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In Defence of the Scottish Maritime Interest, 1681–1713

This critical period in Scottish history has received extensive and detailed attention from a broad spectrum of historians.¹ The principal area of contention has largely centred on the nature and significance of economic considerations that propelled Scottish opinion towards accepting the Act of Union of 1707. Even such a basic question as whether the prime economic motive for the Scots was the promise of the post-union free trade opportunities within the British Empire or immediate and dire economic necessity, divides learned opinion. Of the major contributors to this debate, it is Smout who has stressed the dynamic of foreign trade in the complex process and in doing so has emphasised the role of Scottish shipping and the development of trade patterns during this era.² The intention of this article is to add a further perspective to this view by reviewing and assessing the specific area of Scottish maritime jurisdiction and policy.

Maritime affairs were central to the general crisis that precipitated the Act of Union of 1707, fuelling the chain reaction of outrages that fired national grievances and exposed the fallacy of a united kingdom. At the heart of each outrage lay the question of national sovereignty, a hitherto untested area of Anglo-Scottish relations since the Union of the Crowns. This struggle to defend the Scottish maritime interest reveals the inadequacies of her marine to protect herself against the ravages of war and, at the same time, meet the mounting national aspirations of the era. In addition it uncovers one of the prime motivations behind the English drive to secure a full political union, as opposed to a customs union, with her economically inferior and politically volatile northern neighbour. This latter point has tended to receive little attention from Scottish historians.³

The Scottish marine in the decade prior to the 'Glorious Revolution' of 1688 had reached a precarious stage in its development.

¹ For a comprehensive review of recent publications on this topic, see C.A. Whatley, 'Economic causes and consequences of the Union of 1707', *ante*, lxxvii (1989), 150–81.

² T.C. Smout, *Scottish Trade at the Eve of the Union* (Edinburgh, 1966).

³ One of the few authors who has examined the English strategic interest behind a full political union with Scotland is G.S. Pryde, *The Treaty of the Union of Scotland and England 1707* (London, 1950), 14–5.

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Initially, the prizes taken by her privateers during the Dutch wars, coupled with the benefits of Charles II's policy of neutrality during the 1670s, had given Scotland her first opportunity to resuscitate her diminutive fleets from the ravages of Cromwell's invasion.¹ However, such spoils of war were to prove a mixed blessing. The home shipbuilding industry had been largely stifled by the glut of Dutch prizes while the shippers found that many of these hulls were unsuitable for their trade or ports. By the beginning of the next decade the inherent weaknesses of the Scottish marine were compounded by the rapidly deteriorating state of the fleets which were, by natural attrition, approaching replacement age.² The acquisition of new vessels, if the shippers were allowed a free hand, would have been from Dutch or Norwegian shipyards where their economies of scale undercut their Scottish competitors. Such a situation was critical for the ailing Scottish economy which was suffering from a decade of trade deficits, falling exports and a haemorrhaging of scarce bullion.³

Such a state of affairs demanded a new strategy to curb the disease. This urgent work was undertaken by the revived council of trade, convened in 1681 under the chairmanship of James, then duke of York and newly appointed high lord admiral of Scotland.⁴ Their mandate was: '... to advise anent the causes of the decay of trade and what they would propose for the remeid ther of.'⁵ Their recommendations were the basis of the Scots drive to full membership of the European mercantilist system. The crux of their deliberations was the elimination of the trade deficit by stimulating an export-orientated carrying trade while actively discouraging imports by heavy customs tariffs. Controlling the shipping industry was central to this plan as the current surplus of tonnage, irrespective of its condition or suitability, was seen as a one-off opportunity to cut out the loss of capital to foreign shipbuilders and carriers. Therefore, an outright ban on the purchase or co-ownership of foreign hulls was immediately imposed. A further foreseen advantage was the resurrection of the home shipbuilding industry behind such a protectionist barrier.

The option of armed trading, integral to the mercantilist outlook, was implicit in their deliberations. The Dutch formula of trading

¹ E.J. Graham, 'The Scottish Marine during the Dutch Wars', *ante*, lxi (1982), 67-74.

² Petitions to the privy council for permission to purchase foreign hulls were frequent during the years of the embargo. An example is the application by the shippers of Montrose, which was granted in 1685, provided it was not taken as a precedent for others: *Register of the Privy Council of Scotland [RPC]*, xii, 140.

³ *Ibid.*, vii, 666.

⁴ James, duke of York and Albany, was the last lord high admiral of Scotland to receive this office by letters patent: *ibid.*, iv, 30.

⁵ *Ibid.*, vii, 652.

with bulk carriers, as typified by the fluyt boat, had given them the economies of scale to dominate the peacetime carrying trade of Europe. However, their design and very low crew to tonnage ratio had proved highly vulnerable to capture, as the Scottish privateering skippers had recently found during the Dutch wars. The council of trade, acting on this lesson and on the understanding that the Scottish assault on the trade of others would be opposed, actively promoted the alternative Swedish formula by the remission of duties. This model of armed trading was based on the frigate design of hull (single flushed deck), which gave a clear and stable gun platform that allowed for the provision and upgrading of ordnance for the running ship and privateer in wartime, at the sacrifice of maximising carrying capacity.¹ That would prove a decisive move as political events were soon to embroil Scotland, along with most of Europe, in what has since been dubbed the second hundred years war.²

Finally, the greatest stumbling block to the Scottish penetration of the colonial trade—the English Navigation Acts—was raised. This impasse they hoped to resolve by ‘ane union of traid ... seing ane union betwixt the kingdoms a cannot be hoped for’.³ Scottish mercantilist ambitions had, by such statements of policy, been set on a potentially disastrous collision course with their English counterparts. It only required the expediciencies of war to exacerbate the tolerances of the two trading nations.

The ‘Glorious Revolution’ of 1688 was the untimely upset that wrecked the fine balance of Anglo-Scottish rivalries that had been held in check by their common allegiance to the Stuart monarchy. Where Scottish aspirations may have been accommodated within the existing framework of independent nations ruled by the divinely appointed James VII, a sovereign informed in Scottish maritime affairs and benevolent towards his northern subjects, the accession of the house of Orange to the British throne meant the domination of the English parliament. This, in turn, guaranteed the supremacy of the English mercantilist interest in British maritime affairs. The collision of the interests of the two nations was as inevitable as the prospect of a civil war in the north.

The sudden materialisation of a Jacobite threat on the northern flank of Britain created by the Protestant succession, elevated Scotland to the position of a strategic front-line state in a conflict that

¹ *Ibid.*, vii, 654. It is noteworthy that, with few exceptions, the vessels listed in this paper as undertaking an offensive role during this period were of this design.

² The struggle over the English succession inevitably dragged Britain in the larger European conflict of the War of the League of Augsburg (1689–97), which was followed by the War of the Spanish Succession (1702–13).

³ *RPC*, vii, 653.

was destined to involve most of Europe.¹ The topography of the principal Jacobite areas, essentially those inhabited by the Catholic Gaels in Ireland and Scotland, favoured naval incursions by their French allies into northern waters. The logistics of a successful uprising required military landings and supply from the sea. The nightmare for the protestant cause was the prospect of a link up of Irish and Scottish Jacobites. For this to happen the French navy or privateer squadrons would have to gain control of the western seas for a limited period. The spring of 1689 seemed destined to witness this development. By March 1689 James was holding court in Dublin, courtesy of Tyrconnel's arms and Louis's navy. With the exception of a few stubborn Protestant strongholds in Ulster, Ireland was secure for James and the union with his Scottish supporters seemed within his grasp. The west coast of Scotland lay open for a seaborne infestation. During the summer months of May, June and July panic extended to most of the coastal communities of Britain. The southern coast of England braced itself for a grand naval battle for control of the Channel that would be the prelude to a French invasion. As it transpired the French navy were content to continue to play the Irish card and did not seriously consider the grander scheme of a direct invasion across the English channel until 1692.²

Left to their own devices to meet the expected seaborne Jacobite invasion in the north, the convention of estates, summoned by William to legitimise his claim to the Scottish crown, looked to their defences. In the absence of a Royal Scottish Navy, authority was immediately given to outfit two armed cruisers to meet the threat in the West. These were the *Pelican* of Glasgow (18 guns/120 men) and the *Jannet* of Glasgow (12 guns/80 men), commanded by William Hamilton and Alex Browne respectively, whose ambitious commissions were to: '... sink all ships belonging to the late King James ... from the point of Cornwall to the Isle of Skye'.³ Both captains were highly experienced in warfare as they were recruited from the small group of Scottish privateer commanders who had survived the Dutch wars.⁴ The vessels were ex-merchantmen of the Swedish frigate design and hastily provided with cannon from the laid-up Clyde fleet and small arms and shot from Dumbarton Castle.⁵ These two vessels represented the extent of Scottish naval prowess at the commencement of a century of endemic maritime warfare.

However, the speed of events overtook the preparation of the two

¹ For a fuller discussion, see M. Sheehan, 'The development of British Theory and Practice in the Balance of Power before 1714', *History*, lxxiii (1988), 24-37.

² J.R.R. Ehrman, *The Navy in the War of William III* (Cambridge, 1953), 382.

³ *RPC*, xiii, 412.

⁴ Graham, 'Scottish Marine', 69-70.

⁵ *RPC*, xiii, 413-50.

cruisers. An indecisive naval action in Bantry Bay, on 1 May, left the French presence in Irish waters largely unscathed. The fall of Enniskillen and Londonderry, the Protestant strongholds in Ulster, was imminent. To meet this crisis three privateers were hastily commissioned by Lord Hamilton, as president of the Scottish estates. They were Ulster blockade-runners based in the Clyde and were issued with rather odd commissions that can only be described as letters of reprisal.¹ The commissions were to Captains William Burnsyde of the *Dogarvine* of Londondarie (40 tons) and Andrew Douglas of the *Ph[o]enix* of Culrain (50 tons), both of whom had been running the gauntlet to supply their besieged kinsmen and evacuate their women and children. Burnsyde also held a commission from the post master general to act as courier to the commander of the armed forces in Ireland. Their writ was intended to deter the activities of the Scottish Jacobites by searching all highland birlins that they encountered for arms. An un-named vessel of Scoto-Irish ownership, captained by the Irvine skipper, John Woodsyde, joined their squadron in the same month.² Their legal position was regularised by official letters of marque under the royal warrant by late May.

As the siege of Londonderry tightened in June, the *Elizabeth* of Culrairie, captain William Boyd, arrived at Saltcoats on the Firth of Clyde with the last evacuees before returning with forty volunteers to Londonderry.³ The combined efforts of these determined men, and their compatriots sailing from Whitehaven, undoubtedly saved the city and the Protestant cause in Ulster. The *Phoenix* had the distinction, in company with the *Mountjoy*, of breaking the boom across the Foyle, in late July, with 800 bolls of Scottish meal for the starving garrison.⁴ During that summer only a few Glasgow merchants found the nerve to venture armed vessels to Ulster with supplies, namely the *Mayflower* of Irvine (tonnage and armaments unknown) and the *Prosperitie* of Glasgow (45 tons/4 guns), captained respectively by Hugh Brown and William Adair.⁵ The rest of the Clyde fleet stayed in port for fear of capture by the three French men-of-war that were known to be at Carrickfergus in preparation to ferry a Jacobite force across the North Channel to link up with Claverhouse in the Highlands.

That June the two armed cruisers of the Clyde finally put to sea with orders to operate as part of the English naval squadron in the

¹ These letters were granted in lieu of personal loss at the hands of Jacobites: *ibid.*, xiii, 386–8. For a fuller discussion of the legality of the two types of commission, see F.R. Stark, *The Abolition of Privateering and the Declaration of Paris* (New York, 1897).

² *RPC*, xiii, 395–7, commissions dated 29/30 May 1689.

³ *Ibid.*, xiii, 406.

⁴ *Ibid.*, xiii, 392.

⁵ *Ibid.*, xiii, 451, 555.

western seas under Captain Rooke on *HMS Dartmouth* (265 tons/32 guns). While detached from this flotilla they duly fell in with the French squadron off Ireland as it was carrying soldiers to Skye. The contest that followed resulted in the sinking of the *Jannet* and the capture of the *Pelican* with great loss of life. Of the crew of the *Pelican*, only thirty survived to be taken prisoner and eventually ransomed.¹ The loss of these guard ships left the Clyde and the west coast defenceless at a time when naval events in the English Channel were to open the way north for the French privateering squadrons. On the same day that William triumphed at the battle of the Boyne in Ireland, the Anglo-Dutch fleet was defeated off Beachy Head. A French incursion into the Jacobite north was now feasible. The urgency of the situation demanded an English naval presence in Scottish waters to fill the vacuum that Scottish resources could not, or would not, meet. The vanguard of this expeditionary force into Scottish waters was *HMS Dartmouth*, released from the Irish station to cruise the west coast of Scotland under the new command of Captain Pottinger. His high-handed behaviour would spark off a series of challenges to the competence of the Scottish admiralty and, by direct implication, to the very maritime sovereignty of an independent Scotland.

Prior to the arrival of *HMS Dartmouth* relations between the two admiralties had already been strained over an incident in the English Channel the previous month. It involved the rough handling and detention of the Scottish vessel the *Barbara* of Irvine while conveying to the spa at Bath Sir Robert Barclay and his family (who were held as suspected Jacobites) by the English frigate which had re-captured her from a French privateer sailing under letters from James.² With sensibilities already aroused, Pottinger's actions were to be highly abrasive in two distinct ways. Firstly, he exploited his position as the only effective naval force in the Clyde to requisition two vessels to make up a flotilla. One was a newly completed frigate design hull, the *Lark*, which he placed under the command of the Ulsterman Douglas, and the second, the armed sloop *Lamb* of Glasgow (100 tons/20 guns), under the command of a Scotsman, James Gibson. Ordnance was found for them and four hundredweight of gunpowder was acquired from a Londonderry blockade runner.³ He also demanded, and got, six months credit from the Glasgow bailies for

¹ *Broadside* (London, 1689). This contemporary news sheet, at present unlisted by the British Library, is bound with the library's holding of the *London Gazette* for that year. The *Pelican* was audaciously recaptured in Dublin Bay by the yacht *HMS Monmouth*, Sir Cloudsley Shovell: *London Gazette*, 19 Apr. 1690. She was not returned to the Scots, but was sunk as a breakwater off Sheerness.

² A. McJannet, *The Royal Burgh of Irvine* (Edinburgh, 1938), 251-2. A similar fate befell the *Concord* of Glasgow: *RPC*, xvi, 75.

³ *RPC*, xv, 180; xiii, 434, 450.

supplies, the services of four Clyde pilots, fifty seamen and the recently ransomed lieutenant of the *Pelican*.¹ The physical intimidation of turning his crew ashore seems to have expedited matters in his favour. Although there is no evidence that he pressganged Scottish sailors into his service his conduct verged on total disregard for the authority of the Scottish admiralty. However, it was his activities in Scottish waters that brought him into open conflict with their lordships sitting in Edinburgh.

In the few months he was on station, prior to his death, Pottinger had succeeded in breaking the fragile understanding as to the conduct of English warships in Scottish waters.² He had taken it upon himself to enforce the English trade monopolies in the colonial trade, enshrined in the English Navigation Acts, on the Irish and Scottish vessels he encountered. Storm-bound and war-damaged vessels in from the Atlantic seeking shelter in the Clyde without first declaring in an English entrepot were seized along with the illicit Scottish traders in the colonial trade. In his determination to secure them as lawful prize Pottinger arranged for them to be escorted to an English port in blatant disregard of the jurisdiction of the Scottish admiralty. The privy council of Scotland retorted that it was: '... ane unheard off practique too secure Scottish merchant vessels without any just pretence'.³ Their immediate response impounded the prizes as they were being convoyed south by the *Lark* under English admiralty orders: '... prizes must be tried in the jurisdiction of the Admiral of where the prize lies—Scotland.'

This diplomatic note, as to their displeasure, was relayed to the London admiralty with the request that Pottinger should be disciplined:

... acquaint him it is their opinion that no ships in Scotts harbours can be summarily seized by ane order of England. Scotland being ane independent nation, but if England have any pretences to ships in Scotts harbours, the same shall be fairly and legally tried.⁴

In their subsequent correspondence with the lord high admiral of England, the earl of Nottingham, such complaints were to become a regular feature. In April 1691 Captain Roope on *HMS Sheerness* had attempted to seize a neutral, the *Emanuel* of Flenburg, in Leith Roads on a charge of carrying contraband without consulting the Scottish admiralty.⁵ This simmering dispute between the

¹ *Ibid.*, xv, 504.

² *HMS Dartmouth* was lost off Mull that October along with her captain and most of the crew.

³ *RPC*, xv, 384.

⁴ *Ibid.*, xv, 590.

⁵ J. Grant, *The Old Scots Navy* (London, 1904), 101. This paper owes much to the pioneering work of this authoritative source.

admiralties erupted again in June of that year. The incident was the piratical behaviour of Captain Ivory (or Evory) of the English vessel *Pembroke Frigate*. He attacked the *John* of Greenock as she entered the Clyde from Bilbao before going on to terrorise the whole firth:

... did summarily seize the said ship by way of fact and force, shooting great guns at the said ship and putting out their majesties flag; and having turned out the waiters put in by the custom office ... did also violently seize and possess himself of three gabards or lighters that were sailing up the water ... refusing to show any warrant or commission for such a procedure, but, on the contrary threatening to throw the surveyor of New Port Glasgow overboard ...¹

Communicating with the enemy was the other device used by English warships on the Scottish station to secure a Scottish prize. In 1690 the yacht *HMS Monmouth* took the *Mary* of Glasgow on a charge of carrying letters from James to Lord Melville.² This was at a time when virtually the entire English establishment was openly in communication with James.

One of the difficulties facing the Scottish handling of this situation had been the lack of an effective administrative head. William, on his succession, had deemed the office of the high lord admiral of Scotland, previously held by James, vacant. The lord commissioners of the privy council had acted where necessary until the duke of Hamilton received the gift of the office in 1692.³ The appointment was timely as new levels of contempt for the office were soon to be reached. In 1693 all the authority of the Scottish privy council was powerless to stop an English privateer cruising the firth of Forth, stopping and searching passing traders for possible contraband with impunity.⁴ Following this example, a Scottish privateer, the *Elizabeth* of Argyll (70 tons/16 guns/80 men), commanded by Hugh Campbell and owned by the duke of Argyll, behaved in a like manner in the Clyde. Acting under the authority of English letters, Captain Campbell boarded and detained incoming Scottish vessels, sending those with suspect cargoes to England for condemnation.⁵

Such was the gravity of the situation that a direct appeal was made to the queen, in William's absence. The test case was the English privateer, *Countess* of London, whose captain, Thomas Wilkie-

1 *RPC*, xv, 329-30.

2 *Ibid.*, xv, 147.

3 William Dundas, advocate, had been given the office of judge admiral in December 1690. The duke of Hamilton was the lord high admiral from March 1692 until his death in April 1694. Thereafter the privy council was effectively in control of such affairs until January 1697.

4 Scottish Record Office [SRO], MS Privy Council Records PC 1/49, 24, 8 May 1693. After 1691 the records of the privy council are available only as unedited manuscripts.

5 SRO, PC 1/48, 530, 27 Dec. 1692.

sone, had ransacked a neutral, the *Fortune* of Flenburg, in the Forth. This was the second English vessel to do so that month. When ordered to restore his plunder he sailed away and had to be chased by *HMS Sweepstake* commanded by the redoubtable Andrew Douglas. Having caught up with the privateer, Douglas, now a naval captain in the English navy, came to an agreement with Wilkiesone which allowed the privateer to submit himself to judicial proceedings on berthing in the Thames, thereby placing himself under English admiralty jurisdiction.¹ The admiralty in London was thus confronted with the dilemma of either having to pronounce on an incident that happened in Scottish waters, or formally recognise the exclusive competence and jurisdiction of the Scottish admiralty to hear the case.

The queen's reply, that August, was both placatory and assertive:

Til now that the business was determined in the Court of our [London] Admiralty we could make no return to yours, but now, by admitting your plea to return the ship to be judged there in our Admiralty of Scotland, you may be well satisfied of our care and concern we take of the rights, immunities and honour of our ancient Kingdom as well as of its wealth and trade.²

The immunities and honour that the queen referred to were the other outstanding grievances of the Scottish maritime community, namely, the pressganging of her sailors by passing English warships, and the rough handling frequently meted out to Scottish ships driven in distress into Channel ports. In the first instance, the succession of William and Mary had made void the old levy system of providing Scottish seamen for the Stuart navy. This, in turn, was held as the justification for English naval commanders to resort to the pressgang to make up their complements when defending northern waters. Though 1690 was the worst year for this problem it was a regular occurrence throughout the period that usually warranted a public declaration from the crown to the effect that Scottish sailors were not subjects of England and could not be impressed in the English navy.³ The case of the *James* of Glasgow illustrates the latter problem. Having survived attacks from enemy privateers during a winter passage to the Canaries, she was stranded in Porthleven, Cornwall, where she was looted of her cargo and rig and her crew stripped naked by their assailants.⁴

In general the queen's letter was a satisfactory, if not diplomatic, reply to a specific set of Scottish grievances. However, it did not

¹ SRO, PC 1/49, 106-9, 29 June 1693.

² SRO, PC 1/49, 117, 19 Aug. 1693.

³ For example, see *Edinburgh Gazette*, 18 June 1702.

⁴ Glasgow, Mitchell Library, Shawfield MSS, 1/82a, Sworn declaration by the crew, taken by Glasgow Magistrates, 28 May 1694.

resolve the conflicting views held by the two nations on the fundamental issue of the inviolability of Scottish maritime sovereignty in wartime. To defuse this situation a commission was sent north to 'interrogate witnesses' and to put the questions: '... whither or not Scotland be a free nation independent of the kingdom of England and whether or not the Admiralty of Scotland be a supreme court independent of England'.¹ Such opposing perceptions of the legality of the Scottish claims of superior jurisdiction manifested themselves in the collision of national interests over the ill-fated Darien scheme.

At the time of the queen's letter, such a deterioration of relations between the two kingdoms could not be foreseen. Indeed, by the summer of 1693, the converse would have seemed the case as the situation eased in direct response to the removal of the security threat to the succession. Ireland had been re-conquered and pacified, for the time being, by the treaty of Limerick. The death of Claverhouse had left the Scottish Jacobites without an effective military leader. Only the rebels defiantly holding out on the strategically important Bass Rock in the Forth symbolised the armed struggle for the Jacobite cause in the lowlands. At sea the French naval advantage, gained at Beachy Head, was short-lived, as Tourville's grand fleet suffered heavy losses at the battle of Barfleur. This defeat quickly turned into a national disaster with the further crippling losses suffered at La Hogue, so ending any prospect of a French invasion across the English Channel.

By mid 1693 the remnants of the French naval were blockaded and demoralised in their home ports. Thereafter, the offensive role passed to her privateers. In the vanguard were the St Malo and Dunkirk squadrons led by the legendary exponents of *guerre-de-course*, Bart, Forbin and Duguay-Trouin. Under their leadership the war at sea now entered a new phase that placed Scotland again in the forefront of the naval struggle. The small French privateer capers that had pestered the north east coast in the summer of 1690 were now joined by the hunting packs that were lead by ex-French naval units on hire to the privateering admirals. The fighting strength of these flotillas was such that they were ready and willing to attack naval escorts in order to capture whole convoys.² The pattern to the cruise of these larger squadrons was the interception of the returning Baltic and White Sea convoys, from Norwegian as well as French bases. In response to such a raid the allied navals gathered off the Belgian coast to entrap the returning privateers. The counter-move was for the privateers to round Scotland at the end of the foray,

¹ SRO, PC 1/49, 117, 26 Sep. 1693.

² Between 1688 and 1697 St Malo privateers alone captured 3,384 merchantmen and 162 escorting men-of-war. See D. McIntyre, *The Privateers* (London, 1975), 83.

raiding the Dutch Spitzbergen whalers and Atlantic traders that marshalled in the Orkneys. The Scottish and Dutch herring fleets offered additional opportunities to wage economic war before returning home via the western approaches. Scottish renegades provided many of the pilots and captains of enemy privateers throughout this period. In one incident, in 1694, a shore party of five seamen under a lieutenant from a French privateer lying off Stranraer were caught and all found to be renegades.¹

The initial penetration of the far north, achieved by small capers immediately after the battle of Beachy Head, had been allowed to go unchallenged.² However, by June 1693 the full onslaught of the larger squadrons reached the Orkneys. Only the timely arrival of *HMS Centurion* and *Kingfisher* saved the day, capturing nine of their number and scattering the rest.³ The east coast had expected to bear the brunt of these assaults and as early as 1690 the Scottish privy council had commissioned three guard ships to protect the Forth. In keeping with the scale of the problem, as then perceived, and learning from the fate of the *Pelican* and *Jannet*, the vessels selected this time, were much larger ex-merchantmen. They were the *Red Lyon* (200 tons/14 guns); the *James* of Queensferry (190 tons/6 guns) and the *Providence* of Kirkcaldy (160 tons/12 guns).⁴ The additional problem of cutting off the supplies that French privateers ran to the rebels on the Bass Rock brought the *Lamb* of Glasgow (100 tons/20 guns) round from the Clyde to cruise in company of the *Providence*.⁵ As enemy activity surged in 1693, the *Lyon* (200 tons/20 guns/48 men) joined the Bass Rock blockade ships for that winter.⁶ What seemed a formidable force was, in fact, only a deterrent against the smaller privateer. When the supplying of the Bass rebels was undertaken by the powerful ex-French naval frigates, the *Railleuse* (42 guns) and *Sauvage* (20 guns), under the command of the Scottish renegade Robert Dunbar, the guard ships stayed in port. Neither did they cruise outside the Forth, thereby allowing Dunbar the option of heading north to terrorise the Orkneys by attacking houses as well as ships after his visit to the Forth in June 1693.⁷

The inadequacies of deploying armed merchantmen against such forces was plainly evident. The duke of Hamilton addressed the

¹ SRO, PC 1/50, 21, 11 Oct. 1694.

² *RPC*, xv, 338.

³ *RPC*, *London Gazette*, 12 Aug. 1693.

⁴ *RPC*, xv, 75.

⁵ *Ibid.*, xv, 311–3.

⁶ *Ibid.*, xv, 358.

⁷ Dunbar had been the captain of the Forth customs boat that put on board the tide-waiters in 1688. His knowledge of the Forth was, therefore, considerable. For his raid on the Orkneys, see 'Jacobite Privateers in the Nine Years War', in J.S. Bromley, *Statesmen, Scholars and Merchants* (Oxford, 1972), 25.

estates on the matter that very year, as did the king's letter to the committee of trade. Both dwelled on the pressing need to find a solution to the privateering menace. The naval intelligence for the following season promised an even bleaker forecast:

We have received information from prisoners that the French do not intend to set out their grand fleet this year, but would have many cruisers abroad, of greater force than formerly, that will sail two together and far exceed the strength of the guardships.¹

In the face of such dire warnings the only viable solution was the deployment of comparable naval ratters in Scottish waters. The only naval unit then regularly stationed in the north was *HMS Dolphin* which cruised the Western Isles bombarding castles when not: '... fishing for plate from an old wreck in the North Sea'.² The prospect of concentrations of English warships gathering in the firths of Clyde and Forth at a time when the behaviour of her privateers was a current bone of contention between their lordships in London and Edinburgh was politically unacceptable. By the queen's own pronouncement, pending the findings of the committee of enquiry, Scotland was a sovereign state responsible for her own naval policy. The alternative, the acquisition of a Scottish navy, would be, however, a heavy burden to such a weak economy.

The limitations of the Scottish public purse necessitated a compromise between financial and political independence. Estimates undertaken in April and May 1695 put the cost of a navy of three or four frigates at between 24,000 and 36,000 pounds sterling.³ The request to their sovereign for the procurement of men-of-war to protect their coasts was, therefore, a qualified one:

It may please your Majesty to order two English fifth or sixth rate frigates ... for our security and if his majesty will lend us the ships we will furnish and pay the men, for there is a necessity that the ship be subject to our orders, lest otherwise they trouble our merchant ships ...

Added to this plea was a request to check the predatory behaviour of English privateers in the north:

... an we hope his Majesty will give orders that no commissions shall be given by the Admiralty of England to trouble ships within our waters, specially ships belonging to our merchants ...⁴

The ambiguity of this last phrase may well have been intended to

¹ *Calendar of State Papers, Domestic Series*, 424 (Dublin Castle report, 15 Apr. 1695).

² *Ibid.*, 495.

³ *Ibid.*, 428.

⁴ SRO, PC 1/58, 650-1, 20 Mar. 1693.

embrace the delicate matter of Scottish privateers obtaining English letters to prey on their own merchantmen, as had happened with the *Elizabeth* of Argyll that year.

This request was granted and three naval hulls were outrigged at London in 1696 which were of a rating sufficient to deter the new generation of privateer. They were: the *Royal William* (5th rater/367 tons admiralty/32 guns/145 men) commanded by Captain Burd, previously of the guardship *Lyon*;¹ the *Royal Mary* (6th rater/284 tons admiralty/24 guns/115 men) commanded by Captain Bosswell, late of the guardship *Providence*; the *Dumbarton Castle* (6th rater/tonnage unknown/24 guns/115 men) commanded by George Lyon.² The commissioning of Scottish skippers was more than a diplomatic expediency: the lack of admiralty coastal charts for the north meant that local knowledge was at a premium. The upkeep of this Scottish navy was essentially that outlined by the original proposal. However, control of their own defences did not signal the end of seizure of Scottish merchantmen by English warships in northern waters. *HMS Litchfield* took the *Ann* of Glasgow with a cargo of French wine off the Shetlands in 1696 and sent her direct to Great Yarmouth to avoid tangling with the Scottish admiralty which was known to tolerate such trade with the enemy.³ A similar fate befell the *Kathrine* of Dysart in January 1697 when she was taken prize by *HMS Woolwich*.⁴ Confrontation between the English and new Scottish navies flared, even within the confines of the upper Forth, when *HMS Nonsuch* fired on the *Royal William* for not dipping her flag in deference to the English navy: '... the [Scottish] admiralty here can hardly believe it, yet Burd says that some of them shot sharp at him, as he came down the river.'⁵ The cessation of hostilities came with the treaty of Ryswick which stopped further clashes as the Scottish navy was de-commissioned and laid up.

The conflict of national interests was now to focus on the events surrounding the Darien scheme. Progressing logically from its earlier deliberations under the chairmanship of the deposed James, the committee of trade met in 1693 to finalise their recommendations for the promoting of Scottish merchant adventurer companies. In this

¹ Admiralty tonnage was the shipwright's calculation of a naval vessel's displacement based on a complex formula of internal measurements. Tonnage burthen, on the other hand, was the generally accepted measurement merchant vessel size and was based on the hull's carrying capacity. The figures for the same vessel arrived at by each method could vary by as much as one third.

² SRO, PC 1/53, 1-18, successive entries for June and July 1703, complemented by tonnage details from W.L. Clowes, *The Royal Navy* (London, 1966).

³ The confessions of her crewmen have survived: Public Record Office [PRO], High Court of Admiralty [HCA] 32/33, 6.

⁴ SRO, PC 1/51, 94, 20 Jan. 1697.

⁵ *Selection of the Papers of the Earls of Marchmont, illustrative of Events from 1650 to 1750*, ed. G.H. Rose (London, 1831), iii, 129, as cited in Grant, *Old Scots Navy*, 209.

year English outrages against the Scottish maritime interest were becoming blatant. By June 1694 the Scottish estates had acted on their advice and taken the fateful step of passing an Act for Encouraging of Forraign Trade. Matching the established English model the act offered letters of patent to any company that sought to trade to the colonial world. As before, Africa was the preferred area due to the weak position of the English Royal African Company and the immensity of the market for Scottish textiles. Events in England deterred any immediate challenge to this attempt to breach her monopolies. Firstly, there was the inopportune death of Queen Mary, late in 1694, which removed a moderating hand in Anglo-Scottish affairs at this delicate stage. Further leeway was afforded the Scottish preparations by the change in the English administration with the rise of the young Whig junta who paid little attention to the problems fomenting in the north in their ardour to prosecute the king's European war. And lastly, a further period of English indecision elapsed before William returned, in 1695, from his victory at Namur. By then the creation of the company of Scotland trading to Africa and the Indies was well advanced.

William was met, on his return to London, by the mobilised wrath of the English merchant interest, principally those of the East Indies and Africa companies. The severity of the backlash surprised many Scots, as revealed by the comment of the secretary of state at the time, Sir James Ogilvy: '... I am sorry our Indian Act occasions so much trouble; for I think it will do little hurt to England seeing that we want [for] a fleet.'¹ This was a very relevant comment since the reduced state of the Scottish marine was such as to be incapable of attempting any serious assault on the preserve of others. The only comprehensive review of the Scottish shipping stock available for the period was taken by the convention of royal burghs in 1692.² Leith, the premier port, supported only twenty nine vessels (totalling 1,702 tons) of which only one was of any size (150 tons burthen). The Clyde was little better, with sixty-six vessels (totalling 1,182 tons) of which only six were of an ocean-going size. Overall it revealed that the earlier ban on purchasing foreign hulls and wartime losses had reduced the foreign-going stock to around fifteen hulls.³ Measured against this diminutive stock, the purchasing of the Darien scheme

¹ W. Carstares, *State Papers and Letters relating to Public Affairs in Great Britain, but more particularly in Scotland, during the reign of King William and Queen Anne*, ed. J. McCormick (Edinburgh, 1774), 10 Dec. 1695, cited in Grant, *Old Scots Navy*, 270.

² 'Reports made to the Convention of Royal Burghs of Scotland in 1692', in *Miscellany*, ed. J.D. Marwick (Scottish Burgh Records Society, 1881), xxv-lxii, 49-157. This much quoted survey covers those vessels going 'foreign', which was then the monopoly of the royal burghs, and includes English and Irish destinations.

³ W.C. Dickinson and G.S. Pryde, *A New History of Scotland* (Edinburgh, 1962), ii, 74.

vessels from Dutch yards represented a virtual doubling of Scotland's foreign-going tonnage. The flagship of the company, the *Rising Sun*, ordered in 1696, was a formidable warship (450 tons/60 guns) under the command of James Gibson (late of the guardship *Lamb* of Glasgow). Similarly, the principal escorts of the first fleet, which set out for the Isthmus of Panama in July 1698, were acquired in Holland and armed at Amsterdam and Hamburg, the home shipbuilding industry being unable to respond to such an opportunity. Of the thirteen company vessels that crossed the Atlantic in the forlorn attempts to establish a colony, only three survived: the *Caledonia*, *Hopeful Binning* and *Speedy Return*.¹ The loss was more than just men, vessels and capital; it was a disaster that shook the collective confidence of Scottish society to its core. It is not within the scope of this article to catalogue the series of events leading to the Darien scheme disaster or to trace the sense of treachery that surrounded Anglo-Scottish relations as a consequence. Let it suffice to say that William's abandonment of his Scottish 'raging madmen' who threatened his fragile peace with Spain culminated in his proclamation that ordered all English colonies in the Americas to deny the survivors succour. This act embittered Scottish public opinion already hardened to English hostility.²

This was the northern legacy inherited by Anne on her succession to the British throne in March 1702. By May of that year war was resumed with France and her new ally, Spain. The irony of fate is that had the Scottish piratical venture against a Spanish possession been launched three years later, during this war, most probably it would have been well received by their monarch and her English subjects. As it was, the remnants of the Scottish marine left in home waters required protection from the French privateer squadrons that the resumption of war unleashed. The *Royal Mary* and *Dumbarton Castle* were re-fitted at Chatham at the expense of the Crown while the more dilapidated *Royal William* required surveying before a decision was taken to re-fit her. These vessels were commissioned too late to deter the cruise of Duguay-Trouin's squadron round the Orkneys in the autumn of 1702. Again the Dutch whaling fleet was the target of their assault which, being unopposed, would have been entirely successful had not a severe storm scattered the pack with only three prizes taken. Two of these were soon wrecked on the Scottish coast by the same gale.³ Undeterred, the French privateers were back in the same area the following spring and caught the entire Dutch fishing fleet and escorts in Bressay Sound. A battle ensued in which the Dutch admiral's frigate, the *Wolfswinkel*, was blown up

1 G.P. Insh, *The Darien Scheme* (London, 1947), 17, 19.

2 D. Defoe, *The History of the Union of Great Britain* (Edinburgh, 1709), 141–5.

3 McIntyre, *Privateers*, 101.

and virtually the entire sailing of herring busses (c. 150 vessels) burned. Only a few were spared to carry the stranded crews back to Holland.¹ By July 1703 the three vessels of the Scottish navy finally took to the sea, under Scottish commanders and the old arrangement of upkeep. The cost to the Scottish purse was offset by the Crown allowing the two Forth cruisers to be leased to their captains and business associates for a separate armed venture to the West Indies and Italy.² For the next three years their services as guardships were hardly required as the French privateering wolf-packs diverted to the new rich hunting grounds around the Iberian peninsula and the southern approaches. It was not until 1707 that the Dunkirker Forbin reverted back to the old North Sea cruising pattern when he rounded Scotland after cutting up the Muscovy convoy.³

This comparative lull in hostilities in northern waters allowed the Scottish marine to revive while English and Dutch losses mounted in the south. It was, however, during these years that Anglo-Scottish relations entered their darkest days as tit-for-tat legislation escalated the trade war to the level of a grave constitutional crisis. The Scottish estates tried to redress their disadvantage by passing an act allowing foreign wine, the cause of Scottish vessels being seized by English warships, to be legally imported. As the act included Madeiran and French wines and liquors, this move broke with the Crown's policy of economic blockade of the enemy, the key to Nottingham's strategy for defeating the French. In the same year (1703) the more sensitive matter of the Hanoverian succession was challenged with the Act of Security, a political gambit that begged retaliation in kind.⁴ The national bitterness and frustration of a decade that propelled this series of retaliatory measures also initiated a new wave of violent incidents between the rival marines. While the English administration set about drafting a prescriptive measure against the Scottish interest in London, the contest at sea resumed in earnest with the *Annandale* outrage. In an attempt to recoup part of its losses, the Company of Scotland fitted out this armed merchantman (220 tons/20 guns/48 men) for a voyage, ostensibly to Africa. She sailed with letters of marque issued under the company patent and was commanded by Ap Rice.⁵ In January 1704, on her maiden voyage, she was detained at the Downs and condemned as legal prize for intending to breach the monopoly of the English East India

¹ J.R. Nicholson, *Lerwick Harbour* (Lerwick, 1987), 4.

² *State Papers (Scotland)* [*SPScot*], Warrant Books, xix, 6 Nov. 1703.

³ SRO, MacPherson of Cluny MSS, GD 80/568, letter from William Niven regarding the Dunkirk squadron off the coast of Scotland and the capture of two Aberdeen vessels.

⁴ The English Aliens Act of 1705, which would have threatened the legality of the Scottish merchant community in London.

⁵ *SPScot*, xix, 3 Jan. 1704.

company. This was a private action, but the principle was extended in December by the lord high admiral of England to the seizure of all Scottish vessels found trading with the enemy.¹

By these acts the myth of a possible peaceful co-existence of the English and Scottish trading companies in the colonial world was exploded. Retaliation was exacted at the first opportunity. That winter the English East Indiaman, the *Worcester*, put into Leith having rounded Scotland on her home run to London. She was immediately seized by the agents of the Company of Scotland. This stalemate effectively meant that it was now impossible for the company vessels of either nation to avoid seizure in the territorial waters of the other. The dispute took on national proportions when Captain Green and a number of his seamen were charged for the murder of the crew of the overdue Scottish company vessel, the *Speedy Return*. With passions running high the actions of Captain Hews on *HMS Winchester*, then visiting the Forth, aggravated the prisoners' situation further when he took to searching Scottish vessels: '... firing at them if they refused to comply with his demands'.² The trial and conviction of a few of the officers of the *Worcester* was a travesty of Scottish justice.³ The timing of the public executions on Leith Sands came within a few days of the passing of the English Aliens Act that was intended to enforce an expulsion of the Scottish merchant community in London. The tragedy did, however, have the effect of displaying the enormity of Scottish disaffection to the overbearing neighbour and shocking both establishments into seeking a way round the impasse.

In 1705 the commissioners from the respective nations were ordered by the crown to reconvene in London to formulate a full political and economic union as a matter of urgency. In the meantime, prudent counsel and well directed bribery weathered the storm while an incorporating union was thrashed out. The resulting Act of Union of 1707 was a competent piece of diplomacy, from the maritime view at least. Every grievance was taken into account and neutralised. Article IV conceded Scottish access to the colonial markets of England. Article V re-defined the shipping of both navies as of British sovereignty. Article XV allocated an extremely generous amount (£219,094 pounds sterling) from the Equivalent to reimburse the shareholders of the Company of Scotland for their losses and the termination of the company. This was a simple but effective

¹ Historical Manuscripts Commission, *House of Lords Report*, new series, vi: 1704-6, 233-8, cited in Whatley, 'The Union of 1707', 156.

² SRO, PC 1/53, 370, 12 Mar. 1705.

³ SRO, Clerk of Penicuik MSS, GD 18/6072, 'account of the Trial of Capt. Thomas Green and Crew for piracy' gives a very graphic contemporary report on this case.

solution that left the English monopolies intact while re-financing the Scottish mercantile community so that they might maximise the other trading opportunities that the union would accord them.

The significant concession that the Scots had to give in return was the surrender of their maritime sovereignty. Article XIX stripped the Scottish admiralty of effective power while leaving the edifice in place as a concession to national sensitivities: '... yet the Court of Admiralty established in Scotland should be continued, subject, to future regulations and alterations by the parliaments of Great Britain.' The office of high lord admiral of Scotland set an additional problem as the duke of Richmond successfully championed his claim to have the office recognised as his heritable title.¹ This was conceded as a proprietary right and the commissioners were obliged to buy out the office in a separate arrangement. With the defence of the realm now firmly in the hands of the lords of admiralty in London, the way was clear for a major re-organisation of resources and a change of tactics. The surviving vessels of the Scottish navy were absorbed into the British navy and diplomatically renamed: the *Royal William* and *Royal Mary* became *HMS Glasgow* and *Edinburgh* respectively.² The surviving captain, Thomas Gordon, was re-commissioned in the British navy and given command of *HMS Leopard*.³

Nottingham's new strategy of cutting off the economic life blood to France which her privateers had hitherto delivered in vast quantities from their prizes, demanded counter-measures against the *guerre-de-course*. To end this scourge the first elaborate system of convoys was developed to cover all the major sea lanes of the British Isles. The acquisition of the Scottish maritime jurisdiction completed the matrix. While such plans were being finalised, the French attempted a major military landing in the Forth. The force comprised of Forbin's squadron of five ships-of-the-line and three privateering frigates, conveying ten thousand soldiers and James in person. Lack of resolve by Forbin defeated the scheme rather than the size of Byng's naval force sent against them.⁴ The Cruiser and Convoy Act (1708) allocated forty three cruisers to convoy duties which entailed withdrawing naval units from fleet duties. Twelve were sent to protect north Britain; nine on the east coast and three on the west coast. The Orkneys, Aberdeen Bay and the firths of Clyde, Forth and Cromarty became designated marshalling areas. The Dutch navy shared the

¹ The basis of his claim dated back to the ratification of the separate jurisdiction of the Scottish admiral in 1609 and 1681.

² Clones, *Royal Navy*, 251, quoting a contemporary authority describing them as 'all very small and of limited importance.'

³ Gordon's career, including his collusion with the enemy, is the subject of a substantial section of Grant, *Old Scots Navy*, 200.

⁴ J.S. Gibson, *Playing the Scottish Card: the Franco-Jacobite Invasion of 1708* (Edinburgh, 1978).

escort duties for the whaling fleets and the North Sea convoys. Such a deployment of naval resources was quite beyond the means of an independent Scotland near to bankruptcy after the failure of the Darien scheme. The convoy system proved effective from its inauguration in October 1710 and effectively held the privateering threat in check.¹ Marine insurance, a key institution in the future growth of Scottish trade, flourished as the risks of war were minimised by such protection. The northern coastal convoy system involved shepherding some forty vessels at a time between the marshalling areas from where seasonal convoys set out to as far as Archangel, the Baltic and the Atlantic west of Kinsale.² This blueprint for the defence of British trade would be resurrected during the later conflicts of the eighteenth century. The enemy privateers' tactics also adapted to meet this new level of British naval power in Scottish coastal waters. This development coincided with the disgrace of Forbin and the death of Duguay-Trouin which terminated the operations of the larger French privateers in the north.³ The offensive gap was filled by smaller vessels commanded by Scottish renegades which could exploit their size and local knowledge to work close inshore and far into the firths. The spring of 1711 heralded the first serious infiltration of Scottish waters since Forbin's abortive landing in 1708. Against this type of solitary intruder, or cruising pair, the convoy escorts and Scottish armed merchantmen were very effective. Of the latter type twelve Scottish vessels took out letters of marque with the London admiralty after 1707.⁴ The principal counter to the threat was, however, the convoy escorts in the north that comprised naval sixth raters. *HMS Flamborough* (a replacement for the wrecked *Greyhound*), *Glasgow* and *Strumbolo* plied the sea lanes between Newcastle and Leith, while the *Seaforth's Prize*, *Queensborough* and *Aldbrough* did this duty from the Clyde to Kinsale.⁵ The weak link in the chain was the area between Leith and the Orkneys which was patrolled by the solitary *HMS Mermaid*. Consequently, the season of 1711 was marred by privateering scares off the Orkney, Fife and Aberdeenshire ports that paralysed the local traffic.⁶ Even in the well-patrolled sea areas

¹ Smout, *Scottish Trade*, 67, holds that the Scots rarely accepted or solicited convoy from English ships. This may have been the situation before 1710, given the previous history of rough handling and pressing seamen. But it was not the case after 1710, as the shipping reports from lowland newspapers, cited hereafter, testify.

² Contemporary newspapers begin to report shipping intelligence regarding these areas from this period: e.g., *Scots Courant*, 20 Nov. 1710.

³ Forbin was sent to internal exile after his failure to land James by the Forth in 1708.

⁴ PRO, HCA 26/13, letter of marque declarations.

⁵ P. Crowhurst, *The Defence of British Trade* (London, 1977), 349–51.

⁶ *Scots Courant*, 20, 21, 27 Mar., 2, 9, 13, 24 Apr., 4, 7, 11, 16, 23 May, 2, 8 June, 3, 8, 24 Sep., 6 Oct. and 5 Nov. 1711. The peace negotiations that led to the treaty of Utrecht were under way by the last date.

small enemy privateers, commanded by motivated Jacobites, were capable of occasional large scale disruption. In the Forth Scottish vessels were taken by enemy cruisers within sight of Leith and the lighthouse on the Isle of May was plundered by two privateers in May 1711.¹ The following month a St Malo privateer, commanded by the Scots renegade Captain Smith, terrorised the Clyde before being captured by the *Dolphin* of Glasgow (35 tons/10 guns/60 men) on her run to Belfast with dispatches.² The sense of public indignation against such renegade captains was plainly evident from the treason trials and public executions that they were subjected to when captured. Alexander Dalzeil, a notorious Scottish commander of a French privateer, was finally taken off the Bass Rock by *HMS Flamborough* in 1711 and sent to the Old Bailey where he was convicted of high treason.³ He was publicly executed in London in 1713 even though hostilities had effectively ceased the year before.

The scares of 1711 were the exception rather than the rule and under the protection of the convoy system Scottish lowland traders were quick to exploit the trade opportunities that the hostilities had created. War put the efficient trader at a disadvantage, as the Dutch formula carriers found to their cost. The smaller Scottish armed Swedish-formula traders had a much higher survival rate, especially when the geographical position of their ports in wartime aided their entry into and exit out of the Atlantic. This allowed them to be competitive and to penetrate the long distance markets where survivability took precedence over carrying capacity. An example was the *Gordon Galley* of Leith (80 tons/10 guns), owned by Captain Thomas Gordon R.N., which voyaged as far afield as Archangel and Cadiz during the war years.⁴ War also dislocated established trading patterns, opening and closing markets, which suited the late-coming Scots. With a royal naval presence at Lisbon (after the 1703 Anglo-Portuguese Accord), the capture of Gibraltar and Minorca (1705 and 1708 respectively) and the recruitment of the Tripoli corsairs to the British war effort, the Mediterranean trade was revitalised and the Iberian markets opened up. The most promising long term market opportunity was also a direct consequence of war. As British privateers cut off the French supply of tobacco from her West Indian colonies, so her own cruisers made good the loss with captured English Virginian stocks. After the end of hostilities the French consumers' taste for this lighter leaf remained entrenched, and this market opportunity was seized on by the merchant classes of Scotland. The treaty of Utrecht gave Britain domination of North

1 *Edinburgh Courant*, 14 May 1711.

2 *Scots Courant*, 17 Aug. 1711.

3 *Scots Post Boy*, 26 June 1712.

4 PRO, HCA 26/13, letters of marque declarations; *Scots Courant*, 23 Feb. 1711.

America, an area in which the Scots now had a legitimate commercial interest and a geographic advantage to exploit. Her merchant community, now free from the outright discriminatory policies of her neighbour and saved from the brink of financial ruin after the Darien fiasco by re-imbursement from the coffers of the Equivalent, with five per cent dividend, were ready to test their business acumen abroad. During Queen Anne's time the British Navigation Acts were tightened to include the strategically important naval stores and provisions to the list of renumerated commodities that were denied the means of trade to rivals, especially the Dutch. As a consequence Scottish-owned hulls would be mainly supplied from the low cost yards of the Chesapeake throughout the tobacco era.¹ The conditions for Professor Smout's prelude to take-off of the Scottish economy² were in place by the end of the war. Symptomatic of this dynamic recovery was state of her marine. The number of Scottish registered vessels had flourished from a stock of 215 vessels (14,485 tons), registered at the time of the Act of Union, to 1123 hulls (50,232 tons) by the end of 1712: a far cry from state of affairs recorded by the royal burghs' survey of 1692.³

Scotland's attempts at achieving a similar breakthrough in her trading situation by herself, while defending her own sovereignty, in the closing decades of the previous century had brought her marine close to ruin. She had neither the stock of shipping or masters to force an entry into such a hostile trading environment. Now, as part of a British Empire the fortunes of mercantilism, previously so fickle for Scotland, were destined to work in her favour during a new century which Professor Hobsbawm has described as: '... not one in which the successful businessman was at all wedded to peace.'⁴ Astute dealing by the Scots resulted in the contract of 1744 with the French state monopoly farmers to supply tobacco in war and peace in the months prior to the outbreak of the War of Austrian Succession (1744-48). This effectively granted immunity from capture to Scottish traders to the Continent while those serving the North American and West Indian trades were safely distanced, in their northern ports, from the main areas of conflict. Similarly, during the Seven Years War (1756-63), the Scottish traders suffered only negligible disruption to their run to America behind the screen of the royal navy. This profitable arrangement that raised much indignation amongst their fellow Britons in the south. However, the fortunes of war were

¹ R.F. Dell, 'The operational record of the Clyde tobacco fleets', *Scottish Economic and Social History*, ii (1982), 3.

² T.C. Smout, *A History of the Scottish People, 1560-1830* (London, 1972), 221.

³ British Library, Harleian MS 6269, list of Scottish vessels compiled for Whitehall by the Scottish customs service over the winter of 1723-4.

⁴ E.J. Hobsbawm, *The Age of Revolution* (London, 1973), 87.

to reverse drastically for Scotland with the outbreak of the American War of Independence (1775) which brought the ruination of the tobacco trade and heralded a new generation of enemy privateers in Scottish waters.