UNION OR EMPIRE:
SCOTTISH COLONIALISM AND THE CRISIS OF ANGLO-SCOTTISH
RELATIONS, 1694-1707

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For Maggie,
My *sine qua non*. 

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CHAPTER I

ANGLO-SCOTTISH RELATIONS ON THE EVE OF UNION

“There are sometimes such crises, such junctures in matters, when all things shall concur to possess, not a man, but even a nation, with a belief of what, at another time, they would not believe, even upon the same evidence.”

Daniel Defoe, *The History of the Union between England and Scotland*

When James VI of Scotland entered England in 1603 to take up the crown of England in addition to the crown of Scotland, Anglo-Scottish relations entered into a new epoch. The history of Anglo-Scottish relations is one filled with animosity and rivalry, as well as friendship and alliance. From the time of Wallace and Edward I, to Mary, Queen of Scots and Elizabeth Tudor, Scotland and England, two nations which shared the isle of Britain, shared a complicated existence. United in their “scepter’d isle,” as Shakespeare termed it, Scotland and England entered a new phase in their relationship with the merging of the royal line through the body of James VI and I. One royal house over two (or three, considering Ireland) kingdoms brought with it a significant shift in power relationships between two kingdoms, connected but not unified. England had long been

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1 Daniel Defoe, *The History of the Union between England and Scotland. To which is added, The Articles of Union, &c.*, (Dublin: Printed by John Exshaw. 1799), 25.
the stronger nation of the two, however, it was only in the last hundred years that Scotland had seen its position begin to decline in terms of continental relationship.

While not as large, centralized, or economically successful, Scotland had held many important relationships on the continent. The royal house of Stewart had made marriage alliances with Denmark and Scandinavia, as well as with France, establishing the Auld Alliance which had long helped maintain the balance of power in the British Isles. By the time of James VI, however, those continental connections had weakened, while England’s role as a protestant power and rival of both France and Spain had grown. Thus, when James became ruler of both Scotland and England, his decision to move his seat of royal authority from Edinburgh to London brought with it a new power dynamic, which has led many historians, as well as those who lived at the time, to question if the regal union had left Scotland as an independent kingdom, or made it a province of England. The following century of regal union, following an abortive attempt at integrating union shortly after James’ accession in England and a brief military union under the dictatorship of Oliver Cromwell, continued to see England’s power expand while Scotland remained relatively isolated and subservient to English political policy.

The period of Anglo-Scottish union has long been examined solely within a political context. The historiography of recent decades, much of it written in the lead up to the 300th anniversary of the union, has done a remarkable job of providing a social and cultural context to the union of England and Scotland. Several works stand out for their contributions in examining the shifts in Anglo-Scottish relations beyond the union discourses of 1705-1707. Douglas Watt’s *The Price of Scotland* recontextualizes the Scottish economic impetus for union through the development of Scottish colonial
ambition in the form of the Darien Project. Through the connection of economics and colonialism, Watt merges domestic and internal British relations, creating a new imperial understanding of Anglo-Scottish relations. Karin Bowie’s work, *Scottish Public Opinion and the Anglo-Scottish Union*, presents the mirror to Watt, tracing the formation of the Scottish public sphere almost exclusively through domestic developments. When placed into context, these two works present the decade prior to the union as a period of crisis in Anglo-Scottish relations. This work traces the formation of the crisis in Anglo-Scottish relations from the formation of the Company of Scotland, through the failure of the Scottish colony at Darien, and the development of antagonistic intra-national political posturing. The climax of the crisis is examined through the trial and execution of the crew of the *Worcester*, an English merchant ship accused of piracy but publicly acknowledged as an act of Scottish reprisal. The result is the reframing of the Anglo-Scottish union in both the context of a crisis of relations, but also as a competition between unionist and imperial goals. Through the examination of printed discourses, this thesis will demonstrate that Scottish public opinion during the crisis in Anglo-Scottish relations considered union and empire to be competing causes. The failure of the Darien Project created the perception of incompatibility between the two goals. The pursuit of empire threatened the status quo of the regal union while the potential security of further union came at the cost of a Scottish empire. Scots understood their position to be a matter of union or empire, not both.
From Glorious Revolution to Anglo-Scottish Crisis

The Glorious Revolution and the resulting Revolution Settlement offered new life to Anglo-Scottish relations. William and Mary brought with them continental ambitions, which suggested closer unity on the British Isles to better centralize and serve their military agenda. As John Brewer noted in his work *Sinews of Power*, 1688 brought about a new era of centralized government in England necessary to rival much larger and wealthier continental rivals. A disunited island and multiple monarchies worked contrary to such plans. The limited power of the monarchy under the Revolution Settlement, along with the predominance of continental affairs maintained unification as a secondary matter, and thus the early part of William and Mary’s reign largely continued the status quo of Anglo-Scottish relations. This shifted following Mary’s death, although not due to it, as factors in both England and Scotland brought about new challenges in the continuation of the regal union as it existed.

Predominant among these factors was the renewed attempt by the Scottish government to establish an overseas trading empire in the image of England, France, and Spain. This was not Scotland’s first attempt at establishing colonies. Beginning with the settlement of Nova Scotia under Charles I in 1629, Scotland’s colonial projects conflicted with the earlier imperial projects of France and Spain, resulting in their loss and transfer to other powers. Earlier attempts to establish a colony at Newfoundland under a charter issued by James VI and I ended just as poorly for the Scots. While established under the

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Parliament of Scotland’s authority, the colony proved to be financially unsustainable, and was quickly subsumed by English interests. In territory controlled by England, Scottish colonies suffered similar fates, quickly fell under English colonial authority, such as in the cases of Charles Town in South Carolina, and East New Jersey under Charles II.

The reign of William III began a new period of Scottish colonial ambition, this time through a public project, rather than a governmental one. Modeled after the English East India Company, the Company of Scotland Trading to Africa and the Indies constituted a joint-stock colonial project which promised opportunity and wealth to an impoverished nation. The Company of Scotland further offered an alternative to the status-quo in Anglo-Scottish relations, through an independent colonial trading empire. While imagined as the means to equalize Anglo-Scottish relations, the actions of the Company of Scotland resulted in a crisis of relations which set England and Scotland on divergent paths and brought into question the future of the existing regal union. In the latter parts of the 1690s, the Company of Scotland began an imperial project seeking to establish a trading outpost in the Spanish territory of Central America along the Isthmus of Panama. This, known as the Darien Project, or the Darien Colony, came about during a time of heightened continental relations as the failing royal house of Spain, a branch of the Hapsburg dynasty, neared its end under Carlos II. The Darien Project was considered by many in England as a threat to the delicate balance of power between England and its ailing Spanish ally, and the French Bourbons, which promised an allied French and Spanish colonial empire against the alliance of England and the Dutch Republic. The resulting conflict between England and Scotland over the existence and support of the Darien colony highlighted the larger conflicts in Anglo-Scottish relations and made
evident the partisan policies of a single monarch over two countries with divergent interests. Simply put, the Darien Project made evident that the relationship between England and Scotland would allow for Scotland to pursue an empire at the cost of union, or union at the cost of an independent empire, not both.

The reign of King William brought about other problems in Scottish society which would lend themselves to the general malaise felt during the crisis in Anglo-Scottish relations. Historian Christopher Whatley identified three factors other than the Darien Project in the 1690s “which tipped Scotland over the edge of an economic abyss that was to have profound political consequences.” The first of these factors was a period of severe famine, known as King William’s ‘Ill Years,’ spanning from 1695 to 1699. The famine, which Whatley notes was given a starker image than reality suggested by Jacobite propagandists, still resulted in a reduction of Scotland’s population by approximately 13 percent, lowering Scotland’s overall population to just over one million persons. Secondly, William’s continental conflict, the Nine Years War against France, not only created a hostile maritime environment, but also resulted in increased taxation on the already poor country. Increased taxes with decreased trade further worsened the effects of King William’s ‘Ill Years,’ transforming famine into economic depression. The third factor, the establishment of tariffs against Scottish trade goods by allies on the continent, drastically reduced Scottish trade in northern waters. Whatley estimates that Scottish exports, which had made up as much as 28 percent of all British trade in the Baltic, fell to 8 percent during the war. From such a poor economic setting, it easy to

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4 Ibid., 143.
5 Ibid, 160.
grasp the national importance of the project which the Company of Scotland proposed. Darien, however complicated, offered economic sustainability in a region free of William’s continental conflicts, away from the dangers of enemy navies, and teeming with the promise of untouched riches.

The Scottish Public Sphere and Anglo-Scottish Relations

The period in question constituted, as Daniel Defoe claimed, a national crisis, one in which the majority of Scots took an active role. As a joint-stock company, the Company of Scotland provided an unprecedented level of agency for the majority of bourgeois Scots through their ownership of company stocks. Such agency in early modern Scotland was normally limited to the Kirk, which held vast authority over and allegiance from the majority of Scots. The Company of Scotland, however, offered imperial ambitions and financial opportunity that the Kirk could not, and invited renewed membership in a Scottish community on a level unobserved since the national convent in 1638. This level of national consciousness, as understood through Benedict Anderson’s conception of an imagined community took place primarily through the work of the public sphere of print. Jürgen Habermas’ ground breaking work on the development of the bourgeois public sphere not only allows access to voices that would otherwise be overlooked, it allows a fundamental reconceptualization of what Darien and Union meant.

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for everyday Scots.\(^8\) The investigation of the public sphere revokes the high-minded authority of traditional top-down interpretations of the debates over the Acts of Union.\(^9\) Karin Bowie’s work, Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707, provides a widened, but nuanced, understanding of Habermas, which examines the role of public opinion in Scotland as it came into existence. This period in Anglo-Scottish relations and the resulting crises not only allowed for the formation of the public sphere, but were actively shaped by its development. The last decade of the seventeenth century provided in Scotland the necessary preconditions for the replacement of medieval and early modern consensus politics with a new form of adversarial politics, informed by public expression and reaction, which in turn created a new dynamic between those in power. Using Bowie’s application of Habermas’ public sphere in Scotland, the Darien Project and its aftermath takes on new importance in the development of the crisis in Anglo-Scottish relations.

Two key developments in Scottish society on the eve of union allowed for the sudden expansion of the public sphere: a dramatic increase in printed publications in the form of newspapers, pamphlets, and broadsides, and the formation of a joint-stock company, creating a unified economic purpose with diverse investors. The first provided the physical means for developing a Habermasian public sphere. New, cheap print allowed for a faster spread of information, uniting Glasgow and Edinburgh into one

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\(^9\) I refer here to the work of PWJ Riley, who in his 1978 monograph, *The Union of England and Scotland*, argued that the union existed in Scotland purely as a political job, accepting the phrase “Bought and Sold for English Gold” wholeheartedly. By focusing almost exclusively on political correspondence and public reaction, Riley’s work ignores the expressions of the majority of Scots. Further, Riley assumes, based on economic factors involved in the union debates that Scottish parliamentarians pursued union solely for their own personal gain, without taking into account the possibility of communal motives.
textual community, as well as relating the flow of information across the border with England faster than ever. By the time of the *Worcester* affair in 1705, newspapers provided Londoners up to date accounts of the trial, while printed compilations of the testimony appeared within weeks of the verdict. Meanwhile, the formation of a joint-stock company in Scotland provided the second key to the development of the Scottish public sphere, not only in the traditional Habermasian understanding of the role of capital development, but as a focal point for public opinion as the nation sought to understand the company’s failure.10

Widespread Scottish involvement in the Company of Scotland and the Darien Project were primarily enabled through print culture as pamphlets and broadsides advertised and praised the Scots’ colonial project. Further, as the project collapsed, the printed public sphere provided the means for Scots to air their grievances as well as place blame on England for the colony’s collapse. Through print, Scots took on both political and international understandings of their national position, particularly through the lens of Anglo-Scottish relations. England became the chief oppositional force against independent Scottish success. Such debate took on direct connotations of union versus empire, as perceptions of English fault confronted ideas of a unified British future.

10 Jurgen Habermas posited in his work, the Structural Transformation of the Public Sphere, that Britain developed a public sphere prior to the continent in no small part due to the development of joint-stock companies. While Habermas’ focus was almost exclusively on those companies created in England, such as the East India Company, The Company of Scotland should not be overlooked. In both cases, the formation of joint-stock companies signified the transition from traditional opposition between landed and moneyed interests into a conflict between manufacturing and trade. Scotland, which at the time suffered at the time from a deficit of both manufacture and trade, thus experienced an attempted shift through the formation of the Company of Scotland between landed and moneyed interests and overseas trade. With limitations on investment in the Company of Scotland, capped at £3000 Scots, the Company of Scotland presented a cross-class opportunity which theoretically challenged landed and moneyed interests. And yet, perhaps because the Company of Scotland was unable to develop far past its initial phase, such a challenge never appeared, thus allowing the company to present an integrating cross-class opportunity with virtually no challenge.
The matter of Anglo-Scottish relations in regards to the Company of Scotland takes on a further level of complication when examined from an external perspective. When established by the Scottish Parliament, Scottish investors envisioned the Company of Scotland as a national rival to the great trading companies of Europe, but specifically that of the English East India Company. Further, the Company of Scotland understood its own role as a competitor company with that of the East India Company, with the expectation of being treated as fairly and equally as that of England’s allies’ trading companies. While rivals for trade, the English East India Company and the Dutch East Indies Companies existed in relative peace. Philip Stern’s history of the early East India Company provides a brief glimpse at how England’s primary trading company understood its northern competitors.11 The conflict, Stern argues, was that before the Company of Scotland “could become an Atlantic or a British issue, it was a Scotch East India Company,” and thus a direct rival to the English company.12 In addition to the fear of the Company of Scotland establishing rival trading posts in India and elsewhere, the East India Company, along with the Royal African Company and others, feared the loss of English investors to this new rival, leading them to bar their members from investing in the Company of Scotland at all. The English East India Company further attempted to undermine the development of the Company of Scotland through parliamentary action,

11 The English East India Company at the time of the Company of Scotland was not a unified company, but rather two companies, the “old” East India Company, established under Elizabeth Tudor in 1600, and the “new” East India Company, established in 1698 after the passage of an act deregulating the original company’s monopoly over the India trade. While the “old” East India Company had lost its overarching monopoly, it still held considerable lobbying power over the English Parliament. Thus, when the Company of Scotland presented a possible challenge to the “old” East India Company’s power, the “old” and “new” companies worked in short lived coalition to protect their trade. For the purpose of simplicity, I have used the term East India Company to refer exclusively to the “old” East India Company prior to 1698 and the coalition led by the “old” East India Company after 1698. For more information, see Philip J. Stern’s The Company State: Corporate Sovereignty & the Early Modern Foundation of the British Empire in India, Oxford: Oxford University Press (2011).

leading parliament to ban the sale of subscriptions in Scots Company in England. Their rivalry did not end there, utilizing continental connections to limit the Company of Scotland’s success in Hamburg.

The ideological root of the conflict between the English East India Company and the Company of Scotland remained the challenge of the British multiple monarchy. The English East India Company, Stern argues, “comprehended the Scottish venture not as another European competitor but as an interloping British subject.”13 The very existence of the Company of Scotland constituted an attack on the English East India Company’s monopoly. Meanwhile, the Company of Scotland’s position as a national venture supported the development of what Stern refers to as a “chauvinistic nationalism,” in response to England’s antagonism towards Scotland, rather than the English East India Company’s antagonism towards the Company of Scotland. Such a mentality was made evident in Scottish pamphlets produced after Darien’s collapse which accused the English Government of having mistreated the Scots without mention of the English East India Company. The Worcester Affair again reinforced the incongruences in Anglo-Scottish relations over joint-stock monopolies. The seizure of the Annandale, a Scots’ Company ship, over claims of breaking English monopoly laws resulted in a Scottish counter-argument which claimed that England had dealt unfairly with the Scots’ Company, unlike its treatment of other foreign rivals. This conflict was publicly known to have originated from within the ranks of the English East India Company, of which the Annandale’s former captain had been a member, and which held a significant influence in Anne’s government and the court’s proceedings. When the Worcester was seized in Scotland, it

13 Stern, 160
was openly acknowledged to be an act of reprisal against the English East India Company, despite the fact that the *Worcester* was only a ship chartered by the company, not one owned by the company.

**Scottish Nationalism and the Anglo-Scottish Union**

Any discussion of the union between England and Scotland inevitably enters into the realm of Scottish nationalism. Since the age of Robert Burns, the epithet “bought and sold for English gold” has characterized the nationalist approach to the Anglo-Scottish union of 1707. Much like the historiography which has left out the voices of the public sphere during the union debates, the application of modern Scottish nationalist understandings of the union are products of a teleological understanding of Scottish history within a British context. Such understandings are unable to divorce the developments of the eighteenth century on Anglo-Scottish relations, which Colin Kidd argues were not the central points in the development of modern Scottish nationalism until the modern era. In his monograph, *Subverting Scotland’s Past: Scottish Whig Historians and the Creation of an Anglo-British Identity, 1699-c.1830*, Kidd argues that following the union, Scotland adopted an Anglo-British understanding of Scottish nationalism which divorced the relationship between liberty and nationhood. “The history of liberty had been rewritten by Scotland’s own intellectual elite,” Kidd claims, “in such a way as to subvert the intense pride which earlier generations of Scots had taken in their
independence as a sovereign kingdom.”14 This had the effect of irrevocably connecting the understanding of Scottish liberty to the processes of Anglicization only after the union had taken place. Modern Scottish nationalism, built out of the Enlightenment and Romantic periods, has re-appropriated these ideas to understand Scottish liberty as the rejection of England and by extension Britain.

The Scottish understanding of liberty during the crisis in Anglo-Scottish relations stands in marked contrast to modern Scottish nationalist constructions of liberty as independence. While early modern Scots may have considered those members of parliament who supported the Acts of Union as having been bought and paid for by the English government, liberty and sovereignty did not necessarily entail divorce from England or the regal union. Rather, Scottish ideas of liberty and sovereignty involved a more balanced form of union, one in which the shared monarch would be seen as truly shared, not absentee. Up to, and even including the Scottish Act of Security, union debates centered on what a fuller, more inclusive union might entail versus how to repair the regal union as it stood. The vast majority of Scots had little to no interest in seeing the royal line, which they had shared with England, end in Scotland. Instead, they sought ways to ensure the improvement of Scotland with the monarch’s approval in ways that might also be beneficial to their sister kingdom.

This is, of course, not inclusive of all Scots. Some certainly sought, particularly after the Act of Settlement in England, to end the relationship between England and Scotland. However, even the most fervent supporters of Scottish sovereignty continued to work within a framework which accepted the regal union until such union naturally

ceased to exist. George Ridpath, a Scottish journalist working in London, provides a key example of such behavior, publishing fervent support for the Scottish claim on Darien and openly attacking the English for the failure to support the project. His attacks on William III’s role in the matter focused on how William had failed to act as Scotland’s king, not on the legitimacy of the regal union.

**Going Forward**

As has been previously stated, the debate over the future state of Anglo-Scottish relations between 1690 and 1707 was inextricably linked to the Scottish question of union or empire. This is somewhat misleading, however, as it appears to imply that Scots sought either union or empire, but not both. In reality, Scots involved in the Company of Scotland, the Darien Project, and eventually the debates over the Acts of Union, sought a balance between the two.

Chapter two examines the foundation of the Company of Scotland, tracing the origin of the Darien Project through William Paterson. Through Paterson, I deconstruct the historiography of Darien’s origin as a Scottish national, or even unifying British venture, to show the underlying economic motivations of the Company of Scotland, much the same as any other European joint-stock company. A brief narrative of the company and the colony provides the basis through which printed debates following the company’s collapse can be understood. The reality of Darien allows for the contextualization of post-Darien print debates which sought to legitimize the colony’s
existence while laying blame for the colony’s collapse. Additionally, printed debates in the aftermath of the colony’s failure provide a lens through which to understand Scottish public opinion regarding Anglo-Scottish relations. In the context of union or empire, printed responses to Darien established lines of oppositional politics which contrasted the rights of Scotland as a sovereign kingdom against the role of the monarch within a regal union. Supporters of Darien’s legality built a rhetoric of blame against England for failing to support its northern ally in favor of their former enemy, Spain. Further, the most radical of Darien supporters argued that Darien was the result of fundamental flaws in the structure of the regal union, which inherently favored England whenever the interests of the two kingdoms were opposed. Meanwhile, detractors of the Darien Project argued for the continued benefits and protections provided by the regal union. These authors were not necessarily against Scottish empire building, but rather argued that the Company of Scotland, and by extension the Scottish Parliament, had been reckless in attempting to settle a colony in allied territory without taking into account larger political conditions in Europe.

Chapter three continues the narrative of the Company of Scotland in the wake the Darien Project, examining the company’s attempts to establish lines of trade with India directly, rather than via Central America. Paterson reappears, now in the context of the War of the Spanish Succession, in an attempt to rebuild the Darien Project as a British venture as well as a military asset. In conjunction with the Company of Scotland’s trade projects, chapter three examines parliamentary developments in the wake of William III’s death, which placed the Electress of Hanover, granddaughter of James VI and I, next in line for the throne of England after Anne. The resulting affront to Scottish sovereignty
began a process of reciprocal acts of parliament which threatened the future of the regal union. Meanwhile, the continued perception of the Company of Scotland as a British rival to the English East India Company resulted in the seizure of a Scots Company ship, the *Annandale*, preparing to leave England. Understood as an act of aggression by the English East India Company, the seizure of the *Annandale* sparked a public outcry in Scotland, leading to the seizure of an English ship, the *Worcester*, upon its arrival in Scottish waters. Both the *Annandale* in England and the *Worcester* in Scotland were charged with violating the respective country’s trade monopoly laws, however the case against the *Worcester* transformed into a moment of national reprisal for English antagonism towards Scottish colonial ambition and overseas trade. The resulting trial of the *Worcester*’s crew for crimes of piracy provided a public presentation of Scottish disaffection for the regal union and the status quo of Anglo-Scottish relations. Further, the execution of three of the *Worcester*’s crew threatened to upend the union completely, proving the extremes of contingency in Anglo-Scottish relations. What appeared to those in both kingdoms as the death-toll of the Anglo-Scottish union instead presented the turning point in Anglo-Scottish relations resulting in détente and eventual treaty negotiations.

The concluding chapter provides an epilogue to the *Worcester* affair, exploring the public reaction to treaty negotiations and the settlement of the Company of Scotland’s affairs through the negotiation of the Equivalent. Additionally, the Acts of Union provide the medium for exploring the aftermath of the union or empire debate. Rather than the sacrifice of empire for the sake of union, the Acts of Union became the means to integrate the Scottish imperial vision into a larger British vision, much as Paterson had
originally intended. This did not suddenly signify the end of Anglo-Scottish relations as true union took more than a treaty to achieve. However, as historians such as Linda Colley have noted, union provided the groundwork for a new British Empire, expanded far beyond the ideas and limitations of what had been an English Empire. Thus, the Acts of Union signified more than a union for empire, they brought about an empire for the sake of union.
CHAPTER II
DARIEN DEBATES AS UNION DEBATES

The Darien Crisis of the late 1690s, the failed attempt at establishing the Scottish colony of Caledonia in modern Panama, was the key influence on the growing debate over Anglo-Scottish relations. Darien was seen as the means to effect Scottish colonial ambition and finally enter the domain of European imperial powers. The failure of Darien, however signaled the end of Scotland’s independent colonial dreams and helped bring about the union crisis of the early eighteenth century.

The fundamental historiography underlying the major argument of this chapter is a synthesis of two recent monographs, both published in 2007, regarding British union and Scottish Colonialism, Karin Bowie’s Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707, and Douglas Watt’s The Price of Scotland. Bowie argues that debate over the British Union can be traced to the late 1690s, occurring simultaneously with discussion of the Darien project, but still distinct from it. Watt, meanwhile, treats the Darien project as the sine qua non of the union debates of the early eighteenth century, forcing the Scots to consider the future of Anglo-Scottish relations, but ultimately not about union in and of itself. One of the overarching themes of my argument is that Scottish colonial ambitions and Anglo-Scottish relations were inextricably linked, but also fundamentally at odds. The monarchical union of England and Scotland did not and
would not allow for Scotland to maintain an independent Scottish Empire, as Scottish imperial goals would always put Scots at odds with the government of England. This chapter focuses on the synthesis of Bowie’s and Watt’s positions, arguing that discussion over the Darien project was a form of discussion over Anglo-Scottish relations and the future of the union. As the Scottish print sphere took up the issues of colonialism, the right to settle in Spanish territory (which they largely considered to be unclaimed), and England’s support, or lack there of, for Darien, individual voices reveal points within a larger discourse of Anglo-Scottish relations. As the Darien Project devolved into the Darien Crisis, the way in which authors sought to lay blame for the colony’s collapse provided a means to discuss matters of union outside of the parliamentary sphere.

Although not historiographically treated as a part of the union debates, the impact of the Darien crisis on Anglo-Scottish relations cannot be ignored. Settlement at the Isthmus of Darien, territory claimed by Spain, placed Scotland’s colonial ambitions at the center of larger European dynastic and political conflicts. Darien brought the complications of Anglo-Scottish dynastic policies into conflict with continental challenges including English-French rivalry and the War of the Spanish Succession. Thus, the complicated relationship between the regally-linked states of England and Scotland found itself at a fracture point, one it had struggled with on and off since its onset in 1604, due to the contingency of external pressures.

Further, the debates over the legality of Darien, waged in both parliaments and the public press, took up the issue of Anglo-Scottish relations in a way unseen since the Jacobean Union of 1604. For Scots, to talk about Darien was to talk about the future of Scotland, most importantly, Scotland’s future relationship with England. The
complications of the Darien Crisis and the confrontation it propagated between England and Scotland, according to historian Neil Davidson, had caused Scotland to enter “the eighteenth century in a constitutional relationship to England that was no longer tenable.”¹⁵ This fracturing political landscape, exacerbated by continental concerns, is evident throughout the printed debates over the Darien expedition. Pamphlets advertising Darien, providing descriptions of the isthmus, celebrating the Scots’ successes, as well as accusations following the colony’s collapse, printed in Scotland or by Scots in England provided the means to examine Scotland’s public sphere in regards to Anglo-Scottish relations. Discussion of Darien was not merely intertwined with discussions of Anglo-Scottish relations. Rather, to talk about Darien was directly to talk about the state and future of the Anglo-Scottish union. The crisis of Darien was thus the convergence of two fundamental debates on the sovereignty of Scotland: Empire, or Union.

**A Man, A Plan, a Canal: Darien**

The idea of the Darien project, the establishment of a permanent colony on the Isthmus of Darien in Panama by which Scotland could achieve an overland trade route and break into the lucrative East Indies market, first entered the public discourse of Scotland in the early 1690s by way of William Paterson. Born in Dumfrieshire in southern Scotland during the final years of the Interregnum, Paterson’s memory has often been limited to the two major endeavors of his life: the establishment of the Bank of

England, and the introduction of the Darien Scheme to the Company of Scotland. Very little is known about Paterson’s early life, of where his ideas for British settlement in Spanish territory originated from. Saxe Bannister, an English barrister who assembled one of the only biographies of Paterson in 1857, posited that Paterson may well have been involved with anti-Spanish buccaneers off of the coasts of South America. Although Bannister concluded that Paterson’s role as a buccaneer was unlikely, by 1685 he certainly held a great deal of information regarding the Isthmus of Darien despite having never visited the spot himself.16 W.A. Steel argued that Paterson developed the idea of Darien while in the West Indies prior to 1684 which “afforded an opportunity which an active and observant mind was little likely to let slip.”17 Douglas Watt, however, avoided tracing the origin of the idea of Darien, simply concluding that Paterson envisioned a great emporium at Darien, a business plan which he attempted to sell to anyone and everyone who would listen to him. Bannister argued that Paterson nearly succeeded in selling the Darien project to James II, “who was disposed to favour them until absorbed by designs which cost him his crown.”18 Failing in London, Paterson continued on to propose his free-market entrepôt to the Elector of Brandenburg, before returning to England where he became involved in matters of internal revenue and the establishment of the Bank of England after 1691.19 His involvement in the bank lasted only a year, after which he sold his shares and returned again to his colonial dream.

18 Ibid, xxvi.
Paterson thus brought his Darien enterprise to the newly formed Company of Scotland, believing that the achievements of the Bank of England and William III’s favorable attitude towards the Scottish company provided the optimal conditions for Darien’s consummation. Paterson’s success in selling the Darien Scheme to the Company of Scotland, according to Douglas Watt, came not from his own experiences at Darien, but rather through his writings, which mixed “sober finance with flourishes of powerful poetry.” Regardless, Paterson’s willingness to sell the Darien Scheme to any country or company that would buy it clashes heavily with his writings, and other’s assessments of him, after the colony’s collapse when he tried to resell it to William as a truly British venture.

**The Company of Scotland**

The Company of Scotland Trading to the Africa and the Indies provided the means for Scotland to pursue her colonial ambitions. The institution of the Navigation Acts after 1660, David Armitage argues, “motivated economic competition as a means of national autonomy.” This, paired with the monopoly of the English East India Company, led the Scottish Parliament to seek similar mercantilist ventures, culminating in the establishment of a Scottish based joint-stock company. Meanwhile, the

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introduction of Paterson’s Darien Scheme provided a physical goal for the company’s economic pursuits.

The Company of Scotland at first attempted to sell its shares as widely as possible, envisioning Darien much as Paterson had sold it: a free market trading post open to all of (Protestant) Europe. The company thus sent Paterson back south to England, where it was thought he would be able to capitalize on his mercantile connections via the Bank of England. David Armitage argues for a slightly different role in regards to Paterson and the Company of Scotland, however, noting that Paterson was named as one of ten London directors of the company in an act of the Scottish Parliament in June of 1695.22

In either case, the Company’s English and Continental shares were quickly cut short through the intervention of the English East India Company. Instead, the company turned inwards, making the Darien project a solely Scottish venture. The Darien project represented a serious financial investment for Scotland, a relatively poor country already on Europe’s fringe. Douglas Watt notes that the initial year of investment saw over £400,000 raised for the project, four times the Scottish government’s annual income a decade later, on the eve of union.23 Historian Keith Brown meanwhile posits that the sum total of the Darien project resulted in the squandering of over £1.8 million.24 Either estimate provides ample weight to the amount of capital leaving the country.

22 Armitage, ‘Paterson, William (1658-1719)’
23 Ibid, 63.
“A Description of the Isthmus of Darian (Where the Scot's Colonie is Settled)”

The concept of a land route across Panama was no new introduction to European powers. Spain had maintained a lucrative trade route by way of Panama City through which silver from its mines at Potosi crossed the continent since the mid-16th century. Further, while Darien itself had not been settled by the Spanish directly, it still fell into their claimed territories of Central America, an issue which would play a direct role in Caledonia’s failure.

The first expedition to Darien set sail in July of 1698 with five ships and just under 1300 men. Their arrival at the Isthmus of Darien was met with great enthusiasm, notably the declaration by Captain Robert Pennecuik, captain of the St. Andrew, that the harbor was “capable of containing a 1000 sail of the best shipps in the world.”

Reports from the colonists spoke of large quantities of food, both wild game and fruits, as well as sugar cane and “bastard cinnamon trees, [which] if they were transplanted, the bark might in time be little inferior to the fam’d cinnamon of Ceilon.”

Excitement soon faded in Caledonia as disease and labor took their tolls on the colonists. Small-pox, plague, cholera, dysentery, typhoid, yellow fever, and malaria; all categorized as ‘fevers’ by the colonists, ate away at the colonist’s numbers. “The geography,” Watt argues, “was not conducive to colonial development by northern

25 Darien Shipping Papers, 82, quoted in Watt, 149.
Europeans." Further, the expedition faced attack by the Spanish, including the loss of the ship, the *Dolphin*, to the Spanish fleet under claims of piracy. Caledonia survived direct attack in mid-April in a small skirmish with 25 Spaniards with native support, with a loss of two colonists and twelve wounded.28

Historian Hiram Bingham noted that William III had heard rumors of the Darien expedition but that the plans for the colony were “kept so secret that he did not feel warranted to order the expedition not to sail.”29 Instead, William sent Captain Richard Long to ascertain the Scots’ location. This, Bingham argued, afforded William the information necessary to protect his interests, namely his alliance with Spain, in the form of proclamation issued from his colonial governors barring resupply of the Caledonian colony.

“I have received commands from his Majesty . . . that his Majesty is unacquainted with the intensions and designs of the Scots settling at Darien: and that it is contrary to the peace entered into with his Majesty’s allies; and therefore has commanded me, that no assistance be given them.”30

Although disease and hunger had already taken their tolls on the colony, William’s proclamation via Beeston became the action on which Caledonia’s failure was blamed. The colonists abandoned Caledonia, as Bingham noted “without ever waiting to see how the proclamation would affect them, or even if the rumor that it had been issued

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27 Watt, 150.
28 Ibid, 155.
was true.”31 The surviving 900 men boarded the remaining ships, and made for Jamaica before continuing on to New York. The voyage took as much of a toll on the colonists as the isthmus had. Watt estimates, based on the records of Robert Drummund, captain of the Caledonia, and William Paterson, a further death toll of 250-350 persons between Caledonia and New York.32 In May 1699, before word of Caledonia’s abandonment had even reached Edinburgh, a relief expedition set sail from Leith with an additional 300 colonists. The relief ships, Olive Branch and Hopeful Binning, found the colony abandoned, and quickly followed the first expedition’s flight to Jamaica.

Meanwhile in Scotland, pamphlets and broadsheets prematurely celebrating Darien’s success began circulating. Two such pamphlets were published in honor of the expedition by former adventurers or buccaneers of the Caribbean, providing descriptions of the region and information on the wealth and resources available there. The first, entitled A Description of the Province and Bay of Darian, made the claim that the author, Isaac Blackwell had spent seventeen years on the isthmus. Blackwell published his description as a well-wisher to the company, under the request of an unknown friend, stating that he had written “the real truth of what [he] had seen and heard, for the incouragement of my Countrey-men.”33 Blackwell claimed that Darian was “of good strong and fertile soile and very wholesome . . . a rich countrey with Gold.”34 A second publication collected descriptions of William Dampier and a Mr. Waser’s experiences as buccaneers off of Spanish America along with a letter from Penneuik. The author of A Short Account from, and Description of the Isthmus of Darien considered the colony to

31 Bingham, 813.
32 Watt, 156.
33 Isaac Blackwell, A Description of the Province and Bay of Darian, (Edinburgh, 1699), Dedication
34 Ibid, 2, 4.
be a moment of national pride. “It would rejoynce any Scots heart,” they wrote, “in coming in to that bay, to see two Scots flags flying . . . The project of our Scots African Company, being a design of so great import, that upon the success thereof, the honour and happiness of the Nation, does in a great measure depend.”35 Additionally, the author believed that “True Scots Men” would be concerned to know where the colony had settled, which led him to distill the larger writings of Dampier and Waser, both published in the previous year, into a more affordable edition including only information related to “Our Scots African Company.”36

A number of Edinburgh printers produced broadsheet ballads celebrating the perceived successes of the Darien Project. An Ode Made on the Welcome News of the Safe Arrival and kind Reception of the Scottish Collony at Darien in America claimed divine support for the Scottish mission. The author of An Ode Made on the Welcome News . . . believed that God had presented Caledonia to Scotland to show “the infant weakness of your state/ and shows that He will make ye great.”37 This, combined with the perception of great wealth in the Americas due to the Spanish mines and spread by buccaneers like Blackwell and Dampier, reinforced the image of Darien as the means to alleviate “the nation from its Temporal Grand Disease”: poverty.38 Likewise, The Golden Island or Darian Song considered the Darien Project to be a moment of national ascendancy. Darien, according to the author, a ‘Lady of Honour,’ would make Scotland a rival of England. Further, Darien provided proof of William III’s continued support for

35 A Short Account from, and Description of the isthmus of Darien where the Scots Collony are settled, (Edinburgh: printed by John Vallange and James Wardlaw, 1699), A1R-A2V(1).
36 Ibid, A2V (1).
37 An Ode made on the Welcome News of the safe Arrival and kind Reception of the Scottish Collony at Darien in America, (Edinburgh: Printed by James Watson, 1699), 1
38 Ibid, 2
Scotland as “King William did encourage us, against the English will,” thus all of Scotland should support the project, “venture life and fortune both, for Scotland and his sake.”

Not all of the publications in the wake of the first Darien expedition were quite as celebratory. *Trades Release: or Courage to the Scotch-Indian Company* was significantly more cautious in its language regarding the success of the colony. *Trades Release* still viewed Darien as the means for Scotland’s financial stability, comparing William Paterson’s development of the Darien Scheme with the biblical King’s Solomon’s wisdom: “Think of the wisdom of old Solomon/ and heartily join with our own Paterson/ . . . to fetch home INDIAN treasures/ Solomon sent a far for Gold/ let us do as he did of old.”

Unlike previous Darien publications, however, the author of *Trades Release* was far more cautious about the impact of Darien on Anglo-Scottish relations. Certainly aware of the early challenges to the Darien Project made by the English East India Company and the English Parliament, *Trades Release* offered a warning to the south: “should our neighbors still offer, instead of their aid/ to crush our adventures, (as it is said)/ . . . may they never taste Pudding or Beef/ may poverty seize their Traders in chief.”

The company prepared a second full expedition for Darien, set to leave in August 1699. By that time rumor had reached Scotland of the colony’s abandonment, however the worst of the rumors were ignored as products of English propaganda. The fleet set sail in late September, held back by unfavorable sailing condition, only to arrive at Darien to

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40 *Trades Release or Courage to the Scotch Indian Company*, (1699).
41 Ibid.
find the “bleak reality of a deserted colony.” Members of the expedition, realizing they had only enough provisions to adequately maintain a portion of their 1300 or so colonists left only 500 persons to reestablish Caledonia while the rest retreated to Jamaica. This, however, left the colony open, once again, to Spanish attack. Under the command of Don Juan de Pimienta, the governor of Cartagena, 500 Spanish soldiers forced the Scottish colonists to give up their position at Caledonia. With an approximate death-toll of 810 out of 1300 settlers, the Scottish again retreated from the Caribbean, this time surrendering their dreams of a Scottish stronghold at Darien.

**Printing Darien and Union**

With the collapse of the Darien project, many in Scotland began looking for where to lay the blame. The lack of English support for the Darien project, particularly William’s refusal to allow English supply, made the monarchy a prime, albeit dangerous target. Although not openly critical of the king, many tracts, including several attributed to George Ridpath, made their way into circulation calling for accountability on the part of the English parliament. Simultaneously, prints advocating a closer union with England for the future stability of Scotland highlighted the Janus-like relationship between Darien and Anglo-Scottish relations.

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42 Watt, 186.
43 Watt, 190-1. The death tolls from the second expedition, as provided by Watt, take into account lives lost at Caledonia as well as those who died on the return trip to Scotland. Thus, the second expedition lost approximately 800 lives out of the 1300 original settlers.
The Indian and African Company petitioned the king in October of 1699 to call the English parliament, arguing that the English parliament must have acted without the king’s approval in working to subvert the Darien project. The company’s charter had been approved by the king, they argued, with clear intentions of “the settling of plantations and colonies in Asia, Africa, or America.” The application of that approval, however, was set about by the parliament of Scotland without the monarch’s direct seal. John Hamilton, Lord Belhaven, a leading member of the Country party and prominent supporter of the Darien project argued, was a product of the parliament session ending before the king had responded, thus allowing enemies of the Darien project to infer William’s disapproval. Belhaven saw the proclamations issued in the American colonies forbidding trade with Caledonia as lacking royal support, as surely William would not have sought to “deprive our said company and colony of the friendly assistance that might reasonably have been expected from our neighbor-nation.” Belhaven’s appeal for royal vindication fell short, however, as William’s response remained silent on the matter of Caledonia. Instead, William merely reaffirmed the right of Scots to trade with English plantations, “as ever they had formerly.”

The significant economic losses of the Darien Project added to the already dire conditions of Scotland’s economy. Pre-existing trade discrepancies between England and Scotland had resulted in inflation of Scotland’s currency which further decreased foreign investment in the country. The failure of the Darien Project, however, provided a basis for many Scottish economic reformers to appeal to both parliaments and the monarchy.

45 Ibid.
for a remedy. Andrew Fletcher, a voice that would return when direct debate over the union of England and Scotland commenced in the parliaments, provided surprising proposals in 1700 in favor of uniting the coinage of England and Scotland. Fletcher was by no means optimistic about the state of Anglo-Scottish relations, noting in his preface that “whilst in the great concerns of peace and war, we [Scotland] alwise intrude our selves into the misfortunes of England.”47 Further, Fletcher noted that he was “far from supposing or intending an enumeration of all [Scotland’s] evils,” referring to his position on the failures of Darien as English caused, but rather that his “dutie call to do apart, and . . . expose the mischiefs of our coin with the remedie, and offer both my opinion and my wish.”48 Titling his argument “A Proposition for Remeding the Debasement of Coyne in Scotland,” Fletcher sought to reform the Scottish standard in order to “repair[e] the losses of the African and Indian Company.”49

An appeal for more than union of currency came in the form of *A Serious Advice to the African and Indian Company*, published along with Fletcher’s “A Proposition for Remeding the Debasement of Coyne in Scotland,” although not necessarily by Fletcher himself.50 *A Serious Advice . . .* withheld no punches in regards to England’s fault in the failure of Darien. Instead of attacking England, however, the author instead sought redress in so much as was possible at that point, but more importantly for “preventing of

47 Andrew Fletcher, *Overtures Offered to the Parliament*, (Edinburgh, printed by John Reid, 1700), ii.
48 Ibid, iii.
49 Ibid, frontispiece.
50 Early modern printers often combined separate but related pamphlets to encourage sales. For more information regarding the production and sale of pamphlets in early modern Britain, see Joad Raymond’s *Pamphlets and Pamphleteering in Early Modern Britain*, (Cambridge: Cambridge University Press, 2003), and John King’s *Foxe’s Book of Martyrs and Early Modern Print Culture*, (Cambridge: Cambridge University Press, 2006).
future injuries.” A Serious Advice further argued that the previous century of unity had only ‘been pretended, and treated rather in jest than earnest,” to the threat of Britain. Instead, the author proposed that “the union of the two kingdoms, either entirely, or at least as to mutual trade amongst themselves, may be now seriously intended,” meaning that those who had opposed the actions of the Scottish in Darien had worked against the intended framework of the original union. The author continues on to propose a serious of trade relations between England and Scotland which would reduce the degrees of the tariffs on certain imported goods, which they argued would benefit Scotland doubly should they be restricted to the African and Indian Company. Should the Company of Scotland be granted that monopoly, it would “improve the national stock” through which “the nation may be evidently enabled.” Further, the rebuilding of Scotland’s economy, and the stabilization of the Company of Scotland would allow, when diplomacy allowed to “establish an American Collony . . . to prosecute so great a good for the nation.” Even after Darien’s failure, the idea of establishing a Scottish colony remained at the heart of Scotland’s economic hopes.

Meanwhile, pamphlets attacking or supporting the legal standing of the Darien Project, many of which were reprints of petitions or speeches before the Scottish Parliament, entered into publication. The People of Scotland’s Groans and Lamentable complaints, Pour’d out before the High Court of Parliament compared the relationship of Scotland to the monarchy to be “like children in a great measure depriv’d of the kindness

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51 A Serious Advice to the African and Indian Company, (Edinburgh, printed by John Reid, 1700), A2
52 Ibid, 3-4
53 Ibid, 11.
54 Ibid.
and protection of one of their parents.” The author of The People of Scotland’s Groans . . . further considered the leaders of Scotland’s parliament, “the political fathers of our country,” to be under the control of England. To that end, the author argued against the continuation of the Anglo-Scottish Union. “We beg of you to consider,” they wrote, “by the honour of the Scottish name . . . how our soveraingty and freedom is violated, our laws trampled upon, and our trade interrupted.” The author, although avoiding any particular names, spoke against the leadership of the Scottish parliament, notably the Duke of Queensberry, William’s representative in Scotland. “We must leave it with you, most noble patriots to take care, that no such Judas’s bring a perpetual infamy upon the parliaments of Scotland . . . Let not [our] nation then . . . be dispirited under the bondage of a foreign court.” William was no longer Scottish, his actions had made him the king of England alone.

During the course of 1700, members of the Scottish parliament and the Company of Scotland attempted to press for legal rights to once again settle at Darien. William Keith, 9th Earl Marischal, a Jacobite member of the Scottish parliament, submitted a representation and petition for the Company of Scotland placing the blame for Darien on England. Speaking for the company, Earl Marischal argued that the letter of the laws established by the Scottish parliament under William’s approval fully allowed for the settlement of Caledonia. The Company of Scotland had acted with “the publick faith of having due protection” in their colonial activities, but to “the Nations great surprise, and

55 The People of Scotland’s Groans and Lamentable Complaints, Pour’d out before the High Court of Parliament, (Edinburgh, 1700).
56 Ibid.
57 Ibid.
inestimable loss,” was met with resistance from both the English and William. Instead, Scotland had been left in economic crisis to the point, according to Marischal, that “all our [Scotland’s] past, present, and future endeavours must, to the nations indelible reproach and dishonor . . . prove unavoidably abortive.” England, in the opinion of Marischal, had end all of Scotland’s hopes of every achieving a successful colonial trade. Thus, the only way for Scotland to survive, was either an English admission of guilt complete with future support, or an end to English domination over Scotland’s actions.

In England, publications accusing the Scottish of attempting to establish a farce of a colony became commonplace. *Caledonia; or, the Pedlar turn’d Merchant, A Tragi-Comedy* provides a succinct understanding of English public opinion on the Scots’ Colony. Printed as a thirty page poem in and around London, *The Pedlar turn’d Merchant* referred to Scotland as a “sorry poor nation” which sought to improve its wealth far beyond its place out of jealousy of more deserving nations. Scotland is further referred to in terms of a performance, having acted out against the monarch in attempting to establish a colony. The Darien Project was further a cheap comedy, put on by a peddler who wished to bite the hand that had fed it. That the expedition had even been allowed to occur came from a monarch who “had all manner of reason to hope that [Scotland] harbour’d no thoughts which were Evil.” And yet, Scotland, according to *The Pedlar turned Merchant*, had indeed acted with ill-will towards the nation which had long protected it. Further, the author implies that Scotland was too uncivilized to enter

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59 Ibid, 18.
60 *Caledonia; or, the Pedlar turn’d Merchant. A Tragi-Comedy. As it was Acted by His Majesty’s Subjects of Scotland, in the King of Spain’s Province of Darien.* (London: Printed, and sold by the Booksellers of London and Westminster, 1700), 1.
61 Ibid, 16.
into the world of ‘modern’ international trade, and instead remain a poor beggar at the foot of better nations like England.

William Seton, meanwhile, provides an interesting case study for political writings on Darien and Anglo-Scottish relations. A member of the Scottish parliament from Aberdeen, Seton counted himself amongst the members of the country party in the aftermath of the Darien Crisis. His public outcry against the Scottish court party as well as his writings regarding William III in his *Memorial to the Members of Parliament of the Court Party* in 1700 earned him a brief stay in the tolbooth of Edinburgh.\(^6\) In *Memorial to the Members of Parliament of the Court Party*, Seton placed himself firmly within the anti-English camp. Rather than blaming William for the mismanagement of Scotland’s affairs, however, Seton went a step further, claiming that the king, being a “monarch of more considerable countries than Scotland, in which he never was nor, perhaps, will be,” consequently knew nothing of Scotland’s business.\(^6\)

Seton did not remain with the country party for long, however, as following his release from the tolbooth and an apology for *Memorial to the Members of Parliament of the Court Party*, Seton turned towards issues of maintaining, and eventually strengthening the union between England and Scotland. *A Short Speech prepared to be spoken, by a Worthy Member in Parliament, concerning the Present State of the Nation* was supposedly found, according to the printer, having fallen from the hands of a member of parliament and

\(^{6}\) Colin Kidd, ‘Seton, Sir William, of Pitmedden, second baronet (bap. 1673, d. 1744)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004. The edition of *Memorial to the Members of Parliament of the Court Party* available via Early English Books Online places the publication of the pamphlet in 1695, however, Colin Kidd’s biography of Seton notes its publication in 1700, in the aftermath of the Darien Crisis. In this, I have elected to stand by Kidd’s date of publication due to the content of the *Memorial* referring directly to the events of the Darien Project, thus ensuring its publication after the collapse of the colony, not before it as EEBO suggests.

“publish’d, lest he should have no other copy.”\textsuperscript{64} This, however, seems unlikely. Seton more reasonably had his speech published as a manner of restoring his public image and credit. In his Short Speech . . ., Seton reversed his earlier positions regarding the fault of the English during the Darien Crisis, instead seeking to repair the Scottish parliamentarians of the their pessimistic views.

“\textit{When that great and memorable change happen’d in this island, by which the kingdom of Scotland and England came to be so far united as to have but one king, both nations prois’d to themselves great advantages: And tho’ the endeavours that were then, and have since us’d for a nearer union, prov’d unsuccesful; yet this advantage still reain’d, that peace betwixt the two nations was preserv’d, and a king common to both, as a common father, kept them from encroaching upon the rights of each other.}”\textsuperscript{65}

The fault thus lay within both Scotland and England, not with the king. Although William had sided against Caledonia, Seton argued, he had done so for the sake of his “empire,” whose seat was in England, but whose benefits were still felt in Scotland.\textsuperscript{66} The failure of the economy in Scotland could likewise not be held entirely to the responsibility of England, but rather were homegrown. When Scotland had finally come to its senses in the last years of the seventeenth century, according to Seton, and pursued colonial ambitions in imitation of the English, French, and Dutch, too much stock had been placed on the ability of a single company to alleviate over a century of poverty. Although Seton agreed that William had been given poor advice by his counselors in dealing with the colony at Caledonia, he also argued “if ever there were reason to complain of evil

\textsuperscript{64} Seton, William, \textit{A Short Speech prepared to be spoken, By a Worthy Member in Parliament, Concerning the Present State of the Nation}, (Edinburgh, 1700), 2.
\textsuperscript{65} Ibid, 3.
\textsuperscript{66} Ibid, 4.
councillors, sure it must be of those of this nation at this time,” referring to the refusal of the Scottish parliament to stand behind the losses of the Company of Scotland and instead blaming England.67

Seton’s third publication of 1700, however, is the most radical of the three. Examining three aspects of Scottish culture and Anglo-Scottish relations, The Interest of Scotland in Three Essays provides a blueprint for Seton’s idea of Scotland’s future.68 Although the unified system of government he developed in his essay Of the Union of Scotland and England into one Monarchy was more encompassing than the treaty of union established seven years later, Seton’s writings show the unionist extreme within Scotland’s Darien discourse. Seton’s version of union examined the development of the combined monarchy of Scotland and England, placing agency primarily in the hands of the monarchy and the English parliament. James VI and I’s proposal to unite England and Scotland shortly after his accession to the English throne, according to Seton, was “at first embraced with the general applause of both people, as the only mean to extinguish the memory of all former animosities.”69 England’s refusal to go no farther than abolishing hostility laws prior to James’ arrival in London arose out of either ignorance of the advantages it might gain from union, or suspicion over James’ intentions behind such a union. No other monarch until William had been in a position to effectively advocate for union, which Seton argued was not only possible, citing William’s

67 Ibid, 8.
68 Seton’s The Interest of Scotland in Three Essays proved to be so popular that it received a reprinting two years later. The second edition of Seton’s work was printed by A. Baldwin in London, however, the production information for Seton’s original edition was not included in the printing. As a piece of pro-union, and as Colin Kidd has concluded, Whiggish print, The Interest of Scotland in Three Essays may well have originally been printed in London. However, Seton’s role in the Scottish parliament, his time spent in the Edinburgh toll-booth during 1700, and his other pamphlet publications make it just as likely that he had his essays printed in Edinburgh, or perhaps both Edinburgh and London.
69 William Seton, The Interest of Scotland in Three Essays, (1700), 38
proposition of union after his arrival in Britain, but likely in the aftermath of the Darien crisis. For Scotland, union would be the only way to alleviate Darien, as Seton argued, “his majesty will not ratifie that resolve of parliament concerning Darien.”\(^{70}\) Scotland’s empire had failed, but in Seton’s mind, union had not. Not yet.

**Conflict in Print**

In the midst of the Darien Crisis, a print war developed between supporters and detractors of Darien. Unlike other publications, this series of prints responded directly to each other, attacking the author of the previous publication. *A Defence of the Scots Settlement at Darien*, published anonymously under the pseudonym ‘Philo-Caledon,’ sought to rebut the Spanish claim to the Isthmus of Darien. ‘Philo-Caledon’ is an interesting starting point for a war of words over Darien. Translated, ‘Philo-Caledon’ could be taken to refer either to the author’s love of Scotland, love of the colony at Caledonia, or both. Further, *A Defence of the Scots Settlement at Darien* has been variously attributed to George Ridpath, Andrew Fletcher, and Archibald Foyer a minister from Lanarkshire, however evidence based on known publications lends itself to Foyer as the author.\(^{71}\) *A Defence of the Scots Settlement at Darien* additionally signaled a shift in the discourse of Darien’s legality and support. Utilizing the new information of William’s

\(^{70}\) Ibid, 113. Seton was referring to an act of the Scottish parliament of October, 1700 which reasserted the legality of the Darien expedition.

\(^{71}\) I have attributed *A Defence of the Scots Settlement at Darien* to Archibald Foyer due to a later publication entitled *Scotland’s Present Duty* printed in 1700 under the pseudonym of Philo-Caledonius. *Scotland’s Present Duty* has been connected to Foyer by Karin Bowie in *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707*. Additionally, *Scotland’s Present Duty* relies on similarly religious based arguments, arguing that Darien provided a civilizing, Christian mission to the native population of Panama.
and the English Parliament’s proclamations refusing support for the colony, Foyer utilized the language of Scotland’s monarchy having been stolen by England. “We are your majesty’s subjects as well as our neighbors, and have equal right to share your protection,” he posited, arguing that William had merely been led astray to support one kingdom at the peril of the other.  

William clearly did not have any malicious intent towards his northern kingdom, however, as Foyer continued to note William’s mild attempts at proposing a more united kingdom in the early days of his reign. This, Foyer argues, “gave sufficient evidence of a fatherly concern for both nations.”

The Spanish argument made against the Scottish settlement of Caledonia was thus, “that the Scots have posted themselves in the King of Spain’s domains in America, contrary to the alliance betwixt the two crowns.” This claim, in Foyer’s mind, was an affront to the monarchy of Britain, as the Spanish held no right to the isthmus by right of conquest, as the native population, known as the Tule, had not been subjugated by the Spanish, but rather, were “in actual possession of their liberty.” Further, the only claim the Spanish might have over the isthmus was that granted by them to the Pope. This is a flawed justification for Foyer, however, on multiple fronts. That Protestant nations should be beholden to the dictates of the Pope was for him a ridiculous proposition. However, Foyer followed the argument to its logical conclusion. The Americas, he argued, could not have been granted to the Spanish by the Church of Rome by right of conquest, but only through the propagation of the faith. If this reasoning is to be accepted, Foyer

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73 Ibid, A6

74 Foyer cites the papal bulls of Alexander VI (Rodrigo Borgia) and the Treaty of Tordesillas, 1494, which granted half of the non-Christian world to Spain, and half to Portugal. Darien lay within the Spanish territories.
continued, then the Spanish had admitted their own failure to convert the natives, citing the Spanish priest Don Bartholomew de las Casas.\(^{75}\) The failure of the Spanish to convert the natives to Christianity thus resulted in the forfeiture “of all right or title to Darien by the pope’s grant,” if the grant ever had any validity.\(^{76}\)

Foyer additionally attempted to combat the idea of Scotland’s subjugation to England. Foyer argued that England’s position that Scotland’s colony worked to the contrary of England’s interests, i.e. England’s alliance with Spain, was of no matter to Scotland. In this Foyer began to assert his opposition to a closer relationship with England, arguing that “being a distinct and independent nation, we are not oblig’d to consult their interest, any further than they consult ours; and that we have as much reason to maintain this colony, because of the advantage it may bring to our selves, as they have to oppose it, because of the disadvantages that they fancy may arise from thence to England.”\(^{77}\) The union of crowns thus provided the means for Scotland’s degradation in Foyers eyes, “for when any thing happens werein the interest of England seems to be contrary to ours, it is certainly carried against us.”\(^{78}\)

Foyer’s work did not go unnoticed. Walter Herris, a surgeon on the first expedition to Darien, published *The Defence of the Scots Settlement at Darien, Answer’d, Paragraph by Paragraph* in 1699. Herris’s writings, Douglas Watt notes, have provided the clearest set of prose on the Darien expedition, leading them to “become the historical

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\(^{75}\) Don Bartholomé de las Casas wrote a highly critical assessment of the Spanish conquest of the Americas in his work *A Short Account of the Destruction of the Indies* in 1552.

\(^{76}\) Foyer, 9.

\(^{77}\) Ibid, 15.

\(^{78}\) Ibid, 54.
source most relied on by historians of the company.\footnote{Watt, 19.} His work, however, is questionable, in part due to his own partisan views of the expedition, which he left shortly after his arrival. “It was vitriolic, abusive and powerfully written,” Watt claims, leading even modern Scottish nationalists such as John Prebble to cite his narrative while simultaneously referring to him as a “paid hack.”\footnote{Ibid, and John Prebble, \textit{Darien: The Scottish Dream of Empire}, (Edinburgh: Birlinn, 1968), 276.} Karin Bowie meanwhile nuances Prebble’s claim of Herris’s writings, noting that it was originally the Scottish radical Whig Robert Ferguson who accused Walter Herris of writing under the patronage of James Vernon, the English secretary of state.\footnote{Bowie, 30.}

Regardless of its patronage, \textit{The Defence of the Scots Settlement at Darien, Answer’d, Paragraph by Paragraph} was written under the pseudonym of Philo-Britain, most likely as a mockery to Foyer’s Philo-Caledonia, and published in London, rather than Edinburgh or Glasgow. This publication information, paired with Herris’s return to England, not Scotland, and his later books and pamphlets, published both under his own name and the pseudonym Britano, provides ample support for Herris’s authorship of the pamphlet. In it, Herris argued that Foyer’s work was anti-English, rather than anti-Spanish. He posited instead that the Scots were much indebted to the English, particularly for their protection in military matters, as well as the overall strengthening economy of the British Isles. Herris further claimed that Scotland should not consider itself the equal of England, with which he identified himself despite his own upbringing in Glasgow. He took particular offence at Foyer’s arguments that a stronger Scotland would mean a stronger England. “Our Caledonian,” Herris wrote, “being somewhat mistrustful of the
strength of the Scots title . . . labours very hard to give the world to understand, that the English are highly indebted to the Scots, for suffering, as he terms I, their crown to be united with that of England.”82 As counter to that, Herris noted the Scottish role in upsetting the power of the monarchy prior to the Civil War through the Covenanters of 1638, “the gang that began the dance.”83

Herris then raised his unionist colors, arguing that should Scotland be left alone it would quickly cleave to France, an argument often made in the later debates over union and the succession to the English and Scottish thrones. “He is almost beyond his senses,” Herris claims, “for what man, who is in his right wits, could propose an alliance with France, (which is in effect no less than to make Scotland a province of France) as more advantageous to the Scots than their concurrence with England?”84 Scotland’s only hope for colonial success thus lay with the support and supervision of England. If Scotland could not do this peaceably through further union, England would have no choice but to do “as Cromwel did” and subjugate Scotland for its own good.85

This would not be the last Herris had to say on the Scots settlement at Caledonia, publishing again in 1699 under the pseudonym Brittano, A Defence of the Scots Abdicating Darien.86 Unlike Herris’ previous publication, A Defence of the Scots Abdicating Darien praised the Company of Scotland in his dedication for acknowledging the authority of William and abandoning their position on the isthmus. Herris additionally

83 Ibid, 49.
84 Ibid, 51.
85 Ibid, 56.
86 A Defence of the Scots Abdicating Darien is sometimes attributed to James Hodges, a colleague of both Herris and Ridpath, however, I find this assessment unlikely due to Hodges relationship with the Duke of Hamilton, an adamant supporter of the Darien project and member of the Court Party.
argued that the Company of Scotland had caused a blemish on the Ancient Kingdom through the squandering of Scotland’s wealth on poor plans. Had the Company not been so insistent on settling in the territory of Spain, it might “now have been possesst of a good colony in India, where no body could disturb you.”

Herris continued to provide a darkened history of the Company of Scotland, tracing the Darien project back to its root, William Paterson. He attacked Paterson as a man who had failed in all of his ventures, save the Bank of England, and the Darien project was thus a scheme to rob Scotland of its wealth for his own gain. Herris spoke from his own experiences at Caledonia, arguing particularly about the lack of sufficient provisions for the project; “Thus you see how a 1050 men were sent by the Scotch Company on a blind project, of getting riches for them with five or six months allowance at most, . . . neglected by them . . . and expos’d to famine, death, and the Spanish. How the Company will shake this miscarriage from off themselves I cannot see.”

Scotland had not been prepared to settle a colony, let alone one in hostile lands.

Herris further defended William’s refusal to allow the English West Indies to support and supply Caledonia. William had no choice but to forbid the English colonies from supporting Caledonia, as he was held by the English constitution to determine the title of the Isthmus of Darien before he could support what might be an act of aggression against his allies. Herris continued that William could not have known prior to the Spanish complaint that the Scots intended to settle at Darien when they did. William could not have imagined, he posited, that “the Company should send out their ships on so

88 Ibid, 150
foreign an expedition, so unprovided as to depend wholly on the English plantations.”89
Furthermore, William had not acted aggressively towards the Scots themselves, as he had
never attempted to forbid the Scots from resupplying themselves. The collapse of the
Darien project and the failure of Caledonia was thus solely the responsibility of the
Company of Scotland, not a product of tensions between England and Scotland. In this,
Herris argued for maintaining the status-quo between the two nations, and certainly not a
fracturing of relations.

George Ridpath took great offence at Herris’ claims, publishing in response, An
Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien, or an Answer
to a Libel entitled A Defence of the Scots Abdicating Darien. Ridpath was a Scottish
expatriate, living and working in London, where he published the Flying Post, a Whig
periodical. Ridpath was no less the lover of his country for his exile from it. He
maintained close ties with the leadership of the Whig branch of the Country party, allying
himself with the Marquis of Tweeddale’s Anti-English New Party of 1704. Bowie further
extrapolates from his writings that Ridpath firmly believed in the Scottish constitution of
1641, “to which the nation was solemnly sworn.”90 Printed anonymously in Glasgow,
Ridpath’s An Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien
commented on the wealth of anti-Darien writings coming out of England at the time,
which he posited had been published “to prevent any enquiry that perhaps might be made
[into] why a neighboring nation united to the kingdom of England . . . should be provok’d
and trampl’d upon in such a manner.”91 That Herris had betrayed Scotland came as no

89 Ibid, 155.
90 Bowie, 69.
91 George Ridpath, An Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien, or an
Answer to a Libel entitled A Defence of the Scots Abdicating Darien, (Printed in Glasgow, 1700), A2.
surprise to Ridpath, as Herris had converted to Catholicism during the short reign of James II/VII. Ridpath thus labeled Herris a “renegado and a traitor,” evoking the imagery of the Black Legend of Spain. “He sold his God in the last reign,” he states, “and therefore ‘tis no great wonder he should sell his country in this.”

Ridpath primarily attacked Herris for his attempts to place the blame for Caledonia’s collapse solely on Scotland. Ridpath saw this as an attempt to both clear “some gentlemen that perhaps may be found within the verge of Whitehall from having any hand in it” as well as to undermine the Scottish nation. Ridpath referred directly to the monarchy, laying the blame on William alone. In doing so, Ridpath moved beyond previous attempts to blame the English for the failure of the Darien project, arguing that in supporting the Spanish over the Scottish, the English had just as well declared war on the Scots. Further, had any Scots served as council to William in regards to Caledonia, “they are traitors to their country, and have betray’d its sovereignty: for they ought to have advis’d him to answer, that as King of Scots he was not to give an account to the English for any thing transacted in that kingdom.” Instead, Ridpath argued that the two countries should have instead relied upon commissioners to settle the matter, rather than have William act as father to one and enemy to the other.

Ridpath further posited that the English opposition to the Darien project is evidence of the breakdown of the union between the two countries. In this, Scotland had done no wrongs, as “offering to take in the English as sharers was a plain demonstration

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92 Ibid, A3.
93 Ibid, B1.
94 Ibid, 9.
of the uprightness of [their] intentions towards that nation.”95 The inclusion of England in the Darien project and the Company of Scotland had been an attempt to effect a closer union of the two nations, but instead had only served to further alienate them.

Ridpath continued by including the series of petitions and acts as passed by the parliament of Scotland and presented to William in favor of the Company of Scotland, the Darien project, and the settlement of Caledonia. This, however, worked against him, as his attack on William’s complacency or aggression towards Scotland resulted in a royal proclamation demanding the author of An Enquiry into the Causes of the Miscarriage of the Scots Colony at Darien, or an Answer to a Libel entitled A Defence of the Scots Abdicating Darien be apprehended, along with the printer, for creating “a misunderstanding between our good subjects of England and Scotland” as well as attempting to “stir up sedition and rebellion.”96 Meanwhile in the north, under orders of the Country party, the two publications by Walter Herris were ordered to be collected and burned at the market square.97

The warrant for Ridpath’s pseudonym did little to deter his writing. He published again in 1700, under the title Scotland’s Grievances, Relating to Darien, this time addressed to the Scottish Parliament. “You who had rather like Cowards submit your Necks to a Yoke of Ignominious Slavery, than expose your selves to any Danger in asserting the Public liberty” Ridpath declared of the Scottish parliament, claiming that it had surrendered its authority to England by refusing to stand up for the colony at

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95 Ibid, 16.
97 Bowie, 52.
Darien. This time Ridpath targeted the constitutional arrangement of the union of crowns, arguing that England had asserted itself as though it were an imperial power with Scotland as its colony. The English ministers considered themselves to be the ministers of the King of Great Britain, forgetting that Scotland, and by extension the king’s ministers in Scotland, were constitutionally an equal member of Great Britain. “It is evident that the natural tendency of it,” referring to the address by the English parliament against the legality of Darien, “to render our Kingdom subject to that of England.” Unlike his previous publication, in Scotland’s Grievances Ridpath acknowledged William’s sincerity in pursuing a closer union. When William had proposed such a union, however, it had come at what Ridpath had considered a time of peace between England and Scotland. He thus doubted the sincerity of English ministers who offered such a union in the aftermath of Darien, as they had “just declared our trading to the East and West Indies to be inconsistent with the Trade of England.” A lasting and peaceful union would require the opening of English trade to Scotland, something Ridpath found inconceivable.

**Conclusion**

99 Ibid, 15.
100 Ibid, 22.
Printed debates regarding the Darien project ended suddenly in 1700 as word arrived in the British isles of the final retreat of the Scottish settlers from Caledonia. This did not mean, however, that Darien had suddenly disappeared from the public sphere. Instead, the discourse shifted to the long term implications of Darien and the future of Anglo-Scottish relations. The death of William in 1702, the accession of childless Anne, and the constant fear of a resurgence of the Jacobite faction in either country, merged the debate over the succession of the crown and the failures of past Anglo-Scottish relations. Thus the Darien debate did not end in 1700, it merely expanded to include new concerns.

As the Equivalent, the sum of £398,085 10s. paid to Scotland by the parliament of England as part of the Acts of Union in 1707, openly acknowledged as a bailout for the failed Company of Scotland, arrived in Edinburgh, the fears and angers over Darien remained. “It’s to be hop’d that none of our nobility and gentry,” Ridpath concluded in his *Scotland’s Grievances Relating to Darien*, “will be bought off from espousing its interest in this critical juncture. Pensions and places can’t be assur’d to their posterity; where as the shame and ignominy of such a practise will render their name and memory as excrable to the Scottish Nation.”\(^\text{101}\) We are left only wondering if Ridpath collected his share.

\(^{101}\) Ibid, 54.
CHAPTER III

ACTS OF SECURITY AND THE WORCESTER AFFAIR

The Worcester Affair, the trial and execution of the English Captain Thomas Green on charges of piracy in 1705, provides the means to analyze the impact of the Darien Crisis on Anglo-Scottish relations in the years preceding the Acts of Union. While Darien made evident the connection between the conflict in English and Scottish imperial visions and the union of crowns, the Worcester Affair symbolized the outrage of Scots at the perception of English domination over the future of both kingdoms. Like the Darien Crisis, the Scottish public sphere seized upon the Worcester Affair as a means to express their dissatisfaction with the status quo of Anglo-Scottish relations through print. By the end of the trial, when three Englishmen were executed for capital crimes on Scottish soil, the chasm in Anglo-Scottish relations appeared to be the widest it had been since the union of crowns in 1603. And yet, the Worcester Affair presented a turning point in Anglo-Scottish relations. Having pushed Anglo-Scottish relations to the breaking point, the aftermath of the Worcester Affair brought about sudden détente between England and Scotland. For those in Scotland who experienced the buildup of tensions after the Darien Crisis, union had never seemed further away.

The Worcester Affair is inseparably linked to the aftermath of the Darien Crisis, but was not solely the product of Darien. Rather, the Worcester Affair came about
through the combination of several contingent factors, most notably the matter of the royal succession. The death of childless William in 1702 and the accession of his also childless sister-in-law, Anne Stuart created a succession vacuum within the British Isles, bringing with it a fear of a Jacobite resurgence. The English parliament responded to such fears with the Act of Settlement in 1701. The act confirmed Anne’s succession to the throne following William’s death, as established in the early acts of both parliaments following the Glorious Revolution while placing the Princess Sophia, the Electress and Duchess Dowager of Hanover, the granddaughter of James VI and I. While ostensibly valid following the revolution rules of succession, which banned Catholics from inheriting the thrones of either kingdoms, the Act of Settlement was passed without Scottish consultation. While the text of the act declared Sophia an heir to only the throne of England, it brought with it the implications of the joint monarchy of Great Britain, invoking the “Imperiall Crown and Dignity of the . . . Dominions and Territories thereunto belonging [to] His Majesty.”102 While not directly declaring Scotland subject to the English settlement of succession, the authority of such a succession was implied through the previous revolution agreements.

Anne’s accession to the throne in 1702 brought with it renewed discussion of union between England and Scotland. Anne cited William’s off and on interest in securing the continuation of the Anglo-Scottish alliance through a unified crown and government, although he had never actively pursued such a treaty, only suggested the idea before his parliaments. Anne, meanwhile, opened her first address to the parliament

of Scotland in 1702 with an appeal for closer union, arguing that the union of the two kingdoms was “necessary for the security and happiness of both.”\textsuperscript{103} By the time Anne’s letter was read in the Scots’ parliament, the English parliament had acquiesced to her request and selected commissioners to treat on union. Her next letter to parliament two days later again reaffirmed her desire for union, which she sought to establish ‘upon an equal and just foundation,” something she believed England had “shown so good [an] inclination towards.”\textsuperscript{104} In that same letter, Anne expressed her sympathy for the losses of the Company of Scotland, particularly those incurred since the disaster at Darien: the \textit{Speedy Return} and the \textit{Speedwell}. Anne further claimed that she would “cheerfully concur in anything that can reasonably be proposed for their reparation and assistance, nor shall they want our countenance and protection in all their just designs and concerns,” a claim she would fail to live up to in the minds of the Scots when conflict arose between the Company of Scotland and the English East India Company over the fate of the \textit{Annandale}.

\textbf{William Paterson and the Company of Scotland after Darien}

William Paterson, who had been living near Westminster since the failure of the original colony at Darien, wrote a lengthy proposal to William III encouraging a joint

\textsuperscript{103} Queen Anne, “The queen’s letter to the parliament,” (Edinburgh, 9 June, 1702), in K.M. Brown et al eds. The Records of the Parliaments of Scotland to 1707, (St. Andrews, 2007).

\textsuperscript{104} Queen Anne, “Her majesty’s letter in answer to the address relating to the African Company and concerning the union etc.,” (Edinburgh, 11 June, 1702), in K.M. Brown et al eds. The Records of the Parliaments of Scotland to 1707, (St. Andrews, 2007).

\textsuperscript{105} Ibid.
venture to reestablish an outpost on the isthmus. Saxe Bannister, Paterson’s most notable biographer, notes that Paterson was “received in London by King William with much personal kindness,” as both his economic policy and support for William’s unionist tendencies had “always pleased the king.”

Paterson acknowledged the failings of the previous attempt in his Proposal to Plant a Colony in Darien, which he considered largely as a personal failing. This time, however, Paterson proposed the colony as a British project, one worthy of a monarch of both countries, as well as a strategic asset in William’s war against France (and now Spain). “Both worlds, the new as well as the old,” Paterson wrote in his dedication to William, “do at this time implore your protection.”

Not only were Spain’s South American holdings ripe for the taking, doing so would help to prevent the Franco-Spanish alliance from growing stronger. France, Paterson argued, now had access to Spain’s vast New World wealth, which would provide it “a new revenue of not a few millions a year,” all filtered through Popish hands. This, he claimed, would come about by way of a Roman Catholic monopoly he foresaw the two nations establishing in South America. The end result, Paterson feared, would be the revitalization of the Spanish Empire, which he assured William would be “better enabled by the addition of France and Portugal.” The key to stopping a Franco-Spanish alliance such as this was thus to take control of as many choke points in the West Indies as they could before they could be reinforced. Paterson proposed many such locations, including Havana, Florida, and the Pass of Magellan. The crucial location, however, was none other

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106 Bannister, XCV.
107 William Paterson, A Proposal to Plant a Colony in Darien; To Protect the Indians Against Spain; and to Open the Trade of South America to All the World, 1701, in Saxe Bannister’s The Writings of William Paterson, Vol. I (London: Judd & Glass, 1859), reprinted, (New York: Augustus M. Kelly, 1968), 117.
than the Isthmus of Panama, “the natural centre, not only of the Americas but of the whole of the Indies.”¹⁰⁹

Paterson’s intentions were not purely a matter of military strategy. As previously noted by Douglas Watt, Paterson desired to sell his dream of Darien to anyone who would buy it. The Scottish attempt had failed, but with relations between William and Spain now on the ebb, the time and tide seemed right to try again. In his proposals for establishing an English dominated Indies, Paterson made clear his goal of reviving the Darien scheme. Not only did Paterson encourage both Scottish and Irish involvement in the project, he viewed it as the first step in settling the conflict between England and Scotland. “The experience gained and discoveries made in the late expeditions and attempt of the Scots,” he argued, “may doubtless be of great advantage and use to any further attempt of this nature.”¹¹⁰ Thus, he proposed, a portion of the proceeds from controlling the Indies should go towards refunding the Scots’ expedition. This would not only be “a great act of justice, but of the greatest prudence,” as it would heal the rift between England and Scotland and “gain the hearts of that people [Scots] in this juncture.”¹¹¹

Paterson’s proposals before William came largely to naught, as William died less than a year later. Paterson wrote years later in a 1709 letter to Lord Godolphin, the Lord Treasurer, that “in the last months of the life of this great but then uneasy prince, I had access to him.” In this letter Paterson wrote of his advice to William, including reforms to the treasury as well as the union and the Indies. These, both Paterson and Bannister

¹⁰⁹ Ibid, 143
¹¹⁰ Ibid, 150
¹¹¹ Ibid.
claimed, “were adopted by King William, with extraordinary energy,” only to be set aside in the next reign.\textsuperscript{112}

While Paterson was away in London attempting to gain royal support for resettling Darien, the Company of Scotland attempted to regain some of its lost revenue through several merchant ventures. The first of these was the \textit{Speedy Return}, one of the remaining ships from the second expedition to Darien, under the command of Robert Drummond, captain of the \textit{Caledonia} on the first expedition. The \textit{Speedy Return} was fitted out to accomplish the Company of Scotland’s other goal, of trading along the coast of Africa. “No stranger assortment of goods has ever left Clyde,” George Insh wrote in his history of the Company of Scotland; flour, beer, guns, tobacco, gold and silver buttons, fine worsted stockings, Carolina hats, and scarlet ribbons were amongst the trade goods sent with Drummond.\textsuperscript{113}

The \textit{Speedy Return} made a quick voyage around the southern tip of Africa, only to seek shelter at the port of St. Mary’s, a region notorious for pirates off the northern coast of Madagascar. There the Company of Scotland’s venture ended, as Captain Drummond was marooned on the island and the \textit{Speedy Return} captured by pirates who steered her towards the Malabar coast of India, only to lose her to fire. Little of what transpired ever made its way back to Scotland, save rumors of the \textit{Speedy Return}’s fate, distorted by space, time, and sentiment to, as Insh puts it, “rouse the Scottish nation to a

\textsuperscript{112} Ibid, XCVIII.
\textsuperscript{113} George Insh, \textit{The Company of Scotland}, (London: Charles Scribner’s Sons, 1932), 257, 324-333.
A second merchant venture was envisioned by the Company of Scotland, this time to try and recover the losses of both the Speedy Return as well as the cargo of a Scots merchant ship, the Speedwell, which had been wrecked near Malacca in a storm. Since the Company of Scotland had no ships of its own, having lost them all to the Spanish in the Americas or pirates off the coast of Africa, it chartered an English ship, the Annandale, to make the voyage for them. The time seemed right for a new venture, as the first session of Queen Anne’s new parliament in Scotland had received the royal assent to an “Act in favour of the Company trading to Africa and the Indies,” securing in the company’s minds once again the lawfulness of their actions. The act protected Scottish trade in sourcing foreign interests to assist in their mercantile endeavors. The queen had confirmed that “the said company [was] fully and sufficiently authorized and empowered to grant permission and communicate its privileges to others whether natives or foreigners,” so long as the ship carried the seal of the Company of Scotland and agreed to return only to Scotland. The language of the act was carefully constructed to avoid many of the complications the company had faced previously in attempting to finance the Darien expedition in both London and Hamburg. This seemed for the Scots parliament the perfect answer to the English East India Company (EIC). The EIC had played no direct role in the collapse of the Darien colony once funding had been secured, however,

114 Ibid, 262
115 Eric Graham notes that the Company of Scotland had the ship’s name changed to Annandale in honor of the company’s London director, the Marquis of Annandale. The name of the ship previously is unrecorded. Eric Graham, Seawolves, (Edinburgh: Birlinn Limited, 2007), 158
the memory of EIC antagonism in the Company of Scotland’s early years lived on. The public had declared England their rivals for imperial trade; the Company of Scotland, the East India Company.

The Annandale was outfitted in London under the command of Captain John Ap-Rice, the former owner, for her trip to the East Indies equipped with a copy of the Scottish parliament’s act securing the Annandale the privileges of the Company of Scotland as well as a letter of marque, signed by the Earl of Queensberry, to claim any Spanish or French prizes she could. George Insh notes that “it was not the intention of . . . the Company of Scotland to do anything so foolishly provocative as to clear the Annandale from the Thames for India.”117 Instead, it made plans to send her to Glasgow before heading to the East. The company’s directors grew suspicious, however, as the customs process in London was delayed and the Annandale’s papers “subjected to a stricter manner than was ever practiced on any foreigners.”118 She eventually made way in January of 1704 and sailed to Gravesend, at the mouth of the Thames, where again she anchored. At this point, the London directors of the Company of Scotland had grown suspicious of Captain Ap-Rice, having been informed that he was a “common debtor and a rogue of the first order.”119 Captain Ap-Rice was thus evicted from the Annandale, from whence the records of the Company of Scotland claim he returned to London and appealed to the East India Company for assistance.

The East India Company acquiesced to his requests, sending an armed guard to seize the Annandale before she left the Downs. The Scots Company officials presented

117 Insh, 281.
118 Graham, 159.
119 Ibid.
her letters of patent to no effect, as the EIC’s officers declared that he “had the English East India Company’s warrant to indemnify him, and they had a long purse to defend themselves in Westminster Hall.” The Company of Scotland responded by submitting a memorial against the EIC and the seizure of the Annandale to Anne’s government, only to be informed that the matter had been submitted to the Attorney and Solicitors General and that the queen would not intervene as it had been made a matter for the English courts.

When the Annandale case went to trial, Captain Ap-Rice was called as a witness for the EIC, whereupon he claimed the Company of Scotland had enlisted Englishmen for the trip in direct violation of the EIC’s monopoly over the Eastern trade. The judges, in a vote of three to one, declared the Annandale a lawful prize of the East India Company, which quickly released her back to the Scottish in return for the value of the ship and her cargo. By the time the Annandale made it safely into Scottish waters, the status of Anglo-Scottish relations had reached a boiling point. Three days after the Annandale’s arrival, the English ship, Worcester anchored off the port of Leith.

A Parliamentary Interlude

120 Darien Shipping Papers, George Insh, ed. (Edinburgh: T and A Constable LTD, 1924), 256.
122 Ibid.
The buildup of the crisis in Anglo-Scottish relations in the aftermath of the Darien Project went beyond the rivalry of trading companies. While the Company of Scotland and the English East India Companies faced off over the legal power of their monopolies, both the Scottish and English parliaments established a series of antagonistic and retaliatory acts in order to secure their authority and sovereignty. As the Company of Scotland prepared the *Annandale* for her voyage to Glasgow and then the Eastern oceans, the Scottish parliament responded to the slight it had been dealt by the English Act of Settlement. In the same meeting of parliament which had approved the “Act in Favour of the Company Trading to Africa and the Indies,” the Scottish parliament approved two other acts directly related to Anglo-Scottish relations. The first appeared relatively unrelated as it reaffirmed the Presbyterian system already in place in Scotland, however, with the state of Anglo-Scottish relations as they were, the perceived need to reaffirm Scotland’s religion evoked the state of Anglo-Scottish relations under Charles I and Archbishop Laud sixty-five years earlier. The “Act for securing the true Protestant religion and presbyterian government” not only reinforced the status of the Kirk as the only “only government of Christ’s church within this kingdom,” it maintained a perception of Scottish superiority in terms of religion. England had allowed Catholics to come to the throne in the past, thus Scotland maintained its position as the “true reformed Protestant religion and the true church of Christ.”

The second act of that session of parliament was more direct in its antagonism towards perceived English superiority. Entitled “Act anent peace and war,” the act

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asserted the sovereignty of Scotland and its parliament in regards to the monarch’s foreign policy. Although it would not go into effect during Anne’s lifetime, the Scots’ parliament declared that “after her majesty’s decease . . . no person being king or queen of Scotland and England shall have the sole power of making war . . . without consent of parliament.”\textsuperscript{124} This allowed for a measured response to the English Act of Settlement, by avoiding denying the succession to the Princess Sophia of Hanover while reasserting Scottish control over Scotland’s military future. No longer would Scotland be dragged into military conflicts or alliances without the consent of its parliament. Thus future colonial attempts and trade negotiations could officially avoid complications such as the Spanish alliance with England at the time of Darien.

As knowledge of the \textit{Annandale} incident made its way north, the Scots’ parliament again feared the overreach of the English parliament into Scottish affairs. The \textit{Annandale} had been licensed through the Scottish parliament, and thus, they argued, been treated the same as any other foreign company ship. And yet, the English East India Company, and their puppets in the English parliament had instead acted as though they represented the imperial interests of all of Britain. The Scots parliament respond with the passage of an “Act for the security of the kingdom,” directly attacking the legitimacy of the English “Act of Settlement.” With Queen Anne’s reluctant approval in early July of 1704, as the \textit{Annandale} began her journey to the north, the Scottish parliament secured for themselves the right to approve the successor to the Scottish crown. “The Act of Security” not only secured the existence of the Scots’ parliament in the event of the monarch’s death, it required parliament’s approval in determining who that successor

might be. Should Anne die without an approved successor, however, parliament retained the authority to “nominate and declare the successor to the imperial realm” of Scotland.\(^{125}\) This not only worked to reassert the sovereignty of Scotland, it served notice to England that Scotland was finished with the state of Anglo-Scottish relations as they were. England would have no say in the Scots’ approval process as “no Englishmen nor foreigner having a Scots title and not having an estate of £12,000 yearly rent within this kingdom shall in the event foresaid have place or vote in the said meeting of estates.”\(^{126}\) Further, while the “Act of Security” maintained that the heir to the throne be “always of the royal line of Scotland and of the true Protestant religion,” it simultaneously signified the possible end to the union of crowns. The “Act of Security” required that Anne’s successor be “of the royal line of Scotland and of the true Protestant religion,” however, unless relations warmed with England during Anne’s reign, that same successor “be not successor to the crown of England.”\(^{127}\) The “Act of Security” did not sound the death knell for Anglo-Scottish relations, however, as the possibility of a shared successor remained under the condition that “there be such conditions of government settled and enacted as may secure the honour and sovereignty of this crown and kingdom, the freedom, frequency and power of parliaments, the religion liberty and trade from English or any foreign influence” during Anne’s lifetime.\(^{128}\) William Seton, who in the aftermath of the Darien crisis had declared himself a unionist, adopted a radical position regarding the “Act of Security.” While still in favor of uniting with England, Seton believed that such a union would be impossible under the current state of Anglo-Scottish relations. To

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\(^{126}\) Ibid

\(^{127}\) Ibid.

\(^{128}\) Ibid
that end, Seton proposed to table the matter of Anne’s succession until after her death so as to “best contribute to free this kingdom of all English influence, to the end it may be in a condition to treat with England of a federal union.”\(^{129}\) The past decade of Anglo-Scottish relations had shown the fractures between the two nations, and just as William’s treatment of the Scots at Darien had shown him to be England’s king first, so had Anne’s abandonment of the Company of Scotland’s last hope in the *Annandale*.

**The Worcester Affair**

The final crisis in Anglo-Scottish relations came in the form of an English ship landing off the coast of Scotland. The *Worcester*, under the command of Captain Thomas Green, entered Scottish waters in late July, 1704, trailing behind a convoy of English and Dutch merchant ships from a two year voyage to India. The *Worcester* was not, as the Scots would later claim, an East India Company ship, but rather a member of the “second-rank English ‘Two Million Company,’ operating under an East India Company license.”\(^{130}\) This delineation meant little in the minds of Scotland’s angry mob, which J.H. Burton claimed was “full of the national insult offered to the country in the condemnation of the *Annandale*.”\(^{131}\) Sir Richard Temple maintained Burton’s assessment of the Scottish public, with the added influence of the Darien disaster. “The whole country was seething with rage,” Temple wrote, “at the recent seizure and confiscation of the *Annandale* in England on the motion of the East India Company, and at the national


\(^{130}\) Graham, 164.

ruin in Scotland caused thereby in consequence of the complete failure of the Darien Company.”

The *Worcester* was initially seized by the Company of Scotland as an act of reprisal against the East India Company for the *Annandale* fiasco. The printed version of the trial, authorized by the Privy Council, openly stated the initial seizure of the *Worcester* as a response to the *Annandale*.

“The ship called the *Annandale* belonging to the Company of Scotland trading to Africa and the Indies, having been seized in the Downs in England, at the instance and by the special order of the English East India Company; the said Company of Scotland did judge themselves injured by the said seizure; and therefore when the said ship the *Worcester*, an English East India trader, came to Scotland . . . The Scots Company . . . did seize her and her cargo by way of reprisal.”

Robert Mackenzie, the Company of Scotland’s secretary, delivered an arrest warrant for the ship and her cargo in August of 1704. Mackenzie, along with the Scottish warship, the *Royal Mary*, captured the *Worcester* through an act of deception, offering “to make merry in exchange for a tour.” At the time, the *Worcester*’s captain, Thomas Green, and his officers were away in Edinburgh, requesting assistance in repairing the ship to return to England. Having successfully deceived the remaining crew, Mackenzie delivered his warrant, and in his own words, he and his compatriots became “absolute

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133 [Published by Authority], *The Tryal of Captain Thomas Green and his Crew, Pursued before the Judge of the High Court of Admirality of Scotland: and the Assessors appointed by the Lords of Privy Council*, (Edinburgh: printed by Andrew Anderson, 1705), 2.

134 Graham, 165.
masters of both ship and crew, without any bloodshed on either side.”135 The majority of
the Worcester’s crew were then sent ashore while the ship was placed under the
command of a Scot, Captain David Munro.

Following her seizure, the Company of Scotland appealed to the admiralty of
Scotland to press a civil action against the Worcester and her crew. Robert Mackenzie’s
account of the seizure acknowledged the act as a means “for obtaining a decent reprisal
. . . to make good the damages sustained by our company upon account of the ship
Annandale.”136 To that end, Mackenzie recommended that the ship and her crew be
charged on two counts: violating the monopoly of the Company of Scotland to import
goods from India, and possession of a counterfeit seal of the Company of Scotland. While
both constituted trumped up charges, the second was certainly pure fabrication, with
Mackenzie’s evidence being only “some very odd expressions dropt now and then from
some of the ship’s crew.”137 Temple argued, however, that Mackenzie’s motivation was
more than retaliatory, but rather based on the belief that the Worcester “had a cargo of
such value – immensely exaggerated, of course – that the bankrupt Darien Company was
not going to let it go.”138

While the Worcester floated in limbo, awaiting the judgment of the Scottish
admiralty, many of her crew remained in Scotland awaiting their fate. It was at this point
that the history of the Worcester began to intermingle with rumors of the Company of
Scotland’s failed East Indie’s expeditions. The preface to the Privy Council’s published

136 Ibid, 166.
137 Ibid, 167.
138 Temple, 34.
version of the trial claimed that the earliest suspicions of the *Worcester’s* illicit activities came from James Simpson, the *Worcester’s* gunner, who supposed “that the ship had been seized upon some other account than that of reprisal.”\(^{139}\) Two days later an exchange between the gunner’s mate, Andrew Robertson, and the ship’s carpenter, Henry Keigle, over their lost wages resulted in Robertson groaning and uttering “this is the just judgement of God upon us, for the wickedness committed in our last voyage.”\(^{140}\) The connection between the *Worcester* and the lost Scots’ Company ships came several days after that when, before a shared meal with the officers of the *Royal Mary*, Captain Gordon of the *Royal Mary* expressed “what a scourge he had been to the French privateers upon the east coast of Scotland,” to which George Haines, the *Worcester’s* steward replied that “our sloop [the *Worcester*] was more terrible upon the coast of Malabar.”\(^{141}\) When asked directly if Haines knew anything of the Scots’ ships lost in that region, he replied he “had heard of them, but did not see them.” He continued to claim that “its no great matter, you need not trouble your self about them, for I believe you will not see them in haste, they were turned pirates.”\(^{142}\) The final straw in asserting the illicit activities of Captain Green and his crew came from the two “black” servants aboard the *Worcester*, the cook’s mate, Antonio Ferdinando, and Antonio Francisco, Captain Green’s servant.\(^{143}\) Ferdinando reported to the Scots’ Company’s servants “the whole

\(^{139}\) *The Tryal of Captain Thomas Green and his Crew*, Preface, 2.
\(^{140}\) Ibid.
\(^{141}\) Ibid, Preface 2-3.
\(^{142}\) Ibid.
\(^{143}\) Eric Graham claims Ferdinando to be a Portuguese speaking Indian, but provides no information on Francisco. Richard Temple supports Graham’s assessment, noting that Ferdinando was an Indian Malabari who “utilized tales about pirates current on the Malabar Coast to concoct an allegation of piracy against the Worcester’s crew.” Francisco, he claims was an “Indian from a different part of the country altogether,” who supported Ferdinando’s story “out of petty spite and revenge for injuries he had received.” The records of the trial, meanwhile, refer to both Ferdinando and Francisco as “the two blacks belonging to Green’s crew.” Graham, 172; Temple, 10; *The Tryal of Captain Thomas Green and his Crew*, Preface 4.
matter of Captain Green’s piracy, robbery and murder, committed upon the Coast of Malabar."144 His story, which involved the *Worcester* pursuing a ship flying the same flag for two days before boarding and stealing its cargo, was then corroborated by Charles May, the ship’s surgeon, who had been staying in Edinburgh with Green and the other officers while the *Worcester* awaited judgement. With this as their evidence, the Scots’ Company, with Mackenzie at the helm, submitted an affidavit in mid-December to the Privy Council which in turn ordered Captain Green and his crew tried before the judge of the admiralty for crimes of piracy.

**English Reaction and the Alien Act**

While the Scottish court began assembling its jurors and evidence, the tale of Captain Green and his crew made its way to England. Anne’s councilors sought any piece of evidence that might be used to protect the crew, including the reports of other ships trading along the coast of Malabar. Richard Temple notes the importance of both the Old and New East India Companies’ willingness to support Green’s crew, despite their competitive trade. Several Indiamen, including the captains of the *Albemarle* and the *Happy Hour* submitted affidavits to the Scottish court on behalf of Green, claiming to have encountered his ship and yet seen no sign of piracy. Further, the East India Companies’ concurred on the matter of Malabar pirates, agreeing that no evidence of any piratical activity had occurred during the *Worcester*’s time in Indian waters. Evidence

144 The Tryal of Captain Thomas Green and his Crew, Preface 4.
from English sources continued to flow northwards, though they were treated with such skepticism that they were never even considered by the court.

By the end of March 1705, after the trial had ended and the jury submitted its verdict, one final affidavit was presented to the Scottish court. Presented by Israel Phippany and Peter Freeland, crewmen of the Speedy Return, the affidavit proclaimed that Drummond and his crew had been attacked off the coast of Madagascar, not Malabar. The affidavit carried no weight as it was considered an English trick, and confessions from members of the crew were sent in return. Along with this affidavit, however, came a series of rumors on the true fate of Captain Drummond, although no evidence was ever submitted to support or deny it: that Drummond was still alive. This too was greeted as a false front by Scots who saw more proof in the Worcester’s witnesses than the Speedy Return’s own crew.

On the political front, Anglo-Scottish relations took a more formal turn for the worse with the passage by the English Parliament of the Alien Act. While the public sphere of Anglo-Scottish relations had focused on the case of the Annandale and now the Worcester affair, the English Parliament had crafted its political response to the Scottish Act of Security. The Alien Act officially served, much in the same way as the Act of Security, as a means of “securing the Kingdom of England from the apparent Dangers that may arise from several Acts lately passed in the parliament of Scotland.” The act signaled a new call for commissioners from both England and Scotland to treat on union and settle the succession. On the surface, the Alien Act appeared very much as a concession to Scottish concerns of English political overreach, as the commissioners for

145 The Alien Act, 1705
union were to be charged with establishing a union “necessary for the weal and common
good of both the said kingdoms, to whom the entire consideration of the whole and the
allowing or disallowing of any part thereof, as they shall think fit, is wholly reserved.”

The concessions ended there, however, as the Alien Act brought with it a clause
with which the English hoped to force the Scots to the table. “From and after the 25 Day
of December 1705,” the act further claimed, “no person or persons being a native or
natives of the Kingdom of Scotland . . . shall be capable to inherit any lands, tenements,
or hereditaments within this Kingdom of England, or the Dominions thereunto belonging
. . . But every such person shall be, from thenceforth adjudged and taken as an Alien born
out of the Allegiance to the Queen of England.” Essentially, the Alien Act presented a
new ultimatum to the Scots, one which brought with it economic blackmail, not only for
those lords who had enjoyed holding land in both countries, but the threat of closing off
any and all trade with England’s colonies.

“The Tryal of Thomas Greene and his Crew”

146 Ibid.
147 Ibid.
Historians of Anglo-Scottish relations have often examined the highly polarized state of Scottish public opinion in the aftermath of the Worcester Affair without examining the legal justification presented by the Scottish court. This has resulted in the examination of the Scottish public sphere through a mob mentality, advocating the lynching of English citizens for national pride. Tracing the development of the Worcester trial through its testimony and evidence, however, allows for a moderated understanding of Scottish public opinion regarding Anglo-Scottish relations. This is not to justify the Scots’ ruling, but rather to understand the Worcester Affair through Scottish eyes.

The High Court of Admiralty met in February of 1705, establishing a Committee anent Captain Green and his Crew. With the committee consisting of the Earl of Lowdon, Lord Belhaven, Lord Arniston, Sir John Home, and Adam Cockburn, three of whom were directors of the Company of Scotland (Belhaven, Home, and Cockburn), the “interests of the Company of Scotland,” as Insh put it, “could hardly be overlooked.”148 Eighteen of the remaining twenty-one members of the Worcester’s crew, those who had not immediately headed for England after the Company of Scotland had seized the ship, were indicted on charges of piracy, with only the two servants, Francisco and Ferdinando, and the surgeon, Charles May, recused from prosecution due to their roles as witnesses.

The case laid before the High Court of the Admiralty accused Green and his crew of piracy, robbery, and murder, which constituted a capital crime under Scottish maritime law. The crew were tried in two groups, accused “art and part of the saids crimes, or one or other of the same,” with the primary claim being that the Worcester and her crew had attacked a ship carrying English speakers between February and May of 1703 without

148 Insh, 297.
“any lawful warrant, or just cause.”\textsuperscript{149} The claim by Haines to have known more “of Captain Drummond than he would tell,” paired with a further investigation of the \textit{Worcester}’s contents, revealing a copy of the seal of Company of Scotland in the possession of John Madder, the chief mate, provided suitable evidence for the prosecution’s claim.\textsuperscript{150} The original case against the \textit{Worcester} and her crew had held only her “movables,” the illicit trade goods first discovered, forfeit. With the claim of piracy on the ship and crew, the \textit{Worcester} herself was now held in forfeit.\textsuperscript{151}

With the case set against them, the \textit{Worcester}’s crew attempted to overturn the legitimacy of the court. Both groups submitted the same arguments, forcing the court to respond twice. The first attempt claimed that the alleged crime had occurred off the coast of Malabar by an English ship, and as such placed the crime outside the domain of the Scottish admiralty. The prosecution responded by producing an act of the Scottish parliament of 1681 which provided the High Admiral the “sole privilege and jurisdiction in all maritime and sea-faring causes, Forraign and Domestick, within this realm, and over all persons as they are concerned in the same.”\textsuperscript{152} The accused tried again, claiming this time that no members or kin of the ship they had been accused of acting the pirate against had brought the case before the Scots’ court, effectively claiming the right of \textit{habeas corpus} and the illegitimacy of the trial. The rule of law, the crew argued, thus

\textsuperscript{149} \textit{The Tryal of Thomas Greene}, 4  
\textsuperscript{150} Ibid, 5  
\textsuperscript{151} It is likely that the confiscation of the Worcester by the court, with her eventual sale by the Company of Scotland, provides the basis for Temple’s claim that the seizure took place first and foremost over the perceived value of the ship. While such economic factors may have played an important role in Mackenzie’s pursuit of the Worcester, the sale of the ship netted the company less than £4000 Scots, while the sale of the cargo, forfeit under the original claim, sold for over £65000 Scots. Thus, while economic factors certainly played an important role in the actions of the company and her agents, the key to the ordeal remains the relationship of Scots Company to English Company in the aftermath of the \textit{Annandale} incident. Temple, 347.  
\textsuperscript{152} \textit{The Tryal of Thomas Greene}, 10
allowed them to be called “habitual and notorious pirates” by the Scottish court, but not tried as such as they had not, regardless of the claims against their actions on the Malabar Coast, acted the pirate in Scottish waters.\textsuperscript{153} The court responded with two counter-arguments, the first claiming that piracy constituted an international crime and thus was not limited to the territorial waters of Scotland, and two, that the court had not accused them of being “habitual and notorious pirates,” but rather accused them of a single particular act of piracy. The crew then requested that if such a case was to be brought against the \textit{Worcester} and her crew, the crew could not be held responsible without first having the guilt of their captain first assessed. The court refused the request, arguing that the captain and crew were tried as accomplices, as the distinction of rank meant little in regards to acts of piracy.

Having tired of hearing the defense present the same arguments twice, the court invited both groups of defenders to submit their arguments jointly. The defense thus claimed three points in their favor: that the libel against them was informal and insufficient, that it did not provide a particular day or place where the crime occurred, that the particulars of the crime were unsupported, and thus that the prosecution’s conclusion was unwarranted. The first claimed that the failure of the court to name what ship the \textit{Worcester} was accused of attacking as well as what they might have stolen from said ship, combined with the second, which noted the lack of specific date or location of the supposed crime, presented too great an absence of evidence for the case to proceed. The third defense further claimed that the lack of a body, a \textit{corpus delicti}, made the claims against the crew baseless, as no physical evidence of the \textit{Worcester}’s involvement

\textsuperscript{153} Ibid, 13
in any matter of piracy could be proven. The court responded to all three in turn, dismissing the defense’s claims. To the first, the court declared that the “day and place are never essential to a lybel,” unless the said crime was made against the Lord’s Day.\footnote{Ibid, 16.} The lack of corpus deliciti, meanwhile, was presented to the court with an analogy to a single murder where the body had been disposed of. The purpose of the court was not to uncover the body, “but only to prove the fact of killing.” Further, the prosecution cited the claims of Charles May as well as George Haines’ unintended confession to support the position that “if a man confess a murder, and yet the body murdered no where appears, then the confession in not rashly to be laid hold upon.”\footnote{Ibid, 17.} For the High Court of the Admiralty, absence of evidence did not equate to evidence of absence in regards to claims of piracy. Further, the lack of particulars in regards to the ship the Worcester was accused of attacking was something of a false front. Public opinion had intertwined the fate of Captain Drummond’s Speedy Return with the libeled actions of the Worcester, but the prosecution, relying so heavily on the eye witness testimony of Ferdinando alone, avoided establishing a direct link between the two without further proof.

With the crew’s initial defenses swept aside by the court, the prosecutors of the case called upon their witnesses. Charles May testified to the Worcester’s involvement in naval combat while he was ashore along the coast of Malabar. When he returned to the ship he treated several wounds, including gunshots, but was forbidden to ask the cause of the wounds. The quality of May’s testimony was immediately challenged by the defense, who claimed that May had only heard the shooting in question at a distance and had not directly witnessed any combat between the Worcester and another ship. Both servants
then testified to the Worcester’s attack on another ship carrying a flag of the same colors as that of the Worcester. Antonio Ferdinando, the Cook’s Mate, claimed to have been wounded in the attack and sworn to secrecy by the First Mate under fear of death. The credibility of Ferdinando and Francisco’s testimony received little challenge from the court, despite their race. Ferdinando in particular was deemed by the court, “tho a Black, a legal witness.” Further, Ferdinando being “not only a man but a Christian,” secured his testimony a “distinguishable air of truth and sincerity.”

With the evidence and testimony of Charles May and the two servants, as well as the testimony of those whom the crew had interacted with since their arrival in Scotland, the court announced its sentence on the 16th of March, 1705. The servant, Ferdinando, had provided “one clear witness as to the piracy, robbery and murder libeled,” which, combined with the supporting testimony of Charles May and others, presented enough evidence for the High Court of the Admiralty to pass judgement. The crew had been found guilty of piracy and, come April, were to be taken in three groups to the Sands of Leith, “there to be hanged upon a gibbet till they be dead.”

With the sentence thus declared, several members of the crew submitted confessions of their roles in the claimed act of piracy. Most notably, George Haines, whose comments upon the Worcester’s arrival in Scotland had prompted the investigation by the Company of Scotland, submitted several confessions in which he admitted to knowing that the ship which the Worcester had attacked “were Scots Men, having heard them speak the Scots Language,” and further that it was “understood by the

156 Ibid, 51
157 Ibid, 51-2
158 Ibid, 56
crew of the *Worcester* to have been Captain Drummond [and] his ship.”159 John Bruckly, one of the *Worcester*’s seamen, submitted a confession the day prior to the first execution further supporting Haines’ confession. Bruckly’s confession, which claimed that Madder and others of the *Worcester*’s senior crew knew the ship to be Captain Drummond’s and property of the Scots African Company, cemented in the Scottish public sphere the guilt of the *Worcester* and her crew.

The trial of the *Worcester* and her crew had been poorly received in England. Members of both parliament and the East India Company requested the intervention of Queen Anne to secure a reprieve for Green and his crew, or at least the transfer of the trial to an English court. As Eric Graham notes, however, “in the absence of any direct intervention by her Scottish Privy Councilors, the Queen’s hands were tied.”160 The council was far too hesitant to act in light of the trial. Temple characterizes this failure to act as a matter of fear over the actions of the Edinburgh mob. While fear of mob violence may have played some role, just as likely the Privy Council, many of whose members had invested heavily in the Scots’ Company, had a personal stake in the outcome. Further, more than fear of violent reaction, Karin Bowie notes the precarious position of the leadership within the Scottish government, which had taken power through a minority coalition. Thus, while the request from the Duke of Argyll to stay the executions until the queen could pass judgement was upheld for a short time, “many in Scotland saw her as favoring English interests.”161 George Baillie, the deputy treasurer, meanwhile saw any reprieve as dangerous, writing that “if the Queen shall grant them remissions, it will

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159 Ibid, 60
160 Graham, 184.
161 Bowie, 42
spoyle the business off Parliament, and I’m affrayd will so exasperate the nation as may render it difficult to make them joyne with England upon any termes whatsomever.”

Thus when the initial reprieve ended, the Privy Council put the matter to a vote. Many members abstained, however, leaving only a total of six votes to be cast, three in favor, three against, but without the necessary quorum for any vote to succeed. Without a quorum, the executions still stood, although the Privy Council did elect to reprieve all but Captain Green, John Madder, and James Simpson, those three whom both the court and the community had declared the chief architects of the crime. On April 11th, the three were executed for their crimes.

The Trial and the Public

Like the aftermath of the Darien Crisis, the aftermath of the Worcester Affair presented an outlet for Scottish public opinion through the medium of print. Pamphlets, newspapers, and broadsides present the means to access Scottish public opinion in the midst of the crisis. While the initial seizure of the Worcester had been brought about through the retaliatory actions of the Company of Scotland’s secretary, Robert Mackenzie, the upsurge in public opinion over the Worcester’s role in Scotland’s present condition played a major role in the development and outcome of the trial. The Edinburgh Gazette assisted in publicizing the Worcester’s guilt shortly after Mackenzie’s accusation of piracy, claiming on December 25th, 1704, that goods belonging to the

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Company of Scotland had been found among the Worcester’s belongings. While no evidence of the Worcester’s cargo, save the possible seal of the company found in the possession of James Madder, was ever proven to have belonged to the Speedy Return, the mere accusation proved enough to incense public opinion against the ship and her crew. Printed responses to the Worcester affair in Scotland followed much of the same pattern as those published in the aftermath of the Darien Crisis. Rampant Anglophobia, which might have died down after the death of William III, had found new life through the acts of the succession crisis and the seizure of the Annandale. Thus, the flimsiness of the evidence presented in the Worcester case proved more than enough to secure a guilty verdict in such an atmosphere.

While the Edinburgh Gazette and the newly launched Edinburgh Currant presented the testimony of the trial, several broadsheet ballads circulated the public perception of Green and his crew’s guilt throughout Scotland. The first, The Horrid Murder Committed by Captain Green, directly related the Worcester case to the missing ship, the Speedy Return, claiming that it was in fact Captain Green who had overseen the murder of Captain Drummond. Further, the arrival of Green and the Worcester in Scotland had not occurred by accident. As Daniel Defoe put it, “all people seemed to acknowledge a wonderful and invisible hand in it [the Worcester], directing and pointing out the detecting some horrible crime, which vengeance suffered not to go unpunished. Nor was this the sense of a few, but generally speaking of the whole nation.”163 Such a sentiment, which Defoe considered four years after the trial, had ample roots in such broadsheet ballads. The Horrid Murder Committed by Captain Green inferred such

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divine intervention, proclaiming “by Captain Green, that murthering man, but and his wicked crue/ for if that man takes no reveange, from Heaven he’l have his due/ For murther it will not be hid, neither by sea nor land;/ for Heaven will it reveange, we know, even with a heavy hand.” The ballad further recounted the events of the Worcester’s seizure, although it places the original suspicion on George Haines’ interactions with an Edinburgh native, rather than on Mackenzie’s attempt to claim the ship by way of reprisal. While the ballad charged the entirety of the crew with the crimes, the true villains of the story were Captain Green and his first mate, John Madder. Oddly missing from the ballad’s account is James Simpson, the third man executed along with Green and Madder. Richard Temple argued that it was the publication of this ballad which so enraged the Scottish public against Green and his crew. The ballad, Temple claimed, brought about “at least 80,000 armed men, for the country fifty mile round came in, being exasperated by a ballad Roderick Mackenzie had caused to be made, printed and cryed about in the streets.”

Much like The Horrid Murther Committed by Captain Green, another broadsheet ballad, The Merites of Piracie proclaimed the Worcester’s guilt through the streets of Edinburgh. The Merites of Piracie also saw the arrival of the Worcester as a matter of “God’s providence in discovering this odious Murther.” This broadsheet was far more direct in its attacks, particularly against John Madder, the ships first-mate. Madder, a Scot, had betrayed his country in the supposed attack on the Speedy Return. He, the

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164 The Horrid Murther Committed by Captain Green and his Crue, on Captain Drummond and his whole men, under design of friendship, but cutting off their heads, and tying them back to back, and throwing them into the sea, and sold their ship unto the Indians, (Edinburgh, 1705), reprinted in The Roxburghe Ballads, Vol. 34, (Ballad Society, 1895), 215.
165 Temple, 292.
166 The Merites of Piracie; or, A new Song on Captain Green and his Bloody Crue, (Edinburgh, 1705) reprinted in The Roxburghe Ballads, Vol. 34, (Ballad Society, 1895), 217.
ballad claimed, “ought to have rather/ preserved his country, he deserves a Tadder [noose]/ and that is too too little if he get his due;/ He’s the bloodiest villain of all the Crue.” The author notes, however, that the trial was far more important than any act of retribution or recompense. While Green and his crew had committed a heinous crime against Scotland, their deaths would serve as examples for others who might turn to piracy.

“Let this to all hellish villians hereafter prove
A warning, from falling into such crimes; lest Jove
Pursue them with vengeance, as he hath done Green
And his bloody Crue, whose practice has been
Of a long time to live by Piracie
And Murther, which we sufficiently see
To be most clear and evidently proven:
Let Green and his Crue to the gallows be driven.”

Word of the execution had meanwhile reached England, where it was promptly picked up with the Scottish expatriate, George Ridpath, and published in his newspaper, *The Flying-Post*. Previous accounts of Green and his crew’s trial had come largely through political or personal correspondence, thus allowing Ridpath to present one of the first accounts of the trial directly. Ridpath openly accepted the accuracy and veracity of the prosecution’s evidence and the crew’s guilt. Ridpath had written previously on the accusation against Green and his crew in December of the previous year when Mackenzie had first submitted his accusation of piracy. Since then, “some of those concern’d [invested] in that ship were so hasty, as to write, sign, and publish a vindication of the

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167 Ibid.
168 Ibid, 218.
Captain and his Crew, with very unhandsome reflections upon the Scots Company.” \(^{169}\) Ridpath thus considered it necessary to correct the image of Scotland and the company by providing an account of the trial by which “it will appear that there was too much ground for our above-mentioned account of that matter, and that private traders ought to be very cautious how they reflect upon the justice of a nation and the proceedings of a company wherein most of the principal nobility and gentry of Scotland are concerned.” \(^{170}\) That same issue included an advertisement for a full printed copy of the trial’s record, “with all the pleadings and depositions,” to be published as quickly as possible. \(^{171}\) Ridpath continued to print news of the trial in London in an attempt to combat new evidence from English sources claiming Green’s innocence. Following the publication of Phippany and Freeland’s affidavits regarding the fate of the *Speedy Return*, Ridpath published the confessions of Haines, which he “hop’d will be sufficient to vindicate the justice of our nation in this matter.” \(^{172}\) Ridpath published once more on the subject, following the execution of Green, Madder, and Simpson, reporting that the situation in Edinburgh had grown dangerously tense during the reprieve, as “the people in the mean time . . . assembled in such numbers as was never known on any occasion.” \(^{173}\) The crowd purportedly dispersed only when the Earl of Seafield reported that no further reprieves would be granted. “I must add,” Ridpath concluded, “that the council was so fully satisfied of the guilt of Captain Green and his crew, that had a further reprieve been sent,


\(^{170}\) Ibid.

\(^{171}\) Ibid.


I am assur’d there could not have been a quorum of the Privy Councilors got together to sign it.”\footnote{174}

Parallel to Ridpath’s newspaper was the publication of a short pamphlet titled *Observations Made in England, on the Trial of Captain Green, and the speech at his Death*. Believed to have been written by Daniel Defoe, *Observations* cautioned its English readers to avoid wild accusations regarding the trial until a formal account was printed. “There is not one single man now in England,” the author claimed, “who was present at the Tryal of Capt. Green . . . the shatter brain’d news mongers . . . have been so successful in raising a ferment and rage in this nation.”\footnote{175} Not only did Defoe argue that judgement should be withheld until the particulars of the trial were produced, he pushed back against those who attacked all Scotsmen as part and parcel of the trial. If the trial were a farce, he argued, “why such a violent flame and resentment against a whole nation for what has been done by the Queen’s privy-Council, and her judges in Scotland, who are made at St. James?”\footnote{176} Further, those who argued against the trial on the grounds that Captain Drummond was still alive should recall that the case never made mention of Drummond. Rather, it was “the general suspicion that this was Drummond’s ship,” the court however “did not regard the fictitious or imaginary part: they went upon the fair and legal foundation.”\footnote{177} Further, Defoe pointed out, “one part or the other of Captain Green’s crew are guilty of notorious villainy. Either those who have sworn as witnesses, and confessed as criminals, or those who go to death denying.”\footnote{178}

\footnotetext{174}{Ibid.}
\footnotetext{175}{Daniel Defoe, *Observations Made in England, o the Trial of Captain Green, and the Speech at his Death*, (London, 1705), 1}
\footnotetext{176}{Ibid, 2}
\footnotetext{177}{Ibid, 3.}
\footnotetext{178}{Ibid, 5}
compatriots’ confessions were made falsely and thus were guilty of perjury, or they spoke the truth, and the crew was indeed guilty of piracy. In either case, Defoe argued that the crew had received as fair a trial in Scotland for such crimes as they would have received anywhere else. The state of Anglo-Scottish relations, particularly as Scotland provided much needed troops for the continuing War of the Spanish Succession, needed to be healed, not damaged further.

Not all press was good press for the trial and execution of Captain Thomas Green. As Defoe mentioned, a number of pamphlets and ballads had found their way onto the printing block attacking the trial and execution as well as Scotland as a whole. The most well-known, An Elegy on the Much Lamented Death of Captain Thomas Green, spared few words eulogizing Green. Instead, the ballad focused on attacking the Scottish court system and the inherent nature of Scots to resort to mobs and violence. An Elegy on the Much Lamented Death . . . argued that Green’s death was the greatest stain upon Anne’s reign. The Scots had knowingly acted to “depretiate and distain/ with guiltless blood mild Anna’s gentle reign.”179 The cause of such violence, the ballad proclaimed, had its roots in religion, not politics. The underlying cause of violence between Scotland and England was the malicious intent of the Kirk. Captain Green and his crew had found themselves victims of “the cruel mercies of Presbytery.”180 Religion and Law had become too intermixed, and in turn had allowed the Scots to apply a false justice which would otherwise be called force.

179 An Elegy on the Much Lamented Death of Captain Thomas Green ; Who was Executed with others of his Crew, under the Pretence of being a Pirate, &c. in Scotland, April the 11th 1705, (London, 1705).
180 Ibid
An Elegy on the Much Lamented Death of Captain Thomas Green further attempted to turn the tables on the Scots’ trial, claiming that the seizure of the ship had, in itself, constituted an act of piracy. The Scots had been too tempted by “the rich indies in thy sight display/ to be so worse than pirates made a prey.” Further, rather than drawing a causal connection to previous events in Anglo-Scottish relations such as the Scots’ ballads did, An Elegy on the Much Lamented Death . . . argued that the execution of Captain Green was merely a new failure in Scotland’s ability to govern itself. The Worcester, like the Darien project, was a poor attempt by the Scots to improve and make themselves appear civilized. “Of realms the poorest, and of men the worst,” the ballad claimed, “a race of pedlars that would merchants turn/ and with Joynt-Stocks provoke their neighbour’s scorn/ who still must with their Darien Schemes, upbraid/ projectors, born to steal and not to Trade.” Just as the Darien project had sought, in this author’s view, to steal a colony out of what was rightfully Spanish territory, the trial of the Worcester had served only to steal a small portion of English wealth.

An Elegy on the Much Lamented Death of Captain Thomas Green did not stop there. It continued on to attack the Duke of Hamilton, who had attempted to stabilize Anglo-Scottish relations through a renegotiated union. Doing so, ironically, made Hamilton a traitor to Scotland, the ballad claimed, as it would only serve “his country to undone.” Despite this, the author of An Elegy for the Much Lamented Death . . . urged the Scottish Parliament to obsess over matters of union and succession. Pursuing such union would finally prove that Scotland had become “a kingdom ruin’d and decay’d,”

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181 Ibid.
182 Ibid.
183 Ibid.
until conditions deteriorated that “thou beg’st to be a British province made.” The death of Captain Green, the ballad concluded, was thus the death of a martyr, as his death served to force Scotland’s subjugation under English authority. The martyred Green, “from his bless’d abode,” would look upon the vengeance England would carry out upon the Scots, and have his vengeance “repay’d with interest from himself and crew/ if by their loss we shall a kingdom gain/ and British successours o’r Scotland reign.” The ballad concluded with a short epitaph, providing a warning to all Englishmen to avoid Scotland at all costs. Trade in Scotland, it claimed brought with it the price of one’s life, as “the man of wealth, who trusts a Scot/ henceforth most surely dies,” and “a ship well freighted is a crime/ here punish’d at a high rate.”

A Scottish source took great offence to the claims of the author of An Elegy on the Much Lamented Death of Captain Thomas Green, responding with a pamphlet titled A Pil for Pork-Eaters, Or a Scots Lancet for an English Swelling. The author of A Pil for Pork-Eaters directly challenged the importance of English print and public discourse in the entirety of the Worcester Affair. To engage with the English on such matters, to acknowledge “every English scribbling tool o’late,” gave away too much of Scotland’s authority. Further, England had no room to challenge the Scottish justice system. In response to English rumors and accusations that the jury had been stacked against the defendants, A Pil for Pork-Eaters reminded its readers that England had done just that in the trial of Charles I in order to “decently have murder’d [a] king.” Rather, the trial had

184 Ibid
185 Ibid
186 Ibid
187 A Pil for Pork-Eaters; or, a Scots Lancet for an English Swelling, (Edinburgh, 1705), 5.
188 Ibid
provided solid proof of the *Worcester*’s guilt, “so clear and plain/ our Judges still untainted shall remain.”\(^{189}\)

The English attack on the sovereignty of the Scottish court was the straw that broke the camel’s back for the author of *A Pil for Pork-Eaters*. The previous century of joint rule had been disastrous for Scotland, they argued, existing as though in a state of slavery since the day “when first our King the English scepter sway’d.”\(^{190}\) The Scottish condition had been better suited before the union, complete with wealth at home, alliances abroad, a friend whom even “France itself was proud.”\(^{191}\) While the author of *A Pil for Pork-Eaters* presented an overly romantic picture of Scottish history prior to the regal union, such an image retained a grain of truth.\(^{192}\) That grain was more than enough, however, to further *A Pil for Pork-Eaters*’ opinion on the future of Anglo-Scottish relations and the idea of further union. The past century had seen Scotland treated as though a tributary to England, trapped by “a chain of long dependencies,” with the result that all Scots were born “vassals to the English Crown.”\(^{193}\) Should such treatment continue, the author promised, Scotland’s long history of military antagonism against its southern neighbor might return. If England wanted to avoid such conflict, the regal

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\(^{189}\) Ibid, 6  
\(^{190}\) Ibid, 7  
\(^{191}\) Ibid, 8  
\(^{192}\) Jenny Wormald’s work, *Court, Kirk, and Community*, argues that Scotland held a position on the continent well above its economic standing in intellectual and associational terms. Scotland’s series of alliances developed under the Renaissance Jameses connected Scotland to Scandinavia, Denmark, and France through marriages, the auld alliance, and a thriving intellectual community which sent respected Scottish scholars throughout the continent. The decline in Scotland’s continental role, while influenced in part by England, occurred well before the regal union, as Scotland found itself caught between France in a marriage/military alliance, and England due to a shared border. For more information, see Jenny Wormald, *Court, Kirk and Community*, (Edinburgh: Edinburgh University Press, 1981).  
\(^{193}\) *A Pil for Pork-Eaters*, 8
dignity of Scotland would need to be reinstated, not with “shamms of Union,” but with “the rights and just pretenses of our crown.”

*A Pil for Pork-Eaters* further warned against the buying of Scottish favor by the English in order to secure peace. “Let no brib’d fawning parasite be here,” it proclaimed of the Scottish parliament, “who cheats his country to enrich his heir.” Instead, the author submitted Andrew Fletcher of Saltoun as the image of patriotic resistance to English gold. “Full of generous fire,” Fletcher had turned from his appeal for a unified currency to rail against English interference and attempted dominion over Scotland. “Were all thy peers, O Scotland! such as he,” *A Pil for Pork-Eaters* concluded, “then Caledonia’s wrongs [would] be reveng’d. . . . The Scotch we find, will be oppress’d no more.”

**Conclusion**

The aftermath of the *Worcester* Affair presents a complicated contradiction of national sentiments. The truth of what happened along the coast of Malabar and the fate of Captain Drummond and the *Speedy Return* are lost, with only the testimony given in trial remaining. For the witnesses’ part, their victory was short lived. Both Charles May and Antonio Ferdinando died of natural causes within weeks of the execution. Antonio Francisco, the other servant, took up a position on a Dutch trader never to be heard of

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194 Ibid, 9
195 Ibid, 10
196 Ibid.
again. The remaining crew of the *Worcester* were quietly released and sent back to London with financial support from the Duke of Argyll.197

In political terms, the *Worcester* Affair presented yet more evidence of the Scottish public’s disaffection for the status quo of Anglo-Scottish relations. Their great joint-stock company had been thwarted too many times by the government of England and a monarch who had always seemed to choose the southern of the two kingdoms despite promises to care for both. Yet, while the *Worcester* Affair appeared to widen the gap between England and Scotland farther than it ever had been throughout the regal union, it ultimately served as the turning point towards a more incorporating union. The New Party in power in Edinburgh, which had held on through a slim coalition, found itself replaced by those whom the queen favored, which eagerly responded to the queen’s call for commissioners of union. The *Worcester* remained a political affair until the union, maintained by those in favor of union as a moment of national disgrace, while those against the union upheld the legality of the trial.

The *Annandale* and the *Worcester* Affairs did not sound the death toll for the Company of Scotland either. Even as the Acts of Union which brought with them an official dissolution of the Company of Scotland were debated in both parliaments, the company made one final attempt to achieve its mission. The *Neptune*, heavily armed and

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197 Graham, 187, 189. John Campbell, the second Duke of Argyll was a pro-union member of the Court Party and one of the queen’s treaty commissioners in the aftermath of the *Worcester* Affair. Alexander Murdoch notes in the *Oxford Dictionary of National Biography* that Argyll played a major role in persuading the leader of the opposition, Lord Belhaven, leader of the Country Party and fervent supporter of the Darien Project to allow the queen to select the treaty commissioners rather than parliament. His character, Murdoch argues, was of the quality that when Anne decided against selecting Belhaven, Argyll resigned his commission as lord high commissioner. For more information on the Duke of Argyll, see Alexander Murdoch, ‘Campbell, John, second duke of Argyll and duke of Greenwich (1680–1743)’, *Oxford Dictionary of National Biography*, (Oxford University Press, 2004); online edn.
well crewed set sail from Leith in January of 1707 bound for Malabar. She too, like many ships before her, met her end off the coast of Madagascar.\textsuperscript{198}

\textsuperscript{198} Graham, 191.
CHAPTER IV
SCOTS AND THE UNION

Following the buildup of tensions in Anglo-Scottish relations through the collapse of the Darien Project and the development of oppositional legislation regarding the succession, the aftermath of the Worcester Affair seemed to signify the end of the union. Throughout their century long union, England and Scotland had never seemed so far apart in both public opinion and political sentiment. And yet, in a matter of historical contingency, 1705 signaled a sudden reversal in relations, as both English and Scottish parliaments discussed the possibility of an integrating union with a vigor unseen since James VI and I had first proposed more than a regal union in 1604. Such a shift was by no means universally felt. The memories of Darien, the Annandale, and the Worcester left deep wounds in the public understanding of Anglo-Scottish relations. For Scots, England (and the English East India Company) had too often played the villain in Scottish affairs. The belief in English antagonism, whether legitimate such as the lack of support for the Darien colony or the attack on Scottish sovereignty with the Annandale, or perceived, such as the alleged attack on the Speedy Return by the Worcester, bred an air of hostility within the Scottish public sphere. In the political sphere, however, the desire for security, both economic and militarily, inspired renewed discussions of union.
Faced with economic depressions stemming from King William’s ‘Ill Years’ and the loss of so much capital invested in the Company of Scotland, renewed union with England offered fresh investment and access to the kinds of markets the Scots’ Company had failed to establish. Union further offered military security at a time of continental conflict. Not only were Scots heavily integrated into William’s, and now Anne’s armies, a regal split threatened an end to any form of Anglo-Scottish alliance, leaving Scotland with an enemy at the border.

**Political Changes and Public Opinion**

The question then, is what caused this shift in Anglo-Scottish relations? Historians such as PWJ Riley have often pointed to purely economic motives among the Scottish political classes. The passage of the ‘Alien Act’ threatened Scottish peers’ English holdings as well as their investments in English colonies, thus providing a form of economic blackmail to force disgruntled Scots back into compliance. The investigation of the public sphere presented here offers a starkly different understanding of Scottish politics at the time. The political sphere after Darien and the *Worcester* Affair was not split two ways, between union and anti-union, but rather three ways, between anti-union, federal union, and incorporating union. Such a discourse was largely simplified in the public print sphere, which more often than not equated ideas of federal and incorporating unions together as pro-English in a period of growing Anglophobia.
The role of union discourse in the public print sphere further built upon this simplification of Anglo-Scottish relations. Through the lens of the failed Darien project, the crisis in Anglo-Scottish relations appeared to make union and empire incompatible goals. Union had been the primary cause of Scottish imperial failure, as the monarch of two countries with competing goals would always pick the greater side. For the Scottish public sphere, this produced the image of Scotland as the poor, bereft nation under the yoke of English oppression. As the print debates following Darien show, Scots disregarded the harsh realities of the Caledonian colony, preferring to blame England for their troubles instead. Union had come at the cost of empire once, further union would only bring the same price.

This tripartite political split complicated the development of Scottish oppositional politics. While the Court party remained relatively unified in their pro-union sentiments, the Country party faced internal divisions over how best to secure Scotland’s future sovereignty. For some, such as Andrew Fletcher of Saltoun, the regal union had failed Scotland. Fletcher, who during the Darien Crisis had called for a union of currency, now advocated a regal divorce. Scotland had experienced none of the merits of union, and thus the time had come to make its own way once again. The anti-union branch of the Country party brought with it dangerous baggage in the form of the Scottish succession. The rejection of the Princess Sophia of Hanover meant an alternative successor to Anne was required, which threatened a Jacobite return under the Catholic branch of the house of Stuart. One of the key elements of Country party politics, within both factions, advocated the importance of the Kirk in Scottish national identity. While anti-union Country party members avoided openly supporting a Jacobite return, the threat, and fear, remained.
A separate faction of the Country party, one which had held power as the New Party during the *Worcester* Affair, attempted a middle approach. Advocating a federal union, the New Party faction of the Country party considered the Scottish parliament to be the safeguard of Scottish liberty. To that end, the New Party favored reforms in the existing union which would limit the prerogative of Anne’s successor in favor of parliamentary power in combination with “a communication of trade with England in order to improve Scottish access to English trade and capital.” George Ridpath’s writings during the Darien debate exemplified this approach, calling for fundamental constitutional reforms in the relationship between England and Scotland without further union.

The New Party approach came to dominate Country party discourse as it not only presented clear economic benefits for Scotland in the short term, but avoided the dangerous territory of Jacobitism. Federal union offered to maintain the sovereignty of the Kirk and the continuation of a Protestant succession without the fear of further English domination over Scottish affairs. As Bowie notes, the New Party needed to win over country opinion in order to secure a parliamentary majority, resulting in party patronage of pamphlets and broadsheets attempting to influence public opinion. The New Party approach was not without faults. The *Worcester* Affair presented how public opinion in turn influenced New Party politics, when members of the New Party absented themselves from the vote on Captain Green’s stay of execution, thus preventing a quorum, in order to maintain favorable public opinion prior to the next election.

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199 Bowie, 68
Throughout the crisis in Anglo-Scottish relations, the Court party maintained that the solution to union woes was the reworking of the regal union by way of incorporation. Further union not only promised an end to Anglo-Scottish conflict, but was viewed through the lens of securing Protestantism in the British Isles as well as any British dominions. Simultaneously, incorporating union would fully link the English and Scottish economies, allowing full access to English markets and investment, rather than negotiated access. The Court party additionally circumvented the issue of the Kirk’s authority within an incorporating union by redirecting religious concerns outwards towards the Catholic Stuarts and their ally, France. Such arguments appealed to religious moderates in Scotland, many of whom, Bowie claims, “had conformed to the Episcopalian Church during the long Restoration period.”

During the crisis in Anglo-Scottish relations, the Court party suffered from its inability to access and draw support from the public sphere. With limited support from public advocates and pamphlet discourse, the Court party struggled to shift from traditional consensus politics into a new era of oppositional politics. This stemmed from the Court party’s source of authority, derived much in the same way as the Tories in England, from monarchical support. With limited support from print advocates, the Court party’s voice was easily drowned out by supporters of the Country and New parties. Quiet voices calling for reconciliation with England stood little chance to the tumultuous cacophony of voices calling out for divine judgement on the English for their role in the failures of the Company of Scotland.

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200 Ibid, 85.
This brings us back to the question of what changed in 1705 that allowed for a shift towards union. The first was the breakdown in the coalition of the New Party and the Country party. Although the two had stood united in their anti-incorporationist position, the after-shocks of the *Worcester* affair presented a new dichotomy, treaty with England or a complete breakdown in Anglo-Scottish relations. Such irreconcilable positions shifted the New Party’s allegiance towards the Court party where it hoped to temper union negotiations towards federalism. This resulted in a shift of power towards the Court party, thus allowing them to pass an act for commissioners of union.

Public opinion additionally shifted in the wake of the Court party’s sudden ascendancy, although not to the same degree. Like the New Party had done during the Darien Crisis and the *Worcester* Affair, the Court party began employing professional public advocates to influence the public sphere. Most notable among these advocates was Daniel Defoe, who had originally been employed by the English government to report back on Scottish affairs. This new approach was only moderately successful, however, as the Country party, now dislodged from its position of power, supported a diverse array of anti-union publications in an attempt to assert public authority over Court hegemony. Such widespread use of anti-union publications has led to a historiographical assessment of the Scottish public sphere as fundamentally anti-union. Such an assessment is problematic, however, as it devalues the role of politics in the give and take of the public sphere. As Christopher Whatley notes in his work *Scots and the Union*, “the similarity of much of the language bears out the suspicion that the protests were the result of an orchestrated campaign by the country party opposition who in Parliament reveled in their
assumption that they were speaking on behalf of a nation united against the union.”201 This approach suffered from a major flaw, however, as the Court party responded independently to many of these publications, addressing specific issues rather than approaching anti-union print as a whole. By negotiating in this piecemeal fashion, the Court party deconstructed the Country party’s defense enough to proceed with treaty negotiations. This included a separate clause in the treaty securing the Church of Scotland, thus removing one of the key points of concern for those in favor of union but against incorporation.202

With treaty negotiations underway, the matter of economic inequality between England and Scotland returned to the forefront. The crisis in Anglo-Scottish relations had shown the disparities in the regal union’s imperial policy which had allowed the development of an English trade empire at the cost of Scottish overseas trade. The significant losses experienced through the Company of Scotland over the course of the previous decade had resulted in the loss of a significant proportion of Scotland’s liquid wealth. This meant that even if treaty negotiations resulted in England opening her markets to Scottish investment and partnership, Scotland would have nothing with which to invest. To solve this, the commissioners developed a plan which would not only replace Scottish currency with the stronger English coinage, but also re-liquefy the Scottish economy. Douglas Watt notes that there was “no correct figure for the Equivalent,” but rather that the agreed upon sum “was acceptable to the English and Scottish parliaments.”203 Too large an amount and the English parliament would balk at

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201 Christopher Whatley, *Scots and the Union*, 281-2
203 Watt, 230
the pay-off; too small, and the Scottish economy would remain unbalanced. The commissioners eventually agreed upon a payment of nearly £400,000, approximately the same amount invested in the initial sale of stock by the Company of Scotland, to the Scottish government as a means to balance Scotland’s debts as well as prepare the nation’s economy for a shift in taxation and trade.

That the amount agreed upon so closely resembled the Company’s initial stock was no coincidence. Amongst those who calculated the Equivalent was none other than William Paterson, founder of the Bank of England and originator of the Darien Project. The Equivalent would put back into the Scottish economy what the Company of Scotland had lost. This did not mean that the Company of Scotland accepted the Equivalent with open arms. The commissioners of union, in agreeing upon the use of the Equivalent to pay off the debts of the Company of Scotland had agreed to the company’s dissolution. This invited a backlash from the company, which declared the rate of interest on the company’s stock to be too low. Paterson and others amongst the commissioners had assessed the rate of interest at 5%, while the Scots’ Company claimed 6% would be fairer. The company’s claims were ultimately ignored, however, as discussion of a parliamentary inquiry into the company’s mismanagement seemed to discourage the company’s directors from contesting the amount.\(^{204}\) This reflected the public sentiment in the aftermath of the Darien Project’s collapse, which had called for the English government to reimburse the company’s losses.

Other opposition to the negotiation of the Equivalent from the Country party claimed that it merely constituted England giving “Scotland back her own money as a gift

\(^{204}\) Ibid, 231.
to incline people towards union.” PWJ Riley argued that the beneficiaries of the Equivalent were almost exclusively those of the better sort, who had had the capital to invest in the Company of Scotland in the first place, and thus did little to ease the economic difficulties felt by the majority of Scots. The pay-off to the company’s investors would do little to protect Scots from the significant rise in taxation which would follow union. Counter to such an argument, Christopher Whatley notes the English and Scottish Court party interpretations of the Equivalent and post-union taxation standardization. “Scots, by the union, would be considerably better off than previously,” so they argued, and thus better able to adapt to new modes of taxation, the most straining of which, including salt, were to be phased in slowly to allow the Scottish economy to adapt.

The conflict within the Scottish public sphere continued throughout the union negotiations, with those counter to the treaty providing the loudest voices. Pro-union voices fought an uphill battle over the war of public opinion, as the opposition believed that England would not pursue union if the Scots were unwilling to back it. Thus, the opposition “did their best to convince London politicians of the aversion of the Scottish people to incorporation” through pamphlets and protests. The opposition remained disunited, however, and thus could only respond to individual aspects of the treaty, rather than effectively combat the treaty and negotiations as a whole. With the exception of the riots which accompanied the arrival of the Equivalent in Edinburgh on the 5th of August in 1707, the ratification of the Acts of Union brought with it a sudden cooling of tensions

206 Whatley, 255.
207 Whatley, 264.
in Scotland. The public sphere replaced opposition with “cautious preparedness at least to see what union would bring.”

A Union for Empire?

The ratification of the Acts of Union did not suddenly bring about a united British public. Uncertainty over what it meant to be British rather than or in addition to being Scottish remained long after 1707. What was clear, however, was the answer to the question which began the crisis in Anglo-Scottish relations in the last decade of the seventeenth century: Union or Empire? Scotland’s pursuit of an independent empire within the confines of the regal union had failed. The disastrous attempt to settle on the Isthmus of Panama presented a double failure for Scottish imperial ambition, both in its under-preparedness for building up an overseas colony, and in its unwillingness to accept responsibility for any of the colony’s failures. Darien remained for the Scots a noble dream for which they were unwilling to accept reality.

The failure of Darien and the reactionary period which followed substantiated the incongruences which Scotland had experienced throughout the regal union. The status quo of the regal union was no longer tenable after 1700, and the conflicts which arose between the English and the Scottish joint-stock companies, as well as the English and Scottish parliaments, threatened to end a century of Anglo-Scottish union. The simultaneous development of the Scottish public sphere provided a means for Scots to

\[208\] Ibid, 314
voice their disaffection over Anglo-Scottish relations. Through the expansion of print, the hegemony of the Scottish parliament experienced a sudden shift, establishing an era of oppositional politics where individual voices took on national significance in defining Scotland’s identity. The resulting relationship between the public sphere and the crisis in Anglo-Scottish relations is thus a reflexive one. New insights into Anglo-Scottish relations and the development of the union of 1707 are understandable through the cross pollination of printed discourse. Simultaneously, the crisis in Anglo-Scottish relations, from the foundation of the Company of Scotland in 1695 and the formation of a national cause through joint-stock participation allowed for the development of the Scottish public sphere in the first place.

The conflict over union versus empire as expressed in the crisis of Anglo-Scottish relations found an unexpected answer in the Acts of Union. Rather than the sacrifice of one in favor of the other, the Acts of Union established a union for empire, replacing both English and Scottish imperial visions with a new, unified British vision. The newly minted British Empire certainly shared many similarities with the English Empire, upon which it was built. More importantly, however, the establishment of a British imperial vision, built on the foundation of the Acts of Union served to unite England and Scotland in more than a name. As Linda Colley argued in *Britons: Forging the Nation 1707-1837*, British identity was forged in the empire, where the difference between Scottish and English lost its meaning in the face of the colonial other. The Acts of Union did more than establish a union for empire, they established an empire for union.
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