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The Control of Trade in Scotland during the Reigns of James VI and Charles I

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AT any one time in pre-1650 Scotland, there were three regulatory bodies which were involved in Scottish trade: the Convention of Royal Burghs (hereafter CRB), the Parliament and the Privy Council.¹ The monarch also directly intervened on occasion, and it is perhaps unsurprising that these institutions came into conflict with each other. For example, the records of both the Privy Council and the CRB are littered with references to disagreements between these groups. Despite this, the extent to which the CRB exercised control over Scottish trade cannot be over-emphasised. As one of the largest taxpayers in the kingdom, paying one-sixth of the annual tax income,² the CRB often had the deciding say in any matters relating to trade. This balance of power could be altered in times of severe hardship or war, where both Parliament and Privy Council would pass acts which affected commerce. For the most part, however, Parliament allowed the CRB to deal with affairs of trade, regularly renewing their privileges.³ As Alan R. MacDonald has stated, the actions of the CRB were 'rarely controversial because these interests seldom clashed with those of the other estates'.⁴ This degree of independence was important for the

1 Technically the Convention of Estates provides another example. However, as Goodare has pointed out, the membership of the Convention of Estates was the same as the Scottish Parliament and thus, according to Goodare, 'it is inconceivable that members of the estates could have wished to do one thing in Conventions of Estates and something different in parliaments'. Therefore, an analysis of both bodies would be repetitive and for the purposes of this paper the Scottish Parliament, which Goodare describes as having ultimate legislative control, has been chosen (Goodare 2004, 147-72).

2 MacDonald 2007, 74.

3 RPS 1578/7/11; 1579/10/38; 1584/5/88; 1593/4/52; 1605/6/44; 1612/10/54.

4 MacDonald 2007, 81.

CRB. However, it did not necessarily equate to tangible control of merchant activities. The CRB often struggled to exercise authority in its battle against those who traded without licence. The purpose of this paper, therefore, is to analyse the relationship between the major institutions (Parliament, the Privy Council and CRB) that affected Scottish trade, as well as other organisations that attempted to influence commerce. From this investigation, it will become clear that while the CRB controlled Scottish trade in theory, converting this regulatory power into real control over the activities of individuals was not quite as simple.

Prior to the research of Alan R. MacDonald, the most commonly cited publication in relation to the CRB was that of Theodora Pagan.⁵ Her 1926 monograph on the CRB was the most cited work in any traditional economic literature that mentions the CRB.⁶ More recently, Julian Goodare has examined the relative power of the CRB in comparison to the Scottish Parliament, eloquently arguing that the rules made by the CRB really only applied to their members and did not constitute statute legislation.⁷ However, he does not go into great detail regarding trade itself. MacDonald's 2007 publication on the burghs and parliaments of Scotland provides the most comprehensive and up-to-date information on the CRB's relationship with Parliament, its financial history and its domestic actions.⁸ In 2010, John Toller investigated the activities of the CRB from the Interregnum until 1688.⁹ These scholars do not examine the attempts by both James VI and Charles I to interfere in CRB affairs through 'British' trading policies. Neither do they seriously investigate the international actions of the CRB in protecting and advancing foreign trade for its members. This article examines the actions of these bodies purely in relation to trade in the reigns of James VI and Charles I, and also considers the CRB's actions in protecting and assisting Scottish trade on the Continent.

This is especially important considering the resurgence in scholarship over the last two decades regarding Scottish relations with the wider world. Building upon the work of T.C. Smout, in-depth research by several historians, such as Douglas Catterall, Alexia Grosjean, Steve Murdoch, Siobhan Talbott, Kathrin Zickermann and several others, has provided evidence of Scottish-led trading ventures and Scottish communities in various regions of Europe.¹⁰ These recent works provide a comparison between the CRB-controlled

5 Pagan 1926.

6 See Lythe and Butt 1975; Lythe 1960; Smout 1963, 15-16.

7 Goodare 1999; Goodare 2004a, 86.

8 MacDonald 2007.

9 Toller 2010.

10 Catterall 2005; Grosjean and Murdoch 2005; Murdoch 2007; Smout 1963; Talbott 2011; Talbott 2012; Zickermann 2013.

Scottish Staple in the Low Countries and those areas where an official Scottish presence was lacking, such as Rotterdam, Hamburg or Stockholm.

As MacDonald has discussed, there was simply no institution in all of Europe like the CRB – it was unique.¹¹ The CRB was essentially a representative assembly, comprising commissioners from all of the parliamentary burghs, that met regularly to discuss issues affecting trade and their status within the kingdom. The CRB was involved in every area of trade, from petitioning the king and Parliament regarding trading matters to organising the collection of funds for those traders who had been captured by North African corsairs.¹² The burghs within Scotland were ranked by status, with burghs such as Edinburgh and Aberdeen considered the most important and smaller burghs such as Dunbar less influential.¹³ This was a protectionist measure allowing the ancient burghs to maintain control of their extensive privileges in the wake of the elevation of new towns to burgh status.¹⁴ Despite this, even representatives of the most ancient burghs were adamant that all burgesses should stick together in the face of Parliamentary or Privy Council attempts to erode their privileges. Therefore, a common theme throughout the CRB records is the issuing of fines to those burghs that failed, when asked, to send a representative to CRB meetings.¹⁵ Until 1672, the Royal Burghs held a monopoly on overseas trade and only those who were members of the merchant guild were allowed to engage in the practice.¹⁶ Therefore, individual burghs would often complain about the erosion of their trade by towns which did not hold burgh status. For example, Aberdeen regularly raised concerns regarding the activities of individuals in Stonehaven and Fraserburgh.¹⁷ As a result, the CRB spent much of its time discussing how to deal with these towns and the ‘unfreemen’ who they deemed a threat to their monopoly.¹⁸ This war against such traders, who were essentially smugglers, was taken seriously. The burghs were asked to report to CRB meetings and detail what methods they were employing to curb the trade of these individuals.¹⁹ An Act of Parliament, passed in 1592, assisted the CRB in its fight by forbidding unfree

11 MacDonald 2007, 57-8.

12 RCRBS i, 122.

13 For example, see RCRBS i, 112-13. The status of the burghs has been investigated in more detail by MacDonald (2007, 166-75).

14 Pagan 1926, 121-2.

15 RCRBS i, 97. This is merely one example, but many Conventions begin by listing those who have failed to appear and penalising them.

16 Cummings 1985, 45.

17 ACL i, 286-9; ACL ii, 31-4; ACL iii, 208-10.

18 For the purpose of this article unficensed traders will be referred to as ‘unfreemen’.

19 RCRBS ii, 111, 174; RCRBS iii, 3, 311.

craftsmen from operating.²⁰ Those merchants who possessed a guild licence to trade were not allowed to associate with their unfree colleagues lest they be implicated in their illegal activities.²¹ The penalties for dealing with such individuals were high. In August 1633, the CRB decreed that any merchant found owing a vessel or sending goods with an unfree skipper would be fined a hundred pounds.²² Those who had been caught trading without the correct accreditations, such as William Rose, James Sibbald, William Dishington and Walter Reid, were ordered to desist from trading or apply for permission to trade, the certificate of which they were to present at the next CRB meeting.²³ As these individuals do not appear in the records of the following CRBs, it is difficult to ascertain their fate, but it is possible that they continued trading without licence to do so. The CRB was fighting a losing battle against unfree traders.²⁴ This was partly due to foreign complicity in assisting unlicensed Scots to trade (as shall be discussed below). However, it was also due to the inability of officials to control trade. For example, in his report on Scotland's economic condition during the Cromwellian Commonwealth, Thomas Tucker noted that the landing of boats in parts of Aberdeen's harbour gave, 'opportunity of much fraude, in landing goods privatly'.²⁵ This shows that even larger ports were not capable of monitoring all the trade that passed through them. The coastline was simply too lengthy, and the resources too few, for all trade to be accounted for officially.²⁶ As S.G.E. Lythe has discussed, the conveying of cargo in small open boats from Montrose to other Scottish ports was prevalent.²⁷ It would have been relatively easy for such vessels to evade the authorities and the practice of conveying goods between ports in small open boats may well have been conducted by those unlicensed to do so. With this evidence, it is clear that catching every person who was trading without the permission of the CRB was not feasible.

The CRB also struggled to control trade to its Staple port in the Low Countries. Scottish merchants had received privileges in this area since 1295, with the first official Staple being situated at Bruges in 1470.²⁸ In theory, the Staple port was the only place where Scottish merchants could land Staple

20 RPS, 1592/4/96. A similar act was passed in August 1607 which shows that despite laws to the contrary, unfreemen were still operating (See RPS, 1607/3/24).

21 Pagan 1926, 123.

22 MacDonal and Verschuur 2013, 133.

23 RCRBS ii, 463.

24 MacDonal 2007, 77.

25 Marwick 1881, 23.

26 Lythe 1993, 101.

27 Ibid, 100.

28 Rooseboom 1910, 1-26. Although the Staple was first situated at Bruges, by 1473 merchants were already moving northward to ports like Middelburg.

commodities, which were defined in 1602 as any goods which paid customs in Scotland.²⁹ For the CRB, the advantages were two fold; it made the collection of customs in Scotland less complicated and it allowed the authorities to observe the export process from both the departure and destination locations.³⁰ However, to the fury of the CRB, Scottish merchants continued to take Staple goods to other ports, particularly Rotterdam, with CRB meetings frequently discussing this problem and punishing transgressors.³¹ Middleburg was also a common destination for Scottish merchants who argued that they struggled to collect a return cargo from Veere. Thus a new contract in 1612 stated that Veere would pay to have goods, with which Scottish merchants could trade, brought from Middleburg.³² Even those who used the Staple port caused problems for the CRB, as demonstrated by a list, recorded in November 1634, of those who had left without paying their dues.³³ Unfree merchants, who were naturally banned from using the Staple, were also a large part of the problem, especially when significant numbers began using Rotterdam. As noted by Douglas Catterall, the city authorities at Rotterdam did everything they could to encourage Scottish traders to the region, with the foundation of the Scots church in 1643, in particular, being a rallying point for Scots in the area.³⁴ The church provided a point of contact for all new arrivals, as well as distributing poor relief to needy Scots.³⁵ Scottish coal, which was not a Staple good, had an enthusiastic market in Rotterdam, with the local authorities believing the mineral to be so important that they pleaded with the States General of the United Provinces to prevent taxation on its import.³⁶ Moreover, Scottish merchants were using new connections in England as a way to avoid paying duties at the Staple port by shipping goods destined for the Low Countries to England first.³⁷ While the CRB attempted to outlaw this practice, it would have been impossible to police as the CRB could not control which port a vessel visited.³⁸ If a Scottish ship travelled to London and then on to the Low Countries with Staple goods on-board, there was very little that the CRB could do to either prevent the practice or punish the transgressors.

A comparison can be made with the study of Scots in Stockholm. Steve

29 Davidson and Gray 1909, 190.

30 Enthoven 2007, 41-2.

31 RCRBS iii, 22, 31, 120, 128, 227. These are just a few examples. The RCRBS contain dozens of references to traders not using the Staple port.

32 Enthoven 1996, 215.

33 MacDonald and Verschuur 2013, 201.

34 Catterall 2005, 178-9.

35 Ibid, 178-83.

36 Ibid, 184.

37 Murdoch 2006, 142

38 RCRBS ii, 298-9.

Murdoch has mapped the achievements of a successful Scottish community, despite the fact that the city of Gothenburg, with its official Scottish presence on the City Council, has received more scholarly attention.³⁹ However, unlike in Gothenburg, there were no checks on Scottish activities in Stockholm and thus Scots infiltrated into society without attracting attention.⁴⁰ It would be fair to assume that this was also true of Rotterdam. Scottish merchants preferred to work without official recognition of their presence, which consequently contributed to the difficulties experienced by the Staple at Veere.

France also played host to a number of Scottish merchants, despite its lack of a Staple port. Scotland had enjoyed a long relationship with France from the late thirteenth century and, contrary to popular belief, the Reformation did not harm Scottish trade with the French kingdom.⁴¹ Despite the CRB ruling in 1582 that Scottish merchants could not trade with any person 'nocht of the trew relligioun of Jesus Christ', in 1588 James Beaton, the archbishop of Glasgow and the king's ambassador in France, secured from Henry III a customs reduction for Scottish merchants.⁴² In 1599 Henry IV renewed these privileges, pointing to the 'mutual aid and assistance' which both parties had given to each other.⁴³ The CRB was keen to ensure that these privileges were regularly renewed, sending commissioners to France in 1601, 1612 and 1635, with James Forret, the baillie and commissioner for Glasgow, nominated to travel with the king's ambassador, the duke of Lennox, in 1601.⁴⁴ In 1612 William Nesbet, merchant of Edinburgh, was instructed to act on the CRB's behalf and charged with securing 'his maiesteis favorabil letter of recommendatioun directet to the king counsall of France for obteneing ane ratificatioun of the ancient legue betuix the kings of France and his maiesteis subiects and realme of Scotland' (RCRBS ii, 336-8). John Trotter, a merchant dispatched in 1635, secured a notable reduction in import duties against Scottish wool and hides.⁴⁵ By 1647 there was an unfortunate reversal of fortunes, with the CRB complaining that Scottish merchants were suffering due to 'the laying of heavie impositionis upon our countriemen'.⁴⁶ This shows that the French perhaps did not lay as much store by the 'ancient rights and privileges' as Scottish merchants did. However, it also reveals that the CRB's interest in overseas trade continued into the 1640s, despite domestic turmoil in Scotland. Regardless of the lack

39 Murdoch 2010, 48-9.

40 Ibid, 49.

41 See Talbott 2011, Talbott 2012.

42 RCRBS i, 133-4; 284-5.

43 Moncrieff 1751, 48-54.

44 RCRBS ii, 104-5.

45 ACA, SR0 25/3/2. Many thanks to Professor Steve Murdoch for providing a transcript of this document.

46 MacDonald and Verschuur 2013, 297.

of a conservator and a Staple port, trade with France thrived. Although trade with the Staple was important, it is clear that Scottish merchants traded just as well with kingdoms which did not have a conservator in place.

While Scotland's relationship with France meant that Scottish merchants continued to obtain privileges in that kingdom, the state of affairs regarding Iberia was different. This was due to three main factors: the first being that France was not as reverently Catholic as orthodox histories have previously portrayed. Both Siobhan Talbott and Marie-Claude Tucker have pointed to the presence of a small but significant Scottish Protestant population in France, including Andrew Melville.⁴⁷ Secondly, the military aspect of the relationship between Scotland and France, although scaled back, was not defunct, with levies of Scots for French service being held in 1589, the 1630s and 1640s.⁴⁸ Thirdly, and perhaps most importantly, Habsburg Spain was an imperial power with dominions encompassing large parts of Europe, the New World and Asia. As part of the Habsburg dynasty, Spain was also in league with the Holy Roman Emperor.⁴⁹ The sheer size and influence of the Habsburg territories, combined with globalised Catholicism, was worrying, especially as, unlike France, the Habsburgs had the favour of the Papal authorities.⁵⁰ This was coupled with the fear of the Inquisition, which invaded popular thought and was largely disproportionate to the number of individuals who were actually brought before the institution.⁵¹

This fear of the Inquisition was cited by the Scottish Kirk in its attempt to have trade with Habsburg Spain and its dominions prohibited. In a meeting of the General Assembly held in April 1593 it was ordered that every Christian within the Kirk should refrain from going to any of the king of Spain's dominions, where the 'tyrannie of Inquisitioun is vsed'.⁵² In June of the same year the Scottish Kirk took this further, instructing a minister, William Murray, to approach the CRB and read an act passed by the General Assembly which requested that the CRB either ban or suspend trade with the dominions of Spain.⁵³ It is important to note here that no matter how strongly the General Assembly spoke, their lack of legislative power meant that they

47 Talbott 2010, 197-214; Tucker 2002, 111-20.

48 Murdoch 2007, 891; Glozier 2001, 119. After the Peace of Prague in 1635 France became one of the most important anti-Habsburg forces on the Continent.

49 Ball 1977, 11.

50 Dandeleit 2001, 53-5. This favour was often given by necessity and not by choice. For example, during his reign, Philip II had a strong influence over the papacy due to the Spanish territorial holdings in Italy.

51 Rawlings 2006, 1-2.

52 *Acts and Proceedings: 1593, April*.

53 RCRBS i, 402.

could not force the CRB to do anything.⁵⁴ The CRB responded that they were unable to make a decision of such magnitude but promised to give an answer to the provost of Edinburgh in due course.⁵⁵ In July 1593 the CRB conceded, ratifying and approving a ruling that made traffic and negotiation with the dominions of Spain illegal.⁵⁶ Once again, however, it must be noted that this was not law. The CRB had essentially asked the members of its club to desist from trading with Spain and its dominions. While they had the power to fine those burgesses who were not abiding by their regulations, it was not statute legislation.⁵⁷ Evidence is available of Scots continuing to trade with Iberia despite the proclamation, including Gilbert Gardin of Dundee who undertook a journey to Lisbon in 1601 and William Clepham who in 1603 reported that he had been trading in Spain since 1598.⁵⁸

Within a few years, the CRB also began to ignore its own 'official' stance against trade with Iberia. In July 1607 the burgh of Edinburgh and its neighbours along the Firth of Forth were given permission to meet and appoint a 'discreitt' man for the 'Counsallado in Spayne'.⁵⁹ This was followed by the appointment of William Crawford as consul in Lisbon two years later.⁶⁰ The situation was a delicate one. Anti-Spanish feeling in the 1590s made it prudent for the CRB to agree with the General Assembly's attitude to trade with Iberia.⁶¹ However, once initial fears had died away and peace had been concluded between Spain and England in 1604 the CRB was more than happy to encourage the trade, to the point of acknowledging the need for conservators in both Spain and Portugal. This interesting episode shows the practicality of the CRB, which, while aware it could not ignore the powerful Scottish Kirk, also knew the value of trade with Iberia and was willing to encourage it, regardless of the difference in religion.

Despite the CRB's monopoly on overseas trade and the punishment that they were able to hand out to those unlicensed to trade, other institutions also had an input on trading legislation. In 1597, the burghs received a significant blow from James VI. Due to a dearth in Crown finances, James decided to

54 Goodare 2004b, 152-8.

55 This was despite the CRB ruling against trade with Catholics in 1582 (See RCRBS i, 133-4).

56 RCRBS ii, 5. Interestingly, according to this record, the Act had been previously discussed and passed in July 1593 and July 1595 respectively, but was not recorded in the Convention book.

57 Goodare 2004b, 158-9.

58 CSPD 1601-1603, 97; Cecil Papers, CP91/159.

59 RCRBS ii, 242-3.

60 RCRBS ii, 279-80. This shall be discussed in more detail below.

61 For more information regarding the difficult position of Scotland and its monarch during this period, see Saenz-Cambra 2003 and Worthington 2004.

impose a general import tariff on all goods entering the country.⁶² This provoked outrage from the CRB. Aware of the king's intention, the CRB had been attempting to prevent this measure.⁶³ Previous attempts by the Crown in the 1580s had involved the CRB voluntarily providing the sum of four thousand pounds and thirty tuns of wine each year.⁶⁴ However, by the 1590s the Crown needed new ways to raise revenue and, following an uprising in Edinburgh in December 1596, James was determined to control all of Scotland's estates.⁶⁵ As Julian Goodare has argued, the events of December 1596 were not merely religious. They involved nobles, burgesses and the laity, with several Edinburgh burgesses being imprisoned following their submission to the king at Linlithgow on 23 December.⁶⁶ Ian D. Whyte has stated that 'the domination of Edinburgh over Scottish trade was even greater than that of London over English commerce'.⁶⁷ Therefore, the importance of the capital and its merchants cannot be overlooked when discussing trading matters. The burghs were unhappy with the situation but believed that everyone would be taxed fairly and knew that, following events in Edinburgh, they were in no position to argue.⁶⁸ Yet, when the act was ratified by the Scottish Parliament, it contained a clause which allowed landowners to import and export goods destined for personal use without a customs charge.⁶⁹ While aware that the tariff would anger the merchants, this was, for James, the lesser of two evils in comparison to reforming direct taxation which would have incensed the nobility.⁷⁰ As Goodare has pointed out, for the most part the governing classes were not involved in trade and were thus happy to exploit the merchants.⁷¹ This event showed how strong royal authority, combined with support from the landowning classes in parliament, could effectively out-manoeuvre the CRB. However, the CRB was more than capable of defending its liberties and utilising any means at its disposal.

62 Whyte 1995, 195.

63 RCRBS i, 497. When James had tried to implement the customs tax in summer 1596, the CRB craftily responded that they could not possibly decide on such an important matter themselves and that they needed the Parliament to take control.

64 Goodare 1999, 114. As argued by Goodare, the CRB agreed to this sum as they knew the only alternative would be higher customs.

65 This event has been referred to as the 'Edinburgh Riots'. However, Goodare has argued that rather than a 'riot', which suggests wanton violence from an impulsive crowd, this was in fact an organised 'uprising'. See Goodare 2008, 312-13; MacDonald 2000, 175.

66 Goodare 2008, 323; 325-7.

67 Whyte 1995, 279. David Stevenson (1987, 167) agrees, stating that 'they [the royal burghs] showed a strong tendency to follow the lead of Edinburgh'.

68 Murray 2004, 69.

69 RPS, 1597/11/29.

70 MacDonald 2007, 73.

71 Goodare 1999, 115.

Petitioning the Privy Council occupied a great deal of time for the CRB. The extent of the petitions show not only the disagreement with, but also the degree to which, the CRB believed that it could handle situations better than the other regulatory bodies. While the Parliament and Privy Council were often happy to defer decisions regarding trade to the CRB, some petitions and remonstrations against their policies were unwelcome.⁷² The granting of monopolies, in particular, was a subject over which the CRB was often vehement in its disagreement with the Privy Council.⁷³ In November 1619 the Privy Council granted Nathaniel Udward and his heirs a monopoly on making and selling soap in the kingdom.⁷⁴ This was followed on 25 June 1622 with a monopoly on the export of coal granted to the Earl of Winton.⁷⁵ The CRB despised monopolies as it prevented their own merchants from trading in certain commodities. In June 1623 it petitioned the Privy Council. At the top of its list of grievances was the granting of monopolies.⁷⁶ The Privy Council's answer on 18 June must have infuriated the CRB. In their reply they asked the CRB to define exactly what they meant by a monopoly.⁷⁷ With regards to Mr Udward, the CRB's concern was not merely with his monopoly on the trade of soap. Udward had also been given the right to manufacture the product too, and this was problematic for the CRB. Soap was vital for cloth production and it needed to be of good quality. Thus the Privy Council heard a number of arguments between Udward, who claimed his soap was just as good as continental soap, and the CRB, who argued that it was not.⁷⁸ In July 1623 it was finally decided that Udward's monopoly would be rescinded for a year after which period, if he could prove that his soap was of an acceptable quality, it would be returned to him. Although this was a temporary ban, it remained in place and Udward's monopoly was never restored.

There has been serious scholarly debate over the true power of the Privy Council in comparison to the Scottish Parliament. In particular Keith M Brown, Gordon Donaldson, Bruce Galloway, and Julian Goodare have discussed the matter in detail, with Goodare believing, contrary to his peers, that Parliament and only Parliament could pass statute legislation.⁷⁹ The arguments involved are complicated and, due to the constraints to space, cannot be contextualised here. However, it is interesting to note that, whatever the case technically, the

72 Lythe and Butt 1975, 32.

73 MacDonald 2007, 69.

74 RPCS xii, 106-7.

75 Ibid, 752-3.

76 RPCS xiii, 240-2.

77 RCRBS iii, 150.

78 RPCS xiii, 252-3.

79 Brown 1992, 16; Donaldson 1965, 288-91; Galloway 1986, 4; Goodare 2004b.

CRB believed that the Privy Council's actions were legally binding and could do serious damage to their privileges. The sheer number of protestations against monopolies demonstrates this. While Goodare provides a convincing argument, how much this mattered to the average merchant or burgh is debatable. The CRB may have had the largest monopoly in the kingdom but they were not going to accept any attempt to chip away at their privileges. Therefore, every incursion upon their rights was treated as of the utmost importance. As Goodare has discussed, this is partly why the Crown continued to grant monopolies; it knew the burghs were wary of protesting too strongly considering their own privileged status.⁸⁰ The Covenanted Parliament, however, agreed with the CRB and banned individual monopolies entirely in 1641.⁸¹

The administration of the Scottish Staple in the Low Countries had been under the control of Scotland's merchants and burghesses since the mid-fourteenth century.⁸² The appointment of the conservator, a position created in 1407, was also jealously guarded by the CRB.⁸³ Thus when Udwart arrived in Veere in 1623 with a letter from King James stating that he was the new conservator, the CRB reacted angrily. A letter from the Privy Council to the king states that the burghs and Mr Robert Denniston, the conservator whom Udwart had tried to oust, believed that the king had been deceived.⁸⁴ The CRB made it clear just how unwanted Udwart was, stating that 'the saidis commissioneris, all in ane voice, agries to oppose against the gift of the official of conservatorie grauntit to Maister Nathaniell Eduard'.⁸⁵ In a letter to the Privy Council, James argued that he instructed Udwart not to take up the post until Denniston had died and, even when this event had occurred, he would have consulted the CRB first.⁸⁶ This event was an unheard of interference in the CRB's control of the Staple. Had Udwart succeeded, the king would have had control over one of the most important areas of CRB trade, the Staple port. The CRB, however, held firm and demanded their right to administer the position.⁸⁷ It is impossible to ascertain the king's true motives behind this

80 Goodare 2004a, 53-4.

81 RPS, 1641/8/192.

82 RPS, 1347/1.

83 Rooseboom 1910, 18.

84 RPCS xiii, 408-9. The Convention tactfully wrote that Udwart had convinced the king by making him believe that Denniston wished to retire and had recommended Udwart as his successor.

85 RCRBS iii, 153.

86 RPCS xiii, 487.

87 In July 1625 it appeared that the CRB had accepted the king's description of events, or perhaps they thought it unwise to pursue the matter any further, and appointed Sir Patrick Drummond as the new conservator (see RCRBS iii, 187-8).

event. However, considering the policies that James advocated both before and after the Union of the Crowns in 1603, it would be feasible to describe his attempt to obtain control of the Staple as part of a wider British trade policy.

These attempts at creating a unified British trading policy arguably began in 1599, four years before James became king of England. In a letter to the CRB, James asked the CRB to appoint an individual in England similar to the conservator in the Low Countries.⁸⁸ The man whom James had recommended for the post was William Hunter, who had been involved in shipping English goods to Spain in Scottish ships in the early 1590s, and also had conducted correspondence with Francis Walsingham, the master of Elizabethan intelligence.⁸⁹ Perhaps the CRB was aware of Hunter's dubious character, or possibly the institution resented more royal interference following the import tariffs of 1597 and saw a chance to reassert its authority. Furthermore, the CRB may have felt that having a conservator in a country where the culture and language were so similar was redundant. Whatever the true reason, the CRB did not acquiesce to the king's request arguing that the appointment of a CRB in London would be costly and unnecessary.⁹⁰ By 1612, however, the conservator had a change of heart, deciding in a meeting in July that a man needed to be found to assist Scottish merchants in England.⁹¹ The CRB deciding that they needed a representative thirteen years after they refused the king's request, does lend credence to the argument that the CRB wished to deny James the chance to interfere in trade policy. However, it could also have been an admission that such an individual was needed, especially post-1603.⁹²

James made another attempt to create a unified British trading policy in August 1605, when he asked the Scottish Privy Council to choose commissioners to travel to France with their similar representatives from England. As MacDonald notes, unlike their English neighbours, the Scottish Privy Council then had to ask the CRB who was to be appointed.⁹³ Upon arrival in France they were to discuss how each kingdom could gain each other's advantages.⁹⁴ A letter from the Privy Council in England to its counterpart in Scotland and vice versa indicates that the commissioners were elected.⁹⁵ A trade agreement

88 RCRBS ii, 48-9.

89 AGS, Estado K. 1567; CSPSpanish, f. 123. 12 January 1589.

90 RCRBS ii, 62.

91 RCRBS ii, 353.

92 See Murdoch 2006, 150 *passim*, for a discussion regarding the rights of Scottish citizens in England post 1603.

93 MacDonald 2007, 187.

94 RPCS vii, 113. The only exception was the advantages of the Scottish merchants over the wine trade at Bordeaux which was not for discussion.

95 *Ibid*, 472-4.

between *Great Britain* and France was concluded in February 1606, giving privileges to merchants of *Great Britain*.⁹⁶ However, it is uncertain if this trade agreement was due to the work of this delegation, as their signatures do not appear on the document, and there is no further mention of this commission after July 1605. Four years later, the CRB was forced to intercede when an Englishman, most probably Hugh Lee, was found to be taking customs duties from Scottish vessels. Lee was appointed as consul in Lisbon by the English Spanish Company in September 1605.⁹⁷ In their new charter the Spanish Company was permitted to appoint consuls to represent all of the kingdoms of James VI and I. Thus Lee probably felt it was his right to collect the duty from all the vessels arriving from James' dominions.⁹⁸ However the CRB disagreed, appointing William Crawford in 1609 as Scottish consul in Lisbon and requesting that he advise his countrymen on local laws and assist them in their affairs.⁹⁹ As the CRB did not appoint their own consul until complaints from Scottish merchants were being made, it is likely that they were unaware that James had granted this right to the English Spanish Company, suggesting a more devious, although ultimately unsuccessful, attempt by the king to control Scottish trade.

James also tried to force Scottish merchants to transport their wares in Scottish and English ships, which he claimed were stagnant in port for want of employment.¹⁰⁰ The CRB, however, was worried that this would lead to higher freighting prices and thus damage Scottish trade. They proposed a compromise: freight to France and the south would be carried on English and Scottish vessels whilst vessels carrying goods to the Baltic would be at the discretion of the merchants. The skippers recognised the importance of the Baltic and thus refused this offer.¹⁰¹ By this time the arguments had been ongoing for almost two years and James had become annoyed with the lack of progress on the issue.¹⁰² It was not until 3 November 1619 that the matter was finally settled, with the compromise that the CRB had previously proposed being agreed upon. Merchants trading to the south and west were to use ships

96 *Articles concluded at Paris*. The italicising of the term 'Great Britain' is my own as, although politically this entity did not exist, this was how King James styled himself and the treaty itself refers to the subjects of Great Britain. Many thanks to Professor Steve Murdoch for drawing my attention to this document.

97 Croft 1973, xlv.

98 *Ibid*, xxxvi. Within a year of Lee's appointment the Company was dissolved by a bill for free trade into Spain, Portugal and France, although Lee remained as consul for English merchants for some years (see Croft 1973, xlvi and Games 2008, 100).

99 RCRBS ii, 279-80.

100 RPCS xi, 202-3.

101 RCRBS iii, 87-8.

102 RPCS xi, 571-2; 589-90.

from either England or Scotland. However, in shipping goods to the Baltic and the Low Countries, merchants could continue as they had always done, the CRB successfully arguing that to do otherwise would be detrimental to trade.¹⁰³

While there is very little evidence for this period, it is interesting to note that, due to the presence of North African corsairs, sailing to southern Europe was a dangerous journey and many small Scottish vessels would not have attempted such a perilous voyage. There are in fact several examples of Scottish ships being taken by corsairs including the *William of Burntisland*, taken in September 1619, and the *Blessing of Kirkcaldy*, taken in December 1624.¹⁰⁴ Thus when it came to obtaining goods from Iberia, Scots were more likely to buy such items in the large entrepôts of Rotterdam and London. For example, in 1634 it was noted that a large ship skippered by a Scot arrived in Rotterdam from San Sebastian and then distributed its goods among smaller vessels bound for Scotland before customs officials could examine the cargo.¹⁰⁵ Therefore, to the Convention and the wider Scottish trading community, being forced to use Scottish ships for journeys to France and Spain may not have made much difference to how they already operated. Goodare has argued that James's royal economic policies meant that the lobbying techniques of the CRB were 'dismayingly ineffectual'.¹⁰⁶ While this can certainly be said for the 1597 customs reform, which had the support of the nobility, other attempts by James resulted in victory for the CRB. James's attempts to appoint a London conservator, the consul in Lisbon, as well as his interference in the Scottish staple and shipping, were ineffective, with the CRB cunningly by-passing such attempts.

King James was not the only monarch to endeavour to bring a British element to his dominions' trade. Charles I also made an effort with his attempts to set up a common fisheries policy. Charles wished to emulate the Dutch, who ruled supreme over the fishing industry in northern Europe.¹⁰⁷ In his plan, Charles wanted to allow all the subjects of his dominions equal access to the waters around the British Isles.¹⁰⁸ The CRB, however, was unhappy with the scheme, which it believed would lead to Scotland's fisheries being swamped by English and Irish fishermen who would deplete Scotland's fish stocks.¹⁰⁹

103 RPCS xii, 107-8.

104 Ibid, 184-5 ; RPCS 2nd Series i, 144-5. Many thanks to Professor Steve Murdoch for bringing this example to my attention.

105 ONA, Inventory Number: 94, Act No: 78/143.

106 Goodare 2004a, 54.

107 Macinnes 1991, 108.

108 Harris 2000, 44.

109 Macinnes 1991, 110-12.

The successful propaganda campaign by the CRB meant that, when the acts were passed, the Scottish administration was un-cooperative, angry at the fact that Charles had narrowed their desired exclusion zone.¹¹⁰ The CRB had once again managed to thwart royal policy; although the Charter for fishing was passed, it was soon abandoned and was an embarrassing defeat for royal authority.

Conflict with other kingdoms was an additional reason for royal authority to legislate on the control of Scotland's trade. From 1625 until 1630 Charles was at war with both France and the Spanish Habsburgs, simultaneously. As a result, in September 1626 the Privy Council, on the king's orders, banned any Scottish vessel, sailor, skipper or master from going on any voyage without express licence from the Privy Council.¹¹¹ Separate legislation was issued for French wine, with its importation banned on 19 December 1626. The proclamation stated that merchants of England, Scotland, and the merchants of the Continent, could not import French wine into the British Isles on pain of confiscation.¹¹² Simultaneous wars with France and Habsburg Iberia would have made obtaining certain goods common to both areas, such as wine and Biscay salt, technically illegal. However, when several merchants complained that their shipments of wine had been confiscated in January 1627, the king allowed the cargo to be restored, accepting the argument that the merchants could not possibly have known about the new embargo.¹¹³ In February, another Scottish merchant, who had imported French wine in a Dutch hulled vessel, was also permitted to sell his cargo.¹¹⁴ Charles I was obviously happy to exempt those merchants who were already journeying to France when the proclamation was made. Coincidentally, the king was not as strict about the importation of wine when it came to his own table. In February 1629 it was decided that Scottish merchants should import wine as the king was planning to visit and that without it his Scottish subjects would be unable to entertain him properly.¹¹⁵ Although French wine was excluded from this wine amnesty, it was probably imported from secondary ports, such as those in the Dutch Republic. In her investigation of the wine trade between the Dutch Republic and France, Henriette de Bruyn Kops has stated:

110 The CRB wanted the exclusion zone to be fourteen miles around the coast of Scotland and its islands, as well as reserving salmon fishing for Scots alone (See RPS, A1630/7/92; Macinnes 1991, 110-13).

111 RPCS 2nd Series i, 430-2.

112 Ibid, 478-9.

113 Ibid, 506-7.

114 Ibid, 527-8.

115 RPCS 2nd series iii, 44-5. It goes on to say that there should be no sale of wine at Leith until the king's residence is sufficiently supplied.

'The statements of authenticity regarding a wine's national provenance, be it French, Iberian or Rhenish, are so often in direct competition to the current political situation that they become amusing' (Bruyn Kops 2007, 113-14).

Despite the conflict, market demand for wines from France and Spain continued. In February 1627 William Dick and William Gray were appointed by the Privy Council to rescue the ship and the cargo of the *St Marie of Lübeck*.¹¹⁶ The ship had become beached after being captured by Scottish privateer George Langlands while returning from a trading voyage to Spain.¹¹⁷ Dick and Gray were to secure the ship and if possible ensure the cargo was transported to Leith in order for the perishable goods to be sold quickly. This would allow the proceeds to be distributed to whomever the Admiralty Court decided the vessel belonged to.¹¹⁸ The vessel carried a significant cargo of Spanish wine and, as the Privy Council wished to ensure the goods were sold in Leith, there was obviously a market for them.

The commodity of salt, especially Biscay salt, provides another example. It was vitally important to the Scottish fishing industry and was preferred over Scottish salt, which was believed to be of inferior quality.¹¹⁹ During the wartime period (1625-30), the import of salt into Aberdeen from foreign ports remained relatively stable, if somewhat fluctuating, and considering the general preference for Biscay salt, it is unlikely the product was not from this area.¹²⁰ Iberian and French commodities, therefore, probably continued to make their way to Scotland under the guise of false ports listed in the records or through entrepôts such as Rotterdam. Much like the CRB's struggle with 'unfreemen', it was very difficult for the Privy Council to ensure that proclamations banning trade to, and goods from, certain areas were actually being adhered to.

The Scottish Parliament was another institution which had a role to play in the legislation of Scotland's trade, most commonly in periods of dearth. The Records of the Parliament of Scotland give examples of the export of essential foods being outlawed due to bad or late harvests. This was the case in 1587 with legislation banning the export of victuals, and permission given to seize ships

116 RPCS 2nd series ii, 238-40.

117 Murdoch 2010, 179, 379; RPCS 2nd Series ii, 238-40.

118 RPCS 2nd series ii, 238-40.

119 When Aberdeen began to have difficulties procuring Biscay salt, they made pleas to various authorities to be allowed to obtain the commodity, describing it as vital to the burgh's commerce (See ACL iii, 213-15; ACL iv, 275-7). Parliament and the Crown also understood the importance of Biscay salt for the Scottish fishing industry (See RPS, 1681/7/51).

120 Taylor 1972, 612.

that were attempting to transport them out of the country.¹²¹ In December 1591 ships bound for Spain loaded with corn were confiscated for this reason.¹²² In 1649 Parliament passed a similar Act, with penalties again being imposed on those who attempted to remove supplies of grain from the kingdom.¹²³ The Privy Council, which met more frequently than the Parliament, also issued proclamations on this matter and with more frequency.¹²⁴ Similarly, coal was another commodity regularly banned for export, although without much success. Legislation against its export was passed by Parliament in November 1579, but was largely disregarded by merchants.¹²⁵ In 1597 the legislation had to be passed again with Parliament pointing out that the previous law was being ignored.¹²⁶ Even James VI became involved. In April 1609 he replied angrily to a protestation of coal manufacturers, stating that coal did not grow and its supply declined with each day. He then asked the coal owners to consider how the kingdom would be affected if the domestic coal supply was exhausted.¹²⁷ The arguments regarding coal exports simmered on for decades, with mine owners arguing that coal was so expensive to obtain that, in order to be profitable, its export was essential.¹²⁸ In this case, the CRB was firmly on the side of the Crown and Parliament, mainly due to a worry that a scarcity of coal would affect the price of other Staple commodities. This was combined with the fact that as coal was not a Staple good it did not need to be traded through the royal burghs.¹²⁹ However, considering the importance of Scottish coal to the Rotterdam economy, it does not appear that the restrictions against its export were stringently policed.¹³⁰

During the 1640s Parliament took on a new role. The Covenanting Government was now a war machine whose legislation had a serious effect upon trade. In July 1643 Parliament ruled that, due to the threat from Irish privateers, no ship could leave without permission and a licence from the Convention of Estates.¹³¹ This was followed in January 1644 by further legislation which affected the prices of goods in the form of an excise tax. This Act placed a tax on a large number of commodities, from alcohol and

121 RPS, 1587/7/49.

122 CSPScotland x, 609.

123 RPS, 1649/1/45.

124 RPCS ii, 588-9; RPCS v, 221-2.

125 RPS, 1579/10/43.

126 RPS, A1597/5/8.

127 RPCS viii, 575-6.

128 RPCS xiii, 570-1.

129 MacDonald 2007, 68-9.

130 Catterall 2005, 184.

131 RPS, 1643/6/24.

tobacco to imported cloth and all livestock.¹³² This, perhaps unsurprisingly, was a very unpopular move. John Spalding's *Memorialls* described Scotland as 'this miserabill countrie overburdenit with vncouth taxationis'.¹³³ The burghs, in particular, were suffering from the effects of war at this time, due to the forced loans of the 1640s, as well as the 1644 excise tax and the original customs tax of 1597 (which was increased in 1612).¹³⁴ This financial burden, combined with the destruction of the conflict, was so great that in the late 1640s legislation was passed which allowed certain burghs respite from the excise tax.¹³⁵ For its part, the CRB appeared to carry on as normal during the 1640s, with the burgh of Montrose asked to provide evidence of action against unfreemen and complaints made about individuals transporting Staple goods to unfree ports.¹³⁶ Unfortunately, while the Covenanted Parliament did attempt to bolster Scottish home industry with legislation passed to assist new manufactories, the dire economic situation of the kingdom during the 1640s meant that these acts were largely ineffective.¹³⁷

While the control of Scottish trade could, in theory, be regulated by Parliament, the Privy Council or the king, it was in reality only controlled by one, the CRB. Until 1672 they held the monopoly on all overseas trade. Michael Lynch has described the CRB as 'the most highly developed' of all Scotland's authorities by the early seventeenth century.¹³⁸ He further comments:

'The burghs seldom exerted direct political power as such, but they knew their own mind better than any of the other estates and perhaps, at times, better than the crown itself.'¹³⁹

Several attempts had been made to control Scottish trade, with James VI making the most determined efforts at forcing a unified British policy upon Scotland. These policies, especially his interference with the appointment of the conservator and the freighting of foreign ships, were stiffly resisted by the CRB. In the case of free trade between England and Scotland under James, Scottish merchants exploited the situation taking English goods abroad and

132 RPS, 1644/1/65.

133 Spalding 1850 ii, 313.

134 Stevenson 1987, 173-9.

135 RPS, 1649/1/149; Stevenson 1987, 179-82.

136 MacDonald and Verschuur 2013, 322-4. These records are a missive found at Aberdeen City Archives by MacDonald and Verschuur.

137 David Stevenson has discussed the attempts of the Covenanted government to bolster home industry during the 1640s (See Stevenson 1988).

138 Lynch 1986, 61.

139 Ibid, 61.

selling them on for a good profit.¹⁴⁰ The CRB was determined to hold on to its privileges at all costs and was, for the most part, quite successful in doing so.

However, administrative control did not necessarily confer actual control. While the CRB was successful in defending its rights to Scotland's other regulatory bodies, it was unsuccessful in its attempts to control unfree traders. Both at home and abroad, unfree traders continued to be a thorn in the side of the CRB, which, with its large tax burden, could not afford to allow unfree merchants to trade. MacDonald has described the reinstatement of the burghs' privileges in 1690 as ineffective, stating 'the dam had burst and the flood was so strong that it could not be repaired'.¹⁴¹ However, the damage to the CRB's monopoly was clear decades previously. Despite the CRB's insistence, traders, both licensed and unlicensed, could not be forced to use the Scottish Staple. Both smuggling and the complicity of the individual burghs in safeguarding their own interests made the policing of the CRB's regulations nigh on impossible. Even when other regulatory bodies, such as the Privy Council, attempted to ban the export or import of commodities due to dearth or conflict, the transgressions continued. Although the CRB may have wished burghesses to act as one entity, in reality, each trader was more concerned with attempts to be profitable.

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140 RPCS viii, 388-9.

141 MacDonald 2007, 184-5.

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