

***Jura Majestatis*, or The Rights of Sovereignty: The Privy Council and Government Administration in Scotland, 1689–1708**

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Abstract

This thesis has two main aims. It is firstly an administrative history of the Scottish Privy Council in its final years, from the Revolution of 1689 until its demise in 1708 following the Anglo-Scottish parliamentary union. Secondly, and through the prism of the first, it is a study of religion and politics in Scotland during this tumultuous and complex period of history which has often escaped sustained interrogation. Except for Derek Patrick's authoritative doctoral thesis in 2002, the last full-length political history of the 1690s in Scotland was Patrick Riley's trenchant, but deeply researched and valuable, analysis from 1979. In the time which has elapsed since its publication little has changed on this front with historians preferring to focus on the Revolution moment or union. Indeed, in 2003 Clare Jackson lamented the lack of any detailed study of politics in 1690s Scotland. And, more recently, Amy Blakeway and Laura Stewart have noted that post-Revolution Scotland in terms of government and politics has suffered a 'strange neglect'. Also, despite the recent increase in scholarly interest into the church and religion after 1689, the Privy Council's role in church government has never been fully scrutinised. It is therefore high time for such a study to be undertaken in earnest, and by integrating the council's role in church and civil government after the Revolution, a fuller picture of Scottish government will become clear.

The thesis will begin by introducing the historical and historiographical context of the Scottish Privy Council and the Williamite Revolution which began in Scotland in 1689. It also aims to define the term sovereignty – which is a key theme – especially with reference to the contemporary idea of *jura majestatis*, or the rights of sovereignty, which explained that there were separate realms of sovereign authority wielded by different institutions. In this sense, the council held executive power within *jura majestatis* and exercised sovereign authority as the crown-in-council.

The first chapter will assess the constitutional settlement of 1689 to 1691 through a close analysis of the Privy Council's political and religious functions and policies in that period. In the second chapter, the council's role in civil government in the 1690s will be the focus, with particular attention paid to intergovernmental relations. Thirdly, the thesis will turn to the consolidation of the church settlement, its ongoing negotiation, and campaigns for an alternative throughout the 1690s. The council's relationship with the Kirk was tested at several points here but it remained a linchpin of church government, which at times embodied a

conciliar Erastianism which provoked the ire of some in church circles, but which was praised by others.

A changing relationship with the Protestant churches and different policy approaches under Queen Anne brought new challenges and the continuation of others. Chapter four assesses the impact of Anne's accession on the relationship between Kirk and council and sketches the implications for religious minorities such as Episcopalians, Quakers, and Catholics. Following this, the fifth and penultimate chapter will investigate how the council responded to new political challenges in the early eighteenth century. These included the fallout from the failed Darien venture, the 1702-3 elections campaign, the Worcester affair, monetary matters, internal administrative issues, and growing tension between the Scottish and English administrations. Finally, chapter 6 acts as an epilogue which looks into the council's residual executive powers from around 1706, before turning to its role in the debates for and after the union of 1707 until its inauspicious abolition in May 1708. The thesis aims to provoke a fundamental re-assessment of both the Privy Council in early modern Scotland and the impact of the Scottish Revolution of 1689 on politico-religious ideas, practices, and institutions.

Declaration

I, Robert David Tree, declare that this thesis has not been submitted for any other degree or professional qualification.

This work is an original record other than where expressly stated with distinguished quotation marks. All sources are specifically acknowledged and referenced.

This research received ethical approval from the University of Stirling's General University Ethics Panel in May 2021.

Signed: 

Dated: 12 August 2024

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Our project conferences have attracted the support of many in the academy and these events were excellent outlets for the dissemination of our research in addition to attracting words of advice from top scholars in the field. Project trips to the annual conferences of the

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Prior to the beginning of my doctoral studies, I was lucky enough to be taught by some field leading and inspirational historians at the University of Glasgow during my undergraduate and postgraduate degrees. My interests in early modern Scotland were piqued in undergraduate courses convened by Dr Neil McIntyre and Professor Karin Bowie (who supervised my Masters dissertation). I am eternally grateful to both of them for sparking and encouraging my interests in the seventeenth century. Special mention must also go to Dr Martin McGregor, Dr Aonghas MacCoinnich, and Dr Catriona MacDonald at Glasgow.

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Abbreviations

AGA	<i>Acts of the General Assembly of the Church of Scotland 1638-1842</i> , ed. Church Law Society (Edinburgh, 1843), British History Online [http://www.british-history.ac.uk/church-scotland-records/acts/1638-1842]
ACA	Aberdeen City Archives
AUL	Aberdeen University Library Special Collections
BL	British Library, London
Bod.	Bodleian Library, Oxford
<i>Carstares Letters</i>	<i>State-papers and letters addressed to William Carstares, confidential secretary to K. William during the whole of his reign; afterwards Principal of the University of Edinburgh. Relating to public affairs in Great-Britain, but more particularly in Scotland, during the reigns of K. William and Q. to which is prefixed the life of Mr Carstares</i> , published by Joseph McCormick (Edinburgh, 1774)
EHR	<i>English Historical Review</i>
ELRW	<i>Early Letters of Robert Wodrow, 1698-1709 Edited from the Manuscript in Edinburgh University Library, with Notes and Extracts from the Answers to these Letters in the National Library of Scotland</i> , ed. L. W. Sharp, Scottish History Society Publications, 3rd series, vol. xxiv (Edinburgh, 1937)
EUL	Edinburgh University Library Special Collections
FES	Hew Scott, <i>Fasti Ecclesiae Scoticae, The Succession of Ministers in the Church of Scotland from the Reformation</i> , VIII volumes in revised editions (Edinburgh: Oliver & Boyd, 1915-1950)
FCD	Michael Shields, <i>Faithful Contendings Displayed: being An historical relation of the State and Actings of the suffering Remnant in the church of Scotland, who subsisted in Select Societies, and were united in general correspondencies during the hottest time of the late Persecution, viz. From the year 1681 to 1691. Together with An account of the State of the land in general, and of the Society people in particular, in the intervals betwixt each of their general meetings, with some pertinent remarks upon these historical occurrences, and many letters to and from the general correspondent meetings &c.</i> (Glasgow, 1780)
GA	Gloucestershire Archives, Gloucester

NLS	National Library of Scotland, Edinburgh
NRS	National Records of Scotland, Edinburgh
LPL	Lambeth Palace Library, London
ODNB	<i>Oxford Dictionary of National Biography</i>
PC	Privy Council
PER	<i>Parliaments, Estates and Representation</i>
PH	<i>Parliamentary History</i>
PKA	Perth and Kinross Council Archives, Perth
RPCS	<i>The Register of the Privy Council of Scotland</i> , eds. P. Hume Brown, Henry Paton and E. Balfour-Melville, 3 rd series, xvi volumes (Edinburgh, 1908-1970)
RPS	<i>Records of the Parliaments of Scotland to 1707</i> , gen. ed. Keith Brown (St Andrews, 2007-2022) [http://www.rps.ac.uk]
RSCHS	<i>Records of the Scottish Church History Society</i>
<i>Afflicted Clergy</i>	John Sage, <i>The Case of the Present Afflicted Clergy in Scotland Truly Represented. To which is added for probation, the attestation of many unexceptionable witnesses to every particular, and all the publick acts and proclamations of the Convention and Parliament relating to the clergy</i> (London, 1690)
SCH	<i>Scottish Church History</i> (formerly RSCHS)
SHR	<i>Scottish Historical Review</i>
SHS	Scottish History Society
TNA	The National Archives, Kew

Contents

Abstract	i
Declaration	iii
Acknowledgements	iv
Abbreviations	vii
Contents	ix
Introduction	1
1. ‘The Board’ in Revolution, c. 1689–1691	24
2. The Nature of Government, c. 1692–1702	58
3. Consolidating the Church Settlement: Kirk and Council, c. 1692–1702	95
4. Ecclesiastical Equipose, 1702–1708: Towards Toleration and Pluralism?	140
5. Political Management and Executive Control, 1702–c. 1706	171
6. Denouement and Abolition, c. 1706–1708	211
Conclusion	241
Appendices	258
Appendix I – Members of the Scottish Privy Council, 1689–1708	258
Appendix II – Privy Council Commissions, 1689–1707	264

Appendix III – Ecclesiastical Pronouncements by the Privy Council, 1689	272
Appendix IV – Privy Council Proclamations, 1689–1708	286
Bibliography	303

Introduction

I, Charles the Third [...] do faithfully promise and swear that I shall inviolably maintain and preserve the Settlement of the true Protestant Religion as established by the Laws made in Scotland in prosecution of the Claim of Right [...] and by the Acts passed in the Parliament of both Kingdoms for Union of the two Kingdoms, together with the Government, Worship, Discipline, Rights and Privileges of the Church of Scotland. So help me God.¹

On 10 September 2022, Charles III was proclaimed king in the presence of an Accession Council. He declared the above oath in front of the assembled British Privy Council (although only around 200 of its some 700 members were present), 314 years after its creation upon the abolition of the independent Scottish and English councils. In the declaration, he swore his oath to uphold the security of the Church of Scotland (according to the 1690 act of parliament re-establishing Presbyterian ecclesiastical government), the 1689 Claim of Right, and the 1707 union of parliaments.² Part way through his speech, Charles claimed that since his mother's death, sovereignty was now vested in 'me'. It is in fact not quite so simple, and the person of the monarch is only part of a much broader and far more complex picture of sovereignty and constitutional monarchy as it was established by these epochal events around the Williamite Revolution of 1688-91 and in its aftermath. Regardless, Charles's oath makes clear that the Claim of Right, the re-establishment of Presbyterianism, and the Anglo-Scottish parliamentary union are perhaps the most enduring elements of the Scottish and indeed British constitution to this day, although that constitution is not 'supreme' and is often described as 'unwritten'. It demonstrates, moreover, the constitutional importance of the Privy Council and its symbiotic relationship with the crown. This continuing relevance alone merits a study of the largely neglected business and government administration conducted by the Scottish Privy Council in

¹ 'His Majesty's Oath Relating to The Security of The Church of Scotland'. British Privy Council website: <https://privycouncil.independent.gov.uk/wp-content/uploads/2022/09/2022-09-10-The-Kings-Oath-relating-to-the-Security-of-the-Church-of-Scotland.pdf> [accessed 8 April 2024].

² *RPS*, 1690/4/43; *RPS*, 1689/3/108; *RPS*, 1706/10/257.

the fundamentally important period between the Williamite Revolution and the council's abolition in 1708. When considered alongside the paucity of studies on the Privy Council, the scholarly lacuna which this thesis endeavours to fill becomes clear.

The Scottish Privy Council: History and Historiography

While the institution developed out of the medieval *curia regis*, it did not explicitly emerge as the Privy Council until the mid-sixteenth century, under James V (r. 1513-42). Broader origins of 'privy councils' lay in the government of Francois I (r. 1515-47) in France during the 1530s, where there developed a private court (*counsel privé*) which heard petitions whilst a more selective and secretive body met with the monarch to discuss politics.³ The council, in Scotland at least, largely comprised officers of state, nobles, lairds, military officers, and legal professionals and it dealt with a wealth of matters relating to the daily running of the country much like a modern cabinet would do. In the sixteenth century, the embryonic Scottish council mediated Anglo-Scottish relations and held important political functions during periods of monarchical minority. Following the regal union in 1603, the nature of government was altered and the now absentee monarchy oversaw a drastic reduction in 'consultation' which came prior to a court-country divide in the parliament of 1621 while James VI and I (r. 1567-1625) continued to discuss matters with the independent Scottish executive through letters of instruction from court.⁴

Continuing institutional development throughout the seventeenth century was in some ways hindered by the Covenanting Revolution. It is widely recognised that the council's power

³ Amy Blakeway, 'The Privy Council of James V of Scotland, 1528-1542', *The Historical Journal*, 59: 1 (March 2016), p. 28.

⁴ A. R. MacDonald, 'Consultation and Consent under James VI', *The Historical Journal*, 54: 2 (June 2011), pp. 287-306; Maurice Lee Jr., 'James VI's Government of Scotland after 1603', *SHR*, 55: 159 (Apr. 1976), p. 44.

declined following the Prayer Book riots of 1637 to include fewer Royalists and bishops.⁵ In the 1640s a Committee of Estates largely took over the executive powers of the Privy Council (which was effectively disbanded) as the Covenanters grasped the instruments of government and abolished the Lords of the Articles for example. Therefore, the period from 1637 to 1651 is complicated in terms of the council and its development was further compromised by the occupation of Scotland by the Cromwellian Commonwealth, later Protectorate, from 1651 until the end of the 1650s. With the first successful attempts at closer union and government of Scotland by military occupation in that decade the independent council was not fully revived until the Restoration of Charles II in 1660. Thereafter, it resumed its place as the domestic government of Scotland. For instance, the implementation of an Episcopalian ecclesiastical policy spearheaded by John Maitland, second earl and first duke of Lauderdale (1616-1682) along with the suppression of Presbyterian conventicling was carried out by the Privy Council during the Restoration.⁶ Alasdair Raffe points out that the Privy Council was also closely involved in the process of funding and managing the building of the (Catholic) Canongate Church as part of what he calls James VII's 'multiconfessional experiment'.⁷ Ronnie Lee, moreover, assesses the executive functions of the council during this period and its role in civil government while also underlining the at times strained and 'problematic' relationship between the independent council in Edinburgh and the king and secretary in London.⁸ Lee also introduces some more day-to-day forms of government aside from high politics and suppression of sedition, such as the council's role in mediating disputes between English garrisons and local inhabitants as well as more general oversight over the military, ensuring

⁵ L. A. M. Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland, 1637-1651* (Oxford, 2016), p. 51.

⁶ Julia Buckroyd, *Church and State in Scotland, 1660-1681* (Edinburgh, 1980), pp. 105, 118-9.

⁷ Alasdair Raffe, 'Worship and Devotion in Multiconfessional Scotland, 1686-9', in A. I. Macinnes, Patricia Barton and Kieran German (eds.), *Scottish Liturgical Traditions and Religious Politics: From Reformers to Jacobites, 1540-1764* (Edinburgh, 2021), pp. 99-101.

⁸ R. A. Lee, 'Government and Politics in Scotland, 1661-1681', unpublished PhD thesis (University of Glasgow, 1995), p. 7.

fair prices for exchange of supplies, issuing proclamations and fines for non-attendance at church, and elucidating the critical governing positions held by ‘lesser men’ on the council who backed up Lauderdale.⁹ It is therefore clear that, during the periods when it sat in the early modern period, the Scottish Privy Council was a crucial arm of central government, which despite the foregoing publications has been severely undervalued in the historiography of the period. This point is especially true of the post-Revolution period.

There have been relatively few dedicated studies of the Scottish Privy Council. More has been written on its English counterpart, particularly for the Tudor period, but this remains a relatively thin corpus compared with the broader literature of parliaments and estates in the early modern three kingdoms. Geoffrey Elton describes the English council as ‘the centre of administration, the instrument of policy making, the arena of political conflict, and the ultimate means for dispensing the king’s justice’.¹⁰ David Dean concurs with this as he regards it as ‘the most important policy-making and administrative institution of Elizabethan government’.¹¹ Its development through the early modern period and beyond, with its broad remit and make up of key officers of state has led it to be likened to cabinet government by David Rogers in the first single volume to be written on the English-cum-British council in a century.¹² Needless to say, Rogers fails to explore the Scottish context of that institution’s development.

The Scottish Privy Council has received a comparatively less favourable assessment as an arm of government. David Stevenson points out in the first of his magisterial two-part study of the Covenanting Revolution that whereas the king was often present at the English council, its Scottish counterpart after 1603 ‘received instructions from a distant king who seldom asked

⁹ Lee, ‘Government and Politics’, pp. 25, 37, 69, 92, 152.

¹⁰ G. R. Elton, ‘Why the History of the Early-Tudor Council Remains Unwritten’, in G. R. Elton (ed.), *Studies in Tudor and Stuart Politics and Government*, vol. I (Cambridge, 1974,) p. 308.

¹¹ David Dean, ‘Elizabethan Government and Politics’, in Robert Tittler and Norman L. Jones (eds.), *A Companion to Tudor England* (Oxford, 2004), p. 48.

¹² David Rogers, *By Royal Appointment: Tales from the Privy Council – The Unknown Arm of Government* (London, 2015), pp. 131, 156-62.

its advice or gave it any discretion in important matters.’¹³ But, as will be discussed below, there are a number of questions over this considering the close cooperation between absentee monarchs and their councils and the council’s key role in independently dealing with everyday government between 1603 and 1708.¹⁴ The assumption, moreover, that the regal union rendered the council weak and obsequious is simplistic and will be challenged in this thesis. Blakeway suggests of an earlier period that there was a confidence in the authority of the council as a whole rather than a reliance on the status of individual members.¹⁵ This is particularly interesting for despite the fact the council consisted of around fifty members, it only required a quorum of nine (although this was lowered to six during Queen Anne’s reign), which Rayner partly takes as evidence of a flexible ‘inner ring’ which did not need the consent of absent members or the crown to go about its business.¹⁶ Here the question of authority is paramount; Blakeway avers that commands from ‘king and council’ seem to ‘imply that the council held a level of authority which somehow enhanced that of the monarch’.¹⁷ While not attempting to wholly disagree with this stance, this thesis aims to take a different approach, in assessing the practical application and implementation of sovereign authority by the Privy Council independent of the monarch.

The lack of scholarship on the Scottish Privy Council is not wholly surprising considering the longevity of the view that the Scottish Parliament was a weak and ineffectual body, despite recent revisionism.¹⁸ It therefore merits further attention than it has hitherto

¹³ David Stevenson, *The Scottish Revolution, 1637-1644: The Triumph of the Covenanters* (Newton Abbot, 1973), p. 30.

¹⁴ MacDonald, ‘Consultation and Consent’, pp. 287-306.

¹⁵ Blakeway, ‘The Privy Council of James V’, p. 41.

¹⁶ Laura Rayner, ‘The Tribulations of Everyday Government in Williamite Scotland’, in Sharon Adams and Julian Goodare (eds.), *Scotland in the Age of Two Revolutions* (Woodbridge, 2014), p. 198.

¹⁷ Blakeway, ‘The Privy Council of James V’, p. 42.

¹⁸ Early studies on parliament viewed it in something of a negative light, in the same vein as in Rait’s classic work: R. S. Rait, *The Parliaments of Scotland* (Glasgow, 1924); C. S. Terry, *The Scottish Parliament: Its Constitution and Procedure, 1603–1707* (Glasgow, 1905); E. E. R. Thomson, *The Parliament of Scotland, 1690–1702* (Oxford, 1929). For the updated and opposing view see the three volumes which were the fruit of the landmark Scottish Parliament Project, and which are cited throughout this thesis.

received. Somewhat oddly, the Scottish Privy Council has above all often been discussed with reference to its demise, although its abolition has rarely been studied in depth. Although it is heavily assumption-laden and teleological, such scholarship has been influential. This has contributed to a lack of full understanding of the council's distinct role in the running of government in pre-union Scotland. Broadly, there is consensus that the Privy Council's abolition contributed to problems with maintaining order in Scotland, since it had an important policing role in defending the state against intransigent individuals and groups. Allan Macinnes maintains that the council was Scotland's 'central intelligence agency' which had played a vital role in securing the union through monitoring religious and political dissent before being 'sacrificed for electoral appeasement' in 1708.¹⁹ Intelligence gathering was indeed an important facet of the council's overall remit but was merely a small part of what was a wide-ranging and politically significant role, beyond simply keeping the peace.²⁰

In a similar fashion to Macinnes, Chris Whatley has suggested that the council's abolition exacerbated the problem of maintaining order in Scotland and that it was driven by wishes of the *Squadron Volante* (or New Party; literally 'Flying Squadron') to complete the union.²¹ Although Whatley adds that 'the council was a useful tool for the executive, not least for influencing elections', this suggests that it was merely a tool for crown management.²² Yet the council was *the* Scottish executive, which in fact exercised significant governmental autonomy from the crown. It has been demonstrated recently that William was able to employ successful electioneering tactics in securing burgh and shire representatives loyal to the Revolution.²³ The extent of the council's political management in these elections remains

¹⁹ Allan Macinnes, *Union and Empire: The Making of the United Kingdom in 1707* (Cambridge, 2007), p. 323.

²⁰ G. S. Macdonald, 'Black-boxes, flying packets, and espionage: the information trade and Scottish governance, 1689–1691', *PER*, 40:3 (2020), pp. 269–289.

²¹ C. A. Whatley, *The Scots and the Union: Then and Now* (Edinburgh, 2014), p. 332.

²² *Ibid.*, p. 328.

²³ D. J. Patrick, 'Unconventional Procedure: Scottish Electoral Politics after the Revolution', in K. M. Brown and A. J. Mann (eds.), *The History of the Scottish Parliament. Volume II: Parliament and Politics in Scotland, 1567–1707* (Edinburgh, 2005), pp. 208–244.

under-studied and has perhaps been taken for granted, whereas its role in burgh elections outwith the Revolution has been largely ignored. Recent scholarship has shown that the council in fact engaged in a complex range of electoral business, and though it did at times manage burgh council elections during and after the Revolution, it was also concerned with adjudicating over electoral impropriety or illegality and the organisation of elections according to precedent.²⁴ The Privy Council was appointed by the monarch(s), but to what extent it operated through or circumvented royal patronage remains to be seen and is worth closer exploration. Gordon Donaldson also expresses some of the teleological arguments above. Lamenting the loss of the council for the preservation of order, he argues that its demise precipitated a ‘kind of vacuum’, and he ponders who was to take over ‘its wide-ranging residuary powers in the day-to-day maintenance of order’.²⁵ Statements such as this fail to consider the council’s fundamental function as a court and an institution of government administration.

The assertions above rest heavily on the Jacobite risings of the eighteenth century and the problems faced by the nascent British state in securing peace in its northern realm. It is not necessarily erroneous to suggest that the council’s demise contributed to difficulties for the government in dealing with law and order. The council did of course have an important judicial remit which, in some ways, overlapped with the jurisdiction of the Court of Session in civil cases and the Court of Justiciary in criminal cases.²⁶ But it had far more wide-ranging executive powers.²⁷ Furthermore, it was involved in suppressing sedition more broadly; it conducted

²⁴ R. D. Tree, ‘Controverted Elections, Electoral Controversy and the Scottish Privy Council, 1689-1708’, *PH*, 43: 1 (February 2024), pp. 53-71.

²⁵ Gordon Donaldson, *Scotland: The Shaping of a Nation* (London, 1974), p. 133.

²⁶ A. M. Godfrey, ‘The College of Justice, Court of Session and Privy Council in sixteenth century Scotland’, 1532–1603, in A. M. Godfrey and C.H. van Rhee (eds.), *Central Courts in Early Modern Europe and the Americas* (Berlin, 2020), pp. 182-4.

²⁷ P. G. B. McNeill, ‘The Jurisdiction of the Scottish Privy Council, 1532-1708’, unpublished PhD thesis (University of Glasgow, 1960) discusses, in detail, the council’s judicial role, but does not analyse its executive functions save for some discussion of the occasions in which these overlap with its legal remit (p. 2). This thesis will work largely in the opposite direction, by focusing on the executive functions of the council, particularly pertaining to matters of politics and religion.

campaigns against ‘false news’ in the 1690s and operated several censorship committees.²⁸ However, an assessment of the Privy Council and its role is hindered through such anachronistic discussions of the lack of a council during the 1715 rising. The suggestion that the council purely existed to maintain law and order or punish opponents of the ruling regime is teleological as it rests discussions of the council’s importance on later events in which the lack of such a body present in Scotland was lamentable for the rulers of the day. To avoid such pitfalls, this thesis aims to take a holistic and chronological approach to the study of the Privy Council from the Revolution of 1689-1691 until its ultimate abolition in May 1708.

Peter McNeill’s 1960 doctoral thesis on the Privy Council’s jurisdiction remains the only full-length study of the institution. He makes little use of manuscript records but asserts that the council was a useful institution to be utilised for the royal will and describes it as a ‘guardian of the peace’, likening it to a ‘discipline committee of the civil service’.²⁹ McNeill claims that the council’s competencies were fairly insignificant in comparison to other law courts in early modern Scotland but he does concede, however, that ‘it was the mainspring of executive action’.³⁰ One of the few historians to use the manuscript records of the council from the 1690s in earnest is Paul Hopkins. His focus is on the Highlands and military affairs, demonstrating the long-drawn-out governmental response to the Jacobite threat during the Highland War and the influence of key figures such as John Campbell, first earl of Breadalbane (1634-1717) and John Dalrymple, first earl of Stair (1648-1707) although he tends to echo Patrick Riley’s Namierite tone.³¹ Hopkins’ mantle has more recently been taken up in doctoral research by Graeme Millen whose focal point is the Scots-Dutch Brigade. Millen persuasively indicates that the Highland War has been severely undervalued and was in fact integral to the

²⁸ Karin Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707* (Woodbridge, 2007), p. 49; A. J. Mann, *The Scottish Book Trade, 1500-1720: print, commerce and print control in early modern Scotland: an historiographical survey of the early modern book in Scotland* (East Linton, 2000), pp. 174-6.

²⁹ McNeill, ‘The Jurisdiction of the Scottish Privy Council’, pp. 37, 42.

³⁰ *Ibid.*, p. 37.

³¹ Paul Hopkins, *Glencoe and the End of the Highland War* (Edinburgh, 1986).

successful implementation of revolution principles and he shows that the council served a thoroughly important purpose in the martial affairs which defined the war.³² This thesis aims to extend these analyses by looking beyond the Highland War, connecting the council's role in security and domestic government to state formation.³³

It would be remiss to argue that the Privy Council was not used as a means for the end of securing peace and rolling out the crown's policies. However, some scholarship has been heavily assumption laden, which implicitly asserts that it was simply a security agency or another body like the deeply unpopular Lords of the Articles which was abolished in May 1690. The Privy Council played a crucial role in mediating between other institutions, both political and religious, and generally oversaw the bulk of the administrative agenda, rendering it the main arbiter of day-to-day government in Scotland. In this sense, this thesis builds on Goodare's work on the earlier seventeenth century council. He maintains that '[m]ost questions about how Scotland should be governed tend to sooner or later lead back to the Privy Council'.³⁴ Viewing it purely as an instrument for crown management or security concerns moreover neglects the wider remit and independence of the council which has been astutely elucidated by Laura Rayner in recent years.³⁵ Despite Rayner's excellent reconstruction of the council's role, particularly on matters of an economic, social, and military nature and with reference to its close working interaction with the Treasury Commission, her study does not research the council's relationship with other political and religious bodies nor does it delve into Queen Anne's reign. Therefore, these are key aims of the present thesis as very little is known about the council's role as an institutional intermediary after 1689. Furthermore, its

³² Graeme Millen, 'The Scots-Dutch Brigade and the Highland War, 1689-1691', unpublished PhD thesis (University of Kent, 2022).

³³ While Brewer's conceptualisation of the fiscal-military state has been criticised as Anglo-centric, Kennedy points out that Scotland was in some ways moving towards a type of fiscal-military state during the Restoration. John Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (New York, 1989); Allan Kennedy, *Governing Gaeldom: The Scottish Highlands and the Restoration State* (Leiden, 2014), pp. 112-46.

³⁴ Julian Goodare, *The Government of Scotland, 1560-1625* (Oxford, 2004), p. 128.

³⁵ Laura Rayner, 'The Tribulations of Everyday Government in Williamite Scotland', in Sharon Adams and Julian Goodare (eds.), *Scotland in the Age of Two Revolutions* (Woodbridge, 2014), pp. 193-210.

regulatory and administrative capacities have been severely under-valued notwithstanding Rayner's and Alan Macdonald's work. Furthermore, the council's relationship with the church is one aspect which has been largely under-appreciated, despite the efforts of Raffe and Clarke, both of whom use the records of the council heavily but whose focus is on religious controversy and Episcopalians respectively.³⁶ It is therefore a central aim of this thesis to address the Privy Council's role in church government and its relationship with the Kirk.

As Goodare highlights, the Privy Council operated in a rather unique position as far as government and administrations of early modern Europe are concerned.³⁷ The fact there was no viceroy sent from London to mediate Scottish governance with the now absentee King James VI (and I), nor was the council removed from Edinburgh represents an interesting level of continuity despite the Union of the Crowns in 1603. While England's Parliament and Privy Council maintained tight control over the workings of the Irish Parliament and Privy Council (due to the ramifications of Poynings' Law of 1495), the Scottish council remained independent, with the ability to formulate its own procedure and policies.³⁸ Indeed, this form of government, in which the key officers of state – mainly noblemen, but also including lairds and legal professionals – operated at the administrative centre without direct contact with the monarch suggests significant executive independence. This has as yet been undervalued in the studies of the Privy Council. For instance, Donaldson claims that the council acted at the whim of the monarch, 'very often merely putting into effect policies shaped elsewhere', a point with

³⁶ Alasdair Raffe, *The Culture of Controversy: Religious Arguments in Scotland, 1660-1714* (Woodbridge, 2012); Tristram Clarke, 'The Williamite Episcopalians and the Glorious Revolution in Scotland', *RSCHS*, 24:1 (1990), pp. 33-51; Tristram Clarke, 'The Scottish Episcopalians, 1688-1720', unpublished PhD thesis (University of Edinburgh, 1987).

³⁷ Goodare, *The Government of Scotland*, pp. 142-3.

³⁸ James Kelly, 'The Private Bill Legislation of the Irish Parliament, 1692-1800', *PH*, 33: 1 (2014), pp. 78-9; C. A. Dennehy, *The Irish Parliament, 1613-89: The evolution of a colonial institution* (Manchester, 2019), pp. 3, 60, 70-71.

which Stevenson concurs.³⁹ This opinion downplays the council's independence and endorses the idea that it was merely a body doing the crown's bidding in Scotland.

Studies of the Privy Council have largely investigated its jurisdiction as a court or have focused on its position in the sixteenth and early seventeenth centuries. Thereafter there remains a relatively thin corpus of research on the council, save for some influential studies in recent years. Kennedy has identified the council's jurisdictional capabilities during the Restoration, when a large part of its legal remit was concerned with punishing 'riot' – a necessarily ambiguous categorisation which encompassed political and religious opposition to the ruling *status quo*.⁴⁰ Macdonald reveals the information gathering by the council following the Revolution, arguing that intelligence was inextricably linked with policy and that the council maintained intelligence networks throughout Scotland and elsewhere, particularly Ireland.⁴¹ Rayner's study on 'everyday government' has been complemented by further work by Macdonald, who highlights the council's concern with social issues such as providing charity to war widows during the Revolution.⁴² While these recent studies have been welcome additions to the literature on the Scottish Privy Council, it remains heavily under-studied for the post-Revolution period, hence the focus of this thesis.

Early modern European government was largely carried out through estates.⁴³ Derek Patrick places the Scottish Parliament into the context of the wider European trend of absolutist government.⁴⁴ However, the Scottish case was particularly unique, as part of the composite

³⁹ Gordon Donaldson, *Scotland, James V to James VII* (Edinburgh, 1965), p. 290; Stevenson, *The Scottish Revolution*, pp. 29-30.

⁴⁰ Allan Kennedy, 'State Formation, Criminal Prosecution and the Privy Council in Restoration Scotland', *EHR*, 135: 572 (February 2020), pp. 29-62.

⁴¹ G. S. Macdonald, 'Black-boxes, flying packets, and espionage: the information trade and Scottish governance, 1689-1691', *PER*, 40:3 (2020), pp. 269-289.

⁴² G. S. Macdonald, 'Bestowing charity: war widows and the Privy Council during the Williamite Revolution in Scotland (1688-91)', *PER*, 44: 2 (2024), pp. 120-37.

⁴³ For an overview of parliaments in early modern Europe, see: M. A. R. Graves, *The Parliaments of Early Modern Europe* (Harlow, 2001).

⁴⁴ D. J. Patrick, 'People and Parliament in Scotland, 1689-1702', unpublished PhD thesis (University of St Andrews, 2002), p. 9.

monarchy of the Stuart kingdoms after 1603 and concomitantly with its own particular constitutional history and arrangements. The role of the council in terms of state formation remains to be seen and will form an important part of this thesis. Kennedy studies the council as part of a state formation model but concentrates on the Restoration.⁴⁵ Goodare has also discussed the state building trajectory of Scotland, though largely based upon the period from 1560-1625. But he does make some interesting claims regarding the nature and institutional structure of the early modern state which will be developed in this thesis.

In approaching the Williamite Revolution through the prism of the Privy Council and not losing sight of the localities and popular politics in light of Raffe's and Bowie's work, it may be possible to advance a 'social history of politics' as Tim Harris has introduced.⁴⁶ However, Harris does not fully analyse the nature of executive government or administrative change. Therefore, although he investigates the effect of crowd behaviour for instance, there is a distinct lack of everyday government which Rayner focuses on.⁴⁷ Harris posits evidence from public opinion, crowd action and 'popular' manifestations of political awareness and activity. Rising literacy rates and the politicisation of social settings such as the tavern and coffee house figure heavily in the argument. But there seems to be a missing aspect to this model. Popular activity is depicted as reactionary, manifesting in fomentations of opposition to royal intrusion, executive fiat and religious decree. Underpinning the notion is an understanding of the growing relevance of the public sphere, not least in terms of the increasingly febrile atmosphere of politics in which leaders were forced to listen more deeply to the wishes and grievances of the populace at large. Growing centralisation and administrative involvement has long been

⁴⁵ Kennedy, 'Privy Council in Restoration Scotland'; Kennedy, *Governing Gaeldom*.

⁴⁶For a comprehensive discussion of the 'social history of politics', see: Tim Harris, *Revolution: The Great Crisis of the British Monarchy, 1685-1720* (London, 2006), pp. 16-20; Tim Harris, *Restoration: Charles II and his Kingdoms, 1660-1685* (London, 2005), pp. 15-18.

⁴⁷ Laura Rayner, 'The Tribulations of Everyday Government', p. 208.

considered an important facet of state formation in early modern Europe.⁴⁸ The capacity for governing elites to engage more freely with those petitioning and campaigning against governmental moves became an increasing necessity. It is therefore worthwhile to assess central government's engagement with the populace at large.

Notwithstanding the usefulness of the idea of a social history of politics, Harris largely neglects evidence of everyday government. Yet Harris (quite correctly) contends that 'politics is not just about how those with greatest political authority determine policy; it is also about how those responsible for determining policy manage to get their initiatives enforced at the local level'.⁴⁹ Several important questions arise from this statement. How was policy formulated at the 'centre' communicated with and enforced in the localities? What moves were taken by nascent European states to address, represent, or discard the motives and wishes of the 'popular' political psyche? Furthermore, were these increasingly polarised debates and public opinion actually recognised and put into action by the executive? Proclamations are crucial evidence for answering this question; Harris seldom focuses on them within his framework, but the present thesis aims to do precisely that. To address and discuss such questions, we must move beyond the reactionary activity of the crowd and public opinion. Having said that, this thesis recognises that there was a growing public sphere in early modern Scotland, which showed increasing vigour in expressions of political sentiment in petitioning and pamphleteering prior to the union of 1707.⁵⁰ It should be noted here though that Raffe maintains that the Habermasian theory of a 'public sphere' is inapplicable to seventeenth century Scotland.⁵¹ Regardless, in order to advance a social history of politics we must first

⁴⁸ Harald Gustafsson, 'The Conglomerate State: A Perspective on State Formation in Early Modern Europe', *Scandinavian Journal of History*, 23: 3-4 (1998), p. 196.

⁴⁹ Harris, *Revolution*, p. 16.

⁵⁰ Bowie, *Scottish Public Opinion*.

⁵¹ Raffe has identified three fundamental problems with Habermas' structural theory of the public sphere due to which he believes the term should be discarded: the first emerges from the description of the public sphere; the second lies in statements regarding the efficacy and legitimacy of public opinion; and thirdly, that it is inherently teleological. Raffe, *The Culture of Controversy*, pp. 6-12.

look into the ways in which the executive engaged with and involved itself in matters on a local scale.

Authority and Sovereignty

While both sovereignty and authority are abstract concepts, this thesis looks to investigate their practical application and, specifically, the exercise of sovereign authority by the Scottish Privy Council. It is therefore necessary to briefly explain and define both terms. Goodare, in his influential yet highly debated study of ‘the state’ in early modern Scotland, asserts that: ‘[a]ll governmental authorities were concerned about religion, if for no other reason than it was seen as the basis of their own authority’.⁵² As such, Goodare represents conciliar authority in religion as at least in part gaining its legitimacy from God, although he does so ambiguously and without qualifying whether this was direct or indirect. The aim here is in part to question this notion, to locate the extent, nature, and impact of the Privy Council’s authority in church (and civil) government. Whereas Mason observes ‘aristocratic conciliarism’ following the Covenanted Revolution, the present thesis aims to argue that in the post-1689 government of Scotland, we can see a level of what might be termed bureaucratic conciliarism.⁵³

Sovereignty is an equally ambiguous term as authority, but it was one of the *zeitgeists* of early modern Europe. It was a concept which preoccupied many contemporary political thinkers and has likewise attracted significant historiographical exploration. In the nexus of sovereignty, the crown tends to be the guiding light, as we saw in Charles III’s erroneous statement at the beginning of this chapter. However, as Loughlin and more recently Cunningham note, the Crown is also an abstract concept, which ‘symbolically represents the

⁵² Julian Goodare, *State and Society in Early Modern Scotland* (Oxford, 1999), p. 173.

⁵³ R. A. Mason, ‘Counsel and Consent: Aristocratic Conciliarism and the Scottish Revolution’, in Jacqueline Rose (ed.), *The Politics of Counsel in England and Scotland, 1286-1707* (Oxford, 2016), pp. 229-48.

supreme legal authority, power and sovereignty, incorporating an institution of governance and the personality and prerogatives of the reigning monarch.’⁵⁴ Anson also points out that after the Revolution there was a level of duality in the constitution, with the exercise of executive and legislative authority left to the crown-in-council and crown-in-parliament respectively.⁵⁵ The state on the other hand is the structure or amalgamation of institutions which enforces or administers the sovereignty of the crown, which is equally ambiguous.⁵⁶ Here we see the coalescence of the two notions of sovereignty and authority. As Braddick states, the royal prerogative did not entirely emanate from the person of the monarch; also, Laura Stewart points out that the monarch’s ‘prerogatives had to be exercised, and were experienced, through Scottish offices, institutions, and practices.’⁵⁷ As we have seen, there remains debate over whether there was in fact a state in early modern Scotland, with some authors using witchcraft trials and prosecutions in a state formation model and others noting that the level of feuding up until the early seventeenth century showed elements of a noble republic which was slow to develop from its feudal roots.⁵⁸ This thesis lands more firmly on the former school which argues that in the seventeenth century a Scottish state is increasingly evident in institutions and practice. Indeed, Braddick proposes that there was a process of state formation in early modern Scotland which was similar to yet distinct from that which he observes in contemporary England, with Kirk Sessions as a key example of the latter point.⁵⁹ Goodare observes that the

⁵⁴ Martin Loughlin, ‘The State, the Crown and the Law’, in Maurice Sunkin and Sebastian Payne (eds.), *The Nature of the Crown: A Legal and Political Analysis* (Oxford, 1999), pp. 36-7; quote in Cunningham, ‘Lawful Sovereignty’, p. 15.

⁵⁵ W. R. Anson, *The Law and Custom of the Constitution* (2 vols., Oxford, 1911 edition), i, p. 4.

⁵⁶ Loughlin, ‘The State, the Crown and the Law’, p. 37.

⁵⁷ M. J. Braddick, *State Formation in Early Modern England, c. 1550-1700* (Cambridge, 2000), pp. 24, 27; quote from L. A. M. Stewart, ‘The ‘Rise’ of the State?’, in T. M. Devine and Jenny Wormald, *The Oxford Handbook of Modern Scottish History* (Oxford, 2014), p. 223.

⁵⁸ Goodare, *State and Society*; cf. Keith Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh, 2011), pp. 208-46.

⁵⁹ Braddick, *State Formation*, pp. 363, 368-9.

early modern Scottish state in its latter years of existence was comparable in structure to the English one.⁶⁰

The exercise of sovereign authority by different institutions within the state was one factor which defined the idea of *jura majestatis*, which literally translates to ‘the rights of sovereignty’ or ‘the rights of majesty’. This is a concept which ostensibly underscores the absolutist tendencies of the seventeenth century, but it also links political theory to political praxis. Its connections to the monarch and absolutism should not be overstated, despite some conceptualisations of the *jura majestatis*. One of its theorists was the Welsh Royalist and sometime Bishop of Ossory, Griffith Williams (1587/8-1672). When Williams was preaching to the Royalist parliament at Oxford in March 1644, his home was set upon by parliamentarians, his possessions sequestered and his family thrown out.⁶¹ In response, he produced something of a Royalist manifesto in 1644, entitled *Jura Majestatis: The Rights of Kings both in Church and State*. As its title suggests, Williams attempted to set out the legitimacy of monarchical rule and conversely what he saw as the illegitimacy of parliamentarian or republican rule. Nevertheless, his tome provides some interesting examples of the necessity of councils and counsel for the deployment and distribution of monarchical sovereignty. For example, Williams maintained that the king was granted the right by God to appoint the ‘best men’ into councils and synods to pursue the correct religious policies and govern the church in His name in addition to allowing the king to ‘delegate secular authority and civill jurisdiction’ to prelates and bishops.⁶² This is evidently in line with Goodare’s thesis, but with some subtle differences. Although he afforded the utmost earthly power to kings, Williams conceded that ‘there cannot be an argument of greater wisdom in a Prince, nor any thing of greater safety and felicity to the Common-wealth, then [sic] for him to make choice of

⁶⁰ Goodare, *State and Society*, ch. 10.

⁶¹ Vivienne Larminie, ‘Williams, Griffith’, *ODNB*.

⁶² Griffith Williams, *Jura Majestatis: The Rights of Kings Both in Church and State* (Oxford, 1644), pp. 65-6, 72.

a wise Councell to assist him in his most weighty affaires'. 'So all religious Kings must do the like in the government of the Church', he continued.⁶³ He was also scornful of rebellion and any attempts to render the clergy independent of the king or remove them from civil office, since this 'is so necessary for his safety, and so usefull for the government of his people', while claiming that 'it is the Kings right to call whom he pleaseth into his Parliaments and Councells, and to delegate whom he will to discharge the office of a Civill or Ecclesiasticall magistrate'.⁶⁴ But he did recognise that some elements of authority and judgement must be left to the magistrates and councillors independent of the king, since monarchical power was all-encompassing but necessarily limited due to human nature.⁶⁵ That is to say that Williams saw crown authority as entire but that only God could have full unencumbered power and therefore monarchical power was naturally limited because the person of the monarch was a human being.

Williams's was an uncompromising statement of absolute monarchical authority. However he clearly did recognise the need for the king's sovereignty to be exercised by different institutions and, at times, tempered to some extent, although mainly through the belief that the only limit on royal supremacy was God. The Scottish political pamphleteer George Ridpath (d. 1726) on the other hand provided a heavily contrasting view but still within the parameters of the *jura majestatis*. As John Locke (1632-1704) refuted Robert Filmer (1588-1653), so Ridpath fought back against a generation of Royalist theorists – namely George Mackenzie of Rosehaugh (1636-1691) – who had defined parliamentary authority as ultimately stemming from the king.⁶⁶ George Ridpath was a firm Presbyterian, whose work in the later

⁶³ *Ibid.*, p. 76.

⁶⁴ *Ibid.*, p. 93.

⁶⁵ *Ibid.*, p. 164.

⁶⁶ [George Ridpath], *An Historical Account of the Antient Rights and Power of the Parliament of Scotland: To which is Prefixed, a Short Introduction Upon Government in General* (originally published 1703; Aberdeen, 1823), pp. 116-8. This work was published anonymously by Ridpath but some editions have ascribed authorship to Andrew Fletcher of Saltoun.

1690s became increasingly politicised, and he was aligned at that point with Secretary James Johnston and the Country opposition. He had been interested in political thought and sovereignty prior to this; for example, he had translated a work by the Scottish jurist Sir Thomas Craig (c. 1538-1608) which concerned sovereignty in 1695.⁶⁷ In a separate but similar work (which has been ascribed to Andrew Fletcher of Saltoun (1655-1716) but which cannot be confidently attributed to him) an author proposed that two kinds of institutions were necessary to deal with the deficiencies of absolute monarchy and ‘without which no matters of moment can be concluded’.⁶⁸ The first such institution was the law, by which both the monarch and commoner were constrained. The second – often the enforcer or arbiter of such laws – were councils, whose agents (or actors) were councillors.

Ridpath’s conceptualisation of the *jura majestatis* was therefore unsurprisingly considerably different to that of Williams. Williams was a staunch Royalist who saw sovereignty as indivisible, whereas Ridpath viewed it as a more fluid concept which could be shared between institutions. Ridpath promoted the position of the estates and relegated monarchy to ‘a position of trust conferred upon the Prince’ by the former. That prince, he continued, shared with the estates ‘all those things which politicians call the *jura majestatis*, as the power of making laws, the power of raising money, the power of peace and war, the power of making leagues and treaties, the power of making officers of law and state, and a joint power in the whole administration.’⁶⁹ He also added that granting pardons, military affairs, coinage, and constraining absolutism were aspects of the *jura majestatis*.⁷⁰ While his focus was mainly on parliament, it is clear that the Privy Council shared most if not all of these competencies. Whereas Williams promoted the monarch as God’s representative on earth, Ridpath believed

⁶⁷ G. A. Aitkin, revised by John R. Young, ‘Ridpath, George (d. 1726), *ODNB*.

⁶⁸ [Anonymous], *Some thoughts concerning the affairs of this session of Parliament, 1700* (Edinburgh, 1700), pp. 1-4.

⁶⁹ [Ridpath], *An Historical Account*, p. 27.

⁷⁰ *Ibid.*, pp. 28, 77, 80, 82-3,

that it was the duty of political institutions to temper the potential absolutist tendencies of a monarch. It was not only an abstract political theory, but it was in line with his proposition for a confederal system something akin to the kind of city-states we see in early modern Italy.

Moreover, the connection between councils and parliaments was paramount for those stressing that sovereignty could be shared, implying that such councils acted as committees of legislatures. The work attributed to Fletcher connected good governance with a monarch surrounded by ‘Wise Councillors’ and ‘advised by their *Parliaments* in things relating to the Publick Good’, linking this to ancient Greek thought expounded by Plutarch and connected with Dionysius of Halicarnassus.⁷¹ Councillors provided counsel outwith the parliamentary setting but connected the crown and its legislature. In a similar fashion the English Privy Council has been described by Geoffrey Elton as providing a ‘point of contact’ between monarchs and their subjects; and Braddick argues that ‘it provided an avenue for ambition and a channel for communication’.⁷² This would tend to concur with the idea that parliaments were instruments for political consensus, which developed from medieval general councils.⁷³ Although Scottish government has often been described as underdeveloped in the early modern period, this thesis aims to outline that these arrangements point to significant development and specialisation in governmental departments, particularly after the Revolution.

Notwithstanding the ideological standpoints of the respective authors, the concept of *jura majestatis* is critical to the following thesis. It is argued here that it is a theory which connects the threads of state formation, the exercise of state and crown power, and the intricacies of government administration. It is, moreover, a framework which allows us to look beyond absolutism, to assess the practical application of political ideas espoused during and

⁷¹ *Some thoughts concerning the affairs of this session of Parliament*, pp. 4, 8.

⁷² G. R. Elton, ‘Presidential Address: Tudor Government: The Points of Contact. II The Council’, *Transactions of the Royal History Society*, 25 (1975), pp. 195-211; Braddick, *State Formation*, p. 23.

⁷³ K. M. Brown, *Kingdom or Province? Scotland and the Regal Union 1603-1715* (Basingstoke, 1992), p. 13; Goodare, *The Government of Scotland*, p. 39.

after the Revolution. Whether royalist, parliamentary or indeed republican, the theorists of the *jura majestatis* recognised that sovereignty was divisible and distributable. A key facet of this division of sovereignty, or more precisely, the division of its practical application, were councils. Whereas Williams and Ridpath disagreed on the respective limits and rights of parliaments, they both recognised the need for conciliar institutions to wield sovereign power in both church and state. Both authors recognised that certain rights were exercised by supreme institutions and no others, which in some ways conforms with Rosehaugh's typology of governmental co-dependency and the distinction between 'supream' and 'inferior' institutions in Scotland.⁷⁴ Therefore, the *jura majestatis* is used here as a useful framework for recognising the duality of sovereignty and its practical application. This somewhat broad definition allows us to take account of cooperation, consent and conflict in intergovernmental and crown-conciliar relations and to move beyond the previously narrow focus on jurisdictional rivalries and the clashing of competencies. Cooperation and consent in early modern intergovernmental relations have often been undervalued in favour of a focus on competition and rivalry in scholarly literature. On the contrary, Hannes Ziegler highlights the necessity of trust in the early modern Holy Roman Empire with reference to its Privy and Aulic councils in which the practical notion of the 'possibility or impossibility of political trust' was utmost for political actors, rather than a theory propounded by authors.⁷⁵ This is not an attempt to uncritically claim that relations between institutions was perpetually cordial. But it does aim to suggest that the very functioning of the state relied upon conciliatory policies and compromise between institutions and disparate interests.

The above concepts are therefore relevant to government administration in late seventeenth and early eighteenth-century Scotland. This will be the focus of the present thesis,

⁷⁴ George Mackenzie of Rosehaugh, *Institutions of the Law of Scotland* (Edinburgh, 1684), pp. 14-16.

⁷⁵ Hannes Ziegler, 'Privy Council Deliberations on Trust: The Holy Roman Empire around 1600', in László Kontler and Mark Somos (eds.), *Trust and Happiness in European Political Thought* (Leiden, 2017), p. 297.

which takes a broad definition of government administration. It looks mainly into two main themes of government, which are civil and church government, through the prism of the Privy Council. While this institution was fundamentally one of central government the thesis also delves into local government and intergovernmental relations through assessing the council's relationship with other institutions of church and civil government. It aims to provoke a fundamental reassessment of the place of the Scottish Privy Council in the government of Scotland between the Revolution and its abolition.

Sources and Structure

Having set out the historical and historiographical context, the source basis of this thesis is as follows. It will mainly make use of official records in order to reconstruct the role of the Privy Council in the government administration of Scotland in the post-Revolution period. First and foremost, this thesis makes use of the manuscript sources of the Scottish Privy Council. Although the council's registers from the sixteenth century up to 1691 have been edited and collated into published volumes, those covering the remaining years of its existence still only exist in manuscript form. The registers of Acta (public register) and Decreta (private register), all of which are housed in General Register House of the National Records of Scotland, provide the bulk of the source basis for the present thesis. Supplementing this are miscellaneous Privy Council materials, such as minutes, proclamations, committee proceedings, and other documents which did not make it into the official register. Such materials have been neglected to an even greater extent than the council registers in the period covered by this study. Thirdly, the thesis makes use of official documents from other governing bodies, such as Parliament, and in particular the regional and central courts of the Church of Scotland. For differing religious points of view, unofficial records such as correspondence and diaries have been

consulted alongside some official records from the Anglican Church for instance in order to assess how religious minorities interacted with the Privy Council. Epistolary correspondence between councillors has been used to an extent but a full survey of private relationships and manuscript letters is beyond the scope of this thesis, which focuses on the council as an institution more than on its individual members.

This thesis is structured in six main chapters, which cover the twenty years (inclusive) of this study chronologically. A chronological approach allows an assessment of change over time and differences between the administrations of separate monarchs. Chapter one investigates the Williamite Revolution from 1689 to 1691 while also setting out the functions and composition of the Privy Council. Chapter two zooms out somewhat to assess the nature of government in the 1690s, between around 1692 and King William's death in the spring of 1702. The third chapter aims to investigate the consolidation and implementation of as well as resistance to the religious settlement of the Revolution. Historians thus far have preferred to analyse the church settlement itself and, with the exception of Raffé, have focused largely on distinct confessional groups. This chapter assesses church government, nonconformity in all its guises, and aims to elucidate attempts at reforming the church settlement. Chapter four extends this discussion into Anne's reign and focuses on the changing dynamics in church government and religion more broadly after 1702. These two chapters will re-evaluate the role of the Privy Council in relation to the church, which was complex and which demonstrates an institution willing on one hand to uphold the Revolution settlement and defend the Kirk, and on the other one which was increasingly influenced by the growing trend towards toleration and religious pluralism. The final two chapters assess the council's administrative capacity in the years between 1702 and 1708. Chapter five homes in on the changing political priorities between 1702 and around 1706 along with the Anglo-Scottish crisis years by probing the council's management of affairs. The final chapter explores the council's final years and

demise, from around 1706 until May 1708, while also explaining some of the problems caused by its abolition in the aftermath.

1

‘The Board’ in Revolution, 1689-1691

And then the wind turned into the south: and a soft and happy gale of wind carried in the whole fleet in four hours’ time into Torbay [...] As soon as I landed, I made what haste I could to the place where the prince was; who took me heartily by the hand, and asked me, if I would not now believe predestination. I told him I would never forget that providence of God which had appeared so signally on this occasion. He was cheerfuller than ordinary.¹

Perhaps the most fundamentally important and consequential process in the political and religious development of early modern Scotland was the Williamite Revolution of 1688-1691. The 1689 Claim of Right and Articles of Grievance have recently been described as the touch stone of modern Scottish democracy.² James VII was deposed in late 1688 before he fled and contiguous ‘rabblings’ erupted against Episcopalians in southwest Scotland, and the legislative Revolution began in 1689 with the sitting of the Convention of Estates. The Privy Council was not to sit until March of that year. Often lauded by traditional scholarship as conservative, unrevolutionary, and either glorious or bloodless, the Scottish Revolution was in fact an internecine struggle for power, which pitted Jacobites against Williamites and Episcopalians against ascendant Presbyterians. Early assessments of the English Revolution argued in favour of the Revolution’s sensibility, civility and steps towards modernity due to the settlement’s perceived embodiment of liberty.³ For a generation of Scottish historians in the late-twentieth

¹ [Gilbert Burnet], *Bishop Burnet’s History of his own time: with the suppressed passages of the first volume, and notes by the earls of Dartmouth and Hardwicke, and Speaker Onslow, hitherto unpublished*, eds. Martin Joseph Routh and Thomas Burnet, 6 vols. (Oxford, 1823), iii, pp. 311-12.

² Ben Jackson, *The Case for Scottish Independence: A History of Nationalist Political Thought in Modern Scotland* (Cambridge, 2020), p. 35. Jackson proposes a link between the Claim of Right in 1689, the founding of the Scottish Parliament in 1999 and the Scottish Constitutional Convention of the 1980s, with its promulgation of a separate Claim of Right in 1989.

³ T. B. Macaulay, *The History of England from the Accession of James the Second*, ed. Sir Charles Firth, 6 vols. (London, 1913-15); G. M. Trevelyan, *The English Revolution, 1688-1689* (London, 1938).

century, the Revolution was a lesson in Scottish political underdevelopment. It was an event imported from England by a group of ‘reluctant revolutionaries’.⁴ The nobility’s justification for what was viewed as a coup was apparently minimal, concerned primarily with references to feudal law and producing no clear attempt to engage with contemporary political thought.⁵

Scholarship this century has tended to move beyond the conservative viewpoint. This has been grounded in a reassessment of both the Revolution settlement and the Restoration, which some historians have considered as an abject failure in terms of political development due to perceptions of absolutism and royal subversion of parliament.⁶ Clare Jackson illustrates the importance and level of political thought in the lead up to and process of the Revolution in Scotland and Alasdair Raffe sheds light on local commitment to the Williamite cause.⁷ On the former point, there is clear evidence to now state with confidence that the Scottish Revolution was grounded in and justified by political theory which was both innovative and based on traditional notions, such as covenanting and resistance theory. Roger Mason, in an influential article, brings to light the historical uses of the Declaration of Arbroath (1320).⁸ Although Humanist scholars often neglected it, Mason identifies a resurgence of interest in the document around 1689 (after a rough translation by Rosehaugh in the earlier 1680s). Copies were printed in an attempt to legitimise the Revolution within a historical context and upon a political

⁴ Gordon Donaldson, *Scotland: James V to James VII* (Edinburgh: Oliver & Boyd, 1965), p. 383; Rosalind Mitchison, *Lordship to Patronage: Scotland 1603-1745* (Edinburgh, 1983), p. 116; I. B. Cowan, ‘The Reluctant Revolutionaries: Scotland in 1688’, in Eveline Cruickshanks (ed.), *By Force or By Default? The Revolution of 1688-1689* (Edinburgh, 1989), pp. 65-81.

⁵ Bruce Lenman, ‘The Poverty of Political Theory in the Scottish Revolution of 1688–1690’, in L. G. Schwoerer (ed.), *The Revolution of 1688–1689: Changing Perspectives* (Cambridge, 1992), pp. 244-59; Bruce Lenman, ‘The Scottish Nobility and the Revolution of 1688–1690’, in R. A. Beddard (ed.), *The Revolutions of 1688* (Oxford, 1991), pp. 137-62.

⁶ R. A. Lee, ‘Retreat from Revolution: The Scottish Parliament and the Restored Monarchy, 1661–1663’, in J. R. Young (ed.), *Celtic Dimensions of the British Civil Wars* (Edinburgh, 1997), pp. 185-204; K. M. Brown, *Kingdom or Province? Scotland and the Regal Union, 1603-1715* (Basingstoke, 1992); I. B. Cowan, *The Scottish Covenanters, 1660-1688* (London, 1976). For a notable exception, see: G. H. MacIntosh, *The Scottish Parliament under Charles II, 1660-1685* (Edinburgh, 2007); G. H. MacIntosh, ‘“Royal Supremacy restored?” Scottish parliamentary independence in the Restoration era’, *PER*, 34:2 (2014), pp. 151-66.

⁷ Clare Jackson, *Restoration Scotland: Royalist Politics, Religion and Ideas* (Woodbridge, 2003), ch. 8; Raffe, *Scotland in Revolution*, chs. 5-6.

⁸ R. A. Mason, ‘The Declaration of Arbroath in print, 1680-1705’, *The Innes Review*, 72: 2 (2021), pp. 158-176.

continuum undergirded by the tenets of laws, liberties, and elective monarchy. James Walters has also convincingly argued that covenanting ideas concerning revolution were in fact imported into England from Scotland in the late seventeenth century and came to underpin the English settlement of 1689, which shows a reversal of the previous view that ideas ran in the opposite direction.⁹

Garnering an increased scholarly interest though it is, little remains known about how the Williamite Revolution was implemented, consolidated, and legitimised on a day-to-day basis in Scotland. Although the constitutional settlement was fundamental, far-reaching, and immediately impactful, Mann has posited that there was considerable administrative mess following the Revolution.¹⁰ Moreover, the role the Scottish Privy Council played in government between 1689 and 1691 has not been studied in depth. This is with the exception of excellent recent work on the Privy Council in the Revolution and post-Revolution period, though Laura Rayner's analysis begins in 1692 with a focus on the Treasury Commission and Gillian Macdonald homes in on intelligence networks.¹¹ The council, moreover, still retains a reputation as a body of hardline and uncompromising Presbyterians. Shukman argues that the council under the presidency of the earl of Crawford was 'extremist'.¹² This corresponds with the contemporary polemics found in John Sage (1652-1711) and Archibald Pitcairne (1652-1713).¹³ Although it was, as this chapter shows, of fundamental importance for the pursuance

⁹ James Walters, *The National Covenant and the Solemn League and Covenant, 1660-1696* (Woodbridge, 2022).

¹⁰ A. J. Mann, 'Inglorious Revolution: Administrative Muddle and Constitutional Change in the Scottish Parliament of William and Mary', *PH*, 22: 2 (2003), pp. 121-144.

¹¹ Laura Rayner, 'The Tribulations of Everyday Government in Williamite Scotland', in Sharon Adams and Julian Goodare (eds.), *Scotland in the Age of Two Revolutions* (Woodbridge, 2014), pp. 193-210; G. S. Macdonald, 'Black-boxes, flying packets, and espionage: the information trade and Scottish governance, 1689-1691', *PER*, 40:3 (2020), pp. 269-289. See also: Laura Rayner, 'The Scottish Privy Council, Treasury Commission and the Governance of Scotland: 1692 - 1698', unpublished MSc dissertation (University of Edinburgh, 2008).

¹² Shukman, *Bishops and Covenanters*, p. 29.

¹³ Sage was an Episcopalian polemicist while Pitcairne was, as Raffe identifies, a significant religious heterodox thinker who was no fan of 'the board', which he ridiculed in his treatment of the 1690 General Assembly in a satirical play written in 1692. Crawford was represented there as 'Lord Whiggridden' and Pitcairne drew on Crawford's speech to parliament in 1690 in which he spoke of the biblical figure Nehemiah to caricature him as a self-interested and ditsy Presbyterian zealot, who confused the planting of churches with horticulture. Alasdair Raffe, 'Archibald Pitcairne and Scottish Heterodoxy, c. 1688-1713', *The Historical Journal*, 60: 3 (September

of a Presbyterian settlement, the council's role in religion was far more complex and less duplicitous than Shukman claims.

This chapter will outline the religious and political functions of the Privy Council and suggest some of the implications of this for the nature of government in Scotland following the Williamite Revolution, which will be discussed in the following chapter. It will argue that the Privy Council's role embodied executive and ecclesiastical management of affairs within Scotland, showing that the council was a powerful and autonomous body with the ability to act with independent authority. In so doing, it will challenge previous assessments of the council which have focused on its judicial remit and its role in an absolutist state and consequently downplayed its function as an independent executive.

The Fabric of the Post-Revolution Privy Council

The Privy Council, or the 'board' as it was often referred to,¹⁴ was appointed by the monarch(s). Individual councillors could also be removed at the appointment of a new council. Importantly, not all named members attended the council, which highlights that some appointments were ceremonial; for instance, Prince George of Denmark never attended the council despite being named. This corresponds with Lionel Glassey's observations about the importance of patronage and political elevation in the appointment of justices of the peace in contemporary England.¹⁵ Appointments were carried out with help from a coterie of advisors,

2017), pp. 633-57; [William Lindsay, Earl of Crawford], *The speech of William Earl of Crawford presented to the Parliament of Scotland* (Edinburgh, 1690); Archibald Pitcairne, *The Assembly; or, Scotch reformation: a comedy. As it was acted by the persons in the drama. Done from the original manuscript, written in the year 1692* (Edinburgh, 1766), p. 15.

¹⁴ See correspondence between the earls of Crawford and Melville between 1689 and 1691 in which the former regularly describes the Privy Council as the 'board': W. H. Leslie Melville (ed.), *Leven and Melville Papers; Letters and State Papers Chiefly Addressed to George Earl of Melville, Secretary of State for Scotland, 1689-1691* (Edinburgh, 1843), pp. 273, 299-300, 304, 317, 343-4, 349, 369.

¹⁵ Lionel K. J. Glassey, *Politics and the Appointment of Justices of the Peace, 1675-1720* (Oxford, 1979).

especially after the regal union of 1603 rendered the monarch absent from Scotland. For instance, during the post-Revolution period the likelihood is that suitable individuals would be listed and handed to the monarchy by the Secretary of State, Lord Melville. Important also to post-Revolution government in Scotland was William's key advisor, Hans Willem Bentinck, first earl of Portland (1649-1709). Since William was so often on campaign and never visited Scotland, Portland was effectively in charge of Scottish affairs from court and Melville was advised by then Lord Advocate, Dalrymple to write to Portland as if he were the king in 1689.¹⁶ Gaining direction from court was no new affair, due to the ramifications of regal union. During the Restoration there was even a Scottish council in London which reported on domestic affairs to Charles II. Executive government would clearly normally be made up of individuals favourable to the monarch. It is therefore unsurprising that around a quarter of the Scottish Privy Council appointed in May 1689 was made up of erstwhile Scots-Dutch exiles and their kin.¹⁷ But this council did not serve the entire period from May 1689 until the reconstitution of the council in March 1692. There were several appointments and removals which are worth further exploration.

In total, twenty-two individuals were removed from the Scottish Privy Council between 1689 and 1692. Eleven councillors named in 1689 and 1690 were not present in 1691. Notwithstanding the earls of Mar and Dundonald (who died in 1689 and 1690 respectively) there were seven removals which were explicitly political. Three of these (James Montgomery of Skelmorlie, Lord Ross and the Earl of Annandale) were members of the parliamentary opposition, the 'Club', which pressed for radical reform of the political landscape and succeeded in its campaign to have the Lords of the Articles abolished in May 1690, much to

¹⁶ David Onnekink, *The Anglo-Dutch Favourite: The Career of Hans Willem Bentinck, 1st Earl of Portland (1649-1709)* (London, 2007), pp. 111-3.

¹⁷ Ginny Gardner, *The Scottish Exile Community in the Netherlands 1660-1690* (East Linton, 2004), p. 202.

William's distaste.¹⁸ Hence, these individuals had revolutionary motivation behind involvement in central government. Another was the Marquis of Atholl, an ardent Royalist throughout the upheavals of the late seventeenth century who had served as Lord Keeper of the Privy Seal from 1672 to 1689.¹⁹ He was a fierce Jacobite and raised a troop of forces to fight the Williamites during the conflict. Two more individuals removed were the Earl of Glencairn and Hugh Campbell of Cawdor. Derek Patrick asserts that Glencairn 'represented the Revolutioner interest' and exercised 'considerable influence', and he was a colonel in service in Ireland with his own regiment, so this was no political removal.²⁰ Young records that Cawdor was excused from parliament in 1693 due to infirmity, which perhaps explains his departure from executive office.²¹

Other removals can be described as arising from administrative reorganisation. There were two more Privy Councillors named in 1690 who did not sit in 1691, Adam Cockburn of Ormiston and Hugh MacKay of Scourie.²² But were these politically charged dismissals from office? MacKay was not as he was still serving in their majesties' forces at that time and was included in the 1692 council. Also, Cockburn did not experience political eclipse as he was later to serve in numerous governmental posts such as Lord Justice Clerk in 1692 and he was again named on Privy Councils in 1696, 1698, and 1707.²³ So neither were motivated by a desire to spurn (potentially) oppositional individuals. Instead, they represent an element of restructuring within the Williamite government.

There was a similar swathe of removals and appointments in 1692. A further eleven members of William and Mary's Privy Council were not to serve after 1691. One of these was

¹⁸ James Halliday, 'The Club and the Revolution in Scotland', *The Scottish Historical Review*, 45: 140 (October 1966), pp. 143-159.

¹⁹ David Stevenson, 'Murray, John, first marquess of Atholl (1631-1703)', *ODNB*.

²⁰ Patrick, 'People and Parliament in Scotland', p. 178.

²¹ Margaret D. Young, *The Parliament of Scotland: Burgh and Shire Commissioners*, 2 vols. (Edinburgh, 1992), i, p. 94.

²² *RPCS*, xvi, pp. vii-viii.

²³ D. J. Patrick, 'Cockburn, Adam, of Ormiston, Lord Ormiston', *ODNB*.

the Lord Provost of Edinburgh and he was replaced by the incoming provost, which is insignificant except in regard to the influence of central magistrates rather than those from the 'localities'.²⁴ Another was the Earl of Crawford, though he continued to serve as President of Parliament until 1693 having been appointed to the role in 1689 as well as attending many council meetings, albeit not as a named councillor. Also, George Campbell of Cessnock was named in 1691 but did not sit in 1692 (one of the eleven members recorded above).²⁵ He did not ebb politically either because he continued as a parliamentary commissioner and sat on Privy Councils later in the decade. Campbell suffered from ill health around 1691 also, so this cannot be categorised as strictly political.²⁶ Therefore, there were eight dismissals which can be described as driven by political expedient. Although this does not necessarily suggest a critical mass of removals, there were additional dismissals in the following years, many of which involved critical actors in Scottish public life.

Out of a total of fifty-four councillors who served between May 1689 and the appointment of the new Privy Council on 3 March 1692, there were twenty-two removals and a further nineteen appointments. Around a quarter (40.7%) were removed (or died) in the Revolutionary upheaval of 1689-92 and over a third (35.2%) were appointed during that same period. However, there were only fifteen (27.8%) which could be classed as overtly political dismissals, as they were intended to remove councillors from government. There were some influential statesmen removed and there were eleven individuals named in 1692 who had no prior experience in the council, none of whom except William Anstruther of that ilk were to ever serve on the council again; albeit in its new iteration under Queen Anne, in 1704.²⁷ Six councillors were also named in 1690 who had not previously served and a further two were

²⁴ *RPCS*, xvi, pp. vii-viii.

²⁵ *Ibid.*, pp. vii-viii; NRS, PC 1/48, pp. 1-2, 2 February 1692.

²⁶ R. L. Greaves, 'Campbell, Sir George, of Cessnock', *ODNB*.

²⁷ NRS, PC 1/48, pp. 1-2; D. J. Patrick, 'Anstruther, Sir William, of that ilk, Lord Anstruther', *ODNB*.

named in 1691, though one was provost of Edinburgh.²⁸ All of these actually only sat until either 1691 or 1692. These appointments were temporary, suggesting that the initial period of revolutionary activity was concerned with maintaining at least a nominal sense of stability, continuity, and legitimacy in executive government.

Positions on the Privy Council not only underscored significant clout in central government, but also consolidated local power bases. For example, the laird of Grant was appointed to the Privy Council in 1689, a position he held throughout the decade as well as serving as a parliamentary commissioner for Inverness-shire and holding numerous committee posts. He was heavily involved in Highland affairs and was a prominent landholder in and around Moray. Grant, a man with Presbyterian sensibilities, also brought four libel cases against Episcopalian ministers in Moray in November 1689, all of whom were ultimately deposed from their charges.²⁹ Furthermore, he was added to the committee ‘formerly appoynted for considering the proposalls made for suppressing of robbries and deprađationes in the highlands’ on 29 January 1691.³⁰ His attendance throughout 1690 and 1691 was amongst the lowest third, with 33 and 37 appearances at council meetings in those years respectively. However, he was prominent throughout 1689-91 in all matters to do with Highland affairs and of local significance in Moray.

The Lord Provost of Edinburgh Sir John Hall of Dunglass, who served as provost in 1689-91 and 1692-4, attended 85 council meetings in 1690 which was amongst the highest, although he attended only eighteen sessions the following year. It is interesting – though perhaps not surprising considering its leading role in the Convention of Royal Burghs – that Edinburgh was the only burgh to have its leading magistrate represent it on the executive council. This points to a level of centralisation of government bureaucracy and the growth of

²⁸ *RPCS*, xv, pp. xvi-xvii; *RPCS*, xvi, pp. vii-viii.

²⁹ *RPCS*, xiv, pp. 498-500.

³⁰ *RPCS*, xvi, p. 71.

Edinburgh as a political nucleus which had important ramifications for the composition of government. Ronnie Lee shows that the Lord Provost of Edinburgh was utilised to bolster certain political groupings on the council during the Restoration, and often constituted part of what he calls an 'inner core' of the council.³¹

Importantly, the proceedings of the council did not require attendance by all nominal councillors. Although around forty councillors were named in each commission, many did not attend, and business could be dealt with by a quorum of nine.³² At times there was difficulty even obtaining a quorum, such as in December 1691, when a letter had to be sent to the king in order to obtain a constant body in Edinburgh of sufficient size, which cited that meetings had had to be cancelled 'for want of a quorum'.³³ However, the quorum was not always required. It was decided on 24 February 1690 that matters could be voted upon by 'the major part of the councillors present', rather than by the full council or quorum.³⁴ This reinforces Laura Rayner's argument that administrative matters could be operated by an 'inner ring'.³⁵ Sederunt lists show who the most prominent attendees at council were in the period from 1689-91, such as the Earl of Crawford, Viscount Stair and Lord Cardross. The prominence of such individuals and relative inactivity of other members suggests that there was an influential grouping within the council which mediated over important matters. Indeed, it seems as though this grouping (which could be termed 'the lords of secret council') was perhaps analogous to the contemporary English cabinet. For instance, E. R. Turner has argued that the English Privy Council's importance declined in the latter half of the seventeenth century as the role of the cabinet became more prominent and influential to government.³⁶ One important caveat to this

³¹ R. A. Lee, 'Government and politics in Scotland, 1661-1681', unpublished PhD thesis (University of Glasgow, 1995), pp. 57, 75.

³² George Mackenzie of Rosehaugh, *The Institutions of the Law of Scotland* (Edinburgh, 1684), p. 25.

³³ *RPCS*, xvi, p. 600.

³⁴ *RPCS*, xv, p. 107.

³⁵ Rayner, 'The Tribulations of Everyday Government', p. 198.

³⁶ E. R. Turner, *The Privy Council of England in the Seventeenth and Eighteenth Centuries, 1603-1784*, 2 vols. (Baltimore, 1927-1928); E. R. Turner, 'The Development of the Cabinet, 1688-1760', *The American Historical Review*, 18: 4 (July 1913), pp. 751- 768.

is that many councillors simply attended when they needed to, for specific local or thematic issues. As we will see below the lairds of Grant and Brodie were heavily involved in the process of ministerial deprivations in the north of Scotland, so attended when those matters were heard but were infrequently in Edinburgh aside from that. Also, many officers of state were often away at court and therefore not in attendance at the board but remained in contact with Edinburgh, such as Melville and later James Johnston after 1692. Whereas there is evidence to suggest that an inner ring may have operated, it appears that the situation was perhaps more complex than it may first appear.

Deprivations of the Clergy, 1689

Following the abolition of Episcopacy in July 1689, there was a sustained campaign to remove the revenues of the bishops and bishoprics combined with the purging of Jacobite teachers in academic institutions. Presbyterian church government was not established until 7 June 1690, though.³⁷ Hence, there was a period of almost a year in which there was no active or viable church government to speak of: the church *interregnum*.³⁸ There were, however, semblances of Presbyterian structure and some church courts were being assembled in earnest by late-1689, made up of indulged ministers (from 1687) and quondam dissident exiles. Nevertheless,

³⁷ *RPS*, 1690/4/43.

³⁸ The Presbyterian pamphleteer Gilbert Rule (c. 1629-1701) was the first of his contemporaries to define this period as an '*interregnum*', which was an element of his anonymous rejoinder to the Episcopalian polemics written by, amongst others, John Sage. Sage refused to recognise the authority of the Presbyterian church due to his belief that it had been founded on spurious or even illegal pretences, whilst Rule differentiated between 'sober' and radical Presbyterians and looked to legitimise the newly established Kirk. Alexander Shields (1661-1700) also used the idea of an *interregnum* to defend the rabblings as Rule had done, though more explicitly, since the latter maintained that such disturbances were simply bound to occur due to the vacuum of church government, whilst Shields was an outright proponent of what he saw as 'godly' popular actions. Alasdair Raffé has recently endorsed this idea of a church *interregnum*, and this thesis therefore also uses this term as a useful characterization of the period of the Revolution during which there was no official church government. [Gilbert Rule], *A second vindication of the Church of Scotland: being an answer to five pamphlets, the titles of which are set down after the preface* (Edinburgh, 1691), pp. 26-7, 36-7, 41, 149 ; [John Sage], *Afflicted Clergy* (London, 1690), pp. 1-8, 13, 15, 52, 58; Raffé, *The Culture of Controversy*, p. 222.

in this vacuum the Privy Council acted much like a national court of the church, or certainly one ostensibly upholding the Presbyterian interest. The council actively sought out Episcopalian strongholds, meeting houses, and turned a blind eye to the mob rule of the presbyterian rabble.³⁹ Moreover, it carried out 177 deprivations of parish ministers which often contained embellished evidence from witnesses favourable to the establishment (see Appendix III). In 1689 alone, a total of 198 ministers were removed from their charges by Parliament and Privy Council and a great deal more by these institutions in conjunction with the church courts in the following decade.⁴⁰

Two Acts of Parliament on 25 April 1690 also fundamentally shaped the church settlement prior to its implementation in parliament. The first act was, on account of the Articles of Grievance, an abolition of the royal supremacy in religion – established by the second parliament of Charles II in 1669 – which emboldened crown power over the church.⁴¹ Secondly, all Presbyterian ministers who were deposed after 1661 (the so-called ‘antediluvians’) could be eligible to be restored to their former parishes.⁴² Returning around seventy Presbyterians, this was enforced by the Privy Council and around fifty (though many more were carried out later in the decade) Episcopalians were consequently deprived of their benefices.⁴³ Thereafter, the Westminster Confession of Faith was adopted in June, patronage was removed, and church government by General Assembly, Synods, Presbyteries, and Kirk Sessions reinstated. When the assembly met in the winter of 1690, after a hiatus of forty-seven years, it initiated a sustained campaign of establishing a church polity from the bottom up.

³⁹ See *RPCS*, xiv.

⁴⁰ Clarke, ‘The Scottish Episcopalians’, pp. 578-85.

⁴¹ *RPS*, 1669/10/13; *RPS*, 1689/3/121; *RPS*, 1690/4/12.

⁴² *RPS*, 1690/4/13.

⁴³ These removals are recorded in a plethora of different archival records and other primary sources which are too numerous to cite here, but reasonably accurate lists of parish ministers in this period are: NLS, Lists of Presbyterian and Episcopalian ministers, the names arranged under the presbyteries in each synod, Adv. MS.34.7.9, fos. 21-89; NLS, Lists of ministers in 1662, 1689 and 1701, Adv. MS.32.3.6, fos. 13-27.

During the church *interregnum* the Privy Council effectively set the stage for the reintroduction of Presbyterian church government. One of the council's roles in securing the Revolution was through the deposition (or deprivation) of parish ministers. Libel cases were brought before the council by or on behalf of parishioners, who had been encouraged to report ministerial insubordination by a proclamation on 6 August 1689.⁴⁴ This ordered lay individuals to report their pastors for failure to read the Convention of Estates' proclamation of 13 April 1689 and disobedience in praying for their majesties, William and Mary.⁴⁵ Many of the libels mentioned other proclamations and acts of parliament which the council enforced, such as adherence to public fasts or thanksgiving days and collections for French and Irish Protestants. Tristram Clarke, in an authoritative doctoral thesis, finds 193 clergymen who were ousted due to the Estates' proclamation of 13 April.⁴⁶ However, this includes deprivations by the Privy Council, the Committee of Estates, and the parliamentary Committee for Securing Peace. Clarke points out that a total of 172 deprivations were ordered by the council alone between 26 July and 29 November 1689. Analysis of the 1689 council register for this thesis has revealed a total of 177 ministerial deprivations in that period. Therefore, it is the latter number which this chapter will focus on.

The removal of ministers from their charges was ostensibly an outright religious act, but many cases were also motivated by political imperatives. Each one cites the declaration of Estates of 13 April 1689. The proclamation forbade the public acknowledgement of James VII as king and ordered as a corollary all ministers to explicitly pray for William and Mary as joint monarchs of Scotland, Ireland, England, and France.⁴⁷ Additionally, it was stated that all ministers currently within their charges were to be protected, though under the proviso that

⁴⁴ *RPCS*, xiv, p. 19.

⁴⁵ *RPS*, 1689/3/116.

⁴⁶ Tristram Clarke, 'The Scottish Episcopalians, 1689-1720', unpublished PhD thesis (University of Edinburgh, 1987), p. 585.

⁴⁷ *RPS*, 1689/3/116.

they were in favour of the current government. This latter addendum had specific ramifications – at least nominally – for the ongoing ‘rabbling’ (harassment and at times extra-judicial removal) of episcopal clergy in the southwestern shires. Although the Articles of Grievance on 13 April 1689 and Claim of Right (issued two days prior) are often considered hallmarks of the comparatively radical Revolution in Scotland, the proclamation of that same day was undoubtedly more consequential and influential for the religious work of the council thereafter.

Legal cases brought before the council were often presented with multiple accusations of wrongdoing or moral corruption. Only one case out of the 177 studied here mentioned liturgical aspects of a ministers’ conduct for which he was to appear before the council. This was Alexander Lindsay, the minister of Cortachy in the Presbytery of Forfar, who was deposed on 29 October 1689. Even this case was based largely upon the political suspicions of Lindsay, who had failed to obey the reading of the Estates’ proclamation, nor did he pray for William and Mary as king and queen of Scots or collect for French and Irish Protestants. Also, Lindsay was accused of continuing to pray for James VII, taking his inspiration from Luke chapter ten and Ezra chapter four amongst other elements of scripture to divinely legitimise his rationale for Jacobitism.⁴⁸ His rhetoric is recorded and is worth quoting in full. He is noted as saying: “Wher now shall wee seek religione, for pagons and infidells have it not, Turks and Mahumatants have litle of it, but papists have too much of it, and Protestants have lost their old religione and ther new religione is greatly to be feared”.⁴⁹ The council register goes on to state that ‘lykas at ane other tyme [...] he said he would never forgive nor forget [what] evill the Presbyterian partie hade done in killing their king and murdering their high preists’.⁵⁰ This was but one of the many accusations laid against him, including drunkenness and serial disaffection with the post-Revolution government and the Presbyterian Kirk. However, it

⁴⁸ *RPCS*, xiv, pp. 447-9.

⁴⁹ *Ibid.*, p. 448.

⁵⁰ *Ibid.*

seems somewhat remiss to categorise this case as motivated by religious reasons above all, since there were a multitude of factors at play. It is certainly an outlier in terms of the other libel cases and deprivations carried out by the council, but in many ways it also follows the pattern of previous cases in its references to political considerations.

The majority of other libel cases were arguably politically motivated. The earl of Crawford was unambiguous in his explanation of why ministers were proceeded against. Crawford was appointed president of the Privy Council in the second half of 1689 and was a zealous presbyterian. He also served as President of Parliament from 1689-93 and sat on the Committee for Settling Church Government in 1690.⁵¹ In a letter to the Secretary of State, Lord Melville on 21 January 1690, Crawford exclaimed that ‘no Episcopal man, since the late happy revolution, whither laick or of the Clergy, hath suffered by the Council upon the account of his opinion in Church matters, but allennarly [only] for their disowning the civil authority, and setting up for a cross interest’.⁵² From a man so deeply involved in the deposition and removal of ministers this is clear evidence that the primary consideration of the council in ecclesiastical prosecutions was political. Crawford, moreover, was to become one of the key actors in securing a presbyterian settlement and his lack of sympathy for episcopal clergy is representative of the majority of William’s post-revolution executive.

In other cases, pursuers cited ministers’ poor personal conduct. For example, Robert Young, minister in Kippen stood accused of a plethora of ‘abominable crymes’ such as celebrating the Jacobite victory at Killiecrankie and generally failing to administer his clerical role suitably through drunkenness, gambling and illicit selling of goods.⁵³ Although his personal conduct was brought into question this did not form part of the council’s libel case against him and was not considered relevant but were likely cited in order to bolster the case

⁵¹ T. F. Henderson, revised by Derek J. Patrick, ‘Lindsay, William, eighteenth earl of Crawford and second earl of Lindsay’, *ODNB*.

⁵² *Leven and Melville Papers*, pp. 376-7.

⁵³ *RPCS*, xiv, pp. 372-4.

against him. Instead, Young was deprived from his charge solely for failure to read the Estates' proclamation and consistent disaffection to the present government. Since 'the saids Lords should not allow a probatione in thir matters as not competent to them', only his political intransigence was considered as a factor in the process against him.⁵⁴ Whilst the council was charged with mediating the libel cases against ministers, they did so largely in a political and legal capacity. That liturgical aspects of ministerial function were seldom referenced, alongside this explicit reluctance to overstep the council's remit, clearly indicates acceptance of the two kingdoms theory of separation of temporal power and responsibility in religious matters.

Although these deprivations were coordinated from the centre by the Privy Council, they relied on the cooperation of local Presbyterians, elites and office holders. Each of the eleven ministers deprived within the Synod of Moray were reported to the council by either the lairds of Grant and Brodie or the Master of Stair, or a combination of the three. All three men served on the post-Revolution council and were solid Presbyterians. Stair was also the principal complainer in the four cases brought against ministers within the Synod of Aberdeen, although one was absolved. Stair was highly pro-active in seeking ministers out, for religious, political and moral reasons, such as Patrick Chalmers, the minister of Boyndie (Aberdeenshire). He was described as a 'mockers at religione' who was a consistently drunk crypto-Catholic, while Arthur Strachan, who served at Mortlach (Moray), 'did pres and make to goe out severall men within his paroch, who therfore actually went out to the present rebellion under the Lord Dunfermling'.⁵⁵ What we see evidenced here, and elsewhere for that matter (such as in the synods of Merse and Teviotdale, Fife, Glasgow and Ayr, and Perth and Stirling⁵⁶) is that local elites were co-opted by the council to influence the ecclesiastical

⁵⁴ *Ibid.*, p. 373.

⁵⁵ *RPCS*, xiv, pp. 467-8.

⁵⁶ *Ibid.*, pp. 136-8, 190-92, 281-2, 304-6, 359-60, 362-3, 368-9, 375-7.

situation in the localities prior to the establishment of the Presbyterian Kirk in 1690. Furthermore, in burghs such as Linlithgow, Edinburgh and Culross, it was local magistrates who brought forth issues to the council.⁵⁷ This is connected to state formation and conforms with Kennedy's assertion that during the Restoration the government relied on local elites or office holders for the expansion of governmental influence.⁵⁸

Deprivations were also enforced by parliamentary committees. Clarke identifies twenty-one ministers who were removed from their parish kirks from 26 April to 17 May 1689; eighteen by the Committee of Estates between 2 May and 17 May and the other three by the Committee for Securing Peace on 26 April.⁵⁹ This was because the new Williamite council did not sit until late May 1689. However, the council also refused to pay the stipends of clergymen ejected prior to 13 April when calls were made to do so from western ministers in December. The council stated that 'the case forsaied depending before the Parliament is not obvious to be cognosed and decyded upon be the inferior judges' and therefore it 'should be left intire to the decisione of the Parliament'.⁶⁰ This smacks of an abrogation of duty and is further evidence that the council was willing to ignore base actions against episcopal clergy which saw many ministers without due remuneration, especially since parliament was not to sit for another four months. Retraction of council responsibility in the matter was made all the more salient by the wholesale campaign to remove bishops' revenues in September 1689.⁶¹ Commissioners were named by the council to 'uplift the Bishops' rents' on 11 October.⁶² Therefore there were not only parameters through which the council did not have the authority to proceed, but cases in which the council was unwilling to adjudicate for political reasons.

⁵⁷ *Ibid.*, pp. 50-51, 287-8, 421-2.

⁵⁸ Kennedy, *Governing Gaeldom*, p. 253.

⁵⁹ Clarke, *The Scottish Episcopalians*, pp. 578-9.

⁶⁰ *RPCS*, xiv, p. 592.

⁶¹ Shukman, *Bishops and Covenanters*, p. 61.

⁶² *RPCS*, xiv, pp. 400-402.

The ‘rabblings’ of Episcopal clergy throughout the southwestern shires of Scotland began in the winter of 1688 and continued throughout the first half of 1689. Lawson puts the figures for ousted clergy in the south west as around 300, whereas Shukman has used Hew Scott’s *Fasti* to account for under 100 removals.⁶³ Raffe, on the other hand, has argued that there were at least 200 ministers removed from their churches.⁶⁴ Tim Harris maintains that the exact figure will never be known but cites a number of contemporary commentators who thought the total of ‘rabbled’ clergy was between 200 and 300.⁶⁵ Jeffrey Stephen mentions the ‘rabblings’ though he does not suggest any figures. However, he does point out that the council announced that all ministers ejected since 13 April were to be kept in their charges, though this did not include any minister removed prior to that date.⁶⁶ The Privy Council’s role in these events is somewhat shadowy.

The extra-judicial removal of ministers from their charges prior to the re-establishment of Presbyterianism (22 July 1690) was in direct contradiction of parliamentary legislation from 1685. The statute stated that ‘whatsoever person or persons shall be found guilty of assaulting the lives of bishops or other ministers, or of invading or robing their houses or actually attempting the same, shall be punished with death and the confiscation of all their goods’.⁶⁷ The Privy Council was directly responsible for this matter. Indeed, the aforementioned act of parliament made clear that ‘ministers of state, lords of his Privy Council and all other judges and magistrats’ should ‘take the persons and interests of the loyal and orthodox clergy under their special care and protection’.⁶⁸ Protection of the established church and its ministers was a clearly defined aspect of the council’s function, but whether it was exercised was a different

⁶³ J. P. Lawson, *History of the Episcopal Church in Scotland from the Revolution to the Present Time* (Edinburgh, 1843), p. 69; Shukman, *Bishops and Covenanters*, p. 61.

⁶⁴ Alasdair Raffe, *Scotland in Revolution, 1685-1690* (Edinburgh, 2018), p. 116.

⁶⁵ Harris, *Revolution*, p. 378.

⁶⁶ Jeffrey Stephen, *Defending the Revolution: The Church of Scotland, 1689-1716* (Farnham, 2013), p. 55.

⁶⁷ RPS, 1685/4/70.

⁶⁸ *Ibid.*

matter. An eminently partisan view was clearly taken of the matter by the council, which contrasted with the king's realpolitik approach and his desire to placate Anglican bishops.

The Politics and Practicalities of Religion

The Privy Council's role in religious matters was not so concerned with social or moral issues, but largely with the political manifestations of religion. Granting executive legitimacy to fasts and thanksgivings, financing the General Assembly for proselytising endeavours, and removing politically oppositional individuals from the ministry was also the preserve of the council. The council did not look to encroach on the church's 'intrinsic right,'⁶⁹ but legitimated divinely ordained actions, and defended and promoted the kirk's spiritual vision through financial and political aid. Indeed, in a tract written in 1691 it was disparagingly declared that 'the Council has not the power of Admission and Ordination of Ministers'.⁷⁰ However, it maintained wide-ranging juridical powers over institutional facets of religion and, at times, ministerial discipline, which will be explored hereafter.

The council supported the proselytising Presbyterian ventures of the renewed General Assembly of the Church of Scotland after its long hiatus. It sat in Edinburgh from 16 October to 13 November 1690 and for the first time since 1653. One of the aspects advanced by the revived Presbyterian Kirk was the promotion and proliferation of the church throughout Scotland. Part of this campaign to spread zeal around the multicultural hinterlands of Scotland was the promotion of Gaelic publications of scripture. While the sacraments and psalms had been published in Gaelic in the sixteenth century by John Carswell and earlier in the seventeenth century by way of investment from the synod (and earl) of Argyll, the General

⁶⁹ Alasdair Raffae, 'Presbyterianism, secularization, and Scottish politics after the Revolution of 1688–1690', *Historical Journal*, 53 (2010), pp. 317–37.

⁷⁰ Anon., *An Account of the Purging and Planting of the Congregation of Dalkeith* (Edinburgh, 1691), p. 6.

Assembly saw it as necessary to advance this following the Revolution. As such, the assembly ordained that the council were to 'be supplicated for as much of some vacant stipends of parishes where the King is patron as will make up the said sum for the ends foresaid.'⁷¹ They required £1,000 Scots for the printing of the 'Irish Bibles' in London and their transportation to Scotland.⁷² Providing the financial backing and executive legitimacy for this campaign was crucial to the spread of Presbyterianism around the nation, to which the council obliged with alacrity.⁷³

Before the re-establishment of Presbyterianism and the General Assembly, the Scottish Privy Council warranted fasts and thanksgivings which had been requested by groups of Presbyterian ministers. The ministers, elders and 'professors' of the Kirk petitioned the council on 15 August 1689 for a fast to occur on 1 September south of the Tay and 8 September north of the river.⁷⁴ This was granted and on 21 August a proclamation was issued verifying the fast and castigating the ungratefulness of some for the 'delyverance of us from poperie and slaverie in our unsuitable walking therunto'.⁷⁵ Once the assembly had reconvened, it also issued the council with a request for an observation of a fast for providential reasons. At its close, the assembly enacted that it was 'to correspond with the State' and 'to apply to the Privy Council for their civil sanction to the observation of the fast'.⁷⁶ As has been shown above, failure to observe fasts and thanksgiving were often cited as evidence of ministerial inadequacy in libel cases. It is therefore significant that it was the role of the council not to mediate over matters of liturgy or ecclesiastical organisation, but to warrant and grant the wishes of the assembly as well as to furnish the Kirk with monetary resources from its purse strings. However, it must

⁷¹ 'Act approving Overtures anent the Irish Bibles, &c', in *AGA*, p. 227.

⁷² A. J. Mann, *The Scottish Book Trade, 1500-1720: print, commerce and print control in early modern Scotland: an historiographical survey of the early modern book in Scotland* (East Linton, 2000), p. 156.

⁷³ *RPCS*, xvi, p. 119.

⁷⁴ *RPCS*, xiv, p. 51.

⁷⁵ *Ibid.*, p. 93.

⁷⁶ 'Act anent a Solemn National Fast and Humiliation, with Causes thereof', in *AGA*, p. 230.

be stated that the council certainly took the initiative in identifying Catholics or Catholic cells within Scotland.

As well as granting executive legitimacy to matters proposed by the General Assembly, the Privy Council dealt with certain religious matters of a personal nature. Equally, as has been shown, the council proceeded against ministers after hearing evidence of their intransigence. For example, the council encouraged both their majesties' solicitor (William Lockhart) and the solicitor for the Kirk to proceed against John Garden, minister at Aberdeen, and Jasper Kellie, former parson at Dunblane, on 11 June 1691. This was in light of 'being sufficiently informed' that they failed to adhere to the act which forced ministers to pray for their majesties 'and that they are guilty of severall other crymes against the government'.⁷⁷

Not only was the Privy Council involved in the deprivation of ministers by way of libel cases, but it took charge of stripping religious opponents of assets and munitions. Other than the concerted campaign to uproot episcopacy and appropriate the bishops' rents, teinds and general expenditure for the government's means, there were also measures taken against Catholics. The council proclaimed an act for disarming all 'papists' on 19 July 1689.⁷⁸ Catholicism, moreover, was cited as one of the main factors in the declaration of war against France on 6 August 1689.⁷⁹ Evidently, the Williamite government desired to make null and void all of the measures taken to promote Catholic toleration and rapprochement with Catholic France which had been advanced under James VII. Not all religious minorities were ostracised however, as measures were taken in December 1691 to protect Quakers in Glasgow from abuses committed against them after a petition was heard in council.⁸⁰

⁷⁷ *RPCS*, xvi, p. 328.

⁷⁸ *RPCS*, xiii, pp. 539-40.

⁷⁹ *RPCS*, xiv, p. 17.

⁸⁰ *RPCS*, xvi, p. 659.

Executive Government

The Privy Council was the executive branch of government in early modern Scotland. Included in its wide-ranging political remit were five main inter-linked subject matters. Firstly, enforcing parliamentary legislation; secondly, cooperation between the multi-layered governing structures from crown to local administrations; thirdly, supervising political appointments and administering oaths; fourthly, managing foreign policy; and finally, generally overseeing the security of the nation. Accordingly, the council dealt with a huge array of business which could be categorised as political or included under executive government. Turner has charted the decline of the English council and concomitant rise of the cabinet: between '1688-1702 increasingly does the work of the council appear ordinary, stereotyped, and formal'. 'There was', he claims, 'apparently almost nothing at all about treaties, about war and peace, about any matters of policy or diplomatic relations' in the council register.⁸¹ Within the Register of the Scottish Privy Council during the Revolution, a very different picture emerges.

William and Mary's Scottish Privy Council was engaged heavily with the enforcement, control, and consolidation of the legislative *tour de force* which underpinned the Revolution settlement. This is revealed (ironically) in the case of James Gordon, parson at Banchory-Devenick, heard on 12 August 1689.⁸² He had been the author of a tract in 1679 entitled *The Reformed Bishop*, which levelled criticism of the poor moral and educational calibre of clergymen of the Restoration episcopate.⁸³ John Paterson, Bishop of Edinburgh at the time, purportedly took great offence at some of the incendiary remarks in this book and had copies of it seized at Leith and reportedly destroyed. Gordon petitioned the council on account of a

⁸¹ E. R. Turner, 'The Development of the Cabinet, 1688-1760', *The American Historical Review*, 18: 4 (July, 1913), pp. 751- 768; Turner, *The Privy Council of England*, ii, p. 109.

⁸² *RPCS*, xiv, p. 36.

⁸³ Raffe, *The Culture of Controversy*, p. 156.

clause in the Claim of Right (11 April 1689) which stated that those ‘pairties laesed be redressed’ who had been punished, fined, or imprisoned during the Restoration.⁸⁴ Paterson was able to provide ample evidence to counter the claims against him and was absolved by the council. Nevertheless, this exemplifies an important aspect of the council’s work as a court of final appeal for wronged parties who had potentially legitimate claims under parliamentary legislation.

The parameters of the Claim of Right were not always adhered to, however. Notwithstanding the commitment to uphold the laws and liberties of Scottish subjects and not to use undue means to extract information, judicial torture continued in a small number of cases. One of the most famous cases was that of Henry ‘Neville’ Payne, the serial Jacobite conspirator and plotter involved with Montgomery of Skelmorlie in the ill-fated ‘Montgomery plot’. The Claim of Right stated that ‘useing torture without evidence or in ordinary crymes is contrary to law’.⁴⁸ Regardless, Payne was to be tortured using the ‘boots and iron thumbscrews’ on 10 December 1690 after which, if he was to remain silent, further torture was to ensue the following day.⁸⁵ On 5 January 1691, it was recommended that Payne be promptly put to trial, perhaps in England, due to the aspect of the Claim of Right which protected suspects from torture.⁸⁶ However, this was after he had been tortured and was suffering from dysentery as well as injuries to his legs and thumbs. His nephew, Francis Payne, petitioned the council on 5 January 1691 for his uncle to be given modest freedoms and medical attention.⁸⁷ Only the latter was granted. ‘Neville’ Payne was also subsequently kept as a prisoner from 1693 until 1701 before his release and further plotting. In spite of whig triumphalist narratives

⁸⁴ *RPS*, 1689/3/108.

⁴⁸ *Ibid.*

⁸⁵ *RPCS*, xv, pp. 596-7; Mark Goldie and Clare Jackson, ‘Williamite Tyranny and the Whig Jacobites’, in Esther Mijers and David Onnekink (eds.), *Redefining William III: The Impact of the King-Stadholder in International Context* (Aldershot, 2007), p. 184.

⁸⁶ *RPCS*, xvi, p. 4.

⁸⁷ *Ibid.*, p. 5.

to the contrary, authoritarian governance was not solely the preserve of Restoration governments but continued in spite of the nominal radicalism of the Scottish Revolution, overseen by the Privy Council. Indeed, in its search for stability and security, the council maintained tight control over intelligence, military operations, and political prisoners.

Cooperation between the council and parliament or the monarchy, as well as other administrative units, was of paramount importance to the smooth running of government. The Privy Council was in contact with William and Mary and Lord Melville (Secretary of State, based in London) throughout the period, with mail travelling between London and Edinburgh frequently. William might send letters to the council regarding political appointments, seeking the continuation of parliamentary adjournment or recommendations over the election of local magistrates. The king was in contact with the council throughout 1689 recommending action to be taken regarding the election of a Lord Provost of Glasgow. It was approved that the citizens of the burgh could select their provost with oversight from the council from a predetermined list (of William's choosing) on 17 September.⁸⁸ The Privy Council was also in contact with Queen Mary, mainly during King William's sojourns on the continent. For example, the council received a letter from her majesty on 15 June 1691 ordering the militia to be put at ease due to the lessened threat to security.⁸⁹ This is in spite of a council order from May which put four companies of the army at readiness with forty days' pay advanced.⁹⁰

Equally important to communication with the monarchy was cooperation with administrations within Scotland. There were numerous cases, between 1689 and 1691, of the council involving itself in matters of municipal government, such as in Dysart, Jedburgh, Kirkcaldy and Aberdeen. The Privy Council was a crucial instrument of the government machine which successfully managed the 1689 general election in favour of the Revolution

⁸⁸ 'William and Mary: September 1689', in *Calendar of State Papers Domestic: William and Mary, 1689-90*, ed. W. J. Hardy (London, 1895), p. 258.

⁸⁹ *RPCS*, xvi p. 334.

⁹⁰ *Ibid.*, p. 288.

interest.⁹¹ Parliament enacted on 18 April 1689 that fresh elections of burgh councils should occur and it was thereafter the council which oversaw these.⁹² In Stirling, several presbyterian inhabitants petitioned the council and cited that the burgh had been openly and illegally manipulated under King James and that it was awash with Episcopalians.⁹³ They asked for a new burgh council election, which was granted, and the Privy Council compiled a list of potential burgh councillors, magistrates and deacon convenors, confirming that all the presbyterian petitioners were eligible to vote. This policy had been effectively deployed in 1689 in Edinburgh, Glasgow, and Dundee, where the council had actively interfered, approved lists of candidates, and claimed to overturn the illegality of the quondam reign.⁹⁴ Also, the council was involved in the selection of a provost of Edinburgh in June 1691. The burgh council and magistrates were to appear at the council with their lawyer to discuss the election and Crawford was to be *praeses* for this meeting.⁹⁵ And in Aberdeen in 1691, the Privy Council sacked the sitting provost John Sandilands of Countesswells following his underhand treatment of the commissioners of the General Assembly and his orchestration of a ‘tumult’ while they visited the burgh that year.⁹⁶ Sandilands, who had also failed to swear the oath of allegiance, was not only removed from office, but barred from contesting the fresh election which the council announced. Local matters were therefore mediated by the central executive in Edinburgh.

The council’s interventions in burghs were widespread in 1689. The inhabitants of Kirkcaldy petitioned the Privy Council following the election for their burgh council that year. The election had been carried out only by a limited number of burgesses and two of the

⁹¹ For a detailed discussion of the 1689 Convention elections, including the unprecedented expansion of the burgh electorate and the local impact, see: Patrick, ‘Unconventional Procedure’, pp. 208-39; Raffe, *Scotland in Revolution*, pp. 117-21.

⁹² *RPS*, 1689/3/134.

⁹³ *RPCS*, xiv, p. 334.

⁹⁴ *Ibid.*, 459–60.

⁹⁵ *RPCS*, xvi, p. 294.

⁹⁶ *Ibid.*, pp. 347-55.

qualified residents petitioned the council for a new election, to no avail.⁹⁷ A Williamite (court) party had been installed as the new magistracy, led by privy councillor David Melville, third earl of Leven (1660–1728), whose father (the earl of Melville) and brother (Master of Melville) also sat on the council. Among the inhabitants' complaints were extensive quarterings, the large amount of cess (land tax) charged against them since the early 1680s, and declining trade. Additionally, they noted that the burgh council was voted in by a 'cabal' without the proper recourse to electoral precedent. The council nevertheless endorsed this electoral management; it refused to stop the quarterings on the town and declined to call a new burgh council election. The burgh's parliamentary commissioner following the Revolution was John Boswell, who was also part of the Williamite court interest, up until around 1701.⁹⁸

The Privy Council also granted the authority for elections to take place in burghs. In Brechin and Paisley in 1689, burgh inhabitants petitioned the council to organise, announce and grant authority for fresh burgh council elections.⁹⁹ Also, following the increase in shire representation in 1690, it was the Privy Council that determined the proper electorate, arranged the elections for new shire commissioners, sent out summons and ensured they were carried out.¹⁰⁰ Similarly, in Burntisland (Fife), the council annulled the 1689 burgh council election as the electors were not resident tradesmen and had not sworn the oath of allegiance. Thereafter the board authorised a new free election in the burgh and explicitly excluded unqualified voters so as to ensure a legal election process.¹⁰¹ This evidence from the 1689 elections signifies that the council played a fundamentally important role in ensuring that pro-Revolution commissioners and burgh councils were returned. This level of municipal interference has previously been undervalued despite Patrick's investigation of the elections to the Convention;

⁹⁷ *RPCS*, xiv, p. 487

⁹⁸ Patrick, 'People and Parliament', p. 427.

⁹⁹ *RPCS*, xiv, pp. 320, 322.

¹⁰⁰ *RPCS*, xv, pp. 353–4.

¹⁰¹ *RPCS*, xiv, pp. 413, 415, 455.

the evidence presented here confirms an active and interventionist policy of management instilled by the board in 1689 which contrasts with the council's concern with electoral propriety in other cases during the period studied here, which is discussed below.¹⁰² The council therefore exerted considerable influence both on municipal government and on the composition of parliament.

Foreign policy – which since the Revolution was as much part of maintaining the European balance of power as it was about controlling the British Isles – also figured heavily in the work of the council. Diplomacy and international affairs became increasingly relevant in the later months of 1689 and into 1690 when Ireland became a more pronounced concern. On 6 August 1689 the council, in name of their majesties, declared war against the French king as ‘the great disturber of Christendome’, which as we shall see below was also a source of controversy in 1702.¹⁰³ Scots subjects were also forbidden from travel, trade, communication or cooperation with the French in view of this declaration and the act cited the case of Ireland and the French king's meddling there.¹⁰⁴ Equally, there were introduced means of support for French and Irish Protestants who had been driven out of their homes.¹⁰⁵ The council announced collections in parish churches for displaced French and Irish Protestants, public declarations of which we know were often ignored by ministers.¹⁰⁶ A boat was also sent to Londonderry to repatriate women and children on 5 June 1689, presumably due to the ongoing siege of the town following the shutting of the gates by the apprentice boys in December 1688.¹⁰⁷ In terms of security, there were also Danish troops heavily involved in the war in Ireland and numerous council arrangements relate to the provision of victual for them, funded by local communities

¹⁰² See also: Tree, ‘Controverted Elections’, pp. 64-71.

¹⁰³ *RPCS*, xiv, p. 17.

¹⁰⁴ *Ibid.*, p. 18.

¹⁰⁵ *RPCS*, xiii, p. 410.

¹⁰⁶ *RPCS*, xiv, p. 361.

¹⁰⁷ *RPCS*, xiii, pp. 403-8.

and burghs.¹⁰⁸ Indeed, security and intelligence were key facets of the council's role in mediating diplomacy.

Since the ongoing conflict was one which required constant management of affairs both within and beyond Scotland, security was inextricably linked to foreign diplomacy. Crucial to guaranteeing the security of the nation against Jacobite threats, intrigues and potential spies, was intelligence gathering which was diligently carried out by the council. The council itself has been referred to as Scotland's 'central intelligence agency' prior to its demise in May 1708.¹⁰⁹ Gillian MacDonald has also recently presented evidence that intelligence directly informed policy, highlighting the lengths which the government went to maintain networks, secure post and retain information on enemies.¹¹⁰ There was a council committee for opening 'flying packets' and intelligence was gathered through 'packet boats' in the Irish Sea. There were also measures taken to secure the post, with some packets going missing at times and an act of council introduced to secure the postmasters' rights in his role.¹¹¹ Stability in the post and maintenance of information networks formed the bedrock of the Privy Council's role in intelligence gathering and monitoring the security not only of Scotland but of the international scene of the Nine Years War (1688-97). The council also kept a close eye on the movements of the Scots-Dutch Brigade and had for some time its leader Hugh Mackay of Scourie as one of its members.¹¹²

Another important aspect of security efforts was the imprisonment and investigation of suspicious individuals. Aside from Henry Neville Payne, there were numerous political prisoners held in garrisons throughout Scotland. Some of the most notable were the Earl of Perth, held in Stirling Castle, and the Duke of Gordon, imprisoned at Edinburgh Castle. It was

¹⁰⁸ *RPCS*, xv, pp. 6-10, 56, 106.

¹⁰⁹ Macinnes, *Union and Empire*, p. 323.

¹¹⁰ Macdonald, 'Black-boxes, flying packets, and espionage', pp. 1-21.

¹¹¹ *RPCS*, ser. 3 vol. xiv (1689), p. 526.

¹¹² Millen, 'The Scots-Dutch Brigade', pp. 53, 66, 81-2.

also believed that the Duke of Gordon employed the minister at West Kirk, David Guild, as a spy for him, which was referenced in the libel brought against Guild on 16 August 1689.¹¹³ Another recurring individual was the Countess Dowager of Erroll. She was implicated in opposition to the Revolution due to a letter sent from James VII to her from Ireland which was intercepted in February 1690 along with an individual named Alexander Strachan.¹¹⁴ Strachan proved extremely useful to the government and gave up a wealth of intelligence on the Jacobite movements and potential numbers of troops which could be employed in the ensuing conflict.¹¹⁵ The Countess Dowager was brought from Aberdeen to Edinburgh for questioning by the council and subsequently was held in Dumbarton Castle on account of her Jacobitism.¹¹⁶

As important as punishing rebels was securing loyalty. Ensuring the allegiance of office holders and subjects throughout the land underscored successful inculcation of revolution principles. Alasdair Raffe has argued that there was a reconstitution of state oaths, alongside a recognition of William and Mary as *de jure* monarchs, which influenced the Revolution's impact at large.¹¹⁷ A proclamation of 2 September 1689 ordered that all 'persons in public trust' were to take the oath of allegiance.¹¹⁸ In an extraordinary meeting of the council on the morning of 21 January 1690 Commissioners of Treasury and Exchequer were named, as well as keepers of the great seal and privy seal, and also lords of justiciary and clerk register.¹¹⁹ All commissioners named were to take the oath of allegiance which was outlined in the Claim of Right and the oath *de fidei*. When new councillors were appointed, it was required that they take the oath as well. Thomas Burnet of Leys and Lord Belhaven were admitted to the council on 10 January 1690 and the master of Burleigh on 14 January.¹²⁰ Before

¹¹³ *RPCS*, xiv, pp. 59-61.

¹¹⁴ *RPCS*, xv, pp. 98, 104-5.

¹¹⁵ *Leven and Melville Papers*, pp. 410-11.

¹¹⁶ *RPCS*, xv, pp. 103, 113-14.

¹¹⁷ Alasdair Raffe, 'Scottish state oaths and the Revolution of 1688-90', in Sharon Adams and Julian Goodare (eds.), *Scotland in the Age of Two Revolutions* (Woodbridge, 2014), 173-91.

¹¹⁸ *RPCS*, xiv, pp. 161, 217.

¹¹⁹ *RPCS*, xv, pp. 30-39.

¹²⁰ *Ibid.*, pp. 19-22.

they were accepted to the 'Board' the oath of allegiance was publicly administered in front of present councillors.¹²¹ This was also the case for clerical officials of the council such as George Weir, who was made a macer to the council and sergeant at arms.¹²² Military men were also to take the oath of allegiance, ensuring both their loyalty and evidence of such if it was later reneged upon. For example, the officers of the West Highland force were ordered to take the oath on 5 July 1689.¹²³ Though Raffe cites a renewed impetus for state oaths, a similar campaign for allegiance had been advanced under the Covenanting government of the 1640s and during the Restoration. Administrative retrospection could therefore be seen as important in the Revolutionary regime's campaign for governmental legitimacy. Indeed, this backs up what Mann has observed of parliament; that 'the procedural and administrative impact of the Revolution on the Scottish parliament was neither sudden nor immediately efficacious'.¹²⁴ Further evidence of this lies in the fact that the post-Revolution council was concerned with the security of parliamentary records from the Restoration, on top of continuing commissioners of supply in their offices and appointing a committee in 1690 to search old papers from James's reign to maintain practices for subscribing papers and oaths.¹²⁵ That precedent from the Restoration was sought shows that the Williamite council desired legitimacy in the administration of Scottish affairs.

In some ways the council's executive function resembled that of an upper house in a bicameral legislature. It often dealt with matters which had been legislated on during the previous session of the Scottish Parliament. The 1689 Convention dealt with matters to do with putting the nation in a posture of defence and legislated on the election of magistrates in Glasgow.¹²⁶ Both were later put into practise by the council after the adjournment of

¹²¹ *Ibid.*, p. 22.

¹²² *Ibid.*, p. 115.

¹²³ *RPCS*, xiv, p. 489.

¹²⁴ Mann, 'Inglorious Revolution', p. 122.

¹²⁵ *RPCS*, xiii, p. 561; *RPCS*, xiv, p. 25; *RPCS*, xv, pp. 23, 59.

¹²⁶ *RPS*, 1689/3/31; *RPS*, 1689/3/229.

parliament. Furthermore, the oath of allegiance was enshrined in a parliamentary act which bound all ‘persones presently in publict trust’ to swear it.¹²⁷ The oath was thereafter administered by the council to all such individuals. Therefore, the legislative agenda was put into force by the Scottish Parliament and then enforced and administered by the Privy Council as the executive. The council therefore consolidated the legislative framework set out by parliament. This would correspond with analyses of the Senate Council of the Polish-Lithuanian Commonwealth in the seventeenth century. That council had a ‘dual function’ according to Robert Frost and had grown out of the old royal council. It constituted the upper house of the Sejm and formed a permanent advisory body to the king – ‘without its consent no royal decree could be issued’.¹²⁸ While the confluence between membership of the Scottish Parliament and the Scottish Council might suggest otherwise, its functions and role in issuing proclamations for instance would indicate that the board could be viewed as operating somewhat like an upper chamber.

Moreover, the Privy Council had the ability to amend parliamentary legislation during its sittings. Both parliament and council could call for a day of fasting or thanksgiving. But how this was rolled out was a different matter. On 13 June 1690, with regards to events in Ireland and the need for security of religion and peace there, parliament enacted a day of fasting to be observed on 1 July.¹²⁹ However, on 19 June, the council recorded that due to issues with the post, ministers may not be able to receive the summons for the fast in due time.¹³⁰ Therefore, the council decided to move the fast to the next Tuesday after the initial

¹²⁷ *RPS*, 1689/6/11.

¹²⁸ R. I. Frost, ‘Initium Calamitatis Regni? John Casimir and Monarchical Power in Poland-Lithuania, 1648–1668’, *European History Quarterly*, 16:2 (1986), p. 196. Artur Goszczyński similarly views the Senate Council as ‘the upper chamber’ of the commonwealth. The competencies of that council were outlined in a 1613 constitution, ‘under the assumption that the king would consult Senate members for preventing all and any perils to the Commonwealth’: Artur Goszczyński, ‘The Institution of the Council of the Senate in the Political System of the Polish-Lithuanian Commonwealth under the rule of Ladislaus IV Vasa (1632–48)’, *Acta Poloniae Historica*, 122 (2020), p. 191.

¹²⁹ *RPS*, 1690/4/52.

¹³⁰ *RPCS*, xv, pp. 277–8.

day decided on by parliament in order for it to be diligently observed throughout the kingdom. The council's ability to amend the legislative agenda based upon context underscores its function as the executive and arbiter of everyday government. A close working relationship with parliament was therefore imperative.

Conclusion

In summation, the political and religious functions of the Scottish Privy Council from 1689 to 1691 were multi-faceted and were inextricably linked. Crucially, after May 1689, the main function was to secure and maintain the legitimacy of the Revolution. Analyses which have focused on the council's intelligence gathering, its enforcement of crown policy and policing have led to unbalanced conclusions about its main functions. In reality, it dealt with most matters of early modern government. It underscored the 'everyday government' of Scotland by involvement in affairs of a broad political and religious nature as well as judicial and socioeconomic matters.¹³¹ There were, however, specific aspects of this remit which are relevant for the current discussion and which challenge foregoing arguments about the Privy Council.

As we saw in the introduction, certain assessments of the Scottish Privy Council have been based upon teleological assumptions. Macinnes and Whatley argue that the council resembled a police force or intelligence agency, the main function of which was to collect information on political enemies and punish intransigence.¹³² McNeill has also argued that it was the 'guardian of the peace'.¹³³ Accepting such a narrow conceptualisation of the council's

¹³¹ Rayner, 'The Tribulations of Everyday Government', pp. 193-210.

¹³² Macinnes, *Union and Empire*, p. 323; Whatley, *The Scots and the Union*, p. 332.

¹³³ McNeill, 'The Jurisdiction of the Scottish Privy Council', p. 37.

business does a disservice to the governmental capacity of the body and negates its critical and extremely multifarious work.

Throughout the period from 1689 to 1691, the Scottish Privy Council's work was that of an extra-parliamentary coordinating committee with a clearly defined remit in certain matters and overlapping jurisdiction with other institutions in others. As the 'board' operated outside of parliament, maintaining and administering its agenda, it is here defined as extra-parliamentary. That is to say, that it is not analogous to the sense of 'extra-parliamentary' used to describe movements which are inherently anti-parliamentary in their political opposition. Instead, it is believed here that the term can be used to describe the operations of an executive which included some members of parliament and officers of state, but which sometimes operated of its own volition without sanction from, or subordination to, parliament. Goodare has argued that the council lacked the power to make laws, stating that parliamentary legislative authority was unrivalled.¹³⁴ But the council enforced and interpreted such legislation and implemented government policy from the centre. Secondly, it was a coordinating committee between other religious and political institutions, both local and central. As such, it was an institutional intermediary which had supreme authority over most matters of government in early modern Scotland and which was relatively representative, at least of the political nation. It was, for most Scots, the most direct link to the crown, especially after 1603, as it often heard matters of a local and personal nature.

The importance of the Scottish Privy Council to the government of Scotland has hitherto been under-valued. Though McNeill neglects to research its legislative and executive functions he argues that the council was 'the mainspring of executive action', albeit without any meaningful role.¹³⁵ Yet the council evidently had a meaningful role in numerous aspects

¹³⁴ Julian Goodare, 'The Scottish Parliament and its early modern 'rivals'', *PER*, 24:1 (2004), p. 166.

¹³⁵ McNeill, 'The Jurisdiction of the Scottish Privy Council', pp. 32-3, 37.

and held significant power and autonomy to adjudicate over matters of central government in addition to coordinating with other institutions as part of the *jura majestatis*. This argument also challenges Chris Whatley's statement that the council was a useful tool for the executive and for influencing elections.¹³⁶ The Privy Council was *the* Scottish executive rather than merely existing as a tool for crown management. That being said, the council's role in managing elections – particularly those in the burghs (for both burgh councils and parliamentary commissioners) in 1689 – displays clear attempts by the crown to use the executive to influence the make-up of parliament and run in contrast to many other examples of the council's concern with electoral precedent and propriety.

Consequently, it is believed here that the Privy Council's executive remit – which embodied its religious and political functions – was the overarching aspect of council work, to which its legislative remit was subsidiary. Indeed, Julian Goodare has challenged the idea that the council maintained any legislative powers.¹³⁷ Its ability to execute executive action was the mainstay of its function. That is to say, as John Locke theorised, that 'there is no need that the legislative [branch] should always be in being' but 'there should be a power always in being which should see to the execution of the laws that are made and remain in force'.¹³⁸ The council was therefore the permanent body in plenary sessions which enforced and maintained the legislative agenda which was promulgated by parliament. But it also retained juridical and 'federative' powers; being the ability to act as a court of final appeal and the body which dealt with foreign diplomacy, as John Locke argued. As Goodare maintains, the 'court of session and Privy Council refrained from claiming the plenary legislative authority that belonged solely to crown in parliament'.¹³⁹ But, its executive functions allowed it to amend, interpret

¹³⁶ Whatley, *The Scots and the Union*, p. 328.

¹³⁷ Julian Goodare, *The Government of Scotland, 1560–1625* (Oxford, 2004), ch. 6.

¹³⁸ John Locke, *The Second Treatise of Government*, ed. T. P. Peardon (New Jersey, 1997), p. 82.

¹³⁹ Julian Goodare, *State and Society in Early Modern Scotland* (Oxford, 1999), p. 17.

and enforce such legislation whilst also producing acts of council which were legally enforceable, indicating its enhancement of parliamentary power rather than rivalry to it.

With the range of powers and functions of the Privy Council outlined, it is possible to demonstrate the exercise of sovereignty with some precision. When sovereignty is understood as supreme authority in an autonomous body politic, it seems that it could lie with the Privy Council. Although the Claim of Right enshrined sovereignty in parliament, and in practice, petitions, oaths and protestations embodied popular sovereignty,¹⁴⁰ executive government underscored the supreme nature of council authority and its power to act of its own volition. One analysis of the Treasury commission argues that smooth relations between it and the Privy Council were conducted through the understanding that each was sovereign in its own sphere, though acting in name of the monarch.¹⁴¹ However, Rayner has added the caveat that the council had supreme authority over the Treasury Commission and maintained the power to send recommendations to it, without reciprocal power being held by the treasury.¹⁴² The council also had the power to call and adjourn the Court of Session. Moreover, when parliament was not sitting, ultimate authority resided in Edinburgh with the council, which was able to amend, enforce and interpret legislation without monarchical or parliamentary authority, although the right to appeal to parliament remained. The Privy Council thus exercised executive sovereignty. Derek Patrick's assertion that following the Revolution there was a 'continued development of a political consciousness and renewed belief in the function and independence of the Scottish Parliament' is therefore equally applicable to the Scottish Privy Council.¹⁴³

¹⁴⁰ Karin Bowie, *Public Opinion in Early Modern Scotland, c. 1560-1707* (Cambridge, 2020).

¹⁴¹ A. L. Murray, 'The Scottish Treasury, 1667-1708', *SHR*, 45: 139 (April 1966), pp. 101-2.

¹⁴² Rayner, 'The Tribulations of Everyday Government', p. 196.

¹⁴³ Patrick, 'People and Parliament', p. 384.

2

The Nature of Government, 1692-1702

In 2003 Clare Jackson lamented the lack of detailed analysis of Scotland's political history in the 1690s.¹ Despite some more recent scholarship reconstructing the impact of the Revolution, everyday government, and the role of the government in providing for the destitute and starving during the famine years, Jackson's statement still largely rings true.² Although there has been serious impetus in studies of parliament in the post-Revolution period since the Scottish Parliament Project (1997-2007), little has been researched on executive government or intergovernmental relations in that period.³ McNeill's doctoral thesis and Riley's incisive assessment of high politics in the 1690s are two of the key exceptions to this, though the former's reliance on printed sources and focus on comparison with courts differentiates it from this thesis in one manner.⁴ Furthermore, McNeill's overall conclusions that the council had little in the way of a meaningful role due to its perceived jurisdictional deficiencies in comparison with the Court of Session and High Court of Justiciary will be challenged hereafter.

Early modern Scotland was governed by a wide range of central and local institutions. Much has been written about the Scottish Parliament; its relationship with the monarchy and other crown institutions has been explored in some depth.⁵ The role of the royal burghs has

¹ Jackson, *Restoration Scotland*, p. 191.

² Rayner, 'The Tribulations of Everyday Government', pp. 193-210; Macdonald, 'Black-boxes, flying packets, and espionage', pp. 269-289; Macdonald, 'Bestowing charity', pp. 120-37.

³ See: Patrick, 'Unconventional Procedure', pp. 208-44; Brown, 'Party Politics and Parliament', pp. 245-79.

⁴ P. W. J. Riley, *King William and the Scottish Politicians* (Edinburgh, 1979); McNeill, 'The Jurisdiction of the Scottish Privy Council'.

⁵ Goodare, 'The Scottish Parliament and its early modern "rivals"', pp. 147-172, which discusses the relationship between the council and parliament through the prism of legislation, pp. 159-66; and G. H. MacIntosh and R. J. Tanner, 'Balancing Acts: The Crown and Parliament', in K. M. Brown and A. R. MacDonald (eds.), *The History*

also been researched, especially in relation to parliament and with reference to the burghs' unique position as one of the parliamentary estates.⁶ But the Privy Council's role within the government of Scotland, its interaction with other governing bodies both in the centre and in the localities has not been explored in great detail for the 1690s, save for the work of Laura Rayner and Peter McNeill.⁷ Thus, this chapter seeks to enquire how and why the Privy Council and these institutions communicated, and which institution (if any) held supreme authority. To answer such questions a range of governmental institutions and their relationship with the Privy Council will be analysed, from national institutions like the Scottish Parliament and General Assembly of the Church of Scotland to individual burghs and commissioners of supply. The chapter begins by setting out the context and chronology of political developments in the 1690s with close reference to the Privy Council's role in consolidating the tenets of the Revolution against increasing headwinds. It then moves on to a comparative discussion of intergovernmental relations through the lens of the *jura majestatis*. The chapter argues that this framework is emblematic of the necessity for inter-institutional co-dependency and coordination, which existing historiography downplays in favour of rivalry.

Consolidation and Legitimisation of the Revolution, 1692-1702

While the Revolution moment is often dated to 1689 with the constitutional amendments which were enacted that year, it was no fixed event. The practical implementation of the Revolution settlement was a far more difficult job and was a crucial aspect of government with which the

of the Scottish Parliament. Volume III: Parliament in Context, 1235-1707 (Edinburgh, 2010), pp. 1-30 which explores crown authority and independent parliamentary action.

⁶ A. R. MacDonald, *The Burghs and Parliament in Scotland, c.1550-1651* (Farnham, 2007); A. R. MacDonald, 'The Third Estate: Parliament and the Burghs', in Brown and MacDonald (eds.), *The History of the Scottish Parliament. Volume III*, pp. 95-121; Patrick, 'People and Parliament in Scotland', ch. 3.

⁷ McNeill, 'The Jurisdiction of the Scottish Privy Council'; Rayner, 'The Tribulations of Everyday Government', pp. 193-210.

Privy Council dealt in the 1690s. As we have seen in the previous chapter, important political developments during the Revolution came about up to late 1691, although as Mann notes there was significant ‘administrative muddle’ during these years with the practical revolution only ensuing after 1692.⁸ Furthermore, 1692 was a fundamentally important year since it is indicative of a sea-change in the operation of government administration. For instance, James Stewart of Goodtrees (1635-1713), James Johnston (c. 1655-1737), and George Mackenzie, Viscount Tarbat (1630-1714) were all appointed to the council in 1692, and would go on to serve in ministerial posts. The former two individuals came from solid Presbyterian stock and were consummate bureaucrats. Goodtrees was a renowned lawyer who had spent considerable time in exile in the United Provinces and while his radical polemic in the early Restoration saw his book *Naphtali* (1667) burned by order of the Privy Council, he returned to serve briefly in James VII’s administration in 1687 despite his having colluded intellectually in Argyll’s Rising of 1685 by penning a *Declaration*.⁹ He was appointed as Lord Advocate in 1692; he was involved in most legal matters brought before the council between that year and its abolition, and he served in other governmental and legal capacities. Johnston was also a Scots-Dutch exile rewarded at the Revolution with a position as an international envoy; his powers at intelligence gathering and diplomacy were much vaunted.¹⁰ From 1692, he became highly influential in parliament, where he introduced procedural reforms and increased legislative scrutiny in the later 1690s, and he served as one of the secretaries of state with John Dalrymple, Master of Stair (1648-1707) from 1693.¹¹ Tarbat on the other hand acted somewhat in contrast to Goodtrees and Johnston: he was a serial offender at falsifying parliamentary registers and

⁸ Mann, ‘Inglorious Revolution’, pp. 121-44.

⁹ E. C. Beisner, ‘His Majesty’s Advocate: Sir James Stewart of Goodtrees (1635-1713) and Covenanter Resistance Theory Under the Restoration Monarchy’, unpublished PhD thesis (University of St Andrews, 2003), pp. 3, 69, 261-2; Mann, *The Scottish Book Trade*, p. 165. See also chapter 3 of the present thesis.

¹⁰ J. R. Young, ‘Johnston, James (1655-1737)’, *ODNB*.

¹¹ Mann, ‘Inglorious Revolution’, p. 142. While Stair’s reappointment may suggest a level of continuity his involvement in government with the abovementioned councillors is further evidence of this sea change in the operation of government administration after 1692.

other such poor conduct, for which he was forced to retire in 1695. There was a concerted attempt to build a cross-confessional ministry in 1692 with the involvement of (amongst others) the episcopalian John Campbell, first earl of Breadalbane (see chapter three).¹² William Annandale, second earl of Annandale and Hartfell (1664-1721), was also reintroduced to government as President of the Privy Council in 1693 after having been purged in 1690 for his involvement with the Club. His friendship with James Johnston certainly worked in his favour and, along with those mentioned above, Annandale's appointment was a clear attempt to introduce a more conciliatory administration.

The difficulty of consolidating the Revolution is demonstrated by the Glencoe Massacre of 13 February 1692. As is well known, the failure of the Glencoe MacDonalds to swear the oath of allegiance to William and Mary on time led to their exemplary slaughter by government troops (from Argyll's regiment of foot) who had been quartered with them for some two weeks.¹³ The council was severely concerned about a resurgence of Jacobitism in the Highlands and therefore looked to set an example with the Glencoe MacDonalds. In late 1691 and early 1692, the Glencoe issue figured heavily in council proceedings and is evidence of, as Kennedy has highlighted, the difficulties posing central government with instilling obedience in the Highlands.¹⁴ Although this case has been covered extensively in historiography almost to the point of cliché, it will suffice to say here that it speaks to the vulnerability of the post-Revolution regime in 1692, and the need for the council to punish dissidents in order to shore up authority and legitimacy.¹⁵ This vulnerability is exemplified by the council's willingness to

¹² Riley, *King William and the Scottish Politicians*, pp. 59-60; Hopkins, *Glencoe and the End of the Highland War*, p. 266.

¹³ See: Hopkins, *Glencoe and the End of the Highland War*, ch. 10.

¹⁴ Allan Kennedy, 'Managing the Early-Modern Periphery: Highland Policy and the Highland Judicial Commission, c. 1691-1705', *SHR*, 96: 242 (April 2017), p. 36.

¹⁵ This was accentuated by the issue of the oath of allegiance and the government's desire to identify and root out opposition, which is clear evidence that the Revolution regime was far from secure.

use force before granting protection in May 1692 to the ‘louse and broken men inhabitants of Glencoe’ after they submitted to the government in the wake of the ‘slaughter under trust’.¹⁶

By 1695, John Hay, first Marquis of Tweeddale (1626-1697) as Lord High Chancellor and council president had control of many of the levers of government with a coterie of loyal followers. Riley dates the emergence, or ‘first stirrings’, of the Country Party in 1696, but claims that in parliament it gained power under the influence of Tweeddale and Johnston two years later.¹⁷ Both Watt and Patrick agree that it was more likely around 1698 that the Country opposition emerged, with the Company of Scotland holding significant power within its nexus.¹⁸ Members of the Privy Council were also critical investors in the Company’s endeavours and were therefore closely tied financially to the success of the Darien scheme. 53 out of the 134 councillors (around 40 per cent) who served in the institution between 1689 and 1708 subscribed to the Company of Scotland in 1696 (see Appendix I). Many councillors subscribed around £1,000 such as Annandale, Tweeddale, Montrose, Atholl and Belhaven, while Adam Cockburn of Ormiston served as one of the Company’s directors.¹⁹ Tweeddale’s involvement in parliament in seeing the bill for the Company of Scotland’s favourable trading privileges passed into legislation in 1695 saw him become a political pariah and led to his exclusion as Chancellor in 1696. It should be noted though that it was not only the titled nobility who subscribed, with significant mercantile interest in the Company, both individually and corporately.²⁰ Aside from councillors themselves, there was evidently significant familial interest in the scheme. While the Duke of Hamilton had died in 1694, the Duchess of Hamilton,

¹⁶ NRS, PC1/48, p. 165, 3 May 1692.

¹⁷ Riley, *King William and the Scottish Politicians*, p. 125.

¹⁸ Douglas Watt, ‘The Company of Scotland and Scottish Politics, 1696-1701’, in Adams and Goodare (eds.), *Scotland in the Age of Two Revolutions*, p. 230; Patrick, ‘People and Parliament in Scotland’, ch. 5.

¹⁹ For a full list of subscribers to the Company of Scotland, see: Anon., *A list of the subscribers to the Company of Scotland, trading to Africa and the Indies: Taken in Edinburgh &c. until the 21 of April inclusive 1696* (Edinburgh, 1696); Watt, *The Price of Scotland*, pp. 272-4.

²⁰ The Lord Provost of Edinburgh, Robert Chiesly, was the first male investor on the Company’s list. He pledged £2,000 while one of his successors as Edinburgh provost, Hugh Cunningham of Bonnington (who later served on the council), subscribed just £100.

Anne, invested £3,000. John Murray, Lord Murray (1660-1724) also invested money in the scheme; he was Atholl's son and had married into the ducal family of Hamilton, so his entire kin was closely involved with Darien.

Early in 1696 an attempted plot on King William's life was uncovered. Plotters – including several former Jacobite officers and individuals close to the exiled court – had planned to ambush the king's coach on its way back from one of his many hunting trips near London. Upon discovery, William (not unreasonably) became paranoid of a palpable Jacobite and French invasion threat. Consequently, he also looked to confirm the allegiance of office holders in his kingdoms with an oath which came with the bonus of simultaneously identifying contumacious vassals. The English Parliament issued an association in February to uphold William as the king and defend his person and honour, to the extent that in the event of regicide they would avenge his death.²¹ In March 1696, the Scottish Privy Council proposed to Lord Murray an association to protect the king and the government.²² In a letter dated 4 April, the king wrote to the council from Kensington commending the suggestion and encouraging the council to draw up a bond of association which could '[e]ncourage those who are well affected by Giving them the Opportunity upon this occasion voluntarily to give us new Assurances of their fidelity and Loyalty' and convey their opposition to the 'foresaid wicked designs and Practices'.²³ The letter was read in the council on 8 April, then Stewart of Goodtrees as lord advocate prepared the document which was unanimously agreed upon the next day, and on 10 April a letter was sent to the king informing him of the councillors' signing of it.²⁴ Thereafter, 'the association' was distributed around the kingdom and signed, then returned to the council

²¹ Alasdair Raffé, 'Scottish State Oaths and the Revolution of 1688–1690', in Adams and Goodare (eds.), *Scotland in the Age of Two Revolutions*, p. 187.

²² Murray was also High Commissioner to parliament in 1696 and was created earl of Tullibardine later in the year and he served alongside Sir James Ogilvie (1664-1730), who became earl of Seafield in 1701, as joint secretaries of state until the former's resignation in 1698 under pressure from the Queensberry and Argyll interest.

²³ NRS, PC 12/1695-7, Royal Letters, 4 April 1696.

²⁴ NRS, PC 4/2, f. 15, 9-10 April 1696.

in Edinburgh from May by burgh magistrates, commissioners of supply in several shires, as well as other governmental institutions and individuals. This was made compulsory for military and civil officers and the council enforced submission to ‘the association’, which was then administered via local intermediaries at the behest of the council.²⁵

Although it was imposed by the executive, individuals and corporate bodies were encouraged to reaffirm their adherence or opposition to the regime; hence the association acted as a litmus test for the government’s popularity. And as Raffe argues, it ‘harnessed presbyterian enthusiasm for the regime’, which was especially evident in the providential language surrounding the discovery of the plot and the execution of some of the plotters.²⁶ The example of ‘the association’ also neatly encapsulates the role of the Privy Council in government and its interaction with and relationship to other governing institutions in Scotland. It signifies that the council was often the body which initiated policy, then sought monarchical approval to administer and enforce that policy upon inferior institutions and officers. Importantly, the council enforced crown authority over local and subordinate institutions but also had independent authority. Indeed, interaction with the council provided a platform for dispute resolution between and within inferior jurisdictional administrations. The council was also a body to which those institutions could appeal, to address grievances and attract the attention of parliament and the monarchy, gaining a degree of political accountability. Thus, it was a policy making institution as well as a supervisory body over other institutions. These institutions will be discussed in turn hereafter.

The Scottish Parliament

²⁵ NRS, PC1/50, fos. 459, 464, 471-2, 475-6, 522-3, 540, 8 April – 4 June 1696.

²⁶ Raffe, ‘Scottish State Oaths’, p. 187; NRS, PC 12/1695-7, Royal Letters, 25 February 1696. See also ‘The Triumphs of Providence...’ satirical broadside (1696). British Museum online: https://www.britishmuseum.org/collection/object/P_1850-1109-19 [accessed 2 July 2024].

R. S. Rait, in his seminal work on the Scottish Parliament, proposes that ‘the Privy Council arranged the main business which a Parliament or General Council was summoned to transact’ insofar as ‘the Privy Council actually did almost everything that could have been done by Parliament [...] The measure of the essential weakness of Parliament was the measure of the almost continuous strength of the Privy Council’.²⁷ The final statement on the Scottish Parliament’s supposed ineffectuality has been rightly challenged in recent years, but Rait’s comments on the strength of the Privy Council are in some ways informative. Firstly, the council was indeed the body which sat almost daily and undertook the bulk of the administrative agenda, called parliaments (admittedly on royal instruction), and enforced legislation. The council, moreover, was perhaps more flexible and less hidebound by procedure than parliament; it could deal with business in *ad hoc* committees and it also operated numerous sub-committees such as those concerning censorship in 1690, 1696, and 1700.²⁸ However, the power of the Privy Council itself to legislate has been queried by Julian Goodare, who opposes Rait’s view that there existed any ‘rivals’ to parliament in the legislative sphere.²⁹ Rait, moreover, equates the council with the Lords of the Articles – a drafting committee of parliament and a useful tool for crown management – which is somewhat awry, since the council tended for the most part to deal with matters from the previous sessions of parliament rather than those forthcoming. The council could be more convincingly termed a preparatory committee or court of precognition for other courts and the treasury, since the council took initial hearings and discussions before remitting certain cases to the latter among others. Furthermore, parliament legislated the constitutional agenda by which the council was bound, and the council called parliament, showing a fluid and active relationship. Godfrey contrasts with Goodare, positing that the council did enact statute from the sixteenth century through

²⁷ R. S. Rait, *The Parliaments of Scotland* (Glasgow, 1924), pp. 9, 11.

²⁸ Mann, *The Scottish Book Trade*, pp. 174-6.

²⁹ Goodare, ‘Parliament and its early modern ‘rivals’’, pp. 170-172.

legislation by ‘king in council’, although he maintains that the bulk of administrative work was the domain of the executive.³⁰ It will be argued here that, notwithstanding the important groundwork studied by these authors, the framing of the question of relations between the council and parliament is indubitably one-sided, since it focuses on rivalry and legislation. In this chapter, the focus will be on policy, in which sphere the crown in council was sovereign in its capacity within the *jura majestatis*.

While the council lacked the ability to legislate as parliament did, it retained regulatory functions as part of the *jura majestatis*, under which the implementation of parliamentary legislation fell. Indeed, the council did have a role in the legislative process. An example of this kind of work in the council chamber comes from its issuing of proclamations. Between 1689 and William’s death in 1702, the Privy Council issued a total of 252 proclamations (see Appendix IV). These were often issued to back up or implement measures which had been introduced in parliament. Poll taxes were introduced in 1694, 1695 and 1698 in order to repay arrears to the army and navy. The council was heavily involved in this process and produced several proclamations: it announced the collection of the tax to the public in 1694, and looked to improve the process of its collection that same year by calling for detailed lists of who had paid what.³¹ The following year the council called for more detailed lists and accounts which were due, and in 1697 a proclamation was issued in order to collect the money which was deficient from the 1695 poll tax.³² In 1698, the council refined the process once more to make it more efficient. In order to prevent ‘negligence’ and ‘inconveniency’ which had previously been caused by non-payment of the tax, the council ordered local sheriffs to ensure that the parameters of parliament’s announcement of the collection of the poll be made clear in all

³⁰ A. M. Godfrey, ‘Parliament and the Law’, in Brown and MacDonald (eds.), *The History of the Scottish Parliament, III*, pp. 160, 169.

³¹ NRS, PC1/49, pp. 405-6, 437-9, 6 June – 2 August 1694.

³² NRS, PC1/50, pp. 228-32, 248-50, 298-302, 27 July – 19 December 1695; NRS, PC1/51, pp. 154-6, 18 March 1697.

parish churches following the sermon on the final Sunday of December. Lists were again to be handed in to Edinburgh of ‘poleable persons’ and the public were to be explicitly informed of the necessity of paying this tax while the council was to keep a close eye on those nominated as collectors.³³ Again this demonstrates that the council was indispensable in enforcing parliamentary legislation; while parliament enacted the details of collecting the supply, it was open to manipulation and apathy, so the council was required to effectively see that the supply was collected in a proper manner.

Further evidence underlines that parliament ‘needed’ the council. Firstly, the board was required to roll out the estates’ legislative programme. In a letter sent from Hampton Court Palace in January 1701, King William wrote to the council describing that the most recent parliament had run on for a long period and that there was consequently a wealth of business to be covered in both the council and the exchequer.³⁴ Therefore, all members of the council and exchequer were forbidden from leaving the country until 1 May without special dispensation. That year the council was also encouraged to defend the integrity of parliament and to seek out oppositional figures, since the estates had been criticised in a seditious talledoux (copper plate engraving).³⁵ The council ordered the engravings to be seized and suspects questioned, including Hamilton and Tweeddale.³⁶ Here we see the Privy Council defending the reputation of parliament against increasing criticism.

Following the Revolution there was a significant drive towards moral reformation. Parliament, the Privy Council, and the General Assembly strove for strict sabbath observance and reduction of profane practices. In 1693 parliament renewed ‘all acts of parliament formerly

³³ NRS, PC1/51, pp. 502-4, 15 December 1698.

³⁴ NRS, PC12/1698-1701, 22 January 1701.

³⁵ Karin Bowie, ‘Scottish public opinion and the making of the union of 1707’, unpublished PhD thesis (University of Glasgow, 2004), p. 69; NRS, PC12/1698-1701, 28 March 1701.

³⁶ NRS, PC1/52, p. 206, 2 April 1701.

made against Sabbath breaking, profane and idle swearing, drunkenness or other immorality'.³⁷ It empowered members of each presbytery to clamp down and charge any offenders before magistrates. The offending parties would then be fined 'not only their whole charges and expenses of the said prosecutions, but also such further rewards as the lords of their majesties' Privy Council shall think fit'.³⁸ The council was therefore one of the enforcing institutions of parliamentary statute, but which also had the ability to interpret such legislation and amend it as policy; in this case by levying fines at its own discretion.

With the need to fund the war effort following the Revolution, there was an increasing necessity for increasing the levels and diversifying the systems of taxation to bolster the government's income. It was the Privy Council that was charged with the implementation of parliamentary legislation on tax. For example, a tonnage tax was introduced to fund the mapping projects and illustrations which were undertaken by John Adair and John Slezer in the 1690s.³⁹ The council was charged with finding out who was liable to pay the tax and collect it through intermediary officers such as commissioners of supply. The executive also heard complaints against the amount due, such as from the Countess of Weymes in 1696 and 1697.⁴⁰ Also, the council was tasked with implementing the collection of the poll, again by empowering inferior officers and magistrates in the localities. There was a council committee named for seeing to all matters regarding the poll tax which sat throughout the 1690s. Once a tax had been initiated and confirmed in statute it was the executive which oversaw the implementation of it, heard petitions regarding it, and remitted collections and investigations either to a committee of its own number or to inferior officers.

³⁷ *RPS*, 1693/4/126. 15 June 1693; A. J. Mann, 'The Law of the Person: Parliament and Social Control', in *The History of the Scottish Parliament. Volume III: Parliament in Context, 1235-1707* (Edinburgh, 2010), pp. 197-8.

³⁸ *RPS*, 1693/4/126.

³⁹ *RPS*, 1695/5/236; *NRS*, PC12/1701-4.

⁴⁰ *NRS*, PC4/2, fos. 25r, 54v, August 1696-December 1697.

The appointment of privy councillors is relevant to the current discussion as it involved a three-way process between the monarchy, the executive, and the legislature. In 1696, Lord Murray was sent to Edinburgh from court.⁴¹ He was added to the council by his majesty in May 1696. In August of that year, Murray was received as a councillor while kneeling and ‘did swear and signe the oath of alleadgance appointed to his Majestie by Act of Parliament’, then the Chancellor administered the oath *de fidei*, and thus the commission was fulfilled.⁴² Parliamentary legislation therefore played a role in the ceremonial and official aspects of swearing in a councillor. Also significant is that the president of the Privy Council was an office which conferred precedence in parliament. The estates sat separately from each other in the chamber, with the nobility at the forefront. In September 1696, physical positions in parliament were discussed in council. The earl of Kintore said he recalled that the Duke of Queensberry had sat first amongst the nobility when he was president of the council, in front of the most prominent Scottish nobleman the Duke of Hamilton. Henceforward, ‘it was ordered that the Earl of Mevlill present President of the Privie Council should sitt the first persone amongst the Nobility in the Meetings of Parliament’.⁴³ That an office holder, albeit an earl, ceremonially superseded the highest nobility is a significant barometer of the important role of that government department and indeed his office.

As parliamentary legislation played a role in council, so the executive was the body which called and adjourned parliament. This reinforces the idea that the council was a conduit, or ‘point of contact’, between the crown, parliament and the populace at large. The council would receive correspondence from court ordering parliament’s sitting, adjournment and prorogation. It would then read the letter in plenary sessions and order a proclamation to be

⁴¹ He was ordered to acquaint the Scottish Privy Council with the intelligence gathered around the attempt on the king’s life that year and the dangers to the government he foresaw: NRS, PC12/1695-7: Royal Letters, 12 March 1696.

⁴² NRS, PC1/50, p. 620, 13 August 1696.

⁴³ NRS, PC1/51, f. 9v, 8 September 1696.

printed and circulated around mercat crosses so the process could be announced to the public. In 1693 alone, 6 proclamations were issued by the council announcing the adjournment (or delaying the sitting) of parliament.⁴⁴ The Privy Council also maintained a level of control over ceremonial aspects of parliamentary procedure. For instance, it kept a close eye on Edinburgh crowds when monitoring the riding of parliament at the start and end of each parliamentary session; in 1703 the council went as far as removing commissioners from the ceremony or relegating them to a less prominent place within it if they had ‘double elections’, or in other words those which were controverted.⁴⁵

The Royal Burghs

The Scottish Privy Council was an institutional platform for airing grievances specific to a particular burgh or to the Convention of Royal Burghs (the representative body of the main trading towns with distinct royal charters). The council could be petitioned to enforce statutes and to settle disputes as well as operating as a conduit between urban mercantile and burgh communities and the crown. Indeed, following the regal union of 1603, the burghs’ ‘direct communication with the king waned’ and the Privy Council was arguably manoeuvred into a more directly available and integral position in relation to them.⁴⁶ The normal means of communication between royal burghs – or the corporate body of royal burghs – and the council was the petition. Karin Bowie has described the hierarchical culture of petitioning in early modern Scotland with institutions supplicating their immediate political superiors. Bowie notes

⁴⁴ NRS, PC1/48, pp. 542, 569, 607, 653-4, 5 January – 27 March 1693; NRS, PC1/49, pp. 120-21, 297-8, 29 August 1693 – 9 March 1694.

⁴⁵ A. J. Mann, ‘Continuity and Change: the Culture of Ritual and Procession in the Parliaments of Scotland’, *PER*, 29 (2009), pp. 143-58; ‘The Method and Manner of Ryding the Scottish Parliament’, in *Miscellany of the Maitland Club*, vol. iii, pt. 1 (Edinburgh, 1842), pp. 101-137; NRS, PC1/52, pp. 558-62, 3 May 1703.

⁴⁶ A. R. MacDonald, ‘Neither inside nor outside the corridors of power: prosaic petitioning and the royal burghs in early modern Scotland’, *PER*, 38:3 (2018), p. 301.

that this was a method used to represent particular local issues which were to be addressed by the council as well as to apply to central authorities, such as for grants and patents.⁴⁷ The council often imposed its authority on the burghs, and likewise the convention was not afraid to use its own jurisdiction to maintain privileges. Bowie has argued that the petition represented a failure of consensus politics, whilst MacDonald has shown that the council was, on occasion, the recipient of disdainful rebukes from the Convention.⁴⁸ Hence, the relationship between the Privy Council and Scotland's burghs was not always smooth. However, it was a vital relationship for maintaining central political representation and lobbying for urban populations as well as for sorting out seemingly unmanageable local issues.

Despite the prevalence of petitioning the Privy Council, there were more informal methods of communication between it and the burghs. The Convention of Royal Burghs represented the interests of all the ancient royal burghs of Scotland. This included maintaining their distinct trading privileges often in the face of developments which threatened their monopoly, such as the growing stature of burghs of barony and regality. For example, the royal burghs had a monopoly over foreign trade and the export of certain commodities until a ground-breaking act of parliament in 1672.⁴⁹ This 'celebrated' act opened the possibility of foreign trade to the lesser burghs but still retained certain privileges over trade in products such as wines and spices for the sixty-six royal burghs.⁵⁰ As such, the royal burghs' distinct position was being eroded with the consequential empowering of the nascent burghs of regality and barony, which the royal burghs themselves and the convention evidently saw as a threat. A letter from the Convention to Lord Melville and the Privy Council in August 1689, signed by the provost of Edinburgh, Sir John Hall of Dunglass (who was incidentally a member of both the Convention and the council), expressly conveyed this concern. The letter commended some

⁴⁷ Karin Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707* (Woodbridge, 2007), p. 56.

⁴⁸ Bowie, *Scottish Public Opinion*, p. 57; MacDonald, *The Burghs and Parliament*, p. 79.

⁴⁹ *RPS*, 1672/6/13.

⁵⁰ Rosalind Mitchison, *Lordship to Patronage: Scotland 1603-1745* (Edinburgh, 1983), p. 99.

of the legislative amendments made during the Revolution but expressed that the convention wished to reinstate and embolden the interests of the royal burghs, suggesting a further amendment which rescinded the 1672 act. Hall mentioned that two advocates and a merchant were chosen from their number to represent this grievance to parliament under the express hope that it be redressed in the next session.⁵¹ But his letter was a direct missive to the Secretary of State to attempt to expedite the matter. The legislation which underpinned the Revolution had not overturned this innovation of the Restoration and therefore Melville was urged to initiate a return to the *status quo ante*. There were clearly informal mechanisms available for the convention and its members to lobby in favour of their interests. Therefore, an important aspect of communications between the Convention and the council was the overlap of membership which allowed privileged access to influential individuals between governmental institutions.

Magistrates could also be nominated to represent burgh grievances directly to the council, by appearing before them in Edinburgh. The burgh hierarchy of Stirling expressed its wishes for the Privy Council to consolidate the religious revolution which had been initiated in 1690. James Hunter, the town's second minister, had been deprived in September 1689 for failing to read the Estates' proclamation of 13 April 1689 which compelled clergymen to explicitly pray for the joint monarchs, as well as for allegedly continuing to pray for James VII.⁵² This deposition was brought before the council by a former provost, a merchant, and an apothecary in the burgh. Hunter vehemently denied the accusations against him and petitioned the council in August 1692 claiming that the libel had been brought against him under false pretences and for personal reasons, stating that it was purely his episcopal background which was the focus of a vendetta by some parishioners. He told the council that a great many parishioners actually supported him and requested in vain to be reponed to his charge.⁵³ Hunter

⁵¹ *Leven and Melville Papers*, pp. 253-4.

⁵² *RPCS*, ser. 3 vol. 14, pp. 183-5, 4 September 1689.

⁵³ NRS, PC2/24 fos. 98v-99r, 9 August 1692.

had petitioned the council earlier in the year requesting two years' vacant stipend for his upkeep. However, the burgh council responded by stating that as patrons of the kirk they had access to and power over the stipend. The former provost, John Dick, was nominated on 15 February 1692 'to goe to Edinburgh and represent the matter to the council and oppose Mr. James Hunteris bill by all just means and meathodis' since they unanimously decided that 'Hunter can pretend noe just claime' to the vacant stipend.⁵⁴ The burgh council insisted that the money would be used elsewhere for 'pious uses' as well as to reimburse presbyterian ministers who had preached in Stirling since the second charge was vacated.

The formal mechanism of the petition, though, was the most common method for the Convention of Royal Burghs to express its wishes and concerns to the central executive. Throughout 1692, there was an issue brought to the attention of the Privy Council by the convention concerning the manufacturing of linen cloth. In their meeting in February the convention drafted a counter petition to one that had been given into the king in London by some individuals requesting a patent for linen production. The king had delayed the patent in consideration of the Scottish royal burghs' interest in the trade, which the Convention thanked him for by endeavouring to improve the production of linen. Despite this near obligatory nicety, it mentioned several acts from the Restoration which, had they been enforced, would have helped such improvements.⁵⁵ Thus the convention asked the council to enforce these acts of council and parliament for 'the great advantadge of the wholl nation and to ther reputation abroad'.⁵⁶ In April, the matter was still not resolved as the convention wrote to the secretary the Master of Stair reiterating the royal burghs' desire for linen manufacturing to be regulated

⁵⁴ Anon., *Extracts from the Records of the Royal Burgh of Stirling, A.D. 166-1752*, vol. ii (Glasgow, 1889), pp. 65-6.

⁵⁵ Anon., *Extracts from the Records of the Convention of Royal Burghs*, vol. IV, 1677-1711 (Edinburgh, 1880), pp. 148-9.

⁵⁶ *Ibid.*, p. 149.

and for sizes of linen to be decided upon. Their concerns were palpable, ‘being convinced that if these measure be not speedely taken ther nighbours may come to outdoe them’.⁵⁷

On 12 February 1692, moreover, the convention again petitioned the council to attempt to contact the king to remove the embargo placed on Scottish linen in Veere in the Netherlands.⁵⁸ In the aforementioned letter to Stair in April the convention also expressed wishes for the council to get involved to remove ‘the arreiste put vpon the effects of severall of our merchants at Campheer [Veere]’.⁵⁹ Also, in July 1694, the convention decided to contact the Privy Council in order to secure trade due to the considerable threat posed to ships – and thus the produce which they were transporting – by pirates. The council was petitioned to contact the king so ‘that his Majesties [might] give instructions to his commissioner at the siting of the next sessione of parliament that some effectuall course be taken thereanent’.⁶⁰ Therefore, the convention alerted the council of matters outwith the domestic scene which it saw as prejudicial to the mercantile interests of the royal burghs in Scotland. As such, the council was not only a sounding board for Scottish issues but the Convention’s representative on the international mercantile scene, by airing the burghs’ grievances to the monarchy and upholding their privileges when these were encroached upon by an outside interest or group.⁶¹

Individual burghs also often petitioned the Privy Council to represent their issues and suggest potential solutions as well as to settle disputes which were not possible to resolve in the local community. Commissioners of supply met in May 1692 to muster forces in defence of a supposed planned invasion of the country by French and Irish Catholics. Stirling burgh council complained to the Privy Council on 11 May that the commissioners of supply from

⁵⁷ *Convention of Royal Burghs*, iv, pp. 164-5.

⁵⁸ *Ibid.*, p. 151.

⁵⁹ *Ibid.*, p. 165.

⁶⁰ *Ibid.*, p. 195.

⁶¹ Indeed, MacDonald asserts that the council itself was often forced to temper the convention’s proclivity for independent action and for acting beyond its jurisdiction: MacDonald, *The Burghs and Parliament in Scotland*, p. 78.

Stirlingshire and Clackmannanshire 'did in their procedour theranent inroach upon the priviledge of this burgh by nominating some captains and leivetenentis within this burgh, which did only lye in the power of the magistratis to doe'.⁶² The council heard this petition the next day and remitted the issue to a committee concerned with consulting letters sent from numerous shires about fencible men.⁶³ Therefore the Privy Council was the institution with which to seek dispute resolution when jurisdictions and functions of lesser governmental bodies overlapped or were encroached upon.

It was not only magistrates who petitioned the Privy Council to address grievances relating to the royal burghs. Merchants, ministers, and other inhabitants often contacted the council to represent their personal issues which involved burgh institutions. John Hoge, a merchant in Freuchie (Fife), complained to the council in January 1694 that he had been falsely imprisoned by the burgh councillors of Freuchie, who had also extracted a bond from him.⁶⁴ The council found the magistrates guilty of 'ane high and notorious Ryot', fined them £100 Scots and ordered them to return the petitioner's bond which they had extorted.⁶⁵ Though they were forced to reimburse Hoge, the burgh councillors were absolved from the points of the libel case. Furthermore, in June 1693, the inhabitants of the Canongate contacted the council regarding extensive quarterings upon them. The lords considered this petition as well as 'a report from a Comittie of their own number' and decided to order soldiers to provide their own coal and candles in their lodgings at their own expense, and that prices to their relevant landlords should be at a fixed rate decided upon by the magistrates.⁶⁶ The magistrates were also ordered to set up a 'chamber of ordinance' with stables and other apportionments in the grass market to be used by their soldiers and horses at their own expense.

⁶² *Records of the Royal Burgh of Stirling*, ii, pp. 66-7.

⁶³ NRS, PC1/48, p. 189, 12 May 1692.

⁶⁴ NRS, PC2/24, f. 307r, 4 January 1694.

⁶⁵ NRS, PC2/24, f. 308r, 4 January 1694.

⁶⁶ NRS, PC2/24 fos. 223v-224v, 6 June 1693.

MacDonald has outlined the process of mercantile communities (which were not represented by the Convention of Royal Burghs) seeking aid from the council in legal disputes. He points out that craft guilds often went above the Convention and petitioned the Privy Council directly.⁶⁷ The provost and bailies of the burgh of Fortrose (Ross-shire) were caught up in a legal dispute in 1697 to 1698 amongst some local landed individuals – the earl of Seaforth against John Bayne younger of Tulloch and John Dempster of Pitliver. A letter from Fortrose's magistrates written in July presumably and read in council on 26 July 1698 reveals that they sought reimbursement for their travel to and accommodation in Edinburgh to act as witnesses in the legal process. The witnesses had been called to give their accounts in this process in December 1697, which was eight days travel from Fortrose across rivers with some ferries having to be taken. Furthermore, they had a twenty-eight day stay in the capital awaiting the trial before the same journey back. Moreover, the witnesses were called back to the bar again in July 1698. By this point they had received a lukewarm reimbursement of £11, 16s Scots. The letter cites that a more suitable figure would have been around £50. At the bottom it is added, presumably by the council clerk, that Tulloch and Pitliver were to answer this petition.⁶⁸ The magistrates ultimately gained further recompense for their travails.

The council also gave civil sanction to proposals brought forward by burgh councils. A Privy Council act endorsed a decision made by the Edinburgh burgh council, in which 32 women found to be prostitutes were given a sentence of banishment to the American colonies. The act listed the names of all of these women and 'approves of the said magistrates decision' to have them banished.⁶⁹ The matter had been internally investigated in the burgh and a decision reached, so the next stage to enact and enforce the policy was to apply to the executive – the women had 'all Judicially Consented before the magistrates forsaied to their said

⁶⁷ MacDonald, 'Neither inside nor outside the corridors of power', p. 299.

⁶⁸ NRS, PC12/1698–1701, 26 July 1698.

⁶⁹ NRS, PC2/25, f. 217v, 19 March 1695.

Transportatione'.⁷⁰ A further petition in 1697 from Edinburgh for banishing more prostitutes and thieves, as well as another woman for incest was granted by the council.⁷¹

Warrants were also granted from the executive to undertake matters in local communities and have them tried in Edinburgh. In March 1696 the magistrates of Aberdeen were granted a warrant to apprehend two 'Popish priests' and have them sent to Edinburgh.⁷² Two years later, in July 1698 the burgh council discovered more suspected Catholics along with some 'popish trinkets' which were taken from an illegal meeting house which the priests had occupied.⁷³ Two men, named Alexander Gibb and George Gray, were imprisoned and their wares were brought to the council. Gray was later absolved by the council, upon finding that he was a merchant and a 'sound protestant', whilst Gibb was confirmed as a 'papist' who refused to give straight answers to the committee.⁷⁴ Thereafter, the register of baptisms and marriages found in the meeting house were to be perused by the Privy Council committee named to deal with the matter. Some of the 'trinkets' (idols such as a silver chalice and crucifix) were sent back to the magistrates to be melted down and sold on to a goldsmith, the money from which was to be given to the kirk and used as financial succour for the town's poor. The other 'trinkets' were ordered to be taken to the Aberdeen mercat cross and burnt by the town's executioner under the watchful eye of the burgh council.⁷⁵ This case encapsulates the process by which issues were brought to the attention of the executive, then remitted to a council committee to be investigated, and ultimately referred back to the burgh hierarchy to enforce executive policy.

On 16 May 1695 the Privy Council, upon a petition from the royal burgh of Lanark, granted a voluntary contribution to be collected for funding a bridge to be built over the River

⁷⁰ NRS, PC2/25, f. 217r, 19 March 1695.

⁷¹ NRS, PC4/2, f. 36v, 2 February 1697.

⁷² NRS, PC4/2, f. 10r, 17 March 1696.

⁷³ NRS, PC4/2, f. 60r, 12 July 1698.

⁷⁴ NRS, PC1/51, p. 463, 2 August 1698.

⁷⁵ NRS, PC1/51, pp. 463-4, 2 August 1698.

Clyde at Clydesholm. John Lochoir was nominated to calculate the expense of this bridge which he worked out would be around 25,000 merks, and Archibald Simpstone was named as the collector of this. However, the burgh found in May 1695 that the extent of the contribution was ‘but verie mean’ and ‘not sufficient to perfect so neccessarie a work now begunn’ nor for the materials which had already been purchased.⁷⁶ The burgh records cite the financial troubles which Lanark had endured since the Restoration, especially due to the Battle of Bothwell Bridge (1679) and its aftermath, describing that they required more money. Parliamentary assistance was thereafter sought in October 1696 to make up the rest of the funds needed out of vacant stipends. It was duly granted, and the treasury was ordered to pay funds directly to the burgh.⁷⁷ They were also forced to petition the Convention of Royal Burghs for financial succour, 500 merks of which was granted in 1697.⁷⁸ Therefore, the council was not the only body which was petitioned to aid burghs in their endeavours, but was an independent policy making authority which made decisions over lower administrative institutions.

The Privy Council also oversaw electoral matters in the royal burghs. In 1694, a Stirling bailie and the town’s deacon convenor were sent to Edinburgh, ‘to give accompt of the last election to my lord chancellor, the advocat, and other lords of privy council’. They reaffirmed their gratitude for the councillors’ endeavours in traditional forms of loyal addressing and confirmed they would ‘be ready on all occasiones to give testimonie therof and imploy their outmost endeavours for being serviceable to the government’.⁷⁹ In Aberdeen in 1697, the Privy Council was called upon after illegal conduct was found in the burgh council and magistrates election of that year. Robert Cruickshank of Banchory (1623-1717) had been elected as provost in 1693 and gained favour in the three subsequent elections. Opposition came to fruition before

⁷⁶ *Extracts from the records of the royal burgh of Lanark, with charters and documents relating to the burgh. A.D. 1150-1722* (Glasgow, 1893), pp. 260-61.

⁷⁷ *RPS*, 1696/9/187.

⁷⁸ *Extracts from the records of the royal burgh of Lanark*, p. 375.

⁷⁹ *Records of the Royal Burgh of Stirling*, ii, 72.

the burgh council election of 1696, though, in the form of a ‘solemn protestation’, which was unsuccessful since he was able to win the election for yet another term.⁸⁰ However, his tenuous control over the burgh finally ended in 1697, when he retired. Prior to doing so he employed remarkably conspicuous illegal means to pack the burgh council electorate and choose his son in law, John Johnston, as his successor.

In protest at Cruickshank’s preferment of Johnston, the electorate staged a walkout and therefore abstained. Cruickshank, in complete disregard for electoral precedent, employed unqualified proxies in an alternative electorate which numbered just nine, when it should normally have consisted of at least nineteen. Their ‘partiall and maisterfull’ practices were discussed in the Privy Council chamber on 25 November in private litigation brought against Cruickshank by two of Aberdeen’s bailies, John Allardyce and Thomas Mitchell. The evidence against Cruickshank and Johnston stated that after the boycott, their sham election consisted of — among others — a boy aged around 15, a man convicted for false measures who had been banished from the town, and several servants and tacksmen abiding outwith the burgh, none of whom had publicly qualified themselves with the oath of allegiance or assurance, nor were they burgesses.⁸¹ Interestingly, there was also a religious dimension to the allegations against Johnston. He was described as both a Quaker and a follower of Arminian principles who was morally opposed to capital punishment; the latter the Privy Council condemned as an ‘opinion [which] is wtterlie inconsistant with our lawes’!⁸²

The Privy Council declared the Michaelmas election of 1697 null and void, then ordered a new burgh council election to be held on 8 December. The new magistracy elected consisted of both the main complainants in the libel case brought against Cruickshank, with Thomas Mitchell installed as provost and John Allardyce as a bailie. For this reason, their

⁸⁰ NRS, PC2/27, f. 49, 25 November 1697; ACA, Aberdeen town council minutes, 1682-1704, CA/1/57, pp. 592-606.

⁸¹ ACA, CA/1/57, pp. 593-600.

⁸² NRS, PC2/27, f. 52v, 25 November 1697.

complaint was a conclusive success, though admittedly one where there had been clear wrongdoing and the council was left with little choice but to annul the election. Further measures were taken to ensure no such issues might arise again: the new burgh council enacted that all matters proposed by magistrates were required to be voted on prior to implementation.⁸³ Additionally, a Privy Council act enforced that no provost could remain in office for more than two years, with the oath of allegiance administered each year and a promise to observe all the acts of the burgh itself and the Convention of Royal Burghs.⁸⁴

Commissioners of Supply

Gordon Donaldson maintains that ‘the most important and enduring office created in local government in the seventeenth century was that of the commissioners of supply’.⁸⁵ Commissioners of supply were introduced in 1667 by an act of Charles II's parliament.⁸⁶ The act followed the king's letter to the Scottish Parliament on 9 January 1667, which concerned taxation and concomitant issues – namely, the need for supplementary administrators in local communities to collect tax. The act mentioned the ‘late fanatic rebellion’ (the Pentland Rising of 1666) and the cost of foreign wars (the Second Anglo-Dutch War) as motivation for the introduction of further commissioners due to the increased necessity for extracting the monetary resources of the citizenship. Commissioners for each sheriffdom would consist of *ex officio* members, such as privy councillors and senators of the College of Justice.

Although they were initially instituted to collect tax, commissioners of supply later took on much responsibility for local government and in 1686 their functions were expanded. The sheriff of each shire was given the power to compel the commissioners of supply and justices

⁸³ ACA, CA/1/57, p. 608.

⁸⁴ *Ibid.*

⁸⁵ Gordon Donaldson, *Scotland: James V to James VII* (Edinburgh, 1971), p. 399.

⁸⁶ RPS, 1667/1/5.

of the peace to convene and agree funding and allocation of labour for road repairs.⁸⁷ Their remit also involved mustering fencible men, such as in June 1690 when the Privy Council ordered commissioners in the western and southwestern shires to initiate a rendezvous of fighting age men to be enlisted in the Irish and European conflicts.⁸⁸ Indeed, the Nine Years War (1688-1697), the Highland War (1689-1691), repeated grain shortages leading to famine (c. 1695-1700), and the introduction of the hearth and poll taxes of the 1690s created a greater workload for the commissioners and expanded the involvement of central government in the localities. Hence, the council was in regular contact with commissioners, ensuring tax was being collected, managing the security situation by calling for troops to be mustered, and appointing further commissioners to meet the increasing demand created during the tumultuous decade. On 27 February 1694, for example, additional commissioners were named in the shires of Roxburgh, Kinross, Linlithgow, Fife, Peebles, Selkirk, Dumbarton, Stirling and Edinburgh.⁸⁹ Conveners were appointed to receive the oaths of allegiance and assurance from the commissioners. This was, the council stated, in order to replace any deceased commissioners previously appointed. But it can be inferred that this was a solution to the issue of collecting tax in the shires. It could well be posited that while an emboldened parliament in the 1640s governed through its own shire committees, the Privy Council of the 1690s was responding to the governance of the localities in somewhat a similar vein, through its own business and that of the 'inferior' officials it oversaw.

Karen Cullen has highlighted that commissioners of supply took on an important role in local communities in response to the repeated dearth and cases of famine, by controlling grain prices and dealing with food shortages.⁹⁰ What is important for the discussion here is that the commissioners took their directions from the executive in Edinburgh, demonstrating that

⁸⁷ *RPS*, 1686/4/28.

⁸⁸ *RPCS*, ser. 3 vol. 15, p. 279, 20 June 1690.

⁸⁹ *NRS*, PC1/49, pp. 277-286, 27 February 1694.

⁹⁰ Karen Cullen, *Famine in Scotland: The 'Ill Years' of the 1690s* (Edinburgh, 2010), pp. 69-70, 79-81.

the council had significant oversight in matters of local government. For instance, the council issued a proclamation in June 1699 in order to determine set prices for victual.⁹¹ Five commissioners of supply and justices of the peace in each shire were to meet by order of the Privy Council to determine prices and to report back to the council by a certain time, and the council produced a list of those whom it empowered to do so.⁹²

Also, the council retained the power to appoint commissioners of supply and to determine the correct process for their election in the localities. It was in response to the poll tax being called by parliament in 1694, that the council produced the commissions for supplementary commissioners of supply that year.⁹³ In one interesting case the council heard a petition from William Cochrane of Ferguslie in February 1701 regarding the election of a collector of the cess among the commissioners of supply in Renfrewshire, of which he was a member.⁹⁴ Conforming to an act of parliament on 31 January 1701, which enacted a supply of twelve months cess, the commissioners in the shire gathered to elect their chief collector for this taxation.⁹⁵ John Cunningham, tenth earl of Glencairn (d. 1703), was selected as the *praeses* for this meeting and had the casting vote if there was a tie. In the event, Ferguslie gained ten votes to his opponent's nine. But, disregarding normal practice, Glencairn cast his vote in favour of the latter and the result was rendered equal. This was apparently in protest at the fact that Ferguslie had voted for himself, although there was precedent for this. Thereafter, Ferguslie obtained 'a declaration and the subscriptions' from the ten commissioners who voted for him and 'was necessitat to apply to their lo[rdshi]ps to whom the determination of such questions belonged'.⁹⁶ The Privy Council found that voting for oneself was legal, but that

⁹¹ NRS, PC1/51, pp. 563-4, 9 June 1699.

⁹² *Ibid.*, pp. 565-6.

⁹³ NRS, PC1/49, pp. 277-86, 27 February 1694.

⁹⁴ NRS, PC2/28, fos. 35v-36v, 20 February 1701. Ferguslie served in that capacity from 1698 until 1704, when he was imprisoned for misappropriation of funds granted to him by the treasury: *RPS*, 1698/7/41; *RPS*, A1704/7/63.

⁹⁵ *RPS*, 1700/10/244.

⁹⁶ NRS, PC2/28, f. 35, 20 February 1701.

Glencairn had no right to cast a vote unless it was a deciding one. It also proclaimed that, once elected, the collector could not be dismissed from office unless in the case of ‘aither death or malversation’.⁹⁷ The council therefore resolved the issue by calling for a new election which was held in March in addition to prohibiting any of the commissioners from meeting until then. We see evidence here of the council working closely both with parliament and with officials in the localities.

The Court of Session

McNeill’s central argument (in his doctoral thesis of 1960) focuses on competing jurisdictions, as he sets out to assess the ‘nature and ratio’ of the Privy Council’s residual jurisdictions, particularly in relation to the functions of other courts, and especially the Court of Session.⁹⁸ Importantly, membership often overlapped between both institutions. Upon a letter from the king on 7 June 1698, Hugh Dalrymple, the lord president of session was received as a privy councillor and thereafter maintained significant attendance throughout his tenure.⁹⁹ On inspection of the Privy Council’s manuscript records, one immediately observes the centrality of the relationship between the Court and Council in judicial matters, since the executive consistently referred (or remitted) matters to the court. The Privy Council would hear petitions, witness statements, and receive bonds but remitted matters to the ‘Lords of Session’ to execute summary justice in legal processes. For example, in June 1692, a bill of suspension was heard before the Privy Council, given in by John Lyon, the sheriff clerk of Angus. The bill of suspension was refused since Lyon had apparently ejected someone from his land and withheld

⁹⁷ *Ibid.*

⁹⁸ McNeill, ‘The Jurisdiction of the Scottish Privy Council’, pp. 1, 176-7.

⁹⁹ NRS, PC1/51, p. 430, 7 June 1698.

meal from some of his tenants. But the council found that the matter ‘Ought to be Defended before the Lords of Session as only Judges Competent’, since it was to do with a land dispute.¹⁰⁰

Equally, the Privy Council had the power to prevent the session from sitting. Upon the death of Queen Mary, in December 1694, there were numerous proceedings announced to commemorate the occasion and celebrate her life. The General Assembly called for a day of national humiliation on 2 February 1695.¹⁰¹ On the same day, however, the Lords of Session were in receipt of an admonition for their ‘behaviour upon the Queens death’ since they continued to sit. Upon confrontation of their lack of humility the Session was admonished by (amongst others) Goodtrees, the Lord Advocate and Cockburn, the Lord Justice Clerk, who declared that ‘the said Lords of Sessione have caused shut their doors and are resolved to follow noe publict business for this day but to apply themselves in prepareing ane address for the Kings Majestie condoleing the present sad occurrence’.¹⁰²

The General Assembly

Sir John Clerk of Penicuik, in his memoirs of the Anglo-Scottish parliamentary union, described a request to parliament from a committee of the General Assembly of the Church of Scotland during the union debates of 1706-7 for favourable legislation concerning the Kirk and ecclesiastical government. He paraphrased it thus: that the committee wished for the establishment of a permanent commission ‘to look after the church’s interests in such matters as supplying vacancies and valuing and apportioning teinds’ and to appoint judges ‘to deal with church matters that formerly came before the Privy Council, such as preventing the growth of

¹⁰⁰ NRS, PC2/24, f. 58v-59v, 16 June 1692.

¹⁰¹ NRS, PC1/50, p. 89, 2 February 1695.

¹⁰² NRS, PC1/50, p. 88, 2 February 1695.

Popery'.¹⁰³ The Privy Council was, according to his interpretation, an institution which blurred the lines of two kingdoms doctrine. This is particularly relevant since privy councillors often also sat on ecclesiastical courts. Numerous Privy Councillors also served as commissioners to the General Assembly. John Carmichael, Lord Carmichael, later first Earl of Hyndford (1638-1710), served as commissioner to the General Assembly in 1690, 1694, and 1699. The council's religious functions were broad but could be summarised as supervisory and normative management of affairs, centred on political, moral and financial imperatives and with an implicit mutual dependency. However, the Kirk and the council did not always operate exclusively nor without periodic bouts of conflict.

The General Assembly of the Church of Scotland was the highest court in the Presbyterian Kirk. It was made up of commissioners from presbyteries and met normally once a year after its revival in 1690. Several authors have heretofore explored the relationship between parliament and General Assembly, but there has been far less research on the Kirk and the Privy Council.¹⁰⁴ Jeffrey Stephen claims that parliament and church worked in tandem during the Revolution, creating a settlement which led the way for church-state relations until the union.¹⁰⁵ Stephen adds that the council as well as parliament and local magistrates worked to assist the Kirk and grant legal legitimacy for its actions, though his only close analysis of the executive in this regard is based around its abolition in 1708.¹⁰⁶ What the analysis here of the council reveals is a level of hypocrisy in the operations of the post-Revolution church in its vigorous anti-Catholic, anti-erastian, and anti-prelacy stance. The council and parliament were

¹⁰³ Sir John Clerk of Penicuik, *History of the Union of Scotland and England*, trans. and ed. by Douglas Duncan, SHS 5th ser., vol. vi (Edinburgh, 1993), pp. 118-9.

¹⁰⁴ Rait, *Parliaments of Scotland*, pp. 15-19; Goodare, 'Parliament and its early modern 'rivals'', pp. 152-8; K. F. McAlister and R. J. Tanner, 'The First Estate: Parliament and the Church', in K. M. Brown and Alan R. MacDonald (eds.), *The History of the Scottish Parliament, vol. iii: Parliament in Context, 1235-1707* (Edinburgh, 2010), pp. 31-66. For further discussion of the relationship between the Church of Scotland and the Privy Council, see chapters 3-4 of this thesis.

¹⁰⁵ Jeffrey Stephen, 'Defending the Revolution: The Church of Scotland and the Scottish Parliament, 1689-95', *SHR*, 89: 1 (April 2010), pp. 52-3.

¹⁰⁶ Jeffrey Stephen, *Defending the Revolution: The Church of Scotland, 1689-1716* (Farnham, 2013), pp. 294, 298.

responsible for establishing and consolidating Presbyterian revival and, despite lay crowd action which Raffe has shown, this might suggest something of an erastian settlement.¹⁰⁷ Also, despite the perception of cordial arrangements between kirk and state there were evidently moments of overlapping jurisdiction and institutional discord.

Nominally the Privy Council's relationship with the General Assembly was merely based upon granting civil sanction to the church's acts and proposals. In practice, however, the goals and efforts of both institutions did not always align. For instance, the Privy Council granted aid to oppressed Quakers in Glasgow in 1691, which contrasted heavily with local efforts to displace the minority group in places such as Aberdeen.¹⁰⁸ Also, an act of the General Assembly in 1695 warned lower church courts to be wary of the 'abominable heresies of the Quakers' and if found in regional synods, presbyteries, and parishes, to root them out.¹⁰⁹ While the council's treatment of Catholics tended to be heavy handed, it appears that there were efforts to reduce repression against other religious minorities throughout the decade.

Identifying and punishing recusancy was one of the important facets of the council's work which was carried out with close cooperation from the church and its courts. An address from the General Assembly for laws against Catholics to be enforced with greater rigour was granted and followed in March 1698 by a council proclamation 'against seminary preists, jesuits and traffickquing papists [as] adversaries to the true religion'.¹¹⁰ This proclamation compelled civil magistrates, sheriffs and justices of the peace to gather information in their regions about such individuals and transmit them to the council. Thereafter, numerous reports of Catholic cells and lists of names were sent to the executive, such as in Aberdeen where the presbytery found a Catholic in Fyvie and a Quaker who ran a school in Kinkell.¹¹¹ Other regions

¹⁰⁷ Raffe, *The Culture of Controversy*, esp. chapters 7 & 8.

¹⁰⁸ *RPCS*, xvi, p. 659.

¹⁰⁹ 'Act anent Quakers', in *AGA*, pp. 245-56.

¹¹⁰ NRS, PC4/2, f. 57v. 3 March 1698; PC 1/51, pp. 407-9, 4 March 1698.

¹¹¹ NRS, Aberdeen Presbytery Minutes, CH2/1/4, p. 25, December 1697.

followed, with the sheriff depute of Banff in May and that of Kincardine-shire in July reporting to the council on numbers of Catholics.¹¹² An overture to recommend this matter to the council had been brought forward at the General Assembly of 1698 though it was not enacted until the following year's meeting, which explicitly stated the crucial role of the council in carrying out such anti-Catholic legislation.¹¹³ The council therefore responded with policy according to the assembly's request prior to the establishment of the legislation which enacted that policy in the church itself.

The Privy Council was the civil representative and policy enforcing body of the church. For example, during the 1690s on numerous occasions members of the Kirk applied to the council for civil sanction to initiate fasts, thanksgivings, and other special occasions. Invariably, these were initiated in response to acts out of worldly control, such as that in August 1696 due to 'the present circumstances both as to the threatned famine and great scarcity and povertie'.¹¹⁴ Also, addresses from the General Assembly or its commission, to the council regarding profanity and famine relief were met with swift action. In January 1697 the assembly did exactly so and in March the lord advocate was ordered to consult the acts of parliament regarding the poor and profanity to 'abbreviat' these afterwards.¹¹⁵ Later in the year a council proclamation was issued and revised which prohibited profane practices and speech, also including provisions for the destitute.¹¹⁶

Also, the Privy Council provided financial assistance to the kirk, including funding for the translation of the psalms into Gaelic. Interestingly here there was competition over the contract to print these between Agnes Campbell and George Mossman, and the council empowered the synod of Argyll to choose, since they had been granted the sole patent for the

¹¹² NRS, PC4/2, fos. 58v, 60v, May-June 1698.

¹¹³ 'Overtures against Popery', in *AGA*, pp. 267-76; 'Act against Popery', in *AGA*, pp. 277-89.

¹¹⁴ NRS, PC1/50, p. 613, 6 August 1696.

¹¹⁵ NRS, PC4/2, f. 30, 18 March 1697.

¹¹⁶ NRS, PC4/2, f. 51r, 25 November 1697.

endeavour for the next nineteen years.¹¹⁷ It is unclear if this was part of an aim to convert the seemingly nonconformist *Gàidhealtachd* or root out its distinct language and culture, but a parliamentary act of 1695 firmly endorses the latter.¹¹⁸ The Privy Council also granted the General Assembly's request in April 1697 for a voluntary contribution for building a church at Königsberg (modern day Kaliningrad, Russia) for the exiled Scottish community.¹¹⁹

In other matters as well, the council could act as another institution of ecclesiastical government. There were 664 ministers ejected (either voluntarily or forced out) from around 900 parishes in the years between 1689 and 1702, according to Karen Cullen.¹²⁰ Therefore many people were without a minister, and the local church – as the primary means of community financial and moral support – became an insufficient provider of relief. In the parish of Glass (Aberdeenshire) in 1694 many parishioners were without food ‘in this Stormie Cold Weather’, and their kirk was in disrepair.¹²¹ Prevented from attending church and struggling to survive, the parishioners were forced to petition the council through a factor for alimentary assistance. The council record states that there was no presbytery or bishop in the region constituted by law which could amend the issue, so Alexander Alexander was named factor and the commissioners of supply in Banff were to attend the parish with him to investigate what landowners could be liable to pay.¹²² In the absence of the normal means of parochial poor relief, the council assumed the power of a higher church court such as a presbytery or synod, and then remitted the matter to another secular institution under its tutelage.

Furthermore, it was the Privy Council which (like its relationship with parliament) issued the summons from the monarchy for the General Assembly to meet. King William wrote to Edinburgh in September 1693 ordering the council to prepare a proclamation calling the

¹¹⁷ NRS, PC2/24, fos. 306r-307v, 356r, 2 January-8 March 1694.

¹¹⁸ *RPS*, 1695/5/180.

¹¹⁹ NRS, PC4/2, f. 40r, 13 April 1697.

¹²⁰ Cullen, *Famine in Scotland*, p. 105.

¹²¹ NRS, PC2/24, fos. 324v-325, 25 January 1694.

¹²² NRS, PC2/24, f. 324r, 25 January 1694.

assembly to sit from 6 December.¹²³ The assembly did not actually sit for another four months, due to further adjournment. Similarly, in 1695 the king ordered the council to issue a proclamation delaying the assembly again. The king said that he, and the assembly, would want to hear what was said in parliament to do with church matters, and therefore proceeded to adjourn their meeting until November if the council was to receive these orders before 11 July, which was the original date for the sederunt.¹²⁴ The message was read in council on 9 July and the assembly did not meet until December 1695 and into early the following year. The assembly needed civil and crown authorisation to conduct their business and was forced to delay its affairs until parliamentary legislation was initiated, as well as having its acts provided in policy by a prescient executive.

Relations between church and executive did break down on occasion. Robert Wodrow mentioned in a letter (dated March 1700) to James Wallace, the tutor to Lord Ross, a debate over the use of the word ‘Caledonia’ in relation to the Scottish colony in Darien.¹²⁵ The assembly sought civil sanction from the council for a fast and thanksgiving for the deplorable state of the nation in terms of famine and ‘several cross providences that the African and Indian Company’s Colony in America hath met with’.¹²⁶ Also, councillors themselves could have interests which contrasted with those in church institutions. This was especially so since many members of the executive were often patrons of churches throughout the kingdom and swathes of them petitioned for vacant stipends, ostensibly for pious uses and invariably granted by their colleagues. Thomas Burnet of Leys (a privy councillor) was in contact with the presbytery of Aberdeen in spring 1697. The presbytery opposed his asking for the benefit of the church of Upper Banchory and for exclusive use of it for around five weeks. They stated in a letter back

¹²³ NRS, PC12/1692-5, Royal Letters, 1693, 7 September 1693.

¹²⁴ NRS, PC12/1692-5, Royal Letters, 1695, 17 April 1695.

¹²⁵ *ELRW*, ed. L. W. Sharp, SHS 3rd ser., vol. xxiv (Edinburgh, 1937), pp. 54-7.

¹²⁶ ‘Act anent a Solemn National Fast and Humiliation’, in *AGA*, pp. 289-300.

to him that ‘neither in law nor conscience, they could agree to that desire’.¹²⁷ Another consequence of this was the secular uses of ecclesiastical funds, such as in Berwickshire in 1692 where the justices of the peace and commissioners of supply petitioned the council for numerous parishes’ vacant stipends to repair two bridges.¹²⁸ The money was duly granted to the tune of around 5,000 merks. Therefore, ostensibly ecclesiastical finances were being appropriated for secular means.

The above examples reinforce that the Privy Council blurred the lines of two kingdoms theories which nominally separated church and state, which is explored in greater depth in the following two chapters. The Privy Council granted religious policy, operated as an ecclesiastical governing institution outwith the church, and a civil authority which represented the clerical estate. This blurring of the demarcated lines of church and state served to empower the council’s religious function, which somewhat paradoxically made up for the lack of clerical representation on the sederunt lists of the executive after 1689. Hence, the council had an imperative role as an implicit actor in ecclesiastical government, as well as its civil arm.

Conclusion

Although there is a consistent urge to follow the binary perception of centre and periphery – studying relations between two diametrically separated political spheres – it may not be the most useful framework for an investigation of Scottish government in the 1690s. Local issues and central concerns often intersected, their solutions provided by agents in both camps and with wider contexts outwith their immediate geographic or institutional environments. A local issue, even in the most ‘peripheral’ of regions in the kingdom, could be uncovered and brought

¹²⁷ NRS, CH2/1/4, pp. 1-2. 20 April 1697.

¹²⁸ NRS, PC2/24, fos. 80r-81v, 26 July 1692.

to the attention of magistrates or local governors, and then relayed onto central government to seek crown authority or policy provision. The central executive both imposed its authority upon communities through the increasingly stratified local government throughout the sixteenth and seventeenth centuries, and responded to requests of other governmental institutions. Despite holding meetings in Edinburgh, the Privy Council remitted issues to separate committees of its own number, the treasury commission, the lords of session, parliament and, crucially, to commissions (made up normally of magistrates and justices of the peace) in locations outside of the capital. Therefore, despite its inherently fixed abode, the council in many ways operated peripatetically in its management and delegation of matters to other institutions and offices of government.

Intergovernmental relationships in Scotland from 1689 to 1702 were active and fluid processes. Rather than government by executive fiat, inferior institutions had a say in policy, by petitioning, informal mechanisms of influencing the government, in burgh elections and in swearing or refusing oaths. Indeed, the council provided local and other nominally central organisations an arena to have their voices heard. Karin Bowie has shed important light on the level of public opinion and its contribution to the arguments surrounding the union debates, through petitioning, addresses, and crowd activity.¹²⁹ Public opinion could be conveyed and indeed represented by petitioning or seeking authority of the Privy Council. Burgh communities often contacted the council when issues arose around controverted elections or long stays in the magistracy office, while local religious communities corralled to articulate opposition to a minister, a local suspicion of witchcraft, or to gain monetary assistance from vacant stipends to make infrastructural improvements in their communities. Therefore, local issues could be met directly with executive attention and policy provision. In short, this was central political representation through conciliar government administration.

¹²⁹ Bowie, *Scottish Public Opinion*.

McNeill concludes that the council held little legal jurisdiction since it remitted matters to other courts when legal cases were brought before it, as most were to do with riot or penal action. However, this ignores the important appellate jurisdiction held by the council. For instance, the council overturned legal decisions such as sentences of death or banishment as well as granting reprieves. And in 1701 it decided to overturn the commutation of a sentence of death to banishment against Thomas Anderson and John Weir and reimposed the death penalty on the two prisoners. The matter was remitted to the lord justice general, the lord justice clerk and the lords commissioners of justiciary to decide upon a day for the execution and to order the magistrates of Edinburgh to carry it out.¹³⁰ McNeill uses Rosehaugh's *Institutions* very closely and this informs his argument heavily; arguably too extensively. Mackenzie's point had its deficiencies, one of which was that he stated that the council 'cannot remit capital punishments'.¹³¹ And of course, McNeill endorses his idea that the council itself was the fountain of the royal prerogative which only dispensed justice in name of the crown and never in civil or criminal matters.

Goodare has brought into question the ability of the Privy Council to legislate and therefore argues that parliament's control of the legislative agenda was exactly what made it the unrivalled 'sovereign'. However, what this chapter shows above adds another layer to this understanding, since the council was had a fluid relationship with parliament and supervised other institutions of government which oversaw policy provision. The council called, prorogued, and adjourned parliament, albeit at the monarch's discretion. Rather than rivalry, the Privy Council's intergovernmental relations should be viewed through co-dependency. Therefore, it did not matter that the council lacked the ability to legislate as parliament did. Parliament could not legislate without the council enforcing such legislation by providing

¹³⁰ NRS, PC1/52, pp. 190-91, 4 March 1701.

¹³¹ George Mackenzie of Rosehaugh, *The Institutions of the Law of Scotland* (Edinburgh, 1684), p. 23.

policy, and nor could the inferior institutions operate without first being summoned by the council. We must therefore refocus the lens on policy and regulation rather than legislation: the council responded directly to concerns of other institutions with policy provision and regulatory measures. It may also be argued that the council was able to produce temporary legislation, whereas statute enacted by parliament was permanent. Hence, according to the words of George Mackenzie, institutions such as the council and parliament were supreme co-dependents, whilst inferior institutions were directly answerable to the executive:

Jurisdiction is either Supream, inferior, or mixt: These courts are properly called supream, from whom there is no appeal to any higher Iudicatory, such as the Parliament, Privy Council, Lords of Session, the Criminal Court, and Exchequer: Inferior Judges are such whose decreets, and sentences are lyable to the reviewes of the supream Courts, as Sherriffs, Stewards, Lords of Regality, Inferior Admirals, and Commissars, Magistrates of Burghs Royal, Barrons, and Iustices of Peace. Mixt Jurisdiction, participats of the nature, both of the supream, and inferior courts; such a jurisdiction have the high Admiral, and Commissars, of Edinburgh.¹³²

Mackenzie does, however, distinguish between jurisdiction (which was divisible) and sovereignty, which he saw as indivisible, contradicting with the level of shared sovereignty which Ridpath theorised. The council was the nucleus around which other institutions orbited, from which they took direction, to which they directed requests, grievances, and queries, but which also provided a direct link to the monarchy and court. It was therefore, an intermediary between the absentee crown and the populace of Scotland, via its parliament and other representative institutions.

¹³² Mackenzie, *Institutions*, pp. 14-16.

3

Consolidating the Church Settlement: Kirk and Council, c. 1692–1702

Introduction

In the aftermath of the religious revolution in 1689-90, the Scottish Parliament attempted to bring the re-establishment of the Presbyterian Kirk to completion throughout the 1690s, whilst the crown often pressed for an alternative settlement. It is worthwhile to briefly discuss the chronology of these parliamentary developments in the church settlement from 1692, prior to focusing in on thematic aspects of the Privy Council's role in enforcing that settlement. As is well documented, an oath of allegiance was imposed by the government in 1689. This oath was expanded with another ('the assurance') in 1690 which added a caveat forcing swearers to recognise William and Mary as *de jure* as well as *de facto* monarchs, as had been previously accepted. Qualified allegiance thus became more problematic thereafter and the oath of assurance was extended to all Presbyterians and Episcopalians, including the clergy, university masters, and private chaplains.¹ Moreover, the 'Act for settling the quiet and peace of the church', established on 12 June 1693, stated that only those who subscribed the oath of allegiance and the assurance and explicitly accepted Presbyterian church government along with the Westminster Confession would be admitted into the church.² While, as we shall see below, the council became involved in removing clergymen for their failure to subscribe the

¹ Raffe, 'Scottish State Oaths', pp. 185-7.

²²² *RPS*, 1693/4/89.

oath of allegiance and assurance, Presbyterian church courts defended the aspect of this legislation which enforced doctrinal uniformity (in compelling clergymen to accept the Westminster Confession as the ‘true doctrine’).³ This is in line with the distinction between deprivations (carried out by civil judicatories and concerned with property) and depositions (executed by the Kirk with reference to doctrinal issues). The 1693 act brought in around thirty ministers to the church.⁴ It also, importantly for this chapter, enacted that civil bodies should cooperate with and support the endeavours of the established church.

The 1693 act had an immediate impact for Episcopalians, but church courts in 1694 were inundated with reactionary issues arising from it, such as Episcopalians and Presbyterians bickering over benefices, rights and stipends. Two further acts were therefore needed to clean up the mess the 1693 legislation had created for nonconformists, which came two years later. On 16 July 1695 the ‘Act concerning the church’ granted certain Episcopalian ministers who had submitted to civil government by a certain date an allowance to continue preaching in churches which they occupied prior to the Revolution.⁵ While the act granted protection to qualified ministers, it confined them to their parishes and stipulated that they could not preach outwith their parishes or set up meeting houses. Intrusion would therefore be punished with deprivation and unqualified nonconformist ministers could likewise be deprived, but on liturgy the act was less transparent, as German observes.⁶ Due to this fact, it would be the council which was more involved in the implementation and execution of this statute than the church courts. The 1695 church act brought in around 116 ministers to the church, but it crucially also stipulated that these indulged Episcopalians, or ‘protected men’, would not be subject to

³ RPS, 1693/4/89.

⁴ Stephen, *Scottish Presbyterians*, p. 10.

⁵ RPS, 1695/5/186.

⁶ Kieran German, ‘The Episcopalian Community in Aberdeen in the Jacobite Period’, in A. I. Macinnes *et al.* (eds.), *Scottish Liturgical Traditions and Religious Politics: From Reformation to Jacobites, 1540-1764* (Edinburgh, 2021), pp. 112-25.

Presbyterian church courts.⁷ Eleven days prior to this, parliament enacted that intruding ministers would face penalties and asserted that intrusion itself was ‘of a dangerous consequence tending to perpetual schism’.⁸ The 16 July 1695 church act displayed a mixture of the failure of both the punishment of intrusion (despite the 1693 act) and attempts to reconcile or comprehend certain clergymen. The only viable solution was some form of middle way in the form of the 1695 act, allowing the maintenance of Episcopalian moderates sympathetic to the Revolution.⁹ Ben Rogers maintains that this act of parliament cannot be described as comprehension; on the contrary, it stemmed from the failure of comprehension, representing a ‘temporary compromise’ for a specific group of nonconformist ministers: those who retained their benefices but were not obligated to join the church courts.¹⁰ Rogers does regard the act, however, as ‘an effective compromise that maintained religious stability for the rest of the 1690s’ and ‘an important step towards religious pluralism’ in that it officially recognised that Scotland was not religiously uniform.¹¹

Although fissures within the Episcopal church had prevailed for years, there was an official split between ‘jurors’ and ‘non-jurors’ after 1695, as the former complied with the establishment and the latter continued in contumacy. Precisely this accommodation provoked much hysteria in Presbyterian circles. As late as 1700 a representation to parliament from the General Assembly bemoaned that Episcopalians who had been thus accommodated preached from so many meeting houses with such great audiences that ‘legal planting’ was widely obstructed. The assembly also anxiously warned that schism was inevitable.¹² Indeed, these arrangements were complex, and at times messy, but it was the implementation and

⁷ Raffe, *The Culture of Controversy*, p. 192; quote from: *Carstares Letters*, p. 496.

⁸ *RPS*, 1695/5/155; Raffe, *The Culture of Controversy*, p. 193.

⁹ Clarke maintains that the 1695 act was the ‘high water mark’ of attempts at comprehension for Episcopalians in the 1690s, while most other schemes foundered spectacularly. Clarke, ‘Williamite Episcopalians’, p. 50.

¹⁰ Ben Rogers, ‘Religious Comprehension in Scotland, 1689-1695’, *Journal of Ecclesiastical History*, 74: 4 (October 2023), pp. 795-98.

¹¹ *Ibid.*, p. 798.

¹² *RPS*, A1700/10/3.

coordination of them – between central and local institutions and officials – with which the Privy Council was concerned and to which this chapter is dedicated.

The ideological flexibility of the Presbyterian establishment, their Episcopalian opponents, the muddled waters of the middle ground, and the influence of the Privy Council which governed the nation, have often heretofore been undervalued in favour of strict denominational distinctions and intellectual rigidity. Ann Shukman describes what she sees as a hagiographical veneration of the Church of Scotland flowing through scholarship of the so-called age of the moderates, after 1690, which is often based upon binary notions of success and failure.¹³ However, Shukman's focus on Episcopalian pamphleteering creates the same problem; she describes the Privy Council under the stewardship of the earl of Crawford as extremist.¹⁴ While Stephen has challenged this and makes the point that an Episcopalian or more moderate settlement was not out of the question, he tends to celebrate the re-establishment of Presbyterian church government. Admittedly though, such acclamation is evidently narrow minded and pays little if any attention to the Episcopalian lobby or its effectiveness, which historiographical orthodoxy has convincingly challenged in the past thirty years. As such, this chapter aims to build on the current trajectory of scholarship which has moved away from a narrow focus on Presbyterianism.¹⁵ Though recent historiography of the church side of the Revolution has orientated us beyond whig history, it has done so largely

¹³ Shukman, *Bishops and Covenants*; See for the opposing view which uses the Revolution as a starting point for eighteenth century moderation: A. L. Drummond and James Bulloch, *The Scottish Church, 1688-1843: The Age of the Moderates* (Edinburgh, 1973).

¹⁴ Shukman, *Bishops and Covenants*, p. 29.

¹⁵ Historiography since the late 1980s (see below) has looked to distil the whiggish narrative and move away from hagiographical accounts of the Presbyterian ascendancy. Thus, much of the recent work on the church question has demonstrated the level of religious pluralism and the complications caused by the 'anti-popery' of the Revolution but has also highlighted the wide-ranging opposition to the established church, from deism to Catholicism. Alasdair Raffe in particular conveys the influence of 'confessional cultures' and has drawn light on the binding forces of religion in Scotland's late seventeenth century, its violent and polemical variations in addition to the increasingly pluralistic notion of religion in James VII's reign: Raffe, *The Culture of Controversy*; Raffe, *Scotland in Revolution*; Raffe, 'Confessional cultures'. See also recent research which has placed ministers in their localities centre stage as important actors and their congregations' roles in church government on a local level: Langley, 'Anticlericalism in early modern Scotland'.

through the lens of the Revolutionary ‘moment’, in the period from 1688 to 1691.¹⁶ However, this chapter argues that an Episcopalian – or at least a renegotiated – church settlement was certainly a viable option until the late Williamite period, and many voices both within church circles and civil government (especially the Privy Council) hoped for interdenominational rapprochement. In doing so it also concurs with Kieran German, who queries whether Jacobitism and Episcopalianism should be viewed as mutually reinforceable. German follows Raffé in arguing that binary confessional distinctions have been drawn too sharply.¹⁷ He convincingly points to the success of Episcopalian services in Aberdeen following the Revolution which ‘depended on a flexibility of confessional principles and preferences but scarcely anything which amounted to public indications of Jacobite allegiance’.¹⁸

This chapter explores the ways in which the church settlement of the Revolution was implemented, resisted, and renegotiated in the 1690s. It will firstly survey the options proposed by church men, the government, and the monarchy to challenge the unitary church narrative, before sketching the Privy Council’s role in depriving clergymen. Secondly, it will investigate the aftermath of the ‘rabbling of curates’ in 1688 and 1689 by introducing further evidence of ‘rabblings’ throughout the decade. Such analysis will help to build on the previous section by highlighting lay and local resistance to ministers, thus moving beyond high politics. This will be followed by a brief discussion of the Privy Council’s punishment of ‘popery’. And finally, this will be synthesised by an exploration of the complexities of church-state relations, to

¹⁶ See: L. K. J. Glassey, ‘William II and the Settlement of Religion in Scotland, 1688–1690’, *RSCHS*, 23 (1989), pp. 317–29; and Tristram Clarke, ‘The Williamite Episcopalians and the Glorious Revolution in Scotland’, *RSCHS*, 24:1 (1990), pp. 33–51. Notable exceptions to this are works which go beyond 1691 by Raffé (cited above) and Jeffrey Stephen, whose *Defending the Revolution* and *Scottish Presbyterians and the Act of Union* develop a strong narrative history of the post-1689 church settlement and place the preservation of the Kirk as one of a number of imperatives for the Scottish Parliament, issues surrounding which ultimately coloured much of the debates concerning unions, in 1707 as much as in prior schemes.

¹⁷ Whiteford, Whatley and Stephen point towards the confluence between Jacobitism and Episcopalianism: D. H. Whiteford, ‘Jacobitism as a factor in Presbyterian-Episcopalian relationships in Scotland, 1689–90. I – James by divine right’, *RSCHS*, 16 (1968), pp. 129–49; D. H. Whiteford, ‘Jacobitism as a factor in Presbyterian-Episcopalian relationships in Scotland, 1689–90. II – The Afflicted Church’, *RSCHS*, 16 (1968), pp. 185–201; Whatley, *The Scots and the Union*, pp. 44, 48–9; Stephen, ‘Defending the Revolution’, pp. 19–53.

¹⁸ German, ‘The Episcopalian Community in Aberdeen in the Jacobite Period’, p. 122.

expose the often conflicted role of the Scottish Privy Council – and its key members – in church government.

‘I fancy a Dutch Model’¹⁹: contesting the Presbyterian church settlement

In his *Memoirs* on the Kirk, published in 1717, Daniel Defoe (c. 1660-1731), in characteristically whiggish fashion, invited his readers to engage in a spot of blind admiration for what he saw as a glorious post-Revolution Church of Scotland. He had been sent to Scotland as an informant for the English ministry by Sidney Godolphin, first Earl of Godolphin (1645-1712), then lord high treasurer of England and his successor in that post, Robert Harley, first Earl of Oxford and Earl Mortimer (1661-1724), who also served as a government minister and as speaker of the House of Commons in the 1700s. Defoe maintained influential contacts in Edinburgh throughout the union debates in Edinburgh and his remit was to attack and gain intelligence on opponents of union. His own religious beliefs were of the dissenting ilk, and he evidently appreciated the Kirk’s doctrine and history when campaigning for its defence within the articles of union.²⁰ In a statement which the present chapter aims to deconstruct (and with which historians have too often been inclined to concur), Defoe blithely claimed that:

not a Dog wag’d his Tongue against the Presbyterian Establishment, not a mouth gave a vote for Episcopacy; nor was it so much as named to the King as a question, whether the inclination of the people was for Episcopacy or Presbytery, insomuch that the King was often heard to say afterwards, that he wondered much what was become of the Episcopal party, seeing no man at the Revolution so much as named the word Episcopacy to him, nor had the party any one to speak for them, or one word to speak for themselves.²¹

¹⁹ NLS, ‘Letter from J[ames] C[anaries] to a Lord’, Wod. Fol. XXVI, f. 301r. 13/23 Feb. 1691.

²⁰ Incidentally, whilst seconded in Scotland, Defoe was a member (between 1707 and 1710) of the Edinburgh Society for the Reformation of Manners, a group he later criticised for hypocrisy and gluttony: EUL, Register of the Edinburgh Society for the Reformation of Manners, La. III 339; C. E. Burch, ‘Defoe and the Edinburgh Society for the Reformation of Manners’, *The Review of English Studies*, 16: 3 (July 1940), pp. 306-12.

²¹ Daniel Defoe, *Memoirs of the Church of Scotland in Four Periods* (London, 1717), p. 299. There were in fact calls to have a national poll conducted to prove the religious inclinations of the people, which are discussed below.

The reintroduction of Presbytery was lauded by many other commentators. For instance, in 1690 the New England puritan Increase Mather declared that:

in Scotland *God has wrought wonderfully* [...] The ministers which were (in that Kingdome) silenced in the year 1662 are not only restored to their places, but made the only persons who shall judge who are fit to be continued in the work of the ministry and who are to be ejected as insufficient or unworthy. This is a marvellous thing.²²

Mather was fair in his characterization of the bulk of the ministry of the post-revolution church, though his encomium was somewhat misplaced. Central to his understanding was that ‘God has wrought’ the Revolution church settlement. This was a contentious issue which both hard-line Presbyterians and Episcopalians who opposed the Williamite regime could exploit since the Kirk had been established by parliament (or ‘by law’), rather than by God. The United Societies drew on this premise and argued that the church was illegitimate, being founded on the 1592 ‘Golden Act’ rather than any seventeenth-century developments and without renewing the covenants.²³ The Societies did not recognise the established Kirk and instead represented themselves as the ‘poor suffering remnant’ of the True Presbyterian Church of Scotland.²⁴ This was a particularly ironic point since the United Societies’ three ministers saw it best to submit to the established church in 1690, leaving the Societies without a minister until 1706. Thomas Lining, William Boyd, and Alexander Shields were accepted into the Kirk upon submission to civil and church powers, though not without receiving an admonition from the moderator of the assembly, who demanded they ‘walk orderly in time coming in opposition to all shisme and division’.²⁵

²² ‘Increase Mather to John Richards, 4 June 1690’, in R. E. Moody and R. C. Simmons, *The Glorious Revolution in Massachusetts: Selected Documents*, Publications of the Colonial Society of Massachusetts, vol. lxiv (Charlottesville, Virginia, 1988), p. 456. The italics are my own additions.

²³ Stephen, *Scottish Presbyterians*, pp. 5-6.

²⁴ See: [Michael Shields], *FCD*.

²⁵ NRS, Act anent receiving Mr. Linning, CH1/2/1, f. 79, 25 October 1690.

Episcopalians also confidently argued that a church established by law on the premise of the inclinations of the people, could not in fact be determined as such unless a plebiscite was conducted. Hence, John Sage argued for a national poll in 1690 and other Episcopalians used to their advantage the lack of Presbyterian church authority over them.²⁶ Many Episcopalians sought out civil courts for their grievances instead of accepting the church courts as their own. Therefore, the Privy Council became one of the main authorities to which the issues caused by nonconformist clergymen were brought. Sage and many of his fellow Episcopalians, however, were disgruntled by the perception of the Revolutionary council in 1689 to 1690 as a defender and blind follower of the Kirk. His wishes for a poll nevertheless failed to materialise, and it remained enshrined in law that Episcopacy was a grievance to the population.²⁷

Although on the surface the post-Revolution period in Scotland was one of uninterrupted Presbyterian hegemony, this is to buy into the belief that the church could change its culture and structure entirely and almost immediately under the auspices of parliamentary legislation; the Kirk, by law established. Contrary to Defoe's conclusions, there was a powerful Episcopalian and moderate lobby which had the king's ear and at times held powerful positions throughout the 1690s. Many Scots shared an enthusiasm for a pragmatic and perhaps ecumenical settlement but also had mutual frustrations about the inertia of their ageing monarch(s) and the unrepenting hostility of many hard-line Presbyterians. As late as the end of the 1690s the former Secretary of State, James Johnston (bap. 1655-1737) – himself of steadfast Covenanting heritage, being the son of one of the architects of the National Covenant, Archibald Johnston of Wariston (1611-1663) – called for accommodation and an end to inter-denominational conflict to seek stability. Writing in May 1699 to one of the king's confidants in religious affairs, William Carstares (1639-1715), Johnston contended that pragmatism and

²⁶ Bowie, *Public Opinion in Early Modern Scotland*, p. 202.

²⁷ RPS, 1689/6/36, 22 July 1689; RPS, 1689/3/108, 11 April 1689.

irenicism were the only ways forward for the future of the church and peace of the kingdom.

He pondered that a less hostile settlement could be advanced

provided the King puts the administration in the hands of men that are men of sense, and are honest, and reputed to be honest, whether they be episcopal or presbyterian, or rather, men that have never concerned themselves much in such matters; a state, I say, which will, in a little time, make the King as sure of this nation, to all intents and purposes, as he is of his Dutch guards.²⁸

Perhaps if William II had cared to involve himself in Scottish affairs beyond the occasional cursory letter or through the intermediary correspondence of the earl of Portland, a viable church settlement which accommodated both sides of a polarised debate may have been pursued with more vigour. Portland was in fact a Calvinist, but his dithering over which side to support and his concern to create a strong court party meant that he was of little use to Scottish religious figures.²⁹ King William's indifference bordering on disregard for the minutiae and complexities of the Scottish church issue defined much of the king's strategy for governing his northern kingdom from afar: *relinque solum*. Indeed, this is one factor which firmly demonstrates William's far more impersonal relationship with Scotland contrasted with that of his predecessor. James's residence in Edinburgh during the early 1680s and his role as high commissioner to parliament fostered a deep connection with both customs and government.

The Dutch analogy was not lost on other actors in the debates on the church question either. Prominent amongst William's religious advisors in the Dutch Provinces were Robert Fleming (c. 1660-1716) and James Canaries (1653/4-1698), two men of opposing but principled denominational standpoints. In 1691 Canaries reported from the Netherlands to a lord back home in favour of instituting a 'Dutch model of the church' in Scotland, one which

²⁸ *Carstares Letters*, p. 175.

²⁹ Onnekink, *The Anglo-Dutch Favourite*, p. 113.

William himself was favourable to and which Canaries felt catered for the different denominations on display within his homeland, but with a Calvinist inflection.³⁰ This church, Canaries claimed, could solve the conundrum the Revolution had created for what Clarke calls the ‘Williamite Episcopalians’ and those opposed to a radical Presbyterian theocracy along Covenanted lines.³¹ He also saw a powerful civil authority as a key hallmark to bring such a church settlement to fruition. Fleming was a millenarian preacher and the minister of the Scots Kirk in Rotterdam in addition to advising William II on church affairs.³² Fleming and Canaries, alongside the likes of Gilbert Burnet (with whom Fleming had sailed as part of William’s entourage in November 1688), both wished and actively campaigned for a moderate church settlement in Scotland which accommodated all Protestants favourable to the civil magistracy. Indeed, as Canaries argued, many Episcopalians were as critical as their nominal denominational adversaries of the Restoration Episcopate and the far-reaching control the crown had over it, and these people were an important support base not to be alienated. Whether in favour of a Williamite Episcopate or simply an irenic church, these men forged an often fruitless path towards comprehension and Protestant reconciliation, much like that which was pursued by Robert Leighton (1611-1684) in the early 1670s when he served as Archbishop of Glasgow.

The Scottish Episcopalian lobby was vociferous and, in many cases, had influential associates. This lobby could call on cross border support, a particularly important point since Anglican clergy, especially those of low church and whiggish disposition, were more favourable and physically closer to the monarchy. Such an alliance raised eyebrows amongst councillors, who often doubted Episcopal authenticity and saw the Anglicans as interlopers in

³⁰ NLS, Wod. Fol. XXVI, f. 301r. 13/23 Feb 1691.

³¹ Ibid.; Clarke, ‘Williamite Episcopalians’.

³² Ernestine van der Wall, ‘Antichrist Stormed’: The Glorious Revolution and the Dutch Prophetic Tradition’, in Dale Hook and Mordechai Feingold (eds.), *The World of William and Mary: Anglo-Dutch Perspectives on the Revolution of 1688–89* (Stanford, California, 1996), p. 156.

a Scottish matter.³³ For instance, the former Archbishop of Glasgow, Alexander Cairncross (c. 1637-1701) was in contact with the Archbishop of Canterbury, William Sancroft (1617-1693) in the early stages of the Revolution, passing on information about the Scottish Presbyterians. Cairncross sent Sancroft a copy of the revived General Assembly's address to the Prince of Orange in 1690, which Cairncross clearly viewed as a servile and laudatory portent of impending doom for he and his fellow Episcopalians.³⁴ Cairncross and two such fellows, John Paterson (1632-1708) and Alexander Rose (1645-1720), maintained epistolary links with Sancroft and other English bishops throughout the 1690s, passing information on the Scottish and British church situations and their political fallouts.³⁵ For example, Thomas Tenison (1636-1715), who served as archbishop of Canterbury from 1695 to 1715, was also amenable to the grievances of the Scottish Episcopal clergy, and as a low church Anglican was a moderate and sympathetic voice for Scots in England.³⁶ These cross-border alliances provided the Scottish Episcopalians with a sounding board for their problems and gave them succour in time of need. Such was their struggle that in 1694 it was reported to Anglican clergy that between two and four hundred Episcopalian ministers had to be supported from a fund from their revenue of bishoprics, since 'they & their families [were] fund [sic] to be, generally, in a starving condition.'³⁷ Furthermore, supplicating English clergymen with evidence of the turmoil faced by the Scottish Episcopalians provided a platform from which these issues could be relayed to the king and queen. With reference to Archbishop of York, John Sharp and his close relationship with Queen Anne (r. 1702-1714), this became even more important in the early eighteenth century, as will be explored later.

³³ Concerns about threats to Presbyterian hegemony were raised by Goodtrees and others such as Melville, who articulated to William Carstares their anxieties about Episcopalian ministers using Anglican sympathisers to gain direct access to the court and crown: *Carstares Letters*, 172, 495-7, 760.

³⁴ Bod., MS Tanner 28, f. 329. 24 January 1690.

³⁵ Ibid., fos. 196, 334; Bod., MS Rawl C 985, fos. 62, 64, 70, 76, 78. 27 January 1689–7 July 1707.

³⁶ LPL, MS 929, fos. 12, 18, 20. December 1694–9 April 1696.

³⁷ Ibid., f. 10v.

Although the Privy Council itself following the Revolution was staffed largely by Presbyterians, that church did not hold a monopoly on the board. In 1692 there was something of an overhaul of personnel on the Scottish executive. Mirroring their preference for Carstares and promotion of comprehension, William and Mary made several appointments to the Scottish Privy Council of men from the ‘episcopal party’. One such addition was George Livingston (c. 1652-1695), fourth Earl of Linlithgow, who had been involved in the harrying of Covenanters after the risings of Pentland in 1666 and Bothwell Bridge in 1679.³⁸ Another appointee was George Mackenzie (1630-1714), Viscount Tarbat (earl of Cromarty in 1703), who served on the executive and in the office of Lord Clerk Register in 1692, although his allegiance is up for debate.³⁹ The Presbyterian minister and historian Robert Wodrow (1679-1734) claimed that Tarbat promoted Episcopalians whilst George Lockhart of Carnwath countered that he did little to give them succour, preferring to posture in favour of them rather than express explicit support,⁴⁰ but his record in parliament and Privy Council confirms that the former view is probably more accurate.⁴¹ Also added to the Privy Council in 1692 was John Campbell (1634-1717), the first earl of Breadalbane, a man whose allegiances were incongruous with many of his fellow councillors. Breadalbane was part of an Episcopal grouping which attempted to counter the earl of Melville’s Presbyterian and Court party in the 1690s.⁴²

The broad tenor of Williamite policy on the church in the 1690s was conciliation combined with attempts at comprehension, or at least limited accommodation, for Episcopalians. This was solidified by ministerial appointments to government in 1692. For example, John Hay (1626-1697) second earl and first marquis of Tweeddale, was appointed as

³⁸ Henry Paton, revised by John Childs, ‘Livingston, George, fourth earl of Linlithgow’, *ODNB* online (2004).

³⁹ NRS, PC1/48, pp. 131, 196. 23 March–16 May 1692.

⁴⁰ Robert Wodrow, *Analecta, or; Materials for a history of remarkable providences, mostly relating to Scotch ministers and Christians*, ed. M. Leishman, 3, Maitland Club, 60 (1843), p. 147; [George Lockhart of Carnwath], *Scotland's Ruine: Lockhart of Carnwath's memoirs of the Union*, ed. D. Szechi (Aberdeen, 1995), p. 42.

⁴¹ While Tarbat certainly did campaign for the Episcopalian interest, his corrupt practices in office led to an ignominious resignation in 1696, so he was unable to lobby in the council from then until his readmittance during Queen Anne’s reign, which is discussed further in chapters four and five.

⁴² Paul Hopkins, ‘Campbell, John [called Iain Glas], first earl of Breadalbane and Holland’, *ODNB*.

Lord High Chancellor of Scotland in January 1692, an office he held until 1696 alongside his position in council in which he sat from May 1689.⁴³ His colleague and Presbyterian zealot William Lindsay (1644-1698), eighteenth earl of Crawford and second earl of Lindsay, described Tweeddale as an agent for the 'episcopal party'.⁴⁴ Tweeddale certainly did keep correspondence with Episcopalians and kept up to date on the conflicting interests within the parties vying for supremacy in church government, but whether he actively campaigned for them is up for debate.⁴⁵ His appointment along with others mentioned above is nevertheless evidence of changing crown priorities and a desire to influence a church settlement which had gone far beyond the Dutch model which William had likely hoped for.

Irrespective of peer scrutiny, what is evident from the appointments to the Privy Council after 1692 is that the Revolution monarchy felt the Scottish executive a useful place for there to be a strong and vocal Episcopalian cadre. All the appointees above, with the exception of Breadalbane, sat on council committees concerned with church matters in the 1690s. Breadalbane's attendance was fairly high at council meetings and he did sit in on church matters in plenary sessions. Interestingly, therefore, not only was the Privy Council of the later 1690s more representative of the two main churches of Scotland but its key functioning committees on church issues were attended by councillors of varying church backgrounds and allegiances, though it was on the surface a court defending the Presbyterian settlement.

Appointments to the council came in conjunction with the approach taken to attempt to impress moderation upon the General Assembly of 1692, as well as in 1690, 1694, and 1698, which confirms the crown's commitment to an episcopal accommodation at least being proffered if not brokered. Another important addition to the council in this respect was the moderate Presbyterian Robert Kerr, first earl of Lothian, whose appointment as their majesties

⁴³ NRS, PC1/47, p. 566. 12 January 1692; John R. Young, 'Hay, John, first marquess of Tweeddale', *ODNB*.

⁴⁴ *Leven and Melville papers*, p. 172.

⁴⁵ See: NLS, Letters to the marquis of Tweeddale, 1689-1696, MS 14404, fos. 287, 301-3.

commissioner to the General Assembly in 1692 ended in a near breakdown in church-crown relations.⁴⁶ Lothian was instructed by the king to close the assembly's session in February 1692. He did so unilaterally and without naming a date for the next session, as was customary. In doing so Lothian 'threw an Erastian bomb', as John Warrick describes it, which caused consternation in the assembly. The crowd erupted into protest before the moderator, William Crichton, declared in favour of the assembly's outcry by announcing its sitting again in August 1693.⁴⁷ Crichton pointedly reminded Lothian that in theory neither he nor the king had the power to decide such matters, since 'the office bearers in the house of Gode have a spirituall intrinsick power from Jesus Christ the only head of the Church'.⁴⁸ But the incident had in reality shed light on a gaping hole in the church's reconstitution, in that the legislation re-establishing Presbyterianism had left the question of determining the assembly's calling and dismissal open to manipulation by the crown.

Despite the legislation abolishing their church structure and persistent legal depositions, many Episcopalian clergymen evidently wanted to submit to the government. A memorial of 1694 from the Episcopal clergy of Scotland to the Anglican clergyman and future Bishop of London, Edmund Gibson (1669-1748), reported that those ministers who prayed publicly for the king and swore the oath of allegiance should be protected despite the additional stipulations of the 1693 act for the security of the church, of which it reported there were around four hundred.⁴⁹ After the passing of the 1695 'Act concerning the church', Thomas Tenison urged Secretary of State James Johnston to accommodate the pro-regime Episcopalians and spoke of the king's desire for this to happen to them with the caveat that he needed assurances of their

⁴⁶ NRS, PC1/48, p. 404. 14 September 1692.

⁴⁷ John Warrick, *The Moderators of the General Assembly of the Church of Scotland from 1690 to 1740* (Edinburgh, 1913), p. 54.

⁴⁸ NLS, Wod. Fol. XXXIV, f. 98, 13 February 1692.

⁴⁹ LPL, Gibson MS 929, f. 10v. 1694; *RPS*, 1693/4/89. 12 June 1693.

loyalty.⁵⁰ It was the implications of these acts which the Privy Council dealt with: it enforced and interpreted parliamentary legislation on the church.

It was not mere politics or cursory obedience guiding the ‘Williamite Episcopalians’, but instead a genuine concern for the future of Protestantism, or perhaps more immediately, for the religiosity of the Scottish nation at large. For instance, Henry Compton (1631-1713), bishop of London, heard in 1695 from Alexander Cairncross that the Edinburgh Episcopalians were met with contempt by all, being ostracized by Jacobites and Presbyterians alike. All they cared for, Cairncross assured Compton, was accommodation so that they ‘may be put in capacity to serve the Church of God under the King’s immediate protection and care where and when providence shall call them, they giving all the assurances of their loyal duty to the King’s Majesty that the law can require of them’.⁵¹

Formal submissions of loyalty were another method of expressing support for Protestantism in such a way as to quietly oppose but acquiesce to the Presbyterian settlement. Evidence of this comes from a humble petition by some ‘ministers of the Episcopall persuasion’ in 1690 to the marquis of Tweeddale which attempted to prove their worth.⁵² It noted their ‘aversion to poprie’ and ‘firmnes to the protestant Religion’ plus their loyalty to the king and queen. Furthermore, the ministers stated that their duty lay in ‘advancing the power of religion for the repressing of scandal & vice & for secureing the peace & quiet of your Ma[jes]ties government’.⁵³ Notwithstanding the inherent necessity for these ministers to invoke loyalty in their addresses and thus its questionable validity as an explicit expression of revolution principles, the commonalities in approach and aims expressed in their shared Protestantism were profound.

⁵⁰ *RPS*, 1695/5/186. 16 July 1695; LPL, MS930-205. 20 August 1695.

⁵¹ Bod., MS Rawl. C. 985, f. 40. 4 Jan. 1695.

⁵² NLS, MS. 14404, f. 287.

⁵³ *Ibid.*

Another group of concerned Episcopalian clerics in Moray gathered in 1692 to petition Tweeddale – then the Lord Chancellor – and the Privy Council expressing their loyalty. The twenty-one ministers complained that they had been ‘misrepresented to ther Ma[jes]ties as defective in our dutie’.⁵⁴ The petitioners also warned the authorities of the spread of ‘Poperie’ and that ‘profanitie of all sorts [was] abounding’, which was caused in their eyes by widespread vacant churches and a lack of discipline since the Revolution.⁵⁵ Another letter, signed in June 1693 by William Denune after a meeting of the Episcopalian ministers of Edinburgh and sent to the Archbishop of York, John Sharp, expressed similar anxiety about such issues. The Edinburgh ministers argued that the combination of ‘rabblings’, depositions, and the onslaught ensued by ‘Presbiterian judicatories’ after 1689 had ‘opened a door to prophanity, poperie & all kind of Impiety in most corners of the land’.⁵⁶ Moreover, when one Episcopalian minister wished to express his loyalty to the regime he was forced to do so in writing. In doing so he denied his enemies the opportunity to ‘misrepresent these very words I spoke in presence of the Privy Councill and calumniously libell me for them’.⁵⁷ He vowed to obey the Revolution and declared that he wished to stand up for ‘the security of the Protestant Religion’ but admitted that he was ‘Episcopall in my principles’ and disdainful of the Presbyterian church.⁵⁸

The above examples correspond with John Sage’s remarks that the ‘threefold authority’ which ousted ministers at the Revolution in 1689 often did so through obfuscation of the commands, or without leaving sufficient time for them to be carried out before deposition.⁵⁹ However, the Revolution was not confined to one event and its consolidation in the later 1690s bred developments in practice for both the government and nonconformist ministers. A genuine commitment to Protestantism and submissions of loyalty underlines the ways in which

⁵⁴ LPL, Gibson MS 929, f. 42. 6 September 1692.

⁵⁵ *Ibid.*

⁵⁶ GA, ‘Letter of the Scotch Ep[iscop]al] Clergy’, D3549/6/2/2 (M1), f. 1. June 1693.

⁵⁷ NLS, Wod. Fol. XXVI, f. 305.

⁵⁸ *Ibid.*

⁵⁹ [Sage], *Afflicted Clergy*, pp. 2-8.

Episcopal clergy legally challenged and renegotiated the church settlement whilst attempting to carry out their primary duties undeterred by the various effacing methods of the Presbyterian church. Many Episcopalians came to view the Privy Council and some of its more sympathetic members as amenable to their grievances and as a court which would likely undertake fair trials unlike those of the Presbyterian church courts. Thus, the council in some ways became a central court for nonconformist clergymen whose national church structure was in decay.

Ministerial Deprivations, 1692-c. 1702

What has been discussed above is that the Privy Council was often utilised as a conduit for moderation in church government to be pursued as a policy initiative. Contrary to this was that the council played a primary role in the removal of parish ministers who were not favourable to the political or church establishments, through libel cases. Therefore, the temporal executive retained significant power over ministerial discipline and nonconformity. As has been mentioned above, the Privy Council undertook one of the most sustained deprivation campaigns in Scottish history in 1689.⁶⁰ This was accompanied by several deprivations by parliament and its committees, in 1689, and also in the following year due to the act which returned ousted Presbyterian ministers. Thereafter, it was often a mixture of jurisdictions which brought forth and executed these ecclesiastical pronouncements. The Privy Council's coordination with local institutions and officials – of both church and state – was imperative to the legal cases which were introduced against ministers of the gospel and has often been underappreciated.

⁶⁰ See chapter one.

There were a swathe of ministerial deprivations in 1694 and 1695, after the dust had settled from the initial rampage against the Episcopalian clergy in 1689 to 1690. In the early 1690s there were several removals but they remained under fifty, and in 1695 it increased slightly due to the parliamentary legislation introduced in that year and in 1693. There was also another spate of legal removals by civil and church authorities (although largely the latter in the form of the assembly's northern committee) in 1698. After 1690, the Privy Council undertook around thirty deprivations of parish ministers on its own behalf, though the parliamentary depositions were implemented by the council and when church courts deposed a minister it was also often the council which carried out this prosecution as an act of civil jurisdiction. In 1695, four ministers from the Synod of Angus and Mearns plus the minister of South Leith were deprived of their benefices by the Privy Council on account of nonjurancy. These ministers had been pursued by the Lord Advocate in accordance with the 1693 act, and as such were deprived because of failure to swear the oaths of allegiance and assurance.⁶¹ This had been a relatively common occurrence in the council since 1693.⁶² Another regular fixture of this kind of pronouncement, as we saw in chapter one, was the removal of ministers due to their refusal to obey the Estates' proclamation from 13 April 1689. In April 1693 John Rattray, who officiated at Aberuthven and Auchterarder, was removed by the council along with numerous other ministers in Strathearn for their failure to pray for William and Mary in accordance with the Estates' proclamation.⁶³ As late as 1698 the Privy Council deprived George Hay, minister at Couper Angus, of his benefice since he had still not subscribed the oath of allegiance or the assurance as was prescribed by parliamentary legislation.⁶⁴ Interestingly, Hay was also accused of failing to adhere to the tenets of the reintroduction of Presbytery going back to 1689 and not carrying out fasts or days of humiliation in accordance with the acts of

⁶¹ NRS, PC1/50, pp. 279-81. 5 December 1695.

⁶² NRS, PC1/49, pp. 4-6; NRS, PC2/24, fos. 158-9, 324-5. 12 January 1693 – 25 January 1694.

⁶³ NRS, PC1/49, pp. 4-6, 12 January 1693.

⁶⁴ NRS, PC1/51, pp. 464-6, 2 August 1698.

that year. This appears to be the latest date that a minister was deprived for such wilful disobedience to the measures in 1689 which were the basis of the council's initial deprivation campaign.

On the other hand, Presbyteries often required civil legitimacy to carry out sentences, or to ensure their enforcement. In April 1698 the ministers from Kinfauns and St Madoes (in the Presbytery of Perth), John Gall and Thomas Hall, were deprived by the Privy Council.⁶⁵ Both ministers had failed to adhere to the proper oaths, continued preaching and baptizing illegally along with deliberately disobeying proclamations for fasts and thanksgivings. Gall and Hall had been deposed by the Presbytery the previous July, 'yet they Most Contemptuously Continue[d] To preach and Exerce all the pairts of their ministeriall functions to the great Disquiet and disorder of the neighbouring paroches about'.⁶⁶ They had continued to preach in their respective parishes after the Privy Council's pronouncements as well. Though Gall desisted in May 1698, Hall remained in his post undeterred by either church or civil sanction until 1715.⁶⁷ The case of Simon Couper, one the ministers of Dunfermline, is also informative. Couper was absolved of allegations in front of the council in 1689 under the Scots Law verdict of 'not proven'.⁶⁸ The presbytery deposed him for 'contumacy' in December 1693, then this was affirmed by the Synod of Fife in May 1694, but he ignored these sentences. It was not until June 1696 that the Privy Council ordered Couper to leave his charge on account of the prosecution and thus declared the kirk vacant.⁶⁹ Hence, in cases of non-compliance with official ecclesiastical prosecutions, it was the Privy Council's authority which was sought so incorrigible clerics could be brought to boot, at least in official legal pronouncements.

⁶⁵ NRS, PC1/51, pp. 410-11, 5 April 1698.

⁶⁶ *Ibid.*, p. 410.

⁶⁷ Scott, *FES*, iv, pp. 216, 246.

⁶⁸ *RPCS*, xiv, pp. 185-7. 4 September 1689.

⁶⁹ NRS, PC1/50, pp. 541-2. 4 June 1696.

The Privy Council could also be said to be a form of governing body for parish ministers' conduct. Although these men could be investigated and censured by the higher church courts, when the authority of such was in doubt, it was the executive which stepped in to bring the issue to completion. It acted like a supreme court of arbitration and one with significant appellate jurisdiction for regional courts, both temporal and spiritual. Policing and hearing cases on the conduct of parish ministers was an important facet of the Privy Council's role, which was often operated with close collaboration with regional church courts. Out of all the prosecuting courts, the Privy Council undertook the most of such deprivations from 1689 to 1702 inclusive (see table 3.1). However, subtracting those prosecutions from 1689, the figures even out, with the church courts executing the most with around fifty, closely followed by Parliament and then Privy Council with around thirty each. Complicating matters further, the Privy Council often worked in conjunction with the church courts in order to pursue ministers in legal processes, or alternatively pronounce judgements against or in favour of ministers, and then see to it that those were put into execution, whether by executive fiat, by one of their own number, or by some 'inferior' institution. Furthermore, as mentioned above, it was the council which put into execution, in coordination with other institutions, the parliamentary reintroduction of erstwhile Presbyterian ministers and concomitantly removed scores of Episcopal clergymen. Therefore, no exact figures have been obtained thus far due to these complications of overlapping jurisdictions and collaborative depositions, but of those which had one clear prosecuting court the figures are as described above. This speaks to the Privy Council's coordinating function, plus its concern with ministerial discipline and conduct. Within this nexus of church government, the Privy Council often used a carrot and stick (or conciliation and deprivation) approach to local nonconformity from the centre.

Table 3.1 Depositions by Prosecuting Court(s), 1689-1703

Prosecuting Court(s)	Number of Depositions
Mixed Jurisdictions	67
Committee of Estates	18
Committee for Securing Peace	3
Parliament (after 1689)	49
Privy Council	208
Synods	10
Presbyteries	21
General Assembly	1
Commission of the General Assembly	9
General Assembly Committee for the North	3

The Episcopalian Rabbling Time? Resistance to Parish Ministers in the 1690s

The fallout from the Privy Council's deprivation campaign caused serious backlashes in local communities which were often divided over the church settlement. Removals conducted in 1689 and the countless issues caused by attempts to legally 'plant' vacant parishes with Presbyterian ministers were most often the catalysts of lay parochial reaction and resistance in the form of 'rabbling', to which the chapter now turns.

The so-called 'rabbling' of Episcopal clergy – extra-judicial harassing of ministers and forcing them out of parish churches – was not simply confined to the *interregnum* of the Revolution, between late 1688 and April 1689. The Dictionary of the Scots Language defines a rabble in very specific terms: to attack clergymen by a mob and have them driven from their charges.⁷⁰ This is traditionally applied to the removal of Episcopal clergy in the southwest of Scotland, which was largely carried out by the United Societies during the Revolutionary upheaval of 1688 to 1689, as chapter one discusses. But there were further cases of rabblings throughout the 1690s and not all were directed against the clergy, such as in 1699 when Sarah Grier and a number of other women had been found to have raised 'severall rables' to stop the

⁷⁰ "Rabilling *vbl. n.*". *Dictionary of the Scots Language*. 2004. Scottish Language Dictionaries Ltd. <<http://www.dsl.ac.uk/entry/dost/rabilling>>. Accessed 8/10/22.

transportation of wool from Edinburgh.⁷¹ Further civic rather than religious rabbles were brought before the council throughout the 1690s and the early eighteenth century.⁷² This corresponds with the punishment of the crime of ‘riot’ meted out by the Privy Council during the Restoration and post-revolution periods, which Kennedy argues was often bound up with both political and church issues.⁷³ Indeed, this chapter argues that ‘rabbling’ became an umbrella term under which riot was repurposed for the distinct issues faced by the government of post-Revolution Scotland.

As we have seen above, the church settlement was far from secure during the 1690s and battling, continued resistance to it characterized much of the Kirk’s strategy following the reintroduction of Presbyterianism. Regional church authorities looked to install Presbyterian ministers in parishes, despite continuing allegiance to Episcopal predecessors. Hence, ministers who were placed on a parish (by civil or ecclesiastical authorities) often became the targets of lay opposition. Alasdair Raffe maintains that crowd violence formed ‘an integral part of the culture of controversy’ which he views as defining the confessional strife and continued renegotiation of church government in the later Stuart period.⁷⁴ On a slightly different note, Chris Langley insists, quite rightly, that there was no concerted ‘anticlericalist’ campaign in early modern Scotland. Instead, bouts of conflict often erupted in defiance of outside interference into local ‘rights and privileges’ in church affairs.⁷⁵ However, Langley also asserts that for the whole early modern period in general (from around 1560), assaults on ministers were rare.⁷⁶ This latter statement does not entirely hold up to the evidence of the 1690s detailed

⁷¹ NRS, PC1/51, p. 574. 8 June 1699.

⁷² NRS, PC1/50, p. 590; NRS, PC1/51, pp. 17-18; NRS, PC1/52, pp. 142, 153-4, 157; NRS, PC1/53, pp. 388, 395, 488-90. 9 July 1696 – 24 October 1706. On one occasion a rabble amongst the Edinburgh town guard erupted on 20 June 1700 which occasioned the Privy Council to impose a city-wide curfew in the following days: NRS, PC1/52, pp. 109-12. 21 – 24 June 1700.

⁷³ Kennedy, ‘State Formation, Criminal Prosecution and the Privy Council in Restoration Scotland’, p. 36.

⁷⁴ Raffe, *The Culture of Controversy*, p. 212

⁷⁵ C. R. Langley, ‘Anticlericalism in early modern Scotland?’, in C. R. Langley, C. E. McMillan and Russell Newton (eds.), *The Clergy in Early Modern Scotland* (Woodbridge, 2021), p. 107.

⁷⁶ *Ibid.*, p. 100.

below. It is possible to place the ‘rabblings’ of the later 1690s into this context and to widen the scope of analysis to include non-violent crowd actions as well, as has been the preserve of Tim Harris.⁷⁷

Church ministers and their families often received lay parochial support in the face of official ecclesiastical pronouncements or accusations of erroneous doctrine. An example of this is that Henry Hay, a ‘pretended preacher’ at Peebles, held a school and clandestine services in ‘a vault belonging to the kirk’.⁷⁸ The moderator of Peebles presbytery and the post-1690 incumbent in the parish, William Veitch (1640-1722),⁷⁹ complained to the council in 1693 that Hay continued part of his function in spite of being thrust out for ‘Immorall & Scandelous behaviour’.⁸⁰ Henry Hay was likely the son of John Hay (who had himself served as minister in Peebles from 1643 until his death in 1666 and whose father Theodore preceded him) who is recorded in the *Fasti* as the schoolmaster of the town in 1688-89.⁸¹ In a more extreme example, John Johnstone was deprived of his charge in Saline (Fife) by the Presbytery of Dunfermline in 1690.⁸² Raffe mentions yet provides little analysis of this case, preferring to use it as an example of ‘violent obstruction [which] prevented presbyterians from gaining control of a parish for years’.⁸³ This follows Raffe’s general focus on eruptions of religiously motivated violence rather than the road to violence, as is the focus here.⁸⁴ The Saline church conflict of the 1690s, this chapter argues, provides evidence of the complex relationship between regional church courts and the central Privy Council. The issue is thus ripe for deeper analysis as a case study in church-state relations and ongoing Episcopal support in the face of consistent Presbyterian assertions of hegemony.

⁷⁷ Tim Harris, *London Crowds in the Reign of Charles II: Propaganda and Politics from the Restoration to the Exclusion Crisis* (Cambridge, 1987).

⁷⁸ NRS, PC2/24, f. 215v, 22 May 1693.

⁷⁹ Ginny Gardner, ‘Veitch, William [alias William Johnston, George Johnston]’, *ODNB*.

⁸⁰ NRS, PC2/24, f. 215v, 22 May 1693.

⁸¹ Scott, *FES*, i, p. 286.

⁸² NRS, Grievances of the presbytery of Dunfermline, CH1/2/1, fos. 95-7. 1691.

⁸³ Raffe, *The Culture of Controversy*, p. 228.

⁸⁴ *Ibid.*, ch. 8.

The parish community in Saline and their minister continued as they had done before the Revolution, despite the reintroduction of Presbyterian church government. Saline kirk was declared vacant by the united Presbyteries of Dunfermline and Kirkcaldy (which were united from around 1692 until 1699) as late as autumn 1693 yet John Johnston had continued preaching after his removal in 1690 up until 1694.⁸⁵ Interestingly, a list of parish clergy likely compiled in around 1712 by the General Assembly's commission reports that the minister at Saline was one William Johnstone, alias Soutter.⁸⁶ The list reports that this Johnstone was 'deposed for scandall' without naming the authority which carried out the prosecution.⁸⁷ It is therefore unclear whether this is the same Johnstone or whether this was merely an error on the part of the clerk who entered his name onto the list, or perhaps a mixture of the two. Regardless, on 11 October 1693 the presbytery decided 'to raise Counsel Letters' through an intermediary, the agent of the Kirk, John Blair, to remove 'the keepers' of Saline kirk keys along with those of several other parishes within Fife.⁸⁸ On 3 April 1694, the presbytery heard that Johnstone, who had been removed four years prior for 'se[ver]all grosse & notorious scandalls', had continued to take up his ministerial duties although he had not applied to any 'Superior Judicatories' to appeal his sentence.⁸⁹ Johnstone need not have done so, seeing as he still enjoyed the support of many parishioners, whose acknowledgement of his prosecution was at its best perfunctory, at its worst openly defiant.

The parishioners' obstinacy was piqued once more upon the presbytery's interference. Johnstone acquiesced in his dismissal for around a year, only to be recalled by his congregation in opposition to the kirk's planting in May 1691. He initially preached in his own house and

⁸⁵ NRS, Presbytery of Kirkcaldy Minutes, CH2/224/3, pp. 2-3; NRS, PC2/25, fos. 18v-21r. 11 October 1693 – 12 July 1694.

⁸⁶ NLS, Adv. MS 32.3.6, f. 36v.

⁸⁷ *Ibid.*

⁸⁸ NRS, CH2/224/3, p. 2, 11 October 1693.

⁸⁹ *Ibid.*, p. 25, 3 April 1694.

was aided by another deprived minister, named Mr Lindsay.⁹⁰ This was perhaps Alexander Lindsay, the former minister of Cortachy in Forfar presbytery, deposed by the Privy Council in October 1689.⁹¹ They forbade access to the new incumbent, violently opposed him, and refused to hand over the keys to the church. Worse still, the Privy Council heard that the parishioners had ‘diforced and rabled the presbyteries officers [...] threatning them with death if they offered to proceed’.⁹² Similarly disdainful of the opprobrium he received, Johnstone continued ‘to preach publickly & baptize Children’ in the parish, ‘Especially of late since he heard of the [military] success of the French’.⁹³

Although it is easy and sometimes problematic to infer Jacobitism from the church authorities’ claims of French support, in this case it is somewhat informative to do so. For example, Alexander Lindsay, whom Johnstone may have employed as a helper, was a notorious opponent of Presbyterianism who loathed the Revolution. Lindsay it was claimed ‘hade corresponded with the rebels in the Highlands, and [...] went to them to Glenprossin and hade kepted corospondance with them’ in addition to being ‘ane ordinar drunkard’ and incessant player of the bagpipes at unholy hours!⁹⁴ Mr Johnstone, moreover, does not appear on the hearth tax roll for Saline in 1694, though all of those others named in the case before the council did.⁹⁵ Only the poor and hospitals were exempt from payment of the tax and thus Johnstone’s absence from the register is telling, for two possible reasons. Firstly, this may simply reflect his official removal from his charge as the parish minister in Saline, hence the clerk or collector

⁹⁰ NRS, PC2/25, f. 19r. 12 July 1694.

⁹¹ *RPCS*, xiv, pp. 447-9.

⁹² NRS, PC2/25, f. 18v. 12 July 1694.

⁹³ NRS, CH2/224/3, p. 25. 3 April 1694. This is likely a reference to marginal French victories in the Low Countries in late 1693 and the resounding defeat of Williamite forces at the Battle of Marsaglia in October 1693.

⁹⁴ *RPCS*, xiv, p. 448.

⁹⁵ The defenders in the case are named as follows in the Privy Council Decreta register on 12 July 1694: ‘Mr Johnstone James Mecer of Kirkland, William Hally of Neither Kinneder, William Collzier of Halcroft, James Murgan of Milltounne, Patrick Bennet of Borland, John Gray portioner of Balgower, James Gray of Weildsmylne, John Rolland tennent in Black-Saline, with their Complices’, NRS PC2/25, f. 18r. Of this number, save for the unnamed ‘Complices’ mentioned, all but Johnstone are recorded as paying for at least one hearth in the tax register from 1694 and most paid for at least two: NRS, Hearth tax records for Fife, vol. i, E69/10/1/43-6. 1694.

not requiring or recording his payment. On the other hand, it could indicate non-payment of the tax on Johnstone's part, which seems likely considering his incessant opposition to church and civil authorities. The second option perhaps also hints at Jacobite leanings, since non-payment of government taxation was one method of expressing such allegiance, or rather opposition. Therefore, this case serves as a gentle reminder that although Episcopalian support and Jacobitism could be compatible ideological and theological standpoints, broad and complex factors were at play here, centred on locality and religiosity but imbued with the confessional discord and political upheaval of national revolution.

This case is even more significant since it was not isolated to this small Fife parish. William Bruce of Kinross held lands in western and southern Fife and around Kinross and was the patron of some parishes in the region. He employed several deprived ministers to preach in parishes and encouraged resistance to church courts and their planting of parishes. This occurred in Culross, Kinross, Auchterderran, Kirkcaldy, Saline and elsewhere. There were further rabblings of ministers which Bruce endorsed, and it is likely that it was he who provided the parishioners and heritors with arms. Further rabblings also occurred in the later 1690s, in Blair Atholl, Newtyle, Aberdeen, and elsewhere.⁹⁶ The Privy Council was the institution which most often tried these cases of rabbling, tending to charge the defendants with 'open and manifest Ryott'.⁹⁷

Nevertheless, the Privy Council clearly saw that the interventions of the regional church courts, and especially the united Presbytery of Dunfermline and Kirkcaldy, were more harmful than productive. Although the legal case was brought before the executive council by that church court, the council overrode their wishes and declared the rabblers 'qyutt and free therefrae in all tyme coming' despite the evident illegality⁹⁸. The issue in the region appears to

⁹⁶ NRS, PC2/24, 128r, 266-7; NRS, PC2/25, 18-21; NRS, PC1/50, pp. 590, 602; NRS, PC1/51, pp. 183-4, 443-6; NRS, PC1/52, pp. 518-9. October 1692 – March 1703.

⁹⁷ NRS, PC1/51, pp. 183-4. 20 April 1697.

⁹⁸ NRS, PC2/25, f. 21r. 12 July 1694.

have remained relatively dormant after the council's intervention and the planting of a minister in Saline. However, the regional church courts and General Assembly continued to hear issues of this kind in eastern-central Scotland later in the 1690s.⁹⁹ The Privy Council was concerned with maintaining peace in the region and a recognition that parts of Fife were replete with militant nonconformists led it into swift action which contradicted the Kirk's overarching vision of uniformity. Yet the issue of rabbling had become so pervasive by the late 1690s that the Scottish Parliament was forced to introduce legislation against it. This 1698 act railed against the 'godless abuse' of 'rabbling, tumult or any other manner of violence, [committed] to any minister lawfully authorised and sent to preach'.¹⁰⁰ It gave power to local heritors, justices of the peace, legal officials, presbytery officers, and others to collect the kirk keys from individuals who withheld them, and stated that the Privy Council could impose a £100 fine on recalcitrant locals.¹⁰¹

Beyond open violence there were other forms of resistance to parish clergy imposed upon unwilling inhabitants. Both ministers in the town of Perth, David Adamson and Adam Barclay were deposed in September 1689 by the Privy Council for failing to read the Estates' proclamation of 13 April and continuing to pray for James VII rather than William and Mary.¹⁰² The town's provost was the earl of Argyll and the ministers' depositions had been brought before the executive by only three merchants who frequented the Presbyterian meeting house there. However, a petition sent from Perth to the Privy Council in autumn 1691 demanded that Barclay and Adamson be reinstated, since 'the Generalitie of the Inhabitants [...] and parichoners of the s[ai]d paroch so inteirly loved' them.¹⁰³ It complained that Presbyterians in the town were in the minority and expressed support for the present government and their

⁹⁹ NRS, CH1/2/1, fos. 100, 106, 109.

¹⁰⁰ *RPS*, 1698/7/109.

¹⁰¹ *Ibid.*

¹⁰² *RPCS*, xiv, pp. 177-9..

¹⁰³ PKA, B59/28/58/1, fos. 1-3. September – November 1691.

former ministers, but to no avail since John Andersone, a Presbyterian minister, was placed upon the burgh. A similar case in Stirling was denied by the Privy Council on account of the reintroduction of Presbyterian church government on 7 June 1690, despite the overwhelming support expressed by the parishioners for the deposed minister, James Hunter.¹⁰⁴ Conflicting aspirations between the civil and ecclesiastical courts are manifest evidence of the board's complicated and theoretically temporal role in relation to its spiritual cousins.

Throughout the 1690s there was something of a battle for stipends with oscillating patterns of deprived, former, and serving clergymen along with their families petitioning the Privy Council for the vacant stipends of parishes. This was much more complicated than at first appears, with local heritors and lairds often holding stipends and then the executive remitting to the Treasury Commission the will to move this money around for at times dubious 'pious uses'.¹⁰⁵ Indeed, such was the feeling amongst the Episcopal clergy that as late as 1703 Alexander Rose, bishop of Edinburgh, appealed for monetary assistance from Bishop Henry Compton and in doing so claimed that the treasury so often paid laymen out of the ecclesiastical purse.¹⁰⁶ Many Episcopalian ministers were brought to the brink of penury following the loss of their income and this reflects the dire situation faced by many local communities during the 1690s. Starved of spiritual and nutritional sustenance, much of Scotland trudged through the decade.

Withholding a stipend was an important symbolic act and had significant real-world impact for the minister and his dependents, both familial and spiritual. John McCulloch (c. 1626-1705) had been the minister at Ardersier (Nairn presbytery) from 1660 until his deprivation by the Privy Council and Parliament in 1662.¹⁰⁷ He had been replaced by John

¹⁰⁴ *RPCS*, xiv, pp. 183-5; *NRS*, PC2/24, fos. 98-9. 4 September 1689 – 9 August 1692.

¹⁰⁵ *NRS*, PC2/24, fos. 144r, 386; *NRS* PC2/25, fos. 8v-9v; *NRS* PC4/2, fos. 236r-237r; *NRS* PC 1/51, p. 593. 12 December 1692 – 11 July 1699.

¹⁰⁶ *Bod.*, MS Rawl C 985, f. 64. 12 October 1703.

¹⁰⁷ Scott, *FES*, vi, p. 433; *NLS*, Adv. MS. 34.7.9, f. 19v.

Dallas who was for some time the Bishop of Ross, but McCulloch was reponed after the Revolution, in 1690, and was a member of the General Assembly of that year.¹⁰⁸ Whereas Scott notes in the *Fasti* that he left his charge and was likely ‘outed’, it appears that he continued to occupy the ministry in Ardersier at least for a few years, enough so that he petitioned for its stipend in 1694. McCulloch complained that once he returned to the parish, the only heritor there, Hugh Campbell of Cawdor (d. 1716), refused to pay the money towards his stipend without first gaining the approval of the Privy Council. Matters were further complicated upon the discovery that the kirk was considered ‘the Deans patrimonial Church’.¹⁰⁹ Upon McCulloch’s journey south to collect letters of horning allowing him to receive the money, he was refused, being told to return with further documents as evidence to proceed, which he did not. Cawdor himself was a Presbyterian hereditary sheriff in the shire of Nairn and was elected to the Convention of Estates in 1689 as well as sitting on the Privy Council.¹¹⁰ Regardless, his refusal to pay McCulloch’s stipend indicates local opposition to the incumbent – irrespective of their shared church – and was likely an important factor in his abandonment of the charge. This case is all the more interesting since Dallas then ‘intruded’ on the parish after McCulloch left, seemingly with little opposition.¹¹¹

Further cases show that stipends were often used not for the payment of legally placed ministers, nor for pious uses, but to support nonconformist clergymen. As mentioned above, John Johnstone employed shady means to take up some of the vacant stipend money from the parish of Saline, which he had been legally deposed from in 1690.¹¹² It is likely that William Bruce had a hand in this, as he effected significant opposition to the Revolution by acting as a clandestine patron to numerous Episcopalians in and around Fife. This had a particular impact

¹⁰⁸ NRS, PC2/25, fos. 21r-23v. 17 July 1694.

¹⁰⁹ *Ibid.*

¹¹⁰ Patrick, ‘People and Parliament’, p. 181.

¹¹¹ NLS, Adv. MS 34.7.9, f. 65r.

¹¹² NRS, Grievances of the Presbytery of Dunfermline, 1691, CH1/2/1, f. 96.

on ministers who had been ordered to preach in vacant parishes, who were starved of remuneration. Indeed, the General Assembly heard of several ministers who had been the victims of ‘heritors under plaine of being patrons’ who withheld legally owed stipend money, posing ‘unspeakable discourragments’ to preaching.¹¹³ Evidence was provided of this occurring in Kinross-shire in the parishes of Portmoak, Orwell, and Kinross, which was particularly the case in the latter due to Bruce’s interventions.¹¹⁴

Parochial opposition to ecclesiastical government was an active process of conciliation, negotiation, and resistance. Thus, ‘rabbling’, recourse to legal action against ministers, withholding stipends, and setting up of contrary meeting houses became methods with which parishioners throughout Scotland engaged with, attempted to renegotiate or subvert, and actively opposed the church settlement which was instituted at the Revolution.

Godly Magistrates? The Privy Council, the Lord Advocate and the Kirk’s intrinsic right

Since the Reformation Parliament of 1560, the relationship between the church and its counterparts in temporal government was one of paramount importance for the achievement of a ‘godly commonwealth’. The church settlement of the Revolution was also a reworking of the Reformation. More precisely, it may be said to have been one of the aspects of ‘continuous reformation’ in Scotland – a process ongoing from the early to mid-sixteenth century.¹¹⁵ The Revolution settlement itself was based upon the premise set by the so-called ‘presbyterian’ ‘Golden Act’ of 1592 which annulled the pejoratively and retrospectively named ‘episcopalian’

¹¹³ NRS, Complaints anent non-payment of stipends, CH1/2/1, f. 105.

¹¹⁴ Ibid.

¹¹⁵ Alasdair Raffe, ‘Confessions, Covenants, and Continuous Reformation in Early Modern Scotland’, *Études Épistémè*, 32 (Dec. 2017), pp. 1-19.

‘Black Acts’ of 1584.¹¹⁶ The latter acts were born out of the conflict between Presbyterians and Episcopalians during the period of James VI’s minority and around the time of the Ruthven Raid. Scotland was enveloped in internecine conflict over the issue of how to solidify the Reformation and this legislation effectively enforced Erastianism by recognising royal supremacy over the church.¹¹⁷

Denominational conflict resurfaced again in the seventeenth century culminating in the Covenanted Revolution. With the Revolutionary legislative campaign of the Covenanted parliaments from 1641, the Privy Council was also effectively defunct and replaced by a Committee of Estates, which retained an important function in punishing ‘malignants’. This was the body of godly civil magistrates which enforced the parameters of covenanted reformation. The Privy Council after 1689 adopted a very similar role, though perhaps with even further institutional oversight over the church. During the Restoration, the Privy Council’s determination in punishing and rooting out nonconformity also influenced practice after 1689. Therefore, influential for both political thought and political practice, were the historic ideas and reimagining of the Reformation, and utilisation of the precedent of covenanted practices and thought. However, the covenants were not renewed at the Revolution, which the United Societies most openly took umbrage with. Regardless, covenantal ideas played an important role in the Revolution and its aftermath. Most influential in this regard for the government of the day, in both church and state (particularly the former is the focus of the present chapter), was James Stewart of Goodtrees (1635-1713) who served as the Lord Advocate from 1692 to 1709 and again from 1711 until his death in 1713.

¹¹⁶ Stephen, *Scottish Presbyterians*, p. 3. The ‘Golden Act’ went some way into instilling Presbyterianism as it introduced the system of church courts which would come to be recognised throughout the seventeenth century, though it did not address the issue of the bishops, nor did it abolish episcopacy: A. R. MacDonald, ‘Church and State in Scotland from the Reformation to the Covenanted Revolution’, in William Ian P. Hazlett (ed.) *A Companion to the Reformation in Scotland, c. 1525–1638* (Leiden, 2022), p. 616.

¹¹⁷ *RPS*, 1584/5/8; *RPS*, 1584/5/10; *RPS*, 1584/5/11; *RPS*, 1592/4/26.

Goodtrees had been an anonymous polemicist during the Restoration. He penned two influential accounts, *Naphtali* (with James Stirling, in 1667) and *Jus Populi Vindicatum* (1669), which defended the actions of nonconformist Presbyterians through references to resistance theory and lambasted the Restoration Episcopate. Goodtrees was a firm supporter of the tenets of the Reformation although he followed fellow Presbyterians in demanding that it was not radical enough. However, he did follow the covenanted line in defending ‘patriots’ and blaming ‘malignants’ for the downfall of Covenanting dominance and godliness more generally. Additionally, Goodtrees believed the General Assembly to be a critical aspect of a properly functioning state. His resistance theory was bound up with contemporary political ideas (with one author comparing him to Locke)¹¹⁸ but grounded in a narrative of resistance tracing its lineage through earlier authors. Interestingly, this theory outlined the prominent role played by popular action in defiance of a tyrannical monarch, which McIntyre identifies as highly subversive.¹¹⁹ Goodtrees penned other radical publications during the Restoration: an account of the failures of the Lauderdale regime and a *Declaration* for the Argyll rising in 1685.¹²⁰ He was largely exiled in the United Societies during this period, before returning to Scotland to serve in James VII’s government between 1687 and 1688. His (in)famous critique of the Restoration regime and the defiant stance taken in favour of the Pentland Rising ‘rebels’ marked him out as a key opponent of the Episcopalian church and the temporal government until his expertise were sought by James in a conciliatory move. Although he criticised the role of the Privy Council and the ousting of Presbyterian ministers, Goodtrees was intent on following a similar policy of deprivation and campaigns against nonconformity in the 1690s.

¹¹⁸ Beisner, ‘His Majesty’s Advocate’, p. 295.

¹¹⁹ Neil McIntyre, ‘Representation and resistance in Restoration Scotland: the political thought of James Stewart of Goodtrees (1635–1713)’, *PER*, 38: 2 (2018), pp. 161–74; Neil McIntyre, ‘Saints and subverters: the later Covenanters in Scotland c.1648–1682’, unpublished PhD thesis (University of Strathclyde, 2016), ch. 3.

¹²⁰ No extant copy exists but the historian Robert Wodrow described and reprinted the text: *The History of the Sufferings of the Church of Scotland from the Restoration to the Revolution with an original memoir of the author, extracts from his correspondence, and preliminary dissertation and notes, in four volumes*, vols. i–iv (Glasgow, 1828–1835), iv, pp. 286–90; Beisner, ‘His Majesty’s Advocate’, pp. 3, 76, 250.

It is therefore possible to differentiate between Goodtrees the polemicist and Goodtrees the lord advocate while also recognising the influence of his own covenanted reasoning on political praxis after the Revolution.

James Stewart of Goodtrees was appointed as lord advocate in 1692. As such, he was heavily involved in government administration of all colours. Such was his important role in church government that in the early stages of the Revolution he drafted the act restoring Presbyterian church government and removing patronages. His brother, Thomas Stewart of Coltness – the parliamentary commissioner for North Berwick from 1689 to 1695 – introduced this act in parliament.¹²¹ Goodtrees in his capacity as lord advocate also oversaw a remarkable amount of business to do with the Church of Scotland, with which he actively engaged. He was present as their majesties' advocate in almost all ministerial deprivations carried out by the Privy Council after 1692, and was one of the foremost attendants among his colleagues, rarely missing council meetings in Edinburgh, save for a few due to prolonged cases of gout. He also often prepared proclamations and sat on many committees. Aside from his official engagements, though, Stewart had wide ranging contacts throughout Scotland with other governmental ministers, such as but not confined to privy councillors and members of church courts such as the Commission of the General Assembly.¹²²

In April 1694 the General Assembly created a committee for 'the north', the remit of which was to deal with and depose nonconformist ministers, whilst bringing others into the Presbyterian church and constituting properly functioning regional courts. The committee first met in Dundee in the summer and continued to work throughout the rest of the year with bold

¹²¹ Young, *The Parliaments of Scotland*, ii, p. 665.

¹²² Goodtrees was in communication with ministers who were cited to appear before the council, such as when James Gordon of Banchory Devenick, was called to the council in September 1699 to answer charges regarding accusations against him for operating an Episcopalian meeting house. Goodtrees wrote to him outlining the case against him and when he was to appear and even had an informal meeting with Gordon when he came to Edinburgh. Despite their differing religious persuasions, they had a respectful and convivial discussion which Gordon recalled in his diary: R. S. Walker (ed.), *James Gordon's Diary 1692-1710* (Aberdeen, 1949), pp. 92-3.

determination.¹²³ However, as Ralph Green notes, the committee met considerable resistance from parishioners and ministers who continued to support the Episcopalian church.¹²⁴ Indeed, most of the committee's pleas to the Privy Council for assistance were due to consistent refusals to recognise its authority. While the committee noted in autumn 1694 – with naïve optimism, it must be added – their 'happie success' in many areas, they were forced to supplicate civil magistrates to enforce and legitimise their own pronouncements. Likely in late August 1694, the committee reported in a representation to the Privy Council nine 'articles' by which their work had been impeded and with which they needed civil assistance. The grievances all related to Episcopalian obstruction but hinged on the question of authority, which numerous nonconformist clergymen denied that the committee held over them. Hence, the committee complained to the Privy Council of numerous scandalous ministers who refused to comply with them, intruders in vacant parishes, and ministers deprived by the board who refused to adhere to their prosecutions. It also heard of ministers who still maintained the authority of bishops and took orders from them. Compounding this was that witnesses called before the committee were often encouraged or cajoled into non-attendance by their associates. Moreover, they lamented the sheer number of Episcopal meeting houses, people retaining kirk keys in defiance of the committee's summons, and continual disruption of divine service making matters even more concerning.¹²⁵ There were also two papers submitted to the committee from Aberdeen and Inverness, signed by twelve and fourteen ministers respectively. These remonstrations officially declined to accept the committee's authority, and appealed to William,

¹²³ NRS, Commission of Assembly appointing Committee for the North to meet at Dundee, 20 June, CH1/2/2/1, f. 12. 18 June 1694.

¹²⁴ R. E. Green, 'The Commission of the General Assembly of the Church of Scotland, 1690-1735', unpublished PhD thesis (University of Glasgow, 1969), p. 80.

¹²⁵ NRS, Representation by Committee for the North to Privy Council with grievances, 1694, CH1/2/2/1, fos. 16-17.

Mary, and their Privy Council for protection, refusing to be heard by any others except these institutions of the crown or the next General Assembly.¹²⁶

The Privy Council attended to these grievances on 6 September 1694. It ordered most of the issues to be dealt with by the lord advocate, who was given the power to cite, try and punish ministers who refused both civil and ecclesiastical government. Intruders were to be pursued six at a time by Goodtrees before the council, and ministers already deposed were to have letters of horning issued by John Blair (the Kirk's agent) ordering them to remove from their churches, manses, and glebes. Ministers who had already been deprived by the council were to be proceeded against by Goodtrees, 'as hath hitherto been practised', with help from local sheriffs.¹²⁷ For investigation of the papers from Aberdeen and Inverness the council appointed a committee consisting of any three of the earls of Annandale and Tarbat, Lord Carmichael, Goodtrees, and the Lord Justice Clerk, Adam Cockburn of Ormiston.¹²⁸ For compelling witnesses, the council employed 'inferior' officers, such as magistrates and sheriffs, to sort this issue out with executive authority. And for the issue of Episcopalian meeting houses, the board remitted this to the above committee and to redress the withholding of church keys it reissued an act of council from 12 July 1690.¹²⁹ This ordered the withholders of keys to deliver them to officials at fifteen days' notice and under threat of being put to the horn, which had been employed effectively elsewhere.¹³⁰ And intruders at divine service were to be investigated and pursued by Goodtrees 'as accords'.¹³¹ With the church courts lacking the legitimacy and authority to enforce the strictures of Presbyterianism as set down in their remit by the General Assembly, they were forced to request executive intervention to see their

¹²⁶ *Ibid.*, f. 16A.

¹²⁷ NRS, PC1/50, pp. 4-8. 6 September 1694; NRS, CH1/2/2/1, f. 18.

¹²⁸ *Ibid.*, pp. 7-9. 6 September 1694.

¹²⁹ *RPCS*, xvi, pp. 315-7. 12 July 1690.

¹³⁰ *Ibid.*; NRS, PC2/24, fos. 79r, 51-2, 341, 391; NRS PC2/25, fos. 18-21. 12 July 1690 – 12 July 1694.

¹³¹ NRS, CH1/2/2/1, f. 18. 6 September 1694.

pronouncements legally enforced. The lord advocate was one of the key actors in this aspect of the Privy Council's involvement in church government.

Such resistance to church government, as noted above in relation to 'rabblings', was certainly not confined to the Episcopalian strongholds of the North and Northeast. The General Assembly which met in the Spring of 1694 heard of grievances in a plethora of presbyteries, from the Borders and Southwest to Aberdeen and Ross.¹³² The continuing tribulations of the church courts to set up proper jurisdictions in the regions were perhaps most striking in the south of Scotland. Episcopal meeting houses around Coldingham gained significant attendance and certain ministers in Galloway (including the Hebronite Presbyterian sect) caused constant nuisance for church authorities who looked to legally plant ministers.¹³³ In Edinburgh, the assembly's commission ordered four ministers of parishes within the city along with John Blair to meet with Goodtrees in order to compile a representation to the Privy Council. The grievances were largely to do with 'Irregularities' recorded, such as baptisms, marriages, and other issues created by 'Episcopall Incumbents' in and around the capital.¹³⁴ The Commission was thus empowered 'to make applicatione to the civill Magistrates for redressing therof'.¹³⁵ A petition by Edinburgh ministers to parliament reiterated many of these concerns and implored their majesties high commissioner to report with urgency to the estates.¹³⁶ Considering what was decided in the same year for the lord advocate to take control of large swathes of the investigating, prosecuting, and redressing of issues to do with church government, discipline, and nonconformity, it is highly interesting that he was involved in compiling this representation to the council from the church's commission. Thus, beyond his official role as lord advocate, in which he was tasked with huge portions of government business, Stewart maintained links

¹³² NRS, CH1/2/1, fos. 103-9; NRS, CH1/2/2/1, fos. 10, 16-17; NRS, CH1/2/2A, f. 6. 1694 – 1695.

¹³³ NRS, CH1/2/2A, fos. 54-5, 58.

¹³⁴ NRS, CH1/2/2/1, f. 10; NRS, CH1/2/2A, f. 1. 1694 – 15 May 1695.

¹³⁵ NRS, CH1/2/2/1, f. 10. 1694.

¹³⁶ NRS, CH1/2/2A, fos. 6-6A. 30 May 1695.

with many prominent church men and actively aided them in the pursuit of their vision as the embodiment of the godly magistrate.

'Papists', 'Prelates', 'abominable' Quakers, and 'Atheisticall' sects

It was the Glory of this Land, that our Kings, Princes, Nobles, Ministers, and Persons of all Ranks, entered into a solemn Covenant against Popery, Prelacy and Superstition; and for the Purity of Doctrine, Discipline, Worship, and Government of this Church; and for the Reformation of Manners [...]¹³⁷

A reinvigorated attachment to the memory of the mid-seventeenth century Covenants after the Revolution further instilled in many Presbyterians a deep distrust not only of Rome, but any denominational adversaries. Indeed, Robert Wodrow's *History of the Sufferings of the Church*, originally published in 1721-2, represented the Covenanted inflection to post-revolutionary Presbyterianism.¹³⁸ Fellow minister James Webster reflected on the National Covenant (1638) as 'that blessed marriage contract betwixt God and Scotland' in a sermon preached in Edinburgh on the occasion of a devastating fire in Parliament Close in early 1700.¹³⁹ Also, a supplication to the committee of visitation for the universities in 1690, signed by amongst others Wodrow's elder brother, Alexander (1674-1706), repatriated covenanted language and ideas into the context of the Revolution.¹⁴⁰ The students celebrated the Williamite delivery

¹³⁷ David Williamson, *Scotland's Sin, Danger, and Duty. Faithfully Represented in a Sermon Preach'd at the West-Kirk, August 23d, 1696* (Edinburgh, 1720), p. 35. In this context Williamson (c. 1634-1706) – a Presbyterian minister of the West Kirk in Edinburgh and Moderator of the General Assembly in 1702 – used the National Covenant's power and supremacy as an example of why not to break it, covenant breaking being a sin of the highest order in his eyes.

¹³⁸ Wodrow, *The History of the Sufferings of the Church of Scotland*.

¹³⁹ NLS, Sermon preached by James Webster, 1700, MS. 2206, f. 29v, 4 February 1700.

¹⁴⁰ NLS, Supplication of Glasgow students to the visitors of the university, 1690, Wod. Fol. XXXIV, fos. 33-4.

from ‘Poperie’ and venerated the ‘Noble and Worthie Patriots of this Nation’ who had reinstated Presbyterianism.¹⁴¹ Such patriotic language was deployed with great effect by the Covenanted government of the 1640s to reward loyalty, punish disloyalty, and instil a sense of politico-religious Scottish identity, with a compact at its core.¹⁴² The students commended the visitors’ work and urged them to continue to employ Presbyterian teachers and remove ‘Episcopall education’ from the curricula root and branch.¹⁴³ Glasgow students were also (in)famously some of the first in Scotland to publicly declare for the Revolution in its early stages, rioting and burning effigies of the pope. Irrespective of their radicalism, such language encapsulates the viewpoint of much of the Presbyterian church and its adherents. As the Covenanters after the Glasgow Assembly (in December 1638) enforced rigid Presbyterianism and looked to purge the godly commonwealth of all ‘malignants’ (the antipathy of the patriot), so the Revolutionary government of the 1690s looked to expose many of the opponents of the Presbyterian ascendancy, from Catholics and Episcopalians to more marginalised groups such as the Quakers and Deists.

‘Papists’ were consistently attacked and ostracized throughout the seventeenth century in British and European Protestant commentaries as malign caricatures of the Catholic church. The Revolution itself was legitimised on the premise of opposing a ‘popish tyrant’ whose unilateral imposition of religious policy many Protestants viewed as odious at best.¹⁴⁴ Catholicism was certainly also cited as one factor which set the Glencoe MacDonalds apart according to John Dalrymple, earl of Stair.¹⁴⁵ Dalrymple believed this ‘sect of Thieves’ was ‘generally Popish’, one of the excuses along with their intransigence which led to their

¹⁴¹ *Ibid.*, f. 33.

¹⁴² For a fuller discussion of the patriotism espoused by the Covenanters in the 1640s, see: L. A. M. Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland, 1637-1651* (Oxford, 2016), chapter 4.

¹⁴³ NLS, Wod. Fol. XXXIV, fos. 33-4. 1690.

¹⁴⁴ Such political opposition to ‘popery’, or more accurately to the machinations and unilateral policies of a ‘popish tyrant’, was neatly encapsulated in the Claim of Right at the Revolution: *RPS*, 1689/3/108.

¹⁴⁵ GUL, Copy of a letter from John Dalrymple to Colonel Hamilton, MS Gen 1577, f. 2. 3 December 1691.

exemplary slaughter.¹⁴⁶ One sermon, preached in April 1691, referenced the true religion in the context of European prosecution of Protestants, who needed mutual spiritual defence in the form of prayer from their coreligionists. In the same breath it compared Satan with the ‘Pope and Turk’ whose antichristian dogma should accordingly be trampled underfoot.¹⁴⁷ Clare Loughlin has studied the ‘anti popery’ of late seventeenth and early eighteenth-century Scotland, concluding convincingly that Episcopalians could be accused of ‘popish practices’ after the Revolution, which highlights the malleability of this pejorative labelling in official and unofficial discourses.¹⁴⁸ ‘Prelates’ or ‘curates’ were, moreover, negative epithets given to Episcopalians or more generally to Protestant denominations which retained the hierarchy of bishops, such as in the Anglican Church.

Robert Wodrow, penning his account of the recent history of the church based on extensive research conducted while he was minister at Eastwood, reorientated the Kirk’s vision of its past and present self. His wish was to achieve that perpetual Calvinist aim: a ‘true church’, achieved through exposing the opponents to its hegemony as much as adulation of its heroes. In such a church the ministry of the Word was utmost, such as expounded in the first chapter of the Book of John – a favourite of Wodrow’s to draw upon.¹⁴⁹ Additionally, the sacraments of baptism, marriage, and the lord’s supper made up the hallmarks of the one true church.

Following Calvinist theology, Scottish Presbyterians saw that any church by bishops upset the apostolic order since it transferred nominal worldly power to appointed officers with varying jurisdictions and effectiveness. This was no church built on prophets and apostles in many Presbyterian eyes; the hierarchical church was viewed as impure, under-reformed, and a threat to the one ‘true’ church. Consequently – as throughout much of the seventeenth century

¹⁴⁶ *Ibid.*

¹⁴⁷ GUL, Late 17th century sermons, MS Murray 221, pp. 41, 47-8. April 1691.

¹⁴⁸ Clare Loughlin, ‘The Church of Scotland and the ‘increase of popery’, c.1690–1714’, *SCH*, 48: 2 (October 2019), pp. 169-90.

¹⁴⁹ EUL, Sermons of Robert Wodrow, 1703-23, La. III 116, p. 10. Rutherglen, 7 February 1703.

– during the 1690s slander, calumny, misrepresentation, and caricature through identity slurs became common modes with which to deploy and entrench politico-religious division. Within this nexus, the Privy Council maintained an important role in punishing recusancy and implementing penal laws against opponents of the Presbyterian ascendancy. However, as Loughlin points out, this was not always carried out with mutually beneficial strategic aims in mind, nor was it a simple story of church-state cooperation.¹⁵⁰

Throughout the 1690s a plethora of parliamentary acts and council proclamations (see Appendix IV) forbade travel to and from or trade with France. In May 1698 the Privy Council issued a proclamation against all ‘jesuits, seminarie priests excommunicate and trafficking papists’, categorising them as ‘common enemies to all Christian government’ and ordering them to be seized, then banished or punished.¹⁵¹ Accordingly, former Aberdeen bailie David Eadie was investigated by the Privy Council in the summer of 1699, committed to prison and then banished from the kingdom, having been an ‘apostate’ travelling in France following his removal from the burgh council.¹⁵² The Privy Council ordered Eadie’s liberation from Edinburgh tolbooth in November (where he had been held since July) to remove himself from the country within forty days due to ‘the changing of his religion from protestant to papist and his writing letters for seduceing others’ while he had been abroad for around four years.¹⁵³ Therefore, the trafficking aspect in the charge here, as in so many other anti-Catholic measures, was a reference to Eadie’s communication of his faith to others, his dealings with fellow recusants and his potential proselytization. A plea for his date of departure to be extended was refused by the executive in December.¹⁵⁴ The council thus enforced and implemented the political anti-popery enshrined by the constitutional revolution of 1689-90.

¹⁵⁰ Loughlin, ‘The Church of Scotland and the ‘increase of popery’’, pp. 169-90.

¹⁵¹ NRS, PC1/51, p. 408. 4 March 1698.

¹⁵² Ibid., p. 593; NRS, PC1/52, p. 2; NRS, PC4/2, fos. 71-2. 11–13 July 1699.

¹⁵³ NRS, PC1/52, p. 37. 14 November 1699.

¹⁵⁴ NRS, PC4/2. 21 December 1699.

The anti-popery enforced by authorities, however, could at times be more subtle than this, and certainly more so than some of the inflammatory or derogatory language endured by Catholics. As has been outlined above, the Privy Council heard many pleas for vacant stipends during the period in question. In many cases the council was an intermediary which then sought information from ‘inferior’ officers or co-opted local elites before making decisions. When a matter to do with the stipend of Inverness to be utilised for ‘pious uses’ came before the board in January 1693, it was found that the patronage belonged to either the earl of Seaforth or the laird of Strichen. The council did not therefore have the power to hand over the stipend without their express permission, but this was found only to be relevant for the laird of Strichen, ‘in respect the earle [was] a papist’.¹⁵⁵ Thus, Seaforth’s right to the stipend and a potential say in what that money could be used for in time of vacancy was removed due to his Catholicism. The bar on office holding for Catholics in addition to such strictures removed this minority from the political community wholesale. It is therefore little wonder that so many Episcopalians (especially those accused of Catholicism) were impelled into Jacobitism or championed French rapprochement.

The Privy Council also pursued other religious minorities in its attempt to instil a godly commonwealth. Quakers, as a minority which were sparsely represented throughout Scotland but concentrated in Aberdeen, Edinburgh, and Glasgow, were also victims of violence and oppression. The Privy Council heard in late 1691 of the sustained and targeted campaign against Quakers in Glasgow, a particularly radical presbyterian burgh.¹⁵⁶ In the aftermath the council appointed a committee to speak with Glasgow’s Provost to ensure ‘that the quakers be not troubled nor molested’ since they always acted ‘peaceable as becometh’.¹⁵⁷ Similarly, in April 1697 the Quakers of Edinburgh petitioned the Privy Council citing a plethora of

¹⁵⁵ NRS, PC2/24, f. 162v. 19 January 1693.

¹⁵⁶ *RPCS*, s. 3 v. XVI, p. 659. 31 December 1691.

¹⁵⁷ NRS, PC1/48, p. 352. 3 August 1692.

grievances, such as harassment by ‘men and boyes’ by way of ‘tumultuos ryotts’.¹⁵⁸ To make matters worse, upon application to Edinburgh burgh council for redress, bailie Patrick Halyburton shut down the Quakers’ meeting house which they legally owned, and let the harrying offenders go free. Though they complained of the burgh magistrates’ disregard for their woes, the Privy Council remitted the issue to the bailies and provost instead of themselves taking action.¹⁵⁹ This case also correlates with the treatment of Quakers in Aberdeen, a consequence of the pro-active campaign railed against the minority church during the Restoration by bishop Robert Scougal. For instance, Quaker sects were sought out by church and civil authorities in Aberdeen in the 1690s and Quakerism was one of the factors cited in the removal of John Johnstone from the office of Provost in 1697, the ideas of which were ‘wtterlie wnconsistant with our Lawes’.¹⁶⁰ There is also evidence of militant Quakers in Aberdeen in the later 1690s. In 1698 in Newhills parish, Martin Schank was interrupted during divine worship by a group of Quakers headed by Margaret Jaffray. Jaffray proclaimed: ‘Doe not believe that Deceiver, and that shee was sent of God to tell Them that He was about to destroy all Idolatrie and evill worship’.¹⁶¹ She was then led out of the Kirk into the church yard where she continued ‘and occasioned much Tumult among the people’.¹⁶² The Presbytery appointed three ministers to accompany Schank to Aberdeen burgh council to try the matter. Rabblings were therefore broad categorisations of crimes committed by all and sundry which were deeply connected with religious and political change.

Also in 1697, the justiciary court infamously meted out the harshest punishment against an Edinburgh student named Thomas Aikenhead.¹⁶³ In 1696 Aikenhead had denied the trinity,

¹⁵⁸ NRS, PC1/51, p. 183. 20 April 1697.

¹⁵⁹ *Ibid.*, p. 184.

¹⁶⁰ NRS CH2/1/4, p. 25; NRS, PC2/27, fos, 48r-53v, quotation at f. 52r; ACA, CR/1/57, pp. 592-606. December 1697.

¹⁶¹ NRS, CH2/1/4, p. 35. 17 February 1698.

¹⁶² *Ibid.*

¹⁶³ NRS, PC1/52, p. 29, 10 Novembr 1696.

sworn, and slandered God in several speeches, for which he was tried before the Privy Council. Goodtrees was keen to inflict the most severe penalty according to a little used blasphemy law from the Restoration, in order to create an example out of the young student. In the event, the vote came to a tie in the council chamber and the chancellor, Lord Polwarth, voted in favour of execution.¹⁶⁴ While Graham has represented this as an example of religious extremism in a Scotland which was on the cusp of the Enlightenment, it is argued here that it is more in line with the committing of the Glencoe Massacre. That is to say, that with the government facing opposition and feeling vulnerable it was arguably found itself in a situation in which the death penalty was seen as most appropriate. In other cases we often see the council commuting sentences of death to banishment in the post-Revolution period, especially in cases against women for infanticide. Goodtrees' influence and religious convictions were clearly influential here, but to view the case through the prism of religious extremism is somewhat inaccurate, since it was something of an outlier. It nevertheless demonstrates that Scotland was experiencing a growth of nonconformist sects which the executive, and indeed the general public, was inherently concerned about.

Conclusion

The Privy Council had a fundamental role in church government in the decade following the Williamite Revolution. In many ways this was no different to that of the Committee of Estates in the 1640s or the Restoration Privy Council, but the Scottish executive of the 1690s was thrust into a unique position due to the parliamentary reimposition of Presbyterianism and the specific circumstances this afforded Episcopalian clergymen. Also, this was a role which

¹⁶⁴ Graham, *The Blasphemies of Thomas Aikenhead*, p. 115.

evolved throughout the decade, influenced by parliamentary legislation, changes in the composition of the government, the ongoing attempts by the king and his courtiers to press for Episcopal comprehension, and the continuing needs of nonconformist clergymen, who often existed in a liminal position between contumacy and submission, without a national church structure to supplicate. The council maintained close control over nonconformity and discipline in the Presbyterian Church of Scotland whilst it also undertook hundreds of deprivations of Episcopalian parish ministers, albeit this was largely in late 1689. But, crucially, the Privy Council itself was viewed by the crown as a useful institution to house Episcopalians and moderates who could potentially influence the evolving church settlement, or campaign for an alternative.

As we shall see in later chapters, Queen Anne's accession to the throne and the 1702-3 elections brought with them seismic changes in the make-up of government and the impetus for an alternative church settlement. What must be stressed here, however, is that the foundations for these changes to be pursued with such vitality during Anne's reign were laid in the 1690s. In that decade, the government pursued ever-changing policy initiatives and imperatives which shaped the nature of the later debates on the church question.

The Privy Council and the Commission of the General Assembly had a very important relationship and shared certain characteristics. Certainly, in terms of the personal connections between members of both institutions there was considerable overlap. Whilst their majesties' high commissioners to the assembly sometimes provoked conflict with their spiritual counterparts, the commission and the council appear to have been influential coordinating bodies. However, these institutions would be nothing without their members, and their personal, epistolary, and kin milieu were also important to the coordination of government. This was especially so in the case of James Stewart of Goodtrees, whose role as lord advocate was undoubtedly one of the most critical for church-state relations which has certainly not been

heretofore appreciated for its depth and complexity. This also indicates the danger of viewing the council as a monolith; individual councillors occupied a variety of ideological standpoints and religious views.

As this chapter has illustrated, the Privy Council was equally a vehicle for Presbyterian hegemony to be upheld as it was for attempted crown-initiated comprehension schemes and Episcopalian amelioration. This complex role of the Privy Council in church government was most transparent in committees of the council which were often staffed by members with a broad range of ideological standpoints. Such complexity rendered the implementation of the church settlement one of conflict and contradiction which highlights some of the weaknesses of the Presbyterian Kirk throughout the 1690s and its reliance on godly magistrates for the church settlement to be implemented.

4

Ecclesiastical Equipoise, 1702-08: Towards Toleration and Pluralism?

The Souldier, Loyal Youth, and Cavaleer,
Come next; and speak thus, when they first appear
Of all Ranks in the Nation, The best sort,
[Whether of Country, City, Camp, or Court]
Are warm'd with Joy; except some errant Knaves
Who to *Dick Cameron* and *Rome* are Slaves.
May Rebels, Rabbles, to your Scepter bow!
And all the lawless Rout submit to You!
Or farewell Monarchy and Justice too.¹

Queen Anne was well-known as an Anglican and Episcopalian sympathiser. The anonymously penned lines above evidence the adoration felt by some towards their new queen after 1702 due in part to her potential influence on introducing some moderation in church affairs. Of course, as the poem shows, there were still radicals and extremists who vehemently opposed the new regime and the potential for religious reform. What is interesting is the way the author draws a connection between the sovereign's legitimacy and her ability to achieve political and religious stability. The 1702-3 elections and changes in government also had a bearing on the church issue.² For instance, Godolphin wrote to an unnamed Scottish statesman, after receiving

¹ [Anonymous], *A Poem on Her Majesty, Q. Anne, occasioned by HM gracious letter to her Hon. Privy Council; and her Act of Indemnity to all her good subjects of the Kingdom of Scotland* (Edinburgh, 1703), p. 5. AUL, Sp Coll MacBean Ann 10.

² For further details on the increasing share of votes garnered by the opposition parties in the 1702-3 general elections, along with some of the broader consequences of this particularly relating to parliament, see: Brown, 'Party Politics and Parliament', pp. 245-86; Daniel Szechi and C. A. Whatley, 'Counting the 'Cavaliers': Two Contemporary Analyses of the Political Wing of the Scots Jacobite Underground in the Union Parliament', *PH*, 42: 3 (October 2023), pp. 309-47.

information from Seafield conveying that there were now two parties in parliament but their distinctions were between ‘down right Kirkmen, & Episcopalians’ rather than Whigs and Tories.³ Indeed, Seafield warned Godolphin that the crucial issue for the new Scottish administration would be to re-affirm and consolidate the Revolution settlement (which included finally coming to a clearer church settlement), for which the ‘Cavaliers’ (episcopalians) would be useful since they were opposed to republicanism, which he saw as a threat.⁴ Additionally, a memorial from Scottish Episcopalian ministers which was sent to Archbishop John Sharp of York between March 1702 and early 1703 held that members of their church had been slandered to the queen as rebellious and potentially Jacobite but that they were, in fact, her staunchest supporters.⁵ The memorial also mentioned Goodtrees’ Presbyterian zeal which had had a profound effect on the official punishment of Episcopalians in the previous decade, as well as the trickle-down effect of making it appear legitimate for Presbyterians to abuse and attack them with crowd violence; but Seafield expressed hope for future leniency.⁶

Recent historiography has, as we have seen, moved beyond the strict confines of confessional history. Raffe concludes that there was a growing level of religious pluralism and the formation of ‘confessional cultures’ between the Restoration and the end of Anne’s reign in 1714, for example.⁷ Colin Kidd similarly explores the evolution of ideas concerning the viability of a ‘multiconfessional state’ between 1660 and 1707 which ‘assisted the development of a more sophisticated political culture’.⁸ But Kidd’s focus is mainly on political thought. Contrarily, but in line with the overall thesis, this chapter argues that there were some important

³ BL, Official correspondence with Godolphin, 1701-10, Add. MS 28055, f. 5.

⁴ BL, Add. MS 28055, fos. 115-6, 21 May 1703.

⁵ GA, Memorial of the Episcopal Clergy, D3549/6/4/94 (H29).

⁶ BL, Add. MS 28055, f. 116, 21 May 1703.

⁷ Raffe, *The Culture of Controversy*, pp. 236-7.

⁸ Colin Kidd, ‘Religious realignment between the Restoration and Union’, in John Robertson (ed.), *A Union for Empire: Political Thought and the Union of 1707* (Cambridge, 1995), p. 146.

practical administrative changes and developments in church matters after 1702. The argument here intends to extend Ben Rogers' observation that by 1702 there was a reluctant acceptance that religious pluralism was a feature of Scottish society which meant that discussions of the church settlement moved away from comprehension and toward toleration.⁹ These developments will be explored in terms of continuity and change in this chapter, which also looks into forms of resistance, both to the established church government and the alternative proposed by Queen Anne and investigates the relationship between the Privy Council and institutions of church government. On this last point, a fuller exploration is provided here of the relationship between the Commission of the General Assembly and the Privy Council than in previous chapters. While the records of the commission from the Revolution to around the turn of the century were destroyed in a fire in Edinburgh in October 1701, those from the years following have survived.¹⁰ Around twenty councillors served as ruling elders on the commission, such as the lairds of Megginch, Crossrig, the earls of Sutherland and Glasgow, as well as Francis Montgomery, Lord Aberuchill, the provost of Edinburgh and Goodtrees, so crossover in membership was significant between council and commission.¹¹

Queen Anne wrote to the Scottish Privy Council from St James's Palace on 4 February 1703 setting out her wishes for its treatment of religious dissenters. Those falling under the broad 'reformed' banner were to be tolerated by the council and this order was to be articulated by the executive (the council) to lower magistrates, church courts and elders. This would ensure that dissenters were to be left alone by both civil and church judicatories and treated by law as 'good Christians and subjects' rather than contumacious vassals.¹² This letter followed the commission of the Privy Council produced on the same date (explored in detail in chapter six)

⁹ Rogers, 'Religious Comprehension in Scotland', pp. 799-800.

¹⁰ The fire on 28 October 1701 is mentioned in the commission's minutes, where the destruction to records and accounts were lamented by its sub-clerk: NRS, CH1/4/1, 2 March 1702.

¹¹ NRS, CH1/4/1; NRS, CH1/4/2.

¹² NRS, PC12/1702-4, 4-24 February 1703.

and added as a corollary to it that the ‘many dissenters’ in Scotland should be ‘protected in the peaceable exercise of their Religion and in their persones and estates according to the Lawes of the kingdome’. Additionally, the clergy of the established church were ordered to live ‘in brotherly Love and Communion With Such dissenters’.¹³ The queen’s letter became the touchstone for a realignment in church policy, of which many Episcopalians took advantage but which also placed the Privy Council in a complex position in terms of its role in church government. This was also exacerbated by Anne’s new offer of indemnity to nonconformists in March 1703.¹⁴

Despite the queen’s wishes for an ill-defined toleration, a council still dominated by the Presbyterian interest and which had close links with the established church was at times less inclined for rapid reform. With the close cooperation of the Kirk’s ‘agent’, John Blair, the lord advocate and the council more generally continued to pursue nonconformity through legal parameters. Blair had served in that capacity since 1689 and worked closely with the lord advocate and the church courts in rooting out nonconformity and bringing ministers to book.¹⁵ However, the queen’s letter of 1703 may well have made matters more confusing for the established church. While we saw in chapter three that the 1693 act provoked issues for the church in dealing with nonconformity (as, to an extent, was its successor in 1695), the Kirk under Anne faced various additional tribulations. The General Assembly grumbled to the queen in February 1704 about increasing Catholicism and ‘Illegal Attempts of the Dissenting Clergy, and the Encrease of Vice and Immorality’.¹⁶ Very similar concerns had been articulated to Goodtrees by the assembly’s commission the previous spring coinciding with Anne’s new offer of indemnity.¹⁷ The queen responded in March 1704 with another letter promising to uphold

¹³ NRS, PC1/52, p. 510, 24 February 1703.

¹⁴ NRS, PC1/52, pp. 538-40, 30 March 1703.

¹⁵ His political stance is difficult to determine although he was involved in many ministerial deprivations and that he operated in coordination with the council is significant.

¹⁶ NRS, PC12/1702-4, 3 – 19 March 1704.

¹⁷ NRS, CH1/4/1, 8 March 1703.

Protestantism, strive for morality, and root out Catholics, but was vague in the answer regarding nonconformist preachers.¹⁸ She entrusted Lord Ross with the commissionership to the assembly and assured it that he could be relied on to protect their interests. The commission was to liaise with the council to establish remedies to issues faced in establishing and running proper schools and libraries in the Highlands, while presbyteries were ordered to send all information on local Catholics to the board.¹⁹ As such, there were elements of confusion and contradiction in the queen's wishes for the church settlement, opposition to this vagueness within the church's highest courts, and a council placed in between, plying for a hybrid settlement in three ways: it looked to protect the established Kirk, while enforcing parliamentary statute on the religious settlement and implementing royal policy on the church constitution.

Reporting to another Scottish statesman following the assembly's dissolution, Ross was palpably optimistic, perhaps even over-confident. He alleged that it had been 'on of the best assemblies [there] ever was in this nation', with its members apparently greeting the queen's letter and promises with unequivocal positivity before immediately ordering it to be printed.²⁰ However, Ross's celebratory remarks betray a level of ambiguity in the process of defending the church settlement and the very settlement itself. The queen's promises were singularly vague, since they referenced 'restraining all attempts against the present legal constitution of this Church', even though there was no clear evidence of how this constitution was formulated or according to what acts and procedures it could be legally binding.²¹ Thus, Ross's confidence was somewhat misplaced and we see in the later 1700s the council forced into varying policies

¹⁸ NRS, PC12/1702-4, 3 – 19 March 1704; *AGA*, pp. 325-6.

¹⁹ *AGA*, pp. 325-37; NRS, CH1/1/19, 16 – 30 March 1704.

²⁰ BL, Blenheim papers: correspondence and papers relating to Scottish affairs, 1702-16, Add. MS 61136, fos. 1-2, 17 March 1704.

²¹ *AGA*, pp. 325-6.

due to the unclear nature of the church settlement, which was most manifestly salient for juring Episcopalians.

Following Anne's accession, a quiet coexistence between the two dominant churches in Scotland was, admittedly, often pursued. Many were never fully reconciled to this hybrid form though, and there were significant elements of confusion in the landscape of church government, not least because Episcopalians had no viable church governing structure and they effectively still had to practise either clandestinely or within parameters set by presbyterians. The Privy Council was therefore an important lynchpin in setting out the legal structure of any hybrid arrangement. Take, for instance, a case brought before the council between 1703 and 1705 by the Presbytery and Kirk Session of Haddington, with interventions from the Commission of the General Assembly and the queen. In February 1703, Haddington Presbytery had applied to the assembly for their advice concerning 'Grievances occasioned by the popish & prelatical party' in the parish of Haddington.²² James Forman, who had served as minister in the parish since 1678, died in early December 1702 and, in the intervening period, services had been conducted by a probationer sent by the presbytery.²³ John Currie had received a call from parishioners to transfer there from Oldhamstocks (East Lothian), but this had been refused for several reasons by the commission, and Dunbar Presbytery was handed the responsibility of providing Presbyterian preachers for Haddington in the meantime before a legal plantation came about.²⁴ Raffé notes that it was one John Bell who was sent to preach there but that his request for protection from the burgh council had been met with indifference, since that council openly supported the Episcopalian George Dunbar who had preached in the second charge since the mid-1680s.²⁵ When Bell went to preach one day he was set upon by an Episcopalian rabble, yet the town council continued to support Dunbar thereafter. The presbytery therefore

²² NRS, CH2/185/10, p. 119, 26 March 1703.

²³ Scott, *FES*, i, pp. 369-70.

²⁴ NRS, CH1/3/7, pp. 106, 133-7, 2 – 16 September 1703.

²⁵ Raffé, *The Culture of Controversy*, p. 229; Scott, *FES*, i, p. 372.

addressed the General Assembly while a group of heritors and parishioners, supposedly with inspiration from Sir Roderick Mackenzie, the lord justice clerk, compiled a complaint to the queen. Whereas Raffe demonstrates that this was, along with several petitions, opportunistically seized upon by Episcopalian grandees in parliament and elsewhere to press for toleration, it also serves as an example of the Privy Council's exertion of authority in church government. The council paved the way towards at least nominal coexistence between Presbyterian and Episcopalian congregations.

While there was no official Episcopal church at Haddington, there were two sessions (one Episcopalian and one Presbyterian) operating by 1703. In addition to grievances over the rabble against the Presbyterian minister preaching there, the presbytery complained to the General Assembly about the confusion caused by the dual sessions. Episcopalians were equally perturbed by this confusion and had been recommended to directly supplicate the queen and council with this issue. Signed by over 90 heritors, freeholders, magistrates and other parishioners, the Episcopalian address to the queen complained about 'restless attempts of the Presbyterians to subvert by methods of all Sects the constant discipline and ordor established and continued in our parrochial Church ever since the Reformation'.²⁶ The endeavours of the Presbyterians would, they claimed, 'permitt us to be depryved thus of our Legall Kirk Session and of that Ecclesiasticall sight and priviledge of calling our own minister by ane unquestioned plurality qualified according to law' and overturn the ancient constitution. Upon receipt of this address, the queen recommended the issue to the Privy Council since it was competent in such matters.²⁷ The council allowed George Dunbar to continue preaching on alternate days to the Presbyterian incumbent but ordered the latter to set up a Kirk Session with power over discipline in the parish.²⁸ Here, therefore, we see the executive ordering comprehension in a

²⁶ NRS, GD26/10/92, 1703.

²⁷ NRS, PC1/52, pp. 549-50, 24 February – 22 April 1703.

²⁸ NRS, CH2/799/5; NRS, CH2/799/9.

parish which had large numbers of both Presbyterians and Episcopalians. Popular support was evidently a factor which was considered in the council's policy in the parish.

The Presbytery of Haddington petitioned the Privy Council again in early 1705.²⁹ Following the council's interim decision two years before to install a viable Kirk Session, John Currie had been appointed by the heritors, magistrates and elders of the parish and settled by the assembly. However, in that time there had still been two elderships within the parish which caused 'very great confusions and disorders and is outterly Inconsistent with discipline and presbiterian Government'.³⁰ Since the 'Execution of the publict Lawes concerning the Church doeth in a particular maner belong to the most honourable The privie Councill', the presbytery asked for the board to step in 'for advanceing of truth, piety, peace and good order in the said paroch'.³¹ The council received this petition on 18 January 1705 and allowed George Dunbar to see and answer it before any decision was made. Following this, further enquiry was made into the case and some documents from the commission and presbytery were sought out. Dunbar's reply cited the parliamentary 'protection' of Episcopal ministers which he believed should 'extend to all the pairts of his ministrie without exclusion of one pairt and Reservation of another', meaning that both discipline and preaching would be under his purview.³² He noted that he had been peacefully coexistent with Currie and that they had conducted alternate services, emphasising that he was in no way attempting to encroach upon the Presbyterian congregation.

The terms of all these petitions were debated in the council chamber on 23 January 1705. The council did not prohibit Dunbar from exercising his ministerial function but simply ordered that the 'books and outensills' of the parish be given over to Currie.³³ Furthermore, it

²⁹ NRS, CH2/185/10, pp. 173-5, 4 January–8 March 1705.

³⁰ NRS, PC12/1704-5, 18 January 1705.

³¹ NRS, PC12/1704-5, 18 January 1705.

³² NRS, Answers for Mr George Dunbar, PC12/1704-5.

³³ NRS, PC1/53, pp. 345-6, 23 January 1705; NRS, CH2/185/10, pp. 176-80, 8 March 1705.

forbade Dunbar or his alternate session to ‘Interfeir or medle in the discipline and government’ in the parish.³⁴ Although the latter firmly denied Dunbar’s unaltered administration of his ministry in the parish, the fact that the council chose not to remove him points to two important aspects of post-1702 Kirk and council relations. Firstly, Dunbar’s local support was such that any council act prohibiting the meeting of the Episcopalian session was likely to produce violence and resistance of the kind seen in 1703. The board was therefore unlikely to impose a punishment which might vindicate the episcopalian rabblers and cause more unrest. And secondly, the Privy Council upheld the right of Episcopalians to practice their religion, in line with the 1695 church act and the queen’s express wishes, which was in direct contrast with its imposition of Presbyterianism elsewhere. In this case in Haddington, the council paved the way towards at least nominal coexistence between Presbyterian and Episcopalian congregations. These points signal a state of equipoise in church policy provision by the executive.

In contrast to the Haddington case, the Privy Council continued to shut down Episcopalian meeting houses elsewhere, particularly in parishes north of Stirling. For example, in the spring of 1706, the commission represented to the council a number of ‘irregularities and disorders’ in Elgin and Keith. The former parish was ‘infested’ by ministers who had been deposed while in Keith meeting houses were operated by unqualified preachers and some who were ‘suspect[ed] of popery’.³⁵ The council empowered magistrates, sheriffs of shires, justices of the peace and other officials to close these meeting houses and to keep the peace until legal trials could be initiated. In cases such as this, the council looked to punish the most flagrant abuses of the hybrid church but, as in other examples, may have only been inclined to act when sufficiently pressed by the Kirk’s court.

³⁴ NRS, PC1/53, p. 346, 23 January 1705.

³⁵ *Ibid.*, pp. 466-7, 17 April 1706.

Whereas in Haddington the council was concerned to maintain peace in a parish which showed clear elements of popular support for both Episcopalian and Presbyterian clergy, in other areas (particularly northern ones), this was disregarded for reasons of political expediency. Take, for instance, a case concerning the parish of Auchterless in Aberdeenshire. Alexander Barclay had served as the minister there from 1674 until he was transferred to Peterhead in 1682, from whence he was removed in 1695 for nonjurancy and opposition to the General Assembly's committee for the north. In October 1704 Barclay re-entered Auchterless and began administering Episcopal services, following the death of the erstwhile cleric there, William Johnson, a minister since the 1680s who had been admitted to the Kirk by the northern committee in 1694 and sent to the parish in 1697.³⁶ Despite the council finding in 1706 that Barclay had intruded having been known for 'nottour disaffection', he clearly maintained support from a large portion of the parish.³⁷ A group claiming to represent the entire parish stated that he had been unfairly removed from there 23 years prior (suggesting this petition was dated 1705) but that he now had a unanimous call from all parishioners 'both young and Old everyone (even children of Eight or ten Years)'.³⁸ The petitioners extolled Barclay's virtues, applauding his 'peaceable temper' and edifying him as 'having Experience of the Literature, pious Life & qualifications'. They therefore asked for him to be reinstated as the legal minister in the parish, to no avail, since the petition failed.

As we will see below, Barclay was one of those names included on the list of grievances submitted to the full council by its committee for church grievances in 1705-6. He was found guilty by the council of intrusion and 'manifast contempt of the Said Sentence of deposition, And of the authority of the Church, And Laws of the kingdome establishing the same'.³⁹ This therefore serves as another reminder of the issue of authority in the council's dealings with

³⁶ Scotti, *FES*, vi, p. 250.

³⁷ NRS, PC1/53, p. 443, 21 February 1706.

³⁸ NRS, CH12/12/3.

³⁹ NRS, PC1/53, p. 449-50, 21 February 1706.

church matters. Regardless of popular support, the council here upheld and re-asserted the authority of the Kirk against a serial offender who refused to recognise the established church's authority. The case also demonstrates the interwoven capabilities and policy-motives between the council and the commission. The commission, with the benefits of shared membership and a close working relationship with the council's committee for church grievances, brought forth a series of issues which were causing problems, particularly in the north, and the council swiftly brought summary justice against the defendants. Despite popular support the council here acted as an instrument upholding the Kirk's wishes through legal sentences.

The decision to pursue and depose Barclay also points to a level of contradiction in the council's policies against ministers. The 1695 act could equally be used to allow for cooperation in a parish as it could for punishing perceived intrusion, and the board were sometimes less convinced by claims to popular support in parishes than they had been in Haddington in 1703 to 1705. This is arguably a question of state formation and the early modern centre-periphery problem, which is the idea that there was an unequal distribution of power between central regions (and central government) and outlying areas, such as the Highlands. For instance, Allan Kennedy maintains that post-1692 Highland policy, as can be deciphered from judicial commissions, was geared towards seeking out and punishing perceived Highland lawlessness. Although he notes (in line with recent revisionism) that the domestic government was deeply engaged with Scottish affairs, Kennedy points to the 'strategic and militaristic' thrust of Williamite policy in the Highlands which 'was rooted in the theoretical supremacy of public authority in the locality but not in any meaningful growth of state power'.⁴⁰ The evidence presented here would tend to concur. The idea, whether it was clearly articulated, or more policy by accident, appears to have been that highlanders were less

⁴⁰ Kennedy, 'Managing the Early-Modern Periphery', p. 59.

beholden to the law and therefore more concerning to be allowed to openly practise religious nonconformity.

Crucial to the trials of Episcopalian clergymen and the Privy Council's role in this was the question of authority. The Kirk and its courts struggled to impose their authority on Episcopal clergymen who had not been legally deposed, especially in the wake of the 1695 church act. This was of course compounded by the queen's policies regarding religious toleration. Therefore, what we often see in the early eighteenth century are nonconformist ministers ignoring the Kirk's sentences against them and preferring to take their cases to the Privy Council. While these were not always successful, Episcopalians were likely to have a more sympathetic case heard before the council and could actively plead their own case against the church courts before a nominally independent judicatory.

However, some ministers were faced with the contempt of the board when attempting to find their way around parliamentary legislation with their own interpretations. For instance, John Mather (a minister in St Andrews) petitioned the council in February 1706 since he had been cited to appear before it under suspicion of intrusion but refused to attend since he claimed he was qualified according to the 1695 act and had only preached in meeting houses, even though this was unlawful according to that legislation. He noted that he had always been forthcoming in professing support for the present crown and claimed (incorrectly) that the 1693 and 1695 church acts allowed him to operate a meeting house accordingly. The latter was particularly important and, as he understood it, allowed him to preach in a meeting house so long as he did not intrude onto a congregation 'without a Call prescribed by law'. He also claimed support of the university and promised that he preached 'nothing but the pure doctrine of Christianitie without giving the least ground of offence to the Government either civill or Ecclesiastick'.⁴¹ Following a report compiled by lord advocate Goodtrees in response, the

⁴¹ NRS, PC1/53, p. 442, 21 February 1706.

council refused Mather's petition. There were seven points of disagreement which Goodtrees raised, including that he pretended to have the support of the university and parishioners, when the evidence for this was lacking, plus his (mis)interpretation of the aforementioned acts of parliament. Fundamentally, the council was perturbed by this unilateral declaration interpreting parliamentary legislation favourably. The council declared that Mather 'misrepresent[s] the Law, and pretends to ane Ingullgence and Tolleration not heirtofore granted, But offers to controull the saids Lords'.⁴² Indeed, the report made the case that the 1695 act had been wilfully misinterpreted and that, in fact, its terms not only prohibited intrusion but were 'expressly against any who Shall exerce any part of the Ministeriall function in any Church or parish not being therto Lawfully Called and ordained'.⁴³

Aside from open resistance from Episcopalians in the forms of rabbling, legal challenges, and illegal preaching, we see more nuanced forms. The sheriff depute of Ross was the subject of censure from the council in December 1703 for failing to adhere to its calls to collect Kirk keys (legislated by a 1698 act of parliament) and for the fact that he had seemingly allowed nonconformity to prosper in and around Dingwall.⁴⁴ Furthermore, some Episcopalian ministers feigned ignorance of the proceedings of the council and therefore failed to appear before it. An example of this comes from a process against John Taylor, the former minister at Paisley, who operated an Episcopal meeting house out of Doune Castle and the surrounding area. He was pursued at the instance of John Blair, who claimed he was 'notoriously disaffected to the Government and the great Fomenter of all Disaffection in these parts, besides that it is known that while incumbent in Paisly, he was Heterodox and Erroneous in his Doctrine'.⁴⁵ It is interesting here that Taylor's conduct both as an opponent of post-revolution government and his ministerial heterodoxy during the Restoration were brought as evidence. Regardless,

⁴² NRS, PC1/53, p. 443, 21 February 1706.

⁴³ NRS, PC1/53, p. 442, 21 February 1706.

⁴⁴ NRS, PC1/53, pp. 219-23, 11 December 1703.

⁴⁵ NRS, PC12/1704-5, 1 March 1705.

when Taylor was called before the council in September 1703, he presented himself in order to plead his case.⁴⁶ In November of that year when the libel was decided upon, however, he was absent. He had therefore been declared contumacious and denounced as a rebel, but he petitioned the council in 1705 to challenge Blair's claims against him and to ask for a repeal of this charge. In the petition, Taylor claimed that he was 'ignorant of the forms of that Honorable Court [and] Did not understand the necessity of my second appearance'.⁴⁷ Taylor was met with short shrift from the council since it heard in a counter petition from Blair that he had simply moved his meeting house from its previous location after his sentence and had continued preaching, so his charge was upheld.

Elsewhere, the queen's letter to the council regarding toleration was cited by defendants as evidence in asserting the legality of Episcopalian meetings. For example, in January 1705, George Strachan (the former schoolmaster at Huntly) was pursued by the agent for the Kirk for illegal preaching in Keith. Strachan claimed that the complaint against him was groundless and that he should be assoilzied from all the points of the libel. He cited that the queen's letter meant it was only illegal to inject oneself into a parish to the detriment of the Presbyterian session, and that the taking of Episcopal services in private or meeting houses was, in fact, permitted and not legally punishable.⁴⁸ Nevertheless, the council, after hearing a reply from Blair, decided that Strachan was prohibited from preaching or exercising any part of his ministerial function in the parish, under the penalty of being banished from Banffshire. Here we see a significant diversion away from the queen's wishes in terms of church policy. Evidenced in this case, therefore, is an independent council acting primarily through the legal parameters initiated by the lord advocate and the Kirk's lawyer to shore up the authority of the

⁴⁶ NRS, PC1/53, pp. 70-73, 11 November 1703.

⁴⁷ NRS, PC12/1704-5, 1 March 1705.

⁴⁸ NRS, PC12/1704-5, 23 January 1705.

church in areas where it was ineffectual, and in so doing to challenge the continuing (and perhaps increasing) lay and local adherence to the Episcopal church.

Furthermore, despite the queen's letter and her wishes for further rapprochement between Protestant churches, the Privy Council remained a bastion of legal protection for the Kirk. Indeed, the committee for church grievances continued to sit throughout the 1700s and it was in receipt of several overtures from Blair, the Commission of the General Assembly and regional church courts. Unsurprisingly, Goodtrees always sat on these committees, although membership otherwise fluctuated. The committee largely dealt with the most egregious challenges to the nominal monopoly of the Presbyterian Kirk, such as rabblings, long-running intrusions into parishes, failures to comply with church authorities, and the rooting out of 'papists'. The latter of these, especially the fear of domestic Jesuit activity, appears to have become a more salient concern for the council in the early eighteenth century than it was in the 1690s.

In fact, there was also a separate council committee established in 1704 to deal specifically with 'priests and traffiquing papists' while the former committee regarding grievances maintained control over intransigent ministers and Episcopalians. This new committee often worked closely with presbyteries, burghs, and other church courts. The council was often in receipt of lists of Catholics from presbyteries and was expected to punish them. For example, in June 1702 the commission alerted the board to 'a great growth of popery and papists' in the northern and western Highlands and islands.⁴⁹ The above new committee was named to peruse lists of these suspected people and to come to an agreement on how to handle them. Most often, the council went on to pursue these people with the penalty of banishment or seizure of goods. In December 1706 the council granted a warrant to magistrates in Edinburgh and Aberdeen to seize Catholics' arms and horses, since the town had apparently

⁴⁹ NRS, PC1/52, p. 397, 2 June 1702.

become inundated with them.⁵⁰ Part of this was of course the suppression of any potential rebellion, but also intelligence gathering, since the magistrates were to take their names and compile lists to be sent to the executive. Along with lists from presbyteries this meant that the council maintained significant intelligence on who and where Catholics were in the kingdom.

With inspiration from acts of parliament and the General Assembly's requests, the council looked to root out Catholics for both their perceived false doctrine and their opposition to the established government. In 1704 a proclamation was prepared against 'seminary preists, Jesuits, and other trafecquing papist's [who] cease not to Infest the Kingdome with their Corrupt Doctrine and supersticious and treacherous practices'.⁵¹ This was in response to the assembly notifying the council of their anxiety to suppress 'popery and immorality' in addition to an assembly act for sending all names of Catholics to the council's clerks.⁵² According to a 1700 act of parliament, those coming forward with information on these people were to be offered a reward of 500 merks plus compensation for their other expenses.⁵³ Following the proclamation, several Catholics were banished from Scotland, including Alexander Gibb in July 1704, William Durham in May 1705, and in November 1704 a captain of an independent company was sent to suppress 'popery' in Moray, and several other libel cases were raised by Goodtrees against suspected priests and 'trafficking papists'.⁵⁴

The council committee named to deal with church grievances and irregularities was extremely concerned about nonconformity in the north of Scotland. This in part stemmed from a belief in the confluence between Jacobitism and Episcopalianism in northern areas. For example, in February 1706, the council heard a petition from the assembly's commission setting out in detail nine 'difficulties' they faced 'in getting Some good order Setled in the

⁵⁰ NRS, PC1/53, p. 493, 4 December 1706.

⁵¹ NRS, PC1/53, p. 193, 17 April 1704.

⁵² *AGA*, pp. 325-37.

⁵³ *RPS*, 1700/10/73, 23 November 1700; NRS, PC1/53, p. 194, 17 April 1704.

⁵⁴ NRS, PC1/53, pp. 264, 290, 400-401, 409, 28 July 1704 – 30 May 1705.

northerne and highland pairts of the kingdom'.⁵⁵ The issues mentioned here had been broached by the commission in early 1705, but were so weighty that it was decided in April of that year that the council should be called in to deal with them. The address to the council went through a few iterations and Goodtrees was consulted on its content and form in August 1705 before it was sent in November.⁵⁶ It is worthwhile analysing this case in detail in order to understand how widespread the problem was for the Kirk and the Privy Council and how it was handled.

The nine grievances presented to the council by the Commission of the General Assembly and signed by William Carstares (the assembly's moderator at the time) were as follows. Firstly, there were a series of intrusions in six parishes within the Synod of Aberdeen. Secondly, keys to churches were 'frequently abstracted by persons disaffected' and Presbyterian officials were often hindered from preaching or planting, which was in direct contradiction of a 1698 act of parliament which empowered sheriffs and magistrates to collect church keys.⁵⁷ The next grievance was that bishops who had been deprived of authority continued to hand out licenses to Episcopalian ministers to preach, in both empty parish churches and clandestine meeting houses. Fourthly, when intruders were removed, they often simply moved to the border of the parish, just outside its bounds, or into another nearby parish. Hence, the commission asked that intruders not only be discharged from preaching within the bounds of parishes, but altogether. The commission also complained about many 'disorders' due to intrusions and meeting houses in the Presbytery of Meigle, particularly in Newtyle, where the chamberlain of Lord Prestonhall (a privy councillor) held significant sway, in addition to issues in Essie and Nevoy and Kingdolum. The sixth grievance was of Episcopalian 'Intrusions' where the legally planted minister was denied access to the Kirk, which had occurred in the parish of Fetterosso and widely in the Presbytery of Brechin.

⁵⁵ NRS, PC1/53, p. 443, 21 February 1706.

⁵⁶ NRS, CH1/3/8, pp. 13-14, 74-6, 80-87, 10 April – 21 August 1705.

⁵⁷ *RPS*, 1698/7/109.

One of the most concerning issues brought before the council was the fallout from an ‘outrageous and barbarous ryot that happened att Dingwall by the insolent opposition of the rable against Mr William Steuart’, the minister at Kiltearn, in 1706.⁵⁸ The council had punished the rabblers and empowered local sheriffs to disperse them in the spring of 1704⁵⁹ but the issue was ‘yet so litle remeaded’ insofar as the town remained ‘stubborne and insolent’ against the presbytery and this had led to outbreaks of violence against the planting minister.⁶⁰ Such was the extent of the issue that it had spilled over into disturbances in several other parishes in the presbytery of Ross and Sutherland, with inhabitants having been galvanised by the successes of their neighbours’ endeavours. The penultimate grievance brought before the board was another which presented serious concerns to both civil and church courts. Here, the former schoolmaster at Huntly, George Strachan, had associated with a ‘profest papist’ named John Malcolme, and some local Catholics to teach children in that religion rather than Protestantism.⁶¹ Furthermore, and despite his removal as the schoolmaster at Huntly, Strachan had continually administered Episcopal services with the support of the erstwhile bishop of Moray in the region, both in meeting houses and ‘in the fields’.⁶² Also, along with many Catholics, they had attacked ministers of the presbytery with swords, guns and other weapons, both on their travels and in their houses. Interestingly, the thriving Episcopalian meetings here were viewed as potentially crypto-Catholic or, alternatively, as a catalyst for increasing Catholic education. Therefore, it was not so much the potential confluence between Jacobitism and Episcopalianism that made the council and Kirk anxious here, but rather the connections between Protestant nonconformity and potential resurgences of Catholic recusancy. Finally, the commission complained that many ‘evills’ had been observed across northern parishes where

⁵⁸ NRS, PC1/53, p. 444, 21 February 1706.

⁵⁹ NRS, PC1/53, pp. 195-6, 17 April 1704.

⁶⁰ NRS, PC1/53, p. 445, 21 February 1706.

⁶¹ NRS, PC1/53, p. 445, 21 February 1706.

⁶² NRS, PC1/53, pp. 445-6, 21 February 1706.

there had been removals of intruders which were then seized upon by other nonconformists.⁶³ This had occurred in Elgin, Keith and Forres but had been observed in more southerly parishes such as St Andrews, Musselburgh, Tranent and Dalkeith. To reduce the likelihood of this, the council was asked to employ magistrates and sheriffs to both shut up meeting houses and thereafter to take control of them to ensure that no other intransigent ministers took up the mantle in the wake of an intruder's removal.

On 20 March 1706, the Privy Council responded to the committee report on the commission's grievances and produced an act for the remedy thereof.⁶⁴ Local magistrates and sheriffs were empowered to take control of the issue and to put into execution the council's arrangements. Nonconformist ministers were to be removed and keys to churches were to be collected by civil magistrates in order for church courts to set up running congregations. If the disquiet continued then these ministers and their abettors were to be brought before the council and tried, facing the threat of being declared rebels or banishment. What we see here is in stark contrast to some of the council's more conciliatory policies in the south and central regions. This was largely to do with the potential for Jacobite or Catholic resurgence in the north. But it also speaks to the difficulties faced by the church in imposing its authority on a region with large swathes of Episcopalians whose opposition to both church and civil government had been emboldened since Anne's succession.

While the focus of this chapter thus far has been the increasing level of Episcopal toleration following Queen Anne's accession, the 1700s were a decade in which hard-line Presbyterian nonconformists were also emboldened in their opposition. Interestingly, in their case, the question of authority was also paramount. The most zealous nonconforming Presbyterians were largely confined to the traditional west and southwest of the kingdom, yet

⁶³ NRS, PC1/53, p. 446, 21 February 1706.

⁶⁴ NRS, PC1/53, pp. 459-60, 20 March 1706. This was transmitted to the commission nine days later: NRS, CH1/4/1, 29 March 1706.

there were significant numbers throughout. For instance, the United Societies, despite not having a minister between 1690 and 1706, maintained widespread prayer groups.⁶⁵ Aside from the Societies, though, there were other groups of radical nonconformists who disregarded the authority of the established church due to its perceived moderation and lack of adherence to the Covenants. The church and council were both anxious to root out some of these groups, particularly the followers of John Hepburn (the so-called Hebronites) and John McMillan, who would go on to serve as the Societies' minister from 1706.

The Kirk's commission had been concerned about these radical Presbyterians since the early days of Anne's reign. The commission and regional presbyteries were anxious not to pander to their cries to be allowed to continue preaching. Nevertheless, the Kirk and its courts were unable to stamp out either McMillan or Hepburn from the southwest. From 1702 the commission had initiated investigations into both ministers, but in 1703 they were keen to avoid schism, preferring conciliation with the nonconformists 'for the peace of the Church'.⁶⁶ Hepburn had declined the oath of allegiance in 1696 for which he was imprisoned in the castles of Edinburgh and Stirling, before he was permitted to return to his parish of Urr in early 1699. However, Goodtrees was ordered by the council to raise a process against Hepburn in September 1702 'For Convocating her Majesties Leidges and other disorders and abuses'.⁶⁷ Afterwards, he was suspended by the church in June of that year and he was officially deposed in 1705.⁶⁸ In July 1704 McMillan was pursued by the commission and a sentence of deposition was enacted against him, although he was granted a brief reprieve on this until September.⁶⁹ Regardless, he continued preaching and both he and Hepburn, like many Episcopalians of

⁶⁵ Whilst they were largely confined to the southwest of Scotland, the Societies had prayer groups linked to them as far away as Fife and Perthshire and they received arms from Ireland from the 1680s. See: *FCD*, pp. 53, 140, 280-1, 286, 481.

⁶⁶ NRS, CH1/3/7, p. 45, 28 June 1703.

⁶⁷ NRS, PC1/52, p. 449, 24 September 1702.

⁶⁸ Scott, *FES*, ii, p. 305; NRS, CH1/4/1.

⁶⁹ NRS, CH1/4/1, 11 July – September 1704; NRS, CH1/3/7, pp. 171-81.

course, denied that the established church courts held any authority over them. McMillan, when investigated by the commission, claimed that he did not repudiate the presbytery's authority as such, but instead declined 'the exercise of their authority'.⁷⁰ The commission was evidently aware of some criticisms of the Kirk that it 'had given away the whole power of this Church to the hand of the Civil Magistrate', especially due to the tenets of the oaths of allegiance and assurance.⁷¹ However, McMillan was determined to refuse the oaths himself and he later refused to attend the commission when called.

The issue was therefore presented to the Privy Council in 1706 by Blair. The council found that McMillan 'doth presumptuously refuse to Submitt to the said Sentence [...] against the authority of the Church'.⁷² Along with around 20 accomplices (some of whom were local elders and church patrons), McMillan had been able to continue exercising his ministry to fairly large congregations, and in addition to keeping hold of the keys to the church at Balmaghie he had opposed the orders of the presbytery which had looked to implement the commission's pronouncement against him. This was found to be an 'illegall convocation' and all the defenders failed to appear before the board to answer the case against them. They were ultimately found guilty 'for ther contempt and disobedience'; all were declared the queen's rebels and ordered to desist from these actions at once. Here we see the issue of authority as a sticking point for the church courts. The council was also placed in a difficult position since these ministers were Presbyterian and they outwardly conformed to post-Revolution government. But they did not pledge allegiance to Anne and their opposition to both civil government and the Kirk was compounded by her succession. While there were no liturgical issues here for the Kirk, there was evidence of disobedience and the potential for nonconformist sects becoming more widespread.

⁷⁰ NRS, CH1/3/7, p. 206.

⁷¹ NRS, CH1/3/7, p. 205.

⁷² NRS, PC1/53, p. 462, 20 March 1706.

The council's role in church government between Anne's accession and its abolition also stretched beyond granting civil legitimacy to the church court's pronouncements and in treading the path towards a hybrid church arrangement. Councillors and civil government more generally were involved in the process of setting out the framework for church government and discipline. As Alistair Mutch discusses, there were attempts from 1696 to formulate a blueprint for church government and ministerial discipline, which would come to form something resembling a third book of discipline in the style of sixteenth-century precedents. The *Overtures* produced by the General Assembly in 1696 set out how the church courts should operate and the final result was 'decidedly legalistic' according to Mutch.⁷³ The 1697 assembly appointed these to be circulated to presbyteries and the following year it named a committee to finalise and revise its contents. This committee consisted of the principals of Glasgow and Edinburgh universities alongside six ministers and, crucially, Goodtrees, Adam Cockburn of Ormiston (then lord justice clerk), and Lord Aberuchill, all of whom were serving privy councillors.

The process of revising the *Overtures* was drawn out. By 1703, the committee (with Sir Hugh Dalrymple now a member) reported back to the assembly that it had compiled revisions to the 1696 version.⁷⁴ However, amendments were still to be made to two chapters in 1704 and lower courts had been slow to take up its amendments and suggestions, so the commission was ordered to communicate them down the chain of command.⁷⁵ Mutch argues that this signals a deficiency in the Presbyterian system, with a lack of clear executive oversight and a level of inertia in its regional courts.⁷⁶ Perhaps this reflects a vested institutional interest in doing very little. When the committee finally produced its amendments for print and circulation in 1704,

⁷³ Mutch, *Religion and National Identity*, p. 38; [Anonymous], *Overtures Concerning the Discipline and Method of Proceeding, in Ecclesiastick Judicatories in the Church of Scotland* (Edinburgh, 1696).

⁷⁴ NRS, CH1/3/7, p. 14, 4 June 1703.

⁷⁵ NRS, CH1/3/7, pp. 49, 61, 72-3.

⁷⁶ Mutch, *Religion and National Identity*, pp. 39-40.

it set out the parameters for ministerial conduct, the role of elders, specific questions to be posed at visitations, and aspects of the church polity to be retained in case of parliamentary union, which was by then being debated once more. This would go on to become the *Form of Process* which was adopted by the assembly in 1707.⁷⁷

Mutch notes that the parliamentary commissioner for Linlithgow between 1700 and 1707, Walter Steuart of Pardovan (d. 1721), was instrumental in this process, although there is no direct evidence of his involvement.⁷⁸ Pardovan produced his *Collections and Overtures* which concerned discipline, worship and church government later in the decade and it was printed in 1709, becoming the blueprint for the eighteenth century Kirk.⁷⁹ Despite its publication date coming after the council's abolition, it was evidently compiled before 1709 and he accorded an important role for the council in church government which is worth further exploration. Pardovan pointed out that the council could punish illegal or clandestine marriages, as well as Catholics, with banishment, corporal and 'pecunial' sentences.⁸⁰ Also, the council was charged with providing for legal trials of witchcraft, where witches had been identified by the church courts, which we see in the case of the Pittenweem witches in June 1704.⁸¹ Also, while rooting out profanity was a church matter and subject to independent church courts, the council was to take effectual courses against it and to punish it as a civil crime where necessary.⁸² According to the 1693 act, the Privy Council was to 'give all due assistance, for making the sentences and censures of the church, and judicatures thereof to be obeyed, or otherwise effectual as accords'.⁸³ The council was also to pursue contumacious ministers who were submitted to them by presbyteries, although it could not impose a penalty

⁷⁷ AGA, pp. 403-20; NRS, CH1/1/19, 21 April 1707.

⁷⁸ Mutch, *Religion and National Identity*, pp. 42-6.

⁷⁹ Walter Steuart of Pardovan, *Collections and Observations Methodiz'd Concerning the Worship, Discipline, and Government of the Church of Scotland. In Four Books* (Edinburgh, 1709).

⁸⁰ Pardovan, *Collections and Observations*, pp. 113, 144.

⁸¹ NRS, PC1/53, pp. 247-9, 13 June 1704.

⁸² Pardovan, *Collections and Observations*, p. 189.

⁸³ Pardovan, *Collections and Observations*, p. 230.

of excommunication.⁸⁴ Therefore, despite its publication date, Pardovan cited that the council maintained an important role in rooting out nonconformity and providing legal backing to the church courts.

Importantly, the council, largely through the lord advocate, proceeded in cases against ministers in a juridical manner and often framed opposition to church government as opposition to civil government. As we have seen in chapter three, this demonstrates a level of continuity from the practices of the Restoration council which looked to punish Presbyterian intransigence and linked church conformity with political allegiance. We see evidence of this in the fifteen deprivations executed by the council against ministers between 1702 and 1706 (see table 4.1 below), normally for intrusion into parishes or failing to adhere to the church court's sentences, as explored above. It seems that in the case of ministerial deprivations, the council's policy had once again evolved, whether consciously or by accident. Whereas the council in the 1690s (especially the initial years of the Revolution) was inclined to use the stick of deprivation, the carrot of conciliation or indeed coexistence between denominations was preferred after 1702. We see differing motivations and aims in both the drastic decline in the volume of deprivations and the use of proclamations concerning church matters. For instance, a 1706 proclamation against church intrusions demonstrates a shift from a policy of retribution to a more conciliatory policy which was put into action as a deterrent.⁸⁵ Admittedly this perhaps merely reflects the government kicking these ecclesiastical problems into the long grass, with the new regime facing increasing head winds and the government heavily concerned with other pressing matters, such as union negotiations, security, the legislative war, and economic diversification.

Table 4.1 Ministerial Deprivations by the Privy Council, 1702-1706

⁸⁴ Pardovan, *Collections and Observations*, p. 237.

⁸⁵ NRS, PC1/53, pp. 459-60, 20 March 1706.

James Cheyne ⁸⁶	Rathven, Moray
Robert Caddell ⁸⁷	Old Aberdeen, Aberdeen
John Taylor ⁸⁸	Kilmadock, Dunblane
Dr James Garden ⁸⁹	(Professorship of Divinity) Old Aberdeen, Aberdeen
James Strachan ⁹⁰	Keith, Moray
James Henderson ⁹¹	Deskford, Moray
Patrick Chalmers ⁹²	Rayne, Aberdeen
William Rattray ⁹³	Cargill, Perth and Stirling
James Strachan ⁹⁴	(Former incumbent at St Fillans) St Andrews, Fife
Arthur Millar ⁹⁵	(Former incumbent at Inveresk) St Andrews, Fife
Andrew Bruce ⁹⁶	(Former incumbent at Pittenweem) St Andrews, Fife
? ⁹⁷	Response to committee for grievances ordering several deprivations, though the ministers are not named explicitly so it is unclear how many were deprived.
James Hunter ⁹⁸	(Formerly of Stirling) St Ninians, Perth and Stirling
Alexander Muir ⁹⁹	(Probationer) Fraserburgh, Aberdeen
Alexander Craig ¹⁰⁰	(Formerly of Shetland) Fraserburgh, Aberdeen

Its deprivation campaign against nonconformist ministers was an aspect of council business that the Presbyterian Kirk was happy to overlook or actively support. However, what was unsettling for the church was the council's exertion of unilateral authority which overstepped its legal functions and asserted religious authority. The most transparent example of this was the council's unilateral announcement of fast days; for instance, in 1707 it called for a fast without it first being sanctioned by the church. The normal course of things was that the church proposed a fast and then the council granted it civil sanction and produced

⁸⁶ NRS, PC1/52, pp. 425-7, 28 July 1702.

⁸⁷ *Ibid.*, pp. 476-8, 8 December 1702.

⁸⁸ NRS, PC1/53, pp. 69-73, 11 January 1703.

⁸⁹ *Ibid.*, pp. 73-4, 11 January 1703.

⁹⁰ *Ibid.*, pp. 130-31, 18 January 1704.

⁹¹ *Ibid.*, pp. 131-33, 18 January 1704.

⁹² *Ibid.*, pp. 189-91, 15 March 1704.

⁹³ *Ibid.*, pp. 395-6, 26 April 1705.

⁹⁴ *Ibid.*, pp. 430-31, 9 November 1705.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*, pp. 459-60, 21 February 1706.

⁹⁸ *Ibid.*, pp. 470-71, 6 June 1706.

⁹⁹ *Ibid.*, pp. 472-3, 11 June 1706.

¹⁰⁰ *Ibid.*

proclamations to that end, as we see on several occasions due to famine in the 1690s. Church courts often also produced documents justifying fast days, which sometimes referenced the mid-century covenants.¹⁰¹ On 17 April 1706, the commission applied to the council for a fast in July and the following day the council gave it official legal sanction.¹⁰² A proclamation was then prepared by the council in June to alert the populace and ministers to observe the fast on 9 July.¹⁰³ But in November 1707, the council unilaterally called for a fast to be held in January 1708 without it first being proposed by the Kirk.¹⁰⁴ Raffe argues that this caused a near breakdown of relations between church and state, partly to do with the fact that this fast was also to be held in the other Stewart kingdoms and supposedly the queen had been consulted on it by Anglican bishops which was also a concern articulated by a domestic servant named Elisabeth West in her posthumously published memoirs.¹⁰⁵

The above case was not the first occasion when the council calling for a fast or the issue of civil sanction had caused tension between the Kirk and council. For example, in September 1703, a minister from the Presbytery of Middlebie (Dumfriesshire) had raised concerns with the assembly's commission when several ministers in that region had not been informed of a council granted fast and thanksgiving. The commission ordered a meeting with Goodtrees so 'that the like may be prevented in time coming'.¹⁰⁶ In this process, the council not only granted civil sanction to the fasts called for by church courts, but was also responsible for disseminating

¹⁰¹ Philip Williamson *et. al.* (eds.), *National Prayers: Special Worship since the Reformation, II: General Fasts, Thanksgivings and Special Prayers in the British Isles, 1689–1870*, Church of England Record Society, xxii (Woodbridge, 2017), pp. 372–425.

¹⁰² NRS, CH1/3/8, pp. 164, 170, 17 – 18 April 1706.

¹⁰³ NRS, PC1/53, p. 472, 8 June 1706.

¹⁰⁴ *Proclamation for a solemn national fast*, 28 November 1707 (Edinburgh, 1707); Alasdair Raffe, 'Presbyterianism, Secularization and Scottish Politics After the Revolution of 1688–1690', *The Historical Journal*, 53: 2 (June 2010), p. 333; Williamson *et. al.* (eds.), *National Prayers: Special Worship since the Reformation, II*.

¹⁰⁵ Raffe, 'Presbyterianism, Secularization and Scottish Politics After the Revolution of 1688–1690', pp. 333–4. West opined that the imposition of a fast by a civil power went against the natural order of matters spiritual and temporal, especially 'where prelates were part of that court' which had been instrumental in calling for the fast with the queen's approval: [Elisabeth West], *Memoirs, or spiritual exercises of Elisabeth West: written by her own hand* (Edinburgh, 1798), p. 156.

¹⁰⁶ NRS, CH1/3/7, p. 125, 8 September 1703.

the instructions for those fasts to be exercised in parishes. Interestingly, the tension in this matter also hinged on authority. The Kirk believed that it was the only institution which could legitimately call for a fast since these were required in order to ameliorate some kind of suffering or for providential reasons, such as during times of wars or famine, and being spiritual matters involved prayer.¹⁰⁷ Nevertheless, the commission was happy on occasion to have a committee dominated by ruling elders call for such fasts. For example, in June 1702, a committee named to meet to propose a fast prior to civil sanction included eight councillors: lords Ross, Yester, Ruglen, the earl of Glasgow, Francis Montgomery, the lairds of Megginch and Jerviswood, and of course Goodtrees.¹⁰⁸ Therefore, the point of contention, as we have seen above, was the unilateral imposition of a fast from a civil power and the lack of due instructions to church ministers.

In March 1708, the earl of Glasgow was commissioned to serve as the queen's commissioner to the General Assembly, a position he had also occupied in 1707.¹⁰⁹ Writing to the assembly on 25 March 1708, Anne desired the continuing work of providing 'pious and learned ministers' for vacant parishes, as well as maintaining loyalty amongst clerics (which was particularly heightened due to the ongoing war effort). She was also keen to stress her 'resolution to maintain the government of the Church of Scotland as it is by law established, and to protect you in the free enjoyment of all the rights and privileges that by law you are possessed of'.¹¹⁰ Part of this was the continuing work of establishing proper schools, libraries and Presbyterian ministries in the Highlands and generally propagating Christian knowledge there.¹¹¹ The relationship between the council and the commission in this respect was still

¹⁰⁷ On 29 August 1704, the commission ordered a committee to meet with the council to call for a fast and thanksgiving in celebration of the recent allied victory in the Battle of Blenheim. An address was to be compiled to the board 'rather than that a thanksgiving should be appointed without any application from the Church': NRS, CH1/3/7, pp. 254-5, 29 August 1704.

¹⁰⁸ NRS, CH1/3/5, p. 122, 3 June 1702.

¹⁰⁹ NRS, PC1/53, p. 502, 7 Apr. 1707.

¹¹⁰ TNA, SP57/27, pp. 123-5, 25 March 1708; *AGA*, pp. 420-21.

¹¹¹ *AGA*, pp. 425-31.

important, despite the former's imminent demise.¹¹² The queen's public promises to the assembly in 1708 were accompanied by private instructions to Glasgow, which are rather more telling. This letter chimes with Anne's greatest fear concerning union being the Kirk's stance, which certainly was a thorn in the side of earlier negotiations in 1706, as evidenced by anti-union addressing.¹¹³ The list of instructions ran to ten points, which essentially amounted to taking particular care in pointing out the queen's desire to retain the Presbyterian system after union, to enforce laws against Catholicism, to ensure the assembly did not overstep its bounds of authority, and to keep up the work of planting churches and protecting any minister who was legally permitted to preach.¹¹⁴ On this last point, a few of the specific instructions are pertinent. Anne's fifth command was that Glasgow went to such lengths as possible to prevent Episcopalian ministers who had qualified themselves according to statute from being removed. Furthermore, her next instruction was that the assembly be encouraged 'to Assume to their Government such of the Ministers, who Preach'd under Bishops and are Qualified by Law, whom they shall find to be pious and Moderate Men'.¹¹⁵

From late 1706, the Kirk's presbyteries, other church courts and members of the commission articulated concerns about the loss of parliament and a court to uphold the Kirk's interests. One such concern was the question of which institution would now provide civil sanction for fasts and plantation of churches, and another was the fact that the British Parliament being proposed would include bishops.¹¹⁶ This last point was anathema to many Scottish Presbyterians and soaked up considerable time in the commission's debates on union. In early January 1707, concerns were again raised and the commission asked for parliament to

¹¹² The commission continued to address the council for redress of grievances and for aid in propagating Christian knowledge in the northern reaches of the kingdom as late as April 1708: NRS, CH1/3/9, pp. 276-7.

¹¹³ See: Bowie, *Addresses Against Incorporating Union, 1706-1707*; Bowie, *Scottish Public Opinion*, pp. 115-37.

¹¹⁴ TNA, SP57/27, pp. 125-7, 25 March 1708.

¹¹⁵ TNA, SP57/27, p. 126, 25 March 1708.

¹¹⁶ NRS, CH1/3/8, pp. 258-60, 269; NRS, CH1/3/9, pp. 29-30.

confirm if there would be a suitable court with competency over the plantation of Kirks after its dissolution. It appears from the commission's registers in February that after May 1707 the lords of session and council were to be transferred the power which had been lodged with the parliamentary committee for the plantation of kirks.¹¹⁷

Conclusion

The council in many ways continued to operate as it had done in the 1690s on church matters. This was evident in its pursuit of Catholics and nonconformist ministers who failed to adhere to the sentences brought against them by church courts, and in the punishment of crowd action in rabbles. It also continued to hear cases which cited both the 1693 and 1695 church acts. What changed fundamentally after Anne's accession to the throne however was an increasing trend towards toleration and, to some extent, a recognition that religious pluralism was here to stay. That the queen's letter to the council from February 1703 was often cited by Episcopal clergymen who believed that it, along with the two aforementioned acts of parliament, granted them the ability to preach unencumbered from meeting houses, is telling. This crown policy in some ways contradicted the aims articulated by both the assembly and parliament, which looked to protect and consolidate the church settlement of the Revolution.

Although we see the council continually brought into the fold to protect certain Episcopal clergymen, there were clear regional disparities in council policy in this regard. Certain meeting houses and groups of Episcopalians were viewed as too large, with significant popular support, so that the council was forced to recognise their legal cases and to err on the side of caution to avoid disturbances. However, in areas where the increasing level of Episcopalianism was viewed as a potential catalyst for Jacobitism or even Catholic resurgence,

¹¹⁷ NRS, CH1/3/9, pp. 116, 148.

the council was far more reluctant to effect change which might contradict the efforts of the established church. Therefore, we see particular concerns caused by Episcopalianism in the north of Scotland while in more southern and central areas this was seen as less of a threat to civil government. Moreover, nonconformist Presbyterians were also pursued by the council as they posed a potential threat leading to schism in the Church of Scotland, and while church courts had initially attempted to avoid legal sentences against them, they were forced to ask for the council's involvement to punish breaches of Kirk authority.

Therefore, the council after 1702 pursued the implementation of a hybrid system of church policy in which cooperation was often permitted. Although the queen was relatively clear in her instructions for toleration, the church constitution itself remained ambiguous enough that it was open to interpretation by the council. The acts of the 1690s had created a system in which the juring Episcopalianism were to be protected by civil government and allowed to preach clandestinely if they submitted to the regime. However, the Kirk was firmly opposed to this and resented the confusion it created in many parishes which it was attempting to plant. While the council has often been represented as a civil protector of the Kirk, it was also an arm of civil government which put into practice the crown's wishes, and at times this created confusion and ambiguity in its role in church government. The Privy Council between 1702 and 1708 was equally an independent instrument of civil government, an implementer of parliamentary legislation on the church, a legal institution which upheld the sentences and desires of the Kirk, and a proponent of a hybrid system initiated by the crown which looked to appease opponents of the regime and promote cooperation. It is the argument in this chapter that this situation, albeit confusing, led in part to the increasing level of toleration and pluralism that has been observed by Alasdair Raffe by the end of Anne's reign in 1714.¹¹⁸

¹¹⁸ Raffe, *The Culture of Controversy*.

While the council certainly did uphold the authority of the Kirk, it also set out an agenda which went against that Kirk's monopoly and which speaks to a level of complexity which previous studies have overlooked. That members of the council were also involved in formulating the government of the Kirk, and ministerial discipline for instance, also speaks to a level of conciliar oversight in church government. While this was no full blown Erastianism in the sense of the royal supremacy enacted during the Restoration, there are elements of this relationship which point to a conciliar Erastianism. Walters argues that the National Covenant and some Restoration polemics relating to it demonstrate a level of 'parliamentary Erastianism'.¹¹⁹ This, he argues, is because parliament was entrusted as a defender of the religious settlement on behalf of the populace by way of a contract. While there was no explicit contract in the post-Revolution period, the fact that the council had oversight over church matters, that it operated in depriving clergymen in a similar fashion to how the Restoration council had conducted removals of Presbyterians, that it occasionally defied the wishes of the Kirk, and plied the way towards a hybrid system both at the crown's behest and as an independent arm of civil government, points to this kind of situation. It is therefore argued here that there was a notional level of conciliar Erastianism on display in some aspects of the council's role in church government. Despite working closely with the church courts, and in particularly the Commission of the General Assembly, the Privy Council oversaw a realignment in church policy between 1702 and 1708, which had a profound impact on the Kirk and its adherents as well as for Catholics and Episcopalians. Civil interference, regardless of the post-Revolution Kirk's claims of purity and untrammelled independence was both required to uphold the existing settlement and necessary for the pursuance of an alternative one.

¹¹⁹ Walters, *The National Covenant and the Solemn League and Covenant*, pp. 70-71.

5

Political Management and Executive Control, 1702– 1706

Our Senat hes had many fyrie a debate
About Setleing the Kirk and Secureing the State [...]

It's spleet into pairties and different factions
And manadged by Secreet Caballing and pactions [...]

Each party pretends they're for serveing the Croun
And for that Dear Intrest they'd Renumme all ther oun
But who speaks sancerly or who plays ye <aloan>
He is Wiser Then I that Can tell

The Staunch Revolutioners pretend all ther Care
Is secureing Religion By a Protestant Air
But if [sic] they'd voat for a papist If he'd offer them mair
He is Wiser then I that Can tell [...]

But Whither or no ther's a Snake on the Grass
It eis wiser then I that Can tell¹

Introduction

While Scotland in the 1700s was still recovering from the economic and demographic crises of the 1690s, Whatley and Macinnes have convincingly argued that it was far from an economic backwater which only a union could ameliorate, although the former notes that the fallout from the 1690s lasted far longer than the end of the century turning point that the latter observes.²

¹ TNA, 'Lynes upon the Nobility of Scotland 1703', SP54/1/14.

² Macinnes, *Union and Empire*, p. 218; Whatley, *The Scots and the Union*, p. 199.

Thankfully, historiographical orthodoxy has more recently challenged the traditional determinism of studies on the early eighteenth century. Nevertheless, much of the literature on this period remains heavily teleological, moving chronologically backwards from the union to trace cause and effect. As with the 1690s, there was a pervasive view for much of the twentieth century that the Scottish political elite was incapacitated by venality, rivalry, and corruption, a thesis which reiterates the condemnatory tone expressed in the lines quoted at the beginning of this chapter. Political jobbery, bribery and a belief in the dearth of theory or principle pervaded historiography until relatively recently.³ Although revisionists have fought back against this with reference to high politics, public opinion and political thought, historians of the period have generally been reluctant to look beyond parliamentary union and Anglo-Scottish relations.⁴ This chapter argues that this narrow focus has hindered deeper appreciation of some of the complexities of government administration in the period. It aims to move beyond the focus purely on union negotiations in economic and narrowly political terms and intends to investigate government administration between 1702 and 1706. Whereas union negotiations loomed large in parliament and in magnates political circles, Privy Council business was far more preoccupied with general executive functions, internal security and political turmoil, international relations, and policy provision. Also, although there was indeed magnate enmity, the period was also defined by a rise in party politics, which was reflected in the composition of the Privy Council.

³ William Ferguson, 'The Making of the Treaty of Union of 1707', *SHR*, 43: 136 (October 1964), pp. 89-110; William Ferguson, *Scotland: 1689 to the Present* (Edinburgh, 1968), pp. 36-69; Ferguson, *Scotland's Relations with England*, chs. 9-14; P. W. J. Riley, *The English Ministers and Scotland, 1707-1727* (London, 1964); P. W. J. Riley, *The Union of England and Scotland: A Study in Anglo-Scottish Politics of the Eighteenth Century* (Manchester, 1978).

⁴ Bowie, *Scottish Public Opinion*; Brown, *Kingdom or Province*, pp. 170-96; Fry, *The Union*; John Robertson, 'An elusive sovereignty. The course of the Union debate in Scotland 1698-1707', in John Robertson (ed.), *A Union for Empire: Political Thought and the Union of 1707* (Cambridge, 1995), pp. 171-197; K. R. Penovich, 'From 'Revolution principles' to Union: Daniel Defoe's intervention in the Scottish debate', in Robertson (ed.), *A Union for Empire*, pp. 228-242.

Parliament and Political Tensions

King William's untimely death in March 1702 created crisis and confusion. When Mary's sister Anne acceded to the throne, her Scottish Parliament was immediately in disarray. Failure to comply with the specific parameters of the 1696 (Scottish) Act of Security caused backlashes from an increasingly emboldened Country Party, which was clamouring for fresh elections.⁵ In June 1702, the Duke of Hamilton (the most prominent member of that party) led a walkout of parliament. He was followed by over 70 of his colleagues, who then compiled an address which opposed these constitutional contraventions and, more broadly, Anne's fledgling administration.⁶ Incidentally, the Privy Council met two days prior to this, on 7 June, in one of the few meetings which was held on a Sunday. Although no business was recorded in the register for that day, it is worth speculating whether the council was called to discuss ways forward considering the political tumult in parliament. Hamilton's brother, the earl of Selkirk, was removed from the council and from the office of clerk register in the wake of the walkout.⁷

With William's death, the Convention Parliament was supposed to have ended. Therefore, the first general elections since 1689 were soon meant to be called. But fresh elections in Scotland were not immediately called, with advice from the court ministry to continue the Convention Parliament. Exacerbating matters further, parliament (now heavily depleted) stepped beyond its bounds in granting a supply until 1704 and naming commissioners for union negotiations. A new offer of indemnity caused further issues, since it proposed to offer a protection to individuals who had been opposed to the Revolution and committed crimes against the crown since then, and it was shelved in parliament. Despite the indemnity being

⁵ *RPS*, 1696/9/135

⁶ *RPS*, M1702/6/1; Bowie, *Public Opinion in Early Modern Scotland*, pp. 35, 39, 229.

⁷ *NRS*, PC1/52, p. 399, 2 July 1702.

pushed through by the crown, the Privy Council questioned suspected supporters of James Francis Stewart, exemplified by the interrogations of George Bruce and George Grahame in May 1702 for their involvement with the Jacobite court at St Germain.⁸ The estates also looked to impose a new Abjuration Oath to deny its swearers of allegiance to the potential King James VIII,⁹ but it was abandoned by James Douglas, second duke of Queensberry (1662-1711), due to the threat it created to Court Party unity, typified by Marchmont's open defiance of him. As such, Queensberry adjourned the session at the end of June 1702.¹⁰ With the administration under increasing pressure, elections were held between the latter half of 1702 and the spring of 1703, with the new parliament sitting from May.

The 1702–3 elections were a fundamental watershed. Keith Brown has presented the compelling argument that these elections re-centred the political debates of 1688-9 and produced a parliament with a far more diverse make-up.¹¹ Gains were made by the Country Party, which secured 60 seats and the *Squadron Volante* (or New Party) acquired around 25 seats. But, most significantly, around 70 largely pro-Jacobite and pro-Episcopalian so-called 'Cavaliers' now sat in parliament, which cemented the Court Party's decreasing electoral and political hegemony. Increasing opposition also posed problems for the council which, as we have seen, attempted to manage elections in favour of the government. For example, in 1702, the electors in Kirkcaldy staged a walkout from the election for the burgh's parliamentary commissioner. They abstained from voting in protest at the noble status of the court adherent the earl of Leven (who had served as the provost of the burgh), since his presence deterred free voting and because he already sat in parliament due to his title. There was concerted opposition

⁸ NRS, PC12/1702-4, 24 – 28 May 1702.

⁹ A resurgence of Jacobitism was hugely concerning for the council, especially during the succession crisis and after James VII's death in 1701, following which Louis XIV had unilaterally declared James's son the king of the Stuart kingdoms, initiating an international relations crisis. Indeed, such was the concern in September 1701 that the council ordered the burning of a proclamation that declared 'James VIII' as the rightful king and imprisoned the Gazetteer James Donaldson and his printer for printing it: NRS, PC1/52, pp. 285-6, 23 September 1701.

¹⁰ RPS, 1702/6/64.

¹¹ Brown, 'Party politics and parliament', pp. 245-86.

against Leven and the election was contested between him and James Oswald, who had been selected by many of the burgh's craftsmen. When Leven explained the situation to the council in September 1702, the board granted him the power to bring the abstainers back into the fold for a fresh election and if they failed to do so to 'supply and fill up the vaccant places of those who shall not attend or doe remove with such able and sufficient burgesses as they shall think fitt to nominat.'¹² The council in this case engaged in clear management to preserve the electoral position of one of its members who was part of the court interest. This speaks to the increasing levels of disquiet in the political nation and the difficult position foisted onto the Privy Council, whose decision here to manage the electorate ran in direct contrast to other examples of their upholding of the integrity of elections in burghs.¹³

Ferguson goes as far as arguing that the union emerged from a crisis in relations from 1702-5 and came about as a 'consequence of [crown] weakness and uncertainty, not of strength and confidence'.¹⁴ And Riley avers that, after 1703, the estates became more difficult to manage and that the 'existing constitutional system' which had operated since 1603 proved 'unworkable' thereafter.¹⁵ However, he differs from Ferguson in that he represents the parliamentary complications post-1703 as defined by in-fighting within the Scottish parliament and its vying political parties rather than anti-English or even nationalist sentiment. Moreover, as Whatley notes, the famous pro-Darien and anti-union pamphleteer George Ridpath (d. 1726) argued that any advancements made in Scottish trade in the early 1700s were 'nipp'd in the Buds by the Influence of the English Councils'.¹⁶ This may well have held some credence since similar sentiments were expressed in the Scottish Parliament: the Marquis of Atholl reported to Godolphin in May 1703 that 'one of the members' of the estates had decried 'the unjustnes

¹² NRS, PC1/52, p. 454, 4 September 1702.

¹³ Tree, 'Controverted Elections', pp. 53-71.

¹⁴ William Ferguson, *Scotland's Relations with England: A Survey to 1707* (Edinburgh, 1977), p. 197.

¹⁵ P. W. J. Riley, 'The Scottish Parliament of 1703', *SHR*, 47: 144 (October 1968), pp. 129-30.

¹⁶ Whatley, *The Scots and the Union*, p. 200; [George Ridpath], *The Reducing of Scotland by Arms, and Annexing to England as a Province Considered* (London, 1705), p. 18.

to be governed by an English council' during a debate in the house for which he was promptly rebuked.¹⁷

However, Anglo-Scottish discord was also complicated by significant inter-institutional cooperation and by the influence exerted by Scottish statesmen at the queen's court. The queen employed Scottish statesmen in a separate council at court which she held to keep up to date with affairs north of the border, much like the Scottish council at the Restoration court. Although it was entered into the council register on 25 April 1704, on 11 December 1703 the Duke of Argyll and Lord Dupplin swore the oath of allegiance and subscribed it with the assurance in front of Anne, since the queen was 'present in her Scots Council' at St James's.¹⁸ Both men had recently been named to sit on the Scottish Privy Council: Argyll was included in the 1704 commission and although Dupplin was not he sat on the council theretofore, albeit only a handful of times before he was officially added again by the queen in 1706.¹⁹

Whereas William had rarely bothered himself with Scottish affairs, leaving much to the authority of the crown in council and delegating to key acolytes like Portland, Anne and her English council were more interventionist. On 12 March 1702, the Scottish Privy Council received notice of the king's death and also, by 'flying packet', an order from the queen and English Privy Council. It read:

In presence of Severalls of our privy Council whom wee Called together for that end at our palace of St James's, [we] Have thought fitt to Authorize yow to continue to meet and in all things to act as our privy Council of that our ancient Kingdome, In the Same maner to all intents and purposes as yow were intrusted by his Late Majestie of Glorious Memory Untill wee shall send yow a new Commission for that effect under our Royall hand²⁰

¹⁷ BL, Add. MS 28055, f. 24, 30 May 1703.

¹⁸ NRS, PC1/53, p. 212, 25 April 1704.

¹⁹ NRS, PC1/53, pp. 259, 264, 295-9, 457, 6 July 1704 – 20 March 1706.

²⁰ NRS, PC1/52, p. 357, 12 March 1702.

This ambiguous order was followed by a promise that there would be another commission for the council and elevations to ministerial posts to come. The following day, on 13 March, the Privy Council declared Anne queen and its members proceeded to swear the oath of allegiance and take the assurance. The clerk of the council read the text of the oath of allegiance to the assembled council of 28 men. Then, five by five, they had this oath plus the assurance administered to them by Marchmont in his capacity as the Lord Chancellor. The only councillors to refuse to do so were two proponents of the Country Party, Lord Ross and the laird of Grant, who would continue to withhold their oaths, they claimed, until Anne had been officially ‘proclaimed Queen of this realm’, even though the council had already done so.²¹ Both men left in protest and were summarily dismissed from the remaining meetings that day since the council had found that the assurance and allegiance could not be separated. They nevertheless returned to the council the following day and took the assurance, though as Crossrig notes, this was ‘a little amended’, perhaps simply to reflect the queen’s accession rather than any fundamental amendment.²² Several remaining named councillors who were not present on 13 March proceeded to swear the oath of allegiance along with these other formalities upon first appearing at the chamber following the succession.

By 1704 tensions and political opposition had become so heightened that the Scottish government faced a series of political crises. The Anglo-Scottish legislative war between 1701 and 1705 has been widely covered in the historiography and it evidently created a tense climate between the administrations of the two kingdoms.²³ Cumulatively, these measures helped to encourage both Scottish politicians and members of the Westminster Parliament that the regal union as it stood was no longer fit for purpose. In England, the acts of the Scottish Parliament were met with vehement opposition. In a letter in January 1704 purportedly informing its

²¹ NRS, PC1/52, p. 364, 13 March 1702; Patrick, ‘People and Parliament’, pp. 419, 428.

²² Crossrig, *Diary of the Proceedings*, p. 81.

²³ Fry, *The Union*, ch. 3; Whatley, *The Scots and the Union*, pp. 223-7; Macinnes, *Union and Empire*, pp. 243-4.

Scottish counterpart of the potential increase in Catholicism, the English Privy Council warned of ‘the dangerous and pernicious effects that are likely to follow from’ the acts passed in the estates.²⁴ The English legislative response by way of the 1705 Alien Act took no prisoners. It was combined with a prohibition of the export of arms to Scotland. The alien act was more of a threat – or ‘coercive persuasion’ according to Macinnes – than a material asset stripping of Scottish resources, but it was accompanied by an order to embolden garrisons in the north of England, thus implying the readiness for military invasion or occupation.²⁵ In effect it extended the 1696 Navigation Act (which had imposed penalties in the colonial field) to the domestic field. However, these measures were never seen through, the threat being framed around the likelihood of Scottish refusal to re-enter into union negotiations by Christmas. In the event, union talks resumed and Godolphin was instrumental in shelving the act. The legislative war was nonetheless a powerful example of the lengths the Scottish and English and administrations would be willing to venture to in treating for union and the palpable threat of serious unrest, or even all-out war.

Solidifying latent Anglo-Scottish tensions was the so-called *Worcester* affair in 1704 to 1705. In August 1704, the English ship the *Worcester* had been seized in the Firth of Forth (when weathering a storm) under the orders of Roderick Mackenzie, one of the secretaries of the Company of Scotland. Despite the Company’s disastrous attempts to establish a trading entrepot in Panama in the late 1690s and their subsequent undignified return to Scotland, they continued trading. Keen to benefit from seizure of the *Worcester*’s cargo, the Company’s directors imprisoned the crew and their captain, Thomas Green, and also looked to retaliate against the English East India Company to whom it was thought the vessel belonged. One of the Company of Scotland’s vessels had, it was widely believed, been seized upon by pirates

²⁴ BL, Add MS 89570, 18 January 1704.

²⁵ Macinnes, *Union and Empire*, p. 270.

and its captain, Robert Drummond, reportedly killed; blame for this was quickly and rashly centred upon Green and his crew. In December, the Privy Council was brought in to provide the judicial backing to the Company in a process against Green's crew who had already been imprisoned.²⁶ The Lord Chancellor (Seafield) informed the council on 19 December 1704 that he had been granted a commission to seize and try the crew upon accusations levelled against them by Mackenzie, and a committee was named to meet with him the following day.²⁷ The council therefore became embroiled in 1704-5 in a serious issue of Anglo-Scottish tension, the judicial outcome of which was highly controversial.

While the *Worcester* affair has been covered in the historiography, its impact tends to be centred around the miscarriage of justice, popular sentiment, and inter-institutional tensions within the context of union negotiations and legislative war. It has nevertheless not received the level of attention it deserves and the only full length study dedicated to the affair was published over 90 years ago.²⁸ Karin Bowie highlights the level of public outrage in the affair, arguing that a direct link can be drawn between this and the government's response, suggesting that it was the weight of public opinion which led the council to impose the death penalty upon Green and two members of his crew.²⁹ Although this thesis does not aim to dismantle this view, it points out that the council did not merely capitulate to the mob, but instead it engaged with public opinion on the crisis and came to a judicial conclusion which was tragic but procedurally proper. Akin to Bowie, James Kelly shows that Daniel Defoe and English commentators were deeply invested in the issue, often representing the evidence as misconstrued and embellished.³⁰ It must be noted though that the Privy Council was exceptionally concerned

²⁶ NRS, PC1/53, p. 324, 22 December 1704.

²⁷ NRS, PC12/1704-5, 19 December 1704.

²⁸ R. C. Temple, *New Light on the Mysterious Tragedy of the Worcester 1704-5* (London, 1930).

²⁹ Bowie, *Scottish Public Opinion*, p. 43; Karin Bowie, 'Newspapers, The Early Modern Public Sphere and the 1704-5 Worcester Affair', in A. Benchimol, R. Brown and D. Shuttleton (eds.), *Before Blackwood's: Scottish Journalism in the Age of Enlightenment* (London, 2015), pp. 9-20.

³⁰ James Kelly, 'The Review of English Studies Prize Essay: The Worcester Affair', *The Review of English Studies*, 51: 201 (Feb. 2000), pp. 1-23.

with the issue and it spent huge swathes of time investigating and debating on what to do about it. Indeed, the analysis of the council's records provided here belies Trevelyan's early assertion that the proceedings were essentially pre-determined against Green by a 'court drunk with patriotic prejudice'.³¹ More recently, historians have looked at the affair through the lens of piracy, Scottish economic development with relation to the Company of Scotland, and with a view to the passing of the union treaty in 1707 amid rising Anglo-Scottish legislative anxieties.³² But these additions to the literature largely focus on the judicial unfairness and often represent the council as acting like a kangaroo court, in line with Trevelyan's outdated opinion. Michael Fry goes as far as claiming that the council was less worried about the queen's interventions than placating Scottish public outrage; the Privy Council he claims 'lacked the guts to defy it'.³³ Crucial to this thesis though is that the council's role has been severely misunderstood and undervalued and the judicial impropriety has been heightened unfairly. In actual fact this was a legal case which was followed with recourse to judicial precedent, despite the ultimate outcome ending in what Bowie correctly describes as a tragedy. With the tragic outcome in mind, the case was something of an outlier which in many ways shows similarities with the Aikenhead case in 1697.

A council committee was immediately named to investigate Captain Green and his crew upon receipt of information regarding their situation in December 1704. The committee met throughout the crisis (between the end of 1704 and the summer of 1705) and interrogated a variety of witnesses, as shown in the testimony given before the council by 'Antonyo Ferdinando an Indian Black' man who had served on the *Worcester* for some months and was

³¹ G. M. Trevelyan, *England Under Queen Anne: Ramilles and the Union with Scotland* (London, 1932), pp. 249-56.

³² E. J. Graham, *Seawolves: Pirates and the Scots* (Edinburgh, 2005), pp. 156-74; Watt, *The Price of Scotland*, pp. 216-8; Fry, *The Union*, pp. 105, 107, 168, 170, 173; G. S. Pryde, *The Treaty of Union of Scotland and England 1707* (Edinburgh, 1950), pp. 18-20.

³³ Michael Fry, *Union: England, Scotland and the Treaty of 1707* (Edinburgh, 2007), p. 168.

brought to the board as a witness in Green's case.³⁴ Ferdinando was one of the key witnesses brought before the council, who attested to the ship's dealings with the Company's vessel and Captain Drummond, although some of this ran contrary to other evidence. For instance, the council also heard from Israel Phippany and Peter Freeland, who had sailed with Drummond. They claimed that his ship, the *Speedy Return*, had been taken off the coast of Madagascar by the notorious pirate John Bowen rather than off the Malabar coast (in the southwest of the Indian subcontinent) as Ferdinando claimed. Despite these drastic differences in evidence, the council found a Company seal on board the *Worcester* and there was substantial evidence that it had in fact been engaged in dubious maritime endeavours whilst off the coast of Malabar.

A sub-committee also operated from the main one throughout the crisis and normally consisted of Leven and Goodtrees, whose job would be to prepare warrants for arrest and summons before the council, plus carry out preliminary inspections of evidence.³⁵ The *Worcester* committee also spent six days on the ship itself between 23 December 1704 and 2 January 1705 while it was docked at Burntisland.³⁶ The committee tended to board the ship early (at between four and five o'clock) in the morning, making investigations of the remaining crew in addition to compiling inventories of and inspecting all her cargo. They also provided assistance in employing a suitable boatsman to transport the cargo from Burntisland to a warehouse belonging to the Company in Leith, while also ensuring there was effective protection since a rabble was feared. There was a tense atmosphere surrounding the investigations: a bailie employed for settling the transportation of the goods was imprisoned after failing to satisfy the younger Ormiston and Lord Roseberry when questioned about the whereabouts of some cargo. All of the ship's items had been searched, including papers, passes and seals, and only foodstuffs which had spoiled remained on board with the rest in the

³⁴ NRS, PC12/1704-5, 7 April 1705.

³⁵ See the references to the sub-committee's work in: NRS, PC1/53, pp. 324, 335, 22 December 1704 – 2 January 1705

³⁶ NRS, PC12/1704-5, 23 December 1704 – 2 January 1705.

Company's warehouse. This investigation demonstrates that committee proceedings could be itinerant. It also serves as a reminder that the bulk of council business was often conducted in committees, which then compiled reports like this seven page one which were submitted back to the full council, where members would ruminate upon them, debate their contents and vote on their approval.

The Privy Council also received many petitions from both Green and members of his crew. In total there were around 30 petitions from members of the *Worcester* crew and fourteen of its seventeen strong retinue received reprieves from the council. It was the Privy Council which was also in charge of disbursing the aliment to the crew or in other cases ordering the admiralty or local magistrates to pick up the slack in doing so.³⁷ Clearly, therefore, the council's involvement in the debacle was not merely as a shadowy and duplicitous arm of the state which purely looked to prosecute despite the evidence brought forward.

Following the long-drawn-out council and committee proceedings, the fate was sealed for the three members of the *Worcester* crew who were still imprisoned. On 5 March 1705, the Court of Admiralty, despite the apparently trumped-up evidence, imposed the death penalty upon Captain Green, Captain Madder and Gunner Simpson. Incidentally, the five judicial assessors at the Admiralty Court were all also privy councillors. These individuals were: the earl of Loudoun, Lord Belhaven, Robert Dundas of Arniston, John Home of Blackadder, and Ormiston elder. Belhaven had little sympathy for the accused and in a letter to Seafield in April hoped that 'these criminalls' would enter into a death bed testimony, to save themselves from eternal moral damnation if nothing else.³⁸ The council even struggled to obtain a full working quorum during this period and there was precious little other than the *Worcester* affair covered

³⁷ NRS, PC1/53, p. 398, 1 May 1705.

³⁸ *Seafield Correspondence*, p. 389.

in meetings with great enthusiasm, with several extraordinary meetings having to be called for that matter.³⁹

Johnston reported to Seafield on 7 April 1705 that ‘Greens business creates great uneasiness here’, with other issues of government falling by the wayside and he predicted that the decision would be unpopular in London.⁴⁰ He was correct, as Englishman Edward Morgan expressed in 1706 that most people on his side of the border believed the execution had been carried out purely for ‘Pollitick Reasons’.⁴¹ But this belief in governmental duplicity ran both ways. In early 1705, amid these rising tensions, there had been an embargo placed on all Scottish ships travelling from the River Thames to Scotland, which was lifted in March.⁴² Others were less phlegmatic than Johnston, with John Hay, second Marquis of Tweeddale (1645-1713) erring on the side of caution by refusing to attend the council, at least in part due to his own personal prevarications on whether or not prosecution was the correct course to run. His ambivalence was mirrored by other colleagues who absented themselves from council meetings due to the possibility of a course of clemency which would alienate popular sentiment but likely gain favour from the queen. It was indeed a difficult tight rope to balance and when the queen deferred (albeit surely with some reluctance) the final decision to the council the judicial outcome was left to the board to deliberate on. Even when the queen had stepped in, she had played for time in only asking for the council to temporarily reprieve the sentence for further deliberation.⁴³

The queen’s interventions were ultimately unsuccessful except insofar as they delayed the final outcome. A final stay of execution was granted until 11 April and the council voted on whether or not to fully reprieve the three men on 10 April.⁴⁴ In the event, the vote was tied with

³⁹ NRS, PC12/1704-5, 8 January – 18 April 1705; NRS, PC1/53, pp. 385, 387, 391, 10 – 18 April 1705.

⁴⁰ *Seafield Correspondence*, p. 387.

⁴¹ TNA, SP54/1/108, 26 October 1706.

⁴² TNA, ADM 1/5151, 10 March 1705.

⁴³ NRS, PC1704-5, 27 March 1705.

⁴⁴ NRS, PC1/53, p. 382, 3 April 1705.

three votes for either side, but since six was an insufficient council quorum the sentence of death was upheld.⁴⁵ Interestingly, there was no specific reference to the *Speedy Return* here, rather it was piracy, robbery and murder of which the three were found guilty. While, as we have seen, many councillors were cautious not to attend the vote, this does not necessarily indicate that they were simply capitulating to the mob. The evidence of the *Worcester's* activities and the long drawn out council proceedings, along with the split vote upon it clearly shows that this was no show trial or kangaroo court. Early modern trials such as this were unlikely to be wholly fair events, and with the council keen to exercise its independent authority, the embellished evidence was likely more palatable to councillors. But the prolonged investigations, deliberations, and concern with judicial procedure point to a far more complex case than a mere yielding to public outcry and the division within the council also testifies to this.

Changing Tides: The New Administration

While Anne acceded to the throne in March 1702, it was not until around a year later that there were significant changes in the administration. The 1702-3 elections and contest between emerging political parties along with the translation of these issues into the first session of the new parliament have been explored, but they are also evident in council proceedings, which have received comparatively less attention than council commissions.⁴⁶ What we see under Queen Anne is that commissions were perhaps more conciliatory, including members from a broader coalition of party politics. William preferred to use commissions to insulate the administration from potential opponents, such as in 1698. The commission that year removed

⁴⁵ NRS, PC1/53, pp. 385-6, 10 April 1705.

⁴⁶ Brown, 'Party politics and parliament', pp. 245-86; Riley, 'The Scottish Parliament of 1703', pp. 129-50.

all active Country Party members who also sat in parliament, so William endeavoured to slight parliament through the council.⁴⁷ As we shall see below, the council was far more representative of the increasingly pluralistic political atmosphere in parliament. This was also reflected in something of a greater level of diversity on the council in terms of ideology, principle and church.

A new commission for the Privy Council arrived in late February 1703 and its consequences for its administrative capacity are explored in greater detail in the following chapter.⁴⁸ This commission (see Appendix II) was the largest of any in the post-revolution period, with 63 councillors named, which was ten more than in its previous iteration in 1698. Fifteen previous members of the council were not included in the new commission while there were 25 new additions to the board. Riley notes that although some Presbyterians were snubbed in the 1703 reconstruction, ‘the bulk of the Revolution interest was left undisturbed’.⁴⁹ But this glib statement belies some more distinctive changes in the composition of government administration. For example, Atholl mentioned to Godolphin in June 1703 that Anne desired his working as something of an agent for the Episcopal interest in a divided parliament, when telling him about the queen’s letter regarding toleration in February 1703.⁵⁰ Furthermore, Atholl’s son, Tullibardine, was included in this commission and, although he had served on the council before, he had resigned his secretaryship in 1698 under pressure from the Queensberry and Argyll interest. Tullibardine was an anti-unionist with links to the Country Party and later a suspected Jacobite in 1708. That being said, some of the changes were simply practical: the earl of Cassillis and Lord Ruthven had both died in 1701 and Blackbarrony’s ill health was made patent to his colleagues in 1699 and he likely died soon thereafter, while Hugh Cunningham of Bonnington had been elected Lord Provost of Edinburgh in 1702

⁴⁷ NRS, PC1/51, pp. 480-483, 8 November 1698; Patrick, ‘People and Parliament’, p. 221.

⁴⁸ NRS, PC1/52, pp. 506-9, 24 Feb. 1703.

⁴⁹ P. W. J. Riley, ‘The Formation of the Scottish Ministry of 1703’, *SHR*, 44: 138 (October 1965), p. 125.

⁵⁰ BL, Add. MS 28055, fos. 29-33, 10 June 1703.

(automatically gaining him a seat at the Privy Council table), taking over from his predecessor Patrick Johnstone.

Removed from the council in the 1703 reconstruction were some individuals who it appears the queen felt were incompatible with the shoring up of the new regime's authority and legitimacy. The laird of Grant was not included, although he had served diligently on the council each year since 1689. He was a Presbyterian, a Country Party member and a close confidant of James Hamilton, fourth duke of Hamilton (1658-1712) who was influential in the early opposition to the queen after her accession and led a walkout of parliament in 1702 in protest at the queen's failure to adhere to the Act of Security (1696). Also not named in the new commission was the treasurer depute Adam Cockburn of Ormiston, who had been on the radical wing of the Revolution from its earliest days as a member of the Club who had also served in the office of justice clerk in the 1690s. Ormiston was also a director of the Company of Scotland. However, he soon achieved political amelioration in 1705 when he was restored as lord justice clerk and appointed as an ordinary lord of session, as well as resuming his position on the council. Perhaps more important, certainly to Queensberry, were the removals of Marchmont (although he served on the council again later in the 1700s) and Melville (the former president of the council between 1695 and 1701), fellow Presbyterian exiles during the Restoration and allies within the Court interest under William.⁵¹ Annandale (an opponent of Queensberry's and a solid Country man who had protested against the contraventions of the act of security earlier in the year) was appointed as Melville's replacement in the capacity of council president. At least in part, these removals and Queensberry's elevation after 1702 have contributed to an exaggerated view of his dominance on the council in its final years of existence, although he was undoubtedly still powerful.

⁵¹ Marchmont's son, also called Patrick but styled 'Lord Polwarth', was named on this commission though, and he served on the council in 1703-4 and again in 1706: Young, *The Parliaments of Scotland*, i, pp. 353-4.

Further additions to the council are interesting in their potential for reversing the post-Revolution *status quo*. For instance, also named on the executive were the vociferous anti-unionist and Jacobite George Lockhart of Carnwath, the more muted Jacobite James Foulis of Colinton and the Cavalier parliamentarians Thomas Hay, viscount of Dupplin (mentioned above) and Breadalbane, in addition to two Cavaliers with noble parentage. The first of these was Queensberry's second son William Douglas, first Earl of March who was accompanied by Atholl's second son, Charles Murray, earl of Dunmore who had been friendly with Anne during the 1680s before fighting for her father and then carrying out a fairly spectacular *volte face* at the Revolution. Anne also re-admitted councillors who had previously been removed due to their opposition to the erstwhile regime. These included former club adherents the earls of Sutherland and Glencairn (although both also died later in 1703) as well as John Dalrymple, now Viscount Stair, whose infamous involvement in the Glencoe Massacre had seen him eclipsed politically in the mid-1690s, but who was also Episcopalian and would become aligned with the court interest. A further example lies in the introduction of James Stewart, earl of Bute, to the Privy Council in 1702. He had represented the shire of Bute in parliament from 1685 until 1693 when his seat was declared vacant due to his refusal to take the oath of allegiance or the assurance. Bute was elected once more in 1702, surely sitting as one of the many Cavaliers in the new parliament.

Other changes to the council in the 1703 commission are demonstrative of a desire to infuse a fresh flavour into the government administration. Anne appointed some pro-unionists to her new council. William Anstruther of that ilk was included on this new council, although he had been omitted from the new commission in 1698.⁵² He had coalesced around Melville's court interest in the 1690s which opposed the Club and Country, but came to be a supporter of the *Squadron* in the 1700s and an advocate for parliamentary union. Anstruther became a

⁵² NRS, PC1/51, pp. 480-83, 8 November 1698.

regular attendee of the council in addition to serving as a parliamentarian, lord of justiciary, lord of session and senator of the College of Justice, so he was an influential actor in Anne's new administration. Also, Roderick McKenzie of Prestonhall was added to the exchequer and the council in 1703, serving also in the office of justice clerk.⁵³ As a commissioner to parliament for the burgh of Fortrose, he voted in favour of parliamentary union and, as we saw in the previous chapter, he was an Episcopalian who was involved in helping the inhabitants of Haddington petition the queen to retain the Episcopal incumbent there between 1703 and 1705.⁵⁴ Furthermore, Anne also appointed some of the commissioners she had named to treat for closer union (to no avail) in 1702-3 to sit on the council. Named as commissioners in November 1702, these were Archibald Douglas of Cavers, Viscount Stair, Viscount Roseberry, and Lord Boyle (who was soon to be elevated to the earldom of Glasgow and the office of treasurer depute).⁵⁵

Evidently, therefore, as parliament was more diverse in the period after 1702 until its abolition, so was the Privy Council. Notwithstanding Riley's statement about remaining Presbyterian predominance in the post-1703 ministry, it is significant that there was in fact a greater array of opposing voices on the council after 1702. This is particularly interesting considering Anne's immediate policy to pursue closer union and the obvious decision to place those in favour of this on the council which was contrasted by the elevation of openly defiant Country members and Cavaliers. The latter tended to be hostile towards union and were of course accused of at least crypto-Jacobitism if not overt support of the exiled Stuarts. Perhaps this reflects a greater desire for Anne to bring people on side and move towards conciliation and cooperation instead of insulating the administration with perceived loyal men, which could

⁵³ NRS, PC1/52, pp. 505-509, 24 February 1703.

⁵⁴ NRS, GD26/10/92, 1703.

⁵⁵ TNA, 'A Journal of the Proceedings upon the Union between the two Kingdoms of England and Scotland', SP54/2, p. 7, 10 November 1702.

easily lead to problems from the growing opposition parties as William faced in the latter years of his reign.

In June 1704, the queen effected some further changes on the Privy Council. Queensberry, the earls of March and Glasgow plus the Lord Register were removed and deprived of their ministerial posts in June.⁵⁶ In early December another commission for the council arrived which named 58 councillors.⁵⁷ Twenty four previous councillors were removed, and although the earl of Glasgow was nominally removed he continued to sit on the council thereafter as an *ex officio* member. Of greatest significance was of course Queensberry's sacking, and his replacement by the earl of Roxburgh, although he was only to serve on the council until 1705.⁵⁸ Queensberry was famously embroiled in an eponymous Jacobite plot in which he was duped into believing false rumours in order to challenge his political rival the Duke of Atholl. Philiphaugh was also implicated in this plot for which he lost his position at the board. Johnston complained to Godolphin in July 1704 that the whole issue had incapacitated government and reignited the threat posed by the Country Party, talking disparagingly of the folly between the 'two dukes'.⁵⁹ Aside from purging of its own members, the council itself appears to have been an effective mechanism for the tempering of political dissent and quelling of potential rebellion, which is exemplified in the sheer volume of meetings of committees concerned with 'ill practices' in 1704.⁶⁰ In this sense, the council could also be useful to the queen for attempting to either placate or subdue overly disorderly elites.

Anne in 1704 additionally dismissed some of those Cavaliers who had been accommodated in 1703; March, Colinton, Carnwath, Dupplin and Atholl were all removed

⁵⁶ NRS, PC1/53, pp. 243-4, 6 June 1704.

⁵⁷ NRS, PC1/53, pp. 295-9, 5 December 1704.

⁵⁸ NRS, PC1/53, pp. 295-9, 5 December 1704.

⁵⁹ BL, Add MS 28055, f. 90, 8 July 1704.

⁶⁰ The committee initially named to deal with the 'plot' met throughout 1704 and was given many more cases of 'designs' and 'dangers' posed to the government. It was also referred to as the committee 'annent ill practices' such as when it was ordered to simultaneously investigate Simon Fraser's brother and the postmaster general of Inverness: NRS, PC1/53, p. 134, 25 January 1704.

from the council. Both the Viscount of Tarbat (now earl of Cromarty) and his son met the same fate in this 1704 commission, although the former's removal did not see him entirely eclipsed as he resigned as secretary only to be appointed as the lord justice general the following year, a post he was to serve in until 1710.⁶¹ Tarbat was a well-known Episcopalian who had come to the defence of fellow members of that church on several occasions and provided them with a sympathetic voice on the council, as is discussed in chapter three. His service in the Williamite ministry had, however, been inglorious; his malpractice with regards to parliamentary records led to an undignified resignation in 1695, as is discussed in chapter two. Tarbat had history in this kind of activity and his lack of concern with procedure contrasted heavily with the diligent work carried out by Goodtrees and Johnston in their posts. The viscount's son – the Master of Tarbat (who also likely belonged to the Episcopal church) – had a short-lived tenure on the council, lasting little over a year.

Among the nineteen additions to the Privy Council in 1704 was the marquis of Tweeddale, a former Country adherent whose allegiances had oscillated between that party and the *Squadron* but settled with the latter.⁶² He also served as her majesty's high commissioner to parliament that year. Country Party proponents the earl of Rothes, who served as Keeper of the Privy Seal (for which he was granted a salary of £1,000), and Lord Belhaven were also included. Accompanying them were two prominent *Squadron* members in the marquis of Montrose (who was soon elevated to the presidency of the council) and George Baillie of Jerviswood. Of significance to administrative matters was the replacement of Philiphaugh as clerk register with James Johnston, who had of course been instrumental in effecting changes in the early years of William and Mary's reign; he had not served on the council since 1695.⁶³

⁶¹ NRS, PC1/53, pp. 295-9, 5 December 1704.

⁶² NRS, PC1/53, pp. 295-99, 5 December 1704.

⁶³ Johnston's last involvement with the Scottish Privy Council prior to this was his signing of a letter from the king to the council in 1696, since he continued to serve as Secretary of State and sit at court despite his not attending the Scottish Privy Council since July 1695: NRS, PC1/50, pp. 241, 332, 9 August 1695 – 6 February 1696.

This last point may well have signalled a desire from Anne to clean up administrative business with a tried and tested operator. Johnston wrote to Seafield in April 1705 acquainting him with some of the difficulties in Scotland. He pointed out that many in the council were gunning ‘for absolute power and thorough changes’ but that proceedings had become impracticable due to party differences, also noting that ‘if the court make good their promiss the successe is infallible, and a ministry is to be settled that is to be unalterable.’⁶⁴ Perhaps Johnston was introduced back into the executive to allay the queen’s fears of potential chaos or even a complete split in the council. Also of note was the fact that Prestonhall was replaced by William Hamilton of Whitelaw in the capacity of justice clerk. Two final interesting additions in 1704 worth comment were James Scott, Earl of Dalkeith, the 30-year-old son of the first Duke of Monmouth, whose life was tragically cut short by apoplexy the following year, and Colin Lindsay, third Earl of Balcarres, the famous memoirist of the Revolution and a Jacobite whose political enhancement in the 1700s was much to the debt of both Queensberry and William Carstares. Macinnes goes as far as arguing that by this point the council became dominated by the *Squadron*, but the evidence here does not attest to that view numerically although admittedly key positions were held by their members, such as Tweeddale.⁶⁵

The following year, in 1705, the queen enacted some further personnel changes. Tweeddale was deprived of his position as the president of the council, Rothes was removed from his role as Lord Privy Seal, Roxburgh from serving as one of the principal secretaries of state, Jerviswood from the office of Lord Treasurer Depute and Selkirk and Belhaven from their sitting on the treasury commission.⁶⁶ They were also all removed from the council. In the wake of these removals, Loudoun was appointed as one of the principal secretaries of state, Montrose was temporarily elevated to president of the council and Glasgow was officially

⁶⁴ *Seafield Correspondence*, p. 387.

⁶⁵ Macinnes, *Union and Empire*, p. 269.

⁶⁶ NRS, PC1/53, pp. 410-11, 12 June 1705.

reintroduced to the council and made treasurer depute.⁶⁷ Adam Cockburn of Ormiston was also brought back into the fold and restored as both an ordinary lord of session and justice clerk. His son John had also been appointed as a councillor in 1704 and he was part of the *Squadrone* and a pro-unionist who represented Haddington in parliament from 1703. Furthermore, with Queensberry's Country Party returned to power, Annandale, freshly back in Country ranks from his brief dalliance with the *Squadrone*, was later elevated to President of the Privy Council in September and the earl of Mar took over his position as principal secretary of state, for which he received a yearly salary of £1,000.⁶⁸

Council Procedure and Regulation under Queen Anne

A comment upon the procedure of the council and its functions will benefit from briefly focusing in on the nature of record keeping. The council certainly began to meet less regularly in the 1700s than it had in the 1690s, and it was under Anne that its quorum was reduced by a third. The register of Decreta, moreover, lapsed after 1705 and we are left with a slightly more skeletal register of Acta than previous ones, which runs out in 1707. There are, however, miscellaneous materials from those years such as minutes, petitions and notes of business which are useful to us, and which are discussed further in the following chapter. Compounding the issue and hindering a level of clarity in our understandings of council business is the fact that the registers often only record decisions. Processes, such as voting, are sometimes recorded there as are other matters, such as decisions on remitting matters to committees, but the registers do nonetheless focus on outcomes. For more procedural matters and for identifying

⁶⁷ NRS, PC1/53, pp. 412-3, 12 June 1705.

⁶⁸ TNA, SP54/1/8, 29 September 1705.

the process of decision making we must turn our attention to miscellaneous materials and move the focus from the registers.

Contrary to what Laura Rayner claims, the council does not appear to have conducted separate meetings for private and public business, which the registers suggest may have been the case.⁶⁹ At times in the 1690s the *sederunt* lists between public (*Acta*) sessions and private (*Decreta*) sessions show slight changes in membership, even if they were conducted on the same day – the former tended to be held in the morning before the latter in the afternoon or evening. However, minutes of the council and miscellaneous material often give us a clearer idea of how the administrative day was structured. This fairly arbitrary discrepancy between registers may simply be one of record keeping rather than a reflection of different meetings for different topics. After the beginning of the public register on 4 September 1694 it states that: ‘All stipends preceeding the 1st January 1693 Are booked in the publict Register, All after that are booked in the private Register.’⁷⁰ Aside from this, the Register of *Decreta* covering the period from 1700 to 1705 contains a plethora of instances when there were meetings recorded in which there was ‘no privat busines’ conducted.⁷¹ While frustrating for the historian, this may simply reflect committee meetings or matters brought to the board for discussion which were not part of the planned agenda which were therefore not recorded.

The registers themselves show us on a few occasions that they were in fact written up far later than the meetings they were recording were held, demonstrating that they cannot be fully relied upon for a complete restructuring of council business. By way of example, we see in the 1694 to 1696 register of *Acta*, the *sederunt* for the meeting on 7 March 1695 has written out ‘Jajvjc nyntyn and seven fyve years’ with the seven crossed out and the correct year

⁶⁹ Rayner, ‘The Tribulations of Everyday Government’, pp. 194, 198.

⁷⁰ NRS, PC1/50, p. i, 4 September 1694.

⁷¹ See for example a host of meetings between March and July 1702: NRS, PC2/28, fos. 163r-176r, 7 March – 7 July 1702.

appearing as an interlinear addition.⁷² Furthermore, in the register of Acta covering the period from 1703 to 1707, above the sederunt for the meeting on 1 February 1704 the year is recorded incorrectly as 1706.⁷³

In terms of procedure, the council continued to deliberate and vote on matters in plenary sessions, but also very regularly remitted matters to committees. Council committees were less formal and perhaps more extemporaneous than parliamentary ones after the Revolution, but were often named to hear petitions, cover statements with witnesses or come to preliminary deliberations before matters were returned to the council in plenary sessions. As we have seen in the previous chapter, there were committees for church grievances and for Catholic recusancy which sat regularly throughout the 1700s, although membership fluctuated considerably. There were, moreover, committees named to deal with judicial business and one which met consistently throughout late 1704 and 1705 to deal with the *Worcester* affair, as is explored in detail above. And many other committees were named to sit for lengthy periods, such as the committee concerned with the importation of Irish and English victual, where others were more temporary, like those named to determine the contents of letters to the queen or General Assembly.⁷⁴ In total, there were 94 instances in which committee proceedings were mentioned in the registers between 1702 and 1707 and many more references to and evidence of committee business in miscellaneous manuscripts. Committee proceedings were formalised in February 1705, when the council in plenary sessions decided that all committees which had already been named were to meet each Monday and Wednesday in the ‘committee room’ at 11am and 3pm, and the macers were to advertise these meetings.⁷⁵ In fact this process was in

⁷² NRS, PC1/50, p. 142, 7 March 1695.

⁷³ NRS, PC1/53, p. 139, 1 February 1704. The same error occurs in several places within that register, such as the records of the meetings on 7 and 9 November 1704. The register has 1707 written out instead of 1704 in these instances but it has not been crossed out in either, suggesting that it was entered into the register in 1707. NRS, PC1/53, pp. 283, 285, 7 – 9 November 1704.

⁷⁴ Whereas the committee named to deal with importation of foreign victual sat sporadically throughout 1703, 1704 and 1705, a committee which was called to compile a letter to the queen in answer to hers regarding the plot in 1704 met just once: NRS, PC1/53, pp. 88, 134, 140, 181, 425, 9 December 1703 – 2 October 1705.

⁷⁵ NRS, PC12/1704, 9 February 1705.

contrast to that of parliament after Anne's accession to the throne. Parliament preferred to deal with matters before the whole house rather than deliberating in committees after 1702, and the *ad hoc* committees named in the 1690s to take over from the articles' extensive work (controverted elections, trade, and security) were somewhat eclipsed. This formalisation of committee proceedings may also explain why the private register was discontinued after 1705, since matters were deferred to committees, meaning there was no need for a separate register for private meetings of the council in plenary sessions any longer, if indeed this had been the procedure hitherto.

With regard to the council's role in civil government, some exploration of its role in issuing proclamations will be worthwhile. Jason Peacey has proposed a notional 'communications circuit' in early modern England through which centre and locality could engage with one another.⁷⁶ Chris Kyle has more recently developed this idea to assess proclamations in England, demonstrating their deployment as a means of news to communicate the policies of the government to a wider public.⁷⁷ Kyle comments that English proclamations have been heavily under-studied and in fact often discounted by historians (such as Elton). Proclamations in contemporary Scotland have been even more neglected, save for some recent work by Karin Bowie, who maintains that 'Scottish governments published authorised information and persuasive arguments through proclamations' in order to mould public opinion.⁷⁸ Proclamations in early modern Scotland are therefore in dire need of greater scholarly focus and the present thesis endeavours to demonstrate both their use as means of communicating government policy and their efficiency in responding to specific concerns in a manner which parliamentary legislation was not able to.

⁷⁶ Jason Peacey, *Print and Public Politics in the English Revolution* (Cambridge, 2013).

⁷⁷ C. R. Kyle, 'Monarch and Marketplace: Proclamations as News in Early Modern England', *Huntington Library Quarterly*, 78: 4 (Winter 2015), pp. 771-787.

⁷⁸ Bowie, *Public Opinion in Early Modern Scotland*, pp. 137-184, quote at p. 138.

Between 13 March 1702 and 29 April 1708, the Privy Council issued 69 proclamations. This was a drastic reduction from the 252 which had been issued between the beginning of the Revolution and King William's death in March 1702, the total by 1708 being 321 (see Appendix IV). Between 1694 and 1696 alone there were more proclamations than in the entirety of Anne's reign. Interestingly, 17 (around a quarter) were issued between the adjournment of parliament in late March 1707 and the council's abolition the following year, underlining the important role played by the council in governing in lieu of the legislature (closer inspection of this appears in chapter six). Of the 53 proclamations issued between March 1702 and the end of 1706, 25 concerned the calling, delaying or adjourning of parliament, and one further was published to call the General Assembly in February 1703. The remaining 27 proclamations varied in their subject matter, but several regarded religious matters, such as those we saw in chapter four: the calling of fasts and thanksgivings and proclamations against Catholics or intruders in churches. Others concerned matters of state, such as the proclaiming of Anne as queen and the proclamation which ordered the oath of allegiance and assurance to be taken by all people in public trust in March 1702.⁷⁹ Also, a proclamation was produced in May 1702 declaring war against France and Spain, which contravened the 1696 act of security since it subverted parliament in unilaterally declaring conflict.⁸⁰

Proclamations under Queen Anne were deployed and utilised in a slightly different manner to the 1690s. Similarities between the two periods include the use of proclamations for calling, proroguing or adjourning parliament and the General Assembly, albeit it should be noted that the frequency of parliamentary adjournments increased following Anne's accession to the throne. Proclamations in the early period of the Revolution were often produced in order

⁷⁹ NRS, PC1/52, pp. 361-3, 13 March 1702; NRS, PC1/52, pp. 379, 26 March 1702.

⁸⁰ NRS, PC1/52, pp. 395-7, 30 May 1702.

to explain facets of the constitutional developments enacted by parliament, and to enforce the swearing and signing of oaths, as we have seen with the Estates' proclamation of 13 April 1689. Others were intended to secure the government with the resources and payments it needed to fund the war effort, such as for payment of arrears due to forces and the uplifting of bishops' rents in 1689.⁸¹ Under the joint monarchy and after Mary's death up to 1702, many proclamations concerned taxation and customs duties, with the increasing fiscal demands placed upon the Privy Council and the government more generally with the war and security effort.⁸² And in a similar vein, the war effort itself was a huge concern, beyond funding it, with levies introduced, conscription measures announced and even disciplining soldiers who had behaved improperly.⁸³

Although proclamations were still used under Queen Anne for security and martial measures, there were of course different contexts and priorities. Firstly, the outbreak of the War of Spanish Succession (1701-13) created different concerns for the government than had been raised during the War of the Grand Alliance in the 1690s. Furthermore, internal security was given far greater weight after 1702, with proclamations used to initiate searches for Jacobites, Catholics, Jesuits and generally all opponents of the regime who might be operating within Scotland.⁸⁴ While economic and fiscal measures were also still a concern for the government and were articulated to the public in proclamations, the nature of these changed somewhat in the 1700s. Proclamations during that decade were seemingly more concerned with imports and exports, in addition to explaining measures related to the excise, but there were still a large portion of proclamations produced which were concerned with coinage, the nature of money

⁸¹ *RPCS*, xiv, pp. 308-11.

⁸² NRS, PC1/50, pp. 228-32, 248-50, 298-302, 624-6, 27 July 1695 – 13 August 1696; NRS, PC1/51, pp. 154-6, 229-30, 403-7, 473-5, 485-7, 18 March 1697 – 9 November 1698.

⁸³ In 1693 a proclamation was circulated for 'preventing and regulating abuses committed by souldiers': NRS, PC1/48, pp. 584-9, 14 February 1693.

⁸⁴ NRS, PC1/53, pp. 179-80, 193-5, 353-5, 29 February 1704 – 9 February 1705.

circulating and where this money had originated from.⁸⁵ A final comparative comment must go to those proclamations which were produced after the parliamentary union, although a fuller discussion of these comes in the final chapter. Twelve proclamations were produced between the commencement of parliamentary union on 1 May 1707 and the council's abolition a year later.⁸⁶ These were largely similar to previous proclamations in that they concerned fasts, security measures and coinage but proclamations in this period were of course not used to back up the legislative agenda set down by the Scottish Parliament.

There are some other interesting subject matters which proclamations in the 1700s were concerned with. For instance, following the indemnity act of 1703 (which was itself published as a proclamation), the council issued a proclamation condemning the travel to and from France without relevant passes.⁸⁷ Here we see the important role addressed in chapter two regarding the council's legislative capacity. While that chapter discussed how the relationship between legislature and executive has been singularly framed around rivalry, this is further evidence of the need for cooperation in the relationship between parliament and council in the process of passing and implementing legislation.⁸⁸ Indeed, the council also issued a proclamation explaining a parliamentary act regarding the importation of Irish goods in December 1705, since its consequences were far-reaching and worrying for many.⁸⁹ While the act proclaimed that the importing or consuming of English, Irish and foreign butter or cheese was punishable with monetary fines to the tune of 500 merks, it was unclear amongst the wider public who would bear this burden between consumer and supplier.⁹⁰ Therefore, the council expanded on parliament's measures and made their contents and consequences clearer for the public in this

⁸⁵ NRS, PC1/53, pp. 226-32, 238-9, 433-4, 499, 500-501, 28 April 1704 – 28 March 1707.

⁸⁶ All of these proclamations are preserved in Privy Council miscellaneous manuscripts: NRS, PC12/1706-8, 12 January – 29 April 1708.

⁸⁷ NRS, PC1/52, pp. 538-40, 30 March 1703; NRS, PC PC1/53, pp. 18-19, 27 July 1703.

⁸⁸ Goodare, 'Parliament and its early modern 'rivals'', pp. 170-172. Rait on the other hand maintains that the council was in fact a rival of parliament in terms of legislation, at least as far as 1689: Rait, *The Parliaments of Scotland*, p. 9.

⁸⁹ NRS, PC12/1704-5, 6 December 1705.

⁹⁰ RPS, 1705/6/191.

proclamation. Here we see that the council's regulatory capacity and activity outweighed any concern with producing legislation. It need not legislate since parliament was the legislature, but the separation of governmental departments and realms of sovereign authority, as in the *jura majestatis*, granted the council different aims, which were not necessarily competing with parliamentary power. The council's place as the executive branch of government therefore granted it different competencies to parliament and its role in the process of legislation was not necessarily in producing it but in the implementation, enforcing and regulation of legislative measures.

It was not only the issuing of proclamations with which the council was concerned, but also their enforcement and deployment. In December 1706, the council 'considered' a parliamentary proclamation which 'prohibit[ed] and discharge[d] all unwarrantable and seditious convocating'.⁹¹ The act of parliament itself appointed the council to enquire into (and prosecute, if illegality had occurred) those who had come across the country to determine what were the outcomes of their anti-union addresses.⁹² But it also stipulated that the council was to take what other effectual courses which it saw fit for preventing and suppressing anti-union mobs whether planned or spontaneous. The council essentially extended the proclamation by ordering Edinburgh magistrates to keep a watchful eye on Catholics and to apprehend 'contumacious persons'. In addition it also ordered Stirling magistrates to take special care of inspecting and apprehending suspicious people or groups travelling south. Clearly the concern for the government in this case was the potential of a Catholic or Highland anti-union mob erupting in Edinburgh. The same day, a committee was named to expatiate on the effective enforcement of the parliamentary proclamation 'for preventing tumultuary ryseings'.⁹³ Therefore the council did not rival parliament in its legislative capacity but reinforced it.

⁹¹ NRS, PC12/1706-8, 28 December 1706.

⁹² RPS, 1706/10/176.

⁹³ NRS, PC12/1706-8, 28 December 1706.

Proclamations are interesting in themselves, since the council not only issued them and gave them legal force but deliberated on them before hand, sometimes deferring to the lord advocate. In March 1708, the council ordered Goodtrees to prepare two proclamations.⁹⁴ The first concerned orders to prepare baggage horse in case the army decided to march, it being a period of war when a French boat had also been spotted lingering off the east coast. The second was to proclaim against anyone travelling without the relevant permissions and passes, a particularly pertinent point since Leven had apprehended Belhaven that same day for suspected Jacobite sympathies, and the day before the council had received notice from the queen that numerous similarly ‘suspected persons’ were imprisoned in Scotland.⁹⁵ There is however no evidence of these proclamations being printed. We do have evidence that it was Goodtrees who prepared the bulk of proclamations prior to their publication though, such as the one which ordered the oaths of allegiance and assurance to be taken according to an act of parliament of 1702.⁹⁶

Proclamations were also often prepared in the committee stage. On 21 February 1706, the report of the committee named to deal with church grievances was read and approved in plenary sessions.⁹⁷ A month later, on 20 March, the council produced the proclamation regarding intruders into churches.⁹⁸ Other times, the council would receive petitions from disgruntled citizens asking for proclamations to be issued. In 1707 for example, the council received a petition from John Strachan, a writer to the signet.⁹⁹ He asked for a proclamation to apprehend people who had murdered his female servant, broken into his house and stolen £1,000 sterling. He promised a reward of 2,000 merks to be paid to any who discovered the perpetrators. It was read at the board and also recommended to the lord advocate and secretaries

⁹⁴ NRS, GD248/594/6/4, 19 March 1708.

⁹⁵ NRS, GD248/594/6/3, 18 March 1708.

⁹⁶ NRS, PC1/52, p. 399, 2 July 1702.

⁹⁷ NRS, GD124/10/449/14, 21 February 1706.

⁹⁸ NRS, PC1/53, pp. 459-60, 20 March 1706.

⁹⁹ NRS, GD124/10/449/43, 6 November 1707.

of state to take the case to the queen, for the council to gain permission to circulate the proclamation, but no evidence exists of the proclamation itself, if it was produced. And on one occasion, in 1704, the council issued a proclamation ordering Captain James Murray to be apprehended and imprisoned. This was because the council received intelligence that he had recently returned from France by virtue of the indemnity but was, along with potential Jesuit ‘emissaries’ from across the channel, accused of ‘evill designs’ and ‘treasonable practices’.¹⁰⁰

Overall proclamations were important because they had the force of law, and were in fact more malleable than parliamentary legislation, and indeed more ephemeral, since they could be issued for short periods of time and amended. Illustrative of this are the two proclamations against rabbles and tumults in 1705 and 1706 respectively (see Appendix IV). They were quick and direct responses to specific issues which imposed harsh penalties for those found guilty, and gave temporary powers to local officers, sheriffs, and magistrates with conciliar authority.¹⁰¹

Security and Control

The *Worcester* debacle and its fallout discussed above was not the first occasion upon which the council became embroiled in maritime tensions. In 1705 a Dutch ship was seized by a west coast captain and brought into Port Glasgow by orders of the Privy Council.¹⁰² And in that same year a French ship was taken on the east coast by a Captain Campbell. Its crew were taken prisoner for months until the council became involved in exchanging them for a crew of Scottish mariners (who were tenants of John Shaw of Greenock) held by the French at Dinan.¹⁰³ Here we see the council engaging in international diplomacy during a tense period of European

¹⁰⁰ NRS, PC1/53, pp. 179-80, 29 February 1704.

¹⁰¹ NRS, PC1/53, pp. 389-90, 17 April 1705; NRS, PC1/53, pp. 488-9, 24 October 1706.

¹⁰² NRS, PC12/1704-5, 28 March 1705.

¹⁰³ NRS, PC12/1706-8, 21 August 1705 & 3 January 1706.

conflict. In addition the council continued to serve families in the interests of their loved ones abroad who had been captured and taken as ‘slaves’ by the Turks in Algiers.¹⁰⁴

Aside from tension at sea and in the ports, the council maintained significant control over military and naval matters. One of the council’s clerks, Robert Forbes, reported in June 1706 that he had been asked to get its consent for a convoy of ships to go to Gothenburg and bring some other vessels back to Scotland.¹⁰⁵ The queen’s permission was requested and Goodtrees dutifully dealt with the formalities before it was granted by way of a letter from Loudoun in early July.¹⁰⁶ It was therefore the duty of the Edinburgh-based executive to issue the commissions, warrants, and acts for levying soldiers and seamen, as well as orders for military commanders, in addition to investigating cases of press ganging. For instance, a council committee regarding pressed men sat throughout 1705 and 1706 and received petitions from disgruntled citizens who had apparently been forced into service.¹⁰⁷

While proclamations were used for government administration, law and order, and the implementation of statute, and for security measures such as the levying of troops, warrants were crucial to the council’s conduct of military business. Both proclamations and warrants were issued by the council for levying soldiers and seamen during the war. This very issue could however be the cause of confusion even prior to the union. This is evident in February 1705 when the lord high admiral (Prince George, who was in fact a member of the Scottish council, although he never attended) sent a memorial to the English Privy Council,¹⁰⁸ in which he said that seamen should be rallied, and that the Scottish council had previously offered a ‘bounty’ of 40 shillings to each seaman, but asked that this power and the money given should be transferred to the commanders of the Royal Navy. Also, he looked to provide a ship to Leith,

¹⁰⁴ NRS, PC1/53, p. 413, 12 June 1705.

¹⁰⁵ NRS, GD124/10/22, 9 June 1706.

¹⁰⁶ NRS, GD124/10/29, 7 July 1706.

¹⁰⁷ NRS, PC12/1704-5; PC12/1706-8.

¹⁰⁸ TNA, ADM 1/5151, 14 February 1705.

presumably on board of which these new recruits would serve. It was all confirmed and approved by the queen. The Scottish Privy Council also ordered the fitting out of vessels for military action and for defence against hostile forces. In July 1703, Captain Thomas Gordon was granted the command of the ship *Dumbarton Castle* and ordered to sail the length of the islands of Orkney and Shetland to convoy northbound vessels before returning south and convoying ships going to the Firth of Forth. He was not only to remain on the northward voyage for ten days prior to returning, but he was instructed by the board ‘from time to time to advice us of all that occurs dureing your Cruize’. With Gordon’s instructions, he was reminded of the current geopolitical situation and received permission from the council (with their express authority) ‘to attack and Lett upon all her Majesties said Enemies and endeavor by all your force to Subdue them and Seise their Ships and goods’.¹⁰⁹

The council’s control over the military to quell potential internal issues was certainly important and the lack of an effective instrument of government in its wake has often been presented as evidence of why the 1715 Jacobite rising was able to run its course as it did. There certainly was an awareness of this and it became especially important during the course of the union debates, and after it had become a near certainty that it would pass. In fact, Queensberry in 1706 feared some kind of civil war which would impede the passing of the treaty.¹¹⁰ He proposed that the troops based in the north of England and Ireland should be ready to be deployed to Scotland in case of this kind of civil conflict erupting, and desired that they would be commanded and ordered by the Scottish Privy Council. In the event of course this never materialised.

Nevertheless, internal issues were also not far from boiling over. For example, in December 1703, the queen wrote to the Privy Council warning that emissaries from France

¹⁰⁹ NRS, PC1/53, pp. 13-14, 16 July 1703.

¹¹⁰ BL, Add MS 61136, fos. 69-70, 27 November 1706.

who were present in Scotland maintained ‘verry ill practices and designes’. Anne ordered the board to station soldiers in the country and to maintain peace there ‘whereby all evill attempts may be frustrated’.¹¹¹ Responding to the letter on 28 December, the council expressed that ‘ther are not sufficient provisiones either of armes or amunition for defence of the Countries and that ther are no Sufficient fonds [sic] Wherby they may be Supplied’.¹¹² The responsibility for keeping the peace in the localities was transmitted to the council which was in turn to employ military officers and local civic officials or magistrates to deal with local law and order matters. The council even went to lengths to punish those who failed to do so. For instance, in 1705 a woman accused of witchcraft from Leuchars was murdered by a mob in Pittenweem, where she had been kept unsecured by a bailie. Goodtrees was ordered to raise a process with the lords of justiciary against the three principal suspects of the murder, in addition to raising a council libel against the magistrates of Pittenweem for their failure to keep the peace.¹¹³

In February 1705, the earl of Leven and his servants were set upon in Edinburgh while he was being carried in a sedan chair on his way back from council proceedings. The council was exceptionally anxious about this, having first heard on 8 February that the ‘abuse’ was committed ‘by ane moab in the streets’ and quickly enquired into the case to identify if there was a concerted threat against Leven or indeed any other member of the council.¹¹⁴ However, it was soon found to have been ‘a very rash and foolish scuffle’ undertaken by a soldier and an Edinburgh merchant, who admitted that they were ‘then in drink’.¹¹⁵ The pair were allowed to be set at liberty from their imprisonment when they appeared to answer the libel brought against them by Goodtrees ‘at the end of the Councill table and there [did] sitt down Upon their Knee

¹¹¹ NRS, PC12/1702-4, 18/23 December 1703.

¹¹² NRS, PC1/53, p. 96, 28 December 1703.

¹¹³ NRS, PC12/1704-5, 15 February 1705; NRS, PC12/1704-5, 23 February – 8 March 1705. This was clearly ineffectual since there was another disturbance in Pittenweem later that year, when Bettie Lang was harassed, imprisoned and tortured for several days. Such was the extent of Lang’s ill treatment that the council showed her sympathy and granted her protection. NRS, PC1/52, p. 399, 1 May 1705.

¹¹⁴ NRS, PC12/1704-5, 8 February 1705.

¹¹⁵ NRS, PC12/1704-5, 1 March 1705.

and Acknowledged ther offence and ware Heartily sorry for the samein And thereafter did Begg pardon of the Board'.¹¹⁶

Perhaps more concerning for the council was a rabble which set itself upon the Lord Chancellor's coach while he was travelling with some other councillors on 11 April 1705.¹¹⁷ When the chancellor and fellow members of the council 'were goeing home after having ordered the execution of the saids malefactors' (from the *Worcester*), they were attacked. The rabble forced the coach to stop, threw stones at the horses and the coach (breaking its windows) and beat the driver. The chancellor and councillors were summoned out of the coach and forced to retire to find safety, but the offenders demanded that the Netherbow Port would be shut up to ensure that they did not gain safe passage, but they did manage to escape the mob's clutches.¹¹⁸ This was carried out by numerous tradesmen and labourers and two of them (named James Knox and William Davidson) were later banished for their involvement.¹¹⁹ In response to growing public anger and unrest, the council produced a proclamation against tumults and rabbles on 17 April 1705.¹²⁰

A similar proclamation to the one above was issued in 1706 (see Appendix IV). It reiterated several elements of statute and added that anyone found to have attacked members of the Court of Session, councillors, or government ministers would be punished with the death penalty. The proclamation also ordered the diligence of Edinburgh magistrates (and indeed those further afield) in 'suppressing and dissipating of the saids tumults' and articulated serious concerns about any form of 'convocation', public meeting, or mob, since these could easily flare up.¹²¹ This was of course as much to do with subduing public outrage at the union proposals as it was about protecting government ministers and councillors. Open protest came

¹¹⁶ NRS, PC12/1704-5, 1 March 1705.

¹¹⁷ NRS, PC12/1704-5, 17 April 1705.

¹¹⁸ NRS, PC1/53, pp. 401-3, 10 May 1705.

¹¹⁹ NRS, PC1/53, p. 403, 10 May 1705.

¹²⁰ NRS, PC12/1704-5, 17 April 1705; NRS, PC1/53, pp. 389-90, 17 April 1705.

¹²¹ NRS, PC1/53, p. 489, 24 October 1706.

to a head in a rabble directed at the house of the some-time Edinburgh provost and parliamentarian, Patrick Johnstone (who voted in favour of the articles of union), in October 1706 and there were other similar disturbances in Glasgow and Dumfries.¹²²

Another pressing issue for the Privy Council was the reliability and security of the postal service. In January 1704 Goodtrees lamented the difficulty of employing reliable messengers to ‘undertake to report executiones against the Chieftanns and Land Lords of the Highland Clanns’.¹²³ But this was not only an issue in the outer reaches of the kingdom. In 1705, the postmaster of Cockburnspath in East Lothian was imprisoned but allowed release on bail following ‘the robbing of the pacquett’ there by the tenants of James Hall of Dunglass.¹²⁴ The lord advocate investigated this and raised a libel process against the perpetrators, who were found guilty of a ‘rabble’ against the postal service.¹²⁵ In 1706, the servant of the postmaster at Haddington was released from prison having found caution from the council after he was suspected and interrogated for tampering with the mail.¹²⁶ There was evidently anxiety over the postal service and the council was keen to maintain control over it in addition to ensuring that trusted individuals were employed.

As Mann demonstrates, the council had an influential role in terms of censorship and print control, which was an especially important point from 1699 since that was when regular newspapers were licensed to be printed. As we have seen above, in 1701 the council imprisoned James Donaldson, the writer of the *Edinburgh Gazette*, and its printer John Reid for his printing of what was viewed as slanderous material, since it declared in a proclamation that James VIII was rightful king. The executive continued to maintain a close grip on what was being published in news print in the 1700s, and it was reluctant to let anything which might reflect

¹²² NRS, PC1/53, pp. 488-9, 24 October 1706; Hume of Crossrig, *Diary of Proceedings*, pp. 176-7.

¹²³ NRS, PC1/53, p. 125, 14 January 1704.

¹²⁴ NRS, PC12/1704-5, 24 September 1705.

¹²⁵ NRS, PC12/1704-5, 4 October 1705.

¹²⁶ NRS, PC12/1706-8, 20 August 1706.

poorly on the government reach publication. Printing of matters to do with the government was banned and all print had to first be assessed by the council or its clerks before reaching public eyes. Permission to print, copyright licences and censorship were hand-in-glove. In February 1705, for instance, Adam Boig was granted the permission to print the *Edinburgh Courant* three times per week.¹²⁷

Conclusion

While we see during the period from 1702 to 1706 parliament was heavily concerned with union negotiations, the Privy Council was less so. Of course, its members were often parliamentarians or commissioners treating for union, but as a corporate body the council's participation in these measures was less obvious. Its role was based more on the formalities of government administration than active engagement in the union negotiations. For example, the council produced a proclamation following a letter from the queen in August 1702 dissolving parliament and nominating commissioners to negotiate for a closer union.¹²⁸ During the 1702-3 union negotiations, the council also ordered its clerks to retrieve relevant treatises and writs from the Laigh Hall in the Parliament House, which, going back to the medieval period, were relevant to the operation of the Scottish Parliament and needed to be produced for the commissioners.¹²⁹ The board did however become more involved in the process as it gained further traction in the latter years after the Court Party had regained the ascendancy in parliament, such as in March 1706 when it again produced a 'Commission for Treating anent ane Union'.¹³⁰ After 1706, the council was influential in the management of how union would

¹²⁷ NRS, PC12/1704-5, 15 February 1705.

¹²⁸ NRS, PC1/52, pp. 437-8, 14 August 1702.

¹²⁹ NRS, PC1/52, pp. 451, 455-6, 24 – 25 September 1702.

¹³⁰ NRS, PC1/53, p. 458-9, 20 March 1706.

pan out, such as determining issues to do with coinage and setting out how certain articles of union (such as article nineteen, which retained the separate legal system and court structure in Scotland) would be implemented following their passing.¹³¹ These issues are explored in greater detail in chapter six.

Following Anne's accession to the throne in 1702, the Privy Council was consistently tasked with handling the most pressing concerns in Scotland in terms of government administration and law and order. It had instructions from the queen to suppress Jacobitism, to ensure that there were sufficient military and naval capacities both for external and internal threats, and to keep control of the burghs and localities in case of any unrest. While these attempts were not always successful, the council had an important role in managing the political nation in a period of crisis. Anne faced a succession crisis, a more diverse parliament, and an emboldened Jacobite threat from abroad and domestically. In Anne's pursuit of continued legitimacy her Scottish Privy Council was crucial. The council had to manage this difficult situation while continuing to execute its judicial and administrative duties. We see this in the investigation of crowd unrest, attacks on councillors and other statesmen, in the council's pursuance of legal cases against officers who failed to adequately keep the peace according to their instructions, and in the issuing of proclamations.

While we have seen in chapter two that historiography is divided over whether the council could legislate, this chapter underscores that its regulatory capacity was paramount. Moreover, the council was instrumental in the legislative process, since it was the main body which interpreted and implemented parliamentary legislation. Indeed, the fact that the council was the intermediary through which parliament was called, adjourned and dissolved highlights an important aspect of the relationship between legislature and executive. Again, the idea of the *jura majestatis* and the necessity of having separate institutions which exercised different

¹³¹ NRS, PC1/53, pp. 500-501, 28 March 1707.

functions, and in sum enforced the sovereign authority of the crown, is a useful framework through which to view this, rather than focusing on rivalry or strictly on legislation. Regulation and policy provision illustrate the ways in which the council both constrained and enhanced the crown's authority within the *jura majestatis*; it was both independent and a representative of the crown. As Saltoun noted, the law provided a check on the untrammelled power of monarchy and it had to be administered by institutions such as the Privy Council.¹³² The council's administrative capacity largely remained unchanged from William's reign, but its concern with preserving the peace and general law and order, as well as walking the tight rope of international relations, became far more acute due to contemporary political circumstances. The Privy Council was an important player in the realm of legislation but its most pressing role within this was in managing and implementing the legislative programme set down by parliament.

Interestingly, the council continued as a forum for different voices and party positions after Anne's succession, and despite historiographical claims of its dominance by one interest, it clearly was a relatively broad church. Its procedure and committees in this period are also of interest, since these were divergent to contemporary developments in parliament. It may well have been the case that these procedural innovations were the brainchild of the archetypal administrator Johnston who had briefly returned as clerk register in 1704. Yet irrespective of who was responsible for these amendments in procedure and record keeping, they point to a powerful, independent and self-regulating council which determined its own procedure and manner of conducting business in its final years of existence.

In many respects, the council's management of political affairs between 1702 and 1706 brought with it an element of stability and control. This is not, however, to say that the council was not at times the agent of discord or enmity. Indeed, its role in the *Worcester* affair and in

¹³² [Anonymous], *Some thoughts concerning the affairs of this session of Parliament*, pp. 1-4.

encouraging or implementing parliamentary opposition to Westminster, shows the council as an arm of the state engaged in political jockeying with England. But these also show that the council was an institution which in many ways pursued the maintenance of law and order and in turn strove for stability in government administration. It is testament to this that there was no large-scale unrest or uprising in such a fraught period of inter-British tensions, overseas threats and internal angst.

6

Denouement and Abolition, c. 1706–8

Negotiations for parliamentary union began once again – after the failure of attempts in 1702 and 1704 – in April 1706. The commissioners from both kingdoms came to an amicable agreement by July. Scotland, according to the 1706 agreements, would gain representation in a British parliament based on the English (bicameral) model, access to colonial markets (through a wholesale abolition of the hated navigation acts) plus other favourable trading and taxation measures, and, crucially, a Hanoverian succession following Queen Anne's death. But the articles still had to be debated and ratified by the parliaments of both nations, the process of which was far more embittered in Scotland. This was especially heightened since the church settlement remained unresolved. Nevertheless, the pro-unionist earl of Mar reported hopefully to the duke of Marlborough in September 1706 on the ongoing discussions on the articles of union in Scotland. Mar remarked that the whole affair was soon to be happily concluded, since so many Presbyterians who had previously opposed union were now almost unanimously in favour since the Kirk was all but secured. But he also lamented that there were significant partisan 'heatts' in the discussions on Scottish representation in this new parliament and on matters occasioned by the fallout from Darien.¹ In the debates which followed, Mar's prognosis augured well, since these three matters were brought to conclusion relatively favourably, for him and his fellow Court supporters at least.

¹ BL, Blenheim Papers Vol. XXXVI, Correspondence and papers relating to Scottish affairs, 1702-1716, Add. MS 61136, fos. 59-60, 28 Sept. 1706.

The commissioners' agreement to the articles was, however, widely opposed. In Edinburgh on 23 October 1706, an anti-union rabble of reportedly over 1,000 people erupted surrounding the house of the lord provost, Sir Patrick Johnstone. He had been a supportive commissioner for the union. In response to the rabble, the Privy Council was forced to gather intelligence on rioters and station troops in Edinburgh indefinitely to put down any further protests.² The following day, the council produced a proclamation against tumults, threatening the highest penalties for anyone found guilty of seditious crowd action, as had been done effectively in the wake of the large rabble (discussed in chapter five) in Edinburgh during the *Worcester* debacle in 1705.³ On 20 November 1706, the articles of union were publicly burned in Dumfries by a mob of around 200 Hebronites (led by Hepburn himself) before they publicly processed through the shire, which likely validated the council's decision not to hold the riding of parliament in Edinburgh upon the estates' final session, with the threat of unrest all too palpable.⁴

Parliament met in Edinburgh on 3 October 1706. The parliamentary and privy councillor Lord Belhaven's famous impassioned speech in November about the loss of Scottish sovereignty and references to ancient Caledonia summed up much of the romantic opposition to union.⁵ Belhaven's fellow proponents of the Country Party led debates against union in parliament and popular sentiment as far as it can be deciphered (in terms of addressing campaigns and crowd action) was widely against union, and often impactful to the high political debates.⁶ Union negotiations were nonetheless favourably concluded fairly swiftly.

² NRS, PC1/53, pp. 488-9, 24 Oct. 1706; Hume of Crossrig, *Diary of Proceedings*, pp. 176-7.

³ NRS, PC1/53, pp. 389-90, 488, 17 Apr. 1705 – 24 Oct. 1706.

⁴ [Anonymous], *An Account of the Burning of the Articles of the Union at Dumfries* (Edinburgh, 1706); Macinnes, *Union and Empire*, p. 290; Mann, 'Continuity and Change', p. 154.

⁵ [John Hamilton, Lord Belhaven], *My Lord Belhaven's memorable and prophetick speech against the union in the year 1706, when that treaty was under the consideration of the last Parliament of Scotland. To which is prefix'd, a prefatory discourse, shewing the expediency of altering that treaty, in order to the quieting, for the future, the minds of the generality of the Scotch* (London, 1746).

⁶ See for instance Bowie's studies of the anti-union addresses and petitioning campaigns throughout 1706 and 1707, which often had the support of large swathes of communities, including ordinary parishioners and people outwith the ostensibly represented political nation, in addition to Bowie's ground-breaking work on popular

The Scottish constitutional conclusion to the negotiations was cemented on 16 January 1707 when the articles came to be voted on in the estates, passing with 110 votes in favour, 67 against and 46 abstentions, which preceded their gaining royal assent by Queensberry's touching of the articles with the royal sceptre.⁷ The union act was first debated in the English parliament on 22 January and received its third reading (as was customary in that parliament) on 28 February, when it passed with a majority of 158.⁸

Despite the parliamentary union, certain Scottish traditions and institutions would be retained, though some more explicitly than others. For example through articles eighteen and nineteen, the Scottish education and legal systems were to be retained after 1707. Therefore, this was no wholesale institutional unification, but purely a union of parliaments which was also in many ways a re-working of the regal union of over a century prior. Although dominant public opinion still endorses the bribery of English statesmen as a key factor in securing an apparently inevitable union, which was received opinion for generations, a revisionist school has attempted to add further complexity to this traditional determinism.⁹ Much historiographical attention has more recently been paid to the level of economic detail in the articles of union plus the importance of securing the church to their approval.¹⁰ While Whatley

politics of other forms, inspired by the Habermasian public sphere: Bowie, *Scottish Public Opinion and the Anglo-Scottish Union*, pp. 115-58; Karin Bowie (ed.), *Addresses Against Incorporating Union, 1706-1707*, SHS Publications 6th ser., vol. XIII (Edinburgh, 2018); Karin Bowie, 'Publicity, Parties and Patronage: Parliamentary Management and the Ratification of the Anglo-Scottish Union', *SHR*, 87: 2 (Supplement, 2008), p. 92.

⁷ *RPS*, 1706/10/256.

⁸ Ferguson, *Scotland's Relations with England*, pp. 269-70.

⁹ Whatley neatly sums up popular public misconceptions of union, which are compounded by Burns's romanticisation about an independent Scotland being 'bought and sold for English gold', in the preface to his *Scots and the Union*. One of the traditional adherents of the whiggish viewpoint in the scholarship of the union is: G. S. Pryde (ed.), *The Treaty of Union of England and Scotland* (London, 1950). For the economically determinist case which argues that the connected crises of the 1690s combined with Darien (and the legislative tensions between Scotland and England in the early 1700s to make union the only viable option for Scotland's future, see: Mitchison, *Lordship to Patronage*, pp. 93-160.

¹⁰ For the economic argument around the passing of union, see: Watt, *The Price of Scotland*, pp. 220-22, 235, 239, 241; C. A. Whatley, 'Economic Causes and Consequences of the Union of 1707: A Survey', *SHR*, 68: 186 (October 1989), p. 158; C. A. Whatley, 'Salt, Coal and the Union of 1707: A revision article', *SHR*, 66: 181 (April 1987), pp. 26-45. Watt arguably focuses too heavily on the fifteenth article of union which concerned the hefty compensation paid to the shareholders of the Company of Scotland, or 'equivalent' payment, and 'English national interest' (p. 220).

in the 1980s urged the importance of the economic context by demonstrating the articles' focus on establishing economic union and access to imperial trade, as well as issues concerning domestic trade such as coal and salt, this has been tempered more recently in the (2014) republication of his re-assessment of the union, especially with reference to the influence of securing the Presbyterian Kirk in the event of union.¹¹ Stephen goes even further in asserting that the separate act which guaranteed the survival of the Kirk was the main factor which ensured safe passage for the treaty of union.¹²

Also important to negotiations, and too often overlooked, were matters of political representation and government administration. For instance, the twenty-second article of union was hotly debated, as this concerned the level of Scottish representation in the newly proposed British Parliament.¹³ It was ultimately decided that Scotland would receive 45 seats in the Commons in addition to elected 16 peers in the Lords – a significant reduction in representation, considering the Scottish Parliament had previously consisted of over 200 members. Furthermore, Scots Law would be retained in contrast to England's legal system, which had a greater common law tradition. The nineteenth article of the treaty of union enacted such arrangements; the Court of Session and Justiciary Courts would remain, and it also stipulated (somewhat vaguely) that 'the Queen's Majesty, and her Royal Successors, may continue a Privy Council in Scotland for preserving the public Peace and Order, until the Parliament of Great-Britain shall think fit to alter it, or establish any other effectual Method for that End'.¹⁴

This chapter will discuss the Scottish Privy Council's denouement from around 1706, through the aftermath of the parliamentary union in 1707, until its eventual abolition in May 1708. It will begin by exploring the council's constitution and business from 1706, before

¹¹ Whatley, *The Scots and the Union*, pp. xii, 332, 415.

¹² Stephen, *Scottish Presbyterians*, p. 72.

¹³ *RPS*, 1706/10/257, 16 Jan. 1707.

¹⁴ *RPS*, 1706/10/257.

delving into the immediate impact of the union on its functions, and how and why this signalled its declining importance. This will be investigated partly through a comparative analysis between the commission for the council in 1707 and earlier commissions. The chapter will then move on to explore the council's increasingly important security role, especially with reference to the planned French invasion of 1708 and punishing Jacobites and other opponents of the union through their judicial powers, albeit matters were often delegated to government ministers or other courts in the council's final days. It asserts that despite the union, the board retained widespread legal and administrative powers. And finally, the chapter will end by investigating the council's abolition, reasons for and against it, in addition to the parliamentary ratification of its removal in the Houses of Commons and Lords, along with suggesting some of the wider ramifications this had for Scottish government administration.

Privy Council Commissions

Notwithstanding the vagaries of the Privy Council's continuation following union, it was certainly still viewed as a useful arm of civil government, especially in terms of its judicial functions and role in keeping the peace. Indeed, the final commission of the Privy Council of Scotland which appeared on 20 March 1707 – and was prepared by the British Attorney General, Simon Harcourt (1661–1727) – echoed but went into far greater detail than the nineteenth article of union. It was explicit in its desires for how the council should continue to function in this newly united kingdom. From the standpoint of the growing power of an English council over Scotland, the commission was significant, since it was 'read at the Board' at St James's before being 'approved of by Her Majesty and [...] delivered by Order to the Earle of Marr'.¹⁵ This suggests that the Scottish Privy Council was already subordinate to a 'British'

¹⁵ TNA, Warrant for a new commission to the Privy Council in Scotland, PC1/2/62/1, 20 March 1707.

one and that its formerly wide-ranging functions had been significantly curtailed, rendering it a lesser player in the judicial system, and an institution largely charged with dealing with internal public disturbances in the wake of union and potential foreign invasion. Solidifying the diminution of this once omniscient council's powers, the quorum for its meetings was reduced from nine to six, although this may well simply reflect a greater need for business to be dealt with speedily and not just dwindling attendance.

The specific powers to be exercised by Anne's post-union Scottish Privy Council covered five main themes. First and foremost the executive was to maintain peace and order in the kingdom. Secondly, the council was authorised to suspend the execution of criminal sentences until the queen's wishes on that matter were known, highlighting a fundamental expression of crown oversight. Next was the important role to be played by the Privy Council in putting into execution the writs for electing members and peers to sit in the new British parliament. Fourthly, the council was required to print any proclamations that the queen wished to be published and, finally, the board was commanded to conduct all preceding business according to the queen's instructions which they were to receive intermittently. Although conciliar business was dwindling, fifthly this commission granted the 'Authority to do use and Execute all Acts, Matters and things which the Privy Council of Scotland or any of them Lawfully might have done at the time of the Union'.¹⁶ Here we see something of a caveat to the expression of monarchical oversight before, and one which the Scottish executive was often happy to take advantage of in expressing independent authority at odds with the queen's policies.

There are several points of note from the 1707 commission which indicate the changing nature of its composition and functions in the aftermath of parliamentary union. Firstly, of significance is the fact that the council's role was conditional in that it would continue as it had

¹⁶ TNA, PC1/2/62/1, 20 March 1707.

at the time of the union, rather than maintaining its more *longue durée* precedent and authority as had been stated in previous commissions. Secondly, the 1707 commission was far more general than its predecessors, with vague reference to action points but repeated ones to the need for the queen's permission and authority to be granted before business was conducted. A slightly altered version of this commission appeared in the council register on 28 April (suggesting it overrode and was more important than the previous one). It stated that her majesty wished to 'continue our privie Councill of Scotland [...] Untill further orders [...] for the preservation of good order, and better observation of the terms of the Union'.¹⁷ As such, we see again that the keeping of the peace and ensuring that the union was properly implemented were the two fundamental functions of this post-union 'independent' council.

A deeper analysis of the changing nature of the Scottish Privy Council after 1707 will benefit from briefly comparing the 20 March 1707 commission to earlier iterations of its kind.¹⁸ First is the initial Williamite commission for the council (see chapter one), which was sent from Hampton Court on 18 May 1689. This commission, as we have seen, enacted widespread powers for the council which gave

powr to them or any nyne of them to meett and convene at the places appoynted for ther ordinary residence of his Majesties Privy Counsell in the city of Edinburgh or to any other place that shall be found most fitt and convenient [...] and to advyce, consult, deliberat and conclude, decerne and determine upon all and sundrie affairs, purposes and actiones which may concerne the peace and good of the kingdome according to the lawes and acts of Parliament established or to be established within the same, and to hear, decyde and determine upon all causes and actiones betwixt subject and subject proper to be decided before the Lords of his Majesties Privy Counsell¹⁹

It also empowered the Privy Council to pro-actively intervene when there had been disorders, tumults or rebellions and punish those involved in order to keep the peace. In this same vein the lords of council were also given comprehensive judicial powers and the authority to grant

¹⁷ NRS, PC1/53, pp. 506–7, 28 Apr. 1707.

¹⁸ There were six such commissions, in 1689, 1692, 1696, 1698, 1703, and 1707. Lists of the councillors named in each commission save for 1707 appear in Appendix II.

¹⁹ *RPCS*, xiii, pp. 378–80.

warrants to the Justiciary Courts and individual commissioners of justiciary, for instance to punish offenders or alter sentences. The council was also able to call the Court of Session to sit if it needed to, in addition to appointing times and places for its meetings. Importantly, alongside stating that the executive would retain all powers it had from all previous reigns, this commission explicitly insisted that the Privy Council was authorised ‘to make and sett downe statutes for government of the kingdome’.²⁰ This 1689 commission therefore correlates with George Mackenzie of Rosehaugh’s summary of the Privy Council’s powers and functions (also mentioned in chapter one) in his *Institutions of the Law of Scotland*, which was originally published in 1684.²¹

The second point of comparison comes from the commissions for the Privy Council in the 1690s. In March 1692, William and Mary’s regime change was constitutionally cemented in the commission for a Privy Council, after which began a period of profound administrative innovation.²² While this commission was largely similar to the 1689 one, there were some important and distinct aspects which demonstrate the importance of the council to consolidating the Revolution. Crucially, the Privy Council remained explicitly responsible for ‘the administration and governance of that Kingdom in all businesses touching [its] profit, peace and safety’.²³ The commission also highlighted its role as a coordinator of different government and judicial departments as well as its fiduciary, financial, and deliberative powers. Finally, although the monarchy retained the right to admit and remove councillors, the board itself was given the power and authority to conduct its meetings as and when its members pleased, in their given order and with procedure decided upon independently by themselves. This was a salient reminder of the council’s potential independence from the crown from which

²⁰ *RPCS*, xiii, p. 379.

²¹ Mackenzie of Rosehaugh, *The Institutions of the Law*, pp. 22–3.

²² See for instance the developments in parliamentary and government procedure under the secretaryship of James Johnston after 1692: Mann, ‘Inglorious Revolution’, pp. 134–40.

²³ NRS, PC1/48, p. 101, 3 – 15 March 1692.

it nominally gained its authority. The commissions which arrived from King William in May 1696 and November 1698 were virtually identical.²⁴ These were more concerned with reshuffling the council itself, due to a maelstrom of contemporaneous political issues (explored in chapter two), rather than effecting change in the conduct of the executive's business or the nature of its authority.

In Anne's first commission in 1703, the Privy Council's functions were stated more generally. As we have seen (in chapter five), in March 1702, the queen ordered the council to continue without specifically referencing its functions and powers, instead informing the board to await a more explicit commission. This arrived on 24 February 1703 and was entered into the council register in Latin.²⁵ There were three main aspects of government in which Anne saw that the Privy Council should exercise authority. These were, firstly, to allow religious dissenters freedom from prosecution if they conformed with the laws of the kingdom and as long as they were Protestant. The council had to put this into effect by coordinating with other courts in civil and church government so that Protestant dissenters may, as the queen's letter to the council stated, 'Live Suitably to the reformed Religion which they profess [...] and in so doing that they be protected in the peaceable exercise of their Religion'.²⁶ This was a radical about-turn for an executive which had been viewed in the 1690s as a defender and promoter of the Revolution Kirk. The second aspect of the commission was that the council would continue to officiate over the smooth running of the legal and judicial systems, by appointing and liaising with justices of the peace, sheriffs, and other 'Civill Judicatures'.²⁷ Thirdly, was the council's continued role in ensuring the 'Security and peace of the Kingdom'.²⁸ This aspect was exceptionally broad, since it included monitoring trade, manufactories, raising forces and

²⁴ NRS, PC1/50, pp. 523-27, 2 – 14 May 1696; NRS, PC1/51, pp. 480-83, 4 – 8 November 1698.

²⁵ NRS, PC1/52, pp. 506–9, 24 Feb. 1703.

²⁶ NRS, PC1/52, p. 510, 24 Feb. 1703.

²⁷ NRS, PC1/52, p. 510, 24 Feb. 1703.

²⁸ NRS, PC1/52, p. 511, 24 Feb. 1703.

ensuring their diligent execution of her majesty's wishes, making sure Highland commissions were properly fulfilled and the region generally monitored for dissent, in addition paying the forces on time if the treasury was unable to do so. Therefore, the mainstay of the council's functions remained the same as they had in the 1690s but there was significantly less detail in the 1703 commission and the council's role had evidently been to some extent curtailed to an interlocutor with church government, an enforcer of proto-ecumenism, a judicial coordinator and arbiter of the law, in addition to keeping up intelligence networks on supposedly 'contumacious' persons, especially in the Highlands, and more generally overseeing the security of the nation. By 1707, these functions had been even more drastically diminished to a keeper of the peace for an indeterminate period after union. The demotion of the council to a coordinator in the judicial system may also explain why its role in taking precognition increased while it often remitted decisions in legal cases and petitions to other courts or to the lord advocate, but this may also convey a lack of legal training for more complex cases.

The Changing Nature of Council Business

Whilst it is true that the Privy Council continued to operate to some extent as it had done previously, from 1706 its meetings and wide-ranging business it dealt with were declining. For example, the council met on just 79 days between 3 January 1706 and 27 March 1708.²⁹ Out of this number, 24 council meetings were not recorded in the Register of Acta but are only evidenced in minutes of the council. It is therefore also possible that the council met more frequently than this especially in committees, but that evidence of such sessions has been lost to posterity. This level of conciliar activity was significantly less than previous years, with the council in 1704 alone meeting on 142 days, although by 1706 this had dwindled to just 50 days.

²⁹ NRS, PC1/53, pp. 436–511; NRS, GD248/594/6/3–7; NRS, GD124/10/449/1–44.

Full figures for known meeting days between 1702 and 1708, from a range of primary sources, can be seen in table 6.1 below and are illustrative of the council's declining administrative business.

Table 6.1 Number of days on which the Scottish Privy Council sat, 1702–08³⁰

Year	1702	1703	1704	1705	1706	1707	1708
PC Acta	54	28	64	49	50	13	N/a
PC Decreta	64	71	78	23	N/a	N/a	N/a
Other sources	N/a	N/a	N/a	N/a	N/a	5	11
Total	118	99	142	72	50	18	11

While we have seen that much of the Scottish Privy Council's business was taken over by key ministers, the Scottish legal system and the council's role within it was also utilised in the final days before the executive's abolition. In early 1708, a raft of treason processes were proposed by the English Privy Council and sent to the earl of Leven, who had taken over command of her majesty's Scottish forces following the death of his predecessor, George Ramsay, in September 1705, having been the next highest ranking officer.³¹ The Scottish Privy Council itself was acquainted by the queen with the imprisonment of several 'suspected persons' on 18 March, but it decided to wait until all of them had been brought into Edinburgh to try them. Also, it was Leven who was given the authority to command these people to be captured and interred awaiting trial by the council or the justiciary courts.³² On 24 March, Leven told the Scottish council that Anne had ordered him to apprehend these individuals for

³⁰ NRS, PC1/53; NRS, PC2/28; NRS, GD248/594/6/3–7; NRS, GD124/10/449/1–44.

³¹ NRS, Warrants of the Privy Council, GD26/7/128, 3 March – 25 Apr. 1708; BL, Add. MS 61136, fos. 27–8, 11 Sept. 1705.

³² NRS, GD248/594/6/3, 17 – 18 Mar. 1708.

‘treasonable practices’, and the council named a committee to investigate them for suspected involvement in the planned invasion.³³ In total there were 44 men indicted for ‘treason or treasonable practices’. These included high profile opponents of union and Jacobites, such as Lord Belhaven, Lord Balmerino, William Bruce of Kinross (whose exploits in opposition to church government are explored in chapter three), and the political writer Andrew Fletcher of Saltoun. The latter, with some others, was discharged by the English council on 30 April and the Scottish council was ordered to organise his release from imprisonment.³⁴

After Leven had received these orders from court, the Scottish executive then ensured that intelligence networks were maintained over these individuals or that they were brought into lodgings in Edinburgh to await trial. Leven had to take ‘paroles’ from these ‘treasonous’ suspects and then ensure they compeered before the council or one of its committees when called.³⁵ By 22 March, several of these people had appeared in Edinburgh and others had given in their paroles, whilst Goodtrees and Leven were empowered to seize, open, and investigate their letters.³⁶ Also on 24 March Leven had apprehended those who were to be tried and had not provided ‘paroles’ (bonds of caution) – the earls of Seaforth, Traquair, Moray, Lords Kilsyth, Sinclair, Belhaven and William Bruce of Kinross – and interred them in Edinburgh Castle.³⁷ Interestingly, although these processes were brought before the Scottish Privy Council, they were not concluded there and it is unclear what, if any, conclusion was reached. Goodtrees reported to the new British Privy Council about the judicial inertia since the abolition of ‘the late Council of Scotland’ after May 1708.³⁸ The lord advocate claimed that many of those suspected of treason or involvement in the French invasion had gained

³³ NRS, GD248/594/6/6, 24 – Mar. 1708.

³⁴ TNA, Copy of warrant for the discharge of Andrew Fletcher committed in Scotland on suspicion of high treason, 1708, PC1/2/86, 30 Apr. 1708.

³⁵ NRS, GD248/594/6/3, 17 – 18 March 1708.

³⁶ NRS, GD248/594/6/5, 22 March 1708.

³⁷ NRS, GD248/594/6/6, 24 – 25 March 1708.

³⁸ TNA, Memorial of the Lord Advocate of Scotland for continuing proceedings against "contumacious" persons, 1708, PC1/2/101.

indemnities from future investigation due to ill health or other reasons, yet was also irritated since some of them were opportunists, who were indeed found to be ‘contumacious’ but were attempting to capitalise on the council’s abolition to get away with their crimes. He therefore stated that these processes should be continued by this newly created British Privy Council, which, Goodtrees averred, had fully taken over the powers of its quondam Scottish equivalent. He also interestingly added at the end of his letter that this process could be taken up by the justiciary courts or another Scottish court of law if they were found to be sufficiently capable to do so.³⁹ This last point illustrates the legal and judicial quandary created by the Scottish Privy Council’s abolition, since the British council had no legal authority in Scots Law and matters which were previously dealt with by the Scottish council would now, it seems, be left to the Court of Session or Justiciary Court where they had previously had less experience or precedent in trying certain cases.

The ‘Warrants for apprehending Persons in Scotland suspected of High Treason’ were sent from a nominally English Privy Council numbering 21 in March 1708. There were, however, five Scots who appended their names to these warrants: the dukes of Queensberry and Montrose (who had been elevated to dukedom in 1707) in addition to the earls of Loudoun, Mar, and Seafield, all of whom were chosen to represent Scotland after the union amongst the nation’s 16 peers in the House of Lords.⁴⁰ All of those named above were proponents of the Court interest in parliament, save for Montrose, whose allegiances lay with the Country Party in the late 1690s and early 1700s before he became a proponent of the *squadrone* and a nuisance to the court, prior to his serving as the president of the Scottish Privy Council and in the office of Lord High Admiral from 1706.⁴¹ Indeed, in 1703 Seafield reported to Godolphin that the new administration was trying to consolidate the Revolution settlement but that a ‘republican’

³⁹ TNA, PC1/2/101.

⁴⁰ NRS, GD26/7/128; BL, Add. MS 61136, f. 114, 17 June 1708.

⁴¹ R. M. Sunter, ‘Graham, James, first duke of Montrose’, *ODNB*.

style memorial had been prepared by Montrose.⁴² Considering this rather radical proposal, Montrose's political amelioration from 1706 and subsequent influence is all the more significant. The rest of the signatories of these treason warrants were all English high statesmen, including the earls of Godolphin, Pembroke, and Somerset. The warrants were delivered to Leven across eight different occasions of this council's meetings, between 3 March and 25 April 1708, sent from the council chambers of either St James's or Kensington.

These processes were of course all aimed against people suspected of involvement in the proposed French invasion of Scotland in 1708. This was of huge concern and was arguably the most important facet of council business in its final months. The Scottish council, often through Leven (prompted by the monarch and court) or one of Anne's English ministers or secretaries of state, led intelligence campaigns against domestic and French opponents, in addition to mustering forces. Also, as well as Leven's increasingly influential role on the council, it was the lord advocate who was also tasked with preparing proclamations against people absconding without relevant passes, for seizing horses, and in communicating with other officials, such as the sheriffs of Ayrshire, for investigating suspects and confirming their allegiance or pursuing them in legal processes.⁴³ Furthermore, there was a council committee established to interrogate the chieftains of the Highland clans, who had obtained bonds of caution from 1704 for good behaviour, which then met with the lord advocate to come to agreement on how to deter them from joining with the French.⁴⁴

By the spring of 1708, an invasion was looking increasingly likely. In February, a French fleet with around 5,000 men was prepared to sail from Dunkirk. The French force that departed on 17 March consisted of 30 privateers and four naval warships.⁴⁵ On 24 March, three

⁴² BL, Add. MS 28055, fos. 115-6, 21 May 1703. Seafeld also mentioned that Roxburgh, Rothes, Marischal, and Haddington had joined with Hamilton, all of whom were causing serious issues for the running of government in both Scotland and England.

⁴³ NRS, GD248/594/6/4, 19 – 20 Mar. 1708.

⁴⁴ NRS, GD248/594/6/5, 22 – 23 Mar. 1708.

⁴⁵ Lenman, *The Jacobite Risings*, p. 88.

French ships were lying off the northeast coast, which had been spotted by officials in Dundee, Angus, and Aberdeenshire in the previous days.⁴⁶ With the Highland clans yet to concede to the government, and the treason processes against internal ‘rebels’ faltering, the Privy Council was on the defensive. Some ships were mustered, English forces called upon, and some other troops levied, and by 27 March Leven found that Fort William and the Highlands generally were ‘peacable’, but the invasion threat was still alive.⁴⁷ The French tried and failed to find a suitable landing spot and ended up removing to their initial port of departure, though emboldened by their presence some Jacobite gentry also gathered together in vein. This aborted rising had exposed serious weaknesses in the Scottish and British establishments, but the Edinburgh-based Privy Council was effectively employed to use its judicial functions and widespread intelligence networks to put down the potential invasion and threat of internal rebellion.

Interestingly, these processes also preceded the passing of a new treason act by the British Parliament in 1708 which came into force in 1709. This piece of legislation enacted that Scots suspected of high treason, particularly Jacobites, could be tried in English courts according to the treason laws of England.⁴⁸ Nevertheless, before then this swathe of processes indicting these government opponents of high treason appears to have been a last-ditch effort to push through prosecutions in Scottish judicatories and according to the Scottish legal tradition, before matters would be fundamentally altered. Indeed, although these warrants were sent from the English Privy Council, they explicitly stated that it should be the Scottish Privy Council or some other court (such as the session or justiciary courts) which should try these suspected individuals.⁴⁹ This aspect of business also indicates that the council’s security role, which had been a predominant part of its overall executive functions, was mediated by the

⁴⁶ NRS, GD248/594/6/3–6, 18 – 25 Mar. 1708.

⁴⁷ NRS, GD248/594/6/6, 25 Mar. 1708.

⁴⁸ Treason Act 1709, Ch. 21 7 Ann.

⁴⁹ NRS, GD26/7/128.

commander-in-chief of the Scottish forces (Leven) even in the months following union but prior to the council's demise. It is however significant that the queen and her closest ministers wished to conduct the intelligence gathering and legal processes through the conduit of the commander-in-chief rather than directly with the Scots Privy Council. Although the council was still central to the decision-making process, this is representative of the broad trajectory of Anne's governing policy in which we see the professionalisation of ministerial posts and the role of individual officers of state.

A note of caution must be added to the above discussion: maintaining the security of the kingdom through defence against foreign or internal threats was not the only function of the Scottish Privy Council between 1706 and 1708. As is explored in previous chapters, proclamations were crucial to the council's role in government administration and are clear signs of its regulatory capacity. From late 1706, when the articles of union had been agreed to, the council produced some proclamations to address specific issues to do with law and order and the public confirmation of the dissolution of the Scottish Parliament. For example, it adjourned parliament in August and September 1706 and introduced harsh penalties against anti-union rabbles and protests in response to disturbances.⁵⁰ Proclamations regarding the excise and the circulation of English coinage were then published in early 1707, as were two proclamations regarding parliament, one of which announced another adjournment and another on 28 April which conveyed to the general public its formal dissolving.⁵¹ The following day, on 29 April, a proclamation was issued which made clear that the Privy Council, in addition to other offices and institutions, were to continue to operate as normal according to the nineteenth article of union.⁵²

⁵⁰ NRS, PC1/53, pp. 484-5, 488-9, 20 August – 24 October 1706.

⁵¹ NRS, PC1/53, pp. 499, 500-1, 505, 508-9, 28 March – 28 April 1707.

⁵² NRS, PC1/53, pp. 509-10, 29 April 1707.

Following the commencement of Anglo-Scottish union on 1 May 1707, the Privy Council continued to issue proclamations. In doing so, it acted as the sole independent governing authority of Scotland and through its regulation operated in lieu of the legislature. Twelve proclamations were produced by the council in 1708. The first of these, on 12 January, called in Scottish coinage and declared that it would be invalid by 10 February, thus initiating a widespread and hectic scramble to end the circulation of Scottish money and commence the monetary union, as is explored below.⁵³ The three subsequent proclamations (between late January and early March) all concerned the recruitment of soldiers, marines and seamen to serve her majesty in the ongoing conflicts, including for the War of Spanish Succession (1701-13).⁵⁴ The next two, on 10 and 16 March, both concerned religious matters: the first called for a general fast and thanksgiving to be held on 1 April and the second was a measure of anti-popery which aimed to encourage the identification, vilification and punishment of Catholics in the nation, which combined with fear of the French invasion to implant something of a public hysteria in the nation.⁵⁵ On 16 March the council proclaimed that Scottish 10, 20 and 40 shilling pieces would be restored to their former value and on 29 March a proclamation was published calling for the seizure of the Jacobite and suspected French abettor, James Ogivlie younger of Boyn.⁵⁶ These were followed on 19 April by another measure to recruit further land forces and marines into her majesty's service.⁵⁷ In late April two proclamations were issued which interestingly regarded matters in the new parliament.⁵⁸ The first declared the dissolving of the first British parliament and called for the 'speedy calling of another'. The second, issued five days later on 28 April, called a new parliament. These are interesting since they demonstrate a level of cooperation between the council and the new British Parliament which in some ways

⁵³ NRS, GD124/10/449/44; NRS, PC12/1706-8, 12 January 1708.

⁵⁴ NRS, PC12/1706-8, 25 January – 1 March 1708.

⁵⁵ NRS, PC12/1706-8, 10 – 16 March 1708.

⁵⁶ NRS, PC12/1706-8, 16 – 29 March 1708.

⁵⁷ NRS, PC12/1706-8, 19 April 1708.

⁵⁸ NRS, PC12/1706-8, 23 – 28 April 1708.

reflects the symbiotic relationship it had with the erstwhile Scottish estates. They also display that the Scottish secretaries (Mar and Loudoun) continued to issue instructions to the Privy Council. The final proclamation published by the independent Scottish Privy Council came a matter of days before its own abolition, on 29 April 1708. This was another call for a ‘solemn national thanksgiving’ to be observed and serves as a reminder of its capacity as a civil promoter of godliness. In short, the Privy Council maintained an influential role in regulation and government administration even after the passing of the union. The council therefore implemented the tenets of the union in 1708 and through proclamations made the requirements of monetary union, of troop mustering, and constitutional amendments clear to the nation at large. It also continued to operate as a defender of Protestantism against what it saw as the incursions of ‘popery’ and an institution which looked to influence the godliness of the nation in announcing fasts and days of humiliation with the cooperation of the Kirk’s courts.

Two other important matters in 1707 concerned currency and the great seal, both of which were overseen by the Edinburgh-based executive. For example, once the new commission for the Scottish council arrived in Edinburgh in May 1707, the board there found that they would now have to issue warrants and orders under a new British great seal, rather than the erstwhile Scottish privy seal.⁵⁹ This was no trivial matter but an important aspect of procedure and in granting independent authority as the crown in council. When in May 1708 proposals were made for establishing a Court of Exchequer in Scotland, it was ordered that the former seal used by the Scottish Privy Council should be assigned to all its ‘Writts and Papers [...] Untill another is prepared for that purpose’.⁶⁰ The transfer of use of great seals and increasing influence of a composite council (based at the English court) on affairs north of the

⁵⁹ TNA, PC1/2/62/1-2, 20 March 1707; NRS, GD124/10/449/39, 26 May 1707; NRS, GD124/10/465, 26 May 1707.

⁶⁰ TNA, SP57/27, pp. 175-6.

border signalled an important change to the manner in which the Scottish executive exercised and represented its authority as the crown in council.

The sixteenth article of union created a monetary union between the two nations. Whereas £12 Scots had previously been equal to £1 Sterling, after union, ‘Coyne Shall be of the Same Standart and value throw out the United Kingdome as now in England’.⁶¹ This brought to completion attempts for closer monetary union which had been proposed for around a century. As David Fox indicates, this aspect of the union itself created incredible numismatic and legal problems, but he also points out that since 1603 in Scotland it was the ‘Privy Council [which] managed the Scottish coinage as part of a coordinated currency network with England’.⁶² This included the adoption of foreign coins and official transfers of their value to Scots currency and the proclaiming of such decisions publicly, since coinage was an increasingly problematic issue from the 1690s onwards. Having said that, Scotland did not experience a recoinage crisis as England did in the late 1690s.⁶³

The monetary union proposed by article sixteen of the union was implemented by the Scottish Privy Council. English coin in Scotland was to be transferred in value and paid ‘out of the Equivalent of English money att fyve Shillings per Crown’.⁶⁴ This was an extremely complex issue though and the council had to coordinate with lesser courts and officials to ensure this was undertaken. Another concern for the council was the importation and circulation of English coin throughout Scotland illegally. In response to this threat the council met with the governors of the Bank of Scotland in Edinburgh to determine how much English and foreign coin they had in their stocks and to report this back to them.⁶⁵ Aberdeen, Glasgow,

⁶¹ NRS, PC1/53, p. 500, 28 March 1707.

⁶² David Fox, ‘The Anglo-Scots Monetary Union of 1707’, *The Edinburgh Law Review*, 23: 3 (September 2019), pp. 360–87, quote at p. 367.

⁶³ See for instance: Brodie Waddell, ‘The Economic Crisis of the 1690s in England’, *The Historical Journal*, 66: 2 (2023), pp. 281–302. For the theoretical debate on the crisis and Locke’s interventions in favour of monetary depoliticization, see: Stefan Eich, ‘John Locke and the Politics of Monetary Depoliticization’, *Modern Intellectual History*, 17: 1 (2020), pp. 1–28.

⁶⁴ NRS, PC1/53, pp. 500–501, 28 March 1707.

⁶⁵ NRS, PC1/53, p. 503, 7 – 16 Apr. 1707.

and Edinburgh were the main hubs for collecting in money from the shires and elsewhere, the magistrates of which were ordered by the council to investigate and confirm how much English coin was in circulation throughout the country. Edinburgh was to be the central home to the investigations, with the Privy Council, burgh magistrates and the Court of Session involving themselves in this process. Once the Bank, with the oversight of at least one privy councillor and a clerk, had calculated the extent of their English coin, the board heard that this amounted to over £7,700 sterling.⁶⁶ The reports from both the Laigh and normal town council chamber of Edinburgh arrived on 18 April to the Privy Council, the combination of which amounted to around £5,000.⁶⁷ On 21 April, the Aberdeen and Glasgow magistrates reported to the council that English milled money there extended to over £1,400 and around £8,000 respectively.⁶⁸ There was therefore considerable English money in circulation in Scotland and the council executed a pivotal role in independently assessing how to deal with the consolidation of the monetary union.

The circulation and collections of English milled money were not the only tribulations facing the council's enforcement of monetary union. In April the Privy Council was forced to name a committee to investigate several 'frauds' that had occurred since the 28 March proclamation regarding coins.⁶⁹ Customs masters and other officials had found illegal circulation and importation of both English and foreign coins since the proclamation. The committee looked to meet with these officials along with the governors of the Bank to come to an effectual method for deterring and preventing such illegalities, which were rife. By September 1707 the council voted on and approved the Bank's measures: they could receive in sealed bags of foreign coins freely in an amnesty-style agreement from 19 September until 19

⁶⁶ NRS, GD124/10/449/37, 16 Apr. 1707; NRS, PC1/53, p. 503, 16 Apr. 1707.

⁶⁷ NRS, GD124/10/449/38, 18 Apr. 1707; NRS, PC1/53, pp. 503–4, 18 Apr. 1707.

⁶⁸ NRS, GD124/10/449/38, 21 Apr. 1707; NRS, PC1/53, p. 506, 21 Apr. 1707.

⁶⁹ NRS, GD124/10/449/38, 18 Apr. 1707.

October.⁷⁰ In November the committee reported to full council that the foreign coin already lying in and having been given into the Bank amounted to £118, 700 sterling.⁷¹ Then, in January 1708, the Privy Council concluded the recoinage. It ordered the Bank to accept in collections of old and new Scots coins from individuals until 25 February, although these would be considered invalid as of 10 February.⁷² Again, a council committee was to attend the Bank on 26 February to inspect this collection, but unfortunately no extant evidence exists of the extent of this. Nevertheless, this whole monetary issue demonstrates that the council was influential in implementing and attempting to bring to conclusion an aspect of the union which had been floated but not properly planned; hence its continuing importance to the newly created British state.

Aside from coinage and other matters of state impacted by the union, the Privy Council's range of business remained diverse in its last years. For instance, it still heard a wealth of petitions concerning various matters, such as those from the commissioners of supply in Banffshire and Aberdeenshire asking for additional justices of the peace for the shires to be named in 1706.⁷³ In response, the council remitted these petitions to committees, which prepared commissions for naming these officials, which were then voted on and granted in plenary sessions.⁷⁴ Another interesting petition was from Thomas Heagie, a mariner, who had for some time been a prisoner and 'slave' to the Turks in Algiers, presumably following capture in a military capacity. The Privy Council heard the petition in April 1706 and ordered Kirkcaldy presbytery to pay '166 rex dollars' for his ransom and repatriation charges, paid out of a voluntary collection to that end.⁷⁵ In July 1706, the council was presented with a petition from the Lady Kilravock, asking for some help in the uplifting of her son's ransom as he was also a

⁷⁰ NRS, GD124/10/449/42, 19 Sept. 1707.

⁷¹ NRS, GD124/10/449/43, 6 Nov. 1707.

⁷² NRS, GD124/10/449/44, 12 Jan. 1708.

⁷³ NRS, GD124/10/449/11, 31 Jan. 1706; NRS, GD124/10/449/20, 7 May 1706.

⁷⁴ NRS, GD124/10/449/12, 12 Feb. 1706; NRS, GD124/10/449/22, 9 June 1706.

⁷⁵ NRS, GD124/10/449/19, 17 Apr. 1706.

‘slave’ kept in Algiers.⁷⁶ When this was heard in plenary sessions, the council remitted the petition to the lord advocate, who was ordered to liaise with the petitioner’s husband and help him ‘advance the Ransom’. In the council’s last days, it was often the lord advocate who assumed much of the responsibility for investigating matters, taking precognition from witnesses prior to the case being dealt with in plenary meetings or in committees (of which he was also often a member), before commonly remitting the matter to the judiciary courts for final decision making. Interestingly, some of the council’s concluding meetings occurred in Goodtrees’ lodgings in Advocate’s Close, just off the Royal Mile.⁷⁷ That being said, this may simply reflect his occasional infirmity, since he struggled perennially from gout, in spite of which he was still a consummate and hard-working statesman, even in his autumn years.

Other items of business dealt with by the Privy Council were appointments to ministerial posts and other procedural matters, as well as administrative business, like bills of suspension, or hearing libel cases and other judicial business, as well as covering some, albeit fewer, religious matters. By way of example, Goodtrees acquainted the board in July 1706 about some female ‘Egiptians’ who were apprehended in Teviotdale and sentenced to banishment.⁷⁸ The Privy Council ordered them to be imprisoned in a correction house until a proper time for their transportation to the plantations. Concerns about ‘rampant’ Catholicism also continued throughout Anne’s reign, and in December 1706 the council empowered burgh magistrates across the country to investigate ‘papists and suspected persons’, to seize arms from them or to force them into obedience with the government.⁷⁹ In January of that year, a suspected Catholic had been brought into the council and forced to swear a ‘formula’ in front

⁷⁶ NRS, GD124/10/449/33, 30 Jul. 1706.

⁷⁷ See for instance: NRS, GD124/10/449/26, 25 June 1706; NRS, PC1/53, pp. 25, 30, 506, 10 Sept. 1703 – 28 Apr. 1707; NRS, GD248/594/6/6, 24 – 25 March 1708.

⁷⁸ NRS, GD124/10/449/29, 7 Jul. 1706.

⁷⁹ NRS, PC1/53, pp. 493–4, 24 – 28 Dec. 1706.

of the earl of Glasgow (treasurer depute) and the lord justice clerk, Adam Cockburn of Ormiston.⁸⁰

Although it was less frequently concerned with church matters, at this time there was also still a council ‘Committie anent Church Grievances’, to which was remitted several matters. One such matter was the case between the agent of the kirk and the episcopal minister at Auchterless, Alexander Barclay, in 1706, where the petition in his support was rejected by the council (see chapter four). This shows that, with the council’s role in coordinating with the Presbyterian church and the lord advocate’s zeal in defending it and punishing nonconformity, we see the Scottish council still operating independently in this function despite the queen’s wishes from 1703 for dissenters to be unhindered in the practice of their faith. Yet in line with this coordinating role with the church, the Privy Council produced the commission for the earl of Glasgow to represent her majesty at the Kirk’s General Assembly in 1707.⁸¹

Other interesting cases exemplify the council’s remaining important judicial functions and do not appear in the council register. For example, in January 1706 the Privy Council granted Robert Freebairn the sole right to print both the *Paris Gazette* and the *Harlem Courant* in English, reinforcing their role in monitoring and commissioning print.⁸² Furthermore, in July 1706, William Cochrane of Ochiltree brought a libel and riot case before the council against ten colliers who worked under Lieutenant Colonel John Erskine at Kincardine (near Tulliallan, Clackmannanshire), as they had damaged some of Ochiltree’s lands following a dispute.⁸³ The council remitted the ‘poynt of Right’ to the Court of Session but came to the decision that a ‘riot’ had been sufficiently proven against the colliers. Erskine was ordered to deliver the

⁸⁰ NRS, GD124/10/449/11, 31 Jan. 1706.

⁸¹ NRS, PC1/53, p. 502, 7 Apr. 1707.

⁸² See: Mann, *Book Trade*.

⁸³ Coal mine workers existed in a system of legal bondage between 1606 and 1799, and Scottish courts often dealt with cases in which they revolted against or withheld labour from their masters. For a summary of coal mine workers’ unique legal status, marginalisation, and agency, see: R. D. Tree, ‘Navigating Marginality: The Coal Mine Workers of Seventeenth-Century Scotland’, in A. D. Kennedy and Susanne Weston (eds.), *Life at the Margins in Early Modern Scotland* (Woodbridge, 2024), pp. 145-60.

colliers to the Edinburgh tolbooth where they were to remain until their fine of 1,000 merks was paid.⁸⁴ The council registers therefore cannot be relied upon for a thorough investigation of the Privy Council between 1706 and 1708, since while many issues are recorded in these minutes and miscellaneous materials they omitted from the official register, which were often written up later than the actual date of the meeting concerned.

Abolition

The Scottish Privy Council's abolition was first proposed in November 1707, the queen having spoken of 'rendering the union more complete'.⁸⁵ While this has received little historiographical exploration, the existing corpus of scholarship largely views the council's demise as part of an innate culture of one-upmanship and boosterism amongst the Scottish patricians who wanted to slight the influential Court manager the Duke of Queensberry and gain their own political power.⁸⁶ A fresh interpretation has recently been offered by Graham Townend, who insists on the complexity of abolition, particularly with relation to party politics and the increasingly powerful opposition *Squadron Volante*. He adds that the council's demise did indeed complete the union, but he tends to agree on the magnate machinations.⁸⁷

Motions to abolish the Scottish Privy Council were first established by the *Squadron*, while political in-fighting in London and problems created by the war effort, both financial and military, galvanised English support for the cause. Certain concerns over abolition were raised

⁸⁴ NRS, GD124/10/449/32–33, 25 July – 4 August 1706.

⁸⁵ Graham Townend, "Rendering the Union more Complete": the *Squadron Volante* and the Abolition of the Scottish Privy Council', *Parliamentary History*, 28: 1 (February 2009), pp. 88–99; Riley, *The English Ministers and Scotland*, p. 92.

⁸⁶ See for instance: Holmes, *British Politics in the Age of Anne*, pp. 242–3; Riley, *The English Ministers and Scotland*, pp. 92–5.

⁸⁷ Townend, "Rendering the Union more Complete", pp. 88–99. Both Whatley and Macinnes have taken similar viewpoints on the council's abolition, although they do so briefly and relegate it to a minor cause in the haze of post-union tribulations, tending to focus too heavily on the privy council's security role in the context of the 1708 French-Jacobite aborted invasion and under-appreciating the council's wider significance: Whatley, *The Scots and the Union*, p. 332; Macinnes, *Union and Empire*, p. 323

in some circles, however. One such issue was the danger to the continuing of heritable jurisdictions held by landed individuals, which were secured by the twentieth article of union, since the council had the power to decide on such matters if those jurisdictions failed to do so within a certain period of their being brought forward.⁸⁸ Another problem posing the loss of the council was articulated by English statesman Thomas Vernon. In a letter to the earl of Shrewsbury in December 1707, he raised fears if abolition proceeded about the coordinating and calling of justices of the peace and circuit courts in Scotland, which the Privy Council organised and coordinated, and also the generally gaping hole that would be left in the Scottish judicial system by the council's removal.⁸⁹ Others in the English ministry expressed their support for retaining the Scottish council, such as Simon Harcourt, first Viscount Harcourt (1661-1727), Robert Harley (1661-1724), and Robert Walpole (1676-1745).⁹⁰

Others lamented the loss of the council's role in church government, such as in liaising with the General Assembly and discouraging nonconformity, as well as its security functions. In December 1707, the church minister George Meldrum (who had served as the Moderator of the General Assembly in 1703) expressed to Seafield that the abolition of 'that high and honorable court' would 'occasion both confusion and discontent for the Churches by intrusions'. He concluded that 'other disorders may increase, if there be not some provision of some other judicatory to whom application may be made for redresse in such cases'.⁹¹ Seafield himself articulated to William Carstares on 21 February 1708 that:

I was against taking away the privy-council; in my opinion. In the infancy of the union, and during the war, we had a considerable party that joined with us; but, the whole Tories, and Some of the Whigs joining, we were out-numbered; so that the bill is past, and I heartily wish it may have no bad consequence⁹²

⁸⁸ Riley, *The English Ministers and Scotland*, pp. 92–3; *RPS*, 1706/10/257, 16 Jan. 1707.

⁸⁹ G. P. R. James (ed.), *Letters Illustrative of the Reign of William III. From 1696 to 1708 Addressed to the Duke of Shrewsbury by James Vernon*, 3 vols. (London, 1841), iii, p. 288.

⁹⁰ Riley, *The English Ministers and Scotland*, p. 92.

⁹¹ *Seafield Correspondence*, pp. 436–7.

⁹² *Carstares Letters*, p. 767.

Those proposing abolition did so fervently. For instance, the *squadron* pressed for the council's removal, since it had apparently become so invested in the Queensberry Court interest and tied to the English administration to be properly effective as it had been before. Another reason for the proposed abolition of the Scottish executive was that it had a considerable influence on Scottish elections. While this has largely been ignored in the extremely limited historiography of early modern Scottish elections, recent work has shown that the council's functions stretched into electoral politics.⁹³ For instance, the present author has demonstrated that the Privy Council engaged in the organisation, coordination, and management of elections between the Revolution and its abolition, in addition to adjudicating over controverted elections and legal or technical issues raised in their wake, in a somewhat similar fashion to parliament's committee for controverted elections.⁹⁴ As we have seen above in the 1707 commission, it was the Privy Council that was to be given the authority to issue writs 'Electing and returning the Peers and Comones for Shires and Burghs in the Parliament of Great Britain for and on the part of Scotland'.⁹⁵ This was in accordance with the twenty-second article of union. Interestingly, in the event, each of Scotland's 16 peers had at some point served on the Scottish Privy Council between 1689 and 1708.⁹⁶ The council's electoral influence was itself recognised by the actors in the debates for the council's abolition, especially since 1708 was a general election year. Whereas some English ministers proposed retaining the independent

⁹³ Two important exceptions to this are two early works on the Scottish Parliament which were heavily influenced by the Rait school, but which nevertheless recognised the privy council's role in managing elections, especially prior to 1641 and the curtailment of conciliar authority in favour of a committee of estates under the Covenanters: Terry, *The Scottish Parliament*, pp. 41–2, 125; Thomson, *The Parliament of Scotland*, p. 55.

⁹⁴ Tree, 'Controverted Elections', pp. 53–71.

⁹⁵ TNA, PC1/2/62, 20 Mar. 1707.

⁹⁶ The sixteen peers elected were: the dukes of Hamilton, Montrose, and Roxburgh, the marquises of Lothian and Tweeddale, and the earls of Crawford, Sutherland, Mar, Loudoun, Wemyss, Leven, Seafeld, Stair, Roseberry, Glasgow, and Islay. *Journal of the House of Lords: Volume 18, 1705–1709* (London, 1767–1830), p. 331.

Scottish council, the *Squadron* was concerned, since its proponents believed that Queensberry and the Court would utilise the Privy Council to manage the next election in their favour.

The bill for the abolition of the Scottish Privy Council's came to a first reading in the British parliament in early 1708. There was significant interest in concluding this swiftly since the elections were proposed for the summer. When the bill came to be debated in the Commons on 22 and 23 January, the court's suggestion that the council be continued until October was countered by the opposition who feared that this would mean that its powers could be wielded by the ministry in the election. So they proposed 1 May as the appropriate time for abolition. The former motion was defeated in the Commons by 179 votes to 118, and the May date was accepted for 'rendering the Union of the two Kingdoms more intire and compleat'.⁹⁷ When the bill came before the House of Lords on 29 January, disagreements over the date of abolition were again lodged, with the court pressing for October. It received its second reading in the Lords on 5 February, where debate was again recorded and so the matter was remitted to a committee but it was then passed two days later.⁹⁸ This was narrowly agreed upon with a majority of five (50 votes to 45). All of 'the Scotch lords', save for Roxburgh, Montrose, Tweeddale, and Argyll (who abstained) voted in favour of the council's continuation until October.⁹⁹ The bill for the Scottish Privy Council's abolition on 1 May thus came into effect on 7 February 1708.

Riley makes the excellent point that the English and Scottish ministries agreed to some extent that the Scottish Privy Council would be immensely useful not only in election time but since it ensured a form of collective and ministerial, rather than individual authority. He nevertheless represents the Scottish executive as dominated by Queensberry and Seafield; it was, to Riley, 'a main prop of their influence' and useful for their management of elections in

⁹⁷ *The Journals of the House of Commons*, vol. xv (London, 1803), pp. 511–12.

⁹⁸ *Journal of the House of Lords*, vol. xviii (London, 1767–1830), pp. 438–451.

⁹⁹ James (ed.), *Letters Illustrative of the Reign of William III*, iii, p. 341.

the interests of the court.¹⁰⁰ But this undermines his previous statement about the collective responsibility and authority of the council, whilst also exaggerating the power these two wielded at the board (although admittedly Queensberry was highly influential), which was certainly less than Goodtrees, Loudoun, and Ormiston, for instance, especially since the former two were so often at the English court and council rather than in Edinburgh. There is certainly a case to be made that the *Squadron* wanted to slight the court interest and indeed Queensberry, but with the administrative aspects of the debates on the manner of the council's abolition we see that its loss would leave Scotland institutionally bereft, which concerned many within and outwith the parliamentary debate.

Conclusion

The Scottish Privy Council between 1706 and 1708 retained many of its functions as it had previously been charged with but was significantly less busy than it had been in previous years. Increasingly, the council remitted matters to the lords of justiciary, or other courts, and the lord advocate himself after 1706. This speaks to its increasingly curtailed functions and yet its maintenance as a court of precognition or one to be supplicated to deal with matters when others were not sitting or where jurisdictional boundaries were foggy. Furthermore, it seems that as Anne's Scottish Parliament after 1703 preferred to deal with matters in full sessions rather than delegate to committees, so, under the queen, the Scottish administration was governed largely by individual ministers and often given authority to proceed on affairs from her court or an English court-based Council which tended to include a few Scots. While we

¹⁰⁰ Riley, *The English Ministers and Scotland*, p. 91. This assertion regarding court management of elections via the privy council was also posited by Rait and Whatley, which is certainly evident: Rait, *The Parliaments of Scotland*, pp. 302–4, 309–10; Whatley, *The Scots and the Union*, p. 328. But, the Privy Council could also be used by opponents of the court to influence elections or challenge results, and it engaged in a far more complex range of electoral business than simply court management: Tree, 'Controverted Elections', pp. 53–71.

have seen that the council was not omnicompetent as it had been in the 1690s, during the period under investigation in this chapter, it was not merely a policing force or security council, as Whatley and Macinnes have claimed. It maintained an important, albeit reduced, role in church government, in punishing dissent (of both religious and political character), hearing petitions, and administering justice. However, in its closing days in 1708 it was largely utilised to temper sedition and potential rebellion or invasion, executed through its legal jurisdiction and intelligence gathering powers. It also did its bit to smooth the aftermath of parliamentary union.

The Scottish Privy Council's abolition in May 1708 came to fruition for several reasons. One of these was a desire to fully integrate the instruments of government administration in a nascent British state, whilst it was also a move to slight the court interest and prevent their using the council to influence the 1708 general election. There were also sincere worries articulated about the council's abolition, not least for its role in coordinating with other courts, officials, and institutions, as well as its effective enforcement of policies on church issues and nonconformity, although as we have seen this was differentiated after Anne's succession. Although the council survived officially until 1 May, the surviving record suggests it had stopped meeting by late March and had effectively been rendered obsolete before its nominal demise.

With the abolition of the Scottish Privy Council came a period of significant administrative confusion and experimentation. The council was the key coordinating institution in the Scottish legal, political, religious, and judicial systems; hence, there were severe consequences for Scottish government administration after May 1708. Following abolition council responsibilities were distributed between the judges of the Court of Session, a new Scottish Court of Exchequer established in 1707, a Commission of Chamberlainry and Trade formed in 1711, and the offices of the Scottish Secretary and Lord Advocate. The office of

Scottish Secretary was soon discontinued and increasing responsibility fell to Goodtrees' successors as Lord Advocate. The transfer of sovereignty was complete following 1708.

Conclusion

This thesis has made clear the integral role the Scottish Privy Council played in the Williamite Revolution between 1689 and 1691 and its subsequent consolidation. It has also demonstrated the council's daily running of government in one of the most turbulent and consequential periods for the institutional development of Scotland. Even before its constitutional outset, the Revolution in Scotland took a very radical course. It was grounded in contemporary political theory and especially in a belief in the necessity of a strong, independent Presbyterian church. From the rabbling of the clergy to the council's early treatment of dissenting ministers, we see evidence that religious conviction was one of the guiding principles behind the operation of the council's business. This point alone supports Patrick's views on the nature of the Revolution which dismantles the traditional assessments of a reluctant ideologically impoverished political elite and imported political ideas.¹

Furthermore, many councillors were consummate bureaucrats, serving an institution with well-developed procedure. Although of course many were guided by personal interest to some extent, and there was clear rivalry between certain members of the board not to mention evidence of corrupt practices, ideology was important as was professionalism in office. Again, this conclusion falls much more into line with recent historians who have emphasised the role of principle and party in both the Revolution and union, which challenge rather negative Namierite assessments.² Rayner is correct in categorizing the council's role as covering 'everyday government', but this could be extended: arguably the Privy Council was *the* government.³ Important to this are the consistent sitting of the council save for some vacation

¹ Patrick, 'People and Parliament', p. 379.

² See for example: Patrick and Whatley, 'Persistence, Principle and Patriotism', pp. 174-7.

³ Rayner, 'The Tribulations of Everyday Government', pp. 193-210.

periods, and the committee stages of council proceedings. In the latter we see evidence of different material being handled by sub-groups of the council in plenary sessions and committees for public occurrences charged with council business during holiday periods. The confluence between early modern privy councils and modern cabinet government is arguably often drawn too sharply and is Anglo-centric. Yet this thesis argues that in terms of make-up, procedure and policy making, the Scottish Privy Council does indeed resemble a cabinet style government. It included officers of state, government ministers, and ordinary members who often convened certain departmental style business and responded to immediate, longer running and future issues in the realm of policy. An important contrast however is that cabinets today, certainly in the Westminster style of government, tend to be made up of members of a specific party which is in government. In the early modern Scottish Privy Council, different opinions, ideologies and religious allegiances were represented at the board, almost as a prerequisite of its commission. The very make-up, procedure, and functions of the council therefore rendered its operational capacity one which required at least nominal consensus and conciliation between relatively broad coalitions and interest groups.

Many of the material ramifications of parliamentary union of course took many decades to come to fruition but Scotland was nonetheless administratively bereft without a national institution like the Privy Council after its abolition in 1708. Ending a full-length study in any year can be problematic. Nevertheless, it is hoped that this thesis might help us look beyond 1707 and question the validity of using it as a start or finish date. As we have seen with Brexit in recent years, finalisation of transformative constitutional amendments cannot be achieved overnight. While 1708 may not be a suitable replacement for 1707 as a fundamental date for constitutional change or developments in government administration, it certainly (religion aside) heralded the completion of attempts at closer political and administrative union which had been set in motion over a century before, by James VI. This thesis aims to re-centre the

years of 1689 to 1708 as undeniably a fundamental period of Scottish political and constitutional development, highlighting in particular the role of the Privy Council. It attempts to extend recent historiographical discussion by Patrick on parliament and Bowie on popular politics to demonstrate the critical role of the executive branch of government. It is hoped that this thesis has gone some way into addressing the ‘strange neglect’ which post-revolution politics and government have suffered in historiography.⁴

Despite its often-bleak representation, the Scottish Privy Council was in many cases viewed as an arbiter of justice, an intermediary, and an institution which could be supplicated to deal with matters inconcludable by others. Take as an example of the first of these the derision directed towards the council by pro-Jacobites and some religious nonconformists in 1708 who rejoiced over its abolition, or the case of Grisell Sproutts. She was one of the women who spearheaded the radical Presbyterian, pro-Covenant, and vociferously anti-government sect known as the ‘Coatmuir folk’. Sproutts was found guilty in 1696 of publicly lambasting the Privy Council in the Edinburgh streets, crying out that they were ‘Bloody persecutors and Persecuting Rascalls’!⁵ On the contrary, as we have seen above, many other religious figures (including nonconformists, particularly Quakers and increasingly Episcopalians after 1693) looked to the Privy Council for help, legal and political support (such as the providing alimnet or stipend money), and to articulate appeals to the government in accordance with the 1693 and 1695 toleration acts mentioned in chapter three. Additionally, the extent of support for the continuation of the council in 1708 went beyond hard-line Presbyterians. Opponents of abolition included English ministers, legal practitioners, political theorists, religious figures, and elements of the wider public.

⁴ Amy Blakeway and L. A. M. Stewart, ‘Writing Scottish Parliamentary History, c. 1500–1700’, *PH*, 40: 1 (Feb. 2021), p. 110.

⁵ NRS, PC1/50, p. 557, 11 June 1696.

While to some it may have been an unpopular interventionist arm of the state willing to do the crown's bidding in punishing recalcitrance, to others the Scottish Privy Council was fundamentally a court of appeal and a domestic 'representative' institution of the absentee crown. Indeed, this thesis follows scholars who have engaged with broad conceptualisations of representation, which are less constrained by modern and democratic ideals of direct representation. Blockmans argues that there was no ideal form of development for representation in the medieval and early modern periods, but that studies should focus on dynastic strength, the size and depth of the political system, socioeconomic factors, geopolitics, and tradition.⁶ Representation, according to Blockmans, was initiated 'on behalf of monarchies in need of political and material support; and as a spontaneous action of communities defending their collective interests'.⁷ We can see evidence of both elements in what has been presented in this thesis. Elsewhere, Blockmans and Peter Hoppenbrouwers have argued that European 'representative assemblies' and political institutions in the late medieval and early modern periods developed from and through 'representative practices' rather than arising in specific circumstances.⁸ Practical political participation also owed its integration into the system to both governing institutions that wish to engage with their citizenship and oppositional (or subaltern) voices and groups within the latter.⁹ While Hoppenbrouwers is keen to draw a distinction between modern democracies and their predecessors, he notes that ideas of representation have been crucial to institutional development.¹⁰ Although it would be untenable to describe the Scottish Privy Council as a wholly representative institution, these elements are apparent with

⁶ Wim Blockmans, 'Representation (since the thirteenth century)', in Christopher Allmand (ed.), *The New Cambridge Medieval History*, vol. vii: c. 1415–c. 1500 (Cambridge, 1998), pp. 36–8.

⁷ *Ibid.*, p. 61.

⁸ Peter Hoppenbrouwers, 'Assemblies of Estates and Parliamentarism in Later Medieval Europe'; Wim Blockmans, 'Who Has a Say? The Conditions for the Emergence and Maintenance of Political Participation in Europe before 1800'; in Mario Damen *et al.* (eds.), *Political Representation: Communities, Ideas and Institutions in Europe (c. 1200–c. 1690)* (Leiden, 2018), pp. 19–53, 285–308.

⁹ Blockmans, 'Who Has a Say?', pp. 305–8.

¹⁰ Hoppenbrouwers, 'Assemblies of Estates and Parliamentarism', pp. 52–3.

regard to the council as well, since it was representative of the bulk of the Scottish political nation in addition to serving a function as a domestic representative of the crown.

The main conclusions of this thesis can be split into two main themes: the council's role as an arm of temporal government and its involvement in church government. On the first, this thesis argues that the Privy Council was the central organ of civil government in Edinburgh, the role of which has previously been undervalued in the respect of their consolidation and implementation of the tenets of the Revolution. It instituted a radical religious settlement even prior to the re-establishment of Presbyterian church government in 1690, by purging the Kirk of Episcopalians. In the elections of 1689 – which Patrick notes were imperative to securing a pro-revolution regime¹¹ – the council effectively managed elections in the burghs.¹² Thereafter, the council, dominated by the Presbyterian and Williamite interest, continued to manage the political nation by pursuing Jacobites, removing Episcopalians, and generally punishing intransigence. Its role in the military affairs of the Highland War and the siege of the Bass Rock for instance, cannot be underestimated. However, the council functioned far beyond an intelligence and security agency. The council's broad role as an institution of government administration has often been overlooked and its functions as an 'intelligence agency' or security council have been amplified, skewing our understanding of its administrative importance.¹³ While this thesis does not contradict these arguments, it proposes added nuance in our understanding of how the Privy Council managed the political nation. Undoubted though was the council's maintenance of order and suppression of sedition, it had far wider powers and involvement in government on a national and local scale.

Part of the consequences of the council's wide-ranging role in government was that it perhaps contributed to the rise of something resembling a fiscal-military state in the post-

¹¹ Patrick, 'Unconventional Procedure', pp. 208-44; Patrick, 'People and Parliament', chs. 3-4.

¹² Tree, 'Controverted Elections', pp. 61-4.

¹³ See for instance: Whatley, *The Scots and the Union*; Macinnes, *Union and Empire*; Macdonald, 'Black-boxes, flying packets, and espionage'.

revolution period. Kennedy suggests that Restoration Scotland showed signs of a movement towards a fiscal-military state and demonstrates how and why force was used by the government, particularly in the Highlands.¹⁴ This thesis extends this into the 1690s and 1700s, although with a focus on central government instead. The council's role in managing the political crises of 1698 and 1702-3, in addition to the initial war effort in the Revolution and the Bass Rock siege, plus its declaration of war against France in 1702 and levying of troops, points to a very important military capacity. Additionally, it was largely the council which set out the actual parameters for bolstering the government's fiscal resources through taxation. Indeed, the new taxes of the 1690s were introduced by parliament but again were implemented, regulated and managed by the Privy Council which then directed commissioners of supply in the regions and kept a close eye on collection.

In other ways, the Privy Council could fit into a fiscal-military state model. Cunningham maintains for instance that Jacobitism and the legal framework which criminalised it contributed to the development of the fiscal-military state.¹⁵ In this sense, the punishment of domestic religious nonconformity could also fit into a model of state formation. This runs contrary to Brewer's initial characterisation of the exogenous concerns in forming such a state, since scholars have for example more recently challenged his Anglo-centricity.¹⁶ It may indeed be that the Privy Council reveals another aspect which is often overlooked in studies of the state. Was this a unitary state, confined as it was to growth due to international conflict and increasing fiscal demands? Perhaps a more fruitful description would be that the council was an example of one of the realms of early modern statehood. Graham points out that the traditional view, which rests largely on the belief in a singular centralized bureaucracy with shared national interests, is too assumption-laden and that in reality effective government

¹⁴ Kennedy, *Governing Gaeldom*, pp. 115-6.

¹⁵ Cunningham, 'Lawful Sovereignty', pp. 221-2.

¹⁶ Brewer, *The Sinews of Power*, pp. 109-131.

relied upon the necessity of cooperation between departments with connected but disparate and at times contradictory aims and motives.¹⁷ The results of Graham's study on the Pay Office of the British Army in the early eighteenth century are also applicable here since it shared with the Scottish Privy Council elements of administrative business, military operations, finance, and management. It was the council's application of these wide-ranging elements of government which shows that it was part of an effective early modern state. George Ridpath's idea of the separation of spheres of sovereign authority may well inform the discussion, since it is broad enough to recognise the multiplicity of institutions in the state which the Brewer model precludes, in addition to recognising the source of conciliar authority: the early modern *zeitgeist* of sovereignty.¹⁸ The idea of shared sovereignty is also relevant for the council's involvement in church government, since competencies here were shared between it and the church courts. Its broad reach notwithstanding, Ridpath's classification is pertinent to the issue of state formation in the sense that it is covered here. He recognised the need for different institutional remits and independence, yet stressed that an executive authority was desirable for management. His very own political milieu and activities also meant he was familiar with the patterns of the day and the increasing trend of growing political parties. The idea of *jura majestatis* is therefore one which allows us to recognise different rights and responsibilities of institutions which effectively enforced the authority of the crown within a centralised bureaucratic structure with increasing fiscal and military as well as executive competencies.

According to George Mackenzie (as is quoted in chapter three and despite the aforementioned deficiencies of his argument), the council, parliament, and the Court of Session for instance were supreme co-dependents. Less powerful and local institutions were directly answerable to the executive, since jurisdictions were either 'Supream, inferior, or mixt'.¹⁹

¹⁷ Aaron Graham, *Corruption, Party, and Government in Britain, 1702-1713* (Oxford, 2015), pp. 1-31.

¹⁸ [Ridpath], *An Historical Account*.

¹⁹ Mackenzie, *Institutions*, pp. 14-16.

Executive sovereign authority was, it is argued here, exercised by the Privy Council. Supreme authority in different spheres was held by these other institutions but the council remained the ultimate appellate body for inferior governmental administrations. Indeed, separate realms of sovereignty were what underpinned the understandings of *jura majestatis*, or the rights of sovereignty. As Ridpath posited, different aspects of the constitution were adjudicated and managed by different bodies which in sum enforced the sovereignty of the crown.²⁰ However, his focus was on the estates and their ancient power which, as he saw it, had been reasserted following the Revolution. But the council had supreme authority over other institutions, the ability to call and prorogue parliament, conducting policy provision in addition to implementing parliamentary legislation, and had appellate legal jurisdiction as well as other legal powers, rendering it the executive aspect of the *jura majestatis*. The basic functions of government were reliant on smooth working relationships between the council and other governmental institutions. When relations foundered it was the Privy Council which was charged with brokering consensus and achieving settlement, by hearing cases and providing policy to solve issues. Hence, in the realm of policy and in supervisory jurisdiction over ‘inferior’ institutions, the council acted with sovereign authority. Sovereignty exercised through the crown in council in Scotland was formally abolished in May 1708 and so began the governing (or ‘management’) of eighteenth-century ‘North Britain’ by patrician managers.

That different institutions exercised sovereign authority points to a significant development of autonomous government and, it is argued here, provides clear evidence of a centralised state bureaucracy. This process was not confined to the post-Revolution period but was certainly accelerated after it. Part of this was a strengthening of individual departments and ministerial posts. Take for instance the important role of the lord advocate, especially after 1692, the joint secretaryship (which was introduced in 1682), held by Johnston and Dalrymple

²⁰ [Ridpath], *An Historical Account*, pp. 21-2, 56, 71-4, 110.

amongst others, and the chancellor. For example, the chancellor was arguably the foremost minister on the ground in Scotland, and we see under the tenure of Tweeddale and Marchmont significant administrative discrepancies. Furthermore, a professionalisation of offices is evident after 1689, with ministers and officers of state operating independently of one another in certain capacities but with a level of connection created by mutual membership of the council. In other ways, the relationship between different governing institutions is informative for the discussion of state formation. This thesis makes clear that one of the key functions of the executive was to issue proclamations, which was essentially policy provision. Proclamations could be reactions to specific issues within or outwith the kingdom, were published to declare matters of state, explained, enforced, and reinterpreted parliamentary legislation. They were often efficient and quick responses to certain matters and, importantly, were enforceable by law. Hence, proclamations were crucial to the governing of the nation from maintaining law and order to setting out the agenda for government administration, and issuing instructions to the populace or lower magistrates, in for example declaring the correct form for collecting taxation. Proclamations were no rival to parliamentary legislation but were the vehicle with which prompt and effective policies were often made by the executive branch of government. As we have seen the Privy Council issued a total of 321 proclamations in the period between 1689 and 1708, which covered a broad range of subjects, as shown in Appendix IV.

The Privy Council did not need the ability to legislate. As outlined above, the idea of a noble republic in early modern Scotland which was slow to develop from feudalism (as articulated by Brown)²¹ is problematic. Firstly, this assertion relies on an assumption that the nobility was constantly vying for power, both against the crown and against the rising middling sort. Whereas we have seen that the council was often a useful place for enhancing the position

²¹ Brown, *Noble Power in Scotland*.

of certain nobles, it could also be used as a vehicle to placate or subdue potentially (or outright) oppositional nobles. The council was, moreover, becoming increasingly well defined, with procedure, committees, and the work of key individuals as ministers in separate departments. This relied on a level of cooperation between nobles and government ministers, who were often lairds. Take for instance, the diligent work conducted by Johnston and Goodtrees, who were consistently favoured with high office even during periods of political turmoil, such as in 1698 and 1702-3. This therefore complicates the picture in that the council may be seen as an aspect of a system which upheld the noble republic, yet also as an efficient institution of the central bureaucracy in an early modern state.

On the second major theme, this thesis demonstrates that the Scottish Privy Council had a fundamental and often overlooked role in church government. There are two aspects of the power dynamic between the Privy Council and the Kirk which point to a kind of conciliar Erastianism as Walters observes in terms of parliament.²² Firstly, the Privy Council was a crucial instrument to the reintroduction of Presbyterian church government in 1690. In fact, it was the council which effectively set the scene for the reintroduction of Presbyterian ministers ousted at the Restoration (the so-called antediluvians). It also removed obstinate ministers from the Kirk for their failure to pray for the new joint monarchs in the aftermath of revolution. This first aspect of the council's role in church government was pro-active and was contextualised by the issue of legitimacy. The legitimacy of ministers was challenged, and the council looked to set out the legitimacy of the new Kirk regime. Admittedly, this does not necessarily signal a wholesale Erastian policy, since the Privy Council was primarily concerned with church property (such as stipends and benefices) in its deprivation campaigns while the church undertook depositions of ministers based on doctrine. The council, moreover, did not have the power to excommunicate members of the church. Secondly, the council was more reactionary

²² Walters, *The National Covenant*, p. 70.

and had an important role in liaising with the church's courts to set out their legal basis. Both Presbyterians and Episcopalians also looked to the council for redress of grievances and to be heard before a court of law which implemented parliamentary legislation. Here, the issue was authority rather than legitimacy. Episcopalians and Presbyterian dissenters withheld allegiance to the Revolution Kirk and denied the authority of its courts. They therefore sought the interventions of a civic body which also held power over deciding matters on religion and to do with the Kirk. Moreover, civil authority was sought when the church courts were unable to exert their own authority. This was evident in rabblings as well as more prosaic instances of resistance to the regime, such as the withholding of church keys or stipends.

When we think about Erastianism in the sense that Walters raises, therefore, there is surely evidence of notional conciliar Erastianism between 1689 and 1708. This does not mean that there was a strictly or explicitly agreed upon Erastian settlement. In fact, this may well have been a policy instituted by accident or through expediency, with the Revolution regime facing increasing headwinds throughout the later 1690s and especially after 1702. Instead, this thesis aims to argue that there were elements to the church settlement in practice by which the government was contracted to defend a revolution church settlement established by law on the basis that Presbyterianism was the dominant religious will of the populace, which responsibility fell upon both the Scottish Parliament and the Privy Council. While parliament was concerned with legislating into existence a Presbyterian church and providing the legal basis for removing or comprehending certain clergymen, it was the council which implemented and interpreted this legislative framework. The Privy Council enforced the religious revolution – which, as a reminder, is often considered as one of the emblematic features of a comparatively radical settlement in Scotland²³ – by setting the scene for the 1690 church act, then administering parameters of the more tolerant 1693 and 1695 acts, as well as legislation in

²³ Harris, *Revolution*, ch. 9.

1698 regarding the handing over of kirk keys and rabbling. After 1702, the council continued to work closely with parliament to battle resistance to the church settlement, but it was also a vehicle for the pursuance of an alternative at the queen's behest, evidenced most clearly in Anne's letter to the council regarding toleration in 1703. Despite taking its inspiration from the crown's policies and from parliament, we do see the council acting of its own volition in several instances. This again points to significant civil interference in church government, which was not always popular with religious figures and institutions.

Another interesting conclusion which can be drawn from this is that while there was administrative development after the Revolution, institutional practices were in some ways retained from the Restoration. That royal supremacy was reintroduced at the Restoration and the council was empowered to deal with nonconforming ministers effectively rendered it an instrument of the state with power over the Kirk. This was clear-cut Erastianism. Yet, the Revolution ostensibly produced a 'pure' independent Kirk. Nevertheless, the council again proved to be an effective arm of the state which could implement its church settlement from the centre. This is not to say that it was always effective at doing so, or that it was equivalent to the 'lame Erastian Presbytery' in England which Robert Baillie derided in the mid-century. But this does speak to a level of continuity in practices, such as deprivations, maintaining control over church stipends and more material aspects of church government which Mutch describes, and to an extent, ministerial discipline. Insofar as councillors also had an impact on church policy and the parameters of this laid out in 1696 and 1704, as well as in Walter Steuart of Pardovan's 1709 work, there was also clear state intervention in church government. Despite Raffe's convincing arguments regarding the increasing confessional cultures in the period, the council's role in their formation has been undervalued, as indeed has its influence on the gradual trend towards toleration, on the issue of rabbling and more generally on church

government. This thesis has also added to other recent work on the church in this period.²⁴ For instance, it has been able to give a fuller survey of the aftermath and wide-ranging impact of the church settlement than is available in Shukman's limited monograph which focuses on pamphlets and tends to condemn the post-revolution Kirk as extremist.²⁵ And this thesis delves further into the complexities, challenges and successes of the implementation of this settlement, from the centre to the localities, in its exploration of the council and church courts than Stephen is able to in his studies, although he does admittedly recognise the potential for an alternative settlement after 1690.²⁶ These two points illustrate that the effects of the Revolution in both political and religious terms were far more long-lasting and consequential than many previous authors have appreciated.

The Privy Council therefore had a central role in implementing, consolidating, and battling resistance against the Revolution church settlement. However, it also acted unilaterally on many church matters and helped set the trajectory for increasing toleration and pluralism. This complicates the binary distinction which is drawn between the temporal and spiritual realms by the two kingdoms theory. Arguably the clearest example of this is the council's involvement in the removal and placing of parish ministers. The council undertook the most depositions (or 'deprivations' as they were also known) of church ministers in the period studied by some way, with around 250.²⁷ While many of these, especially the majority of those in 1689, were carried out unilaterally by the council, others relied on church courts investigating nonconformists and clerical offences, and then passing on the gravest of these to the Privy Council, either for civil sanction or for their independent decision making and policy provision. In the first of these, we see the council acting in its official religious capacity as it did with other issues, such as the calling or proroguing of the General Assembly or the granting

²⁴ Raffe, *The Culture of Controversy*.

²⁵ Shukman, *Bishops and Covenanters*.

²⁶ Stephen, *Defending the Revolution*; Stephen, *Scottish Presbyterians and the Act of Union*.

²⁷ See Appendix III for further details on every ministerial deprivation in 1689.

of civil legitimacy to and ordering the distribution of information about fast days. But on the second we can see an independent council acting unilaterally, whether according to the church's interests, those of the crown, or indeed forging a third way.

While this thesis has focused on the Privy Council as a corporate body, it opens up future avenues for deeper research, into individual councillors and government ministers for example. One area which would benefit from closer analysis is the position of different presidents of the council, chancellors, and other officeholders, which would complement a comparative analysis of the joint secretaries of state. While we have seen above that the likes of James Johnston and James Stewart of Goodtrees were diligently committed to procedure and hard-working statesmen, there were others in the council, such as the Viscount Tarbat, who were less concerned with the minutiae of government, and preferred an inelegant approach of running rough shod over proper procedure. The procedure of the council itself, moreover, is often a subject which has been overlooked and whereas this thesis makes mention of it, there is far more to be discussed, which would complement Mann's work on parliamentary procedure.²⁸ Assessing the political allegiances and working attitudes of separate councillors, particularly by way of prosopographical methods, would benefit a future study and would be made possible by research outlined above and in the appendices. This would also allow a fuller discussion of government administration in its broader forms. Since many councillors also sat in parliament, served as commissioners of supply, acted as ruling elders in church courts, and held positions in the various legal courts in the nation, this kind of study would aid discussions of the interconnectedness of government and the law in early modern Scotland.

In a similar respect, this study has opened up the possibility of an examination of the making of government policy. One important aspect which is still not fully understood is

²⁸ Mann, 'House Rules: Parliamentary Procedure', in *The History of the Scottish Parliament. Volume III*, ed. Brown and MacDonald, pp. 122-56.

whether the council prepared the parliamentary agenda and if so, to what extent did they do so, which is especially important after the abolition of the lords of the articles in 1690. Council proceedings, as with those of parliament and indeed the courts, can be analysed through their records first and foremost. These sources, however, often only give us a surface level of understanding of the formulation of policy, and they tend to be more fruitful for outcomes. But, as Appendix I demonstrates, the council was made up of people from several different walks of life who often had personal, familial, and epistolary links with fellow councillors and government ministers. Many were, moreover, connected through marriage to councillors and were in fact married to powerful women. Further research stemming from this thesis would be closer study of correspondence and family papers to identify the roles of councillors' wives and other family members in addition to important matters which were discussed and debated outside of the council's meetings. Indeed, the candour with which some councillors expressed their views and openly expressed details of council meetings to others often belies the notion that the council's proceedings were in any way 'secret'. Also, some councillors' correspondence, as we have seen, gives alternative perspectives on their own personal views and decisions on key policies, such as Goodtrees, who often used ciphers to moan to fellow ministers about other members of the board. Another fruitful area of study which this thesis has opened up would be a more *longue durée* approach to analysing the role of the Privy Council in civil and church government. Although McNeill's thesis covers the council's entire lifespan, it largely ignores executive functions and instead focuses largely on its legal significance, or as he argues, its relative insignificance, which this present thesis challenges.

While the council was eclipsed in the 1640s by a committee of estates it resumed an important position after the Restoration in dealing with religious nonconformity. This was especially important since the royal supremacy in religion was re-established in 1669. But the Privy Council was tasked with an important role even before this: a 1663 act of parliament also

gave power to the council to enforce measures against conventicles and unauthorised baptisms. Here we see the development of a system in which church conformity was directly correlated with political allegiance. In short, this was an Erastian system which was ostensibly, notwithstanding the qualifications already mentioned, overturned at the Revolution and with the reintroduction of Presbyterianism. It would therefore be worthwhile and interesting to research the council's historic role in religious matters more deeply.

This thesis has also attempted to place the Scottish Privy Council in a European context. But there is far more work to be conducted in this respect. For instance, taking inspiration from Pocock in the late twentieth century, there would be a possibility for approaching the councils of the Stuart kingdoms from a New British History perspective.²⁹ Although the records of the Irish Privy Council were mostly destroyed, there are other sources to peruse in order to assess their political, administrative and religious significance, such as the State Papers or records of the English Privy Council. Poyning's Law meant that there was a very specific relationship between the two institutions and thus records exist which can illuminate their working relationship. The English Council has voluminous records, and this would be a serious undertaking, but with the conclusions of this research, it would provide a fruitful analytical framework to build on that by researching these other institutions. A comparison between these institutions of government administration in this vein would allow a fuller understanding of how the regal union was consolidated and separate kingdoms governed by their respective executive branches. Like their Scottish counterpart, the English and Irish privy councils suffer from something of historiographical neglect. More work on conciliar government in the Dutch Republic, the Holy Roman Empire and the Polish-Lithuanian Commonwealth for instance would also provide useful comparisons.

²⁹ J. G. A. Pocock, 'British History: A Plea for a New Subject', *Journal of Modern History*, 47 (December 1975), pp. 601-28.

This study has endeavoured to fill something of a gap in the historiography, which has in turn identified other areas of deficiency which need further exploration. While many traditional political histories tend to home in on enmity between political protagonists and institutions, this thesis urges a different perspective. Early modern state sovereignty was of course negotiated through the conflict between emerging bureaucrats, the nobility and the crown and between other developing polities. Although these were often born out of conflict, these issues had to be solved through cooperation and conciliation. The Privy Council was often a vehicle for cooperation and political trust, which may seem something of a contradiction. It was of course staffed by men of different ideological and religious persuasions who owed their appointments to the crown. But the very composition, functions and policies of the council meant that it relied on conciliation between these different groups, and indeed emerging parties after the Revolution. This appears to be one factor which contributed to the council's role as a generator of stability and control in government which combined with its ability to keep a tight grip on the political nation and the administrative agenda. Far from an insignificant arm of the legal system, merely a security agency, an instrument for the implementation of crown policy by fiat, or home to a cast of solipsistic nobles jostling for supremacy, the Privy Council was an efficient arm of government machinery; it was an omnicompetent institution of central state bureaucracy.

Appendices

Appendix I – Members of the Scottish Privy Council, 1689-1708

Key:

CoS = Company of Scotland subscriber

SDE = Scots-Dutch exile during the Restoration

SP = Member of the Scottish Parliament

LS = Lord of Session

LJ = Lord of Justiciary

SCJ = Senator of the College of Justice

CS = Commissioner of Supply

CT = Commissioner of the Treasury

E = Episcopalian

P = Presbyterian

Name	Title	Church	Party	CoS	SDE	SP	LS	LJ	SCJ	CS	CT
Sir William Anstruther of that ilk	Lord Anstruther (d. 1711)	P	Court, Squadron Volante	X		X	X	X	X	X	
George Baillie of Jerviswood	(1664-1738)	P	Country, Squadron Volante	X	X	X					X
Robert Balfour	Master and (as of 1697) 4th Lord Balfour of Burleigh (d. 1713)			X							
David Boyle	Lord Boyle and later 1st Earl of Glasgow (c. 1666-1733)	P				X					
James Brodie of Brodie	Laird of Brodie (d. 1708)	P	Club			X			X	X	
Sir Thomas Burnet of Leys	3rd Baronet (1663-1714)		Squadron Volante	X		X				X	
Sir Colin Campbell	Baronet, Lord Aberuchill (d. 1704)			X		X			X	X	
Sir George Campbell of Cessnock	(f. 1671-1704)			X		X					
Archibald Campbell	10th Earl of Argyll and (as of 1701) 1st Duke of Argyll (d. 1703)	P	Club, Court	X	X	X	X		X		
Sir Hugh Campbell of Cawdor	5th of Cawdor (d. 1716)	P				X				X	

Hugh Campbell	3rd Earl of Loudoun (c. 1673-1731)	P	Court			X	X		X		X
Lord Archibald Campbell	Lord Islay from 1706 and later 3rd Duke of Hamilton (1682-1761)					X	X				
Sir Alexander Campbell of Cessnock	(1652-1722)						X		X	X	
John Carmichael	1st Earl of Hyndford and Lord Carmichael (1638-1710)	P				X				X	
John Campbell [Iain Glas]	1st Earl of Breadalbane and Holland (1634-1717)	E	Cavalier			X					
David Carnegie	4th Earl of Northesk (1675-1729)		Court	X		X					X
Sir Robert Chieslie of Bonnington	Provost of Edinburgh (c. 1650-c. 1705)					X				X	
John Cochrane	2nd Earl of Dundonald (d. 1690)					X					
Adam Cockburn of Ormiston	Lord Ormiston (1656-1735)	P	Club	X		X	X		X	X	
John Cockburn of Ormiston	(1679-1758)	P	Squadron Volante			X				X	
David Cunningham	2nd Lord Ruthven (d. 1701)			X		X					
John Cunningham	10th Earl of Glencairn (d. 1703)	P				X					
Sir Hugh Cunningham of Bonnington	Provost of Edinburgh (1642-1710)	P		X							
James Dalrymple	1st Viscount Stair (1619-1695)	P		X		X	X		X		
John Dalrymple	1st Earl (Master) of Stair (1648-1707)	E	Court		X	X				X	
Sir Robert Dickson of Inveresk	(?)									X	
Archibald Douglas	1st Earl of Forfar (1653-1712)	P			X	X					
James Douglas	2nd Marquis of Douglas (c. 1646-1700)			X							
James Douglas	10th Earl of Morton (d. 1715)	P	Club			X					
James Douglas	Earl of Drumlanrig and as of 1695 2nd Duke of Queensberry and 1st Duke of Dover (1662-1711)		Court	X		X	X		X		
William Douglas	1st Duke of Queensberry (1637-1695)	E				X	X		X		
William Douglas	1st Earl of March (1673-1705)		Cavalier			X					
Archibald Douglas of Cavers	(c. 1667-1741)	P	Court	X		X				X	
Adam Drummond of Megginch	(?)	P		X		X				X	
Robert Dundas of Arniston	(1650-1726)	P				X			X	X	
Sir Gilbert Elliot	1st Baronet, Lord Minto (1650/51-1718)	P			X	X		X	X	X	
Henry Erskine	3rd Lord Cardross (1650-1693)	P		X	X	X				X	
Charles Erskine	10th earl of Mar (1650-1689)	E				X					
David Erskine	Lord Cardross from 1693, from 1695 9th Earl of Buchan (1672-1745)					X					
John Erskine of Stirling	Lieutenant Colonel (1662-1743)			X		X				X	
John Erskine	22nd or 6th Earl of Mar & Jacobite Duke of Mar (bap. 1675-1732)		Court			X					

Sir James Falconer of Phesdo	Lord Phesdo (1648-1706)					X	X		X	X	
William Forbes	Master and (as of 1697 13th) Lord of Forbes (d. 1716)					X					
Sir James Foulis of Colinton	(Laird of Collington) 3rd Baronet, Lord Reidfurd (c. 1645-1711)		Jacobite							X	
George, Prince of Denmark	Duke of Cumberland, consort of Queen Anne (1653-1708)										
George Gordon	15th Earl of Sutherland (1633-1702/3)	P	Club	X	X	X					
William Gordon	Lord Haddo (known as such between 1691 and as of 1720 2nd Earl of Aberdeen) (1679-1745)										
James Graham	4th Marquis of Montrose and later 1st Duke of Montrose (1682-1742)		Country, Squadrone Volante	X		X					
Ludovick Grant of that ilk	Laird of Grant (c. 1650-1716)	P	Country			X				X	
Alexander Grant	Laird of Grant younger (?)	P				X				X	
Sir John Hall of Dunglass	1st Baronet, Provost of Edinburgh (d. 1695)	P									
William Hamilton [formerly Douglas]	3rd Duke of Hamilton (1634-1694)	P				X	X		X		
John Hamilton	2nd Lord Belhaven and Stenton (1656-1708)		Country	X		X				X	
Sir John Hamilton of Halcraig	Kt. Baronet (d. 1706)	P				X	X		X	X	
John Hamilton	1st Earl of Ruglen (1664-1744)					X					
Sir William Hamilton	Lord Whitelaw (?)	P				X			X	X	
Thomas Hamilton	Earl of Haddington (?)					X					
Charles Hamilton (formerly Douglas)	Earl of Selkirk (1662/3-1739)					X					
Sir John Hay	12th Earl of Erroll (d. 1704)		Country			X					
John Hay	2nd Earl of Tweeddale and 1st Marquis of Tweeddale (1626-1697)	E	Country	X		X	X		X	X	X
John Hay	Lord Yester and (as of 1697) 2nd Marquis of Tweeddale (1645-1713)		Country, Squadrone Volante	X		X			X	X	
Thomas Hay, Earl of Kinnoull	Lord (and later Viscount) Dupplin (?)		Cavalier			X					
Sir George Home of Kello	Provost of Edinburgh (?)			X							
Sir John Home of Blackadder	(?)					X				X	
Archibald Hope	Lord Rankeillor (1639-1706)			X		X	X	X	X	X	
Charles Hope	Earl of Hopetoun (1681-1742)	P		X		X					
Sir Patrick Hume of Polwarth	(as of 1697) 1st Earl of Marchmont (1641-1724)	P	Club, Squadrone Volante, Court	X	X	X	X		X	X	
David Hume of Crossrig	Lord Crossrig (1643-1707)	P		X		X	X	X	X		
Sir Harry Innes of that ilk	(?)									X	
James Johnston	bap. 1655-1737	P	Country		X	X					

William Johnstone	2nd Earl of Annandale and Hartfell and 1st Marquis of Annandale (1664-1721)	P	Club, Country	X		X	X		X		X
Sir Patrick Johnstone	Provost of Edinburgh (d. 1736)	P	Court	X		X					
John Keith	1st Earl of Kintore (d. 1715)	P	Court	X		X				X	
William Keith	8th Earl Marischal (d. 1694)		Country			X					
William Keith	Lord Inverurie (?)										
John Kennedy	7th Earl of Cassillis (c. 1646-1701)	P	Country, Court								
Robert Kerr	4th Earl and (as of 1701) 1st Marquis of Lothian (1636-1703)	P		X		X	X				
William Kerr	Lord Jedburgh (as of 1703 2nd Marquis of Lothian) (bap. 1661-1722)			X		X					
John Kerr	Earl of Roxburgh, later 1st Duke of Roxburgh (c. 1680-1741)		Whig			X					
Sir John Lauder	2nd Baronet, Lord Fountainhall (1646-1722)	P	Country	X		X	X	X	X	X	
Sir Lauder of Hatton	(?)										
David Leslie/Melville	3rd Earl of Leven and 2nd Earl of Melville (1660-1728)	P	Court	X	X	X				X	
John Leslie/Hamilton	Earl of Rothes (1679-1722)	P	Country			X					
William Lindsay	18th Earl of Crawford and 2nd Earl of Lindsay (1644-1698)	P	Country			X					X
John Lindsay	19 th Earl of Crawford and 3 rd Earl of Lindsay (c. 1672-1713)	P									
John Lindsay	Viscount Garnock (created Lord Kilbirnie in 1703) (1669-1708)					X					
Colin Lindsay	3rd earl of Balcarres (1652-1722)										
George Livingston	4th Earl of Linlithgow (c. 1652-1695)	E				X					X
Sir Thomas Livingstone	Created Viscount Teviot in 1696 (c. 1651-1711)					X					
Sir William Lockhart	1655-1694										
Sir George Lockhart of Carnwath	(c. 1681-1731)		Country, Jacobite	X		X				X	
Patrick Lyon	3rd Earl of Strathmore and Kinghorne (c. 1643-1695)	E				X	X				
John Lyon	4th Earl of Strathmore and Kinghorne (1663-1712)					X					
Hugh Mackay of Scourie	Major General (d. 1692)	P									
George Mackay	3rd Lord Reay (1678-1748)										
George Mackenzie	Viscount Tarbat, 1st Earl of Cromarty as of 1703 (1630-1714)	E	Non-partisan			X	X				
Roderick Mackenzie of Prestonhall	Lord Prestonhall (d. 1712)	E				X	X		X	X	
John Mackenzie	Master of Tarbat and later 2nd Earl of Cromarty (c. 1656-1731)										
John Maitland	5th Earl of Lauderdale, Lord Ravelrig (c. 1655-1710)		Court	X		X	X		X	X	
Sir John Maxwell of Pollok	Baronet (1648-1732)	P		X		X			X	X	
Sir Samuel McLellan	Provost of Edinburgh (c. 1650-1709)	P		X							
Alexander Melville	Master of Melville and Lord Raith (1655-1698)	P			X	X					

George Melville	4th Lord Melville and 1st Earl of Melville (1636-1707)	P			X	X						
Alexander Montgomerie	9th Earl of Eglinton (c. 1660-1721)					X						
James Montgomery of Skelmorlie	4th Baronet (c. 1654-1694)	P	Club			X					X	
Mr Francis Montgomery	Laird of Giffen (?)	P	Court			X					X	X
William Morrison of Prestongrange	(bap. 1663-1739)		Court	X		X					X	
Sir Archibald Muir of Thornton	Provost of Edinburgh (?)			X		X					X	
Sir George Munro of Culcairn/Culrain	(d. 1693/4)	P									X	
Sir Archibald Murray of Blackbarrony	3rd Baronet of Blackbarrony (?)		Court	X		X					X	
Sir Patrick Murray of Saltcoats	(?)											
John Murray	1st Marquis of Atholl (1631-1703)	E	Jacobite	X		X						
John Murray	Lord Murray and Earl of Tullibardine (1696) and (as of 1703) 1st Duke of Atholl (1660-1724)	P	Country, Court			X					X	
Sir James Murray	Lord Philiphaugh (1655-1708)	P	Court	X		X	X			X	X	
Charles Murray	1st Earl of Dunmore (1661-1710)	E	Cavalier, Court			X						
Alexander Murray	4th Lord Elibank (1677-1736)					X						
Alexander Ogilvie of Forglen	(?)						X			X	X	
James Ogilvie	Viscount/Earl of Seafield (formerly 4th Earl of Findlater) (1664-1730)	P				X	X			X	X	
Archibald Primrose of Dalmeny	1st Earl of Roseberry (1664-1723)		Court			X						
James Primrose	Viscount Primrose, Lord Carrington (c. 1680-1706)			X		X						
Ramsay	Major General (?)											
William Ramsay	5th Earl of Dalhousie (d. 1710)					X						
William Ross	12th Lord Ross (c. 1656-1738)	P	Club	X		X					X	
James Sandilands	7th Lord Torpichen (d. 1753)		Squadron Volante			X						
Henry Scott	1st Earl of Deloraine (1676-1730)					X						
James Scott	Earl of Dalkeith (1674-1705)											
Sir Robert Sinclair of Longformacus	(?)										X	
Sir Robert Sinclair of Stevenson	3rd Baronet, Lord Stevenson (1643-1713)	P	Club	X	X	X	X			X	X	
James Stewart of Goodtrees	(1635-1713)	P	Non-partisan		X	X						

Sir Robert Stewart of Tillicoultry	(1655-1710)					X	X		X	X	
James Stewart	Viscount (also Sheriff) and 1st Earl of Bute (d. 1710)					X					
James Stewart	Earl of Galloway (?)										
John Sutherland	Lord Strathnaver and (as of 1703) 16th Earl of Sutherland (bap. 1661-1733)	?				X				X	
David Wemyss	4th Earl of Wemyss (formerly Lord Elcho) (bap. 1678-1720)					X					

Appendix II – Privy Council Commissions, 1689-1707¹

1689 commission list of councillors²

1. Prince George, Hereditary Prince of Denmark
2. William, Duke of Hamiltone
3. James, Lord Marques of Douglas
4. John, Lord Marques of Athole
5. James, Earle of Drumlanrig
6. Archbald, Earle of Argyle
7. William, Earle of Craford
8. John, Earle of Erroll
9. George, Earle of Marischall
10. Earle of Southerland
11. Charles, Earle of Marr
12. John, Earle of Glencairne
13. Alexander, Earle of Eglington
14. John, Earl of Cassills
15. Earle of Lothian
16. Earle of Anandale
17. John, Earle of Tweeddale
18. David, Earle of Levin
19. John, Earle of Dundonald
20. John, Earle of Kintoir
21. John, Lord Yester
22. George, Lord Melvill
23. Lord Ross
24. Henry, Lord Cardross
25. John, Lord Carmichall
26. David, Lord Ruthven
27. Master of Forbes
28. Alexander, Master of Melvill
29. Sir James Dalrymple of Stair, elder
30. Sir John Dalrymple of Stair, younger
31. Sir John Maitland
32. Sir Heugh Campbell of Calder
33. Sir James Mountgomry of Skelmorlie
34. Sir Patrick Home of Pollwart
35. the Laird of Grant
36. Sir Archibald Murray of Blackbarrony

¹ The names on these lists appear verbatim as in the manuscript records. Some councillors were not named in any commissions but added to the board by the monarch at different periods, such as William Morrison of Prestongrange. See Appendix I for further details on each individual councillor. It should be noted that the 1707 commission mentioned in chapter six was simply a warrant for the commission of the Scottish Privy Council, but the actual commission does not appear in the council register. Furthermore, this commission did not list the members of the council as previous iterations had done, despite declaring the ‘faith fullness and ability of the persons undernam’d’: TNA, PC1/2/62/1, 20 March 1707. Only a letter from the queen for continuing the council after union appears in the council register, although again it does not list the names of the members of the board: NRS, PC1/53, pp. 506-7, 28 April 1707.

² *RPCS*, 3rd ser. xiii, pp. 378-80.

37. Sir John Maxuell of Pollock
38. Sir Robert Sinclar of Stivensone
39. the Laird of Ormestone
40. the Laird of Brody
41. Major Generall M'Kay
42. the Provost of Edinburgh

1692 commission list of councillors³

1. George hereditary prince of Denmark
2. John Earl of Tweeddale our High Chancellor
3. William Duke of Hamilton President of our council
4. George Earl of Melville Keeper of our Privy Seal
5. William Duke of Queensberry
6. James Marquess of Douglas
7. James Earl of Drumlanrig
8. Archibald Earl of Argyll
9. John Earl of Erroll High Constable
10. George Earl of Sutherland
11. John Earl of Cassillis
12. George Earl of Linlithgow
13. Patrick Earl of Strathmore
14. Robert Earl of Lothian our Justice General
15. David Earl of Leven
16. Archibald Earl of Forfar
17. John Earl of Kintore
18. John Earl of Breadalbane
19. George Viscount of Tarbat
20. James Viscount of Stair President of our Session
21. John Lord of Strathnaver
22. Lord Montgomery
23. Alexander Lord Raith our Treasurer Depute
24. Henry Lord of Cardross
25. John Lord Belhaven
26. John Lord Carmichael
27. Patrick Lord Polwarth
28. John Master of Stair our Secretary of State
29. William Master of Forbes
30. James Johnstone our other Secretary of State
31. Sir John Lauder of Fountainhall our Advocate
32. Sir John Lauder of Hatton
33. Anstruther of that ilk Senators of our College of Justice
34. Ludovick Grant of that ilk
35. Sir Archibald Murray of Blackbarony
36. Sir Robert Sinclair of Stevenston
37. Sir Thomas Burnett of Leys
38. Sir John Maxwell of Pollock

³ NRS PC1/48, pp. 100-103, 15 March 1692.

39. Sir George Munro of Coleraine
40. Lieutenant General Hugh McKay
41. Sir Thomas Livingston
42. Sir William Lockhart our Solicitor
43. Sir Patrick Murray of Saltcoats

1696 commission list of councillors⁴

1. George hereditary Prince of the Danes
2. Patrick Lord Polwarth High Chancellor of our said kingdom of Scotland
3. George Earl of Melville Keeper of our Privy Seal
4. James Duke of Queensberry
5. James Marquess of Douglas
6. Archibald Earl of Argyll
7. John Earl of Erroll
8. George Earl of Sutherland
9. James Earl of Mertoun
10. John Earl of Cassillis
11. Robert Earl of Lothian
12. John Earl of Strathmore
13. John Earl of Lauderdale
14. David Earl of Leven
15. William Earl of Annandale
16. Charles Earl of Selkirk
17. Archibald Earl of Forfar
18. John Earl of Kintore
19. John Lord Murray our Secretary of State of the said kingdom
20. John Lord Yester
21. Lord John Hamilton
22. George Viscount of Tarbat
23. John Lord Strathnaver
24. Alexander Lord Montgomery
25. Alexander Lord Raith
26. William Lord Ross
27. John Lord Belhaven
28. John Lord Carmichael
29. David Lord Ruthven
30. Sir James Ogilvie our Secretary of State of the said kingdom
31. Sir James Stewart our Advocate
32. Adam Cockburn of Ormiston our Justice Clerk
33. Lord Fountainhall
34. Lord Anstruther
35. Lord Philiphaugh
36. Lord Rankeilour
37. Lord Halcraig
38. Master of Forbes
39. Master Francis Montgomery

⁴ NRS, PC1/50, pp. 523-527, 14 May 1696.

40. Ludovick Grant of that ilk
41. Sir John Maxwell of Pollock
42. Sir Archibald Murray of Blackbarony
43. Sir Thomas Burnet of Leys
44. Sir Robert Sinclair of Stevenston
45. Sir Thomas Livingstone
46. Sir George Campbell of Cessnock
47. Thomas Hay of Balhousie
48. Lord Provost of our burgh of Edinburgh

1698 commission list of councillors⁵

1. George hereditary prince of Denmark
2. Patrick Earl of Marchmont
3. George Earl of Melville President of our Council
4. James Duke of Queensberry Keeper of our Privy Seal
5. James Marquis of Douglas
6. Archibald Earl of Argyll
7. Earl of Crawford
8. John Earl of Erroll
9. Earl of Mar
10. Earl of Morton
11. Earl of Buchan
12. Earl of Eglinton
13. John Earl of Cassillis
14. Earl of Strathmore
15. Earl of Galloway
16. John Earl of Lauderdale
17. Robert Earl of Lothian our Justice General
18. Earl of Loudoun
19. James Earl of Findlater
20. David Earl of Leven
21. William Earl of Annandale
22. Earl of Northesk
23. Charles Earl of Selkirk
24. Archibald Earl of Forfar
25. John Earl of Kintore
26. James Viscount of Seafield our Secretary of State
27. George Viscount of Tarbat
28. Thomas Viscount of Teviot
29. John Lord of Strathnaver
30. Lord Montgomery
31. Lord Jedburgh
32. Lord Polwarth
33. William Lord Forbes
34. Lord Ross
35. John Lord Carmichael

⁵ NRS, PC1/51, pp. 480-483, 8 November 1698.

36. Lord Ruthven
37. Sir Hugh Dalrymple President of our Session
38. Sir James Stewart our Advocate
39. Adam Cockburn of Ormiston our Justice Clerk
40. Sir Colin Campbell
41. Sir James Murray
42. Sir John Hamilton
43. Sir David Home
44. Sir Archibald Hope
45. Sir James Falconer Senators of our College of Justice
46. Master Francis Montgomery
47. Lord of Grant
48. Sir John Maxwell of Pollock
49. Sir Archibald Murray of Blackbarony
50. Sir Robert Sinclair of Stevenson
51. Sir George Campbell of Cessnock
52. Lord of Kelburn
53. Provost of the burgh of Edinburgh for the time

1703 commission list of councillors⁶

1. George Prince of the Danes
2. James Earl of Seafeld our High Chancellor
3. William Marquess of Annandale President of our Privy Council
4. John Earl of Tullibardine Keeper of our Privy Seal
5. James Duke of Queensberry Secretary of State for the said kingdom
6. Archibald Duke of Argyll
7. John Marquess of Atholl
8. Robert Marquess of Lothian
9. John Earl of Crawford
10. John Earl of Erroll
11. George Earl of Sutherland
12. John Earl of Mar
13. James Earl of Morton
14. David Earl of Buchan
15. John Earl of Glencairn
16. Alexander Earl of Eglinton
17. John Earl of Strathmore
18. James Earl of Galloway
19. John Earl of Lauderdale
20. Hugh Earl of Loudoun
21. James Earl of Findlater
22. David Earl of Leven
23. David Earl of Northesk
24. Archibald Earl of Forfar
25. John Earl of Kintore
26. John Earl of Breadalbane

⁶ NRS, PC1/52, pp. 505-9, 24 February 1703.

27. Charles Earl of Dunmore
28. William Earl of March
29. John Earl of Hyndford
30. William Lord Jedburgh
31. George Viscount of Tarbat Secretary of State for the said kingdom
32. John Viscount of Stair
33. Thomas Viscount of Duplin
34. Archibald Viscount of Rosebery
35. John Lord Strathnaver
36. William Lord Inverurie
37. Patrick Lord Polwarth
38. William Lord Forbes
39. William Lord Ross
40. George Lord Rae
41. David Lord Boyle our Treasurer Depute
42. John Master of Tarbat
43. Sir Hugh Dalrymple of North Berwick President of our College of Justice
44. Sir James Murray of Philiphaugh [Clerk] Register
45. Sir James Stewart our Advocate
46. Master Roderick McKenzie of Prestonhall our Justice Clerk
47. Sir Colin Campbell of Aberuchill
48. Sir John Hamilton of Halcraig
49. Sir Archibald Hope of Rankeillor
50. Sir William Anstruther of that Ilk
51. Sir James Falconer of Phesdo
52. Master Robert Stewart of Tillicoultry Senators of our College of Justice
53. Major General George Ramsay Commander of our Forces and Colonel of our Guards
in the said kingdom
54. Master Francis Montgomery of Giffan
55. Sir James Foulis of Collinton
56. Sir James Stewart Viscount of Bute
57. Sir Robert Sinclair of Stevenson
58. Sir James Primrose of Carrington
59. Archibald Douglas of Cavers
60. John Crawford of Kilbany
61. George Lockhart of Carnwath
62. Charles Hope of Hopetoun
63. Provost of our burgh of Edinburgh

1704 commission list of councillors⁷

1. George prince of the Danes
2. John Marquess of Tweeddale High Chancellor of the said kingdom
3. William Marquess of Annandale President of the said Privy Council
4. John Earl of Rothes Keeper of our Privy Seal
5. John Duke of Argyll
6. James Marquess of Montrose

⁷ NRS, PC1/53, pp. 295-99, 5 December 1704.

7. William Marquess of Lothian
8. James Earl of Dalkeith
9. John Earl of Roxburgh Secretary of our State
10. James Earl of Seafield Secretary of our State
11. John Earl of Crawford
12. John Earl of Erroll
13. John Earl of Sutherland
14. John Earl of Mar
15. James Earl of Morton
16. David Earl of Buchan
17. William Earl of Glencairn
18. John Earl of Strathmore
19. Thomas Earl of Haddington
20. James Earl of Galloway
21. James Earl of Lauderdale
22. Hugh Earl of Loudoun
23. James Earl of Findlater
24. David Earl of Leven
25. Charles Earl of Selkirk
26. David Earl of Northesk
27. Colin Earl of Balcarres
28. Archibald Earl of Forfar
29. John Earl of Kintore
30. Charles Earl of Dunmore
31. John Earl of Ruglen
32. Patrick Earl of Marchmont
33. John Earl of Hyndford
34. George Earl of Cromarty our Justice General
35. John Earl of Stair
36. Archibald Earl of Rosebery
37. Charles Earl of Hopetoun
38. Charles Lord Yester
39. Thomas Viscount of Teviot
40. William Lord Yester
41. William Lord Forbes
42. William Lord Ross
43. John Lord Belhaven
44. Sir Hugh Dalrymple of North Berwick President of our College of Justice
45. James Johnstoun Clerk to us from the Archives and Registers
46. Sir James Stewart our Advocate
47. George Baillie of Jerviswood our Treasurer Depute
48. Sir William Hamilton of Whitelaw our Justice Clerk
49. Sir Robert Dundas of Arnistoun
50. Sir John Hamilton of Halcraig
51. Sir William Anstruther of that Ilk
52. Sir James Falconer of Phesdo Senators of our College of Justice
53. Lieutenant General George Ramsay Commander in Chief of our Forces
54. Master Francis Montgomery
55. Sir John Home of Blackadder
56. James Brodie of that Ilk

57. John Cockburn of Ormiston the younger
58. Provost of our burgh of Edinburgh

Appendix III – Ecclesiastical Pronouncements by the Privy Council, 1689

In total, the council made 205 ecclesiastical pronouncements in 1689. In addition to the 177 ministers who were deprived of their benefices (as the table below shows), six ministers were restored to parishes they had previously served as the incumbent and 22 who were investigated for supposed wrongdoing were absolved. The total number of ministers investigated by the Privy Council was therefore 199; with 177 deprived and 22 absolved, this means there was a prosecution rate of around 89%. Each one of the ministers who were absolved and deprived had failed to adhere to the Convention of Estates' proclamation of 13 April 1689, which had ordered all parish clergy to pray for the new joint monarchs, William and Mary. These Privy Council deprivations occurred between July and September. A further 21 depositions were imposed by parliament and its committees in 1689, prior to the commission of the Privy Council.¹ In total, there were therefore 198 depositions of Episcopalian ministers in 1689 by a combination of parliament, its committees and the Privy Council, with the latter undertaking the most by some way.

Key:

D = Deprived/deposed
 A = Absolved/assozilzied
 R = Restored

Parish	Presbytery	Synod	Minister	Charge	Date (1689)	Prayed for King James	Failed to collect for French & Irish Protestants	Failed to observe fast & thanksgiving	Drank to King James' health
Linlithgow	Linlithgow	Lothian and Tweeddale	Patrick Trent ²	D	15-Aug	X			
Old Kirk	Edinburgh	Lothian and Tweeddale	Alexander Ramsay ³	D	10-Sep	X		X	
Carrington	Dalkeith	Lothian and Tweeddale	David Lambie ⁴	D	13-Sep				
West Kirk	Edinburgh	Lothian and Tweeddale	David Guild ⁵	D	16-Aug				

¹ Clarke, 'The Scottish Episcopalians', pp. 578-9.

² *RPCS*, ser. 3 vol. xiv, pp. 50-51.

³ *RPCS*, ser. 3 vol. xiv, pp. 248-50.

⁴ *RPCS*, ser. 3 vol. xiv, p. 269.

⁵ *RPCS*, ser. 3 vol. xiv, pp. 59-61, 342, 361.

Aberlady	Haddington	Lothian and Tweeddale	John Gray ⁶	D	12-Sep	X			
Ormiston	Dalkeith	Lothian and Tweeddale	John Cockburn ⁷	D	29-Aug	X			
Borthwick	Dalkeith	Lothian and Tweeddale	Thomas Paterson ⁸	D	04-Sep	X			
Stobo	Peebles	Lothian and Tweeddale	William Bullo ⁹	D	03-Sep				
Fala (Inveresk)	Dalkeith	Lothian and Tweeddale	Alexander Grant ¹⁰	D	04-Sep				
Stenton	Dunbar	Lothian and Tweeddale	Alexander Hamilton ¹¹	D	13-Sep				
Bo'ness	Linlithgow	Lothian and Tweeddale	William Thomson ¹²	D	12-Sep				
Prestonhugh (Prestonkirk)	Dunbar	Lothian and Tweeddale	George Sheill ¹³	D	29-Aug		X	X	
West Linton	Peebles	Lothian and Tweeddale	William Hay ¹⁴	D	27-Aug				X
Tolbooth	Edinburgh	Lothian and Tweeddale	William Gairns ¹⁵	D	17-Sep				
Prestonpans	Haddington	Lothian and Tweeddale	Robert Ramsay ¹⁶	D	11-Oct				
Abercorn	Linlithgow	Lothian and Tweeddale	Robert Gordon ¹⁷	D	23-Aug	X			
Kirkcudbright	Peebles	Lothian and Tweeddale	David Spence ¹⁸	D	17-Sep		X		

⁶ *RPCS*, ser. 3 vol. xiv, pp. 258-9.

⁷ *RPCS*, ser. 3 vol. xiv, pp. 127-8.

⁸ *RPCS*, ser. 3 vol. xiv, pp. 200-201.

⁹ *RPCS*, ser. 3 vol. xiv, pp. 169-71.

¹⁰ *RPCS*, ser. 3 vol. xiv, p. 204.

¹¹ *RPCS*, ser. 3 vol. xiv, pp. 268-9.

¹² *RPCS*, ser. 3 vol. xiv, p. 258.

¹³ *RPCS*, ser. 3 vol. xiv, pp. 149-51.

¹⁴ *RPCS*, ser. 3 vol. xiv, pp. 119-20.

¹⁵ *RPCS*, ser. 3 vol. xiv, pp. 287-8.

¹⁶ *RPCS*, ser. 3 vol. xiv, p. 405.

¹⁷ *RPCS*, ser. 3 vol. xiv, pp. 90-91.

¹⁸ *RPCS*, ser. 3 vol. xiv, pp. 282-4.

Cranstoun	Dalkeith	Lothian and Tweeddale	Robert Arbuthnot ¹⁹	D	04-Sep				
Innerwick	Dunbar	Lothian and Tweeddale	Alexander Fowles ²⁰	D	24-Sep			X	
North Berwick	Haddington	Lothian and Tweeddale	Andrew Guild ²¹	D	27-Aug				
Cockburnspath	Dunbar	Lothian and Tweeddale	John Barclay ²²	D	05-Sep				
Canongate	Edinburgh	Lothian and Tweeddale	Alexander Burnet ²³	D	23-Aug	X	X		
Spott	Dunbar	Lothian and Tweeddale	Archibald Buchan ²⁴	D	10-Sep				
Crichton	Dalkeith	Lothian and Tweeddale	Andrew Don ²⁵	D	29-Aug	X		X	
Newton	Dalkeith	Lothian and Tweeddale	Robert Bannerman ²⁶	D	04-Sep				
Colinton	Edinburgh	Lothian and Tweeddale	Samuel Nimmo ²⁷	A	22-Aug	X			
Tweedsmuir	Peebles	Lothian and Tweeddale	Francis Scott ²⁸	A	22-Oct				
Kilbucko	Biggar	Lothian and Tweeddale	William Alison ²⁹	A	17-Sep	X			
Carriden	Linlithgow	Lothian and Tweeddale	John Park ³⁰	A	10-Sep				
Falkirk	Linlithgow	Lothian and Tweeddale	Archibald Muschet ³¹	A	05-Sep	X			X
Carrington	Dalkeith	Lothian and Tweeddale	James Kilpatrick ³²	R	13-Sep				

¹⁹ *RPCS*, ser. 3 vol. xiv, p. 206.

²⁰ *RPCS*, ser. 3 vol. xiv, pp. 330-31.

²¹ *RPCS*, ser. 3 vol. xiv, pp. 117-9.

²² *RPCS*, ser. 3 vol. xiv, pp. 221-2.

²³ *RPCS*, ser. 3 vol. xiv, pp. 88-90.

²⁴ *RPCS*, ser. 3 vol. xiv, pp. 242-3.

²⁵ *RPCS*, ser. 3 vol. xiv, pp. 145-7.

²⁶ *RPCS*, ser. 3 vol. xiv, pp. 201-2.

²⁷ *RPCS*, ser. 3 vol. xiv, pp. 79-80.

²⁸ *RPCS*, ser. 3 vol. xiv, pp. 428-9.

²⁹ *RPCS*, ser. 3 vol. xiv, pp. 298-9.

³⁰ *RPCS*, ser. 3 vol. xiv, pp. 251-2.

³¹ *RPCS*, ser. 3 vol. xiv, pp. 226-7.

³² *RPCS*, ser. 3 vol. xiv, p. 269.

Kelso	Kelso	Merse and Teviotdale	James Gray ³³	D	03-Sep	X			
Earlston	Earlston	Merse and Teviotdale	John Hepburn ³⁴	D	27-Aug				
Ayton	Chirnside	Merse and Teviotdale	John Beaton ³⁵	D	12-Sep	X			
Wilton	Jedburgh	Merse and Teviotdale	John Stewart ³⁶	D	17-Sep				
Duns	Duns	Merse and Teviotdale	William Gray ³⁷	D	03-Sep				
Eyemouth	Chirnside	Merse and Teviotdale	David Stirling ³⁸	D	12-Sep			X	
Gordon	Earlston	Merse and Teviotdale	Thomas Mabane ³⁹	D	29-Aug	X			
Maxton	Selkirk	Merse and Teviotdale	Patrick Strachan ⁴⁰	D	08-Oct				
Bowden	Selkirk	Merse and Teviotdale	Harry Knox ⁴¹	D	10-Sep				
Chirnside	Chirnside	Merse and Teviotdale	James Lautie ⁴²	D	10-Sep				
Smailholm	Earlston	Merse and Teviotdale	Gideon Brown ⁴³	D	26-Sep			X	
Hawick	Jedburgh	Merse and Teviotdale	John Langlands ⁴⁴	D	04-Sep	X			
Greenlaw	Duns	Merse and Teviotdale	John Hume ⁴⁵	D	17-Sep			X	
Lilliesleaf	Selkirk	Merse and Teviotdale	John Chisholm ⁴⁶	D	03-Sep	X	X	X	
Yetholm	Kelso	Merse and Teviotdale	James Gladstones ⁴⁷	D	12-Sep	X		X	
Crailing & Nisbet	Jedburgh	Merse and Teviotdale	Charles Ross ⁴⁸	D	01-Oct			X	
Eckford	Jedburgh	Merse and Teviotdale	William Nasmith ⁴⁹	D	04-Sep	X			

³³ *RPCS*, ser. 3 vol. xiv, pp. 175-6.

³⁴ *RPCS*, ser. 3 vol. xiv, pp. 113-4.

³⁵ *RPCS*, ser. 3 vol. xiv, p. 260.

³⁶ *RPCS*, ser. 3 vol. xiv, pp. 286-7.

³⁷ *RPCS*, ser. 3 vol. xiv, pp. 174-5.

³⁸ *RPCS*, ser. 3 vol. xiv, pp. 259-60.

³⁹ *RPCS*, ser. 3 vol. xiv, pp. 136-8.

⁴⁰ *RPCS*, ser. 3 vol. xiv, p. 384.

⁴¹ *RPCS*, ser. 3 vol. xiv, pp. 243-4.

⁴² *RPCS*, ser. 3 vol. xiv, p. 244.

⁴³ *RPCS*, ser. 3 vol. xiv, pp. 362-3.

⁴⁴ *RPCS*, ser. 3 vol. xiv, pp. 190-92.

⁴⁵ *RPCS*, ser. 3 vol. xiv, pp. 284-5.

⁴⁶ *RPCS*, ser. 3 vol. xiv, pp. 171-3.

⁴⁷ *RPCS*, ser. 3 vol. xiv, p. 261.

⁴⁸ *RPCS*, ser. 3 vol. xiv, pp. 371-2.

⁴⁹ *RPCS*, ser. 3 vol. xiv, pp. 207-8.

Ednam	Kelso	Merse and Teviotdale	William Speed ⁵⁰	D	03-Sep	X			
Coldingham	Chirnside	Merse and Teviotdale	Alexander Douglas ⁵¹	D	05-Sep				
Linton	Kelso	Merse and Teviotdale	John Wilkie ⁵²	D	17-Sep				
Sprouston	Kelso	Merse and Teviotdale	George Barclay ⁵³	D	03-Sep	X			
Fogo	Duns	Merse and Teviotdale	William Methven ⁵⁴	D	17-Sep				
Simprin	Chirnside	Merse and Teviotdale	James Anderson ⁵⁵	D	03-Sep			X	
Southdean	Jedburgh	Merse and Teviotdale	Thomas Rutherford ⁵⁶	D	04-Sep	X			
Lauder	Earlston	Merse and Teviotdale	John Lumsden ⁵⁷	D	09-Aug	X			
Nenthorn	Kelso	Merse and Teviotdale	Robert Calder ⁵⁸	D	03-Sep	X			
Stichill	Kelso	Merse and Teviotdale	Andrew Darling ⁵⁹	D	27-Aug	X	X	X	
Edrom	Chirnside	Merse and Teviotdale	John Barclay ⁶⁰	D	05-Sep	X			
Eccles	Duns	Merse and Teviotdale	John Cook ⁶¹	D	03-Sep				
Langton	Duns	Merse and Teviotdale	Patrick Walker ⁶²	D	03-Sep				
Jedburgh	Jedburgh	Merse and Teviotdale	William Galbraith ⁶³	D	27-Aug	X			
Hownam	Jedburgh	Merse and Teviotdale	Mathew Ewing ⁶⁴	D	04-Sep	X			
Bedrule	Jedburgh	Merse and Teviotdale	James Adamson ⁶⁵	D	27-Aug	X		X	
Ashkirk	Selkirk	Merse and Teviotdale	Richard Scott ⁶⁶	D	10-Sep				

⁵⁰ *RPCS*, ser. 3 vol. xiv, p. 168.

⁵¹ *RPCS*, ser. 3 vol. xiv, p. 220.

⁵² *RPCS*, ser. 3 vol. xiv, pp. 290-91.

⁵³ *RPCS*, ser. 3 vol. xiv, pp. 165-6.

⁵⁴ *RPCS*, ser. 3 vol. xiv, p. 284.

⁵⁵ *RPCS*, ser. 3 vol. xiv, pp. 173-4.

⁵⁶ *RPCS*, ser. 3 vol. xiv, pp. 209-11.

⁵⁷ *RPCS*, ser. 3 vol. xiv, pp. 30-32.

⁵⁸ *RPCS*, ser. 3 vol. xiv, pp. 168-9.

⁵⁹ *RPCS*, ser. 3 vol. xiv, pp. 108-10.

⁶⁰ *RPCS*, ser. 3 vol. xiv, p. 223.

⁶¹ *RPCS*, ser. 3 vol. xiv, pp. 166-7.

⁶² *RPCS*, ser. 3 vol. xiv, pp. 164-5.

⁶³ *RPCS*, ser. 3 vol. xiv, pp. 104-5.

⁶⁴ *RPCS*, ser. 3 vol. xiv, pp. 202-4.

⁶⁵ *RPCS*, ser. 3 vol. xiv, pp. 115-7.

⁶⁶ *RPCS*, ser. 3 vol. xiv, p. 242.

Cavers	Jedburgh	Merse and Teviotdale	Thomas Somerville ⁶⁷	D	27-Aug				
Hassendean	Jedburgh	Merse and Teviotdale	Francis Scott ⁶⁸	D	27-Aug				
Lennel	Chirnside	Merse and Teviotdale	Thomas Blair ⁶⁹	D	26-Sep			X	
Hobkirk	Jedburgh	Merse and Teviotdale	John Liddel ⁷⁰	D	05-Sep				
Stow	Earlston	Merse and Teviotdale	Andrew Naughty ⁷¹	D	29-Aug	X			
Legerwood	Earlston	Merse and Teviotdale	William Laing ⁷²	D	29-Aug	X			
Selkirk	Selkirk	Merse and Teviotdale	James Canaries ⁷³	A	17-Sep				
Yarrow	Selkirk	Merse and Teviotdale	James Murray ⁷⁴	A	17-Sep				
Roxburgh	Kelso	Merse and Teviotdale	John Kerr ⁷⁵	A	26-Sep	X			
Ettrick	Selkirk	Merse and Teviotdale	Andrew Adamson ⁷⁶	A	24-Sep	X			
Mordington	Chirnside	Merse and Teviotdale	Thomas Ramsay ⁷⁷	R	21-Aug				
Ashkirk	Selkirk	Merse and Teviotdale	Robert Cunningham ⁷⁸	R	13-Sep				
Ewes	Langholm	Dumfries	John Melville ⁷⁹	D	27-Aug				
Kirkpatrick Fleming	Annan	Dumfries	James Chalmers ⁸⁰	D	17-Sep	X			
Canonbie	Langholm	Dumfries	David Hedderwick ⁸¹	D	19-Sep	X			
Moffat	Lochmaben	Dumfries	George Maitland ⁸²	D	17-Sep				
Baldernock	Dumbarton	Glasgow and Ayr	Walter Stirling ⁸³	D	04-Sep				

⁶⁷ *RPCS*, ser. 3 vol. xiv, pp. 110-11.

⁶⁸ *RPCS*, ser. 3 vol. xiv, pp. 111-3.

⁶⁹ *RPCS*, ser. 3 vol. xiv, pp. 356-7.

⁷⁰ *RPCS*, ser. 3 vol. xiv, pp. 222-3.

⁷¹ *RPCS*, ser. 3 vol. xiv, pp. 133-4.

⁷² *RPCS*, ser. 3 vol. xiv, pp. 144-5.

⁷³ *RPCS*, ser. 3 vol. xiv, pp. 294-6.

⁷⁴ *RPCS*, ser. 3 vol. xiv, pp. 297-8.

⁷⁵ *RPCS*, ser. 3 vol. xiv, pp. 360-61.

⁷⁶ *RPCS*, ser. 3 vol. xiv, pp. 331-2.

⁷⁷ *RPCS*, ser. 3 vol. xiv, p. 73.

⁷⁸ *RPCS*, ser. 3 vol. xiv, p. 267.

⁷⁹ *RPCS*, ser. 3 vol. xiv, pp. 107-8.

⁸⁰ *RPCS*, ser. 3 vol. xiv, pp. 288-9.

⁸¹ *RPCS*, ser. 3 vol. xiv, pp. 306-8.

⁸² *RPCS*, ser. 3 vol. xiv, p. 288.

⁸³ *RPCS*, ser. 3 vol. xiv, pp. 204-5.

Cardross	Dumbar- ton	Glasgow and Ayr	Hugh Gordon ⁸⁴	D	26- Sep				
Fintry	Dumbar- ton	Glasgow and Ayr	John Semple ⁸⁵	D	01- Oct				
Bonhill	Dumbar- ton	Glasgow and Ayr	William McKech- nie ⁸⁶	D	01- Oct				
Rosneath	Dumbar- ton	Glasgow and Ayr	James Gordon ⁸⁷	D	10- Sep				
Dalmellington	Ayr	Glasgow and Ayr	John McQuhorn ⁸⁸	D	17- Sep				
Killlearn	Dumbar- ton	Glasgow and Ayr	James Craig ⁸⁹	A	16- Oct	X			X
Kilmarnock	Irvine	Glasgow and Ayr	James Rowat ⁹⁰	R	08- Oct				
Dalmellington	Ayr	Glasgow and Ayr	Alexander Stevenson ⁹¹	R	17- Sep				
Kilmartine	Inveraray	Argyll	William McLachlan ⁹²	D	29- Nov	X			
Dunoon	Dunoon	Argyll	Duncan Stewart ⁹³	D	28- Nov	X			
Rothsally	Dunoon	Argyll	Andrew Fraser ⁹⁴	D	26- Jul				
Gargunnock	Stirling	Perth and Stirling	John Edmonstone ⁹⁵	D	03- Oct	X			
Ratray	Dunkeld	Perth and Stirling	David Rankine ⁹⁶	D	01- Oct			X	
Glendevon	Auchterarder	Perth and Stirling	Alexander Meldrum ⁹⁷	D	10- Sep			X	
Kippen	Dunblane	Perth and Stirling	Robert Young ⁹⁸	D	03- Oct				
Blackford	Auchterarder	Perth and Stirling	David Murray ⁹⁹	D	15- Aug		X	X	
Stirling (1)	Stirling	Perth and Stirling	James Hunter ¹⁰⁰	D	04- Sep	X			

⁸⁴ *RPCS*, ser. 3 vol. xiv, pp. 359-60.

⁸⁵ *RPCS*, ser. 3 vol. xiv, pp. 368-9.

⁸⁶ *RPCS*, ser. 3 vol. xiv, pp. 369-70.

⁸⁷ *RPCS*, ser. 3 vol. xiv, pp. 244-5.

⁸⁸ *RPCS*, ser. 3 vol. xiv, p. 290.

⁸⁹ *RPCS*, ser. 3 vol. xiv, pp. 418-9.

⁹⁰ *RPCS*, ser. 3 vol. xiv, p. 389.

⁹¹ *RPCS*, ser. 3 vol. xiv, p. 300.

⁹² *RPCS*, ser. 3 vol. xiv, pp. 523-4.

⁹³ *RPCS*, ser. 3 vol. xiv, pp. 528-9.

⁹⁴ *RPCS*, ser. 3 vol. xiii, pp. 558-60.

⁹⁵ *RPCS*, ser. 3 vol. xiv, pp. 375-7.

⁹⁶ *RPCS*, ser. 3 vol. xiv, p. 368.

⁹⁷ *RPCS*, ser. 3 vol. xiv, pp. 245-7.

⁹⁸ *RPCS*, ser. 3 vol. xiv, pp. 372-4.

⁹⁹ *RPCS*, ser. 3 vol. xiv, p. 48-9.

¹⁰⁰ *RPCS*, ser. 3 vol. xiv, pp. 183-5.

Alloa	Stirling	Perth and Stirling	James Wright ¹⁰¹	D	03-Sep				
Kinnoull	Perth	Perth and Stirling	Thomas Fowler ¹⁰²	D	08-Oct	X			X
Kincardine (Menteith)	Dunblane	Perth and Stirling	John Cameron ¹⁰³	D	29-Aug		X	X	
Dunning	Auchterarder	Perth and Stirling	David Fleebairn ¹⁰⁴	D	04-Sep	X	X	X	
Collace	Perth	Perth and Stirling	George McGruther ¹⁰⁵	D	17-Sep				
St Martin's	Perth	Perth and Stirling	Thomas Strachan ¹⁰⁶	D	17-Sep	X	X	X	
Comrie	Auchterarder	Perth and Stirling	John Philip ¹⁰⁷	D	19-Sep	X			
Monzie	Auchterarder	Perth and Stirling	John Drummond ¹⁰⁸	D	10-Oct	X			
Denny	Stirling	Perth and Stirling	John Wingate ¹⁰⁹	D	04-Sep	X			
Auchtergaven	Dunkeld	Perth and Stirling	William Eason ¹¹⁰	D	08-Oct	X			
Errol	Perth	Perth and Stirling	John Nicolson ¹¹¹	D	05-Nov				
Airth	Stirling	Perth and Stirling	Paul Gellie ¹¹²	D	04-Sep	X			
Perth (West Church)	Perth	Perth and Stirling	David Anderson ¹¹³	D	03-Sep	X			
Foulis	Auchterarder	Perth and Stirling	John Drummond ¹¹⁴	D	15-Oct				
Balquhinder	Dunblane	Perth and Stirling	Robert Stewart ¹¹⁵	D	15-Aug				
Scone	Perth	Perth and Stirling	John Murray ¹¹⁶	D	08-Oct	X			

¹⁰¹ *RPCS*, ser. 3 vol. xiv, pp. 167-8.

¹⁰² *RPCS*, ser. 3 vol. xiv, pp. 386-7.

¹⁰³ *RPCS*, ser. 3 vol. xiv, pp. 142-4.

¹⁰⁴ *RPCS*, ser. 3 vol. xiv, pp. 188-90.

¹⁰⁵ *RPCS*, ser. 3 vol. xiv, pp. 291-3.

¹⁰⁶ *RPCS*, ser. 3 vol. xiv, pp. 293-4.

¹⁰⁷ *RPCS*, ser. 3 vol. xiv, p. 304.

¹⁰⁸ *RPCS*, ser. 3 vol. xiv, pp. 395-6.

¹⁰⁹ *RPCS*, ser. 3 vol. xiv, pp. 205-6.

¹¹⁰ *RPCS*, ser. 3 vol. xiv, pp. 385-6.

¹¹¹ *RPCS*, ser. 3 vol. xiv, pp. 464-5.

¹¹² *RPCS*, ser. 3 vol. xiv, pp. 182-3.

¹¹³ *RPCS*, ser. 3 vol. xiv, pp. 177-9.

¹¹⁴ *RPCS*, ser. 3 vol. xiv, pp. 410-11.

¹¹⁵ *RPCS*, ser. 3 vol. xiv, p. 51.

¹¹⁶ *RPCS*, ser. 3 vol. xiv, pp. 387-8.

Monzievaird & Strowan	Auchterarder	Perth and Stirling	David Young ¹¹⁷	D	19-Sep	X		X	
Tulliallan	Dunblane	Perth and Stirling	Alexander Williamson ¹¹⁸	D	04-Sep			X	
Larbert & Dunipace	Stirling	Perth and Stirling	Alexander Sutherland ¹¹⁹	D	04-Sep				
Forgandenny	Perth	Perth and Stirling	Andrew Hardie ¹²⁰	D	17-Sep				
Crieff	Auchterarder	Perth and Stirling	William Murray ¹²¹	D	19-Sep	X		X	
Kilmadock	Dunblane	Perth and Stirling	David Drummond ¹²²	D	26-Sep			X	
Kinloch	Dunkeld	Perth and Stirling	Alexander Balnaves ¹²³	D	01-Oct	X		X	
Port (of Menteith)	Dunblane	Perth and Stirling	Patrick Bell ¹²⁴	D	03-Oct			X	
Dunbarny	Perth	Perth and Stirling	John Balnaves ¹²⁵	D	17-Sep				
Abernethy	Perth	Perth and Stirling	Robert Junkine ¹²⁶	D	17-Sep				
Lecropt	Dunblane	Perth and Stirling	Jasper Kellie ¹²⁷	D	26-Jul				
Dunblane	Dunblane	Perth and Stirling	William Wemyss ¹²⁸	D	26-Jul				
Perth (East Church)	Perth	Perth and Stirling	Adam Barclay ¹²⁹	D	03-Sep	X			
St Ninians	Stirling	Perth and Stirling	James Forsyth ¹³⁰	A	18-Oct			X	
Stirling (2)	Stirling	Perth and Stirling	John Monro ¹³¹	A	04-Sep				

¹¹⁷ *RPCS*, ser. 3 vol. xiv, pp. 305-6.

¹¹⁸ *RPCS*, ser. 3 vol. xiv, pp. 208-9.

¹¹⁹ *RPCS*, ser. 3 vol. xiv, p. 215.

¹²⁰ *RPCS*, ser. 3 vol. xiv, p. 282.

¹²¹ *RPCS*, ser. 3 vol. xiv, p. 305.

¹²² *RPCS*, ser. 3 vol. xiv, pp. 357-8.

¹²³ *RPCS*, ser. 3 vol. xiv, p. 366.

¹²⁴ *RPCS*, ser. 3 vol. xiv, pp. 374-5.

¹²⁵ *RPCS*, ser. 3 vol. xiv, pp. 285-6.

¹²⁶ *RPCS*, ser. 3 vol. xiv, pp. 289-90.

¹²⁷ *RPCS*, ser. 3 vol. xiii, pp. 577-8.

¹²⁸ *RPCS*, ser. 3 vol. xiii, pp. 577-8.

¹²⁹ *RPCS*, ser. 3 vol. xiv, pp. 177-9.

¹³⁰ *RPCS*, ser. 3 vol. xiv, pp. 423-5.

¹³¹ *RPCS*, ser. 3 vol. xiv, pp. 183-5.

Glendevon	Auchtermarder	Perth and Stirling	William Spence ¹³²	R	10-Sep				
Dairsie	Cupar	Fife	George Paterson ¹³³	D	04-Sep	X			
Elie	St Andrews	Fife	Alexander Wilson ¹³⁴	D	05-Sep				
Crail	St Andrews	Fife	Alexander Leslie ¹³⁵	D	17-Sep				
Torryburn	Dunfermline	Fife	James Aird ¹³⁶	D	18-Oct		X	X	
Dunbog	Cupar	Fife	Alexander Auchinleck ¹³⁷	D	04-Sep				
Kettle	Cupar	Fife	John Barclay ¹³⁸	D	27-Aug	X			
Strathmiglo	Cupar	Fife	David Barclay ¹³⁹	D	27-Aug	X			
Kennoway	Kirkcaldy	Fife	George Chalmers ¹⁴⁰	D	05-Sep	X			
Falkland	Cupar	Fife	John Hay ¹⁴¹	D	15-Aug	X			
Leuchars	St Andrews	Fife	Robert Lundie ¹⁴²	D	21-Aug	X			
Kinross	Kinross	Fife	Henry Christie ¹⁴³	D	29-Aug	X	X	X	
Abdie	Cupar	Fife	William Arnot ¹⁴⁴	D	04-Sep	X	X	X	
Flisk	Cupar	Fife	William Myles ¹⁴⁵	D	04-Sep	X	X	X	
Forgan/St Fillans	St Andrews	Fife	James Strachan ¹⁴⁶	D	27-Aug				
Cameron	St Andrews	Fife	Andrew Flooker ¹⁴⁷	D	04-Sep	X			

¹³² *RPCS*, ser. 3 vol. xiv, pp. 245-7.

¹³³ *RPCS*, ser. 3 vol. xiv, pp. 211-2.

¹³⁴ *RPCS*, ser. 3 vol. xiv, pp. 218-9.

¹³⁵ *RPCS*, ser. 3 vol. xiv, pp. 281-2.

¹³⁶ *RPCS*, ser. 3 vol. xiv, pp. 425-7.

¹³⁷ *RPCS*, ser. 3 vol. xiv, pp. 213-5.

¹³⁸ *RPCS*, ser. 3 vol. xiv, pp. 105-7.

¹³⁹ *RPCS*, ser. 3 vol. xiv, pp. 102-4.

¹⁴⁰ *RPCS*, ser. 3 vol. xiv, pp. 217-8.

¹⁴¹ *RPCS*, ser. 3 vol. xiv, pp. 46-8.

¹⁴² *RPCS*, ser. 3 vol. xiv, pp. 71-2.

¹⁴³ *RPCS*, ser. 3 vol. xiv, pp. 138-40.

¹⁴⁴ *RPCS*, ser. 3 vol. xiv, pp. 194-6.

¹⁴⁵ *RPCS*, ser. 3 vol. xiv, pp. 192-4.

¹⁴⁶ *RPCS*, ser. 3 vol. xiv, pp. 114-5.

¹⁴⁷ *RPCS*, ser. 3 vol. xiv, pp. 206-7.

Auchtermuchty	Cupar	Fife	James Dempster ¹⁴⁸	D	29-Aug	X	X	X	
Logie	Cupar	Fife	Henry Pitcairn ¹⁴⁹	D	27-Aug				
Cupar	Cupar	Fife	Alexander Lundie ¹⁵⁰	D	29-Aug	X	X	X	
East Wemyss	Kirkcaldy	Fife	Alexander Kerr ¹⁵¹	D	29-Aug				
Carnock	Dunfermline	Fife	Thomas Marshall ¹⁵²	D	04-Sep	X			
St Leonards (in St Andrews)	St Andrews	Fife	James Wemyss ¹⁵³	D	04-Sep	X			
Carnbee	St Andrews	Fife	John Falconer ¹⁵⁴	D	05-Sep				
Monimail	Cupar	Fife	James Ross ¹⁵⁵	D	03-Sep				
Largo	St Andrews	Fife	John Auchinleck ¹⁵⁶	D	27-Aug	X			
Culross	Dunfermline	Fife	Robert Wright ¹⁵⁷	D	16-Oct				
Dysart	Kirkcaldy	Fife	James Arbuthnott ¹⁵⁸	D	04-Sep	X			
Orwell	Kinross	Fife	Charles McKinan (alias McFingus) ¹⁵⁹	D	29-Aug	X	X	X	
Leslie	Kirkcaldy	Fife	Patrick Middleton ¹⁶⁰	D	22-Aug				
Collessie	Cupar	Fife	John Ogilvie ¹⁶¹	D	03-Sep				

¹⁴⁸ *RPCS*, ser. 3 vol. xiv, pp. 134-6.

¹⁴⁹ *RPCS*, ser. 3 vol. xiv, pp. 120-21.

¹⁵⁰ *RPCS*, ser. 3 vol. xiv, pp. 129-31.

¹⁵¹ *RPCS*, ser. 3 vol. xiv, pp. 128-9.

¹⁵² *RPCS*, ser. 3 vol. xiv, pp. 187-8.

¹⁵³ *RPCS*, ser. 3 vol. xiv, pp. 212-3.

¹⁵⁴ *RPCS*, ser. 3 vol. xiv, p. 219.

¹⁵⁵ *RPCS*, ser. 3 vol. xiv, pp. 163-4.

¹⁵⁶ *RPCS*, ser. 3 vol. xiv, pp. 101-2.

¹⁵⁷ *RPCS*, ser. 3 vol. xiv, pp. 421-2.

¹⁵⁸ *RPCS*, ser. 3 vol. xiv, p. 212.

¹⁵⁹ *RPCS*, ser. 3 vol. xiv, pp. 140-41.

¹⁶⁰ *RPCS*, ser. 3 vol. xiv, pp. 76-7.

¹⁶¹ *RPCS*, ser. 3 vol. xiv, p. 163.

St Monans	St Andrews	Fife	Alexander Burnet ¹⁶²	D	26-Sep	X			
Creich	Cupar	Fife	James Seton ¹⁶³	D	04-Sep	X	X	X	
Anstruther Wester	St Andrews	Fife	Thomas Auchinleck ¹⁶⁴	D	05-Sep	X			
Newburgh	Cupar	Fife	William Grant ¹⁶⁵	D	04-Sep	X	X	X	
Kirkcaldy	Kirkcaldy	Fife	Lewis Gordon ¹⁶⁶	D	29-Aug				
Kilconquhar	St Andrews	Fife	Alexander Hay ¹⁶⁷	D	12-Sep			X	
Cults	Cupar	Fife	John Kerr ¹⁶⁸	D	01-Oct		X	X	
Culross (2nd charge)	Dunfermline	Fife	Alexander Young ¹⁶⁹	D	16-Oct				
Cupar (2nd charge)	Cupar	Fife	William Wilson ¹⁷⁰	D	29-Aug	X	X	X	
Logie ('helper')	Cupar	Fife	David Balfour ¹⁷¹	D	27-Aug				
Dunfermline (1)	Dunfermline	Fife	Simon Couper ¹⁷²	A	04-Sep				
Auchterderran	Kirkcaldy	Fife	Robert Glasford ¹⁷³	A	04-Sep				
Scoonie	Kirkcaldy	Fife	John Blair ¹⁷⁴	A	03-Sep	X			
Markinch	Kirkcaldy	Fife	John Middleton ¹⁷⁵	A	10-Sep	X			
Kinglassie	Kirkcaldy	Fife	David Bayne ¹⁷⁶	A	05-Sep				
Dunfermline (2)	Dunfermline	Fife	James Graham ¹⁷⁷	A	04-Sep				

¹⁶² *RPCS*, ser. 3 vol. xiv, pp. 358-9.

¹⁶³ *RPCS*, ser. 3 vol. xiv, pp. 198-200.

¹⁶⁴ *RPCS*, ser. 3 vol. xiv, pp. 220-21.

¹⁶⁵ *RPCS*, ser. 3 vol. xiv, pp. 196-8.

¹⁶⁶ *RPCS*, ser. 3 vol. xiv, pp. 147-9.

¹⁶⁷ *RPCS*, ser. 3 vol. xiv, pp. 264-5.

¹⁶⁸ *RPCS*, ser. 3 vol. xiv, pp. 365-6.

¹⁶⁹ *RPCS*, ser. 3 vol. xiv, pp. 421-2.

¹⁷⁰ *RPCS*, ser. 3 vol. xiv, pp. 129-31.

¹⁷¹ *RPCS*, ser. 3 vol. xiv, pp. 120-21.

¹⁷² *RPCS*, ser. 3 vol. xiv, pp. 185-7.

¹⁷³ *RPCS*, ser. 3 vol. xiv, pp. 215-7.

¹⁷⁴ *RPCS*, ser. 3 vol. xiv, pp. 176-7.

¹⁷⁵ *RPCS*, ser. 3 vol. xiv, pp. 250-51.

¹⁷⁶ *RPCS*, ser. 3 vol. xiv, pp. 223-4.

¹⁷⁷ *RPCS*, ser. 3 vol. xiv, pp. 185-7.

Arbuthnot	Fordoun	Angus and Mearns	Alexander Arbuthnot ¹⁷⁸	D	24-Sep			X	
Dundee (2)	Dundee	Angus and Mearns	Robert Rait ¹⁷⁹	D	26-Sep		X	X	
Dundee (1)	Dundee	Angus and Mearns	Robert Norie ¹⁸⁰	D	29-Aug				
Alyth	Meigle	Angus and Mearns	John Lawson ¹⁸¹	D	01-Oct			X	
Meigle	Meigle	Angus and Mearns	John Hamilton ¹⁸²	D	22-Oct	X			
Cortachy	Forfar	Angus and Mearns	Alexander Lindsay ¹⁸³	D	29-Oct			X	
Blairgowrie ('Blair')	Meigle	Angus and Mearns	Gilbert Blair ¹⁸⁴	D	01-Oct			X	
Eccles Craig	Fordoun	Angus and Mearns	John Lammie/Lambie ¹⁸⁵	D	10-Sep	X	X	X	
Benwie	Dundee	Angus and Mearns	George Thomson ¹⁸⁶	D	26-Jul	X			
Meigle ('helper')	Meigle	Angus and Mearns	John Graham ¹⁸⁷	D	22-Oct	X			
Newtyle	Meigle	Angus and Mearns	Alexander Mackenzie ¹⁸⁸	A	03-Oct			X	
Deskford	Fordyce	Aberdeen	John Henderson ¹⁸⁹	D	07-Nov	X			
Rathven	Fordyce	Aberdeen	John Hay ¹⁹⁰	D	07-Nov	X			
Boyndie	Fordyce	Aberdeen	Patrick Chalmers ¹⁹¹	D	07-Nov	X			
Gamrie	Turriff	Aberdeen	John Innes ¹⁹²	A	07-Nov	X			
Elgin	Elgin	Moray	Alexander Todd ¹⁹³	D	15-Oct		X	X	

¹⁷⁸ *RPCS*, ser. 3 vol. xiv, pp. 327-30.

¹⁷⁹ *RPCS*, ser. 3 vol. xiv, pp. 353-6.

¹⁸⁰ *RPCS*, ser. 3 vol. xiv, pp. 131-3.

¹⁸¹ *RPCS*, ser. 3 vol. xiv, pp. 367-8.

¹⁸² *RPCS*, ser. 3 vol. xiv, pp. 429-30.

¹⁸³ *RPCS*, ser. 3 vol. xiv, pp. 447-9.

¹⁸⁴ *RPCS*, ser. 3 vol. xiv, pp. 366-7.

¹⁸⁵ *RPCS*, ser. 3 vol. xiv, pp. 240-42.

¹⁸⁶ *RPCS*, ser. 3 vol. xiii, p. 560.

¹⁸⁷ *RPCS*, ser. 3 vol. xiv, pp. 429-30.

¹⁸⁸ *RPCS*, ser. 3 vol. xiv, pp. 377-8.

¹⁸⁹ *RPCS*, ser. 3 vol. xiv, pp. 466-8.

¹⁹⁰ *RPCS*, ser. 3 vol. xiv, pp. 466-8.

¹⁹¹ *RPCS*, ser. 3 vol. xiv, pp. 466-8.

¹⁹² *RPCS*, ser. 3 vol. xiv, pp. 466-8.

¹⁹³ *RPCS*, ser. 3 vol. xiv, pp. 407-8.

Forres	Forres	Moray	William Law ¹⁹⁴	D	10-Oct		X	X	
Duthil	Aberne thy	Moray	Simon Grant ¹⁹⁵	D	14-Nov				
Dyke	Forres	Moray	William Falconer ¹⁹⁶	D	10-Oct				
Lhanbry de	Elgin	Moray	James Cook ¹⁹⁷	D	15-Oct		X	X	
Mortlach	Strathb ogie	Moray	Arthur Strachan ¹⁹⁸	D	07-Nov	X			
Urquhart	Elgin	Moray	James Gordon ¹⁹⁹	D	15-Oct		X	X	
Abernet hy	Aberne thy	Moray	James Grant ²⁰⁰	D	14-Nov				
Keith	Strathb ogie	Moray	James Strachan ²⁰¹	D	07-Nov	X			
Cromdal e	Aberne thy	Moray	John Stuart ²⁰²	D	14-Nov				
Kirkmic hael	Aberne thy	Moray	Colin Nicolson ²⁰³	D	14-Nov				
Grange	Strathb ogie	Moray	Alexander Kerr ²⁰⁴	A	07-Nov	X			
Lairg	Dornoc h	Sutherland & Caithness	John Dempster ²⁰⁵	D	07-Nov	X			
Dornoch	Dornoc h	Sutherland & Caithness	John Ross ²⁰⁶	A	07-Nov				

¹⁹⁴ *RPCS*, ser. 3 vol. xiv, pp. 394-5.

¹⁹⁵ *RPCS*, ser. 3 vol. xiv, pp. 498-9.

¹⁹⁶ *RPCS*, ser. 3 vol. xiv, pp. 393-4.

¹⁹⁷ *RPCS*, ser. 3 vol. xiv, pp. 408-9.

¹⁹⁸ *RPCS*, ser. 3 vol. xiv, pp. 466-8.

¹⁹⁹ *RPCS*, ser. 3 vol. xiv, pp. 409-10.

²⁰⁰ *RPCS*, ser. 3 vol. xiv, p. 498.

²⁰¹ *RPCS*, ser. 3 vol. xiv, pp. 466-8.

²⁰² *RPCS*, ser. 3 vol. xiv, pp. 497-8.

²⁰³ *RPCS*, ser. 3 vol. xiv, pp. 499-500.

²⁰⁴ *RPCS*, ser. 3 vol. xiv, pp. 466-8.

²⁰⁵ *RPCS*, ser. 3 vol. xiv, p. 469.

²⁰⁶ *RPCS*, ser. 3 vol. xiv, pp. 468-9.

Appendix IV – Privy Council Proclamations, 1689-1708¹

Yearly breakdown of proclamations, 1689-1708

Year	No. of proclamations issued by the Privy Council
1689	26
1690	22
1691	18
1692	15
1693	20
1694	21
1695	25
1696	31
1697	18
1698	18
1699	14
1700	12
1701	10
1702	14
1703	6
1704	14
1705	10
1706	10
1707	5
1708	12
Total	321

Proclamations under the joint monarchy of King William II and Queen Mary II, 1689-1694

No.	Proclamation	Date
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¹ These proclamations are divided into different tables according to the respective reigns under which they were produced. In total, the Privy Council issued 321 proclamations between 1689 and 1708. In the period of the joint monarchy, between 1689 and the end of 1694 (when Queen Mary died), there were 122 proclamations. During King William's sole reign, there were 130. Under Queen Anne, the council issued far fewer proclamations; there were a total of 69 proclamations between March 1702 and 1708. The annual mean average of proclamations in the studied period was sixteen, with the most being issued in 1696 at 31 after which there was a steady decline with the least being issued in 1707 at just 5. A table showing a yearly break down of total numbers of proclamations precedes the lists which name each one.

1	Proclamation for inbringing his Majesty's rents ²	24/6/1689
2	Proclamation against Lord Bellenden ³	4/7/1689
3	Proclamation for calling out the heritors beyond the Tay ⁴	16/7/1689
4	Proclamation for opening the signet ⁵	18/7/1689
5	Proclamation anent the roup of the general postmaster-ship ⁶	19/7/1689
6	Proclamation anent the forces ⁷	30/7/1689
7	Proclamation discharging persons to go out of the country ⁸	3/8/1689
8	Proclamation anent baggage horses ⁹	6/8/1689
9	Proclamation anent ministers ¹⁰	6/8/1689
10	Proclamation of an indemnity ¹¹	14/8/1689
11	Proclamation anent ministers ¹²	22/8/1689
12	Proclamation for a fast ¹³	24/8/1689
13	Proclamation for taking the oath of allegiance ¹⁴	31/8/1689
14	Proclamation for taking the oath of allegiance ¹⁵	4/9/1689
15	Proclamation for uplifting the bishops' rents ¹⁶	19/9/1689
16	Proclamation anent the payment of the arrears due to the forces ¹⁷	19/9/1689
17	Proclamation anent the roup of the excise ¹⁸	19/9/1689
18	Proclamation for adjourning the parliament ¹⁹	1/10/1689
19	Proclamation anent the Glasswork ²⁰	8/10/1689
20	Proclamation anent the Glass Manufactory ²¹	10/10/1689
21	Proclamation for opening of the Signet and sitting of the Session ²²	15/10/1689
22	Proclamation anent depredations ²³	12/11/1689
23	Proclamation for preventing false musters ²⁴	29/11/1689

² *RPCS*, ser. 3 vol. xiii, pp. 457-8.

³ *RPCS*, ser. 3 vol. xiii, pp. 485-6.

⁴ *RPCS*, ser. 3 vol. xiii, pp. 519-20.

⁵ *RPCS*, ser. 3 vol. xiii, pp. 535-6.

⁶ *RPCS*, ser. 3 vol. xiii, p. 542.

⁷ *RPCS*, ser. 3 vol. xiii, p. 569. This entry notes that this proclamation was booked on 3 August, however.

⁸ *RPCS*, ser. 3 vol. xiv, p. 10.

⁹ *RPCS*, ser. 3 vol. xiv, pp. 18-19.

¹⁰ *RPCS*, ser. 3 vol. xiv, pp. 19-20.

¹¹ *RPCS*, ser. 3 vol. xiv, pp. 43-4.

¹² *RPCS*, ser. 3 vol. xiv, pp. 77-8.

¹³ *RPCS*, ser. 3 vol. xiv, pp. 93-5.

¹⁴ *RPCS*, ser. 3 vol. xiv, p. 161. This entry states that this proclamation was booked 'in the end of the fourth day of this moneth *per licet*.'

¹⁵ *RPCS*, ser. 3 vol. xiv, p. 217.

¹⁶ *RPCS*, ser. 3 vol. xiv, pp. 308-9.

¹⁷ *RPCS*, ser. 3 vol. xiv, pp. 309-11.

¹⁸ *RPCS*, ser. 3 vol. xiv, pp. 311-12.

¹⁹ *RPCS*, ser. 3 vol. xiv, pp. 364-5.

²⁰ *RPCS*, ser. 3 vol. xiv, p. 390. This entry notes that the proclamation was delayed until 10 October when it was subscribed and booked.

²¹ *RPCS*, ser. 3 vol. xiv, pp. 399-400.

²² *RPCS*, ser. 3 vol. xiv, pp. 411-12.

²³ *RPCS*, ser. 3 vol. xiv, pp. 485-6.

²⁴ *RPCS*, ser. 3 vol. xiv, pp. 524-6.

24	Proclamation anent the post office ²⁵	29/11/1689
25	Proclamation adjourning the Parliament to the first of March next ²⁶	4/12/1689
26	Proclamation anent the card manufactory ²⁷	6/12/1689
27	Proclamation for levying seamen and bringing in accounts due by the soldiers ²⁸	10/1/1690
28	Proclamation for adjourning parliament ²⁹	18/2/1690
29	Proclamation for adjourning the parliament ³⁰	15/3/1690
30	Proclamation adjourning parliament ³¹	25/3/1690
31	Proclamation for raising pioneers and providing baggage horse to the army ³²	3/6/1690
32	Proclamation against disaffected persons ³³	19/6/1690
33	Proclamation for the security of the peace of Edinburgh ³⁴	21/6/1690
34	Proclamation discharging the exportation of victual ³⁵	21/6/1690
35	Proclamation for a solemn and public thanksgiving ³⁶	26/7/1690
36	Proclamation anent the signing the Assurance ³⁷	4/8/1690
37	Proclamation for choosing additional Commissioners to Parliament ³⁸	4/8/1690
38	Proclamation for inbringing the accounts due by the forces ³⁹	4/8/1690
39	Proclamation for discovering such as robbed the packet ⁴⁰	19/8/1690
40	Proclamation commanding officers to repair to their quarters ⁴¹	19/8/1690
41	Proclamation for a thanksgiving ⁴²	17/9/1690
42	Proclamation discharging persons to go to Ireland without passes ⁴³	26/9/1690
43	Proclamation for opening the Mint ⁴⁴	26/9/1690
44	Proclamation anent the hearth money ⁴⁵	29/9/1690
45	Proclamation for adjourning the Parliament ⁴⁶	15/10/1690

²⁵ *RPCS*, ser. 3 vol. xiv, pp. 526-8.

²⁶ *RPCS*, ser. 3 vol. xiv, pp. 533-4.

²⁷ *RPCS*, ser. 3 vol. xiv, pp. 545-7.

²⁸ *RPCS*, ser. 3 vol. xv, pp. 15-16.

²⁹ *RPCS*, ser. 3 vol. xv, pp. 98-9.

³⁰ *RPCS*, ser. 3 vol. xv, pp. 137-8.

³¹ *RPCS*, ser. 3 vol. xv, pp. 164-5.

³² *RPCS*, ser. 3 vol. xv, pp. 271-3. See also: *RPCS*, ser. 3 vol. xv, p. 249. This entry on 3 June (and that of 16 June, pp. 271-3) records that the proclamation was dated on this day but was booked on 16 June instead.

³³ *RPCS*, ser. 3 vol. xv, pp. 274-5.

³⁴ *RPCS*, ser. 3 vol. xv, pp. 280-82.

³⁵ *RPCS*, ser. 3 vol. xv, pp. 282-3.

³⁶ *RPCS*, ser. 3 vol. xv, pp. 334-5.

³⁷ *RPCS*, ser. 3 vol. xv, pp. 352-3.

³⁸ *RPCS*, ser. 3 vol. xv, pp. 353-5.

³⁹ *RPCS*, ser. 3 vol. xv, pp. 355-6.

⁴⁰ *RPCS*, ser. 3 vol. xv, pp. 393-4.

⁴¹ *RPCS*, ser. 3 vol. xv, pp. 394-5.

⁴² *RPCS*, ser. 3 vol. xv, p. 443.

⁴³ *RPCS*, ser. 3 vol. xv, p. 460.

⁴⁴ *RPCS*, ser. 3 vol. xv, pp. 460-61.

⁴⁵ *RPCS*, ser. 3 vol. xv, pp. 690-91. Interestingly, the printed volume records that this proclamation was not recorded in the register but appears in miscellaneous material and is therefore entered in the inventory of proclamations at the end of the volume, which covers 1690.

⁴⁶ *RPCS*, ser. 3 vol. xv, p. 482.

46	Proclamation for a solemn fast ⁴⁷	21/11/1690
47	Proclamation for providing magazines ⁴⁸	11/12/1690
48	Proclamation against deserters ⁴⁹	26/12/1690
49	Proclamation against the importation of victual ⁵⁰	6/1/1691
50	Proclamation prorogating the diet for inbringing the accounts due by the forces ⁵¹	29/1/1691
51	Proclamation for inbringing lists of the hearth money ⁵²	12/2/1691
52	Proclamation for adjourning Parliament ⁵³	3/3/1691
53	Proclamation for a monthly fast ⁵⁴	20/4/1691
54	Proclamation anent the hearth money ⁵⁵	20/4/1691
55	Proclamation for adjourning the Parliament ⁵⁶	4/5/1691
56	Proclamation anent passes ⁵⁷	4/5/1691
57	Proclamation anent the militia ⁵⁸	29/5/1691
58	Proclamation discharging the militia ⁵⁹	10/6/1691
59	Proclamation anent baggage horses ⁶⁰	11/6/1691
60	Proclamation against the rebels in the Bass ⁶¹	1/7/1691
61	Proclamation anent importing of horses from England ⁶²	13/8/1691
62	Proclamation for adjourning the Parliament ⁶³	27/8/1691
63	Proclamation of indemnity ⁶⁴	27/8/1691
64	Proclamation anent the Clan Greigour ⁶⁵	27/8/1691
65	Proclamation for adjourning the meeting of the General Assembly ⁶⁶	26/10/1691
66	Proclamation for his Majesty's return and success ⁶⁷	4/11/1691
67	Proclamation for adjourning the parliament ⁶⁸	29/3/1692
68	Proclamation for a Monthly fast ⁶⁹	21/4/1692

⁴⁷ *RPCS*, ser. 3 vol. xv, pp. 552-3.

⁴⁸ *RPCS*, ser. 3 vol. xv, pp. 597-9.

⁴⁹ *RPCS*, ser. 3 vol. xv, pp. 615-6.

⁵⁰ *RPCS*, ser. 3 vol. xvi, pp. 6-7.

⁵¹ *RPCS*, ser. 3 vol. xvi, pp. 68-9.

⁵² *RPCS*, ser. 3 vol. xvi, pp. 113-5.

⁵³ *RPCS*, ser. 3 vol. xvi, pp. 180-81.

⁵⁴ *RPCS*, ser. 3 vol. xvi, pp. 269-70.

⁵⁵ *RPCS*, ser. 3 vol. xvi, pp. 270-71.

⁵⁶ *RPCS*, ser. 3 vol. xvi p. 274.

⁵⁷ *RPCS*, ser. 3 vol. xvi, pp. 275-6.

⁵⁸ *RPCS*, ser. 3 vol. xvi, pp. 288-93.

⁵⁹ *RPCS*, ser. 3 vol. xvi, pp. 322-3.

⁶⁰ *RPCS*, ser. 3 vol. xvi, pp. 325-8.

⁶¹ *RPCS*, ser. 3 vol. xvi, pp. 383-4.

⁶² *RPCS*, ser. 3 vol. xvi, pp. 502-3.

⁶³ *RPCS*, ser. 3 vol. xvi, p. 538.

⁶⁴ *RPCS*, ser. 3 vol. xvi, pp. 539-40.

⁶⁵ *RPCS*, ser. 3 vol. xvi, pp. 540-41.

⁶⁶ *RPCS*, ser. 3 vol. xvi, p. 275.

⁶⁷ *RPCS*, ser. 3 vol. xvi, pp. 580-81.

⁶⁸ *NRS*, PC1/48, pp. 121-2.

⁶⁹ *NRS*, PC1/48, pp. 149-51.

69	Proclamatione against ministers there not prayeing for their majesties King William and Queen Mary ⁷⁰	28/4/1692
70	Proclamation discharging the Importation of forraigne victuall ⁷¹	3/5/1692
71	Proclamation for calling out the heretors and Fencible men ⁷²	9/5/1692
72	Proclamatione for secureing the peace in the northern shyres ⁷³	13/5/1692
73	Proclamation for a thanksgiving ⁷⁴	2/6/1692
74	Proclamation anent Game ⁷⁵	9/8/1692
75	Proclamation anent observing the steeple port at Camphire ⁷⁶	11/8/1692
76	Proclamation anent Beggars ⁷⁷	11/8/1692
77	Proclamation anent the hearth money ⁷⁸	12/8/1692
78	Proclamation anent robbing of the pacquett ⁷⁹	15/8/1692
79	Proclamatione anent souldiers deserting or Marryeing without Certificats ⁸⁰	16/9/1692
80	Proclamatione for adjourning the parliament ⁸¹	2/11/1692
81	Proclamation for apprehending Ensigne and Serjeant Campbell and regulating Levies off recruits ⁸²	16/12/1692
82	Proclamatione adjourning the parliament ⁸³	5/1/1693
83	Proclamation appointing heretors to be in readiness upon fourty eight hours advertisement ⁸⁴	12/1/1693
84	Proclamation dischargeing the exportation of broken bras and Copper ⁸⁵	26/1/1693
85	Proclamation for adjourning the parliament ⁸⁶	31/1/1693
86	Proclamation for preventing and regulating abuses by souldiers ⁸⁷	14/2/1693
87	Proclamation for adjourning the parliament ⁸⁸	25/2/1693
88	Proclamation against tumults in Edinburgh ⁸⁹	3/3/1693
89	Proclamation for adjourning the parliament ⁹⁰	27/3/1693
90	Proclamatione Indemnifying deserters ⁹¹	5/4/1693

⁷⁰ NRS, PC1/48, pp. 156-8.

⁷¹ NRS, PC1/48, pp. 165-6.

⁷² NRS, PC1/48, pp. 177-82.

⁷³ NRS, PC1/48, pp. 190-93.

⁷⁴ NRS, PC1/48, pp. 238-9.

⁷⁵ NRS, PC1/48, pp. 363-9.

⁷⁶ NRS, PC1/48, pp. 375-7.

⁷⁷ NRS, PC1/48, pp. 377-80.

⁷⁸ NRS, PC1/48, pp. 387-91.

⁷⁹ NRS, PC1/48, pp. 395-7.

⁸⁰ NRS, PC1/48, pp. 414-6.

⁸¹ NRS, PC1/48, pp. 432-3.

⁸² NRS, PC1/48, pp. 517-9.

⁸³ NRS, PC1/48, p. 542.

⁸⁴ NRS, PC1/48, pp. 550-51.

⁸⁵ NRS, PC1/48, pp. 565-6.

⁸⁶ NRS, PC1/48, p. 569.

⁸⁷ NRS, PC1/48, pp. 584-9.

⁸⁸ NRS, PC1/48, p. 607.

⁸⁹ NRS, PC1/48, pp. 617-8.

⁹⁰ NRS, PC1/48, pp. 653-4.

⁹¹ NRS, PC1/49, pp. 6-7.

91	Proclamatione appoynting persones to administrat the oath of alleadgance and Assurance ⁹²	13/5/1693
92	Proclamatione adjurning the parliament ⁹³	29/8/1693
93	Proclamatione Anent Beggars ⁹⁴	29/8/1693
94	Proclamatione superceeding the monthly fast ⁹⁵	7/9/1693
95	Proclamatione Indicting a Generall assembly ⁹⁶	27/9/1693
96	Proclamatione Against transporting Cornes to France ⁹⁷	12/10/1693
97	Proclamatione for a solemn thanksgiving ⁹⁸	8/11/1693
98	Proclamation Adjurning the Generall assembly ⁹⁹	28/11/1693
99	Proclamatione Anent the new Levys ¹⁰⁰	22/12/1693
100	Proclamatione For better Inbringing their Majesties excyse ¹⁰¹	22/12/1693
101	Proclamatione adjurning the parliament ¹⁰²	26/12/1693
102	Proclamatione For Apprehending Fergus Templetoone ¹⁰³	1/2/1694
103	Proclamation for adjurning the parliament ¹⁰⁴	12/3/1694
104	Proclamation for Delyvering the men in the shyres aftermentioned ¹⁰⁵	13/3/1694
105	Proclamation against The Importing of victuals or Catle from Ireland ¹⁰⁶	13/3/1694
106	Proclamatione Anent the horses and arms as such as refuse the oaths ¹⁰⁷	13/3/1694
107	Proclamation against Deserters frae the regiments going to Flanders ¹⁰⁸	4/4/1694
108	Proclamation for a solemn national fast ¹⁰⁹	2/5/1694
109	Proclamation Anent the polemoney ¹¹⁰	6/6/1694
110	Proclamation for rousing the rest of the hearth money ¹¹¹	12/7/1694
111	Proclamation adjurning the parliament ¹¹²	24/7/1694
112	Proclamation for Bringing in the accompts resting by the forces to the Countrey ¹¹³	31/7/1694

⁹² NRS, PC1/49, pp. 53-59.

⁹³ NRS, PC1/49, pp. 120-21.

⁹⁴ NRS, PC1/49, pp. 121-3.

⁹⁵ NRS, PC1/49, p. 129.

⁹⁶ NRS, PC1/49, p. 147.

⁹⁷ NRS, PC1/49, pp. 152-4.

⁹⁸ NRS, PC1/49, pp. 167-9.

⁹⁹ NRS, PC1/49, pp. 182-3.

¹⁰⁰ NRS, PC1/49, p. 199-201.

¹⁰¹ NRS, PC1/49, pp. 202-6.

¹⁰² NRS, PC1/49, pp. 209-10.

¹⁰³ NRS, PC1/49, pp. 241-2.

¹⁰⁴ NRS, PC1/49, pp. 297-8.

¹⁰⁵ NRS, PC1/49, pp. 299-300.

¹⁰⁶ NRS, PC1/49, pp. 308-10.

¹⁰⁷ NRS, PC1/49, pp. 310-12.

¹⁰⁸ NRS, PC1/49, pp. 328-30.

¹⁰⁹ NRS, PC1/49, pp. 368-70.

¹¹⁰ NRS, PC1/49, pp. 405-6.

¹¹¹ NRS, PC1/49, pp. 409-11.

¹¹² NRS, PC1/49, pp. 424-5.

¹¹³ NRS, PC1/49, pp. 429-31.

113	Proclamation for putting former acts and proclamations anent Beggars in executione ¹¹⁴	2/8/1694
114	Proclamation for making up deficient men in the Last Levys ¹¹⁵	2/8/1694
115	Proclamation for the more easie stating and Inbringing of the pole money and for bringing in Lists of what is payed of the hearth money ¹¹⁶	2/8/1694
116	A proclamation for bringing in the Lists and determining Debates about the Polemoney ¹¹⁷	6/9/1694
117	Proclamation Discharging persons to be brought from the Netherlands without passes ¹¹⁸	9/10/1694
118	Proclamation adjourneing the parliament ¹¹⁹	30/10/1694
119	Proclamation for a Solemn thanksgiving ¹²⁰	15/11/1694
120	Proclamation anent pole-money and bringing in the accompts payable furth thereof ¹²¹	16/11/1694
121	Proclamation for adjourning the parliament ¹²²	4/12/1694
122	Proclamatione anent Recruits and Desertors ¹²³	10/12/1694

Proclamations under King William II, 1695-1702

No.	Proclamation	Date
1	Proclamatione for the exercise of the Government in his Majesties name only ¹²⁴	2/1/1695
2	Proclamatione for a national humiliatie ¹²⁵	2/1/1695
3	Proclamatione anent the accompts ¹²⁶	22/1/1695
4	Proclamatione Dischargeing salt beeff from Ireland ¹²⁷	22/1/1695
5	Proclamatione adjourneing the parliament ¹²⁸	12/2/1695
6	Proclamatione indemnifying Desertors ¹²⁹	26/2/1695
7	Proclamatione Dischargeing King Jam's Copper Coyne in Ireland ¹³⁰	7/3/1695
8	Proclamation Dischargeing Irish Victuall ¹³¹	12/3/1695

¹¹⁴ NRS, PC1/49, pp. 432-3.

¹¹⁵ NRS, PC1/49, pp. 434-7.

¹¹⁶ NRS, PC1/49, pp. 437-9.

¹¹⁷ NRS, PC1/50, pp. 10-12.

¹¹⁸ NRS, PC1/50, pp. 19-21.

¹¹⁹ NRS, PC1/50, pp. 30-31.

¹²⁰ NRS, PC1/50, pp. 45-7.

¹²¹ NRS, PC1/50, pp. 47-50.

¹²² NRS, PC1/50, pp. 57-8.

¹²³ NRS, PC1/50, pp. 78-80.

¹²⁴ NRS, PC1/50, pp. 87-8.

¹²⁵ NRS, PC1/50, pp. 89-91.

¹²⁶ NRS, PC1/50, pp. 103-5.

¹²⁷ NRS, PC1/50, pp. 106-7.

¹²⁸ NRS, PC1/50, pp. 122-3.

¹²⁹ NRS, PC1/50, pp. 132-3.

¹³⁰ NRS, PC1/50, pp. 146-7.

¹³¹ NRS, PC1/50, pp. 148-9.

9	Proclamatione Adjourning the parliament ¹³²	19/3/1695
10	Proclamatione Adjourning the generall assemble ¹³³	28/3/1695
11	Proclamatione adjourning the parliament ¹³⁴	17/4/1695
12	Proclamatione dischargeing English clipt money ¹³⁵	16/5/1695
13	Proclamatione offering reward to such as apprehend Inchbrakoe ¹³⁶	4/6/1695
14	Proclamatione adjourning the generall assemble ¹³⁷	9/7/1695
15	Proclamatione Cryeing up the money ¹³⁸	12/7/1695
16	Proclamatione for Collecting and inbringing the polemoney 1695 ¹³⁹	27/7/1695
17	Proclamatione for ingathering the Excise ¹⁴⁰	14/8/1695
18	Proclamatione for a Solemn Thanksgiveing ¹⁴¹	2/9/1695
19	Proclamatione for the more effectual inbringing of the pole money ¹⁴²	3/10/1695
20	Proclamatione adjourning the parliament etc ¹⁴³	5/11/1695
21	A Proclamatione adjourneing the generall assemble ¹⁴⁴	7/11/1695
22	Proclamatione dischargeing the importation of forraigne victuall ¹⁴⁵	20/11/1695
23	Proclamation dischargeing the melting doune of Currant Coynes etc ¹⁴⁶	28/11/1695
24	Proclamatione and delyverance prorogating the dyet of giving in Lists of poleable persons and payment of ther polemoney etc ¹⁴⁷	19/12/1695
25	A proclamatione Dischargeing persons to Travell to Ireland without Passes ¹⁴⁸	31/12/1695
26	Proclamatione dischargeing correspondence and Commerce with France ¹⁴⁹	21/1/1696
27	Proclamatione declareing old unclipt merk peices and broad unclipt English money to be Currant ¹⁵⁰	28/1/1696
28	Proclamatione anent Recruits Leveys Desertors and Passes ¹⁵¹	13/2/1696
29	Proclamatione for securing the Kingdome against Invasione designed from France ¹⁵²	29/2/1696

¹³² NRS, PC1/50, pp. 156-7.

¹³³ NRS, PC1/50, pp. 162-3.

¹³⁴ NRS, PC1/50, pp. 172-3.

¹³⁵ NRS, PC1/50, pp. 183-4.

¹³⁶ NRS, PC1/50, pp. 203-4.

¹³⁷ NRS, PC1/50, p. 209.

¹³⁸ NRS, PC1/50, pp. 214-5.

¹³⁹ NRS, PC1/50, pp. 228-32.

¹⁴⁰ NRS, PC1/50, pp. 243-5.

¹⁴¹ NRS, PC1/50, pp. 245-7.

¹⁴² NRS, PC1/50, pp. 248-50.

¹⁴³ NRS, PC1/50, pp. 251-2.

¹⁴⁴ NRS, PC1/50, pp. 257-8.

¹⁴⁵ NRS, PC1/50, pp. 264-5.

¹⁴⁶ NRS, PC1/50, pp. 272-3.

¹⁴⁷ NRS, PC1/50, pp. 298-302.

¹⁴⁸ NRS, PC1/50, pp. 305-6.

¹⁴⁹ NRS, PC1/50, pp. 318-9.

¹⁵⁰ NRS, PC1/50, pp. 325-6.

¹⁵¹ NRS, PC1/50, pp. 336-8.

¹⁵² NRS, PC1/50, pp. 348-9.

30	Proclamatione appoynting the out bringing and delyvery of 1000 men for the Levie of this present year ¹⁵³	3/3/1696
31	Proclamatione calling out the half of the foot militia in some shyres the fencible men in others and for seizing horses and armes ¹⁵⁴	6/3/1696
32	Proclamatione for Calling out of the Heritors etc ¹⁵⁵	6/3/1696
33	Proclamatione for a solemn day of humiliation ¹⁵⁶	10/3/1696
34	Proclamatione for apprehending the persons afternamed as haveing been in France contrair to the acts of parliament ¹⁵⁷	12/3/1696
35	Proclamations for seizing the horses and armes of Papists ¹⁵⁸	13/3/1696
36	Proclamatione adjourning the parliament from the 20th march To the 21st of July next ¹⁵⁹	16/3/1696
37	Proclamation for apprehending Sir George Barkley ¹⁶⁰	7/5/1696
38	Proclamation Crying down English milled Crouns and half Crouns ordering the old merk and half merk peices to pass and stopping the taking of bullion at the mint house ¹⁶¹	21/5/1696
39	proclamation Crying down the silver scotts Croune peices and the 40ß 20 ß 10ß and 5ß scotts peices to former rates ¹⁶²	2/6/1696
40	Proclamation for a solemn national fast and humiliation ¹⁶³	5/6/1696
41	proclamation against regrating of virtuall and forstallers and alloweing Importation of foraign victuall free of publick burden ¹⁶⁴	9/6/1696
42	Proclamation for adjurning the parliament the 26th Agust nixt ¹⁶⁵	30/6/1696
43	Proclamation for a solemn fast and humiliation ¹⁶⁶	7/8/1696
44	Proclamation appointing 20ß scotts to be payed for every boll of forraign victuall that shall be Imported ¹⁶⁷	7/8/1696
45	Proclamation for adjurning the parliament from Agust the 26 till september the 8th ¹⁶⁸	13/8/1696
46	Proclamation for paying in the polemoney ¹⁶⁹	13/8/1696
47	Proclamation for apprehending Henry Every alias Bridgeman and severall other pirats ¹⁷⁰	18/8/1696
48	Proclamatione Indemnifieing deserters who shall retorne betwixt and the first of January next to come ¹⁷¹	12/11/1696

¹⁵³ NRS, PC1/50, pp. 355-61.

¹⁵⁴ NRS, PC1/50, pp. 374-9.

¹⁵⁵ NRS, PC1/50, pp. 382-5.

¹⁵⁶ NRS, PC1/50, pp. 390-92.

¹⁵⁷ NRS, PC1/50, pp. 398-401.

¹⁵⁸ NRS, PC1/50, pp. 405-8.

¹⁵⁹ NRS, PC1/50, pp. 409-10.

¹⁶⁰ NRS, PC1/50, pp. 510-11.

¹⁶¹ NRS, PC1/50, pp. 533-5.

¹⁶² NRS, PC1/50, pp. 537-8.

¹⁶³ NRS, PC1/50, pp. 544-5.

¹⁶⁴ NRS, PC1/50, pp. 546-8.

¹⁶⁵ NRS, PC1/50, p. 572.

¹⁶⁶ NRS, PC1/50, pp. 614-6.

¹⁶⁷ NRS, PC1/50, pp. 616-8.

¹⁶⁸ NRS, PC1/50, p. 622.

¹⁶⁹ NRS, PC1/50, pp. 624-6.

¹⁷⁰ NRS, PC1/50, pp. 627-8.

¹⁷¹ NRS, PC1/51, p. 30.

49	Proclamation for Adjurning the parliament ¹⁷²	3/12/1696
50	Proclamatione appointing the Commissioners of Supplie to be Justices of Peace ¹⁷³	3/12/1696
51	Proclamation Calling out the half foot militia in some shires The fencible men in others and the whole house militia in the northern shires ¹⁷⁴	10/12/1696
52	Proclamation appointing heretors to be In readiness ¹⁷⁵	11/12/1696
53	Proclamation Anent passes and the appearing of ships upon the Coast ¹⁷⁶	11/12/1696
54	Proclamation for a solemn nationall fast and humiliation ¹⁷⁷	12/12/1696
55	Proclamation for Calling out the Levy of one thousand men for the year 1697 ¹⁷⁸	16/12/1696
56	Proclamation anent Old Fourteens and their halfes, Cobbs and 40 penny peices ¹⁷⁹	31/12/1696
57	Proclamation for Compleating the Levy of 1000 men for the year 1697 And in case of deficiency to payud the Leaders ¹⁸⁰	10/2/1697
58	Proclamation anent the stenting of unfree Traders ¹⁸¹	18/2/1697
59	Proclamation anent the deficients of the Levys 1693 and 1695 ¹⁸²	26/2/1697
60	Proclamation for the Better Collecting and Inbringing of what is deficient of the pole money Imposed In anno 1695 ¹⁸³	18/3/1697
61	Proclamation for a solemn nationall fast ¹⁸⁴	15/4/1697
62	Proclamation Discharging Forraign Copper or brass Coyne ¹⁸⁵	4/5/1697
63	Proclamation recalling former Acts or proclamations Declaring forraign victuall free of duty And ordaining all victuall to be Imported to pay deuty as before the saids former acts and proclamations ¹⁸⁶	20/7/1697
64	Proclamation for adjurning the parliament ¹⁸⁷	29/7/1697
65	Proclamation for apprehending five persons Declared fugitives by the Commission of Justiciary for the highlands ¹⁸⁸	3/8/1697
66	Proclamation for the better Inbringing of the annexed and additionall excyse ¹⁸⁹	5/8/1697

¹⁷² NRS, PC1/51, pp. 38-9.

¹⁷³ NRS, PC1/51, pp. 39-40.

¹⁷⁴ NRS, PC1/51, pp. 51-8.

¹⁷⁵ NRS, PC1/51, p. 61.

¹⁷⁶ NRS, PC1/51, p. 62.

¹⁷⁷ NRS, PC1/51, pp. 64-5.

¹⁷⁸ NRS, PC1/51, pp. 67-72.

¹⁷⁹ NRS, PC1/51, pp. 81-2.

¹⁸⁰ NRS, PC1/51, pp. 113-5.

¹⁸¹ NRS, PC1/51, pp. 117-8.

¹⁸² NRS, PC1/51, pp. 131-2.

¹⁸³ NRS, PC1/51, pp. 154-6.

¹⁸⁴ NRS, PC1/51, pp. 176-7.

¹⁸⁵ NRS, PC1/51, pp. 199-200.

¹⁸⁶ NRS, PC1/51, pp. 229-30.

¹⁸⁷ NRS, PC1/51, pp. 235-6.

¹⁸⁸ NRS, PC1/51, pp. 238-9.

¹⁸⁹ NRS, PC1/51, p. 243. However, the register notes here that the proclamation was 'past this day and booked at the end of the fifth of August instant *per Licet*.' The contents of the proclamation do not appear on this page therefore. The proclamation appears in full on pages 252-257 at the end of the proceedings on 5 August.

67	Proclamation Against Importing victual from Ireland ¹⁹⁰	5/8/1697
68	Proclamation Anent Irish cattle revived ¹⁹¹	8/9/1697
69	Proclamation for publishing the peace Betuixt his Majestie and the french King ¹⁹²	26/10/1697
70	Proclamation Against the Frazers ¹⁹³	18/11/1697
71	Proclamation for a Solemn national thanksgiving ¹⁹⁴	20/11/1697
72	Proclamation Adjurning the parliament ¹⁹⁵	9/12/1697
73	Proclamatione against persons returning from France without passes ¹⁹⁶	9/12/1697
74	Proclamation Calling down the french three four-peice to 3s Scotts and appointing the Scotts 40d to pass at 3s 6d Scotts ¹⁹⁷	9/12/1697
75	Proclamation Anent Prophaneness ¹⁹⁸	25/1/1698
76	Proclamation for adjourning the Parliament ¹⁹⁹	3/3/1698
77	Proclamation anent the poor ²⁰⁰	3/3/1698
78	Proclamation for the Ready Inbringing the annexed and additionall Excise ²⁰¹	4/3/1698
79	Proclamation anent seminary preists Jesuits and traficking papists ²⁰²	4/3/1698
80	Proclamation for a national fast ²⁰³	10/5/1698
81	Proclamation prohibiting the Export of victuall ²⁰⁴	10/5/1698
82	Proclamation appointing skippers to give up Lists of their Passengers ²⁰⁵	11/5/1698
83	Proclamation against Importing of Irish Cattle or resetting thereof ²⁰⁶	11/5/1698
84	Proclamation for adjourning of the Parliament ²⁰⁷	21/6/1698
85	Proclamation against Resetting of the Frasers of Beawfort and their accomplices ²⁰⁸	7/7/1698
86	Proclamation against The Regrating of victuall and allowing the Importation thereof free of public Burden ²⁰⁹	14/7/1698

¹⁹⁰ NRS, PC1/51, pp. 245-6.

¹⁹¹ NRS, PC1/51, pp. 262-4.

¹⁹² NRS, PC1/51, pp. 272-3.

¹⁹³ NRS, PC1/51, pp. 289-90. Below this proclamation in the register the following is recorded: 'Nota the above proclamation was not proclaimed att Edinburgh But ane extract Given to the Lord Advocat to send north to proclaime att Invernes.'

¹⁹⁴ NRS, PC1/51, pp. 292-3.

¹⁹⁵ NRS, PC1/51, pp. 304-5.

¹⁹⁶ NRS, PC1/51, pp. 305-6.

¹⁹⁷ NRS, PC1/51, pp. 306-7.

¹⁹⁸ NRS, PC1/51, pp. 337-44.

¹⁹⁹ NRS, PC1/51, pp. 392-3.

²⁰⁰ NRS, PC1/51, pp. 396-9.

²⁰¹ NRS, PC1/51, pp. 403-7.

²⁰² NRS, PC1/51, pp. 407-9.

²⁰³ NRS, PC1/51, pp. 418-20.

²⁰⁴ NRS, PC1/51, p. 422.

²⁰⁵ NRS, PC1/51, pp. 425-6.

²⁰⁶ NRS, PC1/51, pp. 426-8.

²⁰⁷ NRS, PC1/51, pp. 438-9.

²⁰⁸ NRS, PC1/51, pp. 448-9.

²⁰⁹ NRS, PC1/51, pp. 455-6.

87	Proclamation For The more Easy and Effectuall Inbringing of the Polemoney ²¹⁰	20/9/1698
88	Proclamation Dischargeing Export and allowing Import of Victuall ²¹¹	9/11/1698
89	Proclamation Against Reqraters and forestallers of victuall ²¹²	15/11/1698
90	Proclamation Anent the Collectors of Polemoney and other points relating thereto ²¹³	15/12/1698
91	Proclamation For Adjourning the Parliament ²¹⁴	20/12/1698
92	Proclamation Discharging the Transporting of persons to the plantations of Foraigners in America ²¹⁵	27/12/1698
93	Proclamation for a solemn national Fast ²¹⁶	7/2/1699
94	Proclamation Anent Excise after the first of march next. 1699 ²¹⁷	23/2/1699
95	Proclamation Adjourning the parliament ²¹⁸	21/3/1699
96	Proclamation For Re Establishing the Staple port at Camphire ²¹⁹	30/3/1699
97	Proclamation Anent prices of victuall ²²⁰	31/3/1699
98	Proclamation for adjourning the parliament ²²¹	9/6/1699
99	Proclamation Allowing the free Transporting of victuall from one Shire to another and the Importation of Forraign victuall free of custom, and Twenty Shilling Scots, for Each imported Boll thereof ²²²	9/6/1699
100	Proclamation Against Exporting of Wool and Importing of woolen Cloath ²²³	23/6/1699
101	Proclamation adjourning the Parliament ²²⁴	1/8/1699
102	Proclamation Anent the Poor and providing Correction-houses for them ²²⁵	15/9/1699
103	Proclamation Adjourning the Parliament To the 5th of March 1700 years ²²⁶	4/11/1699
104	Proclamation For a Solemn nationall Thanksgiving and publick prayers ²²⁷	8/11/1699
105	Proclamation dischargeing the Export and allowing the Import of victuall ²²⁸	14/12/1699

²¹⁰ NRS, PC1/51, pp. 473-5.

²¹¹ NRS, PC1/51, pp. 485-7.

²¹² NRS, PC1/51, pp. 489-92.

²¹³ NRS, PC1/51, pp. 502-4.

²¹⁴ NRS, PC1/51, pp. 506-7.

²¹⁵ NRS, PC1/51, pp. 511-12.

²¹⁶ NRS, PC1/51, pp. 528-9.

²¹⁷ NRS, PC1/51, pp. 542-6.

²¹⁸ NRS, PC1/51, p. 550.

²¹⁹ NRS, PC1/51, pp. 561-2.

²²⁰ NRS, PC1/51, pp. 563-4. A list of commissioners of supply was attached at the bottom of this proclamation (pp. 565-6).

²²¹ NRS, PC1/51, p. 577.

²²² NRS, PC1/51, pp. 578-80.

²²³ NRS, PC1/51, p. 588-90.

²²⁴ NRS, PC1/52, p. 19.

²²⁵ NRS, PC1/52, p. 28.

²²⁶ NRS, PC1/52, p. 33.

²²⁷ NRS, PC1/52, p. 34.

²²⁸ NRS, PC1/52, p. 43.

106	Proclamation anent petitioning ²²⁹	18/12/1699
107	Proclamation Adjourning the Parliament To the 19th of May next ²³⁰	16/1/1700
108	Proclamation for a solemn nationall fast to be Kept the last Thursday of march next to come ²³¹	20/2/1700
109	Proclamation for Adjourning the Parliament ²³²	7/5/1700
110	Proclamation for Adjourning the Parliament ²³³	17/6/1700
111	Proclamation Discharging Bonfires and Illuminations ²³⁴	22/6/1700
112	Proclamation Adjourning the Parliament ²³⁵	1/7/1700
113	Proclamation Against a late Resolve Containing ane Engadgement as to Forraign Stuffs and Cloaths and certain Forraign Liquors ²³⁶	12/7/1700
114	Proclamation For apprehending Captaines Gavin Hamilton Kenneht McKenzie and Kenneth Urquhart ²³⁷	25/7/1700
115	Proclamation For a solemn nationall Fast ²³⁸	2/8/1700
116	Proclamation For discovering and apprehending Theives House-breakers and Robbers, and their Resetters ²³⁹	2/8/1700
117	Proclamation Adjourning the Parliament ²⁴⁰	6/8/1700
118	Proclamation adjourning the parliament ²⁴¹	15/10/1700
119	Proclamation For apprehending Walter Herries ²⁴²	1/1/1701
120	Proclamation against Importing of Irish victuall ²⁴³	6/1/1701
121	Proclamation adjourning the parliament ²⁴⁴	3/5/1701
122	Proclamation For Adjourning the parliament to the Sixth November nixt ²⁴⁵	2/8/1701
123	Proclamation anent the inland excise ²⁴⁶	5/8/1701
124	Proclamation anent a traitorous paper ²⁴⁷	23/9/1701
125	Proclamation explaining some parts of the Commission for the Justiciary of the Highlands ²⁴⁸	25/9/1701
126	Proclamation anent the Staple-port ²⁴⁹	26/9/1701

²²⁹ NRS, PC1/52, p. 47.

²³⁰ NRS, PC1/52, p. 60.

²³¹ NRS, PC1/52, p. 76.

²³² NRS, PC1/52, p. 95.

²³³ NRS, PC1/52, p. 107.

²³⁴ NRS, PC1/52, p. 111.

²³⁵ NRS, PC1/52, p. 120.

²³⁶ NRS, PC1/52, p. 127.

²³⁷ NRS, PC1/52, p. 131.

²³⁸ NRS, PC1/52, p. 133.

²³⁹ NRS, PC1/52, pp. 137-8.

²⁴⁰ NRS, PC1/52, pp. 139-40.

²⁴¹ NRS, PC1/52, pp. 155-6.

²⁴² NRS, PC1/52, pp. 163-5.

²⁴³ NRS, PC1/52, pp. 165-7.

²⁴⁴ NRS, PC1/52, p. 221.

²⁴⁵ NRS, PC1/52, pp. 274-5.

²⁴⁶ NRS, PC1/52, pp. 279-85.

²⁴⁷ NRS, PC1/52, pp. 289-91.

²⁴⁸ NRS, PC1/52, pp. 295-7.

²⁴⁹ NRS, PC1/52, pp. 300-303.

127	Proclamation for adjourning the parliament to the 8th January 1702 ²⁵⁰	4/11/1701
128	Proclamation anent the passing of old Fourteins and 40 penie peices ²⁵¹	18/11/1701
129	Proclamation for Adjourning the parliament to the 14 Aprile nixt ²⁵²	6/1/1702
130	Proclamation anent deserters and their reseters ²⁵³	10/2/1702

Proclamations under Queen Anne, 1702-1708

No.	Proclamation	Date
1	Proclamation for declaring Queen Anne, Queen of Scotland ²⁵⁴	13/3/1702
2	Act and proclamation anent the Sealls Signets and Cshetts etc ²⁵⁵	16/3/1702
3	Proclamation adjourning parliament until 26 May ²⁵⁶	24/3/1702
4	Proclamation appointing all persons in public trust etc to take the oath of alledgance and subscribe the same with the assurance ²⁵⁷	26/3/1702
5	Proclamation for adjourning the parliament to the 9th June ²⁵⁸	21/5/1702
6	Proclamation Declareing Warr against France and Spain ²⁵⁹	30/5/1702
7	Proclamation appointing the Oath of alledgance and assurance to be taken ²⁶⁰	21/7/1702
8	Proclamation anent the Post-office ²⁶¹	4/8/1702
9	Proclamation anent the Pole ²⁶²	8/8/1702
10	Proclamation dissolving parliament ²⁶³	14/8/1702
11	Proclamation for Calling a New parliament ²⁶⁴	8/9/1702
12	Proclamation for Adjourning the parliament to the 6th Aprile nixt ²⁶⁵	7/10/1702
13	Proclamation for calling a Generall Assembly ²⁶⁶	17/2/1703
14	Proclamation of Indemnity ²⁶⁷	30/3/1703
15	Proclamatione Adjourning the Parliament ²⁶⁸	30/3/1703
16	Proclamation anent persones goeing to and Staying in France since her Majesties indemnity ²⁶⁹	27/7/1703

²⁵⁰ NRS, PC1/52, pp. 306-7.

²⁵¹ NRS, PC1/52, pp. 316-8.

²⁵² NRS, PC1/52, pp. 331-2.

²⁵³ NRS, PC1/52, pp. 341-3.

²⁵⁴ NRS, PC1/52, pp. 361-3.

²⁵⁵ NRS, PC1/52, pp. 370-72.

²⁵⁶ NRS, PC1/52, pp. 377-8.

²⁵⁷ NRS, PC1/52, pp. 379.

²⁵⁸ NRS, PC1/52, pp. 387-8.

²⁵⁹ NRS, PC1/52, pp. 395-7.

²⁶⁰ NRS, PC1/52, pp. 413-8.

²⁶¹ NRS, PC1/52, pp. 431-3.

²⁶² NRS, PC1/52, pp. 436-7.

²⁶³ NRS, PC1/52, pp. 438-40.

²⁶⁴ NRS, PC1/52, pp. 447-8.

²⁶⁵ NRS, PC1/52, pp. 462-3.

²⁶⁶ NRS, PC1/52, pp. 501-2.

²⁶⁷ NRS, PC1/52, pp. 538-40.

²⁶⁸ NRS, PC1/52, pp. 541-2.

²⁶⁹ NRS, PC1/53, pp. 18-19.

17	Proclamation for Adjourning the Parliament ²⁷⁰	8/10/1703
18	Proclamation for Adjourning the Parliament ²⁷¹	9/12/1703
19	Proclamation Anent passes and Passengers ²⁷²	10/1/1704
20	Proclamatione adjourning the parliament to the 4th off Apprill ²⁷³	14/2/1704
21	Proclamation for apprehending Captain James Murray ²⁷⁴	29/2/1704
22	Proclamation Against preists and traffecquing papists ²⁷⁵	17/4/1704
23	Proclamation Adjourning the parliament ²⁷⁶	8/3/1704
24	Proclamation for Adjourning the Parliament ²⁷⁷	28/4/1704
25	Proclamation anent the Excyse ²⁷⁸	28/4/1704
26	Proclamation Dischargeing the Export of money ²⁷⁹	9/5/1704
27	Proclamation Adjourning the Parliament to the 22d of June ²⁸⁰	30/5/1704
28	Proclamation Adjourning the Parliament to the Sixth day of July ²⁸¹	15/6/1704
29	Proclamation for a Solemn Nationall Thanksgiveing ²⁸²	30/8/1704
30	Proclamation Adjourning the parliament to the 16 of December ²⁸³	3/10/1704
31	Proclamation Adjourning the Parliament to the 1st of February ²⁸⁴	11/12/1704
32	Proclamation Anent Recruits and Vagabonds ²⁸⁵	14/12/1704
33	Proclamation Adjurneing the parliament to the 27 March 1705 ²⁸⁶	3/1/1705
34	Proclamation against Papists ²⁸⁷	9/2/1705
35	Proclamation adjourning the parliament ²⁸⁸	13/3/1705
36	Proclamation Against Tumults ²⁸⁹	17/4/1705
37	Proclamation adjourning the parliament ²⁹⁰	18/4/1705
38	Proclamation for adjourning the parliament ²⁹¹	15/5/1705
39	Proclamation Adjourning the parliament ²⁹²	6/6/1705
40	Proclamation Prorogating the meeting of the Commissioners of Supplie till the 6th November ²⁹³	2/10/1705

²⁷⁰ NRS, PC1/53, p. 64.

²⁷¹ NRS, PC1/53, p. 88.

²⁷² NRS, PC1/53, pp. 117-8.

²⁷³ NRS, PC1/53, pp. 151-2.

²⁷⁴ NRS, PC1/53, pp. 179-80.

²⁷⁵ NRS, PC1/53, pp. 193-5.

²⁷⁶ NRS, PC1/53, p. 206.

²⁷⁷ NRS, PC1/53, p. 225.

²⁷⁸ NRS, PC1/53, pp. 226-32.

²⁷⁹ NRS, PC1/53, pp. 238-9.

²⁸⁰ NRS, PC1/53, pp. 242-3.

²⁸¹ NRS, PC1/53, pp. 250-51.

²⁸² NRS, PC1/53, pp. 271-2.

²⁸³ NRS, PC1/53, pp. 280-81.

²⁸⁴ NRS, PC1/53, pp. 309-10.

²⁸⁵ NRS, PC1/53, pp. 314-5.

²⁸⁶ NRS, PC1/53, pp. 344-5.

²⁸⁷ NRS, PC1/53, pp. 353-5.

²⁸⁸ NRS, PC1/53, pp. 372-3.

²⁸⁹ NRS, PC1/53, pp. 389-90.

²⁹⁰ NRS, PC1/53, pp. 391-2.

²⁹¹ NRS, PC1/53, p. 405.

²⁹² NRS, PC1/53, p. 410.

²⁹³ NRS, PC1/53, pp. 425-6.

41	Proclamation explaining the act anent the importation of Irish goods ²⁹⁴	6/12/1705
42	Proclamation explaining some clauses in the Commission for hindering the Importation of Irish victuall ²⁹⁵	11/12/1705
43	Proclamation Adjurneing the parliament to the nynth day of May nixt ²⁹⁶	15/2/1706
44	Act and proclamation anent Intruders into Churches ²⁹⁷	20/3/1706
45	Proclamation for a Nationall fast ²⁹⁸	17/4/1706
46	Proclamation adjourning the parliament ²⁹⁹	7/5/1706
47	Proclamation for A Nationall Thanksgiveing ³⁰⁰	8/6/1706
48	Proclamation Adjurneing the parliament to the 25 July nixt ³⁰¹	14/6/1706
49	Proclamation adjurneing the parliament ³⁰²	16/7/1706
50	Proclamation Adjurneing the parliament to the 19th day of September nixt ³⁰³	20/8/1706
51	Proclamation Adjurneing the parliament ³⁰⁴	6/9/1706
52	Proclamation Against Tumults and Rables ³⁰⁵	24/10/1706
53	Proclamation anent the Excyse ³⁰⁶	28/3/1707
54	Proclamation anent the English Silver Coyne ³⁰⁷	28/3/1707
55	Proclamation adjurneing the parliament ³⁰⁸	21/4/1707
56	Proclamation Dissolving the parliament ³⁰⁹	28/4/1707
57	Proclamation Continueing the Privie Councell and other offices and officers ³¹⁰	29/4/1707
58	Proclamation for calling in all Scots (old and new) 10s, 20s, & 40s pieces and declaring them invalid as of 10 February ³¹¹	12/1/1708
59	Proclamation for seamen and landmen to enter onto her majesty's ships of war ³¹²	25/1/1708
60	Proclamation for the more effectual recruiting of her majesty's land forces and the marines ³¹³	2/2/1708

²⁹⁴ NRS, PC12/1704-5.

²⁹⁵ NRS, PC1/53, pp. 433-4.

²⁹⁶ NRS, PC1/53, p. 440.

²⁹⁷ NRS, PC1/53, pp. 459-60.

²⁹⁸ NRS, PC1/53, pp. 467-8.

²⁹⁹ NRS, PC12/1706.

³⁰⁰ NRS, PC1/53, p. 472.

³⁰¹ NRS, PC1/53, p. 474.

³⁰² NRS, PC1/53, pp. 479-80.

³⁰³ NRS, PC1/53, pp. 484-5.

³⁰⁴ NRS, PC1/53, p. 485.

³⁰⁵ NRS, PC1/53, p. 488-9.

³⁰⁶ NRS, PC1/53, p. 499.

³⁰⁷ NRS, PC1/53, pp. 500-01.

³⁰⁸ NRS, PC1/53, p. 505.

³⁰⁹ NRS, PC1/53, pp. 508-9.

³¹⁰ NRS, PC1/53, pp. 509-10.

³¹¹ NRS, GD124/10/449/44; NRS, PC12/1706-8.

³¹² NRS, PC12/1706-8.

³¹³ NRS, PC12/1706-8.

61	Proclamation for the better recruiting of her majesty's land forces and the marines ³¹⁴	1/3/1708
62	Proclamation for a general fast and humiliation to be observed throughout Scotland on 1 April 1708 ³¹⁵	10/3/1708
63	Proclamation against papists ³¹⁶	15/3/1708
64	Proclamation restoring the Scots species of coin (10, 20 & 40 shilling) to their former 'currencie' (value) ³¹⁷	16/3/1708
65	Proclamation for seizing James Ogilvie younger of Boyn ³¹⁸	29/3/1708
66	Proclamation for the better recruiting of her majesty's land forces and the marines ³¹⁹	19/4/1708
67	Proclamation for dissolving this present parliament and declaring the speedy calling of another ³²⁰	23/4/1708
68	Proclamation for calling a new parliament ³²¹	28/4/1708
69	Proclamation for a solemn national thanksgiving ³²²	29/4/1708

³¹⁴ NRS, PC12/1706-8.

³¹⁵ NRS, PC12/1706-8.

³¹⁶ NRS, PC12/1706-8.

³¹⁷ NRS, PC12/1706-8.

³¹⁸ NRS, PC12/1706-8.

³¹⁹ NRS, PC12/1706-8.

³²⁰ NRS, PC12/1706-8.

³²¹ NRS, PC12/1706-8.

³²² NRS, PC12/1706-8.

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