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Management or Semi-Independence? The government of Scotland from 1707-1832

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(This essay is based on a paper written for the Association for Scottish Historical Studies 1996 conference on the theme of the 'Government and Mis-government of Scotland'.)

There has been an implicit distinction in the literature which has grown so in the last quarter century concerning Scottish politics from the Union to the Scottish Reform Act of 1832 which has been understood by most of those who have contributed to it, but has not always by many of those who have read it. There have now been a substantial number of published monographs and unpublished doctoral theses on the political management of Scotland during the eighteenth century.^[1] This work appears to me often to be considered as the same as work on the Scottish electoral system from 1707-1832 begun by William Ferguson and subject to comparatively fewer additions in recent years.^[2] While the first body of work implicitedly considers the nature of the constitutional relationship between England and Scotland as abstract entities after the parliamentary union of 1707, the second area of study is really concerned with identifying an unwritten Scottish constitution and demonstrating how it affected politics and the law after Scotland lost an independent political forum as well as its own legislature through the union. Only Ferguson really has undertaken this work in genuine depth, while others of us (I include myself) have contributed specific studies of particular political contexts^[3] that complement and provide detail for the framework Ferguson erected in his unpublished thesis, parts of which have reached print, but perhaps not as many readers as they should.^[4]

One reason for this may be that even in Scotland there has been a reluctance to concede that if there was an ancient Scottish constitution, it had any relevance or worth after 1707. Dr. Ferguson makes clear that by the third quarter of the eighteenth century things were very wrong indeed in terms of the Scottish constitution, and reforms were needed urgently, but this does not imply that the system had been corrupt and unregenerative for time out of mind.^[5] After all, weren't the constitutions of England and Wales, and of Ireland, equally corrupt and in need of reform by 1775?^[6] Wasn't that the cause of the American Revolution, which was a war fought out of conviction that the English constitution had become corrupt (partly through Scottish influence)?^[7] It took just as long for reform to be effected in England, Wales and Ireland as in Scotland, and that reform when it came proved to be just as flawed and incomplete elsewhere in the British Isles as in Scotland. Dr. Ferguson's point, as I understand it, has been that reform in Scotland suffered additionally from lack of understanding of the historical origins of what was being reformed.^[8]

One indication of this attitude can be seen in the recurring references to the fact that there were far fewer electors in Scottish constituencies than there were in England and Wales, or Ireland for that matter. The reasoning behind this appears to be that if politics in Britain and Ireland was corrupt and unrepresentative, they were even more corrupt and unrepresentative in Scotland because there were far fewer voters.^[9] There is a variant of this approach in Irish historiography, where the Irish Parliament which voted itself out of existence in favour of union with Britain in 1801 is held to lack national legitimacy because the Roman Catholic majority of the country was excluded for the most part from the constitution it represented.^[10]

One articulate exponent of this point of view was the late Dr. P.W.J. Riley of the University of Manchester, who recorded his views in a remarkable series of reviews once book length studies began to appear on eighteenth-century Scottish politics during the 1980's. The subject of the commentary is work which relates to the relationship of Scotland to England within the union, but the polemic is directed at the nature of the Scottish constitution before 1707 and whether it represented anything worthwhile in terms of Scottish politics and culture. Thus in Dr. Riley's review of Rosalind Mitchison's survey of Scottish History between 1625-1745, *Lordship to Patronage*, the author is rebuked in the following terms:

She has been unable wholly to abandon the idea of a Scottish Parliament as the authentic voice of the nation, whilst clearly being aware of the importance of 'high politics', and consequently of the fact that Parliament spoke with nothing but the voice of the dominant clique for the time being.^[11]

In another review, this time of Bruce Lenman's *Jacobite Clans of the Great Glen*, very similar sentiments are expressed:

He seemingly entertains no illusions concerning the greed and acquisitiveness of the Scottish nobility and clan leadership. Indeed, he appears to relish their brazen pursuit of self-interest.... However, despite the evidence, Mr. Lenman seems unable wholly to accept the view he is expressing. He imputes to some of these people the most extraordinary motives. We hear of Atholl's conscientious opposition to proposals for an incorporating union' (p.70), and with reference to Fraser [of Lovat], of 'that stalwart Scottish nationalism which was perhaps Simon's strongest emotion next to megalomania' (p.163). Such statements would have moved eighteenth-century Scotsmen to hollow mirth.... Any sign of anti-English, anti-court or anti-revenue feeling he interprets as Scottish patriotism and opposition to an English take-over, whereas the people he writes of were anti-everything but themselves.^[12]

This theme was a continuation of ideas first expressed in Riley's review of my own book, *The People Above: Politics and Administration in Mid-Eighteenth-Century Scotland*, which he claimed undermined the idea of Scottish nationalism:

This book gives support to the view that Scottish nationalism of the kind now familiar to us is really a product of the Union, being an assertion of 'Scottishness' within the United Kingdom. It was no accident that the post-war upsurge of nationalism coincided with the collapse of the United Kingdom's imperial status and the consequent shrinkage of a traditional field of Scottish endeavour. Then Scottish interest in the United Kingdom began to be appreciated for what it had been - a mere transference. If the Scots in general tend to shy away from the idea of independence it is not because they like it inside the Union but because the thought of what they might find outside is a little daunting.^[13]

What we have before us then, is Dr. Riley's exegesis on what he saw as the general implications of the three detailed monographs he published on Scottish government and politics from 1688-1727 (and the articles which accompanied them). The picture which emerges is a far from flattering one. A selfish feudal elite gained a degree of political independence and used it to monopolise the resources of a small country and later to gain access to the profits of expanding empire. As a group they had nothing to do with anything which might be considered a Scottish nation, although the review of Murdoch from 1983 actually does make a link between the landed elite of the past and the Scottish electorate post 1945. Dr. Riley shares the historiographical outlook espoused by Tom Johnston

is early days when he published *Our Noble Families* as a diatribe against a Scottish nobility and gentry he wished to eliminate from Scottish History.[14]

Yet I offer this not to condemn Dr. Riley but to praise him for being explicit about his reaction to the idea of a Scottish constitutional history which might be independent of that of England. Those interested in Scottish History are in Dr. Riley's debt for what we can learn from the careful scholarship he published, without being compelled to accept his own conclusions regarding the interpretation of that scholarship.[15] One can only hope that as many of those interested in English History read his work as those interested in Scottish History. In many ways E.P. Thompson's refusal to include Scotland and Wales in his *Making of the English Working Class*, although declared a mark of respect, indicates a refusal to engage with England's shared history as part of Britain in a way which is far more damaging than Patrick Riley's scepticism about the public virtue of the Scottish nobility.[16] Thompson's last article in *Past and Present*, on the radical John Thelwell in England and Scotland, is a welcome indication that he came to change his mind.[17]

The challenge implicit in Patrick Riley's work, however, is to decide whether, in Scotland's case, a constitutional history different from that of England indicates political if not cultural inferiority, a condition in which Scotland is not alone. Much of the world is not England, although this does not appear to occur to some English historians interested in British history.[18] The effects of the acceptance of this perspective can be seen at the end of the eighteenth century, when Scottish radicals and reformers were almost united in their rejection of pursuing reform or revolution in a genuinely national context, despite some references to the Claim of Right passed by the Scottish Convention Parliament of 1689.[19] From 1784, if not before, right through to 1832 and beyond, Scottish nationalism was associated in Scotland with the feudal privileges of the Scottish landed class. Their constitution and their laws were part of the Old Regime.[20] The price which Scots who rejected this history paid was the concession, however subconsciously, of the superiority of other histories to their own.

In terms of constitution and the law, the possibility of Scotland having its own tradition has been difficult for many English scholars to assimilate, although not so difficult for Americans or a New Zealander like John Pocock.[21] Ferguson's work has shown how unique Scottish institutions were undermined by lack of a forum to enable them to adjust to changing times. The English-dominated House of Lords did not understand Scots Law and could care less, and as a result it could be used to undermine the authority of the Court of Session in interpreting Scots Law.[22] When reform did come, it came at the hands of middle class Scottish Whigs who looked to regenerate Scotland on the model of England, and in the process complete the union by gaining, and they saw it as a gain, assimilation to England and the British state.[23] The large number of scholars interested in the Scottish Enlightenment have tried to comprehend a developing society with a cultural vigour which attracted international attention yet lacked political independence. A cultural achievement which, however, its scholarly admirers concede came to an end about the same time as the independent Scottish constitution.[24] Did each really exist independent of the other? This historical experience forms an interesting contrast to that of the American republic which achieved political independence in 1783, yet failed to gain cultural independence until, at the earliest, the 1840's, ironically drawing as much of its English-language cultural development from Scotland as from England itself.[25]

What of 'the actual evidence', as Patrick Riley termed it? Ferguson describes the political constitution of Scotland as it existed at the end of the eighteenth century in his thesis. While he never dissented from Riley's dismissal of the Scottish nobility, he is less dismissive of the Scottish landed class as a whole, about whom we still know comparatively little.[26] The detailed work which he and Sunter have carried out does reveal some corruption, but it also reveals a distinctive political constitution in operation which featured, for example, a far more direct obligation on representatives to be just that in Parliament, where they were expected to carry out their elector's instructions, rather than act as independent political agents.[27] Many other scholars, less steeped in the sources, have missed this important point.[28] The History of Parliament Trust volumes on the House of Commons, useful as they are, are imbued with a 'mother-of-parliaments' ethos which obscures the general implications of the fine detailed research on Scottish elections carried out by Edith, Lady Haden Guest and by John M. Simpson.[29] At one point in his thesis Ferguson shrewdly points out that the strong Scottish tradition of literal representation did not die out with the Union, but that the continuing concern of Scottish M.P.s to serve their electors' interests contributed to their reputation for grasping after patronage in London.[30] This is a good example of what Ferguson has described in his most recent publication as 'an old, fragmented and scarcely decipherable code' with which scholars are still attempting to come to terms.[31] We are so used to seeing Scottish politics with English eyes that we have not yet completely identified what we are looking for.

Scottish political management during the eighteenth century is now more clearly delineated, following Dr. Riley's pioneering work, extended into the eighteenth century by a number of scholars (including myself). If there was an unwritten Scottish constitution at the end of the seventeenth century, did political management in English interests contribute to its corruption? Or did that constitutional tradition contribute to the state of semi-independence which Nicholas Phillipson claimed for Scotland during the eighteenth century? The most recent general history of Scotland comes down on the side of management, or rather describes the government of eighteenth-century Scotland as a semi-independence in which 'the Scots at least ran their own branch of the spoils system', adding that 'others, more pessimistic, might well conclude from the same evidence that Scotland was, if not quite a provincial colony, certainly a satellite state'.[32] In other words, if the Union of the Crowns had been a halfway house which left the Scots in No-Man's Land, the parliamentary union of the eighteenth century protracted rather than solved the problem, allowing a privileged political elite to enjoy meaningless devolution at the expense of national development. The real response to this situation was that of the Jacobites, who in Scotland became a party of national independence (no matter how much this can be shown to be meaningless in relation to the agenda pursued by the royal Stuarts in exile), or on the other hand by the Hanoverian Whigs, dominated by the so-called Squadrone Party, who sought assimilation to England and the goal of completing the Union.[33] The middle way was the way of those seen by some as cowardly dissemblers who sought to benefit as they would from each change in political events. This was the way of the old Scottish Court Party, led by the second Duke of Queensberry after the union, captured by the second Duke of Argyll and his brother the Earl of Ilay after the 1715 rebellion, held by the latter until his death in 1761, continued briefly by their nephews the third Earl of Bute and James Stuart Mackenzie to 1765 and revived, after a brief hiatus during which political corruption reached its nadir, by the third Duke of Buccleuch and Henry Dundas, founders of the modern Scottish Tory Party.[34]

These men were not nationalists, if we are looking for nationalists. In many ways Scottish Jacobites might be interpreted as identifying with the fortunes of what they perceived as a native dynasty in a proto-nationalistic manner. The Squadrone, the Whigs of southeast Scotland, aspired to be managers, or rather they aspired to be English agents in promoting legal and religious assimilation.[36] Remember that dissenting protestants were an important part in the political equation of the English Whigs. The Dundas family of Arniston held the Lord Presidency of the Court of Session from 1747 to 1754 and from 1760 right through to 1786 as agents of an English ministry which sought to create a single Whig party in Scotland, including the old court party and the Squadrone.[37] By the time the Earl of Ilay became third Duke of Argyll he had no opposition to this. He wrote to his chief correspondent in Scotland that he was too old and had too great a stake in life 'to set myself up again as a Cock to be thrown at', a reference to his work for the Walpole ministry during the Malt Tax crisis of 1725 and the Porteous Affair of 1737. 'If I act temperately', he also wrote in 1743, it must be a very odd ministry who will not be civil to me, and if I act otherwise, I should put myself to a great deal of trouble for really I don't know what.[38] It was the Squadrone Whigs, like Dundas or the third Earl of Marchmont, who tried to keep the Jacobite witch hunt alive and to portray Argyll as an ambitious Vice Roy, bent spider like at weaving a web of patronage to monopolise power in Scotland. They convinced the Duke of Newcastle, as they had convinced the Duke of Cumberland, that Argyll

was entirely directed by, or subordinate to, highland influence, and that ... he always retained that principle which obliged him to have recourse to and depend in some measure upon great highland families who had been declared enemies to the government. [39]

Could this really be said of the chief of the Campbells? Is this really not an indication of the ignorance of Scotland and its history on the part of the Duke of Newcastle and the Duke of Cumberland and other prominent English politicians and ministers? What does it say about the Squadrone's politics when they can be seen pandering to these ideas of Scotland?[40]

It can be argued that the Campbells were self-serving lackeys of Walpole up to his fall in 1742, but on the other hand both of the scholars who did most to study

period of Scottish government and politics, John Simpson and Richard Scott, concluded that their interest protected Scotland from English excesses, though their policy was unable to prevent the Jacobite Rebellion of 1745.[41] John Stuart Shaw's work, which is focused on Scotland itself rather than on government and administration, supports this reading of the evidence. He states that ultimate power resided in London, but nowhere in his book is there evidence of systematic English interference in Scottish affairs.[42] The Rebellion did not result from a determination for war, but from a last lingering gesture of loyalty by the majority of the population north of the Clyde and Forth to the country's native dynasty once its forlorn hope appeared and raised his standard.[43] The third Duke of Argyll protected those he could once the game was up, but no one could accuse him of being subject to the highland interest if they heard his remarks at the conclusion of the trial of James Stewart at Inveraray; a trial for the murder of a Campbell who was factor for an estate annexed to the Crown after the '45:

... that this murder has been visibly the effect and consequence of the late rebellion. If you had been successful in that rebellion you had been now triumphant with your confederates trampling upon the laws of your country, the liberties of your fellow-subjects, and on the Protestant religion. You might have been giving the law where you now have received the judgement of it; and we, who are this day your judges, might have been tried before one of your mock courts of judicature, and then you might have been satiated with the blood of any name or clan to which you had an aversion.[44]

So from one perspective, that of English politicians and Squadrone Lowland Whigs, Argyll was a devious politician ever greedy for more power. From a highland perspective, he was the agent of the English and the Whigs.

We can learn something of how he saw himself, and how his party saw him, in a series of portraits Allan Ramsay painted of Argyll over a period of almost 20 years, the most important of which was purchased by the town council of Glasgow in 1747 and hung in the Town Council Chambers there. Although another of Ramsay's portraits is the origin of the visage which stares out at us, very much the commercial Whig, from the bank notes of the Royal Bank of Scotland, it is the Glasgow portrait which tells us most about his idea of his place in Scottish politics. Argyll is portrayed in his robes as Lord Justice General, Head of the Court of Justiciary, but the book he holds contains a message about rebellion, history, forgiveness and irony which is not immediately apparent but has been identified by Dr. John Cairns, Reader in the Department of Private Law at the University of Edinburgh.[45] The book is Sir George Mackenzie's *Complete Works*, Vol. One, published in 1716, and the page is open at the beginning of his *Pleadings in Some Remarkable Cases Before the Supreme Courts of Scotland*. In this case, Mackenzie defended the Marquis of Argyll, great-grandfather of the third duke, against the charge of treason in 1661. The text at the head of the page begins 'whether passive compliance in public relations, be punishable as treason.'

In this portrait therefore, the Lord Justice General, head of the Court which executed his great-grandfather, reads his ancestor's defence while clothed in his robes of office. A further irony is added when we remember that the Marquis of Argyll, as Lord Lorne in 1628 had surrendered his family's hereditary right to the office of Lord Justice General to the Crown.[46] His unsuccessful defence was before a court over which he had once had the hereditary right to preside, and it ordered his execution. Almost a century later his descendant would head it again. The presentation of an image harbouring so many ironies of history just a year after the end of the Jacobite Rebellion of 1745/6 provides visual evidence of Argyll's work to limit the damage caused by the rebellion to Scotland, and is meant to remind the viewer that fortunes can change in History. The judge might one day be the defendant. A theme also present in Argyll's address to James Stewart for the Appin murder. It is also a coded reference to the passive compliance forced on a defenceless Lowland Scotland by an invading Jacobite army from the north during 1745 and 1746, and to the importance of the rule of [Scots] Law and the safeguards it provided to liberty and property through the political union with England. There would be those, such as James Stewart at the Appin trial and the political radicals tried before the Court of Justiciary at the end of the eighteenth century, who would not have access to these safeguards because they were perceived to be outside this legal tradition through their opposition to its political basis.

Argyll's obituary contained the pointed reminder that 'his firm attachments to the protestant succession, ... [never appeared] in that invidious scrutiny of party distinction, by which the divisions of a people are unhappily fomented; and personal importance acquired by exasperating the misfortunes of a country.'[47] That obituary was written by Argyll's closet confederate Andrew Fletcher, the nephew of Andrew Fletcher of Saltoun, who held places in the Court of Session and the Court of Justiciary as Lord Milton (a name he took, significantly, after the Fletcher ancestral estate in Yorkshire). To dismiss both these men as political hacks is to ignore Fletcher's upbringing and many of the resonances of the actual policy of his and his patron's political careers.[48]

The analysis of the Scottish Tory Party created by Henry Dundas with the help of the third duke of Buccleuch and William Pitt the younger involves some of the same issues. Did Dundas enslave a nation or defend its interests? This question must be answered with another question - which nation are we discussing? For the career of Dundas, founded on a determination to save the Scottish constitution from corruption by the new money of the nabobs and their hangers-on, was transfigured by the need to make common cause with anyone who had property in the face of the revolutionary threat posed by the ideas of Thomas Paine and the example, at least until 1798, of the French Republic. Dundas ceased to be a national figure in Scotland once Scotland became more than he could comprehend politically after 1792, but his defence of the Scottish constitution as it had evolved after 1707, for that is what it was, against both Nabob and radical, meant that Scottish national politics became Tory politics.[49] Reform and the Rights of Man meant reform of Scottish institutions and reform to a universalist model which in the end made a desert of Scots Law and History and called it reform and progress. One illustration of this is the statement made by Dundas in one of his letters to Edward Thurlow written at the time of the American Revolution:

It is monstrous indeed that any set of men should be so blind as not to see, or if they do see, so wicked as to contend with one breath, that the whole mass of the people is luxurious, dissipate and corrupt, and with the same breath to argue that the constitutional powers of that luxurious, dissipated and corrupt mass should be enlarged.[50]

Who did Dundas mean? He meant those who wanted to extend the political nation rather than defend its constitutional traditions and the political hegemony of the landed elite.

John Brims has quoted a ballad which was printed and sold in the streets of Edinburgh after the attack on Dundas's house during the King's Birthday riots in Edinburgh of June 1792 which presented a rather different view of Dundas's philosophy as perceived from the street, having him expound in song:

Wha e'er looks at borough books may find cause to complain,
My way has been to steek my een - the reason's very plain;
All Magistrates are honest men, the Burgesses are thieves,
I like the Corporations, Sirs, think all Reformers knaves.[51]

To reformers, Dundas was defending the indefensible, but Dundas and those he represented amongst the great majority of the landed class were convinced that they were opposing the anarchy and demagoguery of the mob, as illustrated in the Anti-Popery riots in Edinburgh of 1779, or the pro-French political violence of the King's Birthday riots in 1792.[52]

The rise of empire, or rather its continued development, and the distractions of the social dislocation attendant on large-scale urbanisation and industrialisation deferred consideration of the consequences, but it is surely no mistake that once the empire was threatened by Irish Home Rule and Britain lost its industrial supremacy, the union began to be questioned in Scotland and the move towards executive devolution began.[53] What was lost in the process, however, was not the idea of semi-independence, but of a Scottish constitution. As our knowledge of it increases, its relevance to modern Scotland should be

ussed.

To use twentieth-century political values to condemn a feudal monarchy is ahistorical. Even Tom Johnston came to admit that. To identify a distinctive Scottish political and constitutional tradition is not to argue for a return to feudalism in the twentieth century, but to argue for continuity and coherence in the Scottish historical tradition. In considering Scottish political history during the eighteenth century, however, we have to decide between two different ways of analysing the period. Management is a comforting perspective because there are villains in a corrupt nobility and gentry, and to interpret politics as corrupt management in English service entails a parallel view of the Scottish Enlightenment as an attack on the purity of vernacular culture. Semi-independence is less straightforward as an idea, but it provides a framework which makes Scotland's participation in the Enlightenment comprehensible, and it can accommodate an explanation of why Jacobite activity in Scotland continued until the 1750s. Semi-independent Scotland could shield its anti-unionist elements from English witch-hunts without rejecting the union itself, and in time the situation did change to one where no one wanted to be a Jacobite any more. The third Duke of Argyll's statements, verbal and visual, indicate just how much he was aware that what had happened in history was by no means inevitable. Whigs in Scotland were divided between a Squadrone who wanted to become English and a Court Party who after 1707 may have hoped to contain Jacobites rather than eliminate them, but who realised that Jacobites in Scotland were Scots first and Jacobites second. To hunt them down and eliminate them would be to descend again to the worst excesses of the civil war of the preceding century. It is not often realised that one of the excesses stopped by Argyll and Lord Milton was a plan to colonise the annexed Jacobite estates with English farmers after 1750.^[54] Henry Dundas came from a Squadrone political family, but he adopted Scottish Court policy by his interest in Scottish electoral reform and in his analysis of the social context of emigration from Scotland in 1775.^[55] When he arranged to have the Jacobite annexed estates returned to their families in 1784, he was returning to a policy of which the Duke of Argyll would have approved.

The beginning of the end of the Scottish semi-independent state began in 1785, when those interested in Scottish Burgh Reform could find no one amongst the Scottish representatives in parliament to take up their cause after the Court of Session refused to act. Even the most reformist of all the Scottish M.P.s, George Dempster, felt that he could not introduce a bill which would call for the end of the electoral system which had elected him.^[56] Henry Dundas was more interested in the county franchise than the burghs. In the end, on the advice of Charles James Fox, the burgh reformers went to George Brinsley Sheridan in England (who of course was Irish) and having gone to an M.P. for an English seat (although not an Englishman) to achieve change, the precedent was set. Once a revival of a reform movement amongst the propertied classes began again after 1802, its leaders not only looked to make a political nation based on property more secure by extending its membership, but realised that it would be impossible to achieve this within the old Scottish constitution, and moved instead to an alliance with reformers in England.^[57] An optimistic attempt to interpret the 'Radical War' of the 1820s as national has attracted little support.^[58] Radical opinion looked to English reform or French revolution for its paradigm of the future. This was the inglorious but necessary end to the twilight of the ancient Scottish constitution in its last phase of semi-independence, but to dismiss its history from 1707-1792 as management is simplistic. The wars against Napoleon utterly transformed the context of British politics, as can be seen from the research presented in books as disparate as Thompson's *Making of the English Working Class* and Colley's *Britons*.

The problem for the reformers and assimilationists was that once you turned your back on your own history there was little room for you in someone else's. A truth demonstrated by the difficulties entailed in obtaining modern Scottish legislation from a Parliament in which the majority of M.P.s are not Scots. The attempt to create a greater Britain provided a structure, as did the idea of a Commonwealth which the Scots Earl of Rosebery invented in the 1870s,^[59] as does the European Community today. The American James Baldwin, looking to his own lost history out of Africa, wrote that 'once you know where you have come from, there really is no limit to where you can go.'^[60] The idea of semi-independence in eighteenth century Scotland is a signpost to a history which later disappeared, and which is now in the process of being recovered. Colin Kidd's recent work, for example, has opened up an entirely new perspective on this idea.^[61] There are new opportunities to link the study of Scotland's government to wider aspects of its history during the eighteenth century which may help us link its political history to its cultural achievements (and disappointments) in a way which will help overcome barriers that have divided the study of its history in the past.

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Endnotes

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11. *Parliamentary History*, 5 (1986), pp. 149-150.

12. *English Historical Review*, 102 (1987)

13. *Ibid.*, 97 (1982). Also see his review of J.S. Shaw, *The Management of Scottish Society* in *Ibid.*, 101 (1986), and the review article by Linda Colley, 'The People Above in Eighteenth-Century Britain', *The Historical Journal*, 24 (1981), pp. 971-9.

14. Tom Johnston, *Our Noble Families* (1909).

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16. E.P. Thompson, *The Making of the English Working Class* (prbk edn 1968), pp. 13-14.

17. E.P. Thompson, 'Hunting the Jacobin Fox', *Past and Present*, 142 (1994).

18. J.C.D. Clark, 'English History', *Historical Journal*, 32 (1989); Paul Langford's *A Polite and Commercial People* (1989) largely excludes Scotland, but at a conference on British National Identity held by the Northwest England Branch of the British Association for Eighteenth-Century Studies at Manchester in September 1994 he astounded the audience by declaring himself to be a Celt (he is Welsh). A clear statement of resistance to the idea of British History is Conrad Russell, 'The British Problem and the English Civil War', *History*, 72 (1987), pp. 395-415.

19. John D. Brims, 'The Scottish "Jacobins", Scottish Nationalism and the British Union', in R.A. Mason, ed., *Scotland and England 1286-1815* (1987), pp. 247-265, is the classic statement of why a British context was important, but there is an interesting twist in the quotation in Brims, 'The Scottish Democratic Movement in the Age of the French Revolution' (Edinburgh University Ph.D. thesis, 1983), p. 414, from the speech of Alexander Aitchison to the Second Convention of the Scottish Association of the Friends of the People, May 1793: 'We had two plain rules of conduct ... beyond which we could not step without danger - These were the Magna Charta of England and the Claim of Right of the Scots Convention Parliament in 1688 [sic] - These comprehended our rights as Britons -'. See the appeal to the Claim of Right by burgh reformers in Dumfries in 1760 in Murdoch, 'Politics and the People in the Burgh of Dumfries', *SHR*, 70 (1991), p. 158

20. As expressed, for example, in Henry Cockburn's journal for 6 August 1832, referring to the reforms of 1832 as at last giving Scotland a constitution, quoted in J.G. Fyfe, ed., *Scottish Diaries and Memoirs 1746-1843* (1942), p. 369. See also the account in W. Law Mathieson, *The Awakening of Scotland 1747-1797* (1910).

21. See John Pocock, 'British History, A Plea for a New Subject', *Journal of Modern History*, 45 (1975), pp. 601-621; and his recent reassessment in *Journal of British Studies*, 31 (1992). Would Linda Colley have written *Britons* (1992) if she was still holding a fellowship at Cambridge rather than a chair of British History at an American university?

22. Ferguson, 'Electoral Law and Procedure', pp. 51-53, 95-99; Ferguson, *Scotland: 1689 to the Present* (1968), pp. 135-6; Ferguson, 'The Electoral System', pp. 284-286.

23. This forms much of the background to N.T. Phillipson, *The Scottish Whigs and the Reform of the Court of Session, 1785-1830* (The Stair Society, 37, 1990), see especially the afterward, pp. 178-181.

24. N.T. Phillipson, 'The Scottish Enlightenment' in R. Porter and M. Teich, eds., *The Enlightenment in National Context* (1980); N.T. Phillipson, 'The Scottish Enlightenment' in D. Daiches, ed., *A Companion to Scottish Culture* (1981, revised and updated edn 1993).

25. A. Hook, *Scotland and America 1750-1835* (1975); J.R. Pole, *Foundations of American Independence* (1972); S. Manning, *The Puritan-Provincial Vision: Scottish and American Literature in the Nineteenth Century* (1990).

26. Ferguson, 'Electoral Law and Procedure', chapters I & II.

27. Ferguson, *Ibid.*, pp. 26-37; R. Sunter, *Patronage and Politics*, pp. 90-91, 98, 103, 105, 111, 117, 134, 145.

28. An honourable exception is Paul Kelly, 'Constituents Instructions to Members of Parliament' in Clyve Jones, ed., *Party and Management in Parliament 1660-1784* (1984).

29. R. Sedgwick, ed., *The House of Commons 1715-1754* (1970); Sir L. Namier and J. Brooke, eds., *The House of Commons 1754-1790* (1964); R.G. Thorne, ed., *The House of Commons 1790-1820* (1986).

30. Ferguson, 'Electoral Law and Procedure', p. 32.

31. Ferguson, 'Introduction' in Clyve Jones, ed., *The Scots and Parliament*, p. 3, published by *Parliamentary History*, 15.1 (March 1996), but available as a separate volume from Edinburgh University Press.

32. M. Lynch, *Scotland: A New History* (1992 prbk edn), pp. 325-6. Phillipson's ideas were first presented in chapter one of his thesis, cited in its published version in note 23 above; and elaborated in 'Lawyers, Landowners, and the Civic Leadership of Post-Union Scotland', *The Juridical Review*, 1976, 97-120, and earlier essays cited there.

33. J.M. Simpson, 'The Causes of the 45', in L. Scott-Moncrieff, ed., *The '45: To Gather an Image Whole* (1988); M. Pittock, 'Who Were the Jacobites? The Pattern of Jacobite Support in 1745' in M. Lynch, ed., *Jacobitism and the '45* (1995), pp. 58-70; M. Pittock, *The Myth of the Jacobite Clans* (1996). There is no satisfactory treatment of the Squadron, but a part history can be traced through Riley, *English Ministers*; Murdoch, *People Above*; and R. Scott, 'Politics and Administration of Scotland 1725-1748'.

34. J.M. Simpson, 'Who Steered the Gravy Train?'; Murdoch, *People Above*, 124-131; M. Fry, *Dundas Despotism*; David J. Brown, 'Henry Dundas and the Government of Scotland'.

36. This can be seen clearly in the journal of the third Earl of Marchmont as he recounts his pursuit of ministerial favour: Historical Manuscripts Commission, *Report on the Manuscripts of the Rt. Hon. Lord Polwarth*, ed. H. Paton (1961), vol. v.

U.S. Bricke, 'The Pelhams vs. Argyll: A Struggle for Mastery of Scotland, 1747-1748', *SHR*, 61 (1982), 157-165.

38. As quoted in Murdoch, *People Above*, p. 34.

39. Quoted in *Ibid.*, p. 40. See for example the letter of Gilbert Elliot to Lord Bute of August 1755 quoted in *Ibid.*, p. 45.

40. See Hardwicke's comments on the Squadrone quoted in *Ibid.*, p.99, where he describes them as 'the true Whig Interest in Scotland', but has to concede that 'they have few capable men amongst them'.

41. J.M. Simpson, 'Who Steered the Gravy Train?', p.69: 'Islay, the wily Gael, was unique in lulling ministries into making over their powers to him.'; Scott, 'Politics and Administration', pp. 269-70, 361, 555-561, esp. 561: 'Illy effectively provided Scotland with a period in which to grow accustomed to the Union and this in the long term was his most lasting achievement.'

42. J.S. Shaw, *The Management of Scottish Society*, chapters 6-7, the best in the book.

43. J.M. Simpson, 'Causes of the 45'; B. Lenman, *Jacobite Risings*, chapter 10.

44. D.N. Mackay, ed., *Trial of James Stewart (The Appin Murder)* (1907, 'Notable Scottish Trials' series), p. 289.

45. A. Smart, *Allan Ramsay 1713-1784* (1992), contains a discussion of Ramsay's association with Argyll and a reproduction of the portrait of 1747 and a later portrait of 1758.

46. *Scots Peerage*, I, p.351.

47. *Scots Magazine*, xx (May 1761), p.278, quoted in Murdoch, *People Above*, p.101.

48. J.S. Shaw, *Management*, chapter 7 is an analysis of Milton's career, which records (p.154) Milton's recollections of his uncle the patriot's dying words on the state of the country.

49. M. Fry, *Dundas*, pp. 307-9; David J. Brown, 'Henry Dundas and the Government of Scotland'.

50. SRO, GD.51/1/3, Henry Dundas to Edward, Lord Thurlow, Lord Chancellor, 6 Nov. 1780. I am grateful to Michael Fry, Honorary Fellow, Centre for Scottish History, University of Strathclyde, for drawing this document to my attention.

51. As quoted in Brims, 'From Reformers to Jacobins' in T. Devine, ed., *Conflict and Stability*, p.32.

52. K. Logue, *Popular Disturbances in Scotland, 1780-1815* (1979), pp. 133-147; C. Whatley, 'Royal Day, People's Day: the Monarch's Birthday in Scotland' in R. Mason and N. Macdougall, eds., *People and Power in Scotland* (1992), pp. 177-178.

53. H.J. Hanham, 'The Development of the Scottish Office' in J.N. Wolfe, ed., *Government and Nationalism in Scotland* (1969), pp. 65-69; R. Rhodes James, *Rosebery* (1963); C. Guthrie, *Robert Louis Stevenson* (1924), pp. 47-48: 'I remember walking round and round Moray Place with him, about the year, 1876, when he sketched a book on the union of England and Scotland, which should discuss the success of that union contrasted with the failure of the union of Great Britain and Ireland, although both were equally obnoxious to the majority of the lesser nations directly concerned.'

54. Byron F. Jewell, 'The Legislation Relating to Scotland After the Forty-Five' (University of North Carolina Ph.D., 1975, now available on microfilm in the National Library of Scotland), pp. 236-246.

55. See the perspective on Dundas offered in Bernard Bailyn, *Voyagers to the West: Emigration from Britain to America on the Eve of the Revolution* (1986), pp. 46-51. Dundas's analysis of the emigration is quoted at length in Ian Adams and M. Somerville, *Cargoes of Despair and Hope* (1992), chapter 12. On electoral reform see Ferguson, 'Electoral Law and Procedure', pp. 92-94; J. Dwyer and A. Murdoch, 'Paradigms and Politics: Manners, Morals and the Rise of Henry Dundas' in J. Dwyer et al, eds., *New Perspectives on the Politics and Culture of Early Modern Scotland* (1982), pp. 238-239; Fry, *Dundas*, pp. 60-62.

56. H.W. Meikle, *Scotland and the French Revolution* (1912), p.23.

57. W. Ferguson, *Scotland*, pp. 271, 285-288; B. Lenman, *Integration, Enlightenment and Industrialization* (1981), chapter 9.

58. See the assessment by Brims, 'The Scottish Jacobins', p.247.

59. James, *Rosebery*, pp. 154-156.

60. James Baldwin, *The Fire Next Time* (1963).

61. In addition to *Subverting Scotland's Past* (1993), 'Gaelic Antiquity and National Identity in Enlightenment Ireland and Scotland', *English Historical Review*, 109 (1994), pp. 1197-1214; also 'North Britishness and the Nature of Eighteenth-Century British Patriotisms', *The Historical Journal*, 39 (1996), pp. 361-382.

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