* (Cambridge, 1999), 318-29.
[7] Richard Cust, 'News and Politics in Early Seventeenth Century England', *Past & Present* 112 (1986); Joad Raymond, *The Invention of the Newspaper: English Newsbooks 1641-1649* (Oxford, 1996), 16; Zaret, *Origins of democratic culture*, ch. 7.
[8] Raymond, *English newsbooks*, ch. 2, 192-3; Zaret, *Origins of democratic culture*, ch. 3. From 1641, Parliament printed many texts in large press runs for wide distribution (Zaret, *Origins of democratic culture*, 201).
[9] Walter, *Colchester plunderers*, ch. 8; Zaret, *Origins of democratic culture*, ch. 8.
[10] Tim Harris, 'The Problem of 'Popular Political Culture'', *History of European Ideas* 10 (1989), 46-7.
[11] Walter, *Colchester plunderers*, 292-301.

Alongside these, crowd activities demonstrated popular opinion to government while involving more individuals in extra-parliamentary activities, from organised processions to present petitions to violent attacks on royalist supporters.[12]

While Charles I had been reluctant to license news publications or to allow political printing prior to the 1640s, the use of print by the parliamentary opposition forced the Court and its royalist followers to respond in kind.[13] Charles' own royal printers and other sympathetic pressmen published royalist newsbooks, tracts and petitions through the Civil War period.[14] Despite this participation in an emerging public sphere on behalf of the king, however, traditional attitudes against populist politics still prevailed in many quarters, making royal publicity a necessary evil rather than an enthusiastic innovation. From 1642, 'the king's pronouncements put increasing stress on the interrelationship between Parliament's challenge to royal authority and popular disorder.'[15] Many in Parliament agreed with the royal stance against popular participation; in 1641, members like Sir Edward Dering bemoaned the opposition's printed appeals to the people, while others warned against the dangers of mass petitioning and tumultuous convocations.[16] Though the 1640s saw the establishment of an early public sphere in terms of innovative practices, these new practices 'ran ahead of political and social theory' and remained highly

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[12] Processions included participants from lower social levels, such as a group of 1,500 London porters (Zaret, *Origins of democratic culture*, 224) or hundreds of Suffolk weavers (Walter, *Colchester plunderers*, 312). For crowd attacks on royalists and Catholics, see Walter, *Colchester plunderers*.
[13] Raymond, *English newsbooks*, 98-100.
[14] Zaret, *Origins of democratic culture*, 199-200.
[15] Walter, *Colchester plunderers*, 19.
[16] Richard Cust, 'Charles I and Popularity', in *Politics, Religion and Popularity in Early Stuart Britain*, ed. Thomas Cogswell, Richard Cust and Peter Lake (Cambridge, 2002), 252.

contested, maintaining limits on the authority and power of the new public opinion.[17]

While the Civil War period has been identified as the birthplace of the public sphere, 'the emergence of party politics in England' has been claimed for the Restoration period.[18] After a reassertion of Crown control over popular politics at the Restoration, populism returned to the political stage as unresolved ideological differences re-emerged through Whig and Tory parties and Court and Country groupings.[19] As in 1641, 'divisions within the elite led its members to seek support among their social inferiors, above all in the Exclusion Crisis.'[20] Like the Civil War period, the Exclusion crisis was marked by high levels of popular involvement, encouraged by similar practices: a rise in print propaganda; mass petitioning; and crowd protests. Before this crisis, the government's control of print had been weakening as market growth encouraged printers to evade licensing controls, but oppositional print material multiplied rapidly with the lapsing of the Licensing Act in 1679.[21] Whig newspapers, pamphlets and broadsides spread through localities and social levels via a 'sophisticated distribution network,' while urban coffeehouses, taverns and alehouses provided forums for reading, hearing and debating political material.[22] In addition to organising print propaganda, Whig leaders also coordinated a petitioning

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[17] Zaret, *Origins of democratic culture*, 257.
[18] Robert Harris, *A Patriot Press: National Politics and the London Press in the 1740s* (Oxford, 1993), 1.
[19] Harris, *A patriot press*, ch. 2-4. As an instance of the government's rejection of populism at the Restoration, a 1661 Act against Tumultuous Petitioning restricted the presentation of petitions by crowds, while the 1662 Licensing Act reasserted statutory control of the press (John Miller, `Public Opinion in Charles II's England', *History* 80:260 (1995), 377).
[20] Miller, `Public Opinion in Charles II's England', 375.
[21] Weber, *Paper bullets*, 155-7.
[22] Tim Harris, `"Venerating the Honesty of a Tinker:' the King's Friends and the Battle for the Allegiance of the Common People in Restoration England', in *The Politics of the Excluded, c.1500-1800*, ed. Tim Harris (Basingstoke, 2001), 205; Steve Pincus, `"Coffee Politicians Does Create': Coffeehouses and Restoration Political Culture', *The Journal of Modern History* 67:4 (Dec 1995).

campaign to pressure the Crown to recall Parliament in 1679-80, while Whig clubs sponsored pope-burnings and bonfires in London.[23]

Informed by the experiences of Charles I, the late Stuart Crown moved more readily to respond to Whig populism in the Exclusion Crisis with proactive communications as well as reactive controls. While attempting to reinstate censorship and discourage tumult, the monarchy also encouraged propaganda, loyal addressing and peaceful crowd activities organised by Tory leaders. With this shift, 'Charles II's reign witnessed less a struggle by the crown to control the opposition press than a battle for the hearts and minds of a divided political nation, a division reaching far wider than the landed classes and learned professions.'[24] While the Crown continued to prosecute seditious materials, Court Tories like Roger L'Estrange responded to Whig printing from 1679 with royalist tracts and newspapers. Tory party elements organised loyal addresses in 1681 and encouraged Tory crowds to counter Whig expressions of opposition. Despite this turn to populism, however, Tory pamphlets still warned of the dangers of inciting the people, accusing the Whigs of imposing erroneous views on the gullible mob. From 1681, the exposure of Whig plots against the Crown provided an ideal opportunity to emphasise the apparent link between the Whigs and destabilising rebellion and regicide, allowing the Tories to encourage the people to loyal obedience.[25] With this approach, the Crown maintained its traditional stance against popular participation by using public discourse to emphasise the people's duty to submit to higher authorities.

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[23] Tim Harris, *London Crowds in the Reign of Charles II: Propaganda and Politics from the Restoration Until the Exclusion Crisis* (Cambridge, 1987), 100-1, 172.
[24] Miller, 'Public Opinion in Charles II's England', 366, 378.
[25] Harris, *London crowds*, ch. 6-7; Harris, 'Venerating the Honesty of a Tinker'.

Similar dynamics appeared during and after the Revolution of 1688-89. Whig and Tory differences continued to fuel factional divisions, though party ideologies shifted in the 1690s as the Whigs adapted to a Court position and the Tories took up a Country stance.[26] After a burst of public participation at the Revolution, the instability of the party situation in the 1690s, combined with the frequent elections required by the Triennial Act, drove 'an astonishing growth in popular participation in politics,' aided by the lapsing of the Licensing Act in 1695.[27] By 1700, 'party strife...had created a dynamic and contentious political culture' in which popular opinion 'entered political discourse as a phenomenon that had to be cultivated, nurtured, and contained.'[28]

At the Revolution, the Whigs revived populist tactics from the Exclusion Crisis, including mass petitioning, pageants and bonfires organised by London City Whigs in 1689, while a burst of print from all sides accompanied the Revolution settlement debates.[29] Print outputs rose rapidly in the 1690s, with partisan newspapers returning to the political scene. As in prior periods of print expansion, the press helped to connect local grievances with national party platforms, encouraging popular adherence to political stances.[30] Through the 1690s, Whigs and Tories alike used print and local election events to sway voters, but opposition factions were more likely to use print, petitions and crowds to attack national policy outside of elections. Whigs turned to petitioning in 1701 to express support for William's wars to an anti-war Tory Parliament, while Country

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[26] Harris, *A patriot press*, 161-9.
[27] Gary Stuart DeKrey, *A Fractured Society: The Politics of London in the First Age of Party 1689-1715* (Oxford, 1985), 177, 212-4.
[28] Nicholas Rogers, *Whigs and Cities: Popular Politics in the Age of Walpole and Pitt* (Oxford, 1989), 371.
[29] DeKrey, *Fractured society*, 56-60; Mark Goldie, 'The Roots of True Whiggism 1688-94', *History of Political Thought* 1:2 (June 1980).
[30] DeKrey, *Fractured society*, 218-9.

Tories used addresses to the Queen to protest the 1710 Sacheverell trial. Crowd activities supported these campaigns, with London Whigs providing public feasts for the Kentish petitioners of 1701 and Tory crowds demonstrating in support of Sacheverell.[31] On an ongoing basis, the traditional political calendar of state anniversaries took on 'a more explicit party coloration' as Whigs, Tories and Jacobites took over certain dates, in particular Queen Elizabeth's accession (17 November), William's birthday (4 November) and Gunpowder Day combined with William's landing at Torbay (5 November) for the Whigs; Charles I's execution (30 January) for the Tories; and the Old and Young Pretender's birthdays for the Jacobites.[32]

As in the Exclusion Crisis, the Crown and its party supporters still cracked down on dangerous print in spite of the lapsing of licensing, using proclamations and court prosecutions to discourage seditious discourse, especially Jacobite materials.[33] At the same time, however, the Court responded to oppositional activity with its own propaganda. Secretary Robert Harley has been singled out as an important driver of state print from 1701 when he applied lessons learned in the opposition to sponsor writers like Daniel Defoe and Jonathan Swift to publish on behalf of the government.[34] By increasing the Crown's active participation in the emerging public sphere, Harley contributed to the legitimisation of public political discourse and popular participation in national affairs. As Court-Country and Whig-Tory print debates expanded, English readers had access to an ongoing political commentary that fed the 'rage of party' for which this period is known.

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[31] *Ibid*, 201; Downie, *Robert Harley and the press*, 117.
[32] Rogers, *Whigs and cities*, 362-3.
[33] Paul Monod, 'The Jacobite Press and English Censorship, 1689-95', in *The Stuart Court in Exile and the Jacobites*, ed. Eveline Cruickshanks and Edward Corp (London, 1995).
[34] Downie, *Robert Harley and the press*.

Nevertheless, though extreme perspectives like Jacobitism were excluded from public discourse, anxieties about an untrammelled press and the malleable mob continued to be expressed by many.

Despite their complexities, these English crisis points reveal similar factors in the development of popular engagement in national politics in an early modern parliamentary state. Direct political participation in England rose in this period with the expansion of the electorate and more frequent elections, but popular participation also increased through extra-parliamentary means.[35] As oppositional factions emerged and consensus politics crumbled, parties sought to increase their leverage by marshalling popular support through public discourse, petitioning and crowds. Such support drew on traditional relationships of deference, but relied more on individual persuasion through communication and coordination of oppositional activity. Popular awareness of national political affairs improved as public political discourse increased through print propaganda and news, as well as sermons and word of mouth. This broadening of public discourse broke long-standing taboos against the airing of the government's private business, enabling open debate to shape opinion in a growing audience.[36] Information from the centre provided a wider perspective on provincial problems, allowing ordinary subjects to see the national origins of local problems and to express their grievances in national political terms. Organised mass political activities, from petitions to oaths to crowd protests, helped to transform rising awareness to active involvement. Moreover, such mass activities acted as

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[35] On the growth of the electorate and more frequent contested elections, see J.H. Plumb, *The Growth of Political Stability in England, 1675-1725* (London, 1967); Derek Hirst, *The Representative of the People? Voters and Voting in England Under the Early Stuarts* (Cambridge, 1975).

[36] Zaret, *Origins of democratic culture*, ch. 3.

expressions of public opinion from 'the people,' pressuring the government with the moral authority of the people's grievances as well as a veiled threat of popular disorder.

Public opinion thus emerged as a rhetorical entity, created by petitions, pamphlets and crowds, while also existing as a divided reality in the competing views of Royalists and Parliamentarians or Whigs and Tories. Recognising the growing power of public opinion, the Crown began to set aside its traditional fears of popularity to engage with the new public sphere. Seeking to win over opinion, government and its party supporters generated counter-propaganda, addresses and crowd demonstrations. These Crown activities recognised the reality of a situation in which oppositional forces had seized the initiative and government had lost control of public discourse; but the Court and its supporters remained wary of public opinion, emphasising the risks of populism and the gullibility of the people. The Crown continued to prosecute dangerous print and popular activity as far as its policing powers allowed, while using its own propaganda to encourage loyal subservience.

Over the longer term, the emergence of these communicative and political practices relied on concurrent social and economic trends towards increasing literacy, affluence and exchange between the centre and localities. Demand for print during censorship lapses depended in part on customers' ability to buy and read print materials. During the seventeenth century, economic developments drove improvements in reading, income and print distribution, allowing middling and some lower sorts to engage with printed political information. Literacy, wealth and the availability of political information were highest in urban areas, especially the capital city, but expanding marketing and postal networks linking

London to the provinces provided routes for the distribution of print and news beyond the capital. In venues like the coffeehouse, a growing number of traders, merchants and artisans participated in political debate and discourse as well as business negotiations from the 1670s.[37]

The development of the English public sphere can be compared to the Scottish situation to investigate the status of public opinion in the early modern Scottish polity. Existing work hints at important similarities between the two countries.[38] Scottish parliamentary politics did not experience the expanding electorate and more frequent elections seen in England; but some parallels in the emergence of a public sphere can be identified for the post-Revolution period leading up to the Union: the fracturing of Scottish society into politico-religious interest groups; the development of open Country party opposition in Parliament from the late 1690s; the opposition's use of propaganda, mass petitioning and crowds to shape and express public opinion on a variety of issues including union; and the eventual response of the Court party to a budding Scottish public sphere, all supported by underlying increases in literacy and networks of exchange. Through these trends, public opinion began to play a role in Scottish politics in

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[37] Jurgen Habermas, *The Structural Transformation of the Public Sphere*, tr. Thomas Burger and Frederick Lawrence (Cambridge, Mass., 1989); Pincus, 'Coffee Politicians Does Create'; Nigel Wheale, *Writing and Society: Literacy, Print and Politics in Britain 1590-1660* (London, 1999).

[38] The work of some historians provides glimpses of popular political participation and the development of public political discourse in Scotland: C.S. Terry, *The Scottish Parliament: Its Constitution and Procedure* (Glasgow, 1905); Ian B. Cowan, *The Scottish Covenanters 1660-1688* (London, 1976); Julia Buckroyd, *Church and State in Scotland 1660-1681* (Edinburgh, 1980); David Stevenson, 'A Revolutionary Regime and the Press: The Scottish Covenanters and Their Press, 1638-51', *Library* 7 (1985); Edward J. Cowan, 'The Solemn League and Covenant', in *Scotland and England 1286-1815*, ed. Roger A. Mason (Edinburgh, 1987); Richard L. Greaves, *Enemies Under His Feet: Radicals and Nonconformists in Britain, 1664-1677* (Stanford, 1990); Allan Macinnes, *Charles I and the Making of the Covenanting Movement 1625-1641* (Edinburgh, 1991); Elizabeth H. Hyman, 'A Church Militant: Scotland, 1661-1690', *Sixteenth Century Journal* 26:1 (Spring 1995); Alastair J. Mann, *The Scottish Book Trade 1500-1720: Print Commerce and Print Control in Early Modern Scotland* (East Linton, 2000); Clare Jackson, *Restoration Scotland, 1660-1690: Royalist Politics, Religion and Ideas* (Woodbridge, 2003); Joad Raymond, *Pamphlets and Pamphleteering in Early Modern Britain* (Cambridge, 2003), ch. 5.

the decade before the Union.[39] Though representations of opinion continued to operate under distinct limitations, these shifts towards an emerging public sphere created the conditions for high levels of popular involvement in the union debates of 1706-7 with a demonstrable impact on the nature of the Union.

Parties, Political Communications & Popular Participation

The dominant historical narrative of Scotland in the 1690s focuses on the Crown's inability to control Scottish politics through a stable Court party, making parliamentary union an attractive solution for the Crown and its English and Scottish ministers. The instability of Scottish politics has been blamed on the self-seeking, unprincipled behaviour of the Scottish magnates, with real ideological differences, such as religion, dismissed as window-dressing for noble power plays.[40] Nevertheless, while many nobles may have operated according to pragmatism rather than principle, Scottish society as a whole contained deep political and religious divisions. Along with the jockeying of magnates, these ideological fractures fuelled factionalism in Scottish politics after the Revolution. By the late 1690s, oppositional elements in Parliament had coalesced into a loose Country party under the leadership of the Duke of Hamilton and the Earl of Tullibardine.[41] Aided by improvements in education and the availability of print,

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[39] This is not to say that elements of a Scottish public sphere did not appear earlier in the seventeenth century, but this study focuses on the pre-Union period in Scotland to illuminate the role of public opinion in the making of the Union.

[40] P.W.J. Riley, *King William and the Scottish Politicians* (Edinburgh, 1979). This viewpoint has influenced other histories of the period, as in Rosalind Mitchison, *Lordship to Patronage: Scotland 1601-1745* (Edinburgh, 1983), ch. 6.

[41] Riley, *King William*, ch. 7; Derek John Patrick, 'People and Parliament in Scotland 1689-1702', Ph. D. dissertation (St. Andrews University, 2002), ch. 5-6.

this oppositional grouping pursued a populist agenda, using print propaganda, petitioning and crowd activities to generate public pressure on the government on Darien and toleration.

Scotland has been described as a 'deeply and bitterly divided nation' in the seventeenth century, split over competing ideas on the government of church and state.[42] During the Restoration period, contemporaries distinguished three main groupings: Episcopalians who supported the Court; and 'the interest for liberty and privileges' and 'the interest of religion and presbytery' found together in a nascent Country opposition.[43] The reinstatement of Presbyterian church government in 1690 shifted the Presbyterian interest from Country to Court but continued the conditions for adversarial politics in the Scottish Parliament. The re-establishment of Presbytery tied mainstream Presbyterians to the Revolution settlement and William's reign, though more fundamentalist Presbyterians and the separatist Cameronians continued to resent William's control over the Church establishment and the meetings of the General Assembly. At the same time, many moderate Episcopalians continued to adhere to the Crown and Court, while Jacobite Episcopalians hoped for a restoration of the Stuarts. The settlement also offered the potential for populist politics, as Scotland's politico-religious divisions reached to the lowest levels through individual loyalties to the established Church, Episcopalian meetings, Cameronian conventicles and the Covenants.

These dynamics produced not separate Whig/Presbyterian and Tory/Episcopalian parties in Scotland, but a Court-Country split with moderates of both religions gravitating to the Court. Under William, mixed ministries and a policy of accommodation within the established Church encouraged this structure.

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[42] Gordon Donaldson, *Scotland: James V to James VII* (Edinburgh, 1971), 360.
[43] Jackson, *Restoration Scotland*, 74.

Contemporaries perceived differing ideological interests among members of Court or Country, occasionally using the terms 'Whig' and 'Tory' to describe these, but parties in Scotland evolved on a Court-Country axis rather than Whig and Tory.[44] The Court-Country dichotomy evolved through the 1690s, with relatively stable parties emerging under magnate leaders from 1698.[45] Though the Court and Country parties should not be confused with modern, organised political parties, their leaders coordinated parliamentary programmes, contested open elections and marshalled their followers for votes.[46] The Court party tended to contain moderate Presbyterians and Episcopalians under the leadership of the Dukes of Queensberry and Argyll while the Country party encompassed the more extreme Presbyterians and Jacobites in factions under the management of the Duke of Hamilton and the Earl of Tullibardine. The Country party also included a body of radical Whigs under the intellectual leadership of Andrew Fletcher. Party platforms reflected these politico-religious differences, with elements in the Country party championing the rights of the Church and the power of Parliament over the monarch, while the Court supported accommodation within the Church and the royal prerogative.

The development of adversarial Court-Country party politics in the Scottish Parliament was enabled by the establishment of regular meetings of Parliament and the lifting of restrictions on debate in the House. In the Restoration period, the government had sought to control parliamentary debate through the Lords of the Articles, the estate of bishops and infrequent parliamentary meetings, including the use of brief Conventions instead of

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[44] Riley, *King William*, 142.
[45] *Ibid*, ch. 7; Patrick, 'People and Parliament', ch. 5.
[46] *Ibid*, ch. 5-6.

Parliaments.[47] Reacting to these restrictions, the oppositional 'Club' in 1689-90 pressed for changes in parliamentary procedures to create ongoing and open debates. As a result, the 1689 Claim of Right asserted that 'Parliaments ought to be frequently called, and allowed to sit, and the freedom of speech and debate secured to the members.'[48] Under William, the estates met ten times in twelve years with nine Parliaments and the Convention of 1689, while parliamentary meetings under Anne were annual.[49] Moreover, the agenda of parliament escaped from direct Crown controls. The 1689 Articles of Grievances declared 'the committee of parliament called the Articles...a great grievance to the nation,' while a 1690 act abolished it.[50] As a result, overtures and motions could be introduced into the house without advance notice, allowing oppositional interests to disrupt proceedings with unwelcome proposals backed by a roster of prepared speakers. Committees continued to be used by the House on occasion to review overtures, but this only helped the Court when it held a majority in each estate for the election of committee members, a circumstance that did not prevail for much of the 1690s. The removal of the estate of bishops through the Presbyterian Church settlement further weakened Crown control of proceedings in Parliament, with a similar effect in the General Assembly.[51]

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[47] Clare Jackson has shown that the Restoration Parliament was less tyrannised than some historians have believed, though the Country opposition still laboured under significant constraints (Jackson, *Restoration Scotland*, ch. 4).

[48] Gordon Donaldson, *Scottish Historical Documents* (Glasgow, 1999), 257.

[49] In contrast, Charles II called just eight parliamentary sessions, plus three brief Conventions, in a reign of over twenty years.

[50] Donaldson, *Scottish Historical Documents*, 258-9.

[51] A Committee of Overtures still maintained some control over the Assembly's agenda, but presbyteries could instruct their representatives to introduce motions to the entire house. In 1703, the Presbytery of Innerkeithen directed its representative to 'be very carefull that thir instructions be read & considered by the Committee of overtures, & if they shall not be considered by that Committee...Then they are ordered to table them in open Assemblie' (NAS CH 1/2/23/3(186)).

The re-establishment of regular meetings of the General Assembly provided a further forum for adversarial politics in Scotland, though the principle of consensus remained strong within Church culture.[52] Faced with Episcopalian meeting-houses and Cameronian dissenters, Church leaders needed to maintain the principle of a united national church. Moderates in the Church urged consensus politics on their brethren while pressing the government to crack down on Episcopalian intruders and attempting to reconcile with the Cameronian separatists. The presbytery of Humbie reflected this middle ground in 1702 in instructing its representative to the General Assembly to prevent 'any appearance of faction and division in this national church.'[53] Nevertheless, differences on the Covenants and erastianism continued to unsettle the Church.

By the late 1690s, these disagreements were becoming associated with Court and Country factions. On the Country side, ministers like Robert Wylie and Archibald Foyer in Hamilton presbytery regularly called on the General Assembly to assert the Church's intrinsic rights. By 1701, this annual battle had taken on 'the odiouse names of Court and Country party.'[54] Country clergy also pressed the Church to support the Darien colony with national fasts during 1699-1700.[55] In 1700, Foyer contributed to Country propaganda on Darien with *Scotland's present duty,* which called on 'the Nobility, gentry, ministry and commonality...to act for, our common concern in Caledonia.' At the same time that the Country party was organising addresses to the king on behalf of the colony, Foyer urged

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[52] Having not met between 1649 and 1690, the General Assembly convened in 1690, 1694 and 1695, with annual meetings thereafter. Moreover, a smaller number of ministers continued to gather for the Commission of the General Assembly between meetings, though attendance from distant presbyteries was poor (NAS CH 1/2/22/2(150)).
[53] NAS CH 1/2/22/2(162).
[54] *Early Letters of Robert Wodrow 1698-1709*, ed. L.W. Sharp (Edinburgh, 1937), 155.
[55] *Ibid*, 138, 145, 155.

Scots to 'joyn in an Address to the King of Heaven for his help.' Such an appeal would be the more powerful because 'no Courtiers there, will hinder our address.'[56] Through such materials, oppositional clergy linked Church politics with parliamentary party politics, extending the sphere of adversarial politics to the General Assembly. On the Court side, moderate managers in the Church strove to maintain governmental support for the Presbyterian establishment by rejecting extremist positions. During debates in the 1700 Assembly over a national fast for Darien, Court-affiliated ministers argued against strong language on the grounds that it 'might have bred ill blood among the [Privy] Councill.'[57]

As well as providing an ongoing forum for party debate, the regular meetings of the Parliament and General Assembly improved political communications between the centre and localities. These, along with the continuing annual meetings of the Convention of Royal Burghs, provided a regular opportunity for the engagement of local notables in national political debate. Representatives brought provincial concerns to the national stage, often through formal written instructions, and returned with news and printed material from the capital. Though presbyteries used the General Assembly to air complaints on parochial problems like disputed calls, they also raised issues of national scope, from the assertion of the Church's intrinsic rights to the problem of Episcopal intruders to requests for the renewal of the National Covenant. Some also urged the Assembly to apply to the Parliament or Privy Council for civil support for fasts or the prosecution of intruders and papists.[58] Similarly, parliamentary instructions might include requests for local taxes or privileges, but

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[56] [Archibald Foyer], *Scotland's present duty* (1700), 5.
[57] *Early Letters*, 55.
[58] For example, from 1702 General Assembly instructions: NAS CH 1/2/22/2(149, 157); CH 1/2/22/3(258).

also required members to air constituents' grievances with national policy.[59] Increasingly, localities used print in their dealings with national assemblies, generating more published information for the public sphere.[60] During meetings, commissioners sent word of political proceedings back to their constituents, as in October 1706 when the MP for Banff sent the printed minutes of Parliament to his town council.[61]

In addition, longer term growth trends in Scottish literacy, the book trade and transport provided an infrastructure for the increasing political communication associated with regular national assemblies. Burgh and parish schools, along with private schools and home schooling, produced literacy rates in Scotland on a par those of other early modern Western European kingdoms.[62] Burgh schooling and occupational demands created high literacy levels in urban areas for those in crafts and trade, with somewhat lower literacy in the country. A growing print market supplied this readership through strong distribution networks in the Lowlands, including booksellers, postal deliveries and private carriers. By the early eighteenth century, the dynamics of political communication meant that most ordinary subjects in Lowland localities could access news and information on matters of national scope, though greater access to print material among the middling to upper sorts allowed these groups to enjoy a more detailed understanding of the national situation.

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[59] Riley, *King William*, 136.
[60] In 1705, for example, the burgh of Glasgow printed representations 'anent the tounes condition' to lobby the Convention of Royal Burghs and Parliament for financial aid (*Extracts from the Records of the Burgh of Glasgow* (Glasgow, 1908), 391, 394).
[61] *Seafield Correspondence from 1685 to 1708*, ed. James Grant (Edinburgh, 1912), 427.
[62] R.A. Houston, *Scottish Literacy and Scottish Identity: Illiteracy and Society in Scotland and Northern England 1600-1800* (Cambridge, 1985), 22.

Encouraged by a series of Acts of Parliament and Privy Council, by 1700 schools had been established in the burghs and many, though not all, Lowland parishes. Burghs used income from town property and privileges to fund schools, supplemented by scholars' fees, bequests and donations.[63] From the age of nine, sons of burgesses, local lairds and others who could afford the fees, along with some students funded by charity, learned English and Latin at grammar schools.[64] Younger boys, along with girls and poorer boys not destined for grammar school, learned to read at dame schools and private schools, known as vulgar or English schools. In 1672, Glasgow boasted fourteen private schools, including eight dame schools.[65] Some burghs also sponsored charity schools for the poor, as in Edinburgh's free school established in 1699 to teach English, writing, arithmetic, music and, for the girls, spinning.[66]

Home schooling and the parish school accounted for reading education outside of the towns, with patchy provision based on local resources. Some landward areas struggled to convince absentee or dissenting heritors to fund parish schools as required by the government. Many parishes came to rely on bequests or kirk collections to fund their schools; some, especially in remote areas, did not manage to create schools before 1700. Of 25 parishes in the stewartry of Kirkcudbright, only five seem to have had parish schools established

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[63] For example, Lanark in 1691 paid its schoolmaster from the burgh's income earned on the roup of its customs and milling privileges (*Extracts from the Records of the Royal Burgh of Lanark* (Glasgow, 1893), 240-1).

[64] Not all burghs had a town school for young ladies, though in recognition of 'how necessarie and advantageous it is and will be for this place that ane qualified school misteris were incouradged to come and recide heir for teaching and educating of burgessis daughteris,' Stirling offered a house plus expenses or fifty marks a year in 1694 to any gentlewoman interested in the post (*Extracts from the Records of the Royal Burgh of Stirling, 1667-1752* (Glasgow, 1889), 73).

[65] James Scotland, *The History of Scottish Education* (London, 1969), I, 106.

[66] *Extracts from the Records of the Burgh of Edinburgh, 1689-1701*, ed. Helen Armet (Edinburgh, 1962), 243.

by 1700.[67] This situation in the rural southwest contrasted with the parishes surrounding the city of Edinburgh, all of which had parish schools by 1700.[68]

Driven by town schooling, the strongest literacy gains in the early modern period occurred among urban middling sorts. Like London, Edinburgh contained a high proportion of literate citizens, with 95% signature literacy among craftsmen and tradesmen in the first decade of the eighteenth century. Literacy followed socio-economic opportunity and trade requirements, with nearly all merchants and professionals being literate while many sailors could not sign their names.[69] Signature literacy among crafts and trades fell in outlying areas but was still quite high at 77% in towns and 69% in villages.[70] Given the reliance of literacy studies on signature literacy, it is probable that these measures understate actual reading ability.[71]

As numbers of readers rose in Scotland, the book trade grew, especially from the Restoration as the Scottish economy expanded. Unlike the English in the Stationers Company, Scottish printers and booksellers faced no guild-based restrictions on their trade, while low taxes on paper and book imports favoured booksellers and printers alike.[72] After decades of growth, the recession of the mid-1690s reduced book trade volumes and drove marginal players out of business, but volumes and numbers of traders rose again in the late 1690s and early 1700s. By the time of the Union, book sales had quadrupled from their

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[67] James Anderson Russell, *History of Education in the Stewartry of Kirkcudbright* (Newton-Stewart, 1951).
[68] Alexander Law, *Education in Edinburgh in the Eighteenth Century* (London, 1965), 61.
[69] Houston, *Scottish literacy and Scottish identity*, 38.
[70] *Ibid*, 47.
[71] *Ibid*, 35. Schools taught reading before writing. In poorer families where childrens' labour was needed, children often did not stay in school long enough to learn to write.
[72] Mann, *The Scottish book trade*, 136-8.

average levels in 1600.[73] Edinburgh printing of a secular and political nature drove volume increases from the 1680s, with parliamentary overtures and political tracts contributing to volume gains after 1689.[74] From 1699, newspapers swelled outputs with the licensing of the twice-weekly *Edinburgh Gazette*, followed by the *Edinburgh Courant* in 1705.

As political printing expanded from the late 1690s, greater availability of cheap tracts aided the reach of polemical print. Prior to 1699, occasional news broadsides provided notices of exceptional events, while London papers supplied a regular source of printed news. The London papers, however, were expensive when sellers converted the English price of two pence sterling to two shillings Scots plus postage.[75] As a result, the merchant community hailed the launch of the *Edinburgh Gazette* in 1699 for its provision of an inexpensive digest of European, English and Scottish news.[76] The town council of Stirling subscribed in May 1699, noting 'that they may be served with the weeklie newes by the Edinburgh Gazett, which contains both forraigne and domestick occurrences, at ane far more easie rate.'[77] The paper's discounted subscription price of one penny suggests a normal cover price of two pence, paralleling London prices in Scots currency.[78]

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[73] *Ibid*, 222.
[74] *Ibid*, 215.
[75] Edinburgh printers sometimes reprinted the London papers to sell at a lower price, as in September 1701 when the publishers of the *Edinburgh Gazette* reprinted a London news bulletin announcing the French king's recognition of James VII's son as the rightful king of England and Scotland (NAS PC 1/52/285).
[76] In recognition of the value of a domestic newspaper, the Convention of Royal Burghs awarded Donaldson £30 in 1699 to support his venture and encouraged its burgh members to take their news from Donaldson 'by everie post' (W.J. Couper, *The Edinburgh Periodical Press* (Stirling, Eneas Mackay, 1908), I, 207).
[77] *Stirling burgh records*, 90, 94.
[78] *Edinburgh Gazette*, no. 3 (Mon. 6 Mar.-Fri. 10 Mar. 1699).

Alongside more affordable news, political pamphlets were available at prices ranging from cheap to expensive, providing points of entry for readers of varying affluence. Shorter polemical tracts, copies of parliamentary overtures and broadside ballads cost just pennies each. In 1700, six pence Scots would buy *A defence of the Scots settlement at Darien* while an overture on money and credit in 1705 cost seven pence and the 1705 *Observator*, a Scottish periodical essay paper on current affairs, cost nine pence per issue.[79] More sophisticated or higher quality materials cost more, including the government's printed speeches and letters, speeches and essays by known politicians and detailed political analyses. In 1705, the Queen's speech to Parliament, speeches by Lord Belhaven and proposals from Dr. Chamberlain for a land credit scheme each cost one shilling Scots, while a speech by Andrew Fletcher of Saltoun and *The state of the nation inquired into* (1705) cost two shillings. This higher price band included some London titles reprinted by Edinburgh printers, like Peter Paxton's *A scheme of union* priced at four shillings Scots.[80] London-printed tracts sold in Edinburgh tended to fall into an even higher price bracket, including Viscount Tarbat's *Parainesis Pacifica* (1702) at seven shillings and George Ridpath's *The reducing of Scotland by arms* (1705) at over three pounds.[81] Expensive works, however, could be reprinted for mercenary or political ends. Market opportunity encouraged the reprinting of well-known authors, while in 1703, a Presbyterian editor reprinted Andrew Cant's *A sermon preached on the XXX Day of January 1703* so that 'the meaner sort may have a view of the great Reflections and

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[79] *Edinburgh Gazette*, no. 185 (Thur. 28 Nov.-Mon. 2 Dec. 1700); *Analecta Scotica* (Edinburgh, 1834), II, 73.
[80] *Analecta Scotica*, II, 73-6.
[81] *Edinburgh Gazette*, no. 185 (Thurs. 28 Nov.-Mon. 2 Dec. 1700); *Analecta Scotica*, II, 74.

Clamours he throws upon the present Church Government, the Price being so exorbitant as to take Fourteen Shil. Scots for Four Sheet of Paper.'[82]

Rising volumes of affordable print made their way through the Lowlands via improving distribution networks linking the printing towns of Edinburgh, Glasgow and Aberdeen with smaller burghs. While in 1700 Scotland was 'one of the least urbanised countries in Europe,' it was 'a country of small towns' with a 'high degree of market integration' in the Lowlands.[83] Booksellers outside Edinburgh set up shop in regional towns, capitalising on the flow of people from surrounding areas to these towns for schooling, markets, church courts, legal services and news.[84] By 1700, towns with booksellers included Perth, Stirling, Dundee, Ayr, Dumfries, Lanark, Paisley, Peebles and Kelso.[85] Larger burghs could support several booksellers, with at least eight appearing in Glasgow by 1657.[86] Burgh fairs and chapmen supplemented established book traders, providing periodical injections of print to more remote areas. From 1689 to 1707, fifty-one new burghs of barony and regality were created, along with 246 markets or fairs, providing a new network of smaller points of exchange.[87] Booktraders in the Gaelic Highlands remained rare, with only Banff and Inverness supporting a local bookseller by 1707, though itinerant traders and private commissions produced a limited flow of print to the North.

Though the growth of the book trade and the multiplication of fairs and markets in rural Scotland indicated economic expansion, exchange between

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[82] Andrew Cant, *A sermon preached on the XXX day of January 1703 at Edinburgh* (Edinburgh, 1703), preface (n.p.).
[83] Ian D. Whyte, 'Urbanisation in Eighteenth Century Scotland', in *Eighteenth Century Scotland: New Perspectives*, ed. T.M. Devine and J.R. Young (East Linton, 1999), 180, 188, 181.
[84] Whyte, 'Urbanisation in Eighteenth Century Scotland', 188-9.
[85] Mann, *The Scottish book trade*, 223.
[86] *Ibid*, 226.
[87] Theodora Pagan, *The Convention of the Royal Burghs of Scotland* (Glasgow, 1926), 139.

Edinburgh and the localities still experienced limitations from an underdeveloped road system. Riding to Edinburgh in the summer of 1705, the Englishman Joseph Taylor praised the quality of the road from Musselburgh to Edinburgh, but noted that its pristine surface resulted from a lack of traffic. As well, Taylor marvelled that the main road from Edinburgh to Carlisle could be so insubstantial, being in places a mere track.[88] Nevertheless, road connections between Edinburgh and the larger Lowland towns could support a flow of news and print via travelling political representatives, common carriers, merchants, chapmen and postmen, augmented by sailing traffic between coastal towns and regional centres of trade. As he rode, Taylor found local citizens eager to hear the latest parliamentary news, with women as well as men asking 'what was done in the Parliament, and whether they were to have a free trade with England.'[89]

A slowly expanding postal network supplemented carriage by road and sea. By the mid-seventeenth century, the king's post from London to Edinburgh had been incorporated with earlier private or burgh postal services in Edinburgh, Aberdeen, Glasgow and Dumfries to form a national postal system under the management of a postmaster general in Edinburgh. The main postal routes followed the road networks from Edinburgh northeast through Dundee and Aberdeen to Inverness; northwest to Stirling; west and south through Glasgow and Ayr to Portpatrick; southwest to Dumfries; and south to Berwick with ongoing carriage to London. By 1708, the post reached a total of 34 Scottish towns.[90] Larger destinations were serviced three times a week, with smaller

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[88] Joseph Taylor, *A Journey to Edenborough in Scotland*, ed. William Cowan (Edinburgh, 1903), 98, 145.
[89] *Ibid*, 145.
[90] A.R.B. Haldane, *Three Centuries of Scottish Posts: An Historical Survey to 1836* (Edinburgh, 1971), 42.

towns receiving post once or twice a week.[91] London mail was scheduled to reach Edinburgh in five days; from there, the post reached Glasgow in two days and Aberdeen in three or four days.[92] Mail volume on the major routes was substantial, with 67,000 letters carried on the Berwick road from May 1693 to April 1694.[93]

Although the Scottish post was not cheap, it would have been within the reach of most middling to upper sorts. An act of 1695 set prices for a single sheet sent within 50 miles of Edinburgh at two shillings Scots, three shillings for 100 miles and four shillings for over 100 miles.[94] Cheaper rates could be had in a grey market in which low-paid letter carriers accepted letters and parcels at less than the full rate.[95]

To reduce the cost of newspapers brought by post, town councils negotiated standing orders for the supply of papers to the magistrates and their friends.[96] The towns of Montrose and Dundee both contracted with the Edinburgh post office from 1700 to supply the *Edinburgh Gazette, London Gazette* and *Flying Post* on a weekly basis for six pounds sterling per year. The papers were placed in a shop in Dundee for wider public access while in Montrose, they circulated amongst the councillors and in Dumfries they could be consulted in the town clerk's office.[97] Papers were also supplied to a local public via coffeehouses

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[91] Larger villages on the road between the main burghs received post as the postboy went through, but there were no cross posts until 1720 as poor roads made them uneconomic and unreliable. Poor roads and cost also meant that most of the postal routes from Edinburgh were serviced by foot, though the London post came by horse (*Ibid*, 39-40).
[92] *Ibid*, 26.
[93] *Ibid*, 27.
[94] *Ibid*, 28.
[95] *Ibid*, 48.
[96] *Ibid*, 38; Dumfries Archive Centre, RB 2/2/10 'Bill for Newspapers.'
[97] *Charters, Writs and Public Documents of the Royal Burgh of Dundee, 1292-1880* (Dundee, 1880), 175; Couper, *The Edinburgh periodical press*, I, 75.

and taverns as proprietors recognised a market opportunity and negotiated supply contracts with the Edinburgh postmaster.[98]

Burgh subscriptions to London as well as Edinburgh newspapers indicate the continuing importance of London print as a source of political news and commentary. As communication networks in Scotland improved, greater quantities of English as well as Scottish materials dispersed across the Lowlands, driving awareness of English affairs and their implications for Scotland. The newspapers, including the Tory *Post Boy*, the pro-Scottish Whig *Flying Post,* the government's *London Gazette* and the more neutral *Daily Courant,* all provided a different spin on the news from London. Essay periodicals provided a stronger party perspective, with Charles Leslie's *Rehearsal* giving a flavour of high-flying Toryism, John Tutchin's *Observator* providing a Whig point of view and Daniel Defoe's *Review* supplying a moderate and sometimes pro-Scottish stance. London pamphlets supplemented the papers, providing English views on Anglo-Scottish issues like the African Company, the succession, the Act of Security and union. Scottish printers reprinted some of the more virulent English tracts, extending the domestic reach of these attacks on Scottish policy.[99]

Expansions in literacy, print and transport enabled better political communication between London, Edinburgh and Lowland localities by the early eighteenth century; but at the same time, ongoing restrictions of cost and supply

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[98] As in London, coffeehouses in Edinburgh served as the offices of merchants near the Exchange and as busy communications posts. Their low numbers, however, indicate that taverns and alehouses remained important as centres of exchange. Coffeehouse advertisements in the *Edinburgh Gazette* from 1699-1707 reveal perhaps six in Edinburgh: the Caledonian, the Royal, the Exchange, Donaldson's, McClurg's and the German coffeehouse; while Glasgow burgh records speak of one coffeehouse in town in 1706 (*Extracts from the records of Glasgow*, 403). Taverns also supplied papers: in the early 1700s, the Three Crowns tavern in Burntisland advertised the availability of newspapers to patrons (*Edinburgh Gazette*, no. 301 (Thurs. 29 Jan-Mon. 2 Feb. 1702)).

[99] In 1704, for example, during debates on the Act of Security, *A manifesto, asserting and clearing the legal right of the Princess Sophia...to the succession of Scotland* was reprinted in Edinburgh.

meant that access to detailed, complex print arguments tended to be limited to literate, affluent barons, burgesses, clergy and their friends. Urban magistrates, merchants, ministers and elders could take advantage of the commercial concentration of print in their towns, while country gentry and parish ministers supplemented their visits to town with a flow of news by letters and social contacts.[100] These local notables and middling groups could develop a sophisticated understanding of national politics enhanced by their personal experience of national markets, assemblies or government policy. Those in lower social levels had increasing access to political discourse, but their knowledge tended to lack the breadth and depth of those with better information and more points of contact. Outside the burghs, ordinary subjects often relied on their social superiors, such as their minister or laird, for the supply of political information. Sermons, letters and conversation became more important in the provinces as news and arguments were converted from print to oral or manuscript forms. This process was typical of early modern oral news in providing summary information rather than detailed argument, often shading into rumour and distortion.[101] Deep reach of national news, therefore, was best at crisis points where large quantities of cheap print, plus sermons, letters and word of mouth, drove political communication to distant communities and lower social levels.

The establishment of regular networks of political communication provided conditions under which Country factions could initiate more aggressive popular political activity. By 1698, the Darien situation led to increased attacks on the Court by a rising Country opposition as questions of Scottish sovereignty

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[100] As seen in England: F.J. Levy, 'How Information Spread Among the Gentry, 1550-1640', *Journal of British Studies* 21:2 (1982).
[101] Adam Fox, 'Rumour, News and Popular Political Opinion in Elizabethan and Early Stuart England', *Historical Journal* 40:3 (Sept 1997).

and trading interests provided a uniting theme for the varied political interests found in the opposition camp.[102] In turn, Country appeals to the populace tapped local economic grievances to create a power base of public opinion from which the party could challenge the Crown.[103] With the failure of the colony, Country factions employed aggressive populist measures against the Crown in 1700-1, setting new precedents for the involvement of ordinary subjects in national political affairs.

The Darien projectors had generated high levels of popular commitment to the colony through a socially broad body of subscribers and strong institutional support, including the Church.[104] Having sent ministers to the colony to establish a presbytery of New Caledonia, the Church contributed to widespread awareness of the Darien venture through a series of prayer orders and national fast days in 1699-1700 on behalf of the colony.[105] Meanwhile, ongoing news coverage of the developing crisis in pamphlets and the new *Edinburgh Gazette* spread resentment at English interference and the King's seeming unwillingness to back the African Company. Minutes of the Company's meetings were published, along with its repeated addresses to king and Parliament. Such publicity helped to build 'the concern which appears of persons of all ranks, and even of the meaner people,

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[102] William Ferguson, *Scotland's Relations with England: A Survey to 1707* (Edinburgh, 1977), 178; Riley, *King William*, ch. 7.

[103] Personal losses on the Darien venture, along with the 'seven ill years' of the 1690s, the detrimental effects of England's wars on Scottish trade and higher taxation to support a standing army in wartime all combined to produce unhappiness at the local level with the Scottish economy.

[104] According to correspondents to William Carstares in 1699, 'The kingdom is in such a ferment upon it, every body having money in it' and 'our ministers pray heartely for its success' (*State-Papers and Letters Addressed to William Carstares*, ed. Joseph McCormick (Edinburgh, 1774), 481, 490).

[105] *The Darien Papers* (Edinburgh, 1849), 254; NAS PC 13/3(14 Feb 1700); NAS PC 13/3(31 July 1700).

who are not particularly interested, and have no shares in the stock.'[106] Local engagement with the project can be seen in reports in the *Edinburgh Gazette* in April 1699 on public rejoicings in Glasgow, Perth, Cupar, Inverness, Aberdeen 'and several other places too tedious here to insert' on the landing of colony ships.[107]

Combining the Darien issue with other complaints, the Country party in 1699-1700 launched an assault on the government by reviving the practice of mass petitioning.[108] From early December 1699, the Duke of Hamilton and Earl of Tullibardine organised subscriptions to a national address to the king calling for Parliament to meet. Ignoring a proclamation of 18 December forbidding further addressing on Darien, the party generated a reported 21,000 signatures from 'Noblemen, Barons and Gentlemen.'[109] These included leading Country party lords and barons from their regional areas of influence, as well as the Faculty of Advocates, the Merchants' Company and the Incorporation of Surgeons.[110] When Parliament gathered in May 1700, the Country party organised the presentation of a string of supporting addresses from five shires and three burghs.[111] On the adjournment of this Parliament, Country MPs in Edinburgh signed a second mass address protesting the adjournment as unlawful.[112] The party then organised a third address for November from 'a great number' of subjects, followed by a

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[106] *Carstares papers*, 511.
[107] *Edinburgh Gazette*, no. 11 (Mon. 3 Apr.-Thurs. 6 Apr. 1699); no. 14 (Wed. 12 Apr.-Fri. 14 Apr. 1699).
[108] See Chapter 5 for more details.
[109] *A full and exact collection of all the...publick papers, relating to the Company of Scotland* (1700), 103-5; *Early Letters*, 59.
[110] Patrick, 'People and Parliament', 230-8.
[111] *Acts of the Parliament of Scotland* (Edinburgh, 1824), vol. x, App. 36-41.
[112] *Collection* (1700), 127-9.

further eighteen petitions presented to Parliament in January 1701 from shires and burghs.[113]

The party supported its addressing campaign with inflammatory pamphlets advancing a Country platform.[114] In January, 2,000 copies of printed *Propositions relating to Caledonia and the National Address* were circulated by the petition organisers to localities like Glasgow and Ayr.[115] During the May parliament, prints of the minutes of parliament and overtures in favour of Darien kept readers abreast of parliamentary proceedings, while authors like the London-based George Ridpath, the Country minister Archibald Foyer and the Country Tory William Seton of Pitmedden published more polemical works.[116] Rather than just reporting the proceedings of Parliament, these tracts sought to shape public attitudes towards parliamentary matters through essays and fabricated speeches. The aggression of these works can be seen in the state's reaction to them: Seton's *Memorial to the Members of Parliament of the Court party* (1700) was sentenced to be burned and the printer James Watson and apothecary Hugh Paterson were arrested for supplying Ridpath's *Scotland's grievances* (1700), Seton's *A short speech* (1700) and the anonymous *The people of Scotland's groans and lamentable complaints* (1700).[117]

Alongside petitioning and pamphleteering, the Country party also encouraged crowd activities.[118] Echoing state pageantry organised for the King's Commissioner, Country party elements put on a grand entry for the Duke of

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[113] *Ibid,* 134-6; *APS*, vol. x, App. 73-86.
[114] See Chapter 3 for more details.
[115] Patrick, `People and Parliament', 238.
[116] [Archibald Foyer], *Scotland's present duty* (1700); [George Ridpath], *Scotland's grievances relating to Darien* (1700); [William Seton of Pitmedden], *Memorial to the Members of Parliament of the Court party* ([1700]); [William Seton of Pitmedden], *A short speech* (1700).
[117] APS, vol x, App. 51, 53; NAS PC 1/52/115-6.
[118] See Chapter 6 for more details.

Hamilton on his arrival in Scotland in October 1699 with cannons fired in Berwick. Seafield reported that 'there has been a great deal of pains take to represent it here truly greater than it was,' including reports of the reception in the *Edinburgh Gazette.*[119] Oppositional gentlemen also encouraged expressions of popular anger on Darien. As bad news about the colony arrived in Edinburgh in October 1699, bonfires were lit on 14 October (the birthday of King James VII) at which 'persons of note' were observed by the Court.[120] News of a victory over the Spanish at Darien sparked another demonstration of public feeling on 20 June 1700 in Edinburgh.[121] The Earl of Melville claimed that a 'great many gentlemen' were involved in 'one of the most numerous and most insolent rabbles that has been here of a long time,' in which supporters of the colony were urged to put candles in their windows while crowds broke the dark windows of Court ministers and freed Watson and Paterson from the Tolbooth.[122]

Through the Darien crisis, the Country party established new precedents for populist politics in Scotland. With addresses, pamphlets and crowd protests, the opposition engaged public opinion and expressed it to the Crown. While these activities reflected an emerging public sphere in William's Scotland, the accession of Anne fuelled further developments. Anne's political sympathies led to a shift in her government towards Episcopalian Tories like Viscount Tarbat, her new Secretary of State, while her status as a Stuart monarch encouraged some Jacobites to swear allegiance and enter Parliament, forming a new Cavalier faction in 1703.[123] To secure this group to the Court, the Queensberry ministry

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[119] *Carstares papers*, 499-500.
[120] *Edinburgh extracts 1689-1701*, 310.
[121] Riley, *King William*, 147.
[122] *Edinburgh extracts 1689-1701*, 314.
[123] NAS PC 1/52/536 (30 March 1703).

offered to support toleration for Episcopalian worship. However, when this deal foundered on the objections of Court Presbyterians, the Cavaliers moved to the opposition, leaving the Court without a parliamentary majority.[124] Open parliamentary debate on toleration and the security of the church ensued, attracting much public attention.

Like the Country party in 1699-1701, Episcopalian ministers in 1703 used addresses, pamphlets and crowds to lobby for toleration, driving a significant increase in the publicity of dissent in Scotland.[125] At Anne's accession, Episcopalian nobles had recognised the potential for toleration under Anne, sending a commissioner to London to ask Anne for 'such an universal indulgence to the episcopal people throughout the kingdome of Scotland as the presbyterians have in England.'[126] Anne gave hope to Scottish Episcopalians with a published letter of 24 February 1703 asking her Privy Council to protect loyal Episcopal ministers in the peaceful practice of their religion.[127] Shortly after this, a group of Episcopal clergy presented an address to the Queen asking her for toleration. This was joined by another address from dissenting laypersons signed by 'a great many hands in Fife, Stirling and Angus shires.'[128] The clergy's address was printed as a broadside to indicate the dissenters' activity with the Queen's answer that 'ye may be assured of my Protection.'[129] Other pamphlets also supported toleration during the parliamentary session of 1703.[130]

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[124] *'Scotland's Ruine': Lockhart of Carnwath's Memoirs of the Union*, ed. Daniel Szechi (Aberdeen, 1995), 27-37.
[125] See Chapters 3, 5 and 6 for more details.
[126] NAS CH 8/184.
[127] NAS PC 1/52/510.
[128] *Early Letters*, 255.
[129] *To the Queen's most excellent Majestie, the humble address and supplication of the suffering Episcopal clergy in the kingdom of Scotland* (1703).
[130] Such as, [Robert Calder], *Reasons for a toleration to the Episcopal clergie* (Edinburgh, 1703); [George Garden], *The case of the Episcopal clergy and those of the Episcopal perswasion,*

At the local level, Episcopalian ministers became bolder in their meetings and sermons, challenging the government to make good Anne's promise of protection. Though the bishop of Edinburgh advised against open preaching, some Episcopalian ministers ignored this advice 'to get opposition made to them and thus a pretence that without a legall toleration by Parliament they cannot preach without danger of their lives.'[131] In Glasgow, assertive Episcopalian meetings led to a violent attack on their meeting-house on 7 March 1703 requiring the deployment of quartered troops to restore the peace. An organiser admitted that they 'had gott what they were seeking,' their armed guards having provoked the rising of a Presbyterian crowd.[132] Similar aggression appeared in Stirling, where an unqualified Episcopal minister 'contumaciouslie persisted' in preaching despite attempts by town magistrates to shut down his meeting-house in August 1703.[133]

As Episcopalians brought the issue of toleration into the public sphere, Presbyterians responded in kind. Though Presbyterian leaders decided not to generate lay addresses against toleration, individual presbyteries pressed the 1703 General Assembly to petition Parliament in favour of the Church.[134] The Commission of the General Assembly produced an address to the Parliament asking it to maintain the Church's monopoly on legal worship and used a congratulatory address to Anne on war victories to warn her against the

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considered, as to the granting them a toleration and indulgence (1703); [John Sage,] *Brief examination of some things... against a toleration* (1703); [George Mackenzie, Earl of Cromarty] *A few brief and modest reflexions, perswading a just indulgence to be granted to the Episcopal clergy and people in Scotland.* (1703).

[131] *Early Letters*, 256.

[132] NAS PC 1/52/525; *Early Letters*, 260.

[133] Overcoming initial resistance, the town baillie dissolved the meeting and arrested the minister (*Stirling burgh records*, 100).

[134] *Early Letters*, 255; NAS CH 1/2/23/3 (180, 193).

disaffection of Scottish dissenters.[135] The Commission's supplications were supported by anti-toleration sermons made from public pulpits at the General Assembly and Edinburgh churches.[136] In a massive outburst of print, pamphleteers responded to Episcopalian arguments in a print debate that carried on into 1705. Authors of these pamphlets included prominent Country clergy like Robert Wylie of Hamilton parish and John Bannatyne of Lanark parish, as well as leading ministers like James Hadow of St. Andrews and James Webster of Edinburgh.[137] As Presbyterian crowds struck out against the rise in Episcopalian meetings from 1703, public figures with Presbyterian sympathies exerted themselves to provide their side of the story on these tumults, emphasising the presence of unqualified ministers or violent aggravation on the part of the dissenters.[138]

From Darien onwards, opposition factions in Scotland found a new unity in the defence of Scottish interests, acting in a Country capacity to challenge the Court's neglect of the Darien colony, the Scottish economy and the established Church. Propaganda, mass petitioning and crowd activities were used to generate popular expressions of support for oppositional positions. The feasibility of populist measures rested in part on the revival of public politics after 1690 with regular meetings of Parliament and the General Assembly and the long-term development of the book trade, distribution networks and literacy. From 1699,

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[135] *The humble representation of the Commission of the late General Assembly* ([1703]); *APS*, vol. xi, 46; NAS CH 1/2/4/1(3).
[136] George Meldrum, *A sermon preached in the New Church of Edinburgh, on Sabbath, May 16, 1703* (Edinburgh, 1703); David Williamson, *A sermon preached in Edinburgh at the opening of the General Assembly* (Edinburgh, 1703).
[137] [Robert Wylie], *A speech without doors, concerning toleration* ([1703]); [John Bannatyne], *A letter from a Presbyterian minister in the countrey, to a Member of Parliament...concerning toleration and patronages* (1703); James Hadow, *A survey of the Case, &c.* (Edinburgh, 1703); [James Webster] *An essay upon Toleration, by a sincere lover of the Church and State* (1703).
[138] NAS PC 1/52/524-6; *Stirling burgh records*, 100.

popular politics and public opinion emerged as a factor in Scottish politics through significant disturbances over the issues of Darien and toleration.

Court Management, Censorship & Propaganda

Faced with aggressive attempts by Country elements to pressure the government with popular opinion, Court leaders continued to rely on interpersonal persuasion and patronage to reinforce their followings in Parliament. The government also attempted to recapture censorship control over oppositional print, though with limited results. By 1702, the Crown was forced to acknowledge the implications of the emerging public sphere in Scotland. Since the Revolution, the Scottish Crown had used print and civic events to provide information to its subjects and to encourage loyalty to the Crown, but, unlike in England, had not engaged in the publication of propaganda essays or the organisation of partisan populist activity. Though William recognised that 'Nothing will more effectually disappoint the bad designes of our...enemies Then that it does appear That our Subjects are firme in their Loyalty and affection to us,' his government's activities to develop and represent loyal opinion were limited to the printing of proclamations and royal letters and the encouragement of civic solemnities and occasional loyal addresses.[139] However, when the parliamentary experience of 1700-1 showed the rising power of domestic public opinion, Anne's government began to use print more proactively, sponsoring Court pamphlets from 1702. Though dwarfed by much larger volumes of Country materials, these pamphlets

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[139] NAS PC 1/52/318.

indicate the development of a new level of public debate in which the government provided not just proclamations but tract-based defences of its policies. Appearing from private authors, these new essays and speeches sought to influence readers towards a Court point of view while claiming to speak for a public opinion sympathetic to the Crown.

Like the Country party, the Court party was not a cohesive, organised party but an agglomeration of prominent men in government and their followers. The Crown's ministers relied on traditional tools of interpersonal persuasion and patronage to reinforce their personal factions in Parliament and the Church. As Lord Polwarth wrote in 1696, 'I am confirming, all I can, friendships older and later that I may employ the interest I had, or gain, in the service of our King.'[140] Loyal lieutenants helped to organise support within the estates, as in the 1698 parliamentary session when the Provost of Edinburgh entertained burgh MPs to urge them to vote for supply.[141] Such methods offered a more direct and immediate effect than pamphlets, relying on individual obligations as well as reasoned arguments. Alongside networking, the Crown's managers employed commissions, pensions and salaries to secure adherents. As has been demonstrated, 'a "spoils system" flourished' and 'the use of "influence" was indispensable to government.' The weak state of the Scottish treasury limited the scope of spoils management but provided some leverage for the Crown.[142] Control over places allowed ministers to threaten potential deserters, as in the

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[140] *A Selection from the Papers of the Earl of Marchmont 1685-1750* (London, 1831), 111.
[141] Patrick, 'People and Parliament', 210.
[142] Ferguson, *Scotland's relations with England*, 175, 182-3; P.W.J. Riley, *The Union of England and Scotland: A Study in Anglo-Scottish Politics of the Eighteenth Century* (Manchester, 1978), 16-19.

1698 Parliament when 'managers made it quite clear that any opposition would result in the loss of pensions and places.'[143]

The Crown used behind the scenes management to reduce opposition within the Church as well. Though more zealous ministers continued to press for assertions of the intrinsic rights of the Church and even renewals of the Covenant, a tenuous peace was maintained through the management efforts of William Carstares, the King's chaplain and Principal of Edinburgh University under Anne, supported by moderate lay elders and ministers.[144] While certain presbyteries tended to bring aggressive overtures to the General Assembly under the influence of Country party leaders at the local level, Court ministers and elders on the Committee for Overtures were able to modify or reject these. As a result, though the Presbytery of Hamilton instructed its representative year after year to insist that 'the intrinsick pouer of the Church and the Divine Right of presbyterian Government be...asserted by ane express act of assembly,' such proposals did not succeed.[145] As noted above, the Crown's management of the Church was aided by an ongoing cultural commitment among most clerics for a unified national church and a general dislike for adversarial politics. Though not always observed, this preference for consensus and obedience tended to reduce the extremity of opposition within the Church. Often consciences could be satisfied with the public representation of concerns, followed by obedience, if reluctant, to the will of the common council.[146]

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[143] Riley, *King William*, 126.
[144] A. Ian Dunlop, *William Carstares and the Kirk by Law Established* (Edinburgh, 1964), ch. 4-5.
[145] NAS CH 1/2/5/1(31).
[146] This philosophy is illustrated in an oath sworn by three previously schismatic ministers on their re-entering the Church in 1690. After submitting a statement of grievances to exonerate their consciences, the ministers swore to 'subject ourselves, our lives and doctrine, to the cognisance of the judicatories of this Church,' to 'oppose schism' and 'live in union, communion, and entire subjection, and due obedience in the Lord, to the authority of this Church.' One of the ministers

Reliant on an accumulation of individual loyalties, Crown ministers were vulnerable to the eruption of major political issues, such as the fate of the African Company and its colony. In 1698, many Court MPs backed a Country proposal for an address on behalf of the Company. Despite strong efforts, Polwarth complained that 'these we had the greatest influence upon could not be prevailed with to support us.'[147] Prior to this session, Polwarth, the Duke of Queensberry, the Duke of Argyll, Viscount Seafield, several Court MPs and friends from outside Parliament had all taken 'much pains' in private conversation with MPs in Edinburgh, but such measures had not been sufficient to retain Court voters on the African Company issue.[148] Country propaganda and petitioning created a larger revolt in the May 1700 Parliament, forcing the adjournment of the session. In response, Court leaders increased their management activities, going out to the localities to counter the effects of Country persuasion. The Duke of Argyll and Viscount Seafield travelled widely to lobby individual members of Parliament, offering concessions in exchange for reduced opposition on Darien.[149] A contemporary reported that 'the greatest civilities and promises imaginable [were] made to everybody,' including pensions and places.[150] As a result, enough votes swung back to the Court to allow it to muster a majority in the 1700-1 session.[151]

Alongside these lobbying efforts, the government sought to nip Country propaganda in the bud by reasserting censorship control over political print. Unlike in England where the Crown used the Stationers' Company as a first line

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included Thomas Linning who later agitated against union in the Commission of the General Assembly but who, like most of his brethren, stopped short of betraying the Church's authority (*Acts of the General Assembly of the Church of Scotland 1638-1842* (Edinburgh, 1843), 225).

[147] Patrick, 'People and Parliament', 212.

[148] *Marchmont papers*, 158.

[149] Riley, *King William*, 147; Patrick, 'People and Parliament', 263-4.

[150] Patrick, 'People and Parliament', 261-3.

[151] *Ibid*, 286, 288.

of control on print, Scottish booktraders and printers were not organised in a company. Nor did the Scottish Parliament take on licensing responsibility as the English Parliament did with licensing acts. Instead, the Crown maintained oversight of print in Scotland through the issuing of individual book licenses by the Privy Council, with some additional licensing by the Church and burgh councils. On a day-to-day basis, the Crown relied on the printing burghs of Edinburgh, Glasgow and Aberdeen to enforce licenses and print regulations. Since conviction for illicit printing carried the threat of banishment, press closure, removal of burgess tickets or loss of city contracts, these considerations tended to keep most printers and booksellers in line as long as burgh councils were willing to enforce their own regulations.

In the Restoration period, aggressive application of the state's control mechanisms had forced Covenanting printing abroad to the Netherlands, but conditions encouraged the return of political printing to domestic presses at the Revolution. After a burst of polemical print at the Revolution, William's government reasserted control over most domestic works, though its ability to contain the growing book trade had weakened. More books were being printed and sold than could be licensed by the government's limited bureaucracy.[152] As a result, most publishers issued books without a license unless they wanted the monopoly protection associated with a license.[153] Faced with larger volumes of print, the Privy Council in the 1690s chose to focus on works with seditious or blasphemous potential by requiring political and religious works to be submitted for licensing to a committee of the Council. Under this system, the Privy Council

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[152] Mann, *The Scottish book trade.*

[153] Large-selling works like almanacs had an incentive to seek the protection of a licence.

maintained a tenuous control of political texts.[154] The Council also limited the dissemination of news with the imprisonment and banishment of those who spread 'false news.'[155]

Under this system of voluntary compliance and intermittent policing, the government often failed to block the publication of inflammatory material but could pursue dangerous works after publication.[156] In July 1699, as political printing increased, the Privy Council renewed its 1697 Act requiring review of political books and called the printer George Jaffray before the Council for publishing unacceptable Darien pamphlets.[157] After the failure of the May parliamentary session, the Council addressed the printing problem again by creating a new Committee anent Printers & Booksellers 'to consider what prints are lately Emitted Reflecting upon his Majesty or his Government.' One week later, the committee arrested the printer James Watson and the apothecary Hugh Paterson for printing and distributing several Country pamphlets.[158] Watson protested that by 'the dayly custom' of 'all the printers in Town,' 'printed books or papers publickly sold are not in use to be licensed,' but both men were banished from Edinburgh for a year and a day for leasing-making.[159] At the subsequent parliamentary session, William Seton of Pitmedden was imprisoned for authoring the *Memorial to the Members of Parliament of the Court party*

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[154] Mann, *The Scottish book trade*, 147, 175.
[155] The Council pursued William Murray, an Edinburgh burgess, several times in the 1690s for spreading 'false news' from London newsletters, leading to his banishment from Edinburgh (*Edinburgh extracts 1689-1701*, 184).
[156] Occasionally pamphlets were censored before they were published. According to a manuscript note on the Goldsmiths Library copy of *An Essay against the Transportation and Selling of Men to the Plantations of Foreigners* (1699), the printer stopped at page 24 when the tract was suppressed by the government. I am grateful to Peter Rushton of the University of Sunderland for this reference.
[157] NAS PC 1/52/7.
[158] NAS PC 1/52/104-8.
[159] NAS PC 1/52/105, 117.

(1700) and forced to apologise at the bar in Parliament; in addition, his tract was burned at the Edinburgh Cross.[160]

The Council acted again in 1701 against Jacobite prints. In February 1701, the Council pursued several booksellers and printers responsible for a letter by the Earl of Melfort 'selling throw the streets of Edinburgh reprinted verbatim from the Coppy printed at London.'[161] These included James Wardlaw and John Porteous, both of whom had sold pamphlets on Darien, and the printers George Jaffray and John Reid.[162] The Council ordered the Edinburgh magistrates to shut down the presses of Jaffray and Reid. They pursued Reid again in September 1701 for printing news from London that the French king had recognised James VII's son as the rightful king of Scotland. Though Reid protested that he had intended no offence, a reader had used his news bulletin to make a political statement by posting the paper like a proclamation at the Edinburgh Cross. Unable to identify the culprit, the Privy Council arrested Reid and his co-publisher James Donaldson instead.[163]

In 1703, oppositional print activity triggered another attempt at control as the Privy Council ordered the Edinburgh magistrates to keep the city's printers in line. In response, the city announced that 'no printer is to print anything unless the samen be dewly allowed and authorized' and demanded that all printers put their names on their publications.[164] This had little effect, as political printing by 1703 was escaping all bounds, aided by a softening of the penalties against

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[160] *APS*, vol. x, App. 51, 53.
[161] NAS PC 1/52/189.
[162] Wardlaw and Porteous advertised their Darien pamphlets in *Edinburgh Gazette* no. 7 (Mon 20 Mar.-Thurs. 23 Mar. 1699) and no. 185 (Thurs. 28 Nov.-Mon. 2 Dec. 1700). George Jaffray had been in trouble for Darien prints in 1699, while John Reid was the publisher of the *Edinburgh Gazette* from 1699.
[163] NAS PC 1/52/ 285, 303.
[164] *Extracts from the Records of the Burgh of Edinburgh, 1701-1718*, ed. Helen Armet (Edinburgh, 1967), 63.

leasing-making secured in an Act anent Leasing Makers and Slanderers passed by a Country majority in the 1703 Parliament. This new law weakened controls on political print and indicated the opposition's growing appreciation for the usefulness of print in the pursuit of its own ends.[165] Citing the 'dangerous consequence' of former laws containing the possibility of capital punishment for seditious printing, Parliament voted to remove the death penalty for writing or speaking against the Crown, allowing only fines, imprisonment, banishment or corporal punishment.[166] Political printing resumed for the 1704 parliamentary session, with few printers putting more than the date of publication on their title-pages.

Though the Council struggled to control rising levels of political pamphleteering from 1700, it managed to maintain direct censorship control over Scottish newspapers through its licensing system. Aimed at a burgess, gentry and noble audience, from 1699 the twice-weekly *Edinburgh Gazette* provided a summary of news from the London papers and written newsletters, as well as information on Scottish shipping, grain prices and local civic events and advertisements--but no political commentary. The paper's license did not allow reports on the proceedings of the Parliament or the General Assembly, though the paper did supply information on the decisions of the Privy Council. In 1699, the *Gazette's* over-enthusiastic support of the Darien colony landed Donaldson in jail and caused the Council to require that every issue pass before a censor.[167] From 1705, the thrice-weekly *Edinburgh Courant* also operated under Privy Council license to provide a non-partisan digest of international news with local reports

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[165] *'Scotland's ruine'*, 36.
[166] *APS*, vol. xi, 105.
[167] Mann, *The Scottish book trade*, 175; Couper, *The Edinburgh periodical press*, I, 209, 90, 75.

and notices of Privy Council acts.[168] Like the *Gazette*, the *Courant* experienced censorship in being shut down for several months in 1705 after a printer's advertisement questioned the Council's book licensing authority.[169] Under Privy Council controls, no domestic periodical offered essay commentary on the news until the brief appearance of the *Observator* in 1705, an unlicensed periodical that ran for eight issues from March to July 1705.[170]

The appearance of the unlicensed *Observator* indicated the Council's slipping control over political print, in part driven by the encouragement of oppositional printing by Country nobles from the Darien crisis onwards. After the defeat of the Country party in the 1700-1 parliamentary session, Country leaders in the African Company sponsored an inflammatory engraving listing the MPs who had supported the Darien cause. In March 1701, the Privy Council questioned the Duke of Hamilton and Marquis of Tweeddale on this matter, but both nobles evaded prosecution. All the Council could do was to burn the engraving at the market cross in Edinburgh and prosecute two low-level employees of the African Company for treason.[171]

The encouragement of oppositional print by the Country party can also be seen in the party's use of Parliament's censorship powers to assert a Country agenda. Although Alistair Mann has argued that 'censorship under William and Mary and Queen Anne was the most robust of the early modern period,' many of the censorship orders in this period came not from the Crown but from the

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[168] The *Courant* occasionally revealed a Whig bias in reprints from Daniel Defoe's *Review* or John Tutchin's *Observator* (*Edinburgh Courant* no. 22 (Fri. 6 Apr.-Mon. 9 Apr. 1705); no. 31 (Mon. 30 Apr.-Wed. 2 May 1705)).
[169] *Edinburgh Courant* no. 53 (Wed. 20 June-Fri. 22 June 1705); no. 55 (Mon. 25 June-Mon. 8 Oct. 1705).
[170] *Observator or a Dialogue between a Country Man and a Landwart School-master*, no. 1-8 (1705).
[171] NAS PC 1/52/199, 202-4.

Country party through its parliamentary agitation on behalf of Scottish interests.[172] In November 1700, the Estates ordered three anti-Darien pamphlets to be burned at the Edinburgh cross and authorised a reward of £6,000 Scots for the arrest of Walter Harris, the author of two of these tracts.[173] A Country-dominated Parliament also ordered the burning of James Drake's *Historia Anglo-Scotica* (1703) for 'many false and injurious reflections upon the Sovereignty and Independency of this Crown and Nation' and William Atwood's *The superiority and direct dominion of the imperial crown of England, over the crown and kingdom of Scotland* (1704) and *The Scots patriot unmasked* (1704).[174] Parliament in 1705 went on to encourage polemical printing in Scotland by rewarding James Hodges and James Anderson for publishing tracts in support of Scottish sovereignty.[175]

Recognising the effectiveness of Country propaganda and its own limited ability to restrict this material, the Court began to respond with its own print propaganda. Prior to this, the Crown had encouraged limited public displays of loyalty, but from 1702 tracts were added to this repertoire. In part, this reflected changing political objectives under Anne, as well as a growing desire to influence political opinion in London as well as Scotland. Moreover, as ministries shifted under Anne, former oppositional leaders brought experience with propaganda and opinion formation to the Court when they switched sides.

Following typical British practices, William and Anne orchestrated demonstrations of 'public joy' to reinforce the Crown's authority and

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[172] Mann, *The Scottish book trade*, 190.
[173] *APS*, vol. x, App. 51.
[174] *APS*, vol. xi, 66, 221.
[175] *APS*, vol. xi, 221.

legitimacy.[176] Under pressure from the Privy Council, Edinburgh developed a standard formula for royal occasions, such as the monarch's birthday, returns from journeys abroad, military victories, funerals or accessions. This involved a solemnity at the Cross attended by the city magistrates and members of the Privy Council, the ringing of bells and the firing of Castle guns. At night, residents lit bonfires on the high street or, from 1692, placed candles in their windows.[177] Other towns, such as Aberdeen and Perth, followed Edinburgh's example in recognising birthdays with bells and toasts by burgh notables.[178] Similar events marked William's funeral in April 1702, while 1,600 men of the Glasgow town militia fired salvos to confirm the proclamation of Queen Anne's accession.[179]

Along with civic events, burghs and other local bodies also provided loyal addresses to the Crown, though this practice does not seem to have been as common in Scotland as in England. The French king's recognition of the Pretender in 1701 sparked a string of loyal addresses from burgh councils, including Edinburgh, Dumfries, Sanquhar, Annan, Lochmaben, Linlithgow, Culross and Aberdeen, all declaring their constancy to the Revolution settlement.[180] Anne's accession provided another occasion for addressing, taken up by the African Company and the presbyteries of Ross and Sutherland among

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[176] David Cressy, *Bonfires and Bells: National Memory and the Protestant Calendar in Elizabethan and Stuart England* (London, 1989), ch. 5.
[177] *Edinburgh extracts 1689-1701*, 63.
[178] *Edinburgh Gazette*, no. 407 (Thurs. 11 Feb-Tues. 16 Feb. 1703).
[179] *Edinburgh Gazette*, no. 320 (Mon. 6 Apr.-Fri. 10 Apr. 1702); no. 315 (Thurs. 19 Mar.-Mon. 23 Mar. 1702); no. 318 (Mon. 30 Mar.-Thurs. 2 Apr. 1702). Loyal towns like Ayr, Irving and Hamilton also celebrated the event.
[180] *Edinburgh extracts 1689-1701*, 290-1; *Edinburgh Gazette* no. 292 (Thurs. 1 Jan.-Mon. 5 Jan. 1702); no. 294 (Tues. 6 Jan.-Thurs 8 Jan. 1702); no. 298 (Mon. 19 Jan.- Thurs. 22 Jan. 1702).

others, while the city of Edinburgh addressed Anne to congratulate her on her 1706 victory at Ramillies.[181]

In addition to these advertisements of royal authority, the Crown informed its subjects of royal policy with proclamations and printed acts. When policy provoked serious disaffection, the Crown used printed letters and speeches to Parliament and the Privy Council to convince the Scottish political nation of its good intentions. William's government used this method in the Darien crisis of 1700-1, publishing the opening speeches of the Commissioner and Chancellor in Parliament and letters from William to his Privy Council. Such prints provided a conciliating message from the Crown on the Darien situation, but did not deign to provide a lengthy justification for the Crown's position or reply to Country arguments.[182]

By providing brief rationales for Crown policy, these publications fell short of the potential impact of essay tracts. This was recognised by the King's ministers: in June 1700, the Earl of Marchmont urged William to publish a full explanation of his resistance to an act in favour of the Darien colony, arguing that it would win back former Court followers in Parliament and would 'probably have an influence upon the body of the nation.'[183] Anne's government moved a step closer to reciprocal propaganda as changing policy led her government to allow the publication of material on toleration.[184] As noted above, with the rise to power of ministers sympathetic to Episcopalian interests, dissenting clergy began

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[181] *Edinburgh Gazette*, no. 328 (Mon. 4 May-Thurs. 7 May 1702); no. 348 (Thurs. 16 July-Mon. 20 July 1702); *Edinburgh extracts 1701-1718*, 122.
[182] *APS*, vol. x, 201, Appendix 34, 43-5.
[183] *Marchmont papers*, 208.
[184] Previously, Episcopalian ministers had been forced to use London presses to print tracts attacking the Presbyterian establishment. In 1700, Archibald Foyer claimed that such topics only appeared in drunken talk under William's reign ([Archibald Foyer], *Scotland's present duty* (1700), 4).

to print in Scotland on the toleration issue. Though these new publications attracted the censorship attention of Presbyterian Court figures, with Sir Alexander Bruce's *A speech in the Parliament of Scotland, in relation to Presbyterian government* (1702) being condemned by the Privy Council and the Duke of Argyll proposing an act in the 1703 Parliament against 'a great many Libels...Reflecting on the Claim of Right,' these moves did not prevent an expansion of political print in the Scottish public sphere as Presbyterian writers responded in an ongoing pamphlet debate.[185]

Also under Anne, Court figures began to publish tracts in support of royal policy.[186] In 1702, the Queen's Secretary, George Mackenzie, Viscount Tarbat, printed a speech in favour of union to back the Queen's recommendation for union, followed by a pro-union pamphlet published in Edinburgh and London, *Parainesis Pacifica*.[187] In 1703, Mackenzie published again, this time in favour of toleration.[188] During 1703-4, the writing pool expanded to include anonymous authors and lesser Court figures such as Sir John Clerk of Penicuik, who published pamphlets in favour of Court positions on the Hanoverian succession, the Act of Security, the Act anent Peace and War, limitations and the export of wool.[189] While the Court party still did not use print to the same extent as the

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[185] NAS PC 1/52/464-6; [George Ridpath], *The proceedings of the Parliament of Scotland begun at Edinburgh, 6th May 1703* (1704), 19.
[186] See Chapter 4 for more details.
[187] [George Mackenzie, Viscount Tarbat], [*Speech in the Parliament of Scotland upon the union and upon limitations 1702]*; [George Mackenzie, Viscount Tarbat], *Parainesis Pacifica* (Edinburgh & London, 1702).
[188] [George Mackenzie, Earl of Cromarty], *A few brief and modest reflexions, perswading a just indulgence to be granted to the Episcopal clergy and people in Scotland* (1703); [George Mackenzie Earl of Cromarty], *A continuation of a few brief and modest reflexions* ([1703]).
[189] *A seasonable alarm for Scotland...concerning the present danger of the Kingdom, and of the Protestant religion* (1703); *The great danger of Scotland as to all its sacred and civil concerns, from these, who are commonly known by the name of Jacobites* (1704); *A watch-word to Scotland in perilous times* (1704); [John Clerk of Penicuik], *A short essay upon the limitations* (Edinburgh, 1703) in W.R. and V.B. McLeod, *Anglo-Scottish tracts, 1701-1714* (Lawrence, Kansas, 1979), no. 404; *It is resolved, that the Parliament shall consider an act... and therefore, prop. The Act for*

Country party, it was taking a greater interest in responding to Country propaganda.

Court engagement with print arose in part out of ministers' recognition of the value of managing opinion in London as well as Scotland. Rising English influence over Scottish affairs from 1690 made Scottish Courtiers more attuned to London opinion and more adept at using print to speak to audiences there. Reflecting this, Tarbat printed his 1702 pamphlet on union in London and addressed it to English as well as Scottish readers, while James Johnston published tracts to support the New Party's actions in London in 1704 and urged the Scottish government to print an account of the 1705 *Worcester* trial in London.[190] Sir David Nairn, the Secretary Depute in London, added to Johnston's urgings, reporting that 'not publishing Greens tryall is a great disadvantage to all Scotsmen here.'[191] Court figures also realised the value of maintaining sympathetic writers in London. In 1700, the London-based author James Hodges had written to William Carstares offering to publish in favour of the government on the Darien matter in return for three hundred pounds.[192] Secretary Roxburgh maintained contact with George Ridpath in London, authorising a payment of £100 to him in December 1704.[193] In 1705, a correspondent praised Ridpath's defence of the Captain Green trial in his *Flying Post* and recommended that the

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Peace and War is altogether useless ([1703]); [George Mackenzie, Earl of Cromarty], *A speech in Parliament, concerning the exportation of wool* (1704) in McLeod, *Anglo-Scottish tracts*, no. 430; *A speech without doors concerning exportation of wool* (1704) in McLeod, *Anglo-Scottish tracts*, no. 439.

[190] [James Johnston], *Reflections on a late speech by the Lord Haversham, in so far as it relates to the affairs of Scotland* (London, 1704); *Correspondence of George Baillie of Jerviswood MDCCII-MDCCVIII* (Edinburgh, 1842), 71.

[191] *Seafield correspondence*, 404.

[192] Patrick, 'People and Parliament', 239, note 744. The offer does not seem to have been taken up.

[193] *Jerviswood correspondence*, 21.

author be rewarded.[194] Also in 1705, the Privy Council granted a license for the domestic sale of James Hodges' London-printed tract, *War betwixt the British kingdoms considered*, using its licensing powers to spread Hodges' anti-war message.[195]

As the Country party shook loose of censorship constraints, Court politicians became more attuned to the effect of governmental decisions on public opinion, acknowledging a need to win over 'country opinion' in order to secure a parliamentary majority.[196] This new recognition of the power of public opinion marks a significant shift in Court attitudes towards the emerging Scottish public sphere, indicating the government's greater willingness to employ propaganda alongside more traditional management and censorship practices. The Crown continued to limit its participation in petitioning and crowd activities to loyal addressing and civic events, rejecting greater popular participation in mass petitioning or riotous crowds. From 1700, however, the developing public sphere in Scotland required the Court to produce positive propaganda for its policies for English and Scottish audiences. Its output remained small before 1705, but this trend set the stage for an explosion of pro-union print in 1706-7.

The Power of Public Opinion

The expansion of the public sphere in Scotland in the years before Union began to create 'public opinion' as a rhetorical entity in Scottish politics,

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[194] *Seafield correspondence*, 398.
[195] NAS PC 4/3 (19 June 1705).
[196] This is clear in the 1705 *Worcester* case, where the Council chose to allow the executions of Captain Green and two of his crew, despite the Queen's desire for a reprieve, in order to avoid alienating country opinion before the next parliament (*Jerviswood correspondence*, 64-6).

represented by print, petitions and crowd protests. This new public opinion, however, had pragmatic and constitutional limitations. Though oppositional leaders sought to influence the opinions and actions of ordinary subjects for their own ends, they could not control opinion or all of its public manifestations; nor did they have a monopoly on public discourse. More fundamentally, public opinion could not claim constitutional legitimacy in Scottish politics. Though representations of opinion evolved from traditional consultative practices, their power also relied on the threat of disorder and rebellion, exposing purveyors of public opinion to accusations of sedition and democratic anarchy. Recognising public opinion as a potentially dangerous and destabilising force, the Court continued to express doubts about the safety of the new public opinion even as it began to combat Country appeals to opinion with its own propaganda.

While Country leaders encouraged the development of public opinion as an oppositional power base, they could not dictate attitudes and actions to their followers. Kinship links and deference played a role in generating adherence to Country nobles, but the acceptance of an oppositional party platform by ordinary subjects relied on effective persuasion. Though news and tracts created awareness of a national political context, such messages had to resonate with local grievances, attitudes and loyalties to be influential.[197] Party issues had to dovetail with plebian and local concerns to produce support and action. This produced the potential for competing interests in the Country party to disrupt the coherence of what the party sought to represent as 'the sense of the nation;' or for popular grievances to boil over in uncontrolled rioting. Country party gentlemen may

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[197] George Rudé, *Ideology and Popular Protest* (London, 1980), 36; Tim Harris, 'Understanding Popular Politics in Restoration Britain', in *A Nation Transformed: England After the Restoration*, ed. Alan Houston and Steve Pincus (Cambridge, 2001), 128.

have encouraged illegal illuminations in support of Darien in Edinburgh in October 1699 and June 1700, but they could not be seen to countenance the violent riot and jail-break that followed in the June event. As an oppositional tactic, popular protest could be helpful, but in turning to violence, crowds could become self-defeating by alienating noble support and inviting governmental repression. Moreover, since no one party controlled the presses, the possibility remained for the Court to sway opinion back to its side with effective counter-messages.

Besides these pragmatic limitations, the lack of constitutional legitimacy for public opinion gave the government an ideological justification to disregard expressions of the 'sense of the nation.' Pamphlets, petitions and crowd protests capitalised on traditional notions that government should listen to the complaints of the people in order to govern for the good of the people. These conventions provided a source of moral power for popular representations, but expressions of resistance also drew power from an underlying threat of disorder and even rebellion. Despite the evocation of traditions of consultation and supplication, public opinion in this period did not have constitutional legitimacy or the power to compel change. At best, agitators could rely on the Claim of Right to assert their right to petition the Crown and Parliament, but such supplications could not force the hand of government. Instead, the Crown could accuse aggressive populists of fomenting democracy and anarchy by citing equally traditional notions of the dangers of popularity.

Oppositional pamphlets from the years before the Union contained strenuous assertions of the legitimacy of public opinion, indicating the tenuous position of these public commentaries. In defiance of the law against leasing-

making which required that 'all his Majesty's Subjects Content themselves in quiet & dutifull obedience...and that none of them presume, To take upon hand to speak or write any purpose of Reproach or Slander of his Majesty's person, Estate or Government,' authors defended the right or duty of ordinary persons to express oppositional viewpoints in print.[198] Many pamphlets of this period addressed themselves to members of Parliament, representing their arguments as coming from concerned citizens to an MP or the assembly as a whole.[199] This rhetorical device provided a form of legitimacy by invoking a citizen's duty to advise Parliament of local grievances. As one pamphleteer claimed, 'It is the Duty, of every Good Country-Man at all times, to contribute to the promoting of the publick Weal, particularly at the Meetings of Parliament.'[200] Others saw 'just ground for any Person to complain' when the government had failed to rectify problems.[201] A 1703 pamphleteer argued that 'Tho' the Representatives of a Nation are indeed more immediately concerned [in national politics]...yet Private Men may be allowed to give their thoughts on such matters; and it is the duty of every Member of the Society to exert themselves in their several capacities with the utmost vigor for the common welfare.' For this author, the 'warm Debates in the House, the Thundering Declamations from the Pulpits, and the sweating labours of the Press' were an appropriate response to the political problems of the

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[198] NAS PC 1/52/114.
[199] *A letter to a Member of Parliament, occasioned, by the growing poverty of the nation...with some Overtures...humbly offered to his Grace, and the Honourable Estates of Parliament* ([1703?]); [John Bannatyne], *A letter from a Presbyterian minister in the countrey, to a Member of Parliament* (1703); [James Donaldson], *A letter to a Member of Parliament, from a wel-wisher of his country, in relation to coin* ([Edinburgh, 1705]).
[200] *Scotland's interest* (1704), 3.
[201] *The sin and shame of Scotland* (Edinburgh, 1704).

day.[202] Similarly, another author claimed in 1704 to owe a 'Duty' to his 'Country...frankly to declare my Opinion.'[203]

Petitions also sought to establish their legitimacy as the voice of the people, but were undermined by aggressive new practices that challenged the traditional role of the petition as a humble request from a corporate body.[204] Petitions carried more natural legitimacy than pamphlets based on their long history as a medium for entreaty from people to king, but continued to rely on traditional concepts of community consensus in order to claim a right to advise the government.[205] Recognising this, the organisers of the January 1701 address from Perth took care to indicate the adherence of its town leaders to the city's petition, such as 'G. Oliphaunt Provost,' 'J. Robertsone Bailie' or 'Robert Robertson den of gild.' Similarly, 'the Magistrats and Toune Counsell of Kirkaldie' claimed to sign 'in name of the Communitie therof,' while shire addresses included the signatures of landed electors.[206] A newer way to indicate consensus was to collect the individual signatures of many inhabitants, but the inclusion of ordinary people outside the political nation also could be interpreted as an attempt to pressure the Crown with popular dissatisfaction and potential disorder.[207] Lacking the support of its town council, Glasgow's 1701 address included 474 signatures of inhabitants, the most of any locality petition on Darien; but rather than legitimising the address, this turned it into a startling statement of

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[202] [Sir Archibald Sinclair], *Some thoughts on the present state of affairs* (1703) 2.
[203] *Several reasons why the succession ought not to be declar'd* (1704) 4; see also [William Alexander], *An Essay, shewing that there is no probability of there being so much French interest, as it's certain there's English influence in our present Parliament of Scotland* (1704).
[204] See Chapter 5 for more details.
[205] Geoffrey Koziol, *Begging Pardon and Favor: Ritual and Political Order in Early Medieval France* (Ithaca, 1992).
[206] *APS*, vol. x, App. 73-86.
[207] Zaret, *Origins of democratic culture*, 258-9.

discontent from a group of individuals in the city.[208] In addition, repeated petitioning presented a challenge to authority in its refusal to accept 'no' for an answer. The ongoing Darien petitioning, from numerous African Company addresses to three national addresses and two waves of locality petitions, moved the Country party campaign from legitimate petitioning to something more dangerous.

In classical teachings, conservative political thought and recent history, populist practices represented faction, anarchy and levelling, especially when linked with rebellious Presbyterianism.[209] These associations gave the Crown grounds to limit the exercise of even traditional feedback processes such as petitioning. Though petitioning had been claimed as a fundamental privilege in the Claim of Right, William sought to maintain control of this liberty during the Darien crisis with his December 1699 proclamation against further petitioning. Admonishing those who were not satisfied with his recent answer to an African Company petition, he condemned 'a Design of Addressing us of new, on the same heads.' Addressing, he warned, was a 'Liberty' that relied on 'an orderly and dutifull manner;' otherwise the Country party's methods 'may tend to alienate us from the hearts of our good subjects.'[210]

The Court raised the same arguments against Country tracts, accusing oppositional writers of misleading the poor unthinking masses. While beginning to engage with the public sphere, the Crown and many of its followers remained uncomfortable with public discourse. As in England, the early modern Crown in

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[208] *APS*, vol. x, App. 84-6.
[209] Colin Kidd, *Subverting Scotland's Past: Scottish Whig Historians and the Creation of an Anglo-British Identity 1689-c.1830* (Cambridge, 1993), 53-8; Cust, 'Charles I and Popularity', 238-43.
[210] NAS PC 1/52/23.

Scotland viewed popularity with suspicion, fearing the collapse of unitary society into faction through the manipulation of unthinking masses by unscrupulous men.[211] In keeping with this, the government condemned the 'seditious Talledoux' of 1701 as tending to 'raise sedition among our good Subjects.'[212] Though Court writers began to take on Country arguments from 1702, they bemoaned the need to do so and pointed to the dangers of involving the masses in politics. The Court voice of *A watchword to Scotland in perilous times* (1704) regretted the 'Fatal Spirit of division [that] ferments mightily at this day among our Nobles and Gentrie, and is advancing also to even the commonality.'[213] Similarly, *A plea against pamphlets* (1703) condemned the proliferation of scurrilous pamphlets in Scotland, accusing readers of only reading those that confirmed their prior opinions.[214] These tracts reflected the dismay felt by Court figures on the shift from government by a small group of landed men. As the Earl of Leven lamented, 'every man thinks he knows more than his neighbour; nor is any man respected, it seems, though spending his strength and estate for the public; but they will judge of matters at a distance, which they little understand.'[215]

Rejecting the more aggressive innovations of the emerging public sphere, the government in Scotland took a pragmatic approach to Country populism, using counter-propaganda, concessions and repression to remove any immediate threat of disorder and maintain Crown authority. In terms of print, the Court's growing participation in the public sphere from 1702 indicated the ineffectiveness

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[211] Cust, 'Charles I and Popularity'.
[212] NAS PC 1/52/206.
[213] *A watchword to Scotland in perilous times* (1704).
[214] *A plea against pamphlets* (Edinburgh, 1703).
[215] *Carstares papers*, 718.

of their censorship efforts and a concomitant need to counter the effect of Country print, rather than a new desire to encourage popular participation in the public sphere.[216] The Court did not organise counter-addressing; instead, aggressive Darien petitions met with much discouragement, including the king's 'scant attention and a very dusty answer' to delegates presenting the national petitions in London.[217] Likewise, the Court party did not encourage crowd demonstrations on its own behalf, but used force to suppress riots and re-establish governmental authority while making concessions to restore local peace. When anti-toleration riots broke out in Glasgow in 1703, the Privy Council supported the use of quartered troops to restore peace, ordered a further regiment of dragoons to be ready to march to the city and warned the town council that further riots would not be tolerated. To relieve discontent, however, they reiterated that the Queen's letter of protection only applied to loyal, qualified Episcopalian ministers.[218]

Despite the best efforts of oppositional writers, petitioners and crowds to assert the authority of public opinion, the volatile nature and uncertain constitutional legitimacy of popular opinion imposed limitations on its power. Those who sought to develop the public sphere for their own political ends could not always control that which they created, making public opinion an unpredictable and potentially self-defeating force. The early modern Scottish Crown did not acknowledge the legitimacy of popular criticism whether in print, petitions or crowd actions; but it recognised the need to manage discontent to preserve the stability and authority of the state. Public opinion mattered only so

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[216] This is similar to the Court's position in the Exclusion Crisis. As Tim Harris has noted in reference to the Crown's populist Tory activity in England in 1679-83, 'they probably would have preferred not to have done this' had Whig populism not put governance in jeopardy (Harris, 'Venerating the Honesty of a Tinker,' 196, 206).
[217] Riley, *King William*, 135.
[218] NAS PC 1/53/526-7.

far as it indicated a high risk of disorder or even rebellion, causing the Court to make concessions to perceived opinion as a management tactic alongside its more traditional practices of interpersonal persuasion and patronage.

Conclusions

After the Revolution, ongoing political and religious divisions in Scottish society manifested themselves in an adversarial Court-Country dichotomy in Scottish public politics. Capitalising on the Darien debacle, the Country opposition began to organise propaganda, petitioning and crowd activities to pressure the Court on Crown policy from 1699. Under Anne, agitation over toleration continued to involve more ordinary subjects in national politics. These moves towards greater popular participation in national affairs were aided by the establishment of wider and deeper networks of political communication between London, Edinburgh and the Lowlands. The Court responded with increased management and censorship activity, followed by more proactive propaganda from 1702 as its inability to contain the book trade became clear. Together Country activities and the Court's initial forays into print propaganda encouraged the emergence of a public sphere in pre-Union Scotland. However, although oppositional groups tried to convince authorities that they spoke for 'the people,' representations of public opinion had distinct limitations, especially a lack of constitutional legitimacy. Recognising this, the Crown refused to acknowledge any authority in public opinion, focusing on the management of dangerous discontent with counter-propaganda, concessions and repression.

Chapter 3: Public Discourse, 1699-1705

Most histories of the Union include a review of the 1706-7 pamphlet debate on union, but few place this in the wider context of public discourse on the British union as seen in rising quantities of political print from the late 1690s. Without this longer-term perspective, historians have struggled to comprehend the impact of union pamphlets on opinion in Parliament or beyond. William Ferguson has found this a 'perplexing' question, concluding that the main effect of the anti-union tracts of 1706-7 was to trigger the deep-seated nationalism of the Scottish people.[1] In contrast, T.C. Smout has perceived greater plausibility in the economic arguments of pro-union writers and wondered why contemporaries could not see the same.[2] Viewing these pamphlets in isolation, most historians have tended to judge them on their political position, predictive powers or rhetorical style; or, as in the case of P.W.J. Riley, dismiss them as ephemera irrelevant to a stage-managed elite event.[3] In recent years, John Robertson and Colin Kidd have provided a greater degree of context on the pamphlet debate by reviewing arguments on sovereignty, empire and religion published from the 1690s, but these remain isolated analyses.[4]

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[1] William Ferguson, *Scotland's Relations with England: A Survey to 1707* (Edinburgh, 1977), 244.
[2] T.C. Smout, 'The Road to Union', in *Britain After the Glorious Revolution*, ed. Geoffrey Holmes (London, 1969), 188.
[3] William L. Mathieson, *Scotland and the Union: A History of Scotland from 1695 to 1747* (Glasgow, 1905), 121; James Mackinnon, *The Union of England and Scotland* (London, 1896), 252, 257; Paul H. Scott, *Andrew Fletcher and the Treaty of Union* (Edinburgh, 1994), 76, 165; P.W.J. Riley, *The Union of England and Scotland: A Study in Anglo-Scottish Politics of the Eighteenth Century* (Manchester, 1978), ch. 6.
[4] John Robertson, 'An Elusive Sovereignty: The Course of the Union Debate in Scotland 1698-1707', in *A Union for Empire: Political Thought and the British Union of 1707*, ed. John Robertson (Cambridge, 1995); John Robertson, 'Empire and Union: Two Concepts of the Early

The impact of the union tracts of 1706-7 can be better understood by seeing them as the final salvo in a long-running public debate. As indicated in Chapter 2, the Country party began to produce more political pamphlets from 1699, with Court writers beginning to respond with counter-propaganda by 1702. This proliferating public discourse centred on issues of union, from the sovereignty questions of the Darien crisis to the union proposals of 1702, the toleration debates of 1703, the battles over limitations and the succession of 1703-4 and the *Worcester* crisis and treaty proposals of 1705.

Within these debates, a far greater amount of material conveyed a Country perspective, influencing many readers and hearers towards an anti-incorporation position. To see this, an inclusive definition of public discourse is needed, encompassing sermons, anonymous tracts and newspapers as well as sophisticated political essays. By limiting their research to the writings of prominent authors, many historians of the Union have overlooked the impact of more ephemeral material. Though invaluable for tracing the genealogy of ideas, studies of named authors cannot by themselves explain the formation of popular opinion, as this relied on quantity as well as quality. John Robertson's analysis of perceptions of Scottish sovereignty shows how a careful and considered analysis can still skew the importance of one side by contrasting a few anti-incorporation writers with the only two pro-incorporation authors appearing before 1706, suggesting an even volume of output on both sides.[5] By leaving out lesser works, Robertson is unable to consider whether the popular impact of famous tracts might have been heightened by the sheer quantity of material echoing their lead. This possibility is

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Modern European Political Order', in *ibid*; Colin Kidd, 'Religious Realignment Between the Revolution and the Union', in *ibid*.

[5] Robertson, 'Elusive Sovereignty'.

also missed by Ferguson, who dismisses less famous authors as 'hacks' pirating the ideas of others; and by Mackinnon, who sees them as 'scribblers' who added few original ideas to the debates.[6] For Riley, popular works deserve only disdain, especially those 'written in a bogus vernacular,' 'nauseous with homespun philosophy and farmyard imagery.'[7]

A broad review of public discourse in 1699-1705 shows how Country speakers and writers used a partisan analysis of the Union of Crowns to urge reform of the regnal union. From the Darien crisis onwards, oppositional voices condemned the constitutional arrangement of the 1603 union as allowing English ministers and the English Parliament to influence the Scottish monarch against the best interests of Scotland. Country discourse advocated a continuing union under one Protestant king, but with constitutional amendments to relieve Scottish grievances. To achieve this, Parliament was to pass reform acts and use the succession as a bargaining chip to secure limitations on the Crown and new trading terms with England. Through reform acts and limitations, power was to shift from the Scottish Crown to the Parliament, allowing the Estates to protect Scottish concerns in a federal union, while a communication of trade would lift the restrictions of the Navigation Acts. In advancing this platform, Country discourse prioritised Scottish interests over British concerns, putting the Scottish Presbyterian Church ahead of the British Protestant interest and insisting on the settlement of Scotland's constitutional problems before the naming of a British successor. Throughout, Parliament was identified as the guardian of Scottish

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[6] Ferguson, *Scotland's relations with England*, 243; Mackinnon, *Union of England and Scotland*, 260.
[7] Riley, *Union of England and Scotland*, 230.

rights, while the Court party was connected with English interests and accused of bribing MPs.

With both Country Tories and Whigs expressing a shared vision of a revised, federal union of crowns in which Scottish liberties, trade and religion would be secured, many ordinary Scots found this an attractive goal. Historians have tended to dismiss federalist Country discourse as disinformation for a failed political initiative. Seeing Country activity as nothing but gamesmanship, Riley has termed federal union 'a complete delusion created by propaganda'; limitations a 'parliamentary manoevre'; and a treaty 'a device to block other proposals.'[8] However, regardless of the objectives of some politicians, contemporary subjects' opinions were shaped by the information flowing to them. This included much material on federal union, but not the back-room knowledge, taken for granted by historians, that the English would not concede a federal arrangement. For many receivers of Country discourse, the way forward seemed clear: that a newly assertive Parliament should use the succession to force the English to renegotiate the regnal union in Scotland's favour. Separation was not proposed in Country print as a serious goal but advanced as a threat to the English to encourage their readiness to make concessions in a treaty. As a result, when the Alien Act led to treaty negotiations, many in Scotland expected a federal arrangement or the speedy defeat of anything else in Parliament.

At the same time, however, a limited quantity of Court discourse argued in favour of incorporation. In 1702, Anne's Secretary, Viscount Tarbat (later Earl of Cromarty) advocated incorporation as the path to British peace and prosperity. Though no other Courtier chose to back this programme in public before 1706,

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[8] *Ibid*, 35, 214.

Cromarty's output joined that of William Seton of Pitmedden, a Country Tory activist who, unlike his peers, saw incorporating union as the best solution to the problem of the Union of Crowns. Importantly, both Seton and Cromarty's arguments rested on indifference to forms of church government. Religious moderation also underpinned urgings in 1703-4 Court pamphlets for the prioritisation of British Protestantism over Scottish Presbyterianism in the settlement of the Hanoverian succession. While these tracts did not argue for incorporation, they emphasised the peril of a Jacobite succession, establishing a key argument for incorporation to be repeated in 1706-7 alongside fresh promises of peace and prosperity. Such tracts, however, tended to be undermined by imperialist English publications flowing into the Scottish public sphere. London, particularly Tory, print tended to reinforce the Country story of English antagonism to Scottish trade, religion and sovereignty, providing little support for Court efforts towards British unity.

For six years before the union treaty, the majority of public discourse from Scottish and English sources supported an anti-incorporation position, establishing by 1706 a level of public awareness and bias unacknowledged by the historiography of the Union. Country discourse popularised a series of arguments against incorporating union which were to reappear in a new burst of print in 1706-7, much of it written by the same authors. A few Court authors advanced counter-arguments appealing to those of moderate religion and politics but did not speak at the same volume as Country voices. Though opinion remained open to persuasion during the union debates, by 1706 the Country party had a headstart on the Court in terms of popular adherence.

Country Discourse, 1699-1705

From 1699 to 1705, oppositional pamphlets on Darien, the succession, limitations, toleration, the Alien Act and the *Worcester* crisis attacked the Union of Crowns and proposed an alternative vision of union. A historical analysis of the regnal union advanced by George Ridpath, Andrew Fletcher, James Hodges and their emulators asserted that the Union of Crowns trapped the Scottish king under the influence of his English ministers and Parliament, forcing him to act against Scottish interests where these clashed with English needs. Through English encroachment, the original liberties of the Scottish Parliament had been lost since 1603, leaving the Scots at the mercy of their stronger neighbours. English control extended to the direction of Scottish ministers and even MPs through bribery and other forms of management. Both Scottish sovereignty and the Presbyterian Church were at risk from the designs of the English, especially the High Church Tory party. The solution lay in reform championed by the Scottish Parliament as the guardian of the country's interests: in 1700-1, through new laws securing Scottish civil liberties and asserting her trading rights; from 1702, through limitations on the prerogatives of Anne's successor and a communication of trade with England in a revised British union. Throughout, the risk of a Jacobite claim on the open Scottish succession was minimised while a sense of immediate danger to the Scottish Church was amplified, especially in clerical attacks on a proposed toleration from 1703. While this Country discourse owed much to a Whig perspective, it was also supported by some Tory speeches and pamphlets, broadening its appeal.

The Darien debacle provided the impetus for a burst of political pamphlets attacking the Union of Crowns. In *Scotland's grievances relating to Darien* (1700), George Ridpath outlined a critique of the united Crowns attributing the failure of the Darien colony to the influence of English interests on the Scottish monarch and his Scottish Courtiers in London: 'since the Union of the Crowns, our Kings prefer their Interest to ours, in all matters relating either to Church or State.'[9] King William's lack of support for Darien was the result of his being advised by 'an English and Dutch Faction mixt with some Scotchmen who have so little Interest in their Country or Affection for it, as to betray it for Bread, or the Favour of the Court.'[10] Similarly, the manuscript tract *Heads of things fit to be granted and done in the ensuing session of Parliament* (1700) bemoaned 'the irregular tye of the Union of Crowns' by which 'This Nation hath been depryved of and Lost the ordinary means of protecting its Forraigne Trade by Naval Force, Ambassadors, Residents and such like.'[11] A broadside print, *The people of Scotland's groans and lamentable complaints* (1700), compared Scotland to a child 'deprived of the Kindness and Protection of One of their Parents' and charged the English with 'having the Political Fathers of our Country under their Command.'[12] William Seton of Pitmedden's *Memorial to the members of Parliament of the Court party* (1700) accused the king of being 'of the Episcopal side, when he is in England; and whether he would be Presbyterian or not, when in Scotland, we must suspend our Judgement, till we have the Honour of seeing

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[9] [George Ridpath], *Scotland's grievances relating to Darien* (1700), 31.
[10] [Ridpath], *Scotland's grievances*, 8.
[11] NLS Adv. MS. *Heads of things fit to be granted and done in the ensuing session of Parliament* (1700).
[12] *The people of Scotland's groans and lamentable complaints, pour'd out before the High Court of Parliament* ([1700]), 1.

him here.'[13] According to these and other tracts, the absent king created by the Union of Crowns threatened Scottish sovereignty, trade and the Presbyterian religion.

Following initial analyses offered by various Country writers in 1700, George Ridpath developed a more detailed historical justification for the Country critique of the united crowns in his 1702 *Discourse upon the union of Scotland and England.* As a Presbyterian Whig, Ridpath highlighted the dangers of the Tory 'High Church Faction' in England, which under the regnal union had been 'for imposing upon us in relation both to Church and State.' Since 1603, he argued, 'we have been treated more like a Province or conquer'd People than like a free and independent Nation,' aided and abetted by compliant Scots courtiers.[14] Ridpath interpreted the events of the seventeenth century in light of these allegations, blaming the church innovations of Charles I, the return of prelacy under Charles II and the rising prerogative powers of James VII on English influence.

For Country Whigs like Ridpath, a key aspect of the damage done by the Union of Crowns was the erosion of the powers of the Scottish Parliament. From 1700, Ridpath established an influential line of argument blaming the English for the rise of the royal prerogative in Scotland and a concurrent decline in the liberties of the Parliament. The Scottish Estates, he claimed, 'had originally a greater Power than that of England; for what the States of Scotland offer'd to the touch of the Scepter, their Kings had no power to refuse; or if they did, the Resolves of the States had the force of a Law notwithstanding.' According to his

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[13] [William Seton of Pitmedden], *Memorial to the members of Parliament of the Court party* ([1700]), 4.
[14] [George Ridpath], *A discourse upon the union of Scotland and England* (1700). 2.

researches, the 'native Liberties of the People of Scotland' included the right to make war and peace, to elect kings, to choose the king's councillors and to approve supply.[15] Referring to more recent events, *The people of Scotland's groans* reinforced Ridpath by pointing out to Parliament how 'Your own Authority hath been trod under Foot, Your Acts Violated, Your Address slighted, and the Company of your Establishment Oppos'd and Oppress'd' and how 'Your Meeting has been unreasonably adjourned from time to time.'[16]

In his 1702 *Discourse*, Ridpath again outlined his view of the lost powers of the Parliament, such as the right of the Parliament to choose its own President and officers of state and the right to meet annually. Ridpath rejected the need for the royal assent to legislation and asserted the ability of the estates to challenge the king without guilt of treason. He also claimed the power of Parliament to make war and peace and the right of the barons to attend in Parliament in person.[17] These brief comments of 1702 were expanded in 1703 in *An historical account of the antient rights and power of the Parliament of Scotland*, written for the Parliament as it debated limitations on the Crown. This tract supplied extensive quotations from Scottish statute records to back up Ridpath's claims on the ancient liberties of the Estates.

Accusations of Court bribery formed another important aspect of the Country critique. These allegations associated the Country party with the patriotic defence of Scottish interests, while discrediting the Court party by linking it to English objectives. Tapping into classical notions on the duty of citizens to engage in public service, writers in 1700 established the Country party as the

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[15] [George Ridpath], *An enquiry into the causes of the miscarriage of the Scots colony at Darien* (Glasgow, 1700), 10-11.
[16] *The people of Scotland's groans*, 1.
[17] [Ridpath], *Discourse upon the union*, 162-3, Appendix.

patriotic champions of Scottish interests, denouncing a corrupt and servile Court and a co-opted King. Seton of Pitmedden's *A short speech* decried the 'bad Counsel' and 'foul Dealing' of 'Men altogether depending for Places or Pensions on the Court,' accusing these 'evil Councillors' of influencing Parliament by 'Force and Bribery.'[18] *The people of Scotland's groans* demanded 'Let not this Nation, that they could never Conquer by their Swords, be ingloriously subdued by their Money.'[19] Ridpath in *Scotland's grievances* called the king's ministers 'Traytors' and 'pernicious Counsellors' while urging MPs not to be 'frighten'd by Red Coats, and other Court Pensioners' or cries of '*the Castle, the Castle*, as in the late Reigns.'[20]

Accusations of Court management extended to the Church as well, raising concerns for the security of the Church in the regnal union. During the Darien crisis, Archibald Foyer, minister at Stonehouse in Lanarkshire, blamed Court influence for the rejection of a fast for the colony in the Commission of the General Assembly in late 1699. Writing to urge support for a national fast in the upcoming 1700 General Assembly, Foyer accused some Church leaders of reducing their zeal for the colony once they saw it 'frown'd upon by the Favourers of a Foreign Interest.' Like the Scottish bishops before them, he suggested, Court-influenced clergy were acting for English, not Scottish interests. Foyer urged 'all in the land to joyn in an Address to the King of Heaven for his Help...and this is our Comfort, that no Courtiers there, will hinder our Address.'[21]

Ridpath also mentioned Court pressures on the General Assembly in *Scotland's*

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[18] [William Seton of Pitmedden], *A short speech prepared to be spoken, by a worthy member in Parliament, concerning the present state of the nation* (1700).
[19] *The people of Scotland's groans*, 2.
[20] [Ridpath], *Scotland's grievances*, 3, 5, 25.
[21] [Archibald Foyer], *Scotland's present duty* (1700), 18-19, 5, 12; and see above, pp. 30-1.

grievances and developed this line in his 1702 *Discourse*, stating that 'Arbitrary Methods of closeting, bribing, threatening and hectoring' had been used to control the General Assembly as well as Parliament under the regnal union.[22]

The success of Country discourse in establishing clear and consistent messages on the regnal union, parliamentary liberties and Court bribery can be seen in the repeated appearance of these points in subsequent publications. Although Andrew Fletcher's printed speeches from the parliamentary session of 1703 have been praised for their incisive attack on the problems of the united crowns and their patriotic assertions of parliamentary rights, his arguments joined a well-established discourse.[23] James Hodges' 1703 treatise, *The rights and interests of the two British monarchies,* rested on an assumption of bad governance in the regnal union and included complaints on 'a continued Endeavour of most of their Kings, since the said Union [of Crowns], to stretch their Prerogative Royal to Heighths inconsistent with the Ancient Constitution of Scotland.'[24] Similarly, a printed speech by a baron in Berwickshire in 1702 declared the 1603 union a disaster for Scotland due to English influence, while in 1703 a Lanarkshire doctor, Andrew Brown, explained the 'low Ebb' of the nation as 'chiefly due to the long, unequal, and irregular Conjunction of this Nation under one Head with England.'[25] The party's bribery and corruption message continued to recur in Country discourse in the years before union, as seen in a poem from 1703 or 1704 urging the patriots of the Country party to 'English-Gold

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[22] [Ridpath], *Scotland's grievances,* 39-40; [Ridpath], *Discourse on the union,* 56.
[23] Scott, *Andrew Fletcher,* 77; [Andrew Fletcher], *Speeches, by a Member of the Parliament, which began at Edinburgh, the 6th of May 1703* (1703).
[24] [James Hodges], *The rights and interests of the two British monarchies* (1703), 4.
[25] [John Spottiswoode], *A speech of one of the Barons of the shire of B---- [Berwick] at a meeting of the Barons and Freeholders of that shire...the 12th day of November, 1702* (1702), 3; [Andrew Brown], *Some very weighty and seasonable considerations tending to dispose, excite and qualify the nation, for the more effectual treating with England in relation to an union of confederacy* (1703), 6.

and Influence Oppose.' The poem contrasted Country MPs to Court party members who 'Truckle, Fawn, and sordid Bribes Receive' and 'Do Sell their Country for a Piece of Bread.'[26]

Alongside the party's definition of the problems of the regnal union, Country discourse also proposed the resolution of these problems in an amended union. Country writers called on Parliament to increase its power through reform acts and the negotiation of new terms with England. To secure royal and English assent to this platform, the Country party demanded from 1702 that the succession be kept open until new conditions of government had been agreed. Throughout, the Country party maintained a commitment to the continuation of union with England, but made clear that this should be a federal union with new limitations on the power of the Crown and a communication of trade with England. As Country Whig writers continued to point out, only in a federal union could the Scottish Parliament continue to act as the guardian of the Scottish Church and the liberties of the people. To back up their arguments, they raised the possibility of popular disorder to dissuade the government from considering incorporation.

From 1700, Ridpath asserted the need for change to maintain Scottish rights and interests within an ongoing union with England. As Ridpath put it in *Scotland's grievances*, union 'upon good and honourable Terms would be the greatest Happiness this Island could enjoy' by providing both countries with an opportunity to 'rectify what is amiss in their respective Constitutions.' These terms, however, had to maintain Scottish independence in union, for 'our Neighbours may assure themselves that our Nation never design'd to purchase

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[26] *A panegyrick on a noble peer and worthy patriot* (1703/4?), 2-3.

[union] at the expence of their Sovereignty and Honour.'[27] Key issues requiring resolution included 'no Restrictions in matter of Trade more than the English,' support for the Darien colony and security for the Scottish Presbyterian Church.[28] Ridpath also urged a new union in his *Enquiry,* 'on such Terms as his Majesty and the Parliament of both Kingdoms shall agree, and so as the Civil and Religious Liberties of both People may be preserved.'[29]

Ridpath did not envision the loss of the Scottish Parliament in a new union; instead, his assertions of the ancient powers of the Scottish Parliament implied that these would be revived.[30] In the short term, new laws would protect Scottish rights in the regnal union, particularly a triennial act for frequent parliaments and a *habeas corpus* act.[31] The *Heads* manuscript also urged acts for *habeas corpus* and frequent parliaments, as did William Seton of Pitmedden's *Memorial.* Alongside these, *The people of Scotland's groans* emphasised the importance of the 'Noble Patriots' of Parliament as the nation's deliverers, praying that 'Heaven inspire Your August Assembly with proper Methods to deliver us from being Oppress'd at home and Despis'd abroad.'[32]

Ridpath continued to argue against incorporation in his *Discourse,* warning against the poor union deal likely to be proposed by the English in 1702. Ridpath favoured a union in keeping with the deal offered by England's Edward VI, in which the Scots would have kept their Parliament and enjoyed free trade with England. He saw union negotiations as an opportunity for Scotland to recapture its lost parliamentary privileges and bolster Scottish sovereignty in a

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[27] [Ridpath], *Scotland's grievances,* 24.
[28] [Ridpath], *Scotland's grievances,* 28, 30, 39-42.
[29] [Ridpath], *An enquiry into the causes of the miscarriage of the Scots colony,* 60.
[30] *Ibid,* 10-13.
[31] [Ridpath,] *Scotland's grievances,* 44.
[32] *The people of Scotland's groans,* 2.

federal association. To dissuade the Court from proposing an entire union, Ridpath raised the spectre of popular dissatisfaction by arguing that one British Parliament would cause 'Trouble and Noise' in opening Scotland to the risk of 'being imposed upon by the High Church Party.' Given the precedent of 1638, 'How do they think that the People in Scotland in General, would ever part with their Crown, Sceptre, Parliament and other Badges of their Soveraignty, and Independency, and submit to new Laws and new Modes of Religion?'[33]

When the 1701 settlement of the English succession on the House of Hanover opened up an obvious political opportunity to use the Scottish succession as a negotiating card, Country propaganda made much of this. Pamphlets and speeches from the 1703 and 1704 Parliaments continued to push for the reassertion of Scottish rights, but now suggested that this should be achieved through the Act of Security, which would force the English to renegotiate the terms of the regnal union before the Scots would accept the Hanoverian successor. Trade concessions would be secured while Andrew Fletcher's limitations or more moderate 'conditions of government' would transfer powers from the next Scottish monarch to the Parliament.[34] The author of one tract, *The Act of Security is the only rational method of procuring Scotland a happy constitution, free from the illegal invasions of its liberties and laws, and the base usurpation of its ancient sovereignty,* was typical in arguing that the act would 'Secure our Independency from the undue Intermeddling of the English Court' by 'set[ting] us upon such an Equal Foot with the English, that they will be obliged to Grant us

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[33] [Ridpath], *Discourse*, 98.
[34] [Fletcher], *Speeches* (1703).

Concessions...Thus an happy and lasting Union might be Established without Civil Dissention.'[35]

As public discourse focused on the renegotiation of the union through an agreement on the succession, writers reacting against the Crown's 1702 proposals for an incorporating union raised persuasive problems with incorporation and promulgated an alternative vision of a federal union. Rather than being an 'unattainable ideal' or 'a largely instinctive reaction against the inevitable outcome—the disappearance of a separate Parliament,' federalist notions were presented as a realistic option, exemplified by other constitutions such as those of the United Provinces or the Swiss cantons.[36] As portrayed by James Hodges and his emulators, confederacy seemed a less radical change than incorporation, requiring only a treaty on trade and foreign policy to accompany the acceptance of the Hanoverian succession, rather than the extirpation of the ancient Scottish Parliament.

James Hodges' 1703 tract, *The rights and interests of the two British monarchies,* shaped Scottish perceptions of incorporation by presenting an entire union as the swallowing up of Scotland by England, so that by early 1706 federal union was 'most favoured by the people of Scotland'.[37] According to Hodges, the incorporating union designed by the English was

> that kind, whereby distinct and independent Kingdoms and Dominions parting with their distinction, and Independency, do so unite themselves with another Kingdom, as to be embodied with it, and to become a particular Part, Province or District of the Kingdom with which they do unite, being subject to the Laws and Government thereof....[H]aving thereby resign'd their proper Liberties, and Independency, as Free States, they, being once incorporated, are wholly divested of all separate Claims of Right...contrary to the

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[35] *The Act of Security is the only rational method of procuring Scotland a happy constitution, free from the illegal invasions of its liberties and laws, and the base usurpation of its ancient sovereignty* (1704), 3, 6.
[36] G.S. Pryde, *The Treaty of Union of Scotland and England 1707* (London, 1950), 36-7.
[37] Sir John Clerk of Penicuik, quoted in Scott, *Andrew Fletcher*, 150.

> Will, Resolutions and free Determinations of the One Government, to which they have subjected themselves.[38]

As Hodges explained at length, in an entire union Scotland was to be ruled by England, with no leverage as a minority interest in Parliament and no way to enforce the conditions of a treaty of incorporation. Against this, Hodges offered federal union as 'that, whereby Distinct, Free, and Independent Kingdoms, Dominions or States, do unite their seperate Interests into one common Interest, for the mutual benefit of both, so far as it relates to certain Conditions and Articles agreed upon betwixt them, retaining in the mean time their several Independencies, National Distinctions, and the different Laws, Customs and Government of each,' including their parliaments and national churches.[39] In the British confederacy envisioned by Hodges, Scotland and England would co-operate on foreign alliances, war and trade.

Importantly, Hodges saw the British federal union as building on the union of crowns: 'I do not mean such an Union, as consisting barely in Articles of Confederacy betwixt the two Kingdoms, otherways altogether disunited: but an Union of a closer nature, whereby both Kingdoms are to be united under one common Monarch of both.'[40] If the joint succession were to fail for any reason, Hodges expected Scotland to take its own monarch while remaining in the British confederacy. A peaceful union with England was the priority, but only with the resolution of the sovereignty issues of the Union of Crowns and the retention of the Scottish Parliament and Church.

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[38] [James Hodges], *The rights and interests of the two British monarchies... Treatise I* (London, 1703), 2-3.
[39] *Ibid*, 3.
[40] *Ibid*, 6.

In his tract, Hodges outlined a series of objections to incorporating union that became standard points of contention through the 1706-7 pamphlet debates: in particular, the movement of Parliament to London would drain people and money from the kingdom; the nobles and gentry would lose their political rights, privileges and hereditary offices; Scottish representation in the British parliament was inadequate, providing no security for the enforcement of the articles of union; and the giving up of Scotland's status as an ancient kingdom, defended against attack by courageous ancestors for 2,000 years, was an unacceptable blow to Scottish honour. The offer of free trade would benefit England rather than Scotland, as Scotland needed protective tariffs to develop its economy; the tax burden would rise, with the malt tax pulling down rental values and excise taxes increasing threefold. Like Ridpath, Hodges pointed to the risks of popular dissatisfaction, asking 'How are the People like to be pleas'd with their Incorporating Union, when they must pay six pence for the Scots Pint of Ale, which they us'd to buy for Two pence'? He also raised the threat of disorder in suggesting that 'perhaps there are few Consequences of an Incorporating Union, about which more Difficulties should be found to satisfie [the people], than about giving up the Crown.' He reminded his readers that 'We know what Zeal and hot Ferments were stirr'd amongst them, by a Motion of this Nature made by England, in the Reign of King Charles the First.'[41]

Alongside these issues, Hodges asserted constitutional and legal barriers to incorporation, some of which had already been advanced by George Ridpath. By Scottish law, Hodges argued, it was 'Treason to endeavour the Overturning of the Constitution of the Parliament;' moreover, by the 'Fundamental Rules of Equity

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[41] *Ibid*, 28-36.

and Original Right,' no government could extinguish its own existence. Since governors did not have the power to 'dispose of the fundamental Rights and Liberties of the People,' any such act would be invalid. Politicians that betrayed the rights of a free people would be guilty of a crime worse than rebellion, being 'so opposite to the Being and Interest of a Free People, as to deprive them of their National Liberty by quite overthrowing all Government of their own, and putting them under the Power and Government of another Nation.'[42]

Ridpath had made similar points in his 1700 *Enquiry* in denying the validity of past encroachments on Scottish rights: 'the Privileges of a Nation cannot be giv'n away without their consent; and we are morally certain, that the Constituents even of those pack'd Parliaments did never give any commission to those that represented them, to give away those Liberties.'[43] Alongside his narrative of the historical powers of Parliament, Ridpath asserted the duty of MPs to vote according to the wishes of constituents and denied that Parliament had the power to vote away any of its rights or liberties. In his *Discourse*, Ridpath cited the legal opinion of Sir John Nisbet, who argued as King's Advocate during the 1670 union discussions that Parliament could not vote to destroy the fundamental constitution. He also claimed a requirement for elector consent to any constitutional change: 'our Barons and Burgesses ought not to agree to it without positive Instructions from those that send them to Parliament as their Representatives.'[44]

Ridpath and Hodges' assertions of legal barriers to union, particularly their insistence on elector instructions or consent for any treaty vote, were to recur in

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[42] *Ibid*, 39-41, 44.
[43] [Ridpath], *Enquiry*, 13.
[44] [Ridpath] *Discourse upon the union*, 46, 88.

Country pamphlets up to 1705, as well as in 1706-7. *A discourse of present importance* (1704) argued that 'when the Legislative is altered without the consent of the People, it is an Innovation, and encroachment upon their fundamental Constitution.'[45] In 1705, an anonymous *Speech concerning a treaty of union with England* insisted that 'Our Parliments...cannot give up the Liberties of the Nation, or alter the Constitution of the Government' unless its members were 'called Expressly for that Affair' and 'Instructed from their Constituents for that Effect.'[46] This tract also cited the Nisbet authority advanced previously by Ridpath.

Together Ridpath and Hodges' pamphlets set expectations for union and established arguments against incorporation among a significant readership. In particular, the dissemination of Hodges' *Rights and interests* was driven by active promotion. With a keen eye for potential sales, booksellers advertised *Rights and interests* in the *Edinburgh Gazette* in August-September 1704 during the meeting of Parliament, again in April 1705 during the *Worcester* crisis, and in November-December 1705 alongside reports on the movement of the English Parliament towards the nomination of union commissioners.[47] The advertisements stressed Hodges' assertion of 'the Inconsistency of an Union by Incorporation with the Rights, Liberties, National Interests, and Publick Good of both Kingdoms.'[48]

The broad influence of these authors can be seen in references to their pamphlets in other texts. In 1703, the Country minister John Bannatyne noted

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[45] *A discourse of present importance* (1704), 28.
[46] *A speech concerning a treaty of union with England* ([1705]), 1-4.
[47] *Edinburgh Gazette*, no. 563 (Thurs. 10 Aug.-Mon. 14 Aug. 1704); no. 567 (Thurs. 24 Aug.-Mon. 28 Aug. 1704); no. 574 (Tues. 19 Sept.-Thurs. 22 Sept 1704); no. 629 (Thurs. 29 Mar.-Tues. 3 Apr. 1705)-no. 636 (Mon. 23 Apr.-Thurs. 26 Apr. 1705); no. 692 (Thurs. 15 Nov.-Tues 20 Nov. 1705)-695 (Tues. 27 Nov.-Thurs. 29 Nov. 1705); no. 697 (Mon. 3 Dec.-Thurs. 6 Dec. 1705); no. 699-700 (Tues. 11 Dec.-Mon. 17 Dec. 1705); no. 703 (Tues. 25 Dec.-Thurs. 27 Dec. 1705).
[48] *Edinburgh Gazette*, no. 563 (Thurs. 10 Aug.-Mon. 14 Aug. 1704).

that 'there are few but they have seen that excellent and seasonable *Discourse*,' while Andrew Brown referred to Hodges' *Rights and interests* in his 1703 pamphlet, *Some very weighty and seasonable considerations tending to dispose, excite and qualify the nation, for the more effectual treating with England in relation to an union of confederacy.*[49] Brown felt no need to explain his rejection of incorporating union, the position having been 'largely cleared by a late Treatise, Entituled, *The Rights and Interest of the two British Monarchies.*' Brown went on to assert confederacy as the best way to create a powerful Britain, secure the Protestant religion and balance Catholic forces in Europe. Echoing both Ridpath and Hodges, Brown argued that the negotiation of a federal union would 'revive the ancient lustre of the Nation long buried in the shadow of England' by providing an opportunity for 'such Reparations and Improvements in the Constitutions of Scotland' as would allow the free exercise of Scottish sovereignty and the pursuit of Scottish interests.[50]

In developing the Country platform, writers were careful to suggest that England, rather than the Jacobites, presented a greater and more immediate peril to the Scottish constitution and Church. Country Whig writers stressed the threats to the Presbyterian settlement to justify their position on the Hanoverian succession: although they backed the Revolution settlement and supported a Protestant successor, they insisted on using the succession to secure concessions from England before agreeing to Hanover. As one tract put it in 1704, 'to receive the English Successour before reasonable terms can be Agreed...is as great an

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[49] [John Bannatyne], *A letter from a Presbyterian minister in the countrey to a Member of Parliament and also the Commission of the Church concerning toleration and patronages* (1703), 16. Hodges' work is also mentioned in *A letter from one of the Country party to his friend of the Court party* ([1704]).

[50] [Andrew Brown], *Some very weighty and seasonable considerations...for the more effectual treating with England in relation to an union of confederacy* (1703), 6, 4, 7.

Error as we can be guilty of, Next to the Choosing of K. James the 8th.'[51] A sense of imminent danger to the Church was also created by a flood of print and sermons against the proposal of a toleration act in 1703. Appearing in parallel with Country constitutional writings, anti-toleration discourse followed Country Whig lines in identifying a threat to the Scottish Church from England while portraying the Parliament as the protector of Scottish religious liberties.

The Queen had raised Presbyterian hackles with a printed letter to the Privy Council of February 1703 recommending that Episcopalian clergy be 'Protected in the Peaceable Exercise of their Religion.'[52] Encouraged by Anne's Episcopalian sympathies, dissenting clergy addressed her for greater support and began to publish pamphlets in favour of toleration.[53] As the Scottish ministry shifted towards Tory interests and planned an alliance with the Cavaliers, censorship controls weakened, allowing a fierce exchange of pro- and anti-toleration print to proliferate from 1703 to 1705.[54] Alongside arguments over the divine institution of parity and prelacy, Presbyterian ministers emphasised the constitutional consequences of toleration. Declaring that prelacy in Scotland had been an imposition of the English High Church party, Presbyterian writers identified toleration as the first step to disestablishment for the national Church in the British union. Following Country Whig discourse, pamphlets and sermons called on Parliament to protect the rights of the Presbyterian establishment. To reinforce their arguments, ministers reminded Parliament of the populist nature of

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[51] *A letter from one of the Country party to his friend of the Court party* ([1704]).
[52] *Her Majesties most gracious letter to the Privy Council of Scotland* (Edinburgh, 1703); *Edinburgh Gazette*, no. 411 (Thurs. 25 Feb.-Mon. 1 Mar. 1703).
[53] *To the Queen's Most Excellent Majestie, the humble address and supplication of the suffering Episcopal clergy in the kingdom of Scotland* (1703).
[54] See Chapter 2 for more on censorship.

the Scottish Presbyterian Reformation and its re-establishment in the Claim of Right, raising the threat of disorder in the event of toleration.

Though the Crown assured its subjects of its commitment to the Presbyterian Church, Country discourse portrayed toleration as the latest attempt by the English High Church Tories to subvert the Scottish establishment and restore episcopacy and tyranny. Robert Wylie, minister of Hamilton parish, echoed Ridpath's *Discourse* in arguing that 'a State design to conform us to England, upon the Prospect of the Junction of the two Crowns...was the first Occasion under K. James 6 of the first Attempts to Subvert our Reformation, Constitution and to bring back Prelacy.' In his view, prelacy was 'an Ingine for subjecting us to an English Court.'[55] Similarly, another tract stated that 'PRELACY by fraud and force, hath sometimes been impos'd...attended with Invasions upon the Liberties of the Kingdom, and Rights and Properties of the Subject.'[56] The proposed toleration was 'ane artifice...to enslave this nation to that of England' through the reintroduction of bishops.[57] John Bannatyne of Lanark parish was prepared to accept a greater comprehension of Episcopalian clergy into the national Church in response to the Queen's letter, but he joined his colleagues in rejecting toleration as what will 'Disturb the Peace of the Nation...and beget a Convulsion in the State.'[58] James Hadow, Principal of the New College at St. Andrews, warned of 'the grand design of the craved Toleration; That the Prelatick and Jacobite party aim at no less, than the

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[55] [Robert Wylie], *A speech without doors concerning toleration* (1703), 5.
[56] *A three fold cord for ensuring and securing of Presbytery in Scotland* ([1704]).
[57] *A letter from a gentleman to a member of Parliament concerning toleration* (Edinburgh, 1703), 7.
[58] [Bannatyne], *A letter from a Presbyterian minister in the countrey* (1703).

overthrow of the present Establishment, and the Restauration of Prelacy in this Church in spite of the Claim of Right.'[59]

Presbyterian ministers begged Parliament to protect the Scottish Church, reinforcing the Country portrait of Parliament as the defender of Scottish interests. Parliament's duty as 'worthy Patriots,' Wylie asserted, was to uphold the Claim of Right and its complaint against prelacy, 'the Fundamental Contract of the Nation, by which Her Majesty holds the Crown.'[60] James Webster, minister of Edinburgh's Tolbooth church, pointed out that riots had already erupted on the possibility of toleration and called on Parliament as the 'Guardians of our Laws, Liberty, Property and...our Religion' not to encourage 'a Sett of Men...whose Principles tend to Subject this Church and State, to the Church and Crown of England.'[61] *A three-fold cord for ensuring and securing of Presbytery in Scotland* (1704) also asserted the role of Parliament as the guardian of Presbytery, alongside the Claim of Right and 'the people their fixed resolution to stand by it.'[62]

As Country discourse developed, anti-toleration tracts and sermons pulled ordinary Presbyterians into union debates. Episcopalians and Jacobites, however, also heard appealing messages from Tories and Cavaliers in the Country coalition. Though censorship restricted the Jacobites from open avowals of the Pretender, a Country Tory line developed alongside Country Whig discourse. By constructing a royalist version of the Country critique of the Union of Crowns, Country Tories managed to transform limitations into a blow struck for the prerogative. In a 1703

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[59] [James Hadow], *A survey of the case, &c* (Edinburgh, 1703), 4.
[60] [Robert Wylie], *A speech without doors concerning toleration* (1703), 8.
[61] [James Webster], *An essay upon toleration by a sincere lover of the church and state* (1703), 22, 24.
[62] Kidd, 'Religious Realignment Between the Revolution and the Union', 162.

speech, Lord Belhaven seconded proposals for the Act anent Peace and War by arguing that though he supported the royal prerogative in principle, the Scottish King's prerogative was under the control of the English. Therefore, 'the larger we make the reach of our Prerogative, the more we do strengthen the hands of an English parliament.' Power instead had to be shifted to the Scottish Parliament.[63] Through this and other speeches, Belhaven managed to suggest that limitations on the power of the Scottish Crown would strengthen royal interests by allowing the Scottish Parliament to support Crown interests against the English Parliament.[64] Similarly, the author of *A speech in Parliament touching the freedom and frequency of Parliament* concluded that 'Whatever is in our Princes Power, is in the Power of an English Parliament.' Like Belhaven, he hoped to 'support the power of our Princes, against the impositions of a factious English Parliament;' with constitutional reform, the monarch would have 'the real power to be exercised by him, according to the Direction and Advice of his Scots Parliament.'[65] This royalist thread of the Country discourse also appealed to Episcopalians, as seen in a 1703 pamphlet recommending parliamentary reforms such as a triennial act while also urging toleration for the dissenting Episcopal clergy.[66] Open support of toleration by Country writers, however, was unusual, allowing Country discourse to maintain a consistent focus on new conditions of government in a federal union.

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[63] [John Hamilton, Lord Belhaven], *A speech in Parliament touching limitations* ([1703]).
[64] See also [John Hamilton, Lord Belhaven] *A speech in Parliament, by the Lord Belhaven; upon the Act for Security of the Kingdom* (Edinburgh, 1703).
[65] *A speech in Parliament touching the freedom and frequency of Parliament* ([1703]), 1-2, 5.
[66] *Some thoughts on the present state of affairs* (1703), 4,10. Although High Church Tories in England disliked toleration for English dissent, Scottish Tories supported toleration for Scottish Episcopalian dissent.

Country demands for the resolution of Scottish trading grievances with England also contributed to the broad appeal of oppositional discourse. The trade situation provided an ideal example of the encroachments of the English on Scottish rights and interests, especially in the Darien situation and the Navigation Acts; Country complaints on these resonated with popular dismay at the parlous state of the Scottish economy and the losses incurred by the Darien failure. Country tracts warned the English that the Scots deserved equal trading privileges from England, having given up trading advantages with France at the Union of Crowns. As Ridpath asserted in his *Discourse*, if trade concessions were not forthcoming, the Scots might seek more fruitful alliances elsewhere.[67]

A communication of trade, however, was not the only or even the first goal of Country reforms. Most Country discourse represented a communication of trade as a necessary but not sufficient condition of a revised union. Some Country tracts emphasised its importance: the 1704 tract *Scotland's interest: or, the great benefit and necessity of a communication of trade with England* insisted on the need to secure free trade alongside limitations. Ridpath and Hodges, however, were less definite. Ridpath indicated interest in a communication of trade, but admitted in his 1702 *Discourse* that not everyone was sure that free trade would be good for Scotland.[68] Only when the Queen in 1705 had promised 'to do all that can be required on her part to secure the Scots as to their Religion and Liberty, provided they come into the Hannover Succession' could Ridpath declare that 'The Controversy betwixt the two Nations is reduced to this one Point: Whether the Scots shall be allow'd the same Freedom of Trade with

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[67] [Ridpath], *Discourse upon the union*, 150.
[68] *Ibid*, 153.

England which they had before the Act of Navigation.'[69] Of sovereignty, religion and trade, the three key Scottish interests to be secured in a new union, trade came last. James Hodges took an even more negative position, criticising free trade in his 1703 *Rights and interests* as unlikely to benefit Scotland as much as England. To Hodges, free trade was 'a most unpolitick and groundless Fancy having nothing in it, but what is Chimerical, Short sighted, and inconsistent with the big Expectations founded on it.'[70] For both authors, constitutional amendments were at least as important as free trade, a viewpoint that set high expectations for the outcome of any treaty negotiations. At the same time, however, some anonymous writers were more enthusiastic for free trade, indicating the potential for party followers to split over this issue.

While Country writers complained of English jealousy in trade matters, they emphasised the need for Scotland to improve from within. Rather than seeing a communication of trade as a cure-all for Scottish ills, they charged the Estates with responsibility for improving the Scottish economy. While this allowed them to attack the Court for failing to promote economic development, it also reflected a commitment to existing patterns of trade. Some authors linked national improvement to the union situation, advising Parliament to pass laws for economic development in order to strengthen Scotland's bargaining position with rich and powerful England. In 1703, Andrew Brown argued that Scotland had to improve itself before it could begin to negotiate new terms with England; in 1705, he published again in favour of proposals for economic growth through a land-

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[69] [George Ridpath], *The reducing of Scotland by arms...considered* (London, 1705), 35.
[70] [Hodges], *Rights and interests,* 10, 52.

based credit scheme.[71] John Spreull, a Glasgow merchant and former Covenanter, also urged internal development to aid union. Insisting in 1705 that he was 'desirous to see and hear of a better understanding Cultivate between Scotland and England,' Spreull proposed steps to increase Scotland's exports to show that 'tho England joyn with us in Union, or Communication of Trade, they will not be Married to a Beggar.'[72] The author of another 1705 tract urged the appointment of a parliamentary committee to consider immediate means of improvement in Scotland's fishing, mining and manufactures alongside union negotiations to prevent English influence on Scottish affairs and secure a communication of trade to the plantations.[73]

By 1705, dozens of Country tracts had established widespread expectations for a federal union with a stronger Parliament, a secure Presbyterian Church and free trade. A new burst of oppositional print in 1705 added an edge to these expectations by whipping up animosities towards the English over the *Worcester* affair and the English Alien Act. Much of this material appeared in cheap, accessible formats, such as periodicals or broadsides, increasing its reach to lower social levels. By the 1705 Parliamentary session, when the Argyll ministry chose to pursue an act for a treaty, public animosities towards England were running high. If the ensuing treaty did not meet the expectations of those ordinary subjects engaged in the Country platform, Court managers were likely to have a problem on their hands.

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[71] [Brown], *Some very weighty and seasonable considerations;* [Andrew Brown], *An essay on the new project for a land-mint* (Edinburgh, 1705).
[72] J[ohn] S[preull], *An accompt current betwixt Scotland and England ballanced* (1705), preface (n.p.).
[73] *Some weighty considerations, why Scotland should stipulate terms of an union with England. By a letter from the country to his friend in Parliament* ([1705]).

In the spring of 1705, the *Worcester* trial revived earlier anger on Darien with new accusations of English treachery in the suspected pirating of an African Company ship, the *Speedy Return*. The *Worcester* situation had been primed by the English East India Company's seizure of the African Company's last ship, the *Annandale*, in 1704 for the illegal recruitment of English sailors. After the African Company seized the English ship *Worcester* in response, rumours of the *Worcester* crew's possible role in the pirating of a Scots ship began to fly in Edinburgh. The *Edinburgh Gazette* reported in December a suspicion that 'there is on Board some of the Goods and Tackling which belong'd to one of our Indian and African Company's Ships.'[74] According to a contemporary letter, 'It is surmised here that they had secret orders from the East India Company to destroy our ships and men.'[75] Broadsides, pamphlets and newspaper reports communicated the results of the ensuing piracy trial and the hanging verdict for Captain Thomas Green and most of his crew. After the trial, printed confessions stated that Green and his men had murdered the crew of the African Company's ship. All of the available information in Edinburgh pointed to a conclusion of guilt on murder, piracy and robbery.[76] As one of Robert Wodrow's correspondents wrote in February 1705, 'Cap. Green has now got this indictment: no body in short doubts but he is guilty, and would fain think he will hang.'[77] Fuelled by Darien resentment kept alive by five years of Country discourse, opinion in Edinburgh set against Green and his crew.

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[74] *Edinburgh Gazette*, no. 601 (Thurs. 21 Dec.-Mon. 25 Dec.).
[75] *Correspondence of George Baillie of Jerviswood MDCCII-MDCCVIII* (Edinburgh, 1842), 64.
[76] *Information for Mr. Alexander Higgins Procurator-Fiscal of the High Court of Admiralty, against Captain Thomas Green Commander of the Worcester and his crew and complices* ([1705]); *Edinburgh Gazette*, no. 624-629 (Mon. 12 Mar-Tues 3 Apr. 1705).
[77] *Analecta Scotica* (Edinburgh, 1834), I, 239.

Public feeling rose to new heights when the Queen sought to secure a reprieve for Green and his crew. The Treasurer-Depute, George Baillie of Jerviswood, wrote to London that 'if the Queen shall grant them remissions, it will spoyle the business of Parliament, and I'm affrayd will so exasperate the nation, as may render it difficult to make them joyne with England upon any termes whatsomever.'[78] Although information not made available in Scotland until just before the hangings led the Queen to believe in the innocence of the crew, many in Scotland saw her as favouring English interests. Local resentment developed as the *Edinburgh Gazette* reported the arrival of letters from the Queen 'for the Reprieving of Capt. Green and his Crew' and a ballad broadsheet, reportedly funded by the Secretary of the African Company, told the story of the bloody murder of the Scots crew by the *Worcester* pirates.[79] Recognising 'how unsafe it may be to concur in [the reprieve], now that the nation is in such a ferment,' the Privy Council chose to continue with the hangings after one week's delay.[80] The presence in the streets of a crowd of armed subjects gathered from miles around Edinburgh, estimated at 80,000, added pressure to the Council's decision, though they considered the threat of anti-union opinion in Parliament as well as the immediate danger of a riot.[81]

As the *Worcester* events unfolded, print discourse in 1705 continued to reject the idea of incorporation with England with sharper tones of anger and suspicion, especially after the passage of the English Alien Act. Much of this

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[78] *Jerviswood correspondence*, 64.
[79] *Edinburgh Gazette*, no. 630 (Tues. 3 Apr.-Thurs. 5 Apr. 1705); Richard Carnac Temple, *New Light on the Mysterious Tragedy of the 'Worcester' 1704-5* (London, 1930), 291; *The horrid murther committed by Captain Green and his crue, on Captain Drummond and his whole men* ([1705]).
[80] *Jerviswood correspondence*, 65.
[81] Temple, *New light*, 291. See Chapter 6 for more on the *Worcester* crowds.

material could reach the less affluent in the form of inexpensive pamphlets, broadsides or newspapers. Scotland's first periodical paper providing political commentary rather than licensed news, the *Observator,* emerged at this point, targeting 'Vulgar Capacities' with political discussions designed to 'Exhibite...such a Schem of the Union of the two Kingdoms, as can reasonably be expected Scotland should agree to...together with some other Improvements which may tend towards the Retriving the Honour, Power and Wealth of the Nation.' Speaking in a dialogue with a rural schoolmaster, the 'Country-Man' rejected the promise of free trade in an incorporating union as 'Bait' with a 'Hook in the Heart of it.' Echoing James Hodges, the Country-Man declared that in an entire union 'We must become the Tail end of England; We must no more be a distinct Nation, but only a Remot Province of Britain, we must have not distinct Laws, nor distinct Government in Church or State, but whatever the Parliament of the whole Isle shall Determine.'[82] At the same time, *Worcester* broadsheets warned Scots to beware their 'cruel Neighbours' and aggressive pamphlets like *A pill for pork-eaters, or, a Scots lancet for an English swelling* (1705) declared incorporation 'morally impossible.' This tract urged the Scots to defend their honour:

> Let England Bully, but let Scotland fight.
> And let another Bannockburn redress,
> Too long endur'd Affronts and Grievances...
> Let us be no more bubbl'd and abus'd
> Nor with their Shamms of Union more amused;
> 'Tis nothing but a treacherous Decoy,
> To bring Us to their Measures, then destroy
> The Rights and Just Pretences of our Crown.[83]

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[82] *A dialogue between a country-man and a landwart schoolmaster* (Edinburgh, 1705), 2, 5, 8; see also numbers 2-8.
[83] *The horrid murther committed by Captain Green and his crue* ([1705]); *The merits of piracie, or a new song on Captain Green and his bloody crue* ([1705]); [William Forbes], *A pill for pork eaters, or a Scots lancet for an English swelling* (1705).

As Court policy under the Duke of Argyll shifted towards a treaty of union with free trade in the summer of 1705, the Country party reiterated their expectations of a federal union. Lord Belhaven used a printed speech to repeat his desire for a treaty with limitations rather than incorporating union, while a *Letter from the country* restated Country demands for the prevention of English influence and concessions of free trade in a treaty.[84] To reinforce James Hodges' arguments against incorporation, Country elements secured a parliamentary vote of £4,800 pounds for the author.[85] Some writers also sought to raise further suspicions of English intentions. While stressing that 'there was never anything meant by our Predecessors but a Federal Union,' *A speech concerning a treaty of union with England* (1705) floated the suspicion that the English were not serious about union despite the requirements of the Alien Act. Declaring that 'it is plain, [the treaty] hath been purely designed, not to procure an Union, but to cudgle us into nominating their Successor,' the writer suggested that Scotland should not bother to send commissioners until the English were prepared to treat with the Scots as 'Neighbours and Subjects' rather than enemies.[86]

By the time representatives met for the 1706 treaty negotiations, six years of Country discourse had established a consistent case against incorporating union and raised a significant amount of public resentment towards England. Containing both Whig and Tory perspectives, this diverse body of speeches, sermons, broadsides, newspapers and pamphlets agreed on a condemnation of English influence in the Union of Crowns and the desirability of a new, federal

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[84] [John Hamilton, Lord Belhaven], *The Lord Belhaven's speech in Parliament, the 17th of July 1705* (1705); *Some weighty considerations, why Scotland should stipulate terms of an union with England* ([1705]).
[85] *APS*, vol. xi, 221.
[86] *A speech concerning a treaty of union with England* (1705), 1, 4.

union with a strong Scottish Parliament, a secure Presbyterian Church and a communication of trade. Historians have tended to see Country pamphlets as failed propaganda for a politically impractical federal union, but letters reveal that these notions were transmitted to ordinary subjects, building a widespread, though not universal, opinion base against incorporation.[87] As Gilbert Burnet recorded, 'the Scotch had got among them the notion of a federal union, like that of the United Provinces, or of the cantons of Switzerland.'[88] Country discourse, much of it cheap and accessible, thus established arguments against incorporation that were to influence public responses to the treaty of 1706.

Court Discourse, 1699-1705

A 1702 tract noted that 'there is nothing more the Subject of Common discourse and general resentment; than Englands dealing unequally by Scotland, in most of affairs, since we joyned with them under one Sovereign.'[89] Despite high levels of public debate on the Union of Crowns fuelled by Country communications from the Darien crisis onwards, only a limited amount of print argued for incorporation before 1706. Although William and Anne's preference for incorporation was understood, few Court followers had the incentive or conviction to write in favour of an entire union before it became the Court's clear policy in 1706. Although a handful of Court followers published tracts in favour

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[87] Ferguson, *Scotland's relations with England*, 203; 'Correspondence Between George Ridpath and the Reverend Robert Wodrow', in *Miscellany of the Abbotsford Club* (Edinburgh, 1837), I, 387.
[88] Gilbert Burnet, *History of My Own Time*, ed. M.J. Routh (Oxford, 1833), V, 261.
[89] [George Mackenzie, Viscount Tarbat], *Parainesis pacifica* (Edinburgh, 1702), 21.

of government policy on toleration, the Hanoverian succession or limitations, few domestic voices were heard in support of incorporating union. Serious governmental propaganda in favour of incorporation appeared in 1702, preceded by the lone Country Tory voice of Willliam Seton of Pitmedden, the only private citizen to publish in Scotland in favour of incorporation before 1706. These publications revealed incorporation as a vision of Hanoverian Tories indifferent to church government and motivated by the prospect of peace, stability and Court employment. Alongside these, Court Whig publications from 1703-4 provided a possible rationale for incorporation for moderates with warnings on the Jacobite threat and urgings for unity with England against France, though these pamphlets did not argue explicitly for incorporation. Trends towards religious moderation in Scottish society during this period presented a possible opinion base for incorporating union, but the Court did not exploit this opportunity before 1706.

On her accession, Anne signalled her interest in union through a printed letter to her 1702 Parliament asking the House to authorise commissioners for union negotiations.[90] The Crown acknowledged the problems of the Union of Crowns, noting in an answer to the January 1701 address of Parliament on Darien that 'It is our firm purpose and resolution to maintain the Sovereignty and Independency of that our ancient Kingdom against all invasions or incroachments whatsoever And We shall be ever equally tender of the rights prerogatives and liberties of the Crown and Kingdom of Scotland as of these of the Crown and Kingdom of England.' To achieve this, however, Anne proposed an incorporating union: 'for this end We shall think it our happiness to establish an intire Union

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[90] *APS*, vol. xi, 12.

betwixt the two Kingdoms upon an equal and just foundation.'[91] In reply, the Queen's ministers advertised the rump parliament's support for union in a letter to the Queen. Assuring Anne of the loyal zeal of Parliament, they stated that 'the Union of the two Kingdoms of Scotland and England hath been long desired by all good men' as 'one of the best means for procureing the happiness and settling the peace of these Nations.'[92] All three of these letters were published in the *Edinburgh Gazette* to aid their dissemination to the provinces.[93] The *Gazette* also printed a notice of the act impowering the Queen to nominate treaters for union.[94]

Alongside these official publications in support of union, Anne's Secretary, George Mackenzie, Viscount Tarbat published a speech and a pamphlet in support of incorporation in 1702. In advocating an act for union commissioners, Tarbat's speech claimed to speak for 'many of us, who wish for a full Union.' He recognised the Country argument that 'England hath injur'd Scotland' and her trade, but warned that incorporating, not federal, union was necessary for improvement: 'I do not hope that England will grant us any valuable Branch of Trade, when we are a separate nation to them.'[95] Tarbat continued to emphasise the advantages of prosperity in union in *Parainesis Pacifica* (1702). This tract addressed the political nations of both Scotland and England, urging incorporation for an 'increase of Strength, Honour, Riches, Peace, Security' in a stable, permanent union. In arguing to the English, Tarbat noted that incorporation would remove the risk of invasion by an independent Scotland.

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[91] *Ibid*, 13-14.
[92] *Ibid*, 19.
[93] *Edinburgh Gazette*, no. 338 (Thurs. 11 June-Mon. 15 June 1702); no. 339 (Mon. 15 June-Thurs. 18 June 1702); no. 341 (Mon. 22 June-Thurs. 25 June 1702).
[94] *Edinburgh Gazette*, no. 343 (Mon. 29 June-Thurs. 2 July 1702).
[95] [George Mackenzie, Viscount Tarbat], *Speech in the Parliament of Scotland upon the union and upon limitations* ([1702]), 1, 8-9.

Using the 1640s to show how 'our distinct constitution is a powerful impediment to England, when the Scots please to make it so,' Tarbat urged entire union as that which can 'take off the danger.' To emphasise the point, Tarbat threatened the English with separation if Scotland's grievances were not relieved through trade concessions. In speaking to the Scots, Tarbat acknowledged Scotland's position as 'a Cockboat at England's Stern,' but saw the problem as arising 'Because we are under their Head, but not of their Politick Body.' He offered union as a pragmatic solution to Scotland's difficult situation: 'May be the event will bring us to a worse Fate than what we are now chained to' but 'the odds lyes on the other side.'[96]

Tarbat's writings on union reflected a pragmatic Hanoverian Tory perspective seen also in William Seton of Pitmedden's Country writings. Both appear to have been convinced of the merits of incorporation based on their analysis of Scotland's situation and their indifference to modes of church government. Tarbat's fervour for incorporation also reflected his allegiance to Queen Anne and her government. Tarbat served as Anne's Secretary and was rewarded with the earldom of Cromarty in 1703. In contrast, Seton's unionism seems to have rested on his own convictions formed in the Darien crisis of 1700, though he asked Seafield in 1704 for a £100 pension to fix his allegiance to the Court.[97] He went on to act as a Commissioner for Union in 1706 and published and spoke in favour of incorporation in the 1706-7 parliamentary session, as did Cromarty.

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[96] [Tarbat], *Parainesis pacifica,* iii, 8-10, 20.

[97] Ferguson, *Scotland's relations with England,* 221; Seton's relative, Sir Alexander Seton, Lord Pitmedden was made collector of the bishops' rents in October 1705 (*Jerviswood correspondence,* 131), though P.W.J. Riley attributes this job to William (Riley, *Union of England and Scotland,* 233).

Both Seton and Cromarty saw incorporating union as necessary to improve Scotland's prosperity in the long run by encouraging English investment, opening new markets and providing a stable political context for trade. More than the plantation trade, Scotland's fisheries attracted the attention of both Cromarty and Seton as an underdeveloped resource that would benefit from an injection of English capital and skill. In *Parainesis Pacifica*, Cromarty held out the Scottish fisheries as a lure to the English, promising access to a bonanza in the event of union.[98] Seton raised the issue of fishing in 1700, suggesting that fishery development in union would have the double benefit of employing the poor and taking business from the Dutch.[99] A 1705 tract from Seton on Scottish self-improvement repeated the argument for fishery expansion and proposed a law requiring the packing of Scottish fish in duty-free foreign salt, a regulatory incentive that was to be pursued later as a salt tax concession in the final treaty of union.[100]

The output of both authors was marked by neutrality on matters of church government, allowing them to prioritise British Protestantism above Scottish Presbyterianism. Seton's *The interest of Scotland, in three essays* (1700) offered his own view of the problem of the Union of Crowns in which the long term solution was not a federal union but incorporation. Emphasising the need for an entire union for British stability, Seton stated that 'There's an Union already betwixt both Nations in Language, Customs, Religion, and in Subjection, which cannot last, unless both Governments be united into one Body Politick.' Seton's Britain would have one Parliament, one Crown, one Privy Council, one set of civil

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98 [Tarbat], *Parainesis pacifica*, 5.
99 [William Seton of Pitmedden], *The interest of Scotland, in three essays* (Edinburgh, 1700), 57-8.
100 [William Seton of Pitmedden], *Some thoughts, on ways and means for making this nation a gainer in foreign commerce* (Edinburgh, 1705), 26.

and canon laws and one Church with toleration for dissenters. The new Church would have a government chosen by King and Parliament 'most consonant to their Civil Government.' As Seton felt that 'Presbyterie, or Superintendencie' was 'more convenient for the People of a Limited Monarchy, than Episcopacy, as it's now established in England,' he may have hoped that the new national church would be organised on these lines, but did not insist on this. For the inevitable resistance of clergy to his union, Seton recommended that they be given swords to fight it out amongst themselves, 'for the Laicks of this Island have drawn too much Blood already upon that Subject.' More seriously, he proposed a liberty of conscience in the event of insuperable disagreement. For Seton, the priority was the threat of popery, leading him to urge reformed clergy to 'lay aside all their Triffling Disputes' lest they 'lose their Ground' against a resurgent Catholicism.[101] In a similar vein, his *Short speech* accused the Presbyterians of 'incurable Blindness' to the threat of popery in Europe.[102]

Like Seton, Tarbat believed that forms of church government were 'neither Essentiall nor unalterable,' arguing in *Parainesis pacifica* that 'no indifferent thing should hinder so uncontroverted a good' as union. Also like Seton, he did not repudiate Scottish Presbyterianism but felt that it could exist within an incorporated union as a separate church. He urged the English to tolerate Scots Presbyterians and promised the Scots that 'our Wise and Meek Princess...and the Wise and Good Men of England...will allow so considerable a part of Brittan, to continue in that Ecclesiastick Government, which will be most acceptable to the People.'[103]

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101 [Seton of Pitmedden], *The interest of Scotland,* 41, 48, 85.
102 [Seton of Pitmedden], *Short speech,* 15-16.
103 [Tarbat], *Parainesis pacifica,* 7, 18-20.

Religious moderation also underpinned arguments by Court Whigs for British Protestant unity against a French-backed Jacobite invasion. Court writers developed this argument in 1703-4 as the government's goals changed from incorporating union to the Hanover succession. At the opening of the 1704 Parliament, published letters from the Queen and her Commissioner established this argument. The Queen urged the settlement of the succession to stop it being a 'Matter of Encouragement to Our Enemies beyond Sea,' while Tweeddale hoped that 'no true Protestant, and lover of his Countrey will, when he hath seriously thought on it, find just ground to oppose it.'[104] Privately published tracts reinforced this message. Speaking as a member of the 'honest revolution party,' the author of *The great danger to Scotland as to all its sacred and civil concerns, from...Jacobites* (1704) conceded that the Act of Security was necessary to repair the grievances of the Union of Crowns by demanding better terms in the joint succession, but warned against holding out for further concessions: 'in the mean time...the Jacobites find here a fair Opportunity to play their Game to advantage by making the Breach still wider.'[105] The author of *A seasonable alarm for Scotland...concerning the present danger of the Kingdom, and of the Protestant religion* (1703) blamed the failure of the 1702 union negotiations on 'French agents' keen to whip up divisions between Scotland and England, for 'a perfect understanding betwixt the two Nations, is the most probable Mean of preserving us from the Insults of the common Enemy, and so securing unto us not only the

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104 *Her Majesties most gracious letter to the Parliament of Scotland. Together with His Grace the Lord Commissioner, and the Lord High Chancellor their speeches* (Edinburgh, 1704), 1, 4.
105 *The great danger of Scotland as to all its sacred and civil concerns, from these, who are commonly known by the name of Jacobites* (1704), 2-4.

Protestant Religion, but Liberty and Property.'[106] Similarly, *A watch-word to Scotland in perilous times* (1704) warned that 'French Tyranny' was worse than 'English indiscretion.'[107]

These tracts and others indicate that while the Court party still did not use print to the same extent as the Country party, by 1703 it was beginning to take a greater interest in responding to Country propaganda. Other examples of Court print in 1703 include a pamphlet by John Clerk of Penicuik against limitations, a broadside by an unknown author condemning the Act anent War and Peace as 'useless' and pamphlets by the Earl of Cromarty in support of the proposed toleration act.[108] Trade debates in 1704 prompted Cromarty and an unknown author to publish again, this time in defence of the government's policy against the export of wool, a regulation favoured by English cloth interests to block Scottish re-exports of English wool.[109]

The Court's new engagement with public persuasion offered the potential to tap trends in Scottish society towards religious moderation to build an opinion base for incorporation. From the Restoration, attempts to resolve the conflicts between Scottish Episcopalians and Presbyterians had led to the growth of 'a

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[106] *A seasonable alarm for Scotland...concerning the present danger of the Kingdom, and of the Protestant religion* (1703), 2.
[107] *A watch-word to Scotland in perilous times* (1704), 1. In response, the Country point of view was reasserted in *An essay, shewing, that there is no probability of there being so much French interest, as it's certain there's English influence in our present Parliament of Scotland* (1704).
[108] [Sir John Clerk of Penicuik], *A short essay upon the limitations to prove that they are so far from being of any consequence to the nation, that they may tend very much to its prejudice* (Edinburgh, 1703) in W.R and V.B. McLeod, *Anglo-Scottish Tracts, 1701-1714* (Lawrence, Kansas, 1979), no. 404; *It is resolved, that the Parliament shall consider an act... and therefore, prop. The Act for Peace and War is altogether useless* ([1703]); [George Mackenzie, Earl of Cromarty], *A few brief and modest reflexions, perswading a just indulgence to be granted to the Episcopal clergy and people in Scotland* (1703); [George Mackenzie, Earl of Cromarty], *A continuation of a few brief and modest reflexions, perswading a just indulgence to be granted to the Episcopal clergy and people in Scotland* (1703).
[109] [George Mackenzie, Earl of Cromarty], *A speech in Parliament, concerning the exportation of wool* (1704) and *A speech without doors concerning exportation of wool* (1704) in McLeod, *Anglo-Scottish tracts*, no. 430, 439.

spirit of latitude—the acceptance that there were occasions when the civil peace took priority over certain second-order religious conflicts.'[110] From 1702, Episcopalian pressure for toleration and liberty of conscience encouraged an acceptance of different forms of church government within one kingdom. On the Presbyterian side, the dependence of the established Church on an erastian settlement and the Church's sidelining of the Covenants eroded Covenanting zeal among Church leaders and many parishioners. These trends had the potential to produce support for incorporation if the Court could portray an external Jacobite-papist threat to the Church as greater than an internal English-prelatical threat.

Recognising these trends, Colin Kidd has speculated that Cromarty and Seton's works 'might well stand representative for a larger and less articulate body of nobles and gentry: perhaps Episcopalian in sympathy, but prepared to establish the Church in an erastian union if only to quash once and for all the religious conflicts which had bedevilled the seventeenth century.'[111] In 1689, Cromarty had proposed a moderate, erastian Church scheme in which Episcopalian and Presbyterian ministers would be accommodated under parallel church governments with toleration for other dissenting Protestants in private meeting-houses. Such a structure, he hoped, would relieve the 'divisions and animosities of the nation' and prevent 'the matter of Church Government' being made 'a pretence for the troubles of Scotland' as it had been 'for 100 yeare.'[112] Other voices at the Revolution recommended the establishment of a moderate episcopacy, as in a 1689 pamphlet advising against both 'the Despotick power which arises from the abuse of Episcopacy' and 'the Confusion that arises from

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110 Kidd, 'Religious Realignment Between the Revolution and the Union', 147.
111 *Ibid*, 151.
112 *Letters and State Papers Chiefly Addressed to George Earl of Melville Secretary of State for Scotland 1689-91* (Edinburgh, 1843), 125-7.

parity.'[113] Moderate Episcopacy suited many gentlemen who had conformed during the long Restoration period. As Sir Alexander Bruce of Broomhill, MP for Sanquhar in the 1702 Parliament put it, he and other gentlemen tended to be 'pretty indifferent' on points of church government but they resented what they perceived as the righteous extremism of the Presbyterian establishment, particularly in its pursuit of peaceable dissenting clergy. Scots Episcopalians, he suggested, 'preferr'd Order and Decency in the House of God to the Pride and Infallibility of a Pope in every Parish.'[114]

Relaxed attitudes towards church government also can be seen among some lay Presbyterians, such as Francis Grant, an advocate in Edinburgh.[115] Although Grant published in 1703 against toleration for Episcopalian dissent, he differed from Country clergy in suggesting that while presbytery was preferable, episcopacy was 'warrantable' in some constitutional circumstances.[116] This temperate view of church government allowed him to accept the establishment of episcopacy in England, though he still believed in the civil utility of a unified national church and urged dissenting Scottish Episcopalians to join Presbyterian worship. Grant did not discuss union with England in his 1703 tract, but his moderate position on church government allowed him later to support the Union treaty.[117]

The writings and sermons of Episcopalian clergy in favour of toleration further supported the rejection of religious conflict and the acceptance of multiple forms of Protestantism in one state. In arguing for toleration, Episcopalian

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113 *A letter from the West to a member of the meeting of Estates of Scotland* (1689), 5,6.
114 [Sir Alexander Bruce], *A speech in the Parliament of Scotland, in relation to Presbyterian Government* ([1702]), 3-4.
115 Kidd, 'Religious Realignment Between the Revolution and the Union', 167.
116 [Francis Grant], *An essay for peace* (Edinburgh, 1703), 3.
117 [Francis Grant], *The patriot resolved, in a letter to an addresser* (1707).

pamphlets stressed the non-adversarial nature of their faith and condemned hot religious debate. These portrayals of Episcopalians as the party of peace and stability echoed themes developed by dissenting writers in London-published print propaganda since the Revolution.[118] In response to James Webster's sharp attacks on dissenters, George Garden, a leading Episcopalian minister from Aberdeen, replied that 'It were easie to confront this Calumnie with a reply as virulent, but more true; but we have not so learned Christ.'[119] In his *Letter to the Episcopal clergy* (1703), Garden urged his fellow ministers to 'take up your Cross and follow Jesus' as martyrs to the true church, but to avoid excessive righteousness, 'the greatest Cause of all the Evils, Divisions and Confusions in Christendom.'[120] In a similar vein, John Wilson, an outed Episcopalian minister of a meeting-house in Kirkwall, Orkney, published a sermon against excess enthusiasm, dedicating it to the Earl of Cromarty.[121] Moreover, Episcopalians lost no opportunity to remind their audiences of Presbyterian associations with destabilising regicide and rebellion. Sermons on 30 January, the anniversary of the beheading of Charles I, provided an ideal opportunity for ministers to claim that 'our Holie Religion is not chargeable with justifying anie degree of Rebellion.'[122] Such claims sought to counter Country accusations of Jacobitism among dissenters while reminding the public of the potential for anarchic extremism within Presbyterianism.

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[118] Colin Kidd, *Subverting Scotland's Past: Scottish Whig Historians and the Creation of an Anglo-British Identity 1689-c.1830* (Cambridge, 1993), 52-8.
[119] [George Garden?], *A letter to Mr. James Webster (in name of the Episcopal clergy) concerning a sermon preached by him at Edinburgh, July 25 1703* (Edinburgh, 1703), 3.
[120] [George Garden], *A letter to the Episcopal clergy in Scotland, being the sincere and humble advice of an unknown friend* (Edinburgh, 1703), 5, 11.
[121] *Fasti Ecclesiae Scoticanae*, ed. Hew Scott (Edinburgh, 1923), vol. 7, 223; John Wilson, *An essay on enthusiasm* (Edinburgh, 1706).
[122] [Andrew Cant?], *A sermon preached on the XXX Day of January 1702/3 at Edinburgh By one of the suffering clergy in the kingdom of Scotland* (Edinburgh, 1703), 21.

With the emergence of open Episcopalian discourse under Anne, the existence of a substantial base of Episcopalians in Scotland was acknowledged publicly, challenging the feasibility of a single national church. In 1702, Sir Alexander Bruce speculated that 'tho' Presbitry had been the Inclinations of the People at the Revolution, it may be very far from it at present.' He further recommended that Parliament address the Queen 'to take the properest Methods of Consulting the Inclinations of the Kingdom in this Matter.'[123] Similarly, a printed proposal for a toleration act in 1703 justified a liberty of conscience on popular grounds, claiming that 'a great and considerable part' of the nation had been raised to the Episcopal religion and did not wish to join Presbyterian worship.[124] The Earl of Cromarty claimed that a Scottish majority desired toleration; like incorporation, toleration offered 'a prudent Medium for Peace to the Nation.'[125]

While Episcopalian interest in toleration encouraged religious moderation, the dependence of the Presbyterian Church on an erastian settlement encouraged a new political pragmatism among its leaders.[126] Prominent ministers advocated a lessening of Presbyterian intransigence, as seen in the sermons of William Wisheart, minister at Leith and moderator of the Commission of the General Assembly in 1706-7. In a printed sermon to his synod in 1702, Wisheart reminded his fellow clergy of the importance of discretion in their actings for the Church: 'Let us keep the Things entrusted to us prudently, that we betray not our Trust by our imprudent Management of it...It is necessary to time our Contentions

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123 [Bruce], *A speech in the Parliament of Scotland*, 3-4.
124 *Draught of an Act for toleration with a few short remarks thereupon* ([1703]), 1.
125 [Cromarty], *A few brief and modest reflexions*, 4; [Cromarty], *A continuation of a few brief and modest reflexions*, 5.
126 Kidd, 'Religious Realignment Between the Revolution and the Union', 157-8.

and Appearances for the Truth, and to Regulate the Manner of them...Else our Zeal will produce very hurtful Effects.' Setting a tone echoed by other Court-affiliated ministers, Wisheart advocated a balance of 'Holy Zeal and Prudence.'[127] David Williamson offered similar advice in asking the General Assembly of 1703 to 'Intertain zeal tempered with prudence.'[128] Even local ministers like Robert Wodrow recognised the risks inherent in overeager assertions of Kirk rights. In 1702, as some synods agitated for an assertion of the intrinsic rights of the Church, Wodrow advocated 'a healing moderate temper' in the General Assembly and feared that 'the ill timed zeal of some may bring us into difficultyes.'[129]

Though erastian moderation among the clergy could support a Court drive for incorporating union, most clergy still worried about the possible dangers of a closer union with prelatical England. After the 1702 union negotiations, for example, David Williamson was willing to eschew the Covenants and tolerate prelacy in England but still wished 'there were such an Union as might tend to the Advantage of both Nations, without giving the Ark of God a wrong touch.' He prayed that 'they neither designed nor urged as Terms of Union, conformity of our Church Government to theirs, which I hope shall never be yielded to.'[130] Even Court clergy fought to defeat toleration in 1703, agreeing to a petition from the Commission of the General Assembly to the Parliament against this threatened invasion of the national church.[131] To back union, Presbyterian clergy would have to be convinced of the need for incorporation to maintain their settlement against

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127 William Wisheart, *A sermon preached before the Synod of Lothian and Tweeddale at Edinburgh the 5th day of May 1703* (Edinburgh, 1703).
128 David Williamson, *A sermon preached in Edinburgh at the opening of the General Assembly of this NationalChurch of Scotland upon the 10th day of March 1703* (Edinburgh, 1703), 30.
129 *Early Letters of Robert Wodrow 1698-1709*, ed. L.W. Sharp (Edinburgh, 1937), 201, 253.
130 Williamson, *A sermon preached in Edinburgh*, 51.
131 *The humble representation of the Commission of the late General Assembly* ([1703]).

a Jacobite threat without danger of toleration or disestablishment. Cromarty had attempted to address this issue in *Parainesis Pacifica* by promising that the Queen would tolerate Presbytery in a future Britain, but his assurances rested on the Queen's good intentions rather than any constitutional requirement.[132]

The Presbyterian settlement led not just to a cooling of the zeal of many ministers, but also a fading of Covenanting fundamentalism among ordinary parishioners outside of the southwest with the Church's rejection of public renewals of the National Covenant. As David Williamson stated to the General Assembly in 1703, he did not support 'the taking or renewing the Covenant.'[133] The result of this policy for a new generation of parishioners would have been a decline in the personal obligations of the Covenants in many areas. Local renewals continued in the Covenanting heartland of the southwest, but moderate clergy found such actions inflammatory, as in 1702, when the Synod of Galloway caused 'astonishment' by renewing the Covenants at Anne's accession.[134] While Covenanting adherence waned elsewhere, the southwest, from Galloway to Lanarkshire, continued to contain a fundamentalist wing of the established Church as well as what established clergy referred to as the 'wild people' or the 'Mad-cap Mountaineers,' the separatist Cameronians led by John Hepburn.[135] The influence of a more active Presbyterian culture in this region can be seen in mob attacks on an Episcopal meeting-house in Glasgow during the toleration debates of 1703 and anti-papist demonstrations in Nithsdale in 1704.[136] Outside of these areas, however, weakening popular religious commitment seemed to fundamentalists to

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[132] [Tarbat], *Parainesis pacifica,* 18.
[133] Williamson, *A sermon preached in Edinburgh,* 13.
[134] *Early letters,* 243.
[135] *Early letters,* xliv; [Robert Wylie], *A short answer to a short paper* (1703), 5.
[136] See Chapter 6.

be in need of instructional tracts like *Plain grounds of Presbyterian government briefly proposed for the instruction of common people* (1703).

Public religious discourse in 1699-1705 revealed a divided Scotland, in which the Scottish stereotype of a united, zealous, Covenanting Presbyterian populace was splintering. Within these divisions, moderate Episcopalian Tories and Presbyterian Whigs both supported the Protestant Hanoverian succession and had the potential to support incorporating union. In the short term for Presbyterians, Country discourse on the English prelatical threat spoke more loudly than Court tracts on the Jacobite peril. Importantly, however, Country Presbyterian tracts did not raise the Covenants in their objections to toleration or incorporation, confirming the suggestion that Covenanting theology no longer had a place in the political mainstream of Scotland. The Country platform appealed to ordinary Presbyterians regardless of their view of the Covenants as its attacks on English prelacy and tyranny fit with Covenanting values without alienating moderates. The possibility remained, however, for Scottish Presbyterians to split over union, if moderates could be convinced of the need for an entire union to secure the Kirk against a rising Jacobite threat.

The Court missed a final opportunity to advocate incorporating union in 1705. When the government recommended treaty negotiations to Parliament, Court writers had to de-emphasise incorporation in order to secure Country votes for a treaty. Though the Earl of Cromarty took the opportunity to revive his support for union in a speech in 1705, he limited himself to urging the reduction of tensions between the two countries and recommending the nomination of

commissioners for union.[137] To support this, he reprinted his 1702 speech for a union treaty, but not *Parainesis pacifica*.[138] William Seton of Pitmedden, now an MP for Aberdeenshire, repeated his advocacy of a closer union, but only as a brief comment in a pamphlet on the 1705 debates on land credit and trade development. While recommending economic improvement through better trade regulation at home, Seton hoped that 'what is contained in this...will not be thought any ways opposite to...an Union betwixt Scotland and England, considering that these Measures in Treade, which agree with our present interest, must continue to do so, without the least prejudice to a happy and lasting alliance between both Nations.'[139]

From 1699 to1705, there were few direct advocates for incorporating union in Scotland besides the Queen, her secretary Cromarty and William Seton of Pitmedden. As part of a more proactive attempt to influence opinion, the Queen's government published official communications in support of union in 1702. Alongside this, Cromarty and Seton both portrayed incorporation as the best way to solve the problems of the Union of Crowns by securing a stable, peaceful, prosperous union with free trade and a Protestant monarch. With the failure of the 1702 union attempt, Court Whig arguments for the succession in 1703-4 did not advocate incorporation but encouraged British unity against a growing threat from papist Jacobites. The Court's new willingness to engage with the public sphere improved the influence of their arguments, as did social trends

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[137] [George Mackenzie, Earl of Cromarty], *An abstract of what was spoke in Parliament by E.C.* (1705) in McLeod, *Anglo-Scottish tracts*, no. 3.
[138] [George Mackenzie, Earl of Cromarty], *A speech intended to have been spoken in Parliament by a member who was necessarily absent* ([1705]).
[139] [William Seton of Pitmedden], *Some thoughts, on ways and means for making this nation a gainer in foreign commerce; and for supplying its present scarcity of money* (Edinburgh, 1705), 13-14, 52, 69.

towards religious latitude and erastian pragmatism, though Country discourse still spoke at higher volumes and with greater reach. Nevertheless, the potential for the Court to build a significant opinion base for a peaceful, prosperous, Protestant Britain remained open.

News from London, 1699-1705

The formation of public opinion on incorporation from 1700-1705 was complicated by the availability in Scotland of print from London. London print tended to reinforce Country arguments against incorporation by confirming Scottish perceptions of the English as scheming to destroy Scottish trade and religion and control its government. London news came from several sources: London newspapers, such as the Tory *Post Boy* or George Ridpath's Whig *Flying Post,* were posted to Edinburgh for sale in Scotland; the Scottish papers reprinted London news and English parliamentary proceedings; Scottish booksellers imported pamphlets and books for sale or reprinting; and the post, common carriers and travellers brought books, letters, news and manuscripts from the south. From 1699 to 1705, English tracts on Darien and the succession created resentment in Scotland, while tracts on toleration and incorporation confirmed Country warnings on the dangers presented by the English to the Scottish Church and Scottish sovereignty. On occasion, Parliament voted censorship orders on anti-Scottish material, further raising the profile of these books.

English pamphlets on Darien challenged the Country view of the colony by placing the blame for the colony's failure not on English antagonism but on

poor Scottish management and wrong-headed goals. The Scots were portrayed as pirates, illegally settling Spanish lands, while Scottish tracts defending the colony were rejected as 'cant' from the 'Old Covenanting crew.'[140] Darien pamphleteers exchanged blows under the pseudonyms of Philo-Britan and Philo-Caledon with clear implications for Scottish perceptions of the British union, particularly when Philo-Britan questioned the independence of the Scottish kingdom.[141] Parliament increased public awareness of the more obnoxious English pamphlets by condemning three to be burned by the Edinburgh hangman in November 1700. These included two pamphlets by Philo-Britan (Walter Harris, an expatriate Scots surgeon from one of the Darien ships, whose prints were said to be funded by the English Secretary Vernon) and a 'Scurrel Lampoon,' *Caledonia or the pedlar turned merchant*. For those not present in Edinburgh for the burnings, Parliament's proclamation for Harris' arrest also spread the news.[142]

Following the Darien crisis, Viscount Tarbat's publications in favour of the 1702 union proposals were joined by several London prints that seemed to confirm English plans to use the union to undermine the Scottish Church. An unknown author, 'J.B.', backed an entire union with one church and 'a perpetual toleration to all, whose Principles and Practices were consistent with the civil security.'[143] J.B. did not specify the nature of the government of the united church, being more interested in urging the mutual benefits of union in English investment in Scottish fisheries. Similarly, a reprint of Sir Francis Bacon's *Brief discourse of the happy union betwixt the two kingdoms of Scotland and England*

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[140] Philo-Caledon, *A defence of the Scots settlement at Darien* (1699); Philo-Britan [Walter Harris], *The defence of the Scots settlement at Darien, answered* (London, 1699), 5.
[141] [Harris], *The defence of the Scots settlement at Darien, answered*, 24.
[142] *APS*, vol. x, App. 51.
[143] *A memorial briefly pointing at some advantages of the union of the two kingdoms* (London, 1702), 7.

(1702), originally written for James VI, urged unity in forms of church government. Noting that 'For Matter of Religion, the Union is perfect in points of Doctrine; but in Matter of Discipline and Government it is Imperfect,' Bacon did not specify the nature of the combined church but Scots in 1702 well knew what conclusion James VI and Charles I had drawn from this observation.[144] More ominously, *A discourse upon the uniting Scotland and England* (1702), written as if from a Scots point of view but by an English writer, declared Presbytery 'wholly inconsistent with the monarchy we all pretend to uphold,' 'wholly adapted to...tumultuary Government' and 'not at all agreeable to our ancient, or our present Constitution.' Was not union, he asked, 'of greater Importance than the humouring the Hot-headed, Improvident Kirk'? The author even proposed barring Presbyterians from membership in the new British parliament.[145] In a similarly threatening vein, *A letter to Sir J.P. Bart.*, first published in 1702 and addressed to the Tory MP Sir John Packington, demanded the return of Episcopacy to Scotland as a condition of union and proposed that Presbyterians be banned from the British Parliament. This tract had an ongoing impact on union perceptions in Scotland through its reprints in 1705 and 1707.[146] Awareness of these tracts in Scotland can be seen in a 1703 pamphlet by Robert Wylie in which he warned that 'it is plainly and above-board insisted upon, and argued by the English in Print, that there can never be an Union, unless Scotland be intirely brought over into a full Conformity with the Church of England.'[147]

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[144] Sir Francis Bacon, *A brief discourse of the happy union betwixt the two kingdoms of Scotland and England* (1702), 16.
[145] [Blackerby Fairfax], *A discourse upon the uniting Scotland with England: containing the general advantage of such an union to both* kingdoms (London, 1702), 30, 32, 37.
[146] *A letter to Sir J.P. Bart. [Sir John Packington] a Member for the ensuing Parliament, relating to the union of England and Scotland* (1707). See McLeod, *Anglo-Scottish tracts*, no. 233A. for reprints.
[147] [Robert Wylie], *A letter from a gentleman in the city, to a minister in the countrey* ([1703]), 21.

News from England encouraged further fears for the Presbyterian Church in 1703. Just as toleration was being mooted in Scotland, newspapers reported the Queen's public support both for toleration and the Church of England in her speech to the English Houses of Parliament on 27 February 1703:

> I hope that such of them [her subjects], as have the Misfortune to Dissent from the Church of England, will rest Secure and Satisfied in the Act of Toleration, which I am firmly Resolved to Maintain, and that all those who have the Happiness and Advantage to be of our Church will consider, that I have had my Education in it, and that I have been willing to Run great Hazards for its Preservation, and therefore they may be very Sure, I shall always make it my own particular care to Encourage and Maintain this Church as by Law Established.[148]

While Anne's commitment to maintaining the 'Church as by Law Established' might have reassured some Presbyterians, they were as likely to be concerned with her personal attachment to Episcopalianism and her political willingness to tolerate dissent from a national church, both of which they saw as deeply dangerous to Presbyterianism. John Humfrey further advertised English commitment to toleration in a 1705 tract proposing the establishment of a single British Protestant church governed by the Queen as its head with bishops as administrative officers and toleration for varieties of worship in local congregations, excluding only Quakers and Catholics.[149]

With the Scottish succession remaining open, a number of authors sought to prove that the Scots had no independent sovereignty from England and therefore had to follow the English in accepting the Hanoverian heir. A series of histories made this argument, from William Nicolson's *The Scottish historical library* in 1702, to James Drake's *Historia Anglo-Scotica* in 1703, to William Atwood's *The superiority and direct dominion of the imperial crown of England,*

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[148] *Edinburgh Gazette*, no. 412 (Mon. 1 Mar.-Thurs. 4 Mar. 1703).

[149] [John Humfrey], *A draught for a national church accommodation: whereby the subjects of England and Scotland, however different in their judgements concerning Episcopacy and Presbytery, may yet be united, in regard to the Queen's headship over both, in one church and kingdom of Great Britain* (London, 1705), 9, 14, 17-8.

over the crown and kingdom of Scotland in 1704. Atwood repeated his arguments in a new 1705 edition in order to assert 'the true foundation of a compleat union.'[150]

In response, Scottish authors engaged these English writers in an ongoing print debate while parliamentary reactions to these exchanges encouraged greater awareness of the issues despite the high cost of the English books.[151] Robert Sibbald answered Nicholson with *The liberty and independency of the Kingdom and Church of Scotland, asserted,* first published in 1702 and reprinted with additions in 1703 and 1704.[152] Booksellers advertised Sibbald's works from 1702 onwards, including this promotion of his latest efforts in 1704: 'Just now Published, The Liberty and Independancy of the Kingdom and Church of Scotland Asserted, Edinburgh 1704. Second edition enlarged, in three parts, wherein the Objections of Mr. Atwood and others are Answered. ALSO The Answer to the second Letter to the Bishop of Carlisle in which the Scots their Ancient Possession in Britain is asserted and the Objections of Mr. Atwood and others are Answered.'[153] Earlier in 1702, Scottish ministers like Robert Wodrow had helped

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150 William Atwood, *The superiority and direct dominion of the imperial crown of England over the crown and kingdom of Scotland, the true foundation of a compleat union, reasserted* (London, 1705) in McLeod, *Anglo-Scottish tracts*, no. 451.

151 See Chapter 2 for more on book prices.

152 [Robert Sibbald], *The liberty and independency of the Kingdom and Church of Scotland, asserted from antient records* (Edinburgh, 1702); and [Robert Sibbald], *The liberty and independency of the Kingdom and Church of Scotland... To which is added, a speech at the proclamation of K. James VI concerning the succession to the crown of England* (Edinburgh, 1703); and [Robert Sibbald], *The liberty and independency of the Kingdom and Church of Scotland... Wherein all the objections of Mr. Atwood, and others against the same, are fully answered; and the independency of both, prov'd from the choicest English historians* (Edinburgh, 1704), in McLeod, *Anglo-Scottish tracts*, no. 236.

153 *Edinburgh Gazette*, no. 384-6 (Thurs. 19 Nov.-Mon. 30 Nov. 1702); no. 398-400 (Mon. 11 Jan.-Thurs. 21 Jan. 1703); no. 559 (Thurs. 27 July-Mon. 31 July, 1704). [Robert Sibbald], *An answer to the second letter to the Right Reverend, the Lord Bishop of Carlisle, occasioned by some passages in his late book of The Scotch Library* (Edinburgh, 1704) in McLeod, *Anglo-Scottish tracts*, no. 35.

to distribute copies of Sibbald's reply to Nicolson.[154] In 1705, James Anderson produced a counter-history to Atwood with *An historical essay, shewing that the crown and kingdom of Scotland, is imperial and independent,* for which he was rewarded by Parliament with £4,800 Scots.[155] Like Sibbald's work, Anderson's book was advertised in the *Edinburgh Gazette.*[156] Parliamentary orders in 1703 and 1705 for the burning of Drake and Atwood's books reflected the impact made by these books in Scotland.[157] The dissemination of these debates to a wide audience can be seen in a 'mock song' ridiculing Atwood's scholarship, *Attwood's imperiall forgerie, or the Justice turned state montebank* (1704?).[158]

Other English reactions to the Scottish Act of Security supported Scottish perceptions of a bullying nation seeking to force the Scots to accept the Hanoverian succession. Tracts like *A Manifesto, Asserting and Clearing the Legal Right of the Princess Sophia, and Her Issue, the Serene House of Hanover, To the Succession of Scotland* (1704) insisted that the Scots had no alternative but to accept the Hanoverian heir, having, like England, no other Protestant alternative. In *Hereditary succession in the Protestant line, unalterable. In answer to the Scots Bill of Security* (1704), the Act of Security was condemned as a Jacobite ploy to break up the British union and as an illegal act, contrary to the law of nations. The author did not intend to smooth relations with Scotland when he blamed the failure of Darien on the Scottish 'saints turned Freebooters' and rejected Country discourse as 'one of the Grand Abuses and Cheats, that Patriots

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154 *Early letters*, 194.
155 James Anderson, *An historical essay, shewing that the crown and kingdom of Scotland, is imperial and independent. Wherein the gross mistakes of a late book, intituled, The superiority and direct dominion of the imperial crown and kingdom of England...are exposed* (Edinburgh, 1705) in McLeod, *Anglo-Scottish tracts*, no. 160; *APS*, vol. xi, 221.
156 *Edinburgh Gazette*, no. 665 (Thurs. 9 Aug.-Mon. 13 Aug, 1705).
157 *APS*, vol. xi, 66, 221.
158 *Analecta Scotica*, vol. 1, 67.

usually Impose on the Ignorant Vulgar'--though he did concede that Scotland had trading grievances that would be resolved in a closer union. The tract concluded by calling on the English Parliament to force the Scots to accept the Hanoverian succession.[159] A 1703 manuscript suggested that the English should use bribery to compel the Scots to accept Hanover: *A short conference...anent the union* (1703) proposed that the succession could be secured in Scotland with the application of £20-30,000 sterling in bribes, supplied by the House of Hanover and distributed to MPs by the Earl of Seafield.[160]

News of the Alien Act reinforced fears in Scotland of English intentions. At the same time as the *Worcester* event was unfolding in Edinburgh, reports of the English Parliament's reactions to the Act of Security reached Scotland. In December 1705, readers of the *Edinburgh Gazette* learned that the Queen herself had attended a House of Lords' discussion on a 'Bill for promoting an intire Union with Scotland' while the Lords had addressed the Queen to request the fortification of border towns and the readying of the northern militia in response to the Act of Security.[161] Soon after, the Scottish papers reported the English Parliament's intention to make the Scots aliens if the Hanoverian succession was not settled, followed by prints of the full Alien Act stating the goal that 'a perfect and Entire Union may be Treated and Agreed upon.'[162] By the end of 1705, Scots with access to London news were well aware that the Queen was committed to an entire union and that the House of Lords intended a 'nearer and more Compleat

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[159] *Hereditary succession in the Protestant line, unalterable. In answer to the Scots Bill of Security* (1704), 5, 20, 25.
[160] GUSC MS, A.M., 'A short conference... anent the union of the two Kingdoms' (London, 1703), 7.
[161] *Edinburgh Gazette*, no. 601 (Thurs. 21 Dec.-Mon. 25 Dec. 1704); no. 602 (Mon. 25 Dec.-Thurs. 28 Dec. 1704).
[162] *Edinburgh Gazette*, no. 608 (Mon. 15 Jan.-Thurs. 18 Jan. 1705); no. 612 (Mon. 29 Jan.-Thurs. 1 Feb. 1705).

Union between the two Kingdoms' as the outcome of the upcoming treaty negotiations.[163]

Not all print from London supported an incorporationist position or disregarded Scottish sensibilities: *An essay upon the union of the kingdoms of England and Scotland* (1705) and *A scheme of union between England and Scotland, with advantages to both kingdoms* (1705) both proposed a union of trade only, while *Great Britain's union, and the security of the Hanover succession, consider'd* (1704) advocated the conceding of free trade to Scotland in order to secure the Hanoverian succession in union. Most London prints, however, suggested the reality of English, or at least Tory, plans to subdue Scotland and the Presbyterian Church in an incorporating union.

Conclusions

From 1699 to 1705, most public political discourse on union in Scotland came from oppositional Country sources, driving widespread awareness of a set of ideas incompatible with incorporating union. As Francis Grant admitted in 1707, 'these Prints which we had a while ago, were more industriously composed and spread, against an incorporating Union, than for it.'[164] Country voices urged Parliament to use the English desire for the Hanoverian succession to renegotiate the Union of Crowns in which Scotland would retain its Parliament and Church while securing a communication of trade with the English. Against this,

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[163] *Edinburgh Gazette*, no. 688 (Thurs. 1 Nov.-Tues. 6 Nov. 1705); no. 692 Postscript (20 Nov. 1705).
[164] [Francis Grant], *The patriot resolved* (1707), 5.

arguments for incorporating union promised peace and prosperity but not security for the Presbyterian Church, while English tracts confirmed Country fears for the disadvantages of incorporating union. Nevertheless, disagreements within Country discourse over the importance of a communication of trade and the threat of Jacobitism indicated areas where public opinion on union could diverge.

Chapter 4: Public Discourse, 1706-7

In the summer of 1706, in reference to the potential loss of the Scottish Parliament in an incorporating union, George Ridpath wrote that 'if all the Freeholders in Scotland were poll'd upon this account, it would be found that the Majority will never agree to it.'[1] Ridpath's statement operated in part as oppositional rhetoric, asserting the will of the people as a moral barrier to the union treaty; but it also reflected the strong acceptance of anti-incorporation arguments among many participants in the Scottish public sphere under the influence of six years of Country discourse. Country politicians and clergy had joined in pressing for a more independent Parliament, a secure Presbyterian Church and improved trade in a federal union, while accusing the Court of managing the Parliament to achieve the goals of an English ministry. Having provided far less in terms of counter-arguments, the Court party by late 1705 lacked a solid opinion base on an entire union, either among MPs or the wider populace. As Baillie of Jerviswood wrote in November 1705 on union, 'many of the Old [Court] Partie want courage, and the country is stirred up against it partly by the Jacobites and partly by the Presbeterian ministers.'[2]

This understanding of public opinion on the eve of the union debates contrasts with the perspective provided by many histories of union. As noted in the Introduction, historians have tended to downplay negative public attitudes towards incorporation as the product of manipulation by oppositional elites or to celebrate these as the authentic expression of a deep-seated patriotism. Both

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[1] [George Ridpath], *Considerations upon the union of the two kingdoms* (1706), 62.
[2] *Correspondence of George Baillie of Jerviswood MDCCII-MDCCVIII* (Edinburgh, 1842), 168.

viewpoints misunderstand the functioning of an emerging public sphere in Scotland in which ordinary subjects increasingly engaged with national political affairs from the late 1690s.[3] These dynamics produced informed opinions rooted in considered debate rather than primordial nationalism or simple deference.

An intense flurry of communication in 1706 added to prior discourse to produce exceptional levels of public awareness of the treaty debates in Edinburgh and the Lowlands, reaching beyond the usual literate middling participants in the Scottish public sphere to a wider audience. By the autumn there was 'no talk more common than of a Union,' with general awareness of the treaty specifics rising at the start of the Parliament in October with the official printing of the Articles of Union, the minutes of the treaty negotiations, the speeches of the Chancellor and Commissioner and the Queen's letter to Parliament.[4] The reading of the articles in the House during most of October provided a crucial window of time for the dissemination of these materials, so that by November it was claimed that 'none of any Intelligence or Conversation are ignorant of the great and weighty Affair of the Union now before the Parliament, the Articles being in every Bodies Hand.'[5] As the debates went on, printed minutes of the proceedings provided ongoing news, while Scottish papers provided information relevant to the debates, such as English weights and measures.[6] Once the voting started, the opposition's insistence on the printing of key divisions supplied further information on the progress of the treaty and the emerging Court majority.[7]

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[3] See Chapter 2 for more details.
[4] [Andrew Brown], *A scheme proposing a true touch-stone for the due trial of a proper union betwixt Scotland & England* (Edinburgh, 1706), preface (n.p.); *APS*, vol xi, 306.
[5] [Daniel Defoe], *A seasonable warning* (1706), 3.
[6] *Minuts of the proceedings in Parliament* (Edinburgh, 1706-7); *Edinburgh Gazette*, no. 57 (Mon. 2 Dec-Fri. 6 Dec., 1706).
[7] *APS*, vol. xi, 313.

Alongside printed news and information, pamphlets from London writers joined dozens of Scottish tracts, instructions, addresses and overtures to advertise the views of those for and against the treaty. Although the Edinburgh magistrates attempted at the start of the session to enforce pre-publication review of print, this was protested by Andrew Fletcher in the House.[8] With censorship reduced to occasional post-publication strikes, such as Parliament's order to burn a 'scurrilous' anti-treaty tract in December 1706, the volume of print emerging in late 1706 exceeded anything seen before in the kingdom.[9] Manuscript tracts and letters added to print-based communication while sermons, parish and town meetings, tavern talk, coffee-house discussions and general conversation added a thick layer of oral communication.

This proliferation of union discourse from both Court and Country sources influenced public opinion in conjunction with events, producing a mutable entity rather than the static beliefs envisioned by most historians.[10] Chapter 3 identified areas of disagreement within the Country camp on which oppositional opinion could split, such as the importance of free trade or the relative danger presented by the Jacobites, while the potential for the Court to build a stronger opinion base for incorporation was supported by cultural trends towards religious moderation and away from zealous Covenanting. Under these conditions, opinion interacted with happenings and discourse to exert a changing effect on the making of the Union.

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[8] James Mackinnon, *The Union of England and Scotland* (London, 1896), 286.
[9] *APS*, vol. xi, 355. The tract was Archibald Foyer's *Queries to the Presbyterian noblemen, barons, burgesses, ministers & commoners in Scotland who are for the scheme of an incorporating union* (1706).
[10] William Ferguson, *Scotland's Relations with England: A Survey to 1707* (Edinburgh, 1977), 244; Paul H. Scott, 'Defoe in Edinburgh', in *Defoe in Edinburgh and Other Papers* (East Linton, 1995), 16.

From early 1706, Country writers continued to develop anti-incorporation arguments established in 1699-1705. In keeping with the party's prior objectives, new tracts criticised the treaty as unlikely to achieve a stronger Parliament, a secure Church or an improved economy. As the parliamentary session neared, authors began to reveal higher levels of religious fervour and assert more aggressive arguments against the Parliament's ability to ratify the treaty. Country authors reinforced previous assertions of legal and constitutional barriers to the passage of union by adding new claims for freeholder sovereignty and the obligations of the Covenants. As the treaty proceeded through the House, anti-treaty discourse became even more radical and strident, fragmenting into narrow special interests. These included extremist Covenanting perspectives in which even the Hanoverian succession was rejected as a possible solution. Combined with a rise in popular disorder, this re-emergence of pre-Revolution politics threatened to alienate moderate Country supporters.

At the same time, a proliferation of Court print advanced the government's view of union as the pragmatic path to peace, prosperity and Protestant security. Earlier Court writers published again, working alongside the English writer, Daniel Defoe, to produce a range of materials appropriate to nobles, gentlemen and more ordinary readers. While arguing for union and against Country positions, the Court also sought to discredit and discourage adversarial addressing and crowds, condemning these as irrational and disaffected. Echoing Episcopalian propaganda promulgated since 1689, these attacks reminded ordinary Scots of the heritage of rebellion, unrest and fanaticism found in the Scots Presbyterian tradition and warned of a revival of past instability in Covenanting resistance to the treaty.

Under these influences, a new group of pamphlets began to emerge in late 1706 representing a middle ground of Scottish opinion. These authors advocated the acceptance of incorporation as the only way to a secure Protestant succession, as long as certain amendments to protect key Scottish interests were included. Reflecting the impact of public discourse and events on opinion, this shift was aided by the acquiescence of Court leaders in the Church to incorporation, as well as a rise in popular violence associated with extremist Covenanters and Jacobites.

Anti-Incorporation Discourse, 1706-7

Anti-treaty pamphlets and addresses followed the terms of the debate established in 1699-1705 by attacking the conditions of the treaty and denying Parliament's right to pass the treaty. While continuing to assert their desire for federal union with England, they highlighted problems with incorporation, focusing on the insecurity of Scottish interests in a union without the protection of a Scottish Parliament. Alongside these rejections of the treaty, mainstream authors continued to deny the right of Parliament to vote itself away without consulting its constituents. Several of these tracts took a more overtly populist line with accessible writing and the advancement of freeholder sovereignty and the Covenants as barriers to the passage of the treaty. While these early tracts did not advocate open resistance to Parliament, authors raised this as a constitutional possibility in order to pressure MPs.

Once the Parliament met in October, however, oppositional discourse became more fervent. Mainstream writers advanced from freeholder to popular

sovereignty and claimed popular rejection of the treaty. Anti-treaty discourse began to lose its coherence as writers focused on particular issues of trade, religion or sovereignty, attacking the terms of the treaty in great detail. From November, the oppositional campaign heated up and fractured further as pamphleteers began to argue themselves into increasingly narrow positions. Fundamentalist Covenanters emerged from the political wilderness to publish treatises urging resistance to Parliament and rejecting any closer union with England, even in the Hanoverian succession. Jacobites chimed in with these more aggressive approaches, turning English and Scottish Whig theory to their advantage to encourage popular resistance to the treaty. As anti-union discourse turned more emotional, fundamentalist and radical, its appeal splintered, alienating its support base among the literate middling sorts.

Fresh attacks on incorporating union began to emerge during the treaty negotiations of early 1706. Wodrow reported that a new pamphlet against incorporation, *Essay upon the union* (1706), 'relished much here.'[11] Attributed to James Hodges, this pamphlet continued to shape expectations for the forthcoming treaty by proposing a compromise form of incorporation in which the English and Scots would become one naturalised people under one king but retain their national parliaments.[12] Printed in London in April and in Edinburgh in May, *Essay upon the union* (1706) continued to emphasise the need to maintain the Scottish Parliament in union. Defining incorporation as the creation of one people

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[11] John Robertson, 'An Elusive Sovereignty: The Course of the Union Debate in Scotland 1698-1707', in *A Union for Empire: Political Thought and the British Union of 1707*, ed. John Robertson (Cambridge, 1995), 213.

[12] Wodrow says that this pamphlet was 'said to be by Mr. Hodges,' but this attribution should be questioned, as the tract differs from his two *Rights and interests* treatises in its support for free trade. Moreover, George Ridpath, who knew James Hodges in London, described this tract as written by a 'cavalier' (*Early Letters of Robert Wodrow 1698-1709*, ed. L.W. Sharp (Edinburgh, 1937), 291; 'Correspondence Between George Ridpath and the Reverend Robert Wodrow', in *Miscellany of the Abbotsford Club* (Edinburgh, 1837), I, 390).

under one king, the *Essay* stated that the union of crowns should have created an incorporating union by mutual naturalisation, with all privileges of citizenship for both sides. The job of the treaty negotiators was to revise the terms of the regnal union to create one people under one king with free trade, equal customs and excise taxes and a common Parliament for common concerns, while retaining national parliaments with the power to veto matters arising in the British Parliament.

After praising the *Essay upon the union* to Wodrow on its publication, George Ridpath echoed its arguments in his *Considerations upon the union of the two kingdoms* (1706), printed in September.[13] Expressing his hope for 'such Measures as may Secure our Liberties...and Cement a Lasting Union with our Neighbours,' Ridpath argued that the 'Gordian knot' of 'federal, incorporating, compleat, and intire Unions' should be cut with 'a General Act of Naturalisation.'[14] Such an act, he argued, would replace the Scots' privilege of French naturalisation lost in 1603 and make good the House of Lords ruling in favour of Scottish *post nati,* which had been betrayed by subsequent English legislation against Scottish liberties. At the same time, however, a union based in shared privileges of naturalisation did not need to erase the separate constitutions of both nations. Citing historical and contemporary examples, Ridpath contended that 'in order to an Union betwixt Nations, an intire Union of Laws and Customs, or that a lesser People should surrender their Constitution to a greater, has neither been thought necessary nor expedient.'[15] In particular, any attempt to force the Scots to a religious conformity with England would be doomed to failure,

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[13] 'Ridpath and Wodrow Correspondence', I, 390.
[14] [George Ridpath], *Considerations upon the union of the two kingdoms* (1706), vii, 12.
[15] *Ibid*, 32.

resulting in 'constant Uneasiness' due to the 'resolute Adherence of so great a part of the Nation' to Presbytery.[16] Like the *Essay upon the union,* Ridpath proposed a common British parliament to consider shared issues of peace, war, trade and property, with a Scottish Parliament to address local issues and handle court appeals.

While proposing an alternative to incorporation, Ridpath also reasserted his earlier arguments requiring constituent approval for the removal of the Scottish Parliament. Whereas before his arguments on the ancient constitution had sought to justify demands for the expansion of parliamentary powers, now to stop the treaty he emphasised the retained power of the electorate. Declaring that 'proprietors of the Country, had from the beginning, a Sovereign Right of Legislature and Judicature invested in them for the Security and Government of that Property,' Ridpath stated that such freeholders reserved the right to attend Parliament in person and to demand satisfaction from their representatives.[17] His argument had clear implications for potential freeholder action against Parliament, but he did not advocate direct resistance. At this stage, mainstream anti-treaty discourse remained within the law, seeking only to pressure Parliament with constitutional populism.

Country writers based in Edinburgh did not develop the naturalisation concept advanced from London, but continued former Country arguments on the insecurity of Scottish interests and the inability of the Parliament to vote for incorporation. Like many Country tracts from before 1706, these new pamphlets entwined politics, religion and economics in their arguments against incorporation to produce texts with wide appeal and relevance. As with Ridpath's assertion of

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[16] *Ibid*, 33.
[17] *Ibid*, 58.

freeholder sovereignty, these tracts began to up the ante by advancing new barriers to the passage of union, such as the Covenants, though they did not call for popular action.

Writing as news of the treaty leaked out, Robert Wylie, the Country minister from Hamilton parish who had written against toleration in 1703, contributed a short tract in July written in a simple style accessible to less sophisticated readers. Though his *Letter concerning the union* referred readers to the *Essay upon the union* as a 'true Notion of a Reasonable, Just and Profitable Union,' Wylie focused on legal barriers to the passage of an incorporating treaty.[18] Citing the opinions of Sir John Nisbet and Sir George Mackenzie against earlier union plans, Wylie argued that any union involving the 'sinking of our Parliament' would be 'Treason' and that Scotland's sovereignty 'can never be alienated by Delegates' without 'Consulting the whole Nation.' [19] Moreover, without a Scottish Parliament, he insisted, there would be no security for Scottish rights or the Kirk in an incorporating union. Given that it was unheard of to have 'two legally Authorised and Established Religions or Form of Church Government,' Presbytery was likely to be 'reduced to a Toleration.'[20]

In addition, Wylie made a brief but overt reference to the National Covenant in his tract with the comment that 'this Nation is sworn to maintain' laws protecting the Parliament 'by their National Covenant (the Covenant of their Protestancy and Reformation).'[21] Wylie thus brought in the Covenant as a legal obligation to defend an independent Parliament while emphasising its religious,

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[18] [Robert Wylie], *A letter concerning the union, with Sir George Mackenzie's observations and Sir John Nisbet's opinion upon the same subject* (1706), 7.
[19] *Ibid*, 4, 6, 7.
[20] *Ibid*, 6.
[21] *Ibid*, 4.

reforming nature. Prior to this tract, the Covenants had not featured as an argument against incorporation; this mention plus Ridpath's assertions of freeholder sovereignty indicated a shift in mainstream anti-treaty discourse towards more assertive justifications for parliamentary rejection of the treaty. Contemporaries were quick to note even this brief mention of the Covenants: in writing to his brother the Earl of Mar, James Erskine characterised Wylie's pamphlet as having two main arguments, one of which was the betrayal of the Covenants.[22]

Like Wylie with his short tract, Andrew Brown encouraged public engagement in the union question by publishing a tract meant to help the ordinary subject to evaluate the treaty. Demanding that the treaty had to solve the nation's problems while preserving its civil and religious rights, Brown set up his readers to conclude against incorporation by insisting on the need for Scotland to maintain 'a Representative power and capacity' to protect its own rights.[23] Fishing and free trade, he argued, would not outweigh the 'damnages and Dangers' of an incorporating union; moreover, incorporation was not necessary to block the Pretender from the throne.[24]

State of the controversy betwixt united and separate Parliaments revealed a more contentious Country tone with sarcastic questioning of the patriotism, judgement and motives of the Scottish treaty negotiators.[25] Like other Country writers, the author affirmed the need for unity with England, but also argued for the need to preserve Scottish rights with separate parliaments. Raising concerns for Presbyterians and traders alike, the tract suggested that Scottish trade and its

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[22] *Report on the Manuscripts of the Earl of Mar and Kellie* (London, 1904), 273.
[23] *Ibid*, 2, 11.
[24] *Ibid*, 19, 21.
[25] *State of the controversy betwixt united and separate parliaments* (Edinburgh, 1982).

Church would be destroyed by the English majority in the new British Parliament. *State of the controversy* echoed Wylie and earlier anti-toleration writers in seeing two established churches in one kingdom as impossible and predicting toleration for Presbytery as the outcome.

Alongside these new tracts, previous Country publications continued to circulate and influence opinion in Scotland. Hodges' first treatise on *Rights and interests* maintained its prominence, as indicated by an exchange between Andrew Fletcher of Saltoun and James Erskine, brother of the Earl of Mar. Meeting Erskine in Edinburgh in June, Fletcher 'desired me to read the 3d section of Mr. Hodges' 1st book on that subject, and if it did not convince me how pernicious ane incorporating union is he would know what to think of me.'[26] However, with the publication of the articles of the treaty in early October, opponents could produce more detailed attacks on the specifics of the treaty. From this point, tracts continued to argue for the insecurity of Scottish interests in a united Parliament while rejecting the treaty's incentives of free trade and the Equivalent and condemning the heavy burden of English customs and excise taxes. A number of new tracts and petitions began to drill down into specific issues, particularly trade, tax and religion. Others continued to raise the Covenants as a barrier to union and made emotional calls for patriotic action. Though mainstream writers addressed these calls to MPs, not the people, petitions and Scots vernacular were used to represent 'the voice of the people' to Parliament

A letter from Mr. Scruplous to Trialogus concerning the union (1706) exemplifies Country tracts responding to treaty specifics within an established Country framework. Avoiding issues of popular sovereignty or resistance, Mr.

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[26] *Mar manuscripts*, 267.

Scruplous responded to a dialogue periodical from the Earl of Cromarty in which Mr. Pro debated with Mr. Con. Mr. Scruplous accused Mr. Pro of advancing 'May Bes and Probabilities' instead of sure benefits.[27] For Mr. Scruplous, the English could not be trusted; he feared 'some Snake in the Grass under their fair pretences.'[28] Like the author of *State of the controversy*, he was sure that 'the United Parliament will find several things convenient for the United Body that will be inconvenient for this part of it,' especially in terms of trade and religion, it being a 'Paradox' to maintain two established churches in one kingdom.[29] Alongside this argument for the insecurity of the treaty, he criticised the 'dishonourable clipping the Wings of our Nobility' and the certain loss of Scottish trade and income with the departure of the Parliament from Edinburgh and the raising of customs and excise taxes.[30]

Other Country tracts edged towards more radical positions, as in John Bannatyne's *Some queries proposed to consideration, relative to the union now intended* (1706). Bannatyne, a Country minister from Lanark who had written against toleration in 1703, posed a series of questions on the treaty that included references to popular sovereignty and the Covenants. Alongside mainstream Country concerns with incorporation, Bannatyne asked whether Parliament could 'resign the Soveraignity, Independence, National Rights, Freedom & Liberties of the Nation, without the consent of every Freeborn Scotsman'; and if it did, would this be 'obligatory upon Posterity?' He also asked whether the union would

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[27] *A letter from Mr. Scruplous to Trialogus concerning the union* (Edinburgh, 1706), 4.
[28] *Ibid*, 2.
[29] *Ibid*, 3.
[30] *Ibid*, 2-3.

'involve the Nation in perjury; Seeing the National Covenant obliges this Nation to maintain the Authority of Parliaments?'[31]

Like Bannatyne, James Hodges issued a tract challenging the treaty across a broad range of political, economic and religious issues that included popular sovereignty and the Covenants. Reflecting the heating up of union discourse, Hodges' third treatise on *The rights and interests of the two British monarchies* (1706) employed a more strident tone than his earlier pamphlet of 1703. Shouting in capital letters against the proposed union, Hodges described it as 'An Adjection, Addition or Tacking of a Fraction of the Scots Government and Sovereignty...to the English Government and Sovereignty, By them conserved ENTIRE and COMPLEAT.'[32] Having given up their sovereignty, the Scots in the British Parliament would have 'as Little Power to Ballance the DIRECTION of that Government, so United, as the Toes have in Managing the Counsels of the Head.'[33] Rejecting the 'Shallow and Scurfy Notions' of Court writers that union would create one nation with one interest, Hodges provided over 100 pages arguing why Scottish interests would be betrayed by incorporation, from the clashing of English and Scottish trade priorities, to the burden of English taxation, to the undermining of the Presbyterian Church.

Hodges developed a much stronger Presbyterian line in this treatise, warning that incorporation would sully the purity of the Scottish Church by association with English 'Arminianism, Socinianism, Popish Ceremonies, and a Cold, Lazie, and Lifeless Form of Worship.'[34] Incorporation would lead to public

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[31] Queries as reprinted in *An answer to the Queries relative to the Union, &c.* (1706), 3-4.
[32] [James Hodges], *The rights and interests of the two British monarchies, with a special respect to an united or separate state. Treatise III* (London, 1706), 12.
[33] *Ibid*, 12.
[34] *Ibid*, 49.

discontent, for 'a great multitude of the Scots Nation, account themselves Engag'd to the support of the Presbyterian Ecclesiastick Government...by the Obligation of a most solemn National Oath to God, and Compact or Covenant with Him' and 'an incorporating Union with England is Absolutely Inconsistent with Adhering to the Obligation of that National Oath.'[35] Hodges closed with a call for national repentance, displaying a level of religious enthusiasm above that of prior Country publications.

Like Bannatyne, Hodges escalated Ridpath and Wylie's arguments for constituent approval of union to a more radical demand for popular sanction. Deriding constituent consultation as a 'gross Mistake,' Hodges declared that the only constitutional means to create incorporation would be the unanimous consent of 'the Whole Freeborn Subjects of Scotland, Conven'd in ONE Great Assembly.'[36] By proposing such an impractical requirement, Hodges sought to remove any possibility of parliamentary ratification of the treaty.

Hodges also played the patriotism card, reminding readers that the Scottish Kingdom had been independent for 'above a Third Part of the World's Age since the Creation.'[37] Patriotism had always been an important tool for Country writers in the years before union; in late 1706, writers began to draw more heavily on patriotic imagery and rhetoric, particularly in calls to MPs to protect their country from the treaty. Lord Belhaven's speech to the House on November 2 has become famous for its use of this strategy.[38] Accusing the union commissioners

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[35] *Ibid*, 56, 58.
[36] *Ibid*, 71.
[37] *Ibid*, 75.
[38] John Robertson has called this speech 'effectively an admission of defeat,' emphasising the Court's attempts to ridicule it (Robertson, 'Elusive Sovereignty', 219). While Belhaven's patriotic rhetoric may have fallen flat with some listeners in the House, its potential impact as a pamphlet outside of the House also should be considered.

of betraying the nation's desire for a federal union, Belhaven called on MPs to maintain Scotland's 2,000 years of independence. Repeating Country criticisms of higher taxes, the Equivalent and the insecurity of Scottish interests in the British Parliament, Belhaven painted a negative picture of Scotland after incorporation featuring a 'Honest Industrious Tradesman loaded with new Taxes, and Impositions, disappointed of the Equivalents, drinking Water in place of Ale, eating his saltless Pottage, petitioning for Encouragement to his Manufactories, and answered by counter Petitions.' 'Noble Patriots,' however, would not let this happen: 'None can destroy Scotland, save Scotland's self.'[39]

A similar message came from outside of Parliament in tracts, sermons and other printed material. *Scotland's speech to her sons* (1706), a tract attributed to the minister James Clark of Glasgow's Tron Church, continued the Country practice of associating Court followers with corruption and Country followers with patriotism. Speaking as the voice of Scotland, Clark's tract condemned the negative effect of 'Pensions, Places and Preferments' on parliamentarians and called on MPs to 'lay by your little private selfish Designs, generously sink them all in the Grand Project of my Honour, and your Posterity's Happiness; acquit yourselves at this Critical Juncture, as becomes Dutiful Sons, Worthy Patriots, and Honest Country-Men.'[40] Sermons also employed patriotism, as in as a sermon delivered in the High Kirk of Edinburgh before the Duke of Queensberry in October on the text 'Hold fast to that which thou hast; let no man take thy Crown.'[41] Printed ephemera, such as a published list of Scottish kings,

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[39] [John Hamilton, Lord Belhaven], *The Lord Beilhaven's speech in Parliament the second day of November 1706* ([1706]), 4-5.
[40] [James Clark], *Scotland's speech to her sons* ([1706]).
[41] *The Letters of Daniel Defoe*, ed. George Harris Healey (Oxford, 1955), 137.

emphasised the historic independence of the Scottish kingdom, as did a reprint of the Declaration of Arbroath.[42]

Building on these attempts to influence MPs with the voice of Scotland, some authors chose to write in vernacular Scots to represent the sense of the people to the Estates.[43] While writing in vernacular may have had the effect of reaching a wider reading audience, its primary purpose seems to have been rhetorical, to impress negative country opinion upon Parliament. This approach can be seen in *A copy of a letter from a country farmer to his laird, a Member of Parliament* (1706), ostensibly written by a literate but unlearned tenant farmer. Speaking in Scots, the farmer reported his neighbours' opposition to the treaty and bemoaned the lack of patriotism in Parliament. He outlined issues with the treaty, focusing on taxation and the threat to the Church, and begged his laird to join 'True-hearted Scotsmen, and honest Presbyterians' in rejecting the treaty. Moreover, to remind MPs of their dependence on local goodwill as well as Court patronage, the farmer threatened his laird with social exclusion: 'Dear sir, hae nae hand in sick an ill Turn...e'en your awn Friends will turn their back upon ye.'[44]

Alongside these calls for patriotic action, Country writers also returned to their former arguments against free trade. Prior to 1706, most oppositional writers had been careful to hedge their demands for a communication of trade with the

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[42] *A true and exact list of the whole Kings of Scotland since Fergus the First* (Edinburgh, 1707); *Letter in 1320 to Pope John declaring for Robert the Bruce* (1706). As Ted Cowan has noted, the Declaration of Arborath re-entered the Scottish public sphere at the 1689 Revolution, appearing in print to help justify the deposition of James VII. In a 1702 reprint, it served to emphasise the historical resistance of Scotland to English encroachments during the succession crisis and union talks (Edward J. Cowan, *'For Freedom Alone' The Declaration of Arbroath, 1320* (East Linton, 2003), 101-3).

[43] By 1706, the educated in Scotland wrote in English, not Scots, including printers (Ian B. Cowan, 'The Inevitability of Union--a Historical Fallacy'? *Scotia* v (1981), 1). Any use of the vernacular in a printed pamphlet would have been a deliberate choice by a clever writer rather than an actual local voice. These pamphlets are best understood as well-crafted works of propaganda.

[44] *A copy of a letter from a country farmer to his laird, a Member of Parliament* ([1706]), 2, 3, 4.

caveat that this would not be a sufficient concession to secure a closer union. This position received a boost with the publication of the anti-treaty opinions of two major institutions, the Convention of Royal Burghs and the African Company, in printed addresses to Parliament. Though the Convention of Royal Burghs barely voted to oppose union, the securing of this body's resistance to the treaty represented a major public relations victory for the opposition.[45] The Convention's address not only provided a credible attack on free trade from the institution representing Scotland's traders, but also confirmed the Country party's political and religious arguments against union. Insisting that they were 'not against an Honourable and safe union,' the burghs demanded that such a union be 'consistent with the being of this kingdom and parliaments thereof; without which we concive neither our religious nor our civil interests and trade, as we now by law enjoy them, can be secured to us.' Like Hodges and others, they argued that in a British parliament, 'our religione, Church government, claim of right, lawes, liberties, trade, and all that is dear to us' would be 'dayly in danger of being encroached upon.' Moreover, the English tax rates would be 'a certain unsupportable burden' while the proposed free trade would be 'uncertain, involved, and wholly precarious,' especially considering that 'all the concerns of trade and other interests, are after the union subject to such alterations, as the parliament of Brittain shall think fit.'[46]

As in the Convention, the opposition won a propaganda victory in the Council General of the African Company, securing two published addresses against the treaty. While Court figures like the Lord President of the Session and

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[45] See Chapter 5 for more on the Convention's address.
[46] NAS PA 7/20/18; also printed as *To His Grace, Her Majesty's High Commissioner, and the Right Honourable, the Estates of Parliament, the address of the Commissioners to the General Convention of the Royal Burrows of this ancient kingdom* ([1706]).

the Earl of Cromarty pressed the Council to accept the treaty's offer of a buyout of the Company with interest, Country members agitated for a better deal or no deal at all.[47] The Company's printed addresses of November 27 and December 28 protested the dissolution of the company and the terms on offer, criticising the lack of security for the promised payout as well as the interest rate and the total sum proposed.[48]

Alongside these criticisms, authors like William Black, an advocate and Aberdeen-based cloth manufacturer, began to publish tracts attacking economic issues in union. Moving beyond the general trade arguments advanced before 1706, Black criticised the specific conditions of the treaty, finding danger for Scotland's trade in the imposition of English tax rates and trade regulations. Following Black's early essay, *Some considerations in relation to trade* (1706), these issues became the subject of an extensive body of literature as Daniel Defoe engaged Black in an ongoing print debate. Like other Country writers, Black assured Parliament of his interest in a union with England, but he expected this to be on terms that would advance 'the Honour as well as the Interest of this Nation.'[49] Black demanded changes to the treaty in the form of drawbacks, duty reductions and regulatory exemptions for Scotland and dismissed the Equivalent as nothing more than a loan to be repaid by the Scots with interest. Similar complaints on salt taxes in particular appeared in printed addresses, such as

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[47] Roderick Mackenzie, *A full and exact account of the proceedings of the Court of Directors and Council-*General *of the Company of Scotland trading to Africa and the Indies, with relation to the Treaty of Union* (1706).
[48] *To His Grace, Her Majesty's High Commissioner, and the Right Honourable Estates of Parliament. The humble representation and petition of the Court of Directors of the Indian and African Company* (1707); *To His Grace, Her Majesty's High Commissioner, and the Right Honourable Estates of Parliament, The humble representation of the Council-General of the Company of Scotland trading to Africa and the Indies* (1706) in W.R and V.B. McLeod, *Anglo-Scottish Tracts, 1701-1714* (Lawrence, Kansas, 1979), no. 464, 465.
[49] [William Black], *Some considerations in relation to trade* (1706), 3.

Remarks for the salt-masters, fishers of salmond, herrings and white-fish, and others who make use of Scots salt, humbly offered upon the eighth article of the Treaty of Union (1706) and a mock address in vernacular Scots from 'te Fishers on te Highland Coasts, an all ather Inhapiting te Highlands'.[50] Black's tracts plus printed petitions set the agenda for extensive parliamentary debates on the economic articles in November and December, culminating in the negotiation of several amendments to the treaty to relieve oppositional demands.[51]

While some authors focused on trade issues, other tracts and addresses highlighted risks to the Church. Alongside two addresses from the Commission of the General Assembly, Country clergy used pamphlets to make strong attacks on the treaty and its inadequate protections for the Church. These ministers differed in the radicalism and pragmatism of their approaches. While Robert Wylie remained focused on securing a political solution for the Church through the Hanoverian succession, James Webster asserted the obligations of the Covenants and displayed a less pragmatic grasp of political solutions. At the extreme end of the conforming clergy, Archibald Foyer advanced a radical reassertion of the Covenants and rejected the Hanoverian succession outright.

As one of the most political of the established clergy, Robert Wylie remained focused on the constitutional challenge of incorporation, emphasising the dangerous consequences of the loss of the Scottish Parliament for the Church. As Wylie demanded in *The insecurity of a printed overture for an act for the church's security* (1706), 'Let any Thinking Person say what possible Security can be contriv'd or made secure, for the very Being or Subsisting of this Church,

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[50] *Ta Hir Grace Her Majesties high Commissioner, an te Honourable Estates of Parliament; Te address far te fishers on te Highland coasts, an all uthers inhapiting te Highlands* ([1706]).
[51] See Chapters 5 and 6 for more on these amendments.

in the Event of a Treaty taking place, whereby a surrender is made of the Parliament, and Civil Constitution of this Kingdom...there being no co-ordinat Authority provided or retain'd, as Guarantee of the Separate Interests of the Church of Scotland.' The likely outcome was toleration for Episcopacy in Scotland, 'to the Destruction and Ruine of the present Legal Establishment.'[52]

Wylie called for a meeting of the General Assembly to discuss the treaty, a demand that raised the question of the intrinsic right of the Church to call and dismiss its own meetings. A printed addresses organised by Wylie from Hamilton presbytery in November also demanded that no union be approved until the General Assembly had been called to consider the treaty. The address also insisted on the unanimity of the Church's clergy against the proposed treaty and proposed a solution to the treaty impasse in the form of an address to the Queen asking her to allow the Hanoverian succession to be voted instead.[53]

Though politically assertive, Wylie's publications still operated within acceptable terms of mainstream political debate on union and the succession. In contrast, James Webster's publications on union moved towards a narrower perspective more reminiscent of Covenanting times. A prominent Edinburgh minister who had written against toleration, Webster published criticisms of the Kirk's security similar to those found in the Church's address of 8 November, but revealed a greater reliance on Covenanting rhetoric and a lesser grasp of political realities. Webster saw incorporating union with bishops in the British Parliament as 'a Breach of our National Engagements' because the National Covenant barred

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[52] [Robert Wylie], *The insecurity of a printed overture for an act for the church's security* (1706), 4.

[53] NAS PA 7/20/50 Hamilton, printed as *Unto his Grace, Her Majesties High Commissioner and the Right Honourable the Estates of Parliament, the humble address of the Presbytry of Hamilton* ([1706]).

clergy from participating in Parliament; and the protection of the Church of England in union as 'a manifold Breach of the Solemn League' because the Solemn League and Covenant obligated Scotland to improve the Reformation in England.[54] The Scots would have no allies in a British Parliament, not even the English dissenters, for they supported toleration and many, he charged, leaned towards a moderate comprehension with the Church of England.[55] Moreover, Webster condemned the English liberty of conscience as a liberty of error and the English sacramental test as popish. These positions, combined with his demand for the British Parliament to swear an oath not to alter Presbytery in Scotland, reflected a prioritisation of theological concerns above political practicalities.

Going even farther, Archibald Foyer, minister at Stonehouse in Lanarkshire and author of at least one pamphlet on Darien, published a series of queries reasserting the Covenants and rejecting the Hanoverian succession. Foyer still advanced typical Country arguments about the insecurity of the Church in union and the illegality of passing the treaty, but these were outweighed by a radical revival of Covenanting politics. Foyer rested many of his queries on the Covenants, starting with the assertion that the union 'for ever buries our Covenanted work of Reformation.'[56] He condemned the eschewing of the Covenants since 1690, proposing 'Should we not begin with England, where we left in 1643; and if they will not joyn with us upon such Terms, ought we not to protest against the Breach of Covenant, and look to God for help in choising a

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[54] [James Webster], *Lawful prejudices against an incorporating union with England* (Edinburgh, 1707), 4, 5.
[55] *Ibid*, 7.
[56] [Archibald Foyer], *Queries to the Presbyterian noblemen and gentlemen, barons, burgesses, ministers and commoners in Scotland, who are for the scheme of an incorporating union with England* ([1706]), 1.

King of our own.'[57] Even the Hanoverian succession presented no good alternative, for the Hanovers were Lutherans, not Calvinists, and were required by the English Act of Succession to maintain prelacy in England. Instead, Foyer proposed that Parliament pass acts to declare Jacobite support treasonous, reform all laws since 1660, renew the National Covenant, appoint a national fast and name a committee to discuss ways to build Scotland's trade. His tract was considered so 'scurrilous' that Parliament ordered it burned by the hangman in December.[58]

Foyer's closing statement indicated the hard line forming among some oppositional clergy: 'These Queries I humbly propose, and when they are answered, according to Presbyterian principles, I shall acquiesce.'[59] This revival of fanatical Presbyterian politics within the established Church coincided with the appearance of even more strident tracts from separatist Covenanters and radical commonwealthmen. John Hepburn's breakaway Cameronians, located in the southwest between Galloway and Lanarkshire, published an address that fuelled concerns for the return of Cameronian rebellion and disorder on both sides of the border. The *Humble address of a considerable body of people in the south and western shires* was printed and disseminated in Scotland and was taken up by the English Tories who reprinted it in London as an example of the dangerous Presbyterians in Scotland.[60]

The Cameronians echoed mainstream Country discourse in asserting that 'we are not against an Union in the Lord with England,' but required that such a union be consistent with 'our sacred Covenants' as well as 'the liberty of our

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[57] *Ibid*, 2.
[58] *APS*, vol. xi, 355.
[59] [Foyer], *Queries*, 4.
[60] See Chapter 5 on addresses.

Nation' and 'security of our Church.' Since the Covenants required the Scots to 'maintain the privileges of our parliaments and liberties of the subjects,' the Cameronians felt obliged to resist the treaty. Moreover, by the treaty 'Wee incorporat with a Nation deeply guilty of Many National Abominations, who have openly broke and burnt their Covenant with God and league with us...have their publick and established Worship horridly Corrupted, with Superstition and their Doctrine dreadfully leavened with Socianism and Arminianism, besides the most gross and deeply lamentable profaneness that abounds amongst them.' As Webster also pointed out, the treaty prevented the Scots from advancing any reformation of this sinful prelatical nation. The Cameronians closed with the declaration that they did not consider themselves bound by the treaty, 'tho a prevailing party in parliament should Conclude the same.' Instead, they declared their readiness to 'stand by such noble patriots with life and fortune, as are for the Maintinance of defence of the Nations independencie and freedom, and of this Churches just power and proper privileges conform to our Attained reformation from 1638 to 1649.'[61]

With the publication of this address and similar tracts, anti-treaty discourse moved from constitutional and legal arguments to religious assertions of binding obligations and associated these assertions with open resistance to Parliament. This revival of pre-Revolution politics appeared in such tracts as *A speech in season against the union* (1706) and *An account of the burning of the Articles of the Union at Dumfries* (1706). Both agreed with the Cameronian address in rejecting any approval of the treaty by the Estates. Though this position had been

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[61] NAS PA 7/28/22 South & Western Shires; also printed as *To His Grace, Her Majesties High Commissioner, and Honourable Estates of Parliament, the humble address of a considerable body of people in the south and western shires* ([1706]).

implied by Ridpath and others in mainstream Country discourse with their claim that any decision against the good of the people would be null and void according to natural law, these new pamphlets took this doctrine to more extreme heights by justifying their resistance on religious grounds, threatening retribution against the Parliament and even questioning the institution of monarchy. In these tracts, the old Covenanting politics of the civil wars and Restoration re-emerged to the dismay of many.

The *Account of the burning of the Articles of the Union at Dumfries* demonstrated the risk of organised resistance to the Parliament. The *Account* notified Scotland of a large armed demonstration in Dumfries, an area notorious for past Covenanting resistance.[62] This printed manifesto asserted popular sovereignty: 'we judge that the consent of the generality of the same [the nation] can only divest them of their sacred and civil liberties'; and rejected parliamentary authority: 'whatever ratification of the foresaid union may pass in Parliament, contrary to our fundamental laws, liberties and priviledges concerning church and state, may not be binding upon the nation now, nor at any time to come.' More shockingly, the protesters called for the parliamentary opposition to lead a rising, suggesting that the Scottish army would not back the Crown in defending the Parliament from popular disapproval.[63]

Similarly, though in more enthusiastic language, *A speech in season* called on 'all true Presbyterians in heart, how far so ever they have slacked their Watch' to be ready to 'sacrafice all your Lives and die in a good cause.'[64] Criticising taxes, oaths and the English majority in the British Parliament, the *Speech* berated

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[62] See Chapter 6 for more on this demonstration.
[63] *'Scotland's Ruine': Lockhart of Carnwath's Memoirs of the Union*, ed. Daniel Szechi (Aberdeen, 1995), 179.
[64] *A speech in season against the union* ([1706]), 9.

MPs for the betrayal of their country. Incorporation, combined with the persecutions of the 'Witnesses' during the Restoration, would bring down God's fury on Scotland: 'Therefore prepare to meet your God O Scotland, for your old Perjurie and Blood shed, and Treacherie against your Land.'[65] Like the Cameronians and the Dumfries protesters, the *Speech* rejected the treaty votes: 'since you have unmagistrate your selvs...what you are doing will make way for the Lords raising up a partie to renounce, annull, and cast all down, and Call a representative to succeed in your room...and in the mean time we renounce, annull and cast all down that you do.'[66] Like Foyer, the *Speech* rejected the Hanoverian succession, declaring that 'we will have no Protestant of Englands choising...we are no more beholden to Hannover then to any other, if he be not Presbyterian.' The new Scottish king must be 'One of our Brethren both in Nation or Religion, or else we will have no King at all.' Conform to former Covenanting commonwealth politics, Scotland would have 'the Lord that made the Heaven and the Earth to be head Majestie and absolute power.'[67]

The radical claims for popular sovereignty and Covenanting resistance seen in these tracts appeared in yet more pamphlets, from *The smoaking flax unquenchable* (1706) to *To the loyal and religious hearts in Parliament, some few effects of the union, proposed between Scotland and England* (1706) to *We heard that the Parliament is sitting at Edinburgh...A word to the Unioners and their confederats thee Parliamenters* (1706). By the end of 1706, a significant quantity of pamphlets had urged popular action against the treaty, often in violent terms. *A word to the Unioners*, for example, expressed the fervent wish that the Edinburgh

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[65] *Ibid*, 5.
[66] *Ibid*, 6.
[67] *Ibid*, 8.

mob would stone the traitorous treaty commissioners and Court nobles to death and warned that the Lord's sword would be drawn to stop the treaty, while *The smoaking flax* proposed not just the stopping of the treaty but the overturning of monarchical rule in Scotland, for 'the true and faithful subjects of Scotland inclines not to Monarchy Government.'[68] Such pamphlets raised the long-quiet spectre of king-killing Presbyterianism, associating popular resistance with fanatical rebellion.

Alongside these revivals of extremist Covenanting thought, writers advanced radical English Whig theory to defend the idea that Scottish freeholders could call their Parliament to account for betraying the national interest. Ironically, Daniel Defoe's defense of Whig petitioners from Kent in 1701 featured in *The Scotch echo to the English legion* (1707). The most radical extract in this digest, however, came from the 1669 Scottish publication, *Jus Populi Vindicatum*, which argued that 'the Power of the People is greater than the Power of any delegated or constituted by them' and that if representatives 'seek the Destruction of the Community, the Community is allowed to see to the preservation of their own Rights and Privileges the best way they can.'[69] Originally designed to justify Presbyterian resistance to prelacy, this work re-emerged to defend popular resistance to the treaty of union.

Seeing an opportunity to stir up opposition, Jacobite writers also employed Whig theory to encourage popular unrest. Patrick Abercromby, a former royal physician to James VII, capitalised on Defoe's writings in a tract emphasising the opposition of the people to the treaty. Though offering the caveat that he was 'far from Vindicating the Irregularities of the Street,' Abercromby observed that 'now

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[68] *The smoaking flax unquenchable* (1706), 5.
[69] *Ibid*, 19-20.

we are upon the Revolution-Foot, no good Revolutioner will be offended, if I attempt to prove by Revolution-Principles, That the Parliament cannot finally conclude and determine the Whole of the Union, so long as the People shall continue to express their Dissent.'[70] Quoting Defoe's *Original right of the people of England,* a tract that 'may be had in any of our Booksellers Shops in Town,' Abercromby argued for the right of the People to 're-assume the Right of Government in their own hands, and to reduce their Governors to Reason.'[71]

Whether Country, Covenanting, Whig or Jacobite, oppositional writers emphasised popular dislike of the treaty to underpin their contention that Parliament was betraying not just the rights, liberties, privileges and interests but also the will of the nation. Consistent with an emphasis on freeholder sovereignty, mainstream writers tended to claim the opposition of the political nation, while more populist pamphlets insisted on general opposition and raised the threat of widespread disorder. Some of the earlier pamphlets of 1706 claimed that a majority of freeholders would not approve the treaty and that 'many of the greatest and wisest Men of this Nation are absolutely against an united Parliament.'[72] In November, as discourse became more populist, Lord Belhaven spoke of the 'the general Aversation that appears by the Addresses from the severall shires of the Kingdom.'[73] The publication of addresses from shires, burghs and parishes, as well as printed instructions against the treaty from burghs like Lauder, Dunfermline and Dumbarton, advertised the opposition of these local

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[70] [Patrick Abercromby], *The advantages of the Act of Security, compar'd with these of the intended union: founded on the revolution-principles publish'd by Mr. Daniel De Foe* (1707), 6.
[71] *Ibid,* 6-7.
[72] [Ridpath], *Considerations upon the union,* 62; *State of the controversy,* 14.
[73] [John Hamilton Lord Belhaven], *The Lord Belhaven's speech in Parliament the 15th day of November 1706, on the second article of the treaty* (1706).

corporations.[74] The vernacular voice of *Copy of a letter* insisted that 'there's mickle dinn in our Countrie-edge, about an union...I find the maist part of Fock here awal very fair against it.'[75] The presbyteries of Hamilton and Lanark both warned of the 'ferment' in their parishes against the proposed union, while Robert Wylie and Archibald Foyer both echoed the same warning in their pamphlets.[76] James Webster, the Dumfries protesters and Patrick Abercromby all cited the anti-union addresses as evidence of popular discontent, with Abercromby claiming that addresses had come in from 'all Corners of the Kingdom' to demonstrate that the treaty was rejected by 'most, if not all Scotsmen, Women and Children'.[77]

The emphasis of anti-treaty discourse on popular disapproval of union reflected the intent to wield public opinion as a weapon against the Court. Historians have tended to characterise calls for constituent consultation as hopeless delaying tactics by Country parliamentarians, but these should be seen as serious attempts to halt the treaty on constitutional grounds backed by the published arguments of Ridpath, Wylie and other mainstream writers. However, as anti-treaty pamphlets made increasingly aggressive claims for popular support and shifted to more radical and violent arguments, the credibility and influence of this approach waned. Since 1690, Scottish politics had become secularised, with Covenanters marginalised as religious fanatics; as George Ridpath commented in early 1706, 'most of those who are for liberty have no concern for religion, and...too many of those who are zealous for religion are very ill informed in point

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[74] See Chapter 5.
[75] *Copy of a letter*, 1.
[76] NAS PA 7/20/28 Lanark; 7/20/50 Hamilton; [Wylie], *Insecurity of a printed overture*, 6; [Foyer], *Queries*, 3.
[77] [Webster], *Lawful prejudices*, 3; *'Scotland's ruine'*, 178; [Abercromby], *The advantages of the Act of Security*, 5.

of civil liberty.'[78] The moderate Country rhetoric of Ridpath and others had sought to unite civil and religious objections to incorporation, backed up with legal and constitutional justifications for the rejection of any treaty for an entire union; but this careful construction was shattered by the revival of extremist Presbyterian rhetoric.

Country tracts published through the summer and early autumn succeeded in encouraging support from ordinary Presbyterians, clergy, traders and taxpayers by extending prior Country arguments with detailed objections to the treaty in terms of religion and trade. On the publication of his second treatise, James Hodges wrote to Robert Wylie stating his expectation that it would bring 'many of the other party' over and force the Court to give up the treaty.[79] Indeed, by early November, the Earl of Mar judged that Hodges' second tract, 'calculated to catch the ministers and commonalty,' had 'done harm' to the Court's position, while Daniel Defoe wrote that this treatise had 'done more Mischief than a thousand men.'[80] However, as anti-treaty publications broke away from mainstream Country arguments and moved onto more extreme ground, they became a double-edged sword. Useful for mobilising action in Covenanting areas, extremist tracts also had the potential to alienate religious moderates and the propertied with fears for the revival of religious conflict and the tumultuous effects of widespread disorder. As Mar wrote after the burning of the Articles of Union in Dumfries, 'They are mad men, and allways were so, and are thought so by every body.'[81]

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[78] 'Ridpath and Wodrow Correspondence', I, 390.
[79] Hodges also advised Wylie to discuss anti-treaty strategies with the Dukes of Hamilton and Athol, indicating the links between the party leaders and their writer in London (NLS Wodrow Quarto XXX, f. 269).
[80] *Mar manuscripts*, 310;, *Letters of Daniel Defoe*, 153.
[81] *Mar manuscripts*, 332.

While not everybody would have agreed with Mar, enough individuals feared the destabilising effect of radical resistance to look again at Court proposals on union.

Pro-Incorporation Discourse, 1706-7

Historical accounts of the print campaign for union usually focus on Daniel Defoe and his prolific pro-incorporation output. Older narratives, such as Mackinnon's, praise Defoe as an 'enlightened, sincere and fair' writer for union, while more recent scholars apply the insights of the Portland papers to emphasise Defoe's position as an English spy and hired hack for England's Secretary Harley.[82] Both approaches tend to obscure the role played by Scottish politicians in organising and feeding the print campaign. Paula Backscheider, Defoe's biographer, has shown that before Harley engaged Defoe to go north, Defoe had already agreed to write the first two of his *Essays at removing national prejudices* at the request of Scottish treaty negotiators in London.[83] Along with Defoe, previous Court writers such as Sir John Clerk of Penicuik, William Seton of Pitmedden and the Earl of Cromarty all returned to the presses to support the treaty, as did a number of other writers who remain anonymous. Against the estimated forty tracts attributed to Defoe, at least thirty-eight titles exist from other pro-treaty authors, while surviving manuscript essays suggest the likelihood of many more having been in circulation.[84] Defoe's output remains impressive

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[82] Mackinnon, *Union of England and Scotland*, 241; see Scott, 'Defoe in Edinburgh', 5 for the Portland papers.
[83] Paula R. Backscheider, *Daniel Defoe: His Life* (Baltimore, MD, 1989), 205-9.
[84] Paula R. Backscheider, *Defoe: Ambition & Innovation* (Lexington, KY, 1986), 56.

and significant, but should be viewed in the context of a total pro-treaty campaign produced by Scottish as well as English hands.

To counter the domination of Country print, Court writers made two changes in their approach to the public sphere. Firstly, the Court ramped up its output with dozens of tracts, so that its share of public discourse approached that of the opposition. Pro-treaty tracts were printed from the start of the parliamentary session through to its end, responding to each turn in the debates, while thousands of copies of key tracts were sent to the provinces to ensure the spread of Court ideas. Secondly, Court writers spoke to commoners as well as nobles and gentlemen. While tracts like Cromarty's letter to the Earl of Weems targeted nobles and the essays of Seton, Clerk and Defoe spoke to barons and burgesses, new materials like Arbuthnot's sermon and Defoe's letters to the mob addressed the lower orders.

The Court campaign pursued two objectives: to develop support, or at least acceptance, of the treaty with a positive vision of union and answers to anti-treaty concerns; and to undermine the opposition's attempts to use public opinion to force the hand of Parliament. Pamphleteers developed their pre-1706 vision of union as the means to a peaceful, prosperous, Protestant Britain, highlighting the concessions of free trade and the Equivalent and emphasising the preservation of the Scottish legal system. Tory authors like Cromarty and Seton tended to dodge church issues, but Presbyterian Whigs like John Clerk of Penicuik and Daniel Defoe addressed this problem head on, promising greater security for the Kirk in union. Trade speculations were met with counter-speculations and a continuing emphasis on the potential for development in the Scottish fisheries as well as colonial trade. Authors also attacked the opposition's attempts to portray

overwhelming popular aversion to the treaty. Court arguments for parliamentary sovereignty sought to demolish Country assertions of freeholder sovereignty, while the opinion of the people was characterised as misled and disaffected. As mob violence grew, Defoe blamed crowd activity and addressing on Jacobites. He and other authors accused Presbyterian ministers of playing into the hands of Jacobites and Catholics, supporting the Court's emphasis on union as a means of securing the Hanoverian succession against a Jacobite attempt at the Scottish throne.

The strengthening of the pro-treaty campaign thus contributed to a discernable shift in opinion towards incorporation by providing fresh arguments in favour of the treaty and discrediting Country attempts to counter the treaty with public opinion. Importantly, the sheer volume of material produced by the Court in 1706-7 had an impact by indicating the Court's commitment to the union project. For those MPs and local leaders who sought to judge the winning horse before placing their bets, the Court's unprecedented engagement of resources in a mass propaganda campaign pointed towards victory for the treaty. While many other factors contributed to the voting decisions of MPs, from the threat of trade sanctions to the allure of pecuniary rewards, Court discourse provided a rationale for union support and reassured voters of the government's intention to stay the course. In addition, the Court's emphasis on the anarchic nature of popular opposition tended to confirm the fears of moderates unhappy with the re-emergence of radical Covenanting discourse and the growth of violent protests. Indicating an emerging shift in opinion, a new thread of discourse seen in late 1706 shows a grudging acceptance of union among some moderates. Though

these authors called for improvements in the deal through amendments, they saw the treaty as the best path forwards for Scotland in the circumstances.

Publications attributed to the Earl of Cromarty illustrate in one author the Court's new commitment to speak to a wider audience, supply more tracts, respond to anti-treaty arguments and undermine oppositional representations of public opinion. Having published one pamphlet and a few speeches on union before 1706, Cromarty printed at least eleven tracts in 1706-7 for a variety of readers. Like Hodges and Ridpath, he sought to predispose opinion on the treaty during the negotiations by printing two tracts in early 1706, followed by a reply to Wylie's assertions of freeholder sovereignty after July. During the parliamentary session, Cromarty published a seven-issue periodical dialogue responding to a variety of issues for a mass audience, finishing with a pamphlet on the nineteenth article.

Written as two letters to the Earl of Weems, Cromarty's first two pamphlets addressed issues of concern to a propertied audience familiar with the dynamics of national politics.[85] These included resentment of the dishonourable loss of the ancient name of Scotland and the small Scottish contingent in the combined parliament, as well as more specific fears that property laws would be changed and that law cases would become more expensive with appeals going to the House of Lords. His second letter derided oppositional nobles for wanting to retain Scotland as their own stomping ground to the detriment of the nation: 'such

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[85] Although W.R. and V.B. McLeod have characterised these tracts as targeting 'any Scots who were willing to listen' to 'neutralise many of the popular arguments against union,' the tracts did not include concerns more specific to the lower orders, such as the loss of Scotland's honours or the cost of the salt tax (McLeod, *Anglo-Scottish tracts*, 61). Though Cromarty hoped that 'all Inhabitants' would listen to his arguments, he addressed concerns held by nobles and gentlemen of property. Other tracts, such as Arbuthnot's *Sermon preach'd to the people* or Cromarty's own *Trialogus*, more clearly targeted a popular audience.

Patriots as under that Name, would rather have a Piece of Britain, under their Patrocinie, than that it should be in a Whole, and thereby in the State of a durable Life, were Typified in the Whore who would Divide the Child.'[86] Cromarty also condemned the impracticality of federal union, arguing that the monarch would remain as trapped between Scottish and English interests in a federal arrangement as in the present union and that the English would not concede free trade without a complete union.[87] He insisted that none of the estates should fear a loss of privileges but rather would gain; and that the Church would be more secure with incorporation than without.[88]

Cromarty appealed to the public to set aside prior information and prejudices in a fresh, rational consideration of the treaty: 'I do earnestly beg and wish, that the Treaters, Parliaments and all Inhabitants of both the Nations, should weigh the Arguments of both sides in an impartial Balance.'[89] In common with other Court writers, he associated pro-treaty arguments with reason and impartiality, stating that 'Reason and Prudence are the Motives of this Union,' as it would secure Scotland against internal division and external invasion.[90] Rather ominously, Cromarty asserted in a postscript to the second letter that for those who did not recognise that the advantages outweighed the potential disadvantages of union, 'it is in the Interest of the Whole, either by Force or Perswasion, to draw the Divided, or Dividing Part or Party, into a total Union;' such comments

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[86] [George Mackenzie, Earl of Cromarty], *Two letters concerning the present union, from a peer in Scotland to a peer in England* (1706), 28. The letters were first printed as separate tracts.
[87] [George Mackenzie, Earl of Cromarty], *Two letters concerning the present union, from a peer in Scotland to a peer in England* (1706), 20.
[88] [George Mackenzie, Earl of Cromarty], *A second letter on the British union* (1706), 14.
[89] [George Mackenzie, Earl of Cromarty], *Two letters concerning the present union, from a peer in Scotland to a peer in England* (1706) 14.
[90] *Ibid*, 8, 11-12.

signalled the Court's commitment to the passage of union, regardless of public opinion.[91]

Cromarty's reply to Robert Wylie's *Letter concerning the union* countered Country attempts to pressure Parliament with freeholder opinion. Cromarty sought to spark the fears of the propertied by characterising the opposition's vision of freeholder sovereignty as 'Anarchy:' 'the Stability of Laws,' he warned, 'depends upon the Fixedness of Governours.'[92] Cromarty argued that the people did not delegate the power of government to their king and MPs, but devolved it, making Parliament sovereign in conjunction with the monarch. As a result, MPs 'do not thereby receive a Delegation; which would suppose their Actings, to be subject to their Constituents; and consequently the Actions of the Sovereign Court, to be so likewise: But these Members, *ipso facto* are assumed into the Sovereign Body; to whose Actings, all these Incorporations are *de jure*, subjected.'[93] Rather than telling Parliament what to do, the estates had to recognise that 'the Obedience of the Governed, is Duty.'[94] This stance allowed Cromarty to reject the argument that a vote for the treaty would be treason by making the same accusation of the opposition: 'He who Argues, That the Queen and Parliament, are not the Supreme Sovereign Power over all Estates, as well Spiritual as Temporal, within this Realm; doth impugne that Authority.'[95] Cromarty also responded to Wylie's mention of the obligation of the Covenanted to maintain the Scottish Parliament by defining this obligation as the requirement

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[91] *Ibid*, 17.
[92] [George Mackenzie, Earl of Cromarty], *A friendly return to a letter concerning Sir George Mackenzie's and Sir John Nisbet's observation* (1706), 7, 12.
[93] *Ibid*, 16.
[94] *Ibid*, 15.
[95] *Ibid*, 28.

to uphold the authority of Queen and Parliament in the making of new laws, such as a treaty of union.[96]

Cromarty spoke to a wider audience with an innovative periodical publication, *Trialogus*. Like the oppositional periodical of 1705, the *Observator*, *Trialogus* took the form of a dialogue, using Mr. Pro, Mr. Con and Mr. Indifferent to argue over incorporation in simple, accessible terms. Running to seven weekly conversations in October and November, the periodical focused on a few main points in each issue. With these dialogues, Cromarty provided positive arguments for union and characterised the opposition as irrational, over-zealous and dangerous. The second conversation of October 7, for example, sought to overcome popular concerns for the loss of the kingdom and language of Scotland. Citing history to show that Scotland was comprised of unions, such as that of the Picts and the Scots, Mr. Pro stated that one more change of name or language would be of no great moment in historical terms, deriding any such fears as 'petty.'[97] When the ensuing debate became heated, Mr. Indifferent accused Mr. Con of becoming too fiery and called for calm consideration of the issues, while Mr. Pro asserted his reliance on 'Reason' to decide the matter.[98]

Cromarty finished his print campaign with a pamphlet in December focusing on the nineteenth article of the treaty, addressing again upper class concerns for the security of the Scottish legal system.[99] Typically for the new Court propaganda effort, his diverse output had addressed nobles, gentlemen and

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[96] *Ibid*, 26.
[97] [George Mackenzie, Earl of Cromarty], *Trialogus. A conference betwixt Mr. Con, Mr. Pro and Mr. Indifferent, concerning the union. Second conversation* (1706), 11.
[98] *Ibid*, 13.
[99] [George Mackenzie, Earl of Cromarty], *A letter to a Member of Parliament upon the 19th article of the Treaty of Union between the two kingdoms of Scotland and England* (1706) in McLeod, *Anglo-Scottish tracts*, no. 232.

commons and had responded to key anti-union arguments. Throughout, he focused on the positives of union in peace, stability and free trade, called on the people to trust their governours and characterised the opposition as prejudiced rabble-rousers. Many of his arguments rested on bare assertions, but he provided a Tory view of union and government with potential appeal to moderates and the propertied.

This same Court Tory message came through in the works of William Seton of Pitmedden. After seeking a Court pension, Seton was chosen to serve as a treaty Commissioner; on his return to Edinburgh, he published a letter and a speech on union during the parliamentary debates. His letter, which Seton portrayed as the views of a country gentleman with no party affiliation or personal knowledge of the treaty, represented what Seton wished 'country opinion' would believe about union. Consistent with his own 1700 arguments and Court pamphlets of 1703-4 on the Jacobite threat, Seton focused on how union would form 'the Bulwark of the Protestant Religion and Interest' and secure the 'Safety, Prosperity and Peace of Britain.'[100] Like Cromarty in 1702, he asserted that Scotland 'by all probability, will be in a better, but can be in no worse Condition' with the proposed union.[101] Union would bring new energy and investment in Scotland, allowing fishing, mining and trade exports to develop. Seton appealed to those tired of 'Fatal Divisions about the less Essential Parts of Religion' and wished that 'we may see more of the Spirit of Moderation, and not grudge the Indulging our dissenting Brethren.'[102] For Seton, the security of the Church was

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[100] [William Seton of Pitmedden], *Scotland's great advantages by an union with England: shewen in a letter from the country, to a Member of Parliament* (1706), 4, 5.
[101] *Ibid*, 7.
[102] *Ibid*, 4.

'no sufficient reason to oppose the common Good and Advantage of the Island.'[103]

Through his framing of Scotland's situation, Seton sought to indicate pro-unionism as the obvious, rational choice between 'Union with Peace and Plenty, or Dis-Union with Slavery and Poverty.'[104] Opponents of union, he stressed, would see that the choice was clear if they would 'Reason calmly, and without Prejudice' instead of trying 'to startle such, who, not understanding the Reasons and Causes of Things, are easily imposed on.'[105] With these comments, Seton sought to discredit popular opposition to the union as misled while repeating Cromarty's characterisation of the opposition as irrational.

Seton continued his argument for union as the best possible path forwards in a printed speech to Parliament on 2 November. Arguing in favour of the first article of the treaty on the incorporation of the kingdoms, Seton attacked the alternative of a federal union. Like Cromarty, he argued that Scotland as the weaker nation would be at a permanent disadvantage to England in a federal union. Rejecting the arguments of the federalists on the insecurity of Scottish interests in an entire union, Seton claimed that only through incorporation could Scotland become an equal partner to England and receive the full benefits and security of union. Continuing his derogation of the opposition, he derided the idea of federal union as 'very Fashionable' and 'handsomely fitted to delude unthinking People.'[106]

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[103] *Ibid*, 8-9.
[104] *Ibid*, 8.
[105] *Ibid*, 7, 10.
[106] William Seton of Pitmedden, *A speech in the Parliament of Scotland, the second day of November, 1706 on the first article of the Treaty of Union* (London, 1706), 6.

Writing from London, William Paterson contributed a tract to the early discussions on union pressing the economic benefits of union while promising greater security for the Church. Starting from the premise that all Scots wanted union but disagreed on its form, Paterson portrayed oppositional tracts on federal union as 'long, tedious and perplext heaps of words,' offering instead a readable dialogue that concluded in favour of what he called a plain union.[107] Like Cromarty, he warned his readers that England would not concede a communication of trade without a 'Communication of Government' and characterised a federal union as unstable and impermanent.[108] While Paterson's detailed union scheme included the carrot of an Equivalent to buy back the African Company, it also listed English customs and excise rates, requiring him to promise substantial economic growth to offset these higher exactions. Paterson rejected the possibility that English MPs would outvote the Scots cohort, asserting that union would create one people with one interest. Furthermore, the act authorising a treaty would act as 'the first fundamental condition of the Union' to protect the Church; ultimately, the Church would be safer in a British union, 'the two Churches and the Tolleration' forming 'a natural poise and Balance to one another.'[109]

Sir John Clerk of Penicuik, a Presbyterian Whig and Queensberry's son-in-law, also emphasised the security of the Church in union. After serving as a treaty Commissioner, Clerk published a lengthy essay during the parliamentary debates in which he responded to the major anti-incorporation arguments found in Hodges and Ridpath's works. Like Paterson, Clerk rested most of his counter-

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[107] [William Paterson], *An inquiry into the reasonableness and consequences of an union* (London, 1706), 2.
[108] *Ibid*, 13.
[109] *Ibid*, 21.

arguments on the expectation of increased trade and wealth after the union and promised security for Scottish interests, including the Church, in union. Throughout, Clerk sought to prove that 'there's no Court-Plot or Trick' in the treaty, emphasising the benefits of the Protestant succession, free trade and the use of the Equivalent as a loan to rebuild the economy.[110]

Published after the first riots and addresses, Clerk's tract sought to reduce resistance to the treaty by emphasising the sovereignty of Parliament: 'we must all wait with Patience and Submission...since the Parliament must be considered as the sacred Oracle of Heaven, in all Civil Matters, but especially, in this weighty and important Affair.'[111] As a Whig, Clerk stopped short of Cromarty's assertions of Parliamentary sovereignty but reassured his readers that Parliament would enact whatever 'Rectification or Additional Articles' might be necessary to relieve some of the merchants' complaints on tax and trade regulations.[112] Like other Court authors, however, he attacked the nature of the opposition to the treaty, deriding the 'wilful Ignorance, Contradictions and Inconsistencies' found in the streets of Edinburgh. The addresses against union showed not that the Parliament should reject the treaty but that 'there has been too little Time taken to resolve upon a matter of such extraordinary Consequence.'[113] He claimed that much of the printed material on duties was erroneous and accused the opposition of exaggerating the risk of higher taxes to inflame the people. Moreover, hoping to convince Presbyterians that anti-unionism only aided their enemies, he portrayed

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[110] *Ibid*, 40-41.
[111] [John Clerk of Penicuik], *A letter to a friend, giving an account how the Treaty of Union has been received here* (1706), 1.
[112] *Ibid*, 37.
[113] *Ibid*, 39

a 'Presbyterian Minister, a Popish Priest, and an Episcopal Prelate' as agreeing in their opposition to the union for 'contradictory' reasons.[114]

Similar arguments came from another Scottish pamphleteer, the Episcopalian doctor John Arbuthnot, who was serving in London as the Queen's physician. Choosing to use the more accessible form of a sermon rather than an essay, Arbuthnot delivered a Tory view of union to a popular audience through a mock sermon, which he claimed had been 'Preach'd to the People, at the Mercat-Cross of Edinburgh.'[115] Arbuthnot framed the union problem as a choice between riches or poverty. In a closer union, Scotland would partner with a powerful nation and enjoy new prosperity; as an independent kingdom, Scotland would starve. Like other Tory writers, Arbuthnot emphasised pragmatic economic advantages while dismissing religious issues as trifling and unreasonable.

With deliberate aim, Arbuthnot addressed his arguments to the lower orders, calling on them to accept the judgement of their superiours in establishing the proposed union. Consistent with other Court writers, Arbuthnot portrayed his arguments as the voice of reason, describing Country notions as 'Precarious, Imaginary and Fantastical.'[116] He also rejected crowd protests, declaring the treaty 'a matter of such weight as made it a very unfit subject for the Judgement (much more for the Scorn and Contempt) of Boys, Apprentices and Tradesmen.'[117] Suggesting that the crowds had been encouraged with French gold, he urged the people to seek instead English guineas through incorporation.

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[114] *Ibid*, 7.
[115] [John Arbuthnot], *A sermon preach'd to the people, at the Mercat Cross of Edinburgh; on the subject of the union* (1706). Riley has called this the 'official union argument' for its focus on economic improvement in union (P.W.J. Riley, *The Union of England and Scotland: A Study in Anglo-Scottish Politics of the Eighteenth Century* (Manchester, 1978), 236). It reflected a Scots Tory view of union simplified for a general audience.
[116] *Ibid*, 10.
[117] *Ibid*, 4.

Together, Cromarty, Seton, Paterson, Clerk and Arbuthnot's works established a consistent Scottish Court platform emphasising the benefits of union in peace, prosperity and the Protestant succession. While most of their works spoke to a middling to upper rank readership, their output included a number of tracts geared to a wider audience. These writers differed in their treatment of the Scottish Church, as Cromarty, Seton and Arbuthnot tended to downplay religious issues while Clerk and Paterson displayed more sympathy for the Kirk; but all emphasised the negative alternatives to the treaty, from a popish Jacobite successor to civil war with England. They also attacked the credibility of the opposition's claims for popular dissent and freeholder sovereignty, portraying anti-treaty discourse as mistaken and the people as misguided. Sovereignty lay in the Parliament, not the people, they claimed; the people had only to trust their Parliament to make decisions for the good of the kingdom.

Working alongside these Scottish writers, Daniel Defoe also developed the Court's platform. Like Clerk, Defoe showed more sympathy for the security of the Kirk in union while emphasising economic advantages in union and attacking popular opposition. His large output, appearing throughout the parliamentary session, amplified the Court message through effective distribution as well as production.

Having published two essays in London to improve English attitudes to union, Defoe published two further essays in Edinburgh alongside Clerk's *Letter*.[118] Like the *Letter*, these addressed the range of anti-union arguments that Defoe found current in Scotland, especially those established by *State of the*

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[118] The third essay appears to have been printed in late October and the fourth in early November (*Letters of Daniel Defoe*, 138).

controversy and Hodges' 1706 *Rights and interests* treatise.[119] Defoe used his third essay to counter concerns for the vulnerability of Scottish interests in the combined parliament by promising that the Scottish Church would be safer under a British than a Scottish Parliament with the added protection of an act securing the Kirk in union.[120] He also asserted that the treaty would stand as fundamental law above any subsequent legislation contrary to its terms; the union, he claimed, would dissolve on any violation of the treaty terms.[121] His fourth essay addressed a range of economic concerns raised by Country writers like William Black. In this, Defoe used his connections to the parliamentary committees on trade and tax amendments to supply a wealth of detail to counter the numbers appearing in oppositional publications and support Court claims for economic nirvana and unexceptional tax increases after union.[122]

Several individual tracts from Defoe supplemented these economic arguments, coinciding with the parliamentary debates on the economic articles in November and December. These were followed in January 1707 by a fifth essay also focusing on trade issues.[123] Throughout, Defoe sought to minimise amendments to the treaty as per his instructions from London, but proposed limited changes once it became clear that amendments would be necessary for the treaty to pass. His *Letter concerning trade, from several Scots gentlemen that are*

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[119] Backscheider, *Daniel Defoe*, 218, 223; [Daniel Defoe] *An essay at removing national prejudices, against a union with England, Part III* (1706); [Daniel Defoe], *A fourth essay at removing national prejudices; with some reply to Mr. H[o]dges and some other authors, who have printed their objections against an union with England* (1706) in McLeod, *Anglo Scottish tracts*, no. 138.

[120] [Defoe], *An essay at removing national prejudices...Part III*, 16, 26.

[121] *Ibid*, 26-7; Robertson, 'Elusive Sovereignty', 223.

[122] Backscheider, *Daniel Defoe*, 222.

[123] [Daniel Defoe], *A letter concerning trade, from several Scots gentlemen that are merchants in England, to their country-men that are merchants in Scotland* (1706); [Daniel Defoe], *Observations on the fifth article of the Treaty of Union, humbly offered to the consideration of the Parliament, relating to foreign ships* (1706); [Daniel Defoe], *The state of the excise after the union, compared with what it is now* (1706); [Daniel Defoe], *A fifth essay, at removing national prejudices* (1707).

merchants in England (1706), for example, urged Parliament to maintain equality of customs between Scotland and England; but his *Observations on the fifth article of the Treaty of Union* (1706) proposed a compromise solution to concerns that Article V excluded part-owned Scottish ships from qualification as British bottoms.[124]

Alongside these contributions to pro-treaty arguments, Defoe also developed the Court's criticism of representations of popular anti-treaty opinion. After his third essay rejected popular sovereignty, two further tracts sought to minimise the impact of anti-incorporation addresses and a series of pamphlets responded to crowd activity.[125] Through these, Defoe developed constitutional arguments reinforcing the sovereignty of Parliament while associating popular resistance with irrationality, instability, misplaced zeal and Jacobite intrigues.

In *A seasonable warning or the Pope and King of France unmasked* (1706), Defoe pitched his message to the middling and lower sorts, denouncing popular opposition to the union and reiterating many of his key arguments in simple terms. He stressed the mistaken nature of public aversion to the treaty, accusing Country party leaders of persuading 'poor ignorant People, that they are Asserting the Honour and Liberty of the Nation' while actually encouraging 'Poverty and Slavery.'[126] He claimed that 'the most violent Opposers of a Union' were 'declared Papists' and that most of the addressers were 'Dissenters...and no Friends to the Civil Government.'[127] Like other Court authors, he recommended

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[124] McLeod, *Anglo-Scottish tracts*, no. 273.
[125] [Defoe] *An essay at removing national prejudices...Part III*, 32-3.
[126] [Daniel Defoe], *A seasonable warning or the Pope and King of France unmasked* (1706), 14.
[127] *Ibid*, 8, 14.

that his readers reject 'popular mistakes and prejudices' and rely instead on the 'Wisdom and Decree of the Parliament.'[128]

Defoe devoted his sixth essay to the question, *What is the obligation of parliaments to the addresses or petitions of the people, and what the duty of the addressers?*[129] In this, he provided a Court interpretation of the Scottish constitution to counter Country Whig views on freeholder sovereignty. Defoe's arguments bore far more resemblance to Cromarty's Tory constitutionality than his own radical Whig *Legion's address* (1701) and *The original power of the collective body of the people* (1705); but as Paul H. Scott has observed, 'Defoe was too good a propagandist to allow consistency to spoil a good argument.'[130] Defoe conceded 'the undoubted Right of the People...to present their Grievances to their respective Authorities, be it King or Parliament' but claimed that Parliament was under no obligation to do more than accept the petitions.[131] Otherwise, the 'whole Scale of Order inverts to Democracy and Confusion.'[132] While Clerk had portrayed the addressers as misguided, Defoe went further in describing them as dangerous, especially in their talk of travelling to Edinburgh to demand answers to their petitions or reclaim the barons' right to sit in

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[128] *Ibid*, 16.
[129] [Daniel Defoe], *Two great questions considered* (1707).
[130] Scott, 'Defoe in Edinburgh', 10. Although Katherine Penovich has attempted to rationalise this as a development in Defoe's theory from 'the people' to 'a majority of freeholders,' this shift is not found in the sixth essay itself. Instead, the essay indicates how far Defoe was willing to compromise his Whig principles to secure a united, Protestant Britain. Country ideas about Scotland's ancient constitution and freeholder sovereignty, though representing a Scottish version of English Whiggery developed by the London-based Ridpath and Hodges, had to be demolished in favour of the Court's platform of parliamentary sovereignty (Katherine R. Penovich, 'From 'Revolution Principles' to Union: Daniel Defoe's Intervention in the Scottish Debate', in *A Union for Empire*).
[131] [Defoe], *Two great questions considered*, 5.
[132] *Ibid*, 12.

Parliament.[133] Defoe characterised any attempt to call the Parliament to account as 'absolutely Destructive of the very Being and Substance of Government.'[134]

Defoe also devoted a significant portion of his work to running down the anti-treaty mobs. Publishing in response to riots in Edinburgh and Glasgow, Defoe denounced the crowds as menacing and unchristian. Under the influence of Jacobites and Covenanting ministers, the 'Foolish Boys and mad women' of the crowds revealed not valid popular dissent but as the first steps to social meltdown.[135] After the Edinburgh riots, *A letter from Mr. Reason, to the high and mighty Prince the Mob* (1706) emphasised the crowds' anarchic overturning of authority. Similarly, the fictional narrator of *The rabbler convicted* (1706) related how he had left the crowds when he recognised that they were 'destructive to all Society' and 'disagreeable to the Laws of God.'[136] Moreover, he claimed that public clamour against the union 'proceeded from Ignorance and Malice,' 'a Popish Party amongst us' and 'giddiness of the brain, which they vainly call zeal for Religion.'[137] As in other tracts, Defoe's narrator called on the people to trust Parliament to decide the matter of union.

Defoe hit even harder at the crowds in *A short letter to the Glasgow-Men* (1706). Faced with rioting sparked by Glasgow's deacons of trade, he could not blame this on women and boys. Instead, he scolded the burgesses of Glasgow for their tumultuous behaviour and accused them of advancing the Jacobite cause, harming the Church, overturning the Scottish constitution and inviting mass disorder. Referring to a letter from the Commission of the General Assembly

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[133] *Ibid*, 3, 11.
[134] *Ibid*, 6.
[135] [Daniel Defoe], *The rabbler convicted: or a friendly advice to all turbulent and factious persons, from one of their own number* (1706), 2.
[136] [Defoe], *The rabbler convicted*, 2.
[137] *Ibid*, 2, 4.

asking presbyteries to calm local unrest, he accused the Glaswegians of betraying the Church with their opposition. Whether they realised it or not, 'all the Jacobites are in League with you, the Papists are on your right Hand, the Prelatists on your left, and the French at your Back.'[138] For those rioters who were not freemen of Glasgow, Defoe dismissed any right on their part to communicate with Parliament, 'For none but he, that has a Right to be Represented, can have a Right to Limit their Representatives; All you then, that have not a Voice in an Election, are meer Rebels, Rioters, Thieves, [and] Sowers of Sedition.'[139] As for the burgesses, Defoe was sure that they did not constitute a majority of the Scottish, or even Glaswegian, freeholders. Rioting, Defoe stressed, was madness, 'against Duty, against Reason, against Laws and Authority.'[140]

While Defoe churned out an impressive number of tracts, he also ensured that key tracts reached their intended audiences, increasing the impact of his work across the Lowlands. Having had experience of the dissemination of propaganda for Secretary Harley in England, Defoe understood the importance of establishing distribution networks.[141] In a letter to Harley, he reported in December that he had printed 2,500 copies of his *Letter to the Glasgow-men* for distribution to areas of resistance in Glasgow, Lanark, Hamilton, Dumfries and Stirling.[142]

Alongside the publications of known Court writers, a number of pamphlets by unidentified writers advanced similar arguments. Like the lesser works echoing the discourse of Ridpath and Hodges, the significance of these works lies in their augmentation of the Court platform, often for a less educated audience.

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[138] [Daniel Defoe], *A short letter to the Glasgow-Men* ([1706]), 2.
[139] *Ibid*, 5.
[140] *Ibid*, 7.
[141] J.A. Downie, *Robert Harley and the Press: Propaganda and Public Opinion in the Age of Swift and Defoe* (Cambridge, 1979), ch. 3.
[142] *Letters of Daniel Defoe*, 170.

Though this grouping includes long, sophisticated essays, such as *A discourse concerning the union* (1706?), most took a more focused form, attacking specific issues or addressing the lower sorts.[143] These tracts often responded to the more contentious anti-union arguments, such as the Covenants or higher taxes, using simple arguments to refute these issues while hammering home the Court's association of the opposition with Jacobitism and disaffection.

In one example, a dialogue between a coffee-master and a country farmer countered John Bannatyne's *Queries* with brief, simple arguments. The coffee-master rejected the Covenants as not binding to posterity; denied threats to the Church as impossible breaches of the union treaty; and downplayed potential difficulties in union as typical of any great change. On the positive side, a 'Tenant of 100 Merks' would become a 'rich Farmer of a 100 *l*' and the country farmer's wool would sell more quickly.[144] Moreover, the coffee-master indicated the duty of Presbyterians to follow their Church leaders in supporting the union, while emphasising that the Jacobites opposed the treaty because it barred the Pretender from the throne. Though most people were 'blinded still, not to see the Interest of the Nation by an Union,' this was 'owing mostly...to the mists which disaffected people raise before their Eyes.'[145] After agreeing with the coffee-master's arguments, the farmer indicated his duty as a citizen to 'submit to what the Parliament shall determine.'[146] Similarly, *Counter quiries to the quiries burnt*

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[143] *A discourse concerning the union* (1706?) echoed Cromarty and Seton's Tory line in seeing incorporating union as providing security for Scottish interests, including the Presbyterian Church, though the author felt that church government was immaterial.
[144] *Ibid*, 9.
[145] *Ibid*, 12.
[146] *An answer to some queries, &c. relative to the union: in a conference betwixt a coffee-master, and a countrey-farmer* (1706), 2.

at the Cross of Edinburgh (1706) promised that the Church would be secure in an entire union and accused Presbyterians of playing into the hands of the Jacobites.

Issues of trade and taxation also sparked anonymous tracts. Country mistrust of England led some authors to reassure readers that the promised Equivalent would be paid and African Company shares bought back.[147] In response to Country addresses and vernacular tracts, Court authors also used the vernacular to represent the voice of the people, as in a mock petition from the female 'shank workers and fingren spinners of Aberdeen.'[148] In this, the voices of wool workers conveyed a pro-union message promising an increase in cloth exports with 'Eenion' and denying anti-treaty contentions that the Scottish cloth market would be flooded with cheaper, better quality English cloth.

Alongside the aggressively positive pro-treaty tracts of the Court writers, a new type of pamphlet began to emerge indicating the presence of a pragmatic, if reluctant, opinion base for the treaty. In this, authors accepted the treaty as a necessary step under the circumstances, as long as key Scottish interests were secured by amendments. These tracts reflected the views of those in Parliament who 'were so sure that the welfare of church and state depended entirely on Article 2 [establishing the Hanoverian succession] that for the sake of it they were willing to embrace all the others, even if they did not like many of them.'[149] Alongside their commitment to the Protestant succession, however, many in the

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[147] *The equivalent explain'd* ([1706]); NLS Adv MS *Resolution of some doubts, with relation to the publick debts of Scotland, as stated in the 15 article of the Treaty of Union* (3 Feb 1707); [R.S.], *Some neutral considerations, with relation to two printed papers, which are cry'd about the streets* ([1707]).

[148] *To His Grace Her Majesties High Commissioner and the Honourable Estates of Parliament. The heemble petition of the peer shank workers and fingren spinners of Aberdeen, and places, thereabout* ([1706]). The petition may be connected to James Donaldson, writer of the *Edinburgh Gazette*, as it praised *Considerations in relation to trade considered*, a tract attributed by some scholars to Donaldson.

[149] Sir John Clerk of Penicuik, *History of the Union of Scotland & England*, ed. Douglas Duncan (Edinburgh, 1993), 122.

Court party wanted to make adjustments to the treaty in Scotland rather than leave open issues on trade, religion or law for the British Parliament to resolve.

Two advocates, the royalist John Spottiswoode and the Presbyterian Whig Francis Grant, both published tracts revealing their reluctant conversion to incorporation as the only feasible path forwards for Scotland. Rejecting more enthusiastic Court propaganda for union, both emphasised the need for unity in Britain against a Jacobite threat. Writing earlier in the debates, Spottiswoode demanded amendments to the treaty, while Grant, publishing in January, indicated his acceptance of the treaty based on the concessions secured by the end of 1706. A third writer, Thomas Spence, also indicated his pragmatic acceptance of incorporation as a done deal by early 1707 while urging further protections for the Scottish legal system in the treaty. Importantly, all three authors placed their trust in Parliament, not populist pressure, for the resolution of any remaining issues with the treaty.[150]

Having expressed Country views of union in a 1702 pamphlet, by 1706 John Spottiswoode had come to accept incorporation as a political necessity though he sought amendments to protect Scottish interests in an entire union.[151] In calling his 1706 tract *The trimmer,* Spottiswoode indicated his awareness that he was steering a pragmatic course between the Court's vision of a prosperous, united Britain and Country urgings for a sovereign Scotland allied with England. While Country tracts demanded deal-wrecking amendments, Spottiswoode sought more realistic changes; conversely, while Court tracts trumpeted the positive

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[150] The participation of these lawyers in the Union debates reflects the political awareness and involvement of the advocates as a professional class. See Chapter 5 for the participation of the Faculty of Advocates in addressing against the Crown.

[151] [John Spottiswoode], *A speech of one of the Barons of the shire of B--- [Berwick] at a meeting of the Barons and Freeholders of that shire, for choosing commissioners to represent them in the ensuing Parliament* ([1702]).

benefits of union, Spottiswoode focused on the need to avoid English trade sanctions, outright conquest or a Franco-Jacobite war.[152] Like the Court writers, Spottiswoode rejected arguments for a federal union with a separate parliament as 'inconsistent with a lasting Union of the Two Kingdoms.'[153] He proposed instead 'a few Articles, Cautions, Restrictions and Declarations' to secure 'the peculiar concerns of this Church and Nation' in the existing treaty.[154] These included an article in the treaty to maintain the Church; further securities for the civil law system, including the supremacy of the Court of Session; a new coronation oath requiring the monarch to uphold the separate interests of Scotland and England; a ban on the imposition of a sacramental test for offices in Scotland; and the retention of the right of the Estates to meet on an ad hoc basis to discuss future amendments to the treaty or Scottish property laws. Though most of these were not met in the final treaty, Spottiswoode's demands were less aggressive than most Country writers. Rather than seeking the rejection of the treaty, he seemed to desire a compromise solution to improve Scottish securities in the existing treaty.

Coming from a similarly pragmatic position, Francis Grant's tract showed how a moderate Presbyterian's concern for civil and religious liberties could lead to an acceptance of the treaty.[155] Against the greater threat of a Jacobite succession, incorporation presented the best option for Scotland. Focusing on the

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[152] [John Spottiswoode], *The trimmer: or, some necessary cautions, concerning the union of the kingdoms of Scotland and England; with an answer to some of the chief objections against an incorporating union* (1706), 15, 4. Spottiswoode's emphasis on the danger of English trade sanctions can also be seen in the pro-treaty opinion of the burgh council of Montrose, as expressed in a private letter of October 1706 to their MP, indicating that pragmatic concerns about English retaliation played a significant role in moving moderates to support the treaty (T.C. Smout, 'The Burgh of Montrose and the Union of 1707--a Document', *Scottish Historical Review* LXVI (October 1987)).

[153] [Spottiswoode], *The trimmer*, 10.

[154] *Ibid*, 6.

[155] Grant did not have obvious connections to the Court party, though as an advocate he acted for the government against Captain Green in his 1705 trial (*The tryal of Captain Thomas Green and his crew* (Edinburgh, 1705)). His moderation served him well, as he was made a Baronet in 1705 and a Lord of Session in 1709.

treaty as a means to secure the Presbyterian Church and the Protestant succession in a united Britain, Grant rejected the emphasis on free trade and economic gain found in most Court propaganda as a 'Vulgar Error.'[156] Importantly, Grant stated that he had, at first, supported the notion of separate parliaments as demanded by oppositional pamphlets; but he had been brought round to incorporation after 'several Concessions and Securities' had been passed in Parliament.[157] Believing that it would be 'morally impossible' for the British Parliament to betray the treaty, Grant chose to trust incorporation as the means to secure the Protestant succession and the Scottish Kirk.[158] Instead of dismissing and discrediting opponents of the treaty, he spoke with respect to the 'Men of Knowledge and Honour' who had addressed against the treaty, urging them to recognise how their actions, along with that of the mobs, interfered with parliamentary liberties and served to compel some towards union through their fear of disorder.[159] Incorporation, he promised, would secure the Revolution and the Church in fundamental law, providing a secure environment in which the Church would flourish and dissent would retreat in disappointment.[160]

While Grant did not demand any further amendments to the treaty, Thomas Spence asked the Parliament to remedy some remaining issues in early 1707.[161] Accepting the passage of the treaty as a foregone conclusion, he hoped that the Estates would ensure that the Privy Council continued to exist, pass new laws to advance Scottish trade before devolving this responsibility to the more distant British Parliament, reform Scottish laws and block appeals to the House of

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[156] [Francis Grant], *The patriot resolved, in a letter to an addresser, from his friend* (1707), 9.
[157] *Ibid*, 5.
[158] *Ibid*, 9.
[159] *Ibid*, 6-7.
[160] *Ibid*, 15, 17.
[161] [Thomas Spence], *The testamentary duty of the Parliament of Scotland* (1707).

Lords and secure the Church with a Presbyterian sacramental test for Scottish offices. Like Spottiswoode, Spence focused on a few pragmatic areas where treaty amendments could improve Scottish leverage in the new union. Both men showed an unwillingness to trust to the British Parliament to adjust the terms of union later, a stance that the Earl of Mar also encountered in his management of the Court majority. In writing for permission for treaty amendments, Mar warned that 'trusting to the Parliament of Britain for rectifications...does not sound well here at present; and except those of us who were treaters I'm affraid few will be willing to do it.'[162]

A grudging acceptance of incorporation among some moderates also flowed from the public support of leading clergy for the treaty. Like Grant, many Church leaders and clergy were willing to accept incorporation with the Act for the Security of the Protestant Religion in order to gain the Protestant Hanoverian succession. As Carstares wrote to Harley, 'The desire I have to see our Church secured makes me in love with the Union as the most probable means to preserve it.'[163] While asking Parliament to protect the Church in union, Court-affiliated ministers like William Carstares, John Logan and William Wishcart exerted themselves to bring the Commission of the General Assembly around to support, or at least not oppose, the treaty. They also used sermons and public letters to influence parishioners against active resistance and to counter Country arguments advancing the Covenants as a barrier to incorporation.

The Court party in the Kirk published their views on union with a 17 October petition from the Commission of the General Assembly, supported with public sermons. In a careful diplomatic move, the address cited the Queen's letter

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[162] *Mar manuscripts*, 312.
[163] A. Ian Dunlop, *William Carstares and the Kirk by Law Established* (Edinburgh, 1964), 115.

to the Parliament authorising 'what may be necessary for security of your present Church Government' and asked the Parliament to pursue this issue.[164] The Commission hoped that Parliament would ratify key acts establishing the Presbyterian Church and confirm presbytery as 'the only Government of the Church within this Kingdom' through 'a fundamentall article and Essential Condition of any Treaty.' [165] For 'peace and amity in this while Island, and preserving...the Protestant Interest at home and abroad,' erastian Church leaders were willing to accept the treaty as long as it secured Presbyterian government against toleration or disestablishment.[166] Acknowledging the Church's meek approach, Court managers in Parliament allowed a formal response to the address, stating that Parliament 'would do every thing necessary for securing the true Protestant Religion and Church Government presently established by law.'[167]

The Court minister John Logan of Alloa, a correspondent of William Carstares and the Earl of Mar, reinforced the Church's petition with a sermon delivered to the Parliament on 27 October.[168] Avoiding any reference to the Covenants, Logan asked only that the Church's existing privileges be protected in the treaty of union.[169] Though he sought to fire up the zeal of MPs for the Kirk by lamenting 'the indifferency and neutrality of many in this Church of Scotland,' he still recommended that prudence temper zeal in the service of the Church.[170] In speaking to wider audiences, Court ministers took care not to encourage public debates on Union. At the Edinburgh presbytery's fast day on 10 November, the

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[164] *APS*, vol. xi, 306.
[165] NAS PA 7/20/6. See Appendix B.
[166] *Ibid.*
[167] *APS*, vol. xi, 307.
[168] *Mar manuscripts*, 274.
[169] John Logan, *A sermon preached before...the Honourable Estates of Parliament in the New-Church of Edinburgh upon the 27 of October 1706* (Edinburgh, 1706), 11-12.
[170] *Ibid*, 11, 9.

ministers agreed not to use the event to 'create or indulge unaccountable jealousies in some people's minds' about Union. Reflecting this, the biblical texts chosen by William Carstares emphasised the role of God, not the people, in restoring the nation.[171]

With the passage of the Act for Security of the Protestant Religion on 12 November, a Court-led majority in Parliament provided the promised protection for the Church in an act linked to the treaty, as allowed by the Queen. With the passage of this Act, Court clergy regained control of the Commission, having lost a vote for a more aggressive petition in early November.[172] The Commission's third and fourth addresses to Parliament requested further protections for the Church, but did not protest the union nor block its passage. Similarly, in the parishes, 'the trumpets of sedition began to fall silent.'[173] The Commission encouraged this shift with a published letter to the presbyteries on 6 December instructing ministers to calm popular opposition.[174] Echoing Court urgings to trust Parliament, the Commission asked the presbyteries to trust that their representatives in the Commission were doing all they could to secure the Church in union. In an oblique reference to the Church's erastian basis, the ministers denounced the challenge presented by rioting to the Queen's authority, on which the safety of the Church rested, and warned that tumults could be used by Jacobites to disadvantage the Church.[175]

Ministers like William Wisheart, Moderator of the Commission of the General Assembly in 1706-7, responded to the Church's call by using his pulpit to

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[171] Dunlop, *William Carstares*, 116.
[172] See Chapter 5 for details.
[173] Clerk of Penicuik, *History of the union*, 121.
[174] *Edinburgh Gazette*, no. 59 (Tues. 10 Dec-Mon. 16 Dec. 1706).
[175] [Daniel Defoe], *Review*, no. 150 (Tues. 17 Dec. 1706).

remonstrate against public disorder.[176] In printed sermons from December 1706, Wisheart wished that 'all sober and well-meaning People may contribute their utmost endeavours' to prevent 'great Confusions in this Nation' by avoiding all crowd activities and doing everything possible in their stations to discourage resistance to Parliament.[177] Associating mob action with the lower sorts, Wisheart called on the better sort to reduce the dangers of popular opposition, it being 'Lamentable, that such Divisions...should be amongst the vulgar sort of People, about things that they do not understand, and which their Capacity cannot reach.'[178] Consistent with other Court writers, Wisheart recommended trust in the Parliament, urging parishioners to pray for God to guide the Estates to 'happy Determinations therein, with respect to the welfare of both Church and State.'[179] Like other Court ministers, Wisheart displayed his continuing concern for the interests of the Church, but indicated his willingness to rely on incorporation to protect the Church in a Protestant union.

Though Court leaders like Carstares and Wisheart sought to minimise public participation in the Union debates, at least one minister used pamphlets to counter Country arguments on the obligations of the Covenants. Responding to James Webster, William Adams of Humby parish published two tracts providing a moderate clerical interpretation of the Covenants.[180] Denying that 'the National Covenant of 1638 had outlawed absolutely the holding of civil office by

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[176] Like Logan, Wisheart corresponded with Court figures like Carstares and Mar *(Mar manuscripts*, 257).
[177] William Wisheart, *Two sermons on Jeremiah 30.7* (Edinburgh, 1707), 9, 12.
[178] *Ibid*, 9.
[179] I*bid*, 11.
[180] [William Adams], *A letter from the country containing some remarks concerning the National Covenant and Solemn League* (Edinburgh, 1707); [William Adams], *A second letter from the country, in vindication of the former concerning the National Covenant and Solemn League* (Edinburgh, 1707) in McLeod, *Anglo-Scottish tracts*, no. 222, 377.

clergymen,' Adams accepted the presence of bishops in the combined British parliament, removing a key theological objection to incorporation.[181]

As indicated by the acceptance of the treaty by Grant, Spottiswoode, Spence and many clergy, some moderates had, by late 1706, weighed the arguments for and against union and come to accept the treaty as a necessary step. Rejecting overenthusiastic economic arguments for union, Presbyterians like Grant focused on the Protestant Hanoverian succession as the key outcome of incorporation. Though Clark of Penicuik later claimed that it 'was now clear to all that the Franco-Spanish policy of keeping England and Scotland perpetually under separate jurisdictions had become the strongest of all arguments for bringing them together,' it would be more accurate to say that some non-fundamentalists had come to accept this argument. With the reassurance of an act confirming the Presbyterian Church in union, mainstream Presbyterians could agree to the treaty, even if with misgivings about test oaths and toleration. The arguments of Clerk and Defoe supported this position, while the Tory publications of Seton, Arbuthnot and Cromarty portrayed the treaty as a way not only to block a Jacobite successor, but to end religious conflict and secure a stable, open trading environment.

Conclusions

Though P.W.J. Riley has dismissed all print on union as propaganda, public discourse on the treaty constituted a real debate to which informed public

[181] Colin Kidd, 'Religious Realignment Between the Revolution and the Union', in *A Union for Empire*, 162.

opinion responded. Rather than being static, opinion moved with the circumstances and arguments of 1699-1707. While Country discourse established strong arguments for federal union by 1705 and continued to develop these with fresh attacks on the treaty in 1706, the fracturing of anti-treaty discourse into mainstream and radical viewpoints and the rise of popular disorder in late 1706 shook the solidity of the Country base among moderates and the propertied. The Court encouraged this weakening of public opinion against the treaty with its first serious engagement with the emerging Scottish public sphere, led by Scottish Court writers and amplified by the imported hand of Daniel Defoe. Court propagandists provided glowing predictions of economic growth in union and promised security for the Presbyterian Church, while dismissing popular resistance as unconstitutional, dangerous and disaffected. The sheer scale of the Court's campaign, including tracts aimed at the lower orders, indicated its commitment to the winning of union. By late 1706, a shift in opinion towards the treaty as a pragmatic means to secure the Protestant succession in the circumstances can be seen in some pamphlets and sermons, giving credence to the new vitality of the Scottish public sphere and the power of public discourse to shape views on union.

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