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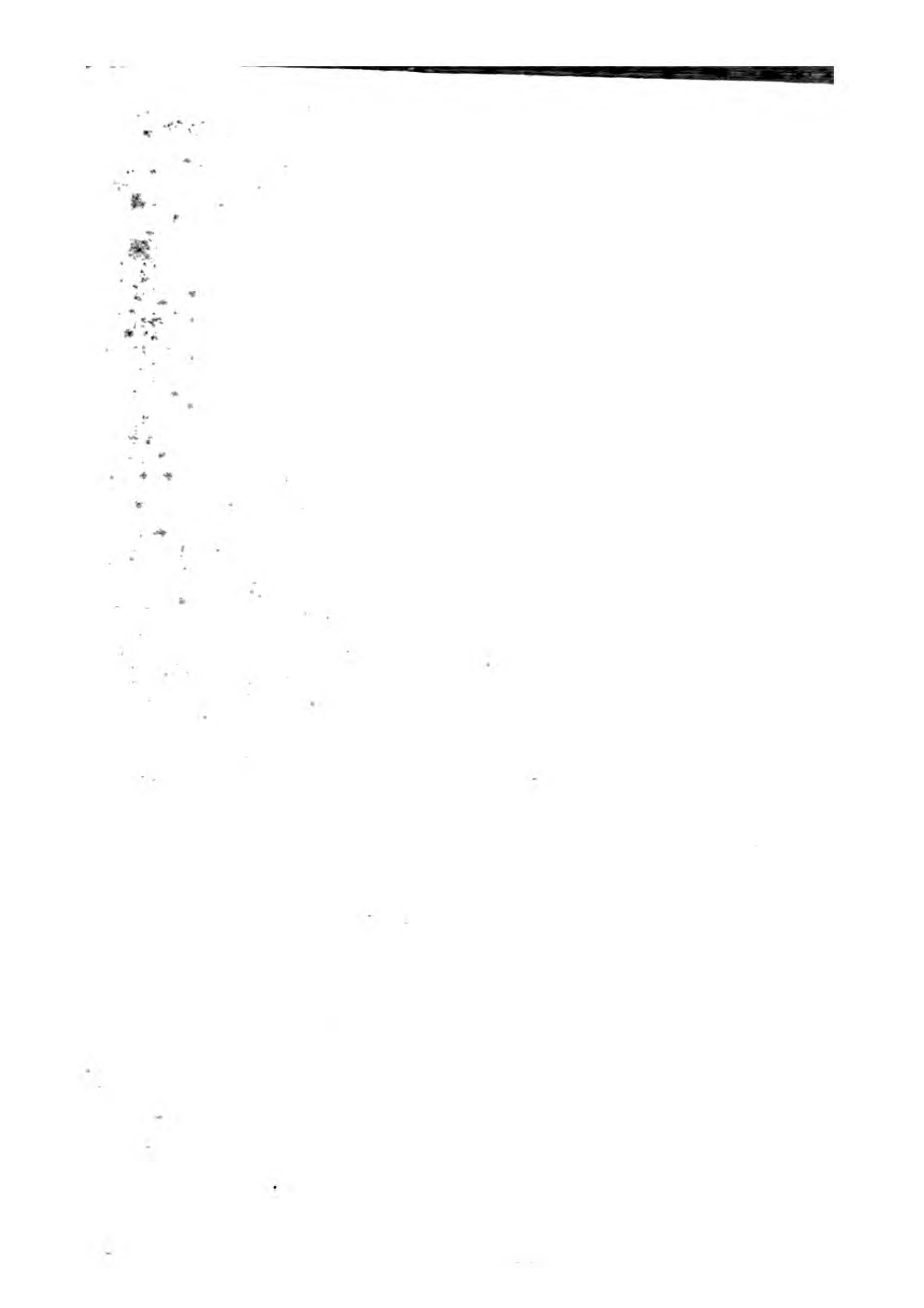
*The Early History of
The Scottish Union Question*



G. W. T. Omond

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The Early History
of the
Scottish Union Question

By

G. W. T. Omond

Author of

"Fletcher of Saltoun" in the "Famous Scots" Series

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Preface

THE history of the final union of England and Scotland, which took place on the 1st of May 1707, commences with the accession of Queen Anne; and with regard to that event, the best sources of information, apart from original letters, diaries, and other contemporary documents, are Daniel Defoe's *History of the Union*, published in 1709, Dr. Hill Burton's *History of Scotland*, Mr. John Bruce's *Report on the Events and Circumstances which produced the Union*, published, for the use of Government, in 1799, and Dr. James Mackinnon's *Union of England and Scotland*, published in 1896. In this volume I have endeavoured to describe the *earlier* attempts to unite the kingdoms. These commence, practically, in the reign of Edward I. of England, and continue, taking sometimes one form

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and sometimes another, down to the reign of William III.

While giving an account of the various negotiations for union, and of the union which was actually accomplished during the Commonwealth, I have tried to depict the state of feeling between the two countries on various points, and particularly in regard to the Church question, which bulks more largely than any other in the international history of England and Scotland.

It is a story, sometimes of mutual confidence and common aspirations, as at the Reformation and the Revolution, but more frequently of jealousies, recriminations, and misunderstandings, most of which are now happily removed.

My authorities are sufficiently indicated in the footnotes.

G. W. T. O.

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CHAPTER I

INTERNATIONAL POLITICS BEFORE THE UNION
OF THE CROWNS

THE races which inhabited the northern parts of England and the southern parts of Scotland were descended from a common stock, and spoke a common language. But for centuries the problem of uniting them baffled the best-laid plans of kings and statesmen ; and neither force, nor policy, nor treaties of marriage between the royal families, seemed capable of destroying the inveterate rancour which the peoples felt towards each other. The petition in response to which the papal sanction

was given to the intended marriage of Prince Edward to the Maid of Norway, pointed out the wisdom of removing, or at least mitigating, the enmity of the two nations; and it was the avowed policy of Edward the First to combine the marriage of his son to the young Queen of Scotland with a peaceful union of the kingdoms. The clergy, the nobles, and the people of Scotland agreed to the proposed alliance, and were willing that their queen should be educated at the English Court. The marriage-contract was prepared; and the prospects of a lasting peace were bright, when the death of the young princess on her journey from Norway suddenly changed the whole course of events.

The competition for the Scottish Crown; the arbitration of Edward; his claim to the title of Lord Superior; the invasion of Scotland; the occupation of Scottish strongholds, and of large portions of Scottish territory, by English garrisons; the homage paid to the English king by the competitors for the Crown; the spectacle of Englishmen filling many great offices of State;—all tended to exasperate the Scottish nation. But Edward

never seems to have doubted that he would succeed no matter at what a cost of blood and treasure in joining the kingdoms. Indeed, it appears that from the summer of 1291, when the competitors for the Crown granted him possession of Scotland until his decision should be made known, he regarded the two countries as practically one. Scotland is described, in public documents, as "notre ditte terre d'Escose"; and it was expressly declared that, as England and Scotland were now united, the king's writ should run in both realms alike.¹

During the inglorious reign of Baliol, and throughout the period of anarchy and turmoil which followed its termination, Edward never lost sight of his favourite policy of an union, which, though brought about by conquest, and imposed

¹ "De Regnis Angliæ et Scotiæ conjunctis. Quia Regna Angliæ et Scotiæ, ratione Superioris Domini, quod in eodem Regno optinemus benedicto altissimo, sunt conjuncta, Mandatum est Justiciariis de Banco, quod Brevia Regis, coram eis porrecta vel retornata, de data dierum et locorum, infra idem Regnum Scotiæ, mentionem facientia, de cætero admittant; exceptiones, si quas, de hujusmodi datis et locis, proponi contigerit coram eis, nullatenus allocantes, Teste Rege apud Berewicum super Twedam, 3 die Julii." (*Fœdera*, ii. 533.)

by force of arms upon the people of Scotland, would, nevertheless, in course of time, secure for him and his successors the sovereignty of an undivided kingdom from the English Channel to the Pentland Firth. In pursuance of his policy he resolved to hold a Parliament in which Scotland should be represented, and by which regulations should be framed for the future government of that country. To this Parliament, which met at Westminster in September 1305, ten representatives of Scotland were summoned.¹ All of them attended except Patrick Earl of March; but his place was filled, at the king's command, by Sir John Monteith, the betrayer of Wallace, whose execution had taken place less than a month before.

With the Scotsmen twenty-two English members were conjoined; and to the Council thus formed there was administered one of the elaborate oaths which were then supposed to be peculiarly solemn and binding. They were sworn on our Lord's Body, the Holy Relics, and the Holy Evangelists, to

¹ These were the Bishops of St. Andrews and Dunkeld, the Abbots of Cupar and Melrose, the Earls of Buchan and March, Sir John de Mowbray, Sir Robert de Kethe, Sir Adam de Gurdon, and Sir John de Inchmartyn.

give good and lawful advice for maintaining the peace of the king's dominions, especially in Scotland, and loyally to reveal any hindrances they knew to good government in Scotland, and how these might be overcome.

It is difficult to believe that the commissioners from Scotland were free agents in this Parliament. But it suited the purposes of Edward that the ordinance which was now to be framed for the future government of Scotland should be promulgated as the result of deliberations in which the people of Scotland had a voice. It was for this reason that the Scotsmen had been summoned to Westminster; but the ordinance left all real power in the hands of Edward. Sir John de Bretagne, the king's nephew, became Warden of Scotland, with a Chancellor and Controller under him.¹ Eight justiciars were appointed. Six of them were to administer law in the lowlands; and the dangerous duty of executing justice "beyond the mountains" was entrusted to Sir Reynaud le Chien and Sir John de Vaux of Northumberland. Sheriffs

¹ The name, so hated in Scotland, of "Mons. Joh. de Meneteth" appears as one of the Council appointed to assist John de Bretagne.

were appointed, most of whom were Scotsmen ; but the castles were left in the hands of English commanders. The laws of King David of Scotland were to be read at public meetings in various places, and such of these laws as appeared unjust were to be amended.¹

About this time Edward writes to the Sheriff of York, giving orders that nobles, prelates, and other people of Scotland journeying to and from England, were, in future, to be courteously treated, and that anyone who used threats or bad language to them, or who refused to sell them food, was to be punished. Similar orders regarding the treatment of Scotsmen in England were sent to the Sheriffs of London, and many of the English counties. Edward perhaps thought that by this semblance of an union, founded on conquest and set forth on parchment, his long-cherished schemes were at last accomplished. But his plans had hardly been completed, when he found himself

¹ Ordonnance faite par Edouard Roi d'Angleterre sur le Gouvernement de la terre d'Escosse, Act. Parl. Scot. i. 119 ; Sir Francis Palgrave's *Documents and Records illustrating the History of Scotland*, 292, 295 ; *Calendar of Documents relating to Scotland*, ii. 457.

confronted by that combination of the Scottish people which, during the reign of his son, triumphed under the leadership of Robert Bruce, and finally secured the complete independence of Scotland on the field of Bannockburn.

The marriage of the Princess Margaret, daughter of Henry the Seventh, to James the Fourth of Scotland, stanchd for a time—but only for a time—the torrent of blood which was shed in the wars which raged, one after another, for nearly two hundred years after the death of Bruce. Another period of warfare followed, during which the disasters of Flodden Field and Solway Moss left Scotland apparently at the mercy of England. But when Henry the Eighth attempted to reconcile and unite the nations by a treaty of marriage between the Prince of Wales and Mary, the youthful Queen of Scots, the Scottish Estates, while agreeing to his proposal, declared that, after the marriage, Scotland was to remain a separate and independent kingdom ; and it was soon found that to propitiate the Scottish nation was a task beyond even the long experience and the profound diplomatic ability of Sadler. Sadler argued that

England had a young prince, and Scotland had a young princess, and that if they were betrothed, "these two realms being knit and conjoined in one, the subjects of the same, which have always been infested with the wars, might live together in wealth and perpetual peace." "I pray you," said a Scottish statesman in reply, "give me leave to ask you a question: If your lad were a lass, and our lass were a lad, would you then be so earnest in this matter? Could you be content that our lad should marry your lass, and so be King of England?" And when Sadler answered that he would, the Scotsman shook his head. "I cannot believe," he said, "that your nation could agree to have a Scot to be King of England. And likewise I assure you that our nation, being a stout nation, will never agree to have an Englishman to be King of Scotland. And though the whole nobility of the realm would consent to it, yet our common people, and the stones in the street, would rise and rebel against it."

Then, to enforce the treaty of marriage, came the invasion of Scotland, when Edinburgh was burned to the ground, when the port of Leith and

the picturesque castles of Roslyn and Craigmillar were in flames, when the abbeys of Melrose and Dryburgh were laid in ruins, and when the villages and farms of the lowlands were devastated by the English soldiery. But the violence of Henry was in vain ; and during his reign the Scottish people hated England as they had never hated her before.¹

The project of uniting the kingdoms by a royal marriage was not abandoned on the death of Henry ; and in the first year of Edward the Sixth, the battle of Pinkie, the last great battle between England and Scotland, was fought. But the Protector Somerset soon found that the Scots, though defeated, were as determined as ever to resist the English connection, and that the Scottish Parliament had at last resolved that their young queen should be betrothed to the Dauphin, and

¹ Mr. Patrick Fraser Tytler very justly remarks how absurd was the idea "that a free country was to be compelled into a pacific matrimonial alliance, amid the groans of its dying citizens and the flames of its seaports" (*History of Scotland*, vi. 42). See also, on the Scottish policy of Henry VIII., the instructions given to the army in Scotland in April 1544 (vol. v. p. 473, and the *Hamilton Papers*, vol. ii. p. 325). They were to "burn Edinburgh town, and to rase and deface it when you have sacked it"; and all over the country "man, woman, and child" were to be put to the sword "without exception."

sent forthwith to France, to be educated at the French Court. This resolution, so fateful to Mary Stuart, then a child of only six, altered the views and policy of Somerset. In the name of the English Council he issued a remarkable proclamation, in which he proposed that the Crowns should be united, and that the kingdoms should become one. "We invite you," it was said, "to amity and equality, because, as we inhabit in the same island, there is no people so like one another in manners, customs, and language." There was to be freedom and equality of trade between England and Scotland. The subjects of both kingdoms were to be allowed to intermarry. If the Scots wished it, the name of England would be abolished, and "the indifferent old name of Britains" taken again. "If we two," the proclamation declared, "being made one by amity, be most able to defend us against all nations; and, having the sea for the wall, mutual love for garrison, and God for defence, should make so noble and well-agreeing a monarchy, that neither in peace we may be ashamed, nor in war afraid of any worldly or foreign power; why should not you be as desirous of the same, and

have as much cause to rejoice at it as we?"¹ But these overtures were too late; the Queen of Scots was sent to France: and when, two years later, peace was proclaimed, Scotland remained unconquered and independent.

The treaty of peace declared that the boundaries of the two countries were to be the same as they had been before the outbreak of war between Henry the Eighth and James the Fifth of Scotland. An attempt was made to deal with that portion of waste land upon the western borders which had been, for so long, a harbour of refuge for the outlaws of both kingdoms, and which was known as the Debateable Ground.² It was to be divided by march stones; and ditches and enclosures were to be made for the purpose of hindering the flight of marauders. The English were to relinquish all lands and houses which they had seized; and those fishings on the river Tweed which the Scots had possessed before the war were to be given back to them.³

¹ Holinshed, iii. 998.

² "Terra variabilis communi utriusque gentis vocabulo dicta The Debeateable Ground."

³ *Fœdera*, xv. 265.

Never in the history of this island, except afterwards during the reign of Anne, was the Scottish question so troublesome to England as during the second half of the sixteenth century. The immense additions which, of late years, have been made to our sources of information have not changed, to any great extent, the aspect of the long familiar picture, nor caused us to relinquish the old opinions regarding the characters and motives of those who held in their hands the tangled threads of international policy during the fifty years which preceded the Union of the Crowns. To use the Scots for the purpose of weakening England had long been the policy of France ; and when war between Spain and France broke out in 1555, and an English army was to be sent to the assistance of Spain, the French Court hoped that an army from Scotland would march across the Tweed. Mary of Guise assembled the Scottish nobles, and proposed that they should seize the opportunity of taking vengeance for all the wrongs which their country had suffered since the fatal day of Flodden. But the proposals of the Queen Regent were not received with favour. She had been so foolish as

to confer several important offices of State on Frenchmen; and these appointments had given great offence. During the late war the Scots had resented the manner in which their allies had behaved on several occasions, and had seen them depart with feelings of intense relief.¹ Moreover, the spread of the Protestant opinions in Scotland had naturally led many of the people to suspect the motives of a Catholic power. The Queen Regent, indeed, succeeded in bringing England and Scotland to the verge of another contest; but, in the long-run, the Scots refused to encounter the risks of war for the purpose of assisting the ambition of France.

The marriage of Mary and the Dauphin involved the renewal of friendly intercourse with France; but the terms on which the Scottish Parliament agreed to this alliance provided for the complete independence of Scotland.² The crown matri-

¹ "Notwithstanding the ancient alliance of France and Scotland, and the long intercourse of good offices between the two nations, an aversion for the French took its rise, at this time, among the Scots; the effects whereof were deeply felt, and operated powerfully through the subsequent period" (Robertson, i. 110).

² The Queen of Scots was to "aggre and obleis hir self and hir successouris, that scho, hir Airis and Successouris, sall observe and

monial of Scotland was conferred upon the Dauphin; but the oath of fidelity which the Scottish ambassadors took to the heir of France, as King of Scotland, was framed so as to exclude any allegiance beyond that which the subjects of Scotland had hitherto acknowledged as due to their native princes.¹

It had never been possible for England, under any circumstances, to be indifferent to the affairs of Scotland; and the relations of the two kingdoms were now more complicated than ever. But it was not until after the death of Mary of England that the results of the French marriage became

keep the Fredomes, Liberteis, and Privelegeis of this Realme, and Lawis of the samyn, sicklike and in the samyn maner as hes bene keipit and observit in all Kingis Tymes of Scotland of before" (Keith, App. 14; Act. Parl. Scot. ii. 504).

¹ "Le servir, obeyr et honnorer, durant et constant ledit mariage, ensemble l'hoir issu et procréé d' iceluy mariage auquel adviendra le Royaume d' Escosse, tout ainsy comme nous et nos Predecesseurs aut loyauement servy et honnore les nobles progeniteurs et antecessours de la ditte Dame Reyne d' Escosse nostre Souveraine" (Keith, App. 20). On the occasion of the marriage, Henry of France issued letters of naturalisation conferring all the privileges of French citizenship on Scotsmen living in his dominions; and the Scottish Parliament returned the compliment by passing an Act which naturalised Frenchmen in Scotland. (Act. Parl. Scot. ii. 507, 515.)

fully visible. "War with France; the French king bestriding the realm, having one foot in Calais and the other in Scotland; steadfast enemies, but no steadfast friends."¹ Thus stood England at the close of the year 1558. The Dauphin and Mary proclaimed themselves King and Queen of England as well as Scotland; and the arms of England were quartered with the arms of France and Scotland on their plate and household furniture. This was an open assertion of the illegitimacy of Elizabeth and a challenge to England. But, in the meantime, peace was preserved. The Treaty of Cambray, which terminated the struggle between France and Spain, and to which England and Scotland were parties, left the claims of Elizabeth and Mary untouched; and, on the ground that "the plenipotentiaries for Scotland have not sufficient knowledge of the state of affairs depending between the Crowns of England and Scotland," it was decided that English and Scottish commissioners should afterwards meet and decide on "certain articles

¹ Address to the Council, in Mr. Froude's *History of England*, vol. vi. p. 111 (ed. 1870).

respecting the peace and concord of the two kingdoms.”¹

These commissioners met; and the result was the treaty of Upsetlington.² A fresh attempt was made to frame rules for curbing the lawless spirit of the Borderers; and it was also agreed that the limits of the two kingdoms should be the same as they had been before the accession of Elizabeth, that the town of Berwick should not be molested by the Scots, that the English garrisons should not trouble their neighbours on the other side of the boundary line, and that great caution should be observed in granting passports to the subjects of either kingdom.³

Meanwhile the Protestant opinions had been

¹ The plenipotentiaries for Scotland at Cambray were the Cardinal of Lorraine; the Duke of Montmorency; Jacques d’Albon, Marshal of France; Morvillier, Bishop of Orleans; and Claude de l’Aubespine, Secretary of State.

² “A pleasant country village on the north side of the river Tweed, within the borders of Scotland, five miles west from Berwick” (Keith, 108).

³ “This treaty was finished and drawn up at the Church of Our Lady of Upsalinton the 31st of May (1559), and duplicates thereof were delivered and exchanged in the Parish Church of Norham, just opposite, on the English side of the Tweed, that same day” (*Ibid.*).

steadily gaining ground in Scotland. The Congregation, as the reformers were called, and their leaders, known as the Lords of the Congregation, had hitherto been on good terms with Mary of Guise. Without their assistance the Dauphin would not have obtained the title of King of Scotland; and she had, therefore, not interfered with the progress of the new beliefs. But soon after the Treaty of Cambray, Monsieur de Bettancourt arrived in Edinburgh, charged with a message from Henry of France. The New Learning was to be suppressed on the continent of Europe and in England; and the Queen Regent was expected to join France, Spain, and the Holy Father at Rome, in the league which they had formed for that purpose. Scotland was the stepping-stone to England. If the ascendancy of France and the Catholic Faith was once secured in that country, the heretic Elizabeth would be driven from the throne which she had usurped. Therefore the Regent must no longer remain inactive. Against her will, so far as we can judge, Mary of Guise entered on the disastrous contest. A proclamation was issued, commanding all men

to go to mass, to use the confessional, and to conform, in all respects, to the Church of Rome. The Lords of the Congregation remonstrated; but the Regent refused to give way.¹ At this crisis Knox returned to Scotland from Geneva. A week after his arrival he preached at Perth; and after his sermon the religious houses of the Black and Grey Friars, and the Carthusian Monastery, were laid in ruins. From Perth the excitement spread over all the country. The Protestants flew to arms in numbers. The Regent mustered her forces, and it was evident that a desperate struggle was at hand.

At first the Lords of the Congregation carried everything before them. But they knew that, before long, the Regent would have an army of well-trained French soldiers under her command; and it was vain to suppose that religious fervour could prevail against military discipline. Help must be found in some quarter; and a corre-

¹ They told her, "That, by her tolerance, their religion had taken such a root, and the number of the Protestants so increased, that it was a vain hope to believe that they could be put from their religion, seeing they were resolved as soon to part with their lives as to recant" (*Sir James Melvil's Memoirs*, p. 25).

spondence was opened with the Court of England. James, third Earl of Arran, was, after his father, the Duke of Chatelherault, heir-presumptive to the throne of Scotland.¹ A marriage between him and Elizabeth might, it was suggested, settle the Scottish question. A majority of the Scots were Protestant; and in the turmoil of the civil war which had now begun, Mary of Scotland might, with the help of England, be dethroned by her own subjects, against whom she had allowed a foreign army to be sent. If Arran and Elizabeth were married, the Crowns of England and Scotland would then be united; and thus the schemes of France would be frustrated. There can be little doubt that all this was understood between the Congregation and their friends in England, though it was not openly expressed. Cecil encouraged the idea, probably with the assent of Elizabeth; and the Lords of the Congregation implored her to come to the rescue,

¹ His father, the second Earl of Arran, and first Duke of Chatelherault, was, it will be remembered, Regent of Scotland from the death of James the Fifth, in 1542, until 1554, when he was succeeded by Mary of Guise. He was a Lord of the Congregation.

and carry out that union of the realms for which so many wise men had long laboured in vain.¹

The death of Henry the Second did not change the policy of France. Scotland was to be subdued; and then Elizabeth could be dealt with. The councils of England were divided; but Cecil was in favour of sending help to Scotland. "The best worldly felicity," he said, "that Scotland can have is either to continue in a perpetual peace with the kingdom of England, or to be made one monarchy with England, as they both make but one isle divided from the rest of the world." But this was impossible if the French were allowed to govern Scotland; for they would use Scotland for their own purposes, and "make a footstool thereof to look over England as they may." As no heir had been born to the Queen of Scots, and as she was absent from her kingdom, the nobles

¹ Mr. Froude's *History of England*, vol. vi. pp. 236, 237: "You," said an emissary of the Congregation at Paris to Sir Nicholas Throgmorton, "have a queen, and we our prince the Earl of Arran, marriageable both, and chief upholders of God's religion. This may be the means to unite England and Scotland together, and there is no foundation nor league durable nor available but in God's cause."

and commons of Scotland ought, under the guidance of the Hamiltons, who were the next heirs to the Crown, to free the land of idolatry by such a Reformation as had already taken place in England; and, "before the French grew too strong and insolent," a number of abuses which threatened to ruin the country should be remedied. If the Queen did not agree to these reforms, then she must be held to have forfeited the Crown.¹

As to the question, which was really the practical one, of whether England should join Scotland in resisting the French, the voice of Cecil gave no uncertain sound. Every country had, he said, like every man, the right and duty

¹ "If the Queen shall be unwilling to this, as it is likely she will, in respect of the greedy and tyrannous Affliction of France; then is it apparent that Almighty God is pleased to transfer from her the Rule of the Kingdom for the weal of it; and in this time great Circumspection is to be used, to avoid the deceits and trumperies of the French. And then may the Realm of Scotland consider, being once made free, what means may be devised through God's goodness to accord the two Realms, to endure for time to come at the Pleasure of Almighty God, in whose Hands the Hearts of all Princes be" (Memorial of Certain Points meet for the Restoring of the Realm of Scotland to the Ancient Weale, written by my Lord Treasurer, with his own Hand, 5 August 1559, Cotton MSS., Keith, App. 23).

of self-defence, not only against present danger, but also against danger which might be foreseen. No greater danger could be foreseen than the occupation of Scotland by France, the implacable enemy of England. Therefore "England both may and ought to aid Scotland to keep out the French."¹

Such was the advice of Cecil, set forth in a paper written apparently on the 5th of August. Three days later Sadler was on his way to Berwick, armed with full powers to negotiate secretly "for the union of the realms," and furnished with a sum of money for the use of the Congregation. Arran, who had escaped from France and come to England, followed him. A long time was wasted in correspondence between Berwick and London; and at least Chatelherault and the Lords of the Congregation, weary of the long delay, marched to Edinburgh at the head of their followers. The Queen Regent took shelter behind the walls of Leith. An instrument suspending her from the Regency was proclaimed at

¹ A Short Discussion of the Weighty Matter of Scotland, August 1559, Cotton MSS., Keith, App. 24.

the town-cross of Edinburgh; and a letter was sent to her demanding that she and the French troops should retire from Leith. But, instead of doing so, she attacked the forces of the Congregation. They were compelled to leave Edinburgh; and it thus became evident that, as the Regent could already cope with the Congregation, Scotland would be at the mercy of the French army, which might arrive at any moment.

At this point, when the fate of Scotland was trembling in the balance, Maitland of Lethington was sent to London to make a final appeal to the English Council. A paper has been preserved which expresses, with all the acuteness of that adroit politician, the views of Maitland on the relations of England and Scotland. The old cause of enmity, he says, between England and Scotland, and of the friendship between France and Scotland, was the claim of feudal superiority which the princes of England had set up. To resist that claim, and to save their country from conquest, the Scots formed alliances with France. From the first, many in Scotland doubted the wisdom of these alliances; and now the eyes of

all were opened. They saw the inordinate ambition of France, and wished to form a league with England.¹ The fear of conquest made the Scots hate England and love France. Now the case is changed; "Shall we not hate them and favour you?" If we have been so faithful to France, from whom we have received so little, can you not trust us to be faithful to you, who of all nations are most able to bestow benefits upon us?

But it may be said that as soon as the present quarrel is ended, we shall once more make friends with France. Peace is, indeed, the end of war; but England may rest assured that we in Scotland know our own interests too well to make such a mistake. Where could we look for help against

¹ "But now hes God's providence sa altered the case, zea, changed it to the plat contrary, that now hes the Frensche taken zour place, and we, off very jugement, becum disyrrous to have zow in theyr rowme. Our eyes are opened, we espy how uncareful they have been of our weile at all tymes, how they made ws ever to serve theyr turne, drew ws in maist dangerous weys for theyr commodite, and, nevertheless, wad not styck, ofttymes, against the natowr of the ligue, to contrak peace, leaving ws in weyr. We see that their support, off late zeres, wes not grantit for any affection they bare to ws, for pytie they had of our estate, for recompense of the lyke friendship schawin to theym in tyme of theyr afflictiones, but for ambition, and insaciabie cupidite to reygne, and to mak Scotland ane accessory to the Crown of France."

France, at any future time, if we played false with you?¹ Besides, it is the interest of England to unite with us. France is not making all these warlike preparations merely for an expedition to Scotland. All Europe knows that an invasion of England is intended. Have you forgotten Calais? You are blind if you do not see that they are acting as cunningly as they acted then. Beware lest you find yourselves saying, when it is all too late, "If we had only known."² Do not let this opportunity escape you. If you once allow the French to become masters of Scotland, is there a man whose judgment is so much at fault as not to show him that France, having once conceived the image of so great a conquest as that of England, will endeavour to accomplish it?

Nor must you believe those who call us rebels. We maintain the queen's right. We study to preserve the liberty of her realm at the hazard of

¹ "I wald ze should not esteme ws sa barayne of jugement, that we cannot forese our awne perril; nor sa foolische, that we will not study by all gude means to entertayne that thing may be our safetie; quhilk consistes all in the relaying of zour friendships."

² "Tak hede ze say not hereafter, 'Had I wist'; ane uncomely sentence to procede off a wyse man's mouth."

our lives. If, during the absence and minority of our sovereign, we tamely allow strangers to plant themselves in our strongholds, to seize the reins of government, and alter our laws at their pleasure, may she not hereafter call us to account, and may not the people esteem the nobles of Scotland unworthy of the place of councillors? All we desire is to defend the freedom of our country and the independence of the Crown.¹

Finally, do not lightly reject the friendship of Scotland. England is separated from every other nation by the sea ; and if she unites with Scotland, her defences will be complete. Study the advice which Demosthenes gave to the Athenians, and you will learn what a wise man should do when his neighbour's house is on fire.²

It was to press these views upon the statesmen of England that Maitland had been sent to London ; and he was empowered to make an offer

¹ "We seke nathing but that Scotland may remane, as of before, a fre realme, rewlit by hir hyenes and hir ministeres borne men of the sam ; and that the succession of the Crowne may remane with the lawful blode."

² Letter of Maitland of Lethington, "from the original in his own hand" (Cotton MSS., Roberston, App. No II.).

which shows that the Lords of the Congregation were in deadly earnest. Let everything, they said, which is past and gone be forgotten—Edward the First and Wallace, Bruce and Bannockburn, Flodden and Pinkie, all the long roll of victories and defeats on one side or another; let the words England and Scotland be obliterated; and let the two nations become one under the name of Great Britain, with Elizabeth as ruler of the United Kingdoms. It is impossible to say what would have followed if the English Council had entertained this proposal. But it implied war with France, not only on the Scottish border, but at every vulnerable point upon the coast of England. Even on the question of sending troops to Scotland, Elizabeth hesitated for a long time. But at last Cecil persuaded her to make up her mind. A fleet, under the command of Winter, sailed for the Firth of Forth; and an army of eight thousand men, under the command of Lord Grey, Warden of the Eastern Marches, was mustered at Berwick.

Then, after all these months of irresolution, the effect of a firm policy was seen. The French ambassador at London apologised for the conduct

of Mary and the Dauphin in assuming the arms of England, and threw the blame upon the late king ; and an offer was made to restore Calais if England would refrain from interfering in Scotland. But to this offer Elizabeth is said to have returned the haughty answer that “she did not value that fisher town so much as to hazard for it the state of Britain.”¹

And now, for the first time, English soldiers were to enter Scotland as friends. But before the decisive movement was made, Norfolk, Lieutenant of the North of England, went to Berwick and made a convention with the Lords of the Congregation. Scotland was put under the protection of Elizabeth during the subsistence of the marriage of the Queen of Scots and the King of France. For the preservation of the liberties of Scotland, and to expel the French, an English army was to cross the border.² England became bound never to

¹Spotswood, 146. It is needless to say that though Elizabeth may have used these words, she was bent on recovering Calais.

²“A Convenient Ayd of Men of Warre, on Horse and Foot, to joyne with the power of the Scottishmen, with Artailzie Munition, and all others Instrumentis of Warre mete for the Purpose, as weall by Sea as by Land.”

permit Scotland to be conquered, or united to France, otherwise than it already was by the marriage of Mary and Francis. Scotland became bound to send an army of four thousand men to assist England, if, at any time, she was invaded by France. Argyll, as Lord Justice of Scotland, was, if required by the Queen of England, to act with the Lord Lieutenant in reducing the north of Ireland to obedience. England was to receive hostages for the due performance of these stipulations on the part of Scotland.¹

The Treaty of Berwick was signed on the 27th of February; but so unwilling was Elizabeth to take the final step that nearly a month had passed away before the troops were allowed to advance. At the end of the month the greater portion of the

¹ *Conventiones Scotorum contra Reginam Unionem Franciæ et Scotiæ designantem, et pro defensione contra Francos (Fœdera, xv. 569)*. Maitland of Lethington, in the letter in favour of an alliance between England and Scotland, from which quotations have just been given, proposes that Scotland should help to maintain order in Ireland. "The realme of Ireland," he says, "being of natour a gode and fertill countrey, by reason of the continewalld unquietnes and lak of policy, ze knaw to be rather a burthen to zow then great advantage; and giff it were peaceable may be very commodious. For pacification quhayroff, it is not unknown to zow quhat service we ar abill to do."

army crossed the Tweed.¹ They were well received by the country people; and on the 4th of April the English and Scottish leaders held a council of war at Pinkie House. In the operations of the next three months everything centred round the siege of Leith. In spite of the gallantry of the French, the garrison was reduced to desperate straits. The French fleet, with reinforcements on board, was scattered by a storm. The Queen Regent died during the night of the 10th of June 1560; and four days later the preliminary articles of a treaty were signed at Berwick.²

Peace was finally concluded at Edinburgh on the 6th of July. Mary and the Dauphin were to give up using the arms or the royal title of England. The fortifications of Leith were to be demolished. All the French soldiers, except one hundred and twenty men, were to leave Scotland at once. The affairs of Scotland were to be administered entirely by Scotsmen; and the executive government was, during the absence of

¹ They numbered between seven and eight thousand men. The expedition seems to have cost about £230,000 (*Calendar of State Papers, Foreign*, 1560, Preface, p. ix.).

² Keith, 131.

Mary, to consist of twelve persons, of whom the queen was to choose seven from a list of names drawn up by the Estates. On the question of religion, it was agreed that when the Scottish Parliament next met, a deputation should be sent to France to lay the wishes of the country before the queen.¹

These events not only proved that England was strong enough to set the arms of France at defiance, and to reject the councils of Spain, but they established, for all time to come, a close and real connection between England and Scotland. In the hour of danger the best men in Scotland had turned to England for help. Cecil, and those who thought with him, had persuaded Elizabeth to disregard all interference and the remonstrances of foreign Courts. She had done so with reluctance. Slowly and through many a tortuous path she had sent help to Scotland; but, in the end, the deliverance was complete. The war and the treaty of July 1560 destroyed the French influence in the northern portion of the island, taught the Scots that it was only by an Union with Protestant

¹ *Fœdera*, xv. 593 ; Keith, 137.

England instead of Catholic France that their liberties could be maintained, and opened the way for the Scottish Reformation. For the Lords of the Congregation were now supreme; and before the end of August, without waiting for the queen's consent, the Estates had met and passed the statute by which they disowned the authority of the Pope.¹

But although so much had been done, the marriage of Elizabeth and Arran was as far off

¹ Act Parl. Scot. ii. 534. The following memorandum, endorsed "the manner how the Scottis be divided, 1560," was recently found among the MSS. at Longleat, and is now printed in the *Hamilton Papers*, vol. ii. p. 748. "The names of all the noblemen temporall and spirituall of the congregacion of Scotlande:—The Duke of Chateaurialt; the Erle of Arren his sonne; the Lord James priour of St. Andros; the Erle of Arguile; the Erle of Glencarne; the Erle of Rothos; the Erle of Sutherland; the Erle of Mountithe; the Lorde Riven; the Lorde Boide; the Lorde Offoltrie; the Master of Lindsoye; the Master of Maxwell. The lordes and noblemen newters:—The Erle of Huntleye; the Erle of Catnes; the Erle of Athell; the Erle Marshall; the Erle of Morton and Angus; the Erle of Arrell; the Erle of Casiles; the Erle of Eglenton; the Erle of Mountroes; the Lord Erskin; the Lord Dromond; the Lord Hume; the Lorde Rose; the Lorde Krighton; the Lord Liveston; the Lord Somervall. Dowptfull to whether parte they will incline. The lordes of the Quene's partye:—The Erle of Bodwell; the Lorde Seton; the Lorde Fleminge; the Lord Semple; the Bishopp of St. Andros; the Priour of Collingham; the Abbot of Holly Roode Howse; with all the bisshoppes and spiritualtye of the realme. The Shires as they be dewided on the one parte and thother:—The Marshe, Tividale, Annerdale, Lowden, Sterlingshire,

as ever. In their policy of binding the nations together by a closer tie, Cecil in England and Maitland in Scotland had a great mass of public opinion to support them, especially on the Protestant side.¹ The Scottish Estates were so eager for the Union of the Crowns that they would not listen to Maitland, who, though strongly in favour of the marriage, foresaw difficulties which could be only overcome by waiting; and it was resolved that commissioners should at once be sent to lay the wishes of the Estates before Elizabeth.²

If Mary of Scotland died without issue, Arran

Galawaye, Caricke, Guile, Cunningham, Cliddesdale; all these and the people therein are newters, onles a certaine of every shire wich kepe themselves close. Fife, Angus, Arguile, Straterne, and the Mernes; most parte Protestantes. The northe land hath promised to take parte, but not yet assured; in whose handes standeth litell helpe, wich side so ever they fall into." In Mr. Fraser Tytler's *History of Scotland*, vol. ix. p. 425, a paper is printed entitled "The Present State of the Nobility in Scotland, 1st July 1592." It gives a list of the Scottish peers with a note of whether they were Protestant or Catholic, and is well worth comparing with the list in the *Hamilton Papers*. In the original, Mr. Tytler says, the names of the Catholics are marked in Burleigh's own handwriting.

¹ Mr. Froude quotes a letter from Jewel to Peter Martyr:—"It is of the greatest moment that England and Scotland be united; and I trust only those may not hinder it who wish well neither to them nor to us" (*History of England*, vol. vi. p. 406).

² Act. Parl. Scot. ii. 605.

was, after his father, the next heir to the Crown ; but it can scarcely be doubted that the Lords of the Congregation did not contemplate waiting for the extinction of the Stuart line. Mary had not been in Scotland since her childhood. She was Queen of France ; and, in all probability, she would remain in France for the rest of her life. So long as Mary of Guise was Regent, so long as Frenchmen governed Scotland, so long as Scotland, like France, adhered to the Catholic Faith, the power of the house of Stuart was hardly, if at all, impaired by the absence of the queen. But now all this was at an end. Mary of Guise was dead. An English army had expelled the soldiers of France. The government of Scotland was in the hands of Scotsmen. The Scottish nation was no longer Catholic. To celebrate the mass was an offence against the law ; and the Scottish clergy were using the Prayer-book of Edward the Sixth. Thus it was a mere form of words to call Mary Stuart Queen of Scotland as well as of France. Of real power she no longer possessed a vestige ; and it is easy to see that in the first bloom of the Scottish Reformation, with Knox

in full vigour, and with the whole country in revolt against the Romish priesthood, the marriage of Arran would very likely have been followed by the triumph of the Protestant Hamiltons over the Catholic Stuarts, and the union of the two nations, with one crown, and probably with one form of Church government.

Perhaps in the history of great events we too seldom remember that kings and queens are, after all, merely men and women. Here was a crisis at which the Protestants of England and Scotland were unanimous in wishing the Defender of their Faith to enter upon a contract, by means of which she would accomplish what had been one of the great ends of English policy from the days of Edward the First to those of Henry the Eighth. But that contract was one which concerned her as a woman rather than as a queen; and she knew that the ceremony which might put the Crown of Scotland within reach of the Queen of England would, while uniting the kingdoms, separate Elizabeth Tudor from Robert Dudley. The Protestants of England knew this, and dread of the Dudley marriage, as well as their anxiety to

cement the alliance with Scotland, made them support the pretensions of Arran.

But suddenly, before Elizabeth had made up her mind, the death of Francis the Second saved her from the necessity of giving a definite answer to the Scottish commissioners. This event, by which the Crowns of France and Scotland were once more separated, opened a new scene in the drama of international politics, and enabled her to escape from the dilemma in which she found herself. She thanked the Scottish Estates for the goodwill which they had displayed towards her; and she assured them that she regarded the offer of marriage as a token of their wish "to knit both theis kingdomes presently in Amytye, and hereafter to remaine in a perpetual Amytye." But in the meantime, though she had a high opinion of the Lord Arran, she was not disposed to take a husband, and she thought that the friendship of the nations could be maintained without a marriage. With this unsatisfactory answer the commissioners were obliged to be content.¹

¹ The Queene's Majestie's Answere, declared to Her Counsell, concerninge the Requests of the Lords of Scotlande (Keith, 156).

Then came the return of Mary to Scotland, her stubborn refusal to ratify that clause of the Treaty of Edinburgh by which she was to give up using the title of Queen of England, her quarrels with the reformers, and the long series of misfortunes and misdeeds which ended only with the tragedy of Fotheringay.

The failure of the marriage negotiations was taken as an insult by the Scots; and doubtless this accounts, to some extent, for the cordial way in which Mary, in spite of her adherence to the Church of Rome, was welcomed on her return from France. The project of uniting the kingdoms by a royal marriage was not again renewed in so definite a form; but during the numerous intrigues spread over so many years, the purpose of which was to find a husband for the Queen of Scots, the effect which her marriage would have upon the relations of England and Scotland was never lost sight of. If the suitor for her hand was a Protestant, he was favoured by those who desired to see peace between the two nations; if he was a Catholic, by those who desired a renewal of the French alliance, or at least a rupture with

England.¹ Protestant or Catholic? that was the great question for England and Scotland then, as for the rest of Europe. Everything turned upon that. During Mary's short sojourn at Holyrood, and during the long years of her captivity in England, everything—conspiracies against Elizabeth; the rise and fall of Regents in Scotland; the civil wars with all their treachery and bloodshed; the assassinations; the beheadings—every episode and every scheme, however disguised, was a part of the contest between the old faith and the new.

During these years of trouble the Protestants of the two countries drew gradually together; and

¹ This, however, does not altogether apply to the Darnley marriage. Darnley, as grandson of Margaret Tudor, was not only cousin to the Queen of Scots, but first prince of the blood in England; and Mary's great object in espousing him was to improve her chance of succeeding to the Crown of England, to which she was already heir-presumptive. But in Scotland the marriage of the queen to a Catholic could not be viewed with indifference; and the General Assembly of the Church proceeded to declare that the laws against papacy applied to the royal family as well as to the subjects: "That the Papisticall and blasphemous masse, with all Papistrie and idolatrie of Paip's jurisdictione, be universallie suppressed and abolished throughout the hail realme, not only in the subjects, but also in the Q. Majestie's awn persone" (*The Booke of the Universall Kirk of Scotland*, p. 28).

in the year 1586 the kingdoms entered into a compact which lasted until the death of Elizabeth and the accession of James to the throne of England.

The Duke of Guise asked James of Scotland to join the Holy League. But to this invitation he returned no answer; and Sir Edward Wotton, who was sent as ambassador to the Court of Holyrood, found that James was ready to form an alliance with Elizabeth and Henry of Navarre in defence of the Protestant religion. A Scottish Parliament, which met at St. Andrews in July 1585, authorised the king and his Council to enter upon a league, more strict and firm than any previous league, between England and Scotland, which, the Estates said, were naturally allies, and were alike exposed to the assaults of the common enemy.¹ In the following year commissioners for both kingdoms met, and signed the League. It was agreed that the sovereigns of England and Scotland should

¹ "Naturallie jonit be blude and habitatioun, of ane relligioun and thairby alike subiect to the malice of the commoun enemy, be quhais Vnioun na les suretie may be expectit to baith thair esteattis then dangear be thair divisioun" (*Band anent the Trew Religioun*, 31st July 1585; Act. Parl. Scot. iii. 423).

defend the Protestant religion against all comers. There was to be an alliance, offensive and defensive, between the countries. If England was invaded at a point at a distance from Scotland, an army of seven thousand Scotsmen was to march to assist her. If Scotland was invaded at any place distant from England, twelve thousand Englishmen were to help her. If the invasion took place near the Borders, James was to send as many troops as he could muster to the spot. If any trouble arose in Ireland, none of the inhabitants of Scotland were to be permitted to go thither. Neither kingdom was to shelter rebels fleeing across the Border. All former treaties of friendship between the countries were to remain in force; and James bound himself to see, when he reached the age of twenty-five, that these terms were ratified by the Scottish Parliament.¹

Nothing was said about Mary of Scotland during these negotiations. She was entirely ignored; and it is impossible to say how far this may have helped to remove any scruples which she might have felt

¹ Tractatus Fœderis et Arctioris Amititiæ, 5th July 1586 (*Fœdera*, xv. 803).

about the objects of the Babington Conspiracy.¹ Her execution, however, endangered the new alliance when it had existed for only nine months. The Scottish clergy had, indeed, with scarcely an exception, refused to pray for her ; and if she had been tried and sentenced by the Privy Council of Scotland or by the Scottish Parliament, the Catholic laity alone would have attempted to save her. But the manner of her trial and condemnation was regarded as a national affront ; and when the Estates met in July 1587 the peers offered to give their lives and fortunes to avenge the fate of the Scottish queen, who, after eighteen years of captivity in England,

¹ Mr. Tytler's view is that one of the chief objects of Elizabeth and the English ministers in entering into the League was to make it easier to deal with the Queen of Scots. "Two months before," he says, "her indefatigable minister, Walsingham, had detected that famous conspiracy known by the name of 'Babington's Plot,' in which Mary was implicated, and for which she afterwards suffered. It had been resolved by Leicester, Burghley, and Walsingham, and probably by the queen herself, that this should be the last plot of the Scottish queen and the Roman Catholic faction ; that the time had come when sufferance was criminal and weak ; that the life of the unfortunate, but still active and formidable, captive was inconsistent with Elizabeth's safety and the liberty of the realm. Hence the importance attached to this League, which bound the two kingdoms together, in a treaty offensive and defensive, for the protection of the Protestant faith, and separated the young king from his mother" (*History of Scotland*, viii. 288).

had perished at the hands of Englishmen. During the autumn and winter the Borders were in a state of dangerous excitement. An invasion from Scotland was expected. Preparations were made for raising ten thousand men to repel it ; and there appears to have been some idea of rebuilding the old Roman wall.¹

The indignation expressed by James at the treatment which his mother had received was doubtless not altogether feigned. But the great aim of his life now was to secure his own succession to the throne of England ; and Walsingham adroitly availed himself of this circumstance for the purpose of preventing war. Sir John Maitland, a younger brother of Maitland of Lethington, was the Scottish Secretary, and to him Walsingham wrote a letter, which he knew would be read by James, and in which, with consummate art, he proved that if the youthful King of Scots wished to reach the object of his ambition, he must maintain his friendship with England.²

¹ *Calendar of Border Papers*, i. 289, 300.

² This letter, which is very long, will be found in Spotswood, p. 359. "Because," the bishop says, "the Letter contained the very true reasons that in end moved his Majesty to forbear violence and take a more calm course, I thought meet to set it down word by word, as it standeth in the original."

The resentment of James died speedily away. On various occasions, during the remainder of Elizabeth's reign, the relations of the two countries were strained, and there was bad blood between the sovereigns. But there was no open rupture; and at last the house of Stuart entered peaceably, and without opposition, on the rich heritage of the English Crown.

CHAPTER II

THE UNION OF THE CROWNS

A FEW years before the Union of the Crowns, James, in the *Basilikon Doron*, that quaint little volume of "Instructions to his dearest sonne, Henry the Prince," had alluded to the dangers which were caused by the divided state of the island. "As for the Borders," he wrote, "because I know, if ye enjoy not this whole Isle, according to God's right and your lineal descent, ye will never get leave to brooke this North and barrenest part thereof; no, not your own head whereon the crown should stand! I need not in that case trouble you with them; for then they will be the middest part of the Isle, and so as easily ruled as any part thereof." Hitherto a royal marriage had been the favourite plan for removing these dangers; but after this we enter upon a series of attempts to bring about an Union

of a more complete and definite character. James came to the throne of England with his mind full of the subject. The people of Scotland anticipated the removal of the Court to London with dismay. But to the king it opened up a dazzling prospect of power and splendour; and he lost no time in proposing the Union, and pressing it, in season and out of season, with a persistency which brings out, in a remarkable manner, the strong individuality of his character.

For some time before the death of Elizabeth, James had been doing his best to gain the goodwill of the English people; and as soon as he received the official announcement of his accession he directed his Privy Council to proclaim the news, not only in order that the fact that he was now King of England as well as Scotland should become known, but in the hope, as the proclamation expressed it, that there might be kindled in the hearts of all Scotsmen "ane loveing and kyndlie dispositioun towardis all his Majestie's subjectis inhabitantis of England."¹ Nor did he fail to impress this sentiment on the people. On

¹ *Register of the Privy Council of Scotland*, vi. 553.

the last Sunday which he spent in Scotland he went to the Church of Saint Giles, where, when the sermon was ended, he made a speech to the congregation. It was regarded as a farewell, and was received with "such a mourning and lamentation of all sorts, as cannot well be expressed."¹

"There is no difference," he said, to cheer his weeping subjects, "betwixt London and Edinburgh; yea, not so much as betwixt Inverness or Aberdeen and Edinburgh, for all our marches be dry, and there are ferries between them. But my course must be betwixt both, to establish peace, and religion, and wealth betwixt the countries."

The departure of James meant a great deal to Scotland. When the day came, and the cannon were booming from the old castle of Edinburgh, the citizens assembled in multitudes to gaze at the brilliant company of courtiers who were to accompany their king upon his journey to the south; but the spectacle was one which excited many fears and few hopes. The Union of the Crowns was making great changes. The Court

¹ Spotswood, 476.

was leaving. The queen remained behind with the young Princes and the Princess Elizabeth; but it was known that they were soon to follow, and that, henceforth, they would live in England. Their old Scottish home, the ancient palace of Holyrood, was being dismantled already; and soon nothing would remain in the royal apartments, but some stray pieces of furniture, and a few yards of faded tapestry. It was true that to Scotland there was still left that independence which had been so hardly won. The Parliament remained in the same position as before; but a new official was spoken of, a Royal Commissioner, who was, in future, to represent the sovereign at the meetings of the Estates. The separate Scottish Executive, too, was to be continued, in the shape of the Privy Council; but it was to be divided into two parts, the one to sit in England, and the other in Scotland; and it was evident that, in future, the real centre of influence in Scottish affairs would be London.

To some of the Scottish people the future seemed very bright. During the reign of Elizabeth, there were seldom so many as a hundred Scots-

men in London at any one time. But now politicians like the future Earl of Haddington, at that time Lord Advocate Hamilton, saw that in the wide field which lay before them, greater things could be done than within the narrow bounds of Scotland. George Heriot, who followed the king to England, doubtless knew that he could hold his own, and add to his wealth, among the merchant princes of London. Gay young men, like Lord Dalgarno in *The Fortunes of Nigel*, looked forward to the amusements and dissipation of London, and to the chance of filling their empty pockets by marriages with English heiresses. And among the humbler members of the royal retinue there were not a few adventurers who were glad to visit England, and share the spoil with their betters. So great, indeed, was the rush of Scotsmen to England, that soon after the accession a proclamation was issued that no Scotsman was to cross the Tweed, or sail for England, without a passport from the Privy Council.¹ But those who remained behind, and especially the tradesmen of Edinburgh, who had

¹ *Register of the Privy Council of Scotland*, vi. 602.

supplied the Court, saw no chance of gain, but rather much risk of loss, in the change which was taking place.

In England, though James himself was received with demonstrations of loyalty, his Scottish followers were regarded with mingled contempt and hatred. Scotland, it was said, was a land where the nobles were beggars, and the merchants were pedlars. The coarsest satire was poured forth against the barren and unknown territory from whence the new king had come. Indeed it is difficult for us, in the nineteenth century, to realise the scornful way in which Englishmen spoke of Scotland, though we may form some idea of the language which was used from the specimens which have been preserved of what was actually printed, circulated, and probably believed at that time. "The air," thus runs one of those productions, "might be made wholesome, but for the stinking people that inhabit it. The ground might be made wholesome, had they wit to manure it. Their beasts be generally small, women excepted, of which sort there are no greater in the world. . . . As for fruits, for their grandam Eve's sake they

never planted any, and for other trees, had Christ been betrayed in this country, as doubtless he should have been, had he come as a stranger amongst them, Judas had sooner found the grace of repentance than one tree to hang himself on. . . . The Scriptures, they say, speak of elders and deacons, but not a word of deans and bishops. Their discourse is full of detraction, their sermons nothing but railings, and their conclusion, heresy or treason. . . . They christen without the cross, marry without a ring, receive the Sacrament without reverence, die without repentance, and bury without divine service.”¹

And even among those Englishmen who knew that the popular ideas of Scotland were erroneous, there was a profound feeling of jealousy lest James should fill too many of the places about the Court with his countrymen. It was suspected that if he got his own way, almost every Scotsman in London would soon be clad in velvet and satin, and wearing a costly beaver instead of a blue bonnet; and James took great pains, for a long time after his accession, to assure the English courtiers that he

¹ Satire against Scotland, 1617; *Abbotsford Miscellany*, i. 297.

had no intention of promoting Scotsmen over the heads of Englishmen. "I was ever rooted," he wrote to Lord Cranbourne, "in that firm resolution never to have placed Scottishmen in any such room, till, first, time had begun to wear away that opinion of different nations; and, secondly, that this jealous apprehension of the Union had worn away; and, thirdly, that Scotsmen had been brought up here at the foot of Gamaliel."

Before James had been many days in England he issued a proclamation, in which it was announced that there was to be a complete Union of the Kingdoms. "In the meane tyme," he said, "till the said Union be established, his Majestie doth hereby repute, hold, and esteeme, and commandes all His Highnesse subjects to hold and esteeme, both the Two Realmes as presently united, and as one Realme and Kingdome, and the subjects of both as one People, Brethern, and Members of one Bodye."¹

The personal peculiarities of James, which amounted to eccentricities, his firm belief in the maxims of his own *Basilikon Doron* and his

¹ *Fœdera*, xvi. 506.

complete abhorrence of the doctrines which Buchanan, in the old days, had tried to teach him, are prominent features of the controversy concerning the Union. The tenacity with which he clung to his conception of the royal prerogative is nowhere more apparent than in his speeches and proclamations, and in everything he did for the purpose of forwarding his favourite scheme. When the Parliament of England was found to be less subservient than he had expected, he pointed to Scotland as an example. "This I must say for Scotland," he exclaimed, "and may truly vaunt it; here I sit and govern it with my pen. I write, and it is done; and by a clerk of the council I govern Scotland now, which others could not do by the sword." These were not altogether idle words; but it would have been wiser to refrain from boasting of a supremacy such as the proudest of the Tudors had never ventured to claim.

In the formidable contest against the national prejudices of Englishmen, on which he was about to enter, James secured a powerful ally. Bacon had been one of those who received the honour of

knighthood on the day of the coronation ; and he lost no time in taking the king's side on the question of the Union, which he supported with the subtilty of a scholiast, and with the broad views of a statesman and philosopher. To the debates in Parliament, to the Council Board of the Commission on Union, to the famous discussion, in the Exchequer Chamber, on the question of the post-nati, he brought all the resources of his mind, and threw himself into the struggle with an enthusiasm which could not possibly have been feigned. He played the part, though without success, which was afterwards played by Somers in the reign of Anne ; and he seems, from the very first, to have perceived with the eye of genius exactly how far it was safe to go in the direction of abolishing international distinctions.

His first contribution to the cause of the Union was to impress upon the king the exact state of the case, and what were the various points which would have to be decided. The kingdoms were, he showed, already united in religion and in language. No sea rolled between them. The same king reigned over both. But, nevertheless,

there were separate Parliaments, separate Councils of State, and separate offices of the Crown. There was one peerage for England, and another for Scotland. There were two very different systems of law, and each country had its own peculiar code of legal procedure. All these various institutions, and, in addition, a mass of minor details of greater or less importance, would have to be considered in adjusting the terms of Union.¹

On the knotty question of whether there should be an uniformity of laws, Bacon, from the outset, in opposition to the opinion of the judges and of the majority of English lawyers, maintained that, while the public law of the United Kingdoms should be assimilated, the private law of each country should be left untouched; a conclusion which was arrived at a century later, when the Union was actually accomplished. "For," he said, "that which concerneth private interest of *meum* and *tuum*, in my opinion, it is not at this time to be meddled with. Men love to hold their own as

¹ A brief discourse of the Happy Union of the Kingdoms of England and Scotland, dedicated in private to His Majesty, 1603; Certain Articles or Considerations touching the Union, collected and dispersed for His Majesty's better service.

they have held, and the difference of this law carrieth no mark of separation.”¹

But before a single step could be taken, the two Parliaments had to be consulted. James shrewdly calculated that if the Parliament of England could be gained, the Scottish Estates would readily agree to his wishes. He accordingly wrote to the Privy Council of Scotland, in January 1604, informing them that the English Parliament was to meet in March, when the project of an Union would be discussed, and telling them to call the Scottish Parliament together about the end of April; and he gave express commands that no subject except the Union was to be considered. If the Estates agreed, as he assumed they would, to the desirability of an Union, they were to appoint commissioners to meet with commissioners who would, by that time, have been appointed by the Parliament of England.²

The English Parliament met on the 19th of March. The speech in which James recommended

¹ A Preparation towards the Union of the Laws of England and Scotland.

² *Register of the Privy Council of Scotland*, vi. 596.

the Union was long, and had evidently been prepared with great pains. What God had joined, he urged, no man should put asunder. "I am the husband," he said, "and the whole island is my lawful wife. I am the shepherd, and it is my flock. I hope, therefore, no man will be so unreasonable as to think that I, that am a Christian king under the gospel, should be a polygamist and husband of two wives." Apart from some grotesque illustrations such as this, the speech was well worthy of the occasion. But the king's proposals were not cordially received; and it was only under considerable pressure that, at a conference of both Houses, a Commission was appointed. At the head of the Commission was Lord Chancellor Ellesmere; and among the members were Robert Lord Cecil and Sir Francis Bacon. They were empowered to consult with commissioners to be appointed by the Parliament of Scotland concerning an Union of the Kingdoms, and such other matters as, upon mature deliberation, should appear necessary for the honour of his Majesty and the common good of both realms.

The Scottish Parliament, which had been summoned to meet in April in order that it might approve of the Union and appoint commissioners, was prorogued from time to time, and did not meet for business until the beginning of July, when the Estates assembled at Perth.

James had directed the Scottish ministers to make the Union the only subject of deliberation, and had also promised that the expenses incurred by the commissioners from Scotland would be defrayed out of his own purse. The Estates, however, had no sympathy with the policy of the king. The nobles grumbled among themselves, and would fain have resisted. But the royal orders were peremptory; and thirty-two commissioners were appointed to "confer, treat, and consulte upon a perfyte Unioun of the realmes of Scotland and England."¹ The first name on the Commission was that of John, Earl of Montrose, Lord Chancellor of Scotland; and among his colleagues were a number of distinguished men. Alexander Seton, then known as Lord Fyvie, was

¹ Act. Parl. Scot. iv. 263, 11th July 1604.

afterwards the first Earl of Dunfermline. James Elphinstone, Secretary of State, had recently been raised to the peerage as Lord Balmerino, a title associated, in Scottish history, with a long series of family misfortunes, which culminated in the execution of his descendant, the last lord, after the Rebellion of 1745. Sir Thomas Hamilton, whom James nicknamed "Tam o' the Cowgate," was then Lord Advocate, and, after holding almost every great office of State in Scotland, became Earl of Haddington in the reign of Charles the First. Another place in the Commission was occupied by Sir Thomas Craig of Riccarton, author of the *Jus Feudale*, whose Latin history of the Union, which has never been published, is preserved in the Library of the Faculty of Advocates.

Some of the terms which occur in the Act appointing these commissioners are such as to suggest the idea that James himself had been the draughtsman. The Estates, in language not usually to be found in the statute-book, declare that the Act is passed in order that "as the present age is ravished in admiration with an so fortunate

beginning, so that the posterity may rejoice in the fruition of such an effectual Union of two so famous and ancient Kingdoms, miraculously accomplished in the blood and person of so rare a monarch.”

But the Estates, while ready to lavish praise on the king, were determined that the Union was not to interfere with the independence of Scotland. It was noticed that while the English Act for the Union contained a clause declaring that his Majesty had no intention of altering the fundamental laws and customs of England, nothing had been said as to preserving the laws and customs of Scotland. This was regarded as suspicious; and there was inserted in the Scottish Act a provision that the commissioners were to take care that nothing was done which was inconsistent with the ancient rights and liberties of Scotland.¹

There was also passed, at the same time, a statute which provided that the Commissioners on Union should have no power to treat “in any manner of way that may be hurtful or pre-

¹ Act, Parl, Scot. iv. 264.

judicial to the religion presently professed in Scotland.”¹

The commissioners, who had thus been appointed by the Parliaments, were summoned to meet in the Painted Chamber at Westminster in October.² But James, too impatient to await the result of their deliberations, and resolved to carry matters with a high hand, issued a long and wordy proclamation, in which he stated that he thought fit to abolish the names of England and Scotland, and to assume, “by the force of our royal prerogative,” the title of King of Great Britain, France, and Ireland.³ This title was to be used in all public documents. The Borders were in future to be known as the Middle Shires. A flag was to be prepared bearing the Cross of Saint George and the Cross of Saint Andrew. New coins, with such mottoes as “Quæ Deus conjunxit nemo

¹ Act in favour of the liberties of the Kirk, 11th July 1604, Act. Parl. Scot. iv. 264. Balmerino, in sending to Cecil an account of the proceedings of the Estates regarding the Union, expresses the hope that the Scottish people will prove equally tractable (*Calendar of State Papers, Domestic, 1603-1610*, p. 132).

² *Fœdera*, xvi. 600.

³ Proclamatio pro Unione Regnorum Angliæ et Scotiæ, 20th October 1604 (*Fœdera*, xvi. 603).

separet," and "Henricus rosas Jacobus regna," were to be struck at the Mint in honour of the Union.

This proclamation was most unpopular in both England and Scotland. The judges were of opinion that the adoption of the title of King of Great Britain would invalidate all legal processes.¹ The king soon found that he had gone too far; and, after a time, he consented to wait until his wishes could be accomplished with the sanction of Parliament.

On the 20th of October, the Commissioners on Union met at Westminster. "A grave and orderly assembly," is the account which Bacon gives of them. On the English side the lead was taken by Bacon and Cecil; while of the Scottish commissioners, Sir Thomas Hamilton and Lord Fyvie seem to have been the most prominent. It was soon evident that the Scottish peers were afraid that the Union would diminish their own power, and indifferent to the commercial advantages which it would confer upon their country. The commoners from Scotland also had their doubts about the Union. They entirely failed to

¹ *Calendar of State Papers, Domestic, 1603-1610*, p. 103.

appreciate the benefits of the colonial trade which it would open up ; and they seem to have resented, to an extent which blinded their judgments, the removal of the Court to London.

The English commissioners also put obstacles in the way of an agreement. Against the advice of Bacon, but with the support of the judges, they insisted on an uniform system of laws for the two countries ; a proposal to which the representatives of Scotland would not listen.¹ They also main-

¹ “ Amongst these commissioners there grew a question, whether there could be made an Union of the Kingdoms by raising a new Kingdome of Great Britaine, before there was an Union of the Lawes. Which question, by the King’s commandment, was referred to all the Judges of England in Trinity Terme, Anno 2 Jac., who unanimously resolved (I being then Attorney General and present), that Anglia had lawes, and Scotia had lawes, but this new erected Kingdome of Britannia should have no law. And, therefore, where all the judiciall proceedings in England are secundum legem et consuetudinem Angliæ, it could not be altered secundum legem et consuetudinem Britannia, untill there was an Union of the lawes of both Kingdomes ; which could not be done but by Authority of Parliament in either Kingdome ” (Coke’s *Institutes*, part iv. cap. 75). On one point connected with the legal system of Scotland, James displayed greater foresight than even the Whigs of 1707. “ The greatest hinderance,” he says in the *Basilikon Doron*, “ to the execution of our lawes in this countrie, are these heritable Sheifdomes and Regalities, which being in the hands of the great men, doe wracke the whole countrie.” And then he recommends his son to look forward to a time when he

tained that it was unreasonable that Scotsmen should be made capable of holding offices under the Crown in England ; and on this point there was a keen argument.

After a series of discussions, which lasted for about five weeks, Bacon and Sir Thomas Hamilton were instructed to embody the findings of the commissioners, in the form of a Treaty of Union, for the approval of the Parliaments. "It is curious now," says Professor Masson, "to imagine the great English philosopher and 'Tam o' the Cowgate' thus seated together, for perhaps two or three evenings, over the document which was to descend to posterity as the draft Treaty of Union between England and Scotland, and to speculate how shrewdly 'Tam o' the Cowgate' must have looked after the substance of the document, while he may have deferred to Bacon's superior expertness in strictly English idiom and wording."¹

might be able to abolish them, and introduce the English system ; "Preassing with time, to draw it to the lawdable custome of England ; which ye may the easilier doe, being King of both, as I hope in God ye shall." The Heritable Jurisdictions, a curse to Scotland, were not abolished until after the second Jacobite Rebellion.

¹ Introduction to the Treasury Edition of the *Register of the Privy Council of Scotland*, edited by Professor Masson, vol. vii. p. xxxii.

The Articles of Union, as finally settled, stood thus. All hostile laws, and, in particular, the Border laws, were to be repealed. The name of the Borders was to be abolished. There was to be complete freedom of trade between England and Scotland; and as regarded foreign commerce both countries were to stand on the same footing. On the difficult point of naturalisation, the commissioners recommended that an Act should be passed to declare that all subjects of both countries born since the death of Elizabeth, that is to say the "post-nati," were, by common law, entitled to the privileges of subjects in both countries. The "ante-nati," or subjects born before the death of the late queen, were to enjoy the same privileges, not at common law, but under an Act of Parliament passed on their behalf. But the ante-nati were not to be capable of holding offices under the Crown or sitting in Parliament, except in the country of their birth. In short, the post-nati were to be fully naturalised; but the ante-nati were not to have a share in the government or the legislature.

This question of naturalisation, with the distinc-

tion drawn between the post-nati and the ante-nati, is, in our day, only one of faint antiquarian interest; but it was then a question of practical everyday importance. The law officers of the Crown had given an opinion that the post-nati of Scotland were not aliens in England, but that the ante-nati were; and this had led the Union Commissioners to suggest that both should be placed on the same footing, with the exception, which has just been mentioned, that the ante-nati should be declared incapable of holding office. At this point James raised an objection. He protested that he had no desire to give offices of State except to the natives of the country in which the office was to be exercised. He agreed to the proposal of the commissioners; but, at the same time, he insisted that the clause dealing with the question of naturalisation should be so worded as to recognise a right on the part of the sovereign to grant letters of denization. This, of course, was a palpable evasion of the proposed finding, and would leave him free to do as he pleased. Nevertheless, the commissioners recommended that, in the Articles of Union, the prerogative of

the Crown as to appointing to offices in either kingdom, and as to granting letters of denization, should be specially reserved.

The Articles of Union were signed and sealed by the commissioners on the 6th of December, and at once presented to the king. James was in high spirits. He thanked the commissioners warmly for their services, and especially for their conduct in reserving his prerogative of appointing to offices in either kingdom. "Among other pleasant speeches," says Bacon, "he showed unto them the laird of Lawreston,¹ a Scotchman, who was the tallest and greatest man that was to be seen, and said, 'Well, now we are all one, yet none of you will say, but here is one Scotchman greater than any Englishman'; which was an ambiguous speech, but it was thought he meant it of himself."

The Governments in both countries began to make arrangements for the approaching Union. A warrant was issued for destroying the Great and Privy Seals of Scotland; and new seals were made with the arms of England, Scotland, and Ireland

¹ Sir Alexander Straton of Lauriston.

quartered on them.¹ Agents were sent to France to investigate the privileges held by Englishmen and Scotsmen as to the French trade, and arrange for the future. An order was issued which illustrates the position of affairs between the countries. Scotsmen were constantly going abroad to serve in the foreign armies. They were in the habit of passing through England, and, on their way, they often were guilty of disorderly conduct, such as robbing on the highways, and committing other outrages, which raised a bad feeling against their country. It was therefore ordered that, in future, all Scotsmen going abroad were to embark from Scotland, instead of passing through England.²

A long time, however, was to pass before the subject of the Union was discussed by the Parliaments. The English Parliament had been summoned for the 5th of November 1605, when the articles were to have been debated. But the discovery of the Gunpowder Plot threw everything else into the shade; and though the Treaty of Union was presented, nothing more was done.

¹ *Register of the Privy Council of Scotland*, vii. 54, 464.

² *Ibid.* 130.

At last, when the Parliament of England met in November 1606, it was understood that the session was to be chiefly devoted to the Scottish question. The Articles of Union were known; and there was a storm of opposition from the merchants of London. Objections were raised to the admission of Scotsmen as members of English trading companies. There was also a strong dislike to allowing free trade between England and Scotland. The Scots, it was said, would come and go as they pleased, and fulfil or break their bargains just as it suited them. The English traders, moreover, wished a heavy duty to be imposed on cloth entering Scotland, because Scotland had, for a long time, been favoured in the custom duties which she paid in France; and this, along with other privileges she enjoyed in that country, might enable her to monopolise the trade in cloth with France. It was soon found that the dislike to the Union extended to every class throughout the country. There was a general fear that every district, and every calling, would be overrun with needy Scotsmen. The Articles of Union, it was said, would open to Scotsmen not only trade, but

the Church, the universities, and the highest offices of State. They would fill, it was predicted, the best stalls in every cathedral in England ; Latin would be taught at Oxford and Cambridge by the countrymen of Buchanan, whose scholarship not even English jealousy could venture to deny ; and the tireless energy of ambitious Scottish politicians would secure the most lucrative places in the Government.

In Parliament, and especially in the House of Commons, these complaints were echoed. Sir Christopher Piggott, one of the members for Buckinghamshire, rose one day, and, speaking with his hat on, launched into a torrent of abuse against the idea of an Union with the Scots, who, he shouted, were murderers, thieves, and rogues who had not suffered more than two of their kings to die peaceably in their beds during the last two hundred years. The Commons, either from sympathy or in surprise, received this tirade in silence. But James, when he heard of it, was indignant ; and Piggott was expelled from the House and committed to the Tower.¹

¹ Commons Journals, 13th February 1607.

In this spirit the debates, which began in February 1607, were conducted by the opponents of the Union. The first question which came up was the question of naturalisation. The speech of the member who opened the case against the proposals of the Union Commissioners consisted of an attack on Scotland and the Scots; and his chief argument against the Union was that if a man owned two pastures, the one fertile and the other barren, he would not, if he was a wise man, pull down the hedge, and allow the lean and hungry cattle to rush in and devour the rich pasture.

Bacon led on the other side. The grand idea of an orderly and well-balanced Union of the two kingdoms had fascinated his imagination. In moderate language, and in his most lucid manner, he answered his opponents, and expounded his own reasons for advising the Parliament of England to naturalise the Scottish nation. There were, he said, three objections to doing so. In the first place, it was thought that if the Scots were no longer aliens, they would settle in England in such numbers that the country would be over-populated. But, he answered, four years had passed since the

Union of the Crowns, which was "the greatest spring-tide for the confluence and entrance of that nation"; and during these four years the only Scotsmen who had come to live in England were those immediately connected with the Court. Again, England, he declared, was not yet fully peopled. London was overcrowded; but the rest of the country showed signs of a want of inhabitants, in the shape of swamps and waste places. The Commons themselves might bear in mind "how many of us serve here in this place for desolate and decayed boroughs." And, besides, what was the worst effect which could follow too great an increase of the population? Nothing more than some honourable war for the enlargement of our borders.

The second objection to naturalising the Scots was that the laws of England and Scotland were different, that the Articles of Union left them different, and that it was unreasonable to admit the Scots to the privileges of English citizens without making them adopt the laws of England. But, he argued, naturalisation must come first. The inhabitants of Ireland, of the Isle of Man, and of

Jersey and Guernsey, had the benefits of naturalisation; but the laws of England were not yet in force among them. An union of laws might be brought about both in these places and in Scotland, but only in course of time.

The third objection was that there was so much inequality between England and Scotland that the Union would not be fair to England. This inequality, Bacon declared, consisted only in gold and silver, the external goods of fortune. "In their capacities and undertakings," he said, "they are a people ingenious, in labour industrious, in courage valiant, in body hard, active, and comely." If Scotland was, after all, to gain by the Union, then England might find that it was more blessed to give than to receive.

Having thus answered the objections to naturalisation, he next maintained that if naturalisation did not follow the Union of the Kingdoms under the same Crown, danger would be the result. History, he argued, teaches us that whenever kingdoms have been united by the link of the Crown alone, if that union has not been fortified by something more, and most of all by naturalisa-

tion, separation takes place. The Romans and the Latins were united ; but the Latins were not made citizens of Rome. War was the result. Sparta was ruined by attempting to maintain a league with States whose peoples she jealously regarded as aliens. The history of Aragon and Castile, of Florence and Pisa, taught us the same lesson. And on the other hand, we find that where States have been united, and that union strengthened by the bond of naturalisation, they never separate again.

He ended his speech by saying that, in future times, England, "having Scotland united and Ireland reduced," would be one of the greatest monarchies in the world.¹

But this appeal was unheeded by the House ; and though Coke brought all his great authority as a common lawyer to the same side as Bacon, the members would not be convinced. James on two occasions expostulated with them. He said he was willing, if it would help on the Union, to live one year in Scotland and another in England, or

¹ A speech used by Sir Francis Bacon, Knight, in the Honourable House of Commons, Quinto Jacobi, concerning the Article of the General Naturalization of the Scottish Nation.

to live at York, or on the Borders. But the Commons were intractable, although the Lords were ready to agree to the Union, and to the naturalisation of the Scots.

Something, however, was accomplished. The questions of trade and of naturalisation were left unsettled ; but an Act was passed which gave effect to the first part of the Treaty of Union, by repealing a number of statutes hostile to Scotland (such as those which forbade the leasing of lands to Scotsmen, and the exporting of arms or horses to Scotland), on condition that the Scottish Parliament, when it met, was to repeal the Scottish Acts, of a similar nature, which were hostile to England.¹

With this small concession James had to be contented ; and at the beginning of July he dismissed the Parliament, but not without a farewell warning that the Union was, in the long-run, inevitable. " These two kingdoms," he said, " are so conjoined that, if we should sleep in our beds, the Union should be, though we would not. He that doth not love a Scotsman as his brother, or the Scotsman

¹ Act for the utter abolition of all memory of hostility, and the dependents thereof, between England and Scotland, 4 Jac. i. cap. i.

that loves not an Englishman as his brother, he is traitor to God and the king."

The Scottish Parliament met in the first week of August. The Scots were, on the whole, rather proud to think that their king had gone to rule over England. Yet the old wrongs could not easily be forgotten, and it is probable that the Estates were very nearly as much against the Union as the House of Commons was. The Privy Council had, some months before, given the king a hint of this;¹ and a trivial circumstance may be mentioned to show how jealous the Scots were of England. A pattern of the new flag which James had ordered to be prepared for the United Kingdom, had been sent from England; and great offence had been taken when it was found that the Cross of Saint Andrew was covered, and, it was said, hidden by the Cross of St. George. Scottish seamen, the king was told, could not be induced to receive the flag.²

¹ "Thair be amang us not a few of the best sorte who ar als aliene from it as ony of the lower House, and hes moir just causis to be discontented with so easie obliterating of begane wrongis." (The Privy Council to the King, 3rd March 1607, *Register*, vii. 513.

² *Register of Privy Council*, vii. 498.

There can be little doubt that most Scotsmen sympathised with the national feeling which this trifling incident disclosed. But the private opinion of a member of the Scottish Parliament was one thing, and his public conduct was another. The Estates were submissive to the royal will. The Articles of Union were agreed to; and all the laws hostile to England were repealed.¹

Thus, so far as it lay within the power of the Scottish Parliament, the king had got what he wanted. All that remained was for the English Parliament to be equally complaisant; and the kingdoms would have been united in 1607 instead of a century later. But it was not to be. In neither country was there any genuine desire for union. The free traditions of the House of Commons enabled the members to say what they thought; and the subject, gradually dropping out of sight, was not again seriously debated during the reign of James. The antiquary may still inspect a brown and shrivelled parchment which is preserved in the Register House at Edinburgh,

¹ Act anent the Unioun of Scotland and England. Act. Parl. Scot. iv. 366.

all that remains of the Treaty of 1607. The time had not yet come when the Parliaments of the two nations were to see that it was impossible for the resources of Scotland to be developed while she remained separate from England, and that it was equally impossible for England to attain a position of permanent security so long as Scotland remained poor and discontented, debarred, by commercial restrictions, from the advantages of trade with the colonies and with England, and with no outlet for that splendid energy of her people which, after the Union, changed the Lothians from a desert to a garden, made Edinburgh famous throughout Europe as a school of letters, and founded on the banks of the Clyde one of the great commercial cities of the world.

The question of naturalisation, which could not be left undecided, was settled by the judges in a test case in the law courts. The action related to a tenement in Shoreditch, and the point at issue was whether the plaintiff, a child born in Scotland since the Union of the Crowns, was an alien, and, therefore, not entitled to bring an action for real property in England. Bacon was the leading

counsel for the plaintiff; and the most important opinion was delivered by Lord Chancellor Ellesmere. The Court, by a majority, found for the plaintiff, holding that all the post-nati, or persons born in Scotland since the Union of the Crowns, were naturalised and entitled to all the rights of Englishmen in England. The ante-nati, those born in Scotland before the accession of James, still remained in the position of aliens.¹

The effects of the removal of the Court to London were apparent in Scotland for many years to come. The houses of the nobles and the gentry were neglected. Gardens and pleasure-grounds, which had begun to appear in some places, were allowed to run to waste. The inns, poor at all times, fell into ruins. Merchants found their business at a standstill; and the shipping trade languished. What made all this peculiarly galling to the Scottish people was that England, though not occupying under the Stuarts the lofty position which she had

¹ *Calvin v. Smith*, the case of the Post-nati, or of the Union of the Realm of Scotland with England; Trin. 6 James I. A.D. 1608, State Trials, ii. 559; The argument of Sir Francis Bacon, in the case of the Post-nati of Scotland, in the Exchequer Chamber, before the Lord Chancellor, and all the Judges of England, Nov. 1608.

occupied under the Tudors, was, year after year, enlarging her bounds and adding to the sources of her wealth. On the southern side of the Borders, the industries of Yorkshire were showing signs of what they were to become. The East India Company, now firmly established, was extending its operations. Far across the seas Nova Scotia was colonised by Scotsmen whom poverty had driven from their homes; and the plantations of Virginia became a rich addition to the resources of the English Crown. And besides suffering from the evils of poverty, Scotland was harassed almost from the day on which James ascended the throne of England by those ecclesiastical disputes which plunged the country into so much misery during the seventeenth century.

The king had been compelled, by the force of public opinion in England, to abandon the Union. But with the object to which he devoted the rest of his life even those Englishmen who doubted the wisdom of his policy were inclined to sympathise. The Scottish Reformation, unlike that of England, had been the work of the aristocracy, in opposition to the Crown. It had, at the same time, been a

deeply religious movement ; and these two forces, working together, had developed, as the distinguishing features of the Reformed Church of Scotland, a denial of the royal supremacy in ecclesiastical affairs, and the assertion of the spiritual independence of the Church. Sir James Mackintosh has said that the peculiar theories of Berkeley were a touch-stone of metaphysical sagacity, meaning, apparently, by this phrase, that those who were without it could not understand the meaning or the tendency of those theories. In like manner, spiritual independence is the touch-stone of a capacity for understanding the history of the Scottish Church. The words "spiritual independence" expressed for Scotsmen what was, on the one hand, a part of their constitutional law, set forth in the statutes of the realm, and on the other hand, an article of faith, received by the people as an essential part of their religion, involving the principle of loyalty to the great founder of the Christian faith, as the only head of the Church. They believed—and for this belief thousands laid down their lives—that there were two authorities, the one civil and the other

spiritual. Both were based upon a divine sanction ; and each was to be obeyed within its own sphere. The civil magistrate was to bear rule and to be obeyed in civil affairs ; but if he attempted to interfere with the spiritual jurisdiction of the Church, he was to be resisted to the death. This principle of spiritual independence, which, neither at the Union of the Crowns, nor at the Union of the Kingdoms, nor during that memorable crisis which, in the middle of the nineteenth century, rent asunder the Church of Scotland, Englishmen were able to understand, was taught in the first Confession of Faith drawn up by the Scottish Reformers, and laid before the Estates in 1560.¹ After some years, when the long controversy between the king and the Church had begun, the

¹ Thus the eleventh article of this Confession, which treats of the Ascension, contains these remarkable words : “The remembrance of quhilk day, and of the Judgement to be executed in the same, is not onelie to us ane brydle whereby our carnal lustes are refrained, bot alswa sik inestimable comfort, that nether may the threatning of wordly Princes, nether zit the feare of temporal death and present danger, move us to renounce and forsake that blessed societie, quhilk we the members have with our head and onelie Mediator Christ Jesus, whom we confesse and avow to be the Messias promised, the onelie head of his Kirk, our just Laugiver, our onelie hie Priest, Advocate and Mediator. In quhilk honoures

two jurisdictions, civil and ecclesiastical, were still more carefully defined.¹

Principles such as these were intolerable to James. By the law of England the king was head of the Church; and it was, therefore, his policy to introduce an uniformity of ecclesiastical government over the whole island. For more than twenty years before the Union of the Crowns he had been engaged in fighting the Scottish clergy.

and offices, gif Man or Angel presume to intrude themself, we utterlie detest and abhorre them, as blasphemous to our Sovereine and supreme Governour Christ Jesus." The twenty-fifth article is entitled, "Of the Civil Magistrate"; and these two articles, when read together, contain the germ of the Scottish idea of an Established Church. This Confession was ratified by the Estates in 1567, Act. Parl. Scot.

¹ "This power ecclesiasticall flowis immediatlie frome God, and the Mediator Chryst Jesus, and is spirituall, not having ane temporall heid on eirth, bot onlie Chryst, the onlie spirituall King and Gouvernour of his Kirk;" "It is ane title falslie usurpit be Antichrist, to call himself heid of the Kirk, and aucht not to be attributit to angell or to mane, of what estait soeuer he be, saiffing to Chryst, the Heid and onelie Monarche in this Kirk;" "As the ministeris and vtheris of the ecclesiasticall estait, ar subiect to the magistrat ciuillie, swa aucht the persone of the magistrat be subiect to the Kirk spirituallie, and in ecclesiasticall gouernment. And the exercise of bayth thais jurisdictionis can not stande in ane persone ordinarlie" (Headis and Conclusionis of the Policie of the Kirk, cap. i.). This statement of principles, usually called the "Second Book of Discipline," was promulgated by the Church of Scotland in 1578.

Sometimes he won, and sometimes he was defeated. The great point at issue was whether the Scottish Church was to be Presbyterian or Episcopal; for he had found that if the Presbyterian system was allowed to exist, the royal supremacy would never be acknowledged in Scotland. Accordingly he came to the throne of England with a firm resolution that he would use his new position so as to secure the establishment of Episcopacy in the north; and, though he artfully concealed it, we may be sure that one of his chief reasons for proposing the Union was that he believed it would be followed by the accomplishment of this object. Henceforth the policy of extending the Anglican system to Scotland became the hereditary policy of the Stuarts. Three years after the Union of the Crowns, the boldest leaders of the clergy having been driven into exile, the Scottish Parliament acknowledged the royal supremacy over all persons and all causes. It was not long before Episcopacy was established; and James had the gratification of seeing a few of his new bishops humbly consenting to receive consecration from the hands of English prelates, and returning to Scotland to

confer upon their brethren the virtues of the apostolical succession. But the system which was thus set up had no hold upon the people. It would be impossible to point out in the catalogue of Scottish bishops the names of a dozen men who were either popular, or famous for learning, or eminent on account of their public services. The history of Christendom contains no story so humiliating as the story of Prelacy in Scotland during the seventeenth century.

The real meaning of the struggle between the Scottish people and the English Government which followed the Union of the Crowns cannot be understood unless we remember that, for most of those who suffered, the question at issue was a question of conscience. It is easy to find upon the surface of these events the materials from which to construct an explanation of a different kind. Envy at the sight of so much power in the hands of the priesthood, and the love, so strong in the Scottish character, of freedom from control, might influence some. But no one who looks below the surface, or reads the history of that period with an impartial mind, can fail to perceive

that what brought the people of Scotland into a position of such stern antagonism to the English system of Church government, and, still more, what kept them there, was the fact that to accept Episcopacy was to give up spiritual independence, to admit the royal supremacy, and to abandon the principle of a divine head of the Church. It was for that principle that men and women died during the period between the Restoration and the Revolution, and not merely in defence of one form of Church government against another. And in the meantime, during the first half of the seventeenth century, it was the obstinate and persistent tyranny of James, and the infatuation of Charles the First and his advisers, which roused that memorable outburst of national resentment which scattered their policy to the winds. An uniformity in Church government and in ritual was the end aimed at by Charles and Laud. That end was, indeed, so far accomplished ; but not by them. Having resolved to extend the Anglican system permanently to Scotland, they lived just long enough to see the Scottish system on the point of being extended to England, and the two

kingdoms suddenly bound together by that solemn league which, conceived, though it may have been, in a spirit of intolerance, was nevertheless, for more than two generations, the watchword of the Whigs of Scotland, who afterwards, through the years of darkness and tempest, held high the blue banner of the Covenants, the rallying-point of Scottish freedom.

During a few years the Presbyterian Church was established, and the ecclesiastical affairs of Scotland were administered in accordance with the long-cherished aspirations of the native clergy. But the alliance between the English Parliament and the Scottish Parliament and Church did not long survive the execution of Charles. Their ideas had always been different. "The English were for a civil league, we for a religious covenant," Baillie had written six years before. The Scottish Parliament protested against the execution. The Scottish Church was willing to receive Charles the Second, if he would declare himself a Presbyterian and sign the Covenants. "If his Majesty," Baillie writes, "may be moved to join with us in this one point, he will have all Scotland

ready to sacrifice their lives for his service.” Charles consented. He subscribed the Covenants, and bound himself, by an oath, to maintain the Presbyterian Church. But the royal cause was hopeless. Cromwell’s victory at Dunbar was a crushing blow ; and the battle of Worcester left Scotland at the mercy of the English army.

CHAPTER III

THE UNION DURING THE COMMONWEALTH

WHEN the battle of Worcester was fought exactly a year had passed since the battle of Dunbar. The events of that year were not such as to reconcile Scotland to the Union which was now proposed by the Government of England. All trade between the two countries had been forbidden. Edinburgh had been taken, the royal palace of Holyrood, turned into barracks, had been set on fire through the carelessness of the soldiers, and almost totally destroyed. The churches had been desecrated, their pulpits and seats torn down and used as firewood. The edifice which George Heriot had directed his executors to raise for the benefit of the poor of Edinburgh was seized, while still in the builder's hands, and turned into a military hospital. The castle had been surrendered into the hands of the

invader. In the Parliament House, English troopers prayed and preached. The garrison of Stirling Castle had capitulated ; the public records of the kingdom had been removed to the Tower of London ; and the whole country south of the Forth and Clyde was subdued. Dundee held out to the last ; but just two days before the battle of Worcester the town was stormed by Monk.

The slaughter at Dundee, and the news brought home by those who had escaped from the field of Worcester, extinguished all hopes of further resistance. In the Highlands alone there remained some faint show of adherence to the cause of the Stuarts, which afterwards found an outlet in the rising under Glencairn ; and the Marquis of Argyll strove, for a time, to stem the tide which was overwhelming Scotland. But, to all intents and purposes, the country was now thoroughly subdued.

Eight commissioners, among whom were young Sir Harry Vane, Lambert, and Monk, were appointed to arrange an Union. They found everything in confusion. The last meeting of the Scottish Parliament had taken place on the 6th

of June. The Court of Session had not sat since February 1650. Many towns were without magistrates. The Church was torn by internal dissensions. When proclamation was made, at the market-cross of Edinburgh, that Scotland was to be united, in one Commonwealth, with England, the announcement was received in gloomy silence. But there was an under-current of feeling in favour of the Union, of which the commissioners were doubtless aware. Delegates from the counties and burghs were summoned to meet at Dalkeith, to consider the Tender of Union which the commissioners were empowered to offer on behalf of the Parliament of England; and the result was that, of thirty-one counties, twenty-eight, and of fifty-eight burghs, forty-four assented to the Union.¹ Their assent must in some degree be ascribed to motives of prudence; for it was known that those counties and burghs which failed to send delegates favourable to union would be disfranchised; but it was from Glasgow alone, which, more than any other place in Scotland, was ultimately to benefit from the Union

¹ Act. Parl. Scot. VI. ii. 771.

with England, that any formal and serious objection came. By some a scheme was suggested, which Fletcher of Saltoun would have warmly supported in 1707, for declining an incorporating Union and making Scotland a republic in friendly alliance with England. But the proposers of this scheme, one of whom was the noted Covenanter, Sir Archibald Johnston of Warriston, ultimately agreed to the Union.

The chief opponents of the new arrangement were the clergy. It was on the 23rd of February 1652 that the delegates assembled at Dalkeith; and on the following day Baillie writes: "All the ministers of Edinburgh prays still for the king, and preaches very freely and zealously against the way of the English; this they are very angry at, and threatens to remeed it." But the ministers were divided against each other. Some resisted the Union because they were Royalists, some because they could not tolerate the idea of uniting with a country in which the Independents and other "Sectaries" had so much power, and others because they thought that the result of the Union would be that the Church would become sub-

ordinate to the State. But their resistance was of no avail ; and they could only lament the defection of so many of the laity. "Good Sir John Seaton," Baillie writes in reference to the Conference at Dalkeith, "was the first that subscribed his free and willing acceptance of the incorporation for East Louthian. The two Swintons followed for the Merse, Stobs for Tiviotdale, Dundas for West Louthian, William Thomson and Fairbairne, I think, have done the like for Edinburgh, and its like almost all burghs and shyres will, under their hand, renounce their Covenant ; Glasgow and the West purposes to refuse, for which we are like deeply to suffer ; but the will of the Lord be done."¹

The result of the meeting of delegates was reported to Parliament ; and the Council of State was instructed to prepare a Bill for the union of the two countries. Deputies were sent from Scotland to Westminster to adjust the details of the measure, and, in particular, to fix the number of members who were to represent Scotland in the Parliament of the United Commonwealth. A series of conferences were held between these

¹ *Letters and Journals*, iii. 174.

deputies and a Committee of Parliament, at which the demands of Scotland were discussed. There was great difficulty in settling the question of representation.¹ The English proposal was that, in the united Parliament, England should be represented by four hundred members, Scotland by thirty, and Ireland by thirty. The number of commoners in the Scottish Parliament had been one hundred and twenty ; and the deputies wished sixty Scottish members to have seats in the House of Commons. The English Government, however, refused to admit more than thirty. This was agreed to ; and the Union Bill was about to pass, when, on the 20th of April 1653, Cromwell put an end to the Long Parliament.

In the Little Parliament, Barebones' Parliament, Scotland was represented by five members, and some progress was made in the matter of the Union. It was resolved that there should be complete free trade between England and Scotland. The Government ordered all money raised in Scotland to be spent in Scotland for local purposes ;²

¹ *Calendar of State Papers, Domestic*, 1651-52, p. 485.

² *Calendar*, 1653-54, p. 12.

and that on the passing of the Union Bill, an enactment, which had come into force three years before, under which all Scotsmen were banished from England, should be repealed.¹ But the further progress of the Union Bill came to an end when Parliament was dissolved, and the control of all affairs passed into the hands of Cromwell as "Lord Protector of the Commonwealth of England, Scotland, and Ireland," a title which assumed that the Union had already taken place.

In the following spring an ordinance was framed for completing the Union. It set forth that the people of Scotland, having been invited to unite with England, had, through their deputies, accepted the invitation; that Scotland was, therefore, to be now incorporated and declared one Commonwealth with England; and that, in every Parliament which was held for the Commonwealth, thirty members were to serve for Scotland. To secure the more effectual preservation of the Union, and the freedom of the country, the people of Scotland were relieved from all allegiance to the Stuarts. The title of King of Scotland was abolished. The

¹ *Calendar*, 1653-54, p. 258.

right of the Estates to assemble in Parliament was annulled. It was ordained that, "as a badge of this Union," the arms of Scotland should form a part of the arms of the Commonwealth; and that all seals of office, and the seals of the corporations in Scotland, should henceforth bear the arms of the Commonwealth. All taxes were to be levied proportionably from the whole people of the Commonwealth. Vassalage was abolished, and lands were to be held by deed or charter for rent. The whole system of hereditary jurisdictions, by which there had been transmitted from father to son, in many families of the landowners, the power of holding courts and inflicting punishments, even that of death, was swept away. An immense boon was conferred on Scotland by the establishment of complete free trade between the countries, and by the declaration that in all matters relating to commerce England and Scotland were thenceforth equal.¹

This ordinance was proclaimed at Edinburgh on the 4th of May 1654. The town-cross, at which the ceremony took place, was surrounded by troops

¹ Order of Council, Whitehall, 12th April 1654.

under the command of Monk. An immense crowd of the townsfolk assembled to witness the proceedings. The Lord Provost and the Magistrates, clad in their scarlet robes, were in attendance. Henry Whalley, Judge Advocate to the English army, read the proclamation ; and at the conclusion of the ceremony, Monk and his friends were entertained at a sumptuous banquet in the Parliament House, where the Magistrates stood and served them. Later in the evening there was a display of fireworks at the town-cross.

The Union having been thus proclaimed, the Council of State at Whitehall proceeded to arrange the distribution of seats in Scotland.¹ Of the thirty seats, twenty were allotted to the counties, and ten to the burghs. The more populous counties each returned a member. The rest were divided into groups. Of the burghs, Edinburgh alone returned two members ; but all the other towns were grouped into districts.

When the Protector's first Parliament met, in July 1654, twenty-one members from Scotland attended. Of these, both the members for

¹ Order of Council, 27th June 1654.

Edinburgh, and several others, were Englishmen; and while the Union lasted, the members from Scotland were either quiet and peaceful Scotsmen, ready to support the Protector's measures, or English officials.¹

The Council in Scotland managed the elections there. The full number of thirty members was returned to the Parliament of 1656; but many of them were Englishmen. Argyll opposed the Council, and endeavoured to secure the return of Scotsmen only, but in vain. He failed to obtain a seat himself until Richard Cromwell's Parliament of 1658, when thirteen county and eight burgh members seem to have attended. Argyll then represented Aberdeenshire in the House of Commons; but the members for Perthshire, Inverness-shire, Linlithgow, Stirlingshire, Clackmannan, Dumbartonshire, Argyllshire, Bute, and Midlothian were all Englishmen; and a majority of the burgh members came from Westminster or the Inns of Court.²

¹ Baillie's *Letters and Journals*, iii. 289, 318, 357; *Thurloe, State Papers*, v. 366.

² Act. Parl. Scot. VII. ii. 784.

The executive government in Scotland, during the Union, was vested in a Council of State, to whom elaborate instructions were issued by the Protector. They were to inquire into the best means for preserving the Union ; to promote the cause of religion, taking care that the clergy were regularly paid, and that all schools had able and pious teachers ; to encourage learning and reform the universities ; to remove from the corporations disaffected or ill-behaved magistrates, and replace them by suitable persons ; to see that equal justice was administered to all men, and to promote the Union by assimilating the procedure in the courts of Scotland to that of the courts of England ; to investigate the state of the revenue, and see that the Exchequer was not defrauded ; to study economy in the public service ; to encourage the fishing industry, the manufactures, and the commerce of Scotland.

The Council consisted of nine members, of whom only two, Lockhart and Swinton, were Scotsmen. Roger Boyle, Lord Broghill, third son of the Earl of Cork, was President, with a salary of two thousand pounds a year ; and the great Scottish

offices of State, most of which were retained, were generally filled by Englishmen. Lord Broghill appears to have been popular. "He has gained," Baillie writes, "more on the affections of the people than all the English that ever were among us."¹

An army of English soldiers, nearly as numerous as that which occupied Ireland, was spread over Scotland. Forts were built at Leith, Glasgow, Ayr, and Inverness; and the castle of Inverlochy was repaired and filled by a garrison which overawed the Western Highlands. The strictest discipline was maintained. "I remember," Burnet says, "three regiments coming to Aberdeen. There was an order and discipline, and a face of gravity and piety among them, that amazed all people." Burnet attributes the flourishing state of Scotland during the Union to the money spent by the army; so does Fletcher of Saltoun. And it must have had a considerable effect on the financial state of the country, as the pay of the troops amounted to two hundred and fifty thousand pounds yearly, an immense sum for the Scotland of those days.

¹ *Letters and Journals*, iii. 315.

In the judicial system sweeping changes were introduced. The exercise of jurisdiction in Scotland was prohibited, except under the authority of the Parliament of England. The powers of the Court of Session, the supreme tribunal of the country, were handed over to a bench of Commissioners for the Administration of Justice to the People of Scotland. These judges were seven in number, four Englishmen and three Scotsmen. At first the Scottish Bar joined the clergy in opposing the Union, and refused to plead ; but by the autumn of 1656 most of the advocates had returned to business.

The manner in which the "English judges," as the Commissioners were called, performed their duties seems to have given great satisfaction. The Court of Session had been so tyrannical and corrupt that the fairness and purity of the new Court astonished the country. "Justice," we are told, "was wont to be free and open for none but great men, but now it flows equally for all." Circuit courts were held throughout the country ; and, while crime was firmly punished, the extreme severity of the Scottish criminal system was

avoided. Prosecutions for witchcraft were still frequent, but the English judges received the evidence with suspicion; and on one occasion no less than sixty persons, whom the superstition of their own countrymen would have condemned to the flames, were acquitted.

The merchants of Scotland were, by the terms of the Union, admitted to all the trading privileges which Englishmen enjoyed. Goods of every description passed duty-free from England to Scotland and from Scotland to England; and there was no restriction on the foreign and colonial trade of Scotland. But these advantages were not fully appreciated; for Scottish commerce was still in its infancy. The Glasgow of to-day, with its miles of wharves and warehouses, its forest of masts, its shipbuilding yards, its crowded streets and handsome squares, had no existence. The merchants of the small town upon the Clyde traded with Ireland, in open boats, for meal, oats, and butter. They shipped coal, herrings, and woollen goods to France in exchange for paper and prunes. They sent to Norway for timber, and to Barbadoes for sugar. But the river Clyde

was then so shallow that their ships could not come nearer to the town than a spot fourteen miles distant, where they were unloaded, and the cargoes carried up the river on rafts or in small boats.

The English were astonished at the poverty of Scotland. The whole revenue from Customs and Excise was under fifty thousand pounds a year.¹ A monthly assessment of seventy thousand pounds was levied in the towns and counties of England, while Scotland was assessed at only six thousand pounds. The yearly expenditure in Scotland exceeded the revenue; and the balance was paid out of the English treasury. Nevertheless the time of the Union during the Commonwealth was regarded as a time of prosperity. The trade of Glasgow began to flourish. Leith, then the chief port in Scotland, Dundee, and Aberdeen made considerable progress in wealth; and there can be little doubt that if the commercial policy of Cromwell had not been reversed at the Restora-

¹ Report by Thomas Tucker upon the revenue of Excise and Customs in Scotland, 1656, in the *Scottish Burgh Society's Miscellany*.

tion, the merchants of Scotland would have made, during the second half of the seventeenth century, that remarkable advance towards opulence and importance which they made after the Union of 1707.

When, fifty years later, the Union was finally accomplished, one of the most difficult questions which the statesmen of the two countries had to discuss was the question of the Church. But the ordinance of April 1654 contains no reference to that question. The Council for Scotland was instructed, in general terms, to promote the cause of religion, and to see that the clergy were paid regularly ; but no formal settlement was attempted. Though the stipends of the Scottish clergy were small, their social position was far higher than that of the English clergy. They associated, on terms of equality, with the first families of the laity, and so great was their influence that, if they had been united among themselves, they might have held their own against the Independents who came to Scotland with Cromwell. But they were powerless, because they were divided, split up into two parties, and engaged in a dispute which was conducted

with a warmth unusual even in the quarrels of Churchmen.

This dispute had its origin in the Engagement for the relief of Charles the First. The Scottish Parliament of 1649 had passed an Act which declared all those who approved of the Engagement incapable of holding any public office.¹ This statute, known as the Act of Classes, had incapacitated a number of persons from serving in the army. After the battle of Dunbar, the General Assembly passed resolutions in favour of re-admitting to the public service, particularly in military employments, those who had been proscribed; and Parliament, taking the same view as the majority of the clergy, repealed the Act of Classes. Against this the defeated minority of the clergy protested. Two parties were formed, the one known as Resolutioners, and the other as Protesters; and the contest passed from the ranks of the clergy to the ranks of the people. Which party had the larger following among the people it is difficult to say; but, apparently, while the

¹ Act of Classes for purging the Judicatories and other Places of Public Trust. Act. Parl. Scot. VI. ii. 143.

Resolutioners formed a majority of the clergy, the Protesters were more popular, especially in the south-western counties, afterwards the stronghold of the Covenanters during the period which followed the Restoration.

The Church of Scotland was rent in twain, and there were two factions in almost every parish. The induction of a minister was seldom accomplished without opposition; and on many occasions disgraceful scenes took place in the churches, riots, stone-throwing, and even bloodshed. The differences between the parties extended from the original cause of quarrel to questions of rites and ceremonies, always a fruitful source of bad feeling. The country was flooded with controversial pamphlets, in which the disputants attacked each other in the most acrimonious terms. One of the Protesters, indeed, a young divine named Binning, published a book on *Christian Love*, in the hope, apparently, of preparing the way for a reconciliation, but his advances were rejected with scorn.

Some members of the Council of State proposed that means should be taken to re-unite these factions; but Vane advised a very different course.

Let them fight it out, he said, in the inferior courts of their Church. By this means their attention will be diverted from secular matters, with which they are too fond of interfering, and confined to their own private squabbles. At the same time, if we forbid the General Assembly to meet, they will be powerless for either good or evil. This policy was carried into effect. The Assembly met at Edinburgh, and the members were about to proceed to business, when an officer entered, and asked by what authority they had met. Was it by the authority of the Parliament of England, or of the commander of the English forces, or of the English judges in Scotland? The ministers answered that the Assembly was an ecclesiastical court, deriving its authority from God and established by the law of the land. The officer said that he had orders to dissolve the meeting, and ordered those present to follow him, or he would drag them by force out of the room.

Uttering protests against this violence, the members rose and followed him. A guard of soldiers surrounded them, and led them along the streets, "all the people gazing and mourning, as

at the saddest spectacle they had ever seen." Presently a halt was called. The names of the ministers were taken down; and they were told that all future meetings were forbidden. On the following morning, by sound of trumpet, they were commanded to leave the town, on pain of instant imprisonment if they disobeyed.¹

In this summary fashion the supreme court of the Church of Scotland was dissolved; and while the Union lasted the English army was supreme in Church affairs. The clergy were forbidden to pray for the king, and ordered to pray for the Protector. This order was at once obeyed by the Protesters; but the Resolutioners did not submit until they were informed that their stipends would be withdrawn, when they came to the conclusion that as the king could not protect them nor pay them they need no longer pray for him. Excommunication lost its terrors when the secular arm could no longer be invoked to give civil effect to the sentence of a Church court. The stool of repentance, which stood in every church, and on which sinners had to sit and listen to a public rebuke, was derided

¹ *Letters and Journals*, iii. 225.

by the rough troopers, who either broke it to pieces, or sat on it themselves, to show their contempt for a kind of discipline which was akin to penance in the Church of Rome. The English soldiers did not admire either the Church or the religious character of the Scots. "A Kirk whose religion is formality, and whose government is tyranny, a generation of very hypocrites and vipers whom no oaths or covenants can bind, no courtesies or civilities oblige," was their verdict.¹ Magnificent and fruitful of results as the Covenanting movement was, there can be no doubt that side by side with the genuine religious devotion of some there was to be found the deep hypocrisy of others. Cromwell saw this at once, and complained that where he had expected to find "a conscientious people," he had found one "given to the most impudent lying and frequent swearing, as is incredible to be believed."²

The persecuting principles of the Scottish clergy, too, alienated the Independent ministers who accompanied the army. Even so good a man as

¹ Orme's *Life of Owen*, p. 128; Whitelocke, July 1650.

² Letter to the Council of State, 25th September 1650.

Samuel Rutherford argued against toleration with almost as much bigotry as Edwards had displayed in the Gangræna; and Baillie lamented that "the hand of power is not heavy on any for matters of religion."¹ Principles such as these were, of course, hateful to the Independents, with whom liberty of conscience was an article of faith; and the fact that such principles were held by the Scottish clergy was one of the chief reasons why, during the Commonwealth, the Scottish Church was powerless.

Among the duties intrusted to the Council of State for Scotland were the encouragement of learning and the reform of the universities. Commissioners visited the universities, and changes were made. Resolutioners were turned out, and Protesters put in their places. Leighton, afterwards Bishop of Dunblane, became Principal of Edinburgh University. At Glasgow, Patrick Gillespie was appointed against the remonstrances of Baillie and his party; but even Baillie afterwards admitted that the appointment was a wise one. "The matters of our college," he writes, "this year were

¹ *Letters and Journals*, iii. 291.

peaceable; our gallant building going on vigorously; above twenty-six thousand pounds are already spent upon it; Mr. Patrick Gillespie, with a very great care, industrie, and dexterity, managing it as good as alone." A grant of two hundred pounds a year was made to the Universities both of Edinburgh and of Glasgow; and before his death the Protector had taken the first steps towards founding a College of Physicians for Scotland.

In 1659 it was resolved to put the Union, the terms of which rested only on the ordinance promulgated by Oliver Cromwell five years before, on a more constitutional footing; and for that purpose two Bills "for perfecting the Union between England and Scotland" were brought into Parliament.¹ But neither of these Bills became an Act of Parliament; and at the Restoration, the Union came to an end.

As to the general effect of this Union on the state of Scotland we have conflicting accounts; but the weight of evidence goes to show that it

¹ *Calendar of State Papers, Domestic, 1659-1660*, p. 35; Act. Parl. Scot. VI. ii. 587.

was a time, not only of quiet, which has never been denied, but also of prosperity. Baillie tells a dismal tale. The peers were in exile or reduced to poverty; the people were burdened by heavy taxation, and suffering from want of money and want of trade. But Baillie was a Resolutioner; and the Protesters were favoured by the Government. Therefore, for Baillie, the times were out of joint, and he exclaims, "What shall we do for a testimony against the English?" Yet he is forced to admit that food was cheap and plentiful; and he gives an account of the state of Glasgow, where he lived, from which it appears that the town was highly prosperous. The magistrates were rapidly paying off the public debt, and spending money on public works.¹

To the historian Kirkton, who was on the other side, everything seemed bright. It was a period of "deep tranquillity." Every parish had a minister; every village had a school; almost every family had a Bible. The voice of singing and of prayer was heard in every house. From the taverns alone came the sound of lamentation;

¹ *Letters and Journals*, iii. 249, 288, 357, 360, 387.

for the happiness and sobriety of the people were such that the trade in strong drink was ruined.¹

Burnet agrees with Kirkton. "We always reckon," he says, "those eight years of usurpation a time of great peace and prosperity." Defoe took special pains to make himself acquainted with the affairs of Scotland, and the information which he received was to the same effect. "Scotland flourished, justice had its uninterrupted course, trade increased, money plentifully flowed

¹ Kirkton's *True and Secret History of the Church of Scotland* (edited from the original MS. by Charles Kirkpatrick Sharpe, 1817), pp. 64, 65. In Law's *Memorials* (edited from the MS. by Mr. Sharpe in 1818) there is a passage which, if it is to be relied on, shows that during this period the course of religion had been advanced by the policy of preventing the clergy interfering so constantly in politics. "It is not to be forgotten," Law says, "that, from the year 1652 to the year 1660, there was great good done by the preaching of the gospell in the West of Scotland, more than was observed to have been for twenty or thirty yeirs before; a great many being brought in to Christ Jesus by a saving work of conversion, which was occasioned through ministers preaching nothing all that tyme but the gospell, and had left off to preach up parliaments, armies, leagues, resolutions, and remonstrances, which was much in use before, from the year 1638 till that time 52, which occasioned a great number of hypocrytes in the Church, who, out of hope of preferment, honour, riches, and worldly credit, took on the form of godliness, but wanted the power of it."

in.”¹ Cromwell himself, in 1658, gave a favourable account of the state of things, on which Carlyle’s comment is, “Scotland is prospering ; has fair play and ready-money ;—prospering though sulky.”²

In England the Union, if not unpopular, was regarded with indifference. In the Protector’s “House of Lords” there were three Scotsmen, Lord Casselis, Sir William Lockhart, and Johnston of Warriston, the last of whom seems to have wearied the House with long and frequent speeches. In the House of Commons the members from Scotland gave no trouble, and are said, indeed, never to have opened their lips. The commercial advantages, however, which Scotland had secured by the Union caused great jealousy among the English merchants ; and on the English side of the border the establishment of free trade between the countries was viewed with disfavour. But, on the whole, the broad current of English life flowed on, undisturbed by the existence of the Union.

¹ *History of the Union*, section ii. p. 10, first edition, published in 1709. Defoe’s *History of the Union* was reprinted in 1712 and 1786, and again in 1787 “with an introduction, in which the consequences and probability of a like union with Ireland are considered.”

² January 1658, Carlyle’s *Cromwell*, Speech XVII.

CHAPTER IV

FROM THE RESTORATION TO THE REVOLUTION

AT the Restoration the advisability of continuing the Union was discussed. In England it was maintained that the smaller country must give up its Parliament and its separate system of laws, or that it must, at all events, make the first advance, and say definitely on what terms it would unite. In Scotland it was foreseen that not only would the native Parliament and the native laws be destroyed in the event of a union, but that also, in all probability, the Church would be sacrificed. But the prosperity which the country was beginning to enjoy might have reconciled many of the people to these changes.¹

The Restoration was hailed with joy by the nobles, who hoped that they would again have

¹ A Discourse upon the Union of England and Scotland, addressed to King Charles II., March 19th, in the year 1664.

their Parliament and their Privy Council, by means of which their families were aggrandised, and their hereditary jurisdictions and feudal rights, which gave them so much authority over their tenants and retainers. The clergy, smarting under the indignities to which they had lately been subjected, and believing that Charles would keep faith with them and establish Presbytery, welcomed the change, and at once began to pray again for the king. Clarendon, however, was of opinion that the majority of Scotsmen were in favour of the continuance of the Union. He himself was in favour of leaving things as they were. "But the king," he says, "would not build according to Cromwell's models, and had many reasons to continue Scotland within its own limits and bounds, and sole dependence upon himself, rather than unite it to England with so many hazards and dangers as would inevitably have accompanied it, under any government less tyrannical than that of Cromwell."¹

Lauderdale, whose influence in Scottish affairs was now well-nigh supreme, was strongly in favour

¹ Account of his own Life, part ii. p. 50.

of removing all traces of the Commonwealth government. To begin with, he insisted that the fortresses which Cromwell had built should be demolished and their garrisons withdrawn. The time might come, he told the king, when he would be in need of Scottish garrisons in England, and to maintain an English army in Scotland would alienate the affections of the Scottish people. The fortresses were, accordingly, dismantled, and the army of occupation was disbanded. Every trace of the Union soon disappeared. The Estates met in the Parliament House once more; and the judges took their places on the bench of the Court of Session.

On the question of the Church, Lauderdale's advice was not followed. His view was that, instead of aiming at an Union, either civil or religious, between the two countries, the object of the Government should be to disunite them by all possible means, and, at the same time, to keep the people of Scotland in good humour by giving them whatever form of Church government they wanted, in order that they might be willing to serve the king, if necessary, against the Parliament

of England. Such was the advice of Lauderdale. Charles himself, though he detested Presbytery, was at first inclined to take it. But, in the end, the intrigues of the Episcopal faction prevailed; and it was resolved to establish an Episcopal Church in Scotland. The Chancellor explained to Lauderdale that it was intended to set up only a modified form of prelacy. "My Lord," he sternly answered, "since you are for bishops and must have them, bishops you shall have, and higher than ever they were in Scotland."

These words came true. If the statesmen of England had asked, By what means shall we most easily irritate and exasperate the Scottish people? how can we alienate them from England? how can we render the royal family unpopular? how can we destroy the trade of Scotland, which is beginning to improve? how can we throw the country, which is settling down, back into anarchy and confusion? how can we most successfully unite against the Church of England the whole body of the Scottish people? how can we produce a profound distrust in all measures which are proposed by the Council in London? by what

means, in short, can we best make the people of Scotland disloyal, poverty-stricken, and rebellious? —if these questions had been asked, some evil councillor might have answered them thus: Pass, he might have said, an Act of Parliament which will destroy their commerce; abolish the Union, and thus destroy free trade between them and the English; restore to the owners of the soil the jurisdictions by means of which they tyrannised over their dependants in the past, and by means of which they will be able to tyrannise over them in the future; restore the tenure of lands by military service, and thus you will, in a few years, people every hamlet over a large portion of the country with restless and idle clansmen, whose only business in life is to foment feuds between their masters, and to seek plunder for themselves; above all things, let the king destroy the Presbyterian Church which he swore to establish when he took that solemn vow, on the faith of which the crown of Scotland was placed upon his head; let the great noble whose hands performed the act of coronation, and to whom a Dukedom and a Garter were promised, be accused of treason for a tardy

compliance with the usurper, and let the rules of legal procedure be strained in order to procure his condemnation ; eject from their livings the clergy whom the people trust ; let enormous fines, far in excess of what the country can bear, be inflicted on every class for the offence of non-conformity ; punish with death those who listen to the clergy preaching in the fields because you have driven them from the churches. All this, and a great deal more, was done. The years which followed the Restoration were the most miserable in the history of Scotland. The great source of misery was the desperate contest between the Episcopal and the Presbyterian Churches ; but the commercial policy of the English Parliament is what chiefly bears on the question of the Union.

Scotland had not suffered from the Navigation Act of 1651, which forbade foreign ships to import goods into England, or to trade with the colonies, or even to visit them without special leave. This statute was passed, in the words of Blackstone, "to punish our rebellious colonies, and to clip the wings of the Dutch." It kept the colonial trade in the hands of England, and increased the value of

English shipping. The terms of the Union during the Commonwealth had exempted Scotland from its provisions. But now the Union was at an end, and Scotland was once again a separate kingdom. The Parliament of England proceeded to pass a new and even more stringent Navigation Act, which inflicted a deadly blow upon the trade of Scotland.¹

Sir George Mackenzie traces the origin of this, and other laws hostile to Scottish commerce, to the fact that Clarendon and other English politicians were piqued by the way in which Lauderdale prided himself on having induced the king to withdraw the army from Scotland against their advice. "This excessive boasting," he says, "that he had prevailed in this over Hyde, Middleton, and all the English, did somewhat contribute to renew the old discords which had formerly been entertained between the two nations; and occasioned the making of those severe Acts, whereby the Parliament of England debarred the Scots from freedom of trade in their plantations, and

¹ Act for the encouraging and increasing of Shipping and Navigation, 12 Car. II. cap. 18.

from enjoying the benefit of natives in the privilege of shipping.”¹

The new law was so rigorous that no goods nor produce, of any country, could be imported into the colonies except from England or Wales. Irish goods could not go from Ireland, nor Scottish goods from Scotland. Moreover, the most important products of a colony could enter England, or another colony, only on payment of duty. English ships alone were allowed to carry goods to and from the colonies. The sugar, the tobacco, the cotton, in fact all the most useful produce of the colonies, could be shipped to England only, and could not enter an English port except in an English vessel. Nor could goods be imported into England from the continent of Europe except in English ships, or in ships belonging to the country which actually produced them.

This monopoly, under which the colonies could trade with England alone, was a grievance to the colonies. They, however, had at least the privilege of trading with England. But to the colonial trade of Scotland the Navigation Act was ruinous.

¹ *Memoirs of the Affairs of Scotland*, p. 25.

Other laws, hostile to the industries of Scotland, were enacted. On some Scottish goods duties were paid equal to, or above, their value. On others a duty was charged very much greater than the duty levied on the same articles when they came from abroad. For instance, the duty on Scottish salt was sixteen times that imposed on foreign salt. Linen imported from Scotland was now so heavily taxed that it hardly paid the producer to bring it into England. In Northumberland and Cumberland heavy customs were levied on horses which came from Scotland; and, on the plea that a great part of the richest pasture land in England would fall in value if the graziers of Scotland were allowed to find a free market in England, Parliament was induced to cripple one of the most important branches of Scottish industry by imposing a fine of two pounds for every head of cattle which crossed the border between the 24th of August and the 20th of December.¹ And there were many other enactments framed for the purpose of excluding Scottish merchants, whose operations were further embarrassed by a law under

¹ 15 Car. II. cap. 7.

which all goods sent from Scotland to England must pass through either Berwick or Carlisle.¹

The commercial freedom which had been enjoyed during the period of the Commonwealth had quickened the commercial instincts of the Scottish people, and had given them some idea of what their country might become if they were permitted to extend their traffic to the colonies, those highly-favoured regions of the earth from which so large a portion of the wealth of England came. The recent Union had been attended by circumstances which were humiliating ; but for many of these compensation had been found in the prosperity which the Union had brought along with it. The sudden change which the Restoration had produced was, therefore, bitterly resented ; and the Scottish merchants persuaded the Estates to retaliate by passing a Navigation Act for Scotland, similar to the English Act, and by imposing heavy duties on English goods.² But retaliation could not put Scotland in the same position as England ; and at length, after repeated

¹ 14 Car. II. cap. 11.

² Scots Acts, 1661, cap. 44 ; 1663, cap. 13.

complaints and demands, an Act was passed under which commissioners from the two countries were to meet and confer on the subject of a commercial treaty.¹

In January 1668 the commissioners met. The Scotsmen demanded that Scotland should enjoy the privilege of trading to the English colonies which was granted, by the Act of Navigation, to the Irish and to the Welsh, and that they should be allowed to bring in goods as freely as the English, with no other restrictions than those laid on Ireland and Wales. They were willing to give assurances that goods transported from English colonies would be brought to England, except the small quantities which were consumed in Scotland. A number of papers, containing these and other demands, were presented by the Scottish commissioners, and to these the English commissioners returned written answers.

Apparently the conferences were on the point of terminating abruptly within less than a month; for, on the 29th of January, the Scottish com-

¹ 19 and 20 Car. II. cap. 5, Act for settling Freedom and Inter-course of Trade between England and Scotland.

missioners refused to go further until the question of the Navigation Act was settled, and the English refused to act until the whole of the Scottish demands were laid before them. The Scottish commissioners gave in, and presented a document in which their grievances were set forth. The repeal of the Navigation Act was what they chiefly insisted on ; but, in addition to this, they complained of the whole of those Acts of Parliament by which free trade between England and Scotland had been abolished, and by which excessive duties had been imposed on Scottish produce. " Thus," they said, " your lordships have now the full scheme of all that is demanded by us in this treaty. But because what we have given in, relating to the Act of Navigation, was the first in time, and is the greatest obstruction of our trade, and indeed without which our trade cannot be carried on, we still insist upon an answer to it in the first place, and then we shall be willing to proceed to treat on all the rest in order." ¹

¹ *The grievances of Scotland in relation to their trade with England, sent up to the Council, 3 Feb. 1668.* See also a paper given in by the Scots Commissioners for adjusting the differences of trade between the two kingdoms, Jan. 21, 1667 (1668), printed in

After a long delay the English commissioners returned their answer. They refused, in peremptory terms, to allow Scotland to trade with the colonies. The colonies, they said, were founded by Englishmen, and Scotsmen had no right to benefit by them. They were, prepared, however, to permit Scotsmen to go and settle as merchants in the colonies; but they refused to allow Scottish ships to carry foreign produce into English ports. "The kingdom of Scotland," they said, "being wholly independent, and not subject to the Crown of England, we cannot have reasonable security

Defoe, App. No xiii., and in the "Report on the events and circumstances which produced the union of the kingdoms of England and Scotland" (App. No. xxxi.). This report, which was prepared for the private use of the Government, at the request of the Duke of Portland, in 1799, when the Union with Ireland was being discussed, contains most of the papers which passed between the Commissioners on Trade in 1668. The *Calendar of State Papers, Domestic, 1667-1668*, published in 1893, throws some light on these transactions. It appears that the coal merchants of Newcastle and the North of England had a grievance in the inequality of the export duties levied on coal in the two countries. English coal paid eight shillings, and Scottish coal only twenty pence. The result was said to be that the customs from coal had fallen in that part of the country, from £20,000 a year to £4000, and that English merchants were suffering from the importation into Scotland, in exchange for coal, of foreign goods which the Scots used to obtain from England. (Memorial of 24th Feb. 1668. *Calendar*, p. 247.)

and satisfaction that the said kingdom will keep up, and tie itself, to the strict observation of the restrictions and limitations set down in the Act of Navigation, with relation to this matter.”

They offered, nevertheless, to make some concessions, on condition that those Acts of the Scottish Parliament which imposed a tariff hostile to English trade were repealed. If that were done, Scottish ships might import fish into England free of duty, and also tar, hemp, flax, raisins, and grain of any sort, on payment of the duty levied on aliens. They might also import timber into England for six years; and the reason for this concession was frankly stated to be that since the great fire of London there had been a scarcity of wood for rebuilding the city. They also offered to give Scottish ships the right, for six years only, of exporting goods from England, on payment of the same customs as English ships paid.

These terms were refused by the Scottish commissioners, who objected to the limitation of six years, and declared that the Scots wished to be, as they had been during the Union under Cromwell, in a position to compete, on equal

terms, with the merchants of England. But the English commissioners would not yield ; and the negotiations terminated without any result.

It was now evident that, so long as the two countries remained separate, there could be no genuine commercial prosperity in Scotland. It was, therefore, natural that the question of Union should be again revived. The project was first suggested by a Scottish peer, whose advice in other matters, if it had been taken, would have saved the Privy Council of Scotland from much of the blood-guiltiness which it incurred during these years. John, second Earl of Tweeddale, had been sworn of the Council at the Restoration, but had frequently raised his voice on behalf of the persecuted Presbyterians ; and he had often endeavoured to discover some means by which peace could be restored to Scotland. His proposal now was that the Scottish Parliament should be called together, and invited to consider what steps should be taken to unite the kingdoms. To this Charles readily agreed, for he thought that if the two Parliaments were merged in one, the Lords and Commons who represented Scotland would, as

a rule, support the measures of the Court. The Duke of Buckingham and the Lord Keeper Bridgeman were also in favour of this proposal.¹

It was, indeed, the interest of all whose fortunes were bound up with the fortunes of the Royal Family that Scotland should be conciliated. The recent conferences had shown how strong the feeling of Scotland was on the subject of trade ; and no candid-minded Englishman could deny that the grievances complained of by the commissioners from beyond the Tweed were real grievances. It was true that the more powerful nation was master of the field, and could, by obstinately opposing the demands of her weaker neighbour, debar her from the trade in which she was so anxious to obtain a share. But the lessons of the great Civil War had not been altogether

¹ Burnet, i. 513. Lord Dartmouth, in a note on this passage, states that William the Third told Lord Jersey that it was a standing maxim in the Stuart family, "Whatever advances they pretended to make towards it," never to allow a union. Their reason, he said, was that it could not take place without admitting Scotsmen to both Houses of Parliament, who must depend for a living on the Crown. He further asserts that King William said he hoped it would never take place during his reign, for "he had not the good fortune to know what would satisfy a Scotsman."

forgotten at the Court; and, in the secret conclave of the king's advisers, there always had been, ever since the Restoration, an uneasy feeling that a day might come when the Crown would find itself opposed by the Parliament. At such a crisis much would depend on what was done by Scotland. It was, therefore, of importance to persuade the people of Scotland that, so far as the king's influence went, everything had been done to remove the commercial disabilities of which they so justly complained.

Lauderdale, who at the Restoration had supported the policy of separation, was now eager on the side of Union. No Parliament had met in Scotland since 1663. It would be necessary to summon the Estates together if the Union was to be discussed; and Lauderdale coveted the office of Lord High Commissioner. A Parliament was, therefore, summoned. It met at Edinburgh in October 1669. Lauderdale was Commissioner. A letter from the king was read, in which the Union was recommended to the favourable consideration of the Estates; and his Majesty's servants proposed that an answer should at once

be returned, announcing that the Parliament of Scotland was in favour of the Union. Some opposition was offered by Sir George Gordon of Haddo, then member for Aberdeenshire, and afterwards first Earl of Aberdeen, and by Sir George Mackenzie of Rosehaugh, who a few years later became Lord Advocate; but, in the end, a letter was despatched in which the Estates approved of the Union, and left it to the king to name commissioners to treat upon the subject. The Parliament of England took the same view; and in September 1670, the commissioners met in London.¹

Five questions were submitted to them: the preserving entire to both kingdoms of their laws, civil and ecclesiastical; the uniting of the two kingdoms into one monarchy; the reducing of both parliaments to one; the regulation of trade; and the best means of preserving the conditions of the Union.

The subject of trade, the most important of all, was never reached; for, before very long, the treaty broke down on the question of the

¹ Defoe, p. 21; Mackenzie's *Memoirs*, p. 197.

representation of Scotland in the Parliament of the United Kingdom. The Scottish commissioners proposed that all the members of the Scottish Estates should be members of the Parliament. To this the English commissioners could not agree; and the proceedings came to an abrupt conclusion.

During these negotiations the Scotsmen had not been on very good terms with each other. Lauderdale and Tweeddale quarrelled; and Sir George Mackenzie says that the Lord Chancellor, at dinner one day, abused two of the commissioners, Sir Archibald Primrose, father of the first Earl of Rosebery, and Sir John Nisbet, then Lord Advocate, for walking on foot when they had a handsome allowance for expenses, and called them "damned lawyers." They were heard to express their resentment at this; whereupon Lauderdale, who bore them a grudge as supporters of Tweeddale, told them he would accuse them to the king of trying to frustrate the Union by causing bad feeling among the commissioners. "And thus," says Mackenzie, "in place of uniting the nations, these wise com-

missioners disunited themselves, and returned to Scotland as men from a rout."

However popular an Union might have been among the Scottish merchants, it would have been most unpopular in England. The English merchants, who had exulted in the failure of the Commission on Trade, were up in arms against the idea of giving to Scotland the privileges which she would have secured by the Union; and the majority of Englishmen still hated and despised the very name of Scotland. This hatred and contempt of the neighbour country, an inheritance from the long years of international warfare, found vent in abusive descriptions of Scotland and the Scottish people, which were circulated all over the island, causing laughter in England and rousing bitter indignation beyond the Tweed. "The country," says one writer, "is full of lakes and loughs, and they are well stocked with islands; so that a map thereof looks like a pillory coat bespattered all over with dirt and rotten eggs, some pieces of the shells floating here and there representing the islands." The towns of Scotland were briefly described as poor and populous,

especially Edinburgh, which resembled its inhabitants in "being high and dirty." It was compared to a double comb, an article which Scotsmen did not often use, having one great street, with a number of alleys branching from it, which might be mistaken for common sewers.

As to the Scottish women, "the meaner sort go barefoot and bareheaded, with two black elf-locks on either side their faces; some of them have scarce any clothes at all, some part of their bed-clothes pinned about their shoulders, and their children have nothing else on them but a little blanket. Those women that can purchase plaids need not bestow much upon other clothes, these cover-sluts being sufficient. Those of the best sort, that are very well habited in their modish silks, yet must wear a plaid over all for the credit of their country."

The English language could scarcely furnish language violent enough for the purpose of describing the Scots: "The people are proud, arrogant, vain-glorious boasters, bloody, barbarous, and inhuman butchers. Cozenage and theft are

in perfection among them, and they are perfect English-haters. They show their pride in exalting themselves and depressing their neighbours. When the palace at Edinburgh is finished they expect his Majesty will leave his rotten house at Whitehall, and live splendidly among his own countrymen, the Scots, for they say that Englishmen are much beholden to them that we have their king amongst us.”¹

If, in 1670, an Union had been accomplished by the terms of which the people of Scotland had obtained everything which they desired with regard to trade, it would have been an immense blessing to the country. But knowing what we know of the councillors who surrounded the throne, and of the character of the last two princes of the house of Stuart, we may be perfectly certain that an attempt would have been made to unite the

¹ “*A modern account of Scotland, being an exact description of the country, and a true character of the people and their manners. Written from thence by an English gentleman.*” Printed in the year 1670 (*Harleian Miscellany*, vi. 135). “*Scotland characterized: In a letter written to a young gentleman, to dissuade him from an intended journey thither*” (*Harleian Miscellany*, vii. 377). “*The False Brother, or A New Map of Scotland, drawn by an English Pencil, London, 1651.*”

Churches. In England, the Scottish Church question was completely misunderstood ; nay more, to most Englishmen it was unintelligible. It was known that there were troubles in the North ; and it was vaguely supposed that the Government had to cope with false doctrine, heresy, and schism, evils for delivery from which every good Anglican was accustomed to pray. But few imagined that month after month, and year after year, the majority of the Scottish nation was being treated in a manner which the majority of the English nation would not have tolerated for a single week. Even those Englishmen who had the best means of knowing the truth had been totally deceived as to the number and determination of the Presbyterians. At the Restoration, Sharp had told the Government that if Episcopacy was established not more than twenty ministers would refuse to conform. As a matter of fact, more than three hundred gave up their livings. The parish churches were deserted in many places by the people, and meetings were held in private houses. Not only was this declared to be illegal, but mere nonconformity was made a crime ; and the mad-

ness of the Scottish Privy Council may be seen from the fact that any landowner who failed to attend his parish church was fined a fourth of his rents for the year in which he was convicted ; while for the same offence tenants and burgesses were fined a fourth of their personal estates. Forbidden by a law resembling the English Five Mile Act to live within twenty miles of their parishes, within six miles of a cathedral town, or within three miles of a burgh, the ejected ministers took to preaching in the fields. This was punished as sedition ; and the law was administered in so cruel and relentless a fashion that, if the whole truth had been known in England, there can be little doubt that indignant remonstrances would have been addressed to the Government ; especially when, in 1670, the Scottish Parliament passed an Act by which any person who, without a licence from a bishop or the Privy Council, preached or prayed at a field meeting, was to be put to death,—a savage law which was savagely executed. To the people of England, however, very little of all this was known.

Tweeddale possibly saw, in the abolition of the

Scottish Parliament, and in those reforms of the Privy Council which might be expected to follow an incorporating Union, some prospect that a wiser and more moderate system of government might be introduced. But the whole course of Scottish history during the reigns of Charles the Second and James the Second shows that nothing less than that sweeping removal of every trace of Prelacy which took place at the Revolution could have restored peace and order to the country. It is, therefore, well that the Union did not take place at a time when the statesmen in both countries, by whom the terms of Union would have been arranged, were pertinaciously bent on establishing a system of Church government which, loved and honoured though it was in England, was hated and despised in Scotland.

CHAPTER V

THE REVOLUTION SETTLEMENT

AFTER the failure of the treaty of 1670, eighteen years, eventful in the history of both kingdoms, passed; and at the Revolution the question of the Union was again discussed.

In the letter which William addressed to the Scottish Estates in March 1689, he said that he was glad to find that many peers and gentlemen of Scotland, whom he had consulted in London, were "so much inclined to a union of both kingdoms, that they did look upon it as one of the best means for procuring the happiness of these nations, and settling of a lasting peace among them." He himself was of the same opinion, and was resolved to do everything in his power to bring it about.

Among the members of the Estates there was a strong party in favour of delaying the settlement

of the Crown until the Union had been accomplished, on the ground that terms favourable to Scotland would be more easily obtained when the affairs of England were in a critical and unsettled condition. Among those who took this view was Sir John Dalrymple, who afterwards, as first Earl of Stair, was to play a prominent part in the final settlement of the question. The fact, however, that this view was supported by some astute members of the Jacobite party, who saw in it a means of causing delay, induced a majority of the Estates to resolve that the settlement of the Crown should come first.

William had instructed Melville, and his other representatives in Scotland, that nothing was to interfere with the settlement of the Government. That was to be their first concern. If the Estates were in earnest for the Union, care was to be taken that it was not made an excuse for delay. If the Union was insisted on, then an attempt must be made to obtain from the Estates an offer of terms such as the English Parliament was likely to accept at once, without entering upon a treaty. He indicated his own view to be that the laws and

customs of Scotland should be preserved intact, while questions relating to the public safety, and also the proportion of Scottish members in the united Parliament, should be referred to himself.¹

Although William thus anticipated a discussion on the Union, he was determined that nothing should prevent or delay the immediate settlement of the Government. The resolution of the Estates was, therefore, in accordance with his wishes. But as soon as the memorable declaration that James had forfeited his right to the Crown had been adopted, along with the offer of the vacant throne to William and Mary, the Estates lost no time in taking up the question of Union ; and an Act was passed appointing commissioners "to meet with such persons as shall be nominate commissioners by the Parliament of England, and to treat concerning the Union of the two kingdoms." This Act became law on the 23rd of April, and on the following day a letter to the king was approved, in which the Estates informed his Majesty that certain of their number would wait upon him with the offer of the Crown, and would present to him

¹ Leven and Melville Papers (Bannatyne Club), 7th March 1689.

a Claim of Rights, and a list of grievances for which they asked redress. At the same time they expressed the hope that the Union would be speedily accomplished, "that as both kingdoms are united in one head and sovereign, so they may become one body politic, one nation, to be represented in one Parliament."

The Scottish Estates had proposed the Union. But at Westminster nothing could be done to further their wishes. William alluded to the question in his speech from the throne in March 1690. "I must," he said, "recommend, also, to your consideration a Union with Scotland. I do not mean that it should now be entered upon; but they having proposed this to me, some time since, and the Parliament there having nominated commissioners for that purpose, I should be glad that commissioners might also be nominated here, to treat with them, and so see if such terms could be agreed on, as might be for the benefit of both nations, so as to be presented to you in some future session."¹ Nothing more, however, was heard of the Union at that time. It was evident that

¹ Lords Journals, 21st March 1690.

the affairs of both kingdoms were in such a state that it was hopeless to press forward so delicate a piece of business. In England, important questions which could not be delayed awaited decision ; and in Parliament party feeling was running high, not only between the Tories and the Whigs, but also between the Lords and the Commons. In Scotland, the factions which contended for the mastery would only have found in the Union another question about which to wrangle. The keen eyes of William had perceived the necessity of the Union, but the time had not yet come.

Although the project of an Union was abandoned, the statutes relating to the Church passed by the Scottish Parliament at this time, constituting what is known as the Revolution Settlement, had a most important bearing on the final accomplishment of the Union. Prelacy was abolished, and Presbytery was re-established. Most of the ministers who had been ejected at the Restoration were now dead, but sixty veterans still survived, and they were restored to their livings. The Act which asserted the royal supremacy in ecclesiastical causes was repealed. The Westminster Confession of Faith

was declared to be the national creed. The Law of Patronage was reformed by an Act which gave the Protestant landowners in counties, and the town councils in burghs, power to buy the patronage of livings, for a small sum; and the right of choosing the minister was handed over to the landowners and the elders, against whose choice the congregation might appeal to the Presbytery.¹

The statutes which introduced these reforms were accepted by an overwhelming majority of the Scottish people. In 1707 they were embodied in the Act of Union; and it is certain that if, while the terms of the great international contract were being arranged, any serious attempt had been made to alter them, the Union would never have been accomplished.

It is, indeed, hardly possible to overestimate the importance of the Church question during the Union controversy. It is certain that if the Church of the majority had not been established in Scotland at the Revolution, another civil war would have been the result. The Presbyterian clergy were

¹ Act concerning Patronages, 19th July 1690.

Whigs, almost to a man, and their influence in the country was enormous. The views held by the extreme branch of the Church did not affect, to any great extent, the course of events in Scotland. These were the men who, under their various designations of Cameronians, or Hill men, or Society men, still clung tenaciously to the old Covenanting ideas in their most uncompromising form. They could hardly bring themselves to submit to the existing Government. The old formula of a "Covenanted King" of the Stuart dynasty was still full of meaning to them ; and long afterwards, during the reign of Anne, the Jacobites tried to make use of them for the purpose of defeating the Union. They were, however, Whigs, and would never, under any circumstances, have acquiesced in the overthrow of the Presbyterian system. The great danger to the cause of the Union and the Hanoverian succession lay in the sentiments of the Episcopalians. Every Episcopal clergyman in Scotland, with scarcely an exception, was a Tory and a Jacobite. On the eve of the Revolution, when the bishops of England were opposing, with dignified firmness, the arbitrary pretensions of the

king, the Scottish bishops had addressed him in terms of the most servile eulogy. They assured him that they regarded a steadfast allegiance to the throne as an essential part of their religion. They declared that the line of Stuart was the greatest glory of Scotland. They spoke of James himself as the darling of heaven, and described the amazement and horror with which they had heard the rumours of an invasion from Holland.¹ It is not wonderful that the Presbyterians, when they obtained the ascendancy, should have excluded from power the authors of this address. Nor is it wonderful that, in those parts of the country where the persecutors had been at work, the peasantry should have subjected the obnoxious clergymen to every species of indignity. For more than a quarter of a century their oppressors had appealed to the law to justify their misdeeds, and it was natural that, when the hour of deliverance came, the oppressed should take the law into their own hands. Locked out of their churches and expelled from their houses, with their gowns torn from their backs, the Episcopal clergy in Scotland learned

¹ Address of the Scottish Bishops to James II., 3rd Nov. 1688.

how precarious is the situation of a priesthood which is protected by the law, but has no place in the affections of the people.

The Church affairs of Scotland were not settled in accordance with the desires of William. It was no secret that he wished to secure complete toleration for all dissenters. He was anxious to avoid all measures which could interfere with the projected Union of the Kingdoms; and it is probable that his hope was that some plan might be devised for establishing the same system of Church government throughout the whole island. When he received from the Government in Scotland the draft of the Act which it was proposed to pass for the establishment of Presbytery, he made a number of amendments which had a double purpose; to remove expressions which might raise doubts in England with regard to the Union, and to conciliate the Episcopalians in Scotland. For instance, it was stated in the draft that the Reformation in Scotland had been the work of Presbyters "without Prelacy." This statement he deleted. In the draft, Presbytery was described as "the only government of Christ's Church in this kingdom." William was

of opinion that a better expression would be "the government of the Church in this kingdom established by law." The rest of his suggestions were of a similar character. Everything in the shape of an assertion that Presbytery was a better system than Episcopacy was carefully avoided, and the only reason given for establishing the former was, that it was more in accordance with the wishes of the Scottish people. At the same time he explained that it was his desire "that those who do not own and yield submission to the present Church government in Scotland shall have the like indulgence that the Presbyterians have in England."

The Act was submitted to the Estates, and became law on the 7th of June 1690. It declared Presbytery to be "the only government of Christ's Church within this kingdom"; it condoned the action of the peasantry in expelling the Episcopal clergy by force; and it placed the government of the Church in the hands of the sixty ministers who had been replaced in the livings from which they had been ejected at the Restoration. Yet the Government acted on tolerant principles. All

Episcopal clergymen who took the oaths were left in peaceable possession of their churches, without being called on to submit to the Presbyterian Church courts; and some even of those who refused to take the oaths, and who prayed publicly for the late king and his family, continued to enjoy their livings without molestation.¹ After a few years, when it was seen that the Jacobites were quite irreconcilable, an Act was passed which provided that no one could hold a benefice without taking the oath of allegiance, signing the assurance, which was a declaration that William and Mary were the only lawful sovereigns of the realm, signing the Westminster Confession of Faith, and submitting to the Presbyterian system of Church government. Yet so lenient was the spirit of the Whigs that, instead of vigorously enforcing this law, they superseded it, to a great extent, by

¹ It would appear from a memorandum among the Rawlinson MSS. in the Bodleian Library that several English bishops, some of the Scottish peers, and some members of the Scottish Whig party, had held a private conference and agreed that the Jacobite clergy should be unmolested. The English bishops represented the case of the Scottish Episcopal clergy to William about the same time. But it was doubtless felt that any attempt to pass an Act of Toleration through the Scottish Parliament would fail. (Rawlinson MSS. c. 985.)

another and milder Act, under which taking the oaths to Government became the only qualification required from any Episcopal preacher in Scotland.

At the Revolution, and in consequence of the position in which the Episcopal clergy found themselves, it became the fixed policy of the Jacobites to call the attention of Englishmen to what was going on in the North; and during the reign of William there issued from the press a series of pamphlets, the purpose of which was to create a feeling against the Presbyterians so strong that, if a favourable opportunity should occur, the Scottish Establishment might be attacked and overthrown. The first to take the field were "two persons of quality." Sir George Mackenzie, the late Lord Advocate, and Lord Tarbat, afterwards the first Earl of Cromartie, went to London at the crisis of the Revolution, and published a pamphlet, the purpose of which was to persuade the Prince of Orange that the principles of the Presbyterians were not only inconsistent with monarchy, but even destructive of all human society.¹ This

¹ *A Memorial for his Highness the Prince of Orange*, by two persons of quality. London, 1689.

production did not attract much notice; but a great effect was produced by a more elaborate piece of work, to which Mackenzie devoted the last months of his life. This was a vindication of the system of government pursued in Scotland during the reign of Charles the Second.¹ It was, in a measure, a vindication of his own life, for few of the rulers of Scotland had taken a more important part in the questionable transactions of that reign. When his public career was ended by the Revolution, he had retired to Oxford, where Whigs and Tories alike were amused and instructed by his conversation, in which he did not fail to present the worst features of Presbytery.² The *Vindication*, the greater part of which was probably written at Oxford, was a serious attempt to show that the Executive Government in Scotland had not been guilty of oppression and cruelty, that no one had suffered on account of his religion, that the Presbyterians were merely rebels, and that the laws which had been made against them were not

¹ *A Vindication of the Government in Scotland during the reign of King Charles II.*, by Sir George Mackenzie, late Lord Advocate there. London, 1691.

² Evelyn's *Diary*, 7th March 1690.

only necessary, but had never been harshly administered. He did not live to publish this pamphlet himself, but after his death it was printed by Dr. Alexander Monro, who had lately been deprived of the place of Principal of the University of Edinburgh. Coming from the pen of a well-known member of the late Government, who had, for a number of years, been the first law officer of the Crown in the country about which he was writing, the *Vindication* had great weight in England.

Monro also published a tract of his own, defending himself against charges made by the commissioners who had been appointed to visit the Scottish universities, and "purge" them of all professors who would not swear allegiance to William and Mary.¹ The effect of this work, and others upon the same subject, was to raise a feeling of contempt for the state of learning in Scotland, and to cause Englishmen to believe that, under the Presbyterian system, literature and science were doomed. Other

¹ *Presbyterian Inquisition: as it was lately practised against the Professors of the College of Edinburgh, August and September 1690.* London, 1691.

pamphlets were published giving an account of the proceedings in the General Assembly and in the Parliament connected with the establishment of the Church.¹ These, certainly, contain materials of great historical value; but they do not even pretend to be impartial, and were written to excite sympathy with the ejected Episcopal ministers and dislike to their successors.

The author of one of these pamphlets, the Rev. John Sage, wrote also an elaborate treatise on the history and nature of Presbytery, in which he maintained that the article in the Claim of Rights which declared that Prelacy was a grievance, and contrary to the inclinations of the Scottish people, was utterly without foundation.² The Presbyterians, he asserted, had, in pursuance of a carefully-arranged plan, encouraged the rabble to eject the Episcopal ministers, and had managed, during the confusion of the times, to secure a majority in

¹ *An Historical Relation of the late Presbyterian General Assembly*, London, 1691; *An Account of the late Establishment of Presbyterian Government by the Parliament of Scotland*, London, 1693.

² *The Fundamental Charter of Presbytery, examined and disproved*, London, 1695.

the Estates, which did not represent the wishes of the country. It was obvious that if this could be proved to the satisfaction of the Whigs of England, they would, in any treaty of Union, consider seriously whether the religious Establishment of Scotland should not be brought into conformity with that of England. If a majority of the people desired Presbytery, the Whigs, on principle, were bound to support Presbytery. But if neither the mob nor the Parliament represented the wishes of the people; if the real desire of the nation could only be discovered by private consultations with the Tory and Jacobite laity, or gathered from the writings of the Episcopal clergy; if the majority of the Parliament represented the minority of the nation, then it was the duty of the Whigs to support Episcopacy.

But the pamphlets which were most widely read in England were those which held up the Presbyterians to execration as persecutors, and to ridicule as fanatics. Monro and his friends took great pains to collect accounts of the hardships which the Episcopal clergy had suffered at the hands of the mob, and published them for the purpose of

influencing public opinion in England.¹ The clergy were described as “a company of resolute Christians that dare lay down their lives for the truth of those doctrines which they have formerly taught.” In point of fact, none of them were called upon to lay down their lives. One of the worst cases of “rabbling,” which the Episcopalians described as a “tragedy,” took place at Kirkpatrick in Annandale. On Easter day a party of men and women went to the clergyman’s house in the morning, knocked him down, and then threw him into “a nasty puddle.” His wife, who ran out of the house, was also thrown down. “Then their noble Captain at this honourable expedition gave the word of command to his female janizaries, which was *Strip the Curate* (for they think this a most disgraceful appellation, and therefore they apply it to all Episcopal ministers). The order was no sooner given, than these Amazons prepared to put it in execution, for throwing away their plaids (*i.e.* loose upper garments) each of them drew

¹ *An Account of the Present Persecution of the Church in Scotland, in several Letters*, London, 1690; *The Case of the Present Afflicted Clergy in Scotland*, By a Lover of the Church and his Country, London, 1690.

from her girdle a great sharp-pointed dagger, prepared, it seems, for a thorough reformation. The good minister lying panting and prostrate on the ground, had first his night-gown torn and cut off him, his close coat, waistcoat, and britches ript open with their knives, nay, their modesty could not so far prevail against their zeal, as to spare his shirt and drawers, but all were cut in pieces and sacrificed to a broken Covenant. The fore-mentioned Captain gave the finishing stroke himself with a great Reforming Club, the blow was designed for the minister's head or breast, but he naturally throwing up his hands to save those vital parts, occasioned it to fall upon his shin-bones, which he had drawn up to cover his Nakedness ; the blow was such as greatly bruised his legs, and made them swell extraordinarily after ; however the Captain thinking they were broke, and finding it uneasy for himself and his companions to stand longer in a great storm of wind and snow which happened to fall out that morning, he drew off his company, and left the Semi-Martyr, who afterwards, by the assistance of his servants, crawled home to his bed, and but a little after, the whole herd of

his persecutors broke in again upon him, and told him: they had treated him so because he prayed for the Tyrant York (so these people ordinarily called King *James*, tho' he was too kind to them), and because he had presumed to preach and visit the parishioners as if he had been their minister, which they had formerly forbidden him to do; they required him also to be gone from their Covenanted Lands, under pain of death, before that day Sevensnight, and never again to meddle with the ministry." ¹

Such stories—and this is only one of many which were printed and circulated—could not fail to produce anger and alarm in England; and the conduct of the Presbyterian ministers was, at the same time, represented in the most unfavourable light. Not one of them, it was said, had ever been heard to condemn these outrages from the pulpit. On the contrary, sermons had been preached in which the mob had been applauded for their zeal. In the cathedral church of Saint Giles at Edinburgh the congregation had been told that “such shakings as these were the shakings of God, and

¹ *Case of the Afflicted Clergy*, Second Collection of Papers, p. 60.

without such shakings his Church was not in use to be settled.”

But the sayings and the character of the ministers of the Church of Scotland were assailed in the most effective way by those writers who relied upon ridicule rather than serious invective. Londoners who remembered laughing over *Hudibras* in the heyday of the Restoration must have found the Scotch Presbyterian Eloquence very poor reading. But it was admirably suited for the purpose of persuading Englishmen that the sermons and prayers of the Scottish ministers were nonsensical rhapsodies, and that, in many cases, both the preachers and their hearers were hypocrites who led the most immoral lives. That part of the work which attacked the private characters of the Presbyterian ministers was met by a series of accusations of the same kind against the Episcopalians; and it is difficult to say whether the attack or the defence is more discreditable. Both are probably, on the whole, equally mendacious.¹ But the most telling part of

¹ *The Scotch Presbyterian Eloquence; or The Foolishness of their Teaching discovered*, London, 1692; *An Answer to the Scotch*

the work consisted of selections from grotesque sermons and prayers. "Sirs," one minister is reported to have said in his first sermon, "I am coming home to be your shepherd, and you must be my sheep, and the Bible will be my tar-bottle, for I will mark you with it; (and laying his hand on the clerk or precentor's head) he saith, 'Andrew, you shall be my dog.' 'The sorrow a bit of your dog will I be,' said Andrew. 'O Andrew, I speak mystically,' said the preacher. 'Yea, but you speak mischievously,' said Andrew." Another minister, preaching on the first chapter of the Book of Job, is represented as saying, "Sirs, I will tell you this story very plainly. The Devil comes to God one day. God said, 'What now, Deel, thou foul thief, whither are you going?' 'I am going up and down now, Lord, you have put me away from you now, I must even do for myself now.' 'Well, well, Deel (says 'God) all the world kens that it is your fault; but do not you know that I

Presbyterian Eloquence, 1693; *Some remarks upon a late pamphlet entitled "Answer to the Scotch Presbyterian Eloquence,"* London, 1694. A second edition of *The Scotch Presbyterian Eloquence* was published in 1694, a third in 1719, and there have been other editions since.

have an honest servant they call Job? Is not he an honest man, Deel?' 'Sorrow to his thank,' says the Deel; 'you make his cup stand full even, you make his pot play well, but give him a cuff, I'll hazard he'll be as ill as I am called.' 'Go, Deel,' says God, 'I'll yoke his honesty with you. Fell his cows, worry his sheep, do all the mischief ye can, but for the very soul of you, touch not a hair of his tail.'"

The specimens of prayers are equally absurd. "O Lord," one divine says, "thou'rt like a mousie peeping out at the hole of a wall, for thou sees us, but we see not thee." Another prayed as follows: "Good Lord, what have ye been doing all this time? What good have ye done to your poor Kirk in Scotland? . . . O, how often have we put our shoulders to Christ's cause, when his own back was at the wall; to be free with you, Lord, we have done many things for thee that never entered in thy noddle, and yet we are content that thou take all the glory; is not that fair and kind?"

The small quarto from which these extracts are taken was only one, though it was the most

popular, of a series of similar lampoons. The most offensive of these, a comedy written without the wit, but with all the licentiousness of Wycherley, was not printed for many years; but it may now be read by anyone who wishes fully to understand into what depths of malice and profanity some men were driven by the party spirit of those days.¹

The public opinion of England on the ecclesiastical affairs of Scotland was, to a great extent, formed by these publications. They increased the hostility with which the High Church party regarded the establishment of Presbytery. The accounts of the outrages committed on the ejected clergy caused a widespread feeling of sympathy with them among all classes of Englishmen; and the effect which they produced was not only evident during the discussions on the Union, but afterwards led Parliament to pass measures which were most unpopular in Scotland, which endangered the stability of the Union before it had lasted

¹ *The Assembly, or Scotch Reformation; a Comedy.* Done from the original manuscript, written in the year 1690, by Archibald Pitcairn, M.D. Edinburgh, 1817.

more than a few years, and which have been the occasion of endless troubles, misunderstandings, and secessions among the Presbyterians.

The Church question, however, was settled for a time; and the people of Scotland, whose whole energies had for so long been absorbed in the struggle against religious tyranny, were now ready to advance on the path of secular progress. But the commercial policy of England remained unaltered. The least hint that the Navigation Act ought to be repealed raised an outcry among the merchants of London. The proposals for an Union, made by the Estates, had not been listened to. Therefore Scotland, it appeared, must submit to remain poor, while England became wealthier and wealthier.

But now the self-reliant spirit of the Scottish people rose. If they could not share in the trade of England, they would establish a trade of their own. If they were not to be the partners of England, they would be her rivals. There can be no doubt that the schemes of the Scottish Company Trading to Africa and the Indies, on which the hopes of the country were placed, were rash and

visionary. Scotland, it is true, was an independent country, with a Parliament of its own, with its own church, laws, coinage, and taxation, united to England by nothing except the Crown; and the powers which the Scottish Parliament gave to the Company brought this fact prominently into view, for the Company was to have the right of arming ships of war, building cities, making harbours and fortresses, waging war, and concluding alliances. But these very powers, which impressed on Scotsmen the fact that their country was independent, could not fail to rouse the alarm of Englishmen, and particularly of English traders. The royal assent had, indeed, been given to the statute by which the Company was created.¹ But the merchants of England were so alarmed, so jealous, so persuaded that their own trade was endangered, that we cannot be surprised that William, whose position depended entirely on the goodwill of England, acted as he did; especially when, at a time when he was deeply involved in continental politics, the Company, by sending the expedition

¹ Act for a Company Trading to Africa and the Indies, 26th June 1695.

to Darien, so seriously imperilled his relations with Spain.

The sum of money which was actually lost by Scotland seems small in our day. The amount appears to have been about two hundred and twenty thousand pounds ; but the Scotland of the seventeenth century was far less able to bear the loss of this sum, than the France of the nineteenth century was to bear the loss of all the millions which she, like her ancient ally, threw away upon the shores of the Gulf of Darien. And rich as England was, in comparison with Scotland, her condition at this time was not so prosperous as to make her liberal in dealing with other nations. War had brought increased taxation ; and our enormous national debt, then beginning to accumulate, was a source of constant alarm. In the country districts farmers were suffering from a long period of agricultural depression, and rents were seldom paid in full. In the towns work was scarce, and the price of bread was rising. The carrying trade languished in spite of the monopoly which English shipping enjoyed under the Navigation Act, and the resistance to granting Scotland

what she chiefly demanded, a share in the colonial trade, was increased by complaints which reached this country from across the seas. The Scottish shipowners, it was said, were landing goods in America, and underselling the English merchants ; and to such an extent was this done, that Government was called upon to send out men-of-war to stop this illegal traffic.

And so once more England and Scotland were at variance. The Lords and the Commons forgot their quarrels, and combined to address the king against the Scottish Company. William's reply was that he would endeavour to find some means of escape from the difficulty which had arisen. That no such difficulty could have arisen if there had not been two Parliaments was perfectly clear. The statute under which the Scottish colonists sailed to Darien had received the royal assent, in the Parliament House at Edinbnrgh, at a time when the king was on the Continent. It was possible that other measures of equal importance to England might become law in the same way ; and the subject of the Union again begins to appear in the correspondence of the day.

“You may remember,” Marchmont writes, “your Lordship was speaking a little to me about an Union of the two Kingdoms. I have thought much upon it, and I am of opinion that the generations to come of Scotsmen will bless them and their posterity, who can have a good hand in it.¹ Two months later he addresses another correspondent on the same subject. “I am confident,” he says, giving his view of Scottish opinion at this time, “if such a thing came to be treated in terms any ways tolerable, it would find a ready concurrence of the far greater part of people of all ranks of this nation.”² In January 1700, Vernon, writing to Lord Shrewsbury, says: “My Lord Privy Seal³ can no sooner hear the word Union named, but he runs blindfold into it, and said all he could think of, for pressing it. My Lord Halifax opposed it; and said they should run any risk rather than be bullied by the Scots’ menaces.”⁴

The contempt for Scotland which Halifax had

¹ Marchmont to Seafield, 7th October 1699, *Marchmont Papers*, iii. 178.

² To Pringle, 23rd December 1699, *Marchmont Papers*, iii. 199.

³ John, first Viscount Lonsdale.

⁴ 11th January 1700, *Vernon Letters*, ii. 404.

expressed was common. In another letter Vernon describes how Sir Edward Seymour, in his place in Parliament, said that the Union reminded him of the story about a countryman who was asked to marry a poor wife, and gave as a reason for refusing, "that if he married a beggar, he should have a louse for a portion." Vernon adds, "this the Scotch have heard, and are very angry at it."¹

The king lost no time in declaring his own opinion. In a speech to the Lords he reminded them of the Union, which he had recommended soon after his accession, and again pressed it upon the consideration of Parliament, as the only means by which a constant succession of quarrels between the two countries could be avoided.² The Lords at once took his advice, and passed a Bill for appointing commissioners to treat upon the subject of the Union, which they sent to the Commons with the statement that it was a Bill of great consequence.

At this time there was a great feeling of jealousy between the two Houses of Parliament, and the

¹ *Vernon Letters*, ii. 408.

² *Lords Journals*, 12th February 1700.

Commons, resenting the action of the Upper House in calling special attention to this Bill, seized the opportunity of picking a quarrel, and appointed a Committee to report whether there were any precedents for specially recommending Bills. The Committee reported that there were several precedents. Bills had been sent with such recommendations, both from the Lords to the Commons, and from the Commons to the Lords. Nevertheless the Commons rejected the Union Bill upon the second reading.¹

During the summer of 1700 Scotland was in a state of dangerous excitement. "The Scotch look," Vernon writes, "as if they were ready for any mischief, and that nothing will please them but setting up for themselves." For the last five years the crops had failed. Thousands had perished from famine. Thousands more had been driven to emigrate. The treasury was exhausted. On the balance of trade there was an annual loss. The Bank of Scotland, established in 1695, found that the whole business of the country could be conducted on a capital of thirty thousand pounds ;

¹ Commons Journals, 5th March 1700.

and so limited was the trade, that neither Glasgow, Dundee, nor Aberdeen could support a branch of the bank.¹ So frightful was the state of things that Fletcher of Saltoun, whose whole mind and soul were given up to an intense love for Scotland, thought that no foundation could be laid for better times except by reducing a great part of the population to slavery.

The Estates had not met for two years. An address calling upon the king to assemble a new Parliament was sent up to London; and it was openly said, that if he refused, a national convention would meet, and meet moreover at Perth, where the members would have "Athol and a part of the Highlands at their backs." The staunch Whigs of the Lowlands laughed in public at the idea of a rebellion; but they were well aware that society in Scotland was deeply tainted with that Jacobite feeling which afterwards gave so much trouble. It appears, from a letter written by Melville to Carstares, that attempts had been made to tamper even with persons who were known and avowed Whigs. The Duke of Hamilton, "upon his lady's

¹ Somerville, p. 151; Chalmers' *Caledonia*, i. 868.

birthday," was entertaining a party of his friends, among whom were Queensberry, Argyll, and Leven. After dinner he began to speak in a very confidential manner to Leven, telling him "that he loved him," that he would do all he could to save him, and that he "would obtain a pardon for him." Leven asked him what he meant, saying that he had done nothing to require a pardon from King William, and as for King James, he would not accept one from him. Hamilton saw he had gone too far, and explained away what he had said. "It is true," says Melville, "the duke was very drunk ; but *post vinum veritas*."¹

It was plain that the Estates must meet ; for not only was the national outcry too loud to be ignored, but, the treasury being empty, supplies must be voted, or the Government could no longer be carried on. But the misery and discontent was so universal, that William could not face a general election. The majority of the old Revolution Parliament, however, were still sound Whigs ; and it was resolved to summon it once more. The Government did not rely solely on the help of their

¹ *Carstairs State Papers*, p. 579.

own supporters, but made a carefully-planned assault on the votes of the Opposition members. The officers of State themselves undertook the business. Each agreed to canvass a certain number of members. Sometimes they set the parish ministers to work; and in other cases the good offices of a member's wife were secured. And there is no doubt that besides mere solicitation and appeals to interested motives, there was direct bribery. The result of these transactions was that when the Parliament met, in October 1700, the Government had a majority.¹

Queensberry, who was Lord High Commissioner, had been instructed to ask for supplies for eight months, but to take less if they were refused. If the supplies were voted, he was authorised to give the royal assent to a subsidy in aid of any branch of Scottish trade which was consistent with the treaty obligations of the Crown; but if the Parliament wished to vote money for the African and Indian Company, it must be applied only to

¹ See the Duke of Queensberry's letter to Mr. Carstares of 9th September, and other letters among the *Carstares Papers* during the summer and autumn of 1700.

making good the losses which had been sustained at Darien. If an Act was passed confirming the privileges of the Darien colony, the royal assent was to be at once refused.¹

The Opposition, led by Hamilton, desired to pass an Act asserting the right of Scotland to the settlement at Darien, which was the favourite scheme of the country, and which the Estates had lately been told from the pulpit was "that great, laudable, and glorious design and undertaking of the nation, for the advancement of foreign trade, which if it be altogether crushed, Scotland is never like to enjoy such a fair opportunity again, for promoting her outward wealth and welfare."² The Government, on the other hand, moved an address to the king praying him to vindicate the honour of Scotland, and to extend his protection to the Company.

There was a long and fierce debate. Some of

¹ Private Instructions to the Duke of Queensberry, Hampton Court, 25th April 1700; Add. MSS., British Museum, 24,064, f. 18. The Estates met in May, but were adjourned until October.

² A Sermon preached before his Grace James Duke of Queensberry, His Majesty's High Commissioner, and the Honourable Estates of Parliament, in the Parliament House, the 1st December 1700. Edinburgh, 1701.

those on whom the ministers had relied followed Hamilton, and others declined to vote. But the Government had a majority of twenty-four; and the session ended quietly on the 1st of February 1701.

In Scotland the losses at Darien had brought to a climax the long-standing feud on the subject of commerce. The discontent and annoyance which had been growing ever since the Navigation Act was passed, had now developed into a most violent exasperation against England and everything that was English. Yet the temperament of the Scottish people was such that these feelings did not lead them into plots against the English Government. They seem to have felt at once that the greater the obstacles which the jealousy of their neighbour might put in their way, the greater was the need for energy and self-help on their own part. Instead of sinking into apathy and indolence, or allowing their hatred of England to drive them into violence, they became more active than ever in forming plans for bringing solid material prosperity to their country. The air was full of projects; and soon these projects took a definite

shape. All Scotland was to become one great trading company. The subscribers to the African Company were to be repaid in full. A sum of money greater than that which had been lost was to be raised within two years. In spite of English opposition, colonies were to be founded by Scotsmen. At home manufactories were to be established all over the country. The fisheries of Scotland were to be pursued "to greater profit in all the markets of Europe than any other fishing company in Christendom can do." Employment was to be found for the poor, "so that in two years time there shall not be one beggar seen in all the kingdom."

It was in the midst of this patriotic ferment that Hamilton, Tweeddale, Rothes, Roxburghe, and Andrew Fletcher of Saltoun formed that independent or national party which, calling itself the Country Party, was destined, during the next few years, to pursue a course which ultimately forced England into uniting with Scotland. This party had its origin in the assertion of the right of Scotland to free trade at home and abroad; and the keynote of its policy was that Scotland should

refuse to settle the succession to the Scottish Crown until her grievances were redressed. But with the death of William and the accession of Anne, Scottish politics entered upon a new phase ; and here the early history of the Union question naturally ends.

In the first year of Queen Anne, commissioners were appointed to treat for an Union. They met at Westminster in October 1702, and agreed that the two countries should become one monarchy, with one Parliament, and a system of internal free trade. The English consented, though reluctantly, to allow the Scots to trade with the colonies ; but on the subject of the Company of Scotland Trading to Africa and the Indies no agreement was found to be possible. The English commissioners maintained that the privileges of the Scottish Company interfered with the interests of the East India Company : " Two companies existing together in the same kingdom, and carrying on the same traffic, are destructive to trade." To this the Scottish commissioners replied by a claim for compensation, if the Scottish Company, whose losses in the Darien expedition had been so

disastrous, was abolished. "If," they said, "the existing of companies for carrying on the same traffic, do appear to your Lordships destructive of trade ; it is not expected that your Lordships will insist, that, therefore, the privileges of the *Scots* Company should be abandoned, without offering at the same time to purchase their right at the public expense." This brought matters to a deadlock ; the commissioners separated ; and the negotiations were ultimately abandoned.

Defoe describes these proceedings as a "Sham Treaty," and, in his opinion, religion was the real, though secret, difficulty. "The jealousies," he says, "on both sides about Church affairs, in respect to the Union, were ground of such difficulties as no Body could surmount, and lay as a Secret Mine, with which that Party who designed to keep the nation divided, were sure to blow it up at last, and therefore knew that all they did till that Point was discust signified nothing, and that whenever they pleased to put an end to it, they had an immediate opportunity."

But even if the commissioners had come to terms on the questions of the Scottish Trading Company

and of the Church, there can be no doubt that the Scottish Estates would not have ratified the treaty; for, as the proceedings of the first Parliament of Queen Anne proved, Scotland was now so exasperated against England that nearly five years of turmoil and danger were to pass away before the statesmen of the two countries, brought face to face with something more than the possibility of civil war, at last succeeded in carrying the Union of 1707, in the terms of which, apart from the loss of the right of complete self-government through their own Parliament, the advantages lay, upon the whole, with the Scottish people.

THE END.

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