

## CHAP. II.

From the  
Reforma-  
tion to the  
Union.

*The Mas-  
sacre of  
Glencoe.*

The massacre of Glencoe was inquired into by a royal commission, and, after it had reported, the Estates addressed a memorial to King William on July 15th, 1695. The inferior persons implicated in that mournful and disgraceful tragedy being in Flanders, the Estates censured Sir John Dalrymple, without directly impeaching him of high treason; and they accused Lord Breadalbane of high treason, though he was not brought to trial. As a matter of fact, no one was directly punished for this crime against humanity, which must ever remain a blot upon the otherwise noble character of William III. The infamous design was clearly traced to Dalrymple, Argyle, and Breadalbane. The man most deeply involved, Dalrymple (afterwards Lord Stair), was simply dismissed from his office of Secretary of State for Scotland. Even after the massacre of Glencoe, writs of extermination, or "letters of fire and sword," were granted against two Highland clans, on private grounds of quarrel, by the Privy Council of Scotland.

*Presby-  
terianism  
re-estab-  
lished.*

The ecclesiastical settlement of the Revolution was now proceeded with. In 1689 an act had been passed for abolishing prelacy and all superiority of office in the Church; and during the following session (1690) statutes were passed which practically ended the ecclesiastical struggle by establishing Presbyterianism. Banished Presbyterian clergymen were restored to their benefices, and on May 26th Parliament adopted the Confession of Faith. The preamble to this important religious declaration stated that "the Confession of Faith underwritten was this day produced, read, and considered, word by word, in presence of their Majesties' High Commissioner and the Estates of Parliament, and being voted and approven, was ordained to be recorded in the books of Parliament." As the acceptance of the Confession of Faith was not accompanied, however, by the renewal of the Covenant, alarm was created in many minds. A second opportunity occurred for imposing it when the Estates passed an act repealing the legislation of later times which might impede the exercise of their

old powers by the Church courts. Another statute of importance was carried, whose ostensible purpose was to abolish the offensive powers given to the hierarchy in previous reigns. The ecclesiastical punishment of excommunication, which had been enforced by the courts of law, was put an end to ; and "all acts enjoining civil pains upon sentences of excommunication " were repealed.

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A new General Assembly was summoned to meet on October 16th, 1690, and Lord Carmichael, a firm and judicious man, was appointed King's Commissioner. He kept aloof from ecclesiastical questions, and most of the authority was left in the hands of the Church president, the Moderator ; but the King was resolved that the State should maintain a general control over the Assembly. Hence it became an established custom that the Commissioner, at the end of the session, adjourned the Assembly to its next meeting "in the name of the sovereign"; and the Moderator adjourned it to the same day "in the name of the Lord Jesus Christ." Great offence was given to the Covenanters by the failure of the Assembly to renew the Covenant, which, as Burton observes, was "a more flagrant abandonment than even in Parliament, of the fundamental privileges of the Church."

The  
Assembly  
and the  
Covenant.

The Patronage Act was passed by Parliament on July 19th. The right of patrons to present to benefices had always been repugnant to the Presbyterian body, who would never concede it when they had the power of resistance. Nevertheless it had been restored with the hierarchy in Charles II.'s reign, and now it was to be abolished. The first clause of the Patronage Act of 1690 expressly stated that "our sovereign lord and lady their Majesties the King and Queen, considering that the power of presenting ministers to vacant churches of late exercised by patrons hath been greatly abused, and is inconvenient to be continued in this realm, do therefore, with the advice and consent of the Estates of Parliament, hereby discharge, cass,<sup>1</sup> annull, and make void the

Patron-  
age.

<sup>1</sup> Really to make void, as repeated.

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foresaid power, heretofore exercised by any patron, of presenting ministers to any kirk now vacant or that shall hereafter happen to vaikie,<sup>1</sup> within this kingdom, with all exercise of the said power; and also all rights, gifts, and infestments, acts, statutes, and customs, in so far as they may be extended or understood to establish the said right of presentation.”<sup>2</sup> It was directed that when a vacancy occurred the heritors or landowners in country parishes and the municipal corporations in burghs, together with the elders of the Church, were to propose a person in holy orders to the congregation, who were either to approve or disapprove of him. When objections were taken, these were to come before the Presbytery, who were to decide whether the person selected should be clergyman of the parish or not. Thus the act did not abolish the lay element in patronage, but regulated it, nor did it admit the right of the congregation finally to reject a minister. What it conferred was the power to object and the right to plead the objection before the Presbytery. Some held that the act was not an abolition of rights of patronage, but only an arrangement for enabling them to be sold, as clauses were inserted providing that for each patronage a sum of six hundred merks (about £35) should be paid. Where compensation was not made, it would seem that under this perplexing act the right of patronage remained.

Univer-  
sity tests.

Another act was also passed in July, 1690, imposing a religious test upon professors in the universities, and appointing visitors to seek out and report against those hostile to the new settlement. None were to be admitted to chairs or allowed to continue in them but such as acknowledged and subscribed the Confession of Faith, swore and subscribed the oath of allegiance, and submitted to the government of the Church as now settled by law. This statute was the beginning of a series of harassing measures, which led to bickerings and grave discontent. Those professors who were at first driven

<sup>1</sup> Fall vacant.

<sup>2</sup> *Scots Acts of Parliament.*



forth, however, were not the most distinguished men at the universities.

When Parliament reassembled in 1693, an act was passed "for settling the quiet and peace of the Church," its object being to secure the taking of the oath of assurance already prescribed, but not enforced. The new act sought to bring in those who swore allegiance to the existing King "as a calamity beyond help," but who reserved their prospective allegiance to the rightful King whenever his restoration was attempted or effected. A General Assembly was called to endorse the oath for the clergy, but the Presbyterians resented Erastianism, or State domination of the Church. Dalrymple and Tarbat, the King's advisers, resolved to push the royal supremacy; but William Carstares—who had acquired great influence over the King, for whom he acted as a kind of unofficial Secretary for Scotland—saw the danger of insistence. He braved the anger of William by forcing himself into his presence, and, producing before him the royal instructions, which he had intercepted, he besought his Majesty to withdraw them. The King at first took this boldness very ill, but his clear reason soon enabled him to perceive that Carstares was right, and at length he forgave his secretary and revoked the order. A serious difficulty was thus averted.

A special act of Parliament was passed for the exclusion from their benefices of the non-conforming Episcopalian clergy, who by this statute were compelled to live on the south side of the Forth. Another act was passed in 1695 to enforce payment of a portion of the stated incomes of the clergy to temporary missionaries appointed by the Church; and the jurisdiction under this act extended to all the country beyond the Grampians and to all the counties north of the Forth. A still further act, of a more pacific tendency, gave the non-conforming clergy an opportunity of remaining in their benefices and performing their pastoral duties by conforming to the civil oaths. They were, however, prohibited from continuing the spiritual succession, and were merely mission-

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*The Church and the Royal Supremacy.*

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agement of  
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tion to  
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aries, being neither part of a corporate Church nor entitled to sit in ecclesiastical courts. Burton states that this act was of great service in breaking the compactness of the Episcopal body in the north.

Parliament likewise passed in 1693 an important act for the encouragement of trade. This statute provided that in Scotland adventurers associating together for foreign commerce should enjoy all extant privileges of trade ; and the trade of the East and West Indies and the Mediterranean was especially included as among those to which the right of the adventurers, when incorporated under the Great Seal of Scotland, should become public and undoubted. Following up this legislation, the Parliament which met at the Tolbooth on June 26th, 1695, sanctioned the Darien scheme by a statute entitled "An Act for a Company trading to Africa and the Indies." Privileges were granted to the company which raised them above the restraints of the Navigation Act, and they were also granted the extraordinary power of fitting out and arming vessels of war either in Scotland or any other country not at war with the British sovereign. The company were further authorised to make settlements and build cities, harbours, and fortifications in Asia, Africa, or America, to contract alliances with Powers in these distant parts of the world, and to defend themselves if attacked ; while, to restrain private adventurers, all other Scotchmen were prohibited from trading in the districts occupied by the said company without their licence. The history of the Darien scheme was most romantic and unfortunate ; and British action with regard to it and the ultimate collapse of the company will be found treated of elsewhere.

In the Scots Parliament of 1698 there arose a formidable opposition to the English Government on the ground of its high-handed conduct towards the Darien expedition. It was with the utmost difficulty that the Government could secure the election of the committees for the trans-action of public business. A proposal was made in the Estates formally to renew the powers and privileges of

the company, but by specious promises the Commissioner put off this resolution. But the alienation from the Crown increased rapidly, and the session of 1700 was very unpropitious and stormy. The Darien disasters had thoroughly roused the Scottish temper, but a temporary truce was enforced by the prorogation of Parliament. The Earl of Melville wrote that the people all sided with the Opposition in Parliament, and that there was no more speaking to the people than to a man in a fever. Riots broke out in Edinburgh, and the bands of music which paraded the city played, in allusion to King William, the tune, "Wilful Willy, wilt thou be wilful still?"<sup>1</sup>

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In October, 1702, the Parliament met in as angry a spirit as ever. Uncompromising resolutions were adopted, condemning the interference of the English Parliament in the Darien scheme, as well as the proclamations by the governors of the English colonies. Certain pamphlets defending the King were denounced as "blasphemous, scandalous, and calumnious libels," and they were ordered to be burned by the common hangman. In the meantime projects were put forward for accomplishing the Union between England and Scotland. Nothing was done, however, for the negotiations fell through in consequence of a claim by the Scots to equal trading privileges with England, which was well known to refer to the African or Darien scheme. As there was no hope of a permanent agreement, the Estates were adjourned on February 3rd, 1703, until October 4th ensuing, but this Parliament never again assembled.<sup>2</sup>

*Parlia-  
ment in  
1702.*

*Projects  
for Union  
with Eng-  
land.*

The new Parliament, the memorable Union Parliament, met at Edinburgh on May 6th, 1703. The numbers summoned to it were very large, including 153 lords, 85 barons, and 67 burghers, or a total of 305. They all

*Meeting  
of the  
Union  
Parlia-  
ment.*

<sup>1</sup> Stanhope's *History of England*, and the *Carstares State Papers*.

<sup>2</sup> Burton says that this Parliament had a more protracted existence than the celebrated Long Parliament of England; but that is not so. The Long Parliament lasted for twenty years (1640—1660); the Scotch Parliament sat for fourteen years (from 1689 to 1703).



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sat in one House, with the Chancellor as Chairman. The nobles were accommodated at the upper end of the hall on raised benches, and beneath these were ranged the lesser barons and burgesses. Before the sittings began, the old feudal ceremony of "riding" to the Parliament House was carried out with more than customary pomp and splendour. Queen Anne, who had succeeded William III. in the preceding year, appointed the Duke of Queensberry her Scots commissioner, and the Earl of Seafield Lord Chancellor. When the sittings opened, a letter was read from the Queen favouring toleration, and, in pursuance of this letter, the Earl of Strathmore brought in a bill "for toleration to all Protestants in the exercise of religious worship," but so much hostility was manifested towards it that it was dropped. Instead of an act of relief, on June 3rd the Estates passed a declaratory act ratifying and confirming the Church establishment of the Revolution; and it was at the same time made high treason to impugn any article of the Claim of Right. Sir David Cunningham, of Milneraig, urged that it was uncharitable to affirm, as was done by this act, that "the Presbyterian Government was the only Church of Christ." To this the Marquis of Lothian replied that "he was sure the Presbyterian Government was the best part of the Christian religion," a sentiment which "set all the House in a merry temper."<sup>1</sup> The act was carried with the objectionable words.

*The  
Estates  
declared  
a Parlia-  
ment.*

The Estates next formally asserted themselves to be a Parliament, and then passed an act declaring that after her Majesty's decease no king or queen of Scotland should have power to make peace or war without consent of Parliament. And to make it clear that they held themselves free from the war with France then raging, they brought forward a measure to remove, even in the midst of war, the restrictions on the importation of French wines. Both these acts, though asserting large powers for the Estates, were suffered to be touched with the sceptre and become law.

<sup>1</sup> Lockhart (of Carnwath) Papers.

The most considerable personage in this Parliament was Andrew Fletcher, of Saltoun. Fletcher was born in 1653, and educated under Bishop Burnet. When first returned to Parliament, he so strongly opposed the measures of the Court that he was obliged to flee to Holland. In 1685 he returned, and landed with Monmouth in the west of England, and he subsequently fought against the Turks in the Hungarian army. The Revolution restored him to his country, and he became a commissioner to settle the government of Scotland. Fletcher was a fine, high-toned man, exempt from the vices of the age. He was very accomplished both in law and letters, and was master of the English, Latin, Greek, French, and Italian languages. He was by far the finest speaker in the Parliament of Scotland, the Earl of Stair coming next. The latter was famed for a splendid, the former for a close and nervous eloquence. Fletcher's works are classics, and his "speeches and language will bear comparison with the best speeches of the reign of Queen Anne, the Augustan age of Great Britain, being far superior to the meretricious, inflated, metaphorical style of our modern orators."<sup>1</sup> Observed another writer, "If ever a man proposes to serve and merit well of his country, let him place his courage, zeal, and constancy as a pattern before him, and think himself sufficiently applauded and rewarded if he obtain the character of being like Andrew Fletcher, of Saltoun."<sup>2</sup>

Fletcher's ideal government for Scotland would have been a republic something after the type of the Italian republics ; but failing this, he endeavoured to give to the constitution of his country a broad and liberal basis. He brought forward a scheme of "limitations," whose object was to take the patronage of office from the Crown and to exercise it in the Estates by the method of the ballot. To the objection that this was revolutionary Fletcher replied, "Not at all ; it merely transfers the power of

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scheme of  
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tations."<sup>1</sup> Buchan's *Life of Fletcher*.<sup>2</sup> *Lockhart Papers*.



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*The Act of  
Security.*

This scheme was not perfected and carried through, for a greater measure soon absorbed the attention of Parliament. This was the Bill of Security, brought in by Tweeddale, but subsequently moulded by Fletcher. The measure did not pass in the current session; but, as ultimately adopted, the Act of Security provided that on the death of the Queen without issue the Estates were to name a successor from the Protestant descendants of the royal line of Scotland; but the admitted successor to the crown of England was excluded from their choice unless "there be such conditions of government settled and enacted as may secure the honour and sovereignty of this crown and kingdom, the freedom, frequency, and power of Parliaments, the religion, freedom, and trade of the nation, from English or any foreign influence." To administer the coronation oath without instruction from the Estates was declared to be treason, and a further clause ordered the nation to be placed in a state of immediate defence.

*Angry de-  
bates on  
the Suc-  
cession.*

For four months, fierce debates raged round this question. Charges of intimidation and corruption were freely made, and any speaker who seemed to favour England was threatened or howled down. Early in September the Earl of Marchmont moved for leave to withdraw a bill he had introduced to settle the succession. This being granted, he introduced another to "settle the succession on the house of Hanover," but when the Clerk came to the paragraph naming the Princess Sophia, the whole House was in a flame. Some moved to have the overture burnt; others were for calling the Earl to the bar or sending him to the Castle. By a majority of fifty-seven votes, permission was even refused to enter the project on the minutes. The Act of Security was carried, but the Queen refused her assent thereto. This led to further exciting debates. Members boldly asserted their independence, and spoke of resorting to the sword if they were denied the right of expressing their desires in

Parliament. Fletcher again introduced his drastic limitations scheme, proposing annual elections, the exclusion of office-holders, the frequent calling of Parliaments, etc., but the discussions were cut short on September 16th by the adjournment of the House.<sup>1</sup>

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Now arose a singular incident, known variously as the Scots Plot and the Queensberry Plot. Queen Anne having granted a pardon in March, 1703, to all Scottish political offenders who would take the oath to her government, many adherents of the Stuarts availed themselves of her clemency. Lord Lovat was one of these. A great Highland gathering was fixed to be held at Lochaber in August, but while its ostensible object was the driving of the deer, its real object was supposed to be a political one. Lovat, having a deep grudge against Lord Athole, the Keeper of the Privy Seal, now laid a plot for his ruin. He had obtained possession of an unaddressed letter written by the wife of the Pretender to some Scotch nobleman, and he filled in the blank with the name of Athole, and forwarded the document to the Duke of Queensberry. His Grace sent on the letter to the Queen, but, the deceit becoming known, Lovat fled to the Continent, and the Duke lost his place as Commissioner. The plot had still wider effects, however. Anne informed the House of Lords in December that there were French emissaries stirring up rebellion in Scotland, and the Lords at once investigated the question, but without definite result. The Scots were angry with the House of Lords, considering that the matter should have been dealt with by the Privy Council. The House of Commons also fell foul of the peers for assuming powers of criminal inquiry which did not belong to them, and prayed the Queen to give orders for the investigation to be carried on by her officers.

The  
Queens-  
berry Plot.

The Scottish Parliament met July 6th, 1704, and the Queen desired the Privy Council to ascertain how much

The  
Estates  
in 1704.

<sup>1</sup> In addition to the Parliamentary Minutes, the authorities for this Parliament are Tindal, Hume of Crossrig, and Boyer (*Annals of Queen Anne*).

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*The  
Act of  
Security  
passed.*

*The Eng-  
lish Par-  
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truth there was in the suspected plot. The Marquis of Tweeddale was the new Commissioner in place of Queensberry. Instead of making up the rent between the two nations, which Anne lamented had become wider, the Estates denounced the interference of the English House of Lords in the matter of the plot, and carried an address to her Majesty regretting that such an encroachment had occurred upon her prerogative as Queen of Scotland ; and they requested her to take such measures as would prevent the like meddling in future. The Act of Security was again passed, practically without resistance, the Estates adopting the "tacking" policy of the English House of Commons in order to carry their point. It was resolved not to grant the funds for the support of the Scots troops if the Act of Security were not touched with the sceptre, and the act was consequently accompanied in the statute-book by another act for the supply of six months' cess upon the land rent. Lord Stanhope observes that, as the act might involve on the demise of the Queen a separation of the crowns of England and Scotland, "a resolute Prime Minister would for the second time have refused it the royal assent."<sup>1</sup> But Godolphin gave way, and the measure received the Queen's sanction.

When the English Parliament met on October 29th, the hostile attitude of Scotland at once engaged its attention. Lord Haversham first opened the matter ; and a special sitting was appointed for November 29th, when the Queen attended, with the hope of moderating by her presence any heats which might arise. Godolphin was attacked by both Whigs and Tories, and made but a feeble defence, for his vital energies were waning. The Queen attended a second time on December 6th, when Lord Somers indicated the measures he thought necessary. He proposed a law declaring the Scots aliens, and forbidding the importation of their cattle, which law was to remain in force until the succession to the crown of

<sup>1</sup> Stanhope's *History of England*, vol. i.



Scotland should be settled. A bill to that effect was introduced, and the Lords also carried an address to the Queen praying that Newcastle should be put into a condition of defence, that the port of Tynemouth should be secured, that the works at Carlisle and Hull should be repaired, and that the militia of the four northern counties should be disciplined and provided with arms and ammunition.

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The House of Commons concurred with the Lords, but took umbrage at certain money penalties which apparently invaded their own taxing privileges. The Lower House accordingly introduced a bill of their own, which passed the Peers, and became law during the session. It was entitled "An Act for the effectual securing the kingdom of England from the apparent dangers that may arise from several acts lately passed in the Parliament of Scotland." This measure enacted that the Queen should be empowered to name commissioners to treat of a union with Scotland; that after Christmas Day, 1705, unless the succession to the crown of Scotland should be decided by that time, every native of Scotland not a settled inhabitant of England, nor serving in her Majesty's forces, should be taken and held for an alien; that from the same date no Scotch cattle nor sheep should be brought into England, nor any Scotch coals, nor yet any Scotch linen.

*Measures  
of defence.*

This act of self-protection, which was natural enough on the part of England, alarmed the Scots, whose trade in cattle and linen was threatened with ruin. While the matter was pending, a painful occurrence, arising indirectly out of the Darien enterprise, greatly emphasised the necessity for an amicable understanding between England and Scotland. Captain Thomas Green and thirteen of the crew of the *Worcester* were seized off Burnt Island, and brought to trial on charges of piracy upon the coast of Malabar and the murder of one Drummond, a Darien captain. They were found guilty, and notwithstanding the Queen's orders to the Privy Council of Scotland to stay their execution, so great was the resentment of the

*The breach  
widens.*

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Scotch  
legislation  
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people that Green and two others were put to death. What made the matter worse, evidence was produced affirming that Drummond was alive, and this was subsequently corroborated.<sup>1</sup>

In anticipation of the next meeting of the Scottish Parliament, Ministers in England reinstated the Duke of Queensberry, who, however, only took the post of Privy Seal, the Duke of Argyll being appointed Commissioner. The Estates met on June 28th, 1705, and the Queen's message earnestly pressed upon their notice the settlement of the succession and the appointment of commissioners to treat for a legislative union. There were now three parties : the Jacobites, or Cavaliers ; the independent or national party led by Fletcher ; and the party of Tweeddale and his friends, called the " Squadron Volante," from its compactness, which latter frequently held the fortunes of Parliament in its own hands. Instead of acting upon the Queen's message first, the Estates considered and settled various matters affecting commerce, and appointed a council of trade. Even when the vexed settlement question was reached, they came to a stand so far as the person was concerned ; but with regard to limitations and securities they were sufficiently definite, though not going so far as Fletcher could desire. An act was passed which made on the Queen's demise the officers of state and the judges of the supreme courts elective by Parliament. A second act provided that a Scottish ambassador should be present at every treaty made by the sovereign of the two kingdoms with a foreign Power. By a further measure the Parliament was to become triennial at the end of the next three years.

Proposed  
Treaty of  
Union.

The Queen's Commissioner declined to give the royal assent to these acts, and indeed they took a secondary place when the all-absorbing question of the Union was introduced. Fletcher, with much eloquence and great breadth of view, introduced a new and comprehensive

<sup>1</sup> *State Trials*, vol. xiv., and *Burton's Criminal Trials in Scotland*.