Symbolism and ritual in the seventeenth-century Scottish Parliament

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Parliaments communicate with the people of their nations through a range of symbolic and ritualistic registers. The nature of symbolism and ceremony in the Scottish Parliament before the 1707 union with the parliament of England provides an interesting illustration of this communicative aspect.[1] In particular seventeenth-century Scotland - an astonishingly traumatised place of political and religious strife – was home to a surprising reliance on rituals in spite of the atmosphere of conflict. In the last full century of this parliament's long life, the impact of decades of revolution, warfare and economic collapse was even greater for Scotland than for England. Traditionally, in Scottish and English historiography, the woes of Scotland after 1603 are placed at the foot of government by absentee monarchy. Indeed although some seventeenth-century English contemporaries and modern English historians have reflected on the negative consequences of a Scottish King James VI becoming King James I of England in 1603, to be ruled by an experienced monarch was much less traumatic for England than was for Scotland the departure of the head of state from Edinburgh to London. After 1707 of course an absentee monarchy became an absentee parliament, but in the period 1603 to 1707 it is perhaps a surprise that so many of the traditional and medieval-based symbols of Parliament remained constant, if occasionally re-worked in changing circumstances.

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[1] For summaries and contrasts with the post 1999 Scottish Parliament see Alastair .J. Mann, 'The Scottish Parliaments: the role of ritual and procession in the pre 1707 parliament and echoes in the new parliament of 1999', in *Rituals in Parliament: Political, Anthropological and Historical Perspectives on Europe and the United States*, eds. E. Crewe and M.G. Muller, Frankfurt, Peter Lang, 2006, pp.135-58 and *idem*, 'Continuity and change: the culture of ritual and procession in the parliaments of Scotland', in *Parliaments, Estates and Representation*, vol. 29 , Farnham, 2009, pp.143-58.

These changed circumstances included, for example, establishing in Scotland the first constitutional monarchy in the British Isles in the constitutional settlement of 1641 between Charles I and the Covenanters.[2] By this means power shifted away from king to the estates of the Scottish Parliament but in a way that preserved rather that obliterated ritual.

In England and in post-union Britain it is typical to use the term crown-in-parliament or, to define it more clearly, the legislative role of the Crown, and in particular of the sovereign acting with advice and consent of the assembled Parliament. The new post 1999 Scottish Parliament does not use a preamble to its laws such as 'the queen, with advice and consent' and merely states an act to be passed on a certain date and to have received royal assent on a certain date thereafter. However, the pre-1707 Scottish Parliament used the following opening preamble for laws passed: 'our sovereign lord, with advice and consent of the estates of parliament' and this was just the same as for England. This standard preamble signifies the interconnected sovereignties of Crown and Parliament. Sovereignty was of practical more than theoretical concern for a legislature in as much as it was played out ritually - an act had passed, consent was communicated to legitimise decisions and wide compliance was expected by the political nation.[3] But if

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[2] For absentee monarchy see Maurice Lee jnr, 'The "Inevitable" Union: Absentee Government in Scotland, 1603-1707' in *idem The 'Inevitable' Union and other essays on Early Modern Scotland*, East Linton, Tuckwell Press, 2003, pp.1-24, and for the 1641 settlement see John J. Scally, 'The Rise and Fall of the Covenanter Parliaments, 1639-51' in K.M. Brown and A. J. Mann (eds), *Parliament and Politics in Scotland, 1567-1707*, Edinburgh, Edinburgh University Press, 2005, 138-62; John R. Young, *The Scottish Parliament, 1639-1661: A Political and Constitutional Analysis*, Edinburgh, John Donald, 1996, pp.19-53 and David Stevenson, *The Scottish Revolution, 1637-44*, Edinburgh, John Donald, 2003, pp.214-42

[3] For sovereignty and personal monarchy see Julian Goodare, *The Government of Scotland, 1560-1625* , Oxford, Oxford University Press, 2004, pp.87-112 and *idem*, *State and Society in early Modern Scotland*, Oxford, Oxford University Press, 1999, pp.11-37, and Mann, 'Parliaments, Princes and Presses: Voices of tradition and protest in early modern Scotland', in U. Böker and J.A. Hibbard (eds.), *Sites of Discourse:*

there is so much revolutionary conflict over who was in charge – king or parliament –
was there also a theoretical dispute over symbolic representations of sovereignty, and if
not how was consensus achieved?

As is well known, most if not all meetings of the parliaments of medieval and early
modern Europe met after royal summons, and without royal approval they could not
convene.[4] Of course, occasionally at revolutions or during minorities (the latter a
common and burdensome feature of Scottish history under the Stewarts/Stuarts)
assemblies gathered under their own steam, but usually they continued with the tried and
tested formulas of ceremonial in order to appear legitimate, and of course ironically, not
too revolutionary. Parliament, in other words, had to come to terms with the man in the
'golden hat'. We might ask how this rapprochement come about.

The Scottish Parliament grew out of the king's great council of the medieval period but
by the late thirteenth century it assembled as the estates of Parliament, that is the three
estates of clergy, nobles and elected burgh members, representing towns, reflecting, of
course, the European medieval ideas of the three orders of society – those who pray,
those who fight and those who toil. In the 1580s an estate of elected shire or county
members was added bringing the four estates of the seventeenth century.[5] As the number

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Public and Private Spheres – Legal Culture, Amsterdam, Rodopi, 2002, pp.79-91. Scottish constitutional historians rarely discuss this Anglo-Scottish similarity in the preamble to laws.

[4] For royal summons for Scotland see Robert S. Rait, *The Parliaments of Scotland*, Glasgow, MacLehose, 1924, pp.146-7 and Archie M. Duncan, 'The early parliaments of Scotland', *Scottish Historical Review*, xlv, Edinburgh, 1966, pp.35-57

[5] Goodare, 'The estates in the Scottish Parliament, 1286-1707', *Parliamentary History*, 15, Edinburgh, 1996, pp.11-32; Mann, 'House Rules': the procedure of the Scottish Parliament in K.M. Brown and A.R. MacDonald (eds), *The Scottish Parliament: A Constitutional History*, Edinburgh, Edinburgh University Press, 2010 (forthcoming) and *idem*, 'The Scottish Parliaments: the role of ritual', pp.139-40.

of estates increased royal power was undiminished, but before the Renaissance phase of

personal monarchy and attempted absolutism of the seventeenth century, the monarchy

had to come to a *modus vivendi* with the estates for their mutual benefit and survival. The

reign of Robert I, Robert the Bruce, a Scottish national hero and brilliant propagandist, is

a case in point. In 1306 he grabbed the throne in the succession confusion that had

existed since 1296, and after some initial difficulty expelled the English and consolidated

his regime. Bruce used 'spin' and 'buzz words' as effectively as any twenty-first century

politician, appealing to the people, or rather to those with political power and

involvement, and especially the Scottish clergy who strived for continued independence

from the English church and made their case for this before the pope in Rome. At his first

parliament in 1309 the estates declared Bruce rightful king through four key criteria: by

inheritance, by his virtue, by election and by conquest. Yet the rhetorical fulcrum of this

campaign was the Declaration of Arbroath, not to contemporaries and the papacy a major

document at all, but perhaps something of a '*magna carta'*. Today, in retrospect, this

document summons up the juices of patriotism for Scotland's political and academic

classes, but also a kind of constitutional monarchy well understood by the political writer

George Buchanan (1506-82) in the sixteenth century. So it was made clear in the

Declaration, made in Parliament in 1320, that Scotland was an independent kingdom

under God and the duty of King Robert was to preserve that independence. If he failed he

would be removed and the notions of elective and contractual kingship were exposed to

all. Bruce then went on to fake some of the seals on the Arbroath paper to add to his

recently confirmed reputation as political trickster as well as great soldier.[6] It is ironic

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[6] Roland J. Tanner, 'Cowing the Community? Coercion and falsification in Robert Bruce's Parliaments, 1309-18' in K.M. Brown and R.J. Tanner (eds), *Parliament and Politics in Scotland, 1235-1560*,

that such a manipulator reigned when first expressions were given to many of these ideas
of shared sovereignty. The debate had begun - what came first the law or the king?

When we arrive at the Renaissance reign of James IV, king from 1488 to 1513, in a
ritualistic sense we have a visual world full of colour and spectacle, of jousting
tournaments and court poetry. Representations are not merely in words but also in
material terms and we see developed more fully the imagery of the Scottish Parliament.
Robert the Bruce was succeeded by his son David, but then the Bruce line died out and
the Stewarts succeeded. James IV was the sixth Stewart king and the long line, to be the
longest in European history, was by now well established. James came to the throne a
young man of fifteen years having replaced his father in a rebellion of which he was the
figurehead - his father died immediately afterwards. At James's parliament in early 1489
he set about consolidating his regime and also dealing with the threat from his late
father's supporters, a somewhat pro-English group.[7] As with Bruce, the patriotic card
could be played again and the estates pressed the combined image of the king and his
people – an image of the imperial crown of Scotland, apparently personal to the king but
also requiring Parliament's imprimatur. This is seen in the new coinage agreed by the
Parliament that year. The relevant legislation states:

> It is decreed and ordained by our sovereign lord and his three estates that a gold penny be
> struck … with the imprint of the king's arms on the one side … with this written above:
> '*Jacobus quartus dei gratia rex Scotorum*', and on the other side an image of the king in a

Edinburgh, Edinburgh University Press, 2004, pp.50-73; *Records of the Parliaments of Scotland*, eds. K.M
Brown, G.H. MacIntosh, A.J. Mann, P.E Ritchie and R.J. Tanner, online at rps.ac.uk, St. Andrews
University, *RPS*, 1320/4/1 (this and subseqiuent refences accessed 15 November 2009).
[7] Norman McDougall*, James IV*, East Linton, Tuckwell Press, 1997.

chair with a long robe and on that side [is] to be written around [it]: '*Saluum fac populum tuum domine*'. ('Save thy people, oh Lord', from the Latin hymn *Te Deum*).[8]

Parliament therefore agreed that the image of the enthroned emperor would be portrayed, a common European symbol indicative of the status of a 'king of kings', and along with a protective national prayer (see figure 1). In fact the image of the throne ties in especially with the mechanisms of the Scottish Parliament. It was unicameral, single chamber, in which before 1603 the king or queen sat and debated with the assembled estates. After 1603, other than a handful of occasions when the king was present, a royal commissioner was appointed to represent the Crown and was entrusted by the monarch to get agreement for the royal legislative programme and to carry out the ceremony of royal assent– he also took the throne. This was not synonymous with the speaker's chair in the English House of Commons or the woolsack in the House of Lords but was an integral part of the ritualised Scottish crown-in-parliament. Again it is ironic that, like King Robert, James IV should propel the image of Crown and of Parliament to new levels – he abandoned regular parliaments in the last decade of his reign, preferring to use his privy council of nobles. However, the weaker financial position of the Crown after the reign of his son James V made this impossible in future.[9]

After the Scottish Reformation of 1560 there was even greater focus on who came first, laws or kings. What if, in these new circumstances, the monarch had a different religion

[8] *RPS*, 1489/1/3 (26 January, 1488/9); R.W. Cochran-Patrick, *Records of the Coinage of Scotland from the Earliest Period to the Union*, Edinburgh, Edmonston and Douglas, 1876, 2 vols, i, pp. cxxix and 47. The coin described has not survived – see figure 1.
[9] Macdougall, 'The Estates in Eclipse? Politics and Parliament in the Reign of James I' in Brown and Tanner, *Parliament and Politics in Scotland, 1235-1560*, pp.145-59 and *ibidem* Ken Emond, 'The Parliament of 1525', pp.160-78.

to that of the people and the estates? George Buchanan, Scotland's greatest political

writer of the period, as well as tutor to James VI and Mary, Queen of Scots, focused on

the coronation oath as the key to this and argued in his important dialogue *De Jure Regni*

Apud Scotos (1579) that:

> 'When our king's are publicly inaugurated, they give a solemn promise to the entire
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> people that they will observe the laws, customs and ancient practices of our
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> ancestors...[We can] see the nature of power which they have received from our
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> ancestors, namely, [they are]…chosen by election, [and] swear to observe the laws'.[10]

Indeed Buchanan used the public ceremony of the coronation to advance his two central

ideas: Scottish kings were chosen by election and were also subject to the authority of the

law, a law they could not circumvent. Sovereignty therefore resided with the people not

the Crown, though by 'people' Buchanan describes the political community or Parliament

not the contemporary masses. Thus the coronation oath was a contract between king and

'people' where the loyalty of the latter was exchanged for the just rule of the former.

Arbitrary rulers could be removed and in extreme cases even killed. A resistance theory

had been created, and though based on conciliar ideas from the likes of the Scottish

historian John Mair, and the thoughts of other European political theorists, the removal of

Mary, Queen of Scots in 1567 was now rationalised and inspiration provided for the

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[10] Roger A. Mason and Martin S. Smith (eds.), *A Dialogue on the Law of Kingship among the Scots: A Critical Edition and Translation of George Buchanan's De iure Regni apud Scotus Dialogus*, Aldershot, Ashgate, 2004, pp.103-4; Mason, *Kingship and Commonweal: Political Thought in Renaissance and Reformation Scotland,* East Linton, Tuckwell Press, pp.187-241; James H.Burns, *The True Law of Kingship: Concepts of Monarchy in Early Modern Scotland*, Oxford, Oxford University Press, 1996.

subsequent revolutions against Charles I in 1638 and James VII and II in 1688. Small wonder that *De Jure* was the most banned book in Scottish publishing history.[11]

When he assumed personal rule in 1584 James VI set about banning Buchanan's writings and attacking his former tutor's 'republican' manifesto. In his *The Trew Law of Free Monarchies* (1598) James expanded on his own ideas of divine right kingship. Princes succeeded not by election but by blood and heredity right, the ancient kings taking the land by conquest. So because of the divine providence of the succession, the promise to God not that to the people was the most significant element in the coronation oath. Thus while the king swore to carry out his office 'honourably and truly' only God and not the people could pass judgement if these promises were broken. To remove the king would be the equivalent of attempting to cure the body by chopping of the head.[12]

James's ideas were not the last word in divine right theory in Scotland and the Restoration of monarchy in 1660 brought about a new wave of royalist political thought. For example, in the 1680s Sir George Mackenzie of Rosehaugh (1636-91), the lord advocate and politician, published his *Jus Regium, Or the Just and Solid Foundation of the Monarchy of Scotland* (1684) to refute the constitutionalism of Buchanan, whose works were at the time being re-published in English language editions. Sovereignty could not be distilled to a condition of being with the people. It was 'absurd and

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[11] Mason, *Kingship and Commonweal* pp.236-7; *idem* '*Rex Stoicus*: George Buchanan, James VI and the Scottish Polity' in Dwyer, Mason and Murdoch (eds.), *New Perspectives on the Politics and Culture of Early Modern Scotland*, Edinburgh, John Donald, 1982, pp.9-33; Mann, 'Parliaments, Princes and Presses' pp.81-2; *idem*, *The Scottish Book Trade 1500-1720: Print Commerce and Print Control in Early Modern Scotland*, East Linton, Tuckwell Press, 2000, p.180. For Mair see Mason, *Kingship and Commonweal*, p.69 and Burns*, The True Law,* p.58.

[12] King James, *The Trew Law of Free Monarchies*, Edinburgh, Waldegrave, 1598 in Scottish Text Society edition, ed. James Craigie, 1982. pp. 78-9, 61-2, 74-5; Mann, 'Parliaments, Princes and Presses' , p.82.

extravagant' to suggest that a contract existed between people and prince from the coronation.[13] But royalist or constitutionalist nevertheless understood that this oath was taken before God and the representatives of the estates (the people), who witnessed the promises made by the sovereign, and indeed the post-Reformation oath read before the infant James VI in 1567 was also taken by Charles I, Charles II, William and Mary and Queen Anne, though not James VII. The others swore to maintain 'the true religion'; to rule 'according to the lawis and constitutionis of the realm' and to 'preserve and keep inviolate the rights and rents, [and] just priviledges of the croune of Scotland…[and] forbid repress[ion] in all society, and command and procure…justice and equity in all judgements'.[14] This hardly reads like a manifesto for absolute rule.

Moving from words to images, the first day of a new Scottish Parliament began with the procession that marked the state opening, the 'riding of parliament', a procession from royal palace to parliamentary chamber, a largely equestrian procession. In the seventeenth century this was mostly in Edinburgh and was a cavalcade along the 'Royal Mile' from Holyrood Abbey to the Parliament House near St Giles Cathedral in the centre of of the capital.[15] This 'riding' was an ancient and specifically Scottish ceremony and dates back to the late medieval period. As a ceremonial journey it signified the movement from a royal and fortified place to neutral territory where the estates could gather without fear of intimidation.

[13] John Durkan, *Bibliography of George Buchanan*, Glasgow, University of Glasgow, 1994, pp.215-16 and 234; George Mackenzie, *Jus Regium, Or the Just and Solid Foundation of the Monarchy of Scotland,* Edinburgh, 'Anderson' nee Campbell, 1684, pp 4,8-9,41-2; Clare Jackson, 'The Paradoxical Virtue of the Historical Romance: Sir George Mackenzie's 'Aretina' (1660) and the Civil Wars' in John. R. Young (ed.), *Celtic Dimensions of the British Civil Wars*, Edinburgh, John Donald, 1997, pp.205-25.
[14] *RPS*, A1567/12/7. See oath taken by William and Mary in 1689: *RPS*, 1689/3/131.
[15] Mann, 'The Scottish Parliaments: the role of ritual', pp.135-58 and *idem*, 'Continuity and change: the culture of ritual and procession', pp.151-2.

The event began with two formalities, the gathering of members of Parliament and officials at the royal palace and the transportation of the regalia or honours of Scotland from Edinburgh Castle to the palace. The subsequent order of procession from palace to Parliament House was dictated by one principle: 'the higher degree and most honourable of that degree is to ride always last'. This ensured that all were gathered to witness the arrival of the monarch or, in his or her absence, the honours of Scotland and the royal commissioner who stood in for the monarch.[16]

The members rode up the High Street two by two, with trumpeters and pursuivants (officers of the Lyon Court) to usher the way; then the Lord Chancellor (president of the Parliament), the burghs members followed by shire members; then the officers of state who were not nobles; then the lords; the bishops; the viscounts; the earls; the archbishops; then more trumpeters, pursuivants, heralds and the Lord Lyon, the judge in all matters of heraldry and seniority, and the individual who had overall responsibility for managing the 'riding'; then the honours of Scotland, the sword of state, the sceptre and the crown, each borne by three of the most senior nobles; then followed by the royal commissioner; the dukes and marquises and lastly by the captain of the guard with his troop. If the monarch was present in person then the king followed last with his royal guard. This was a magnificent event of colour and costume with 200 horses and, with numbers were swollen by servants and retainers on foot, at least 1,000 participants. When the members approached the entrance to the Parliament House they were confronted by two figurative statues above the door (see figure 2). On the right was

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[16] *idem*, 'The Scottish Parliaments: the role of ritual' pp.142-4.

Mercy, holding a crown wreathed with laurel leaves, and on the left Justice, with a balance on one hand and a palm in the other. Underneath was a Latin motto: *stant his felicia regna*, kingdoms stand happy by these virtues.[17] The estates' wish to represent and the Crown's desire for prestige, harmony and unity are represented by these statues and the ceremonial metaphors created by group precession and group arrival.

The most essential elements in parliamentary liturgy were however the honours or regalia of Scotland, the crown, sword of state and sceptre. The three came together for the first time for the coronation of the baby Mary, Queen of Scots in 1543 but had an earlier provenance that helped confirm both tradition and the imperial metaphor. Firstly was the royal crown, symbolic of coronation investiture, of territorial unity and of the imperial king above kings, re-modelled in the reign of James V but based on thirteenth century ancient stones. In its present form it dates from about 1540. The sword of state, symbol of the king as just warrior, defender of the nation and of the faith, was presented to James IV by Pope Julius II in 1507. This was to encourage James to not only defend the Catholic church, but to further his ambitions to be Christ's admiral, and to reward him for the diplomatic success of bringing Denmark and Sweden to peace. The third honour, especially significant to the Parliament, was the sceptre, the symbol of justice and right rule. It linked to the words of the Scottish coronation ceremony said by monarch when receiving this wand: 'the sign of royal power, the rod of the kingdom, the rod of virtue, [to] govern … aright … punishing the wicked and protecting the just'. This was the

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[17] Aonghus MacKechnie 'The Crisis of Kingship: 1603-1707', in M. Glendinning (ed.) *The Architecture of Scottish Government: from kingship to parliamentary democracy*, Dundee, Dundee University Press, 2004, pp.112-3. For other details of Parliament Hall see *Royal Commission for the Ancient Monuments of Scotland: the City of Edinburgh*, Edinburgh, HMSO,1951, pp.90-92 and R.K. Hannay's description in *The Book of the Old Edinburgh Club*, vol.13, Edinburgh, 1924, pp.1-78.

oldest of the honours and was presented to James IV by Pope Alexander VI in 1494. These honours were a key part of the procession and were guarded with great care by a specially chosen guard of macers and senior nobles.[18]

In a public sense the honours of Scotland were essential to the 'riding' as they processed before the population, but they were even more significant when they entered the Parliament House itself and sat displayed before the members of the house. The Parliament House built in the 1630s by the town council of Edinburgh, to the point of almost bankruptcy, was a large chamber, much bigger than the British House of Commons and measuring roughly 40 metres by 13. Its great size made it ideal to formalise the stratified nature of the membership. But while it is difficult to be precise about the arrangement of seating within the chamber, we know the general layout. The members sat in their various estates in a horse-shoe style facing the throne on which the king or his Commissioner sat. The Commissioner and the Chancellor, the president, and some senior officers of state sat on a range of elevated steps at the front. In the middle, within the horse-shoe, were three tables: at one sat the Clerk Register (senior clerk of the government) and his deputies, who recorded the business; at another sat the lords of session, the judges of the most senior civil court, who attended to provide legal advice but could not vote, and lastly, and nearest the throne, was a table on which the honours were placed, emphasising yet again that whether or not the monarch was present in

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[18] Brain Barker, *The Symbols of Sovereignty*, Newton Abbot, Westbridge Books, 1979, pp.216-31; Mann, 'The Scottish Parliaments: the role of ritual', pp.147-48 and *idem*, 'Continuity and change: the culture of ritual and procession', pp.149-50. For the 1633 coronation oath see F. Grant, 'State Ceremonials in Edinburgh in the Olden Time' in *The Book of the Old Edinburgh Club*, vol.18, Edinburgh, 1932, p.21

person, Crown authority was given and represented - the crown-in-parliament was ever-present.[19]

Of the three honours the sceptre had a particularly crucial role to play in procedure. Royal assent was indicated by the monarch touching the sceptre to a final copy of an act. This was a procedure of unknown and ancient origin which was carried out by the royal Commissioner after 1603 and was recognised by James VI as a clear indication, in his divine right view, that kings were above parliaments. From 1603 the management of business was put under strain when the procedure of assent was retained while the monarch rarely attended. Commissioners had to be fully briefed on what could be passed before the session commenced, and sometimes the court's opponents used the hesitancy of royal assent to undermine the administration of government ministers, as seen in the Anglo-Scottish political crisis of 1703-6; or pass matters not part of the royal agenda, as in 1604 where an act was passed such that union negotiations proposed by James VI and I were to exclude consideration of the church.[20] Like the coronation oath, the use of the sceptre was part of the early modern debate over where sovereignty lay. In James VI's opinion, no law could pass 'without his sceptre put to it for giving force of law' and

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[19] Anon, 'The order of the Holding of the Court of Parliament in Scotland', ed. J.D. Mackie, *Scottish Historical Review*, xxvii, 1948, pp.191-3; Thomas Hamilton, 'Memoriall anent the progress and conclusions of the Parliament haldin at Edinburgh in October 1612', in *Maitland Club Miscellany*, vol. 3, ed. J. Denistoun and A. MacDonald , Edinburgh, Maitland Club, 1843; John Spalding, *Memorials of the Troubles in Scotland and England 1624-1645*, 2 vols, Aberdeen, Spalding Club, 1850, vol.1, pp.37-8. For the most detailed account of the layout see Mann, 'House Rules'.

[20] For 1703-6 crisis see for example National Archives of Scotland [NAS]. Hamilton Muniments, GD 406/1/5153 (Letter by James Douglas, sixth duke of Hamilton, dated 10 September, 1703). *RPS*, 1604/4/21; Bruce Galloway, *The Union of England and Scotland 1603-1608*, Edinburgh, John Donald, 1986, pp-24-25. Commissioner's instructions and related difficulties are discussed in Mann, 'Inglorious revolution: administrative muddle and constitutional change in the Scottish parliament of William and Mary', in *Parliamentary History*, Edinburgh, 22, pt 2 (2003), pp.134-40.

therefore as we have seen the home of sovereignty clear in his eyes.[21] Nevertheless, as part of the crown-in-parliament with the ritual of touching of the sceptre being carried out in public before the whole house, and not by private signature, the procedure can more readily be seen as an act of shared sovereignty rendered in ritual form.

On a normal day of business the layout of the house followed that for a day of state opening. In the seventeenth century the horse-shoe layout consisted of three groups of seating in rows set out to reflect the original trinity of estates: benches left and right of the throne with nobles and clergy and, after the fourth estate of elected shire members formally joined from the 1580s, burgh and shire members sat on a great number of wooden forms facing the throne. As far as we know the two elected estates sat in this way even when the clergy were removed in 1638-51, and finally excluded in 1690. A court bar was provided before the throne for accused to present themselves – the Scottish Parliament was a court like the English House of Lords, and an outer bar beyond which no non-members or uninvited individuals could trespass onto the floor of the house.[22]

Members of parliament had certain common privileges, yet while by the mid-seventeenth century all members had, for example, a single vote, the relative status of each member was represented by a variety of ritualised contexts. The more spacious the benches the greater the status; the estates voted according to seniority and of course sat in separate benches; voting, opportunities to join the debate, as well as sitting, were according to status with the most senior first, as was the order of procession in the

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[21] King James, *The True Law of Free Monarchies*, pp.70-1
[22] Mann, 'House Rules'

'riding'. This stratified structure could create the odd situation of rival nobles sitting and voting next to each other.

Although Scotland's pre-1707 parliament was unicameral there is much evidence of the estates meeting separately to discuss business.[23] Significantly, however, they all came together to vote and they also did so by public declaration - by open spoken vote, one by one. With senior members leading voting (unlike the English House of Lords where they voted last) they could exert much influence. Therefore the behaviour and conventions of the house strongly reflected the stratified nature of society and yet the general layout suggests something else. With the members speaking always through the chair, the president or chancellor; the emphasis on rules that limited how often members, however senior, could speak to a single issue; and the square, non-confrontational layout where all members looked in upon the honours of state, conveys a more cooperative and respectful spatial arrangement. But heated moments certainly occurred, as in 1703 when Sir Alexander Ogilvie and Lord Belhaven were expelled for 'unbecoming expressions' and coming to blows, and in the 1670s a number of members walked out in protest. No amount of harmonious spatial geography could prevent some heated debate from boiling over.[24]

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[23] Alan.R. MacDonald, 'Deliberative processes in parliament, c.1567-1639: Multicameralism and the lords of the articles' in *Scottish Historical Review*, Edinburgh, 2002, 81, pp.23-51

[24] Mann, 'The Scottish Parliaments: the role of ritual p.152 and *idem*, 'Continuity and change: the culture of ritual and procession', p.146; *RPS*, 1703/5/100 and P. Hume Brown (ed.), *Letters Relating to Scotland in the Reign of Queen Anne by James Ogilvy, First Earl of Seafield and Others*, Edinburgh, Scottish History Society, 1915, pp.2-8;

More important, however, are the images and symbols of sovereignty, going back to Robert I and other medieval kings. The honours were of course of particular importance to Scotland. Edward I, King of England, made John Balliol submit his 'white wand' of office when he stripped this unfortunate king of Scots of the royal regalia in 1296, and Edward then went south with Scottish records and relics, including the ancient kings' inauguration stone of Scone.[25] Because of this national trauma, and because of the royal and national symbolism encouraged by the likes of Bruce and James IV, from Scotland's fourteenth century Wars of Independence the honours took on mythical significance as physical representations of an independent nation. They retained their symbolic gravity during the revolutions of seventeenth century. Scotland's Protestant Reformation of 1560 did not alter the position in spite of the fact that the sword and sceptre are adorned with Catholic symbols, the figures of saints and the Virgin Mary. In short a meeting of the estates of Parliament was illegitimate without the presence of the regalia, and even the revolutionary Covenanters of the 1640s took careful possession of these treasures and secured them in Edinburgh Castle. They declared their loyalty to the ancient line of Scottish kings and to underscore the legitimacy of meetings of their parliaments the honours were always displayed. They were even more essential after 1603 than before with the king being usually absent. In spite of absentee monarchy the regalia was there to signify a trinity of legitimacy: Crown authority, Crown acceptance of the power of Parliament, and Parliament as the ancient assembly of the estates of the nation.[26]

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[25] Ronald Nicholson, *Scotland: The Later Middle Ages*, Edinburgh, Mercat Press, 1974, 50
[26] Mann, 'The Scottish Parliaments: the role of ritual' p.148; *idem*, 'Continuity and change: the culture of ritual and procession', p.150.

As the negotiations were taking place in 1706/7 for Anglo-Scottish parliamentary union the Scottish Parliament required re-assurances on the fate of the honours of Scotland and the records of parliament: a clause was inserted in the twenty-fourth article of the Treaty of Union declaring that they must be securely locked away and not allowed to leave Scotland.[27] Robert I, James IV, James VI, Buchanan and Mackenzie may have had varying interpretations of the location of sovereignty in the Scottish constitution but they all understood the significance of those symbols of the crown-in-parliament. The ancient constitution would not be swayed by the views of commentators, even kings.

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[27] *RPS*, 1706/10/363

Figure 1: Coins from the reign of James IV, King of Scots (1473-1513, k.1488)
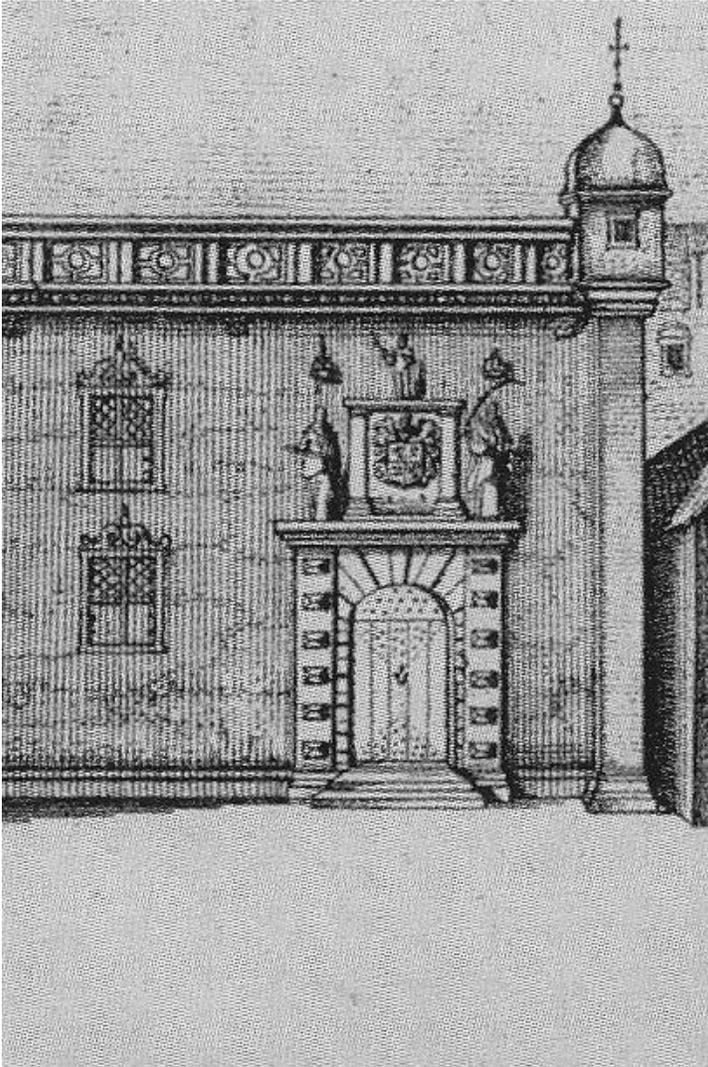
A B

C D

The gold penny agreed in 1489 has not survived but coin A shows a contemporary silver groat with the triple crown and B a contemporary English coin with the throne image. C and D show James IV's billon plack of 1512 (worth 4d) with three crowns on side C and a remarkable four on side D, emphasising the representation of imperial ideas. In other coins, James appears not to have used life-like images of himself as did his father James III but reverted instead to face-on portraits rather than the Renaissance side-on style. For Scottish coins see R.W. Cochran-Patrick, *Records of the Coinage of Scotland from the Earliest Period to the Union*, Edinburgh, Edmonston and Douglas, 1876.

Figure 2: Entrance to Parliament House of Scotland, 1639-1707

This detail of an engraving of the Parliament House shows the statues above the entrance door in the north-east corner of the chamber. It is based on a drawing taken in the 1640s by James Gordon of Rothiemay (1615-86)