

A REPLY TO CHRISTOPHER WHATLEY

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Christopher Whatley's review in No.58 of **Scottish Affairs** of my book, **The Union of 1707: Why and How** (Saltire Society) is part of his campaign to prove the incredible. Not so much in his recent book, **The Scots and the Union**, as in his articles and interviews since its publication, he has been trying to convince us that the reason why a majority in the Scottish Parliament agreed to ratify the Treaty of Union was that they genuinely believed that it was a good idea. If this were true it would save the reputation of both the Scottish and English politicians of the time. The trouble is that it ignores the great volume of reliable evidence to the contrary.

In consequence of the Union of the Crowns of 1603 the Monarch now of both countries lived in London. It was part of the Royal prerogative of the time that he (or she) made all Government appointments, and they included the ministers (to use the modern word) who were in charge of the Scottish Government. Normally the appointments were in fact made by the English Government and they naturally chose men who were prepared to support English policy. This had disastrous consequences for Scotland. Even the English propagandist Daniel Defoe said that the 'sinking condition of the nation of Scotland was 'plainly owning' to the 'giving away their king to the English succession'.¹

Whatley emphasises the role of some members of the Scottish Parliament who were in favour of a complete union with England since 1689. All of them were among the group of lords who were accustomed to looking to London for government appointments, payment and instruction. As he says in his recent book, *The Scots and the Union*: 'few Scots nobles could have any doubt that the path to power and fortune lay south at the English court'.² They were

¹ Daniel Defoe, *History of the Union between England and Scotland*, (London, 1786), p.74.

² Christopher Whatley, *The Scots and the Union* (Edinburgh, 2006), p.89.

Scottish Affairs

vulnerable to this temptation because there were few alternative means of earning money that were open to them. Andrew Fletcher made the point in a speech in the Scottish Parliament in 1703:

So long as Scotsmen must go to the English court to obtain offices of trust or profit in this kingdom, these offices will always be managed with regard to the court and interest of England, though to the betraying of the interest of this nation, whenever it comes in competition with that of England. And what less can be expected, unless we resolve to expect miracles, and that greedy, ambitious and for the most part necessitous men, involved in great debts, burdened with great families, and having great titles to support, will lay down their places, rather than comply with an English interest in obedience to the prince's commands? ... We all know that this is the cause of our poverty, misery and dependence.³

This was the most persistent and potent form of 'English gold' with which Scotland was 'bought and sold'.

The so-called 'Glorious Revolution' of 1688-9 gave greater freedom to the Parliaments of both Scotland and England by recognising their right to discuss any subject they chose, but legislation still required royal assent. The Scottish Parliament took advantage of this in 1695 by passing an Act to establish a Scottish Company for trade with Africa and the Indies. This alarmed trading interests in London who were afraid that it might lead to Scottish competition with the English East India Company. Both the Lords and the Commons presented an address to the king protesting against 'the great prejudice, inconvenience and mischief' that might result to English trade from the Scottish Act. William replied: 'I have been ill served in Scotland, but hope that some remedies may be found to prevent the inconveniences which may arise from this Act'.⁴ As King of Scots, William had given assent to the Scottish Act; as King of England he did his best to sabotage it. This included the successful frustration of Scottish efforts to raise capital for the company in London, Amsterdam and Hamburg. In a great surge of patriotic endeavour the capital

³ Andrew Fletcher of Saltoun, *Selected Writings*, edited by David Daiches (Edinburgh, 1979) pp.70-72.

⁴ Hume Brown, *History of Scotland* (Cambridge, 1909), Vol.III, p.30.

A Reply to Christopher Whatley

was raised in Scotland alone, many individuals and institutions risking all the cash that they could lay their hands on.

Partly because of English sensitivity about trade with Africa and Asia, and partly because of the persuasiveness of William Paterson, the Scottish Company was diverted to found a settlement in Darien. This was a catastrophic failure, because the venture was ill conceived and inadequately prepared, but also because of English opposition. The Scottish investments became worthless. This experience increased Scottish distrust of England and convinced them that England was more likely to resist than support Scottish attempts to develop their economy. It also gave England the opportunity for a new form of bribery, by offering (or appearing to offer) compensation to the shareholders. It was in this respect that the Darien disaster led to the Treaty of Union.

Almost immediately after Darien, the Scottish Parliament was presented with an opportunity to escape from the Union of the Crowns. With the death of the last of Queen Anne's children in 1700, there was no obvious and automatic heir to the throne. The English Parliament, without consulting Scotland, offered the succession in 1702 to the Electress of Hanover and her descendants. The Scottish Parliament called in 1703, and which continued in office until 1707, drew up the Act of Succession. This provided for the nomination by the Scottish Parliament of a Successor to the Scottish Throne on the death of Queen Anne. This would not be the same as the English Successor, unless such conditions of government had been enacted which would guarantee the independence of Scotland from 'English or any foreign interference'.⁵ The Government ministers (appointed of course by London) were powerless to resist the determination of the parliamentary majority. They proposed a clause about freedom of trade with the Plantations (that is with the English colonies), presumably as an alternative condition, but the majority simply added it to the Act. Royal assent was withheld in 1703, but granted in 1704 after the Scottish Parliament had passed the same Act again. The text approved by the Queen omitted the clause about free trade; but this aroused no comment because the issue of colonial trade was not a major concern at the time.

⁵ *The full text of the Act is an Appendix in my book **Andrew Fletcher and the Treaty of Union** (Edinburgh, 1992 and 1994), pp.229-231.*

Scottish Affairs

The English Government was not prepared to tolerate a revival of Scottish independence. Apart from the risk that an independent Scottish Parliament might undertake measures which might compete with English trade, an even more serious matter was the possible effects on England in its long series of wars with France. An independent Scotland might be tempted to revive her historical alliance with France, perhaps in association with French support of the restoration of the Stuart monarchy. Accordingly, as soon as the intentions of the Scottish Parliament in 1703 became clear, the English Lord Treasurer (Prime Minister in modern terms), Godolphin, set a very clear and menacing threat to the Scottish Chancellor, Seafield:

England is now in war with France; if Scotland were in peace, consequently at liberty to trade with France, would not that immediately necessitate a war betwixt England and Scotland?

Godolphin's letter went on to say that in the past, the advantages of these breaches has not often been on the side of Scotland, and England had gradually increased in power and wealth since those times. Scotland might be sorry if it did not take the present opportunity for a speedy union between the two nations.⁶ In his book Whatley does not mention this letter, although he does say, 'the brutal truth remained that England was probably in a position, if need be, to impose her will on her reluctant partner by force'.⁷

The Royal assent to the Scottish Act of Security, in 1704, presumably meant that the English Government had decided on its tactics. In 1705 the Commons passed an 'Act for the effectual securing the Kingdom of England from the apparent dangers that may arise from several acts lately passed by the Parliament of Scotland', which for brevity is usually called the Aliens Act. Unless Scotland had accepted the same Succession to the throne as England by 25 December 1705 all Scots (except those in the forces or already resident in England) would be treated in England as aliens and incapable of inheriting property. Also from the same date the import of the main items of Scottish trade would be prohibited. The same Act also proposed that both countries should appoint commissioners to 'treat and consult concerning the Union of the two Kingdoms'.

⁶ *HMC Report XIV. Appendix, part.III, p.198 (Reprinted in my book **The Union of 1707: Why and How**, pp.33-34.*

⁷ *As footnote 2, p.217.*

A Reply to Christopher Whatley

It was over the appointment of the Scottish commissioners that the English tactic of diverse means of bribery had its most dramatic and effective success. Late one evening when most of his supporters had left the Chamber, the Duke of Hamilton, the leader of the opposition, suddenly proposed that the appointment of the Scottish commissioners should be left to the Queen. Seafield, seized the chance and it was so decided. This meant, of course, that both teams would now be chosen by the English Government and there was no possibility of a genuine negotiation. It was for this reason that the English historian, G.M.Trevelyan, said of the Union that Hamilton was 'the instrument under Heaven of its almost miraculous passage'.⁸

Three times in the following year, at crucial points in the debate on the Treaty of Union in the Scottish Parliament, Hamilton again sabotaged his own side. Whatley says in **The Scots and the Union**, somewhat inconsistently with the line for which he is now arguing, that he had 'been bought off by English ministers'.⁹ Strangely enough, Hamilton's prestige and ability as an advocate of Scottish independence were so great that he was able to retain the loyalty of his supporters almost to the end of the Union debate.

The discussions in London lasted from 16 April to 23 July, if discussions is the right word since the two teams hardly met, even, as one of the Scottish participants said, to drink a glass of wine together. At the beginning the English side tabled a draft for an 'Incorporating Union', which meant the abolition of the Scottish Parliament but the continuation of the English one with the addition of a few Scottish members to both Houses. The Scots proposed an alternative under which the Scottish Parliament would continue with the acceptance of the same Successor to the throne as England. The English declined to discuss any proposal but their own. The Scots seem to have accepted this tamely. As the Scottish Secretary of State, the Earl of Mar, reported to Edinburgh, 'what we are to treat of is not in our choice'.¹⁰ John Clerk, another leading member of the Scottish team, afterwards said in his

⁸ G.M.Trevelyan, *England Under Queen Anne* (London, 1932) Vol.II, pp.224-5.

⁹ As footnote 2, p.48.

¹⁰ *State Papers and Letters Addressed to William Carstares*, edited by Joseph McCormick (Edinburgh 1794) pp.743-4.

History of the Union: 'Youn

A Reply to Christopher Whatley

had permanently lost all the money that they had scraped together to invest in the Company.

With the wisdom of hindsight it is often suggested that the Scots must have been influenced by the article providing for freedom of trade and navigation between any port in Great Britain and the Dominions and Plantations. This was of benefit to Scots several decades later but the Scots at the time of the Treaty were much more concerned about their traditional trade with France, the Low Countries and Scandinavia. In my book I quoted a letter from Adam Smith to this effect. Somewhat surprisingly, Whatley in his review questions Smith's understanding of the Scottish economy in the 18th Century (who is better, I wonder). But, of course, Smith was not alone in making this point. Take Daniel Defoe, for example. He made an extensive visit to Scotland about twenty years after 1707. As an enthusiastic propagandist for the Union he was naturally anxious to find that it had brought benefits to Scotland. He was disappointed and he was honest enough to admit it. Scotland, he writes, was 'before considered as a nation, now she appears no more but as a province'. He had hoped to find some increase in trade after the Union, but 'this is not the case, but rather the contrary'. He finds that 'the common people all over this country, not only are poor, but look poor. ... The Union opens the door to all English manufactures and suppresses their own'.¹³ John Clerk had responsibility for economic and financial matters in the Scottish administration, but when he wrote an essay about the Union in 1730 he did not claim that it had benefited the Scottish economy.

It was not only over the Equivalent that a promise was made before the Union which was not kept afterwards. The Squadrone Volante were a group of Border lords and lairds who had played a prominent part in the assertion of Scottish independence in the sessions of the Parliament in 1703 and 1704. In 1706 they changed their position and voted for the Treaty. Whatley has described this (for instance in an article in the **BBC History Magazine** of December 2006) as a genuine conviction that this was the right course. In fact, they too were bribed. There is clear evidence in the correspondence of the Earl of Mar that they reversed their votes because they had been given the tempting offer that they would be entrusted with the management of the distribution of the Equivalent.

¹³ *Daniel Defoe, A Tour Through the Whole Island of Great Britain* (Penguin Classic, 1971) pp.446,578,597, 634.

Scottish Affairs

The promise was not honoured, which, says Mar, made them ‘excessively angry’.¹⁴

There was also more straightforward bribery by the payment of money, particularly in the £20,000 promised by the English Lord Treasurer Godolphin for this purpose. When he asked how it had been distributed, Seafield and Glasgow, in a letter of 20 April 1707, replied that it could not be done without disclosing the secret and that would ‘bring discredit upon the management of that parliament’.¹⁵ Even so, the details eventually became available to London. In 1711 George Lockhart of Carnwath, who had become an M.P., was a member of a Parliamentary Commission enquiring into government accounts, and they unearthed a list of the recipients. They included three members of the Squadrone, Marchmont (who received £1,104), Tweedale (£1,000) and Roxburgh (£500).¹⁶ Seton of Pitmedden, who spoke in favour of the Union during the debate in the Scottish Parliament, had sold his services to the government for a pension of £100 per year.¹⁷

Whatley objects to my view, in his words, that ‘the Union was forced upon the Scots by England’. It seems to me that the evidence leaves no room for doubt that this was in fact what happened. The English were determined to frustrate the proposal of the Scottish Parliament to end the Union of the Crowns and reclaim the independence of Scotland. I have mentioned their diverse methods of bribery. Underlying them there was also the threat of force. John Clerk said that this was the main reason for the majority vote in the Scottish Parliament.¹⁸

Why does Whatley try so hard and with such ingenuity to obscure the blatant facts? A similar attempt, although with less scholarship, was made in the 19th century when it was unfashionable to criticise the Empire or the Union by

¹⁴ *H.M.C. Report on the Manuscripts of the Earl of Mar and Kellie* (London, 1904) p.379.

¹⁵ *British Museum, Add.MSS 34,180* (The letters is reprinted in my book *The Union of 1707: Why and How*, p.55.

¹⁶ *The Lockhart Papers* (London 1817) Vol.,I, p.268.

¹⁷ *Seafield Correspondence from 1685 to 1708*, edited by James Grant (SHS Vol.III 1912) p.382.

¹⁸ *John Clerk of Penicuik, Observations on the present Circumstances of Scotland, 1730* (SHS, Vol.X, 1965) p.191.

A Reply to Christopher Whatley

virtue of which Scotland was a partner in it. Evidently the idea was to persuade the Scots to take a more favourable view of the Union. Does Whatley have the same objective, perhaps with an eye to the Election in May?

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