

## CONSULTATION AND CONSENT UNDER JAMES VI\*

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**ABSTRACT.** *Divisions in the Scottish political community that were evident by the end of the reign of James VI have been posited as roots of the Scottish revolution of 1638 and the wars of the three kingdoms. This article argues that the disengagement of central government from the political nation at large was a key factor in this development. By demonstrating the frequency of conventions of the estates, it highlights the intensity of consultation in James's Scottish government before 1603. A sudden decline in their frequency thereafter was symptomatic of a wider failure of government to adapt to the absence of the king in the context of a composite monarchy. While correspondence between the king and the privy council was copious, communication between the council and the political elites of Scotland withered. Without conventions of the estates as a vital point of contact in which new policies could be tested and negotiated, parliaments became more disagreeable. The crown's reliance on unprecedented levels of management and increased central direction alienated a significant proportion of the political elite, driving them into the oppositional stance which endured through the reign of Charles I.*

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In an article on the Scottish parliament of 1621, Julian Goodare provided a detailed and thought-provoking account of the state of Scottish politics towards the end of the reign of James VI.<sup>1</sup> His analysis of the division by which the Five Articles of Perth were ratified revealed a clear relationship between voting and court connections: those who voted with the crown tended to have them, while those who voted against it did not.<sup>2</sup> He explained this in terms of 'court' and 'country' groupings, echoing some English analyses of politics in the pre-Civil War period. By demonstrating significant continuities between the opposition of 1621 and the leadership of the revolution in 1638, he argued that deep political divisions were

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\* I should like to thank Julian Goodare, Pauline Croft, and the anonymous referees for their comments and suggestions on earlier drafts. I am also grateful to those who attended the conferences and seminars at which developing versions of this article were presented.

<sup>1</sup> J. Goodare, 'The Scottish parliament of 1621', *Historical Journal*, 38 (1995), pp. 29–51; J. Goodare, 'Scottish politics in the reign of James VI', in J. Goodare and M. Lynch, eds., *The reign of James VI* (East Linton, 2000), pp. 32–54, at pp. 50–4.

<sup>2</sup> The Five Articles of Perth had been passed by a general assembly at Perth in 1618. They permitted private baptism and private communion, commanded observance of Christmas, Good Friday, Easter Day, Pentecost, and Ascension, enjoined kneeling to receive communion, and introduced confirmation by bishops. None of these had been practised in Scotland since the Reformation and kneeling at communion in particular was widely resisted.

already in evidence long before Charles I succeeded his father in 1625. This article seeks to explore and explain how that situation arose by examining some of the means of consultation between the crown and the Scottish political community on either side of 1603. The principal focus is upon conventions of the estates, consultative and decision-making gatherings of selected members of the parliamentary estates, summoned by the crown. They were a central component of the Scottish polity before 1603 and a significant forum for consultation with the political elites of the kingdom. Their decline after the union was a direct consequence of the king's departure and had profound consequences for the engagement of central government with the Scottish political community at large. Much has been written about 'composite monarchies' in early modern Europe and this study seeks to add to that by reflecting on the impact of the departure of a monarch upon the effectiveness of government, and upon the relationship between that government and political elites.<sup>3</sup>

## I

As well as being able to summon parliaments, with full judicial, fiscal, and legislative powers, later medieval and early modern Scottish monarchs had another, less formal representative assembly at their disposal, the convention of estates, and its precursor, the general council. In Eltonian parlance, the Scottish polity included an extra 'point of contact' between the king and his subjects.<sup>4</sup> Although the subject of some scrutiny, they remain imperfectly understood because of their relative informality, one consequence of which was that their records were not systematically maintained, such that some have left little or no trace in official sources.<sup>5</sup> As a result, uncertainty remains over how many met and what some of them did.<sup>6</sup> Unlike parliaments, conventions of the estates were not called by a plenary summons, had no judicial function, lacked the power to create permanent legislation, and could deal only with business proposed by the monarch. To complicate the picture further, historians have written of different types of

<sup>3</sup> For an overview of the topic, see J. H. Elliot, 'A Europe of composite monarchies', *Past and Present*, 137 (1992), pp. 48–71; see also M. Greengrass, ed., *Conquest and coalescence: the shaping of the state in early modern Europe* (London, 1991).

<sup>4</sup> G. R. Elton, 'Tudor government: the points of contact', in Elton, *Studies in Tudor and Stuart politics and government* (4 vols., Cambridge, 1983), III, pp. 3–57.

<sup>5</sup> R. K. Hannay, 'General council and convention of estates', in R. K. Hannay, *The college of justice* (Edinburgh, 1990); R. S. Rait, *The parliaments of Scotland* (Glasgow, 1924), pp. 138–60; G. Donaldson, *Scotland: James V–James VII* (Edinburgh, 1971), p. 287.

<sup>6</sup> There have been four attempts to produce lists of conventions, all of which include them along with parliaments: T. Thomson and C. Innes, eds., *Acts of the parliaments of Scotland* (12 vols., Edinburgh, 1814–75), where each vol. begins with a chronological list; J. Goodare, 'Parliament and society in Scotland, 1560–1603' (Ph.D. thesis, Edinburgh, 1989), appendix A, which differentiates between 'conventions' and 'conventions of the estates' at pp. 478–9; M. Young, ed., *The parliaments of Scotland: burgh and shire commissioners* (2 vols., Edinburgh, 1992), II, appendix 1, which designates them all 'conventions of the estates'; K. M. Brown et al., eds., *The records of the parliaments of Scotland to 1707 (RPS)*, (St Andrews, 2007–9), calls all non-parliamentary meetings 'conventions'.

convention: ‘conventions of the estates’; ‘conventions of the nobility’; and just plain ‘conventions’.<sup>7</sup> ‘Conventions of the estates’ are seen as the most formal, usually comprising selected representatives from all of the parliamentary estates (nobles, clergy, burgesses, and, after 1587, ‘barons’, that is lairds, as commissioners for the shires). ‘Conventions of the nobility’, it has been suggested, consisted of the king and his lay tenants-in-chief, without an ecclesiastical or urban component.<sup>8</sup> Meetings simply designated as ‘conventions’ are understood to have been fairly informal (the word merely means ‘meeting’), possibly consisting of the privy council augmented by whoever happened to be at court, or by one or two magnates who had been specially summoned.

Although all three types of convention appear to be attested in contemporary sources, on closer examination that clarity vanishes. Surviving records rarely include a specific statement of what meetings were and too few letters of summons are extant to allow clear patterns to be discerned. However, clues in the texts of surviving acts combined with evidence from other sources suggest that many meetings previously categorized merely as ‘conventions’ or ‘conventions of the nobility’ were attended by representatives of other estates and can therefore properly be regarded as conventions of the estates.

There can be problems of interpretation even for many meetings for which records do survive. This is partially because their acts were not consistently kept in a separate register but were largely written among those of the privy council.<sup>9</sup> Although such a register for conventions of the estates was created in 1598, after two years the recording of all acts of conventions reverted to the privy council register.<sup>10</sup> Rarely, in either case, did the clerk record anything resembling an opening statement of what the meeting actually was. However, the enacting clauses are telling. For example, decisions made at a convention at Perth in September 1601 were made in the name of ‘oure soverane lord and estaitis’.<sup>11</sup> Formulations like this are common, so even though it is often not known who attended, because no sederunt was taken, we know what they considered themselves to be. In spite of the absence of sederunts for many meetings of the privy council and even parliaments, it remains possible to identify them because of other evidence. The same standards of proof ought to be sufficient for conventions of the estates.

The survival of only a very few letters of summons makes evaluation of the evidence they contain difficult. A letter might state that there was to be a

<sup>7</sup> K. M. Brown, *Kingdom or province? Scotland and the regal union, 1603–1715* (London, 1992), p. 16; J. Goodare, *The government of Scotland, 1560–1625* (Oxford, 2004), pp. 47–9; J. Goodare, ‘The Scottish parliament and its early modern “rivals”’, *Parliaments, Estates and Representation*, 24 (2004), pp. 147–72, at pp. 149–52.

<sup>8</sup> Goodare, ‘Rivals’, p. 151; Goodare, *Government of Scotland*, p. 49, which describes them as ‘a kind of annual general meeting, or even sometimes a policy and resources committee, for the feudal ruling class’.

<sup>9</sup> See J. H. Burton et al., eds., *The register of the privy council of Scotland (RPC)*, first series (14 vols., Edinburgh, 1877–98).

<sup>10</sup> National Archives of Scotland (NAS), ‘The buike of the actis and statutes concludit in the general conventiounis of his majestie and estaites’, PA8/1.

<sup>11</sup> *RPS*, A1601/9/1.

‘conventioun of our estaittis’, that the king required a ‘gede nummer [i.e. good number] of our hail estaites’, or that the ‘deliberatioun and aduise of our nobilitie and estaitis’ were required.<sup>12</sup> Only one actually mentions something called a convention of estates, but all make it clear that members of all estates were being sought, albeit that the king may have wished to place more emphasis on the attendance of the nobility at one of them. The sparse survival of letters of summons is partially offset by the recording of their receipt and of the election of commissioners in the minutes of burgh councils. Just as with letters of summons, the terminology is not consistent and on numerous occasions, different burghs recorded the same meeting in different ways.<sup>13</sup> As well as being called conventions of the estates, meetings were also designated, broadly, in three other ways: conventions, conventions of the nobility, and king’s conventions. There were variations on those themes, including the more elaborate ‘conventioun of the nobility and thre estaitis’, and ‘conventioun of [the] nobilitie, baronis and utheris estaitis’.<sup>14</sup> Ostensibly confusing though these variant designations are, they reveal that burgesses as well as nobles and prelates were summoned to these meetings and, therefore, they were conventions of the estates.<sup>15</sup> Moreover, since one meeting could be described in two or more different ways in separate sources, any attempt to differentiate between types of convention is unlikely to succeed.

Even more compelling evidence for increasing the estimated number of conventions of the estates before 1603 is to be found in the accounts of the king’s treasurer. These record monthly expenditure, under various headings including ‘The expensis debursit upoun the officiaris, boyes and utheris travelland in his majesties effairis.’<sup>16</sup> The evidence is not straightforward though. Parliaments were called by precepts of summons, public letters to bishops, peers, shires, and burghs, and these were recorded explicitly in the accounts.<sup>17</sup> Letters summoning conventions of the estates are more difficult to detect because they were ordinary

<sup>12</sup> R. Renwick, ed., *Extracts from the records of the royal burgh of Stirling, AD 1516–1666* (Glasgow, 1887), p. 84; J. D. Marwick et al., eds., *Extracts from the records of the burgh of Edinburgh* (9 vols., Edinburgh, 1927–67), IV, pp. 90–1; W. Fraser, ed., *Memoirs of the Maxwells of Pollok* (2 vols., Edinburgh, 1863), II, p. 5.

<sup>13</sup> One meeting in 1601 was described as a ‘conventioun of the nobilitie and estatis’ (Aberdeen and Stirling); the ‘king’s convention’ (Ayr); a ‘conventioun of the estaittis’ (Burntisland); a ‘conventioun of his majestie and nobilitie’ (Glasgow); a ‘conventioun’ (Perth); Dundee’s clerk even recorded it as a ‘Conventioun of borrowis’: Aberdeen City Archives (ACA), CR1/40, p. 131; Ayrshire Archives Centre (AAC), B6/11/3, fo. 405r; NAS, B9/10/1, fo. 122r; Dundee City Archives, treasurer’s accounts, vol. 1, account for 1600–1; Glasgow City Archives, C1/1/5, fo. 156v; Perth and Kinross Council Archives, B59/16/1, fo. 10r; Stirling Council Archives, B66/20/1, 31 Aug. 1601.

<sup>14</sup> ACA, CR1/32, pp. 185, 489.

<sup>15</sup> For example, three surviving burgh council records record receipt of a summons to a meeting in May 1587, described merely as a ‘convention’ in Goodare, ‘Parliament and society’, appendix A: ACA, CR1/32, 185; NAS, B30/13/2, fo. 41r; AAC, B6/11/1/2, fo. 425r).

<sup>16</sup> NAS, treasurer’s accounts, E21/68, fo. 74r.

<sup>17</sup> See, for example, NAS, treasurer’s accounts, E21/68, fos. 115v–116v, recording the dispatch of the precepts of summons for the parliament of May/June 1592. I am grateful to Amy Blakeway for suggesting the treasurer’s accounts as a potentially useful source.

‘close letters’; not being public, their purpose was rarely noted.<sup>18</sup> However, careful examination of the accounts reveals a striking pattern: in almost every instance of a suspected convention of the estates during the personal reign of James VI, groups of close letters were dispatched a few weeks before the convention met. They can be spotted because, as with precepts of parliament, they were sent in regional batches, allowing a single messenger to carry them to all those in his assigned area, the only difference being that conventions of the estates required fewer letters because, unlike parliaments, they involved a smaller cross-section of the estates.<sup>19</sup> For example, in July 1585, five regional groups of letters were dispatched, including one for the west addressed to the earls of Glencairn and Eglinton, Lord Fleming, the commendator of Blantyre, and the provosts and bailies of Glasgow, Renfrew, Irvine, and Ayr.<sup>20</sup>

Whoever actually turned up, it is clear that significant efforts were made to ensure the attendance of a broad cross-section of all estates. To be sure, there was considerable variation in the numbers summoned, with as few as 14 apparently called to a convention which met immediately before parliament in 1592 and as many as 152 summoned to one in July 1588.<sup>21</sup> The average was 53, with between 30 and 70 called to most meetings. The evidence from the treasurer’s accounts demonstrates that inclusion of members of each estate was the intention: where small numbers of burgh commissioners were sought, small numbers of nobles were sought and where large numbers of burgh commissioners were summoned, many nobles were also summoned. The correlation between the evidence for conventions from other sources and the dispatch of grouped letters in the treasurer’s accounts is clear. Equally significant is the absence of such letters in periods when no conventions of the estates are known to have met. The coincidence is too consistent to be fortuitous.

By combining the various strands of evidence, it appears that nearly fifty conventions of the estates met between 1585 and 1603, able to grant taxation and make administrative orders which might at some future date be made into statutes by parliament. It has been posited that it may have been only the more formal conventions that approved taxation, yet given the dearth of sederunts, it is

<sup>18</sup> Hannay, ‘General council and convention of estates’, pp. 236, 238–44. Hannay noticed this correlation but did not use it to identify conventions systematically.

<sup>19</sup> See, for example, NAS, treasurer’s accounts, E21/74, fos. 60r–61r, recording the precepts of summons for the parliament of Nov., 1600.

<sup>20</sup> NAS, treasurer’s accounts, E21/64, fo. 82v. Others in this region were not summoned, including Lord Ochiltree, the archbishop of Glasgow, the commendators of Crossraguel and Kilwinning, and the burghs of Lanark, Rutherglen and Dumbarton. Surviving burgh records provide evidence for only two burghs (Ayr and Edinburgh) electing commissioners to this convention: AAC, B6/11/2, fo. 289v; Edinburgh City Archives, SL1/1/7, fo. 200r.

<sup>21</sup> NAS, treasurer’s accounts, E21/67, fos. 106v–107r, E21/68, fos. 119v–120r. The numbers summoned would have been augmented by privy councillors and others already at court: 54 attended a convention in Dec. 1599 but only 42 had been summoned: see *RPS*, 1599/12/1; NAS, E21/73, fos. 92v–93r. Also, letters of summons to the council of Edinburgh were rarely recorded because there was no need to pay a messenger to go such a short distance.

difficult to establish this with any certainty.<sup>22</sup> If tax is to be taken as a measure of how significant a convention was, the evidence is ambiguous. In January 1594, a fairly well-attended convention of the estates approved a tax, with a sederunt of 55 (9 nobles, 1 bishop, 8 commendators of religious houses, 2 officers of state, 13 lairds, and 22 burgh commissioners). Six years previously, however, a tax had been approved by only 23 people (6 nobles, 2 bishops, 2 commendators, 6 officers of state, and 7 burgh commissioners). There is no evidence that there was a quorum when it came to voting a tax, although in 1589 one convention was deemed to be too thinly attended to do so.<sup>23</sup> Therefore any attempt to differentiate between less formal ‘conventions’ and true ‘conventions of the estates’ on the basis either of the importance of the business that they transacted or the numbers in attendance seems bound to fail.<sup>24</sup>

Evidence from the records of the meetings themselves, from burgh council minutes, and from the treasurer’s accounts, means that only a handful of meetings remain which cannot be regarded as conventions of the estates. Where, then, does this leave ‘conventions of the nobility’? Both Keith Brown and Julian Goodare have discussed them, but the sources do not allow anything very clear to be said about most of them.<sup>25</sup> There do appear to have been meetings of the king and some of his nobles, but there were far fewer than was previously supposed. Their very informality is the cause of their elusiveness and most of the evidence for their existence comes from unofficial sources, such as reports by English ambassadors.<sup>26</sup> As Goodare put it, their purpose appears not to have been to make enactments or specific policy decisions, but ‘to discuss politics – mostly gravy train politics’.<sup>27</sup> Indeed, although tickets for the ‘gravy train’ were mostly reserved for the nobility, many conventions of the estates must also have been

<sup>22</sup> Goodare, ‘Rivals’, pp. 149–51, discusses the powers of conventions in relation to parliament and argues that less formal conventions ‘rarely if ever passed even temporary legislation, nor did they tax’.

<sup>23</sup> *RPS*, A1588/4/1, A1594/1/17/1–6; J. Bain et al., eds., *Calendar of the state papers relating to Scotland and Mary Queen of Scots (CSP Scot.)*, 1547–1603 (13 vols., London, 1898–1969), x, pp. 148–50; for a general discussion of taxation, see J. Goodare, ‘Parliamentary taxation in Scotland, 1560–1603’, *Scottish Historical Review (SHR)*, 68 (1989), pp. 23–52.

<sup>24</sup> Goodare, ‘Parliament and society’, appendix A, p. 493, lists as a ‘convention of estates’ (rather than a ‘convention’) the meeting that was too thinly attended to vote a tax in 1589. There is no record of how many attended.

<sup>25</sup> K. M. Brown, *Bloodfeud in Scotland, 1573–1625: violence, justice and politics in early modern society* (Edinburgh, 1986), pp. 19, 159–60; Brown, *Kingdom or province?*, p. 16; Goodare, *Government of Scotland*, pp. 47–9.

<sup>26</sup> One meeting, in 1593, is described by Goodare, *Government of Scotland*, p. 48, as being designated ‘formally’ as a ‘convention of the nobilitie’, citing a letter of the English ambassador and the records of the general assembly cited. In the former (*CSP Scot.*, xi, p. 80), it is referred to twice as a ‘convention of the estates’ and only in the latter is it referred to as a ‘convention of the nobilitie’ (T. Thomson, ed., *Booke of the universall Kirk: acts and proceedings of the general assemblies of the kirk of Scotland* (3 vols., Edinburgh, 1839–45), iii, p. 796).

<sup>27</sup> Goodare, *Government of Scotland*, p. 48. One meeting which might legitimately be called a convention of the nobility was held at Falkland in Aug. 1596, when the king, his nobility, and council considered a plea for rehabilitation from the earl of Huntly, recently returned from exile for intriguing with Philip II of Spain (see *RPS*, A1596/9/3).

held principally to discuss strategy and policy, given that most passed few acts and some passed none at all. In 1589, for example, the primary reason for calling a convention of the estates was to discuss foreign policy, specifically ‘the mater of his graceis alliance and mariage with Denmark’.<sup>28</sup>

## II

The evidence presented significantly increases the known number of conventions of the estates in the later sixteenth century, thereby affecting how the impact of 1603 upon the nature and conduct of government is understood. During the Scottish personal reign of James VI (October 1585 – March 1603), conventions of the estates met, on average, every four months. That the crown was committed to fairly frequent conventions of the estates is borne out by a proposal in 1598 to establish six-monthly conventions.<sup>29</sup> It is unknown why this was rejected, but one possibility is that it would have led to a reduction in their frequency. After 1603, royal enthusiasm waned and there were only five further conventions of the estates between James’s departure for England and his death (an average of less than one every four years). Parliament also declined in frequency but later and less dramatically than conventions of estates: there were seven parliamentary sessions between November 1585 and March 1603 (on average one every thirty months) and eight between April 1603 and March 1625 (on average one every thirty-three months).<sup>30</sup> As in England, the marked decline in parliaments occurred after 1612, with only two more (in 1617 and 1621) meeting before the king’s death.<sup>31</sup> Under Charles I the trend continued, with only two further conventions of the estates (in 1625 and 1630) and one parliament (in 1633) before the Covenanted revolution.

Consideration of what conventions of the estates did enhances the contrast between the situations before and after 1603. One use to which they were put was to prepare for parliaments. During James’s minority, a convention was called ‘to the effect[t] that quhen the parliament cummis thingis may proceid with the gryter expeditioun and quyatnes and with the uniform consent of myndis’.<sup>32</sup> In 1592, three separate conventions (in March, April, and May) met before a parliament which had a range of highly sensitive religious and political issues to consider.<sup>33</sup> Even when there was no convention immediately before parliament,

<sup>28</sup> Fife Council Archive, Kirkcaldy Burgh Court Book, 1/06/02, fo. 116v.

<sup>29</sup> *CSP Scot.*, XIII, part 1, pp. 353–4.

<sup>30</sup> J. Wormald, ‘The happier marriage partner: the impact of the union of the crowns on Scotland’, in G. Burgess, R. Wymer, and J. Lawrence, eds., *The accession of James I: historical and cultural consequences* (Basingstoke, 2006), pp. 69–87, emphasizes parliamentary continuity but makes no mention of conventions of the estates.

<sup>31</sup> D. L. Smith, *A history of the modern British Isles 1603–1707: the double crown* (Oxford, 1998), appendix 8.

<sup>32</sup> ACA, CR1/29, pp. 460–1.

<sup>33</sup> A. R. MacDonald, ‘The parliament of 1592: a crisis averted?’, in K. M. Brown and A. J. Mann, eds., *The history of the Scottish parliament*, II: *Parliament and politics in Scotland, 1567–1707* (Edinburgh, 2005), pp. 57–81, at p. 61.

only one parliament met more than three months after a convention of the estates (in 1600, when the gap was five months). After 1603, the gaps lengthened to an average of over two years, breaking the relationship between conventions and parliaments. When parliament met in 1604 to nominate commissioners to discuss union with England, it was the first time that the estates had gathered since July 1602. That this was the longest period without a parliament or convention since the 1570s highlights the immediate impact of the regal union. Only in 1609 did a convention meet a few months before a parliament, although the five-month gap was lengthy by pre-union standards. It approved various acts against Catholicism from a recent general assembly and passed a range of measures relating to exports and manufactures, some of which were ratified by the subsequent parliament.<sup>34</sup> Yet, by the time of the next parliament in 1612, no further conventions of estates had been summoned. Ostensibly, the parliaments of 1617 and 1621 met within just a few months of conventions, yet the crown did not use them to prepare the ground for parliament. The only business handled by the convention of March 1617 was the approval of a tax to pay for the king's visit that summer,<sup>35</sup> while the convention of January 1621 was called in an effort to avoid a parliament. It consisted only of nobles and privy councillors and can be considered as one of the few genuine conventions of the nobility, not a convention of the estates at all. Those present were asked to provide a 'voluntary contribution' to support Princess Elizabeth and the Elector Palatine. They insisted that only parliament could consider such a proposal, so the crown was compelled to summon one.<sup>36</sup>

This decline in conventions of the estates was part of a wider trend as general assemblies of the church experienced a similar fate. In the later 1590s, James VI had gone to considerable efforts to advance his ecclesiastical policies through achieving consensus in general assemblies but, after his departure, four and a half years passed without another being called. Only six met after 1602 and they were subjected to gerrymandering and increasing levels of intimidation by the crown, culminating in the assembly at Perth in 1618 (the last before 1638), packed with royal nominees, and threatened by an armed guard and dire warnings of deprivation and banishment for any minister voting against the king's proposals for ecclesiastical reform.<sup>37</sup> The treatment of the estates, even in 1621, was never as heavy-handed as the treatment of general assemblies – the nobility was too powerful for that – but the change in James's approach to the church reveals a

<sup>34</sup> *RPS*, A1609/1/1–13, 1609/4/15–19, 60.

<sup>35</sup> *RPS*, 1617/3; *ACA*, CR1/48, p. 42, recording the election of Aberdeen's commissioner and noting that the reason for the convention is to raise money for the king's impending visit; *NAS*, Haddington council minutes, B30/13/4, fo. 12v, the report of their returning commissioner mentioning only the tax.

<sup>36</sup> *RPS*, 1621/1; Goodare, 'The Scottish parliament of 1621', pp. 30–1. It seems likely that this move was at least partially motivated by discontent at the general drift of crown policy.

<sup>37</sup> A. R. MacDonald, *The Jacobean Kirk, 1567–1625: sovereignty, polity and liturgy* (Ashgate, 1998), chs. 5–7.



wider retreat from an approach to government that had been characterized by consensus-building through frequent consultation.

### III

Whether the king was more or less in touch with Scotland after 1603 depends on what is understood by ‘Scotland’. The considerable two-way flow of correspondence between London and Edinburgh, combined with the numerous journeys between the two capitals by courtiers and officers of state meant that James was certainly receiving a good deal of information and was able to articulate his views to many prominent Scots.<sup>38</sup> He was thus no more ignorant of what was going on in Scotland than any other ruler of a composite monarchy was unaware of affairs in an outlying kingdom. Indeed, given the fact that James conducted a lot of business with his English privy council by post, spending around half the year away from London, too much should not be made of the distance between James and his Edinburgh government. The difference in this regard was relative rather than absolute, for even in England the decision-making process became slower.<sup>39</sup> Yet his absence from Scotland was significant for the wider political community as face-to-face meetings with most of them ended. Equally significantly, representatives of the political community met each other much less frequently. Regular conventions of the burghs continued, for they had autonomy to call their own meetings. Yet even they found it harder to make their voice heard in the corridors of power. The king may have developed a ‘new understanding’ with some nobles but, as Goodare has observed, the consequence of this was that those without a court connection were ‘left high and dry’. His discussion of this phenomenon concerned the decline of ‘frequent, informal conventions of the nobility’ but since most of those meetings were actually conventions of the estates, it was not just the nobility who found themselves in this predicament. This underlines the link between the union of 1603 and the court–country divide which had emerged by 1621.<sup>40</sup> It was a division which extended beyond the peerage to include the lairds and burghesses too.

People had to make considerable readjustments and some were not happy at all. As early as 1604, the convention of burghs was deeply uneasy about ‘his majesteis absence’, urging that he should ‘remayne in Scotland ... ane quarter of the yeir’.<sup>41</sup> Similar sentiments were expressed by others in years to come. While it may be true that some of this was ‘routine flattery’, the burghs were not seeking to flatter in 1604, for their views were not directed at the king but at their

<sup>38</sup> A. Groundwater, ‘From Whitehall to Jedburgh: patronage networks and the government of the Scottish Borders, 1603 to 1625’, *Historical Journal*, 58 (2010), pp. 871–93. I am grateful to the author for allowing me sight of this article prior to publication. Goodare, *Government of Scotland*, p. 49.

<sup>39</sup> P. Croft, *King James* (Basingstoke, 2003), pp. 69–70.

<sup>40</sup> Goodare, *Government of Scotland*, p. 49; Goodare, ‘The Scottish parliament of 1621’, pp. 39–47.

<sup>41</sup> J. D. Marwick and T. Hunter, eds., *Records of the convention of the royal burghs of Scotland (RCRBS)* (7 vols., Edinburgh, 1866–1918), II, p. 190.

representatives on the parliamentary commission to negotiate closer union with England.<sup>42</sup> They were troubled by the new circumstances and were struggling to readjust more than a year after the king's departure. They tried to establish a retained agent at court but that proved to be no substitute for the regular, direct contact to which they had been accustomed.<sup>43</sup> When James did return to Scotland in 1617, William Drummond of Hawthornden, in his panegyric of welcome, 'Forth Feasting', expressed regret at the king's absence. There is no doubt that part of his intention was to flatter, with the mountains and rivers overjoyed to see James once again. Yet there is more to the poem than that, for it is clear that James had been neglecting Scotland and might continue to do so, as English concerns pressed more urgently and his memories of Scotland faded again after his return south. The poem closes with a warning of the risk to the future of the dynasty if that neglect continued.<sup>44</sup> By the early 1620s, in a tract entitled 'Dangers to the Republic', another Scottish writer complained of the king's absence, of 'the neglect of parliaments', and, specifically, 'conventions of the estates'.<sup>45</sup> Although these might not represent broader opinion, they may equally be signs of unease in Scotland about the nature of royal government and the decline in consultation which had resulted from the king's departure, parallels for which were to be found in the subordinate parts of other composite monarchies.<sup>46</sup>

#### IV

In 1607, James VI famously boasted to the English parliament: 'This I must say for Scotland, and I may trewly vaunt it; Here I sit and governe it with my Pen, I write and it is done, and be a Clarke of the Councell I governe Scotland now, which others could not doe by the sword.'<sup>47</sup> This has inspired the phrase 'government by pen' as shorthand for the manner of James's Scottish rule after 1603. The precise meaning of his boast remains contested. Some argue that it was simply a deception, designed to persuade the English parliament that incorporating union with Scotland was nothing to be afraid of, while others have suggested that James's intention was not to emphasize that he could govern Scotland remotely but to point to the fact that its government was now properly

<sup>42</sup> Goodare, *Government of Scotland*, p. 110; see Elliot, 'A Europe of composite monarchies', p. 56, noting that the Catalans and Aragonese complained to Charles V of his absence in terms of being 'deprived of the light of the sun', combining flattery and grievance.

<sup>43</sup> *RCRBS*, II, pp. 379–80, 406, III, p. 49.

<sup>44</sup> L. E. Kastner, ed., *The poetical works of William Drummond of Hawthornden, with 'A Cypresse Grove'* (2 vols., Edinburgh, 1913), II, pp. 142–53.

<sup>45</sup> L. Stewart, "'Brothers in truth': propaganda, public opinion and the Perth Articles debate in Scotland", in R. Houlbrooke, ed., *James VI and I: ideas, authority, and government* (Aldershot, 2006), pp. 151–68, at p. 167.

<sup>46</sup> Elliot, 'A Europe of composite monarchies', p. 54.

<sup>47</sup> N. Rhodes, J. Richards, and J. Marshall, eds., *King James VI and I: selected writings* (Aldershot, 2003), p. 319.

bureaucratic, and therefore fully modern and civilized.<sup>48</sup> In assessing the nature of government after 1603, historians have tended to concentrate on three things.<sup>49</sup> They have highlighted the efficiency and volume of postal communication between Edinburgh and London to show that James remained fully versed in Scottish affairs and that his privy council in Edinburgh received regular instructions. The freedom of the privy council to adapt the king's policies and to formulate its own has been emphasized to qualify and undermine the notion of government by royal diktat. Relationships between those who spent time at court in London and those who remained in Scotland have also been given prominence.

This concentration on contact with the monarch ignores the fate of communication between government in Edinburgh and Scotland at large, which is odd, given its role before the union. The change was sudden and dramatic, as can be seen in the treasurer's accounts. The most immediately striking consequence of the court's departure was the collapse in monthly expenditure, which did wonders for the chronically indebted state of crown finances.<sup>50</sup> In April 1603, James travelled south, followed in June by his queen and their two older children, Henry and Elizabeth, with the sickly Charles not following until 1604. By July 1603, Edinburgh's tailors must have been in despair, as regular expenditure on clothing for the royal family and household virtually vanished.<sup>51</sup> There was also a marked decline in spending on communication, which can be illustrated in an analysis of expenditure over a sample of years on either side of 1603. The last full year before and the first full year after the union, as well as four further sample years before and after 1603 were examined: 1594, 1598, 1602, 1604, 1610 (because the accounts for 1608 are lost), and 1612. In 1594, average monthly expenditure on communication was £141, four years later, it was £132, and in 1602 it stood at £130.<sup>52</sup> Monthly averages after 1603 fell to £51 in 1604, £46 in 1610, and £64 in 1612.<sup>53</sup>

The decline is almost entirely explained by the reduction in letters being dispatched, for the number of proclamations, hornings, and judicial summonses remained fairly consistent. However, the nature of proclamations changed markedly, indicating a government that was increasingly inclined to issue orders. In 1601, thirty-four proclamations were issued, eleven of which were general commands to all subjects, and three of which actively sought the submission of grievances to the privy council.<sup>54</sup> In 1615, thirty proclamations included no

<sup>48</sup> J. Wormald, 'The reign of James VI', in B. Harris and A. R. MacDonald, eds., *Scotland: the making and unmaking of the nation, c. 1100–1707*, II: *Early modern Scotland, c. 1500–1707* (Dundee, 2007), pp. 18–35, at p. 30; J. Goodare and M. Lynch, 'James VI: universal king?', in Goodare and Lynch, eds., *The reign of James VI*, pp. 1–31, at pp. 21–2.

<sup>49</sup> M. Lee, 'James VI's government of Scotland after 1603', *SHR*, 55 (1976), pp. 41–53; M. Lee, *Government by pen: Scotland under James VI and I* (Urbana, IL, 1980); Goodare, *Government of Scotland*, ch. 4, esp. pp. 106–12.

<sup>50</sup> J. Goodare, 'The debts of James VI of Scotland', *Economic History Review*, 62 (2009), pp. 926–52.

<sup>51</sup> NAS, treasurer's accounts, E21/76; for the relationship between Edinburgh and the court in general, see A. L. Juhala, 'The household and court of James VI of Scotland, 1567–1603' (Ph.D. thesis, Edinburgh, 2000).

<sup>52</sup> NAS, treasurer's accounts, E21/70, 72, 76.

<sup>53</sup> NAS, treasurer's accounts, E21/77, 80–1.

<sup>54</sup> NAS, treasurer's accounts, E21/74–6.

requests for grievances and twenty general commands, two of which are particularly telling. One ordered that no book should be sent abroad for publication without prior approval by the king's secretary and both archbishops, while the other enjoined the celebration of communion on Easter Day 'under the panes content in the actis of parliament maid thairanent'.<sup>55</sup> These epitomize an increased concern with opposition and a desire to bypass the customary channels for approving innovations. The celebration of annual communion at Easter was a precursor of the controversial Five Articles of Perth and, contrary to the implication in the proclamation, had not received parliamentary sanction, or even approval by a general assembly.<sup>56</sup> By 1616, overall expenditure on communication had recovered considerably, although, in spite of inflation, it had still not returned to pre-1603 levels.<sup>57</sup> Yet its character was quite different, as increasing numbers of instructions to local officers of the crown, such as commissioners for the peace in the shires, were issuing from Edinburgh. In 1616, many of these concerned the repair of roads and gathering of food for the imminent visit of the king but subsequent years saw the trend sustained.<sup>58</sup> The balance between consultation and central direction had shifted decisively towards the latter.<sup>59</sup>

The reduction in the volume of letters going out into the country after 1603 represents a collapse in the number of people in regular contact with the centre.<sup>60</sup> In 1600, 617 letters were dispatched to 271 individuals and burghs and in 1601, 537 letters were sent to 202 individuals and burghs.<sup>61</sup> In 1612, only 143 letters and an additional 6 packets of letters were sent to just 103 people and burghs, and in 1613, 142 letters and 10 packets went to 97 recipients.<sup>62</sup> Packets of letters from court arrived in Edinburgh and were sent on to officers of state and prominent figures in government, such as the archbishop of Glasgow, John Spottiswoode. These may have included some to be forwarded to others, although that is unlikely to alter significantly the number of recipients. Along with these packets, a smattering of single letters from court were sent onwards to individuals outside Edinburgh. As William Taylor's 1963 article on 'The king's mails' showed, there was a steady flow of correspondence between Edinburgh and London, as James and his

<sup>55</sup> NAS, treasurer's accounts, E21/82, fo. 62v, E21/83, fo. 44v.

<sup>56</sup> MacDonald, *The Jacobean Kirk*, pp. 155–7.

<sup>57</sup> NAS, treasurer's accounts, E21/83, fos. 60v–80v and E21/84, fos. 34v–46v. For inflation, see A. J. S. Gibson and T. C. Smout, *Prices, food and wages in Scotland, 1550–1780* (Cambridge, 1995), esp. the tables at pp. 50–65, 175–8, showing modest inflation in staple commodities between c.1590 and c.1620, with significant annual fluctuations, and pp. 202–3, 217–24, showing significant inflation in the prices of meat, tallow, and eggs. Tables at pp. 305–19 also indicate that wages rose along with prices.

<sup>58</sup> Lee, *Government by pen*, p. 155; W. A. McNeill and P. G. B. McNeill, 'The Scottish progress of James VI, 1617', *SHR*, 75 (1996), pp. 38–51.

<sup>59</sup> For detailed discussion of proclamations see D. McCannell, 'Cultures of proclamation: the decline and fall of the anglophone news process, 1460–1642 (Ph.D., Aberdeen, 2009), esp. pp. 167–76.

<sup>60</sup> On either side of union, adjacent years were examined, one in which a parliament met (increasing the number of letters) and the other in which there was no parliament (1600/1, 1612/13).

<sup>61</sup> NAS, treasurer's accounts, E21/73–6.

<sup>62</sup> NAS, treasurer's accounts, E21/80–1.

Scottish privy council were in frequent contact with each other.<sup>63</sup> At the same time, communication between the privy council and the political nation at large withered. To take one prominent example, George Keith, fourth Earl Marischal, received a total of eleven letters from the government in Edinburgh in 1600 and 1601, but only one in 1612 and 1613. For the sake of balance, the experience of Marischal's local rival, Francis Hay, ninth earl of Errol can also be led as evidence, for he received seven letters in 1600 and 1601, but only two in 1612 and 1613.

Most of those who had been accustomed to receiving letters from central government before 1603 subsequently found that they were being ignored. Perhaps some were relieved, for it would be wrong to imagine that all were enthusiastic participants in affairs of state. However, rejection of the crown's proposal for six-monthly conventions in 1598, which would have reduced their frequency, and growing discontent among the political classes suggest that they would have welcomed the opportunity to air their views. Indeed, the sudden drop in postal expenditure and the halving of the number of people being written to after 1603 reflects the sudden decline in conventions of the estates, for a large proportion of the letters that went out before 1603 were summoning people to those meetings.

The work of Maurice Lee in particular has demonstrated the key role of the privy council in government after 1603, showing that the pen was being wielded in Edinburgh as much as at Whitehall.<sup>64</sup> However, the treasurer's accounts show that a government in Edinburgh which had faced outwards into Scotland before 1603 now spent most of its time facing London. The council was as busy as ever, formulating policy, modifying and sometimes rejecting proposals and even commands from James, but it was not asking many in the Scottish political community at large what they thought. There was, to be sure, extensive communication between courtiers and their kinsmen and friends, as Anna Groundwater has demonstrated.<sup>65</sup> It would be wrong to underestimate the political significance of the relationships that were thus created and maintained. However, far from mitigating the emergence of a court-country divide in Scotland, this was a symptom of division, for only those in royal favour were involved. Moreover, the correspondence that passed backwards and forwards between Scotland and the court was concerned with preferment (principally the acquisition of offices and pensions) and local administration. Groundwater convincingly argues that these connections were crucial to the successful administration of the Border after 1603 by ensuring that the crown had local people upon whom it could rely, rewarded with income from lands, offices, and pensions. Yet she reinforces the conclusion that, for those outwith such networks, it was more

<sup>63</sup> W. Taylor, 'The king's mails, 1603–1625', *SHR*, 42 (1963), pp. 143–7. His version of 'government by pen' was 'government by remote control'.

<sup>64</sup> Lee, *Government by pen*; Lee, James 'VI's government of Scotland after 1603'; see also Goodare, *Government of Scotland*, ch. 6, esp. pp. 138–48.

<sup>65</sup> Groundwater, 'From Whitehall to Jedburgh'. Much of the discussion that follows is based on this article.

difficult than ever to be heard at court.<sup>66</sup> Even the views of those who had court connections were not feeding directly into the privy council in Edinburgh who were getting them, if they were getting them at all, refracted through the Chinese whispers of court, in letters from courtiers or in person from the earl of Dunbar and the small number of others who travelled between Edinburgh and London.

The privy council retained its central position in government and managed, more or less, to adapt to dealing with a monarch who was 400 miles away. Yet it too was affected by the demise of regular conventions of the estates. Some conventions between 1585 and 1603 have been described as ‘afforced’ meetings of the privy council, to contrast their relative informality with more well-attended conventions of the estates.<sup>67</sup> Whether or not that contrast is valid, in all these conventions, privy councillors had been used to regular encounters with members of the political elite from outwith the inner circle of government. After 1603, the opportunities for that sort of regular contact ceased. Some individuals and groups were occasionally summoned before the council to discuss particular matters, as representatives of the burghs were with regard to cloth manufacture in 1616, but that was not the sort of general or regular consultation that had once been the norm.<sup>68</sup> Had the proposal in 1598 for biannual conventions been adopted, they might have remained as a central mechanism for consultation and consensus-building, but it was not to be.

## V

The failure of consultation in the absence of the king can be seen most clearly in post-union parliaments, increasingly marked by controversy and closely contested votes, resulting from presenting policies that had not been tested in the court of elite opinion. As early as the first post-union parliament, at Perth in 1604, there was disquiet over the planned incorporating union with England. The idea had not been trailed at a convention of the estates (the last had met in July 1602) and, as many feared a threat to the integrity of the Church of Scotland, the king’s commissioner had to accept the passage of the ‘Act in favouris of the kirk’, which excluded ecclesiastical matters from the remit of the union commissioners.<sup>69</sup> It was introduced, passed, and ratified before James even knew of it, for if the king’s commissioner, the earl of Montrose, had refused its passage, the union project would have been stalled. Instead, he took the calculated risk of hobbling the scheme to keep it on track. When the parliament of 1612 met, there had been no convention since before the previous parliament in 1609. The proposed ratification of the privy council’s guidelines for new commissioners of the peace was so heavily amended (perhaps by an alliance of nobles and burgesses, both of whom

<sup>66</sup> *Ibid.*; Goodare, *Government of Scotland*, p. 49.

<sup>67</sup> This expression was first used by Hannay in ‘General council and convention of estates’, pp. 236, 241 and was echoed in Goodare, ‘Rivals’, p. 151.

<sup>68</sup> *RPC*, x, p. 506; Goodare, *Government of Scotland*, pp. 106–7.

<sup>69</sup> Lee, *Government by pen*, pp. 32–3; *RPS*, 1604/4/21.

saw the scheme as an encroachment on their privileges) that it was withdrawn.<sup>70</sup> There was also disquiet over the ‘ratification’ of certain acts of the 1610 general assembly. Not only were they controversial in themselves but they had also been altered by the crown after the assembly passed them.<sup>71</sup> The crown was forced to reduce its tax demand by nearly half in days of negotiation which nearly led to adjournment and the derailment of the entire legislative programme until parliament could be recalled after a new tax proposal could come up from court.<sup>72</sup> Before 1603, most taxes had been agreed in the more manageable context, from the crown’s point of view, of conventions of the estates. Problems with individual taxes could be hammered out at meetings which dealt with little else, so a wrangle over taxation was less likely to impede other important business.<sup>73</sup> The sudden reduction in conventions after 1603 meant that parliaments increasingly became the venue in which taxes were approved and, as a consequence, became much harder to manage.

In 1617, an act which would have given the king power to order the polity and worship of the church (effectively removing the need for general assemblies) was withdrawn because James feared its defeat in the full house after opposition in the committee of the articles and extra-parliamentary lobbying.<sup>74</sup> The way in which it was sprung upon parliament with almost no prior consultation led to its failure, and to considerable friction and resentment. The Venetian ambassador described it as a dispute over proposals to bring in ‘the ceremony and ecclesiastical hierarchy of England, as he [James] wished to be head of the church’, but ‘the Scots proved themselves unwilling to suffer this’. At the end of the session, ‘the king’s dissatisfaction with the parliament was as evident as that of the parliament with the king’.<sup>75</sup> In the final parliament of James’s reign, in 1621, unprecedented and aggressive levels of management were required to force through ratification of the Five Articles of Perth.<sup>76</sup> The crown adopted the high-risk strategy of seeking the passage, along with the controversial religious legislation, of two new taxes (a regular tax of £400,000 over four years, and an innovatory tax on interest payments). It paid off, as a government victory over the Five Articles took the

<sup>70</sup> Thomas Hamilton, ‘Memoriall anent the progress and conclusion of the parliament holdin at Edinburgh in October 1612’, in J. Dennistoun and A. MacDonald, eds., *Miscellany of the Maitland Club*, III (Edinburgh, 1843), pp. 112–18, at p. 116. It is not clear why there was such resistance, since the justices were the very people who already wielded local judicial authority (nobles, lairds, and urban magistrates). Perhaps they feared the enhanced central direction of the new system. For details of how it operated, see Goodare, *Government of Scotland*, pp. 203–7.

<sup>71</sup> *History of the Kirk of Scotland by Mr David Calderwood*, ed. T. Thomson (8 vols., Edinburgh, 1842–9), VII, pp. 165–6, 171–3; Hamilton, ‘Memoriall’, pp. 116–17; MacDonald, *The Jacobean Kirk*, p. 149.

<sup>72</sup> Hamilton, ‘Memoriall’, pp. 116–17.

<sup>73</sup> Goodare, ‘Parliamentary taxation’, pp. 50–2, showing that, between 1585 and 1603, four taxes were passed by conventions, two by parliament. After 1603, three were passed by parliament and only one by a convention: *RPS*, 1605/6/48, 1612/10/19, A1617/3/2, 1621/6/14.

<sup>74</sup> Calderwood, *History*, VII, pp. 250–6.

<sup>75</sup> R. Brown et al., *Calendar of state papers ... in the archives and collections of Venice* (38 vols., London, 1864–1940), XIV, pp. 549–50.

<sup>76</sup> Goodare, ‘The Scottish parliament of 1621’, pp. 32–5; MacDonald, *The Jacobean Kirk*, pp. 162–4.

stomach out of the opposition and the taxes, combined in one act, were passed with relative ease.<sup>77</sup> Jenny Wormald has argued that the management required has been erroneously portrayed as a failure on the part of the crown, noting that, in England, such intensive management was commonplace and that approval of the crown's programme after those efforts would have been regarded as a victory rather than a defeat.<sup>78</sup> Yet this was not England, this was Scotland, where the desperate and coercive efforts of the crown's agents in the parliament of 1621 would have been unimaginable before 1603. Not only did the crown's heavy-handed tactics demonstrate that it was no longer able to achieve consensus, they also reveal that there was no longer even a desire for it. To those who opposed the crown's programme, intimidation by officers of state, violation of parliament's 'ancient privileges', the use of proxies and questionable recording of votes demonstrated not only that the crown had lost the argument but also called into question the validity of the legislation itself.<sup>79</sup>

## VI

English historians do not tend to discuss the succession of James I in terms of its effects on the fundamental nature and structure of government. Instead, they focus on the contrasting personalities of James and Elizabeth and the impact of the more fussy, hands-on approach of James.<sup>80</sup> To be sure, James had repeated tussles with the English parliament but, contrasting with his worsening relations with its Scottish counterpart, the negative effects of these have been characterized as 'transient' and James's 'ability to reconcile and to restore harmony' emphasized.<sup>81</sup> Indeed, James's expansion of the English privy council and his tendency to listen to a range of points of view are characteristics of the consensual approach that he brought south. His relatively smooth transition into English rule came about because, at the beginning of the seventeenth century, England possessed a system of government that was sufficiently institutionally developed to enable strong continuities and James was assiduous in his efforts to get to grips with how it worked. Scotland, with its more personal monarchy, experienced the transition in a wholly different way.<sup>82</sup>

<sup>77</sup> Goodare, 'The Scottish parliament of 1621', pp. 33–5.

<sup>78</sup> J. Wormald, 'The headaches of monarchy: kingship and the Kirk in the early seventeenth century', in J. Goodare and A. A. MacDonald, eds., *Sixteenth-century Scotland: essays in honour of Michael Lynch* (Leiden, 2008), pp. 365–93, at pp. 379–80.

<sup>79</sup> Calderwood, *History*, vii, pp. 488–505.

<sup>80</sup> For overviews of recent historiography of the transition, see Croft, *King James*, chs. 2–3; Smith, *The double crown*, pp. 6–12, 29–45. For a detailed study of the first three years of James's English reign, see D. Newton, *The making of the Jacobean regime: James VI and I and the government of England, 1603–1605* (London, 2005); see also G. R. Elton, 'The state: government and politics under Elizabeth and James', in Elton, *Studies in Tudor and Stuart politics and government*, iv, pp. 3–36, which tellingly virtually ignores the union.

<sup>81</sup> Smith, *The double crown*, p. 32.

<sup>82</sup> *Ibid.*, p. 15, for an English historian's perspective on how personal Scottish monarchy was at the turn of the seventeenth century in comparison to England. Earlier Scottish historiography gave Smith



The dramatic decline in conventions of estates was a direct consequence of the king's absence. Even if it had wanted to, the privy council lacked the authority to summon them. It could have urged the king to do so, to sustain the consultative momentum of pre-union government but it chose not to, its members perhaps preferring to bolster their enhanced power as privy councillors whose master was 400 miles away. At the same time, James, believing that he knew Scotland so well, felt no need to establish new governmental structures or mechanisms, in contrast with other European multiple monarchies where viceroys were established in outlying possessions and specialized councils created in the capital to handle the business of those regions.<sup>83</sup> The latter might have been counterproductive, for it could have distanced most of the Scottish political elite from the decision-making process even further. James inherited the system of lord deputies for governing Ireland but did not extend it to Scotland. Although a viceroy would not 'compensate for the absence of the monarch in the face-to-face societies of early modern Europe', especially in Scotland, one of the most face-to-face monarchies there was, it might have lessened the dislocation consequent upon the king's departure.<sup>84</sup> It has been suggested that the earl of Dunbar was 'virtually a lord deputy' but that is stretching the evidence.<sup>85</sup> He spent too little time in Scotland and was never the king's commissioner to parliament, James appointing others to that role (the earl of Montrose in 1604 and 1606, the duke of Lennox in 1607 and 1609). Dunbar attended only two of the four parliamentary sessions and one of the three conventions of estates before his death in 1611. Nor did he preside over the privy council, which was the role of the chancellor, the earl of Dunfermline. Dunbar was especially active after 1606 and, for a brief moment in 1609 there were signs of a new *modus operandi*, as a convention of the estates met a few months before a parliament, with Dunbar present at both. If that was a sign of things to come, of a return to something akin to the situation before 1603, Dunbar's death brought an end to it. Thereafter, no other Scot acted as the king's principal go-between with Scotland. Later in the century, after the Restoration, there was a virtual viceroy in Edinburgh in the shape of the king's commissioner to parliament, the role becoming a permanent one under Charles II. This arrangement was not without its problems, but it did provide a focus for authority and patronage that had been lacking in Scotland since 1603.<sup>86</sup>

James's failure to make significant adjustments was due to a number of factors. He set out for England in April 1603 with the stated intention of returning every three years, inspired perhaps by the itinerant approach to multiple monarchy of the Emperor Charles V. At first, it appeared that he was serious in this promise, as he bought a property in Yorkshire as a staging post in the late summer of

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the impression (pp. 45, 46–50) that James maintained a consensual approach until the last few years of the reign.

<sup>83</sup> For a general discussion of multiple monarchies, see Elliot, 'A Europe of composite monarchies'.

<sup>84</sup> *Ibid.*, p. 55.

<sup>85</sup> Croft, *King James*, p. 70.

<sup>86</sup> G. H. MacIntosh, *The Scottish parliament under Charles II* (Edinburgh, 2007).

1603.<sup>87</sup> His plans for a more perfect union also meant that there was little incentive to change a system that was about to disappear anyway. By the time the union plans were effectively abandoned in 1608, he ought to have been preparing for his second return visit to Scotland, although he would not take his first until 1617. Perhaps James simply lost the desire to cultivate consensus once he had achieved his great goal of the English throne, which also explains the declining frequency of English parliaments as his reign progressed. Probably the most significant factor of all, however, was the fact that he knew Scotland intimately and was personally acquainted with most of its political elite, making him better placed than any other to govern his northern kingdom. Thus he retained the authority to summon conventions of the estates and might have continued to use them to test the waters for new policies and to seek consensus on a range of issues, yet he chose not to. The parallel fates of conventions and general assemblies of the church are telling. James had been relatively comfortable with both when he had been in Scotland, able to attend and participate in their deliberations. He had enjoyed knocking heads together and hammering out agreements but was reluctant to allow such meetings to continue in his absence. Instead he came to rely increasingly on a narrow range of Scots for his information on Scotland, perhaps not as narrow as those on whom Charles I would depend, yet a considerably smaller number than he had been used to talking to before 1603.<sup>88</sup> When he did consult a little more widely, as was the case with the Five Articles of Perth, the messages that he got were not positive but he went ahead with the policy anyway.<sup>89</sup>

Scotland has recently been described as the ‘happier marriage partner’ in the union because numerous royal minorities between 1406 and 1585 allowed it to take the departure of James VI in its stride.<sup>90</sup> But this simply will not do. The differences between the minorities of the fifteenth and sixteenth centuries and absentee kingship are profound. During minorities the monarch was unable to exercise power, either because they were too young or, in the case of James I, in captivity. None involved the active interference of an experienced adult ruler, keen to be involved in government from a distance. A regent or governor was appointed to rule in the monarch’s stead until they could assume sovereignty, ensuring the retention of a single head of government. James VI himself would have known that very well, from his own extended minority. He should also have been well aware that, during his minority, conventions of the estates and general assemblies had continued to meet fairly regularly. The comparison between minority and absentee kingship is indeed telling: minorities did not see the collapse in consultation that characterized the government of Scotland after 1603.

<sup>87</sup> Croft, *King James*, p. 136.

<sup>88</sup> Lee, *Government by pen*, p. 32; Goodare, *Government of Scotland*, p. 49.

<sup>89</sup> MacDonald, *The Jacobean Kirk*, pp. 159–64; D. Laing, ed., *Original letters relating to the ecclesiastical affairs of Scotland* (2 vols., Edinburgh, 1851), II, pp. 511–15.

<sup>90</sup> Wormald, ‘The happier marriage partner’, pp. 70–1.

The exclusion of so many people who were used to being consulted on the development of policies led to the ‘court–country’ divide observed in the parliament of 1621. Conventions of the estates had been opportunities to discuss matters of state, to gauge the mood of the political community. They provided a setting in which a range of people could feel, and could be, included in the formulation of policy. Thus, when a parliament met before 1603, there was rarely anything unexpected on the crown’s agenda. Between 1585 and 1603, a court–country division did not emerge because of the frequency with which the king encountered nobles, lairds and burgesses from across Scotland. He could have summoned whoever he liked to conventions of the estates, but it would have been politically impossible to exclude certain people when important decisions were to be made, whether these individuals were courtiers or not. The expansion of parliament to include a new estate of shire commissioners after 1587 underlines the remarkably consultative impetus of James’s pre-union government of Scotland, by European standards.<sup>91</sup> Had it endured, it is hard to see how the crisis of the later 1630s could have arisen. As it was, the dislocation and alienation which resulted from the king’s departure and the disappearance of regular conventions of the estates had a much wider impact, socially and geographically, and was more profound and traumatic than has been appreciated hitherto. There is no doubt that Charles I failed to maintain and cultivate the networks of communication that had linked his father with Scottish elites via their kinsmen and friends at court.<sup>92</sup> That was an important factor in the growing alienation of the Scottish political community before 1638, which led David Stevenson to describe Scotland as ‘virtually all country and no court’.<sup>93</sup> Yet in 1603 James VI took a crucial step away from the consensual approach that had previously characterized his government. Although he avoided alienating as many as his son would, he alienated a sufficiently large number to create serious difficulties for the crown at the parliament of 1621 and a legacy of suspicion and unease for Charles I.

In European terms, Scotland was an unusual component kingdom of a composite monarchy. It was neither conquered by a greater power, nor inherited by a foreign ruler. Instead, its monarch inherited a larger, more powerful, and wealthier kingdom and consequently settled there. The closest parallel is perhaps the short-lived Polish–Swedish union under Sigismund III of Sweden. Yet there are clear differences. Having been elected as king of Poland five years before his father died, Sigismund was never a resident king of Sweden, except briefly in 1593–4, and had been raised as a Catholic in a largely Protestant country.<sup>94</sup> Those two factors, and the fact that there was an obvious alternative ruler in the person of his uncle (who succeeded as Charles IX in 1604, having been *de facto* king since

<sup>91</sup> J. Goodare, ‘The admission of lairds to the Scottish parliament’, *English Historical Review*, 116 (2001), pp. 1103–33.

<sup>92</sup> Groundwater, ‘From Whitehall to Jedburgh’.

<sup>93</sup> D. Stevenson, *The Scottish revolution, 1637–1644* (Newton Abbot, 1973), p. 324.

<sup>94</sup> R. Bonney, *The European dynastic states, 1494–1660* (Oxford, 1991), pp. 265–7; M. Roberts, *The early Vasas: a history of Sweden, 1523–1611* (Cambridge, 1968), chs. 5 and 6.

Sigismund was deposed in 1599), make the differences clear. James VI, having reigned in Scotland for nearly eighteen years as an adult before 1603, believed that he knew Scotland and its ruling elite better than anyone else, a view that came to be increasingly at odds with reality. By the end of 1617, in a letter to the Scottish bishops, he described the Scottish church as ‘your’ church, not his own.<sup>95</sup> His failure to establish new mechanisms for Scottish government or to ensure the continuity of the old ones makes Scotland’s position in relation to England very different from another regal union that has been posited as a close parallel, Portugal and Castile.<sup>96</sup> In that case, the monarch of a larger kingdom obtained the throne of a smaller one and did not take up residence in his new kingdom. When Portugal rebelled in 1640, it did so against a foreign ruler.<sup>97</sup> By contrast, Scotland’s elites could not bring themselves to take the extra step of abandoning their ancient dynasty in 1638, for it had been central to the kingdom’s integrity since the fourteenth century. It would surely have been a very different story if a king of England had inherited the Scottish throne in 1603. Composite monarchies were as much characterized by differences as commonalities and the relationships between their component parts can only be understood in the context of their own histories and circumstances.

<sup>95</sup> A. R. MacDonald, ‘James VI and I and British ecclesiastical convergence’, *Historical Journal*, 48 (2005), pp. 885–903, at p. 900.

<sup>96</sup> Elliot, ‘A Europe of composite monarchies’, p. 61.

<sup>97</sup> J. H. Elliot, ‘The Spanish monarchy and the kingdom of Portugal, 1580–1640’, in Greengrass, ed., *Conquest and coalescence*, pp. 48–67.