



The Scottish History Society Learning Resource

Popular opposition to the ratification of the Treaty of Anglo-Scottish Union in 1706-7

Introduction

Between October 1706 and January 1707, the Scottish Parliament debated and ratified a treaty for a closer union between the kingdoms of Scotland and England. Most Scots at large opposed the treaty, but a majority in the Scottish Parliament were persuaded that the treaty represented the best path forwards for Scotland, and themselves, at a time of economic and political uncertainty. (See *The Union of 1707: the historical context*). Most histories of the Union focus on explaining how the government created this majority in the Scottish Parliament, saying much less about the opposition to the treaty. To remedy this, this snapshot will outline the varying reasons why the treaty was opposed, describe what was done to protest against the treaty and assess the effectiveness of these activities

Background to the Issues

From 1603, the kingdoms of Scotland and England shared the same monarch when James VI of Scotland became James I of England on the death of Elizabeth I. Across the seventeenth century, the monarchical union was unstable because it was difficult for the shared monarch to balance the needs of the Scottish and English kingdoms. Anglo-Scottish tensions rose when the Revolution of 1688-9 increased the independence of the Scottish Parliament and reinstated a Presbyterian national church in Scotland while the English church remained Episcopalian. By 1700 King William II and III was convinced that the regal union wasn't working. Both William and his successor Queen Anne pursued an incorporating union but found limited support in Scotland and less in England. The death of Anne's last child in 1701 created a succession crisis in which an oppositional majority in the Scottish Parliament of 1703-4 refused to accept the English successor to Anne, the Protestant Sophia of Hanover, without union reform. By 1705 English Whig ministers were prepared to accept incorporation as a means to settle the succession. The English Alien Act of 1705 threatened economic sanctions if Scotland did not either settle the succession or negotiate a union.

The resulting treaty proposed that the kingdoms of Scotland and England would unite to create a new kingdom of Great Britain. It stipulated that the monarch of Great Britain had to be a Protestant and named the Protestant Sophia of Hanover as the heir to Queen Anne. A new British Parliament would be created with the addition of Scottish representatives to the English Parliament (about 10% of the new total). Barriers to trade between Scotland and England would be removed and English customs and excise taxes applied across the new British trading zone. Scottish merchants would be allowed to

trade freely with English colonies. The treaty met with vociferous opposition both inside and outside the parliamentary chamber in Scotland.

Patriotic commitment to the Scottish kingdom

Those opposing the treaty shared a commitment to the existence of a Scottish kingdom as a political entity, with its own parliament and national church. Scottish national identity at the time drew on a mythical history, forged in the medieval Wars of Independence, portraying Scotland as an admirably ancient and unconquered kingdom. It was widely believed that brave martial Scots had maintained the freedom of the kingdom for over 2000 years. Those opposing the union called on parliamentarians to follow the example of these bold ancestors and reject the treaty.

Mistrust of the English

The Scots had a long heritage of seeing England as their enemy. Though there had been more peaceful relations between the two countries after the 1560 Protestant Reformation in Scotland and the 1603 Union of Crowns, there had been war between the kingdoms during the 1640s and Scotland had been conquered by England under Oliver Cromwell in the 1650s. Anger at England had been raised to great heights since 1695 when English interference was blamed for the failure of the new Company of Scotland and its colony at Darien. Many Scots wondered how Scotland could preserve its own interests when the proposed British parliament would have a large English majority.

Economic concerns

While some Scottish merchants hoped to gain from the proposed British free trade zone, many producers and consumers in Scotland feared the economic consequences of incorporation. They anticipated crippling competition from cheap English imports and a heavy burden from higher English customs and excise rates. Moreover, it was noted that the economy would be regulated in future by a British parliament in which Scotland would have little influence.

Presbyterian fears

Many Scottish Presbyterians feared that the Anglican majority in the new British parliament would vote to reinstate an Episcopalian church in Scotland, or would require a toleration of Episcopalians in Scotland. Because Episcopalians in Scotland tended to be Jacobites, the Presbyterians feared that incorporation would encourage Jacobitism and undermine the Revolution of 1688-9. Moreover, extremist Presbyterians refused to accept any form of British union other than that described by the 1643 Solemn League and Covenant. This agreement, made during the civil war period between rebel factions in Scotland and England, envisioned a confederation of the British kingdoms under a shared monarch with Presbyterian churches in England, Scotland and Ireland.

Jacobite concerns

Jacobites objected to the deposing of James VII and II in the Revolution of 1688-9 and supported his son James Stuart as the true heir to Queen Anne. The Union treaty upheld the Revolution by naming the Protestant Sophia of Hanover as Anne's heir. The Jacobites therefore rejected the treaty and remained committed to the 1603 monarchical union, with separate kingdoms of Scotland and England under a Stuart monarch.

Preference for confederation or limitations

The parliamentary opposition had been demanding reform of the monarchical union since the late 1690s. A primary demand was for free trade with England, to be achieved through a treaty on trade. An Act of Security, passed in 1703 and 1704, refused to maintain the monarchical union unless 'conditions of government' could be agreed to preserve Scottish economic and political interests in the existing union. Both of these demands implied a reconfiguring of the regal union into a confederation or federal union. An alternative was to remodel the existing union by shifting powers from the monarch in London to the parliament in Edinburgh. In 1703, Andrew Fletcher of Saltoun proposed a series of radical limitations on the monarch's prerogatives. The 1703 Act anent war and peace stipulated that the Scottish Parliament had to approve any declarations of war or peace treaties. Confederation and limitations were not feasible options in 1706-7 as Queen Anne objected to both, but many in Scotland still preferred these options to outright incorporation.

Oppositional Activities

Pamphleteering

From the late 1690s, pamphlets published by oppositional writers had been demanding better terms for the Scots in the Union of Crowns. In 1706-7 a large number of tracts were published attacking the terms of the treaty. These raised political, economic and religious objections as outlined above. Many of the best-known authors had connections with the leaders of the opposition in the Scottish Parliament. Key authors included George Ridpath, an expatriate journalist in London who wrote on the Scottish constitution; James Hodges, a Presbyterian in London who authored two influential tracts against incorporation; Robert Black, a trader from Aberdeen who criticised the free trade agreement; Robert Wylie, a minister in Hamilton parish who expressed Presbyterian fears for the safety of the church; and William Forbes of Disblair, an Episcopalian laird with Jacobite sympathies from Aberdeenshire who wrote patriotic poetry urging the Scots to resist English hegemony.

Addresses against the treaty

In 1700-1, the parliamentary opposition had organised addresses to Parliament from localities protesting against government policy, in particular its failure to support the Darien colony. In 1706-7 they pursued the same strategy, circulating a recommended petition text to supporters. This text rejected incorporation in broadly patriotic terms acceptable to both Jacobite and Presbyterian supporters. At least eighty petitions were sent to the Scottish Parliament between October 1706 and January 1707 from shires, burghs, towns, parishes and presbyteries as well as national bodies including the Convention of Royal Burghs, the Company of Scotland and three from the Commission of the General Assembly. About half of the local petitions used the recommended text, but many devised their own message in order to emphasise local fears relating to the Presbyterian church, higher taxes and the English majority in the British parliament. In most localities the petitions were organised by authority figures, such as the landowners or burgh magistrates, and were signed by local gentlemen, merchants and professionals. Many, however, also included signatures from more ordinary people, with over 1,000 signatures on the largest addresses. Evidence suggests that popular support for local petitions was enthusiastic. In Glasgow, the merchants and trades produced an unauthorised address with 380 signatures when the authorities refused to sponsor a petition from the burgh.

Crowd protests

Crowd activities ranged from riots to organised marches and protest events. Many people came to Edinburgh to follow the treaty debates in Parliament. On 23 October 1706, rioting broke out in the streets after parliamentary discussion of higher English customs and excise rates. Glasgow inhabitants also rioted in early November when their magistrates refused to address against the union. Shortly before, the trades in Glasgow had organised a march against incorporation. Crowds gathered to burn the articles of union in Dumfries (20 November) and Stirling (4 December). The extremist Presbyterians who organised the bonfire in Dumfries also published a manifesto against the Union. In a number of Lowland towns and parishes, local authorities mustered the local militia to demonstrate their readiness to defend the kingdom. In Stirling, the provost mustered the town militia, composed of men aged 16 to 60, and presented them with a petition to sign.

Failed attempts at collective resistance

During November 1706, it appears that a small group of parliamentarians tried to organise a rising of armed protesters to march on Edinburgh. They aimed to recruit hardline Presbyterians from the southwest and secured promises from the duke of Atholl that his Jacobite followers would take Stirling. The rising collapsed when a key leader of the parliamentary opposition, the duke of Hamilton, refused to be associated with seditious activity. In December, the parliamentary opposition tried to organise a more legal form of resistance by inviting gentlemen who had signed addresses to come to Edinburgh to sign a new address to Queen Anne. Dozens of petitioners arrived in December but the plan for an address failed when the dukes of Atholl and Hamilton disagreed over terms. While they debated, the government pushed through an act of parliament forbidding unauthorised meetings of freeholders, forcing protesters to disperse. A final attempt to stop the treaty was planned for January 1707. Hamilton's followers agreed to propose an act settling the succession with limitations as an alternative to incorporating union. If this act were rejected, they would walk out of the Parliament. They hoped this would send a strong signal to London and undermine the legitimacy of any ratification of the treaty by the remaining members. The plan collapsed when Hamilton refused to lead the exodus, pleading toothache.

Impact

Popular opposition

Popular opposition to the treaty had a distinct though limited impact. The opposition did well in organising petitions against the treaty. Over 20,000 Scots signed these addresses, indicating a remarkable level of grassroots engagement for the times. The petitions, combined with pamphlets, riots and protests, contributed to high levels of tension in Edinburgh. The parliamentary opposition hoped that the government would abandon the treaty in response. The Court party, however, held its nerve and took steps to reduce the impact of the opposition. On 12 November 1706, an act promising perpetual security for the Presbyterian church was passed. Between November 1706 and January 1707, concessions were negotiated on the treaty in response to popular concerns, especially on trade and taxation. The government also increased its security measures, deploying troops in Parliament Close after the October riots and outlawing unauthorised meetings. Troops were moved to the English border and to northern Ireland in readiness for any armed action against Parliament. Secret agents were sent to the southwest to ensure that the more extreme Presbyterians did not rise up in arms against the treaty.

Division among opponents

Divisions between Presbyterian and Jacobite interests also reduced the impact of the opposition. While both groups opposed incorporation for the reasons described above, the Presbyterians wished to maintain the Revolution monarchy and the Presbyterian church while the Jacobites aimed to reinstate the Stuarts and the Scottish Episcopalian church. These competing goals made it difficult for Presbyterians and Jacobites to settle on alternatives to incorporation. This is best seen in the disagreement of the dukes of Atholl and Hamilton over the terms of the national address to Queen Anne in December. Hamilton wanted to ask for the Hanoverian succession as an alternative to the treaty while Atholl and his Jacobite supporters preferred to ask for elections for a new parliament.

Ineffective leadership

In addition, the opposition was hampered by the inconsistent leadership of James Hamilton, fourth duke of Hamilton. Hamilton was the premier noble in Scotland and a key leader of the opposition. He did not like the union but he proved unwilling to risk his own political standing to quash it. He is known to have been in contact with English ministers during the session and it is believed that he was threatened with political oblivion should he wreck the treaty. Hamilton therefore presented petitions and spoke against the treaty in parliament but stopped short of supporting the attempted rising in November and the walkout in January.

Conclusions

This key topic has aimed to explain the nature of the opposition to the Union treaty in order to supplement older histories of the union which pay less attention to this subject. The latest research suggests that the opposition was vigorous and organised, with notable levels of public engagement and debate in a time when this was still unusual. Many Scots held strong opinions against incorporation which went beyond simple patriotism. There were also, however, real divisions among opponents which hampered their activities and the government took strong steps to neutralise resistance.

The impact of popular opposition can be debated. Did it backfire, leading to concessions on the treaty which, ironically, helped to reinforce the pro-treaty majority in Parliament and ensure the Union's longevity as a negotiated settlement? Or did the vociferous and participatory nature of the opposition undermine the legitimacy of the treaty ratification? Either way, popular opposition must be considered in any analysis of the making of the Union.

Suggested Reading

Histories

Karin Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699-1707* (Woodbridge, Royal Historical Society/Boydell Press, 2007)

T.M. Devine, ed., *Scotland and the Union 1707-2007* (Edinburgh, Edinburgh University Press, 2008)

William Ferguson, *Scotland's Relations with England: a survey to 1707* (Edinburgh, Saltire Society, 1977, 1994)

Christopher Whatley with Derek Patrick, *The Scots and the Union* (Edinburgh, Edinburgh University Press, 2006)

Sources

A history of the making of the union by a supporter of union: Sir John Clerk of Penicuik, *History of the Union of Scotland and England*, trans. and ed. Douglas Duncan, (Edinburgh: Scottish History Society, 1993)

Memoirs of the making of the union by a Jacobite opponent: George Lockhart of Carnwath, 'Scotland's Ruine': Lockhart of Carnwath's memoirs of the Union, ed. Daniel Szechi, (Aberdeen: Association for Scottish Literary Studies, 1995).

Parliamentary proceedings and acts: *Records of the Parliament of Scotland*