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**THE CLAUSE PROPOSED IN THE ENGLISH PARLIAMENT TO PREVENT THE FRENCH GOODS BEING IMPORTED THRO’ SCOTLAND (1707):**

**A NEW DEFOE ATTRIBUTION**

In January 1707, the Act of Union was approved by the Scottish parliament, and the English ratification followed in March. The Union would come into effect on 1 May. Daniel Defoe, who in September 1706 had been dispatched to Scotland as a secret agent to promote the Union on behalf of the English ministry, began congratulating himself on a job well done.[[1]](#footnote-1) But an eleventh-hour hitch threatened to derail the whole affair – at least as Defoe tells it. Opportunistic merchants realised that if they imported goods to Scotland before the Union, they would pay a comparatively low level of duty and be able to transport their merchandise into England for free after 1 May. Moreover, trade with France was prohibited in England due to the war, but not yet in Scotland, so the free trade secured in article four of the Union treaty opened a brief window for French wine and brandy to reach an English market via a Scottish stopover. In early April, a group of London merchants petitioned the House of Commons, which was still in session, asking it to prevent such imports on the basis that they were unfair to those who had paid higher duties for less desirable products (such as Portuguese wines), the value of which was bound to drop when the market was flooded. It would also cheat the exchequer of the duties payable, as Defoe had warned Lord Treasurer Sidney Godolphin when on 22 February 1707 he offered to investigate.[[2]](#footnote-2) On 7 April, the Commons approved a bill designed to prevent the imports; Queen Anne soon delivered a speech encouraging a crackdown; and, because the House of Lords had not ratified the first bill, a substantially similar one was sent up on 19 April.[[3]](#footnote-3) This was known as the Drawback Bill.

On 22 and 24 April, Defoe wrote to Secretary of State Robert Harley from Edinburgh that news of the Commons vote had caused great consternation in Scotland. It was seen as a unilateral attempt to renege on free trade. ‘I fear heartily The Unravelling all we have been Doeing’, Defoe wrote; ‘The Vote of the House they say is Directly Against the Union, and they talk of Meeting and Declareing the Union Broke’. He says that he is being personally blamed because in promoting the Union he talked up the honour of England’s parliament, reassuring the Scots that they were not putting their head into a lion’s mouth.[[4]](#footnote-4) But now it seemed that English interests would be protected at any expense. Though feeding on scraps of news, and gaining neither information nor instruction from Harley, Defoe mentions his attempts to allay the Scots’ concerns in print: ‘I Tell them (tho’ I kno’ nothing of it yet) that there will be an Exception for scots men, and have printed the Clause of the last Act with Some Remarks, shown the Necessity of the preventing the Abuses about Tobacco and the Drawbacks, and I endeavour to Buoy them up with hopes’.[[5]](#footnote-5) The publication to which he refers, hitherto unidentified, is The Clause Proposed in the English Parliament to Prevent the French Goods being Imported thro’ Scotland; with a Short Remark on the Same.[[6]](#footnote-6) This is a new addition to the Defoe canon.

The two related but distinct issues mentioned in Defoe’s letter may be explained briefly. The ‘clause’ was the exception made in the second Commons bill for Scottish traders with respect to bringing French wine and brandy to English ports after 1 May. As a subsequent letter from Harley to Defoe explains, the bills were designed to target opportunistic foreign traders, including the English, so the politicians seemed willing to cut their losses with bona fide Scottish merchants.[[7]](#footnote-7) They seemed to agree with Defoe that ‘the English Ought to have known the Consequence of the Intervall as well as they’.[[8]](#footnote-8) On this and other matters, Defoe had warned of the dangers of the ‘Intervall’ between the Union being passed and its coming into effect.[[9]](#footnote-9) The tobacco issue was slightly different. A drawback was paid to merchants exporting tobacco from England: that is, they were refunded the majority of the duty they had paid when they had imported it from the colonies. Until 1 May, Scotland was a foreign country, so its tobacco imports from England suddenly spiked, with the merchants intending to bring the goods back to England duty-free after they had clawed back the bulk of the duty. Defoe gave his opinion in the Review that this was dishonest, not least because merchants swore upon exporting tobacco that they would not re-land it in England.[[10]](#footnote-10) Regardless of such principles, as Defoe developed his position in Review essays published during May and June, he urged that these unscrupulous strategies must be borne with because the English parliament did not have the authority to amend the Union articles now they had been passed. As it happened, the Lords agreed. Wary of the legal implications and perhaps mindful that rumours of legislation had deterred much of this trade, the peers allowed the bill to expire with the dissolution of the parliament on 24 April. Subsequently, Defoe was able to spin this outcome as the English parliament’s honourable concern for fair-dealing with their Scottish partners: even to England’s detriment, the Lords declined to intervene. Contradicting what he had written to Godolphin, he set about downplaying the quantities that would move from Scotland to England; and he painted the petitioning merchants as Tory opponents to Union.[[11]](#footnote-11) This is how he recounts the events through to his History of the Union (1709).[[12]](#footnote-12)

The episode provides a fascinating case in miniature of how Defoe operated in Scotland. The delicate situation demanded he respond immediately to partial information (‘partial’ in both senses of the word), keeping a clear division between private misgivings articulated in his letters and public propaganda that demonises opponents to the Union, or portrays them as deluded, even when Defoe actually sees their point. Defoe gradually formulates and then ossifies his position in repetitious but steadily accretive Review essays and other occasional writings. Evidently published in April, The Clause Proposed in the English Parliament to Prevent the French Goods being Imported thro’ Scotland; with a Short Remark on the Same is a rudimentary statement of the position he adopted and elaborated on in the Review during the next two months.

The Clause Proposed is a two-page half-sheet pamphlet. The first page and a half give the title and the clause that excepts ‘Her Majesties Natural born Subjects of Scotland’ from the Drawback Bill. This part is identical to the text of that clause given as an appendix in Defoe’s History of the Union.[[13]](#footnote-13) The title offered in the History – ‘The Clause Proposed in the English Parliament to Prevent the French Goods being Imported thro’ Scotland’ – is precisely the same as in the 1707 pamphlet, and I have not identified this phrasing used elsewhere. The final half-page of the pamphlet comprises an original three-paragraph ‘Remark’, which is reproduced at the end of this article.[[14]](#footnote-14) The attitude taken is the same as in Defoe’s Review essays during May and June 1707 (even if, as his letters show, Defoe was less confident of English intentions than he let on). He claims that rivals of the Union have seized upon the House of Commons’s efforts to prevent French goods being imported through Scotland; but truly the English politicians sought to exempt Scottish merchants.[[15]](#footnote-15) The Queen’s prorogation of parliament in mid-April attests to her solicitous concern to avoid any injury to the Scots, and accordingly the Lords recognised that Scottish merchants might be hurt, so they rejected the bill.[[16]](#footnote-16) Finally, though a law preventing the French imports from Scotland is not viable, one addressing the drawback on tobacco would have been beneficial because that is pure tax avoidance by mainly English merchants.[[17]](#footnote-17) In addition to these correlations between the substance of Defoe’s Review and that of the pamphlet, there are verbal echoes. In the Review for 13 February 1707, Defoe alludes to the ‘unreasonable Jealousies’ felt by the Scottish populace. Twice on 15 May and once on 6 November 1707, Defoe calls the anti-Unionists the ‘Enemies of our Peace’. These phrases recur in the pamphlet.

Because Defoe attribution is contentious territory and scholars must be clear about the basis for additions to the canon, it is helpful to recap. There are four pieces of evidence for attributing The Clause Proposedto Defoe. First, a statement in one of his letters indicates that he published the clause with brief remarks. Second, the title is identical to that given in the appendix to Defoe’s History of the Union, and the text is of course the same. Third, the contents of the pamphlet marry with Defoe’s Review essays at this time. Fourth, Defoe uses some of the same phrases found in the pamphlet in his Review.

Appendix: ‘Remark’ in Defoe’s The Clause Proposed

The Gentlemen that have been so forward to tell us what the English may do, or what they will do to us when they had once obtained the Union, may here have some occasion to Blush when they read this Paper, where they may see, that tho’ the real Disadvantages to England from the present large Import of Wines, Brandy, &c. are visible to all that understand Trade, yet they may see the Parliament has been so careful not to offer the least hardship to Scotland in this Clause, that all the Effects of her Majesties Subjects of Scotland were particularly excepted out of it – that they might make all possible Advantages of this Juncture, when it was denyed to others. And,

2dly, The House of Lords have at last rejected the Clause wholly, and among the Reasons given for it, some of the Principal were, that it was impossible but some of the Scots Merchants might be hurt by it, and they would rather suffer the Damnage [sic], than Hazard doing the least injury to them to which the Queen Heartily concurr’d in Her Proroguing the House upon it, tho’ Her Majesty lost the Bill about Draw-backs by it, which was so particularly needful and Advantagious to the Revenue.

I could not refrain Noteing this to the Publick, that all Impartial People may see how they are Treated by England, and that the unreasonable Jealousies fomented by Enemies of our Peace may as far as Reason will do it, be Discouraged.

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1. Defoe to Robert Harley, 25 March 1707, in The Letters of Daniel Defoe, ed. G. H. Healey (Oxford, 1955), 212. [↑](#footnote-ref-1)
2. Letters, 203-5. Defoe also wrote to Harley on 10 March, offering to secure him ‘a Ton of Rich Claret’ on the cheap (Letters, 206). [↑](#footnote-ref-2)
3. Journal of the House of Commons, Volume 15 (London, 1803), 381, 385, 386, 388, 389. [↑](#footnote-ref-3)
4. See Defoe, A Fourth Essay, at Removing National Prejudices (1706), ed. D. W. Hayton, in Political and Economic Works of Daniel Defoe, 8 vols, gen. eds P. N. Furbank and W. R. Owens (London, 2000), IV, 115–44. [↑](#footnote-ref-4)
5. Defoe to Harley, 24 April 1707, Letters, 217. [↑](#footnote-ref-5)
6. Item 78 in W. R. and V. B. McLeod, Anglo-Scottish Tracts, 1701–1714: A Descriptive Ckecklist (Lawrence, KS, 1979), 21–2. [↑](#footnote-ref-6)
7. Harley to Defoe, 12 June 1707, Letters, 228–9; see also Harley to James Dayrolles, 1 April 1707, National Archives, S.P. 104/73, ff. 100v–101r, which indicates his concern that Dutch merchants intended to exploit the loophole. [↑](#footnote-ref-7)
8. Defoe to Harley, 24 April, Letters, 217. [↑](#footnote-ref-8)
9. Defoe had, for example, addressed the issue of when Scottish-owned ships should be deemed British and given free access to English and colonial ports (per article five), arguing that it should be at the moment of the Union’s ratification, so as to avoid a spate of foreign-built vessels being registered as Scottish in the interval. His proposal was rejected. See Defoe, Observations on the Fifth Article of the Treaty of Union, Humbly Offered to the Consideration of the Parliament, Relating to Foreign Ships (Edinburgh, 1706). [↑](#footnote-ref-9)
10. Defoe’s Review (1704–13), 9 vols, ed. John McVeagh (London, 2004–11), IV, 273 (17 June 1707). [↑](#footnote-ref-10)
11. See Defoe’s essays from 1 May to 17 June 1707, in Review, IV, 177–274. [↑](#footnote-ref-11)
12. Defoe, The History of the Union of Great Britain, ed. D. W. Hayton, in Writings on Travel, History, and Discovery by Daniel Defoe, 8 vols, gen. eds P. N. Furbank and W. R. Owens (London, 2001–2), VIII, 237–44. [↑](#footnote-ref-12)
13. Defoe, The History of the Union of Great Britain (London, 1709), appendix C3, 78–9 (the appendix is separately paginated to the main text; it is not included in Hayton’s edition, cited above). [↑](#footnote-ref-13)
14. The first part, the clause itself, may readily be found in Defoe’s History of the Union, but the pamphlet has not been digitised and exists, according to ESTC, in only two copies, both located in Edinburgh (the National Library of Scotland and the Advocates’ Library). [↑](#footnote-ref-14)
15. See the Review for 1 and 3 May 1707. [↑](#footnote-ref-15)
16. See the Review for 20 May and 12 June 1707. Defoe’s assessment of the Queen’s speech in the 24 April letter is more accurate. [↑](#footnote-ref-16)
17. See the Review for 10, 12, and 14 June 1707. Defoe published the first two of these in Scotland as The Trade of Britain Stated (Edinburgh, 1707). [↑](#footnote-ref-17)