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The Scottish Press, the Union and Civil Society After 1707: The *Glasgow Advertiser* and the General Assembly Test Act Debate of 1790

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Abstract

Constitutional debate in the twenty-first century Scottish media is often presented by reporters and commentators as a uniquely contemporary feature of the nation's civil society. The present article will explore how the Scottish press and eighteenth-century Scotland's most high profile civil society institution – the General Assembly of the Church of Scotland – interacted to facilitate constitutional debate around the legal, social and ecclesiastical meaning of the Union for Scots, some eighty years after the settlement of 1707. The article examines the *Glasgow Advertiser's* coverage of the 1790 General Assembly debate over a motion to repeal the Test Act (which stipulated a confessional qualification in the Church of England for Kirk members seeking to hold British office) to illustrate how the eighteenth-century Scottish newspaper press sought to uphold the constitutional interests of the nation through extensive coverage of a central institution of Scottish civil society.

Key words: civil society; press; *Glasgow Advertiser*; Test Act; Church of Scotland; General Assembly; national identity; Union of 1707.

Introduction

Contemporary political debate in Scotland is marked by a pervasive 'constitutional obsession', so goes a familiar refrain in the Scottish media. This 'obsession', of course, is sustained by frequent reports – particularly in the run-up to elections – that repeatedly assess political debate through a binary constitutional prism (See *BBC News*, 2017; Macdonell, 2017; Whitaker, 2017; *Press and Journal*, 2017). Despite what sometimes appears to readers, viewers and listeners of the twenty-first century Scottish media as an historically singular constitutional fixation marking our national debate, urgent discussion

of constitutional reform in Scotland's press is nothing new. Indeed, only seventy-five years after the Union settlement of 1707, national debates regarding local government reform, parliamentary representation and civil liberties often took on a distinctively constitutional inflection, with campaigns in the 1780s and 1790s initiated by means of Scotland's press, and sustained by extensive coverage in the pages of its newspapers (See *Caledonian Mercury*, 1782; *Caledonian Mercury*, 1783; *Glasgow Advertiser*, 'Scots Borough Reform', 1789; *Glasgow Advertiser*, 1793; *Glasgow Advertiser*, 'Parliamentary Intelligence: House of Commons: Test Act', 1791).

In this respect, Scotland's late eighteenth-century press played a central role in facilitating constitutional debate in the nation's civil society, while often acting as a principal vehicle for constitutional reform, anticipating recent Scottish press initiatives like the *Sunday Herald* and *The National* – discussed elsewhere in this issue – that have catalyzed Scottish constitutional aspirations since the re-founding of the Scottish Parliament in 1999 and the independence referendum in 2014. The present essay will highlight how the Scottish newspaper press at the end of the eighteenth century sought to uphold the constitutional interests of the nation through coverage of a central institution of Scottish civil society, the annual General Assembly of the Church of Scotland. As Michael Clancy and Karin Bowie highlight in their contributions to this special issue, the original Treaty of Union conceded constitutional protections to national institutions like the Kirk, thus amplifying the Church's profile in the eighteenth-century press as an emblem for Scotland's distinctive national identity, whilst also channelling aspirations for an equal and joint partnership within the Union. This confluence of constitutional, institutional and press interests was nowhere more apparent than in the 1790 Scottish

campaign to repeal the Test Act, which effectively imposed an added confessional qualification to Church of Scotland members seeking British civil office in England. This culminated in extensive serialized newspaper coverage of the 27 May General Assembly debate on the overture for repeal, presumably to maintain momentum for parliamentary efforts to strike down Test Act legislation.

The Scottish press and the campaign to repeal the Test Act

The original campaign for repeal that sprang up immediately after the most recent parliamentary defeat in March 1790 was first nurtured in the pages of newspapers like the *Edinburgh Advertiser*, whose supportive coverage of the cause for English Dissenters against Test Act restrictions encouraged Dr Thomas Somerville, minister for Jedburgh, to pursue an overture for repeal to the upcoming General Assembly in Edinburgh (*Edinburgh Advertiser*, 1790; Ditchfield, 1980: 39). Somerville's overture was published in national Scottish periodicals like the *Caledonian Mercury* and *Scots Magazine* (*Caledonian Mercury*, 1790; *Scots Magazine*, 1790: 352; Ditchfield, 1980: 39) and emphasized the profound constitutional implications of the Test Act for the religious freedom of the Kirk, “including the doctrines & worship of Presbytery established in Scotland at the revolution and confirmed by the Union” (qtd. in Ditchfield, 1980: 39). But the constitutional issues raised by the Test Act were not limited to the religious freedoms and authority of Scotland's national church. Indeed, the extensive coverage of the 1790 General Assembly Test Act debate in the pages of a commercially-focused newspaper like the *Glasgow Advertiser* demonstrates how the projection of constitutional

issues in the national press of the late eighteenth century often cut across specific institutional and geographical interests in Scotland's civil society, highlighting the underappreciated material contexts for reform debates that invoked the Union of 1707 as a basis for equalizing national rights within it.

The *Glasgow Advertiser* was founded in 1783 by the printer John Mennons with close ties to the city's Town Council and the city's newly founded Chamber of Commerce. As such, the newspaper was a strong supporter of the Union's guarantees for expanded market access and trading rights both within the United Kingdom and throughout the Empire, and often espoused a North British constitutional identity that framed the new commercial opportunities for the West of Scotland in the last two decades of the eighteenth century alongside the political stability and extension of civil liberties afforded by the 1707 settlement. Reports on debates from the General Assembly gathering of 1790, then, took on a striking constitutional urgency when the newspaper –forerunner to today's *Herald* – devoted extensive space to those arguing for repeal of Test Act legislation. Not all Kirk members agreed with repeal; those belonging to the so-called Moderate party were generally against repeal, including the previous Moderator of the General Assembly, Rev. Prof. George Hill. Evangelicals associated with the Popular party generally supported repeal, as did the Moderator Dr. John Walker (the Regius Professor of Natural History at Edinburgh University), the Dean of the Faculty of Advocates Henry Erskine, and the procurator of the Kirk, William Robertson Jr. The most prominent voice against repeal in the 1790 Assembly debate was the Lord Advocate Robert Dundas, who acted as spokesman on the issue for his uncle, the powerful Westminster fixer Henry Dundas (Ditchfield, 1980: 40-1).

The *Glasgow Advertiser* allocated a majority of its space to those arguing for repeal during the 27 May debate in the General Assembly, exemplifying the complex contemporary role of the Scottish press as both a primary vehicle for disseminating key national civil society activities to its readers, while also explicitly promoting Scottish national interests, in this context the constitutional legitimacy of the General Assembly – Scotland’s ‘surrogate parliament for a stateless nation’ (Devine, 2008: 9). The *Advertiser*’s Test Act debate coverage was animated by the sense of Westminster’s betrayal of the 1707 Union’s promise for equal recognition of the national churches of England and Scotland, as well as reciprocity of rights granted to citizens of both nations throughout the United Kingdom from Article IV, which pro-repealers argued included the right of Kirk members to participate in British civil affairs south of the Border without confessional qualification in the Anglican church.¹

This civil right would be of particular importance to the newspaper’s core readership amongst the merchant and manufacturing classes of the West of Scotland. This was an ambitious group whose economic activities often meant moving between England and Scotland much like the commercial goods they brokered and processed, and who often took the rights of ‘communication’ in Article IV as applying to both the economic and civil freedoms for Scots within the Union. What emerged, then, as a key issue in the 1790 General Assembly debate on the Test Act came down to distinctive interpretations of the 1707 Acts of Union, particularly with regard to the civil rights for members of the established Scottish Church in a British context.

Opposing ‘unconstitutional hardship’: The *Glasgow Advertiser*’s coverage of the General Assembly Test Act debate of 1790

The *Glasgow Advertiser*’s coverage of the General Assembly’s response to the Test Act was previewed in an April 1790 notice published in the newspaper. ‘It is reported that the General Assembly of the Kirk of Scotland will take up the Test Act, as it applies to Scotchmen, and the unconstitutional hardship which it imposes on the established religion of Scotland,’ the paper informs its readers. ‘If the ministers of this kingdom take it up with vigour, the influence of their eloquence will be powerfully felt’ (‘Parliamentary Intelligence’: 220), it adds, amplifying the parliamentary function of the General Assembly at a time when Scottish national interests were being ignored in Westminster. Indeed, the pages of the *Advertiser* gave this impression to its readers, with recent reports on the persistent failure of reform initiatives pertaining directly to Scotland, like improving transparency and representation in Scotland’s autonomous Royal Burghs (See ‘Scots Borough Reform’ and ‘Reform of the Scots Boroughs’, 1789; ‘Glasgow’ and ‘Parliamentary Intelligence’, 1790).

The essential material aspects of the Test Act’s ‘unconstitutional hardship’ was laid out in the *Advertiser*’s 28-31 May report on the Assembly’s formal consideration of the issue:

It was contended on the one hand for the overture, that the members of the Church of Scotland residing in England, had long laboured under a great grievance, by being obliged to submit to the Test Law, and take the sacrament in the Church of England, before they could hold any public office or place under Government; that it was directly contrary to the rights of men, the principles of liberty, and the Articles of the Union, which declared that the subjects of both countries should enjoy the same rights and privileges – and that an Englishman coming to Scotland, might enjoy any office without taking Test to the Church of Scotland. It was therefore proper to apply to the Legislature to have this act repealed, so far as it regarded members of the Church of Scotland residing in England (350).

The *Advertiser*'s report here highlights how this hardship 'was directly contrary to the rights of men, the principles of liberty, and the Articles of the Union', referencing familiar touchstones of North British constitutional identity, whilst also defending the constitutional equality and autonomy of Scotland's national church. The formal overture came from Dr. Thomas Somerville of Jedburgh, and his contribution to the Assembly debate, reported in the 31 May-4 June number of the *Advertiser*, argues that those seeking to repeal the Test Act 'stood forth to claim no more than such an immunity as they considered themselves fairly entitled to enjoy by the intention and spirit of the privileges granted to them at the Revolution, and confirmed by the Union' (358).

The Assembly Test Act debate of 27 May was reported on over eight consecutive issues of the *Advertiser* (28-31 May, 1790; 31 May-4 June, 1790; 4-7 June 1790; 7-11 June 1790; 11-14 June 1790; 14-18 June 1790; 18-21 June 1790; 21-25 June 1790) and presented in a format that mirrored the newspaper's coverage of parliamentary affairs at Westminster. As well as probing the specific restrictions imposed by the Test Act, the debate also provides a revealing historical snapshot of two distinct national civil societies which made up the Union in the last decade of the eighteenth century, over eighty years after the constitutional settlement that gave legal protections to the most distinctive institutional aspects of the Scottish partner. This latter point was made forcefully in a patriotic response by the minister for Kirkintilloch to the Lord Advocate's case against repeal, as described by the Glasgow newspaper. 'Scotland and England had, before the Union, comparatively speaking, little connection, and, ever since that great connection, each of them retains many things peculiar to itself,' the minister argues. 'Scotland has,' he continues, 'and, I hope, will long continue to have, its own laws, its own courts of

justice, than which there are none more equitable, more upright, more useful,' adding that 'It has its own church, perhaps the purest, most diligent, though the poorest in Europe' (*Glasgow Advertiser*, 'General Assembly: Test Act', 4-7 June 1790: 365). What emerges from this line of argument is a defence of the Union's fourth article protecting 'a free and unrestrained communication of rights and privileges...among all the members of the united kingdom'. These are presented to the Assembly as 'British rights' that 'arise from the Union'. 'Every member then of the Church of Scotland,' the minister concludes, 'acquired a right, the moment the Union was completed, to enjoy all the advantages as fully and freely as those born south of the Tweed' (366).

In the *Advertiser* of the 7th-11th of June, coverage of arguments for repeal amplified the constitutional significance of both the Kirk and the General Assembly as guardians of Scottish national identity and champions of the nation's distinctive civil society within the Union. This aspect of the Test Act debate was initiated by a review of the 'nature of the Church of Scotland – its opinions – its origin – the progress of its government, and the present influence which it was calculated to have upon the minds of the Scots nation' (374). Responding to a principal objection of the anti-repeal faction concerning the constitutional competence of the Assembly to deliberate on such an issue, a pro-repeal speaker is reported to argue that 'as a National Assembly of the Church of Scotland, composed of Clergy and Laity, we were the natural, proper, and constitutional guardians of the religious rights of the people of this country' (375).

The following week the Glasgow newspaper continued with its detailed coverage of the 27 May General Assembly debate in a reminder of how, like those arguments concerning the Test Act that emphasised the constitutional centrality of Scotland's national church,

Scotland's national press assumed its role as a principal – if unofficial – institutional partner within the nation's distinctive post-1707 civil society. Indeed, the *Advertiser's* coverage of the Test Act debate reflected the issue's totemic association with Scottish national identity, amplifying pro-repeal arguments that characterised the nation as being 'equally free and independent' with England at the time of the Union. This point was made by Henry Erskine, the Dean of the Faculty of Advocates, during a portion of the General Assembly debate reported in the 14-18 June number of the newspaper. The Dean's passionate and patriotic appeal to the Assembly argues that the 'Test Act, if enforced, reduced this Church to the most degrading and humiliating state'. 'Instead of being *established by law*,' he complained, 'we were merely *tolerated*', cleverly juxtaposing the two key constitutional concepts around the contested interpretation of the Test Act – national religious establishment versus religious toleration – animating both sides of the wider debate. The Dean's plea for repeal concludes with a pointedly patriotic challenge to those Scots intending to hold British office: 'No man who truly professed, and honestly adhered to the religion of the Church of Scotland, is legally worthy of holding these very offices, which exist for the government and protection equally of *both countries*, or can be entrusted with the use of arms for the *common* defence! He who does not feel this to be a mark of degradation, is no true son of the Church of Scotland. He who does not feel this distinction to be a disgrace to his country, is no true Scotsman' (*Glasgow Advertiser*, 'General Assembly: Test Act', 14-18 June 1790: 390).

In the final *Glasgow Advertiser* number devoted to the Test Act debate, Dr. Bryce Johnston provided a summation of the constitutional position for the pro-repeal side. 'I am perfectly clear that this act is not confirmed by the articles of the Union,' he is

reported to argue, ‘and that, so far as it affects members of the Church of Scotland, when holding, not English, but British offices, it is contrary to the true spirit of the articles of the Union’ (*Glasgow Advertiser*, ‘General Assembly: Test Act’, 21-25 June 1790: 406). Following the conclusion of the debate, the General Assembly passed four resolutions favouring repeal of the Test Act and approved a ‘Committee of this Assembly’ to ‘obtain redress’ for the constitutional anomalies inherent in the Act (Ditchfield, 1980: 41-2; *Resolutions of the General Assembly of the Church of Scotland*: 1).

Conclusion

After this sustained defence of the constitutional integrity, autonomy and rights of Scotland’s national church conducted in the General Assembly and transmitted through the pages of the nation’s press during the summer of 1790, the fate of the Scottish Test Act repeal campaign was returned to Westminster in the spring of 1791. The front page of the *Glasgow Advertiser*’s 13-16 May number provided a detailed description of the parliamentary motion to repeal the Test Act, laid out across five print columns and two pages (305-6). The result was a clear defeat. The newspaper’s editor John Mennons made his periodical’s position clear in the *Advertiser*’s 20-23 May number of 1791. ‘The rejection of the petition from the General Assembly of Scotland, we do not class among the symptoms of amendment in our constitution,’ he writes. ‘What was requested was moderate and just. Could any evil have arisen from granting that request, it might have been rejected, but that was neither proved, nor even asserted, and indeed, cannot possibly exist’ (332).

This polite but firm defence of the constitutional integrity of the repeal campaign's position from the editor of the *Glasgow Advertiser*, also endorsed by leading Edinburgh newspapers like the *Edinburgh Advertiser* and *Caledonian Mercury* (*Edinburgh Advertiser*, 1791; *Caledonian Mercury*, 1791; Ditchfield, 1980: 59), indicates how these newspapers shared a principal assumption about the constitutional rights granted to Scotland's civil society by the Union settlement of 1707, and made throughout the Test Act debates in the General Assembly covered so assiduously in their pages. Indeed, Mennons' disappointment at the lack of a formal response to this parliamentary defeat by the nation's leading deliberative body was evident in the newspaper's report the following week: 'Thursday, a very warm debate was expected, in the General Assembly, upon this subject, in consequence of which, the galleries were filled with ladies and gentlemen at a very early hour, and the Assembly Room was also very much crowded; but those assembled were greatly disappointed, it having been previously agreed, that there should be no debate on the subject' ('General Assembly: Test Act', 1791: 340).

So, in the absence of a formal Kirk reaction to the recent parliamentary defeat of repeal, Mennons' unusual editorial intervention cited above from the 20-23 May number represents a fitting response from the Scottish public sphere to the constitutional incursion of the Test Act. By devoting such extensive column space in his newspaper to the General Assembly's debate on the issue, Mennons was also indicating to his readers – as well as those in office – how the Scottish national press, for its part, sought to uphold its responsibilities as a key stakeholder in the nation's civil society during this period of constitutional conflict.

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¹ “That all the Subjects of the united Kingdom of Great-Britain shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation, to and from any Port or Place within the said united Kingdom, and the Dominions and Plantations thereunto belonging; and that there be a Communication of all Rights, Privileges and Advantages, which do or may belong to the Subjects of either Kingdom, except where it is otherways expressly agreed in these Articles’ (Article IV, Articles of Union 1707).