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## Chapter 5 Publicity, Parties and Patronage: Parliamentary Management and the Ratification of the Anglo-Scottish Union

Since 1707, observers have asked to what degree the Scottish parliament of 1706–7 was ‘managed’ into ratifying a treaty of union with England. Given the national spirit evident in the Scottish parliament at its sessions of 1703 and 1704, it has seemed to many that only clandestine activity could explain the members’ turn towards accepting an incorporating union. As one contemporary put it, when he considered ‘hou opposite the same parliament [in] 1703 wer with thir measures, I incline to think a Scots parliament that sits beyond 2 or 3 years are soe far modelled by English Influence that they are noe longer vox populi’.<sup>1</sup> Leading Scottish historians from George Lockhart of Carnwath in the early eighteenth century to William Ferguson in the later twentieth century have emphasised the role of patronage and secret payments in creating a majority for incorporating union, while the eminent historian of the Union, P. W. J. Riley, has pointed to the harnessing of members into noble-led factions.<sup>2</sup> More recent research, however, has stressed the ideological foundations of these factions and their alignment in a Court-Country party structure influenced by an increasingly activist and public political culture.<sup>3</sup> It is no longer adequate to claim that the Union was ‘bought’ by means of political jobbery; instead, political management must be placed in a wider context of ideological loyalties and public politics. This is not, however, to downplay management as representing an underlying ‘business as usual’ in a pre-modern parliamentary system. Of course the crown tried to manage Parliament; but what is interesting is the degree to which

<sup>1</sup> National Library of Scotland (NLS), Wodrow quarto xl, item 8 (newsletter), 4 November 1706.

<sup>2</sup> D. Szechi (ed.), *‘Scotland’s Ruine’: Lockhart of Carnwath’s Memoirs of the Union* (Aberdeen, 1995); W. Ferguson, ‘The making of the treaty of Union of 1707’, *Scottish Historical Review*, 43 (1964), pp. 89–110; P. W. J. Riley, *The Union of England and Scotland* (Manchester, 1978).

<sup>3</sup> C. A. Whatley, *The Scots and the Union* (Edinburgh, 2006); D. J. Patrick and C. A. Whatley, ‘Persistence, principle and patriotism in the making of the Union of 1707: The Revolution, Scottish Parliament and the *squadron volante*’, *History*, 92 (2007), pp. 162–86; K. M. Brown, ‘Party politics and parliament: Scotland’s last election and its aftermath, 1702–3’, in K. M. Brown and A. J. Mann (eds), *The History of the Scottish Parliament, vol. II: Parliament and Politics in Scotland 1567–1707* (Edinburgh, 2005), pp. 245–86; K. Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699–1707* (Woodbridge, 2007).

its ministers failed to do so between 1700 and 1705. Given this failure, how significant were the well-known management methods deployed in 1706–7?

This chapter will assess the impact of management in the ratification of the Union treaty, not by rehearsing familiar instances of patronage and power-broking, but by demonstrating how these tactics evolved in response to the rise of more public and partisan politics in Scotland. It will argue that from the Darien crisis onwards, the changing nature of Scottish politics challenged the crown's normal methods of management and forced ministers to develop a wider range of practices, including concessions to oppositional opinion expressed in public debate, to rebuild a Court party majority. By tracing the interaction between public and party politics and the crown's management efforts from 1700, the chapter will provide a contextual understanding of the role of management in the passage of the Union treaty in 1706–7.

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Popular and party politics began to make real trouble for William and his Scottish government in May 1700, when ministers lost control of Parliament in a session lasting just nine days. A volatile combination of economic and political grievances had exploded, fanned by Country party agitations. Economic complaints had been swelling as repeated crop failures, combined with the falling trade and higher taxes associated with William's Nine Years War (1688–1697), produced a severe recession. In a declining economy, the hopes of many had been pinned on the Company of Scotland and its attempt to found a colony at Darien on territory claimed by Spain. The extensive publicity efforts of the Company had created a strong popular perception of the colony as a patriotic enterprise. Further, the Company's allegations of English attempts to wreck capital subscriptions in London and Hamburg, combined with the king's public refusal to back the Company, aroused angry resentment in Scotland. In August 1699, a Scottish correspondent had warned William Carstares, the king's chaplain and adviser in London, that 'you cannot believe how great an edge is upon persons of all degrees and ranks here' for the Darien colony, threatened as it was by Spanish invasion and denied English aid. Though more recent historians have demonstrated the internal weaknesses of the Darien project, the information publicly available at the time had led many Scots to blame the failure on the English and the king they shared with the English.<sup>4</sup>

As the Company and its colony were widely viewed as a Scottish national enterprise, the affairs of the Company became enmeshed in

<sup>4</sup> Whatley, *Scots and the Union*, chap 4; D. Watt, *The Price of Scotland: Darien, Union and the Wealth of Nations* (Edinburgh, 2007), pp. 41–3, 47–63, 79–89; J. McCormick (ed.), *State-Papers and Letters Addressed to William Carstares*, (Edinburgh, 1774), p. 488; *A Selection from the Papers of the Earls of Marchmont, 1685–1750, in the Possession of the Right Hon. Sir George Henry Rose*, 3 vols (London, 1831), vol. iii, pp. 179–81, 184.

parliamentary party politics. The Company had petitioned Parliament for backing in 1698, and had secured an address from the estates to the king. In October 1699, Company directors petitioned the king to ask for a new meeting of Parliament so ‘that your Majesty may have the Advice and Assistance of the Great Council of this Nation in such a weighty and general concern’.<sup>5</sup> At the same time, the second marquis of Tweeddale began to work with the duke of Hamilton and the earl of Tullibardine (later first duke of Atholl) to initiate a popular address to the king. When the government attempted to discourage signatures by means of a royal proclamation, public outrage spurred more to sign. With a reported 21,000 signatures, the national address was presented in London to King William by Tweeddale on 25 March 1700. A further eight petitions from certain shires and burghs were presented to Parliament at a session called for 21 May 1700 after repeated delays.<sup>6</sup> Alongside these petitions, printed and manuscript pamphlets also began to circulate in support of the opposition and its demands.<sup>7</sup>

While the national address asked the king to allow Parliament to meet ‘to support the Interest and Credit’ of the Company of Scotland, the eight petitions to Parliament from shires and burghs outlined a broad set of grievances that went beyond the problems of the Company. Alongside assertions of the rights of the Company of Scotland and its colony, complaints were also made about rising poverty, the decay of trade due to the war with France and the continuing French prohibitions on key Scottish exports, and the king’s maintenance of standing armed forces in peacetime Scotland, despite the disbanding of such forces in England. Though respect for conventions meant the petitioners refrained from attacking the king directly, their patriotic rhetoric portrayed the Company’s problems as a blow to Scotland’s honour, requiring vindication by Parliament.<sup>8</sup>

The Country party’s campaign presented a new kind of public challenge to the Scottish ministry – a challenge that it proved unready to meet as Parliament opened in May. At the start of the session, the duke

<sup>5</sup> C. Innes and T. Thomson (eds), *Acts of the Parliament of Scotland (APS)*, 12 vols (Edinburgh, 1814–1875), vol. x, p. 134, appendix at pp. 19–20, 24; *A Full and Exact Collection of . . . Publick Papers, relating to the Company of Scotland* ([Edinburgh], 1700), pp. 7–26, 87.

<sup>6</sup> Edinburgh, National Archives of Scotland (NAS), Papers of the Dukes of Hamilton and Brandon, GD 406/1/444, 4368; *A Full and Exact Collection of . . . Publick Papers, relating to the Company of Scotland*, pp. 105–7; *Selection from the Papers of the Earls of Marchmont*, pp. 192–8; L. W. Sharp (ed.), *Early Letters of Robert Wodrow, 1698–1709* (Edinburgh, 1937), p. 59; *APS*, vol. x, appendix at pp. 34–41.

<sup>7</sup> These included Anon., *The People of Scotland’s Groans and Lamentable Complaints* ([Edinburgh, 1700]); [George Ridpath], *Scotland’s Grievances relating to Darien* ([Edinburgh], 1700); [William Seton of Pitmedden], *Memorial to the Members of Parliament of the Court Party* ([Edinburgh, 1700]); Anon., *A Short Speech Prepared to be Spoken, by a Worthy Member in Parliament* ([Edinburgh], 1700); Anon., *Heads of Things Fit to be Granted and Done in the Ensuing Session of Parliament* (1700), Edinburgh, National Library of Scotland, Adv. MS. 83.7.6(154). See also Bowie, *Scottish Public Opinion*, pp. 30, 32, 70–3.

<sup>8</sup> *APS*, vol. x, appendix at pp. 36–41.

of Queensberry and the earl of Marchmont used their speeches as royal commissioner and chancellor respectively to encourage loyal obedience to the king, emphasising the debt owed to him for the Revolution and for the re-establishment of Presbyterianism within the national Church. But it soon became clear that recent events held more weight for many in the Court party and they deserted to the opposition. The Country party gained an early 'resolve' [formal resolution] intended to wrest control of the session away from the government: 'that all motions and overtures be first made in plain Parliament and that no motion or overture come in from any of the Committees but upon matters first remitted to them by the Parliament'. Overtures from the government in favour of the Presbyterian establishment and against popery and profanity—made to reinforce the fidelity of Presbyterian members—were countered with demands for the rescinding of acts confirming the king's power to call and dissolve the General Assembly. Attention then turned to the Company of Scotland, with the presentation of a new petition from the Company, the eight local petitions and a 'resolve' from the duke of Hamilton 'asserting the Company's interest and legal title to Caledonia in Darien'. Faced with these challenges, on 30 May Queensberry adjourned Parliament to 20 June to enable him to seek further instructions from the king. On 17 June, a proclamation further postponed the session until 4 July.<sup>9</sup>

This debacle in May demonstrated to the government that, in the present circumstances, they could not maintain a stable Court party majority with their usual methods. The degree of anger felt across Scotland over the king's policies, encouraged by the Country party's public protests, had created rebellion within the estates. William, as usual, refused to come to Scotland to help his ministers woo members and he did not authorise any concessions on the opposition's key complaints. Though the king's letter to Parliament expressed regret for Scotland's recent 'misfortunes and losses' and promised new acts to encourage trade, it offered no explicit support for the Company of Scotland nor any public rationale for William's refusal to defend the Darien colony.<sup>10</sup>

At the time of Queensberry's initial adjournment, the Country party maintained its pressure on the government by organising an immediate address to the king from about ninety members demanding the re-assembly of the estates. On 20 June, party leaders encouraged illuminations in Edinburgh in favour of the Darien colony, triggering

<sup>9</sup> *APS*, vol. x, pp. 190–4, appendix at pp. 34–5; Sir David Hume of Crossrigg, *A Diary of the Proceedings of the Parliament and Privy Council of Scotland, May 21, 1700—March 7, 1707* (Edinburgh, 1823), pp. 1–6; *A Full and Exact Collection of . . . Publick Papers, relating to the Company of Scotland*, p. 127; NAS, PC 13/3/1700 (17 June 1700).

<sup>10</sup> *APS*, vol. x, p. 190. During the summer of 1700, James Hodges proposed himself to viscount Seafield as a pamphleteer in the king's interest for a salary of £300, but though Seafield expressed interest, Hodges' services were not taken up and by 1703 he was writing for the opposition. McCormick (ed.), *State-Papers and Letters addressed to William Carstares*, p. 598.

a major riot in which the homes of government supporters were attacked.<sup>11</sup> By July, ‘a great Number’ of signatures were being collected for a third address to the king. This address demanded a Parliament not just to support the colony but also to pass acts to assert the freedom of the Scottish kingdom, secure the king from outside influence, and reduce the corrupting power of patronage in the Scottish Parliament. A further call for an act of *habeas corpus* also appeared.<sup>12</sup> These points were echoed in pamphlets, as Country discourse shifted towards a broad critique of English hegemony in the Union of Crowns.<sup>13</sup>

With a nearly-empty Scottish treasury limiting patronage opportunities, ministers began to despair of managing Parliament without the king’s presence in Scotland. Fortunately for them, the final collapse of the Darien colony allowed ministers to issue a conciliatory proclamation in William’s name in early August. This stated that – although the loss of the colony now made a declaration of support for it unnecessary – the king would seek the release of colonists held captive by Spain and would support parliamentary measures to assist the Company. Aided by this expression of royal empathy, leading ministers and their lieutenants, including the duke of Queensberry, viscount Seafield, and the earls of Argyll and Mar, worked busily to restore relations with their followers.<sup>14</sup>

By the time Parliament reconvened on 29 October 1700, the abandonment of the colony and the blandishments of ministers had started to bring some Court party rebels back to the fold. As royal commissioner, the duke of Queensberry sought to develop good relations with members by inviting them to join him for dinner on the king’s birthday. Ministers deployed other patronage carrots and sticks, prompting a parliamentary resolve from Hamilton against anyone ‘offering a good deed or office, or threatening Members of Parliament for votes’.<sup>15</sup> Yet alongside these methods, the government also acknowledged oppositional complaints. The king’s letter to Parliament offered a justification for his failure to support the Darien colony and promised to approve ‘what shall be reasonably proposed’ to assist the Company of Scotland.<sup>16</sup> Moreover, economic grievances were dealt with as Parliament devoted three months of deliberations to

<sup>11</sup> *Full and Exact Collection of... Publick Papers, relating to the Company of Scotland*, pp. 127–9; J. Grant (ed.), *Seafield Correspondence from 1685 to 1708* (Edinburgh, 1912), p. 290; *Selection from the Papers of the Earls of Marchmont*, pp. 210–11; Bowie, *Scottish Public Opinion*, pp. 34–5; Watt, *Price of Scotland*, pp. 197–9.

<sup>12</sup> *Full and Exact Collection of... Publick Papers, relating to the Company of Scotland*, pp. 133–7; Grant (ed.), *Seafield Correspondence*, p. 304.

<sup>13</sup> See note 7.

<sup>14</sup> Grant (ed.), *Seafield Correspondence*, pp. 299–303; NAS, PC 13/3/1700 (6 August 1700); *Full and Exact Collection of... Publick Papers, relating to the Company of Scotland*, pp. 130–2; McCormick (ed.), *State-Papers and Letters addressed to William Carstares*, pp. 585, 601, 603, 611, 618, 647.

<sup>15</sup> McCormick (ed.), *State-Papers and Letters addressed to William Carstares*, pp. 595, 611; Hume of Crossrigg, *Diary*, pp. 9, 23.

<sup>16</sup> *APS*, vol. x, pp. 201–2.

proposals to improve trade. These led to an act blocking the import of French wine in hopes of persuading France to lift its barriers against Scottish trade. The government also backed acts against popery and profanity and an act 'anent wrongous imprisonment' (*habeas corpus*).<sup>17</sup>

Having made these concessions, the government was better able to manage the debates on the Company of Scotland when these were resumed, although its influence was limited. In mid-December, an observer noted that 'the Country party are much weakened' and that they would 'desist from pressing Caledonia any more', but in January 1701 Hamilton's party offered, and secured unanimous support for, a series of patriotic resolves which attacked the English Parliament for 'undue Intermeddling in the Affairs of this Kingdom' and which characterised the English proclamations of 1699 forbidding aid to the Darien colonists as 'inhumane barbarous and contrare to the law of Nations'. Another petition from the Company and eighteen new addresses from shires and burghs continued the pressure for an act to assert the rights of the Company. Despite this, the Court managed to convince a small majority to support an address to the king rather than an act, in part on the pragmatic grounds that 'an Address without an Act would be better than an Act without the Royal Assent'. Unusually for the royal commissioner, Queensberry offered a speech to Parliament as part of the debate. The final vote split 108 to 84, or 56% to 44%, for the less provocative address.<sup>18</sup>

Ministers retained their fragile hold on Parliament only by means of another compromise, this time on supply for the standing forces. As Country speakers argued for a militia to replace the standing army, government speakers, again including Queensberry, reminded members of the army's importance in maintaining the Revolution. Country opposition succeeded in reducing troop numbers from over 4,000 to 3,000, with a motion to reduce the forces to only 2,000 defeated by just fourteen voices (108 to 94). Ministers secured a six-month cess (land tax) to fund the agreed 3,000-man force, but had to assure members that any troops maintained above this number would be financed from the king's own excise revenues.<sup>19</sup>

In the following year, the Country party escalated its opposition by withdrawing from the new Queen Anne's first meeting of Parliament on the grounds that new elections should have been called according to a 1696 act regulating the succession on William's death. At the opening of Parliament on 9 June 1702, Hamilton led out his party to the cheering of crowds around Parliament House. A petition to the queen

<sup>17</sup> *Minuts of the Proceedings in Parliament*, nos. 1–57 (29 October 1700–1 February 1701); *Selection from the Papers of the Earls of Marchmont*, p. 215; Hume of Crossrigg, *Diary*, pp. 23, 36.

<sup>18</sup> Sharp (ed.), *Early Letters of Robert Wodrow*, p. 135; *Minuts*, no. 37 (9 January 1701); no. 38 (10 January 1701); no. 40 (13 January 1701); nos. 46–7 (20–21 January 1701); Hume of Crossrigg, *Diary*, pp. 45–51; *APS*, vol. x, pp. 242–57, appendix at pp. 73–86.

<sup>19</sup> *Minuts*, no. 49 (23 Jan 1701); no. 50 (24 Jan 1701); nos. 52–6 (27–31 Jan 1701).

soon followed, signed by dozens of members, along with supporters in Edinburgh. The Faculty of Advocates also initiated a petition to the queen to protest the illegality of the session. Although Anne refused to accept the Country party petition, and Parliament quashed the Advocates' address as unwarrantable, together these protests cast a shadow over all the acts passed by the rump Parliament. The Country party attempted to raise a boycott of the cess authorised in the 1702 session, but although the boycott worried the government, the Country party's legal challenge to Anne's Parliament was not as effective in motivating support at the grassroots level as the Darien issue had been in 1700–1. As Robert Wylie, minister of Hamilton parish and political adviser to the duke of Hamilton, pointed out in July, the party had failed to publish pamphlets explaining their stance and the issues proved opaque to many.<sup>20</sup>

Besides the cess, Queensberry in 1702 also secured acts confirming Anne's accession and authorising negotiations with England for a closer union. Yet even within a Court-dominated rump Parliament, he faced management problems. Differences emerged between Episcopalian and Presbyterian interests, as Anne's association with high Anglican Tories in England encouraged Episcopalian dissenters in Scotland. On the presentation of an act to confirm the Presbyterian Church settlement, Sir Alexander Bruce (later earl of Kincardine), commissioner for the burgh of Sanquhar, argued that Scottish Presbyterianism was 'inconsistent with the essence of monarchy'. After being expelled from the house by an appalled Presbyterian majority, Bruce subsequently published a version of his inflammatory comments as a pamphlet. Chancellor Marchmont responded by introducing an act for the abjuration of the pretender, which would have blocked any Jacobite Episcopalian from sitting in Parliament or holding office under Anne. Faced with Marchmont's unilateral action, Queensberry was forced to adjourn Parliament.<sup>21</sup>

With her 1702 act for union negotiations, Anne sought to fulfil William's vision for an incorporating union as a means to neutralise an increasingly activist, populist and partisan Scottish political system. Among Country pamphleteers, only the London-based writer, George Ridpath, engaged with this act in 1702, publishing a tract to influence the union negotiations that were held over the winter of 1702–3.<sup>22</sup> In Scotland, party attention remained focused on the domestic scene as Martinmas elections produced a new grouping of Episcopalian and

<sup>20</sup> *APS*, vol. xi, p. 5; *A Selection from the Papers of the Earls of Marchmont*, pp. 239–41; Szechi (ed.), 'Scotland's Ruine', pp. 13–14; Hume of Crossrigg, *Diary*, pp. 83, 89–90, 93–4; NAS, GD 406/1/4813, 4815, 4830, 5181, 4900; Bowie, *Scottish Public Opinion*, pp. 35–6.

<sup>21</sup> Hume of Crossrigg, *Diary*, pp. 83–95; Szechi (ed.), 'Scotland's Ruine', pp. 14–17; [Sir Alexander Bruce], *A Speech in the Parliament of Scotland* ([1702]); Riley, *The Union*, pp. 37–9.

<sup>22</sup> [George Ridpath], *A Discourse upon the Union of Scotland and England* (1702).

Jacobite commissioners to Parliament, known as the 'Cavaliers'. This, combined with Anne's favouring of Episcopalians in her ministerial appointments, raised the real possibility of a shift in the Court party away from William's ideological core of mostly Presbyterian Revolution supporters towards Episcopalians and even Jacobites.<sup>23</sup> When Parliament opened in May 1703, the Court party imploded as the Cavaliers backed a public campaign for legal toleration of Episcopalian worship, and Court and Country Presbyterians came together in opposition.

Pamphlets and petitions were deployed, as a heated public debate erupted between Episcopalian and Presbyterian interests. In March, dissenting clergy made a play for royal support with an address asking for the queen's indulgence for the practice of their religion. Other Episcopalians, such as the Jacobite Lord Balcarres in Fife, organised addresses from lay supporters in localities including the counties of Fife, Stirling and Angus and the burghs of Glasgow, Dundee, Aberdeen and Elgin. At the same time, a number of pro-toleration pamphlets began to appear, among them some by Anne's new secretary, the earl of Cromartie (formerly viscount Tarbat). These urged toleration for dissenters and stressed the breadth of popular support for Episcopalian worship.<sup>24</sup> Presbyterians perceived this as an open challenge to the Revolution settlement, in particular the Claim of Right's statement that prelacy was a grievance of the people. Their vigorous responses included a petition to the 1703 Parliament from the Commission of the General Assembly and a number of pamphlets attacking Episcopalian toleration as dangerous to the Revolution interest and Presbyterian Church. As one Presbyterian author put it, 'the Prelatick and Jacobite party aim at no less, than the overthrow of the present Establishment, and the Restauration of Prelacy in this Church in spite of the Claim of Right'. Some writers also linked toleration to the Country issue of English hegemony, seeing the influence of Anglican Tories in the Episcopalian dissenters' campaign.<sup>25</sup> On the ground, crowds in Glasgow demonstrated their concern over Episcopalian ambitions by attacking one of their local congregations that had begun to meet more openly.<sup>26</sup>

Led by Marchmont, Argyll and the marquis of Annandale, Court Presbyterians joined with Country members to brush aside Cavalier

<sup>23</sup> Brown, 'Party politics and parliament', pp. 254–68.

<sup>24</sup> Anon., *To the Queen's Most Excellent Majestie, the Humble Address and Supplication of the Suffering Episcopal clergy*, (1703); Sharp (ed.), *Early Letters of Robert Wodrow*, p. 255; NAS, GD 406/1/5181; [George Mackenzie, earl of Cromartie], *A Few Brief and Modest Reflexions Perswading a Just Indulgence to be Granted to the Episcopal Clergy and People in Scolland* ([Edinburgh], 1703); [George Mackenzie, earl of Cromartie], *A Continuation of a Few Brief and Modest Reflexions* ([Edinburgh], 1703).

<sup>25</sup> *The Humble Representation of the Commission of the late General Assembly* ([Edinburgh, 1703]); [George Ridpath], *An Account of the Proceedings of the Parliament of Scotland*, (1704); [James Hadow], *A Survey of the Case* (Edinburgh, 1703), p. 4; [James Webster], *An Essay upon Toleration* ([Edinburgh], 1703), pp. 19, 24.

<sup>26</sup> NLS, Wodrow quarto xxviii, fo. 151; NAS, PC 1/52(520, 524–6).

overtures for toleration and to pass acts confirming the Revolution and the Presbyterian Church. In response to the pro-toleration pamphlets, open criticism of the Claim of Right was now declared treasonous. Stymied, the Cavaliers retreated from the Court party but remained a separate faction, leaving neither the Court nor the Country party in outright control of Parliament.<sup>27</sup>

As the Court party disintegrated, a Country party agenda for constitutional reform came to dominate the session, with the opposition's return to the patriotic, anti-English rhetoric that it had developed in 1700–1. While Andrew Fletcher of Saltoun whipped up resentment of English hegemony and demanded limitations on the royal prerogative, Cavaliers joined the Country party in delaying the settlement of the Scottish succession.<sup>28</sup> For the moment, deep ideological differences between Country Presbyterians and Episcopalian Cavaliers were subsumed in a shared willingness to capitalise on public discontent and claim the mantle of patriotism. The apparently nationalist Parliament of 1703 thus represented a marriage of convenience between two differing oppositional groups, but it was a marriage riven with potential areas of disagreement.<sup>29</sup>

The hallmark of the 1703 Parliament, the Act of Security, emerged from contentious debates launched by a Country resolve from Tweeddale for 'such conditions of government and regulations in the constitution of this Kingdom to take place after the decease of her Majestie . . . as shall be necessary for the preservation of religion and liberty'. Further overtures added the preservation of Scottish trade to this agenda and made radical proposals for limitations on Anne's successor. A broad majority approved a final act that, while it did not place any particular limitations on the prerogative, none the less insisted that 'conditions of government' be enacted to secure Scottish sovereignty, trade and religion before England's Hanoverian successor could be accepted. Reflecting the concerns from 1700–1, this act also demanded that 'a free Communication of Trade, the freedom of Navigation and the liberty of the Plantations' be secured from the English. A clause to arm a Protestant militia satisfied earlier arguments

<sup>27</sup> *APS*, vol. xi, pp. 46–7; [Ridpath], *An Account of Proceedings*, pp. 28–9, 38–9; Szechi (ed.), *Scotland's Ruine*, pp. 30–1, 33; Hume of Crossrigg, *Diary*, pp. 98, 102–4.

<sup>28</sup> The Scottish succession was open because the death of Queen Anne's last child in 1700 had left the Revolution monarchy without any direct heirs. In 1701 the English parliament had passed an act naming Sophia of Hanover, a descendant of James VI and I, as the Protestant heir. Anne's plan in 1702 for incorporating union would have settled the succession in Scotland, but with the failure of union talks she needed the Scottish parliament to accept the 'Hanoverian succession' through an act of parliament or a fresh attempt at union.

<sup>29</sup> P. W. J. Riley has rightly questioned historians who interpret the legislation of the parliament of 1703 as a transparent declaration of Scottish independence, but he goes too far in the opposite direction by arguing that 'the Court was faced, not by a nationalist revolt, but by a problem of parliamentary management which it was unable to solve'. The Court faced both. P. W. J. Riley, 'The Scottish parliament of 1703', *Scottish Historical Review*, 47 (1968), p. 131.

on the standing army, while a separate Act anent Peace and War responded to complaints made concerning the Nine Years War.<sup>30</sup>

These Parliamentary debates were closely watched as visitors thronged the house and crowds outside cheered votes on popular issues, notably the passage of the clause for a trade on an equal footing with England and its colonies. A wave of printed overtures, speeches and tracts dealing with free trade, limitations on sovereignty, and the union of crowns aroused public interest on these issues, with only a few writers offering a Court point of view.<sup>31</sup> Describing free trade as 'a thing, generally desired by the people of Scotland', George Ridpath attributed this to the 'intolerable Dishonour and Loss in the Affair of Caledonia'. Anne's ministers recognised the strength of public feeling, and Seafield warned London of 'the great resentment there is in this nation because of the act of navigation and the loss of our colony of Caledonia', recommending that 'a communicatione of trade... be obtained either by a concession from England or by a treaty of a federal or intire union'.<sup>32</sup>

Faced with a Country-Cavalier alliance on patriotic reforms, Queensberry proved unable to achieve his primary objective of supply. The Court Presbyterian revolt also continued, as Marchmont unilaterally offered an overture naming Sophia of Hanover as Anne's successor with specific limitations, though not a communication of trade. The abject failure of this overture exposed the queen's weakness on the succession issue. While the Cavaliers opposed the Hanoverian settlement in principle, even Revolution supporters expected to secure significant reforms of the Union of the Crowns before conceding the succession.<sup>33</sup> Queensberry indicated that he would give the royal assent to the Act anent Peace and War in hopes that this would gain him supply; but after three months of uncontrolled debate, during which the Country party twice threatened to address the queen, he was forced to adjourn without giving the royal assent to the Act of Security.<sup>34</sup>

Queensberry responded to the embarrassment of 1703 by attempting to smear his noble rivals as Jacobites in a plot that backfired and cost him his job as royal commissioner. Anne responded by inviting the Presbyterian wing of the Country party into government in

<sup>30</sup> [Ridpath], *Account of Proceedings*, pp. 134–8, 188–9; *APS*, vol. xi, pp. 41, 63, 69–70, 74–5, 107; Szechi (ed.), 'Scotland's Ruine', p. 38; Hume of Crossrigg, *Diary*, pp. 100, 109, 112, 115.

<sup>31</sup> Sir John Clerk of Penicuik, who published in support of an incorporating union in 1706, started to write for the Court party in 1703. Sir John Clerk of Penicuik, *History of the Union of Scotland and England*, D. Duncan (trans. and ed.), (Edinburgh, 1993), p. 3.

<sup>32</sup> [Ridpath], *Account of Proceedings*, pp. 193–8; H. Paton (ed.), *Report on the Laing Manuscripts preserved in the University of Edinburgh*, 2 vols. (London, 1914–1925), vol. ii, p. 36.

<sup>33</sup> Hume of Crossrigg, *Diary*, pp. 131–2.

<sup>34</sup> Anon., *Overture by Way of Act Concerning the Succession (1703)*; [Ridpath], *Account of Proceedings*, pp. 21–3, 328–31; Szechi (ed.), 'Scotland's Ruine', pp. 37, 39; *APS*, vol. xi, pp. 84, 112; Hume of Crossrigg, *Diary*, p. 118, 133–4.

the hope of creating a Revolution coalition that would vote for the Hanoverian succession with limitations. Led by Tweeddale and including Marchmont, this group became known as the New Party (and, by 1705, as the *squadron volante*). While the idea of a Revolution coalition for the succession was plausible in theory, in practice the queen could not offer sufficient reforms to win the succession. Meanwhile, factional rivalry ensured that Queensberry's followers moved into the opposition.<sup>35</sup>

As in 1703, the 1704 Parliament took place in an atmosphere of keen public interest. This interest was fuelled by angry resentment over an address of March 1704 by the English House of Lords to the queen concerning Queensberry's plot to smear his rivals; this address had also decried the open Scottish succession and called for a closer union.<sup>36</sup> The Country party continued to capitalise on public anger over English hegemony by demanding reform of the Union of the Crowns, a demand that was supported by the Cavaliers. A resolve from the duke of Hamilton insisted that Parliament should not name a successor before 'we have had a previous treaty with England in relation to Commerce and other Concerns with that Nation'. This became conjoined with a Court resolve for limitations to produce a motion that 'took with the house' and was supported by 'a vast plurality of voices' in the estates as attentive crowds outside cheered the leaders of the opposition. Hamilton then offered the 1703 Act of Security with the clause on communication of trade removed, followed by a separate resolve for a treaty with England. Fletcher backed the latter with an overture for the nomination of treaty commissioners. This was taken up by Parliament almost to the point of naming the commissioners, but when the dukes of Atholl and Hamilton, as rival opposition leaders, could not agree on a slate of candidates, Parliament moved on to consider Queensberry's plot.<sup>37</sup> Despite this slip, the opposition secured another patriotic resolve that condemned the Lords' address as 'an undue Intermeddling with our concerns, and an Incroachment upon the Independence, Honour and Sovereignty of this Nation'. Parliament also voted to address Anne, warning that 'nothing can obstruct more our coming into . . . the succession' than 'any more encroachments of that nature'. A final address to the queen closed the session with a protest against the paucity of the papers sent up from London for a parliamentary investigation of the Queensberry plot.<sup>38</sup>

Tweeddale's New Party had promised in Anne's opening letter that the government would introduce acts for 'quieting the minds of all

<sup>35</sup> Szechi (ed.), 'Scotland's Ruine', pp. 63–5, 84, 89.

<sup>36</sup> *Journals of the House of Lords*, vol. 17, (London), pp. 505–6, 554.

<sup>37</sup> *APS*, vol. xi, pp. 127–9; *Minuts*, no. 3 (13 July 1704), nos. 5–6 (19, 21 July 1704); Szechi (ed.), 'Scotland's Ruine', pp. 72–5, 78–9; Hume of Crossrigg, *Diary*, pp. 138–40, 143–4.

<sup>38</sup> *Minuts*, no. 11 (8 August 1704); *APS*, vol. xi, pp. 152, 204–5; Szechi (ed.), 'Scotland's Ruine', pp. 76–7; Hume of Crossrigg, *Diary*, pp. 161–2.

our good subjects', including 'Terms and Conditions of Government'; but they could only guarantee 'whatever can in reason be demanded, and is in our power to grant'.<sup>39</sup> With these restrictions, the New Party could not secure the succession, even though the renewed war with France now allowed Marchmont, and several supporting pamphleteers, to highlight a Franco-Jacobite threat to the Revolution interest. Meanwhile, Tweeddale faced a new level of oppositional aggression as an attempt was made to tack the Act of Security to an act for supply. In order to prevent this and to secure the much-needed cess for a wartime army, Tweeddale gave the royal assent to the reintroduced Act of Security.<sup>40</sup>

Even without the clause on free trade, the price paid by Tweeddale for supply became a political liability for Anne and her ministers in England. In response, a Whig-led English Parliament passed the 1705 Alien Act, designed to force the Scottish Parliament either to settle the succession or to nominate commissioners for union negotiations. This, combined with the concurrent trial in Edinburgh of an English crew suspected of pirating a Company of Scotland ship, produced an explosion of anti-English feeling in Scotland, expressed in angry pamphleteering and riotous crowds. Public animosity ensured that three members of the English crew were hanged for piracy in April as the privy council resisted pressure from London for a reprieve. Though the New Party hoped that the hangings would gain them support in the next parliamentary session, Anne turned to the second duke of Argyll to form a new government. Under immense pressure to resolve the Scottish situation, Argyll brought back the duke of Queensberry and expelled the New Party from office. When his new ministry could not agree on whether to attempt to gain the succession by means of limitations or a treaty, the queen's letter left this up to Parliament.<sup>41</sup>

Despite Queensberry's return to the Court party, Argyll still needed to attract members from the *squadron volante*, the Cavaliers, or Hamilton's Country party in order to make a parliamentary majority. Country pressure since 1700 for a treaty to reform the Anglo-Scottish union proved to be the key for Argyll as he capitalised on what Lockhart called a 'great inclination in the house to set a treaty on foot'. Both the earl of Mar for the Court party and Hamilton for the Country party proposed resolves for a treaty with England and both Court and Country pamphlets now urged an act for a treaty, though

<sup>39</sup> *APS*, vol. xi, pp. 125–6.

<sup>40</sup> Anon., *The Great Danger of Scotland as to All its Sacred and Civil Concerns* ([Edinburgh, 1704]); Anon., *A Watch-word to Scotland in Perilous Times* ([Edinburgh, 1704]); Hume of Crossrigg, *Diary*, pp. 138, 144–8, 151; Szechi (ed.), 'Scotland's Ruine', pp. 72, 77–8; *APS*, vol. xi, pp. 130, 133, 136–7.

<sup>41</sup> Bowie, *Scottish Public Opinion*, pp. 41–3, 80; G. E. M. Kynynmond, Earl of Minto (ed.), *Correspondence of George Baillie of Jerviswood, MDCCII-MDCCVIII* (Edinburgh, 1842), pp. 64–6, 104, 107; *APS*, vol. xi, pp. 213–4.

Country writers firmly rejected the notion that incorporating union should be an outcome of treaty talks.<sup>42</sup> After acts had been passed on trade and limitations, momentum increased for a treaty with the defeat of a Country clause demanding the repeal of the Alien Act before negotiations could commence. A majority settled for an address to the queen expressing their resentment of the Alien Act as well as their interest in a 'nearer and more complete union'. There was not, however, any mention of incorporation in the act for a treaty, nor had entire union been mentioned in the queen's letter. Only luck allowed ministers to defeat a clause from Hamilton that the union would not 'derogate any ways from any Fundamental Laws, Ancient Priviledges, Offices, Rights, Dignities, and Liberties of this Kingdom', as the absence of several Country and Cavalier members meant there was a bare majority of two votes against the motion. Other safeguards became necessary to secure votes: the act blocked discussion of alterations in the Presbyterian Church of Scotland and required that Parliament ratify any treaty resulting from the authorised negotiations. These measures, combined with memories of the failed talks of 1702–3, brought some members to see the act for a treaty as an easy way out of the Alien Act impasse.<sup>43</sup>

The passage of the 1705 act for a treaty demonstrated that the Court party could regain control of Parliament only when it engaged with longstanding demands for reform of the Anglo-Scottish union, and particularly for a treaty on trade. Private agreements with factional interests also played a part, as Queensberry brought his followers back to the Court party and as dealings with the duke of Hamilton ensured that the queen would nominate the Scottish negotiators.<sup>44</sup> Yet these arrangements alone could not secure the act for a treaty; the government also had to collect votes by drawing on the public interest in reform of the existing union, without specifying the introduction of an incorporating union. Given the conditional nature of many of these votes, the queen faced a fresh management challenge when it came to ratifying her treaty of incorporation in 1706–7.

The experience of 1705 suggested that ministers might continue to win over elements of the opposition if they could portray the treaty as a patriotic response to public complaints on the union. As Seafield put it in late 1705, 'there is no other way of taking from the opposing party their pretensions of having a country-interest,

<sup>42</sup> Hume of Crossrigg, *Diary*, pp. 163, 165; Anon., *A Speech Concerning a Treaty of Union with England* ([Edinburgh, 1705]); Anon., *A Speech Intended to have been Spoken in Parliament by a Member who was Necessarily Absent* ([Edinburgh, 1705]).

<sup>43</sup> In contrast, the 1702 act for treaty negotiations had been passed with a less restrictive letter to the queen asking her to preserve the Presbyterian Church. *APS*, vol. xi, pp. 26–7, 213–14, 236–8, 295; *Minutes*, no. 29 (31 August 1705); Szechi (ed.), 'Scotland's Ruine', pp. 95, 100–3.

<sup>44</sup> *Minutes*, no. 19 (14 August 1705); Szechi (ed.), 'Scotland's Ruine', pp. 86, 89, 105–6, 108–9.

but by having a treaty'.<sup>45</sup> Recent historians have emphasised that the treaty did respond to Scottish demands by offering free trade and compensation for the Company of Scotland. The treaty also provided an agreement on the Hanoverian succession, which many Revolution supporters desired, provided it was combined with reforms of the union. When parliamentary speeches, pamphlets, petitions and protests expressed manifold objections to incorporating union, especially the threat to the Presbyterian Church, the loss of Scottish sovereignty, and the burden of higher taxes, Scottish ministers ignored advice from London and negotiated further guarantees for the security of the Presbyterian Church, along with articles on the Scottish regalia and on trade and taxation.<sup>46</sup> At the same time, Court party writers offered not just a few pamphlets but extensive printed arguments in support of incorporating union, claiming a patriotic stance for the treaty in direct competition with the Country party.<sup>47</sup> Alongside this new populism, the government also produced its now well-known management incentives, including secret payment of arrears of salary to selected members of the Court party and the allocation of lucrative post-union jobs to key factional leaders.<sup>48</sup> This combination of attractions drew the Presbyterian *squadron volante* into alliance with the Court party, leaving the Cavaliers and the Countrymen as a minority interest under the leadership of the rival dukes of Atholl and Hamilton.<sup>49</sup>

By late November 1706, it seemed that the government had managed to offer enough concessions and carrots to build a stable parliamentary majority. Fervent and sometimes violent public protests still threatened to disrupt the parliamentary session, but ideological differences between Country and Cavalier interests now began to reduce the effectiveness of the opposition. While in previous years the Country and Cavalier groups would work together to delay the succession, the negotiation of a treaty that included free trade forced Hamilton's Country party to press instead for the Hanoverian succession with limitations. In turn, Cavalier resistance to Hanover undermined attempts to formulate a united Country-Cavalier challenge to the treaty. The two groups did co-operate in a campaign to generate dozens of petitions from burghs, shires and parishes, in part by developing a joint statement that condemned the treaty without mentioning the succession. Their disagreements, however, undermined two potentially significant mass protests: a gathering of petitioners in Edinburgh in December 1706 and a walk-out of the opposition in January, both of which were to be followed by an address to the queen. In December, as hundreds of Jacobites and Presbyterians alike poured into Edinburgh,

<sup>45</sup> McCormick (ed.), *State-Papers and Letters addressed to William Carstairs*, p. 738.

<sup>46</sup> Whatley, *Scots and the Union*; Bowie, *Scottish Public Opinion*.

<sup>47</sup> Bowie, *Scottish Public Opinion*, pp. 103–14; K. Bowie, 'Popular resistance, religion and the Union of 1707', in T. M. Devine (ed.), *Scotland and the Union* (Edinburgh, 2008).

<sup>48</sup> Ferguson, 'The making of the treaty', pp. 106–10.

<sup>49</sup> Patrick and Whatley, 'Persistence, principle and patriotism'.

Hamilton insisted that an address to the queen should not only ask for the election of a new Parliament but advocate the Hanoverian succession as well. As the leaders argued over this, the government dispersed their followers with a proclamation forbidding unauthorised meetings. In January, some Cavalier members agreed to join a last-ditch walkout even though the protest statement drafted by the Country party promoted the Hanoverian succession. Atholl, however, would not support the statement, leaving the planned exodus leaderless—as Hamilton refused to act for fear of being blamed by the queen for wrecking the treaty.<sup>50</sup> The collapse of this final oppositional manoeuvre allowed ministers to confirm the ratification of the treaty on 16 January 1707.

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Those who focus on the contrast between the parliamentary sessions of 1703–4 and 1706–7 usually struggle to explain the ratification of the treaty of union in terms other than corruption and management. This chapter has suggested that by taking a longer perspective of 1700 to 1707, the ratification of union can be seen as resulting from an extended crisis during which the Court party collapsed under the pressure of pervasive grievances brought to parliamentary politics by a populist Country party. From 1703, the election of a Cavalier faction further disrupted the Court party and reinforced the patriotic opposition fronted by the Country party. Over time, the government learned that to rebuild a Court party majority it would have to acknowledge at least some popular grievances, offer public rationale for its policies, and deploy augmented patronage resources. In 1706–7, ministers reconstructed a Court party based on Revolution interests by accommodating the ideological and personal interests of a former Country faction, the *squadron volante*, and by reinforcing the loyalties of Court party followers. This was done through a combination of private incentives and extensively advertised claims for the public benefits of incorporation. At the same time, the terms of the treaty exposed differences between the Country and Cavalier factions and reduced their ability to concert effective resistance, despite their pursuit of aggressively populist strategies drawing on fervent objections to incorporating union.

Was the Scottish Parliament of 1706–7 ‘managed’ into accepting a treaty of union? The answer to this depends on the definition of management. For historians like Ferguson and Riley, management has meant patronage and other private accommodations, used to secure the compliance of factional leaders. Yet the evidence of 1700–5 shows that many members of Parliament did not simply follow their leaders; instead, they could be swayed by public debate and Country party

<sup>50</sup> Szechi (ed.), *Scotland's Ruine*, pp. 184–96; Bowie, ‘Popular resistance’, pp. 49–50.

leadership to rebel against the Court party when crown policy was inconsistent with their ideologies and interests. In 1706–7, ministers made greater efforts to manage not just leaders but followers by offering real concessions on grievances and substantive contributions to public debates. Though intended to ‘manage’ Parliament, these activities differed from patronage in relying on open dialogue rather than private conversations. The use of patronage in personal negotiations continued to be important, particularly in securing the acquiescence of party leaders on both sides, but the dynamic political culture of the early 1700s also required the deployment of public persuasion to ensure the co-operation of followers. We might call this management, but it was not business as usual.