

Scotland in

AS 2021 SEES our ancient nation of Scotland edge ever closer to regaining her independence, more so now than at any time since the Union in 1707, it is interesting to reflect on the timeline of events leading up to and around the establishment of the Kingdom of Great Britain through that Union, and its aftermath. Evidenced by historical analysis and political commentary, much of it published

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in the following century, over the next few issues we'll continue to look at how and why the Union came about and whether it has ever been the benefit to Scotland claimed by its supporters. Last month, in the first part of this series, we explained 'How Scotland was manipulated towards Union with England'. This month – after a few necessary paragraphs of historical scene-setting – we'll pick up the story at the beginning of the eighteenth century and look at...

Part 2: How Scotland was forced into an unwanted Union with England

In 1603, when the Scottish king, James VI, son of Mary Queen of Scots, ascended to the English throne, thus uniting the crowns of Scotland and England, it would have been reasonable to assume that he had finally brought about what various treaties had failed to achieve over many centuries – peace between two independent nations. But to understand the events that would follow at the end of the 1600s, leading to the political Union in 1707, we need to reflect further on the royal shenanigans of previous centuries.

When Robert the Bruce forced the English king, Edward III, to sign the Treaty of Edinburgh-Northampton in 1328, as described last month, it was intended to establish a lasting peace between Scotland and England. Yet within five years the English had reneged on the agreement and Edward III invaded Scotland again. Indeed,



King James IV of Scotland married Margaret Tudor as a condition of the Treaty of Perpetual Peace. © Public Domain, via Wikimedia Commons



the Union



by Gordon Craigie

the following three centuries would see the English regularly attack Scotland until the Treaty of Perpetual Peace was signed in 1502 between James IV of Scotland and Henry VII of England. This should have settled the matter conclusively – “perpetual peace”. As part of the treaty, 30-year-old James agreed to marry Henry’s 13-year-old daughter Margaret, a marriage that would effectively enable the Union of the Crowns a century later...

However, this treaty did not live up to its rather grandiose title as, 11 years later, James declared war on England – thereby upholding Scotland’s Auld Alliance with France – as England had attacked France. After that skirmish had been settled, English aggression towards Scotland continued, including the so-called Rough Wooing between 1543 and 1551. The main reasons for this particular reign of terror appear to be twofold – the English king, Henry VIII, wanted Mary Queen of Scots to marry his son Edward and thus unite the crowns of Scotland and England, and he also wanted to ensure that France could not use Scotland as a base from which to attack England under the Auld Alliance. His “rough wooing” was ultimately unsuccessful – Mary did not marry Edward – and this particular conflict eventually needed two treaties to resolve it, the Treaty of Boulogne and the Treaty of Norham.

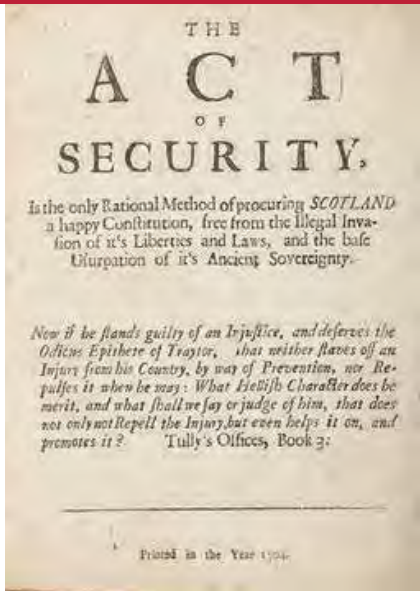
When their Queen Elizabeth – Henry VIII’s daughter – died in 1603 without an heir, the English were forced to look to the lineage established by the 1503 marriage of James IV and Margaret, which gave James VI of Scotland a legitimate claim to their throne too. And so, finally, the crowns were united. As was pointed out last month, on moving to London, James promised to return to Scotland every 3 years – he only returned once, 14 years later. This united reign of the House of Stuart would be

On his death, in 1702, Mary’s sister Anne would become the last Stuart monarch and would oversee the political machinations that led to the Treaty of Union



Queen Anne of Great Britain, the last monarch of the House of Stuart. © Public Domain, via Wikimedia Commons

interrupted twice in the 1600s – once by the English Civil War and the establishment of Oliver Cromwell’s “commonwealth”, and again after the death of Mary II, daughter of James VII, when her husband, William of Orange, succeeded her. On his death, in 1702, Mary’s sister Anne would become the last Stuart monarch and would oversee the political machinations that led to the Treaty of Union.



The Act of Security was designed to ensure Scotland continued to choose her own monarchs, and was Scotland's response to the provocative English Act of Settlement

Historian Jenny Eeles is curating an online searchable archive of Scottish history on her *Random Scottish History* website, www.rsh.scot, which boasts an impressive collection of contemporaneous accounts from the 1700s and 1800s. Jenny has provided many of the extracts quoted in this series, and she takes up the story: "In 1701, the English Parliament enacted the Act of Settlement to ensure that the line of royal succession, for England and Ireland, would remain Protestant. They decided on Sophia of Hanover as the successor to Queen Anne without any consultation with the Scots." John Spottiswoode, a prominent advocate, gave this speech to the freeholders of Berwickshire in 1702:

We cannot fancy a more deplorable state than ours has been since King James the Sixth came to the throne of England. Our nation has been despised, our interests neglected both at home and abroad – our princes and statesmen under the influence of the English, who make us partake with them of the calamities of war, but we enjoy none of the conquests, and when peace is made we are not so much as named; so that the benefit of the treaties and leagues of commerce which we had before the year 1603 are lost, and we are more enthralled by the English than if we were conquered by them.

(Aberdeen Juridical Society: Address by Sheriff Guthrie Smith, Aberdeen Free Press, 11 April 1885)

"The Scottish Parliament, in retaliation for that English Act of Settlement, then enacted the Act of Security in 1704, the aim of which was to ensure that any future heirs should be descendants of the Scottish throne. It stated that an



The Act of Settlement ensured that all future English monarchs would be Protestant. ©Torsten Bätge

English successor would only be chosen should there be no other valid choice." The English Parliament was not best pleased by this move, as exemplified by quotes such as this, from Lord Haversham:

There are two matters of all troubles, much discontent and great poverty; and whoever will now look into Scotland will find them both in that kingdom. It is certain the nobility and gentry of Scotland are as learned and as brave as any nation can boast of; and these are generally discontented. And as to the common people, they are very numerous, and very stout, but very poor. And who is the man that can answer what such a multitude, so armed, so disciplined, with such leaders may do – especially since opportunities do so much alter men from themselves!

(N. E. R., 'The Flying Squadron', Newcastle Chronicle, 28 August 1886)

In his book *The Scottish Nation*, Professor Tom Devine explains more of the detail of the Act of Security: "In addition, the Union of the Crowns would be preserved only if in the current parliamentary session 'there be such conditions of government settled and enacted as may secure ... the freedom, frequency, and the power of Parliament, and the religion, liberty and trade of the nation from English or any foreign influence'. This read like a manifesto for independence and was intended to be deliberately provocative." He concludes that this legislation, in 1703, "was the catalyst for Parliamentary Union because it convinced Westminster that Scotland could no longer be governed effectively within the Regal Union". He goes on to cite other critical factors in the English unease, such as the Scots reluctance to accept the English view of regal, Protestant, succession and the fear of French support for the Jacobite movement in Scotland.

Jenny continues: "The English Parliament responded to Scotland's Act of Security within a year by formulating the Alien Act, whereby Scots in England were to be immediately treated as foreign nationals, or aliens. Scots were to be denied the right to inherit any property on the death of English relatives, Scottish produce was banned from importation and no English exports were to cross the border into Scotland – specifically arms,

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horses, and any other potentially useful martial supplies. Queen Anne was petitioned by the English Parliament that fortifications should be reinforced and, if necessary, created at Newcastle, Tyne, Hull, and Carlisle. But the general feeling was that the only protection that might be found lay in a union of the two countries. The Alien Act, however, also contained a provision for the act to be suspended should the Scots agree to enter into negotiations to unite the parliaments..."

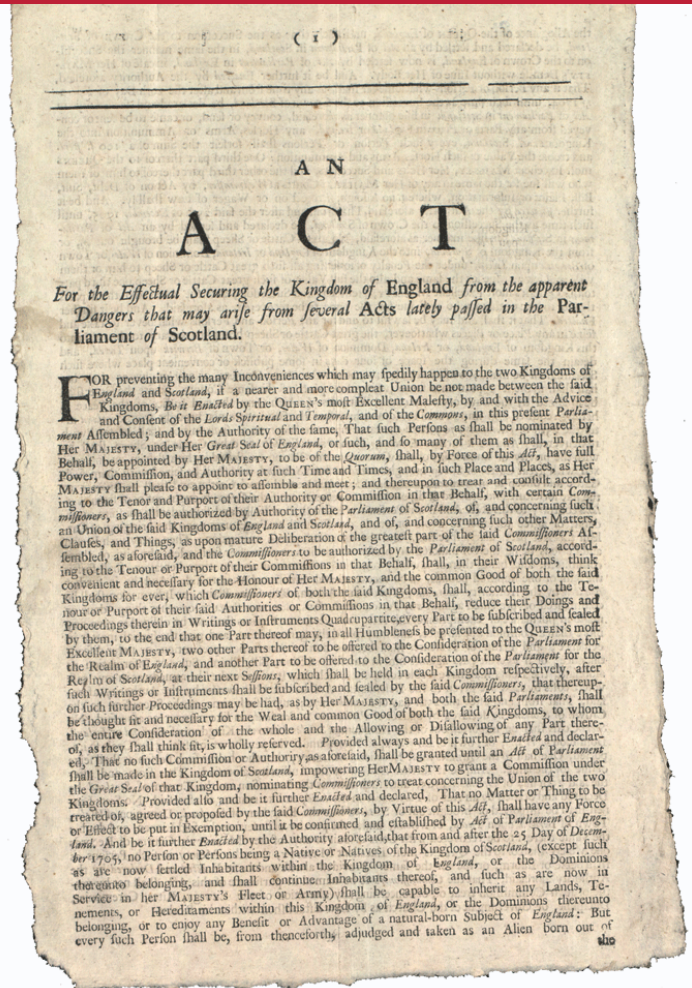
Tom Devine notes that the English fear of Scotland's relationship with France meant that, "Since the need to safeguard English national security was therefore paramount, only an 'incorporating union', which would both dissolve the Edinburgh Parliament and create a new United Kingdom legislature, was ever acceptable to English negotiators." He continues, "A joint Anglo-Scottish parliamentary commission met in the spring of 1706 and worked out a draft Treaty of Union with 25 articles to be presented to the two parliaments. At the heart of the proposal was the cardinal principle of incorporation, which was absolutely indispensable from the English perspective. Most of the Scots commissioners were hand-picked followers of [those likely to support incorporated union] ... When this central component of the treaty leaked out, however, there was widespread anger and opposition."

As is outlined on the website of the National Library of Scotland, Queen Anne had personally ensured that the Scots commissioners would agree to the English demands of an incorporating union: "In April 1706 she [Queen Anne] appointed commissioners to formally negotiate a Union of Parliaments. Scotland and England each sent 31 commissioners, mostly members of the nobility. They were hand-picked to ensure a favourable outcome for the [English] Government. Among the Scots, there was just one critical voice, that of the Jacobite George Lockhart of Carnwath." The people of Scotland were most definitely not supportive of these developments.

A protest was drawn up, by way of amendment to Article XXII, assigning Scotland her very inadequate proportion of representatives in the United Parliament. It declared that



George Lockhart was a prominent dissenting voice in the Union negotiations



The "Alien Act" was a direct threat to Scottish interests in retaliation for the Act of Security. © Crown copyright: National Records of Scotland

'the members of a legislature are mere temporary administrators of their trust, and not the owners or masters of a people. They are not entitled to bargain away the nation they represent, or make it cease to exist. Therefore, the minority entertaining these sentiments would now secede from the others, protesting against what it was designed to do, and in their secession would consider themselves the centre of a new Scottish Parliament.'

(J. Morrison Davidson, 'Home Rule for Scotland', Reynold's Newspaper, 5 August 1888)

In 1706, Scotland had a population of two millions, while that of England was really not six millions, and therefore of the 513 members which sat in the English House of Commons, we should have been allowed one-third, or about 170, instead of which it was proposed to give us only 30, a number increased at a later stage of the negotiations to 45. As regards the House of Lords, with its 500 English Peers, Scotland was to be allowed to send only 16. The hollowness of the argument that the treaty could not be legally violated was soon proved by events.

(Aberdeen Juridical Society: Address by Sheriff Guthrie Smith', Aberdeen Free Press, 11 April 1885)

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Irrespective of parliamentary or public dissension in Scotland, the Treaty of Union between Scotland and England was formally ratified in Edinburgh on 16 January 1707.

Jenny Eeles picks up the story again: "There was no desire in Scotland for this incorporating union. Scotland was not in debt, it had no loyalty to England or the English Parliament, and her people were rightly proud of their country's independence and that she had remained unconquered despite centuries of continued assaults from her southern neighbour. In fact as regards debt, the treaty states, in Article XV, that the public debts of Scotland would be paid off by the British Parliament as they were well aware the dues exacted from Scotland thereafter would more than recompense that expenditure but also because, as part of the deal, Scotland was to take on a share in the repayment of England's debt, which at the time amounted to about £20 million (almost £5 billion in today's money, according to the Bank of England's inflation calculator). Regardless of this, the treaty entered into was that of two equal entities, with Scotland's rights, laws, and institutions retained to her.

There are three methods by which a nation acquires new territory – by Conquest, Cession, or Occupation as a Colony. But neither of these influenced the compact under which Scotland became united to England. The 'two Kingdoms' entered under the Treaty of Union upon conditions of perfect equality ... Their union was not an occupation – for Scotland was already peopled by men who could maintain their rights against all comers; it was not a conquest, because England could not conquer, and because Scotland would not yield. It was Union – Union free and independent – on equal terms – with equal duties – with equal responsibilities, and with equal rights. Scotland was not more united to England than England was united to Scotland – she was neither absorbed, nor amalgamated, nor incorporated, nor annexed – any more than England was absorbed, amalgamated, incorporated, or annexed. The two were UNITED – brought together on equal terms – conjoined on a free footing. Neither laid down arms to the other, but both agreed to disarm simultaneously, and to shake hands after long hostility.

Scotland, at the period of the Union, was neither suppliant, nor in debt, nor unable to defend herself. She was free and independent, and freely and independently she agreed to unite to England for the common advantage.



The Earl of Seafield gave the Treaty of Union its royal assent while making an insulting remark, "Now there's ane end o ane auld sang"

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She agreed to merge her own government for the purpose of forming part of a greater kingdom, on condition that England should form part on the same terms. What Scotland was to do, England was to do – what England was to receive, Scotland was to receive – all in just and due proportions. They were two kingdoms united into one, to be governed by the same rule and the same parliament.

(‘Scottish Independence; Declaration of Rights’, Dublin Weekly Nation, 23 July 1853)

"Instead of the treaty and, therefore, her rights, being respected by this newly formed British Parliament, however, almost immediately this institution and those there sought almost immediately to show Scotland who was now in charge."

Many of the calamities following on the Union had much encouragement, if they did not spring, soon that haughty English nature which would not condescend to sympathise in, or even know, the peculiarities of their new fellow-countrymen... The pervading historical character of the events immediately following the Union, is, that English statesmen, had they desired to alienate Scotland, and create a premature revulsion against the Union, could not have pursued a course better adapted to such an end. The position of the countries demanded a delicate and cautious policy. Scotland had to go through the immediate perceptible evils of a departed nationality, a decaying retail trade, and increased taxation; the countervailing benefits from extended enterprise lay in the future. A paternal Government would, on such an occasion, have

England, represented as John Bull, being carried by their Welsh and Scottish "partners" – the Scots' reward for accepting the Union was to be saddled with English debt!
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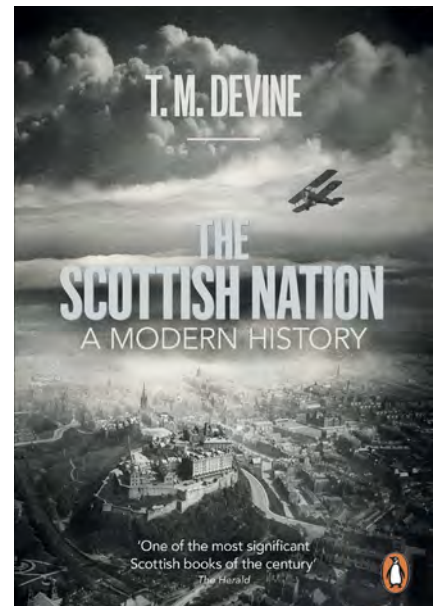


carefully avoided everything that irritated national pride or prejudices, and seemed, however slightly, to sacrifice the interests or independence of the one country to the other... But in almost every one of the changes just enumerated, the offensive act was offensively done, and the country was ever reminded that she was in the hands of ungenial and uninterested, if not hostile strangers.

(‘Burton’s History of Scotland from 1689 to 1748’,
Edinburgh Review, October 1854)

One of the famous lines from the signing of the Treaty of Union in 1707 – which should not be remembered fondly as it was not delivered with that sentiment – is attributed to the Earl of Seafield. The aforementioned George Lockhart was a contemporary of Seafield, and in the Lockhart Papers (1817), a collection of “Memoirs and Commentaries upon the Affairs of Scotland from 1702 to 1715”, he notes, “When he [Earl of Seafield], as Chancellor, signed the engrossed exemplification of the Act of Union, he returned it to the clerk, in the face of Parliament, with this despicable and contemning remark, ‘Now there’s ane end o ane auld sang’.”

In Scotland there seems to have been overwhelming popular opposition to the loss of the parliament and angry hostility to the whole idea of an ‘incorporating’ union



Perhaps there was no period in the history of Scotland when there flourished so many corrupt statesmen as in the early years of the eighteenth century, but there are some names which stand out with greater infamy than others. Among these a foremost place must be given to John Dalrymple, Earl of Stair, the contriver and executor of the massacre of Glencoe. As a Secretary of State in the last Scottish Parliament he used his eminence, influence, and patronage to destroy the liberties of his country. The Duke of Queensberry held a bad place in that inglorious work, while Lord Chancellor Seafield brutally jested over the extinction of our native Parliament, and a crowd of sycophants gladly followed in the footsteps of these daring spirits.

(C. Waddie, ‘How Scotland Lost Her Parliament’, 1891)

Tom Devine concludes: “The Anglo-Scottish Union became law on May Day 1707. England wanted it for reasons of national security, at a time when she was fighting a major war in Europe. In Scotland there seems to have been overwhelming popular opposition to the loss of the parliament and angry hostility to the whole idea of an ‘incorporating’ union.” As we head towards our fast-approaching Scottish Parliamentary election in May, and the promised second referendum on regaining our independence, is anyone else feeling a sense of déjà vu?

Next month we’ll continue with a look at how the Scottish public reacted to the signing of the Treaty, and how events unfolded in the first century of the Kingdom of Great Britain...