



Bowie, K. (2015) Newspapers, the early modern public sphere and the 1704-5 Worcester affair. In: Benchimol, A., Brown, R. and Shuttleton, D. (eds.) *Before Blackwood's: Scottish Journalism in the Age of Enlightenment*. Series: *The enlightenment world* (29). Pickering & Chatto: London, pp. 9-20. ISBN 9781848935501

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Deposited on: 13 March 2015

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## **Newspapers, the early modern public sphere and the 1704-5 Worcester affair**

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In recent decades, historians have shown great interest in the means by which growing numbers of people were able to engage with politics in the early modern era. Since 1989, many have employed the term ‘public sphere’ to provide an interpretive framework for the examination of this expansion in the public nature of politics. As Brian Cowan has observed, the 1989 translation of Jürgen Habermas’ work on the *bürgerliche Öffentlichkeit* arrived in the English-speaking historical world at a post-Namierite moment when historians needed a way to integrate old work on elite politics with new work on popular and extra-institutional political activities. With the rapid rise of the ‘public sphere’ as an analytical term, however, came criticism of Habermas’ account of the ‘bourgeois public sphere’ and empiricist fears that pervasive associations of the ‘public sphere’ with rationality, progress and liberal democracy would encourage teleological analysis.<sup>1</sup> In what Cowan has called a ‘post-Habermasian’ phase, some scholars have suggested that the ‘public sphere’ be jettisoned in favour of more historicised terminology. Joad Raymond has called for ‘a new model of something like a public sphere, built upon the categories of the actors who participated in it’ and Alasdair Raffe has chosen to write of a ‘culture of controversy’ rather than the public sphere in relation to religious debates in early modern Scotland.<sup>2</sup> For some political historians, however, the term remains useful as a shorthand for public modes of interaction between governors and the governed in particular times and places. Thus Peter Lake and Steven Pincus have outlined phases of development in the English early modern public sphere and Bjorn Weiler has used the term to encompass political communications in thirteenth-century England and Germany.<sup>3</sup>

Concerns over the usefulness of the ‘public sphere’ as an analytical category have particular relevance to the study of early modern Scotland. Though it has become common to investigate the public sphere in early modern England, orthodox associations of the term with modernity have tended to discourage similar investigations in Scotland where modernity has been seen as slow to arrive.<sup>4</sup> Some scholars have applied the term in a Habermasian sense to the clubs, periodicals and public lectures of Enlightenment Scotland, while Bob Harris has suggested that rising print and lobbying activity oriented to Westminster transformed the Scottish public sphere in the century after the Union of 1707.<sup>5</sup> Yet in the century before the Union, Scotland, like England, experienced increasing political participation at multiple crisis points in conjunction with rising print outputs and other forms of public protest, from organised crowds to mass petitioning. The concept of the ‘public sphere’ can offer a framework for exploring these activities as long as modern or Habermasian contours are not presumed.<sup>6</sup> Moreover, parallel studies of the early modern public sphere in Scotland and England can facilitate comparative and British-level analysis in the era of the Stuart composite monarchy.<sup>7</sup>

The regular publication of domestic newspapers in Scotland from 1699 invites investigation of the impact of this particular development on the Scottish public sphere. Scholars of the public sphere have highlighted the significance of newspapers and periodicals in creating greater public awareness of politics and enabling direct participation in events as they unfolded. Scottish newspapers appeared at a tumultuous moment in Anglo-Scottish relations and this chapter will show how the papers facilitated widespread engagement in what became an acute crisis in the British composite monarchy from late 1704 to the summer of 1705. The crisis centred on accusations of piracy and murder alleged to have been committed by the crew of an English trading ship, the *Worcester*, against a Scottish ship. By augmenting existing modes of communications, the *Edinburgh Gazette* and *Edinburgh*

*Courant* helped to prime an explosive expression of popular discontent by well-informed crowds in April 1705. This can be seen as a significant moment of expansion in the Scottish public sphere facilitated by periodical publications. In this moment, the sentiments expressed by angry crowds were understood by government ministers to reflect national opinion that they could not afford to ignore. This may appear to provide an ideal case study for a Habermasian notion of progressive political engagement facilitated by printed news, but the episode had tragic consequences in the execution of three members of the *Worcester* crew in the face of countervailing evidence and pleas by the crown for a judicial review. The episode confirms that developments in the public sphere cannot be seen in a teleological sense as inherently progressive and that the study of the public sphere needs to distinguish historical practice and outcomes from modern ideals.

## I

Early in April 1705, three members of the crew of the *Worcester*, an English ship that had stopped in Leith on its return from a trading voyage to the East Indies, were executed for piracy and robbery on the sands of Leith in the presence of an enormous number of onlookers. Scottish officials had seen evidence which cast doubt on the death sentence imposed on the crew by the Scottish High Court of Admiralty, but public pressure forced them not to delay the scheduled executions. The queen's chancellor was attacked by a crowd in the streets of Edinburgh on the morning of the executions when a rumour suggested that he might prevent the executions. Why was there such an extreme level of public interest in this case? Over the preceding five months, Scottish newspapers had declared the crew guilty and linked the circumstances of the trial to ongoing constitutional conflict between Scotland and England. Periodical news informed and shaped public opinion, turning many Scots against

the *Worcester's* crew and stimulating many thousands to come to Edinburgh to witness the executions. This made it impossible for the government to relieve the crew without risking serious public unrest and an anticipated loss of support in the upcoming parliamentary session of 1705.

In Scotland, as in other early modern societies, political opinions could be expressed by crowds. Mobilised by word of mouth at the local level, purposeful crowds sought to protest against the provocative actions of authorities.<sup>8</sup> After 1660, for example, presbyterian crowds tried to prevent the installation of unwanted clergymen in some parishes; and episcopalian crowds in turn resisted the placing of presbyterian clerics after 1690.<sup>9</sup> Often these actions had the support of local landowners or magistrates, but a network of supporters was needed to generate collective movements stretching beyond one locality. This can be seen in the winter of 1688-89, when members of nonconformist praying societies succeeded in forcing dozens of episcopalian ministers out of their parishes in response to news of the landing in England of William of Orange on 5 November.<sup>10</sup> From 1699, domestic newspapers offered an alternative to interpersonal networks for the provision of political news and the facilitation of protest activity. Newspapers could be efficient carriers of information and opinions within contemporary constraints of censorship, cost and illiteracy. Reaching down the social hierarchy and out to provincial locations, the regular and rapid delivery of printed newspapers allowed recipients to feel that they were participating in national affairs as they happened, rather than hearing about them afterwards.<sup>11</sup> This encouraged readers and listeners to form purposeful opinions and to express these in debate or protest. Periodical news helped to mobilise autonomous expressions of public opinion outside of elite organising networks. In turn, large-scale statements of opinion, through gatherings, uprisings or petitioning, could affect political events by influencing members of parliament, party leaders or government ministers.<sup>12</sup>

Prior to 1699, censorship exercised by the privy council and the burgh councils of Edinburgh, Glasgow and Aberdeen limited the appearance of indigenous newspapers.<sup>13</sup> News circulated in Scotland through written newsletters from London and Edinburgh, English newspapers, private correspondence and word of mouth. The occasional printing of news in Edinburgh tended to reflect moments when more news was printed in London. Edinburgh reprints of English newsbooks in 1642 were followed in the 1650s by short-lived publications catering to Cromwellian forces. In the Restoration period, the *Mercurius Caledonius* appeared in 1661 and the *Edinburgh Gazette* in 1680. In 1688, the Catholic printer to James VII and II reprinted a handful of London publications but ceased operations after an anti-Catholic crowd attacked his Holyrood press in December. Serial reports of parliamentary affairs began in 1689 with the short-lived *Account of the Proceedings of the Meeting of the Estates in Scotland*, printed in London. From 1693, *Minutes* of the Scottish parliament were published in Edinburgh. London papers circulated regularly in Scotland after the lapsing of the English Licensing Act in 1695. In 1700, for example, the burgh council of Montrose paid an under-clerk of the Edinburgh post office to send them each week copies of the *London Gazette*, *Flying Post* and any postscripts with 'extraordinary occurrences'.<sup>14</sup>

The Montrose council also ordered two copies of the *Edinburgh Gazette*, which began to be published in March of 1699 when James Donaldson, a former army officer and occasional pamphleteer with connections to the earl of Marchmont, secured a license from the privy council.<sup>15</sup> Under the eye of the council, Donaldson produced a digest of London and continental newspaper reports with Scottish news and advertisements. The content was aimed at a middling to elite readership of merchants, lairds and substantial farmers. The *Edinburgh Gazette* appeared on Mondays and Thursdays, or later if the London post was

delayed. Donaldson's paper had the endorsement of the Convention of Royal Burghs, whose members welcomed the provision of a relatively cheap digest of news. The *Gazette's* price of one Scots penny compared favourably to the cost of London papers, as their penny sterling price translated to one Scots shilling plus postage.<sup>16</sup> The scale of the *Gazette's* print runs are not known, but the paper was hawked by the Edinburgh caddies, could be found in coffeehouses and taverns and was sent to post towns by subscription.<sup>17</sup> It is likely that it was distributed by provincial booksellers and itinerant packmen, like newspapers in the Netherlands.<sup>18</sup> By 1699, booksellers were established in most of Scotland's substantial market towns, including Stirling, Perth, St. Andrews, Dundee, Ayr, Haddington, Inverness and Banff.<sup>19</sup> Incidental evidence suggests that travellers brought newspapers home from trips to Edinburgh.<sup>20</sup>

From February 1705, the periodical market became more competitive with the launch of another licensed newspaper, the *Edinburgh Courant*. Compiled by Adam Boig, the *Courant* was published on Mondays, Wednesdays and Fridays. Boig sold his paper to the caddies at a discount to the *Edinburgh Gazette* per quire, which seems to have led them to switch to sole distribution of the *Courant*.<sup>21</sup> Boig also competed on content by including more detailed news on privy council affairs and more Scottish news from outside Edinburgh. At the launch of the *Courant*, Donaldson sought to maintain the loyalty of his readers by reminding them that his *Gazette* would 'keep a continued Threed of News...so that by a Colection of the Gazettes, you will have a Compleat History of all the Considerable Transactions of Europe'.<sup>22</sup> By May, having lost his caddy distribution, Donaldson began to advertise individual coffee-houses and shops where the *Gazette* could be purchased. After a strong start, however, the *Courant* faltered when it lost its licence in late June 1705. The paper had printed a notice protesting against the suppression by the privy council of a cheap reprint of a London pamphlet on Anglo-Scottish relations. This affront led the council to shut

the paper down. It reappeared with a new printer in October 1705.<sup>23</sup> During the *Courant's* hiatus, Donaldson announced that disputes with the caddies had been resolved and 'the Gazettes are now to be sold by the said Paper-Cryers, and by none else'.<sup>24</sup>

As the following section will show, from the *Courant's* launch in February 1705 to its temporary closure in June, the two papers provided news in stereo on an escalating crisis centred on the *Worcester*. In March, they were joined by the *Observer, or a dialogue between a country-man and a landwart school-master*. This innovative paper appears to have been Scotland's first periodical providing political commentary in a dialogue format similar to John Tutchin's *Observer* in London. It has been suggested that the paper was published by an English whig, John Pierce, who fled to Scotland in 1704 to escape prosecution for libel in England.<sup>25</sup> The paper first appeared at the time of the *Worcester* trial, with seven or eight subsequent issues appearing through July 1705. The paper featured an ongoing conversation between two middling figures in rural society, a tenant farmer and a schoolmaster.<sup>26</sup> The author stated in the first issue that he sought to make the dialogue appropriate for 'Vulgar Capacities'.<sup>27</sup> The paper stopped in July after announcing that it would change to a twice-weekly format, possibly because it could not secure a license to continue.<sup>28</sup>

## II

In January 1704, the Scottish ship *Annandale* was seized in English waters at the instigation of the English East India Company. The *Annandale* was at that point the only ship being operated the Company of Scotland, a joint-stock trading company authorised by a 1695 act of the Scottish parliament. The Company is best known for its unsuccessful attempt to establish a colony at Darien on the isthmus of Panama between 1698 and 1700, but it also dispatched a small number of trading vessels to Africa and China.<sup>29</sup> By late 1703, all of the Company's



ships were wrecked, taken or missing. The Company acquired the *Annandale* in England and at the time of its seizure was readying the ship for a voyage east. The ship was forfeited to the East India Company in the English court of exchequer for breaking the EIC's monopoly, though the Company of Scotland argued that they were operating legally by the terms of their Scottish charter. The case illustrated the difficulty of reconciling conflicting national interests in the British composite monarchy and created resentment at the EIC's aggressive treatment of the ship and its crew.<sup>30</sup>

The *Worcester* happened to be the first English East Indian trader to arrive in the Firth of Forth thereafter.<sup>31</sup> Loaded with trade goods, the leaky ship stopped for emergency repairs on its way back to London. The directors of the Company of Scotland secured permission from the Scottish government to seize it in reprisal for the *Annandale* as allowed by the terms of their charter.<sup>32</sup> The ship was taken on 12 August 1704. Despite protests made by Captain Thomas Green to the Scottish privy council, the reprisal case proceeded to the Scottish admiralty court. In mid-December, additional criminal charges of piracy, robbery and murder were brought against the crew. These charges arose from stray comments made by a few crew members while on shore between August and December 1704. A search of the ship by the secretary of the Company of Scotland appeared to yield evidence of piracy, supplemented by testimony from the ship's surgeon and a servant. The admiralty charges did not specify the ship against which these crimes had been committed, but rumour connected the crimes with a Company of Scotland ship, the *Speedy Return*, lost off the Malabar coast the previous year.<sup>33</sup>

Newspaper coverage of the case helped to create a widespread belief in Scotland that Captain Green and his crew had pirated the *Speedy Return*, taken its goods and murdered the Scottish sailors. On 25 December 1704, the *Gazette* reported on the search of the ship, stating that 'there is on Board some of the Goods and Tackling which belong'd to one of our

Indian and African Company's Ships'.<sup>34</sup> On its launch in February the *Courant* provided information on indictments and trial dates.<sup>35</sup> It noted the arrival of an express from London with remissions for members of the crew who were to provide evidence against their fellow crewmates.<sup>36</sup> On Monday 5 March, the *Courant* reported a successful verdict on the initial reprisal case, which awarded '108000 lib. Scots for Damage and Expenses sustained by the said Company, on account of their Ship the Annandale'.<sup>37</sup> The start of the piracy trial was noted in the next issue, followed by short reports on the proceedings.<sup>38</sup> In mid-March, the *Courant* and the *Gazette* both reported that the judges were satisfied with the evidence provided for the criminal charges and had referred the case to the jury for a verdict.<sup>39</sup> The *Gazette* provided a summary of the case that included a defence of the initial seizure of the ship on 'just grounds' as reprisal for the Annandale. Both papers reported the jury's guilty verdict, with the *Gazette* repeating the evidential grounds for the criminal charges. The papers then publicised the schedule of executions with groups of men to be hanged across three Wednesdays beginning on 4 April.<sup>40</sup>

In the last two weeks in March, the newspapers reinforced the guilty verdict by reporting lurid confessions made by several condemned prisoners after the verdict. These explicitly linked Green's crew to the *Speedy Return*.<sup>41</sup> The confessions did not form part of the admiralty case, but were covered by the papers as 'Declarations Narrating the matter of Fact, which agree with what the Witnesses' had said at the trial.<sup>42</sup> The *Gazette* reported that 'the vessel taken by them on the Coast of Malabar' was 'a ship belonging to our Indian and African Company' and that 'they have murdered all the Men on Board her'.<sup>43</sup> By 27 March, a correspondent to the duke of Hamilton could write that 'I never knew the kingdome in a greater fervour then to have justice execute against these men every body being convinced they are guilty of all the things charged upon them.'<sup>44</sup>

As the first execution date approached, the papers drew attention to the possibility that Queen Anne might send a remission for the crew in response to English outrage. The *Courant* reported that the queen's chancellor, the earl of Seaford, had sent out letters urging attendance at a privy council meeting scheduled for 3 April.<sup>45</sup> Both papers then reported on the privy council's decision to delay the hangings by one week in response to a letter from London.<sup>46</sup> In its following issue, the *Courant* attacked the notion of a reprieve. It dismissed as 'a long Rhapsody of incoherent ridiculous Stuff' a letter sent to the Company of Scotland from a Scottish captain in the East India Company, Alexander Reid. Reid sought to show that the supercargo of the *Speedy Return* was still alive and reported that Drummond's ship had been taken by Madagascar pirates, not Green. This had been published in the *London Post Man*, but the *Courant* countered this by accusing the paper of writing 'by order of the Owners of Captain Green's Ship'.<sup>47</sup> The *Courant* advanced two points that were to be repeated in the Scottish press: that the Admiralty verdict did not name the *Speedy Return*, so evidence relating to it was irrelevant (despite statements to the contrary in earlier issues); and that the admiralty court had 'manifest and pregnant Proofs' for the guilty verdict.<sup>48</sup> The latter point implied that an attack on the admiralty court was an attack on the integrity of the Scottish government itself.

The assertiveness of the Scottish papers reflects the association of the *Worcester* case with recent Anglo-Scottish antagonism. In 1705, it was easy for many Scots to believe that an English ship had plundered the *Speedy Return* and murdered its crew. Over the past decade, Scottish pamphleteers had drawn attention to repeated episodes of English interference in the Company of Scotland's affairs and pressure on William to act against the Company in his capacity as king of England.<sup>49</sup> The problems of the Company had stimulated wider debates over Scotland's subordinate position in the Union of Crowns. In 1703 and 1704, an oppositional majority in the Scottish Parliament passed an Act of Security

demanding new ‘conditions of government’ to guarantee Scottish sovereignty in the Union of Crowns before they would accept the Hanoverian successor to Queen Anne named by the English parliament.<sup>50</sup> The 1704 act also authorised the creation of a Scottish militia, which began to be formed and exercised in the winter of 1704-05 during the *Worcester* affair.<sup>51</sup>

The English House of Lords responded to the Scottish Act of Security with an inflammatory address to the queen asking her to ready England’s northern defences, raise the militia and send troops to the border with Scotland. The *Edinburgh Gazette* published the address late in December 1704 just as rumour began to connect the *Worcester* to the lost *Speedy Return*.<sup>52</sup> This followed the publication of a series of English tracts that had revived old claims of English overlordship in response to the Act of Security, two of which were considered obnoxious enough to be sentenced to burning by the 1705 Scottish parliament.<sup>53</sup> From December 1704 to early February 1705, the *Gazette* reported on the progress of a draft bill in the House of Lords which would become the 1705 Alien Act. In its final version, passed in the Commons on 5 February 1705, the act threatened to revoke the naturalisation of Scots in England (established as a condition of the Union of Crowns since 1608) and block English imports of Scottish linen, cattle and coal if Scotland did not accept the English successor or enter into talks for a closer union by Christmas 1705.<sup>54</sup> As the *Worcester* trial began in early March, the *Gazette* reprinted addresses from the Irish parliament asserting Ireland’s readiness to support the ‘Imperial Crown of England’ against Scottish intransigence.<sup>55</sup> On 22 March 1705, the *Gazette* reported that the queen had assented to the Alien Act as well as an act designed to attack the Scottish linen trade by permitting Irish linen to be exported to the English colonies and prohibiting Scottish linen from being brought into Ireland for re-export.<sup>56</sup>

Opinion in Scotland received a further goad as the *Gazette* and *Courant* both reported on the aggressive activities of an English warship, the *Winchester*, in March 1705. While

sailing down the Firth of Forth to collect Scottish recruits to serve in the unpopular War of the Spanish Succession, the *Winchester* searched Scottish ships for French contraband and fired on uncooperative vessels. This reflected the English admiralty's resentment of a 1704 Scottish act of parliament that had authorised trade in French wine to raise customs revenues, despite the British monarch's ongoing war with France.<sup>57</sup> On being summoned by the Scottish privy council to explain what it considered provocative and illegal actions in Scottish waters, the captain refused to attend, sending his second lieutenant instead. After ignoring another summons, the captain was arrested by royal foot guards and imprisoned before appearing at the 20 March meeting of the privy council.<sup>58</sup> The impact of these events can be seen in a letter of 19 March, written by Robert Wylie, minister of Hamilton parish in Lanarkshire, complaining that this 'English insolence, insulting us upon our Coasts & in our very harbours is most displeasing to all people'.<sup>59</sup> It was at this point that the *Observer* periodical began to appear, combining comment on the *Winchester*, the English Alien Act and proposals for closer union in its first dialogue. The paper's tenant farmer identified the aggression of the *Winchester* and the compulsion of the Alien Act as signs of English ill-will and rejected the idea of incorporating union.<sup>60</sup>

In this informational context, the *Worcester* hangings represented not simply justice against presumed pirates and murderers but an assertion of Scottish sovereignty in the face of English imperialism. This placed the Scottish government in a difficult position. A 'New Party' ministry had come to power in 1704 aiming to secure the Hanoverian succession in Scotland with constitutional reforms designed to enhance Scottish independence within the Union of Crowns.<sup>61</sup> The ministry would have been sympathetic to the patriotic stance taken by the licensed papers on the *Worcester* case. English responses to the piracy case, however, embroiled them in an escalating crisis.

Anne's ministers in London were very unhappy with the *Worcester* case, having been presented with firm evidence that the *Speedy Return* had not been pirated by Green's ship. Writing from London, lord register James Johnston warned treasurer-depute George Baillie of Jerviswood that the 'matter of the reprieve sticks, for Green's guilt is not believed here'.<sup>62</sup> Nevertheless, the New Party feared a loss of support in the 1705 Scottish parliament if they were to be seen to bow to London. Jerviswood wrote to Johnston 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 whatsoever.'<sup>63</sup> In his letter, Robert Wylie observed that the 'hectoring' and 'acts of hostility' of the English 'hath so far opened the eyes of some who were for union & [the] hanoverian succession that now they begin to declare themselves against both.'<sup>64</sup>

Public opinion was crucial to the success of the minority New Party because they had to build a coalition of members in order to carry votes. Jerviswood wrote again to Johnston on 31 March to say that the Edinburgh ministry intended to refuse a reprieve because this would be 'the most popular thing'. By this point, it appeared that the New Party was losing the queen's favour, but Jerviswood calculated that those who courted the queen by backing a reprieve would forfeit support in the Scottish parliament. He concluded that the New Party's best option was to deny a reprieve to maximise public support: 'Go the matter as it will', he wrote, 'we shall by it have the country.'<sup>65</sup> On 3 April, the privy council agreed to delay the executions by one week to 11 April, but wrote what Jerviswood called a 'prettie strong' letter to the queen recommending no further delay. An contemporary letter confirms the perception that the privy council had been swayed by their perception of public opinion: '[t]he natione were so mutch concerned in the punishment of thir murdurers that they thought it not fit to stopt the executione of the sentence'.<sup>66</sup>

In the week before the execution, the Edinburgh papers reported on the construction of a gibbet at Leith.<sup>67</sup> Thousands began to make their way to the capital to witness the executions. On 10 April, the *Gazette* advised its readers that another letter from the queen had been received. Though the paper refused to print ‘Toun talk’ about the letter’s likely contents, the comment shows that there was much speculation on its message.<sup>68</sup> During a meeting of the privy council the next morning, a ‘most disorderly and numerous Convocation and gathering of Comons’ appeared, ‘filling the streets with Clamour’ and ‘threatning to overaw our Councill’. The privy council chose to evade a request from the queen for a further delay, allowing the executions to proceed by default. On emerging from the meeting, the chancellor was targeted by the crowd. Stones broke the glass windows of his coach, forcing him to escape to a nearby house for shelter.<sup>69</sup>

Vast crowds lined the road from Edinburgh to Leith to watch the first three condemned men proceed to the gallows. One observer estimated the gathering at 80,000, far exceeding the city’s population of about 50,000. Another described it as ‘the greatest confluence of people there that ever I saw in my life’.<sup>70</sup> The numbers show that many participants had travelled to Edinburgh for the event. Some may have come out of curiosity, but the investment of time and money in the journey suggests that the executions held political significance for most. Jerviswood wrote later that day that he had never seen such a crowd, ‘most of them armed with great sticks’. He was sure that had they not allowed the executions to proceed, ‘the people had torn us to pieces’.<sup>71</sup> Importantly, however, the crowd was not simply a mindless mob. For political leaders like Jerviswood, the gathering represented a national body of opinion on which the New Party would rely in parliament. As one letter put it, ‘the natione is generally inclyned to have justice execute.’<sup>72</sup>

The admiralty verdict and the subsequent hangings of Captain Thomas Green, John Madder and James Simpson triggered a wave of printed outrage in England, to which

Scottish prints responded. Countervailing evidence was published, rendering English audiences as sure of Green's innocence as the Scots were of his guilt.<sup>73</sup> After the executions, the fourth issue of the Scottish *Observer* evaluated a set of prints brought back from Edinburgh by the fictional schoolmaster, who was said to have shut his school to travel to Edinburgh to witness the event. These included reprints of the confessions previously published in the Scottish newspapers and dying speeches by Green and Madder.<sup>74</sup> The dialogue countered the men's claims of innocence in their scaffold speeches with the evidence of the crewmen's confessions. The sixth issue again attacked English arguments found in pamphlets, this time brought from Edinburgh by the tenant farmer.<sup>75</sup>

Alongside the *Observer*, virulently patriotic tracts like *A pill for pork-eaters, or a Scots lancet for an English swelling* attacked English 'scribbling Tools', asserted the 'heap of Proofs' by which the crew had been condemned and called for a new Bannockburn to vindicate Scotland's honour.<sup>76</sup> In response to pressure from London, the Edinburgh ministry printed a vindictory account of the trial in Edinburgh and London.<sup>77</sup> The New Party also encouraged the London-based Scottish pamphleteer George Ridpath to defend the case in his *Flying Post* newspaper.<sup>78</sup> Ridpath acknowledged the extraordinary level of tension between the two kingdoms with a tract outlining Scottish grievances in the Union of Crowns and refuting English calls for a conquest of Scotland.<sup>79</sup> In his role as propagandist for the English secretary Robert Harley, Daniel Defoe also sought to calm antagonisms. Defoe urged respect for the admiralty court verdict in his *Review* periodical of 26 April 1705 and pleaded for calm consideration of 'Proposals of Union' between the two countries in a pamphlet on the Green case.<sup>80</sup>

### III



The significance of the *Worcester* case in part lies in its immediate political effect: it exacerbated tensions between Scotland and England at elite and popular levels, accelerated the removal of a weak Scottish ministry and made it very unlikely that Scots parliamentarians would vote for the Hanoverian successor in 1705 without firm guarantees for Scottish sovereignty. Under the circumstances, most members felt that the better option was to vote for an act for treaty negotiations advanced by the new Argyll ministry; the opposition, after all, had been demanding a treaty on trade since 1703 and few expected that union talks would be successful, every attempt since 1603 having failed.<sup>81</sup> And though the queen's hand-picked negotiators did produce a treaty, the polarisation of Scottish opinion caused by the *Worcester* affair ensured that the queen faced a battle to pass the treaty in the next parliamentary session. For some Scots, the events of 1704-05 indicated a fatal weakness in Scottish sovereignty and created a fear of English invasion, but it hardened the anti-incorporation sentiments of others.<sup>82</sup>

In terms of the early modern public sphere, the huge crowds seen in Edinburgh and Leith can be understood as a public expression of opinions informed by printed news, reflecting an unusual level of direct political involvement by relatively ordinary people. From December 1704, first one, then two and then three regular newspapers had disseminated biased information on the *Worcester* case across the Lowlands. The papers insisted on the validity of the guilty verdict in response to challenges from London. Parallel reporting on England's Alien Act and the conduct of the *Winchester* created a public catalogue of English affronts. Convinced of the guilt of the crew, and incensed at what they saw as yet another example of English imperialism, purposeful crowds ensured that the first three *Worcester* executions took place as a declaration of Scottish sovereignty.

The cruel tragedy of the *Worcester* executions, forced on the government by the weight of angry public opinion, has led historians of the Union to shy away from the episode,

though it has attracted a few specialist studies.<sup>83</sup> In hindsight, it seems clear that Green and his crew were not guilty of piracy, murder or robbery. For most historians, the episode suggests an object lesson in the dangers of mob rule or a moment of madness indicating the need for reconciliation in Anglo-Scottish union.<sup>84</sup> This chapter suggests instead that the *Worcester* affair should be seen as a case study of an extraordinary moment in which public opinion held sway through a unique set of circumstances, including an unusual level of periodical news, a weak ministry and an environment of fierce Anglo-Scottish antagonism. Though access to printed news was still limited at this time, enough people formed opinions on the *Worcester* case to allow observers to speak of the views of ‘the kingdome’, ‘every body’, ‘the natione’ and ‘the country’. Political leaders saw the crowds as a reflection of national opinion and chose to allow the executions to proceed in hopes of securing votes in the Scottish parliament. The tragic impact of periodical print in Scotland at this moment, exacerbated by the cross-circulation of pamphlets and news between Edinburgh and London, demonstrates the need to better understand the formation and power of public opinion and the nature of the public sphere in the British composite monarchy.

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<sup>1</sup> B. Cowan, ‘Geoffrey Holmes and the public sphere: Augustan historiography from post-Namierite to post-Habermasian’, *Parliamentary History* 28:1 (Feb. 2009), pp. 166-178; J. Habermas, *The Structural Transformation of the Public Sphere*, trans. T. Burger with F. Lawrence (Cambridge: Polity Press, 1989, 1999).

<sup>2</sup> J. Raymond, ‘Perfect speech: the public sphere and communication in seventeenth-century England’ in A. Benchimol and W. Maley (eds), *Spheres of Influence: Intellectual and Cultural Publics from Shakespeare to Habermas* (Oxford: Peter Lang, 2007), p. 49; A. Raffe, *The Culture of Controversy: Religious Arguments in Scotland, 1660-1714* (Woodbridge: Boydell Press, 2012), p. 5-12.

<sup>3</sup> P. Lake and S. Pincus, ‘Rethinking the public sphere in early modern England’ in Lake and Pincus (eds), *The Politics of the Public Sphere in Early Modern England* (Manchester: Manchester University Press, 2007); B. Weiler, *Kingship, Rebellion and Political Culture: England and Germany, c.1215-c.1250* (Basingstoke: Palgrave Macmillan, 2007), 101-171.

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<sup>4</sup> D. Stevenson, 'Twilight before night or darkness before dawn? Interpreting seventeenth-century Scotland', in R. Mitchison (ed.), *Why Scottish History Matters* (Edinburgh: Saltire Society, 1991).

<sup>5</sup> A. Benchimol, 'Cultural historiography and the Scottish Enlightenment public sphere: placing Habermas in eighteenth century Edinburgh' in Benchimol and Maley (eds), *Spheres of Influence*. P. Wood, 'Science, the universities and the public sphere in eighteenth-century Scotland', *History of Universities* 13 (1994), pp. 99-135; B. Harris, 'Parliamentary legislation, lobbying and the press in eighteenth-century Scotland', *Parliamentary History* 26:1 (February 2007), pp. 76-95. The term is more likely to be used for later periods, particularly in gender history where scholars have been concerned with distinctions between public and private: M. Smitley, *The Feminine Public Sphere: Middle Class Women and Civic Life in Scotland, 1870-1914* (Manchester: Manchester University Press, 2009).

<sup>6</sup> K. Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707* (Woodbridge: Royal Historical Society, 2007).

<sup>7</sup> There have been some studies of Anglo-Scottish print, including S. Waurechen, 'Covenanter propaganda and conceptualizations of the public during the Bishops' Wars, 1638-40', *Historical Journal* 52:1 (2009), pp. 63-86; A. Raffe, 'Episcopalian polemic, the London printing press and Anglo-Scottish divergence in the 1690s', *Journal of Scottish Historical Studies*, 26:1-2 (2006) pp. 23-41; J. Raymond, *Pamphlets and Pamphleteering in Early Modern Britain* (Cambridge: Cambridge University Press, 2002).

<sup>8</sup> V. Wallace, 'Presbyterian moral economy: the Covenanting tradition and popular protest in lowland Scotland, 1707-c.1746', *Scottish Historical Review* 89 (2010), pp. 54-72.

<sup>9</sup> Raffe, *Culture of Controversy*, pp. 212-15, 226-31.

<sup>10</sup> T. Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720* (London: Allen Lane, 2006), pp. 376-77; Raffe, *Culture of Controversy*, p. 221.

<sup>11</sup> D. Woolf, 'News, history and the construction of the present in early modern England' in B. Dooley and S. A. Baron (eds), *The Politics of Information in Early Modern Europe* (London: Routledge, 2001).

<sup>12</sup> Bowie, *Scottish Public Opinion*, chs. 6-7.

<sup>13</sup> On censorship, see A. J. Mann, *The Scottish Book Trade, 1500-1720*, (East Linton: Tuckwell, 2000), pp. 19-27 and ch. 6.

<sup>14</sup> J. M. Buckroyd, 'Mercurius Caledonius and its immediate successors, 1661', *Scottish Historical Review* 54 (1975), pp. 11-21; C. Nelson and M. Secombe, 'The creation of the periodical press 1620-1695' in J. Barnard and D. F. MacKenzie (eds), *The Cambridge History of the Book in Britain*, 6 vols. (Cambridge: Cambridge

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University Press, 2002), vol. IV, pp. 533-50; W. J. Couper, *The Edinburgh Periodical Press*, 2 vols. (Stirling: Eneas Mackay, 1908), vol. I, quote at p. 75.

<sup>15</sup> The licence was dated 10 March 1699. The first issue was dated 28 Feb-2 March 1699. For more on Donaldson, see R. Mitchison, 'Donaldson, James (d. 1719)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/7798>, accessed 9 June 2014].

<sup>16</sup> The value of one pound sterling was fixed at 12 pounds Scots. At the time of the paper's launch the weak Scottish pound usually traded below the official rate, making London papers even more expensive.

<sup>17</sup> Couper, *Edinburgh Periodical Press*, pp. 204-7. At the paper's launch, Donaldson offered subscriptions at two Scots pennies plus postage for a weekly set of two issues. *Edinburgh Gazette* (hereafter *EG*) 3, Mon. 6 March-Fri. 10 March 1699.

<sup>18</sup> O. Lankhorst, 'Newspapers in the Netherlands in the seventeenth century' in Dooley and Baron (eds), *Politics of Information*, p. 152.

<sup>19</sup> Mann, *Scottish Book Trade*, p. 223.

<sup>20</sup> *Observer, or a dialogue* 6, Wed. 16 May 1705, in which the country-man brought home 'the Ordinary News-Papers'.

<sup>21</sup> The *Courant* was 4 shillings per quire cheaper. Couper, *Edinburgh Periodical Press*, p. 211.

<sup>22</sup> *EG* 619, Thurs. 22 Feb-Mon. 26 Feb 1705.

<sup>23</sup> *Edinburgh Courant* (hereafter *EC*) 51-55, Fri. 15 June-Mon. 8 Oct. 1705. In issues 51 and 52 the *Courant* advertised that James Hodges' new pamphlet, *War betwixt the two British kingdoms*, was being reprinted for sale at 10 pence rather than the high price of two shillings sterling for copies sent up from London. This was suppressed by the privy council as unauthorised copying. The action may have been instigated by James Donaldson who sold English copies of Hodges' pamphlets at his New Coffee House. A notice appeared in issues 53 and 54 stating the printer's intention to appeal the decision in order to encourage local printing and save readers money. This may have been inserted by Boig's printer, James Watson, who had been imprisoned by the privy council for publishing oppositional material in 1700. Boig turned to the heirs of Andrew Anderson (Agnes Anderson), printer to the queen, to print the *Courant* on its reappearance in October.

<sup>24</sup> *EG* 662, Wed. 1 Aug. 1705.

<sup>25</sup> W. R. Owens and P. N. Furbank, 'New light on John Pierce, Defoe's agent in Scotland', *Transactions of the Edinburgh Bibliographical Society* 6:4 (1998), pp. 134-43.

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- <sup>26</sup> On the political significance of prosperous tenant farmers and college-educated schoolmasters, see Bowie, ‘New perspectives on pre-Union Scotland’ in J. Wormald and T. M. Devine (eds), *Oxford Handbook of Modern Scottish History* (Oxford: Oxford University Press, 2012), pp. 304-9.
- <sup>27</sup> [John Pierce?], *Dialogue between a country-man and a landwart schoolmaster, concerning the proceedings of the Parliament of England, in relation to Scots affairs, &c* (Edinburgh, 1705), 8. Subsequent issues added the title *Observer* and were numbered.
- <sup>28</sup> *Observer* 9, Mon. 23 July 1705.
- <sup>29</sup> D. Watt, *The Price of Scotland: Darien, Union and the Wealth of Nations* (Edinburgh: Luath Press, 2007), ch. 16.
- <sup>30</sup> E. Graham, *Seawolves: Pirates and the Scots* (Edinburgh: Birlinn Press, 2005), pp. 156-61. See also R. C. Temple, *New Light on the Mysterious Tragedy of the ‘Worcester’ 1704-5*, (London: Ernest Benn Ltd, 1930).
- <sup>31</sup> The *Worcester* was understood to be an East India Company ship. Temple points out that it was a ‘separate stock’ ship chartered by 16 partners, as authorised by a 1698 act of the English parliament. Temple, *New Light*, pp. 72-6. Graham describes the ship as ‘operating under an East India Company license’ in *Seawolves*, p. 162.
- <sup>32</sup> Graham, *Seawolves*, pp. 162-63; Temple, *New Light*, p. 183.
- <sup>33</sup> Graham, *Seawolves*, pp. 164-74.
- <sup>34</sup> *EG* 601, Thurs. 21 Dec.-Mon. 25 Dec. 1705.
- <sup>35</sup> *EC* 1, Wed. 14 Feb.-Mon. 19 Feb. 1705.
- <sup>36</sup> *EC* 6, Wed. 28 Feb.-Fri. 2 March 1705.
- <sup>37</sup> *EC* 7, Fri. 2 March-Mon. 5 March 1705.
- <sup>38</sup> *EC* 8 Mon. 5 March-Wed. 7 March 1705; *EC* 9, Wed. 7 March-Fri 9 March 1705.
- <sup>39</sup> *EC* 11, Mon. 12 March-Wed. 14 March 1705; *EG* 624, Mon. 12 March-Fri. 16 March 1705.
- <sup>40</sup> *EG* 625, Fri. 16 March-Mon. 19 March 1705; *EC* 14, Mon. 19 March-Wed. 21 March 1705; *EG* 626, Mon. 19 March-Thurs. 22 March 1705.
- <sup>41</sup> *EG* 627, Thurs. 22 March-Mon. 26 March 1705; *EG* 628, Mon. 26 March-Thurs. 29 March 1705; *EG* 629, Thurs. 29 March-Tues. 3 April 1705; *EC* 17, Mon. 26 March-Wed. 28 March 1705; *EC* 18, Wed. 28 March-Fri. 30 March 1705.
- <sup>42</sup> *EG* 629 Thurs. 29 March-Tues. 3 April 1705.
- <sup>43</sup> *EG* 628, Mon. 26 March-Thurs. 29 March 1705.
- <sup>44</sup> National Records of Scotland (hereafter NRS) GD406/1/5343, 27 March 1705.

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- <sup>45</sup> EC 19, Fri. 30 March-Mon. 2 April 1705.
- <sup>46</sup> EC 20, Mon. 2 March-Wed. 4 April 1705; EG 630, Tues. 3 April-Thurs. 5 April 1705.
- <sup>47</sup> EC 21, Wed. 4 April-Fri. 6 April 1705. See also EG 631, Thurs 5 April-Tues. 10 April 1705; *Post Man* 1362, Tues. 2 Jan.-Thurs. 4 Jan. 1705.
- <sup>48</sup> EC 21, Wed. 4 April-Fri. 6 April 1705.
- <sup>49</sup> Bowie, *Scottish Public Opinion*, pp. 27-35.
- <sup>50</sup> ‘Act for the security of the kingdom’, K.M Brown et al (eds), *Records of the Parliament of Scotland to 1707*, www.rps.ac.uk, 1704/7/68. The English successor was the Protestant Electress Sophia of Hanover, whose son acceded to the British throne in 1714 as George I.
- <sup>51</sup> NRS GD406/1/6546, 16 Jan. 1705; GD406/1/5327, 22 Jan. 1705; GD406/1/6706, 5 Feb. 1705.
- <sup>52</sup> EG 601, Thurs. 21 Dec.-Mon. 25 Dec. 1704.
- <sup>53</sup> W. Ferguson, ‘Imperial crowns: a neglected facet of the background to the Treaty of Union of 1707’, *Scottish Historical Review* 53:155, 1 (April 1974), pp. 22-44; Bowie, *Scottish Public Opinion*, 52-3.
- <sup>54</sup> EG 608, Mon. 15 Jan.-Thurs. 18 Jan. 1705; EG 612 Mon. 29 Jan. –Thurs. 1 Feb. 1705; EG 616, Mon. 12-Feb.-Thurs. 15 Feb. 1705.
- <sup>55</sup> EG 621, Thurs. 1 March-Mon. 5 March 1705.
- <sup>56</sup> EG 626, Mon. 19 March-Thurs. 22 March 1705.
- <sup>57</sup> C. Whatley, *The Scots and the Union* (Edinburgh: Edinburgh University Press, 2006), 200.
- <sup>58</sup> EG 623, Thurs. 8 March-Mon. 12 March 1705; EC 10, Fri. 9 March-Mon. 12 March 1705; EC 14, Mon. 19 March-Wed. 21 March 1705.
- <sup>59</sup> NRS GD406/1/5297, 19 March 1705.
- <sup>60</sup> [Pierce?], *A dialogue*.
- <sup>61</sup> K. Bowie, ‘Publicity, parties and patronage: parliamentary management and the ratification of the Anglo-Scottish Union’, *Scottish Historical Review* 87 (2008 suppl.), pp. 87-9.
- <sup>62</sup> *Correspondence of George Baillie of Jerviswood, MDCCII-MDCCVIII*, ed. G. Elliot-Murray-Kynynmound (Edinburgh: Bannatyne Club, 1842), p. 69.
- <sup>63</sup> *Ibid.*, p. 64.
- <sup>64</sup> NRS GD406/1/5297, 19 March 1705.
- <sup>65</sup> *Jerviswood Correspondence*, p. 66.
- <sup>66</sup> *Ibid.*, p. 68; NRS GD406/1/5343, 27 March 1705

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- <sup>67</sup> EC 22, Fri. 6 April-Mon. 9 April 1705; EG 631, Thurs. 5 April-Tues. 10 April 1705.
- <sup>68</sup> EG 631, Thurs. 5 April-Tues 10 April 1705.
- <sup>69</sup> NRS 'Proclamation against tumults', PC13/3/1705, 17 April 1705; NRS PC1/53, f.388, 17 April 1705; *Analecta Scotica*, ed. J. Maidment, 2 vols. (Edinburgh: G. Stevenson, 1837), vol. II, p. 60; NRS GD406/1/7091, 12 April 1705.
- <sup>70</sup> Bowie, *Scottish Public Opinion*, pp. 42-3.
- <sup>71</sup> *Jerviswood Correspondence*, pp. 74-5.
- <sup>72</sup> NRS GD406/1/5342, 3 April 1705.
- <sup>73</sup> *The case of Capt. Tho. Green* (London, 1705); *The case of the owners and freighters of the ship Worcester* (London, 1705); *The innocency of Capt. Green and his crew, vindicated* (London, 1705).
- <sup>74</sup> *Observer, or a dialogue* 4, Thurs. 26 April 1705. *The last speech and dying words of Captain Thomas Green, commander of the ship Worcester, and of Captain John Madder, chief mate* (London, 1705).
- <sup>75</sup> *Observer, or a dialogue* 6, Wed. 16 May 1705. The country-man appears to have brought home [Roderick Mackenzie], *Some cursory remarks on a late printed paper, called, The last speeches* (Edinburgh, 1705); [Daniel Defoe], *Observations on the tryal of Capt. Green, and the speech at his death* (Edinburgh, 1705); *An English ointment for the Scots mange* (London, 1705); and *An elegy upon the much lamented death of Captain Thomas Green* (London, 1705).
- <sup>76</sup> [William Forbes of Disblair], *A pill for pork-eaters, or a Scots lancet for an English swelling* ([Edinburgh], 1705).
- <sup>77</sup> *The tryal of Captain Thomas Green and his crew...published by authority* (Edinburgh & London, 1705); *Seafield Correspondence from 1685 to 1708*, ed. J. Grant (Edinburgh: Scottish History Society, 1912), pp. 396-8, 401, 404.
- <sup>78</sup> *Seafield Correspondence*, pp. 395-6.
- <sup>79</sup> [George Ridpath], *The reducing of Scotland by arms...considered* (London, 1705).
- <sup>80</sup> *Observations on the tryal of Capt. Green, and the speech at his death* (London, 1705); J. Kelly, 'The Worcester Affair', *Review of English Studies* 51:201 (Feb. 2000), pp. 1-23.
- <sup>81</sup> Bowie, 'Publicity, parties and patronage', pp. 89-90.
- <sup>82</sup> For more on Scottish opinions on the treaty of union, see Bowie, *Scottish Public Opinion*.

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<sup>83</sup> The only specialist study of the event dates from 1930: Temple, *New Light*. It has been considered by scholars of the Company of Scotland, piracy and Defoe: *Price of Scotland*, pp. 216-218; Graham, *Seawolves*; Kelly, 'The Worcester Affair'.

<sup>84</sup> Graham, *Seawolves*, p. 185; G. Pryde, *The Treaty of Union of Scotland and England 1707* (Edinburgh: Thomas Nelson and Sons, 1950), pp. 18-20.