

WHY DID THE SCOTTISH PARLIAMENT ACCEPT THE TREATY OF UNION?

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David McCrone's essay in *Scottish Affairs* no.50, 'A Parliament for a People: Holyrood in an Understated Nation', was a perceptive analysis. To my mind, it was marred by one sentence where he repeated a widely held, but mistaken, explanation of the acceptance of the Union by the Scottish Parliament. He says that '[Scotland] gave up its parliament at a time when democracy, as we know it, did not exist in exchange for a share in the economic and political spoils of empire, and opportunities for Scots on the make'. This idea persists because it sounds plausible, if only long after the event, and because it saves face on both the English and the Scottish sides. The English did not want to be seen as a big country bullying a smaller one and the Scots as tamely surrendering to bribery and intimidation. It is also a view which has political consequences even today. Voters are more likely to support the continuation of the Union if they can be persuaded that it was a reasonable, and even advantageous, agreement reached by free and fair negotiation. The contemporary evidence proves that was far from the truth.

Scotland in the 17th century had an unhappy experience of the loss of independence through the Union of the Crowns. Scottish foreign trade was destroyed by England's wars with Scotland's trading partners. Scotland was obliged to supply men and money to support these wars, but was left virtually defenceless with hardly any military force at home. Even Daniel Defoe, employed by the English Government as a propagandist and spy to help to

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achieve the Union, recognised the effect on Scotland of the loss of the separate monarchy. He said in his **History of the Union**:

The Scots had been very sensible of the visible decay of trade, wealth and inhabitants in their country, even from the first giving away their King to the English succession; and, as the sinking condition of their nation was plainly owing to the loss of their court, concourse of people, the disadvantages of trade, and the influence the English had over their kings; so it was plain, there was no way to recover themselves, but either better terms of Union and Alliance, or a returning back to their separate self-existing state.¹

A hope of escape from the joint monarchy arose in 1700 because of the death of the last surviving child of Queen Anne. There was now no obvious successor to the throne. The English Parliament, without consulting Scotland, offered the throne of England to the Electress of Hanover and her descendants. Scotland was therefore now free to choose a different successor.

The Scottish Parliament in 1703 passed the Act of Security, an emphatic declaration of independence. The Act provided for the appointment by the Scottish Parliament of a separate Scottish succession on the death of Queen Anne, unless conditions of Government had been settled to secure the sovereignty of the kingdom 'from English or any foreign interference'.² This would mean, in effect, the transfer of all power over Scotland from a joint monarch to the Scottish Parliament itself, as Andrew Fletcher had proposed in his 'Limitations'. When royal assent was refused in 1703, the Scottish Parliament passed the same Act again in 1704 and this time assent was granted.

This did not mean, however, that the English Government was prepared to lose the control over Scotland which the joint monarchy had given them. From their point of view, this was a matter of strategic necessity. England was engaged in a series of wars with France, the struggle to determine which of them would be the major world power. If Scotland became independent once

¹ *Daniel Defoe, Op.Cit. (London, 1786) p.74.*

² *Acts of the Parliament of Scotland, Vol.XI, pp.136-7. The Act is reprinted in pp.229-231 of my Andrew Fletcher and The Treaty of Union (Edinburgh, 1992 and 1994).*

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again, there was a possibility that it might adopt its traditional policy of alliance with France, quite apart from the loss of Scottish tax revenue and the recruitment of men for the forces. It therefore became a major concern of English policy to prevent any such possibility.

The opening move was the adoption of the Aliens Act by both Houses of the English Parliament. This proposed the appointment of Commissioners to 'treat and consult concerning the Union of the two Kingdoms' provided that the Scottish Parliament took similar action. The Scots had no objection to discussing union which was then a very general term meaning any form of agreement. It could mean, for example, an alliance or trading arrangement with Scotland retaining her Parliament and independence. There was little objection in Scotland to a Union in this sense. The first part of the Aliens Act therefore seemed to be reasonable. The second part was much more aggressive, threatening what we should now call sanctions, unless the Crown of Scotland had been settled in the same manner as England by 25 December 1705.

The English then proceeded to mount a campaign to secure the political control of Scotland which was ruthless, sophisticated and diverse. Behind it all was military intimidation. As early as 17 July 1703 the English minister, Godolphin, sent a polite but unmistakable threat of military action to the Scottish Chancellor, Seafield.³ England moved troops to the Scottish border during the debate on the Treaty in the Scottish Parliament

When the Scottish Commissioners arrived in London they found that the English refused to consider any alternative to their own proposal for the abolition and 'incorporation' of the Scottish Parliament. The Scottish Secretary of State, the Earl of Mar, reported to Edinburgh: 'You see what we are to treat is not in our choice, and that we see the inconvenience of treating an incorporating union only'.⁴ Another Scottish Commissioner, Sir John Clerk of Penicuik, made a similar comment in his **History of the Union**: 'You cannot force your will on those stronger than yourself'.⁵ Since the the

³ Godolphin, *Historical Manuscripts Commission, Report XIV, Appendix Part III*, p.198.

⁴ *State Papers and Letters Addressed to Williams Carstairs, ed. Joseph McCormick (Edinburgh 1774) pp 743-4.*

⁵ *Op.Cit. translated by Douglas Duncan, Scottish History Society volume, (Edinburgh 1993) p.162.*

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text still required ratification by the Scottish as well as the English Parliament, several provisions were included in the Treaty which were designed to appeal to the self-interest precisely of the classes represented in the Scottish Parliament. They included the repayment plus interest of investments in the Darien scheme. In addition, there was straightforward bribery to several members of the Scottish Parliament. Details of this were obtained by George Lockhart of Carnwath when he was a member of a Commission of the British Parliament in 1711.⁶

Still, approval by the Scottish Parliament was by no means certain. The Treaty was vastly unpopular in Scotland and the Parliament was the same one with the same members as that which passed the Act of Security in 1703 and 1704. Were the inducements in the Treaty sufficient to explain this *volte face* or did the freedom of trade between the United Kingdom and the Dominions promised in Article IV play a role?

It was so argued by a few at the time. Andrew Fletcher responded to the argument in **An Account of a Conversation**. He pointed out that Wales had been united to England for three or four hundred years, was closer then Scotland to the English market, had one of the best ports in the island, but still had no considerable commerce: 'A sufficient demonstration that trade is not a necessary consequence of a Union'.⁷ The Convention of Royal Burghs, which represented the trading interest, petitioned against the Treaty precisely on the grounds that it would harm Scottish trade by the imposition of English taxes 'which is a certain unsupportable burden'.⁸ They were right; the immediate effect of the Union was to depress the Scottish economy for several decades. Adam Smith in a letter of 4th April 1760 explained the reason:

the immediate effect of it was to hurt the interest of every single order of men in the country. ... Even the merchants seemed to suffer at first. The trade to the Plantations was, indeed, opened to them. But that was a trade which they knew nothing about, the trade they were acquainted with, that to France, Holland and the Baltic, was laid under new embarrassments

⁶ *The Lockhart Papers* (London 1817) Vol I pp.262-272.

⁷ Andrew Fletcher of Saltoun, *Selected Political Writings and Speeches*, ed. David Daiches, (ASLS, Edinburgh 1979) p.120

⁸ As 7, Vol I, pp.171-2

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which almost totally annihilated the two first and most important branches of it. ... No wonder if at that time all orders of men conspired in cursing a measure so hurtful to their immediate interest.⁹

Sir John Clerk of Penicuik was in a good position to judge as a key figure in the Scottish administration at the time of the Union with particular responsibility for financial and trade policy. He was at first reluctant to accept appointment as one of the Scottish Commissioners for the Union Treaty because he knew that the great majority of the Scottish people were opposed to it. He complied because his patron, Queensberry, threatened to withdraw all support from him. Perhaps for this reason, he seems to have felt a compulsion during the rest of his life to justify his part in the affair. He spent years writing a **History of the Union** in Latin. In 1730 he wrote a paper on its effects, **Observations upon the Present Circumstances of Scotland**, and in 1744 a **Testamentary Memorial** for his children and friends.¹⁰

In all of these, he frankly admits that the Union was accepted by the Scottish Parliament only because the alternative was an English invasion and 'in the end the whole country would fall under the Dominion of England by right of conquest. England wou'd never allow us to grow rich and powerful in a separate state'. For these reasons, 'the Articles were confirmed in the Parliament of Scotland contrary to the inclinations of at least three-fourth of the Kingdom.'¹¹ In his **History** he said that 'not even 1% of the people approved'.¹²

Many modern historians have recognised this blunt reality of the Union. P.W.J.Riley, who has made a very thorough study of the evidence, concludes: 'Trade considerations seem to have exerted no influence worth speaking of. ... The English would not tolerate an independent Scotland. ... The Scottish problem was to be eliminated, not aggravated.'¹³ Gordon Donaldson:

⁹ *Adam Smith Correspondence*, ed. E.C.Mossner and I.C.Ross (Glasgow 1994) p68

¹⁰ Clerk **History and Testamentary Memorial** as 5 above. **Observations** in *Scottish History Society, Miscellany X* (Edinburgh 1965)

¹¹ Clerk **Observations** (as 16 above) p.191-2

¹² Clerk **History** as 6 above, p.118

¹³ P.W.J.Riley: **The Union of England and Scotland** (Manchester, 1978) pp. 219,281,177-8.

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‘England was not going to permit a disruption of the existing union, and the scanty and ill-trained Scottish regiments could not have resisted Marlborough’s veterans’.¹⁴ Michael Lynch: ‘The need to make a decision at all depended on the threat of English invasion and English intransigence, which in 1706 rejected all forms of association other than full incorporating Union’.¹⁵

When the facts are so clear, how is it that the mistaken view that Scotland welcomed the Union for admission to the spoils of the Empire has become so firmly established that even such a fair minded and scrupulous scholar as David McCrone accepts it as a matter of undisputed fact? This view became orthodox wisdom in the 19th century at the height of the British Empire when it became politically unacceptable to question the Union by virtue of which Scotland was a participant in it. The Union had to be represented in as favourable a light as possible, Even reputable historians are as vulnerable as other people to conscious or unconscious political prejudice. We have just had a striking demonstration of this in no less a respectable monument of scholarship than the new Oxford Dictionary of National Biography. John Robertson, who teaches modern history at Oxford and has researched the life of Andrew Fletcher of Saltoun, maintains in his entry on him in the Dictionary, in contradiction to all the evidence, that he ‘was not a champion of Scottish independence’.

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¹⁴ Gordon Donaldson: *Scotland, The Shaping of a Nation* (Newton Abbot and London, 1974) p.57

¹⁵ Michael Lynch: *Scotland: A New History* (London 1991) p.315