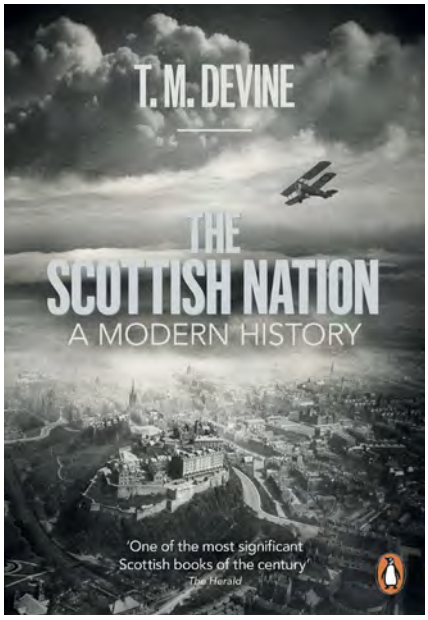
Scotland in

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 in the following century, 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 second part of this series, we explained 'How Scotland was forced into an unwanted Union with England'. This month, we'll pick up the story with how the Scottish public reacted to the signing of the Treaty and look at how events unfolded in the first century of the Kingdom of Great Britain...



Not all burghs and counties sent in petitions, but those that did were virtually all vehemently anti-Union in content

Part 3: The First Century of the Union

It is well documented that the 1707 Treaty of Union was not wanted, or welcomed, by the people of Scotland. In his book, *The Scottish Nation*, Tom Devine notes: "... when the Scottish parliament met in October 1706 at the start of the historic session to debate the draft articles of union, it is plain that opposition had not subsided. Not all burghs and counties sent in petitions, but those that did were virtually all vehemently anti-Union in content." He goes on to describe Presbyterian ministers – highly influential figures – as "vigorously condemning the proposed Union" and cites the Clerk of Penicuik as lamenting "the yawning gap which he perceived between the parliament and the people on the issue" and his observation that "not even one per cent [of the people] approved of what [the parliament] was doing". That "one per cent" approval tallies with the verdict of the English spy Daniel Defoe, who reported back to his masters in London that "for every Scot in favour there are 99 against"!

Devine describes examples of how the people demonstrated their discontent, in addition to publicly cheering politicians who were against the Union and attacking those in favour. "... anti-Union demonstrations were common in the capital ... the Glasgow mob rose against unionist sympathisers in disturbances which lasted intermittently for over a month, while in the burgh of Dumfries the proposed Articles of Union were ritually burnt before an angry gathering of several thousand townspeople." Despite this widespread popular

the Union

by Gordon Craigie

opposition, enough of the politicians were coerced, cajoled and bribed into accepting the treaty and duly voted it through by 106 to 69 in January 1707.

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. Many of the extracts quoted in this series are taken from Jenny's archive, and she notes: "It took the new British parliament only one year to begin nullifying the supposedly protected (by article XIX) Scottish institutions. The first to be affected, in 1708, was Scotland's Privy Council. It was abolished by an act, 'for rendering the Union of the two kingdoms more complete', which created one Privy Council for Great Britain as a whole."

Tom Devine recognises the seriousness of this action: "The end of the Privy Council was a key development because it gravely weakened the ability of government in Scotland to respond vigorously and decisively in crisis situations. The vacuum which it left at the centre of power could only give further comfort to the Jacobites ... the continuing Jacobite threat [to the Union] was always more menacing in Scotland than in England ... Jacobites were implacably opposed to the Union since they viewed it – correctly – as a means of buttressing and perpetuating the Revolution of 1688–89 and so ensuring that the Stuarts would never again return to their rightful inheritance ... James Stuart [James VIII], the exiled 'Old Pretender', in his *Declaration to the Scots Nation* had promised, [among other things], the restoration of the Scottish parliament in a deliberate attempt to attract the support of those disenchanted with the Union settlement." In 1708, in what became known as the First Jacobite Rising, James set sail from exile in France with 6,000 French troops and 30 French navy ships to join with his Scottish supporters and reclaim his position as King of Scots. A combination of bad luck, bad weather and the intervention of the British (English) navy prevented him from landing in Scotland and he was forced to return to France. Also during 1708, the Earl of Mar is said to have outlined the popular mood in Scotland to Queen Anne: "I think myself obliged in duty to tell your Majesty that so far as I understand, the inclination and temper of the generality of this country is still as dissatisfied with the Union as ever and seem mightily sowr'd."

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Jacobite broadswords bore the inscription: "Prosperity to Scotland and no Union"
© National Museums Scotland

James VIII, the Old Pretender

There were other inflammatory British acts to follow – Devine records how, in 1710, Westminster introduced measures "cutting down the privileges of the Church of Scotland enshrined in the Treaty of Union ... followed in 1712 by two more provocative measures, the Toleration Act and the Patronage Act ... the legislation of 1712 raised the issue of the nature of 1707 and the extent to which the treaty was an inviolate, fundamental law or subject to change at the whim of the sovereign legislature in Westminster". But it was to be the issue of taxation which would prove to be the most troublesome...

The introduction of a new tax regime, covering essential commodities including linen, soap, salt, beer and, most controversially, malt. In 1713, in direct contravention of the provisions of the Treaty of Union, Westminster voted to apply the malt tax in Scotland. Jenny Eeles notes a report in the *Aberdeen Free Press* from 1885 in which Sheriff Guthrie Smith describes the imposition of this malt tax as being "in the direct teeth of an Article of Union expressly prohibiting it", and explains: "This led to Lords Seafield and Findlater taking it upon themselves to attempt to repeal the Treaty of Union in Westminster – an action which only failed by the slender majority of four proxy votes." The proxies were necessary as the parliament vote had been split 54–54. It should be noted, however, that the majority of Scottish parliamentarians voted in favour of dissolving the Union. Not for the first time, or the last, this was not to have been an entirely fair contest.

Robert Harley – "Have we not bought Scotland?"

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As regards stamp duties, window tax, coals, and malt, Scotland was exempted from the English taxation only during the currency of the existing English imposts, all of which expired at latest in 1710. Thereafter, no mercy was shown to the poorer country. The Land Tax remained as it had been, but all other taxes were imposed without regard to the comparative poverty of Scotland. It was invaded by an army of English excisemen – the 'Gaugers' – against whom the Scotch fisherfolk and illicit distillers waged ruthless war for more than a century. The imposition, after the war, of a duty on the inferior malt of Scotland, the same as that on the richer malt of England, was one of the four chief grievances which induced Lords Findlater and Seafield, supported by the Duke of Argyll – two of the Scottish statesmen who had done most to bring about the Union – to introduce a motion for its repeal six years afterwards, which was only defeated in the House of Lords by a majority of four.

It was not only the severity of the measures, but the manners of the men who introduced them, that added gall to the bitterness of the cup which the Scottish members had to drink at Westminster. Most of them had supported the Union to gratify their own ambition or avarice, but the English statesmen by whom they had been suborned showed little consideration for their tools. A tax upon linen cloth, the staple commodity of Scotland, having been proposed in the House of Commons, was resisted by Mr. Baillie of Jerviswood and other Scottish members, favourers of the Union, until Mr. Harley, who had been Secretary of State during the Treaty, stood up and cut short the debate, by saying: 'Have we not bought the Scots, and did we not acquire a right to tax them? Or for what other purpose did we give the equivalent?' Lockhart of Carnwath arose in reply and said, he was glad to hear it plainly acknowledged that the Union had been a matter of bargain, and that Scotland had been bought and sold on that memorable occasion; but he was surprised to hear so great a manager in the traffic name the equivalent as the price, since, the revenue of Scotland itself being burdened in relief of that sum, no price had been in fact paid but what must ultimately be discharged by Scotland from her own funds.

(H. Gow, 'Home Rule for Scotland Financial Grievances', Scots Magazine, 1 March 1891)

The idea appears to have occurred six years after the Union had taken place, when the Earl of Findlater moved in the United Parliament a bill for its repeal. His lordship, on the 1st of June 1713, introduced his motion by a speech representing the grievances of the Scotch nation, and concluded by moving, 'That leave be given to bring in a bill for dissolving the said Union, and securing the Protestant succession to the House of Hanover, the Queen's prerogative in both kingdoms, and preserving the entire unity and good correspondence between the two kingdoms.' After an interesting and animated debate, Lord Findlater's motion was supported by 54 peers, and

opposed by 54; there were 17 proxies for the negative, and only 13 for the affirmative; so that the motion was defeated by the small majority of four peers.

(W. J. O'Neill Daunt, 'Home Rule - The Scotch Union - Letter from Mr. Daunt', Dublin Weekly Nation, 25 November 1871)

An attempt was made by some Scotch peers shortly after the Union to have their Union also repealed, and it was curious to compare the two attempts – that of the Earl of Findlater, and that of the hon. and learned member. That peer moved the repeal of the Union in 1713, on the ground that Scotland was more taxed than she ought to be. The hon. and learned member moved the repeal because Ireland had made a bad bargain, and the Earl of Findlater moved the repeal of the Union with Scotland because England had violated the bargain. What did the Duke of Argyll say on the occasion? There are his words: 'If the Union is not dissolved no property would be left in the country, and Scotland would be the most miserable country on earth.'

(London Evening Standard, 24 April 1834)

Tom Devine explains: "To the Scots this was the climax of a whole stream of provocative actions which threatened to break the Union ... what was remarkable was the unanimity of all parties on such a fundamental issue, a very rare occurrence indeed in the faction-ridden world of Scottish politics". After noting the narrow defeat by a mere four proxy votes, he continues: "The outcome demonstrated not only the disillusion of the Scottish nobility but also the fact that there was little enthusiasm in England for the Union either. This alienation helped to feed the next great Jacobite rising..."

Politics of the time was never far removed from issues of monarchy or religion, or both, as we have already seen. In 1715, the Earl of Mar raised around 10,000 men in support of the restoration of James VIII to the throne and the Jacobites took control of most of Scotland north of the Forth. Devine continues: "From a Jacobite perspective, the prospect for the rising of 1715 was bright indeed. But when Mar ... failed to defeat the numerically inferior forces of the Crown at the inconclusive battle of Sheriffmuir ... the Jacobites completely lost the initiative ... So confident had [they] been of success that James himself had landed at Peterhead in December 1715 ... His triumphal entry into Dundee and then Perth was intended to be the prelude to a coronation at Scone. Instead, he soon had to beat a hasty retreat from Scotland via the port of Montrose."

At subsequent dates, many Scotchmen took up arms to restore the House of Stuart, much more from a belief that their restoration would be followed or accompanied by the restoration of the Scotch Parliament than from love of the fallen dynasty. The insurrections of 1715 and 1745 were, to a great extent, attempts to Repeal the Union by force of arms. Thus the Union had its share in producing the horrors of civil war.

(W. J. O'Neill Daunt, 'Home Rule – The Scotch Union – Letter from Mr. Daunt', Dublin Weekly Nation, 25 November 1871)

The British response to the failed rising was swift, and in 1716 the first of the retributive acts was passed, *An Act for more effectual securing the Peace of the Highlands in Scotland*, and when this proved largely ineffectual it was strengthened in 1725 with *An Act for the more effectual Disarming the Highlands in that Part of Great Britain called Scotland; and for the better securing the Peace and Quiet of that Part of the Kingdom.*

Jenny Eeles continues, "As stated in the titles of these acts, Scotsmen were disarmed, with the exception of those of a higher than ordinary rank, of course. This meant that, in a period of our history where every man, in every other country was able to bear arms and defend himself, Scots were at a sudden and palpable disadvantage. It was done out of fear by English statesmen of what they knew, from experience, Scots were capable of but this had the effect of also making Scotland defenceless against attack."

Wade's military roads were used eventually but not for the purposes intended by the builders

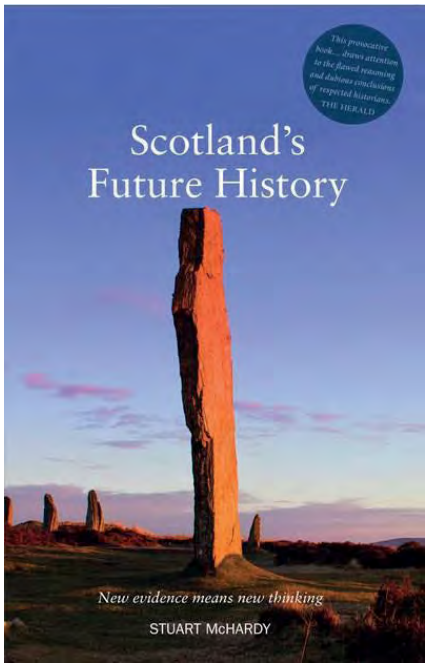
Charles Edward Stuart, the Young Pretender

There would be another abortive Jacobite rising in 1719, this time supported by Spain, resulting in the capture of Eilean Donan Castle and the subsequent Battle of Glenshiel in which the British prevailed. According to Tom Devine it was this rising that was the catalyst for the Disarming Act of 1725, and subsequently, between 1725 and 1740, "General George Wade built 250 miles of roads and bridges to facilitate the movement of government troops throughout the Highland region. The routes were also designed to link the fortresses of Fort William, Fort Augustus, Bernera and Ruthven, which were to be the government's eyes and ears in Jacobite districts ... Wade's military roads were used eventually – but not for the purposes intended by the builders. The Young Pretender's Highland army force-marched across them in 1745 in order to speed their lightning descent into the Lowlands." The story of the 1745 Rising and the events surrounding the Battle of Culloden in 1746 is for another day, but clearly the impact on life in Scotland was profound...

In a letter to Lord Islay, Walpole discloses what was the intention of the Government with respect to the management of Scottish affairs. 'It may not be improper,' he says, 'to

acquaint you that the scheme is to put an end to the office of Scotch Secretary,' and accordingly, although it was revived for a time in the person of Lord Selkirk in the year 1731, the office finally disappeared in 1746 with the resignation of Lord Tweeddale along with the rest of the Granville Cabinet. When the Pelham Ministry was formed it appears at one time to have been intended to appoint the Duke of Argyle as Secretary; but the Duke of Cumberland, who since his successful suppression of the rebellion on the field of Culloden was allowed an authority in Scottish affairs out of all proportion to his abilities, and for which the disturbed state of the Highlands was the only excuse, gave his voice against it.

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



Scots were forbidden by the British state the means to defend themselves and also forbidden to dress in their traditional clothing

The Lyon in Mourning by Robert Forbes © The National Library of Scotland

British state retribution following Culloden was both swift and decisive. Only a few months after the battle, in August 1746, an *Act of Proscription* was introduced, confirming the earlier *Disarming Act* of 1725 but specifying more severe penalties. *The Act of Proscription* also included a *Dress Act*, banning the wearing of "highland clothing", and this attempt to eradicate aspects of traditional highland life was swiftly followed by another, more comprehensive, amendment:

An Act to amend and enforce so much of an Act made in the Nineteenth Year of His Majesty's Reign, as relates to the more effectual disarming the Highlands in Scotland; and restraining the Use of the Highland Dress, and to Masters and Teachers of private Schools and Chaplains; and to explain a Clause in another Act made in the same Year, relating to Letters of Orders of Episcopal Ministers in Scotland; and to oblige Persons allowed to carry Arms, and the Directors of the Banks there, and certain Persons belonging to, or practising in the Courts of Session and Justiciary, to take the Oaths; and to repeal some Clauses in an Act made in the First Year of the Reign of His late Majesty King George the First, whereby certain Encouragements are given to Landlords and Tenants in Scotland, who should continue in their Duty and Loyalty to His said late Majesty; and for other Purposes therein mentioned.

(George II, 21st Year, Chapter 26, 1747)

A nineteenth century commentator summed up the effect of this collection of punitive Acts:

The arms forbidden by the first of these Acts, and therefore commonly worn at that time, are 'broadsword or target, poignard, whinger or durk, side pistol, gun, or other warlike weapon.'

Section 17 of the 19th George II. provides for the dress. After the 1st of August 1747 it was unlawful for civilians, 'on any pretence whatsoever, to wear or put on the clothes commonly called Highland Clothes, that is to say, the plaid, philibeg or little kilt, trowse, shoulder belts, or any part whatsoever of what peculiarly belongs to the Highland Garb; and that no Tartan or party-coloured Plaid, or Stuff, shall be used for Greatcoats or for upper Coats.' The penalty was, for a first offence, six months' imprisonment; and seven years' transportation for a second offence.

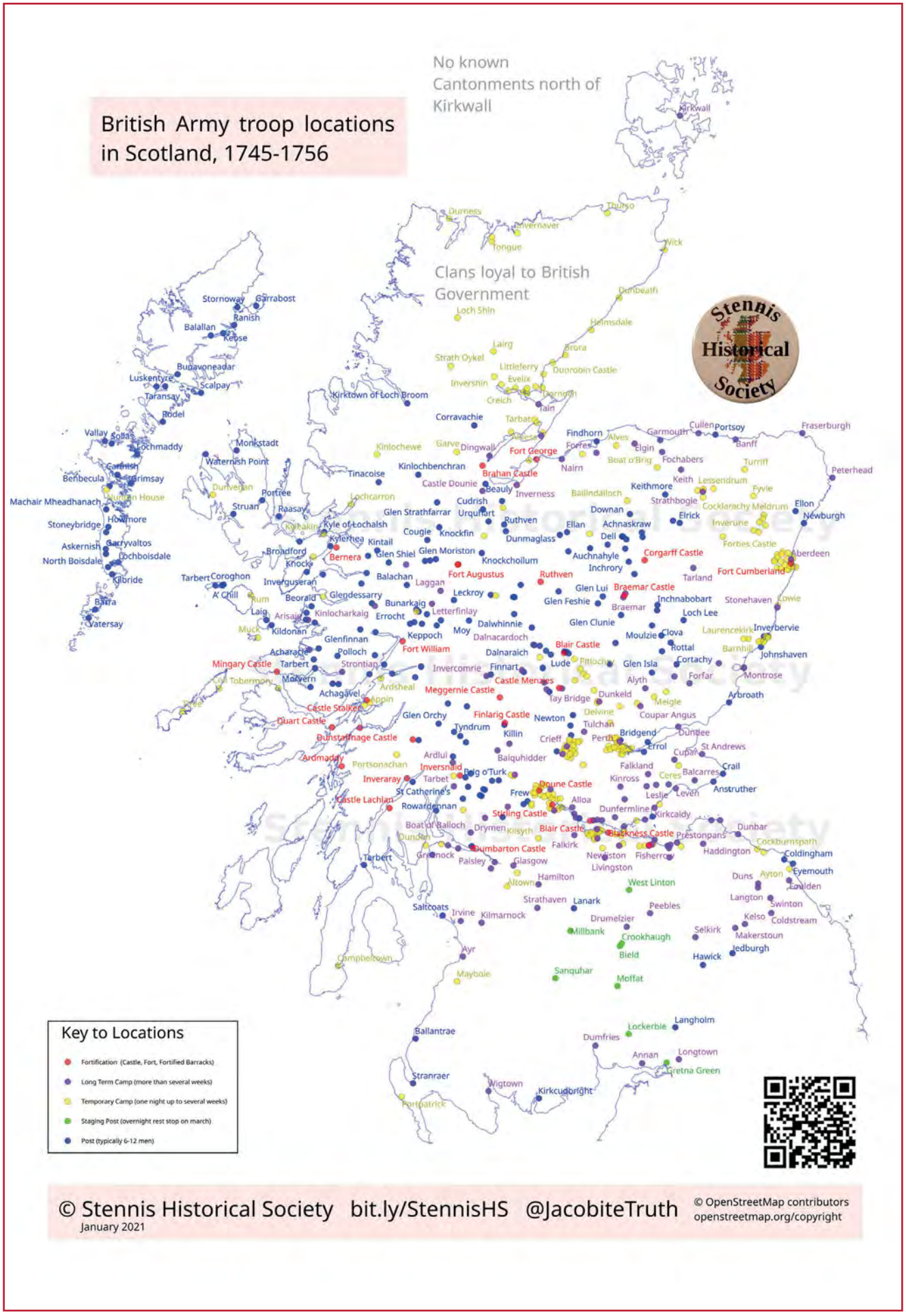
As no provision was made for clothing those whom the legislature thus stripped, as the climate is severe and unfit for the cultivation of figs, and the people were poor; and as loyal districts were included, this might be called, 'the Act for the un-civilisation of the Highlands, and the profit of cloth workers.'

(J. F. Campbell, Popular Tales of the West Highlands, 1893)

So, Scots were forbidden by the British state the means to defend themselves and also forbidden to dress in their traditional clothing. The extent to which Scotland was an occupied nation by the second half of the 1700s is best illustrated by the painstakingly detailed map of British Army troop locations in Scotland (1745–56), produced by the Stennis Historical Society, shown on the facing page.

Stuart McHardy, in his excellent book *Scotland's Future History*, refers to a contemporary account of the aftermath of Culloden, *The Lyon in Mourning* by Robert Forbes, which "delineates the ethnic cleansing of the Scottish Highlands by the British Army" based on eyewitness accounts. McHardy concludes that, "The portrayal of the '45 as being essentially a campaign by Gaelic-speaking Highlanders is simplistic, inaccurate and quite deliberate ... That the ongoing existence of clan society, even as it was undergoing fundamental change, presented an almost

A map showing the extent of the British Army occupation of Scotland after Culloden © Stennis Historical Society



Leading figures of the Scottish Enlightenment © Edinburgh World Heritage

permanent threat to centralised government, in Edinburgh or London, cannot be doubted." He goes on to describe the British Army, and the British state, attitude towards Scots in the aftermath as "virtually racist", observing "The hugely unpopular Union had been driven through in the face of popular opposition less than 40 years earlier, and in the overtly racist attitudes shown in so many of the situation reports we can see that the United Kingdom was in reality anything but united. The portrayal of Scots in the cartoons of English newspapers during this period was particularly nasty..." *Plus ça change*!

By 1782 the British establishment clearly felt that the people in "that part of Great Britain called Scotland" had been sufficiently chastised and the *Act of Proscription* was partially repealed:

> *An Act to repeal so much of an Act, made in the Nineteenth Year of King George the Second, (for the more effectual disarming the Highlands in Scotland, and for the other Purposes therein mentioned), as restrains the Use of the Highland Dress.*
>
> *(George III, 21st Year, Chapter 63, 1782)*

However, if the British thought that the rebellious Scots had finally been ground into submission then they just hadn't been paying attention. As Tom Devine argues, "From the 1730s ... Scotland was in the process of achieving an international reputation for wide-ranging intellectual inquiry in fields as varied as philosophy, history, science, law and medicine." This was the period which came to be known as the Scottish Enlightenment, and the fact it happened during a period of almost perpetual political, religious, monarchical and military turmoil, at the hands of the English, makes it all the more remarkable. Most readers will probably be aware of the great thinkers of the time – Adam Smith in economics, and David Hume in philosophy, would be only two examples – but Devine is certain there was a greater and more widespread significance of the period: "... the Scottish Enlightenment was much more than a period of unparalleled creativity by a small number of 'great men' whose work collectively made vital contributions to the philosophical thought and scientific progress of the western world. Also central to it was the fundamental belief in the importance of reason, the rejection of that authority which could not be justified by reason and the ability through the use of reason to change both the human and the natural world for the better." Importantly, he also notes that "Enlightenment ideas were not confined to geniuses such as Hume and a small circle of well-known thinkers, but were also widely diffused throughout the ranks of the educated classes in Scotland. They were described, analysed, questioned and refuted in pamphlets and journals ... in the contemporary press, in sermons and surveys ... [and] it was this broad dissemination which ensured the social acceptance of basic ideas that might otherwise have remained arcane, remote and abstract." Is this the reason why Scotland refused to become "North Britain" or "that part of Great Britain called Scotland" and why, despite British state brutality and determination to extinguish Scottish culture, dress, traditions, even language, we Scots still retained our sense of self and of nationhood? What was Lord Harley's arrogantly rhetorical question again, "Have we not bought the Scots?" Aye, right!

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Next month we'll continue with a look at how the entry of Ireland into the Union affected Scots' attitudes to their governance, and how events unfolded moving through the first century of the Kingdom of Great Britain and Ireland...