



University
of Glasgow

A
LETTER
Concerning the
UNION!
WITH
Sir George Mackenzie's
OBSERVATIONS
AND
Sir John Nisbet's
OPINION
Upon the same Subject.

Printed in the Year 1706.

*Aiming High in
Higher Scottish History:
a Conference for
Teachers and Learners*

The Treaty of Union
Session II

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New Perspectives: Session II

- Ratification threatened by active, organised public opposition
 - Pamphlets & speeches
 - Petitions & instructions
 - Crowds, protests & armed resistance
- Ratification of treaty secured through increased management of parliament and public opinion
 - Patronage & payments of arrears
 - Pamphlets
 - Crowd control & secret agents

Research base

- Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707* (2007, now available in paperback)
- Bowie, 'Publicity, Parties and Patronage: Parliamentary Management and the Ratification of the Anglo-Scottish Union', *Scottish Historical Review*, vol 87 (supplement, 2008), 78-93. Available via www.glasgow.ac.uk/historyinschools
- Bowie, 'Popular resistance and the ratification of the Anglo-Scottish treaty of union', *Scottish Archives*, vol. 14 (2008), 10-26. Available via www.glasgow.ac.uk/historyinschools

Opposition organised but divided in aims

- Leading nobles
 - Duke of Hamilton: succession with limitations as Tory alternative
 - Duke of Atholl: stop the treaty
 - Marquis of Annandale: succession with limitations as Whig alternative
- Writers
 - Andrew Fletcher of Saltoun
 - Robert Wylie, minister of Hamilton parish
 - George Ridpath, expat Whig pamphleteer & newspaper writer
 - James Hodges, expat pamphleteer

Strategy to stop treaty with public opposition

- In Parliament & pamphlets
 - Undermine authority of parliament as voice of the nation
 - Call for recess to consult constituents
 - Use petitions and instructions to demonstrate national opposition
 - Demand new elections for more representative parliament
 - Demand meeting of General Assembly
 - Demand national assembly of freeholders
 - Failed attempts at national address & oppositional walkout
- Crowd protests
 - Angry crowds riot, march, burn articles of treaty
 - Failed attempt for armed march on Edinburgh

Parliament said to lack power to pass union

[Andrew Fletcher of Saltoun], *State of the Controversy betwixt United and Separate Parliaments* (1706)

‘in point of Right, it is plainly above the power of this Parliament to attempt any such Alteration in the Constitution; the reason is plain, Members of Parliament are but Administrators, and their Acts cannot extend beyond the Power given to them by their Constituents; which is in general, to support or amend the Constitution, either by making new Laws, or by mending old ones.’

Demands for consultation of constituents

[Robert Wylie], *A Letter concerning the Union, with Sir George Mackenzie's Observations and Sir John Nisbet's Opinion upon the same subject* (1706)

- 'the Parliament cannot find it within the compass of their power, to Ratifie any Treaty, that may import the Everting of our Constitution, and the cutting of us off from being a Nation, as well as a Church, without Consulting the whole Nation. Which may be done, by printing the Treaty for General information; and after a Recess and competent time to Advise, returning again next Session, with the fresh Sentiments & Instructions of their Constituents' (p. 4)
- Speakers in Parliament demand recess at opening in Oct.

Petitions, instructions organised to demonstrate national opposition

- Printed instructions to vote against treaty from Dumfries, Lauder, Dunfermline, Dumbarton
 - English practice urged by expat George Ridpath
- Petitions from Commission of the General Assembly (3), Convention of Royal Burghs, Company of Scotland
- Leaders agree a draft petition text & circulate to localities
 - 15 shires, 22 royal burghs, 9 towns, 3 presbyteries, 67 parishes join petitioning between November and January.
 - 79 local addresses with over 20,000 signatures in total

Petition template used by over half of petitions

To His Grace, Her Majesty's High Commissioner and [the] Right Honourable the Estates of Parliament,
the Humble Address of _____

Humbly Sheweth,

That we, undersubscribing, have seen the articles of the Union agreed upon by the commissioners nominated in behalf of Scotland, and the commissioners nominated in behalf of England, in which they have agreed that Scotland and England shall be united in one kingdom, and that the united kingdom shall be represented in one and the same Parliament. And seeing it does evidently appear to us that such an incorporating union as contained in these articles is contrary to the honour, fundamental laws and constitutions of this kingdom, Claim of Right and rights and privileges of the barons and freeholders and burrows of this kingdom and church, as by laws established, and that the same is destructive to the true interest of the nation.

Therefore, we humbly beseech your grace and Honourable Estates, and do confidently expect, that you will not allow of any such incorporating union, but that you will support and preserve entire the sovereignty and independency of this crown and kingdom, and the rights and privileges of Parliament, which have been so valiantly maintained by our heroick ancestors for the space of two thousand years, that the same may be transmitted to succeeding generations as they have been conveyed to us. And we will heartily concur with you for supporting and maintaining our sovereignty and independency and church government with our lives and fortunes, conform to the established laws of the nation.

'Scotland's Ruine': *Lockhart of Carnwath's Memoirs of the Union*, ed. D. Szechi (1995), 149.

Convention of Royal Burghs petition

- Passed by 24 to 20 in 29 October meeting
- ‘as we are not against a Honourable and safe union with England, consisting with the being of this kingdome and parliaments therof; without which we concive neither our religious nor our civil interests and trade, as we now by law enjoy them, can be secured to us and our posteritie; Farr less can we expect to have the conditione of the people of Scotland with relatione to these great concerns, made better and improven without a scots parliament;
- And seeing by the articles of union now under the consideration of the Honourable Estates of parliament, It is agreed that Scotland and England shall be united into one kingdome, and that the united kingdome be represented by one and the same parliament, by which our monarchie is supprest, our parliament extinguished, And in consequence our religione, Church governement, claim of right, lawes, liberties, trade and all that is dear to us; dayly in danger of being encroached upon, altered or wholly subverted, by the English in a Brittish parliament; wherin the mean representation allowed for Scotland can never signifie in securing to us the interests reserved by us; or granted to us by the English.

Convention of Royal Burghs petition

- And by these articles our poor people are made lyable to the English taxes which is a certain unsupportable burden, Considering that the trade proposed is uncertain, involved, and wholly precarious, Especially when regulat as to export and import by the lawes of England; and under the same prohibitions, restrictions, customes and duties, And considering that the most considerable branches of our trade are different from those of England, and are, and may be yet more discouraged by their lawes, And that all the concerns of trade and other interests, are after the union subject to such alterations, as the parliament of Brittain shall think fitt.
- Wee therfor humbly supplicat your Grace and the Honourable Estates of parliament And do assuredly expect that you will not conclude such ane incorporating union as is contained in the articles proposed: But that you will support and maintain the true reformed protestant religion and church government as by law established, The Sovereignty and independency of this croun and kingdome, and the rights and priviledges of parliament, ... And do further pray that effectual means may be used for defeating the designes and attempts of all popish pretenders whatsomever to the succession of this croun and kingdome: And for securing this natione against all the attempts and encroachments that may be made by any persons whatsomever upon the Sovereignty, religion, lawes, liberties, trade and quiet of the same: And we promise to maintain with our lives and fortunes, all those valuable things in opposition to all popish and other enemies whatsomever, according to our lawes and claim of right.

Demands for new elections

Protestation by the Duke of Athol, 7 January 1707 [RPS 1706/10/212]

- ‘since it evidently appears, not only from the many protests of the honourable and worthy members of this house, but also from the multitudes of addresses and petitions from the several parts of this kingdom, of the barons, freeholders, heritors, burghs and commons and from the commission of the general assembly, that there is a general dislike and aversion to the incorporating union as contained in these articles, and that there is not one address from any part of the kingdom in favour of this union, I do therefore further protest against concluding this and the following articles of this treaty until her majesty shall be fully informed of the inclinations of her people, that, if her majesty think fit, she may call a new parliament to have the immediate sentiments of the nation, since these articles have been made public, where it is hoped they may fall on such methods as may allay the ferment of the nation, satisfy the minds of the people, and create a good understanding between the two kingdoms by a union upon honourable, just and equal terms, which may unite them in affection and interest, the surest foundation of peace and tranquillity for both kingdoms’

Demands for meeting of General Assembly

Petition of the presbytery of Hamilton

- ‘that no Incorporating Union with England may be concluded until Her Majestie shall be pleased to call the General Assembly of this Church: Which being the National Church established by Law and founded on the nations Claim of Right hath an undoubted Right to be consulted about her own Securities, before any such Union be entered into with a Government of another Communion, where that Government is to be, in a manner, sole master of the whole Administration.’
- Asks for succession to be settled instead of union.

Demand for meeting of freeholders

[James Hodges], *The Rights and Interests of the Two British Monarchies, with a Special Respect to an United or Separate State* (1706), 69-74

- Parliament cannot resign Scotland's national sovereignty even if it were 'Impower'd by Their Constituents'
- Treaty requires 'an Unanimous Consent of all Persons Concern'd'— expressed by 'the whole Freeborn Subjects of Scotland, Conven'd in ONE Great Assembly'
 - Peers, shire electors, burgesses, and their freeborn children
 - And 'All the Freeborn Fair Sex, All the Noble Ladies, and All the Boanie Lasses, who, tho' Freed from the Trouble of Government, and Reserv'd for Better Uses, Yet have as good a Title to all the Benefits of the mention'd Fundamental National Rights, as the Men can Pretend to.'

National address to queen attempted

- Duke of Athol, Duchess of Hamilton call supporters to Edinburgh mid-December to sign national address
- Athol & Duke of Hamilton disagree on demands
 - Athol: new elections
 - Hamilton: pass succession instead
- Petitioners dispersed by ‘Proclamation discharging unwarrantable and seditious convocations and meetings’
[27 Dec, RPS 1706/10/176]

Crowd protests create incendiary atmosphere

- Angry crowds react to parliamentary votes in Edinburgh
 - 22-23 October, 15-16 November
- Trades march in Glasgow early November, followed by riots 7 November, 23 November, 2 December
- Militia mustered in Athol & Hamilton parishes, Stirling
- Articles of Union burned in Dumfries c. 20 November by armed body of extremist Presbyterians
- Articles of Union burned in Stirling 4 December

Armed march on Edinburgh attempted

- James Cunningham of Aiket offers to raise Presbyterians in arms
- George Lockhart of Carnwath: ‘whether he was sincere or not in heart is what I cannot determine, but sure I am by his actions it appeared he was, and he brought measures to such a consistency that, provided concerted measures had been kept, he had raised the Parliament with a vengeance’*
 - Lockhart, two other Jacobite MPs support plan, approach dukes of Athol & Hamilton for backing
 - Rising called off at last minute by Hamilton, but Aiket a double agent
 - Aiket’s papers reveal his fear of conquest by England; paid £100 from secret £20,000 sent from London

* Lockhart’s Memoirs of the Union, 181

Ministers raise their game to get treaty ratified

- Escalation in usual management methods: payments, patronage, troops, censorship
- New commitment to public debate, pamphlets
- Crucial concessions in treaty made

Vigorous PR campaign

- Not just Daniel Defoe, but also Scottish writers publish dozens of tracts & speeches, including:
 - William Seton of Pitmedden, MP for Aberdeenshire
 - Sir John Clerk of Penicuik, MP for Whithorn
 - William Paterson, Darien projector
 - George Mackenzie, Earl of Cromarty & Lord Clerk Register
 - Sir David Dalrymple, son of Earl of Stair
 - Sir Francis Grant, advocate, later Lord Cullen
 - John Arbuthnot, physician to the queen

Parliamentary sovereignty asserted

[George Mackenzie, earl of Cromarty], *A Friendly Return to a Letter concerning Sir George Mackenzie and Sir John Nisbet's Observation and Response, on the Matter of the Union* (1706)

- 'the Representatives of Barons and Burgesses, are not Delegates, but true integrant Parts of the Sovereign Constituted Body [body of king and parliament], on whom the Supreme Sovereign Power is (not Delegate) but Devolved.'

Obligation to obey petitions denied

Daniel Defoe, *Two Great Questions Considered* (1707)

- Obligated only to hear them
- If Parliament must obey, ‘it is no more an Address or Petition, but a Precept or Mandamus, the People signing it are no more Addressers, Petitioners or Desirers, but Directors and Preceptors, and the whole Scale of Order inverts to Democracy and Confusion.’

Escalation in crowd control measures

- Troops deployed in Edinburgh, Glasgow, sent to Ulster
- ‘Proclamation against unlawful convocations’ [29 Nov, RPS 1706/10/108]
- ‘Act against all musters’ [30 Nov, RPS 1706/10/112]
- Censorship order against print describing burning of articles at Dumfries [30 Nov, RPS 1706/10/114]
- ‘Proclamation dischargeing unwarrantable and seditious convocations and meetings’ [27 Dec, RPS 1706/10/176]

Concessions respond to petitions & crowds

- Concern for Presbyterian Church: Act securing Presbyterian Church [12 Nov, RPS 1706/10/251]
- Concern over trade regulation by British Parliament: the 'Explanations', November 1706
- Concern that union would be a humiliating conquest: Crown, sceptre & sword of state to remain in Scotland [Article 24, Act of Union, RPS 1706/10/257]

Conclusions

- Historians disagree on the significance of public debates
 - Arguments for and against union have been studied
 - Also need to consider the scale and impact of pamphlets, petitions and crowd protests on political events and outcomes
- My work argues that public debates and protest shaped events from 1699-1707
 - The monarch struggled to manage Scotland during a period of public discontent with the Union of Crowns
 - Public critique of Union of Crowns created expectations for union reform
 - Anne and the English Whigs sought to resolve both the succession crisis and the management problem with incorporating union
 - Ministers needed to increase their management efforts to overcome an active but divided opposition in 1706-07

Primary sources

In bookshops

- Stirling petition & Articles of Union with Explanations in appendix to Christopher Whatley, *Bought and Sold for English Gold? Explaining the Union of 1707* (2001 paperback)
- ‘*Scotland's Ruine*’: Lockhart of Carnwath’s *Memoirs of the Union*, ed. D. Szechi (1995)

Online

- Records of the Parliament of Scotland to 1707, www.rps.ac.uk