

# Scotland in the Union



by Gordon Craigie

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 third part of this series, we explained events in 'The First Century of the Union'. This month, we'll pick up the story at the beginning of the nineteenth century, when Ireland joined the Union, and look at how events unfolded in the first century of the Kingdom of Great Britain and Ireland...

## Part 4: Thoughts of "Home Rule"

Many aspects of Scottish history up to the end of the eighteenth century are intertwined with, and have commonalities with, that of Ireland. In particular, we could note the frequent invasions led by English kings culminating in Henry VIII being

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declared King of Ireland in 1542 – the full explanation of this is quite complex but, unsurprisingly, involved a fair bit of bribery and coercion by the English monarch – followed by similar monarchical/religious interventions as were visited on Scotland during the following centuries. In 1798, the Society of United Irishmen – a republican organisation composed of Catholic and Protestant dissenters – attempted a rebellion with the aim of creating a united, independent Ireland. Their inspiration had been the French Revolution but, despite assistance from France, British and Irish Government forces combined to quash the rebellion and immediately embarked on legislation designed to bring Ireland into formal union by merging the Kingdom of Ireland with the Kingdom of Great Britain. However, with further echoes of Scotland's history, the Act of Union was only passed in the Irish Parliament at the second attempt following significant bribery by the British establishment, including the distribution of funds, peerages and honours in return for Irish parliamentarians voting their Parliament out of existence and being ruled directly from Westminster. Bought and sold for English gold... plus ça change!

Yet, as with Scotland, this Union was not universally popular or accepted by the people and, just as with Scotland again, there were various attempts to restore Irish sovereignty. As early as 1803 there was another unsuccessful attempt at rebellion, and the rise of Irish nationalism throughout the nineteenth century was accompanied by a similarly motivated "Home Rule" movement, which would have particular resonance with many Scots of the time. Historian Jenny Eeles is curating an online searchable archive of Scottish history on her Random Scottish History website ([www.rsh.scot](http://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: "Barely 40 years had passed before Irish calls for Home Rule and repeal of their Union with Britain came thick and fast. From 1838 we've sourced a remarkable article from the Dublin Weekly Nation newspaper entitled "Repeal of the Union – Necessity of Legislation" wherein it was shown grievances were coming to a head."

*No one, we imagine, will be so absurd as to pretend that the affairs of Scotland can be as efficiently managed by a legislative body sitting hundreds of miles from her territory, and having the interests of an empire dispersed over the whole face of the earth, and containing more than a hundred millions of beings, to attend to, as by a Parliament meeting in Edinburgh... The expense at present necessarily incurred for a Road, a Harbour, or a Railway Bill for Scotland is intolerable... Then, all matters relative to Scotland are slurred over in the reports of the debates – first, because the reporters think a 'Scotch' bill, though vitally affecting Scotland, is of no public importance; secondly, because they cannot intelligibly report what they, in general, do not understand; and third, because 'Scotch' business is generally put off till past midnight, an hour at which, except on extraordinary occasions, the reporters, by a well-organised combination – Whig, Tory, and Radical reporters agreeing in this point – retire from their labour. The consequence is, that there is hardly a measure, however important, affecting Scotland, of the grounds for passing which her population are duly informed... What is meant by a Repeal of the Union with Ireland, we do not exactly understand; but if all that is intended is, that the Irish should have the management*



The Random Scottish History website hosts a searchable archive of Scottish history

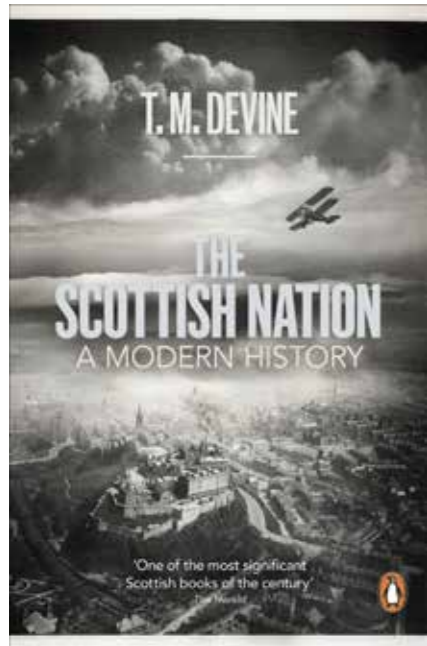
*There was a view among prominent Scots that the Irish "deal" on entering into the Union was significantly better than that obtained by Scotland a century earlier*

*of their own exclusive concerns, we heartily wish them success; and we hope that when the people of Scotland shall see the necessity of a legislature in Edinburgh, the Irish will assist them in obtaining it.*

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

The development of the Home Rule movement in Scotland was, apparently, inspired by two separate but related aspects of the Irish situation. There was a view among prominent Scots that the Irish "deal" on entering into the Union was significantly better than that obtained by Scotland a century earlier, but also the notion that even within the Union it was possible to have better, more localised and accountable governance by re-establishing what we would nowadays, presumably, view as a devolved legislature. In 1853, the National Association for the Vindication of Scottish Rights was established with the stated aim:

*That Scotland may not be any longer treated as a mere province – a sort of larger Yorkshire appended to England.* (Caledonian Mercury, 14 July 1853)



In his book, *The Scottish Nation*, Tom Devine observes that the formation of the *National Association for the Vindication of Scottish Rights* demonstrated “that some Scots were deeply concerned about aspects of the union relationship. The Association voiced a number of grievances, which included the pleas that Ireland received more government support than Scotland, Scotland did not have a fair number of MPs, the Privy Council should be restored, and the United Kingdom ought always to be designated ‘Great Britain’. The Association took the view that there were weaknesses in the union but wanted to improve it rather than repeal it”. He also comments that “many of the Association’s criticisms also carried through into the Home Rule movement in the late nineteenth century and beyond. But the National Association also demonstrated how feeble political nationalism was in the 1850s. It lasted for only three years ... did not attract significant figures ... the leadership was dominated by romantic conservatives ... [and] all this was a far cry from the militant nationalist crusades that rocked the capitals of Europe in the 1840s”.

However, it was one formal manifestation of an underlying widespread dissatisfaction with the Union. Jenny Eeles summarises this viewpoint succinctly: “The English members of the British Parliament had had 150 years to show an intention of treating Scotland as the equal partner to the Treaty of Union that she was, and had failed to do so. In fact, they had actually gone out of their way to show the disdain they felt for the Scots, their country, and their rights.”

Many of the calamities following

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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 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)*

Eeles cites an example of the inheritance case of a Glasgow merchant, John Orr-Ewing, being taken to the English courts in 1884 – when it rightfully should have remained in Scotland – which caused a huge amount of discussion in the press with regards to English jurisdiction over Scots and those resident in Scotland. One letter, which appeared in *The Scotsman* in March 1884, referring specifically to this matter, entitled *English Ideas of International Law*, forensically queried why English lawyers felt they had any jurisdiction in Scotland.

*[The Scotsman has] written much of late upon the Orr-Ewing case, and you have pointed out, I think justly, that the legal mind in England has a certain insular character which makes it slow to think clearly and justly upon questions of international law. This is probably due to many causes, but one of them seems to be false teaching.*

The contributor, Suum Cuique, goes on to cite an example of an English legal writer, John Indermaur, stating in a legal textbook that aspects of the extent of the municipal law of England were defined thus: “By the common law the jurisdiction was confined to England strictly ... [and had] jurisdiction over Scotland acquired by the Articles of Union with Scotland, ratified and confirmed by statute in the reign of James I”. This assertion is comprehensively dismissed by Cuique:

*Scotland, not having been conquered by force of arms, became subject to English law by a treaty which, it seems, received its binding effect from a statute of the English Parliament. It is surprising that, if the common law of England is so modest as the first position asserts, a purely English statute should have this extraordinary effect upon the provisions of a treaty with an independent State. But [Indermaur] forgets to mention the 19th article of the Treaty of Union, which provides exactly the opposite, and preserves for Scotland both her native laws and the jurisdiction of her Courts. And, accordingly, the learned Mr Justice Blackstone says, “The municipal or common laws of England are, generally speaking, of no force or validity in Scotland.”*

Cuique concludes his letter by appealing to the better nature of the English establishment while offering a damning indictment of Indermaur’s teachings:

*When the issues involved in the Orr-Ewing case are fairly placed before the English mind, I do not doubt that the fairness and common sense of Englishmen will yield a*

*hearty acquiescence to the clear and simple principles of international law which have been stated by the Scottish Judges. But in the meantime it is obvious there is some misunderstanding even in very high quarters; and this becomes more intelligible when we consider that every articulated clerk in England has to swallow the absurdities of which Mr Indermaur has just published a third edition.*

Charles Waddie, an Edinburgh solicitor and stationer, was a founding member and secretary of the Scottish Home Rule Association. He would later write the book *How Scotland Lost Her Parliament and What Came of It*, and was a prolific contributor to the newspapers under his pseudonym, *Thistledown*.

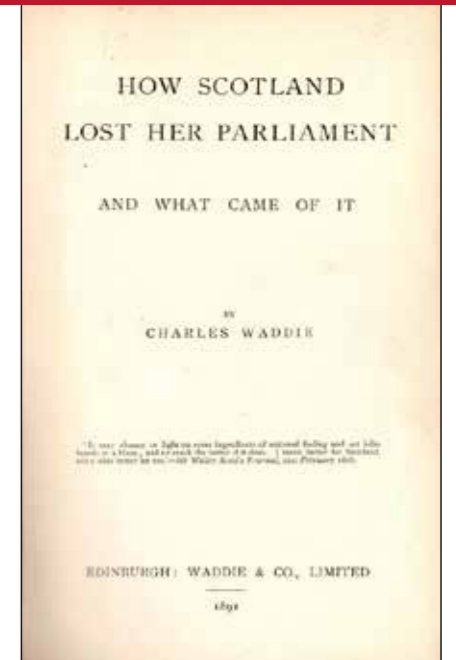
*There are very few Scotsmen who have read your article on the Orr-Ewing case this morning but must feel grateful to you. In the rather dreary outlook for our national independence, it is no small comfort to see our leading journal standing up so manfully for the rights of our country. If you will pardon me saying a few words on this subject I will feel obliged. It seems to me that Scotsmen who go to London to defend cases brought against them by Englishmen commit a grave error of judgment. In the 19th article of the Treaty of Union are these words – ‘And that no causes in Scotland be cognoscible by the Court of Chancery, Queen’s Bench, Common Pleas, or any other Court in Westminster Hall; and that the said Courts, or any other of the like nature, after the Union shall have no power to cognosce, review, or alter the acts or sentences of the Judicature within Scotland, or stop the execution of the same.’ The Lord Chancellor of England has done what is here distinctly forbidden. But, in the name of common sense, why do Scotsmen not seek the protection of their own Courts? No Act of the British Parliament can set aside their rights; they are secured to them by solemn engagement, and it would be an act of treason to the Constitution to try and set them aside.*

*(Thistledown, ‘English Jurisdiction in Scottish Cases’, The Scotsman, 4 December 1883)*

These perpetual attempts at the anglicisation of Scotland and of Scottish society had been much commented on, not least by Sir Walter Scott when he observed that “what makes Scotland Scotland is fast disappearing”. Tom Devine elaborates on how endemic this was in mid-nineteenth century Scotland: “The Scottish aristocracy and many laird families had long been sending their sons to England for education in order to maximise their career opportunities in later life. One result was that many Scottish MPs were the products of English public schools like Eton and Rugby, and they had also often attended Oxford or Cambridge and served in élite English regiments like the Life Guards and Coldstream Guards. Even merchants and other businessmen who increasingly represented the burghs had a similar educational background in the south and often had trading or military experience in the Empire ... All in all, the Scottish MPs of this period were undoubtedly committed members of the imperial British establishment.”

David Macrae, a fascinating free-thinking character, was a retired Presbyterian minister when he took up the cause of defending the national rights of Scotland within the Union. He was particularly outspoken about what he viewed as British centralisation and any attempts to have Scotland become a province of England, and became a prolific writer and orator on the subject. While he was Convenor of the committee on School Books for the Dundee School Board, he successfully argued for the Board to adopt this resolution:

*That the Board regrets to find in so many of the school histories submitted for its inspection, even those issued*



*by Scottish publishers, that the terms ‘England’ and ‘English’ are so often used, as if they were proper equivalents for the terms ‘Britain’ and ‘British’; that the Board appoints a Committee to correspond on this subject with the publishers especially of the books used in its own schools, and to confer with the teachers under the Board as to the best means of having this objectionable and blundering misuse of our national names corrected.*

*(‘England Versus Britain’, Dundee Courier, 8 January 1884)*

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Rev. David Macrae © glasgowwestaddress.co.uk

Commenting on a recently published school history book, Macrae said:

*The Union is recorded in the middle of the book as if it were a mere incident in the history of England – which remains England with Scotland taken in. The lion and the lamb lie down together, but the lamb is inside of the lion. The absurdity of the thing is all the greater that the book records the fact that the two kingdoms were united into one under the name of Great Britain. Yet the very name which it says they were united under is forthwith set aside, and the name of 'England' used, almost continually, instead. The British throne is called the 'English throne'; the British fleet is the 'English fleet'; the war between Britain and the United States in 1812 is described as a war 'between the States and England'. In the battle of Waterloo we hear only of 'English soldiers'; and in the Afghan war the troops are 'English troops', and the army the 'English army'. It was not the British and French that fought side by side in the Crimean war, but, according to this History, 'the English and French'. The settlement of the Alabama claim is described as an event 'unique in English history', and Mr Gladstone is not the British Premier, but the 'Prime Minister of England'. And this outrage on our national name and history – this practical turning of Scotland into a mere county or district of England – is found in histories issued by Scottish publishers for use in Scottish schools.*

*(‘Britain not England’, Fife Herald, 30 July 1884)*

This deliberate and flagrant misuse of terminology – what we might

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nowadays recognise as the “England as Britain” or “Britain as England” conflation – was not only confined to the media of the day. Macrae was also outspoken on the issue of the British Parliament passing international treaties with “England” and “English” in place of “Britain” and “British”. For Macrae, this raised the legitimate question of whether Scotland was legally a part of such treaties:

*Why had Scotland made it an indispensable condition to union with England that the united name should be – not England, but 'Great Britain'? Why did she postpone the union until England accepted this condition? Because it enshrined a great historic truth, and put England's seal to the fact that after centuries of conflict Scotland remained unconquered, and entered the union a free and independent nation to form along with England a still larger nationality under the name of Great Britain... Encouraged by the cowardly acquiescence of the Scottish members of Parliament, the Government had introduced the name of 'England' into the New Hebrides and Burmah Treaties, instead of the term required by the treaties of union between England and Scotland, and between Great Britain and Ireland. It was high time that Scotland looked to her rights.*

*(‘Rev. David Macrae on Scottish National Rights’, Dundee Evening Telegraph, 2 October 1890)*

At a meeting at the Kinnaird Hall in Dundee, Macrae drew attention to another such instance:

*That this meeting desires to thank Dr Clark, M.P. for Caithness, and Mr Hunter, M.P. for West Aberdeen, for calling attention in Parliament to the conduct of the present Government in permitting a treaty with China to be negotiated under the name of 'England' instead of 'Britain', in direct violation of the Treaties of Union between England and Scotland and between Great Britain and Ireland.*

*(‘Sympathy with Ireland’, Dundee Evening Telegraph, 16 September 1887)*

So strongly did David Macrae feel about this matter that he was a prominent figure in promoting a “monster petition” to Queen Victoria in 1897:

*More than 100,000 Scottish people of all ranks and classes, including several of the nobility, over 600 Provosts and Town Councillors, and upwards of 50 Members of Parliament, including the Members for the Scottish Universities, have now signed the Scottish People's Petition to the Queen protesting against the misuse of our national names, such as is found even in official documents, in direct and flagrant violation of the Treaty of Union. It is a monster petition, more than three-quarters of a mile in length. As the time for closing it has now come, it is earnestly requested that all who have petition sheets in hand return them without delay to the hon. secretary, Mr Theodore Napier, 25 Merchiston Park, Edinburgh. They can be returned with such signatures as they already have. Better still, they can first be filled by a few hours of energetic work and then sent in. All who desire the maintenance of Scottish rights and Scottish honour are glad to sign when the opportunity is given them. To those who read this letter I would earnestly say – ‘Do not let your name be absent from this historic document’.*

*(‘Britain not England’, Dundee Courier, 12 November 1897)*

In considering the scale of this achievement, it is important to remember that in 1897 each signatory had been petitioned in person – telephones were still in their infancy while email, sms and other forms of mass communication were not even dreamt of. The population of Scotland was a little over four million people, so a



petition of, reportedly, 104,647 physical signatures was not insignificant. We would do well to reflect that 100,000 signatures in Scotland is the equivalent, by population share, of one million signatures in England – similarly, 100,000 people marching through Edinburgh is the equivalent of one million marching through London...

The *Banff Advertiser* reported this view of the “monster petition” in a December 1897 editorial:

*This effort at assertion of long dormant rights by the Scottish people has called forth the most idiotic and ill-considered vituperation from the pens of the Cockney writers in the London dailies, whose contempt for everything Scotch – except whisky, sport, and scenery – is only equalled by their antipathy to English provincialism.*

David Macrae was a man of many talents, and was even immortalised by Dundee’s own bard, William McGonagall, in *A Tribute to the Rev. Mr Macrae!* One newspaper report records Macrae’s wider views of the effects on Scotland of the Union, in which he specifically mentions the Clearances, and goes on to suggest Home Rule as the solution:

*The Rev. Mr Macrae said there were some people who thought ministers should not interfere in politics. They were to be quite free to deal with sinners of Bible times, but not with those in the present day. They must not say a word about those who turned pasture land into wilderness for sport, and drove the landless people into acts of violence to keep themselves, their wives, and their little ones from starvation. If that was their religion, they needed another; if that was Christianity, they needed to have Christianity born again into the spirit of Christ... Perhaps no nation of its size had more reason to be proud of its nationality than Scotland had. After emphatically protesting against the use in State of documents, school books, and public speeches, of the words England and English, where Britain and British should be used, as stipulated in the Treaty of Union, Mr Macrae said the*

*That piece of bunkum speech which we are having dunned in our ears from almost every Englishman who addresses a Scottish audience, that Scotland has only to say to the English Parliament what she wants, and she will get it, won't go down now*

*maintenance of the Imperial names was indispensable to the maintenance of national honour and national rights. He strongly advocated Home Rule for Scotland. If Scotland had been managing her own affairs we should not have seen half of the Highlands turned into deer forests. We should not have seen three hundred square miles of country locked up for one man's sport, while the hardy population were forced to the verge of starvation, or driven out of the country, because, forsooth, there was no room for them there. If Scotland had been managing her own affairs, there never would have been a crofter and cottar question such as they had before them at present, or the question, had it arisen, would have been settled long since with regard more to justice and humanity than they were likely to see in its settlement under existing circumstances.*

*(‘Rev. David Macrae on Scottish Home Rule’, Greenock Telegraph and Clyde Shipping Gazette, Thursday 15 December 1887)*

The desire for some change in the constitutional settlement, as we now seem inclined to call it, was therefore explicitly seen to be growing towards the end of the nineteenth century, and is well illustrated in this letter to *The Scotsman*, from John Romans in 1887:

*The present Treaty of Union, shamefully one-sided as it is, has been pusillanimously broken and defaced by the stronger party to that treaty. There must be no facilities for similar infringements in our amended Union. Our Church, education, justices, and taxation for local purposes must be exclusively under the control of Scotsmen. That piece of bunkum speech which we are having dunned in our ears from almost every Englishman who addresses a Scottish audience, that Scotland has only to say to the English Parliament what she wants, and she will get it, won't go down now. We know that the very opposite is the fact, and indeed in an assembly where everything is decided by majority of votes, it must be so, seeing that Scotland has only 72 votes to England's 465.*

This is eerily reflective of the situation Scotland **still** finds itself in well over a century later – in fact, the position has worsened as Scotland’s current (and soon to be reduced further) representation in Westminster is 59 MPs to England’s (soon to be increased further) number of 533 MPs. Again, plus ça change! But even that letter was not yet a direct call to action for Home Rule, devolution or independence – we’ll return to that quest next month.