



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 I**

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1 December 2012

The Treaty of Union ‘mandatory content’

- Worsening relations with England
- Arguments for and against Union with England
- The passing of the Act of Union

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

Older views

- W. Ferguson (1964)
 - Ratification of treaty was a ‘political job’
 - Secret £20,000 sterling
 - Patronage, pensions and promises
 - Opposition fervent but feebly led
- P.W.J. Riley (1978)
 - Parliament unmanageable, Crown needs union
 - Union deal made by self-serving politicians
 - Pamphlet debate mere ‘window-dressing’

New Perspectives: Session I

- Public debates were meaningful and influential
- Ministers struggled to manage public opinion as well as parliament in a series of public clashes before the Union
 - Darien, 1699-1701
 - Succession & Act of Security, 1702-1704
 - *Worcester* trial & Alien Act, 1704-05
- Debate centred on the issue of Scottish independence in the Union of Crowns
 - Expressed in pamphlets, petitions & speeches
 - Demands for reform to the Union of Crowns via the succession

New Perspectives: Session II

- Ratification threatened by vigorous, 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

Public campaign in defence of Darien

- Not just an issue of lost capital
- Critique of king's refusal to back Scottish venture
- Country Party launches petitioning campaign late 1699 calling for a meeting of parliament to consider Darien
 - Petition signed by over 20,000 to William, March 1700
- Petitions from 5 shires, 3 burghs presented to May 1700 parliament demanding recognition of colony
 - Records of the Parliament of Scotland www.rps.ac.uk
 - Full text of petitions at RPS A1700/5/3
- Further petitions to William June, November 1700

Pamphlets critique Union of Crowns

The People of Scotland's Groans and Lamentable Complaints, Pour'd Out before the High Court of Parliament ([Edinburgh, 1700])

- 'The People of this Kingdom, whom you represent, have been depriv'd of the Benign Influences of our Kings these 100 years. Our Neighbours having the Political Fathers of our Country, under their Command, are so far from leaving them at Liberty to Treat us as Subjects...that they have from time to time made 'em Treat Us like Enemies; but never more than at present, as is obvious to all the World, to Our great Loss and Dishonour. ... We hope...that you will assert the Liberties of this Injur'd Nation, against the Insolence and Oppressions of Ungrateful Neighbours.'

Ministers struggle to manage Parliament

- Parliament adjourned May 1700 after just 9 days
 - 27 May: Duke of Hamilton ‘Moved that there be a resolve of parliament that our colony of Caledonia in Darien is a legal and rightful settlement in the terms of the act of parliament 1695, and that the parliament will maintain and support the same, and that there be an act brought in the next sederunt accordingly.’ [RPS 1700/5/44]
 - Riot in Edinburgh 20 June 1700 on news of a defeat of Spanish forces at Darien colony
- Opposition barely contained in 1700-01 session
 - 18 more shire & burgh petitions [RPS A1700/10/25]
 - Increased patronage deployed
 - Concessions (trade, troop reductions, *habeas corpus*)
 - Address, not act, in favour of Darien

Succession problem triggers public debate

- Death of Anne's last child in 1700: no heir
- English Act of Settlement names Sophia of Hanover with new limitations on monarchical powers*
- 1702 parliament approves union talks after duke of Hamilton leads opposition walkout, but talks fail
- Ministers seek act to regulate succession in 1703
- Country party seeks reform of Union of Crowns through conditions on the successor
 - Whigs delay settling succession to secure reforms
 - Delay suits Jacobite 'Cavaliers', creates oppositional majority

* 1700 Act of Settlement: <http://www.legislation.gov.uk/aep/Will3/12-13/2/contents>

Andrew Fletcher of Saltoun's draft act (1703)

- Envisions constitutional monarchy with powers shifted from London to Edinburgh
- 'That elections shall be made at every Michaelmas head-court for a new parliament every year'
- 'That no man have vote in parliament, but a nobleman or elected member.'
- 'That the king shall give the sanction to all laws offered by the estates'
- 'That a committee of one and thirty members...under the king, have the administration of the government'

Andrew Fletcher of Saltoun's draft act

- 'That the king without consent of parliament shall not have the power of making peace and war'
- 'That all places and offices, both civil and military, and all pensions formerly conferred by our kings, shall ever after be given by parliament'
- 'That no regiment of company of horse, foot, or dragoons be kept on foot in peace or war, but by consent of parliament'
- 'That all the fencible men of the nation, betwixt sixty and sixteen, be with all diligence armed'
- 'That if any king break in upon any of these conditions of government, he shall by the estates be declared to have forfeited the crown'.

Earl of Marchmont's draft act

Overture by way of Act Concerning the Succession to the Crown of Scotland (1703)

- Names Hanover as successor with conditions:
- Biennial parliamentary elections
- Parliament decides when to end sessions
- No crown officer to sit in parliament
- Parliament to select officers of state
- Hanoverian successor 'to Treat of, Concert and Agree upon such Terms and Conditions concerning a Free Communication of Trade, the Freedom of Navigation, and the Liberty of the Plantations' with England (p. 2)

1703 Acts to reform Union of Crowns

- Vision for renegotiated Union of Crowns (federal union)
- 1703 Act anent Peace and War [RPS 1703/5/193]
 - Parliament to approve declarations of war and treaties of peace
- 1703 Act of Security demands ‘conditions of government’ to preserve Scottish sovereignty in the Union of Crowns and a ‘communication of trade’ with England.
 - Creates Protestant militia.
 - Passed by oppositional majority
 - Refused royal assent

1704 New Party ministry backs union reform

- Promises reforms to create majority for Hanoverian succession, but can't concede enough to satisfy opposition
- Act of Security passed again 1704, without demand for communication of trade [RPS 1704/7/68]
- Given royal assent to secure supply bill.

1703/1704 pamphlets urge reform of union

[George Ridpath], *An Historical Account of the Ancient Rights and Power of the Parliament of Scotland* (1703)

- Claims that parliamentary power had been eroded by the Union of Crowns
- Urges reform via conditions on successor
- ‘there is no reason for a precipitant Settlement of the Succession without Limitations’ (p. xiii)

1703/1704 pamphlets urge reform of union

[James Hodges], *The Rights and Interests of the Two British Monarchies* (1703)

- Scottish ‘Ancient Constitution almost quite overturned’ in Union of Crowns (p. 4)
- English secured limitations on Hanoverian successor
- Scotland should too: ‘a more deliberate Asserting, settling and securing their National Rights and Liberties against future Incroachments’ (p. 6)
- Rejects incorporating union proposed by William & Anne
- Recommends a treaty on terms to maintain national interests in Union of Crowns (federal union)

Act of Security triggers English Alien Act

- English parliament debates Scottish problem in 1704-05 session
 - Security risk in open succession, reduced royal prerogative, militia
 - English pamphlets claim superiority over realm, call for invasion
- English Whig leaders accept closer union as alternative to act settling the succession
- Alien Act demands settlement of succession or act authorising union negotiations by Christmas 1705

Massive public uproar over Worcester case

- English East India ship seized at Leith Dec. 1704
- Crew convicted of piracy in Admiralty Court Feb-March
 - Rumour says they pirated a Company of Scotland ship
 - Inflames resentment over Darien
- High public interest via newspapers (Edinburgh Gazette, est. 1699; Edinburgh Courant, est. 1705), ballads and pamphlets
- English tracts assert crew's innocence, attack Admiralty verdict
 - Concurrent with debates on Alien Act, calls to invade Scotland

Scottish tracts defend Admiralty verdict

The merits of piracie, or a new song on Captain Green and his bloody crue [1705]

He deserves to be hang'd & all his Crue...

No Murther and Robbery was ever more clear

Made evident, as this as doth now appear

By their own Declaration after Sentence given...

Hanging is too little if they get their due. ...

A Pil for Pork-Eaters: Or a Scots Lancelot for an English Swelling (1705)

Heav'ns! Are we such a Servile Nation grown,
Beneath our Ancestors so vastly thrown,
That every English scribbling Tool o'late, ...
Dares thus arraign our Justice and our Laws,
And make Three Villains Lives a Nation's Cause? ...
May English for its Luxury be damn'd,
Base Epicures with Pork and Pudding cramm'd...
Ungen'rous England! At this savage rate,
Still to abuse a Free and Neighbouring State! ...
Let England Bully, but let Scotland Fight
And let another Bannockburn redress,
Too long endur'd Affronts and Grievances

Ministerial concern over negative public opinion

- Anne asks Privy Council to delay
- Seen as an infringement on the Scottish Admiralty Court
- Adds to anger over news of Alien Act
- Thousands come to Edinburgh for executions 11 April 1705
- Angry crowds attack Chancellor Seafield's coach
- Green & two crewmen executed on sands of Leith

Court party musters majority for union talks

- No hope of passing succession without conditions
- Multiple factors allow 1705 act for talks to pass:
 - Stronger ministry: Argyll allies with duke of Queensberry
 - Public interest in reform via a treaty on trade
 - Some unionism in parliament
 - Presbyterian church to be preserved in union
 - Cynical expectations that talks will fail as usual

1705 ‘Act for a treaty with England’ does not specify a complete union

- ‘The estates of parliament, considering with what earnestness the queen's majesty has recommended to them the settling of the succession to the imperial crown of this her ancient kingdom in the Protestant line failing heirs of her own body, and also to enter into a treaty with her kingdom of England as the most effectual way for extinguishing the heats and differences that are unhappily raised between the two nations, and in prosecution of her majesty's royal and just purpose of having a treaty set on foot between her two independent kingdoms of Scotland and England, without which these things of great consequence between them cannot be accommodated, therefore, her majesty, with advice and consent of the estates of parliament, does enact, statute and ordain that such persons and quorum thereof as shall be nominated and appointed by her majesty, under the great seal of this kingdom, shall have full power and commission; moreover, her majesty, with advice and consent foresaid, does hereby grant and give full power, commission and authority to the said persons and their quorum to convene and meet at such time and times and in such place and places as her majesty shall please to appoint, to treat and consult with such commissioners as shall be authorised by authority of the parliament of England, of and concerning a union of the kingdoms of Scotland and England’ [RPS 1705/6/194]

Pressure for incorporating union from London

- William sought incorporation 1689, 1700
- Anne sought incorporation since 1702
- By 1705, English Whig leaders accept incorporation as a solution to the succession crisis
- Anne nominates compliant/unionist commissioners
- Treaty talks in early 1706 produce a treaty for incorporating union with communication of trade

Was the Union a done deal in 1705?

- Historiographical debate:
 - GS Pryde (1950), Mark Goldie (1996): act for union negotiations marks shift in Scottish opinion.
 - W. Ferguson (1964): a close-run thing, not certain until end of 1706-07 session.
- New research supports Ferguson:
 - Public disputes over union question not resolved in 1705
 - Weak control of parliament not resolved in 1705
- Session II: Ratification of the treaty

Works cited

- William Ferguson, 'The making of the treaty of the Union of 1707', *Scottish Historical Review*, XLIII (1964), no. 136, pp. 89-110
- Mark Goldie, 'Divergence and union: Scotland and England, 1660-1707' in Brendan Bradshaw and John Morrill, eds, *The British Problem c.1534-1707: State Formation in the Atlantic Archipelago* (1996).
- G.S. Pryde, *The Treaty of Union of Scotland and England 1707* (1950)
- P.W.J. Riley, *The Union of England and Scotland*, (1978)