

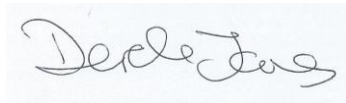
The Business of Smuggling in south-east Scotland.
John and David Nisbet and their associates c.1740–1790

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Abstract

Research into the career of the merchant-smuggler John Nisbet of Gunsgreen House, Eyemouth has led to a 'bottom up' analysis in this thesis of the North Sea smuggling business in the second half of the eighteenth century. Building on previous work, but supplemented by a range of new material, this thesis challenges some assumptions, notably about direct links between smaller Scottish ports and Gothenburg and highlighted the role of the merchant-smuggler in managing the import of tea from Sweden. It has also highlighted the significance of 'Gottenburgh Teas' as a brand, extensively advertised in newspapers in Scotland and the north of England.

As well as this important addition to our understanding of the northern smuggling world, the thesis examines in detail the activities of the small port of Eyemouth, developing a knowledge of the methods adopted by smugglers and their relationships with each other and with the customs. It will also review the North Sea timber trade of the period, challenging earlier preconceptions about both the source of much of the timber that came to Scotland and how the business was managed.

What it shows is that it is now possible to undertake micro historical research of a small port with, apparently, minimal local records, by combining a wider range of material, including much now available online, such as family history resources and the British Newspaper Archive. In this case, too, evidence is provided by Gunsgreen House itself, its physical fabric – the so-called tea chute, for example – and its symbolic importance for John Nisbet.

The result is a detailed analysis of northern smuggling, including the importance of the role of Scottish merchants in Gothenburg, some of whom were Jacobite exiles, and of the business processes involved in smuggling which were essentially those of regular merchants.

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Introduction

Background

For a period of some forty years in the middle of the eighteenth century, the port of Eyemouth in the far south-east of Scotland had a small, but steady trade across the North Sea, importing timber, iron and tar from Sweden and Danish Norway and exporting grain. It had a community of merchants and a small number of professionals. It was, in other words, an unremarkable town. A visitor to Eyemouth today is immediately aware of Gunsgreen House, a large mid-eighteenth-century merchant's house dominating the town and harbour. It is the history of this house, and of its builder, John Nisbet, that was the starting point of this thesis. What it demonstrates is how small scale, local, or micro-history can lead to a complete re-think of how a subject is viewed. In this case, that subject is smuggling, in particular, smuggling across the North Sea into Scotland.



Figure Intro/1. Gunsgreen House

The initial objective was to examine the business of smuggling in Berwickshire, the southernmost county on the east coast of Scotland. It became clear, however, that by studying smuggling from the bottom up, it has been possible to produce a ground-breaking analysis of North Sea or northern smuggling. An area of consideration throughout is the nature of smuggling as a crime. Was it a social crime, as key writers in the 1960s and 1970s proposed or was it, less

romantically, an economic crime – tax evasion, in fact? Were there different styles of smuggling in different parts of the country? Is there evidence of popular support for smuggling and/or for the enforcement agencies? Was it a violent business as it was often portrayed at the time?

Tea was the main item of contraband in the North Sea and tea smuggling, in general terms, has been studied before, but by revisiting some of the sources used by the pioneers in this field, combined with an analysis of newspaper advertising, and, in particular, a unique group of documents relating to the failure of the business of John Nisbet, it has been possible to develop a much clearer picture than hitherto of the mechanics of this trade, including the development of 'Gottenburgh Teas' as a brand.

In addition, the in-depth analysis of the trade of the small port of Eyemouth has challenged some existing assumptions about the Scottish timber trade with Norway and permitted the development of the proposition that agricultural improvement created the environment in which smuggling could flourish. It has also laid the foundations for a future study of the coastal grain trade.

Focus

The focus of the thesis on Eyemouth, situated a few miles north of the border with England on the east coast of Scotland (see map in Chapter 2, Fig. 2/1), has made it possible to develop an understanding of the way that conventional trade and smuggling both operated in the second half of the eighteenth century, and how closely they were inter-woven. There is no reason to believe that Eyemouth was particularly unusual, so it is permissible to use this work as the basis for an examination of smuggling elsewhere in Scotland and Britain. In other words, Eyemouth can be seen as a microcosm of small ports of this period.

What this thesis has been able to do is to combine a great many sources, both primary and secondary, and examine them from the point of view of the smugglers of Eyemouth, which has allowed for a new perspective on the business of smuggling. Previously, much published work in this area has been

either very specific, focusing on individual smugglers, but failing to place them in a wider context, or quite general, selecting examples with little regard to the influence of locality. It was the detailed examination of the processes involved that led to the outcomes presented here. At the heart of this analysis is John Nisbet. He was not a particularly significant figure outside of Eyemouth, but there is enough evidence surviving of his business affairs and relationships to illuminate many aspects of this trade.

Historiography

Any examination of the historiography of smuggling is quite challenging. Academic historians have been wary of looking at the subject in the depth that is pursued in this thesis. They have tended to review its impact on the economy, at a high level or at smuggling as an example of social crime. Any detailed examination of smuggling at a local level has been left largely to non-professional or popular historians, writing for a lay audience and usually in a purely local context. Contemporary accounts are often sensationalised or written for a moral or political purpose.

This thesis is largely developed around primary sources, in particular, the documents relating to the process of sequestration (bankruptcy) of John Nisbet's business. The existence of this small, but rich cache of documents, alongside the detailed examination of the small merchant community of Eyemouth, has allowed a re-examination of material used by other writers and the records of the Scottish Board of Customs to produce a far more detailed picture of smuggling across the North Sea than has hitherto been possible.

Academic writings on smuggling

The first academic histories of smuggling reflected the late nineteenth- and early twentieth-century concentration on administrative and political history. Elizabeth Hoon's study was, primarily, focused on the governmental body, the Customs service, whose role was to prevent smuggling, rather than with the practices and experiences of the smugglers themselves. Hoon was the first serious researcher to search out and use the scattered records of the customs

service throughout England to produce her work *The Organisation of the English Customs System 1696–1786*, first published in 1938, and republished with a critical introduction by Rupert Jarvis in 1968. In her original preface Hoon set out her purpose:

No detailed account has been made of the nature of customs administration in the eighteenth century, at the very time when that administration had its greatest significance in the working of the mercantile system... This book attempts to describe the elaborate organisation which existed for the collection of a revenue that was used to meet the national debt and to finance the wars which helped Britain win her first Empire.¹

This clearly shows understanding of the importance of the customs service to the functioning of the fiscal-military state in the eighteenth century and the driving force behind its enforcement activities. To this end, it concentrated on the state's response to smuggling, rather than on the process of smuggling itself. It was, then, very much a 'top down' interpretation of the subject.

In 1959 Neville Williams, an assistant keeper at the Public Records Office, published a review of 700 years of smuggling.² In his bibliography, he referred to key texts in understanding the history of the subject, which include Hoon and Teignmouth & Harper. He highlights, as 'the best introduction', G.D. Ramsay's paper in the *Transactions of the Royal Historical Society* in 1952.³ This is the first article to recognise the role of smuggling in economic history and set the agenda for such studies over the succeeding years. Ramsay's opening sentence summarises his argument: 'Some share – fluctuating and uncertain, but assuredly significant – of English foreign trade in modern times is to be credited to smugglers...' He highlighted the fact that 'There were large-scale smuggling interests involved, for instance in the clandestine eastern trade that sheltered itself... behind the rights of the companies located, at least in name, at Copenhagen, Lisbon, Ostend or Trieste', and he drew attention to the fact that 'other evidence suggests that most of the tea drunk in Great Britain in the

¹ Elizabeth E. Hoon, *The Organisation of the English Customs System 1696–1786* (Newton Abbott: David and Charles, 1968), p.xxx.

² Neville Williams, *Contraband Cargoes: Seven Centuries of Smuggling* (London: Longmans, Green and Co. Ltd., 1959).

³ G.D. Ramsay, 'The Smugglers' Trade: A Neglected Aspect of English Commercial Development', *Transactions of the Royal Historical Society, Fifth Series*, 2 (1952), 131–157.

seventies was smuggled.⁴ Ramsay clearly recognised the importance of tea smuggling and of the European East India companies in that context, although the most significant of these, the Swedish East India Company (Svenska Ostindiska Companiet: SOIC) was omitted.

Louis M. Cullen was another relatively early scholar of the subject, who devoted attention to smuggling linked to Ireland. His earliest article was published in 1957 and dealt with a series of letters dating from 1737.⁵ A subsequent paper in 1969 addressed the practicalities of the smuggling business in Ireland, which was then supplemented in 1994 by a monograph examining the impact of smuggling on the economy of Ayrshire.⁶

The most influential series of papers starting in the 1950s are those by W.A. Cole, and Hoh Cheung and Lorna H. Mui. They form a group as the Muis challenged aspects of Cole's work, which he then defended.⁷ Cole undertook statistical analysis to seek to demonstrate the volume of tea smuggled into Britain, citing Ramsay to support his contention that official statistics of imports and re-exports were 'virtually useless'.⁸ The Muis took issue with some of his findings, but also looked at the details of the trade in smuggled tea. Their starting point was, however, common to many scholars addressing smuggling, in that 'smugglers have a secure place in adventure stories' and that one of the purposes of their work was to 'bring smuggling down from the heady tales of romance to the workaday business it was in fact.' They also explained that 'it is only recently, however, that we have become fully aware of the importance of smuggling in European economic history'.⁹

⁴ Ramsay, 'The Smugglers' Trade', 135.

⁵ Louis M. Cullen, 'Five Letters Relating to Galway Smuggling', *Journal of the Galway Archaeological and Historical Society*, 27 (1957), 10–25.

⁶ Louis M. Cullen, 'The Smuggling Trade in Ireland in the Eighteenth Century', *Proceedings of the Royal Irish Academy: Section C*, 67 (1969), 149–175; L.M. Cullen, *Smuggling and the Ayrshire Economic Boom of the 1760s and 1770s*, Ayrshire Monographs 14 (Ayr: Ayrshire Archaeological and Natural History Society, 1994).

⁷ Hoh-Cheung Mui and Lorna H. Mui, 'Smuggling and the British Tea Trade before 1784', *The American Historical Review*, 74.1 (1968), 44–73; W.A. Cole, 'Trends in Eighteenth Century Smuggling', *The Economic History Review*, New Series 10.3 (1958), 395–410; W.A. Cole, 'The Arithmetic of Eighteenth Century Smuggling: Rejoinder', *The Economic History Review*, New Series 28.1 (1975), 44–49.

⁸ Cole, 'Trends', 395.

⁹ Mui and Mui, 'Smuggling', 44.

H.S.K. Kent's ground-breaking 1973 work on trade in the North Sea was key to understanding the importance of this area to the growth of smuggling.¹⁰ It was his work that really pointed the way to the existence of a 'northern smuggling'. His understanding of the Scottish timber trade was slightly askew, due to the nature of the sources available, but his work was nonetheless significant. Lillehammer's chapter on the Scottish/Norwegian timber trade in the area inland from Stavanger of the sixteenth and seventeenth centuries is a study of a very particular region and paints a picture of trade that sounds similar to that of the later eighteenth century in southern Norway.¹¹ Thomson's later thesis updated our knowledge of the Scottish timber trade, by undertaking a much more detailed analysis of the local records.¹²

What these post-war writers had in common was their placing of smuggling in the context of economic history, which experienced a great growth in the 1950s and 1960s. They dealt, therefore, with the economic impact of smuggling, rather than with the detailed practices of the trade, thereby leaving a significant gap for further research, particularly regarding smuggling as a social phenomenon. A difficulty in using an economic history approach to the impact of smuggling is that no hard statistics exist for the smuggling industry, only a range of historic and current estimates, which are referred to in this section and in the main body of the thesis. It can be assumed that smuggling did affect legitimate trade and business, but how is inevitably unclear. Attempts are made throughout this thesis to assess the impact of smuggling on legitimate trade and also on the growth of new areas of consumption.

A different view was taken of smuggling by the Marxist historians of the 1970s, notably Cal Winslow, writing of the Sussex smugglers in his essay in *Albion's Fatal Tree*, an important early work that defends it as a 'social crime'.¹³ Winslow and his fellow practitioners of the 'new social history' brought smuggling into the

¹⁰ H.S.K. Kent, *War and Trade in Northern Seas* (Cambridge: Cambridge University Press, 1973).

¹¹ A. Lillehammer, 'The Scottish Norwegian Timber Trade in the Stavanger Area in the Sixteenth and Seventeenth Centuries' in T.C. Smout, ed. *Scotland and Europe 1200 – 1850*, (Edinburgh, John Donald, 1986), pp. 100 - 106

¹² Alan Thomson, *The Scottish Timber Trade 1680–1800* (unpublished doctoral thesis, University of St Andrews, 1991).

¹³ Cal Winslow, 'Sussex Smugglers', in Douglas Hay and others (eds), *Albion's Fatal Tree* (London: Penguin Group, 1975), pp.119–176 (154).

realm of 'history from below', with its emphasis on acknowledging the role of ordinary people. He accepted the role of the Muis in highlighting the economic impact of smuggling, but took issue with them:

What they omit is any mention of the bloody conflict which was at the bottom of this aspect of British commercial development. The smugglers both resisted and enhanced the development of capitalism; in each case they paid dearly for their efforts.

He is wedded to the notion of the plebeian smuggler, albeit sometimes being exploited by 'men of substance'. It was in this context that smuggling could be seen as a 'social crime', an act that, while undoubtedly illegal was regarded as morally defensible by the participants. It was placed in the context of poaching and the disputes over forests, written about by E.P. Thompson in his pioneering work *Whigs and Hunters*.¹⁴ Winslow also refers to 'the bloody conflict', which takes the eighteenth-century propaganda propagated by the Duke of Richmond at its word.¹⁵

John Rule has a chapter in *Albion's Fatal Tree* on wrecking and coastal plunder and also wrote about smuggling in a similar vein to Winslow. In *Crime, Protest and Popular Politics in Southern England, 1740–1850*, for example, he wrote, with specific reference to rural areas in southern England,

...in smuggling and wrecking whole communities seem to have supported, openly or tacitly, illegal activities. However, despite varying degrees of marginal or occasional involvement by the better off, the basis of the reference group in all cases is simply the lower orders, 'the people'.¹⁶

This reflects Thompson's theory of 'Patricians and Plebs', first expounded in 1974 and re-presented in 1991, which proposed that society – or rural society, rather – was split between 'the gentry' and 'the labouring poor'.¹⁷ This has subsequently been criticised by Peter King, among others, as being too binary,

¹⁴ E. P. Thompson, *Whigs and Hunters*, pb reprint ed. (Harmondsworth: Allen Lane (Pergrine), 1975).

¹⁵ Anon (A Gentleman of Sussex), *Smuggling and Smugglers in Sussex* (reprint, Longstone: Little, n.d.).

¹⁶ John Rule and Roger Wells (eds), *Crime, Protest and Popular Politics in Southern England* (London: Bloomsbury, 1997), p.158.

¹⁷ E. P. Thompson, *Customs in Common* (London: The Merlin Press, 1991), pp.16–96.

failing to recognise the real complexities of eighteenth-century society.¹⁸ Rather than being exploited by ‘men of substance’ as Winslow suggested, it is clear that smugglers needed – and had access to – reserves of capital or credit.

Looking at the nature of smuggling, Paul Muskett, in his unpublished thesis produced in 1996, undertook an extensive survey of violent smuggling and made a strong case for its spread in southern England. He sought to draw a distinction between violence as a deliberate tactic and as a response to particular circumstances. It was in this latter category that he placed the murders of Galley and Chater by the Hawkhurst Gang.¹⁹ He also suggested that excessive violence led to both the loss of community support and a crackdown by the authorities. Thus, both King and Muskett provide support for the contention that smuggling was not a ‘social crime’. It was, effectively, an economic crime implemented, in some parts of the country, with a sufficient degree of violence or threats to ensure passive acceptance, rather than enthusiastic support.

Rule was one of several writers who have, in more recent years, looked at smuggling in Cornwall and have clearly demonstrated its particular character. Rule’s last contribution was in the *Maritime History of Cornwall*, in which he investigated smugglers and wreckers. Here he was able to synthesise much other work to give a strong sense of a particularly ‘Cornish’ style of smuggling, often with the smugglers working with the financial backing of local businessmen and other people with disposable income.²⁰

Helen Doe has revealed the Mevagissey businessman, shipbuilder and backer of smugglers, James Dunn, who set up his shipyard as a money laundering

¹⁸ Peter King, ‘Edward Thompson’s Contribution to Eighteenth-Century Studies. The Patrician-Plebeian Model Re-Examined’, *Social History*, 21.2 (1996), 215–228.

¹⁹ Paul Muskett, *English Smuggling in the Eighteenth Century* (unpublished doctoral thesis, Open University, 1996).

²⁰ John Rule, ‘Smuggling and Wrecking’, in Philip Payton, Alston Kennerley and Helen Doe (eds), *The Maritime History of Cornwall* (Exeter: The University of Exeter, 2015). pp.195–208.

operation.²¹ Martin Wilcox has re-examined the Polperro financier Zepheniah Job and Charlotte Mackenzie has exposed the double life of the Penzance merchants, John and James Dunkin.²² The particular style of Cornish smuggling, with the involvement of Guernsey merchants and their agents, which has similarities to post-1785 smuggling in Berwickshire, is made clear in Jamieson's own chapter on smuggling in the volume he edited on the maritime history of the Channel Islands.²³ What this clearly indicates is that, in many cases, the picture of the 'plebeian smuggler' is simply wrong. The application of the social binary is misleading and inadequate as smugglers required links to local businessmen and access to capital and, therefore, the business dimension of smuggling deserves much greater attention.

The development of the study of consumption, exemplified by the work of John Brewer and Roy Porter in 1993²⁴ and the more recent initiatives of Maxine Berg at the University of Warwick and Helen Berry at the University of Newcastle, has gathered pace in recent years.²⁵ Within this field, tea is seen as both an important commodity and a social marker. The History of Tea project at Queen Mary, University of London is an example of how this has taken effect.²⁶ Writers in this field, such as Judith Hanser and Derek Janes, have referred to the impact of smuggling on tea consumption and the development of 'Gottenburgh Teas' as a brand.²⁷ The birth of the journal, *History of Retailing and Consumption* is a further illustration of this.

²¹ Helen Doe, *Small Shipbuilding Businesses During the Napoleonic Wars: James Dunn of Mevagissey, 1799 to 1816* (unpublished master's thesis, University of Exeter, 2003); idem, 'The Smugglers' Shipbuilder: The Customers, Trades and Vessels of a Mevagissey Shipyard, 1799–1816', *The Mariner's Mirror*, 92.4 (2006), 427–442; idem, 'The Business of Shipbuilding: Dunn and Henna of Mevagissey, 1799–1806', *International Journal of Maritime History*, 18.2 (2006), 187–217.

²² Martin Wilcox, 'Maritime Business in Eighteenth Century Cornwall: Zepheniah Job of Polperro', *Troze*, 2 (2010), 17 November 2015 <<http://nmmc.co.uk/explore/publications/troze/>>, Charlotte MacKenzie, 'Merchants and Smugglers in Eighteenth Century Penzance: The Brothers John and James Dunkin', *Troze*, 7 (2016), December 2016 <<https://nmmc.co.uk/explore/publications/troze/previous-troze-publications/merchants-and-smugglers-in-eighteenth-century-penzance-the-brothers-john-and-james-dunkin/>>.

²³ A.G Jamieson (ed.), *A People of the Sea* (London: Methuen & Co. Ltd, 1986), 195–219.

²⁴ J. Brewer and R. Porter (eds), *Consumption and the World of Goods* (London, 1993).

²⁵ Helen Berry, 'Polite Consumption: Shopping in Eighteenth-Century England', *Transactions of the Royal Historical Society*, 12 (sixth series) (2002), 375–394.

²⁶ *Tea in Eighteenth Century Britain*, Queen Mary, University of London, Available: <https://qmhistoryoftea.wordpress.com/>, accessed 13 May 2017.

²⁷ Jessica Hanser, 'Teatime in the North Country: Consumption of Chinese Imports in North East England', *Northern History*, 49.1 (2012), 51–74; Derek Janes, 'Fine Gottenburgh Teas: the import and distribution of smuggled tea in Scotland and the north of England c.1750–1780', *History of Retailing and Consumption*, 2:3 (2016), 223–238.

Nick Bunker seeks to explain this obsession, writing that tea 'had become far more than a bland familiar drink...(it) had acquired a more exalted status, as a prize to be fought over by powerful and ambitious men.' A former financial journalist and investment banker, Bunker perhaps reveals his origins by describing tea as 'one of a handful of commodities that served the wider purposes that crude oil and copper fulfil today'. He reinforces his point by quoting Burke, speaking in the House of Commons in April 1774, 'Tea is perhaps the most important object, of any in the mighty circle of our commerce.'²⁸

What these studies all focus on is the importance of tea smuggling. Huw Bowen, in his article 'So Alarming an Evil' describes the pillaging of home-coming East Indiamen by smugglers, all the way up the Channel and even off Ireland.²⁹ He does refer to the effect of tea smuggled in from Europe and to the re-importation of exported tea, with consequent drawback of duty. In another work, Bowen refers to the work of the East India Company's Accountant-General, who had assessed that in the period 1772 to 1780 more tea was smuggled into Britain that entered the Company's warehouses.³⁰

In addition, as British and European history has developed an increasing focus on global and comparative studies, the history of smuggling has adapted to include the 'Atlantic World' in the eighteenth century and has also taken account of European perspectives. Benjamin Carp, for example, in his work on the Boston Tea Party, has shown the extent of tea smuggling into the American Colonies, the role of substantial merchants in that activity and the resentment provoked by the attempts to suppress smuggling by the customs service.³¹ Simon Harvey has produced a summary of smuggling from the middle ages to the present day, attempting to disentangle the political from the 'romantic and

²⁸ Nick Bunker, *An Empire of the Edge: How Britain Came to Fight America* (London: Vintage, 2015), p.32.

²⁹ H.V. Bowen, 'So Alarming an Evil': Smuggling, Pilfering and the English East India Company, 1750–1810', *International Journal of Maritime History*, 14.1 (2002), 1–30.

³⁰ H.V. Bowen, *The Business of Empire: The East India Company and Imperial Britain, 1756–1833* (Cambridge: Cambridge University Press, 2006).

³¹ Benjamin L. Carp, *Defiance of the Patriots: The Boston Tea Party & the Making of America* (New Haven, London: Yale University Press, 2010).

rebellious'.³² Michael Kwass, in his work on the French 'Robin Hood', Louis Mandrin, has exposed the life and career of a man who was – and, indeed, still is seen as 'romantic and rebellious' – someone whose career was followed avidly in Britain.³³ Peter Andreas has reviewed the place of smuggling in the history of the USA, from the tea smuggling of the eighteenth century, through Civil War blockade running to the drug and people smuggling of the present day.³⁴

The historiography of the smuggling of tea between Scandinavia and Britain is comparatively brief and recent and, earlier on, there was little acknowledgement of the nature of the trade. Christian Koninckx, for example, produced his substantial history of the first 35 years of the Swedish East India Company in 1980, in which he was not able to persuade himself wholly of the importance of smuggling to the success of the Company.³⁵ Other writers simply refer to the re-export of tea from Sweden.³⁶ It took Leos Müller, in a number of papers, to begin the process of explaining this extraordinary phenomenon, although even he perhaps underplayed the direct connections between Gothenburg and Scotland.³⁷ Steve Murdoch has revealed the extent of the Scottish presence in Gothenburg up to 1750, while Goran Behre, in the 1970s, showed the relationship between Gothenburg and the Jacobite rising.³⁸ John Ashton's work does not, strictly speaking, fall under the heading of 'academic writings', but was written from the very particular perspective of the then chairman of the

³² Simon Harvey, *Smuggling: Seven Centuries of Contraband* (London: Reaktion Books Ltd., 2016).

³³ Michael Kwass, *Contraband: Louis Mandrin and the Making of a Global Underground* (Cambridge, Mass.: Harvard University Press, 2014).

³⁴ Peter Andreas, *Smuggler Nation: How Illicit Trade Made America* (New York: Oxford University Press, 2013).

³⁵ Christian Koninckx, *The First and Second Charters of the Swedish East India Company (1731–1766)* (Kortrijk: Van Ghemert Publishing Cie, 1980), p.282.

³⁶ Martin Åberg, 'The Swedish East India Company 1731–66. Business Strategy and foreign influence in a perspective of change', *Scandinavian Journal of History*, 15: 1–2 (1990) 97–108. Sven T. Kjellberg, *Svenska Ostindiska Compagnierna 1731 – 1813* (Malmö, Allhems Förlag, 1975)

³⁷ Leos Müller, 'The Swedish East India Trade and International Markets: Re-Exports of Teas, 1731–1813', *Scandinavian Economic History Review*, 51.3 (2003), 28–44; idem, 'The Swedish East India Company: Strategies and Functions of an Interloper', *World Economic History Conference* (Utrecht: 2009).

³⁸ Steve Murdoch, 'The Scots and Early Modern Scandinavia: A 21st Century Review', *Northern Studies*, 45 (2013), 27–45; idem, *Network North: Scottish Kin, Commercial and Covert Associations in Northern Europe 1603–1746* (Leiden: Koninklijke Brill NV, 2006); Goeran Behre, 'Sweden and the Rising of 1745', *The Scottish Historical Review*, 51.152 (1972), 148–171; idem, 'Jacobite Refugees in Gothenburg after Culloden', *The Scottish Historical Review*, 70.189/1 (1991), 58–65.

British Factory in Gothenburg.³⁹ The importance of Denmark-Norway as a source of smuggled tea has been less worked on, but Ole Feldbaek and Mads Kirkebaek's work on Danish trading companies and the links between Denmark and China, together with recent articles on the communities of south Norway by Ragnhild Hutchison will surely pave the way for more detailed investigations.⁴⁰ Very little of this more recent work has yet been integrated into an understanding of smuggling in the British context. Mackillop has recently written about the peculiarly distinctive Scottish tea market in the mid-eighteenth century, drawing attention to the local taste for Congou and describing this as illustrating its place 'in the Gothenburg tea zone as opposed to the London economy.'⁴¹

To sum up the current state of our knowledge and understanding of smuggling, there have been debates about the economic impact of the trade, about its nature – was it a social crime? – and about the impact of tea smuggling, in particular. What there has not been, is a 'bottom up' analysis of smuggling which draws many of the previous threads together and allows for a full understanding of the process of smuggling, the way that merchants in a small port managed smuggling as a business and developed links with fellow merchants in Europe to access contraband. There is a further analysis of the merchants' relationship with the Customs service and with their customers. One of the key features is that the 'normalness' of smuggling is clearly demonstrated.

³⁹ John R. Ashton, *Lives and Livelihoods in Little London: The Story of the British in Gothenburg 1621–2001* (Goteborg: Warne Forlag, 2003).

⁴⁰ Ole Feldbaek, 'The Danish trading companies of the seventeenth and eighteenth centuries', *Scandinavian Economic History Review*, 34:3,(1986) 204 -218; Mads Kirkebaek, 'The Voyage of the Dronningen Af Danmark to China 1742', in Kjeld Erik Broedsgaard and Mads Kirkebaek (eds), *China and Denmark: Relations since 1674* (Copenhagen: Nordic Institute of Asian Studies, 2001), pp.21–47; Ragnhild Hutchison, 'Bites, Nibbles, Sips and Puffs: New Exotic Goods in Norway in the 18th and the First Half of the 19th Century', *Scandinavian Journal of History*, 36.2 (2011), 156–185; idem, 'The Norwegian and Baltic Timber Trade to Britain 1700–1835 and Its Interconnections', *Scandinavian Journal of History*, 37.5 (2012), 578–599.

⁴¹ Andrew Mackillop, 'A North European World of Tea: Scotland and the Tea Trade, c.1690 – c.1790, in Berg et al. (eds), *Goods from the East, 1600 – 1800* (Basingstoke, Palgrave Macmillan, 2015), pp. 294 - 308

Popular Histories

Nearly every coastal region has a popular account of smuggling, usually well researched and drawn from a mixture of official records and local traditions. What they do is to emphasise the particularity of the smuggling stories told. They do not, therefore, help to contribute to a national narrative or make it readily possible to use them as the basis for comparative research.

The most well-known publisher in this field is probably Countryside Books of Newbury, who have covered Yorkshire, Essex, the Bristol Channel, Hampshire and Dorset and Cornwall.⁴² Their most prolific authors are Geoffrey Morley and Graham Smith, who have both also written for other publishers. Frances Wilkins, published by Wyre Forest Press, has produced a number of very well researched books, including treatments of the east and west coasts of Scotland.⁴³ In addition, there are locally produced publications, such as those covering the Exmoor Coast, Polperro, North Norfolk, Ayrshire and Montrose.⁴⁴ There are also more general works on Scotland and various aspects of the war against smuggling.⁴⁵ I admit to my own contribution to this genre, creating a walking trail centred on Gunsgreen House, using the official records to identify a number of specific locations where specific smuggling incidents took place on the Berwickshire Coast.⁴⁶

A problem with these texts is the lack of consistency in the standard of scholarship, particularly an absence of references, or the citation of 'local knowledge' or 'local legend'. It means that it is very difficult to determine the accuracy of what is recounted. They are also essentially sold as local books, aimed at the visitor and are often seen in the same light as a range of smuggler themed attractions and goods, such as 'Smugglers Brew' Cornish tea, which – on the packet – tells us that 'Cornwall's passion for tea harks back to the 18th

⁴² e.g. Graham Smith, *Smuggling in Yorkshire 1700–1815* (Newbury: Countryside Books, 1994).

⁴³ e.g. Frances Wilkins, *The Smuggling Story of Two Firths* (Kidderminster: Wyre Forest Press, 1993).

⁴⁴ e.g. Duncan Fraser, *The Smugglers* (Montrose: Standard Press, 1971).

⁴⁵ e.g. Gavin D. Smith, *The Scottish Smuggler* (Edinburgh: Birlinn Ltd, 2003).

⁴⁶ Derek Janes, *The Smugglers Coast* (Eyemouth, Gunsgreen House, 2014)

Century, when heavy duties and taxes made it an expensive upper class treat and therefore a highly-prized cargo for local smugglers.⁴⁷

Perhaps the earliest serious approach to smuggling was taken by Lord Teignmouth in 'Smuggling Ways and Smuggling Days' in 1892, Charles G. Harper in 'The Smugglers' in 1909 and their joint enterprise *The Smugglers* in 1923. Harper took the lead in the 1923 book but acknowledged the importance of Teignmouth's background in the customs, which had given him access to the eighteenth-century files of the service, not previously exploited. Although written for a popular audience, the book is essentially serious in intent and is the first to make full use of official sources.

Harper's preface draws a distinction between *The Smugglers* and the material published previously, which

...whether in the form of local guide-books or of fugitive articles, has been very largely composed of mere gossip and undocumented legend. In those pages every cave along the coast was a smugglers' cave, and every sinister old house was full of their hiding holes. All very well in their way, no doubt, and none might dispute, just as none could produce evidence to prove the truth of these stories.

He then draws a contrast with the present work:

But in all that time when these very vague and hearsay stories were told and written, there existed a very great deal of material at hand for the use of those who needed but the industry to collect and arrange it, and so to produce something which should take these stirring incidents out of their obscurity and set the story of the smugglers upon a firm footing of history.⁴⁸

Despite the strong documentary basis for the work, it is still in the tradition of telling tales of the villainy of smugglers, picking out some of the more notorious incidents, such as the murders of Galley and Chater by the Hawkhurst Gang and the activities of other equally violent smuggling gangs and characters, all on the south coast of England and Cornwall, with the exception of a brief reference

⁴⁷ 'Cornish Tea', *Smugglers Brew* (Little Trethew, Cornwall: 2017).

⁴⁸ Lord Teignmouth and Charles G. Harper, *The Smugglers: Picturesque Chapters in the History of Contraband*, 2 vols (London: Cecil Palmer, 1923).

to the Solway Firth in connection with Walter Scott and Robert Burns. There is an introduction dealing with the reasons for smuggling and a reference to Adam Smith's views on the subject, which does add a further serious gloss to the work. Its most important contribution was to bring together the best-known stories of smuggling and provide reasonably soundly based accounts of them, which were then used as a literary quarry by later, more popular writers. Teignmouth and Harper are perhaps to be seen as almost 'cross over' writers, using serious research into the original sources to tell traditional style smuggling tales.

Contemporary Accounts

The best known, and most influential, contemporary account of smuggling is a *History of the Smugglers* by a Gentleman of Sussex, first published in 1749 and regularly reprinted since.⁴⁹ This is discussed in more detail below, where it is made clear that this publication had a political purpose, as it was encouraged by the Duke of Richmond who had ensured the effective pursuit and punishment of the smugglers concerned in both the raid on the Poole custom's warehouse and the infamous murders of Galley and Chater.

Captain Harry Carter's memoir which, although not published in full until 1894, was written in 1809 and relates the history of the Carters of Prussia Cove. As with the *History of the Smugglers* this account too was coloured by the motivation behind its production – Carter had become a Methodist and wrote it as 'a memorandum of the kind dealings of God to my soul' and 'if published to the world, may the Lord make it a blessing to every soul that read it and hear it for Christ's sake amen, amen.'⁵⁰

Both accounts appear vivid and smack of authenticity, but the motivation for their publication must cast some shadow over their historical veracity, if not entirely over their value to the historian.

⁴⁹ A Gentleman of Sussex, *Smuggling and Smugglers in Sussex*, Facsimile of 1878 reprint ed. (Little Longstone, Derbyshire: Country Books, n.d.).

⁵⁰ Harry Carter and John B. Cornish, *The Autobiography of a Cornish Smuggler*, reprint ed. (Truro: D. Bradford Barton Ltd, 1894).

Newspapers of the period also provide evidence about smuggling and related activities. An analysis of this coverage is provided below, along with an examination of the influence of the stories of the Hawkhurst Gang on current attitudes to smuggling and compares them with the portrayal of the French smuggler Louis Mandrin.

Influences on attitudes to smuggling

Much current writing about smuggling is still coloured by attitudes promulgated in the eighteenth century. It is necessary, therefore, to seek to understand these attitudes and their origins in this Introduction. It is not easy to measure public awareness of smuggling and even harder to assess the attitudes of the bulk of the population, but a review of the press and other publications can at least demonstrate public exposure to tales of smuggling and, in some cases, the management of the presentation of smuggling. This substantial section is a mixture of examples and statistical analysis. The starting point is a review of the two most high-profile smugglers of the mid-eighteenth century, one of whom, while still well known in France, is forgotten in Britain, while the others are still taken to represent a particularly violent strand of smuggling.

The spread of smuggling stories: the press

The growth of newspapers in the eighteenth century spread news of events happening across the country and the world. The creation of the online British Newspaper Archive (BNA) in recent years has made it possible to undertake a wide range of searches across the British press, something that would have been impossible a few years ago. There are serious *caveats* relating to both the local press and the BNA. Victoria Gardner's recent work on late eighteenth century English newspapers highlights some of these issues.⁵¹

Gardner's work is based on her in depth study of local newspapers kept in local and other archives. What she has explained is how newspapers were run and the way that they collected news. Newspapers often had their origins in local

⁵¹ Victoria E.M. Gardner, *The Business of News in England, 1760 – 1820* (Basingstoke, Palgrave Macmillan, 2016)

bookselling businesses and 'newspaper proprietors can best be described as communications brokers'. She further makes clear what becomes apparent from examining a range of papers which is that 'individual proprietors linked together to form a national press network' but that 'the construction and dissemination of news was unique to the economic and social environment in which each individual newspapers was produced.'⁵² This latter point may explain the disparity in coverage of smuggling between newspapers in different places.

There was also a degree of randomness about news gathering. 'Snippets of information within newspapers were gathered by proprietors from other means of communication: small travelling paragraphs taken from other forms of print and newspapers, from correspondence and from conversations.'⁵³

The BNA itself is still developing: 'The British Library's collection of historical newspapers is one of the wonders of the world: it contains newspapers from 1603 to the present day, from both Britain and further afield. There are over 600,000 bound volumes of newspapers (occupying 32 kilometres, or 20 miles, of shelving) and over 300,000 reels of microfilm (occupying a further 13 kilometres, or 8 miles, of shelving). Until now, the only way to view these newspapers was to visit the British Library, and, of course, it was not possible to search them. The British Newspaper Archive is a partnership with the British Library to begin digitising this huge collection and make it available on the internet so researchers from all over the world can access the treasures within it.'⁵⁴ This demonstrates that it still complete and also that it relies largely on the British Library Collection, which, while very substantial, is inevitably incomplete.

Searching the BNA is very straightforward, but only as effective as the technology allows. Nonetheless, for the purposes of this section, it is capable of conveying a broad impression of the coverage of smuggling.

⁵² Gardner, *The Business of News*, pps 5-6.

⁵³ Gardner, *The Business of News*, p.138

⁵⁴ BNA website, *About the British Newspaper Archive*, https://www.britishnewspaperarchive.co.uk/content/a_unique_archive , accessed 29.02.2020

Stories and editorial

A search on the word 'smuggler' in the British Newspaper Archive for the period 1740–1790 produces just over 3,000 references. Of these 698, 22.5 per cent are in the *Derby Mercury* and a further 457 (15 per cent) are in the *Ipswich Journal*. The *Derby Mercury* also covered the Galley and Chater case more extensively than any other paper. The other papers with more than 150 stories are the *Oxford Journal*, which also advertised Mandrin's biography, with 263, the *Newcastle Courant* (203), the *Caledonian Mercury* (180), the *Manchester Mercury* (180) and the *Stamford Mercury* (175). Between them these papers contained 69 per cent of the recorded stories. The case of the *Derby Mercury* is particularly interesting as it was based in an inland town with only the most indirect access to the sea. An examination of a history of the newspaper and its proprietor does not reveal someone with a particular axe to grind. It may be that readers in the inland towns and cities could enjoy the vicarious thrill of reading about smuggling without having to face the consequences.

Advertising

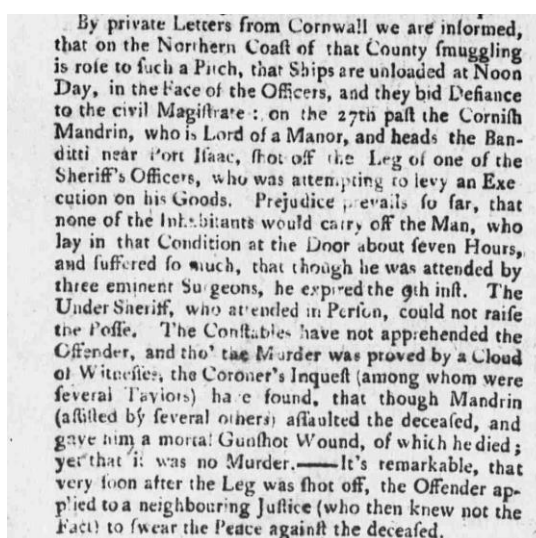
Gardner explores the financial importance of advertising to the provincial press, with newspapers charging per line, while the tax was per advertisement, per edition.⁵⁵

Chapter 6 draws attention to a wide range of advertising for 'Gottenburgh Teas', which clearly demonstrates that, in the north of England and Scotland at least, retailers, newspaper proprietors and customers were clearly aware that this brand, for such it was, referred almost exclusively to smuggled tea. The collusion of these parties in the sale and purchase of contraband is quite extraordinary. It seems quite odd that no measures appear to have been taken to ban the advertising of contraband goods, for the adverts appeared over a period of some thirty years.

⁵⁵ Gardner, *The Business of News*, pps 48-49

Louis Mandrin

Louis Mandrin was a notorious gentleman smuggler who led a well organised gang in France for a relatively short period in 1754–1755. He was eventually captured and executed by being broken on the wheel.⁵⁶ He became immensely popular in the British papers, due in no small part to dispatches describing his activities sent regularly from Paris. Between November 1754 and August 1756 stories about Mandrin and his successors featured on 31 occasions in the *Caledonian Mercury*, 26 times in the *Leeds Intelligencer*, 24 times in the *Derby Mercury* and 20 times in the *Oxford Journal*, as well as regular appearances in other papers. His popularity was such that in 1756 there was a Liverpool Privateer called the *Mandrin*, while a Cornish gentleman smuggler in 1755 was called, in the press at least, the ‘Cornish Mandrin’ and was described as heading ‘the Banditti near Port Isaac’.⁵⁷



By private Letters from Cornwall we are informed, that on the Northern Coast of that County smuggling is rose to such a Pitch, that Ships are unloaded at Noon Day, in the Face of the Officers, and they bid Defiance to the civil Magistrate: on the 27th past the Cornish Mandrin, who is Lord of a Manor, and heads the Banditti near Port Isaac, shot off the Leg of one of the Sheriff's Officers, who was attempting to levy an Execution on his Goods. Prejudice prevails so far, that none of the Inhabitants would carry off the Man, who lay in that Condition at the Door about seven Hours, and suffered so much, that though he was attended by three eminent Surgeons, he expired the 9th inst. The Under Sheriff, who attended in Person, could not raise the Posse. The Constables have not apprehended the Offender, and tho' the Murder was proved by a Cloud of Witnesses, the Coroner's Inquest (among whom were several Taylors) have found, that though Mandrin (assisted by several others) assaulted the deceased, and gave him a mortal Gunshot Wound, of which he died; yet that it was no Murder.—It's remarkable, that very soon after the Leg was shot off, the Offender applied to a neighbouring Justice (who then knew not the Fact) to swear the Peace against the deceased.

Figure Intro/2. ‘The Cornish Mandrin’
Leeds Intelligencer, 29 July 1755

This illustration (Fig. Intro/3) from a current Petites Histoires film about the life of Mandrin, shows his linkage to the legend of Robin Hood (known as Robin des Bois in France). There was also a contemporary song *La Complainte de Mandrin*, recorded in various versions, including by Yves Montand and Monique Morelli which is still learnt by school children in the Rhône-Alpes region of

⁵⁶ Michael Kwass, *Contraband: Louis Mandrin and the Making of a Global Underground* (Cambridge, Mass.: Harvard University Press, 2014).

⁵⁷ Gomer Williams, *History of the Liverpool Privateers and Letters of Marque with an Account of the Liverpool Slave Trade* (London: William Heineman, 1897), pp.87, 96, 97.

France. The full text features on a website devoted to Mandrin, headed 'Bandit ou Héros?'⁵⁸



Figure Intro/3. Poster for French educational film issued by *Les Petites Histoires*

The treatment of Mandrin, both in his own time and subsequently, shows the power of the press in creating the image of a smuggler as romantic hero, as opposed to the treatment of the Hawhurst Gang dealt with below.

Violence and smuggling: a moral panic?

Tales of violence are a feature of localised smuggling histories and certainly some fatalities occurred – two in the case of the incidents described by Holmes at Hunstanton, although these occurred in what seems to have been an ambush partly fuelled by drink.⁵⁹ Even the most notorious action of the Hawhurst Gang resulted in just two deaths. Less known, if at all, is the death of two 'smugglers', one described as a hosier, the other as a merchant, at the hands of the customs men in Aberdeen in 1744.⁶⁰ The nature of smuggling made a degree of violence inevitable. The real question is how serious and widespread was it? Muskett has collected details of incidents of violence from all round the country, but as virtually all cases of violence would be 'discovered', they were disproportionately reported.⁶¹ The review of the Hawhurst Gang and the murders of Galley and Chater sets them within a particular local context, which was not necessarily replicated elsewhere. It is because their story and its presentation have been so influential in forming the popular image of

⁵⁸ <https://www.mandrin.org/paroles-la-complainte-de-mandrin.html>, accessed 19.November 2019

⁵⁹ Holmes, *The Lawless Coast*. p.43.

⁶⁰ 'We Learn from Aberdeen...', *Caledonian Mercury* (3 July 1744).

⁶¹ Muskett, *English Smuggling in the Eighteenth Century*.

smuggling, that it merits further discussion. It shows clearly how careful we need to be when making use of such material.

It is worth noting that the Hawkhurst Gang's most famous exploit was the raid on the Poole Custom House, yet, as we shall see later, there were at least two such raids on the Custom House in Eyemouth and similar activities took place in Montrose and Penzance at the very least. These are enough to suggest that such break-ins were not exceptional. One of their key features was that the smugglers were usually seeking to reclaim what they regarded as their own goods, which had been seized. Customs Houses also tended to be rented on a temporary basis and were not always particularly secure.

The Hawkhurst Gang and 'the Inhuman and Unparalleled Murders of Mr William Galley and Mr Daniel Chater'

The southern counties of England, whose smuggling history colours the popular view of smuggling everywhere, seem to have been a special case with the attitudes of both the landowners and poorer people heavily influenced by twenty years of often violent disturbances around the enclosed deer parks in the area and the consequent repression of the so-called Black Acts as well as the presence of Jacobites and their supporters in the area.⁶²



Figure Intro/4. Logo of the Hawkhurst Gang Smugglers Trail

The Hawkhurst Gang, from the village of that name in Kent, on the border with Sussex, is perhaps the most notorious of the eighteenth-century smuggling gangs and is now commemorated in its home district with a tourist trail. This section sets out to unpick the story of the Gang and place it within its particular context.

⁶² Thompson, *Whigs and Hunters*.

Along with the incidents linked to the murder of Galley and Chater, the attack on the village of Goudhurst is the other well publicised set piece in the story of the Hawkhurst Gang. Goudhurst is supposed to have resisted the Gang's reign of terror by forming a local militia and fighting them off when the village was attacked. A search of the newspapers in the British Newspaper Archive for the period 1744 to 1750 reveals no reference to Goudhurst at all. Nicholls, after providing a detailed and graphic account of the siege then says that 'one might expect that this affair would have made a great stir in the district, but such was the state of Kent and Sussex at this time that little written record remains.'⁶³ The report of the trial of Thomas Kingsmill, for the Poole Custom House break-in, makes no mention of the events at Goudhurst, at which Nicholls said he was the ring leader of the Hawkhurst Gang. He draws attention to a short account in the *Gentleman's Magazine*, but this was not published until 1785, when a correspondent describes the event as 'a very gallant action not recorded in history', apparently recounted by the hero of the hour, who was still alive in 1785 and was described as having 'a soldier-like regard to the strong beer of Old England'.⁶⁴

There must be a suspicion that the account of this apparently extraordinary battle was, at the very least, heavily embroidered. There are numerous stories of individual incidents involving the Hawkhurst Gang, some described at the trials of certain members. The transcripts of two Old Bailey cases give a detailed account of the raid on the warehouse at Poole and of a landing of contraband in Kent.⁶⁵ Given that virtually every violent incident was reported – such as that at Aberdeen, noted above – it seems surprising that the battle of Goudhurst escaped attention – it seems distinctly possible, in fact, that it never happened and is an example of how constant repetition makes a story 'true'.

⁶³ F.F. Nicholls, *Honest Thieves: The Violent Heyday of English Smuggling* (London: The History Book Club, 1973), p.84.

⁶⁴ 'Rare Species of Oak at Goudhurst; Its Church, Church-Yard, &C'. *The Gentleman's Magazine*, July–December 1785, p.679.

⁶⁵ 'Trial of Thomas Kingsmill, Alias Staymaker, William Fairall, Alias Shepherd, Richard Perin, Alias Pain, Alias Carpenter, Thomas Lillewhite, Richard Glover, 5th April', www.oldbaileyonline.org; 'Trial of Arthur Gray, 20th April', www.oldbaileyonline.org.

It seems to be the case that, because of the local circumstances, including a long history of smuggling in places such as the Romney Marshes, the Kent and Sussex smugglers must be exceptional, in terms of organisation and violence. They appear to have operated as named 'gangs' – the 'Mayfield Gang' of the years before 1720, the 'Groombridge Gang', the 'Hooe Company' and the 'Outlaws' or 'Transports' of Hastings in the 1730s and 1740s.⁶⁶ In addition, their pursuit by the Duke of Richmond has added to their notoriety. McLynn is of the opinion that Richmond, the local magnate and leading Whig, pursued the Hawkhurst Gang in particular because of their links to the Jacobites. He also says that the French Colonel Lally boasted of organising the raid on the Poole Custom House. McLynn quotes Horace Walpole as explaining that the end of Newcastle's war on the smugglers in Sussex, came about because he had succeeded in 'turning' them against the Jacobites.⁶⁷

The incident which colours many views of smuggling – the events that followed the raid on the Customs Warehouse in Poole by the Hawkhurst Gang supported by local smugglers, in October 1747, involving the brutal murders of an informer, Daniel Chater and William Galley, a customs officer – seems to have attracted far less attention in the contemporary press than the adventures of Louis Mandrin. In a range of searches of the British Newspapers Archive, the phrase Hawkhurst Gang and word Hawkhurst produced no results. More success was achieved using the names of the victims, Galley and Chater, in a number of combinations. Even so only 28 references were found in three newspapers and a magazine. The *Derby Mercury* which later placed 24 stories about Mandrin was the most enthusiastic follower of the case, with ten stories between January 1748 and August 1749. The *Ipswich Journal* had eight stories, the *Newcastle Courant* just three, while the *Scots Magazine*, which covered Mandrin in virtually every issue, during his active months, only mentioned Galley and/or Chater seven times.

One feature in common with Mandrin was the publication of a book, from which the title of this section is taken, which included 'Seven Plates, Descriptive of the

⁶⁶ Philip Payton, *A History of Sussex* (Lancaster: Carnegie, 2017), chapter 6.

⁶⁷ Frank McLynn, *Crime and Punishment in Eighteenth Century England*, OUP Paperback ed. (London: Routledge, 1989), p.188.

Barbarous Cruelties'.⁶⁸ It is, perhaps, the existence of these plates, that has so influenced subsequent opinion about the existence of gangs of violent smugglers. This book, by an anonymous 'Gentleman of Chichester' was reprinted in about 1878 for, it should be noted, a moral purpose. Mandrin has come to be regarded as 'Le Robin des bois Français', whereas, in this case,

...parents, guardians, and others who have the tuition of youth (we mean here the youth of the poor and the illiterate in general) should now and then take occasion to read, or cause to be read to their servants, etc. divers passages of this true history; at the same time make such remarks and draw such inferences from them, as their own natural good sense and experience might point out; and more especially they should put them in mind that God, by the mouth of His servant Moses, expressly declares, 'He who sheddeth man's blood, by man shall his blood be shed.'⁶⁹

There was one aspect of this case, which appears different from most smuggling events, in that Galley and Chater appear to have been treated badly and murdered deliberately, rather than in the heat of the moment during a conflict. Indeed, the words of the King's Counsel at the trial of the murderers expressed the fear of the implications of this crime:

What avails the laws of society, where no man dares to carry them into execution? Where is the protection of liberty and life, if criminals assume to themselves a power of restraining the one and destroying the other?⁷⁰

⁶⁸ *Smuggling and Smugglers in Sussex*.

⁶⁹ *Smuggling and Smugglers in Sussex*, p.5.

⁷⁰ *Smuggling and Smugglers in Sussex*, p.64.

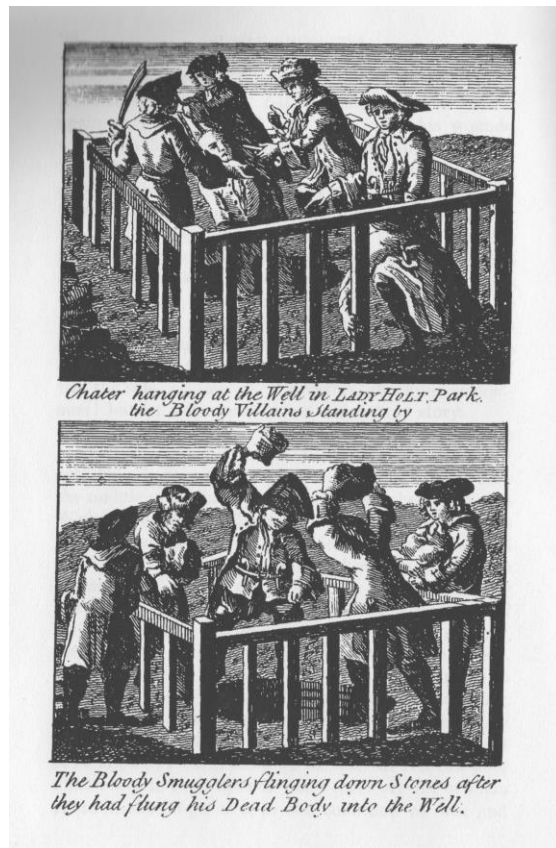


Figure Intro/5. The image of Louis Mandrin (L) as a romantic hero contrasts with the portrayal of the Hawkhurst Gang as 'Bloody Villains'

The fact that the men who had robbed the Customs House, but not taken part in the murders, were also hanged, bears out the belief of both Samuel Johnson and Oliver Goldsmith that the increase in capital offences would lead to people committing greater crimes, particularly murdering witnesses. Ian Gilmour, seeking to establish the truth of this said that 'few robbers killed their victims' perhaps setting them morally apart from other incidents of more spontaneous violence.⁷¹

The murders of Galley and Chater appear to support the views of Johnson and Goldsmith. Galley, a tidewaiter, was escorting Chater to deliver a letter to Major Battine JP, naming a man called Dimer, whom he had recognised passing by with the gang of smugglers. They made a mistake by asking the way and then stopping in a public house, where they were identified, and the smugglers summoned. The published text of the trial of the murderers suggests that their objective was to prevent Chater giving evidence against Dimer. They debated

⁷¹ Ian Gilmour, *Riot, Risings and Revolution: Governance and Violence in Eighteenth Century England*, paperback ed. (London: Pimlico, 1992), p.159.

what to do – thinking they could either send the men to France, or place them in hiding, with each of the smugglers contributing 3d per week for the costs – or murder them. They eventually set out with the men tied to the back of horses and regularly beaten. Galley fell from his horse and died. The smugglers then presumably felt they had no choice but to dispose of Chater as well.⁷² In other words, the murders of Galley and Chater were the result of incompetence and mismanagement. What may have provoked the King’s Counsel’s ire was the fact that the decision to kill Chater was voted on by a gathering of local smugglers, assembled for that purpose, seen as a mock jury threatening the integrity of the justice system.

In many ways, the story of the murder of Galley and Chater exposes much of the nature of criminality at that time, particularly the use of quite shocking violence – usually short of murder. Is it too much to speculate that it was the tone of the contemporary account of the unusual murders of Galley and Chater, and other subsequent dramatic re-telling, that have influenced current views of eighteenth-century smuggling as violent and cruel, rather than tax evasion on an industrial scale?

The concept of the network applied to eighteenth-century trade

The analysis of the trading community in Eyemouth in Chapter 3 draws on works on the concept of the network. In 1927 in the *English Historical Review*, Lewis Namier, one of the twentieth century’s most distinguished Whig historians, published an article ‘Bryce Fisher MP: a mid-eighteenth-century merchant and his connexions’.⁷³ This is a relatively early examination of what we would now refer to as a mercantile network, that mix of family connections, friendships, business and social relationships and links of obligation. It is only relatively recently that the concept of the network has been applied to them.⁷⁴

⁷² *Smuggling and Smugglers in Sussex*, pp.91–97.

⁷³ Lewis B Namier, ‘Brice Fisher MP: A Mid-Eighteenth Century Merchant and His Connexions’, *English Historical Review*, 92 (1927), 514–532.

⁷⁴ David Hancock, ‘The Trouble with Networks: Managing the Scots Early-Modern Madeira Trade’ *The Business History Review*, 79.3 (2005), 467–491 (472).

Another relatively early, and important, if apparently little known, reference to such networks is in McAloon's paper on the early eighteenth-century Edinburgh merchant, Edward Burd. The following passage is worth quoting at length as it describes how a range of connections becomes a network:

Burd epitomises how well suited this social framework was to the contemporary economic situation in Scotland. It had important attributes which served him and his associates well. In the first instance it made him the centre of a network of acquaintances who supplied him with valuable mercantile information, interspersed with small talk which showed their close connections. However, the latter feature was the shadow rather than the substance of their relationship, which was solidly grounded in the objectives of commercial life. In this sphere, he and his friends can be observed trading with France in the traditional way, aided by a factor who was a boyhood acquaintance, and who was himself part of a firm based in Edinburgh, run by his father and two brothers. Trade with the West Indies was maintained by two of Burd's immigrant friends who handled transatlantic cargoes and offered him information on what to export. There were many dealings with Edinburgh associates in London, mostly on the subject of finance and its supply; we can also see him acting as factor for a group of Glasgow merchants to export agricultural products for the North Atlantic trade, the connection in this case being his cousin, Robert Stirling, who was one of the group.⁷⁵

A detailed analytical approach to metropolitan business networks has been taken recently by the Haggertys.⁷⁶ This examined the overlapping memberships of the Town Council, the African Committee and two drinking clubs in Liverpool and, using visual analytics, allowed the authors to analyse 210,000 relationships involving some 1,700 participants. They were able to demonstrate how institutional networks changed over time.

A review of the development of the modern understanding of mercantile networks was undertaken by David Hancock in an article published in 2005.⁷⁷ His initial summary of the position, as he saw it, was that academics from a range of backgrounds – business theorists, business and economic historians, anthropologists, sociologists, political scientists, social historians,

⁷⁵ Thomas McAloon, 'A Minor Scottish Merchant in General Trade: The Case of Edward Burd, 1728–39', page 20 in John Butt and J.T. Ward (eds), *Scottish Themes: Essays in Honour of Professor S.G.E. Lythe* (Edinburgh: Scottish Academic Press, 1976).

⁷⁶ John Haggerty and Sherylyne Haggerty, 'The Life Cycle of a Metropolitan Business Network: Liverpool 1750–1810', *Explorations in Economic History*, 48 (2011), 189–206.

⁷⁷ Hancock, 'The Trouble with Networks'.

archaeologists, geographers and mathematicians had all been working to clarify the concept of the network, while, in his view, making it increasingly vague.

The thrust of Hancock's article was that networks often created trouble for their members. He opined that many writers about networks tend to celebrate them: that our view is coloured by the fact that it is successful enterprises that leave most data, both in written records and in the memories of the descendants of the adventurers. He then quotes Julian Hoppitt as a counter balance '...alongside such heroes stood mortal businessmen'.⁷⁸ This is particularly apposite in the case of John Nisbet of Eyemouth, who was sequestered and forgotten for two hundred years, and his nemesis Robert Robertson, who was the central figure in a family pedigree published in the 1930s.⁷⁹

Hancock then discussed the origins of the term network, taking it back to its literal sense, as a fabric or even a spider web. He finds early uses approaching the modern understanding in the 1940s, but in the sense of a relational network, he looks as late as around 1970 for its widespread use. He refers to the eighteenth century, and the application of terms such as connections, which Namier used when writing of the period, and correspondents. Hancock, however, clearly advocates the use of the term network with reference to eighteenth-century merchants, and is worth quoting his justification for this:

Both correspondent and connection focussed on the nodes of what would later be conceived explicitly as a network, rather than on the structure *per se*. They usually referred to specific people, rather than sets of people with complex relationships among them ... Some might argue that we should not refer to business networks in the eighteenth century, but only to correspondents and connections ... The reason for using 'network' is more than stylistic, however; one of the points I make is that, to a large degree, eighteenth century transatlantic traders managed their sets of supplier-customer-agent-friend connections as a group, a network. Second, 'network' focusses attention on the fact that a trader's correspondents and connections were also each others' correspondents and connections ... Using 'network' shifts the point of view from the individual trader to the type of social relationship.⁸⁰

⁷⁸ Julian Hoppitt, *Risk and Failure in English Business, 1700–1800* (Cambridge: Cambridge University Press, 1987), p.1.

⁷⁹ S. Eustace, *The Family of Robert Robertson of Brownsbank and Prendergust and Margaret Home, his Wife* (London, 1931).

⁸⁰ Hancock, 'The Trouble with Networks', 472.

Stobart expressed the view that what we call networks were, effectively, the only way of conducting business in the eighteenth century. He says that

The cultural, political, social and economic networking of merchants created a common moral system, a set of 'shared attitudes, goals and aspirations, either through a shared background or the creation of a business culture'.

and that this culture was held together by bonds of trust and regard. To be included in such a network, you had to be able to demonstrate your trustworthiness, which meant that reputation became a critical factor in commercial life.⁸¹

Primary Sources

Few records of smuggling businesses survive. Most of those that do have already been published and are referred to elsewhere in this introduction. The core of this thesis is the rich collection of documents relating to the sequestration of the merchant-smuggler, John Nisbet of Eyemouth. Nisbet was sequestered for a relatively small amount of money, but there were a series of disputes surrounding the eligibility of certain debts to be paid from the estate. Two of these debts were challenged on the basis that they related to contraband, while others were queried for procedural reasons. The documents describe Nisbet's career and include transcripts of some of his correspondence and an account of his business failure in his own words. Their discovery was made possible by the identification of John Nisbet's will, in the National Archives at Kew where it was mistakenly transcribed as belonging to 'John Nisbet, Merchant in Edinburgh'.⁸² The length and intemperate wording of the will opened the door to the identification of a series of other documents.

These contain extensive arguments regarding Nisbet's links to his creditors and describe in detail the history of their relationships. Perhaps the most significant group relate to Nisbet's dealings with Greig and Sibbald of Gothenburg, who

⁸¹ Jon Stobart, 'Personal and Commercial Networks in an English Port: Chester in the Early Eighteenth Century' *Journal of Historical Geography*, 30 (2004), 277–293 (278).

⁸² NA, PROB 11/1276/239, Will of John Nisbet, Merchant in Eymouth, 1796

supplied him with tea.⁸³ These paved the way for the examination in detail of this important relationship. There are comparable documents covering dealings with the Rotterdam merchant, Richard Pillans, which contain detailed accounts of Pillans' support of Nisbet's smuggling business, and the Edinburgh wine merchants Bell and Rannie, both of which indicate relatively long-term relationships.⁸⁴

These documents on their own give a detailed picture of Nisbet's career, but indicated the potential for further work in the National Records of Scotland, which uncovered additional details of his business, such as the record of Nisbet's transactions with his carriers over a five year period.⁸⁵ The fondness of merchants for litigation reveals Nisbet and his brother's links to Newcastle and Leeds, and a number of other disputes which have thrown light upon the trade of the port of Eyemouth. One further source of information was Gunsgreen House itself, with its hiding place for tea, constructed from re-cycled Cantonese tea chests, and other places of concealment. There were even a few scraps of documents relating to the Eyemouth merchant Robert Robertson, torn up and used to pack round a door frame during building works in the House around 1804/1805.

In the absence of his own books, these records cast a vivid light on Nisbet's career. The fact that he carried on his business as if he were a regular merchant is the key to this, with all the disputes and associated litigation that the activities of eighteenth-century merchants generated. The only time it becomes clear that Nisbet was a smuggler was when the lawyer acting for the creditors challenged the right of Greig and Pillans to claim against the sequestrated estate as their activities were against the law.

Aside from this specific group of documents, the main areas of documentation were the records of the Customs service in Scotland – the Minutes of the Board

⁸³ Edinburgh, NRS, CS229/N1/60, George Johnston, Replies to the Answers for John Sibbald Esq. Of Abden and Henry Greig Merchant in Gothenburg, 1790; Edinburgh, NRS, CS229/Y/1/17, Gavin Young v Nisbet, 1784.

⁸⁴ Edinburgh, NLS, ESTC T213586, George Johnston, Answers to the Petition of Messers Bell and Rannie, Edinburgh, 1789; Edinburgh, NLS, BCL D2680(85), George Johnston, Petition Unto the Rt Hon the Lords of Council and Session, Edinburgh, 1792.

⁸⁵ Edinburgh, NRS, CS229/N/1/41, John and David Nisbets v Hairs, 1771.

of Customs, the Dunbar Customs Letter Books and the Collector's Quarterly Accounts from Dunbar.⁸⁶ Smuggling activities in south-east Scotland featured regularly in the Minutes of the Board and in the Dunbar letter books. An important *caveat* to note is that these records only refer to smuggling enterprises that were discovered. It is impossible to assess how many smuggles were successful, and, therefore, largely unrecorded. Cole attempted to establish the proportion of tea that was smuggled – perhaps as much as three quarters of that consumed and, although his figures were challenged by the Muis, he still considered them to be broadly accurate.⁸⁷

There are no separate official records relating to Eyemouth, as it was a creek (subsidiary customs port) of Dunbar. It proved possible, however, using the Quarterly Accounts, together with other data regarding the town and its merchants, to re-construct the shipping records for Eyemouth from the mid-1720s until the 1790s. The first fifteen or so years of data were derived from a transcript of the now lost official records copied to provide evidence in a financial dispute.⁸⁸ The existence of these shipping records, never before capable of being accessed in this way, allowed the detailed analysis of Eyemouth's overseas trade and the relationships between the various local merchants.

Other significant sources which threw light on the local merchant community included the Kirk Session records of Ayton, Dunbar and Eyemouth, the important early minutes of Eyemouth Masonic Lodge⁸⁹ and family history records obtained through the Scotland's People service of the National Records of Scotland. These demonstrate the role of the key players in the local community and their relationships, both familial and social. The testamentary records also give snapshots of the business dealings of the protagonists, their creditors and debtors. There were papers from the feudal superiors (landlords), the Homes of Billie, Eyemouth Harbour Trust and other sources, including title

⁸⁶ Edinburgh, NRS, CE56/2/1-5, Dunbar Customs Letter Books, Edinburgh, 1754–1790; E504/10/1-6, Collector of Customs, Dunbar, Collector's Quarterly Accounts, 1742–1790; CE1/1–20, Board of Customs, Edinburgh Minutes, 1740–1790.

⁸⁷ Cole, 'Trends in Eighteenth Century Smuggling'. Mui and Mui, 'Smuggling and the British Tea Trade'; Cole, 'The Arithmetic of Eighteenth Century Smuggling: Rejoinder'.

⁸⁸ NRS, CS228/K/1/66, John Keith v Home, 1739.

⁸⁹ Eyemouth, Lodge St Ebbe No. 70, Minutes of Lodge St Ebbe No. 70, 1757–1787.

deeds, sasines, tax records etc. Of great interest was the report prepared for Henry Dundas in 1784 describing the process of tea smuggling – this had been used by the Muis but was susceptible to deeper quarrying.⁹⁰

The Sound Toll records, available on line, confirmed a number of voyages of Eyemouth ships from the Baltic, while the Swedish East India Company sale catalogues, also available online, threw light on buyers of tea.⁹¹ The British Newspaper Archive was an invaluable resource, not available to earlier researchers, which permitted detailed searches of all the newspapers so far included. This gave more evidence of shipping movements, the sale of smuggled tea and incidents such as the activity of French Privateers off Eyemouth.

Microhistory

My own background was as a social historian in local museums in England between 1969 and 1984, focusing on very specific local history. My 'publications' took the form of ephemeral exhibitions and displays looking at communities of place and interest in specific areas. These included the story of a small council estate, semi-professional dance bands, their members and audiences, in Coventry and small breweries in Bury. This thesis has grown out of a similar approach to smuggling in Eyemouth, provoked by the history of Gunsgreen House and John Nisbet, its builder.

Writing in *History News Network* in 2006, Sigurdur Gylfi Magnusson summed up the debate at that time.⁹² Two of his points have particular resonance in this case: 'they (microhistorians) scrutinise those individuals who did not follow the paths of their average fellow countryman, thus making them their focal point.' And 'Nearly all cases which microhistorians deal with have one thing in common: they all caught the attention of the authorities, thus establishing their

⁹⁰ NRS, GD51/3/194/1–2, Charles Paton and John Aitchison, Letters Concerning the Tea Trade Forwarded to Henry Dundas by I.C., 1785.

⁹¹ *Sound Toll Registers, 1740–1790*, University of Groningen/Tresoar in Leeuwarden, www.soundtoll.nl ; *Europe's Asian Centuries: Trading Eurasia, 1600–1830*, Sale Catalogues of the Swedish East India Company, University of Warwick Digital Collections, <https://wdc.contentdm.oclc.org/collection/swedish>

⁹² Sigurdur Gylfi Magnusson, What is Microhistory? , *History News Network*, <https://historynewsnetwork.org/article/23720> , accessed 22.2.2020

archival existence.’ Classic early works of microhistory are Carlo Ginzburg’s *The Cheese and the Worms* (...an incisive study of popular culture in the sixteenth century as seen through the eyes of one man, the miller known as Menocchio, who was accused of heresy during the Inquisition and sentenced to death. Carlo Ginzburg uses the trial records to illustrate the religious and social conflicts of the society Menocchio lived in.⁹³). Carlo Ginzburg was a pioneer of the development of the concept of microhistory, which – in the beginning at least – was a European proposal.

An early American example is *The Unredeemed Captive* by John Demos, published in 1994. It exemplifies another key element of microhistory – the narrative. Demos does not identify it as microhistory, rather as a narrative – the first line of the preface is ‘Most of all, I wanted to write a *story*’.⁹⁴ Douglas Winiarski, quoted in *History News Network* said ‘Classic microhistories, such as John Demos’s *Unredeemed Captive* or Paul Johnson and Sean Wilentz’s *Kingdom of Matthias*, often read like gripping historical novels. They share much in terms of approach with popular nonfiction books, such as Erik Larson’s *Devil in White City*’.⁹⁵

Synopsis

Every study of smuggling has a different approach. The current study is based on the proposal that smuggling was an extension of ‘business as usual’, which it pursues by tracing the supply and distribution chains of contraband in south-east Scotland. It is also, effectively, a micro-history of the trade of the port of Eyemouth over a fifty-year period. The combination of these approaches has allowed the development of a number of new propositions, most importantly, that there was a particular ‘North Sea’ smuggling, which supported the success of the Swedish East India Company and allowed the marketing of ‘Gottenburgh Teas’ in Scotland and the north of England. It additionally identifies the role of the non-plebeian merchant-smuggler, exemplified by John Nisbet with his fine

⁹³ <https://jhupbooks.press.jhu.edu/title/cheese-and-worms> (synopsis on John Hopkins University Press website, accessed 29.02.2020)

⁹⁴ John Demos, *The Unredeemed Captive*, (London, Papermac, 1996), p.xi

⁹⁵ Interview with Douglas Winiarski, *History News Network*, <https://historynewsnetwork.org/article/172590> , accessed 29.02.2020

John Adam merchant's house with its smuggler's hiding places. The change of the nature of smuggling in south-east Scotland, noted by contemporary observers, is here made explicit.

By following the Scandinavian trade of Eyemouth, it leads to questioning of some assertions made by Kent regarding the Scottish timber import business and it demonstrates the opportunities for exporting contraband to Norway as well as importing 'Danish' tea. In terms of the distribution chain within Scotland and the north of England, it draws attention to the previously largely overlooked importance of road transport, with evidenced connections to Edinburgh, Newcastle and Leeds. Examination of the customs records reinforces the view that the customs and the local merchant-smugglers seem to have developed a *modus vivendi*, whereby a reasonable amount of income accrued to the state, with minimal risk to the officers of the customs service and little interference with the smuggling business.

There are, inevitably, unanswered questions. How typical was Eyemouth? Its geographical advantages are highlighted, but these apply to other ports. It does seem that the port was redeveloped by the 'County' to provide an outlet for grain from the improved farms of the Merse, the rich agricultural district of Berwickshire. Can it be said that agricultural improvement paved the way for Eyemouth to become a centre for smuggling? What is going on with respectable merchants in Newcastle and Leeds dealing with at least one smuggler in south-east Scotland? How important was the Jacobite connection between Scotland and Gothenburg?

These and other questions will be raised in the appropriate chapters and addressed again in the Conclusion, but they may not all be answered here, and it may fall to others to deal with them.

Structure

The thesis is structured to provide the evidence which supports the key contentions about the nature of smuggling in south-east Scotland and the context in which it took place.

Chapter one explores the development of economic activity on both sides of the border, in the years around the Union of 1707, and the background to the Union itself. The key changes that affected Eyemouth were the improvement in relations with the north-east of England and the development of agriculture there and in Berwickshire.

Chapter two concentrates on the port of Eyemouth, its physical setting and its slow early growth. It demonstrates how agricultural improvement provided the launch pad for the development of the port in the middle of the eighteenth century, the growth of its community of merchants and of its overseas trade. It includes an analysis of the growth of smuggling and identifies those merchants who were most involved.

Chapter three forms an in-depth analysis of the merchant community in Eyemouth – the first time that this has been possible, due to the nature and range of sources identified. In the context of current thinking on mercantile networks, it identifies the key institutions in Eyemouth and the personal relationships involved. It then focusses on two families – the Nisbets, particularly John, the builder of Gunsgreen House, and his brother David, and the Robertsons, the key figures in the town, with local business roots back into the early seventeenth century. The connections of the Nisbets demonstrate the importance of smuggling to their business, and the northern nature of that smuggling, across the North Sea and into northern England.

The following chapter (four) analyses the smuggling business in south-east Scotland, exploring in detail how it functioned as, essentially, an adjunct to, or even a core part of the normal business of trade. This is developed in the first part of the chapter and is then followed by a consideration of the reaction of the authorities in Scotland to smuggling – the ineffective resolutions of the Convention of Royal Burghs and the Church of Scotland and the activities of the Customs and Excise services. It seems apparent from the latter that there developed a *modus vivendi*, between the smugglers and the government agencies.

Smuggling would be not worthwhile without an efficient distribution network. This is the theme of chapter five, following, as far as possible, the route of contraband from its landing places near Eyemouth to middlemen and end consumers from Edinburgh to Newcastle, Leeds and even London. This is where the importance of road transport, even before the development of turnpikes, is highlighted.

Chapter six examines the smuggling of tea in the North Sea with an in-depth consideration of the impact of the Swedish East India Company on the tea market in Britain, with a strong focus on Scotland and the north of England. The records of John Nisbet's business have provided the route into this study, which highlights the role of Scottish merchants in Sweden and the development of Gottenburgh Teas as, in modern terms, a brand, illustrated by a range of newspaper advertisements for smuggled tea.

The thesis concludes with a valedictory chapter on the decline of merchant-smugglers in Eyemouth and their replacement by 'professionals' from Folkestone and the Netherlands. It is organised as a series of case studies of local merchant-smugglers, with most attention inevitably paid to John Nisbet. The end of locally based smuggling coincided with, and was probably brought about by, the slashing of duty on imported tea in the 1784 Consolidation Act – although, as often with John Nisbet, this is not entirely clear, as he was also in his seventies and being persecuted by the Robertsons, who ended up buying Gunsgreen House.

Chapter 1

The economic background of the cross-border region before and after the Treaty of Union

1.1 Introduction

This chapter will address national and local economic and political developments, particularly those surrounding the Union of 1707. It will look in some detail at those changes as they affected the wider cross-border region, covering south-east Scotland and north Northumberland, with a comparative review of the western Borders.

In the years after the Union, there were still cross border rivalries, notably in the salt trades of the Forth and Tyne, while the Northumberland/Borders region along the River Tweed steadily developed as supplier of agricultural goods to London, through the port of Berwick-upon-Tweed, while the farming improvements in Berwickshire supported the development of the port of Eyemouth. The growth of Glasgow as a centre of tobacco imports fed an active smuggling trade on the east coast, as well as the west.

1.2 The Union of 1707

In 1707 England and Scotland agreed a Treaty of Union to create the new entity known as Great Britain. Since 1603, when James VI of Scotland inherited the English throne, the two countries had shared a monarch, but continued to exist as separate entities, aside from a period during the Commonwealth when Scotland had been fully incorporated with England. There has been a long-standing debate about the influence of economic factors on the Union and, *vice versa*, about the impact of the Union on the economy of Scotland.¹ The effect of the Union on the economy of the cross-border region of north Northumberland and Berwickshire, and, for comparative purposes, of Cumberland and south-

¹ T.C. Smout, 'The Anglo-Scottish Union of 1707. I. The Economic Background', *The Economic History Review*, New Series 16.3 (1964), 455–467; C.A. Whatley and Derek J. Patrick, *The Scots and the Union* (Edinburgh: Edinburgh University Press, 2006).

west Scotland will be examined here. There has, perhaps inevitably, been less consideration from the English side of the economic impact of the Union, but there has been work on the growth of Northumberland's economy in the eighteenth century and on the history of Berwick-upon-Tweed, the principal town of the cross-border region.²

During the seventeenth century, Scotland's economy was developing, notably through the activity of merchants trading with northern Europe. Examples of successful enterprises were the export of coal to Rotterdam, Bremen and Hamburg, salt to Bremen and fish to Bremen and Hamburg.³ The 1690s, however dealt a series of hammer blows to Scotland. Whatley argues that these were inter-related, while some writers have posited that they were effectively coincidental. Some, such as the effects of climate change, were not exclusive to Scotland, but Whatley has proposed that the impact in Scotland was similar to that of the famine of the 1840s in Ireland and a population loss of around 13 per cent has been suggested.⁴ The attempt to create a Scottish Empire based on the isthmus of Darien in central America in the late 1690s proved to be a further setback for Scotland's morale and self-identity.

Traditionally, the driver for Union on the Scottish side has been regarded as the economy. Recent work by Whatley has suggested that there was, in fact, a considerable political and principled support for Union:

... it has become apparent that for many of Scotland's politicians of the period, ideas and political ideology were more important in shaping their attitudes than has generally been recognised by most modern historians, including this one. The long-held and popular notion that the Scots were bought and sold for English gold seems not to stand up to close scrutiny. On its own, neither does the argument that the Scots bargained away their parliament for free trade and access to England's colonies. There was rather more to it than this.⁵

² Tony Barrow, 'Corn, Carriers and Coastal Shipping; the Shipping Trade of Berwick and the Borders, 1730–1830', *Transport History*, 21.1 (2000), 6–27.

³ Kathrin Zickermann, *Across the German Sea: Early Modern Scottish Connections with the Wider Elbe Weser Region* (Leiden: Brill, 2013), pp.83–114.

⁴ Whatley and Patrick, *The Scots and the Union*, p.143.

⁵ C.A. Whatley, 'Economic Causes and Consequences of the Union of 1707: A Survey', *The Scottish Historical Review*, 68.186/2 (1989), 150–181.

Aida Ramos has proposed that the Union needs to be viewed in the context of contemporary English mercantilism.⁶ She defines one purpose of mercantilism as ‘the purposeful crafting of policy in order to limit the actions of countries that one perceives a real or potential threat to the dominance of the nation-state’.⁷ She then proceeds to argue that the English ministers had their eyes on the long term ‘gains in power in parliamentary representation, the location of the capital, debt service, increased tax revenue and access to increased financial and physical capital’ while the Scots focused on free trade with the colonies as their major gain.⁸

Karin Bowie, writing of the public debate surrounding the Union, suggests that the weight of opposition, extending as far as an attempt to organise a joint Jacobite/Covenanter armed uprising, was dealt with in what was then the appropriate way, by a mixture of repression and concession, notably ‘the promise of the Hanoverian succession, security for the Presbyterian Church, a communication of trade and the reimbursement of the African Company shareholders’ She particularly noted the support among Glasgow merchants for the Union, as the potential for free trade in the colonies offered them ‘vast wealth by trading in the West Indies’⁹

1.3 The Impact of the Union on the cross-border region

Over a long period of time the area each side of the eastern border had been subject to unrest, varying from outright warfare to criminal violence. Although the Union of the Crowns led to a decline in this violence, there was still a level of insecurity, felt particularly strongly in Northumberland. This was reinforced by the experience of the Civil War when, in 1640, a Scottish Army briefly seized the Tyne Coalfields and sought to hold the King to ransom in support of their allies in parliament. The coal fields were seized again from 1644 to 1647 during which time Newcastle coal was still exported to Hamburg, to the benefit of the

⁶ Aida Ramos, *Shifting Capital: Mercantilism and the Economics of the Act of Union of 1707* (Basingstoke, Palgrave Macmillan, 2018)

⁷ Ramos, *Shifting Capital*, p. 9

⁸ Ramos, *Shifting Capital*, p. 14

⁹ Karin Bowie, *Scottish Public Opinion and the Anglo-Scottish Union, 1699 – 1707* (Woodbridge, Boydell Press for the Royal Historical Society, 2007), pp 164-5, p.143

Scots.¹⁰ During the 1640s, the attitudes of people in Northumberland and North Yorkshire towards the Scots fluctuated, but by end of the decade the predominant feeling was one of distrust and dislike.¹¹

Despite the full Union between England and Scotland under the Commonwealth, which was revoked at the Restoration, as late as 1703–1704 there was still nervousness in Northumberland of a potential Scottish invasion provoked by the political activity which led up to the treaty of Union. The memory of the 1640s – and the centuries before – played a large part in this. The insecurity felt by people in Northumberland delayed economic improvements.

Equally, the coming of the Union had reduced the importance of Berwick-upon-Tweed as a frontier town. Berwick was – and, indeed, still is – in a peculiar position. When it was Scottish, which it was on and off until 1482, it was a Royal Burgh and one of the chief ports of the country, serving the wealthy agricultural area of Berwickshire. When it was English, however, it was a remote frontier town, fortified by Queen Elizabeth as a response to the loss of Calais by her sister. The Jacobite risings had helped to maintain Berwick's status until the 1740s – politically it remained associated with the government interest and a place where patronage related to places in the army remained important.¹²

Steve Murdoch has written about the confusion of identities, particularly in the early seventeenth century, with people referring to themselves as Scoto-Britannus or Anglo-Britannus.¹³ In Berwick, according to the diary of the English Royalist Officer John Aston, there were two ministers – one an Englishman who was a pro-covenant Presbyterian and a Scottish pro-Canterbury Anglican. The implication was that there was tolerance between English and Scots south of

¹⁰ Zickermann, *Across the German Sea*, p.112.

¹¹ S. Barber, 'The People of Northern England and attitudes towards the Scots, 1639–1651: 'The Lamb and the Dragon cannot be reconciled', *Northern History*, 35 (1999), 93–118.

¹² Edward Hughes, *North Country Life in the Eighteenth Century: The North East 1700–1750*. (Oxford, Oxford University Press, 1952), p.273.

¹³ Steve Murdoch, 'Anglo-Scottish Culture Clash? Scottish identities and Britishness, c.1520 – 1750, *CYN COS*, 25.2 (2008), p.254

the Border, even during the Civil War.¹⁴ This seems to go against Barber's findings, but even he notes that feelings fluctuated.¹⁵

It is clear from the study by Hughes that the period from 1700 to 1750 was one of great change in Northumberland.¹⁶ Many of the 'old' families – mainly, but not exclusively, Catholic – had been ruined by the disruption of the Scottish occupation in the 1640s, followed by the penalties imposed on Royalist families during the Commonwealth.

... the period between the Restoration and 1750 witnessed the liquidation of scores of ancient families both great and small, and the rise out of the ashes of new men who gradually acquired vast agglomerations of estates and whose descendants have, for the most part, remained in possession until our own day (1950s)

Analysis of the condition of Jacobite estates forfeit in 1715 gives a picture of huge indebtedness. Hughes even suggests that support for the Jacobite rising of 1715, which was strong in Northumberland, may have been driven as much by economic desperation as by religious or political principles. Oates, in describing Northumberland's vulnerability to Jacobite invasion in 1715, reinforced the impression given by Hughes of a county with a strong Catholic community, whose northern border abutted on to Scotland and with a coastline which was attractive to potential invasion. He also refers to 'the urgent threat of open rebellion' in the county.¹⁷

The rise of the 'new' gentry, characteristic of the south of England in the sixteenth century, was delayed in Northumberland until the eighteenth century. The border region was constantly unsettled and insecure, even after the Union of the Crowns in 1603. It was not until after 1707 that the situation really settled down. This, as referred to above, was too late for many of the traditional families and they were effectively displaced by these new men who had made their fortunes in the coalfields around Newcastle.

¹⁴ Murdoch, 'Anglo-Scottish Culture Clash?', p 257.

¹⁵ Barber, 'The People of Northern England'

¹⁶ Hughes, *North Country Life*, pp.1–38.

¹⁷ Jonathan D. Oates 'Responses in the North of England to the Jacobite Rebellion of 1715', *Northern History*, 43:1 (2006), 77–95.

What we have in the north at this time is ... a sudden blossoming of civilization with the melting away of political and social disorder under the warming influence of economic prosperity.¹⁸

While relatively little work has been undertaken on the economic impact of the Union on Northumberland, more has been done with relation to Cumberland. Part of the reason for this is the nature of trade on the west coast, and the wealth of records that exist for Whitehaven in particular. Robinson makes it clear that the main impact of the Union on Cumberland was that it effectively normalised existing trade. In the late seventeenth-century Whitehaven, for example, attracted Scottish merchants, who used it effectively as an outstation of Glasgow to trade with the American colonies, thus circumventing the post Commonwealth Navigation Acts. Tobacco was imported legally to Whitehaven, then exported, with drawback, to the Isle of Man and smuggled into Scotland or Ireland.¹⁹ Whitehaven benefited from this – the port was newly developed by Sir John Lowther and he was very happy to attract Scottish merchants ‘As any Scotch merchants come there, ingage them to bring some of their countrymen to settle with us’.²⁰ His Steward, William Gilpin, was dutiful, but not so enthusiastic:

Wee have ... Several Scotch (some of them are become tenants) who are (generally) very industrious and are of use to the town, but maligned under the foolish notion as if they came to eat other people’s bread. I have as little respect for that nation as anybody, but always think it is our interest to encourage as many of them (as are industrious) to settle with us.²¹

The Union provided opportunities for a creative approach to trade on both sides of the Solway Firth, where there remained differential tax rates on the opposite sides of the border. This was greatly assisted by the absence of any controls on the land frontier.²²

¹⁸ Hughes, *North County Life*, p.30.

¹⁹ Allan L. Macinnes, ‘Scottish Circumvention of the English Navigation Acts in the American Colonies 1660 – 1707, in G.Lottes et al (eds) *Making, using and resisting the law in European History*, (Pisa, Pisa University Press, 2008), 109 – 130, (118)

²⁰ M.J. Robinson, ‘Cumbrian Attitudes to Union with Scotland: Patriotism or Profit?’, *Northern History*, 39 (2003): 227–244 (228).

²¹ Robinson, ‘Cumbrian Attitudes’, 228.

²² Robinson, ‘Cumbrian Attitudes’, 235.

Over the early years of the eighteenth century, the ports in the north-west of England, Liverpool and Whitehaven, together with Glasgow, came to dominate the tobacco trade. This was largely for logistical reasons, in that the passage from the Colonies round the north of Ireland was quicker and safer than that to London. Glasgow, however, building on its long experience before the Union, had developed its own way of managing the trade. Glasgow merchants had a deep understanding of the European markets for tobacco and they had also set up agents and warehouses in the colonies, allowing them to buy up tobacco in advance and thus turn around their ships in two or three weeks, instead of waiting in Chesapeake Bay for months on end building up cargoes as ships from the English ports tended to do.²³

The initial response of English competitors was that the Glasgow merchants were rogues, working in collusion with corrupt customs officers in Glasgow. This led to the merger of Scottish and English customs administration in 1723, which caused ill feeling in Scotland, but only had a temporary effect on the Glasgow trade. Another panic in the south led to the Tobacco Act in 1751, seeking to further control the trade. There was certainly a considerable smuggling trade in south-west Scotland throughout the eighteenth century, much of it built around false re-exports, for which the duty was refunded, but this was not unique to Glasgow – indeed, John Nisbet of Gunsgreen House was known by the Customs in London to be a leading exponent of this practice.²⁴

It was, however, the efficiency of the Glasgow merchants, combined with particular advantages in terms of availability of credit and trade goods, which led to that city dominating the trade, so that by 1758 it overtook London as the leading tobacco port. In this case, then, despite Glasgow being a centre of opposition to the Union in the years leading up to 1707, its merchants were very successful in exploiting its advantages. As with the Tyneside salt masters described below, however, the Scottish merchants were suspected of taking unfair advantage of the special arrangements put in place by the Treaty of Union. As Price puts it ‘these included the excessive susceptibility of the North

²³ J. M. Price, ‘The Rise of Glasgow in the Chesapeake Tobacco Trade, 1707–1775’, *The William and Mary Quarterly*, 11.2 (1954), 179–199 (189).

²⁴ Edinburgh, NRS, CE1/9, 25 June 1755.

British officers to corruption, the ignorance and sloth of the same officers, which made fraud easy ... and the unfamiliarity of even the best officers with the correct English customs procedure...'²⁵

1.4 Coal and Salt

In terms of industries represented on both sides of the Border, the inter-related coal and salt trades make a useful case study, particularly as the fates of the English and Scottish industries in the eighteenth century differed so markedly and this difference was, at least in part, due to the effect of the Union Treaty. What they had in common was that they were both sited on major estuaries with easy access to cheap coal. The difference between Scotland and England was that, effectively, in Scotland coal was subsidiary to salt, whereas on the Tyne, coal was the major industry, with salt pans being useful consumers of otherwise unsaleable 'small coal'.²⁶

The Scottish Government in the seventeenth century had adopted a protectionist stance towards its nascent industrial sector. In 1665, for example, a tax of £12 Scots (the equivalent of one-pound sterling) per boll of foreign salt, except that which was used for preserving fish or meat for export, was imposed. This effectively closed the domestic market to imports. As many of the proprietors of the coal and salt industries were Privy Councillors and parliamentarians, this climate of protectionism inevitably influenced the Treaty of Union. It is clear, however, that the motivation of the proprietors was to protect the domestic market, rather than to seek to exploit any new markets created by the Union. The debate on the VIIIth Article of Union lasted several days and aroused concern among the proprietors. The Earl of Mar, for example, wrote 'I told you always this was the article I was most afraid of.'²⁷ The outcome of the debate was that Scottish salt used in Scotland was to remain free of any duties for seven years and there was a perpetual exemption from

²⁵ Price, 'The Rise of Glasgow in the Chesapeake Tobacco Trade', 185.

²⁶This section draws on two articles: C.A. Whatley, 'Salt, Coal and the Union of 1707: a revision article', *The Scottish Historical Review*, 66.181/1 (1987), 26–45 and Ellis, 'The Decline and Fall of the Tyneside Salt Industry, 1660–1790: a Re-examination', *The Economic History Review*, New Series, 33.1 (1980), 45–58.

²⁷ Whatley, 'Salt, Coal and the Union', 31.

the additional English duty of 2s 4d per bushel on Scottish 'home-salt'. Whatley tells us that:

The manufacturers of Scottish salt were, like the proprietors of many other Scottish industrial enterprises, aware of their shortcomings and opposed to unhampered competition from the English. The post-Union disappearance of many of them demonstrates how well founded were their fears.²⁸

Enjoying this protection, however, a Scottish salt industry did survive until well into the nineteenth century.

Scottish coal was similarly protected in the XIIth Article of Union. This safeguarded all Scottish 'coal, culm and cinders' used within Scotland from English duties until 1710. The protective nature of this was reinforced by the ongoing arrangements that came into force in 1710, following proposals from the Forth coal masters. Under this variation, the exemption continued to apply to all Scottish coal used between St Abb's Head and Red Head, near Arbroath. This protected the natural local market for Forth coal while opening the rest of the east coast to English imports. The fragmentary records of imports into Eyemouth – the only port in Scotland south of St Abb's Head – seem to illustrate the impact of these special arrangements. Between April 1726 and January 1739, 87 ships entered Eyemouth carrying coal or salt. Of these 52 had Scots salt, 12 Scots coal, 22 English coal and 1 Foreign salt.²⁹ Whatley further discusses accusations by English economic historians that duty-free Scots salt undercut and effectively destroyed the Tyne salt industry. His view is that there is no evidence to support this allegation. We shall see later why the Tyne industry failed. Whatley does allow, however, that there was 'a localised illegal trade in the eastern border towns.' It is not wholly fanciful to suggest the figures for imports into Eyemouth support this view.

The salt industry on the Tyne, which was essentially like that on the Forth, faded out in the course of the eighteenth century. Why this difference? It was very straightforward – the Tyne industry simply did not enjoy the protection afforded to that in Scotland, so was wiped out by competition. The process of

²⁸ Whatley, 'Salt, Coal and the Union', 38.

²⁹ NRS, CS228/K/1/66.

extracting salt from sea water by boiling in large iron pans was inefficient – it took around six tons of coal to produce one ton of salt – and the product was poor. Tyne salt was bitter and dirty – especially as it was often transported in colliers and was known as ‘grey salt’.³⁰ It was not suitable for either long term preserving or as table salt but was adequate for kitchen purposes. The golden years of the Tyne salt industry were the second and third decades of the eighteenth century, with the peak year being 1713/1714 when over 20,000 tons was sold.³¹ More than half of this was represented by exports to Europe, but these were never going to be long term, as new sources of salt were always being developed. By the 1740s, production had declined to about 9,000 tons per year, with as few as one quarter of the Shields salt pans operating.³² The fatal blow to the industry, however, was the improvement to local transport links to the Cheshire rock salt mines. This was exacerbated by the growth of other industries in the Tyne area, such as iron working, which used small coal, thereby increasing demand for and prices of this hitherto cheap fuel. By the 1780s there were only 20 pans left operating – down from a peak of about 170 sixty years earlier. By 1796 the industry was so far gone that the government inspectors no longer visited the area.³³

The situation was that there were two similar industries operating only one hundred miles or so apart, both producing a poor-quality product, although Ellis says that Forth Salt was regarded as being made with rather more care, using the local coal industry for low cost fuel. The Scottish industry, protected since the 1660s, survived into the nineteenth century, while the Tyne industry, despite a more sophisticated approach to management, failed in the face of competition from a product that was superior and – eventually – price competitive. Although the accusations of unfair competition from the Forth salt pans was largely unfounded, there must have been resentment at seeing this fundamentally similar industry surviving for another couple of generations thanks to the protection assured by the Treaty of Union, reinforced by the long term anti-Scottish feeling in the English border counties.

³⁰ Ellis, ‘Decline and Fall of the Tyneside Salt Industry’, 46.

³¹ Ellis, ‘Decline and Fall of the Tyneside Salt Industry’, 50.

³² Ellis, ‘Decline and Fall of the Tyneside Salt Industry’, 53.

³³ Ellis, ‘Decline and Fall of the Tyneside Salt Industry’, 53.

1.5 Agriculture

Traditional Scottish agricultural practices – notably the shared use of unenclosed fields – hindered individual experimentation or improvement, but in the seventeenth century, Sir Alexander Cockburn introduced systems of limited rotation at his estates in Berwickshire at Simprim and Langton. It was possible to adopt this within the traditional holding patterns and by the later seventeenth century the Scottish lowlands were able to produce enough food to mitigate the worst effects of crop failure.³⁴

The Scottish Parliament had begun the process of land reform, with a few Acts in the later seventeenth century, but it was the effect of Union, with Scots landowners travelling more frequently in England, that encouraged greater changes. Scotland had no need for legislation to permit enclosures as, to quote Sir John Sinclair ‘in no country in Europe are the rights of proprietors so well defined and so carefully protected (as in Scotland).’³⁵ Pioneering landowners in East Lothian, the Borders and Aberdeenshire – for arable – and Galloway, for pasture, set about improvement and enclosures. In 1733, for example, the estate of Cockburn in Ormistoun in East Lothian, let to the Tenants for three lives was described as ‘now all enclosed and most of the Fences sufficient; and the Farmers are becoming wealthy, far beyond the common Condition of Persons of their Rank.’³⁶

East Lothian, one of the wealthiest agricultural districts, had the advantage of three local Royal Burghs with ports, North Berwick, Haddington (at Aberlady) and Dunbar – which was also the customs headport, of which Eyemouth was a ‘creek’. Berwickshire had, of course, lost its only Royal Burgh with a port with the final seizure of Berwick-upon-Tweed by the English in 1482, leaving Eyemouth as its only accessible harbour. Aside from East Lothian, Berwickshire was perhaps the richest agricultural area in Scotland during this period. John Home writing in 1797, for example, offered a synopsis of the development of

³⁴ John Dent and Rory McDonald, *Farm and Factory: Revolution in the Borders* (Scottish Borders Council, Newtown St Boswells, 2001).

³⁵ Hamilton, *An Economic History*, p.57.

³⁶ Hamilton, *An Economic History*, p.61.

farming in the county, which provides the background for the growth of the port of Eyemouth:

Previous to the year 1730, no such thing was known as a proprietor of land pursuing systematically the profession of farmer... Between the year 1730 and 1745, several landed proprietors of the county of whom the celebrated Henry Home, Lord Kames and the late George Carr, Lord Nisbet, Judges of the Court of Session, Mr Home of Beeles, together with the father of the present Lord Swinton, and Mr Home of Ninewells, the elder brother of David Hume, the Philosopher and Historian, commenced the practice of husbandry upon their own lands, on a studied and intelligent plan, with a laudable zeal, and considering that they were the first improvers in an unknown art, with a tolerable degree of success.³⁷

South of the Border, too, agriculture blossomed in the eighteenth century. Barrow describes how, at the end of the eighteenth century, the agricultural economy of the cross-border region (Glendale, Tweeddale and the Lower Merse) enjoyed a period of great prosperity. Enduring peace and stability in the Borders, agricultural innovation and extensive investment in land improvement and turnpiking, he explains, facilitated the emergence of coherent regional networks of transport and exchange ... based on the ports and market towns of the region.³⁸

The major landowners of Northumberland, such as Lancelot Allgood, Walter Blackett, the Culleys, Swinburnes, Riddleys, Greys and Delavals made major contributions to the development of the transport network. George Culley had a national reputation as an innovative farmer, increasing his wheat yields in Glendale almost seven-fold between 1767 and 1802. He claimed to have introduced spring sown wheat into the county, paving the way for wheat to replace barley as the number two cereal crop. The work of such men as Culley went hand in hand with the development of commercial networks for the purchase and transport of crops. Corn merchants from Alnwick, for example, built six granaries at the port of Alnmouth between 1760 and 1820. Coutts of Edinburgh and London – more usually known as bankers – had an agent based at Fenwick in North Northumberland, buying up grain for transport to London.³⁹

³⁷ J. Home, *Rectified report of Berwickshire agriculture* (Home, Berwick, 1797)

³⁸ Barrow, 'Corn, Carriers and Coastal Shipping', 9.

³⁹ Barrow, 'Corn, Carriers and Coastal Shipping', 14.

As a result of the agricultural developments both sides of the Border, the port of Berwick was revitalised. In 1764 the Old Company was founded, a shipping line operating Berwick smacks. These were sloops with a single tall mainmast, capable of carrying a good spread of sail. Early ones were built at Whitby, but most were built in Berwick itself. By about 1800, the typical smack was about 70 feet long and could carry a cargo of between 100 and 120 tons. There were two incentives to develop a specialist fast sailing vessel. One was security – the North Sea was a dangerous place, frequented by French privateers, Dunkirk pirates etc. A well-handled smack could out sail or out fight most of these.⁴⁰

In addition, one of the key goods carried was salmon

...shipped to London in ice as fresh fish. Ice had first been used at Berwick about 1787, and the subsequent construction of five substantial ice houses in the town after 1790 bear witness to its increased importance. Merchants engaged in the salmon trade entered into agreements with local farmers to collect ice from the surface of ponds during the winter. In 1806 (it was) calculated between 10,000 and 12,000 boxes of salmon worth £66,000 were shipped annually by the smacks.⁴¹

The development of the network of turnpike and other maintained roads linking Berwick to a substantial cross-border hinterland, from Duns, Kelso and Hawick (in Scotland) to Wooler and Glendale (in England), referred to above, was critical to the economic generation of the cross-border region. It facilitated the gathering of agricultural products, notably eggs, oats and wheat which were exported to London. Berwick, despite its remoteness, managed to develop close links with London. This trade ensured a distribution of cash income throughout the border country.⁴²

1.6 Conclusion

It is clearly the case that the Union was economically beneficial to Scotland and to the Border region. By the end of the seventeenth century, Scotland was in a relatively poor state, though improving economically and while the country would have continued to improve without the Union, that improvement would

⁴⁰ Barrow, 'Corn, Carriers and Coastal Shipping', 14.

⁴¹ Barrow, 'Corn Carriers and Coastal Shipping', 19.

⁴² Barrow, 'Corn, Carriers and Coastal Shipping', 19.

surely have been slower. The history of protectionism demonstrated the lack of confidence in the ability of Scotland's industries to compete on a level playing field. Indeed, coarse linen weaving faded quickly, as did the embryonic woollen industry.

Of the areas examined here, coal and salt were industries where the Scottish sections were protected by the Treaty of Union and, effectively, stayed as they were from 1665 until the last of the special protection was removed in 1823. There was no serious attempt made to expand either industry or to build up an export trade. Their weaknesses were recognised and protected. The Tyne salt and coal industries equally were unaffected by the Union, although the failing of the salt pans was partly – if wrongly – ascribed to unfair Scottish competition.

The tobacco trade of Glasgow benefited enormously from the Union, with unfettered access to the American Colonies. Glasgow exploited its geographical advantages and cost-effective business practices to corner the British market in tobacco. Most of what was imported was re-exported and the merchants of Glasgow were not above exploiting the drawback of duty on exports to sustain a smuggling trade, especially while the Isle of Man enjoyed its special status prior to 1765. As with salt, the English rivals to Glasgow blamed the Union – in this case the retention of a separate Scottish Customs Administration. The abolition of this in 1723 made no long-term difference – and it was reinstated after a few years. The Tobacco Act of 1751 was another attempt by the English merchants to control Glasgow's ascendancy, with equal lack of success.

Agriculture is an interesting case. Scottish farming was not strong in the late seventeenth century, but the improvers who so radically changed methods were Scotsmen, who may well have undertaken the same improvements irrespective of the Union. What was different was the eventual emergence of Berwick-upon-Tweed as a specialist agricultural export centre serving both sides of the Border. This was aided by the great improvements to farming in north Northumberland which were assisted by the confidence engendered by the Union. The integrated network of roads serving the ports would have been unthinkable without the Union. Thus, the areas of Glendale, in Northumberland,

the Tweed valley, spanning the border and the Merse, in Berwickshire became a single agricultural region.

It is clear that the Union – despite the disruptions of the Jacobite uprisings – finally brought peace to the Border counties and facilitated the development of a single agricultural region. Given that agriculture was the most important industry on both sides of the eastern borders, this can be seen as a clear beneficial outcome. Eyemouth, as will be shown, benefitted for some years from borough restrictions laid on the port of Berwick-upon-Tweed, but the removal of these charges and the subsequent expansion of the trade of the port of Berwick, tied to the local transport links, was a further benefit to the region. The bigger picture was also positive, with Scotland – and the Scots – working to take advantage of the Union, with its access to greater markets and personal opportunities.

These factors created the context for the development of the port of Eyemouth and its trading community with associated shipping and land transport. The increasing wealth of its hinterland, together with links to Edinburgh and Newcastle, provided ideal circumstances for the growth of the smuggling business with connections across the North Sea and a local customer base.

Chapter 2 will demonstrate how Eyemouth developed into a town with a growing middle class, around its developing trade, both coastal and overseas, and how the development of agriculture in the hinterland supported that growth. It is argued that this provided a context for the development of the smuggling business.

Chapter 2

The development of the port of Eyemouth and its trade

2.1 Introduction

Chapter one outlined the economic consequences of the Union of 1707, which provided the context for the growth of the port of Eyemouth. This chapter will build on that to offer a detailed analysis of the development of the port from its beginnings to the end of the eighteenth century. There are a number of issues that need to be addressed, including the nature of the trade of the port and how it changed over time; various influences on the success – or failure – of the port, such as the activity of the nearby port of Berwick-upon-Tweed; factors influencing its popularity as a centre for smuggling; the nature and importance of local merchants and their inter-relationships and, a related issue, the circumstances which led to the creation of the Harbour Trust in the 1790s.

Analysis in the detail used here and in subsequent chapters has not been possible until recently, due to the lack of easily accessible local records. An increasing familiarity with Eyemouth merchants and the identification of a range of sources – from the Kirk Session to Customs papers and the Masonic Lodge – has allowed a detailed picture of Eyemouth, its trade and traders, to emerge,

2.2 Early development of the port of Eyemouth

‘The smaller the merchant or port, the less we know of its history or importance’ Gordon Jackson wrote.¹ He provided a guide to how to proceed:

...the study of a port (is) validated by examining the interplay of facts and comparisons between ports and people; in short by measuring anything for which statistics (are) available.²

¹ Gordon Jackson, ‘The Significance of Unimportant Ports’. *International Journal of Maritime History*, 13.2 (2001), 1–17 (3).

² Jackson, ‘Unimportant Ports’, 4.

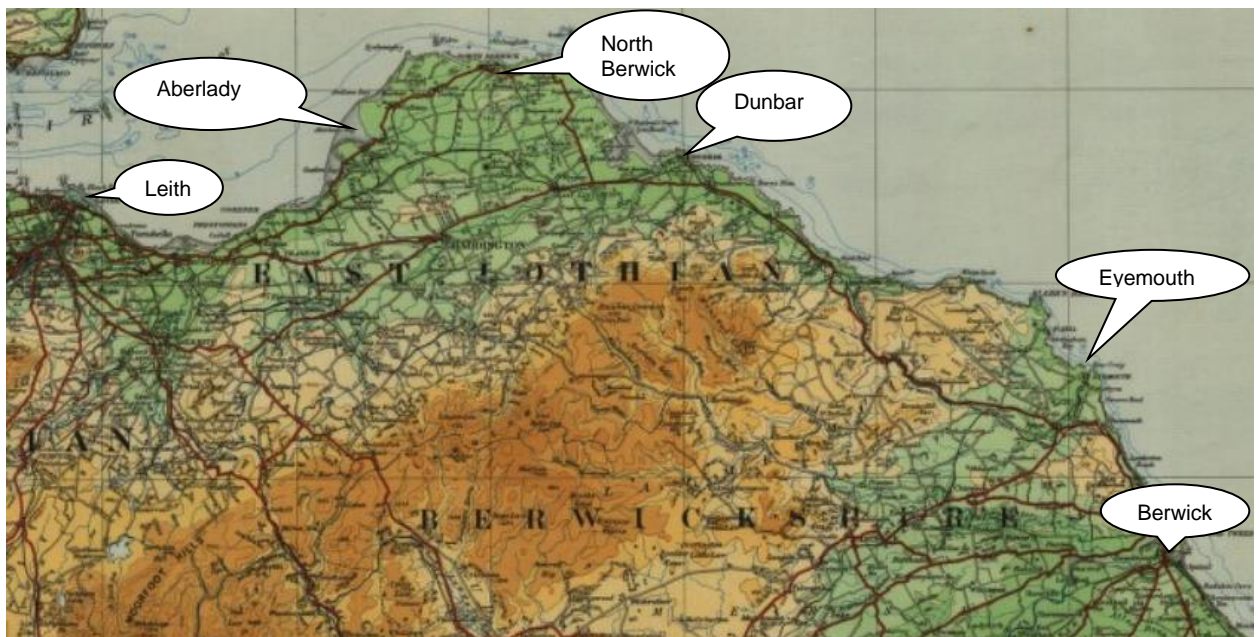


Figure 2/1. South-east Scotland (1920s), Bartholomew 1/2" series

Fig. 2/1 shows a map of the coast from Edinburgh to Berwick-upon-Tweed, together with the counties of East Lothian and Berwickshire. It illustrates the ridge of the Lammermuir Hills separating Berwickshire from East Lothian and the natural advantages enjoyed by the port of Berwick-upon-Tweed, serving Berwickshire to the north and west and Northumberland to the south. Its loss to England in 1482 and the subsequent rigid application of its borough rights and restrictions until 1776 made the growth of Eyemouth essential to the successful development of the Merse, the main agricultural district of Berwickshire.³

East Lothian was served by three Royal Burghs – Haddington, whose port was Aberlady, North Berwick and Dunbar and was also closer to Edinburgh than Eyemouth. Dunbar was the customs headport for Eyemouth and this map also shows both the inconvenience this posed to Eyemouth merchants and the advantage for smugglers, in terms of the distance between the two ports.

³ Kerr, *General View of the Agriculture of the County of Berwick*, pp.6–7.

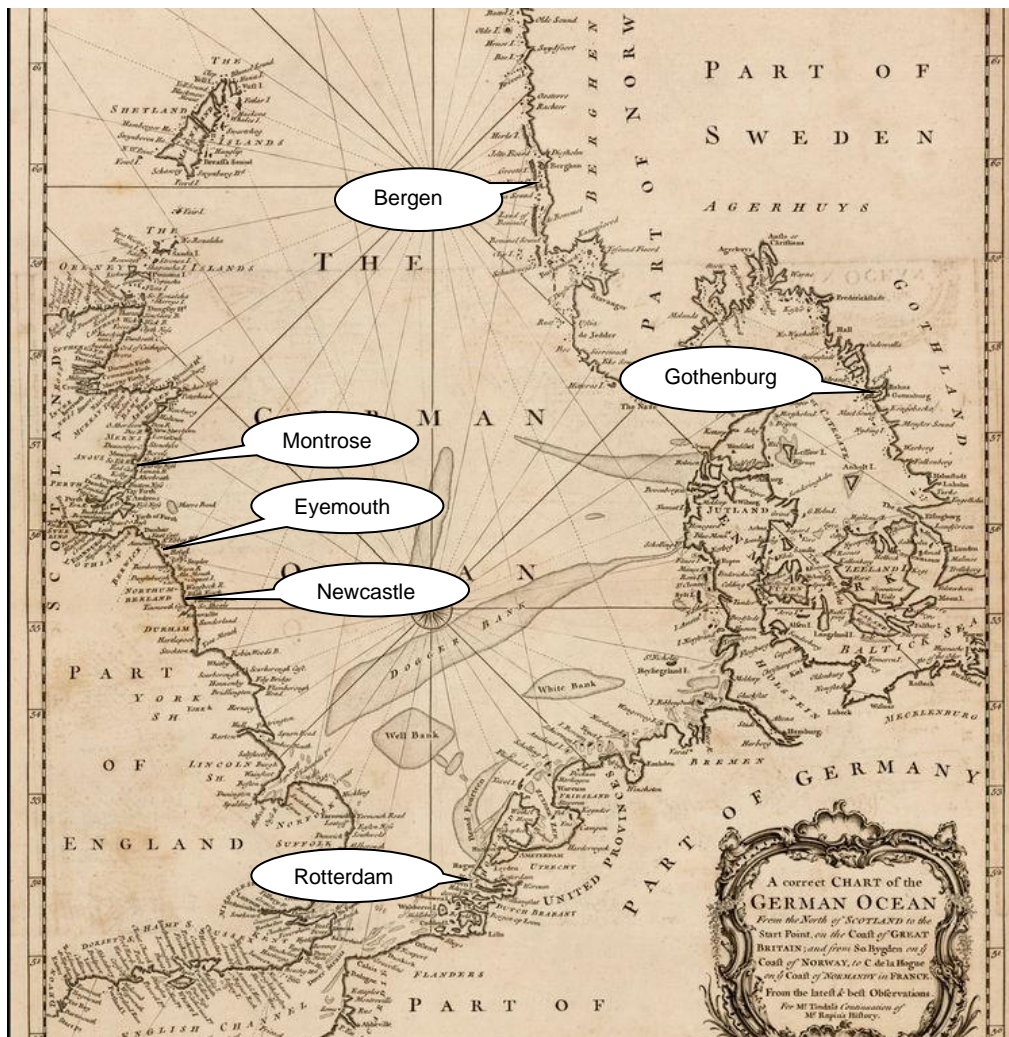


Figure 2/2. 'A Correct Chart of the German Ocean', Paul Rapin de Thoyras, London, 1745

This map (Fig. 2/2) shows how well-placed Eyemouth was to trade across the North Sea to the timber ports of Norway and the Baltic and the contraband ports of Gothenburg and Rotterdam. It was conveniently placed for transport connections with Newcastle, by land or sea, and less far from the main population centres than Montrose, one of the busiest of the east coast ports. Eyemouth was both relatively remote and convenient for Edinburgh and the prosperous interior of Berwickshire. It was pressure from the improving landlords of Berwickshire that led to the steady improvement of the port in the eighteenth century which, in turn, encouraged the growth of a merchant community equipped with ships capable of trading with Europe.⁴

⁴ NRS, GD267/27/162/2050: Memoriall Anent the Harbour of Eymouth, 1766.

The other advantage possessed by Eyemouth was the fact that it was north facing. As will be seen later this was regularly used as an argument for the significance of Eyemouth as a safe port when seeking funding.

The bay at Eyemouth, with its prominent headland, had been recognised as a place of strategic importance at least as early as the English invasion of Scotland in 1547, in an attempt to force the marriage of Mary, Queen of Scots to King Edward VI of England. Part of the English strategy was to build a chain of forts to protect their supply lines and the headland at Eyemouth was chosen for the site of one of these. Marcus Merriman described its strategic advantages:

A garrison stationed there would guard the approach to England and at the same time establish a foothold within Scotland at the mouth of the east coast shelf which constituted the main route north to Edinburgh. Moreover the harbour... would make supply and provisioning easy.⁵

Following the Treaty of Boulogne in 1550, the Fort in Eyemouth was demilitarised, but was re-fortified in 1557 by the French in response to England taking Spain's side in the dynastic struggles of the time.

...it was thought necessary to build a fort at Aiimouth, which might both stop these incursions of the English and be a strength to keep cannon and munition in that pairt of the cuntrie.⁶

⁵ Marcus H. Merriman, 'The Forts of Eyemouth: Anvils of British Union?', *The Scottish Historical Review*, 67.184/2 (1988), 142–175 (146).

⁶ Pamela Ritchie, *Mary of Guise in Scotland 1548–1560* (East Linton: Tuckwell Press, 2002), p.181.



Figure 2/3. A Plan of Aymouth, or Eyemouth, [Berwickshire] taken in 1557, in which year it was fortified by Henri Clutin, Sieur d'Oysell et de Ville Parisis

The movement of building materials, supplies etc. from Edinburgh to Eyemouth was undertaken by sea, indicating that the natural harbour was an attraction to the French.⁷

Ritchie quoted English sources as confirming that:

Cannon, demi-cannon and other great pieces of ordnance intended for the assault against Wark and Norham were being stored at Eyemouth.⁸

It was once again demilitarised following the end of the Franco-Spanish war and the Treaty of Cateau-Cambrésis. Merriman suggests that that the strategic importance of the harbour, allowing for the regular re-supply of this out-station, posed such a threat to Berwick-upon-Tweed that it provoked the creation of its massive Tudor fortifications.⁹

In 1597, Eyemouth was created a Burgh of Barony. In Scotland only Royal Burghs were originally permitted to take part in foreign trade and had a regional monopoly of goods on which the 'Great Custom' was levied, and which, therefore, benefited the King. In the late sixteenth century, the position of the Royal Burghs was threatened by the growth of new Burghs of Barony – created by local landlords – with market rights. The Royal Burghs had their rights

⁷ Ritchie, *Mary of Guise*, p.182

⁸ Ritchie *Mary of Guise*, citing Talbot MSS, 3195, fol.99, p.182.

⁹ Merriman, 'The Forts of Eyemouth', 153.

confirmed by Act of Parliament in 1633, but by the end of the seventeenth century the Burghs of Barony had persuaded the Scottish Parliament to grant them extensive rights in the field of foreign trade, in return for a contribution to burghal taxation.¹⁰ This concession meant that when Eyemouth needed assistance with the repair of its harbour in the 1790s, the townspeople were able to appeal to the Convention of Royal Burghs.

That the Town of Eyemouth in the County of Berwick is a Burgh of Barony and as such has always joined and regularly paid that proportion of Stent for participating in foreign trade and therefore tho not a Royal Burgh is next in kin and justly intitled to every encouragement and favour which can be bestowed by the Royal Burghs...¹¹

The feature of a Burgh of Barony, however, was that it had a Feudal Superior. By the mid-eighteenth century this was the family of Home of Billie, as they were known. Much of the information about Eyemouth is contained in their estate records housed in the National Records of Scotland.

Robert Kerr describes the state of Eyemouth Harbour in the years before it was improved:

The harbour of Eyemouth is the private property of a country gentleman, to whom some ancient small customary dues are payable from trade and shipping, but without any reciprocal obligation to improve the port, or to keep its necessary accommodations in repair, for which, indeed, the dues are utterly inadequate. It consequently long remained a mere open tide creek, at the influx of the Eye into a bay of some extent, and entirely exposed to the sea in several directions. In this state nothing but boats and barks, or sloops of the smallest size could enter...¹²

Despite this assessment, Alan Thomson has identified a record of an Eyemouth merchant, Philip Hood, buying a timber cargo from Michael Knudsen of Stavanger in 1691 and asking the master of the vessel to 'freight another two Norwegian vessels for him'.¹³ It is also clear from family wills that the most

¹⁰ Bruce Lenman, *From Esk to Tweed* (Glasgow, London: Blackie, 1975), p.30.

¹¹ Eyemouth, Harbour Trust Archives (uncatalogued), The Petition of the Inhabitants of the Town of Eymouth to the Convention of Royal Burghs, 1792.

¹² Kerr, *General View of the Agriculture of the County of Berwick*, p.8.

¹³ Thomson, *The Scottish Timber Trade*, p.8.

important merchant family in the eighteenth century, the Robertsons, were active – and prospering – in Eyemouth from as early as the 1620s.¹⁴

The Dunbar Collector's Quarterly Accounts, which survive from 1742 onwards, offer a detailed picture of the trade of the Customs Port of Dunbar, which included the port of Eyemouth.¹⁵ Eyemouth is not identified separately, but it has proved possible to deduce which ships used the port, from a developing knowledge of the merchants and comparison with other sources. For the earlier period it is fortunate that a longstanding dispute between local merchant John Keith and the then Feudal Superior, John Home of Manderston, led to a certified transcript being made of the shipping records from 1726 to 1738, which do not otherwise survive.¹⁶ The information provided is the name of the ship, the date, merchant, master, cargo and home port. There is no indication as to the size of the ships, but it is safe to assume that they would mostly be in the 30/40 ton (500 bolls) category – certainly the earliest formal records of the Harbour Trust in 1797 indicate that this was the most common size. The records also only refer to incoming cargoes. The overwhelming majority of ships coming into Eyemouth in this twelve-year period were simply sailing from the Firth of Forth with salt or coal. The main exception was that John Keith himself brought in coal from Newcastle on a regular basis. The volume of salt imported seems excessive, considering the fact that Scots salt was not generally regarded as suitable for preserving food stuffs.¹⁷ There was widespread belief in England that Scots salt was smuggled across the border and that this undermined the Tyne salt industry.¹⁸ Is this flow of salt into Eyemouth a hint, if nothing else, that there was indeed a degree of illegitimate cross-border traffic, taking advantage of the lower duties charged on Scottish salt? This is discussed in more detail in section 1.3 above.

John Keith's coal from Newcastle may simply have been taking advantage of the provision of the Treaty of Union, whereby English coal could be imported without penalty into ports south of St Abb's Head and north of Red Head, near

¹⁴ Edinburgh, NRS, Scotland's People, Wills and Testaments, CC15/5/8, Testament Dative and Inventar of William Robertson, 1720.

¹⁵ NRS, E/504/10/1–6.

¹⁶ NRS, CS228/K/1/66.

¹⁷ Whatley, 'Salt, Coal and the Union', 27.

¹⁸ Ellis, 'The Decline and Fall of the Tyneside Salt Industry', 51.

Arbroath. Greenhall confirms the existence of this trade this from the evidence of the Newcastle Port Books, which shows coal exports to Montrose, Aberdeen, Inverness and Dunbar. It is likely that Dunbar refers to Eyemouth, which was a creek of Dunbar, but south of St Abb's Head, while Dunbar itself is to the north. Greenhall also has no references to coal coming to Eyemouth, during a period when there is clear evidence from the Eyemouth end.¹⁹ Keith's business in Newcastle evidently addressed itself to more than just coal. The Newcastle Customs Books, quoted by Greenhall, give a tantalising glimpse of these wider interests – in July 1733 it was reported:

Honourable Sirs,
Pursuant to your Honours directions of the 10th May 1732 on the 12 June last Mr Keith paid the whole French duties for Fifteen dozen French wine stopt at this port for being brought by Land Carriage and without a dispatch....²⁰

Apart from Scots salt, coal and cinders, very little was imported into Eyemouth. 1727 saw one ship load of oatmeal and bear (barley) and in 1728 there was a consignment of foreign salt – presumably for preserving fish. James Fall, Provost of Dunbar for whom John Nisbet, the future merchant-smuggler and builder of Gunsgreen House, almost certainly worked, imported some malt and meal from Dunbar to Eyemouth in 1734, while three more cargoes of grain arrived in 1738/1739. Imports from abroad were rare – onions in 1727, chestnuts and walnuts in 1730, two cargoes of linseed in March 1731, two more consignments in January and April 1733, one in April 1735 two in March 1736 and three in January and February 1737. There were more walnuts in 1735 and chestnuts in 1737. All are described as coming from 'foreign parts'.²¹ There are no records of exports at this period. Information does occur in the papers concerning harbour improvements, which clearly indicate that the main exports were grain, as would be expected from the nature of the hinterland.²²

¹⁹ M.R. Greenhall, *The Evolution of the British Economy: Anglo-Scottish Trade and Political Union, an Inter-Regional Perspective, 1580–1750* (unpublished doctoral thesis, University of Durham, 2011) p.288.

²⁰ NA, CUST 84/3, 20 July 1733.

²¹ NRS, CS228/K/1/66.

²² NRS, GD267/27/162/2050.

The records for the period after 1742 suggest that, even before the Harbour was improved, Eyemouth was importing goods from across the North Sea, in locally owned ships. Other sources reveal that John Keith owned the ship *Mary* and William Robertson, brother of Robert, owned the *Francis* and a half share in another ship, probably the *Jane*.²³ 'The said Defunct had the time foresaid of his Decease the particular Goods... Item half of a ship Thomas Kelly Master one hundred pounds.'²⁴ Kelly had been Master of the *Francis* in the 1720s and was Master of the *Jane* in the early 1740s, when she was working largely for Robert Robertson.

The picture of the unimproved harbour suggests about ten or a dozen ships a year bringing in imports. They are mostly travelling around the coast from the Forth or from the Tyne, with very rare arrivals from 'foreign parts'. It is certain that exports were more significant. It is clear, for example, that Eyemouth had a small, but reasonably prosperous merchant community before 1750. It was these men, together with the county agricultural interest that campaigned for harbour improvements in the 1740s.

As early as 1733 a group of Eyemouth merchants had petitioned the Dowager Duchess of Marlborough for her support towards the improvement of the harbour – she was approached as the first title awarded to her late husband, John, Duke of Marlborough, was Lord Churchill of Eyemouth.

The text of the petition was

That it is the only Port betwixt Berwick & Leith where ships might put in easily, and ly safe att any time, if the Harbour were repaired, and the necessary Peirs built up.

That the Entry to this Harbour is for the most part choak'd up with sand and small stones, by the frequent storms from the North and East, to that degree, that a small Vessell of twenty tons can neither enter, nor get out.

That Your Grace's humble Petitioners propose to clear this Harbour of the sand and stones, and to build two Peirs, one on the east and another

²³ *Caledonian Mercury*, Sale advertisement, 18 October 1731; Edinburgh, NRS, CS232/N/31 William Nisbet v. John Keith, 1747.

²⁴ Edinburgh, NRS, Scotland's People, Wills and Testaments, CC15/5/9, Testament Dative and Inventar of William Robertson, 1738.

on the west side; which would make it sufficient for ships of two or three hundred tons, and prevent it from ever being stop'd up again: but that we are now reduced so low, by the long decay of our trade, as not to be able to raise a sufficient fund for this end, the Charge being estimated att the sum of L2,000.²⁵

This wording supports Robert Kerr's description of the pre-improvement harbour and rehearses some of the arguments used later in the century. It was signed by the Minister, two baillies, the town clerk and twelve merchants, indicating that the port was reasonably active and was believed to have the potential to grow. The baillies and the town clerk were representatives of the towns feudal superior. Nothing came of this appeal – the Duchess was famously both wealthy and mean. As is detailed below, the first phase of harbour improvement only began fifteen years later, in 1748.

2.3 The growth of agriculture and harbour improvements 1748–1797

The motivation for the improvement of the harbour was the agricultural improvement of the Merse, the rich farming area inland from Eyemouth, alluded to in the previous chapter. These extracts from the 1766 *Memoriall Anent the Harbour of Eymouth* illustrate this clearly.

The dangerous Navigation and the scarcity of good Harbours upon this part of the Coast makes it highly necessary for the Country in generall to have a Safe and Commodious Harbour here which with the many advantages that will Accrue thereby & particularly to the Countys of Merse & Tiviotdale renders it an Object of the greatest utility & worthy of the Attention and Encouragement from all ranks of people especially from Gentlemen of property and their Tenants & those Concern'd in trade and manufactures.

In addition, its strategic location was emphasised:

The naturall Situation of the place for trade & the obvious practicability of making a safe & commodious Harbour preferable to and of much easier access than any Harbour between Flamborrow Head & Leith...²⁶

²⁵ Hawick, Heritage Hub, Duns Library Watson Collection, DL/WC/9/35, Petition to Her Grace the Duchess Dowager of Marlborough Soliciting Her Help in Repairing the Harbour of Eymouth, 1733.

²⁶ NRS, GD267/27/162/2050.

The history of the harbour from 1748 to 1797 was summarised in a record of a meeting in 1796 of the Committee established to work towards the creation of the Harbour Trust the following year. John Renton, a lawyer and leading citizen for over fifty years gave his recollections of the events of that period.²⁷ These are supported by two further documents from 1766 and the technical report by Smeaton in 1767. The detail provided in these makes them worth quoting at some length. John Renton established his credibility:

...he himself was present at laying the first Foundation Stone of the old Pier in 1748 which was planned by Mr Crow and under his direction the building was carried on till the time of his Death which happened in the year 1750 and the remaining part of it was carried on under the direction of John Wilson the chief mason in this part of Ye country at that time & finished in 1752 to the Satisfaction of the Committee²⁸

William Crow's pier was the first major development of the Eyemouth Harbour, providing the beginnings of a modern small port. It began the process of creating a safe entrance and sheltered harbour, usable at all states of the tide, a process which was not truly completed until the 1990s. It was designed to solve one problem:

The Peir hath been attended with all the good Effects expected, The fresh floods have carried off all the gravel & Sand that formerly obstructed the Entrance. The bed of the river is now in a level or rather below the foundation of the Peir and since building thereof no Barr hath appear'd to prevent the greatest Vessels employ'd in the trade of Scotland from coming in or going out.²⁹

The merchant John Nisbet, whose later records provide much source material for the local smuggling trade, moved back to his home town of Eyemouth from Dunbar, where he had been based for some years, coincident with, and perhaps prompted by, the construction of the pier, as his John Adam designed Gunsgreen House was built in the early 1750s, with the mason John Wilson, perhaps having at least some part in the construction work, as his will indicates he was owed a sum of money by Nisbet.³⁰ At the same time, John Renton built

²⁷ Eyemouth Harbour Trust Archives (uncatalogued) John Renton, Report to the Committee Appointed for Conducting the Repairing and Improving of the Harbour of Eyemouth, 1796.

²⁸ Renton, Report to the Committee.

²⁹ NRS GD267/27/162/2050.

³⁰ Edinburgh, NRS, Scotland's People, Wills and Testaments, CC 15/5/10, Testament Dative and Inventar, John Wilson, 1752.

himself a new house in the town – Chester House—the second finest house of its period.

In 1748, there had been a considerable debate as to whether it would be better to build the Pier or the Breakwater – funding was inadequate for both. In the end, the pier went ahead and was evidently successful in its own terms, but the lack of the breakwater was strongly felt. This was acknowledged by the county gentry and magistrates, who, in 1766, commissioned John Smeaton to undertake a report on the provision of a breakwater (Fig. 2/4). In his report in 1767 Smeaton wrote:

...but as the mouth of the river or harbour lies open to the northerly winds, ships cannot lie in safety therein without going up beyond the elbow of the present quay, where the water being shallower by several feet, and the breadth much contracted, the harbour is not only defective in point of capacity, but in safety also...³¹

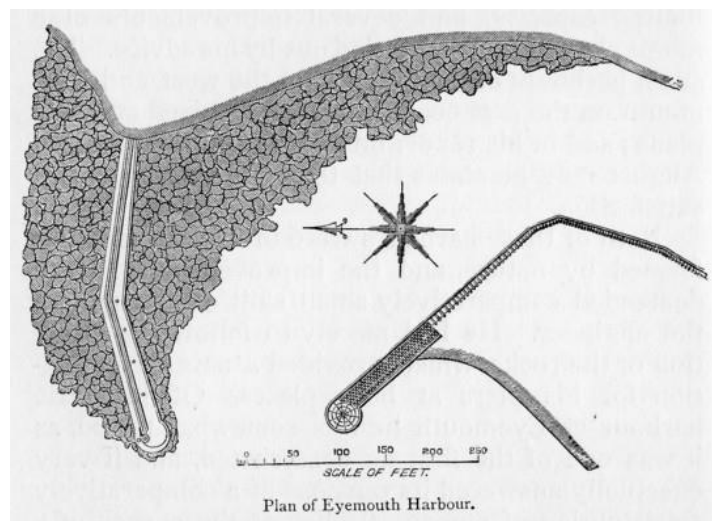


Figure 2/4. Smeaton's Plan for his breakwater (l) showing the 1748–1752 pier with the elbow (r)

Following the building of the breakwater, the harbour was made safer but continued to suffer from lack of maintenance and the impact of land floods (see Fig. 2/5):

³¹ Quoted in George Tod, 'Parish of Eyemouth', in Sir John Sinclair (ed.), *The Statistical Account of Scotland* (1791–1799), pp.112–117.

That it appears from Robert Cramond's Report of the 24th Sepr. 1773 (following a land flood in 1772) that he was employed to inspect the breaches and estimate ye expence necessary for Repairing the 150 feet of the old pier ... nothing was done in consequence of that report and the harbour seemed to be allowed to go into Ruin which was hastened by the greatest flood that ever happened in the River in the memory of the Oldest man living in November 1794 whereby the bottom of the water was rendered still deeper and the foundations of the East side of the Turret or outer head was then Sapp'd, undermined and reduced to the ruinous state in which it now appears.³²



Figure 2/5. As late as 1948 land floods were still violently destructive, despite nineteenth-century changes to the layout of the Harbour.
www.facebook.com/groups/eyemouthpast, accessed 13 March 2016

It was this decay that led eventually to the creation of the Harbour Trust in 1797, following a petition to the Convention of Royal Burghs and a subsequent Act of Parliament.³³

The story of Eyemouth Harbour in the second half of the eighteenth century is a mixture of hubris and ineptitude, largely due to the inadequate management of the facility, which was privately owned, with any major works funded on a subscription basis by the county administration. It took the creation of the Harbour Trust to put in place anything approaching rational management. The sense of hubris is neatly summarised in the following point, the ninth, from the 1766 *Memoriall Anent the Harbour of Eymouth*, which paints a glowing picture of Eyemouth's future were the harbour only to be improved:

³² Renton, Report to the Committee.

³³ The Petition of the Inhabitants of the Town of Eymouth to the Convention of Royal Burghs, 1792.

As it appears morally certain that trade may (upon the Harbour being made safe & commodious) be carried on here upon easier terms than at any of the neighbouring ports and that both Exports and Imports will Increase, one or more Considerable branches will be productive of others, ships may be built and repair'd here as well as at Berwick or any other port, Roperies, Breweries, Tannaries & many other sorts of Manufactories may gradually arise, Greenland ships may be as well laid up & fitted out here as at Dunbar, hence a circulation must happen the value of lands in the neighbourhood will Advance in proportion to the trade and Manufactories, a consequence which hath ever prevail'd where trade and Manufactories flourish.³⁴

Thus, Eyemouth was well located, both in terms of its position in a north facing bay and as the outlet for one of the wealthiest farming districts in Scotland at the time. Its weakness was that, as a port at the mouth of river, it was open to the effects of silting and flooding (Fig. 2/5), just as described by Jackson.³⁵

The only alternative outlet for agricultural produce from the Merse was the port of Berwick-upon-Tweed, but, as was argued at the time in this presentation in the *Memoriall*, Berwick was more expensive to use:

For 40,000 Bolls Corn sold at Berwick Scotland	£83 6s 8d
The Turnpike at ½ for each horse amounts to	£116 13s 4d
The Toll or Towns dues at 1d per Boll	
The shore dues if shipp'd by a stranger is 2d per 2b & if by a	£125 0s 0d
Burgess 1d per 2b suppose it to be shipp'd by a stranger at 1d per 2b	
Anchorage at 2/4 for each ship and supposing each Ship To carry 500 Bolls	<u>£9 6s 8d</u>
Total	£384 6s 8d

For 40,000 Bolls sold at Eymouth	
The Town Custom is 20d for each 100 bolls	£33 6s 8d
The Anchorage is 10d for each ship & supposing each ship to carry 5000(sic) bolls	<u>£3 6s 8d</u>
	<u>£36 13s 4d</u>
Gain'd by selling at Eymouth	<u>£341 13s 4d</u>

NB Neither Turnpikes nor Shore Dues are payable at Eymouth and Pilotages are by reason of the easy access to & from the Harbour equally reasonable. The above saving upon the sale of Corn must in a course of years turn out to a considerable sum. The other Articles of

³⁴ NRS, GD267/27/162/2050.

³⁵ Gordon Jackson, *The History and Archaeology of Ports* (Tadworth: The World's Work, 1983), p.42.

Expence attending Trade at Berwick & Eyemouth will appear from the severall schedules or tables herewith produc'd.³⁶

According to Robert Kerr

Before 1776 this place (Eyemouth) possessed a considerable trade in grain and oatmeal, exported coastways, chiefly because the Guild, or Corporation of Berwick, till then refused the freedom of trade to those who were not burgesses.

... a considerable quantity of grain and oatmeal was carried through Berwick from Northumberland and North Durham, to be shipped at Eyemouth.³⁷

This explains the strength of the arguments made in 1766 regarding the respective costs of using Eyemouth and Berwick and appears to justify the optimism of the authors of the *Memorial*. In 1776, however, Berwick-upon-Tweed recognised the potential value of the trade that it was losing and opened its trade to non-freemen on moderate terms and its shipping greatly increased. Kerr explained that the 'corn trade from an extensive circuit, on both sides of the borders, now principally centres there' at the expense of Eyemouth, although 'one respectable corn merchant still carries on a considerable trade, the hereditary representative of one of the oldest commercial houses in the kingdom'.³⁸ This was William Robertson, who continued the family grain business well into the nineteenth century.

One of the difficulties facing farmers in the Merse was that of getting their produce to Eyemouth or, indeed, to Berwick-upon-Tweed. The *Scots Magazine* in December 1789 reported a meeting of the 'Noblemen and Gentlemen of the County of Roxburgh... in order to take under consideration the proposed canal between Berwick, Kelso and Ancrum-bridge.' This prompted the following commentary, by 'a correspondent':

... about fifty years ago there was a plan for bringing Whitewater (*the river Whiteadder*) into the water Eye, which discharges itself into the sea at Eyemouth, for the benefit of the salmon fishing and the trade to London from Eyemouth. At that time, a company of engineers from Holland offered to cut a navigable canal betwixt Eyemouth and the Bery

³⁶ NRS, GD267/27/162/2050.

³⁷ Kerr, *General View of the Agriculture*, pp.6–7.

³⁸ Kerr, *General View of the Agriculture*, p.6.

Mas (*Berrymoss – site of Kelso racecourse*), for ten years duty arising from it. The track of it was to have been from Eyemouth, the Bely Mire (*Billie Mire*), Edrom, Manderston, Wedderburn and Cheeklaw to Kelso. The towns of Eyemouth, Dunse &c. would now subscribe to such a plan, and the advantage of it running through so large a track of country, would be greater than the canal from Berwick to Kelso alone.³⁹

The writer is referring to the original proposal of ‘fifty years ago’ and advocating that route as preferable to the current proposal. Neither came to pass. What is relevant to the development of the port of Eyemouth is that the merchants petitioned the Duchess of Marlborough in 1733, referred to above, and finally started improvement works in 1748, funded by the local gentry and the parishes of the Merse and Teviotdale.⁴⁰ This reinforces the sense that there was a real drive to develop Eyemouth in the 1730s and 1740s, which reached fruition in 1748. The fact that the writer was still advocating this route for a canal in 1789 indicated that there was still optimism about the future of Eyemouth as a port.

2.4 The overseas trade of Eyemouth 1750–1790

There are no separate official records of the trade of the port of Eyemouth between 1750 and 1790. A developing understanding of the merchant community of Eyemouth has permitted a re-construction of the port’s overseas trade in this period extracted from the Collector’s Quarterly Accounts (CQA) for the customs headport of Dunbar.⁴¹ When it has been possible to cross reference these records they have proved to be accurate. The CQA survives from 1742, but earlier records were transcribed for a legal dispute between the Eyemouth merchant John Keith and the town’s feudal superior, John Home of Manderston. These cover an additional 13 years, from 1726 to 1739 when 119 voyages into Eyemouth were recorded, of which just 14 were described as being from ‘foreign parts’ as they were then described.⁴² It is not possible to make comparisons with the later period as the records of coastal voyages after 1744 are absent, although newspaper reports of shipping movements in and out of Leith do provide some, presumably incomplete, information of coastal

³⁹ Anon, ‘News from Scotland’, *Scots Magazine*, 51, 1 December 1789, 614.

⁴⁰ NRS, GD267/27/162/2050.

⁴¹ NRS, E504/10/1–6.

⁴² NRS, CS228/K/1/66.

shipping. It is clear, however, that the earlier average of one ship per annum coming from abroad was considerably exceeded.

The later records show that in 1744, the first year with a worthwhile number of voyages recorded, there were two 'goods outward' voyages and six 'goods inward'. Intriguingly Bergen was the source of four of these with, in every case, the imports consisting largely of Mediterranean/Iberian produce (raisins, wine and brandy in the main).⁴³ It is likely that this is evidence of neutral shipping being used to trade with enemy countries during the War of the Austrian Succession (1740–1748).⁴⁴ The only 'normal' inward voyage during this war was from Gothenburg with a cargo of deals and iron.⁴⁵

Ten years later, in 1754, there were eight 'goods inward' voyages and one 'outward'. Five of the 'goods inwards' were from the south Norway timber ports, two from Bergen, and one each from Copenhagen and Gothenburg, all ostensibly carrying the expected cargoes from those sources. 1764 was a quiet year, with just four ships 'inward' recorded, one of which is only recorded as a seizure of contraband from Guernsey. Of the other three, one is from Easteryce (Risor) in south Norway, the other two from Gothenburg, all with the regular cargoes. 1774 was another quiet year, with just four ships inward – two from Risor, and one each from St Petersburg and Gothenburg. Two of these attracted the attention of the Customs – one unloaded part of its timber cargo in the bay, outside the port – this implies that smuggling was suspected, rather than merely lightening the ship to allow it to enter the harbour..⁴⁶ There were five ships in 1784 – two from Memel and one each from Christiana, Gothenburg and Risor.⁴⁷

The three busiest years were 1750, 1770 and 1777: in 1750 there were eight ships recorded 'outward' and seven 'inward'. The ships 'outward' were all carrying grain, three to Hamburg, three to Bergen and one each to Gothenburg and Rotterdam. Six of the 'inward' ships came from south Norway with timber

⁴³ NRS, E504/10/1–6.

⁴⁴ Thomson, *The Scottish Timber Trade*, p.40.

⁴⁵ NRS E504/10/1, 4 November 1742.

⁴⁶ H.S.K. Kent, 'The Anglo-Norwegian Timber Trade in the Eighteenth Century'. *The Economic History Review*, New Series 8.1 (1955), 62–74 (66).

⁴⁷ Edinburgh, NRS, E504/10/1–6.

and one from Bilbao with Spanish wine. 1770 saw 17 movements, four 'outward', three to Londonderry and one to Riga, all with grain. Four of the 'inward' ships came from Rotterdam, two from Christiansand, two from Risor and one each from Gothenburg, Riga, Memel and St Petersburg. There was one unusual arrival that year – the *Boulogne Packet* bringing the furniture and personal effects of Sir Edward Marjoribanks, moving from Boulogne to his home at Coldstream. The records for 1777 are incomplete – the Christmas Quarter is lost – but there were thirteen ships in the three quarters for which records survive. There were six 'outward' – all to Hamburg with grain and seven 'inward', two from Risor and one each from St Petersburg, Dronton (Trondheim), Memel, Gothenburg and Campveere.

In a number of cases, it has been possible to cross reference voyages of ships to or from Eyemouth with the Sound Toll Records and it would certainly be possible to do the same with records from Gothenburg.⁴⁸ A number of what appear to be legitimate voyages were revealed as nothing of the sort from the Dunbar Customs Letter Books. These will be examined in more detail in a subsequent chapter.

What is clear is that for a period of some forty to fifty years there was a trade across the German Ocean, with regular imports of timber, iron, canvas, hemp, linseed etc. As late as 1856 a map of Eyemouth showed two timber yards.⁴⁹

2.5 Comparisons

One of the challenges with a project of this kind is to establish whether the object of study is atypical. Having looked in such detail at Eyemouth, it is now appropriate to compare it with other ports. Such a comparative exercise needs to identify ports that have some similarities to Eyemouth, in terms of location and scale, and that have been studied. To this end, it has been possible to identify Alnmouth, a port of comparable scale in Northumberland, and Montrose, a larger port on the east coast of Scotland. Alnmouth was the port of

⁴⁸ Sound Toll Register.

⁴⁹ National Library of Scotland, *Ordnance Survey 25 inch map, Eyemouth (1857)*, <https://maps.nls.uk/os/25inch/berwickshire.html> (accessed 30 December 2012).

Alnwick, a ducal town in north Northumberland and Montrose was a Scottish Royal Burgh in the county of Angus.⁵⁰

Alnmouth expanded during the eighteenth century as one of the principal outlets for the expanding grain trade of north Northumberland. This was symbolised by the construction of the so-called 'Grain Road' linking Hexham, Rothbury and Alnwick to Alnmouth. Barrow has pulled together data about the grain exports of Alnmouth, which shows clearly how the destination of shipments changed from London (70 per cent in 1733) to Leith (57 per cent in 1771). His work also shows how the preponderance of oats went to London and wheat to Leith, much for onward export. Barrow also identifies John Coutts of London and Edinburgh as one of the leading merchants with a local agent, based at Fenwick, along with Ralph Carr of Newcastle, another man with substantial business interests, of which the grain trade from Alnmouth was but a small part. It is also evident that Alnwick merchants built granaries in Alnmouth while the Lord Crewe Trustees, the local landlords, built granaries and lime kilns at North Sunderland. In the eighteenth century, therefore, although Alnmouth had a rather more substantial grain trade – between 2,500 and 7,000 tons per annum, as opposed to a known figure of around 2,400 tons in one year from Eyemouth, it appears to have been a port operated on behalf of a network of merchants from elsewhere, as opposed to Eyemouth which was effectively a miniature version of a major port. This may seem to reinforce the view that a proportion of the Eyemouth merchants relied on more than the visible trade, and that the nature of smuggling in the area did influence the character of the port and town.⁵¹

Montrose had been made a Royal Burgh some time during the reign of David I, around 1140 as part of his Normanisation of Scotland. Duncan points out:

Harbours by themselves did not attract market and town, but when combined with land routes, such as the crossing of the Tweed at Berwick or the ferry over the mouth of Montrose Basin, then exchange flourished and exchange implied market and town.⁵²

⁵⁰ S.G.E. Lythe and Gordon Jackson (eds), *The Port of Montrose* (Tayport: Hutton Press, 1993).

⁵¹ Barrow, 'Corn, Carriers and Coastal Shipping'.

⁵² A.A.M. Duncan, *Scotland, the Making of the Kingdom* (Edinburgh: Oliver and Boyd, 1975), p.473.

It had, therefore, a long history of trade, especially across the North Sea. By the eighteenth century, Montrose was well set to take advantage of the new opportunities offered by the opening up of the colonial markets following the Union. There is evidence that Montrose ships took part in the slave trade and they certainly traded regularly with the Americas until the mid-1750s, after which the transatlantic trade faded away. Like Dunbar, Montrose also operated ships in the whaling trade to Greenland. In 1790 a total of 55 ships entered Montrose from overseas, although only 12 cleared outwards. Montrose had a substantial community of merchants, whose houses lined the High Street, and who seem to have been busy enough with fair trade to explain away their wealth.⁵³ Fraser's account clearly shows that Montrose was an active centre of smuggling, with the merchants heavily involved.⁵⁴

2.6 Eyemouth merchants

Moving from the port to its merchants, it has been possible to develop a reasonably detailed picture of the men (and they were all men, as far as can be seen) involved, their relationships and their working arrangements. At this stage, only so-called fair trade is being considered, although, even here, nothing is simple, as Defoe asserted in 'A Plan of English Commerce', quoted by Jackson: 'the Merchant is no more to be followed in his Adventures than a Maze or Labyrinth is to be traced without a Clue.'⁵⁵

Although Eyemouth was a relatively small port, it had quite a sizable merchant community, with a group of around 30 or so merchants active during the eighteenth century. Very little survives in terms of actual business papers, so it is quite difficult to assess the financial success, or otherwise, of their ventures. The records of the Kirk and the Masonic Lodge give an idea of the involvement of some of these men in civic life. A surprisingly helpful amount of information is available in several places, however, such as testaments, inventories, court cases and the customs records. Between them they throw considerable light on this group of men, the scale and nature of their businesses, their inter-

⁵³ Jackson and Lythe, *Montrose*, p.141.

⁵⁴ Duncan Fraser, *The Smugglers* (Montrose: Standard Press, 1971).

⁵⁵ Gordon Jackson, *Hull in the Eighteenth Century: A Study in Economic and Social History* (London: Oxford University Press for The University of Hull, 1972) p.97.

relationships and where they lived. A synopsis of their businesses, their involvement in public life and their relationships appears in Appendix 1.

It is unlikely that the business practices of merchants in Eyemouth differed significantly from those elsewhere in Scotland. A review of general working methods is useful in order to provide a context for the understanding of merchants in Eyemouth. McAloon's essay on Edward Burd provides an excellent analysis of one particular merchant of the second quarter of the century while Jackson's work on Hull is also helpful in looking at how merchants managed their affairs.⁵⁶ The description of Burd's antecedents provides a picture of a family more akin to the Robertsons of Eyemouth – with at least two earlier generations in the shipping trade and a series of good marriages. What comes through very strongly is the role of personal relationships in effective trading. Burd, for example, had a circulating capital of as little as £5 4s 4¼d, but he had status in the community and the prospects of a landed inheritance – thanks to his grandfather's purchase of an estate in 1679.⁵⁷ Jackson reinforces this view:

The merchant didn't need heavy fixed capital. His assets were his business contacts... and although he needed to have capital behind him, the system of credit was such that he need never show it over the counter.⁵⁸

What was significant, and particularly so for John Nisbet, was the role of credit, particularly of Bills, which, according to McAloon, had, by the late 1720s, become 'the main lubricant of ... commercial activities'.⁵⁹ This was particularly significant in Scotland, where there was a shortage of actual cash with which to operate. McAloon writes further that

Domestic bills had become an auxiliary currency... and had acquired a flexibility, a degree of negotiability among business associates. Thus they had taken on one of the main characteristics of an official currency.⁶⁰

⁵⁶ McAloon, 'A Minor Scottish Merchant'; Jackson, *Hull in the Eighteenth Century*.

⁵⁷ McAloon, 'A Minor Scottish Merchant', 19.

⁵⁸ Jackson, *Hull in the Eighteenth Century*, p.110.

⁵⁹ McAloon, 'A Minor Scottish Merchant', 21.

⁶⁰ McAloon, 'A Minor Scottish Merchant', 22.

He further comments: 'This was a new feature and suggested a vitality and sophistication in the economy that would not be apparent from a study of specie and its circulation.'⁶¹

Working in such a way depended on the ability to trust one's associates. Indeed, there is evidence, in a letter from Richard Pillans of Rotterdam to Alexander Robertson that John Nisbet was given a reference when he engaged with Pillans: 'Thomas Anderson of Perth, recommended to us Mr John Nisbet of your place, with whom, since the dissolution of our partnership, I have done business...'⁶²

Much knowledge of business comes from court cases, with their indications that the system had broken down, but McAloon suggests that such recourse to law was quite frequent, although usually a last resort, after 'a great deal of preliminary pressure and haggling for payment'. This is rather borne out by the time that elapsed between the incident that supposedly led to the effective failure of John Nisbet's business, in 1775, and his sequestration in 1787.

Jackson describes eighteenth-century Hull as having a small number of big houses, with others aspiring to join them.⁶³ Eyemouth seems to have had one big, long established house – that of the Robertsons – and a number of smaller ones who had relationships, both good and bad, with each other. This will be explored in detail in chapter 3.

2.7 Eyemouth as a centre of smuggling

Eyemouth had several attributes which made it a potentially attractive centre for the smuggling trade. These included an improved harbour and local merchant fleet, accustomed to trading across the North Sea, a surrounding rocky coastline, with ample coves, caves and cliffs to facilitate the landing of contraband and an inland transport infrastructure required to ferry cargoes of grain and other agricultural goods to the harbour and, therefore, available to

⁶¹ McAloon, 'A Minor Scottish Merchant', 23.

⁶² Robert Bell, *Cases Decided in the Court of Session November 1790 to July 1792* (Edinburgh: Dickson, Hill, Watson, 1794), p.350.

⁶³ Jackson, *Hull in the Eighteenth Century*, pp.96–129.

move deliveries inland. The existence of a wealthy community in Berwickshire offered both potential customers and investors. In addition, following the reinstatement of the separate Scottish Customs administration in 1742, Eyemouth's position just north of the English border, meant that there was a degree of confusion about the rights and responsibilities of local customs officers, until cross-border working was allowed. Eyemouth is also located just south of the mouth of the Firth of Forth and its ships were accustomed to trading up to Leith, Carron, Alloa and other ports in the Forth, which meant that local masters knew their way around and had the ability to drop goods off near to Edinburgh. Ships from those ports also traded into Eyemouth on a regular basis.

The relationships within the local merchant community will be explored in Chapter 3, and the nature of smuggling locally in Chapter 4. Both these elements allowed for the exploitation of the opportunities that smuggling offered. This package of attributes may not have made Eyemouth unique, but it did make it a peculiarly attractive centre for dealing in contraband.

One of the challenges of writing about smuggling is the lack of availability of reliable data. As Kenneth Morgan wrote in 2011, of research by his colleagues into the careers of eighteenth-century Scottish merchants:

... all three historians have grappled with incomplete primary material... These potential limitations however are overcome... all three authors show that attention to contextual evidence can provide an analysis firmly based on patient probing of the surviving material.⁶⁴

There are accounts in varying degrees of detail of incidents in the records of the Scottish Board of Customs – the Minutes of the Board and the Dunbar Letter Book (only that containing copies of letters from Edinburgh to Dunbar has survived). In addition, there is light thrown on John Nisbet's business in court documents prepared following his sequestration. Except for the latter, of course, the references are almost entirely to unsuccessful ventures – ones that were detected. It is not safe to draw conclusions from these records regarding the overall volume of smuggling, but it is probably reasonable to assume that the

⁶⁴ Morgan, Haggerty, Hamilton and Hamilton, 'Mercantile Networks', 264.

smuggles detected, form a reasonably representative picture of the trade, in terms of the nature of smuggling and the identities of those involved. In addition, the Collector's Quarterly Accounts for the Customs headport of Dunbar provide details of legitimate cargoes brought into Eyemouth. In the spirit of Morgan's comment above, these records have had to be analysed and interpreted to establish which ships came to Eyemouth, as all are shown as Dunbar. This process will be described in more detail in the chapter dealing with Eyemouth merchants. From these various sources, it has been possible to identify 115 smuggles, accounts of which vary from detailed descriptions of the seizure of goods, to passing references to ships seen at sea.

The movers and shakers of the smuggling business in this area were a cadre of merchants at home and abroad. Of the group of some 30 merchants identified as working in or from Eyemouth in the period 1740–1790, it is hard to be sure that any of them were not involved in smuggling. Certainly at least 20 were named in reports of detected smuggles. In addition, several the overseas merchants who supplied the smugglers have also been identified and some at least of these were regarded as respectable citizens in their home ports.

All	1776 and before	Local ships	After 1776	Local ships
115				
	83 (72.17%)			
		42 (50.6%)		
			32 (28%)	
				6 (18.75%)

Table 2/1: Smuggles involving named Eyemouth Ships before and after 1776

All	Named Merchants	Nisbet and Associates*	Davidson, Grieve & Co.	Robertsons
115				
	54 (47% of total)	26 (48% of those named)		
			6 (11%)	5 (9.25%)

Table 2/2. Smuggles identified as conducted by John Nisbet and associates, compared to the two other busiest smugglers

*Nisbet and Associates are:

John and David Nisbet/Nisbet & Knox	17
Thomas Hair (carrier)	2
Wm. Nisbet (brother)	1
James Gray (Clerk)	2
James Renton/Henderson & Renton (associate)	4

This database is derived principally from the Dunbar Customs Letter Books (CE56/2/1-5) and the Minutes of the Scottish Board of Customs (CE1/1–20) both held in the National Records of Scotland.

The data reveals that the two Nisbet brothers (John and David alone) were significant smugglers, being involved in around 32 per cent of smuggles which were detected and where the merchants were identified (17 out of the 54 in column 2). This certainly reinforces the impression given by what was written about them at the time and the evidence of Gunsgreen House, their home and business headquarters with its unique group of hiding places.⁶⁵ David Pae's description of the activities of Mr Jessop who lived in what is clearly a fictionalised version of Gunsgreen House, is surely based on local memories and stories of John Nisbet retold to Pae in the 1830s.⁶⁶

One question which is hard to answer, in the absence of more detailed business records, is how far did smuggling contribute to the economic wellbeing of the merchants of Eyemouth? The known trade of the port was relatively small and yet it supported a large group of merchants, some of whom were apparently reasonably prosperous.

⁶⁵NRS, CS229/N/1/60.

⁶⁶ David Pae, *Eustace the Outcast, or the Smugglers of St Abbs* (Dundee: John Leng and Co, 1884).

2.8 Conclusion

This chapter establishes the context in which smuggling operated along the Berwickshire coast. It will be demonstrated in future chapters how smuggling and business were inextricably interwoven, with the same merchants, masters and ships involved in both activities. Despite the relatively small scale of the port of Eyemouth and its trade, it was able to support a group of merchants, some of whom were quite wealthy and had networks of contacts in Edinburgh and overseas. The Robertsons followed the classic path of multi-generational merchants, summed up by Jackson as progressing ‘from staith to estate’ while the Nisbets followed another classic pattern – that of over-reaching themselves and failing. It seems reasonable to propose that Eyemouth was only able to support this cadre of respectable, middle class merchants on the back of the smuggling business – given the relatively small scale of regular trade evidenced by contemporary records and observers. Work done by other researchers on Ayr indicates how the economy of that port recovered in the mid-eighteenth century on the back of a smuggling boom.⁶⁷ There are hints of links between the two areas, but these may have been through Edinburgh, the centre of society, rather than direct business connections.

One tangible piece of evidence in Eyemouth is Gunsgreen House itself, a building of outstanding quality, designed by Scotland’s leading architect of the period. The thinking behind its construction is not known, but it is possible that it was created to provide John Nisbet with an instant reputation, an essential possession for an eighteenth-century merchant reliant on credit. The timing of its construction – just as the port of Eyemouth was being improved – is surely not a coincidence.

Building on the analysis in this chapter, chapter three explores the mercantile community of Eyemouth – who the people were – and seeks to identify their relationships, concentrating in particular on the networks of John Nisbet, the leading figure in the smuggling trade, and Robert Robertson, the principal merchant in the town.

⁶⁷ Cullen, *Smuggling and the Ayrshire Economic Boom*.

Chapter 3

Social and mercantile networks in Eyemouth c.1750–1790

3.1 Introduction

The scene having been set in chapters one and two, this chapter begins to analyse the merchant community of Eyemouth to establish their relationships with each other and with other stakeholders in the smuggling and legitimate branches of trade. At this period such relationships, based on trust, were critical to the success of a mercantile business. These relationships will be examined in the context of recent work on networks, which has been reviewed in the Introduction. This will assist in understanding some of the reasons for the success or failure of particular businesses in Eyemouth. It will also lay out a full picture of the merchant community of this small port.

3.2 The concept of the network applied to eighteenth-century trade

In 2001, Pearson and Richardson commented that there have been few examinations of the business community of a specific place, with a systematic analysis of those relationships that forge a network. They particularly indicate that researchers have tended to focus on the elite families, rather than moving on to the less prominent members of those networks.¹

Shani D’Cruze, writing about mid-eighteenth-century Colchester, set out the nature of networks in a smaller town, and the role of individuals within them.

Within what remained very much a face-to-face community, local social relations were important in associating middling individuals through networks of family, neighbourhood, religion, trade and politics...social networks tended to centre on a significant minority of active middling individuals who had a heightened public role and were in contact with multiple groups of people. These ‘community brokers’ can be supposed to have held power within the networks they linked.²

¹ Robin Pearson and David Richardson, ‘Business Networking in the Industrial Revolution’, *The Economic History Review*, New Series 54.4 (2001), 657–679 (659).

² Shani D’Cruze, ‘The Middling Sort in Eighteenth Century Colchester: Independence, Social Relations and the Community Broker’ in Jonathan Barry and Christopher Brooks (eds), *The*

This analysis supports the significance of John Nisbet's apparent exclusion from the core business community of Eyemouth and of Robert Robertson's centrality to that community – effectively as one of D'Cruze's 'community brokers'.

Paul Monod, writing in 2003 about Rye in Sussex, identified the number of social events that took place – feasts, dinners and other celebrations – and their importance in cementing relationships. He noted that the outsider about whom he wrote, was only identified on one occasion as being involved in such an event.³ There is no evidence for comparable activities in Eyemouth, save the frequent meetings and public events of the masonic lodge from which John Nisbet was excluded, as a non-member.

Two more recent works, by Murdoch and Zickermann, which bear on this subject look at Scottish networks in northern Europe, in Gothenburg in the years before 1750 and Hamburg and neighbouring ports in north-east Germany. In these cases, the nationality of the merchants, their locality 'at home' and family connections were all found to be significant factors.⁴

3.3 The merchant communities in Dunbar and Eyemouth

Before we analyse the networks of John Nisbet and the Robertsons, it is necessary to understand the context in which they operated.

Dunbar, the customs headport, was made a Royal Burgh, the top level of municipal organisation in Scotland, at some point in the fourteenth or fifteenth century – the records are unclear.⁵ It certainly enjoyed this status by 1445 at the latest. This meant that Dunbar had a degree of political and administrative organisation with opportunities for leading citizens to hold positions of influence.

Middling Sort of People: Culture, Society and Politics in England 1550–1800 (Basingstoke: Macmillan, 1994), p.182.

³ Paul K. Monod, *The Murder of Mr Grebell: Madness and Civility in an English Town* (New Haven, London: Yale University Press, 2003), p.198.

⁴ Murdoch, *Network North*, pp.49–83; Kathrin Zickermann, *Across the German Sea: Early Modern Scottish Connections with the Wider Elbe – Weser Region* (Leiden: Brill, 2013) pp.114–126.

⁵ R.J.M. Pugh, *Swords, Loaves and Fishes: A History of Dunbar* (Edinburgh: Harlaw Heritage, 2003), p.210.

Crucially, it also meant that Dunbar could trade abroad. By the early eighteenth century, Dunbar was dominated by the Fall family, who claimed descent from the Faas of Kirk Yetholm, the traditional Kings of the Gypsies.⁶ Whether this was true or not, it was part of their mythology about themselves and they pronounced their name Faa. The Falls had a virtual monopoly of the post of Provost (mayor) from the 1690s into the 1780s and Captain James was elected MP for Haddington in 1734. In the late 1730s he built Dunbar House, which still, in expanded form, dominates the High Street, as can be seen in Fig. 3/1, below.⁷ It seems probable that John Nisbet, having lived and worked here, took it as his inspiration for Gunsgreen House, which dominates the centre of Eyemouth.



Figure 3/1. Dunbar High Street showing the former Dunbar House across the end of the street

Dunbar had a relatively small harbour, but traded widely, including regular voyages to and from the American Colonies and it became the home base of the Greenland Ships of the East Lothian and Merse Whale Fishing Company.⁸ The dominance of the Falls was such that, while there were a good number of other merchants, such as Harry Knox and Thomas Meik, they were very much second-best.

⁶ A. Francis Steuart, 'The Falls of Dunbar and Their Descent from the Gypsies', *The Scottish Antiquary, or Northern Notes and Queries*, 16.63 (1902), 127–132.

⁷ John Martine, *Reminiscences and Notices of the Parishes of the County of Haddington*, reprint ed. (Haddington: East Lothian Council, 1999), p.55.

⁸ Archibald Higgins, *The Contract of Co-Partnery of the East-Lothian and Merse Whale-Fishing Company, 1751*, Eighteenth-Century Collections Online (Gale ECCO); NRS, E504/10/1–6.

Eyemouth was a smaller port, in customs terms a creek or out-port of Dunbar, but by the mid-eighteenth century it, too, had a thriving merchant community. The nearest equivalent of the Falls were the Robertsons. They had been leading merchants in Eyemouth from at least the 1620s; indeed Robert Kerr, writing in 1807, called them 'one of the oldest commercial houses in the kingdom'.⁹ The key figure in the third quarter of the eighteenth century, and near contemporary of John Nisbet, was Robert Robertson.

In addition to the Robertsons, Eyemouth had other merchants operating on a reasonable scale: James Martin, Thomas French, the Turnbells, John Keith, Patrick Grieve, John Davidson, William, John and James Henderson, James Renton, Alexander Ker (who moved to Bordeaux and died in Montpellier) and, of course, the three Nisbet Brothers, William, David and John. In addition, several Dunbar merchants used Eyemouth on occasions, notably John Nisbet's sometime business partner, Harry Knox, Thomas Meik and the Falls, who were tenants of Nisbet's granary at the time of his sequestration in 1787.¹⁰

3.4 Networking opportunities in Eyemouth

Although Eyemouth was a small town, it had a significant population of people of the middling sort – merchants, ship masters, a lawyer, a minister – enough to justify the founding of a Masonic Lodge as early as 1757. Smout describes how

...almost all groups in the middle class shared ... the dizzy sense of opportunity which pervaded the towns from 1760 onwards. Lawyers prospered when farmers and landowners flourished, mainly because a high proportion of their profits came from conveyancing and from disputes about land.¹¹

As a Burgh of Barony, Eyemouth, unlike the Royal Burgh of Dunbar, did not have a Town Council. It was run by the Agent of the Feudal Superiors, who were, by the 1750s, the Homes of Billie, supported by a small number of Baillies, who tended to be respectable tradesmen. There was, therefore, no

⁹ Kerr, *General View*, p.7.

¹⁰ NRS, EH504/10/1–6; George Johnston, *Petition against an Interlocutor Adjourning the Sale of John Nisbet's Estate*, 1788, Eighteenth-Century Collections Online (Gale ECCO).

¹¹ T.C. Smout, *A History of the Scottish People 1560–1830* (London, Fontana Press, 1985), p.340.

opportunity for the local merchants to seek public office as provost, chamberlain or dean of guild. It did, however, have two organisations, membership of which was a sign of community approval – the Kirk Session and the Lodge. In addition, the East Lothian and Merse Whale Fishing Company, based in Dunbar, had a relatively restricted shareholder base consisting largely of Dunbar merchants and Berwickshire landowners. Ownership of their £50 shares was another indicator of status. Although not part of any formal network, the Window Tax records do indicate levels of prosperity. Window Tax was only payable on houses with seven or more windows. These records, therefore, be a further indicator of membership of the ‘middling sort’. Appendix 1 is a summary of these relationships and status indicators.

Whatley describes the Kirk Session as

parish church courts, through which the impact of the Church of Scotland was mainly felt within the local communities. Membership of the Session comprised the Minister, the Session Clerk and the elders, lay members of the congregation appointed by their fellows.

Eyemouth was an unusually small parish, consisting of little more than the town itself, so the elders would ‘typically be merchants, craftsmen and professionals.’¹² A picture of the role of the Kirk Session in managing private morals is shown when considering John Nisbet’s connections in Dunbar. Suffice to say that the Kirk Elders were significant figures in the town. This was reinforced by the style of their appointment. This extract from the Eyemouth Kirk Session in June 1750 illustrates this:

17th June 1750

This day Wm. Home of Sclatehouse Mr Wm. Nisbet Mr Robert Robertson Mr Andrew Edgar Mr Jas. Turnbull Mr James Colvill James Morison and Robt. Purvis having been set apart by Prayer in the presence of the Congregation to the Office and Duty of Elders in this Parish were accordingly enrolled as members of this Session.¹³

Of this group appointed in 1750, William Home was a landowner and Nisbet, Robertson, Edgar and Turnbull were merchants.

¹² Whatley, *Scottish Society 1707–1830*, p.147 .

¹³ Edinburgh, NRS, Minutes of Eyemouth Kirk Session (note: the pre-1826 minutes are not recorded separately as they were integrated with the baptismal, marriage and death records).

Lodge St Ebbe was founded in 1757 as a meeting place for the town's incipient middle class and tradesmen. Burt has written about the importance of the role of Masons and other societies in Cornwall, especially in small communities. He also highlights the international nature of their interconnections, a feature of great value to a merchant community.¹⁴ The minutes of Lodge St Ebbe survive from the beginning and have been summarised in book form.¹⁵

Masters of the Lodge included the merchants William Henderson, William Graeme/Grahame, John Davidson, Robert Robertson, Richard Turnbull, Thomas French, Patrick Grieve, William Knox, Alexander Robertson (son of Robert) as well as John Renton, the lawyer, John Johnston, the Riding Surveyor, Thomas Tait, the Minister, William Wightman, the doctor and John Stuart, the wealthy tenant of Gunsreen House from 1782 to 1787 who was master from 1783 to 1786. Neither of the Nisbet brothers who were members of the lodge ever became Master.

A detailed analysis of the membership, abstracted from the Minutes, for the period 1757–1787, shows that of 366 recorded members, 27 were Eyemouth Merchants.¹⁶ Both David and William Nisbet were members of the Lodge, but John was not. Looking at the Collector's Quarterly Accounts and making comparisons with the masonic records it is apparent that the only significant Eyemouth merchant who was not a member of Lodge St Ebbe at this period was John Nisbet. Burt makes the point that membership was by invitation and that 'members could exchange information, seek credit, arrange capital movements, organise contracts, find employment, exercise influence and ensure benevolent support against the unexpected.'¹⁷ This shows what Nisbet was missing by not being a member.

¹⁴ Roger Burt, 'Freemasonry and Business Networking during the Victorian Period', *The Economic History Review*, New Series, 56/4 (November 2003), 657–688 (658).

¹⁵ A.J.S. Willox PM, *The History of an Ancient Scottish Lodge: Lodge St Ebbe No. 70* (Eyemouth: Lodge St Ebbe No. 70, 2007).

¹⁶ Minutes of Lodge St Ebbe.

¹⁷ Burt, 'Freemasonry and Business Networking', 659–660.

Freemasonry was an international movement, although in its modern form it originated in Scotland.¹⁸ It was, therefore, a very useful medium for making contacts with likeminded men in strange towns and cities, particularly for smaller merchants like most of those in Eyemouth. Interestingly, on 12 February 1761, George Carnegie, described as a member of the 'Lodge St John in Gottenburg', visited Lodge St Ebbe as a guest. Carnegie, a Jacobite refugee in Gothenburg, had become a successful merchant there and a regular buyer of tea at the auctions held by the Swedish East India Company, before returning to Scotland in 1769 to reclaim his estate near Montrose.¹⁹ He was the only recorded visitor to the Lodge from Gothenburg, but Eyemouth did attract visitors and members from a wide area, from the West Indies to Norway. Of 32 British shipmasters who were members, only six were from Eyemouth. The other 26 were from elsewhere on the east coast, from York to Stonehaven.²⁰

The Whale Fishing Company was founded as a co-partnery in 1751: 'For carrying on the Whale-fishing from the Harbour of Dunbar' and was to have 120 shares at £50 each, a total potential capital of £6,000. The subscribers were intended to be merchants from Dunbar and landed gentry from East Lothian and Berwickshire. The Company had five managers, drawn from the partners resident in Dunbar and holding a minimum of two shares.²¹ A co-partnery is a Scots Law concept, described as 'a contract by which the several partners agree concerning the communication of loss or gain, arising from the subject of the contract.'²²

The local tax records for the period from 1748 to 1792 were analysed. The focus was on Eyemouth, but a small number of taxpayers from the neighbouring parishes of Ayton and Coldingham were included when they were known to be active in Eyemouth. Altogether there were 89 House Taxpayers identified, of whom 11 were women. Of these, 42 men and eight women also paid Window Tax. Six men paid tax at the top rate, for 20+ windows: John Renton, the lawyer

¹⁸ David Stevenson, *The Origins of Freemasonry*, Paperback ed. (Cambridge: Cambridge University Press, 1988; reprint, 13th printing 2012).

¹⁹University of Warwick Digital Collections, Sale Catalogues of the Swedish East India Company, 1733–1759; Jonas Berg and Bo Lagercrantz, 'Scots in Sweden: Eighteenth Century'. <https://www.electricscotland.com/history/sweden/18.htm>

²⁰ Minutes of Lodge St Ebbe.

²¹ Higgins, 'Contract of Co-Partnery'.

²² <https://thelawdictionary.org/copartnery/>, accessed 19 September 2018.

who lived at Chester House, Robert Robertson, whose house was on the quay side, William Nisbet, and John Nisbet, across the harbour at Gunsgreen House in Ayton parish, as well as John Stewart, Nisbet's tenant at Gunsgreen in the early 1780s and Alexander Robertson, who acquired Gunsgreen in 1789. John and William Nisbet, Robert Robertson and John Renton only paid for 20+ in one year, subsequently cutting down to 19, thereby falling into a lower payment scale – 19 at 9d each as opposed to 20 at 1s, a saving of 5s 9d. 42 of the 78 male house tax payers were members of the masonic lodge (54 per cent) and 25 of the 42 male window tax payers (60 per cent). Of those 21 men who paid for 10 or more windows, 15 were masons (70 per cent). Of the six who were not masons, there are queries about the precise identity of one, another was only an occasional resident – a West Indies plantation owner – and John Nisbet was a third.²³

3.5 The Nisbets, the Robertsons and their relationships

The two leading merchant families in Eyemouth were the Nisbets and the Robertsons. The Nisbets dominated the smuggling business, while the Robertsons were the leading figures in legitimate trade. The purpose of this section is to seek to identify their respective connections, debate how far these can be classed as networks and identify what influence they had on the success or failure of their enterprises. There is more data regarding the Nisbets' business activities, as they came so often to the attention of the authorities. Of the Robertson's family connections, however, much more is known. The depth and breadth of knowledge and understanding is, therefore, unbalanced. The arrangement of both their networks under broad categories – family, social institutional and commercial – will make them easier to follow and analyse.

In addition to relationships formed through the organisations referred to above, all merchants had a range of social and commercial connections. What they had in common was that essential quality of eighteenth-century business – trust.

²³ Edinburgh, NRS, Scotland's Places, Tax Records, E326/1/19–23, Window Tax, Berwickshire 1748–1798.

One had to trust, understand and support one's correspondents. Trust was the basis of eighteenth-century trade and was most easily established between those who shared common standards and similar backgrounds.²⁴

Nisbet's local connections were drawn from his family, his early career in Dunbar and then from his business contacts and employees. It is not clear how he made his contacts in Gothenburg, but there is evidence for how he identified a trading partner in Rotterdam. Nisbet's contacts changed over time, but it is important to bear in mind that throughout the period, he was an active smuggler. Robertson had a similar range of contacts, although in his case, he had a wider family-based circle, from having been married three times, but he lacked the entrée into Dunbar that Nisbet enjoyed. It was significant that Robertson came from several generations of merchants who would already have developed a range of contacts throughout the trading world.

The key difference between the Robertsons and John Nisbet, was that the Robertsons had been active in Eyemouth since at least the 1620s, were styled 'Robertson of Prendergust and Brownsbank' and were married into respectable local families. Robert's father had lent money widely, including to gentry and they operated at least two maltings and owned several ships.²⁵ They were the only Eyemouth merchants to have an extensive export trade, sending grain around the coast and overseas. The Nisbets, on the other hand, seem to have arrived in Eyemouth in the early eighteenth century, when David senior appeared. He was a small scale merchant and it seems likely that he was followed into the business by his son William – who did have one of the biggest houses, judging by the window tax paid, in Eyemouth.²⁶ John seems to have behaved in a way that would today be described as *arriviste*, returning from a period of employment in Dunbar to build Gunsgreen House, which dominated, and still dominates, the harbour and town of Eyemouth (Fig. intro/1). Although it is hard to interpret behaviour with confidence, it seems likely that this was at least one factor which provoked the Robertsons into pursuing John Nisbet.

²⁴ Bill Purdue, 'Ralph Carr: a Newcastle merchant and the Baltic trade in the mid-eighteenth century', in Patrick Salmon and Tony Barrow (eds), *Britain and the Baltic* (Sunderland: University of Sunderland Press, 2003), p.162.

²⁵ Edinburgh, NRS Scotland's People, CC15/5/8, Testament Dative and Inventar of William Robertson, 1720.

²⁶ Edinburgh, NRS Scotland's People, CC15.5/10, Testament Dative and Inventar of David Nisbet, 1746; NRS E326/1/19–23.

The origins of the Nisbet family before 1710 are hard to trace. John was the youngest of three brothers – William was probably the oldest, although his date of birth is unrecorded. David was born in 1710 and John in 1712. Their father David was a merchant, but we know little of his business, save that he was one of the signatories to the petition to the Duchess of Marlborough in 1733, imported a ship load of salt in July 1727, died in 1746 and that his inventory describes a five roomed house containing the expected paraphernalia of a merchant/shopkeeper/farmer.²⁷

In his will William and John were named as Executors, but not David. William was described as ‘Merchant in Eyemouth’ and John as ‘Merchant in Dunbar’. William was the only one of the three brothers who married – Elizabeth Ramsey – and had children. He had two daughters who survived to adulthood – Alison and Margaret. Alison married William Henderson, originally a land surveyor from Alloa, later a merchant, and had two children – John and Jean. Margaret married William Graeme, almost certainly the son of Robert Robertson’s sister Isobel and William Graeme of Jordanstown in Ireland. Isobel and William Graeme senior’s other children were Andrew, Isobel and Margaret.²⁸

William Graeme junior was a merchant in Eyemouth and he and Margaret Nisbet lived at Chesterbank, near Eyemouth. They had five children: Andrew (baptised at Chesterbank 13 August 1763), William (baptised at Chesterbank by James Allan of Eyemouth), John, Isobel and Margaret. The names of these children surely confirm the relationship with Isobel Robertson and William Graeme senior. A William Graeme lived at Brownsbank, a Robertson property, from around 1760 to 1780. As this overlapped with the time that William junior was at Chesterbank, this is likely to be William senior.

Neither John nor David married, which reduced their access to wider networks and contributed to their relative isolation in Eyemouth, an apparent weakness later exploited by the better connected Robertsons. They did, however, maintain

²⁷Hawick, Heritage Hub, DL/WC/9/35; Edinburgh, NRS, CS228/K/1/66; Edinburgh, NRS, Scotland’s People, CC15/5/10, Testament Dative and Inventar of David Nisbet, 1746.

²⁸ Eustace, *The Family of Robert Robertson*, p.16.

contact with William's descendants and both made allowance for them in their wills.²⁹

William was an active merchant in Eyemouth from the beginning of the customs records in 1742, until around 1770. There are only records of imports, with just nine voyages recorded in which William had an interest. Of these, John also had an interest in three and David in two.³⁰ In terms of smuggling, only one incident involving William is recorded, when James Grey, John's clerk, was also named.³¹ There is also evidence from an advertisement shown in the *Caledonian Mercury* on 19 September 1754 of William acting as an agent for an emigrant ship. Thus William, who appears to have been the most respectable of the Nisbet brothers, still worked with his other brothers from time to time.

Born, as mentioned above, in 1710 there is no record of David between then and 1750, when he managed the legal import of a cargo of Spanish wine from Bilbao.³² It is possible that he had spent time abroad developing contacts for his brother or for other Scottish merchants. There is no evidence to support this proposition, other than his complete absence from the record and his omission from his father's will. Whatever David was doing, he was able to lend John £1,500 in 1758, enough to pay for the building of Gunsgreen House, judging by the cost of building the similar and contemporary, John Adam designed, Banff Castle.³³

Once David had returned to Eyemouth in 1750, the brothers appear to have worked closely together and it is safe to assume that David lived in Gunsgreen House with John. David does not appear in any of the tax records, for example. From this time onwards, David was involved in nine apparently legitimate voyages on his own account, John four and they undertook four together, all in the period 1769 to 1770 as J. & D. Nisbet. In terms of smuggling, John was involved in six known episodes, David four and they were involved in six

²⁹ NA, PROB 11/1276/239 Will of John Nisbet Merchant in Eymouth, 1796; Edinburgh, NRS, Scotland's People, Wills and Testaments, CC15/5/12, Second Eik to the Testament Dative of Umquat. David Nisbet Merchant in Eymouth, 1790.

³⁰ NRS, EH504/10/1-6.

³¹ NRS, CE 1/10, 9 September 1761.

³² NRS, E504/10/1-6.

³³ Edinburgh, NRS, Berwick Register of Sasines, 17/143, Sasine: Heritable Bond over Gunsgreen House, 1777; oral communication, Alistair Rowan, 2011.

together (Table 2/2). Figures for smuggling, of course, reflect only those instances where the smuggle was detected or reported.

The Robertsons, on the other hand, were long established – ‘one of the oldest commercial houses in the kingdom’ – and well connected, to the extent that, in the 1930s, the family commissioned the preparation and publication of a pedigree centred on Robert Robertson, which indicated that a William Robertson first bought property in Eyemouth in 1624.³⁴ Through the wife of the William who died in 1719 they claimed descent from the sister of King Robert the Bruce. Robert Robertson married Margaret, the daughter of the Reverend George Home of Chirnside, who himself was the son of Alexander Home of Kennetsideheads, an active Covenanter. There are many Homes in Berwickshire, all – to a degree – related. George Home of Chirnside, for example, was married to the aunt of the Enlightenment philosopher, David Hume (who altered the spelling of the family name when he moved to London, to reflect its pronunciation) and they were closely linked to the Homes of Billie.

It was through his three marriages and the marriages of his children that Robertson developed a web of family-based relationships. Robert’s children all came from his marriage with Margaret Home. His son Alexander married the daughter of the Vicar of Norham and went into business with his father – it was Robert Robertson and Son who sequestrated Nisbet in 1787. Jean Robertson married Thomas Potts, a lawyer from Kelso, in a wedding conducted by her cousin, George Home, at Ayton. Thomas Potts subsequently acted as the creditors’ factor in the early stages of Nisbet’s sequestration. Robert’s son William (the second one – the name was, as usual in the family, given to the first born son, but he had died young) also joined his father and brother in the business and eventually took it on fully as Alexander seems to have retired, to live the life of an invalid gentleman in Gungreen House and Edinburgh.³⁵ In 1801, after the period covered by this thesis, William married a member of the Jameson family of Alloa, pioneering grain whisky distillers and founders of the distillery in Dublin which still bears their name. This relationship was surely

³⁴ Kerr, *General View*, p.7; Eustace, *The Family of Robert Robertson*.

³⁵ Hinton Charterhouse, Bath, Private Collection, *Petition, Whyt’s Trustees against Innerhouse Interlocutor*, 11 December 1820; Thomas Aitchison, *The Edinburgh Directory from July 1797 to July 1798* (Edinburgh, 1797).

linked to the coastal grain trade which seems to have been the core of the business in the late eighteenth and early nineteenth centuries. Robert's daughter Margaret married her first cousin, George Home, who acquired Gunsgreen House from his nephew around 1830, and whose descendants retained ownership of the house until 1881. George Home's sister, also Margaret, married James Renton, son of the Eyemouth Writer (lawyer) John and a future business associate of both Robert Robertson and John Nisbet.³⁶

When Robert's wife died in 1767, he quickly married Ann, sister of James Jamieson Martin another significant Eyemouth merchant. James Martin's other sister, Betty, was married to Thomas French also an Eyemouth merchant. When Ann died in turn, Robert married again to Elizabeth Home of Fairneside, a cousin through George Home of Chirnside. As with William's subsequent career, the fate of Alexander's children is outwith the scope of this work, but the six boys who survived to adulthood all entered the professions – three doctors, two ministers and a lawyer. Thus, while the Nisbets effectively died out, William's descendants were all through his daughters, the Robertsons thrived and spread out to populate the professions in nineteenth-century Scotland. Even the name of Gunsgreen House was spread by Robertsons – houses built by descendants in Wimbledon in the 1880s and Surrey in the 1920s were both called Gunsgreen.³⁷

John Nisbet developed a useful group of social connections in Dunbar. We have little direct evidence of his early career, but there is strong circumstantial evidence, initially drawn from hearings of the Dunbar Kirk Session and associated baptismal records. In July 1739 Nisbet, together with Harry Knox and John Melvill was accused of being the father of the child which Janet Penman, servant to Provost Fall was carrying. He denied it, although he admitted going into her room at night to get a light. Eventually Knox admitted paternity and the child was baptised, with Melvill and Nisbet as witnesses.³⁸ In 1741 Nisbet was again involved with Melvill and with Thomas Meik, another Dunbar merchant, when a woman called Janet Duncan fell pregnant. The affair

³⁶ Eustace, *The Family of Robert Robertson*.

³⁷ Eustace., *The Family of Robert Robertson*.

³⁸ Edinburgh, NRS, CH2/647, Minutes of Dunbar Kirk Session, 1738–1740; Edinburgh, NRS, Scotland's People, Baptism records, 706/20 174, Baptism of ?Mary Knox, 1739.

was less amicable than that of 1739 – Melvill effectively accusing Nisbet of being responsible on this occasion, part of the accusation being that Meik had arranged for the girl to go to Edinburgh because Nisbet had no acquaintances there. In this case, Thomas Meik ended up offering to pay four guineas to the poor fund, although he refused to accept paternity. This meant that, unlike the earlier case, the child remained unbaptised.³⁹ The fact that Nisbet had gone into Janet Penman's room at night to get a light, strongly suggests that he was living in the same house – that of Captain James Fall, member of parliament for Haddington Burghs and Provost of Dunbar, the leading merchant in the town and member of a large and influential family. This is *prima facie* evidence that Nisbet had a position in the Fall business empire – perhaps having been apprenticed to James Fall, then continuing as his Clerk or in some similar position. He is referred to as a Merchant in the 1741 Kirk Session investigation.

The Dunbar Collector's Quarterly Accounts start in September 1742 and show John Nisbet acting more often as an agent rather than as a merchant in his own right. In the period from 1742 until 1750, when Nisbet returned to Eyemouth, he was involved in ten cargoes as an agent (three for the Falls), six as a merchant, two as both and one with Harry Knox as Knox and Nisbet.⁴⁰ Nisbet's links with the Falls lasted until his sequestration in 1787, when one of his assets, a warehouse in Eyemouth, was described as being let to Messrs Fall of Dunbar. Further, when Nisbet's former clerk Alexander Dow died in Bengal in 1779 and a sum of money was to be transferred to the Nisbets, the agent in this transaction was Philip Delisle of Calcutta, whose father had married a Fall widow in the 1740s. Delisle used Robert Fall to arrange the last stage of the transaction.⁴¹ At the time of Nisbet's sequestration he had two £50 shares in the Whale Fishing Company – one in his own name, the other inherited from David. Possession of these shares indicates a certain status in the Dunbar merchant community, perhaps as a result of John's longstanding links to the Fall family.

Harry Knox and John Nisbet had a co-partnership from 1754 to 1757 and had also worked together in the 1740s. Their relationship was soured in 1755 when Knox

³⁹ NRS, CH2/647.

⁴⁰ NRS, EH504/10/1–6, 1742–1750.

⁴¹ NRS CC15/5/12.

took David Nisbet to court for seeking to 'help' John by taking some wine from Newcastle to London – wine which was then seized by the Customs.⁴² This episode casts light on other connections in Newcastle and Leeds, which are addressed below.

John Melvill became Collector of Customs at Dunbar, but there is no actual evidence that Nisbet's relationship with John Melvill was beneficial to either party. Neither is there anything in the investigation that led to Melvill's ultimate dismissal that suggests this. The summary of the findings was:

... it appearing that the general Conduct of Mr Melvill as an Officer of the Customs, has been extremely negligent, loose and irregular, and that by the Influence of such Example, all the Officers at the Port have been remiss in the Execution of their Duty; and it also appearing that Mr Melvill has been repeatedly Fined and Reprimanded for neglects, omissions, Irregularities, and misrepresentations...⁴³

There is (currently) little or no evidence of the social relationships of the Robertsons. It seems likely that they overlapped with family and business.

There is no evidence at all of John Nisbet playing any role in society in Eyemouth. In fact, as indicated in section 3.4 above, John was not welcomed into the Masonic Lodge. William and David were both Masons and William a member of the Kirk Session. In Ayton, however, the parish in which Gunsgreen House was situated, John Nisbet was a heritor ('a proprietor of land or houses liable to payments of public burdens connected with the parish, including administration of the poor, schools and upkeep of church property')⁴⁴ and fulfilled his duties as such, including charring meetings on a rota basis – sometimes when Robert Robertson, who had his main house, Prendergust, in Ayton parish, was present.⁴⁵

Robert Robertson clearly occupied a prominent position in local society. Also having a house – his business headquarters – in Eyemouth, he was eligible to

⁴² Edinburgh, NRS, CS271/38288, Harry Knox v David Nisbet, 1763.

⁴³ NRS, CE/1/12, 23 July 1770.

⁴⁴ Mairi Robinson (ed.), *The Concise Scots Dictionary* (Aberdeen: Aberdeen University Press, 1985).

⁴⁵ Hawick, Heritage Hub, Records of Church of Scotland synods, presbyteries and kirk sessions, CH2/26/1, Ayton Kirk Session Minutes and Accounts, 1758–1778.

be a member of the Eyemouth Kirk Session, as he was from at least 1750 into the 1780s. He was regularly nominated as the member of the Session delegated to represent Eyemouth at meetings of the Presbytery (district committee) and Synod (higher level committee). In 1781 he was nominated as Praeses (chair) of a meeting of local householders called to discuss the need for a new church building.⁴⁶ In a number of local wills, Robertson was named as the Cautioner ('one who stands surety').⁴⁷ Robert, Alexander and William Robertson were all members of the Masonic Lodge and all were elected Grand Master, Robert once, Alexander twice and William on six occasions.⁴⁸

Associates

This section covers perhaps the most important range of connections. The term 'associates' is used here to define people with whom merchants had a relationship that was either explicitly or implicitly connected with business. These were the people that were trusted and with whom one was prepared to share risks, and who were, therefore, most crucial to the success of a business enterprise in this period. It is apparent that Nisbet's connections were less well founded than those of the Robertsons. Of the people in this category, Alexander Dow and James Grey were, initially at least, Nisbet's employees. James Renton, although related by marriage to Robertson, nevertheless appears to have become closer to Nisbet in later life perhaps when he was in financial difficulties and turned to smuggling.⁴⁹ Patrick Home, the feudal superior, had a relationship with Nisbet, and the Hairs, Bell and Rannie and Stewart of Allanbank all had financial relationships with Nisbet. Nisbet's sequestration provided much useful evidence about his business career.

It has been harder to find out so much about Robertson, beyond the various customs records. One unusual find at Gunsgreen House does, however, cast some light on his business connections. When the House was being restored in 2006/7 it was discovered that workmen in the early 1800s had packed paper round a door frame to stop plaster going behind it. They used a number of

⁴⁶ NRS, Minutes of Eyemouth Kirk Session, 22 April 1753, 20 November 1781.

⁴⁷ Robinson (ed.), *The Concise Scots Dictionary*.

⁴⁸ Willox *The History of an Ancient Scottish Lodge*.

⁴⁹ National Archives, PROB 11/1276/239; Edinburgh, NRS, CS229/G/6/21 (1–3), Claim for Mr Paterson on the Estate of Mr Nisbet of Gunsgreen, 1790.

scraps of Robert Robertson's business papers from the 1760s, which provide at least some names and business contacts, which are referred to in the appropriate place below.⁵⁰ Even in these random scraps some names crop up which also appear in Robertson's father's will in 1720, as debtors.⁵¹

An indication of closeness and trust is the extent to which merchants were prepared to share risks, such as the joint owning of ships. The formation of a close – or regular – relationship with a ship's master would also have indicated trust, or, at the very least, acceptance of the man's competence and honesty. While it is not straightforward to ascribe the ownership of ships, it has been possible to identify vessels that were almost certainly owned by the Nisbet Brothers (Table 3/1) and the Robertson family. From this, it has further been possible to establish a pattern of relationships with the masters of ships. With the Nisbets it has been possible to identify 30 voyages by their own ships, with 10 masters involved. What is very clear is the close relationship between the owners and the masters. In terms of all the identified voyages of the two groups of ships masters, those undertaken for the Robertsons and Nisbets accounted for around 90 per cent of their recorded career totals. This worked both ways, in that the owners had a loyal cadre of masters working for them and the masters had a close link with the owners. In only one case so far identified did one master work for both. Even here, there is an element of uncertainty as the name is spelled differently, but the dates fit so it is probably the same man. This topic is of such complexity, that the Nisbets and Robertsons are dealt with in detail in separate sub-sections.

Ship ownership

This section begins with an analysis of ships apparently owned/operated by the Nisbet brothers and of the ship masters they employed on regular basis, with a breakdown of their known involvement in smuggling.

⁵⁰ Eyemouth, Gunsgreen House (uncatalogued) Business Papers of Robert Robertson (Fragmentary), 1765–1775.

⁵¹ NRS, CC15/5/8.

<i>Name</i>	<i>Period</i>	<i>Master (s)</i>	<i>Evidence of ownership</i>	<i>Comments</i>
Margaret (of Dunbar)	1746–1747	James Browett John Simpson	Link with Simpson; worked exclusively for Nisbet/Knox & Nisbet	
Expedition (of Dunbar)	1750–1752	John Simpson; James Pollock	Link between Simpson and Nisbet; worked exclusively for Nisbets/Knox & Nisbet	Nisbet at Dunbar into early 1750s
Friendship	1752	John Simpson	Almost certainly the ship 'building at Hull' in Thomas Home indenture	Simpson was moved from the Expedition
Molly	1758–1760	George Hay; Thomas Hogg (1760)	Board of Customs – informers on board	
Hope	1761–1764	Thomas Hogg	Board of Customs – ship seized and JN recorded as claimer.	
(Pretty) Nymph	1765–1767	Peter Dalgleish	Association with Dalgleish; JN purchased cargo when auctioned by Customs .2.68	
Experiment	1766	James Lyall	Only carried cargo for Nisbets	
Ann & Peggie Betty/Betsy Some confusion re names	1769–1770	George Grame; Peter Dalgleish	Dalgleish	130 tons burthen Spirits seized DCLB .1.69 Shot at King's Boat .5.70
	1770	Peter Dalgleish	Dalgleish	
Hawk	1771–1774	George Malcome; James Balfour	Pillans case; landed tea at Redheugh, 1771	

Table 3/1. The Nisbets' Ships

<i>Name</i>	<i>Worked for Nisbets</i>	<i>Worked for others</i>	<i>Known Smuggles</i>
James Browett	1	0	0
John Simpson	5	0	0
James Pollock	1	0	0
George Hay	5	0	4
Thomas Hogg	5	0	3
Peter Dalgleish	6	1	3
James Lyall	2	0	0
George Grame	3	1	2
George Malcome	1	0	1
James Balfour	1	1	1
Totals	30 (90.90%)	3	14 (46.66%)

Table 3/2. Masters who worked regularly for the Nisbets

Sources are the Collector's Quarterly Accounts, the Dunbar Customs Letter Books and the Minutes of the Board of Customs.

Fourteen detected smuggles were carried out by this small group, with three masters – George Hay, Peter Dalgleish and Thomas Hogg alone responsible for ten of them. It can be no coincidence that Dalgleish and Hogg had no compunction about firing their ships' cannon at representatives of the authorities when necessary. The Lord Advocate agreed that Dalgleish should be tried by the Court of Admiralty and he certainly disappeared from the shipping records after this decision was arrived at in October 1770.⁵²

In terms of fellow merchants, aside from his co-partneries with Harry Knox in the 1740s and 1750s, Nisbet had no regular trading partners outwith the family. There are 27 voyages recorded featuring the Nisbet family, in ten of which John was involved, David in another ten, William in six, Harry Knox in four (one as Harry Knox only, the others as Knox & Nisbet). In the early part of his career in Dunbar, John Nisbet also acted as an agent on eleven voyages, again with no outstanding client. The only person using him more than once was Charles Fall, with three – which would be expected, accepting the validity of the assumption about Nisbet's relationship with the Fall family.

In respect of the ownership of vessels, there is little evidence of multi-party ownership in Eyemouth. Both the Nisbets and the Robertsons appear to have owned ships outright, or to have owned them within the family group. Robert

⁵² NRS, CE1/12, 22 October 1770.

Robertson's older brother, William, who died in 1735 did leave a half share in a ship 'Thomas Kellie, master'.⁵³ Kellie was master on thirteen occasions for the Robertsons, between 1726 and 1744. It is possible, of course, that his brother Robert had the other half. The will of Job Buck, which reveals Robertson's connection with Dunkirk, shows Buck leaving a half-share in a ship, but the owner of the other half is not revealed.⁵⁴ The 1781 will of Walter Sherrilaw, shoemaker in Eyemouth – and fellow freemason – reveals that he had 'Half a boat with Mr David Nisbet Merchant in Eyemouth Anchors, ropes, sails etc. which Mr Nisbet will not allow to be valued.'⁵⁵

From the informer on Nisbet's ship *Molly*, we know that James Grey was Nisbet's clerk, as he was described being aboard ship and overseeing the unloading of the contraband.⁵⁶ He appears as the agent for David Nisbet on the *Peggy* in 1759, a voyage probably involving smuggling, as was that of the *Syren* of Stromness in 1761, when Grey acted for the Grieves, William and David Nisbet. Subsequently he acted for Patrick Grieve again and for Richard Turnbull in 1767 and then again for John and David Nisbet for the voyage of the *Peggy* in 1769, involving contraband. On shore Grey was involved in a violent confrontation with the Customs in 1761, alongside William Nisbet and Patrick Grieve, when he was described as a merchant.⁵⁷ He seems to fall into the category of a loyal and valued employee, trusted with the most sensitive of transactions. He was also a founder member of the Eyemouth Masonic Lodge.

James Renton, son of the Eyemouth lawyer John, was born in 1749 and appears to have been involved in trading from the age of eighteen, the first reference being to a cargo brought in on the ship *Dunbar* of Dunbar in March 1767, consisting of linseed, flax, clover seed, old iron, goose quills and childrens' toys. Some of it was on his own account and part on behalf of James Veitch,⁵⁸ The remainder of the cargo was managed by James Grey, who was John Nisbet's clerk in 1760. Renton joined the Lodge St Ebbe in December

⁵³ Edinburgh, NRS, CC/15/5/9.

⁵⁴ Edinburgh, NRS, Scotland's People, Wills and Testaments, CC15/5/10, Testament Dative and Inventory of Job Buck, 1753.

⁵⁵ Edinburgh, NRS, Scotland's People, Wills and Testaments, CC15/5/11, Testament Dative and Inventory of Walter Sherrilaw, 1781.

⁵⁶ NRS, CE1/10, 17 August 1761.

⁵⁷ NRS, CE1/10, 9 September 1761.

⁵⁸ NRS E504/10, 30 March 1767.

1768. He was also the cousin of John Gibson of Fairneyside – Gibson was later described as ‘the most treacherous of all the Contraband Tribe’.⁵⁹ Renton was in partnership with James Henderson from 1769 to 1775. Henderson had worked on his own account from 1764 to 1768, importing timber from Norway.⁶⁰

Renton was married to Margaret Home, Robert Robertson’s first wife’s niece, and his relationship with Robertson is described below. There is little evidence of Renton being involved in smuggling early in his career, though he did use one of Nisbet’s more active smuggling masters, Peter Dalgleish, in 1770 and a ship that had been involved – the *Anne & Peggie*, under George Grame in 1769. He was involved in a well-known move in 1774 when the *Magdalene* unloaded part of her cargo of timber in the bay, thereby avoiding some of the duty.⁶¹ There is also a possibility that the importation of timber from southern Norway was effectively a ‘cover’ for the smuggling of contraband from the Asiatisk Kompagni of Copenhagen. Kent quotes several sources which encourage this belief.⁶² This is addressed in more detail in Chapter 6, below.

By the end of his career, Renton was seemingly close to John Nisbet. In 1786, for example, Nisbet and Sir John Stuart of Allanbank, tenant of Gunsgreen House, stood surety for Renton when he borrowed £500 from David Paterson, an Edinburgh insurance broker.⁶³ A dispute between the men’s trustees reveals further information of their business association.⁶⁴ It seems likely that, if he was not involved earlier, Renton turned to smuggling when his business began to fail, as he, like Nisbet, ended up bankrupt. The key evidence for this is in the shipping records.⁶⁵ Having used a wide variety of ships from different places, suddenly Renton used the *Elizabeth* (also known as the *Betsy and Peggie*) of Berwick-upon-Tweed under her master John Lyon, to bring in timber and iron from Gothenburg four times between 1782 and 1784. Lyon was a smuggler,

⁵⁹ Paxton, Berwickshire, Paxton House, David Home, Letter to Patrick Home of Wedderburn, 1799.

⁶⁰ NRS, GD267/27/81. Note of Timber Imported by Henderson & Renton.

⁶¹ NRS, CE56/2/1–5.

⁶² Kent, *War and Trade in the Northern Seas*.

⁶³ NRS, CS229/G/6/21 (1–3).

⁶⁴ Edinburgh, NRS, CS229/R/4/27. Answers for the Assignees of James Renton Late Merchant in Berwick Now Deceased to the Objections Stated to Their Interest in the Sequestration of the Estate of John Nisbet by David Hume, 1796.

⁶⁵ NRS, E504/10, 1781–1784.

well known to the authorities, as the note of 6 September cited below would indicate.⁶⁶

6.9.1785

Gentlemen,

Having considered your Report of the 2nd Instant on the petition of James Renton Merchant at Berwick, praying the delivery of two kegs of oil under stop out of the *Betsey and Peggie* John Lyon Master from Oporto for not being reported by the Master. We direct you to return the same as a Seizure for Condemnation.⁶⁷

What is also apparent from this is that Renton had moved to Berwick-upon-Tweed – his last recorded shipping activity in Eyemouth was in August 1784. Following his bankruptcy there was a newspaper advertisement for the sale of his warehouse in Berwick, shown in chapter seven, where this latter phase of Renton's career is dealt with in more detail.

The Hair Brothers were carriers and business associates of the Nisbets. There is a surviving document which makes clear this relationship. It is a statement of account covering the years from 1763 to 1768 which demonstrates that the Hairs acted as the Nisbets' distributors of contraband.⁶⁸ It details around £500 of business, and there is nothing listed, apart from one load of hay, other than tea, brandy or gin. Some years earlier, in 1756, there was an information sent to the Board of Customs, regarding sundry frauds committed at Eyemouth and naming Thomas Hair.⁶⁹ In June of that year, he made a complaint against a customs officer, Alexander Mair, regarding the taking of four *ankers* of gin and brandy. The spirits were subsequently condemned by Justices of the Peace. In late December 1757 Thomas Hair was involved in a violent assault on Alexander Mair, causing some damage to his eyes.⁷⁰

Dow's links with the Nisbets were not directly related to the smuggling business, but the relationship was important to them. Dow was born in Perthshire in 1736 and was Nisbet's Apprentice/Clerk until 1756.⁷¹ His uncle was Daniel Dow, Tide

⁶⁶ NRS, CE 56/2/1–5.

⁶⁷ NRS, CE56/2/ 1–5.

⁶⁸ NRS, CS229/N/1/41

⁶⁹ NRS, CE56/2/ 1–5, 10 February 1756.

⁷⁰ NRS, CE56/2/ 1–5, 3 June 1756.

⁷¹ Johnston, Petition against an Interlocutor.

Surveyor in Eyemouth from 1754 to 1769. When holding forth to Alexander 'Jupiter' Carlyle in 1769, Dow said that his father had been 'of the customs' at Dunbar.⁷² There is no evidence of his father being active locally, only his uncle. It is interesting to trace Dow's links to Eyemouth in the first place. It is difficult to be certain, but the most obvious link is that Dow's near neighbour in Perthshire, Thomas Drummond of Drummondearnock was both 'of the customs' and married to Jean Renton of Eyemouth, the sister of John the Writer and aunt of James.⁷³ Thomas Drummond also owed David Nisbet senior the best part of £20, debts incurred in 1726 and 1727, indicating a long association.⁷⁴

Alexander Dow left Eyemouth in 1756 and joined the Privateer *King of Prussia*, after whose cruise from Falmouth in 1757, he made a will at Dartmouth in which he left everything to 'my beloved friend' David Nisbet.⁷⁵ Dow was just 21 with little in the way of wealth, but he then made his way to India, where he rose through the ranks in the East India Company to become a Colonel. There, he learned Persian, produced the first authoritative English-language history of India, wrote two plays that were put on by Garrick in London⁷⁶ and had his portrait painted by Sir Joshua Reynolds, which is currently on display at Petworth House in Sussex.

When he died in 1779, Dow was worth around £18,000, around £2m in current terms. The family organised a search for a will, but only found 'a paper purporting to be a will' – the one referred to above in which all was left to David Nisbet. This provoked a reference to Chancery, for, although the Nisbets agreed to settle for half, the relatives fell out among themselves. When John was sequestrated in 1787, Dow's inheritance would have been sufficient to save him, but it was unavailable – indeed it only saw the light of day in 1796, a month after John's death.⁷⁷

⁷² John Hill Burton (ed.), *The Autobiography of Dr Alexander Carlyle of Inveresk 1722–1805* (London Edinburgh: T.N. Foulis, 1910), pp. 529–533.

⁷³ Edinburgh, NRS, Scotland's People, Wills and Testaments, CC8/8/111, Testament Dative and Inventory of Thomas Drummond, 1747.

⁷⁴ NRS, CC/15/5/10.

⁷⁵ London, National Archives, PROB 11/1091, Will of Alexander Dow, 1757.

⁷⁶ Alexander Dow: *History of Hindostan* (London 1768/1772); *Zingis* (London, 1768); *Sethona. A Tragedy* (London, 1774).

⁷⁷ London, National Archives, C.12/658/19 Bill of Complaint concerning the Will of the late Colonel Alexander Dow, 1793.

How did this relationship help Nisbet? Dow lent Nisbet £1,500 in 1772, secured by a heritable bond.⁷⁸ It was this debt, which, as heritable property, had been automatically transferred to his next of kin, his cousin and namesake in Hertford, that the Robertsons used to bring about Nisbet's sequestration. It seems, in fact, that Dow was more use to his family than to his old benefactors, for such we must assume the Nisbets to have been, in that his namesake's son William became a clerk in the East India Company in London and his cousin, Alexander, son of Daniel the Eyemouth tide surveyor, became a Colonel in the Bombay Regiments of the East India Company (EIC). In addition, John left Dow's natural son Daniel £500 in his will and a Mrs Touffner, who, as Isabella Mountfort had cohabited with Dow, probably in India, was left an annuity payable out of Nisbet's estate.⁷⁹

One unresolved relationship is that between John Nisbet and the Feudal Superiors, the Homes of Billie. The Homes had a chequered career in the eighteenth century. They were active Jacobites in 1715 and, as such, lost their estates of Billie, Paxton and Wedderburn. The Reverend Ninian Home then married the daughter of the dispossessed Sir George Home and eventually was able to take possession of the family properties again.⁸⁰ Ninian's youngest son was Thomas and on 19 September 1751, it was

Contracted and Agreed Betwixt John Nisbet Mercht. In Eymouth on the one part and Thomas Home youngest lawfull Son of the Deceast Mr Ninian Home of Billie on the other part ... (that) the said Thomas Home Hath become by these presents, with advice of his Cautioner (Sponsor: Thomas Cockburn, Writer in Edinburgh) aftermentioned Become Bound Apprentice to the said John Nisbet as Sailor aboard the Vessel presently building at Hull whereof John Simpson Shipmaster in Dunbar is to be Commander...⁸¹

The term of the apprenticeship was three years and the Apprentice Fee was £25, both within the ranges referred to by Ralph Davis. Davis adds that such

⁷⁸ NRS 17/143.

⁷⁹ London, National Archives, Prob 11/1091, will of Alexander Dow of Hertford; Edinburgh, NRS, CS177–867, Act Appointing William Molle WS Curator Bonis on the Sequestrated Estate of John Nisbet, 1812; National Archives, PROB 11/276.

⁸⁰ Alistair Rowan and Jackie Miller, *Paxton House* (Norwich: Jarrold Publishing, 2003).

⁸¹ Paxton, Berwickshire, Paxton House, John Nisbet and Thomas Home, Indenture, 1751.

apprenticeships 'attracted a small but continuous flow of youths from much higher levels of society'.⁸²

Patrick Home commissioned John Adam to design his new house at Paxton in 1755, the year that John Nisbet's house at Gunsgreen, also designed by John Adam, was completed. Paxton was built by the stonemason James Nisbet.⁸³ There is no record of who built Gunsgreen or of any relationship between James and John Nisbet, but this is another tantalising coincidence. When Nisbet was on the verge of losing his house in 1788, Patrick, then an MP, was written to by his cousin George Home of Branxton about Nisbet, referring to him as 'John Nisbet, poor man'.⁸⁴ This suggests some form of ongoing relationship. The fact that the papers of Nisbet's housekeeper, Janet Ferguson, who died in 1817, have survived in the Home of Billie archive in the National Records of Scotland seems to confirm this connection.⁸⁵

Aside from individuals who were either in or closely associated with Eyemouth, Nisbet had connections in other places.

Bell and Rannie were a significant firm of Edinburgh wine merchants. In 1745 they supplied the wine for Charles Edward Stuart during his stay at the Palace of Holyroodhouse, for example.⁸⁶ They pursued Nisbet over a debt run up by Duncan Carmichael, a shop owner in Edinburgh and relative of Alexander Dow. George Johnston, acting for Nisbet's other creditors challenged the authenticity of this debt. The fact of his relationship with Bell and Rannie is indicated in a rehearsal of the case before the Court of Session explaining how 'Mr Nisbet, in the 1770, 1771 and 1772 was a man in a considerable trade and had many transactions with the petitioners.' Further, Nisbet had sought to support Bell and Rannie's claim:

⁸² Ralph Davis, *The Rise of the English Shipping Industry*, second Impression ed. (Newton Abbot: David & Charles, 1962), p.117.

⁸³ Kitty Croft, John Dunbar, and Richard Fawcett, *Borders, The Buildings of Scotland* (Newhaven, London: Yale University Press, 2006) p. 607.

⁸⁴ Edinburgh, NRS, GD 267, Papers of the Homes of Billie, George Home, Letter to Patrick Home MP, February 1788.

⁸⁵ Edinburgh, NRS, GD267/20/22. Janet Ferguson, Household Accounts etc., 1788–1817.

⁸⁶ *The Rannie Monument* <http://www.leithhistory.co.uk/2004/07/08/the-rannie-monument/>.

It was wrong in the petitioners to make any private application to a bankrupt to aid their plea; and it was equally wrong in Mr Nisbet, when divested of his property, and unable to pay his onerous creditors, to say anything that could infer a wish upon his part to favour the petitioners, who had long been his correspondents and intimate friends ...⁸⁷

The inference to be drawn from this affair is that Bell and Rannie were helping to look after Nisbet in return for his favouring them in the sequestration process.

Sir John Stewart of Allanbank, the third baronet, was Sheriff Depute of Berwickshire, the chief law officer of the county. He was also an Edinburgh wine merchant. His son, Sir John junior married Frances Coutts, daughter of the banker, in 1778 and rented Gunsgreen House from John Nisbet from 1782 to 1787 at £35 per annum.⁸⁸ John McDonald, who was also Alexander Dow's servant in 1768/1769, describes a visit to the wine country of Portugal, Spain and France with young Sir John in the mid-1770s.⁸⁹ Sir John was not just Nisbet's tenant: as mentioned earlier, he jointly guaranteed a bond for £500 for James Renton. As with the relationship with Bell and Rannie, there was something here, more than a landlord-tenant relationship. It is surely not a coincidence that the Robertsons' attempts to sequester (bankrupt) Nisbet started within three months of the end of Stewart's tenancy of Gunsgreen House.

In the Nisbets' dealings with Scott and Fraser of Gothenburg, John Brown, Merchant in Edinburgh, drew a Bill for £372 12s 6d, on their behalf to be paid by John Nisbet.⁹⁰

In 1755 Nisbet and Knox consigned a parcel of wines for sale to Robert Carrick of Newcastle. This was then transhipped to London by a Richard Markham at the initiative of David Nisbet, when it was seized by the Customs. In his defence, David Nisbet explained that

⁸⁷ Edinburgh, National Library of Scotland, ESTC T213586, George Johnston WS, Answers to the Petition of Messers Bell and Rannie, 1789.

⁸⁸ Edna Healey, *Coutts and Co 1692–1992* (London: Hodder and Stoughton, 1992) p.107; Edinburgh, NLS, BCL.D 2650 (85), George Johnston, Petition Unto the Rt Hon the Lords of Council and Session, 1792.

⁸⁹ John Macdonald, *Memoirs of an Eighteenth Century Footman*, The Century Lives and Letters (London: Century Publishing, 1985) p.184.

⁹⁰ Edinburgh, NRS, Register of Sasines, RS 19/17/140–1, Discharge and Renunciation: John Brown to John and David Nisbets, 1777.

... he was often in use to dispose of Goods for the behoof of the Company particularly in ordering goods from Newcastle and Leeds and it happening at one and the same time that Knox and Nisbet had eight and the Respondent six Hogsheads of Claret wine in the hands of one Mr Thomas Wallis of Newcastle for sale and which on his death was handed over to the care of Mr Robt. Carrick, the Respondent finding the Mercate at Newcastle was not favourable he desired Mr Carrick to send off his six Hogsheads to Leeds to one Mr Richard Markham who was to forward them by wagon to London...⁹¹

A newspaper advertisement illustrating the sale of this claret is illustrated at Fig. 5/3. A year earlier, David Nisbet had sought to transport 1,120 lbs of tobacco to Leeds.⁹² It was surely also intended for Markham. R.G. Wilson refers to the Elam brothers, Leeds merchants in the 1740s, who imported tobacco from America, before moving over to the wool trade, using their contacts in America to assist them. He makes no reference to potentially illegitimate trade, however. Some merchants accepted wine for their own use as part payment for exports and some went into the wine trade on a larger scale. Markham had a fine house in central Leeds and an estate at Chapel Allerton.⁹³

Carrick was a significant figure in Newcastle merchant circles with an office in Sand Hill and a house near Hanover Square. He married Miss Maddeson of Birtley, a wealthy heiress who inherited an 'opulant fortune' on the death of her father.⁹⁴

In 1773 James Home, merchant in Newcastle, was pursuing John and David Nisbet through Alexander Christie Jr. of Duns for £33 11s Sterling.⁹⁵ These connections are only known because business transactions went wrong. As with so much to do with smuggling, there is no evidence when everything went well. The implication is, however, that Nisbet and Knox at least, if not the Nisbet Brothers themselves, dealt with at least one merchant in Newcastle, using him as an outlet for their wines. In addition, it seems that David Nisbet had regular

⁹¹ NRS, CS271/38288.

⁹² NRS CE56/2/1, 1 October 1754.

⁹³ R. G. Wilson, *Gentleman Merchants: The Merchant Community in Leeds 1700–1830* (Manchester: Manchester University Press, 1971), p.198.

⁹⁴ *Newcastle Courant*, 24 February 1750.

⁹⁵ Edinburgh, NRS, CS 271/8237/8, Bond of Cautionry: William Nisbet for Messrs John & David Nisbets; John and David Nisbets v James Home, 1773.

dealings with a leading merchant in Leeds, acting as a supplier for, presumably, duty-free tobacco and making use of his contacts to move wine to London.

Aside from David's dealings with Richard Markham, there is some evidence of Nisbet's contacts in London, particularly in relation to banking facilities, which are outlined in the court case dealing with the Pillans claim against his estate.⁹⁶ In the details of the cash transfers, there are listed the names of the bankers that Nisbet used. These were Herries and Co., Simon Fraser and Bertram, Baillie and Company. Of these Herries and Co. are the best known, being a breakaway from Coutts. The reason for the break was that

Herries was an unscrupulous adventurer, capable of bribery, opening the letters of his competitors and of speculating on his own account on the probable rise in the price of tobacco during the American War of Independence.⁹⁷

Herries did however recognise the difficulties of transferring money to the continent and pioneered ways of doing this effectively. Herries also acted for Greig and Sibbald of Gothenburg. The Nisbets were invited to settle their accounts with Greig and Sibbald through London or Edinburgh.⁹⁸

George Baillie and Co. had an important position in London in the 1780s; in contrast, Bertram, Gardner and Co. failed during the banking crisis of the 1790s. Given the way partnerships came and went at this period it is not reckless to assume that these were the Baillie and Bertram of Bertram and Baillie.⁹⁹ The paperwork in the 1784/1785 documentation relating to Nisbet's financial dealings with Henry Greig reveals that Nisbet had a further banker in London, Kinloch and Hog.¹⁰⁰

The one other connection in London was Peter Ferguson, a shipwright, referred to in John Nisbet's will as the brother of his housekeeper, Janet Ferguson and father of Alison, to whom Nisbet left £250. This is a puzzling reference and there must be some suspicion regarding the relationship between John Nisbet

⁹⁶ NLS, BCL.D 2650(85).

⁹⁷ Healey, *Coutts and Co*, p.100.

⁹⁸ Edinburgh, NRS, CS229/N/1/60.

⁹⁹ S. G. Checkland, *Scottish Banking: a History 1695–1973* (Glasgow: Collins, 1975), p 230.

¹⁰⁰ Edinburgh, NRS, CS229/Y/1/17.

and Janet Ferguson. Alison was Nisbet's mother's name. It is possible that Nisbet had a business relationship with Ferguson, but there is no clarity at all about any of this.¹⁰¹

The nature of Nisbet's links with merchants in Gothenburg, who supplied him with contraband tea, is explored in depth in Chapter 7. They seem to have lasted from at least the late 1750s through to the end of his career in the mid-1780s.

The Nisbets brought in cargoes from Rotterdam and Campveere, the former Scottish Staple in the Netherlands, then still used by Scottish merchants, on eight occasions between 1746 until 1770. Six of these enterprises were identified as involving smuggling, perhaps implying that there may well have been more. There is, yet, no evidence as to the Nisbets' contacts in the Netherlands before the episode with Richard Pillans in 1774/1775 that went badly wrong and was described in some detail after John Nisbet's sequestration (see chapter seven). How Nisbet came to be connected with Pillans is described in a letter from Pillans to Robertson, quoted in court:

Thomas Anderson of Perth, recommended to us Mr John Nisbet of your place, with whom since the dissolution of our partnership I have done business, I believe to his satisfaction as far as respected the management here.¹⁰²

The suggestion here is that Nisbet had a relationship with Thomas Anderson of Perth, who – in turn – had a relationship with Pillans. Anderson felt confident enough of Nisbet's viability to recommend him to Pillans.

A detailed analysis of Robert Robertson's trading indicates that he had no exclusive, or even close business relationship with any other merchant in Eymouth. Of 87 trading enterprises he undertook eighteen as a sole trader, or with his son, Alexander. For twelve other voyages, William Grahame, his brother-in-law, acted as his agent and for another 22 William Weir, his clerk,

¹⁰¹ NA, PROB 11/1276/239

¹⁰² The Trustee for the Creditors of John Nisbet, late Merchant in Eymouth AGAINST Alexander Robertson in Prendergust in Robert Bell *Cases Decided in the Court of Session November 1790 to July 1792* (Edinburgh, Dickson, Hill, Watson, 1794), pp.349–355.

fulfilled this role. Otherwise, apart from James Renton, no one person shared more than three or four ships and – ironically – John Nisbet and Harry Knox both fell into this category. When identifying ships belonging to the Robertsons, going back into the 1720s, there is a trend of loyal attachment to ship masters, with eleven men used, devoting 88.5 per cent of their careers, as far as records show, to the Robertsons. The most used were Thomas Kellie with thirteen voyages between the late 1720s and early 1740s, John Aitken, with seven in the early 1750s (three of which were smuggles) and John Peart with six in the early 1780s. This is a very similar pattern to that of the ships belonging to John Nisbet.¹⁰³ From this it seems that Robertson's strongest local business links were with people whom he employed – his two agents and eleven ship masters. Unlike Nisbet, there is no evidence of his entering into a co-partnership or other long-term business relationship with anyone, other than his sons, Alexander and William.

Renton, as mentioned above, was married to Robertson's wife's niece Margaret Home. James was involved in 70 recorded voyages, all but one of them imports. For much of his career James was in partnership with John/James Henderson, about whom little is known. He may have been related to William Henderson of Alloa, Smeaton's surveyor for the 1760s harbour improvements, who married William Nisbet's daughter Alison, and had a son called John – but it seems far too late for it to be the same person. At this date there were, however, many Hendersons in and around Alloa and that town, a centre of brewing and distilling, would have been an important outlet for grain from Eyemouth, particularly from Robert Robertson's maltings. For example, there is a reference in the Eyemouth Kirk Session to a John Paxton 'sometime maltman to Mr Robertson.'¹⁰⁴ It was this involvement in the grain trade that made the difference between Robertson and other merchants, in that he had a far better balance between exports and imports.

Of the 70 voyages mentioned above, only eleven were shared with other merchants and ten of these were exclusively with Robert Robertson. Given that both Robertson and Renton so rarely shared cargoes with other merchants,

¹⁰³ NRS, CE/56/2; NRS E504/10.

¹⁰⁴ NRS, Minutes of Eyemouth Kirk Session, 6 April 1755.

there is perhaps something to be read into this close relationship. 37 of Renton's voyages came from the timber ports of southern Norway, but those shared with Robertson all came in from elsewhere – seven from Gothenburg and three from St Petersburg. This, perhaps, suggests that Robertson took the lead in these enterprises. There are no detailed records of the failure of Renton's business, but it seems possible that Nisbet gave Renton assistance by introducing him to smuggling to help to save his business. The close relationship they had at the end of both of their careers would tend to support this hypothesis.

William Weir is referred to above as managing the cargo for 22 of Robertson's voyages. Weir and William Whitehead both witnessed Robert Robertson's Disposition Settlement in 1771 when they were described as 'clerks to me and my son'.¹⁰⁵

Robertson had an Edinburgh lawyer – Robert Jamieson. One of the fragmentary letters found in Gunsgreen House is from him to Robertson, dated 9 July 1768.¹⁰⁶ It seems likely that Jamieson also acted for Robertson when he sought to have Nisbet sequestered in 1787. By chance, the copy of the *Edinburgh Evening Courant* in the City of Edinburgh Libraries with the advertisement for the first meeting of Nisbet's creditors seems to have been Jamieson's office copy, judging by the annotation.

¹⁰⁵ Hinton Charterhouse, Bath; Isla Tuck private collection: Robert Robertson, Disposition Settlement, Registered Copy, 1771/1819

¹⁰⁶ Robert Robertson papers, Gunsgreen House

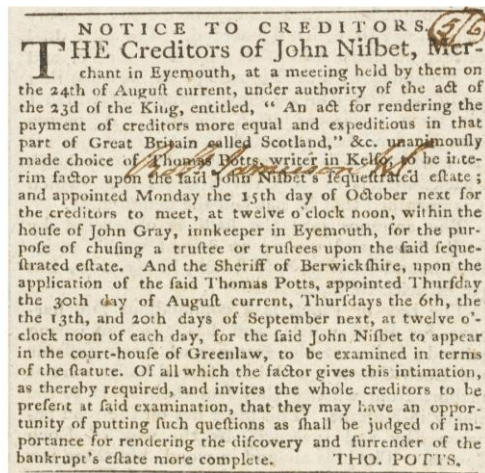


Figure 3/2. *Edinburgh Evening Courant*, October 1787: copy in Central Library, Edinburgh

Thomas Potts, the lawyer whose name was at the foot of the advertisement was Robertson's son-in-law. Robertson also had dealings with Hugh Mossman in 1768, another lawyer in Edinburgh, who was famously killed in the collapse of a tenement in 1774.¹⁰⁷ Other names in Robertson's accounts include Sir James Livingston, David Inglis, Frazer and M., Lord Baryarg and Lord Marchmont. Of these, only Lord Marchmont is easy to trace. He was a politician, one of the Scottish peers in the House of Lords who had been one of Robertson's father's debtors in 1720.¹⁰⁸ Perhaps more significantly he managed the Berwickshire county constituency and oversaw patronage in the county for many years in the eighteenth century.

Robertson had an interest in 22 ships coming into Eyemouth from Gothenburg from the mid-1760s onwards and there is a fragmentary entry from an account book

Decbr, 10 To Cask from Messr. Hall in -----

which seems likely to refer to the Halls of Gothenburg.¹⁰⁹

¹⁰⁷ Robert Robertson papers, Gunsgreen House.

¹⁰⁸ NRS, CC/15/5/8.

¹⁰⁹ Robert Robertson papers, Gunsgreen House; Gunnebo Slott website, www.gunneboslott.se.

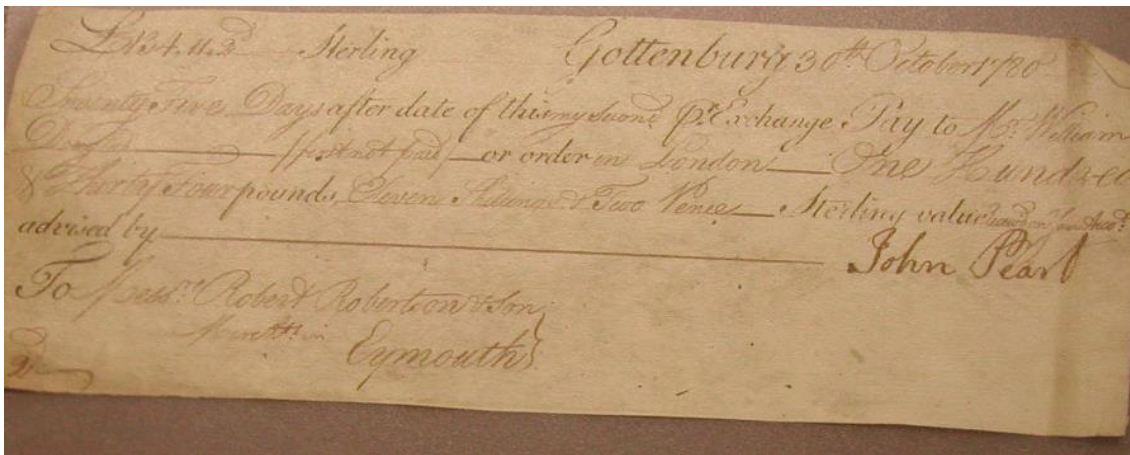


Figure 3/3. Bill on behalf of Robert Robertson for William Douglas in Gothenburg

This bill¹¹⁰ relates to a voyage by the ship *Elizabeth*, master John Peart, reported as arriving in Eyemouth on 13 December 1780 from Gothenburg, with a cargo of timber and iron for Robert Robertson and Son and Renton and Home.¹¹¹

It is clear from the correspondence regarding Nisbet's dealings with Richard Pillans (see chapter seven) that the Robertsons had once had a partnership with Pillans, since there is a reference to its dissolution. There are, however, very few ships recorded as coming in from Rotterdam or Campveere with goods for the Robertsons. It was only after the supposed dissolution of the partnership that they had serious trade with northern Europe – seven ship loads of grain were sent to Hamburg in 1776/1777, for example.¹¹² It does seem to be apparent, however, that Robertson's relationship with Pillans was stronger than Nisbet's, even though it was indicated that they were no longer in business together. This is not wholly borne out by the records, which only reveal five voyages to or from the key Dutch ports by the Robertsons. There is an implication that there may well have been other voyages that were undetected smuggles.

Dunkirk was a notorious centre of smuggling and piracy in northern France.¹¹³ The will of Job Buck, ship master in Eyemouth, provides evidence of Robert

¹¹⁰ University of St Andrews Special Collections, msdep97/19.

¹¹¹ NRS, EH504/10/1–6.

¹¹² E504/10, 10 December 1776–21 June 1777.

¹¹³ Hoon, *The Organisation of the English Customs System*, p.169.

Robertson being active in that port. In the Inventory of Buck's will is the following:

Item The said Defunct had at the time forsaide of his Decease the Debts and Sums of money underwritten adebted resting and owing to him by the persons after named viz. By Robert Robertson merchant in Eymouth Eighty pound Sterling Contained in a bill dated at Dunkirk in France the twenty seventh Day of August last (1752) and drawn by the defunct upon the said Robert Robertson payable four months after date¹¹⁴

Buck was also the owner of half of the ship *Helen* of Eyemouth, which was advertised for sale in the *Caledonian Mercury* on 23 April 1753.

The only reference to the *Helen* of Eyemouth in the Collector's Quarterly Accounts is of her arriving in Eyemouth from Malaga with Raisins and Spanish Wine under the command of Thomas Davidson for James Martin, acting as agent for Davidson, Grieve & Co. on 12 March 1753, a date which would fit with the death of Buck in January and the advert for the sale in late April.¹¹⁵

There is no sign of any Eyemouth ships in or near Dunkirk in August 1752, the date of the bill. Robertson did, however, act as the Cautioner on Buck's will.¹¹⁶ It is highly likely that tea imported into Copenhagen was also being smuggled into Eyemouth from Danish Norway. Kent says that Bergen acted as an entrepôt for goods from the Asiatisk Kompagnie and it seems likely that some of the 120 odd ships bringing timber from the south of Norway into Eyemouth would have carried tea and other contraband in amongst their legitimate cargo.¹¹⁷

It seems clear that the Robertsons had networks, in that they had connections who related to each other and whom they could use in a variety of ways. Pillans of Rotterdam, for example, was not a simple trading partner. He was either a party to, or certainly co-operated with, the campaign to sequester John Nisbet. Robertson's relations were also useful. Thomas Potts the lawyer acted for Robertson, his father-in-law, in the instance of Nisbet's sequestration and the Gunsgreen fragments reveal business with other members of the Potts

¹¹⁴ NRS CC15/5/10.

¹¹⁵ E504/10, 12 March 1753.

¹¹⁶ NRS CC15/5/10.

¹¹⁷ Kent, *War and Trade in Northern Seas*, p.109.

family as well as Robert Robertson's second brother-in-law, James Jamieson Martin.¹¹⁸ Martin and Martin's other brother-in-law, Thomas French were both Freemasons and merchants. Robertson was also, of course, in business with his sons Alexander and William jnr., and it was Alexander who eventually bought Gunsgreen House from Nisbet's sequestered estate.

Nisbet's connections, on the other hand, seem to have been simpler, for mainly business purposes. The most complex relationship was with Alexander Dow, but he was outside Nisbet's other circles. His precise links with the Homes of Billie are unclear, as were those with Stewart of Allanbank. He was in business with his brother, David and had some links with his other brother, William, but both predeceased him. The one exception may be his relationship with Henry Greig in Gothenburg, where there is a coincidence of dates in May 1771 which suggests that Greig may have had some sort of debt of gratitude to Nisbet. This is dealt with in more detail in chapter 6.

The simple fact that the Robertsons were able to bring about Nisbet's sequestration suggests that they had a stronger group of connections than Nisbet did. To start with their families, Nisbet was a bachelor and his brothers died in 1774 and 1784. Robertson, on the other hand, had children and was in partnership with two of his sons and used his son-in-law's legal position to start the process of sequestration.

Alexander Dow, too, had died in 1779 and his interest in his loan to Nisbet of £1,500 passed to his cousin, Alexander of Hertford. It was this debt that the Robertsons used to bring Nisbet down. One of Nisbet's more longstanding customers, Bell and Rannie of Edinburgh were among his more eager pursuers, although there is a suggestion that Nisbet did favour them in his evidence.¹¹⁹ Pillans, in Rotterdam, was clearly an associate of the Robertsons and used them as his representatives in Britain and sold Nisbet's debt to them 'at an undervalue', as Nisbet put it in his will.¹²⁰ Stewart of Allanbank seems to have been close to Nisbet, but had left Gunsgreen House at the end of May 1787 and

¹¹⁸ Gunsgreen House, Business Papers of Robert Robertson

¹¹⁹ NLS, ESTC T213586

¹²⁰ Kew, National Archives, PROB 11/276

the Homes, while sympathising with Nisbet's plight – 'John Nisbet...poor man' – played no part in safeguarding his future – although there is a hint of something in that Nisbet's housekeeper's papers did end up in the Home's archive.¹²¹ James Renton, a man with a foot in both camps, himself went bankrupt, as did Harry Knox and Robert Fall, Nisbet's acquaintances from Dunbar.

In terms of the local community, there is no evidence that Nisbet had any connections, whereas the impression of Robertson is that he was a leading figure, surely one of D'Cruze's 'community brokers'.¹²² He was an active Mason and member of the Kirk Session, who was so respected that he was invited to chair the committee established to build a new parish church.¹²³

When Nisbet was in difficulties in 1787, his two brothers and his friend/benefactor, Dow, were dead. His potentially influential tenant, Stewart of Allanbank, had moved out, and three of his business connections were bankrupt themselves. George and Patrick Home were sympathetic but played no part. He was, therefore, isolated and vulnerable.

3.6 Conclusion

The Robertsons' connections proved to be more sustainable than those of the Nisbet brothers, as the Nisbets were mainly involved in criminal enterprises, while the Robertsons had a substantial legitimate import and export trade, as well as extensive family and social connections. John Nisbet was also unfortunate in that his main financial backer, Alexander Dow, died young, in 1779, leaving a tangled estate. The simple inheritance of Dow's wealth would have ensured Nisbet's financial survival.

What needs to be considered is whether either family's relationships were so interwoven as to be worthy of being described as networks, in the sense defined by Hancock as being the management of a set of 'supplier-customer-agent-friend connections as a group'.¹²⁴ Although less is known of the details of

¹²¹ Paxton, Letter to Patrick Home; NRS GD267/20/22.

¹²² D'Cruze, 'The Middling Sort in Eighteenth-Century Colchester'.

¹²³ NRS, Minutes of Eyemouth Kirk Session, 20 November 1781.

¹²⁴ Hancock, *The Trouble with Networks*, p.473.

the Robertsons' commercial relationships, their connections do have more the appearance of a network in Hancock's sense. Robert Robertson, as the nearest thing that Eyemouth had to a leading citizen, or 'community broker', enjoyed a strong position in the town and its merchant community.¹²⁵ He also had the benefit of a long family history in trade in Eyemouth, and the inherited connections that that brought with it. In terms of business, he was the only Eyemouth merchant who was recorded as having a substantial export trade, which would have meant that he had connections throughout northern Europe, customers as well as suppliers. Conversely, he also had connections with the farmers and landlords who used him to process and export their grain. Unfortunately, only an early version of Robert Robertson's will can be found so it is not possible to assess if he had inherited any of his father's and brother's debtors, which would have further strengthened his position.¹²⁶ It is certainly the case, however, that the Robertsons had a complex web of relationships which can be categorised as a network.

Nisbet's connections, on the other hand, were much more limited. He lacked Robertson's social position in Eyemouth, not being a member of either the Lodge or the Kirk Session. His family was of marginal benefit to him, apart from David, his brother. Even his connection to Alexander Dow, a minor celebrity in the decade up to his early death, failed to benefit him. In terms of his trade, Nisbet only had suppliers in Europe and customers in Britain, so relied heavily on credit and goodwill. At the time of his sequestration, his only debtors were the Hair Brothers, his distributors in the 1760s.¹²⁷ He had some form of relationship with Patrick Home of Billie and with Sir John Stuart of Allanbank, but the nature of these relationships is unclear. They were certainly not part of a network. Nisbet's connections, even those from his days in Dunbar, were a series of one to one relationships with individuals. At the end of his life, there is no evidence that any of his relationships were of assistance to him. After his death, John effectively disappeared from history – his link with Gunsgreen House was only re-discovered in 1998.

¹²⁵ D'Cruze, *The Middling Sort in Eighteenth Century Colchester*,

¹²⁶ Hinton Charterhouse, Robertson, Disposition Settlement.

¹²⁷ NRS, CS229/N/1/41.

The Robertsons, on the other hand, flourished. Alexander bought Gunsgreen House and also had a house in Edinburgh. His sons all entered the professions and thrived. His younger brother, William, took over the family business and continued with coastal grain exports into the nineteenth century. Both William, and Alexander's daughter Mary married into Alloa based grain whisky families, the Jamesons and the Haigs (Field Marshall Douglas Haig was Alexander's great grandson). Two of Alexander's sons married into West India Plantation families and the family flourished through the nineteenth and twentieth centuries.¹²⁸

Chapter seven will examine in detail the failure of John Nisbet's business in 1787 and how the Robertsons used their connections to bring about his sequestration, choosing a time when Nisbet was at his weakest – he was 75 years old, his brothers and his patron, Alexander Dow, were all dead and his influential tenant, John Stewart of Allanbank, had just given up his lease of Gunsgreen House. Robertson, on the other hand, made use of his contacts with Pillans in Rotterdam, his lawyer son-in-law and his Edinburgh Writer to bring about maximum pressure. Nisbet, with few good connections and no actual networks had flourished for thirty years. The Robertsons had already been in business for at least 150 years and their descendants continue to thrive today. For all his ambition and chutzpah, Nisbet was unable to stand up to the local establishment, who struck decisively when he was fatally weakened.

The next chapter builds on this examination of the mercantile community of Eyemouth to seek to explore how the business practices of those merchants were applied to the smuggling trade, to the extent that it is appropriate to us the term merchant-smuggler for the key players in that field.

¹²⁸ Eustace, *The Family of Robert Robertson of Prendergust and Brownsbank and Margaret Home, His Wife*.

Chapter 4

Smuggling in south-east Scotland

4.1 Introduction

Having previously considered how business in the eighteenth century worked, particularly in Eyemouth, this chapter, in sections 4.2 and 4.3, reviews the conduct of business and seeks to draw out the way that smuggling fitted into those normal processes. The second part, sections 4.4 to 4.5, looks at what can again be seen as normal features of business – supply and demand. The relationship between smugglers and merchants – or, rather the fact that they were frequently the same people – has been alluded to in works about smuggling but has been largely ignored in studies of ports.¹ Jackson, in his major work on Hull, for example, has just one reference to smuggling, while a work about Montrose, edited by Lythe and Jackson, has just four passing references.²

Section 4.6 reviews the relationship between the local merchant-smugglers and the customs and excise services and 4.7 looks at the attempts by the Convention of Royal Burghs and the Church of Scotland to discourage smuggling in Scotland. 4.8 then considers the nature of smuggling in three areas – Cornwall, south-west Scotland and Montrose – which had some similarities to Eyemouth and its hinterland.

It is one of the main contentions of this thesis that it is inappropriate to ghettoise smuggling. Smuggling was an important aspect of the nation's trade in the eighteenth century. As early as 1898 Gustav Schmoller, quoted by Salvemini and Zaugg, wrote

In the eighteenth century, an artificial system emerged just about everywhere that was characterised by the exponential growth of deception and abuse, bribery and corruption, smuggling and fraud,

¹ Cullen, *Smuggling and the Ayrshire Economic Boom*; Ramsay, 'The Smugglers' Trade:

² Jackson, *Hull in the Eighteenth Century*, p.16; Lythe and Jackson (eds), *The Port of Montrose*, pp.101, 129, 131, 230.

scams and forgery. **One could almost say that the actual history of trade in the eighteenth century is the history of smuggling.** (*my emphasis*).³

Kent recognised that smuggling should be seen as part of the overall picture of trade in his work on the North Sea.⁴ Following Nisbet's sequestration, his lawyer, who was also the lawyer for his creditors, said of him 'Mr Nisbet himself was a professed smuggler and altho' designed Merchant in Eyemouth it is well known that he dealt in no other than this traffic which he carried on to a very great extent.'⁵ Critically Johnston, the lawyer, described Nisbet as both a merchant and a smuggler.

The following chapter (five) will reinforce the argument about the 'normalness' of smuggling by examining the relationship between the merchant-smugglers of Eyemouth and their customers. It is this ability to understand that relationship and, indeed, the whole of the smuggling business that makes this study of the port of Eyemouth so important.

4.2 The conduct of business in the eighteenth century

It is helpful to reiterate some of the key points made in chapter 3, to assist with an understanding of the relationship between smuggling and legitimate business. As with all dealers over the years, a merchant in the eighteenth century required a supply of goods and a demand for them. He, for it was almost always 'he', also required transport, distribution and finance. According to Jackson, however, 'the merchant didn't need heavy fixed capital. His assets were his business contacts... and although he needed to have capital behind him, the system of credit was such that he need never show it over the counter.'⁶ This is reinforced by McAloon's account of the Edinburgh merchant Edward Burd. McAloon describes the scale of Burd's business, indicating that it gave the impression that he was a 'major entrepreneur', when, in fact

³ Biagio Salvemini and Roberto Zaugg, 'Frodi Marittime Tra Norme E Istituzione (Secc xvii–xix): Premessa', *Quaderni Storici* 143/Fascicolo 2 (2013), 311–332 (311).

⁴ Kent, *War and Trade in Northern Seas*.

⁵ NRS, CS229/N/1/60.

⁶ Jackson, *Hull in the Eighteenth Century*, p.110.

Burd was a very minor trader, indeed – as his account books show – he had few tangible resources. What he had was his status in the community, and the prospect of a landed inheritance in the future. It was clearly on the basis of the last two assets that he was able start a business and maintain it in the commercial capital of Scotland with a circulating capital of £5 4s 4¼d.⁷

This could as well describe John Nisbet. It appears from the progress of his career that he never had any actual capital, merely the impression of status given by Gunsgreen House, itself almost certainly paid for by a loan from his brother. The importance of networks, or connections as they were called at the time, to the eighteenth-century merchant and merchant-smuggler is analysed in Chapter 3. Suffice to say, these relationships were crucial to the success of a merchant, especially one trading overseas, or, even more so, dealing in contraband.

4.3 The operation of a smuggling business

Having briefly reviewed how a merchant operated in the eighteenth century, the next step is to consider how a merchant-smuggler worked. The bulk of this material is drawn from the careers of John and David Nisbet, which are comparatively well documented, and their fellow Eyemouth merchant-smugglers. They were, however, not unique. Recent work on Cornwall by Charlotte MacKenzie, Martin Wilcox and Helen Doe has drawn attention to the essential ‘normalness’ of smuggling. Wilcox, writing of Zephaniah Job, explains that

... it can seem surprising that a successful man of business such as Job should have been so heavily involved in smuggling. However, aside from its illegality, smuggling was much like any other branch of trade, and it demanded the same skills, in terms of organisation, book-keeping and commercial judgement.⁸

MacKenzie analyses the careers of the Penzance merchants, John and James Dunkin. They were clearly merchants but were described in the press as ‘the most notorious smugglers.’ They collaborated, for example, with the Carters of Prussia Cove, perhaps the best known of the large-scale Cornish smuggling

⁷ McAloon, *A Minor Scottish Merchant*, p.20.

⁸ Martin Wilcox, ‘Maritime Business in Eighteenth Century Cornwall: Zephaniah Job of Polperro’ *Troze 2* (2010), 17 November 2015 <<http://nmmc.co.uk/explore/publications/troze/>>.

families.⁹ Doe's work on the shipbuilder James Dunn of Mevagissey again shows us a businessman, actively involved in smuggling.¹⁰

As suggested in chapter three, it is highly likely that John Nisbet started as an apprentice, then clerk to James Fall, a substantial merchant in, and provost of Dunbar.¹¹ He subsequently acted as an agent for several merchants in Dunbar, co-ordinating the cargoes of a number of ships.¹² He had a co-partnery with Harry Knox in the 1740s and was described as a merchant in Dunbar in his father's will in 1746.¹³ By 1751 he was in a position to commission a ship to be built at Hull and to take the youngest member of the Home family as an apprentice.¹⁴ Nisbet was back in Eyemouth, where he built Gunsgreen House in the period 1752 to 1755 to the design of John Adam, although nothing is known of Nisbet's contractual relationship with Adam. The house was built as his 'corporate headquarters', with a suite of quayside storage cellars and at some point, a number of hiding places were created within the building, for the concealment of contraband.

He operated his business perfectly normally. In the early 1750s he had an apprentice and clerk called Alexander Dow,¹⁵ the nephew of the tide surveyor in Eyemouth and had a second co-partnery with Knox, which ended in acrimony.¹⁶ For the rest of his business career he was effectively in partnership with his brother David, who died in 1784. He was said to have ceased actual involvement in smuggling at some point in the late 1770s, although there does seem to have been an active relationship with Henry Greig into the 1780s.¹⁷ There are references to other members of staff, a clerk, James Grey, three or

⁹ Charlotte MacKenzie, 'Merchants and Smugglers in Eighteenth Century Penzance: The Brothers John and James Dunkin' *Troze*, 7 (December 2016). <<https://nmmc.co.uk/explore/publications/troze/previous-troze-publications/merchants-and-smugglers-in-eighteenth-century-penzance-the-brothers-john-and-james-dunkin/>>. accessed 18 November 2016.

¹⁰ Helen Doe, 'The Smugglers' Shipbuilder: The Customers, Trades and Vessels of a Mevagissey Shipyard, 1799–1816' *The Mariner's Mirror*, 92.4 (2006), 427–442; idem, 'The Business of Shipbuilding: Dunn and Henna of Mevagissey, 1799–1806', *International Journal of Maritime History*, 18.2 (2006), 187–217.

¹¹ NRS, CH2/647.

¹² NRS, E504/10/1.

¹³ Edinburgh, NRS, The Admiralty Court Decrees in Absence, AC8/912, Knox and Nisbet v. Michael Leon (1756); NRS, CC15/5/10.

¹⁴ Paxton, Nisbet and Home Indenture.

¹⁵ Johnston, Petition against an Interlocutor.

¹⁶ NRS, CS271/38288.

¹⁷ NRS CS229/Y/1/17; Johnston, Petition against an Interlocutor.

four 'servants', presumably porters and/or labourers, and a housekeeper, Janet Ferguson, whom he seems to have relied upon to run his household affairs.¹⁸

Risk was a feature of all business at this period, as it still is. Maritime trade, particularly in the North Sea, was riskier than many other branches of commerce. Adam Smith characterised smuggling as peculiarly risky: 'Bankruptcies are most frequent in the most hazardous trades. The most hazardous of all trades, that of a smuggler, though when the adventure succeeds it is likewise the most profitable, is the infallible road to bankruptcy.' It is interesting here that Smith treats smuggling as merely one of a few hazardous trades. He then explains why he feels smuggling to be so vulnerable: 'The presumptuous hope of success seems to act here as upon all other occasions, and to entice so many adventurers into those hazardous trades, that their competition reduces their profit below what is sufficient to compensate the risk.' He then explains that in hazardous trades, profits should be sufficient to cover the risk of any losses: 'To compensate it completely, the common returns ought, over and above the ordinary profits of stock, not only to make up for all occasional losses, but to afford a surplus profit to the adventurers of the same nature with the profit of insurers. But if the common returns were enough for all this, bankruptcies would not be more frequent in these than in other trades.'¹⁹

A keyway to minimise risk is to work with people who are trusted. That Nisbet sought to do this is made clear below. The fact that he was ultimately sequestrated appears to have been, in large part, due to the personal antagonism of Eyemouth's main merchant family, the Robertsons, and is addressed in more detail in Chapter seven.

There is no clear evidence in Eyemouth for the practice of sharing risk by splitting ship ownership into small fractions, as described by Davis.²⁰ There is a similar lack of evidence for outside investors in cargoes. As McAloon and Jackson both noted (see 4.2 above), the key to managing a trading business was access to credit, rather than capital. The origins of Nisbet's business are

¹⁸ NRS CE1/7 17 August 1761; NA, PROB 11/276.

¹⁹ Adam Smith, *The Wealth of Nations*, reprint ed. 2 vols, vol. 1 (Books 1–3) (London, Penguin Classics, 1999), p.213.

²⁰ Ralph Davis, *The Rise of the English Shipping Industry*, p.82.

unclear. After a relatively low-key start in Dunbar, he seems to have arrived in Eyemouth around 1750 able to build Gunsgreen House and commission a ship to be built at Hull.²¹ He borrowed £1,500 from his brother David in 1758, another £1,500 from Alexander Dow in 1772, and ran credit lines with his suppliers. In 1763 he was able to make a considerable financial offer – around £250 – for the release of a seized ship and cargo and successfully bid £555 for three consignments of red French wine auctioned by the Customs in 1768.²² He also used three banking houses to make payments to Richard Pillans in Rotterdam.²³ As late as 1783/1784 he was still able to make regular payments on a bill relating to an account with Henry Greig.²⁴

Tim Newton, quoting Muldrew, referred to the qualities required to promote trust in the sort of credit networks in which Nisbet was involved: 'the ethic considered to be of the greatest importance was honesty, followed by upright and fair dealing in market transactions.' Newton reinforces this, quoting Brewer, suggesting that credit relations favoured virtues of reliability, candour, affability, plain dealing and fairness: 'One needed to be or, at least needed to appear to be, a man with such characteristics in order to carry on trade: to 'keep up your reputation', 'preserve your integrity', 'maintain your credit'.²⁵ In relation to the Nisbets, the use of the qualifying phrase 'or, at least needed to appear to be...' in the quote above was almost certainly true and, as mentioned elsewhere, may even help to explain the significance of Gunsgreen House to Nisbet as a symbol of respectability.

Counterintuitively, it was a recognised characteristic of smugglers that they had a reputation for straight dealing. The break-in at the Eyemouth customs warehouse in 1780 for example, covered in more detail on pages 146/7 below, was carried out by a group of smugglers to retrieve their own goods, seized earlier. The much quoted anecdote regarding smugglers boarding an East Indiaman in the Channel to buy contraband from the crew, has the captain saying, in response to being questioned by a passenger about the wisdom of

²¹ Paxton, Nisbet and Home, Indenture.

²² NRS, CE1/11, 8 February 1763; NRS, CE56/2/3, 29 February 1768.

²³ NLS, BCL.D2650(85).

²⁴ NRS, CS229/Y/1/17.

²⁵ Tim Newton, 'Credit and Civilization' (2003), <<https://business-school.exeter.ac.uk/documents/papers/management/2003/0315.pdf>>, accessed 15 April 2017.

accepting a cheque from the leader of the smugglers, 'These people always deal with the strictest honour: if they did not their business would cease.'²⁶ It is tempting to regard this as evidence of honesty. Perhaps, however, they relied on honour and directness as they could not normally seek legal remedies.

A business based on credit, and particularly one which involved unlawful activities, required a high degree of trust between the participants. Those advancing credit had to have trust in the borrower. It has already been shown above that the two people from whom we know Nisbet borrowed money were his brother and his former clerk. We also know that he was introduced to Pillans of Rotterdam by an apparent associate, Thomas Anderson, a merchant in Perth, and appears to have developed his link to Greig and Sibbald in Gothenburg by assisting, or offering to assist, Henry Greig to avoid the risk of arrest. Harry Knox, with whom he had a co-partnership on two occasions, was a friend of his youth in Dunbar.²⁷ Late on, he had a business relationship with James Renton who, towards the end of his career, appears to have moved into smuggling.²⁸ His other regular business partner was his brother, David.

The merchant-smugglers themselves also had to trust other men, notably their shipmasters. They had to be reliable and loyal. It was they, after all, who would be in the front line if challenged by the customs. No smuggling enterprise was possible without access to a ship and reliable master. Chapter three has looked in detail at ship ownership in Eyemouth in connection with networks. It is clear, however, that certain ships and masters had an involvement in smuggling. This consistent participation indicated a strong degree of trust in the masters concerned. This analysis reinforces the notion of smuggling being normal business, as these ships and masters were also regularly recorded in the Collector's Quarterly Accounts arriving in Eyemouth with legitimate cargoes. The involvement of specific ships, masters and merchants in identified smuggling enterprises makes it tempting to reconsider whether all the voyages in the Quarterly Accounts were legitimate – or apparently legitimate. How many of these represent successful smuggling voyages? Chapter three has also

²⁶ Williams, *Contraband Cargoes*, p 99.

²⁷ NRS, CH2/647.

²⁸ NRS, CS229/R/4/27.

considered this effectively unanswerable question. To avoid long lists, this section will discuss the two ships identified most often and a case highlighting the apparent abuse of the procedure for auctioning seized goods.

In terms of known smuggles, there are 28 incidents involving named Eyemouth ships in the records. Of these the *Peggy* and *Molly* were each named in five, about 18 per cent. The *Molly* was owned by the Nisbets and her career is outlined in Chapter 5. The *Peggy* was used by Robert Robertson more than anyone else. It is possible that she was named after his daughter Margaret, known as Peggy, who had been born in 1747. There is enough evidence to suggest that she was originally the *Providence* of Kinghorn. Her first appearance in the Board of Customs Minutes is in May 1753, when she was referred to as *Peggy* of Kinghorn, John Aiken, Master, and was found hovering on the coast and brought into Leith.²⁹ *Peggy* of Eyemouth arrived in Eyemouth on 7 July 1753 from Guernsey under the command of John Aitkin. A year earlier, in June 1752, Aitkin is again recorded as master of the *Peggy* of Eyemouth, but in May 1752 he was master of the *Providence* of Kinghorn coming in from Oporto. This illustrates the difficulties inherent in tracking ships in the eighteenth century, when there was only a limited range of names employed. In total, the Quarterly Accounts record ten arrivals in Eyemouth by the *Peggy*, plus the one by the *Providence*, two of which can be associated with detected smuggles.³⁰

On 19 September 1754 *Peggy*, under John Aitken, was found at anchor off Coldingham and brought into Eyemouth. The voyage was reported to be Bergen – Eyemouth – Campveere, the former Scottish staple in the Netherlands. Brandy, rum and fourteen casks of herrings were found aboard and removed to the King's Warehouse. The herrings were later released.³¹ On 23 September, *Peggy* was recorded as arriving from Bergen with a cargo of tar and timber for Robert Robertson.³² On 24 February 1756 *Peggy's* arrival is again recorded – from Guernsey, with French wine and 'vinegar, not French'. The Master was James Gourlay and the cargo intended for Robert Robertson

²⁹ NRS, CE1/8, 1 May 1753.

³⁰ NRS, E504/10, various dates.

³¹ NRS, CE56/2/1, 19 September 1754.

³² NRS, E504/10, 23 September 1754.

and his brother-in-law James Martin.³³ In a letter from the Board, dated 19 January, there is reference to a precognition (witness statement) regarding goods run out of the *Peggy* of Eyemouth, James Gourlay, Master. On 4 March 1756, a further letter instructed the release of 2 casks of vinegar as not being French.³⁴

The five voyages highlighted in the table below all seem to have been those recorded as intercepted by the Customs. Those on 7 July 1753 and 20 June 1759 were probably voyages that were intercepted – the dates vary, but only slightly – while the other three certainly were. In terms of the voyages not highlighted, the four incoming ones are all candidates for smuggling ventures, particularly that on 14 June 1756, when the bulk of the merchants involved in receiving the cargo have records for smuggling and the ship came in from Guernsey, a main centre for the supply of contraband. There is no proof of this as the smuggles, if that is what they were, went undetected. Even the two export voyages, to Hamburg, must attract an element of suspicion, as Hamburg was an important centre for the supply of contraband.³⁵

³³ NRS, E504/10, 24 February 1756.

³⁴ NRS, CE56/2/1, 19 January, 4 March 1756.

³⁵ Claudia Schnurmann, 'His Father's Favored Son: David Parish 1778–1826', *Immigrant Entrepreneurship: German/American Business Biographies*, German Historical Institute, Washington, 2011, www.immigrantentrepreneurship.org/entry.php?rec=12 (accessed 22 January, 2015).

<i>Merchant</i>	<i>Master</i>	<i>Cargo</i>	<i>From</i>	<i>To</i>	<i>Date</i>
William Graeme for Robert Robertson	John Aitkin	Wheat & Barley	Eymouth	Hamburgh	16.1.1752
Patrick Grieve	John Aitken	Portugal wine	Opporto	Eymouth	14.5.1752
James Martin	John Aitkin	Timber/iron	Gothenburgh	Eymouth	29.6.1752
WG for Davidson, Grieve & Co	John Aitkin	Portugal wine; vinegar (not French)	Guernsey	Eymouth	7.7.1753
Thomas Meik; Thomas French for RR (50/50)	John Aitkin	Lemons & oranges; cork; Spanish wine	Lisbon	Eymouth	25.12.1753
Patrick Nisbet for RR	John Aitkin	Barley	Eymouth	Hamburgh	18.4.1754
Master for RR	John Aitkin	Tar; timber	Bergen	Eymouth	23.9.1754
David Deans for R.R. and JM	James Gourlay	French wine; vinegar not French	Guernsey	Eymouth	24.2.1756
W.Kirkwood for W. Nisbet; Patrick Grieve for J. & W. Henderson; PG for JM; PG for Robert Cossar; PG for A. Edgar; PG for Geo. Graham; PG for John Keith; PG for John Davidon	James Gourlay	Spanish and Portugal wine	Guernsey	Eymouth	14.6.1756
John Simpson for D. Nisbet	Henry Boog	19 tons iron	Gothenburgh	Eymouth	3.10.1758
James Gray for D.N.	John Braid	Castile sope; white Spanish wine; red Portugal wine	Dram (Norway)	Eymouth	20.6.1759

Table 4/1: Recorded movements of *Peggy/Providence* of Kinghorn

Source: EH504/10, Dunbar Collector's Quarterly Accounts, dates as shown.

Thomas Hogg, who was master of the Nisbets' ship *Molly* in 1760, was in charge of the *Hope* of Eyemouth in January 1763 when she was seized by His Majesty's sloop *Ranger* and again on 7 May 1764, when she – initially successfully – deforced the King's Boat from North Berwick and one of the boats from the *Prince William* sloop.³⁶

The other instance appropriate to refer to here was the *Nymph/Pretty Nymph*, Peter Dalgleish master, almost certainly associated with the Nisbets. In a letter from the Board on 30 November 1765, she was suspected of running on the coast about Eyemouth. She had arrived at Ely, in Fife in ballast – with no cargo remaining on board – and was detained pending investigation. In May 1767 she was intercepted 'about two Leagues without the Isle of May by Captain Fairfax of the *Greyhound* Cutter' and brought into Eyemouth. Peter Dalgleish was again the master and she was carrying 38 hogsheads and three Tierces of claret wine from Boulogne 'pretending to be bound for Bergen in Norway'. By mid-June she had been moved to Dunbar and the Claret stored in the King's Warehouse. It was auctioned in February 1768 in three lots, each of which was purchased by John Nisbet at one shilling above the appraised value – a total payment of £555 10s 11d. £32 was then given to Peter Dalgleish to cover the expense of bringing the wine from France.³⁷ The outcome of the auction was similar to that described by Hoon referring to English practice in the years before new legislation to seek to address the problem was introduced in 1763:

... genuine buyers had been discouraged from attending the sales and had left them to certain persons who for some years combined together to keep down the prices by agreeing not to bid against each other, or to let anyone else bid unless they were properly paid. As a result, the sales had been sadly unproductive, goods realizing little more than the appraised value.³⁸

This evidence of Nisbet's participation in such a fixed auction is strongly suggestive of the fact that he enjoyed a certain status among the merchant-smuggler community, sufficient to be trusted to play a full part in such collaborative activities.

³⁶ NRS, CE1/11, 8 February 1763; CE56/2/3, 10 May 1764.

³⁷ NRS, CE56/2/3.

³⁸ Hoon, *The Organisation of the English Customs*, p.279.

4.4 Supply and demand

Vital to the success of any enterprise were the suppliers. Nisbet clearly had trading relationships with British merchants based overseas. The nature of these relationships is revealed in some of the court cases that followed John Nisbet's sequestration in 1787. Greig and Sibbald of Gothenburg had supplied tea to Nisbet from 1771. They sought to claim against Nisbet's sequestered estate for a small balance which they were owed from a transaction as late as 1784. Their right to do so was challenged by George Johnston, acting for the other creditors. The transcript of Johnston's 'replies' from the Court of Session provides evidence of direct connections with these merchants in Gothenburg, the home port of the Swedish East India Company (SOIC). Johnston argued strongly against Greig and Sibbald's right to claim as the debt related to the supply of contraband, and he set out to establish this.³⁹ Much of the evidence was derived from Nisbet's (now lost) business records. The underlining is original.

Now, the fact that the commerce carried on between Mr Nisbet and the claimants was an assured smuggling traffic which was illegal for all parties they being all natives of this country and owing allegiance to the laws.

Mr Nisbet himself was a professed smuggler... The House of Messers Sibbald and Co was one of the houses established on the Continent the principal and most lucrative part of whose trade consists in running goods upon the coast or shipping them by virtue of Commissions sent from this country by Natives for the very purpose of smuggling them onto this country in defiance of the Law.

Johnston appeared to have felt that the clincher, drawn from 'Mr Nisbet's Books', was a letter from Henry Greig to the Nisbets which Johnston asserted proved that they had solicited the Nisbets' custom. Johnston described the letter:

Their first letter, dated 25 May 1771 written or at least originally signed by Henry Greig enclosed a list of goods brought home by a Swedish East

³⁹ NRS, CS229/N/1/60.

India Ship with [*HOLE IN THE PAPER*] process annexed. The list is printed for the more easy distribution among their customers.⁴⁰

The letter itself does appear to be a solicitation, until one disentangles the relationship between the Nisbets and Greig, drawn out in more detail in chapters three and seven and hinted at in the closing sentence:

We shall be well pleased on every occasion to hear from you and beg to offer our best thanks for your kindness and offer of friendship to our HG

At first this looks like classic eighteenth-century politeness, but from other sources it is clear that Greig was in Scotland earlier in 1771 and was being sought by the authorities.⁴¹ Knowing this, the letter can perhaps be read as a *quid pro quo* for assistance given, or offered, by the Nisbets to Greig when he needed to return to Sweden urgently. This is, in fact, alluded to by George Johnston in his presentation to the Court of Session, when he mentioned that other evidence indicated that Greig himself had been a smuggler, with the implication that he would, therefore, have been aware that the importation of tea from Sweden into Scotland was unlawful.

These extracts clearly demonstrate the relationship between the Nisbets and Greig and Sibbald, confirming that it was in many ways no different from that between any other merchants and their suppliers. It looks as if there was a high degree of trust and obligation between the two parties. The fact of Greig and Sibbald being Scottish was also not at all unusual. Nisbet's other apparent suppliers in Gothenburg, Scott and Fraser, were also Scottish.⁴² The complex relationship between various local smugglers in the 1780s, including Nisbet and Greig is further explored in chapter seven, including an analysis of the later dealings between Nisbet and Greig from 1783/1784. The reference to the nature of Sibbald and Co's business, as described by Johnston above, indicating that they were typical of a style of operation established by British merchants on the continent to supply contraband perhaps supports the view

⁴⁰ The Swedish East India Company produced annual sales catalogues. It is assumed that it was the current one of these that was attached.

⁴¹ NRS, CE1/12, 13 May 1771.

⁴² NRS, RS19/17/140-1.

that David Nisbet may have fulfilled this role earlier in his career, hence being in a position to lend John £1,500.

Gothenburg has full shipping records from the seventeenth century onwards.⁴³ A targeted inspection has identified some Eyemouth ships, particularly the sloop *Lively*, George Young Master. There is a record of her arrival and departure in 1771 and of her cargo of timber provided by John Sibbald and Co and iron by John Hall and Co. John Hall was perhaps the most successful of the merchants of British origin in Gothenburg and builder of a large country house at Gunnebo Slott, a few miles south of the City.⁴⁴ The Gothenburg record can be paired with data from the Collector's Quarterly Accounts, which show the *Lively*, George Young master, arriving from Gothenburg on 20 May 1771, with a cargo of timber and five tons of Swedish iron.⁴⁵ Hall is recorded as having been involved in the iron trade, as well as with East India goods.⁴⁶ While these records appear to relate to 'normal' trade, it is not unreasonable to suspect that there would be little difference in the way merchants dealt with outgoing tea at the Swedish end. The Halls were regular tea buyers at the Swedish East India Company sales, which reinforces this view.⁴⁷ It is unlikely that Hall was seeking to supply the domestic market in Sweden. A detailed account of the merchant community in Gothenburg and the reliance of the SOIC on smuggling follows in chapter six.

In Rotterdam, Nisbet is known to have dealt with Richard Pillans. Pillans was the son of an English merchant who had settled in Rotterdam earlier in the eighteenth century. He gave every sign of being wholly respectable, but he supplied contraband to Nisbet and helped him to prepare ships for running it. This is made clear in the Petition against Pillans' (by this time actually Robertson's) claim on Nisbet's Estate following his sequestration.⁴⁸ Indeed, the finding of the Court was to allow that part of the debt that related to ship repair and preparation, but not for the supply of contraband.

⁴³ *Göteborgs tolagsräkkenskäper*.

⁴⁴ www.gunneboslott.se.

⁴⁵ NRS, E504/10.

⁴⁶ Ashton, *Lives and Livelihoods in Little London*, pp.75–77.

⁴⁷ Warwick Digital Collections.

⁴⁸ NLS, BCL.D 2650 (85).

The wording of the Petition included a clear exposition of the business dealings between Nisbet and Pillans, describing how they had been ‘for a course of years engaged in an illicit trade of smuggling spirits, teas and other prohibited goods’, describing how ‘Pillans was aiding and assisting to the utmost in these illicit dealings, by furnishing the goods, knowing them to be prohibited from being imported into this country; by furnishing fictitious invoices, by providing and preparing the vessels employed in transporting the goods, by advancing the wages to the seamen engaged in this perilous business’.⁴⁹ This forms a detailed description of the processes involved in supplying contraband and the whole hearted participation by Pillans in the process. As with Greig and Sibbald, of course, what Pillans was doing was wholly lawful in the Netherlands. It was also not just the simple supply of contraband to a smuggler: it was a proper business relationship. The only *caveat* that could be made is that Johnston’s petition on behalf of the other creditors may have been exaggerated to maximise its chance of success. The published account of the case suggests an earlier relationship between Pillans and Robert and Alexander Robertson who had bought the debt from Pillans and were pursuing Nisbet’s estate. It also indicates that Nisbet was introduced to Pillans by Thomas Anderson of Perth and that Pillans had previously been in partnership with the Robertsons.⁵⁰ Given Pillans’ enthusiastic participation in the smuggling trade, the Robertsons may have been more deeply involved than concrete evidence suggests. The Petition also reveals that Nisbet was using at least two London bankers to transfer funds to Rotterdam.

Timber ships from Norway also brought tea to Britain. Kent has a number of references to discoveries by Customs in England.⁵¹ Locally, on 31 October 1765 Alexander Wallace of Bergen was named as the claimer of the Ship *George* of Sunderland, and her cargo of gin, brandy and coffee.⁵² Wallace is identified by Kent as ‘the (British) consul appointed (in Bergen), a prominent Norwegian born merchant of Scottish parentage and education.’ He further remarks that in February 1765 Wallace had ‘reported on smuggling from Norway – he had intimate and painful knowledge of it as one of his own ships

⁴⁹ NLS, BCL.D 2650 (85).

⁵⁰ Bell, *Cases Decided in the Court of Session*, pp.349–355.

⁵¹ Kent, *War and Trade in Northern Seas*, pp.112–129.

⁵² NRS, CE1/11, 31 October 1765.

had been seized in England...'. Kent further notes that in 1757 Wallace had written of 'shipments of East India goods from Copenhagen to Norway, from where they were smuggled to England'.⁵³ Wallace, incidentally, came to a composition over the *George*, which the Board of Customs agreed to as there was 'difficulty as to proving the Vessel to have been within the Limits of a Port'.⁵⁴ Kent possibly refers to an incident in 1757 when Wallace prayed that 'His Majesty's share of captured brandy and tea which has been condemned in the Court of Exchequer may be relinquished in his favour.'⁵⁵

Given that, during the period covered by this thesis, over 120 timber ships came into Eyemouth from the ports in southern Norway, it is highly likely that some of them would have had contraband concealed.⁵⁶ Contraband from Norway, at that time ruled by Denmark, was imported into Europe by the *Asiatisk Kompagni*, the Danish East India Company, based in Copenhagen. An intelligence report from November 1783, for example, a copy of which was sent to Dunbar describes that a 500-ton ship

... commanded by Smith and Dickens, two Adventurers said to be from Leith... is now taking in Cargo and among other things will have Eighteen thousand pounds worth of Tea from the House of Mr Ryberg ... there is a probability some of His Majesty's cruisers might intercept her before she has reached Scotland...⁵⁷

Kent described Nils Ryberg as a 'Danish House with English connections' and refers to Ryberg obtaining the right to bond tea on the Faeroes for re-export.⁵⁸ A further intelligence report from earlier that November, also from Copenhagen, refers to 'a Great Quantity of Tea and other Goods lately imported at Copenhagen from India' and then details:

⁵³ Kent, *War and Trade in Northern Seas*, p.119.

⁵⁴ NRS, CE1/11, 31 October 1765.

⁵⁵ London, NA, T1/372/92-93, Commissioners of Customs, Report on the Petition of Alexander Wallace, Consul at Bergen, Praying That His Majesty's Share of Captured Brandy and Tea Which Has Been Condemned in the Court of Exchequer May Be Relinquished in His Favour, 1757.

⁵⁶ E504/10.

⁵⁷ NRS, CE56/2/5C, 20 November 1783.

⁵⁸ Kent, *War and Trade in Northern Seas*, p.119, n.4.

A large ship going to Ostend, where the Captain's brother (one Gibson) is preparing all the vessels calculated for the Smuggling trade to receive the Cargo which will probably be landed on the Coast of Scotland.⁵⁹

It is possible that this refers to the Gibson brothers, Ralph and John, of Burnmouth. John was the master of the ship *George* which arrived from Memel at Eyemouth in August 1784, working for his cousin, James Renton, an associate of the Nisbet brothers. Ralph was master of Robert Robertson's ship *Philadelphia* in the 1770s.⁶⁰ According to a family history document they married into the Dangerfields, a significant smuggling family from Folkestone and represented the new, more professional approach to smuggling to be discussed in chapter seven.⁶¹

One other overseas merchant clearly identified is John Christian junior of Dunkirk, who claimed the cargo of a ship described as being from Elgin, wrecked at Thortonloch in December 1787.⁶²

Demand for goods that were smuggled was created by two simultaneous developments – the almost continuous warfare between Britain and France in the eighteenth century, which both restricted the import of continental goods and necessitated a continual increase in duties – and the growth of an increasingly prosperous middling sort who had a growing appetite for these expensive goods. One of the key methods for financing the wars was through increasing taxation on what were felt to be luxury goods, such as tea, tobacco and spirits in order to support the ever growing national debt.⁶³ Increasing prosperity, however, created a growing demand for these goods and, it has been argued, made them necessities rather than luxuries.⁶⁴ What should have produced an increasing flow of income to the government in fact prompted a boom in the smuggling business. By 1733, when Parliament held its first enquiry

⁵⁹ NRS CE56/2/5C, 3 November 1783.

⁶⁰ NRS, E54/10/1, 21 June 1777.

⁶¹ Jim Tibbett, *The Dangerfield Family of Folkestone* (Victoria, Australia & Norfolk, England: 2010), p.11.

⁶² NRS RH4/76, 24 January 1788; March 1788.

⁶³ John Brewer, *The Sinews of Power: War, Money and the English State 1688–1783*, paperback ed. (London: Unwin, Hyman Ltd., 1989), p.119.

⁶⁴ Jamieson (ed.), *A People of the Sea*, p.202.

into smuggling, '(it) was endemic in almost all the maritime counties of the kingdom.'⁶⁵

Adam Smith, later a member of the Board of Customs in Scotland, in *Wealth of Nations*, writing of taxes on luxuries, said that they 'always take out or keep out of the pockets of the people more than almost any other taxes.'

... the hope of evading such taxes by smuggling gives frequent occasion to forfeitures and other penalties which entirely ruin the smuggler; a person who, though no doubt highly blamable for violating the laws of his country, is frequently incapable of violating those of natural justice, and would have been, in every respect, an excellent citizen had not the laws of his country made that a crime which nature never meant to be so.⁶⁶

When Smith was appointed to the Board, he shortly afterwards wrote to his friend William Eden:

About a week after I was made a Commissioner of the Customs, upon looking over the list of prohibited goods, and upon examining my own wearing apparel, I found, to my great astonishment, that I had scarce a stock, a cravat, a pair of ruffles, or a pocket handkerchief, which was not prohibited to be worn or used in Great Britain. I wished to set an example and burnt them all.⁶⁷

This illustrates the range of goods encompassed, even if Smith's letter is regarded by Conlin as a little tongue in cheek.

Of the key goods involved, most were smuggled simply to avoid paying duty. Tea, on the other hand, fell into the category of 'prohibited goods', the importation of which was the monopoly of the East India Company (EIC). Tea was only allowed to be imported from the 'country of its native growth' and the EIC had the monopoly of all trade east of the Cape of Good Hope.⁶⁸ Thus the price of tea was driven up by both taxation and the effect of this monopoly. It was also greatly in demand, with a whole range of tea related goods being manufactured and sold. Jessica Hanser has produced an analysis of the consumption of tea and China goods in the north-east of England in the

⁶⁵ Jamieson (ed.), *A People of the Sea*, p.202.

⁶⁶ Smith, *The Wealth of Nations*, vol. 2, p.495.

⁶⁷ Jonathan Conlin, 'The Prophet of Profit', *History Today*, 66.8 (August 2016).

⁶⁸ NRS, CS229/N1/60.

eighteenth century.⁶⁹ This charts the growth of the habit of tea drinking and its spread through the classes. Bunker reinforces the idea of the significance of tea as 'one of a handful of commodities that served the wider purposes that crude oil and copper fulfil today'. He supports his point by quoting Burke, speaking in the House of Commons in April 1774, 'Tea is perhaps the most important object, of any in the mighty circle of our commerce.'⁷⁰ Inevitably this demand encouraged the north European East India Companies to enter the field, supplying the British market via smugglers. The effect of this was, of course, to drive down prices in Britain and thereby further increase demand.

4.5 The key players

These are virtually indistinguishable from the participants in normal trading activities. Indeed, they are usually the same people. One indicator of the level of involvement of local people in the business is the style of smuggling. Using the data in Table 2/1, in the earlier period, from when the records begin in 1745 until the end of 1776, when the impact of the American War had begun to take effect, 42 smuggles, out of 83 recorded, 50.6 per cent, were carried out in what appear to be regular merchantmen, in conjunction with regular trade. After 1776, up to around 1790, only six out of 32, 18.75 per cent, fell into this category. In the earlier period there are four recorded smuggles by specialist vessels – described variously as Folkestone Cutters, Flushing Cutters or Luggers, five per cent of the total, and none of these was before 1768. In the second period the comparative figure was seven out of 32: 21.875 per cent.

4.6 The customs and excise services

The section will look at the relationship between the merchant-smugglers and the customs service in Berwickshire, a relationship apparently based on a degree of mutual consideration, recognising the challenges that both sides faced. It will then consider the attitudes to smuggling of the two other national authorities in Scotland – the Church of Scotland and the Convention of Royal

⁶⁹ Jessica Hanser, 'Teatime in the North Country: Consumption of Chinese Imports in North East England', *Northern History*, 49.1 (2012), 51–74.

⁷⁰ Nick Bunker, *An Empire of the Edge: How Britain Came to Fight America* (London: Vintage, 2015), p 32.

Burghs – and see how they reacted to smuggling, what steps were taken and how much support there was for their attempts to clamp down.

Before seeking to understand the relationship between the customs and excise services and the merchant-smugglers in Berwickshire, it is necessary to understand these two branches of the state, which are frequently confused and conflated. They represented two of the three key income sources for the government in the eighteenth century – the other being the Land Tax. They were crucial to funding the wars throughout that period, by allowing the government to service the ever-growing National Debt.⁷¹ Put simply, excise duties were levied on goods produced at home, while customs were levied on imports. Some imported goods, however, were also subject to excise – these included tea, coffee, brandy and other liquors.⁷²

The two groups of commissioners collaborated and so, in theory, did the men on the ground. In fact, as Hoon describes, and evidence from Eyemouth confirms, the officers ‘hated each other as only men can hate who see fortunes carried off before their very eyes’.⁷³ The two boards reached an agreement in 1754 whereby the officers who were first aboard a ship had the right to rummage without interference, but this did not always work. Hoon quotes a direction from the Customs Board to a collector to ‘enjoyn & recommend it to all the officers of your Port to behave decently & to live in unity & harmony with the Officers of the Excise’.⁷⁴ This could as well have referred to an incident at Eyemouth on 5 December 1761, which was described in the minutes of the Board of Customs:

The Commissioners of Excise have communicated to the Board a Complaint of Mr William Perceval Officer of the Excise, that on the 5th of last Month he was obstructed in going on board of the Ship *Syrene* in the execution of his Duty, the said Ship then lying in the Harbour at Eymouth, by Robert Hastie and Alexander Ingram Boatmen in the Boat stationed at Eymouth; the Board sent Directions to the Collector and Comptroller of Dunbar to Reprimand the said Boatmen in the severest manner, and to recommend to them to live in Harmony with Officers of the Excise upon

⁷¹ Brewer, *The Sinews of Power*.

⁷² Hoon, *The Organisation of the English Customs System*, p.86.

⁷³ Hoon, *The Organisation of the English Customs System*, p.87.

⁷⁴ Hoon, *The Organisation of the English Customs System*, p.87.

all Occasions that the Service of the Revenue may not suffer by Quarrels and Misunderstandings.⁷⁵

John Home, an officer of Excise based at Coldingham, on at least two occasions complained that a customs officer had behaved corruptly. One of these incidents, in 1759, is described below. The other was in 1787 when his complaint against tidewaiter John Swanston for collusive conduct resulted in Swanston's dismissal. Officers of the Excise could be deputed to make seizures. An example of this is shown below, where two excise officers were assaulted by a merchant seeking to retain his goods.

The overall responsibility for the Customs lay with the Treasury based in London. Below that stood two Boards of Customs Commissioners, one for England and one for Scotland. This system was established in 1707, amended in 1723 when the two Boards were merged, then re-established in 1742. The Board in Edinburgh sat virtually every week day, with the exception of holidays, and considered all matters to do with the management of the service.⁷⁶ The duties, the collection of which it oversaw, were largely Britain-wide, with the exception of those affected by the Act of Union, designed to protect some Scottish industries. The meetings considered what look to us like tiny details: every member of staff from every head port in Scotland had to have leave of absence approved by the board, for example. Routine correspondence was dealt with under a broad heading in the minutes, but there is a great deal of information about smuggling throughout Scotland, including Eyemouth, as well as investigations into real and alleged corruption of officials. Read in association with the Customs Letter Books for Dunbar and the Collector's Quarterly Accounts they provide a vivid picture of the inter-relationship between smuggling and fair trade.

Below the Board was a network of Custom Houses based in the most important ports, the head ports, from Dunbar in the south-east to Kirkwall and Lerwick in the far north, then back down the west coast via Stornoway and Glasgow to Dumfries in the south-west. Each of these ports had a Collector and Comptroller and a cadre of other officers depending on the size and vulnerability of the

⁷⁵ NRS, CE1/10, 20 January 1762.

⁷⁶ NRS, CE1/7–18.

district. There were also some officers based in Edinburgh who acted as inspectors. Edinburgh had a solicitor, access to a wine taster and a team of head office staff. The bulk of the staff was appointed not on merit, but as a result of patronage. In Berwickshire, for example, the third Earl of Marchmont Hugh Hume-Campbell (1708–1794), who managed the parliamentary seat, oversaw such patronage for many years. Brewer explains the political vulnerability of customs officers, whose ‘appointments were under the patronage of the Treasury who attended as much, if not more, to local political considerations as to the running of the revenue itself.’⁷⁷

There is a revealing set of letters from Robert Cossar of Coldingham to his Member of Parliament, Hugh Scott, not, for once, a Marchmont placeman, seeking employment in the Customs, which came with a guaranteed salary and access to the superannuation scheme. Cossar, by the way, is likely to have been the same Robert Cossar of Coldingham, who was a merchant who had been involved in the smuggling trade some twenty years earlier, referred to below:

my Necessity requires to make further Application to you to Pry if there is a Possibility to procure me some small office in the Customs ...If any thing can be done for me there is no matter where I am to be Stationed, as Interest may be made with the Commissioners here afterwards to Remove me to this place or Eymouth at a Convenient time, but indeed it would be greatly to my advantage to be fixed at this very place for Sundry Reasons best known to my good friend Capt. Brydon⁷⁸

As Hoon says: ‘Much of the inefficiency and corruption in the eighteenth-century customs system can be explained by abuses in the appointment of officers.’⁷⁹

Doe describes the importance of patronage in local elections in Fowey, Cornwall both to the direct recipients of patronage, but also to local merchants

⁷⁷ Brewer, *The Sinews of Power*, p.101.

⁷⁸ Edinburgh, NRS, GD157/2952, Robert Cossar, Letters to Hugh Scott MP, 1781–1783.

⁷⁹ Hoon, *The Organisation of the English Customs System*, p.195.

who would benefit from a changeover of the local customs staffing establishment.⁸⁰

Patronage mattered because it diminished the efficiency and effectiveness in the service. The best men were not necessarily recruited; and it was hard to discipline or dismiss them, apart from in cases of obvious corruption, as with Robert Manderson, below, and John Nisbet's associate John Melvill, sacked as Collector from Dunbar only after the collection of a long list of misdemeanours over many years.⁸¹ Daniel Dow, a tidewaiter in Eyemouth, and uncle of John Nisbet's clerk, Alexander Dow, had tea discovered in his garret in March 1754, but was merely re-located to Queensferry, before being returned to Eyemouth in the promoted position of tide surveyor in 1756.⁸² There are records of men from the Dunbar area seeking leave to retire at the ages of 75 and 81 and another whose eyesight had failed. The Annual List of Officers and their Capacities for Dunbar dated 22 September 1775 listed two men who were 'not so active in the Execution of their Duty as they ought to be' and two others who were 'addicted to Drinking'. They were all admonished and warned as to their future conduct. One, who was based at Eyemouth, was swapped with another from Dunglass, a quieter location, who was deemed 'an active and Sober Man' – more suitable for Eyemouth. Ironically this man, together with the two drinkers, was dead within a year.⁸³

Eyemouth, like all such smaller ports, was classed as a 'creek'. The staffing of the sector, shown on the map at Fig. 4/1, the coastal strip of the historic county of Berwickshire, from Dunglass in the north to the English border, varied, but typically had tidewaiters at Dunglass, Cockburnspath, Old Cambus and Coldingham, with a tide surveyor, who was also commander of the King's Boat, and four boatmen at Eyemouth itself, where there was also a King's Warehouse with associated weighing equipment.⁸⁴ In addition there was a Riding Surveyor, covering the inland area. From time to time there were additional tidewaiters at Eyemouth and riding officers inland. It is hard to assess how relatively busy

⁸⁰ Helen Doe, 'Positions, Patronage and Preference: Political Influence in Fowey before 1832' *Cornish Studies*, 12 (2004), p.4.

⁸¹ NRS, CE1/12, 23 July 1770.

⁸² NRS, CE56/2/1, 27 and 30 May 1754; 3 August 1756.

⁸³ NRS, CE1/14, 25 September 1775.

⁸⁴ NRS, CE56/2/1, 20 January 1756.

Berwickshire was, although on 11 March 1747, the Board of Customs considered a letter from the Collector and Comptroller at Dunbar to the effect that: 'the Officers had twice been deforced last Week, and that it is impossible for them to do their Duty at Eymouth, Coldingham, Old Cambus and Cockburns Path without the Soldiers.'⁸⁵ There is no evidence that soldiers were deployed, but it does suggest a certain degree of alarm at Dunbar. As will be shown, there were several instances of Customs officials being deforced over the years, but no record of any further request for soldiers, save on one occasion to guard the King's Warehouse at Dunbar.

On a practical level, the Customs service in south-east Scotland worked along the lines described by John Brewer:

The detection and prosecution of smugglers was necessary for the system to operate effectively, but it was of secondary importance. Revenue commissioners had a remarkably level-headed attitude to smuggling, recognizing it as the inevitable consequence of high tariffs. And, as Tom Paine complained, when subordinate officers devoted their time to chasing smugglers rather than the mundane tasks of measuring and assessing, they were quickly ordered to return to the tedious tasks that the commissioners recognized as the most fiscally lucrative.⁸⁶

This approach explains the number of compositions (negotiated payments) agreed and the lack of serious violence.

⁸⁵ NRS, CE/7, 11 March 1747.

⁸⁶ Brewer, *The Sinews of Power*, p.128.



Figure 4/1. Key locations in Berwickshire; John Thomson, *Berwickshire*, published by Baldwin and Cradock, 1821

The three main approaches of the smugglers in Berwickshire were, first of all, to avoid any contact at all with the customs men, secondly to offer inducements to keep them onside and thirdly to threaten, or even assault, them, but only to the extent necessary for them to be able to yield with a degree of honour. The last resort of the owner of a seized cargo was to come to a composition – a formal agreement with the authorities. Examples of these follow.

Avoidance is the category for which there is necessarily least evidence. What there is, often, is intelligence that did not result in the goods being intercepted. In 1759/1760 there were reports from informers of the Nisbets' ship *Molly* running goods on five occasions, but the reports were all after the event. In 1765 the ship *Nymph*, of Eyemouth, arrived in ballast at Ely in Fife, where she was detained, 'suspected of running on the coast about Eymouth'. In 1767 Alexander McDouall, an innkeeper from Birgham, slipped two ankers of spirits off his horse and fled when approached by Charles Watters, a Riding Officer.⁸⁷

⁸⁷ NRS, CE1/10, 26 June 1760; 17 August 1761; 26 August 1761; NRS, CE56/2/3, 30 November 1765; 5 March 1767.

As with avoidance, it was only when people were caught that the authorities became aware of the practice of the offering and accepting of inducements. Examples of corruption appear in the records – as with smuggling, only those that were discovered. One example will suffice, as it covers a few issues. On 10 April 1759 Mr West, the Inspector General, reported the results of an enquiry to the Board of Customs. His findings were:

That Robert Manderson and David Denholm, Tidewaiters at Coldingham declined to communicate to the Tidesurveyor Information they received of Ships Smugling on the Coast alledging that he never satisfied them for such Intelligence, or even paid their Expences.

That Robert Manderson received a Bribe from the Smuglers not to Seize a Parcel of Tobacco and Brandy at Coldingham upon the 2nd of December 1756.

That the said Robert Manderson gave back to the Smuglers thirty six ankers, part of a greater Quantity of Spirits and Wine Seized upon the Information of David Denholm in a Cave at St Abbs Head on 29th of October last, and that John Home, Officer of the Excise at Coldingham getting an account thereof threatened to discover it unless he was satisfied with regard to some Pretention he had to the Seizure, and that he procured a Bill for Five pounds on that Account.

And it appearing by the Examination of several Persons on oath, and by the confession of Robert Manderson that he did leave in the Cave at St Abbs Head forty Ankers, part of the Goods Seized there...to be carried off by the Smuglers. The said Robert Manderson was dismissed...

The matter in the first paragraph was absolutely denied and John Home's case was referred to his employers, the Board of Excise. This illustrates a degree of dissatisfaction with the local management, and the vulnerability of relatively isolated officials to bribery. John Home was apparently determined not to miss out, so appears to have resorted to blackmail.⁸⁸ It supports the contention in paragraph 4.6.2 that relations between the local officers of the customs and excise services were poor.

Ten years later two officers were caught and dismissed:

⁸⁸ NRS, CE1/9, 10 April 1759.

Andw. Stevenson Tidesman and Robert Hastie Boatman when stationed on board the ship *Ann & Peggy* of Eymouth from foreign parts in the Month of July last, allowed a hhd of wine, and the greatest part of a hhd of Brandy specially and particularly committed to their care, to be Run off or Embezzled.⁸⁹

Stevenson and Hastie were both dismissed the service and George Henderson, the tide surveyor, their manager, was admonished to be more vigilant in future. Two years later George Henderson was again in trouble, as he had 'left some Stone bottles of Spirits to the Master of the *Peggy* of Dysart, upon Rummaging that Vessel.' His punishment on this occasion was 'to be severely Reprimanded in the Publick Customhouse before the Boatmen' and threatened with dismissal should he repeat his action.⁹⁰

The last straw as far as Henderson was concerned came in January 1773 when he was swapped with the tide surveyor at Cromarty, following a complaint from the Commissioners of Excise

...respecting his Conduct as a Witness on a Trial had in the Court of Exchequer, And in a matter of such delicacy, the Board being extremely tender, at the same time thinking his Conduct not clear of suspicion, and that possibly it may have proceeded from too intimate a connection with certain Persons on the East coast concerned with Fraudulent practices...

In other words, the Board of Customs, in this case, recognised the risks attached to being in one place for too long and the possibility of getting too close to the merchant-smugglers in a small, isolated community. Excise officers, however, were periodically transferred to new stations as a matter of course, which meant, according to Brewer that not only were they 'less likely than customs men to be complicit with local traders and smugglers but they avoided *local* political entanglements,' He also pointed out that excisemen were subject to much closer scrutiny than their colleagues in the Customs and quoted Walpole, speaking to the House of Commons in 1733 'in the Customs the officers ... had no cheques upon one another; whereas in the excise they chequed one another, which made them not liable to be bribed.'⁹¹

⁸⁹ NRS, CE1/12, 21 November 1769.

⁹⁰ NRS, CE1/12, 17 July 1771.

⁹¹ Brewer, *The Sinews of Power*, p.102.

In August and September 1779, two Extraordinary Tidesmen – James Crawford and John Swanston accused each other of wrongdoing. Initially Crawford was believed, and Swanston suspended.

...the Collector and Comptroller have always found Crawford diligent and zealous for the Service of the Revenue, and they are of the Opinion that the Seizure of Twenty one Boxes of Tea made on the 15th May last was much owing to his activity and experience of the Smugglers method of concealing their Goods...

After further enquiries the Board then reversed their decision, reinstating Swanston and suspending Crawford.⁹² Twelve months later a James Crawford of Coldingham was one of the key players in the raid on the Custom's warehouse in Eyemouth, led by Charles Swanston, who had a brother, John.⁹³

There was a further outbreak of corruption in 1786/7. Firstly John Swanston, along with John Home of the Excise, who had threatened Robert Manderson in 1759, 'made a seizure of a Cart and two old horses with 7 Ankers of Spirits, but had in their Power on that occasion to have seized another Cart and four valuable Horses.'⁹⁴ Then two members of the crew of the Dunbar King's Boat were dismissed for 'having a connection with the Smugglers and giving them Intelligence of the Motions of the Officers, whereby sundry attempts to fall in with Smuggled Goods have been rendered fruitless'.⁹⁵ Finally John Home gave evidence to the Comptroller that led to the dismissal of John Swanston for 'Collusive Practices'.⁹⁶

The publicity given to the Hawkhurst Gang, dealt with in the Introduction, has given rise to the view that violence was the main means of dealing with Customs officers, whereas it was likely to have been the least effective. After all, an assault would have been reported and added to the seriousness of the crime involved. As mentioned earlier, there was a situation in 1747, which caused the local Customs to express the view that they needed the support of

⁹² NRS, CE1/16/1–3, 30 August 1779; 23 September 1779.

⁹³ NRS, CE56/2/5B, 31 August 1780.

⁹⁴ NRS, CE56/2/5D, 11 December 1786.

⁹⁵ NRS, CE56/2/5D, 26 March 1787.

⁹⁶ NRS, CE56/2/5D, 7 April 1787.

soldiers. Despite this fear, there were no further instances of violence reported in Berwickshire until January 1753 when

George Gray Tidesman was on the 18th of October last Deforced by Several Fishermen in Northfield of Twenty Four Matts of Tobacco Stalks, Seized by him and Robert Manderston Tidesmen near St Ebbs Head...⁹⁷

Alexander Mair, a Tidesman, was assaulted in 1755 and again in 1757, when he was described as having been subject to a violent assault when he and a colleague were attempting to seize casks of snuff. In 1755 it was reported that he had been deforced.⁹⁸ Deforce is defined as 'to impede or prevent by force (an officer of the law or body of officials) from the discharge of duty' – by implication a lower level of violence than an actual assault.⁹⁹

There is evidence of the presence of soldiers in Eyemouth in 1757, during the Seven Years War, but no evidence of their being used against smugglers, rather they appear from the content of the press coverage below to have been defending the port:

By Letters from Eymouth, there is Advice, that a French Privateer took two Ships off that Port on Wednesday, and chased several into Harbour, and attempted to follow them in and cut them out, which she would have done, had not the Officers of some Companies of Foot quartered there, shewn great Alértnefs in getting their Men under Arms.

Figure 4/2. Evidence of soldiers in Eyemouth; *Manchester Mercury*, 3 May 1757

Two accounts of what seems to be the same incident which took place in January 1761, although not described until August and September that year, suggest deforcement with a degree of violence. The Letter Book refers to the seizure of two hogsheads containing 'as they say' wine and that the officers were forcibly deforced by Thomas Meik.¹⁰⁰ The report received by the Board provided a rather stronger account

⁹⁷ NRS, CE1/8, 3 January 1753.

⁹⁸ NRS, CE56/2/1, 14 August 1755.

⁹⁹ Robinson (ed.), *The Concise Scots Dictionary*.

¹⁰⁰ NRS, CE56/2/2, 26 August 1761.

...an Information of Alexander Martin Officer of the Excise at Dunbar deputed to Seize Uncustomed and Prohibited Goods setting forth that upon the 18th of January last he with Robert Williamson Officer of the Excise his Assistant Seized two Hogsheads of Wine which had been Run of the Shore, and that the same were violently Rescued from them by Mr Thomas Meek Merchant in Dunbar, the Proprietor thereof...¹⁰¹

On 24 June 1761 there was another incident, which can be followed through to its end. As reported to the Board on 9 September, Charles Watters and Alexander Mair of the Customs had seized two hogsheads of wine and one of rum which they were taking to Dunbar when they were 'opposed and obstructed' by William Nisbet, malt-man in Eyemouth and William Darling, servant to William Nisbet, also in Eyemouth. This William Nisbet was John Nisbet's brother. Darling and Nisbet, according to the report 'had been employed in Running the Goods or in conveying them after they had been Run'. The same day Alexander Mair was 'attacked and Deforced of two hogsheads of Claret' by James Gray, William Darling, Patrick Grieve and George Aitchison. Gray and Grieve were both Eyemouth merchants. Aitchison was a carpenter in Eyemouth. On 29 November it was reported to the Board that

Mr Alexander Taylor Attorney for Patrick Grieve, James Gray and William Nisbet Defendants in an Action brought against them in pursuance of the Board's Minute of 9th September 1761 for treble the Value of the Goods by them Run, having by petition of the 23rd instant proposed to pay the sum of Fifty pounds by way of Composition, and likewise the costs of Suit incurred by the Crown, And the Solicitor having upon the 24th instant, in the forenoon reported that by some accident Alexander Mair Tidesman who was intrusted with the Care of serving the Witnesses with Subpoenas was not then come to Town, And that if he did not come before Five in the afternoon there would not be time to consult the Advocate and prepare for Trial on the 25th instant; the Board gave conditional Directions to the Solicitor to agree to the Defendants proposal in case Alexander Mair did not come to Town in due Time, and that therefore the Solicitor did notify to Mr Taylor Attorney for the Defendants the Acceptance of their Offer...¹⁰²

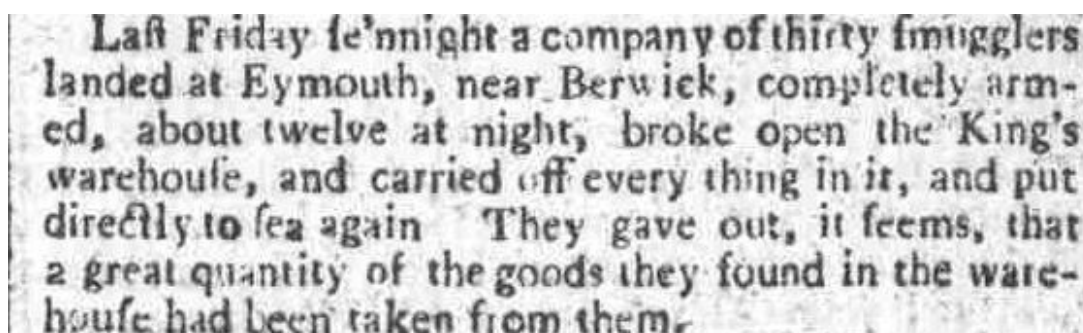
This case draws attention to several points. As with the instance of Thomas Meik earlier, merchants were personally involved in deforcing the officials and seeking to rescue their own goods. The proposed trial was in connection with the running of goods, not the assault on the officials. The failure of Alexander

¹⁰¹ NRS, CE1/10, 3 September 1761.

¹⁰² NRS, CE1/10, 29 November 1762.

Mair to appear, which resulted in the collapse of the legal proceedings is interesting. This is not the only instance of witnesses disappearing, resulting in the Board accepting the offer of a composition made by the owner of seized goods.

The instances detailed above are fairly typical of what went on over the whole period concerned. The most spectacular event was the attack on the King's Warehouse in Eyemouth in 1780. Although investigated in detail by the Customs, this was not the first break-in. There had been another such incident in 1759, when the names of the miscreants were known, but they disappeared. One of them was a servant to Robert Robertson and another to James Martin – both significant figures in Eyemouth and in a position to 'look after' their people. The 1780 venture – superficially like the attack on the warehouse at Poole by the Hawkhurst Gang– involved only the threat of violence.¹⁰³



Laſt Friday laſt night a company of thirty ſmugglers landed at Eymouth, near Berwick, completely armed, about twelve at night, broke open the King's warehouse, and carried off every thing in it, and put directly to ſea again. They gave out, it ſeems, that a great quantity of the goods they found in the warehouse had been taken from them.

Figure 4/3. Account of the raid on the Customs Warehouse, *Norfolk Chronicle*, 12 August 1780

The story in the press, above, is very similar to the report made to the Board in Edinburgh:

...between 11 and 12 o'clock of the night thirty armed smugglers, after landing out of a boat, broke open the King's Warehouse, and carried off 23 whole and 34 half ankers of spirits and 6 Bags of Tea which had been seized the 24th and 28th of last month by the Tidesmen at Eymouth and Coldingham;

Some witnesses described what they saw: '...the Witnesses declare the party was disguised: that Peter Nairne however declared that by his Size, Voice &

¹⁰³ Anon (A Gentleman of Sussex), *Smuggling and Smugglers in Sussex*.

Shape, he knew James Crawford to be one of the Rioters tho his face was blacked.'

The Customs further reported that:

...most of the Goods lodged in the Warehouse had belonged to or been landed by Charles Swanston son of James Swanston at Northfield, and that many of the Witnesses declare that Charles Swanston, his Brother Robert & James Crauford at Coldinghame went aboard the Smuggling Cutter the 28th July Last, and were not seen to come on Shore that Day.¹⁰⁴

Even the related incident at Greystonelees, described in more detail at 7.5, when the smugglers discharged muskets at the Customs Officers, seems to have been calculated merely to chase them away. There is one other incident recorded which shares the element of disguise with the 1780 events. In was reported in March 1763 that Alexander Geddes and David Denham, Tidesmen, were deforced in the middle of the day when attempting to seize four hogsheads of brandy by several people who 'tho men were disguised in women's apparel.'¹⁰⁵

In addition, these two cases are examples of what may be popular support for smugglers. This was certainly exemplified by an incident reported in October 1776, which seems to have been a genuinely spontaneous response to the activities of the Customs men:

...having suspicion of a quantity of Prohibited Goods being concealed on board the *George and Betty* of Kincardine from Memel lately arrived at your port, he (Abernethie, the Tidesurveyor) stationed two Boatmen and two Tidesmen onboard her, that on the evening of the same day they seized twenty five ankers of spirits out of the said Ship, but while making the Seizure they were insulted by a Mob from the shore, by throwing stones upon the Boatmen particularly David Moncur one of the Boatmen and William Farrow got a stroke with a handspoke upon his back, which almost disabled him from doing duty...¹⁰⁶

¹⁰⁴ NRS, CE56/2/5B, 31 August 1780.

¹⁰⁵ NRS, CE56/2/2, 10 March 1763.

¹⁰⁶ NRS, CE56/2/5, 22 October 1776.

In addition to deforcement or violence on shore, there were also instances of violence at sea – mostly firing of light cannon, but in September 1763 it was reported that David Denham and John Swanston were deforced on board the *Margaret* of Arbroath, from Gothenburg, and that goods were run out of the vessel. This ship, listed as the *Happy Margaret* was recorded at Eyemouth on 9 September, with a cargo from Gothenburg for David Nisbet, John's brother and business partner.¹⁰⁷

Hoon defines 'composition' as an instance where 'a sum mutually agreed upon by the customs and the defendant (and) paid by the latter to effect a discharge of his seizure or debt... An application for such a composition was referred by the Board to the solicitor for his opinion as to whether or not the case was deserving.'¹⁰⁸ The example given in full, here, demonstrates that compositions were often seen by the Customs as means of maximising income while minimising risk. In February 1763, the Board of Customs in Edinburgh considered the following;

Application having been made to the Board by Mr John Nisbet Merchant in Eymouth Claimer of the Ship *Hope* of Eymouth and her Cargo undermentioned Vizt.

1105 Gallons of Brandy Appraized at 6sh 4d per Gallon
L349.18.4
832 Gallons of Red French Wine at L19 per hhd
L266

Proposing to withdraw the Claim entered to the Brandy and to pay the Appraized Value for the quantity which shall be delivered to him, and also to pay the French Duty for the Wine, provided the Board will agree to deliver up the Ship Appraized at L250; consent to the vacating the Recognizance; and not insist upon the Costs incurred by the Crown; and the Solicitor having Reported that he had upon the 15th of last Month written to Captain Dowthwaite Commander of His Majesty's Sloop the *Ranger*, by whom the Ship and Goods were Secured, in order to furnish the Proof necessary for Condemning the Wine and the Ship, and that he has received no Answer; And it likewise appearing by a Letter from Mr Adam Hendry Seizure Maker on Record, from the Information of Lieutenant Welsh late of the *Ranger* that the Persons by whom the Proof was to be made have absconded; For these Reasons the Board are of Opinion with the

¹⁰⁷ NRS, CE56/2/2, 20 September 1763; E504/10, 9 September 1763.

¹⁰⁸ Hoon, *The Organisation of the English Customs System*, p.95.

Solicitor that it is expedient to accept of the Terms offered, and he is to proceed accordingly, taking care that the Time for paying the Duties of the Wine and the Appraised Value of the Spirits to be properly vouched.¹⁰⁹

In other words, there were no witnesses to support the Board, so it was expedient to accept Nisbet's offer.

Other compositions were accepted for similar reasons. On the 4 July 1751, the Board accepted an offer of £40 from a group of Eyemouth merchants after the solicitor had reported that the evidence for the crown was doubtful. In September 1752 the Board agreed to prosecute Richard Turnbull, then settled the following May when his lawyer paid £100. John Nisbet's brother William offered £50 in 1761, in a case discussed above. One final example, from the meeting on 1 October 1765, involved Alexander Wallace of Bergen. Wallace made quite a low offer, which the Board accepted, on the basis that 'there is a difficulty as to proving the Vessel to have been within the Limits of a Port'.¹¹⁰

In all these cases, there was some weakness in the evidence, so the Board decided to accept a financial offer rather than risk a prosecution which might fail.

4.7 The reaction of other authorities

Following the Union of 1707, the two major national institutions in Scotland were the Convention of Royal Burghs and the General Assembly of the Church of Scotland. Both bodies took an interest in smuggling in the first half of the eighteenth century.

The origins of the Convention of Royal Burghs can be traced back to the thirteenth-century Court of the Four Burghs, which was part of the governance of Scotland. It was formalised in the sixteenth century and survived until local government reorganisation in 1975, when it was replaced by the Convention of Scottish Local Authorities. It represented the interests of Burgh merchants to

¹⁰⁹ NRS, CE1/11, 8 February 1763.

¹¹⁰ NRS, CE1/11, dates as recorded in text.

the King and parliament and was a significant and influential body. Reference is made to it in chapter 2 in relation to the state of Eyemouth harbour in the 1790s.

The Convention moved against smuggling in 1736 and again in 1748, passing acts to encourage member bodies to take action locally to pass similar resolutions. A review of the *Caledonian Mercury* indicates that Inverness, Kincardineshire, Aberdeen, Linlithgowshire, Midlothian, Aberdeenshire, Elgin, Tain, Cullen, Beith, Berwickshire, Haddingtonshire and Fife all moved such resolutions. That for the Shire of Berwick is shown, at Fig. 4/4, below.

ACT and RESOLUTION against SMUGGLING,
made by the Justices of Peace of the Shire of BERWICK,
met at their General Quarter Sessions.

Grinlaw, 2d August 1748.

WE the Justices of Peace of the Shire of BERWICK, having a just Concern for the Welfare and Prosperity of our Country, and being fully sensible that the RUNNING and SMUGGLING TRADE is highly destructive thereof; seeing it is equally pernicious to the Morals of the People, the Revenue of the Publick, to the fair and honest Merchant, and to the real Interest of both the Tenants and Landlords of this Kingdom: Do therefore unanimously resolve to assist and support the Officers of the Revenue in prosecuting whoever shall be found dealing in that infamous Trade of Smuggling.

And we foreseeing that the near Prospect of a Peace may possibly engage some desperate Adventurers to renew that destructive Trade: But well knowing that the same cannot be carried on to any great Extent, unless some of the Country People become so wicked as to lend their Aid and Assistance thereunto; Do give this publick Warning and Advertisement, that all may know, that so far as our Interest and Assistance reaches, every Person guilty, or Art and Part of promoting this infamous Practice of Smuggling, shall be prosecuted with the utmost Rigour of Law.

And we likewise hereby appoint our Clerk to cause a Copy hereof to be insert in the publick News Papers, and Copies to be affixed without Delay upon the Church-doors of the several Parishes within this Shire, that all Degrees of People may not only have an Opportunity of knowing our Resolution, but likewise of joining with us in what we esteem to be of the greatest Consequence, the Interest and Well-being of this Country.

MARCHMONT *Preses.*

Figure 4/4. Advertisement placed by the Justices of the Peace of the Shire of Berwick, *Caledonian Mercury*, 8 August 1748

The Preses (chair) of the meeting of the Berwickshire Justices of the Peace was the key magnate in the county, the Earl of Marchmont. The notice, placed in the newspaper, explained that the Justices

Do give this publick Warning and Advertisement, that all may know, that so far as our Interest and Assistance reaches, every Person guilty, or Art and Part of promoting this infamous Practice of Smuggling, shall be prosecuted with the outmost Rigour of Law

A similar notice placed by 'The Justices of the Peace and other Heritors of the Shire of Haddington' in May 1744 included a diatribe against tea drinking:

...for the drinking of *Tea*, and especially among the People of the lower Rank, has arrived to such an extravagant Excess particularly of Tea belonging to foreign Companies, and run and smuggled into this country, to the great Hurt of the *British East India Company* and of the *Revenue*, and the yet greater Hurt of private Families, by Loss of their Time, Increase of their Expence, and Negligence of Diet more suitable to their Health and Station...

Those agreeing the resolution promised not to drink any French wines or spirits in public houses or at home. They also agreed to

Make it an Article in all our Leases which we may hereafter grant of our respective Lands to our Tenants, That their aiding any way the clandestine importing or smuggling French Wines, or Spirits, or Tea, shall be *ipso facto* a Breach or Forfeiture of the Leases...

They encouraged the brewing of strong ale and the distilling of spirits made from local malt or other grain and promised to refuse to countenance public houses which did not sell such strong ales and spirits.¹¹¹

There is no evidence regarding the effectiveness of such resolutions. It is difficult to imagine the whole of the local gentry abstaining from French wines and tea. This incident in Fife was claimed as a victory for that County's resolution. As with other press stories, however, it is hard to tell if this does indeed represent popular feeling against smugglers, or whether the story was embellished for propaganda purposes.

¹¹¹ 'The Justices of the Peace and Other Heritors of the Shire of Haddington...', *Caledonian Mercury*, 7 May 1744.

There is an Account, That the Officer of Excise of Falkland Outparts, having on the 16th inst. met with two Carts, containing 18 Ankers of Brandy, going along the High-road, he applyed to the People of Strathmiglo for their Assistance to feize the Goods, which they most readily complied with, and overtook the Carts and brought them back to Auchtermughy the Officer's Residence; and next Day another Party from that Town, accompanied the same to Kirkaldie without the least Molestation. It must give great Pleasure to observe the good Effects of the Gentlemens Resolution, to discourage Smuggling in this Country; and that the Common People are so inclinable to follow their good Example, the above is a strong Instance.

Figure 4/5. The claimed effect of a county resolution against smuggling
Caledonian Mercury, 23 July 1744

The nearest institution Scotland had to a parliament until the reinstatement of the Scottish Parliament in 1999, the General Assembly of the Church of Scotland still meets annually and is attended by the Ministers and lay representatives of its parishes. The bulk of its business concerns the Church itself, but it has always taken an interest in wider affairs and in the first half of the eighteenth century it considered smuggling, obviously seen as a widespread and invidious problem. It first debated the issue at the General Assembly on 22 May 1719, when it passed an 'Act showing the Sin and Evil of Running Unentered Goods and of the Perjuries at the Custom-Houses in Matters of Trade.'¹¹² It called upon people to abstain from

such crying sins and deadly courses, that cannot but justly provoke a holy God to deny them success in their enterprises and undertakings, to lessen their means, and to send heavy judgements upon them...that have so plain a tendency to ruin their souls, and to draw down the wrath of God upon them and theirs...And the General Assembly ordains this Act to be once read in all the churches in Scotland, and as often in particular parishes as the prudence of ministers shall direct.

It is an interesting religious take on smuggling and was certainly intended to put a stop to the practice. Unfortunately it failed in its desired effect and had to be followed up in 1736, when the General Assembly 'taking into their serious consideration the crying multiplied abominations of perjury in many of the customhouses of Scotland, especially in the French wine trade, to the great

¹¹² *The Acts of the General Assembly of the Church of Scotland 1638–1842* (Edinburgh: The Church Law Society, The Edinburgh Printing and Publishing Company, 1843), p.530.

reproach of religion, the offence of all sober and good men, a wasting of conscience, and diffusing of most pernicious example...’ acknowledged that the 1719 Act had not had ‘the effect that might have justly expected from it’ reinforced their drive against smuggling by ordering, in the name of the Church, ‘all the judicatories thereof ...to use their best endeavours to put a stop to it, by the conscientious and impartial use of all the means appointed by the Lord Jesus Christ against scandals of such an heinous nature.’¹¹³

Only eight years later, the General Assembly made what appears to have been a final attempt to stem the flow, in 1744 when it passed an ‘Act and Recommendation against the sinful Practice of Smuggling of Goods’. This called on ‘all the ministers of the Church, &c., to discourage, so far as in them lies, by their discourse and examples, the sinful practice of smuggling; and do appoint that the 9th Act of Assembly 1719 and the 15th Act of 1736, be reprinted, and forthwith transmitted to Presbyteries and ministers: and ordain that the same be read from the pulpits of all the parish churches within Scotland...’¹¹⁴

Given that, when the Masonic Lodge in Eyemouth was founded in 1757, the Minister was one of the earliest members, alongside the town’s merchants, many of whom were involved in the smuggling business, it is hard to see that such encouragement to put a stop to the trade would have had any effect at all.¹¹⁵ The evidence from the will of the smuggler Charles Swanston, mentioned in Chapter 5, that in 1780 the Minister of Duns was one of his debtors further casts doubt on the effectiveness of these measures.¹¹⁶

4.8 Smuggling elsewhere in Britain

One of the points made in the Introduction is that it is unlikely that Eyemouth is exceptional in terms of smuggling. This section seeks to summarise the nature of smuggling elsewhere in the country to support this point.

¹¹³ *The Acts of the General Assembly*, p.641.

¹¹⁴ *The Acts of the General Assembly*, p.675.

¹¹⁵ Minutes of Lodge St Ebbe.

¹¹⁶ NRS CC15/5/11 Testament Dative and Inventory of Charles Swanston, 1782.

Of all the smuggling districts it is perhaps Cornwall that has gained the most romantic reputation, through popular fiction and TV adaptations, notably 'Jamaica Inn' and 'Poldark', as well as several visitor centres, such as those at Jamaica Inn itself, Mevagissey and Polperro. The reference in the Introduction to 'the Cornish Mandrin' offers a picture of smuggling in Cornwall that suggests that it had popular support, either voluntary or otherwise. Recent studies of men involved in smuggling in Penzance,¹¹⁷ Mevagissey¹¹⁸ and Polperro¹¹⁹ do emphasise the business-like nature of smuggling in Cornwall. Even the more colourful accounts, such as that of Harry Carter – written after he became a Methodist – indicate that he had support from all levels of society.¹²⁰ He also describes a break in at Penzance Custom House, to reclaim his goods, earlier seized by the customs, which he justified by explaining that he did not wish to keep his customers waiting. This further shows the vulnerability of local customs houses and the unremarkable fact of their being broken into.

It is clear that smuggling in Cornwall was a well organised business with merchants in Guernsey playing a significant role. The nature of this business, and the customers, can be deduced from one instance described by Jamieson, when, in 1807, William Tinney, the chief customer in Newquay of the merchants Carteret Priaulx, said that he was not able to pay what he owed due to failed venture in a tin mine. He was, therefore, clearly a man of some substance and ambition. Carteret Priaulx had agents in Cornwall who both collected orders and pursued customers for payment and once a year a partner of the firm came over to check the agents' books and press unforthcoming debtors. Although the details of the trade differ from south-east Scotland, it was clearly a business conducted in a business-like way by businessmen.¹²¹

The south-west of Scotland – the Ayrshire coast on the east side of the Firth of Clyde – had an interesting smuggling community. The scale of operations was quite substantial – via the Isle of Man before 1765, then linking with Ireland and Europe after that, but it was also the west coast where the great trade boom in

¹¹⁷ MacKenzie, 'Merchants and Smugglers'.

¹¹⁸ Doe, 'The Smugglers' Shipbuilder'.

¹¹⁹ Wilcox, 'Maritime Business in eighteenth-century Cornwall'.

¹²⁰ Carter and Cornish, *The Autobiography of a Cornish Smuggler*

¹²¹ Jamieson (ed.), *A People of the Sea*, pp.214–217. .

Scotland was concentrated, in Glasgow and its associated ports. A spin-off from Glasgow's role as the main importer of tobacco in Britain was tobacco smuggling. When tobacco was imported, duty was paid, then reclaimed (draw back) when it was re-exported. Ships re-exporting tobacco from Glasgow would stop off the Ayrshire coast and land tobacco, which could then be sold duty free.¹²² What the south-west had in common with the south-east of Scotland was the domination of the trade by a cadre of merchant-smugglers, several of whom were closely associated with the Ayr Bank, which – when it failed in 1772 – was characterised by the banking establishment as representing an amalgam of 'obscure lawyers and smugglers.' Indeed, the cashier of the bank was John Christian, originally from the Isle of Man and certainly active in the smuggling business, as was Robert Arthur of Ayr, also involved in the Bank.¹²³ Robert Arthur acted as the correspondent of Dunlop & Co, a group of a dozen or so smugglers operating in the Loans area near Troon.¹²⁴ What there was, then, was a group of lower level smugglers, operating wherries onto the coast between Ayr and Irvine, bringing in cargoes for the merchant-smugglers. They were occasionally disrupted by the Customs, but as required the smugglers were able to summon enough support to be able to discourage intervention. It was in this way that they most resembled the Sussex smugglers, but – as with Montrose and Eyemouth – such intimidation was more in the nature of a deterrent than a desire to carry out wilful violence.

Montrose was one of the busiest of the east coast ports in Scotland and the town has many fine surviving merchant's houses.¹²⁵ It was a great centre of smuggling, with a particular interest in tobacco. Some was imported direct from the Americas and simply dropped off on the way in to port, but as Glasgow grew to dominate the trade, so more and more tobacco came to Montrose from Glasgow via the port of Bo'ness on the Forth, which acted as Glasgow's outlet to the east.¹²⁶

¹²² Wilkins, *The Loans Smugglers*, p.13.

¹²³ Cullen, *Smuggling and the Ayrshire Economic Boom*, p.21.

¹²⁴ Wilkins, *The Loans Smugglers*, p.11.

¹²⁵ Lythe and Jackson (eds), *The Port of Montrose*.

¹²⁶ Fraser, *The Smugglers*, p.127.

Fraser describes three incidents, all in the early 1740s, when ships sailed from Montrose with what would have been contraband in Britain, bound for Norway, and returned with a day or so – having miraculously sailed to Norway and back. The excuse was that they had met another ship bound for Norway and had transhipped their cargo and then returned to Montrose. Undoubtedly the goods had been run. The Custom House was broken into in 1743 and a small amount of seized contraband liberated. Ten men were suspected, but no proof was forthcoming. The Collector was concerned about the security of the warehouse and relocated it. He said of Montrose that ‘this place is so full of idle beggarly people that the King’s warehouse is not safe one night’. After the shock of the seizure of the town by the Jacobites in 1745/1746, business resumed as usual, but – as with Eyemouth – tobacco smuggling dropped off during the 1750s and was replaced by tea and spirits. What is particularly similar to the Eyemouth area is the nature of the violence used. Fraser describes how ‘often tidesmen would arrive home black and blue, and quite a few times terror stricken...No one was killed and in forty years only one received lasting injury.’¹²⁷

4.9 Conclusion

What this chapter clearly demonstrates is that smuggling, as conducted by a cadre of merchant-smugglers in south-east Scotland, was virtually indistinguishable in its methodology from regular trade. The men were, after all, merchants, who conducted legitimate trade, often in the same ships that they used for contraband. They needed lines of credit, suppliers and reliable, loyal shipmasters. The next chapter will reinforce this impression of normality by illustrating their distribution and sales networks. Their suppliers were men who were legitimate merchants in their home ports, men who – as chapter 6 will show – often had substantial reputations. They bought the goods openly at public sales and undertook perfectly legal exports.

The main difference from regular trade was that, as the goods involved were contraband, this caused issues with their sale and distribution and, therefore, with the generation of income to settle accounts with their suppliers. The evidence from Nisbet’s sequestration is that he owed money to two important

¹²⁷ Fraser, *The Smugglers*, p.28.

suppliers and to one of his main outlets. He also relied on loans to keep his cash flow moving and was, in turn, owed money by one of his distributors. In many respects, this differs little from the career of a regular merchant. Nisbet's business failed, not because he was a smuggler, but because he was old, alone and vulnerable to the machinations of his rivals. The fact that he can be associated with as many as seventeen smuggles, indicates that he was well known to the customs, but – other than financial losses associated with having goods seized – he did not suffer from this. He carried on working right up to the end, perhaps even acting as an adviser to James Renton.

It could even be argued that the relationship with the Customs and Excise services was effectively negotiated – the enforcement services sought to maximise income in a challenging context, while the smugglers were prepared to manage that relationship by accepting the need to pay some duties, notably by negotiating compositions when goods were seized. It appears that smuggling elsewhere in Britain was equally run in a business-like manner with minimal intervention from the authorities.

Having considered the nature of the smuggling business in this chapter – indeed having made the point of its similarity to regular business, the next chapter will look in more detail at the specifics of the distribution of contraband, in particular, how the goods were transported overland and to both retail outlets and personal customers. It will also seek to identify the attraction of smuggled goods.

Chapter 5

How and to whom contraband was distributed

5.1 Introduction

Chapter four examined the business of smuggling, together with supply and demand. This chapter will look in detail at the import and distribution networks for contraband. The purpose will be to assess further the mechanics of the distribution system and the specific demand for contraband. As with all considerations of smuggling, the lack of evidence is a constraint. One of the features of the detailed study of John Nisbet of Eyemouth is that it has been possible to develop an understanding of his personal connections and, through them, to draw some inferences about his customers. Initially, however, there will be an examination of the process of distribution of contraband from when it came ashore until it reached the retailer, or customer. This is an area where some of the most colourful accounts of smuggling in the south of England would lead us to expect a degree of violence and the involvement of what we might think of today as 'organised crime'.¹ There will be an attempt to identify key players and how they avoided unnecessary contact with the customs officers and, indeed, how little actual violence was perpetrated.

In addition, through an examination of two key products – claret and tea – some understanding will be sought of the motivation of the customer. What drove otherwise respectable, law abiding people to buy contraband?

5.2 Importation

Much smuggling around the coasts of Britain was organised in the way described by Jamieson, writing of Guernsey and Cornwall. The goods were supplied and delivered by a specialist firm in one of the continental or Channel Island smuggling ports and received by smugglers on the coast of Britain.² Using the records of Carteret and Priaulx of Guernsey, Jamieson describes the

¹ Nicholls, *Honest Thieves*.

² Jamieson, *A People of the Sea*, pp.195–219.

network of agents they provided and the way that smugglers in Cornwall, in particular, placed very specific orders with them. The goods were then received and distributed by the local smugglers, with the agents also being responsible for ensuring payment of the charges due.

There is some evidence of this type of activity – the delivery of contraband by outsiders, to be collected by local men – around Eyemouth, evidenced by this note in the Dunbar Customs Letter Book in March 1780:

... John Lilly, Mason in Dunse, from whom two ankers of spirits and a horse were seized... having frequently of late headed a Desperate Gang of Smugglers when the Flushing Cutter were upon the Coast...³

As will be highlighted later, in chapter seven, this style of smuggling became more common in south-east Scotland towards the end of the century, displacing the activity of Eyemouth based merchant-smugglers. In the second half of the eighteenth century there were approximately 30 merchants recorded as operating out of Eyemouth. Of these at least 15 were involved in smuggling. There are 54 smuggles for which the merchant and/or claimer is recorded. Of these 49 are ascribed to Eyemouth merchants – 91 per cent: and of these 17 are identifiable as being tied exclusively to John and/or David Nisbet – 35 per cent of the Eyemouth total. The Nisbets had a connection with a further seven.

The other merchants with multiple involvements were Davidson, Grieve & Co, and Patrick Grieve alone, with six, the Robertsons with five and Henderson and Renton, and James Renton alone, who also had five. Thus, these four groups accounted for over two thirds of the identified Eyemouth based merchant-smugglers. The smuggling business was dominated by these men for a period of between thirty and forty years, from the mid-1740s until around 1780. They were not simply shore-based distributors, rather they were shipowners and merchants who ran smuggling as they ran the rest of their businesses. They operated two styles of smuggling – paperwork fraud, which related mainly to tobacco, and the direct import of goods that would then be either run, landed on the coastline, or simply concealed on board and brought into Eyemouth.

³ NRS, CE56/2/5B, 24 March 1780.

Tobacco smuggling seems to have dominated the market in the 1750s. The way tobacco documentation was handled by the authorities made it especially vulnerable to forgery or other abuses.⁴ It was in connection with tobacco fraud that John Nisbet of Gunsgreen House first came to the attention of the Board of Customs.⁵ After receiving a warning from London, the Scottish authorities rummaged places in and around Eyemouth in search of tobacco and snuff. Two and a half tons of tobacco were seized from the Nisbet brothers, but

...as it does not appear from the circumstances you relate that the Quantity of 5,548 lwt (pounds) of Leaf Tobacco secured in the House of Messrs John and David Nisbet can be made a legal seizure, you may take your hands off the same.⁶

As a result of frequent frauds of this nature, new regulations and instructions were issued, which included having a member of staff escort the tobacco for which a certificate had been granted and setting a time and distance limit for such certificates.

'Running' was the term for what can be regarded as 'traditional' smuggling – the secret unloading of contraband goods, generally offshore, into small boats which then brought it ashore. An account of 'running' is given by paid informers on board the Nisbet Brothers' ship *Molly* of Eyemouth. *Molly* appears in three different sources in the late 1750s and early 1760s.⁷ In the Collector's Quarterly Accounts, *Molly* is recorded arriving in the Dunbar area, probably at Eyemouth, on 1 August 1758, with George Hay as Master, delivering a cargo of 29 matts (29 cwt) of undressed flax for John Nisbet from Campveere, the former Scottish Staple in the Netherlands. In the Dunbar Customs Letter Books, there is a record of an alert sent to the Collector at Dunbar on 26 June 1760 to the effect that *Molly* of Eyemouth had put in at Great Yarmouth loaded with spirits and other goods pretended to be bound for Bergen. 'Pretended Voyages' were a classic technique. A ship would have a cargo of contraband, with the papers stating that she was bound for Bergen. She would sail closely up the east coast, hovering offshore, seeking opportunities to run her cargo. If caught by the

⁴ Hoon, *The Organisation of the English Customs System*, p.261.

⁵ NRS, CE1/9, 30 March 1755.

⁶ NRS, CE/56/2/1, 24 March 1755

⁷ NRS, CE1/9; CE56/2; E504/10.

Customs, the master would claim that he needed to take in water or make repairs and hope to go on his way. In July 1759, for example, Daniel Dow, commanding the King's Boat at Eyemouth, came across the sloop *Charles and Mary* of Carron Water at anchor in Lumsdean Bay (just north of Eyemouth) carrying 29 hogsheads of spirits, 2 hogsheads of claret and 3 half hogsheads of rum 'pretended designed to be carried to Bergen'.⁸

The minute of the Board of Customs makes the warning about the *Molly* clearer. A letter had been received from Mr Wood, of the Customs Commissioners in London as a result of which the Board had sent a circular letter to the ports in the Firth of Forth and along the coast to Inverness, and to the commanders of the sloops to put all officers on their guard to prevent any part of the cargo being run in Scotland. In August 1761 the first of the informers came forward – John Page. The Commissioners of the Customs in London told the Board in Edinburgh and Page was interviewed under oath by the Edinburgh Solicitor. He declared that he had joined *Molly* in Yarmouth in July 1760 as a sailor. *Molly* was captained by Thomas Hogg and had come from Rotterdam. She sailed to the coast of Scotland

near Eyemouth, where upon the 19th July and 2nd, 4th and 5th of August sundry Tubs and hogsheads containing (the informer believed) French Wine and Foreign Spirits and also four Chests containing Three hundred and thirty-six pounds weight of Tea were unshipped into Boats by the Direction of James Gray, who called himself Clerk to James (*sic*) Nisbet Merchant in Eymouth.⁹

At their meeting a week or so later, the Board referred to a letter they had received from Mr Wood in London in July 1760, forwarding 'an Information' given on oath by Charles Coombs. Coombs said that in July 1759 he had bound himself apprentice to David Nisbet, Merchant in Eyemouth to serve on board any of his ships or vessels. A few days after this Coombs joined the *Molly* of Eyemouth, George Hay, master and made

successive Voyages to Gothenburgh, Hamburg, Campvear and Rotterdam and each Voyage returned to the Coast of Scotland, where there were run out of the said Ship sundry Quantities of Brandy, Geneva,

⁸ NRS, CE56/2/2, 13 July 1759.

⁹ NRS, CE1/9, 17 August, 1761.

Tea, Wine Tobacco, Vinegar and eleven pieces of Indian Silk Handkerchiefs.¹⁰

The records do tell us more about how smugglers were apprehended, particularly those that were running. There are twenty-five recorded instances of smugglers being intercepted at sea – mostly successfully. This represents 22 per cent of the recorded total of smuggles. Of these 15 (60 per cent) involved the King's Boat, seven (28 per cent) naval ships or revenue cutters and further three were reported as hovering, but not apprehended at that time.

Although violence was not frequent or extreme in Berwickshire, there are records of 24 incidents in which smugglers used violence against the authorities, generally on shore, but with a small number of incidents at sea, such as

... an account of his (George Henderson) boarding and seizing out of the Brigantine *Ann & Peggy* of Eymouth, from Rotterdam, one hundred and sixteen ankers of spirits and representing that after a chace of two hours he came up with the said Vessel, when they began firing upon him with Swivels (small cannons) and Blunderbusses, and that one of the shot went through the mainsail...¹¹

5.3 Distribution

This term should be taken to include the work of the people who fetched goods away from the shore, as well as those who undertook more conventional distribution. Again, the sources are primarily from the Customs records, but they do include the will of one leading figure in the smuggling trade and a detailed breakdown of the Nisbet Brothers' business with one distributor over a five-year period, preserved as evidence in the records of a court case.

¹⁰ NRS, CE1/9, 26 August, 1761

¹¹ NRS, CE56/2/4, 19 April, 1770.



Figure 5/1. The Scottish Borders and East Lothian, from Bartholomew's 1887 *Gazetteer of the British Isles*

The information about these figures varies in detail from that regarding the people present at Dowlaw in late April 1783, who were described merely as bystanders, albeit quite threatening ones:

... the Goods seized by Mr McNab and his Boats crew at Dowlaw Shore, and representing that the seizure makers are apprehensive, that, as there are no military quartered at Dunbar at present, the smugglers may attempt to carry away the Goods out of the Kings Warehouse by Force, and that such threats were expressed by some bystanders at the time of seizure...¹²

to actual lists of those involved, such as this account from January 1765:

... having reported that James Weatherley Farmer in Northfield, James Weatherley Junior, Thomas Hopper Feuer in Coldingham Hill, Martin Folton Farmer at Coldingham Sands, and Alexander Craig Messenger in Coldingham are to be prosecuted for treble the Value of the Goods Run... as owners of the Goods, or aiding and assisting in conveying them from the Shore... and that Mr Robert Corser (probably Cossar) at Coldingham may in like manner be prosecuted for a certain part of the Goods received by him;¹³

¹² NRS, CE56/2/5C, 30 April 1783.

¹³ NRS, CE1/11, 21 January 1765.

What is interesting here is that three of the people involved were farmers controlling land on or adjacent to the shore. This is a pattern that Wilkins has noted in Ayrshire and was clearly prevalent all along the coast of Berwickshire.¹⁴ Northfield, near Coldingham, now just a farm, but was then a village that housed fishermen, and was an important centre of support for smugglers. In October 1752, for example, the Tidesman George Grey was

... deforced by Several Fishermen in Northfield of Twenty Four Matts of Tobacco Stalks, Seized by him and Robert Manderston Tidesman, near St Ebbs Head (a warrant was requested) for apprehending and Committing Thomas Turnbull and James Johnston Skippers in Northfield, the two most notorious Offenders...¹⁵

It was from Northfield that one of the most audacious coups was launched – the raid on the King’s Warehouse in Eyemouth on 28 July 1780, led by Charles Swanston – whose father James then farmed Northfield. Evidence assembled by the Customs indicated that

Most of the Goods lodged in the Warehouse had belonged to or been landed by Charles Swanston son of James Swanston at Northfield, and that many of the Witnesses declare that Charles Swanston, his brother Robert & James Crawford at Coldinghame went aboard the Smuggling Cutter the 28th July last and were not seen to come on Shore that Day along with the other Persons who had gone on board along with them. That the Warehouse was broke open the night of 28th that Month by a Party said to be landed from the Cutter, so that there is a presumption that the Swanstons and Crawfords were of the Party; But the Witnesses in general seem unwilling to speak out and declare the party was disguised; that Peter Nairne however declared that by his Size, Voice and Shape, he knew James Crawford as one of the Rioters tho’ his face was blacked...¹⁶

Swanston did not live long to enjoy his triumph, as he died in June 1782, leaving a will detailing his debtors. This is one record we have of customers. One of them, however, was more than just a customer. John Lillie of Duns owed Swanston £2 2s 6d and £3 2s in two separate Bills. Lillie was referred to in an

¹⁴ Frances Wilkins, *The Loans Smugglers*, Ayrshire Monographs, vol. 34 (Ayr: Ayrshire Archaeological and Natural History Society, 2008).

¹⁵ NRS, CE1/8, 3 January 1753.

¹⁶ NRS, CE56/2/5B, 31 August 1780.

earlier correspondence, cited in 5.2 above, when he was described as the leader of 'a Desperate Gang of Smugglers'.¹⁷

The first stage of distribution, once goods had been 'run' ashore, was to get them away from the immediate landing areas and the eyes and ears of local customs officers. The customs records from south-east Scotland appear to indicate that this was carried out discreetly and, largely, non-violently. The difference between this and the descriptions of armies of men, armed with muskets, cutlasses and cudgels, escorting convoys of tea in the south of England is marked.¹⁸ What is curious is that such large-scale threatening behaviour and violence was also largely unknown in Cornwall – an area subject to recent serious research. Even David Pae's novel *Eustace the Outcast*, has the smugglers of Berwickshire defeating the customs men by cunning rather than force.¹⁹ The relationship between the customs service and merchant-smugglers in the area is analysed in more detail in chapter 4. Following on from this, it is surely necessary to re-consider the accounts of violent smugglers in the south of England to assess their reliability. They obviously make a good story and, perhaps more to the point, would have helped in creating a climate of 'moral panic' at the time, with the intention, perhaps, of discouraging public support. This was also considered in chapter 4, along with an assessment of public attitudes to smuggling. Cathryn Pearce draws attention to the similar dramatic treatment of wrecking in Cornwall, particularly the confusion between the almost mythical figures of 'wreckers' who tempt ships ashore with lanterns and then brutally murder the crew and steal the cargo and the more technical definition of wreckers as salvors of cargo. Obviously the myth is far more attractive than the reality.²⁰

Having successfully got the goods ashore and away from the attentions of the customs officials, they then had to be got into the market. They were transported locally by horse and cart or on horseback. The men involved appear to have had close links to the merchants or, indeed, the merchants themselves

¹⁷ NRS, CE56/2/5B, 24 March 1780.

¹⁸ Nicholls, *Honest Thieves*.

¹⁹ Pae, *Eustace the Outcast*.

²⁰ Cathryn Pearce, *Cornish Wrecking: 1700–1860, Reality and Popular Myth*, (Woodbridge, The Boydell Press, 2010) pp.9–16.

participated. In the records relating to John and David Nisbet, there is enough detail about the movement of goods to use their business as a representative illustration. In addition, the evidence gathered for Henry Dundas provides details of the supply of tea to retailers in Edinburgh and Glasgow.²¹ A side effect of Eyemouth being a port from which grain was exported, was that there would have been a fairly constant stream of carts and wagons moving in and out, providing a degree of cover.

One of the more valuable records relating to the Nisbets' business is a statement of account of the transactions conducted between John and David Nisbet and Thomas and Alexander Hair 'Carriers and Indwellers in Eymouth'.²² Covering the period from February 1763 to June 1769, this has survived as evidence in a case, in which the Nisbet Brothers pursued the Hair Brothers for the settlement of an outstanding debt, initially of £46 14s 11d. On one side is listed the goods supplied which, aside from one consignment of hay, are spirits and tea. The tea, inevitably, is contraband but there are some references to apparently paying duty on spirits at Dunbar Customs House. The Hairs account for income received, due to the Nisbets for the goods, plus their own outgoings which were offset.

What does this tell us? It illustrates that the movement of goods by means of carriers was at least part of how the Nisbets distributed their contraband. It also shows that at least some wine was delivered overland to Leith. Leith was where the wine merchants Bell and Rannie were based, with whom Nisbet had a longstanding business relationship.²³ The Hairs, however, were not merely innocent tradesmen. In February 1756 Thomas Hair was named in an 'information' concerning sundry frauds committed at Eyemouth²⁴ and in June 1756, Thomas Hair made a complaint about Alexander Mair, Tidesman, seizing four ankers of gin and brandy. The Dunbar Customs office was instructed to

²¹ NRS, GD51/3/194/1-2: Charles Paton and John Aitchison, Letters Concerning the Tea Trade forwarded to Henry Dundas by I.C., 1785.

²² NRS, CS229/N/1/41.

²³ NLS, ESTC T213586.

²⁴ NRS, CE56/2/1, 10 February 1756.

contest this case and to pay for Alexander Mair's medical treatment. The spirits were later condemned by a Justice of the Peace.²⁵

In October 1759, the Board of Customs reported receiving a letter from a Mr West, at Berwick-upon-Tweed which enclosed a petition from William Brown, an Eyemouth carrier, who was a prisoner in Berwick gaol 'by virtue of a Writ issued out of the Exchequer in England for Conveying Brandy knowing the same to have been smuggled'.²⁶ In addition, one of the creditors of Charles Swanston, the joint ring-leader of the raid on the Customs Warehouse in Eyemouth in 1780, was James Carse, a carter in Duns, who owed Swanston £75.²⁷ These three instances suggest that the merchant-smugglers used the normal distribution mechanisms for contraband, a further indicator of the normality of the smuggling business. This is further reinforced by the experience of David Nisbet in moving goods as far as London via Leeds, which is explored in more detail below. He had the assistance of Richard Markham who was said to have arranged to convey wine to London by wagon – surely the regular Leeds to London service, such as that described by Eric Pawson, who made use of the account book of Robert Dawson, a Leeds to London carrier in the early 1750s – now apparently lost – which shows that he made trips to London every three or four weeks, carrying 'packs of cloth' and 'bales of wool', along with between 10 and 20 other items. Pawson makes clear the importance of road transport in this period.²⁸

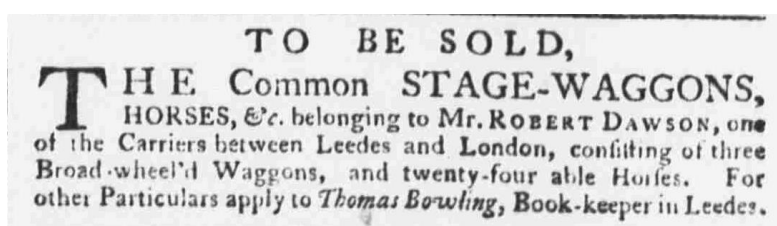


Figure 5/2. Advertisement for the sale of Robert Dawson's wagons and horses, *Leeds Intelligencer*, 1 January 1765

²⁵ NRS, CE56/2/1, 3 and 23 June, 7 September 1756.

²⁶ NRS, CE1/10, 8 October 1759.

²⁷ Edinburgh, NRS, Scotland's People, Wills and Testaments, CC15/5/11, Testament Dative and Inventory, Charles Swanston, 1782.

²⁸ Eric Pawson, *Transport and Economy: The Turnpike Roads of Eighteenth-Century Britain* (London: Academic Press Ltd, 1977), p.54.

The dispute relating to a debt incurred by Duncan Carmichael, a relative of Alexander Dow, with the Edinburgh wine merchants Bell and Rannie demonstrated clearly that John Nisbet supplied them with wine, apparently over a period of years.²⁹ Before looking at this relationship in more detail, it is to be noted that the will of Thomas Rannie suggests that Bell and Rannie had regular dealings with other likely suppliers of contraband. One of his more significant debtors was Alexander Wallace of Bergen – the British Consul and known smuggler, two other Bergen merchants, John Sibbald of Gothenburg, one of Nisbet's suppliers, John Smith also from Gothenburg and Will. Wood of Copenhagen.³⁰ A key piece of evidence for Nisbet's dealings with Bell and Rannie is a transcribed letter – the italics are as reproduced in the document:

Edinburgh, 14th July 1768

Gentlemen,

This will be delivered you *per* Duncan Carmichael, a shopkeeper in town, and a relation of Captain Dow's. Mr Carmichael *now* want a butt of red port, which you will please let him have one of *our butts of port* at your selling price; you will also let him have some of your white wine, and any other thing he may want *in your way*, which I shall see made good,

And am, Gentlemen, your most obedient servant,

(Signed) *John Nisbet*

Subsequently, in the course of George Johnston's argument, he sought to establish that Nisbet would have replied to letters, by explaining that 'Mr Nisbet, in the 1770, 1771, and 1772, was a man in a considerable trade, and in particular, had many transactions with the petitioners'. Nisbet was also criticised for intervening in the sequestration process by admitting that he was liable to pay Bell and Rannie's claim, who, according to Johnston, 'had long been his correspondents and intimate friends'.³¹

The clear conclusion to be drawn is that Nisbet was a regular supplier of Bell and Rannie, indeed, perhaps the delivery to Leith in January 1764 (see above) was to them. The reference to supplying butts of Port to Carmichael raises a question – was it really Port? According to Ludington, Port was beginning to

²⁹ NLS, ESTC T213586.

³⁰ Edinburgh, NRS, Scotland's People, Wills and Testaments, CC8/8/123, Testament of Thomas Rannie, 1774.

³¹ NLS, ESTC T213586.

displace Claret by the 1760s, so maybe it was, or is it an example of suppliers of contraband being discreet at all stages of the business?³²

This relationship between smugglers, or merchant-smugglers and dealers in Edinburgh and Glasgow is reinforced by the evidence gathered for Dundas in 1785.³³ This formed an assessment of the state of the tea trade prior to the Commutation Act of 1784 which greatly reduced the duty on tea. It helps to explain the success enjoyed by smugglers with retailers, not just customers.

... if a Dealer in Scotland employed a Broker in London to buy Congos for him at the India Sales, he paid from 7/ to 7/6 per pound for it on the spot, besides Freight and Insurance in bringing it to Scotland... but if he bought from the smuggler (he) delivered it to him almost free of risk, at a much lower sale, and of as good a quality as the best he could get at the India House...

... All the south and west parts of Scotland were supplied by the smugglers on the west coast, all the east and north by the smugglers on the east and north coasts... and a great deal was also privately conveyed into the nearest parts of England from these channels.

Aside from convenience and price, John Aitchison, an Edinburgh tea dealer, in the same document, draws attention to a further advantage of dealing with smugglers

The smuggler, from the credit he has abroad, and otherwise, gives credit to the retailer of 2, 3, and 4 months which same inducement will make the retailer purchase from the smuggler rather than at the public sale where he has money to pay ere he can receive his goods.

Before 1784, therefore, for dealers in Scotland, remote from the London markets, smugglers offered an attractive proposition. The tea they supplied was cheaper, of at least as good – if not better – quality, it was delivered to the door (in Edinburgh – in Glasgow tea was delivered to within two miles of the city) and good credit terms were offered. No wonder, as the Muis explained, ‘Perhaps the more moderate estimate that four fifths of the total supply was illicit may be closer to the actual situation.’³⁴

³² Charles Ludington, *The Politics of Wine* (Basingstoke: Palgrave Macmillan, 2013).

³³ Edinburgh, NRS, Melville Muniments, GD51/3/194/1–2, Charles Paton and John Aitchison, Letters Concerning the Tea Trade Forwarded to Henry Dundas by I.C.

³⁴ Mui and Mui, ‘Smuggling and the British Tea Trade’, p.63.

An early reference to a smuggling connection between Eyemouth and Newcastle comes from the Newcastle Port Books, referring to the Eyemouth merchant John Keith, mentioned in chapter two above:

Persuant to your Honours directions of the 10th May 1732 one the 12 June last Mr Keith paid the whole French duties for Fifteen dozen French wine stopt at this port for being brought by Land Carriage and without a dispatch...³⁵

In 1744 John Nisbet and Harry Knox, then in a co-partnery, had apparently purchased a consignment of liquorice juice and soap for £128 0s 0d from a sale of seized goods in Scotland. They were transporting this overland when they were stopped at Corbridge by two customs officers from Newcastle and the goods seized. They were subsequently condemned. Nisbet and Knox petitioned for a composition, due to the difficulty of travelling to London for the appeal.³⁶

In October 1754, David Nisbet was stopped by the Riding Officer when he was transporting tobacco to Belford in north Northumberland with an out of date certificate. He explained that the certificate that he had been granted was for removing 1120 lbs of tobacco to Leeds within ten days, but that as part of the time had elapsed and he had not been able to identify a carrier, he decided to send it to Belford. He was permitted to amend the certificate on swearing an appropriate oath.³⁷ Six months later, the Commissioners at London sent a letter to Edinburgh warning of frauds being committed in Scotland. The Board wrote to Dunbar, alerting them to the warning that such frauds were being committed 'particularly about Eymouth and the Neighbourhood thereof by Smuggling Tobacco and conveying the same into England by the artfull management of certificates...'³⁸ The record of the letter in the minutes of the Board was more specific, 'particularly instancing that Messers Nesbit and Company... do carry on this Fraudulent Practice...'³⁹

³⁵ Greenhall, *The Evolution of the British Economy*, p.288.

³⁶ London, NA, T1/321; C46 4961, Humble Petition by Harry Knox and John Nisbet to the Right Honourable the Lords Commissioners of His Majesty's Treasury, 1745.

³⁷ NRS, CE56/2/1, 1 October 1754.

³⁸ NRS, CE56/2/1, 4 March 1755.

³⁹ NRS, CE1/8, 30 March 1755.

This is clear evidence that the Nisbets were known to be regularly transporting contraband tobacco and other goods overland from Eyemouth into the north of England. This impression is reinforced by the evidence given in a dispute between David Nisbet and John's partner, Harry Knox.⁴⁰ Nisbet and Knox, as mentioned above, had been together in the 1740s and had formed another co-partnery on 8 June 1754 for 'carrying on a joint Trade', which was dissolved by mutual consent on 15 December 1757. Each partner was 'entitled to half of the effects and the debts'. This was the nub of the case. According to Knox, Knox and Nisbet had a consignment of wine with Robert Carrick, a merchant in Newcastle, which was not selling, so David Nisbet had taken it upon himself to send five hogsheads overland to London and, as there were no credits for the same in the Custom House books, the wine was seized and condemned. Knox was seeking £40 as the value of his half share.

David Nisbet's evidence provides details of his connections in Newcastle and Leeds and the way he conducted his business.

... he was often in use to dispose of Goods for the behoof of the Company, particularly in ordering goods from Newcastle and Leeds and it happening at one and the same time that Knox and Nisbet had eight and the Respondent six Hogsheads of Claret wine in the hands of one Mr Thomas Wallis of Newcastle for sale and which on his death was handed over to the care of Mr Robt Carrick, the Respondent finding the mercate at Newcastle was not favourable he desired Mr Carrick to send off his six Hogsheads to Leeds to one Mr Richard Markham who was to forward them by wagon to London. Mr Knox's partner John Nisbet understanding that the six hogsheads belonging to his brother the Respondt. was transported safe to London has desired him to write to Mr Carrick to forward their stock of wine in the same manner...⁴¹

⁴⁰ Edinburgh, NRS, CS271/38288.

⁴¹ NRS, CS271/38288.

To be SOLD for ready Money,

PART of the STOCK of Mr THOMAS WALLIS,
deceased.

Fourteen Hogheads of good FRENCH CLARET, fined down
and ready to bottle, at 20 Guineas per Hoghead.

Also seventy Dozen of FRENCH CLARET in Bottles, of dif-
ferent Sorts, at 24 s. per Dozen.

Twenty-four Dozen ditto, at 28 s. per Dozen.

Sixty Dozen ditto, at 30 s. per Dozen.

Twenty-four Dozen ditto, at 32 s. per Dozen.

Eleven Dozen BURGUNDY, at 42 s. per Dozen.

Nine Bottles of fine OLD RACK, at 3 s. per Bottle.

Neat JAMAICA RUM, full Proof, at 8 s. 3 d. per Gallon.

ANTIGUA RUM, at 7 s. per Gallon.

Small RUM, at 6 s. 4 d. per Gallon.

A large Quantity of genuine FRENCH BRANDY, full Proof,
at 7 s. 9 d. per Gallon, imported lately.—Enquire of Mr Robert
Carrick, at the Sandhill, Newcastle.

N. B. Bottles of any of the above Wines, Rum, or Brandy,
shall be sent to any Gentleman's House, and taken back if not
approved of.

Figure 5/3. Advertisement for the disposal of Thomas Wallis' stock by Robert Carrick, including fourteen hogsheads of Claret, presumably those belonging to Knox and Nisbet and David Nisbet from the *Newcastle Courant*, 28 June 1755

This confirms that the Nisbets had regular contacts in Newcastle and that David at least was accustomed to dealing with Leeds and certainly knew that Richard Markham was someone with whom he could do business. There is also a reference to the claret being taken from Leeds to London by wagon. The missing link in this instance is the fate of wine successfully transported to London. It is not known if David Nisbet had his own contacts there, or whether he relied on Markham's connections.

THIS IS TO ACQUAINT THE PUBLICK,

THAT MARTIN WHITE and JOSEPH CARTER,
has set up a WAGGON, to carry GOODS from Newcastle
to Bedall, Rippon, Ripley, Leeds, and Manchester. Sets out every
Tuesday from Mr Henry King's, the Sign of the Greyhound, in
Pilgrim-street, Newcastle; and carries Wool-packs at the following
Prices, viz. To Rippon, at 6 s. per Pack; Ripley, 6 s. 6 d. Leeds,
8 s. 6 d. and Manchester, 13 s. Merchant Goods from Leeds to
Newcastle, at 7 d. per Stone; from Manchester to Newcastle, 1 s.
Sets out from Manchester, at the white Horse, Hanging-ditch, every
Tuesday; from Leeds, at the Broad-gates, every Thursday; and
from Rippon, at the black Bull, every Friday.

To be performed by their
Most humble Servants, MARTIN WHITE.
JOSEPH CARTER.

Figure 5/4. Advertisement for a wagon service between Newcastle and Leeds, *Newcastle Courant*, 1 July 1758

This emphasises the existence of regular cross-country wagon services before the development of turnpikes. Even between Edinburgh and Newcastle there was a regular service, which passed close to Eyemouth.

At the Desire of the Merchants of Edinburgh Glasgow,
 DAVID MACPHAILLE has prepared four strong
 some close WAGGONS, to ply betwixt EDINBURGH
 and NEWCASTLE weekly, for transporting Goods
 and Passengers.—Two of these Waggons will set out
 from his Warehouse at WILLIAM ORR's, at the Sign of
 Cross-Keys in the Grass-market, Edinburgh, every
 Tuesday; and from his Warehouse at Mrs. DOUCIE's in
 Newcastle, (where the London Waggons lodge) every
 Saturday; at both which Places regular Books will be kept
 for entering Goods.—The two waggons from Edinburgh
 will set out this Tuesday the 4th of June inst. and
 from Newcastle upon Saturday the 8th of the said
 Month and so to continue in Time coming: Where all Merchants
 and others will be served at the ordinary Prices.
 N. B. The Price of transporting any Passenger in
 these Waggons, betwixt Edinburgh and Newcastle, is Half
 Guinea; and from Newcastle they can be transported
 to London in Waggons for a Guinea more.

Figure 5/5. Announcement of a new wagon service between Edinburgh and Newcastle, *Caledonian Mercury*, 4 June 1745

What there is, therefore, is an established transport network for moving goods overland, enabling the Nisbets to use Newcastle and Leeds as transshipment points. Travelling overland would have avoided ports, with their active customs service, although that did not prevent the Nisbets' wine being stopped at the edge of London, or Keith's near Newcastle. Hoon describes land carriage in the same section of her book as 'the coastwise trade'. Describing the movement of tobacco, she wrote

If the merchant wished to send his tobacco by land-carriage, as was frequently the case in times of war... he usually secured (from the Customs) a certificate or 'let-pass' which was a kind of safe-passage or direction to any customs officer not to stop the carriage.⁴²

This describes the procedure followed by David Nisbet in 1754, above, when he was stopped by the Riding Officer, who was not satisfied with the validity of his certificate. Presumably the wine moving from Leeds to London was similarly inspected by a Riding Officer and seized due to inadequate paperwork.

As part of his analysis of the tea market around the time of the Commutation Act, Pitt commissioned the Excise to undertake a survey of certain collections (administrative areas) to seek to assess the amount of legal tea on hand, by extrapolating from these results. The Excise were all too aware of the actual position with legal/illegal tea in Britain so

⁴² Hoon, *The Organisation of the English Customs System*, p.267.

... no collection north of the Trent was included in the survey. This was an area inundated with illicit tea. Large quantities were smuggled on the east coast via Yorkshire... The north English counties were also supplied with illicit tea from Scotland.⁴³

This further supports the impression that there were formal arrangements in place for the cross-border transport of contraband goods.

5.4 Sale to the consumer

The ultimate key to the success of any business involving the sale of goods was the final stage – the sale to the consumer. The previous section indicates how some retailers obtained goods, while this section follows that to the next stage. Not all contraband was sold via retailers – much was sold direct to the final consumer. The detailed evidence for both is inevitably somewhat lacking. It is possible, however, to draw some conclusions.

There must be a suspicion that local inns were regular customers of the smugglers and there is some evidence that this was the case. On 5 March 1767, for example, there was a report of Alexander McDouall, an innkeeper from Birgham ‘slipping two ankers of spirits off his horse when approached by Charles Watters, Riding Officer’.⁴⁴ The will of Charles Swanston, the Northfield smuggler and ringleader of the raid on the Eyemouth customs warehouse in 1780 includes bills drawn by Adam Barra, innkeeper in Duns, James Crawford, innkeeper at Cairncross and William Shiel, innkeeper in Duns.⁴⁵ Crawford was also named by the customs as Swanston’s associate in the raid.⁴⁶

Alongside the growth of a market for new consumer goods, there developed a polite ‘shopping culture’, whereby ‘the rituals of shopping could... in themselves become a pleasurable pursuit, associated with sociability, display and the exercise of discerning taste.’⁴⁷ In chapter six, the evidence of newspaper

⁴³ Hoh-Cheung Mui and Lorna H. Mui, *Shops and Shopkeeping in eighteenth-century England* (Kingston, Montreal and London: McGill-Queen’s University Press, 1989), p.162.

⁴⁴ NRS, CE56/2/3, 5 March 1767.

⁴⁵ NRS, CC15/5/11.

⁴⁶ NRS, CE56/2/5B, 31 August 1780.

⁴⁷ Helen Berry, ‘Polite Consumption’, 377.

advertisements is used to demonstrate the existence of what is being called 'northern smuggling'. It also clearly shows the importance of shops in the sale of contraband goods. Of interest is the Edinburgh Tea Company in Newcastle.

Cheap Gottenburgh Teas at Newcastle and Durham.

THE Edinburgh Tea Company most gratefully acknowledge their favours hitherto received, and beg leave to assure their Friends and the Public that their most assiduous attention will be paid to merit a continuance of it by providing Teas of the best qualities: The Company have now on hand a large assortment of very fine Gottenburgh Teas, which they sell at their Ware-house, Middle-street, Newcastle, at the following low rates, greatly below the London wholesale prices.

Best Common Bohea Tea at	3	8	per pound.
Congoe ditto at	5	0	
Good ditto ditto at	5	6	
Fine ditto ditto at	6	0—6s 6d.	
Finest ditto ditto at	7	0	
Fine Suchong ditto at	8	0	and 9s.
Finest ditto ditto at	10	0	and 11s.
Good Green ditto at	6	0	
Fine Single at	8	0	
Hyfen — at	10	0	
Fine ditto — at	12	0	and 14s.
Finest ditto — at	15	0	

The Company will open another Ware-house, at Durham on Saturday 15th inst. current, under the management of Mr George Douglass, Merchant, that their Friends in and about Durham may be served with Teas upon the same terms as at Newcastle, and without the inconvenience of sending there: The Congoe at 7s. and 9s. 6d. are remarkable good at the prices, and the finest Congoe at 9s. is of an excellent quality. Commissions addressed to William Ritchie, Newcastle; or to George Douglass, Merchant, in Durham, will be carefully attended to.

Brandy, Rum, and Geneva, as formerly.
Sugars to Customers at prime cost.

Figure 5/6. Advertisement for the Edinburgh Tea Company
Newcastle Courant, 25 July 1778

The use of the term 'Gottenburgh Teas' clearly indicates that the tea on offer was almost certainly smuggled, despite the – surely implausible – claim of John Aitchison to have supplied his business in the north of England with 'Teas purchased at our Custom House and Excise sales in this country.'⁴⁸ The Edinburgh Tea Company boasted of its 'very fine Gottenburgh Teas' and emphasised that they sold them 'greatly below the London wholesale prices'. The Warehouse – the fashionable term for a shop, adopted from the 1760s onwards–also sold Brandy, Rum, Geneva and Sugar – of which Brandy and Gin were regular contraband goods. In addition, the advertisement is phrased in the language of eighteenth-century politeness:

The Edinburgh Tea Company most gratefully acknowledge their favours hitherto received, and beg to their Friends and the Public that their most assiduous attention will be paid to merit a continuance of it...

One could expect a similar level of service here to that offered in 1752 by John Gibson, also in Newcastle, who announced that 'the Tea Kettle will be always

⁴⁸ NRS, GD51/3/194/1–2.

boiling. Gentlemen and Ladies may try the Teas.’⁴⁹ What is clear is that Gottenburgh Teas were effectively promoted as a brand, which is enlarged upon in my article in the *History of Retailing and Consumption*.⁵⁰

Earlier in this chapter, it is shown that John Nisbet supplied Bell and Rannie, the Edinburgh wine merchants, over a period of years. They, in turn, would have sold his smuggled wine to their customers. It is possible that he had a similar relationship with Stewart’s of Edinburgh, as Sir John Stewart of Allanbank junior, heir to the family wine importing and sales business, rented Gunsgreen House for five years in the 1780s, when Nisbet needed financial support.⁵¹

Some contraband was sold direct by the smuggler to the consumer. When Charles Swanston, the Northfield smuggler, died in June 1782 he left several bills detailing who owed him money. Some of these were clearly directly buying goods for their own use, others were innkeepers, referred to above. The personal customers include the ‘Reverend Doctor Robert Bowmaker, Minister of the Gospel at Duns’, who owed £17 10s. The biggest debtor was James Carse, a carter in Dunse, who owed £46. He had owed a further £38, but had paid off three instalments of £8, £20 and £10.⁵²

The most remarkable piece of evidence for sales direct to the consumer is in Gunsgreen House, the Nisbet brothers’ home—and business headquarters – in Eyemouth.

⁴⁹ Berry, ‘Polite Consumption’, p.386.

⁵⁰ Derek Janes, Fine Gottenburgh Teas: the import and distribution of smuggled tea in Scotland and the north of England, c.1750 – 1780, *History of Retailing and Consumption*, Volume 2, 2016, issue 3, p. 229

⁵¹ Johnston, *Petition against an Interlocutor*.

⁵² NRS, CC15/5/11.



Figure 5/7. Gunsgreen House, Eyemouth: the 'tea chute'

This is the so-called tea chute, a large storage silo lined with re-cycled tea chests from Canton, with a capacity of around 500 lbs of tea – about 6 tea chests. It is carefully concealed in the building to be very difficult to find in the event of a rummage. Filled on the top floor through a carefully concealed opening, it had an outlet on the ground floor, in what was originally a cupboard. It was surely created to allow the Nisbets to dispense measured quantities of tea for sale to private individuals, presumably from gentry and professional families. The context within Gunsgreen House, was that there were at least two other concealed storage spaces – one adjacent to the top of the tea chute and the other behind a removable section of dado in a bedroom on the top floor. The original purpose for both spaces is unknown – although that which is next to the tea chute is big enough to accommodate several tea chests.

5.5 The attraction of smuggled goods to the consumer: tea and claret

It seems self-evident that smuggled goods were cheaper than those brought in honestly. This examination of the market for smuggled tea and claret reinforces that view. The two items concerned were among the most smuggled in Scotland. Tea forms part of that group of groceries which have been the subject of much research related to the growth of consumption from the late seventeenth century onwards and which are seen as having had a strong

influence on the desire for people to generate disposable income to purchase these new goods. Tea and alcohol are behaviour-influencing products, offering 'cheap energy and relaxation for consumers.'⁵³ Tea and claret were in different categories, however. Tea was one of a number of 'prohibited goods', the import of which was restricted. The East India Company (EIC) had the monopoly on all trade east of the Cape of Good Hope and all tea had to be imported direct from the country of its native growth. The EIC had, therefore, a monopoly on the supply of tea. It was this monopoly, combined with very heavy taxation – peaking at 119 per cent – which drove up the price of legal tea and provided fertile ground for the expansion of smuggling. 'Heavy duties being imposed upon almost all goods imported, our merchant importers smuggle as much and make entry of as little as they can...'⁵⁴

The act of buying smuggled goods did, of course, support criminality. One of the best-known accounts by a customer is that of Parson Woodforde, writing of the 1770s:

Andrews the smuggler brought me this night about 11 o'clock a bag of Hyson Tea 6 Pd weight. He frightened us a little by whistling under the parlour window just as we were going to bed. I gave him some Geneva and paid for the tea at 10/6 a Pd.

Woodforde regularly bought smuggled gin, brandy and tea, not only from Richard Andrews, but also from Clerk Hewitt of Mattishall Burgh, and from the blacksmith at Honingham, Robert 'Moonshine' Buck. Not all of Woodforde's suppliers of brandy and gin were as happy to show their faces as those that he names in his diaries. On at least one occasion the parson describes how a knock took him to the door, and he discovered a couple of kegs waiting for bottling: by the time he peered out into the night, whoever delivered them had melted away.⁵⁵ In Berwickshire, as has been mentioned above, the Minister of Duns, the Reverend Robert Bowmaker, was one of the smuggler Charles

⁵³ Carole Shammas, 'Changes in English and Anglo-American Consumption from 1550–1800' in John Brewer and Roy Porter (eds), *Consumption and the World of Goods* (London: Routledge, 1993), p.185.

⁵⁴ Smith, *The Wealth of Nations*, vol. 2, p.477.

⁵⁵ Neil Holmes, *The Lawless Coast* (Dereham: The Larks Press, 2008), pp.75, 104.

Swanston's main creditors, so Woodforde was not alone as a man of the cloth buying contraband.⁵⁶

Sidney Mintz attempts to deal with the 'why?' question in respect of the demand for tea. He quotes David MacPherson as writing in his *The History of European Commerce with India* in 1812:

... we are so situated in our commercial and financial system, that tea brought from the eastern extremity of the world, and sugar brought from the West Indies and both loaded with the expense of freight and insurance... compose a drink cheaper than beer.

He links the consumption of tea and sugar with 'poor nutrition, a cold and rainy climate, the gradual development of new work patterns as urban centres grew and industry spread, the emulation of the consumption habits of the more powerful and privileged and of course the pleasing taste of sweetness.' He then adds

... I think that express efforts by certain groups to enlarge demand may also have played a part. If so this would probably be the first such campaign in world history. How intentions to spread the consumption of such an imported item as sugar could mesh with the readiness of people to experiment with edible novelties is among the features of this history that we do not yet wholly understand.⁵⁷

He seems to be suggesting that the sugar growers and importers were encouraging the consumption of tea, coffee and chocolate to increase the demand for sugar. If this were so, could it have led to these sugar growers encouraging tea smuggling, when it became clear how the high price of this commodity was a barrier to its consumption and, therefore, to the increased consumption of sugar? Certainly, Austen and Smith are of the view that 'the consumption of sugar with tea and, to a lesser extent, with coffee, became one of a number of significant elements in a cultural pattern that had meaning because it both signified and constituted the respectability of the people who

⁵⁶ NRS, CC15/5/11.

⁵⁷ Sidney W. Mintz, 'The Changing Roles of Food in the Study of Consumption', in John Brewer and Roy Porter (eds), *Consumption and the World of Goods*, p.264.

participated in it.⁵⁸ They further suggest that the attachment of sugar to tea 'may have started ... to encourage the use of tea as a medium for consuming sugar'. They are, however, less persuaded than Mintz about the deliberate promotion of sugar in tea '... the extent to which early-modern institutional marketing could actually create new consumption patterns... was quite limited.' This is certainly an area worthy of further research.

Bunker reinforces the view of the importance of tea as a key commodity, writing that tea 'had become far more than a bland familiar drink... (it) had acquired a more exalted status, as a prize to be fought over by powerful and ambitious men'. He described tea as 'one of a handful of commodities that served the wider purposes that crude oil and copper fulfil today.'⁵⁹ Be that as it may, demand did increase as the retail price fell and the price fell, until 1784, largely as a result of the impact of the teas imported into Sweden and Denmark and smuggled into Britain. Tea was sold through licensed retailers—any person having more than 6 lbs of tea to sell had to have a permit. Despite the Excise being one of the most effective tax gathering operations in Europe, the permit system was worked round, allowing the public to purchase smuggled tea in shops on high streets, as illustrated by the newspaper advertisements such as that reproduced as Fig. 5/6, above.

The tea dealer Charles Paton attached part of the blame for the success of tea smuggling to the East India Company itself, making the point that 'such of the Common people of Scotland as can afford to drink tea prefer the Congo... (and) the East India Company have not been at sufficient pains to supply Scotland with this article...'⁶⁰ What this implies is that demand for tea far exceeded the legal supply, with the East India Company only able to meet about half of the demand for tea, particularly at the price customers were prepared to pay.

In an account book from the Homes of Billie, from the mid-1770s, there are numerous references to the purchase of tea, although the sources are not

⁵⁸ Ralph A. Austen and Woodruff D. Smith, 'Private Tooth Decay as Public Economic Virtue: The Slave Sugar Triangle, Consumerism and European Industrialization' *Social Science History* 14.1 (1990), 95–115, p.106.

⁵⁹ Bunker, *An Empire of the Edge*, p.32.

⁶⁰ NRS, GD51/3/194/1–2.

indicated. The advertisement by the Edinburgh Tea Warehouse (ETW) in the *Newcastle Chronicle* in 1779 (Fig. 5/6 above), for Gottenburgh Teas, shows that they were selling Green Tea for between 6s and 8s per pound, as opposed to 10s 6d to 15s paid by the Homes. The cheapest tea offered by the ETW was between 3s and 4s, and the cheapest Congou between 4s 6d and 5s, compared to the Home's 'Housekeeper's tea' at between 6s and 6s 6d. The most expensive tea sold at the Edinburgh Tea Warehouse was Finest Hyson at between 14s and 16s, which price is only matched once by the Homes in February 1776. The Edinburgh Tea Warehouse prices are comparable to those quoted by Paton.⁶¹ This shows, then, that – assuming the Homes were buying legal tea – they were paying considerably more than they would have paid for smuggled tea even from a retailer. If, as seems highly likely, John Nisbet at Gunsreen House was selling direct to the public, then his prices would have been lower again, as there was no retailer to take their share.

These figures offer only a tiny snapshot, but the three sources – Paton, Home and the *Newcastle Chronicle* – are all from the same ten-year period, and Paton's prices are certainly closer to those of the Edinburgh Tea Warehouse, than to the prices paid by Home. It is safe, therefore, to deduce that buying smuggled tea would have saved the purchaser somewhere between 30 per cent and 50 per cent. The Homes spent just under £22 on tea over a three-year period, so could have saved between £7 and £11 10s by buying Gottenburgh Teas – and have acquired a product widely regarded as having been of superior quality.

Scottish drinkers had long favoured claret – red wine from Bordeaux.⁶² French wine and brandy were taxed more heavily than wine from, for example, Spain, as the revenue was often required to fund wars with France. The smuggling of wine from Bordeaux was highly prevalent in the early years of the eighteenth century. Within four years of the Union, action was taken to address the claret problem:

⁶¹ NRS, GD51/3/194/1–2.

⁶² Billy Kay and Cailean Maclean, *Knee Deep in Claret* (Edinburgh, Mainstream Publishing, 1983).

... in 1711, in order to prevent the outport officers being tricked by merchants passing French wines and brandy run from Scotland and other places under pretence of their being wines of other countries, the Board ordered the customs officers to peruse the despatches carefully to see that they were not counterfeit; view and taste the wines; and if the officers were in doubt, to take the advice of the most skilled in in the port or send samples to London that the Customs Commissioners might have the opinion of the Surveyor and Wine Taster...⁶³

There are references above to John Keith of Eyemouth moving French wine near Newcastle and to David Nisbet transferring Claret to London via his contacts in Leeds, just the sort of activity referred to in this paragraph. There are instances of sending wine for tasting from Dunbar. For example, The Board of Customs wrote to the collector at Dunbar on 14 May 1764:

It appearing by a letter received from Mr Read that the Wine seized from on Board the Ship commanded by Mr Hog is Burgundy Wine, I am to desire you will send two bottles of the said wine (with your seal upon it) by the first safe conveyance to be tested by the Commissioners.⁶⁴

In 1744, the Resolution against smuggling by the Justices of the Peace of the Shire of Haddington identified claret – French wines – as one of the most iniquitous of drinks:

... and at the same time, that a luxurious and expensive way of living has shamefully crept in upon all Ranks of People, who neglecting the good and wholesome Produce of our own Country, are got into the Habit of an immoderate Use of *French Wines* and *Spirits* in publick Houses and private Families, which Wines are in a great part clandestinely imported and smuggled through the Country in defraud of the Revenue, and even the importing of them is very often attended with the abominable Wickedness of *Perjury*.⁶⁵

Ludington cites figures of recorded exports of claret from Bordeaux to Leith – approximately 1,975 tuns per annum in the early 1740s, comparing them to recorded imports into Leith of approximately 36 tuns of all French wines. This suggests a substantial smuggling traffic into south-east Scotland.⁶⁶ The

⁶³ Hoon, *The Organisation of the English Customs System*, p.32.

⁶⁴ NRS, CE56/2/3, 14 May 1764.

⁶⁵ 'The Justices of the Peace and Other Heritors of the Shire of Haddington...' *Caledonian Mercury* 7 May 1744.

⁶⁶ Ludington, *The Politics of Wine*, p.113.

Eyemouth merchant William Robertson, who died in 1738, had considerable quantities of claret recorded in his inventory.⁶⁷

Item Ten Hogsheads of Claret at twelve pound, One hundred and twenty pounds
Item Four do. at fifteen pounds is sixty pounds
Item one do. twenty pounds

Ludington refers to an increasing demand for what he calls luxury claret, following the Union and the developing custom of higher-class Scots taking houses in London – Robertson seemed to have been addressing this new market by stocking three different qualities of claret. One Eyemouth merchant, Alexander Kerr was described in his will as ‘late of Eymouth, then after of Bourdeaux and last of Montpelier Mercht.’⁶⁸ He had presumably moved to Bordeaux to represent Eyemouth interests in the main wine exporting port, in the same way that William Johnston of Ulster had done in 1716.⁶⁹

On 30 May 1767 there was a reference in the Dunbar Customs Letter Book to the

... arrival of ship *Pretty Nymph* at Eymouth, Peter Dalglish Master, laden with 38 hogsheads and 3 Tierces of Claret wine from Boulogne pretending to be bound for Bergen in Norway...
(*Pretty Nymph* had been boarded by Captn. Fairfax of the *Greyhound* cutter about two leagues without the Isle of May)

On 16 June 1767 it was reported that the *Pretty Nymph* of Eyemouth was ‘now at Dunbar’. The claret was to be moved to the King’s Warehouse. On 29 February 1768 there was a further report:

... you have exposed to sale in three lots for the Duties 38 hhds and one Tierce of Red French Wine which was purchased by Mr John Nisbet at one shilling above the upset price of each lot...

This was the wine from the *Pretty Nymph*. Nisbet paid £555 10s 11d from which Peter Dalglish was paid £32 by the Customs for the cost of transporting the

⁶⁷ NRS, CC15/5/9.

⁶⁸ Edinburgh, NRS, Scotland’s People, Wills and Testaments, Testament Dative and Inventory of the Debt of Alexander Kerr, 1770.

⁶⁹ Kay and Maclean, *Knee Deep in Claret*, p.140.

wine from Boulogne. The duty in 1763 was £67 per tun, which was the equivalent of 4 hogsheads. The duty on 38 hogsheads was, therefore, £636 10s, so Nisbet was still saving money even if he was buying his own wine.⁷⁰ A hogshead is 52.5 gallons and a tierce is 35 gallons, so Nisbet bought 2,030 gallons – 10,150 reputed quarts—of claret at approximately 1s per quart. The capacity of an eighteenth-century British wine bottle was generally this ‘reputed quart’, or one-fifth of a gallon, much the same as today’s standard bottle.⁷¹ Based on the price Nisbet paid, this came to 1s 1d per bottle, including the cost of the glass bottle. The wholesale price of Nisbet’s claret (‘fined down and ready to bottle’) advertised in the *Newcastle Courant* in 1755 was approximately 1s 7¼d per bottle. In the same advertisement claret already bottled was advertised at between 2s and 2s 9d per bottle (Fig. 5/3).

An advertisement from a Dublin Newspaper offered bottled claret at prices of between 1s 7d and 2s 5d per bottle (bottled) with a minimum order 262 bottles.⁷² All these advertised prices are well above what Nisbet paid at the auction in Dunbar in 1767, of 1s per bottle. Allowing for bottling and some profit, Nisbet would still have been able to sell this claret at a lower price than those quoted. If, as seems likely, he was selling smuggled claret to Edinburgh wine merchants, then by the time it reached the end customer – the consumer – it may well have been at a similar price to ‘honest’ wine, and been presented as such, so any additional profit would have accrued to the retailer, which would have encouraged them to work with merchant-smugglers. The consumers who would have benefitted from cheaper smuggled wine were those who dealt directly with the smugglers, such as Parson Woodforde and the Reverend Robert Bowmaker of Duns, and Swanston’s other debtors, some of whom were victuallers.⁷³

⁷⁰ Ludington, *The Politics of Wine*

⁷¹ Olive R. Jones, ‘Cylindrical English Wine and Beer Bottles 1735–1850’, *Studies in Archaeology, Architecture and History* (Ottawa: National Historic Parks and Sites Branch Environment Canada–Parks, 1986), 107–114.

⁷² *Saunders News-Letter*, Dublin, 31 March 1789.

⁷³ NRS, CC15/5/11.

5.6 Conclusion

This chapter has laid out how contraband was imported and then distributed, from its arrival on British shores, to its acquisition by the final customer. There are gaps in the record, notably relating to the identities of the actual consumers, but – in the case of tea at least – it is safe to say that virtually everybody who bought tea in Scotland, bought smuggled tea. Nisbet's relations with Bell and Rannie and, perhaps, with the Stewarts in Edinburgh suggest that wine merchants were also regular purchasers of contraband.

The clearest evidence relates to tea and makes a strong case for a whole range of competitive advantages enjoyed by smugglers – hard to match in any other branch of the smuggling trade. The apparent failure of the East India Company to supply sufficient quantities of the right sort of tea at an acceptable price, left the door open for the merchant-smugglers and their suppliers, the continental East India Companies, particularly those of Denmark and Sweden, who were also known for the quality of their product. With tea, therefore, the merchant-smuggler, the retailer and the customer all gained financially and in terms of quality and availability. With claret, some was supplied direct to customers, but most may well have been sold to urban wine merchants, who then integrated the smuggled claret into their regular stock and took the additional profit themselves.

It is clear, therefore, that smuggling was indeed driven by a mixture of price and availability. The apparent shortages of supply of specific types of tea opened the door to the merchant-smuggler, whose success was further boosted by the very heavy tax levied. Claret was also heavily taxed and – during the frequent wars with France – not so easy to get hold of. The fact that there was an Eyemouth merchant in Bordeaux is very suggestive of an active local trade, largely designed to supply wine merchants with a competitively priced product.

The overall picture is of a professionally organised trade, designed to fill gaps in the market and to maximise the profits of the dealers. The end customers, especially for tea, would have had little doubt as to the origin of their goods, as the use of the phrase 'Gottenburgh Teas' in the newspaper advertisements is

clearly code for 'smuggled tea' and everyone surely knew this, which indicates that smuggling could only exist on a large scale with the support of the community at all levels of society. The following chapter explores in detail the Importance of smuggling across the North Sea and the promotion of 'Gottenburgh Teas' as a brand.

Chapter 6

The international dimension: smuggling in the North Sea

6.1 Introduction

Following extensive examination of the nature of smuggling, both in terms of how and why it worked, with a primary focus on the south-east coast of Scotland, this chapter looks further afield by proposing the existence of a distinctive 'northern' smuggling, with an emphasis on the creation of a specific market in discounted tea in the north of Britain. It will seek to analyse the scale of the smuggling of tea and will then follow the supply chain from source to customer, referring to John Nisbet as an example of a merchant-smuggler involved in this particular branch of trade. It will demonstrate that the principal sources of supply of contraband for Scotland and the north of England were directly across the North Sea, in Sweden, Denmark-Norway, and the Netherlands. This chapter will demonstrate that this is the key difference between the Scottish and northern English centres of smuggling and those in the south and west of England. Having identified the sources of contraband, the chapter will then look at its distribution and sale within northern Britain, making use of a range of sources, including contemporary advertising.

The port of Eyemouth, and its community of ship owning merchants, had a regular coastal and overseas trade, primarily with Scandinavia and the Baltic. The growth of this trade, after the harbour improvements of 1748–1752, was discussed in more detail in chapter two. What is clear, however, is that it was the trade with Scandinavia and the Baltic which provided the opportunities for Eyemouth's more ambitious merchants to broaden their business interests, especially as the Berwickshire hinterland continued to develop, providing an expanding customer base for both legitimate and illegitimate trade. After seeking to assess the impact of tea smuggling in Britain, it will then look in more detail at its importance to Scandinavia, reinforcing the view being developed there of the substantial reliance on smuggling tea to Britain for the economic

success of the East India Companies of both Denmark and Sweden.¹ It will show the overlaps between the legitimate trade from Sweden and Denmark to Eyemouth and the illegitimate, building on, and challenging aspects of, Kent's pioneering work in this field.² One of the more speculative sections deals with the timber ports of southern Norway, where there are strong suggestions of a contraband trade, possibly in both directions, but little hard evidence at this time. In addition, it will identify and review the background and careers of some of the key individuals who had connections with John Nisbet and Eyemouth, particularly in Gothenburg, who supplied contraband goods, whilst maintaining a position and lifestyle in their adopted home appropriate to wholly legitimate merchants. It will further raise questions about the importance of the Jacobite sympathies of some of the key Scots in Gothenburg.

Although Eyemouth was only a relatively small player in the smuggling business, it was not atypical. It can be seen, therefore, to be a microcosm of the trade as a whole, so that a detailed analysis of this one port offers a view of the whole northern smuggling world. My chapter in the *New Coastal History* offers a shorter view of tea smuggling in the North Sea, which has been considerably developed in the following pages. This resulted from a conference paper – one of several presented over the years – which were intended to float ideas and provoke discussion, relating to the idea of northern smuggling.³

6.2 The scale of tea smuggling from Sweden and Denmark

Of all the contraband goods smuggled across the North Sea in the eighteenth century, it was tea that made the greatest impact in Britain, both in terms of reduced prices for consumers and in arousing the antagonism of the authorities and legitimate tea merchants, particularly the large and influential East India interest. It is, therefore, appropriate to consider this trade in some detail.

¹ Müller. 'The Swedish East India trade', pp.28–44.

² Kent, *War and Trade*

³ Derek Janes, '...of which a contraband trade makes the basis of their profit': Tea Smuggling in the North Sea, c.1750 – 1780, in David Worthington ed., *The New Coastal History* (Basingstoke, Palgrave Macmillan, 2017) pp 269 - 282

An account of the smuggling of tea, from Sweden and Denmark is given by Kent.⁴ He wrote that ‘the evidence for smuggling of tea from Scandinavia is extensive and incontrovertible’.⁵ That evidence came from what was said to parliamentary enquiries by ‘customs officers, by reformed or perhaps not quite so quiescent smugglers, and by other merchants’.⁶ The British consuls in Copenhagen and Gothenburg both reported on the trade, as did the consul in Bergen. Kent quotes figures of tea imports to Europe in 1750, showing that the English, the French and Dutch, and Swedes and Danes each brought in about one third of the amount shipped – despite there being seven English ships, eight French and Dutch and only four Swedish and Danish.⁷ The ships of the Swedish East India Company (SOIC) and Danish Asiatic Company (DAC) were consistently the biggest operating on the run from Canton to Europe, averaging just short of 1,000 metric tonnes.⁸

In terms of the impact on the overall British tea market, it is necessary to consider the Swedish and Danish companies together, although it is almost exclusively ‘Gottenburgh Teas’ that are named in contemporary debates and advertisements. It is not clear why this was, although it may be to do with the sales methods of the two companies, in that Danish tea was sold, in the first instance, to Danish merchants, while the Swedish tea could be purchased directly by foreign merchants.

Christan Koninckx, in his study of the first two charters of the SOIC, completed in 1977, wrote: ‘...much of the merchandise was re-exported. In this way the Swedish East India Company provided for the circulation of the products in Europe’.⁹ This a very delicate way of describing the situation, as what actually happened was that a high proportion of the tea imported from China to Sweden, and probably much the same proportion of tea brought to Denmark, was smuggled into Britain. Kent had already established the scale of this trade and his conclusions have been supported by the recent work of Leos Müller, among

⁴ Kent, *War and Trade*, pp.112–129

⁵ Kent, *War and Trade*, p.118

⁶ Kent, *War and Trade*, p.118

⁷ Kent, *War and Trade*, p.117.

⁸ Koninckx, *The First and Second Charters*, p.430.

⁹ Koninckx, *The First and Second Charters*, p.431.

others.¹⁰ Table 6/1 suggests that as much tea came into Britain from the Swedish and the Danish Companies as by the legitimate route of the Honourable East India Company. These figures are remarkably similar to those hazarded at the time and more recently worked out by W.A. Cole, without so clearly identifying the sources.¹¹ Using average annual imports for seven seven-year periods by the EIC, the SOIC and the DAC, then assuming that 10 per cent of the SOIC/DAC imports were consumed at home, leaving 90 per cent available for export to Britain, it indicates that over the periods in question, the likely combined imports from the SOIC and the DAC, indicated in column 3, were broadly equivalent to the legitimate imports of the EIC.

	1	2	3
<i>Period</i>	<i>EIC</i>	<i>S & D EICs</i>	<i>90% of col 2</i>
1734–1740	630	605	545
1741–1748	901	1437	1293
1749–1755	1393	1588	1429
1756–1762	1475	1925	1733
1763–1769	3063	1954	1759
1770–1777	3097	2365	2129
1778–1784	3433	3286	2957

Table 6/1. Tea Imports from China 1734–1784, in tonnes

Imports by the East India Company of London (EIC) compared to the Swedish and Danish companies combined (S & D EICs). The figures are the average annual imports for each period. Müller has identified that only about 10 per cent of tea imported by the SOIC was consumed in Sweden. It is not unreasonable to make a comparable assumption for the Danish Company. (Adapted from a table by Louis Dermigny, *La Chine et L'Occident. Le Commerce a Canton au XVIII^e siècle, 1719–1833*, tomes 1–2 (Paris, 1964), p.539, and reproduced in Leos Müller, 'Swedish East India Company and trade in tea 1731–1813', lecture (Kyoto, 2004). NB: original table uses piculs, which I have converted to tonnes at 16.5 piculs per 1000 kg.

Reinforcing this point, Müller, supporting Kent's figures, also indicated that the two Scandinavian East India Companies imported between twenty-five and

¹⁰ Kent, *War and Trade*; Müller, 'The Swedish East India trade'.

¹¹ Cole, 'Trends in Eighteenth Century Smuggling'.

thirty-five per cent of the tea brought from China to Europe in the peak years of the eighteenth century. He also emphasised the advantage enjoyed by the SOIC, in that, having been actively discouraged by the British from trading in India, it concentrated wholly on the trade in tea and China goods, meaning its round trips were much quicker than those of the other European companies.¹²

In Müller's later analysis of the re-exports of the SOIC's goods, he records 51 per cent going to the Netherlands, 11 per cent to France, 8 per cent to England, 15 per cent to German harbours and 15 per cent to a variety of other outlets.¹³ This supports the figures in the table above as the majority of these destinations can be linked with smuggling to Britain.

Despite the absence of an alternative explanation for the disposal of the SOIC's tea, Koninckx still doubted the extent of smuggling, although he does seem to have been in two minds:

Whether the smuggling traffic was suitable as an outlet for the Swedish Company's products is ... difficult to discover ... A legal export trade to Scotland, at all events, did fall within the scope of the Swedish Company. It is very much a question whether imports into Scotland would have been legal at all.¹⁴

It is interesting to observe that Koninckx refers specifically to Scotland, not England or Britain. This is not explained. The case, referred to below concerning the Nisbets and Sibbald and Greig of Gothenburg serves to illustrate this apparent paradox stated by Koninckx – that it was legal to export tea from Sweden, but it was not legal to import it into Scotland – or, indeed, anywhere else on mainland Britain.¹⁵

The sheer volume of tea smuggled into Britain from the SOIC and DAC had a significant effect on the domestic retail market. Kent makes a strong point about the impact on tea prices, for example:

¹² Müller, *The Swedish East India trade*, p.35

¹³ Müller, 'The Swedish East India Company: Strategies and functions of an interloper', table 3.

¹⁴ Koninckx, *The First and Second Charters*, p.282.

¹⁵ NRS, CS229/NI/60.

But for smuggling, tea-drinking would hardly have become such a widespread habit as the price of legally imported tea was so high, and it was therefore 'especially the damnified teas imported from Gottenburgh' at a lower price which were said to have contributed to the spread of the tea drinking habit.¹⁶

He added an extract from a letter from a London merchant, Blount, to his Correspondent in Gothenburg, during the War of the Austrian Succession, in 1744:

Sales of Tea will, I believe, be low as our ships cannot carry on the Smuggling Trade from Gothenburg as they used to do in time of Peace¹⁷

Charles Paton, in his report to Henry Dundas, even suggested that the success of tea smuggling was responsible for 'greatly facilitating the illicit trade in foreign spirits, which has been carried to a great height in Scotland'.¹⁸

6.3 The distribution and sale of contraband tea in Scotland and the north of England

There is no doubt that there was a substantial market in discounted, contraband tea. Jessica Hanser discusses the consumption of tea and China goods in the north-east of England in the eighteenth century.¹⁹ In my view, she underestimates the impact of smuggling. For example, when discussing the lower end of the market she notes that 'these estimates do not take into consideration smuggled tea ... consumers seeking to buy cheaper tea undoubtedly took advantage of the extensive system of smuggling.' The evidence makes it clear that there was a single market for tea, operating quite openly. It seems unlikely that anybody, unless they went out of their way to be law abiding, would choose to buy legal tea, when the same, or even better-quality tea was available at a discount. Paton is very clear that there was a distinctive Scottish preference for Congou tea:

The Teas hitherto used in Scotland have Chiefly been the Congos & generally of the best kinds... The coarse Boheas or Brown Teas are very little used in Scotland. Any of this kind that the Smugglers bring in they generally send to the North and northwest of England.

¹⁶ Kent, *War and Trade*, p.113.

¹⁷ Kent, *War and Trade*, p.124, f.2.

¹⁸ NRS, GD51/3/194/1-2.

¹⁹ Hanser, 'Teatime in the North Country'.

Paton explained that, in his view, people in Scotland had developed this taste for the dearer Congou tea, at the lower price offered by smugglers, so effectively made it impossible for the EIC to compete. Aitchison added a further explanation of the success of smugglers:

The Smuggler, from the credit he has abroad, and otherwise, gives credit to the retailer of 2,3, and 4 months which same inducement will make the retailer purchase from the Smuggler rather than at the public sale where he has money to pay ere he can receive his goods.²⁰

Having considered the scale of importation of tea from Sweden and Denmark, it is now necessary to develop the account given in chapter five of the distribution and sale of contraband tea. Both Charles Paton and John Aitchison, former tea dealers, described to Henry Dundas how the distribution of tea from smuggler to retailer operated. 'I.C.', probably Ilay Campbell, the Lord Advocate, the intermediary between Dundas and the two tea merchants, explained that

Mr Paton being a Dealer in Glasgow is only acquainted with the trade on the west coast. He says that last year about 10,000 boxes of Congo containing 80 lbs average each were imported by the Smugglers upon the west coast, some small part of which was seized...He says that about 300 lbs wt of Congo is used in the City of Glasgow every day, not three pounds of which pays duty.

The Smugglers bought this tea at Gottenburgh @ from 22 to 26 pence per pound. He considered the risk at sea six pence more, and the freight and other charges at about sixpence. There were people with whom he could Contract at these rates, so that the charge to him might be considered altogether at about 3/-, or from 2/10 to 3/2.

The price which the Smuggler received from the dealer at Glasgow was from 4/3 to 5/- the Goods being delivered two miles without the town. The risk of bringing it from that place to Glasgow was considered as equal to 3d per pound more, and the Dealer at Glasgow sold by retail at 6/ to 6/6 per lb.²¹

Paton pointed out that, in Edinburgh, the smugglers delivered the tea direct to retailers' premises, charging an extra 3d or so per lb for bearing the risk. IC quoted Aitchison, the Edinburgh tea merchant, who he described as 'one of the

²⁰ NRS, GD51/3/194/1-2.

²¹ NRS, GD51/3/194/1-2.

most considerable dealers in Edinburgh in the article of smuggled teas' as indicating a higher reward to the retailer and lower to the smuggler, but this was not consistent with a range of other accounts that IC had been given. Aitchison may be a less reliable correspondent than Paton as, for example, he claims that his trade in the north of England was supplied from teas purchased at the Custom House and Excise sales in Scotland, which seems highly unlikely.²²

As with all areas of smuggling, the detailed impact on the retail market is hard to assess. The work of Mui and Mui is important in this regard and their findings are supported by what seems a startling range of press advertisements. These serve to demonstrate the strength of the Gottenburgh 'brand' in terms of both quality and price.

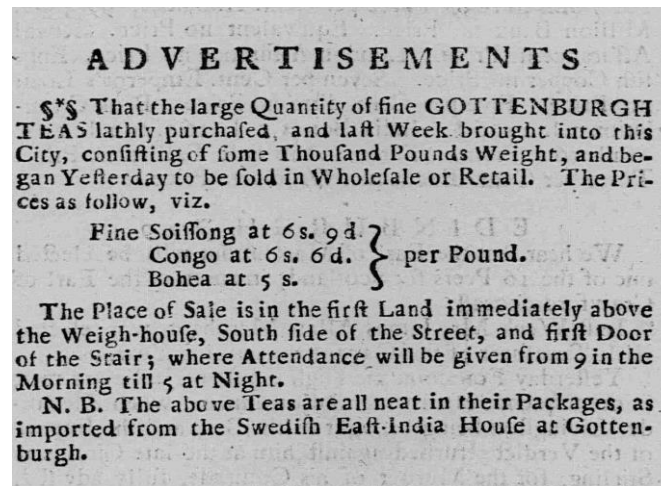


Figure 6/1. *Caledonian Mercury*, 9 January 1750

This example shows how 'Gottenburgh Teas' had become a brand name, as early as 1750.²³ The advertisers make it clear that what they are offering is genuine in that 'The above Teas are all neat in their Packages, as imported from the Swedish East India House at Gottenburgh.' An advertisement from 1755 makes it clear that the tea on that occasion came from the Custom House at Leith and was, presumably, therefore, seized contraband.²⁴ This was one way of obtaining the necessary excise permit, which could then be used for all teas sold.²⁵

²² NRS, GD51/3/194/1-2.

²³ Janes, 'Fine Gottenburgh Teas', p229

²⁴ A Sale of Teas, *Caledonian Mercury*. Edinburgh (16 September 1755).

²⁵ Mui and Mui, 'Smuggling and the British Tea Trade', p.62.

C. KIDD, Grocer and Tea Dealer,
In the Side, Newcastle, begs leave to acquaint his Friends and the Public,
THAT he is REMOVED to the HEAD of the SIDE,
 opposite St Nicholas Church, where he continues to sell all sorts of
 fine Boheas, Congous, Souchongs, Singlo, Bloom, and Hyson TEAS,
 of the very best Qualities: Likewise a curious Assortment of Gottenburgh
 TEAS, which, in flavour, are greatly preferable to any other; together
 with all sorts of GROCERIES, &c. on the very lowest terms.

Figure 6/2. *Newcastle Courant*, 30 June 1770

This example from Newcastle advertises 'Gottenburgh Teas' quite openly as a superior product, while Thomas Bonner in Leeds is very blatant about both the quality and price of 'Gottenburgh Teas', in comparison with those imported by the English East India Company.

CHEAP TEAS,
WHOLESALE AND RETAIL.
THOMAS BONNER has lately open'd a
WAREHOUSE, nearly opposite the OLD KING'S-
 ARMS INN, BRIGGATE, LEEDS, where he has provided
 a large Assortment of FINE GOTTENBURGH TEAS,
 which are well known to be much superior to the Teas im-
 ported by the English East-India Company, and to be sold
 on the following Low Terms, being greatly below the
 London Prices, viz: 10
 per lb.

Figure 6/3. *Leeds Intelligencer*, 27 June 1779

.A search of the British Newspaper Archive for 'Gottenburgh Teas', with five different spellings of Gottenburgh, for all papers in all places between 1750 and 1780 reveals advertisements only in Edinburgh (50), Newcastle (12) and Leeds (2).²⁶ Even allowing for any issues with the use of the Newspaper Archive, this strongly supports the view, despite the letter from Blount quoted above, that the main public market for tea from Gothenburg was the north of England and Scotland. It is also clear that these teas were being sold quite openly, despite such products being clearly prohibited goods.²⁷

The Muis emphasise the existence of a particular Scottish market, with a preference for Congou – rather than the cheaper Bohea tea which was the entry level product in England. They also indicate the importance of Edinburgh, with

²⁶ <http://www.britishnewspaperarchive.co.uk/search/advanced>, retrieved 2 March, 2015.

²⁷ Janes, 'Fine Gottenburgh Teas'.

Aitchison of Edinburgh selling tea in Newcastle, Shields, Durham and Leeds.²⁸ This is further borne out by this advertisement from the *Newcastle Courant*, in which the Edinburgh Tea Company promotes Gothenburg teas in Newcastle and Durham.

**Cheap Gottenbro' Teas,
At NEWCASTLE and DURHAM.**

THE Edinburgh Tea Company most gratefully acknowledge the Favours hitherto received, and beg Leave to assure their Friends and the Public, that the most assiduous Attention will be paid to merit a Continuance of them, by providing Teas of the best Quality. The Company have now on Hand a large Assortment of very fine Gottenbro' Teas, which they sell at their Warehouse, in the Middlegate, Newcastle, at the following low Rates, greatly below the London Wholesale Prices :

	s.	d.
Best common Bohea Tea	3	8 per lb.
Congou Ditto	5	0
Good Ditto Ditto	5	6
Fine Ditto Ditto	6	0 & 6 6
Finest Ditto Ditto	7	0
Fine Souchong Ditto	8	0 & 9 0
Finest Ditto Ditto	10	0 & 12 0
Good Green	6	0
Fine Single	8	0
Hyson	10	0
Fine Ditto	12	0 & 14 0
Finest Ditto	16	0

The Company has opened another Warehouse at Durham, under the Management of Mr George Douglas, Merchant, that their Friends in and about Durham may be served with Teas upon the same Terms as at Newcastle, and without the Inconvenience of sending thera.

The Congou at 5s. and 5s. 6d. are remarkable good at the Prices, and the finest Congou at 7s. is of an excellent Quality.

Commissions, addressed to William Ritchie, in Newcastle, or to Geo. Douglas, Merchant, in Durham, will be carefully attended to.

Brandy, Rum, and Geneva, as formerly; Sugars, to Customers, at prime Cost.

Figure 6/4. *Newcastle Courant*, 15 August 1778

This and a series of related adverts prompted an exchange of correspondence in the *Newcastle Courant* between the Edinburgh Tea Company (ETC) and other locally based tea dealers, with the latter accusing the ETC of misleading the public, claiming that they had actually bought their tea in London, so the ETC's assertion that they sold tea 'greatly below the London Wholesale Prices' was untrue. They concluded that 'the fair Trader, like the regular bred Physician, scorns the Lure of Advertisements and Hand-bills,—whilst others imitate the Practice of the Empirick, and try "to take the Unwary in".' The use of the term 'fair Trader' is interesting in this context – were they perhaps seeking to flush out the smuggling business that lay behind the ETC's ability to set low prices. William Ritchie, the Manager of the ETC responded to the 'very

²⁸ Mui and Mui, 'Smuggling and the British Tea Trade', p.64.

extraordinary and scurrilous Attack made upon them'. Ritchie admitted having bought some very particular brands of tea in London but claimed that the ETC 'have within these twelve Months sent several thousand Pounds of such Teas as they sell in *Newcastle* to London; and the Gentlemen who sign the Letter have bought in Scotland...several particular Parcels of Teas for the Newcastle Market'. Ritchie observes the success of the ETC and concludes by observing that 'in my Opinion, that Tea at 7s. sold by the Company, is equal to theirs at 9s. But the kind Writers seem to be in Despair,—and I hope we shall bring them to Repentence'.²⁹

What this correspondence describes is the trade between Scotland and London referred to by the Muis, whereby in 1776, for example, 71,754 lbs of tea were sent by permit from England to Scotland, as opposed to 180,978 lbs from Scotland to England. This is again extraordinary, with what was clearly smuggled tea being shipped by permit to London, where it was sold in competition with the teas of the East India Company. It is also suggested that the vendors of smuggled tea would regularly buy some quantity of tea from London to mix with their contraband and create a situation which allowed their stocks to appear wholly lawful. The Muis explain this process in some detail.³⁰ They also quote contemporary figures suggesting that as much as 800,000 lbs of contraband tea was delivered to Edinburgh dealers each year and that at least as much as 80 per cent of all tea sold was smuggled. This represents about 10,000 cases of tea. The Muis' key sources are those letters from Charles Paton, the tea merchant in Glasgow and John Aitchison from Edinburgh, both written in 1785 and supplied to Henry Dundas, who managed Scotland for the Government and was seeking to assess the impact of the Commutation Act of 1785 on the internal tea trade, quoted in section 6.3 above.³¹

Despite the detailed records kept by the Excise of all tea sold, a retailer had to have a permit for the purchase of more than 6 lbs, smugglers and their merchant associates were able to operate successfully and openly sell

²⁹ To the Editor...*Newcastle Courant*. Newcastle, 1 August 1778.

³⁰ Mui and Mui, 'Smuggling and the British Tea Trade', p.64.

³¹ NRS, GD51/3/194/1–2.

contraband tea, particularly in the east of Scotland and the north-east of England. Having established the existence of this well managed market, it is now appropriate to look at the source of the famed 'Gottenburgh Teas', the term used to market the product.

6.4 The Swedish East India Company and the Danish Asiatic Company

Scandinavia, as the map below (Fig. 6/5), shows, dominated the regular overseas trade of Eyemouth and it equally dominated the smuggling trade. This was because of the presence of two successful – and single minded – East India companies in Sweden and Denmark. Before analysing the contributions of Sweden and Denmark (including Norway) to the smuggling trade, it is apposite to review these two companies.

Established in 1731, the SOIC was one of the last of the East India Companies to be set up. Koninckx suggests that the reason for this was the nature of Sweden's political structures and ambitions.³² Müller explains the background to this: 'By 1718 – 21, Sweden had lost its great power status and political interest shifted from military to commercial priorities; in a way the active economic policy of the 1720s and 1730s was a substitute for military expansion.'³³ He further develops this thinking, explaining that the shift of political power from the king to the *riksdag* and the royal council 'gave the commercial elite much more political influence. After 1718, this social group could participate more actively in shaping Sweden's economic policy than in the seventeenth century: consequently, the interests of different mercantile groups became an integral part of Sweden's policy.'³⁴

Gothenburg, established in early seventeenth century as a major westward facing port, became the centre of this new approach, with the founding of the SOIC, one of whose moving spirits was the Scottish merchant Colin Campbell. After abortive attempts to develop trade with India, the SOIC concentrated

³² Koninckx, *The First and Second Charters*, p.31

³³ Leos Müller, *Consuls, Corsairs and Commerce: The Swedish Consular Service & Long Distance Shipping, 1720 – 1815*, (Uppsala, Studia Historica Upsaliensia, 2004), p. 19

³⁴ Müller, *Consuls, Corsairs and Commerce*, p.40

entirely on the importation of tea and China goods from Canton, sailing directly there and back, paving the way for around fifty years of commercial success.³⁵

In his chapter on the Third Charter of the SOIC (1766 – 1786), Kjellberg shows clearly how tea dominated the homeward bound trade – almost 45m thalers in silver out of total imports valued at 54m. He further makes the point that, of the outward bound cargoes, totalling some 79m thalers, almost 75m thalers consisted of silver, with only 456k thalers of Swedish broadcloth. ‘The Swedish standard goods, such as iron, wood and tar are missing, although a condition for the charter was that the Company should further Swedish products.’³⁶

Kjellberg describes the slow decline of the SOIC during the period of the fourth and fifth charters. The management estimated that the Company had lost more than five sixths of its market in the 1790s due to the restrictions in England and Holland. The shareholders received no dividend during the period of the fourth charter (1786 – 1806).³⁷ The fifth and final charter (1806 – 1813) saw the end of the Company, with no ships at all being sent to Canton. Instead tea was imported in American ships, which led to a short-lived re-export trade. The Company was dissolved in 1813, having settled its foreign debt and given the shareholders three years interest of 15%.³⁸

A further element in the success of the SOIC, and an explanation of the popularity of ‘Gottenburgh Teas’ in Britain was quality. According to the Muis

Contemporaries reported that the Swedes ‘got the best tea’ by contracting in advance with the silver they brought to China: the credit of the Danes was ‘tolerably well established at Canton’ ... Only the Dutch had a reputation for bringing to Europe ‘teas of the worst qualities’.³⁹

Feldbaek writes that between 1600 and 1843 there had been ‘at least twenty Danish trading companies’ of which eighteen were formed within a period of 125 years from 1656 to 1782.⁴⁰ Of these companies, the Danish Asiatic

³⁵ C. Gill, ‘The Affair of Porto Novo: an Incident in Anglo-Swedish Relations’, *English Historical Review* 73(286), 1958, 47-65

³⁶ Kjellberg, *Svenska Ostindiska Compagnierna*, p.317

³⁷ Kjellberg, *Svenska Ostindiska Compagnierna*, p.318-9

³⁸ Kjellberg, *Svenska Ostindiska Compagnierna*, p.319

³⁹ Mui and Mui, ‘Smuggling and the British Tea Trade’, p.48.

⁴⁰ Feldbaek, *The Danish Trading Companies*, p 204

Company (DAC) operated in different forms from 1616 until it ceased in 1843. It enjoyed a monopoly of trade with China and in Chinese goods throughout the period. The DAC was established by Copenhagen merchants, with the support of Dutch promoters and followed the form of the Dutch East India Company, although, as Feldbaek writes ‘the economic success, which the Danish company also tried to copy, was never vouchsafed to it.’⁴¹

The first company, which established factories in India and what is now Indonesia was, according to Feldbaek, ‘an economic fiasco’.⁴² It was not wound up until 1650, although the royal colony of Tranquebar in India was retained, despite no Danish ships visiting for 29 years. The second company was established in 1670 and survived until 1729, when it was wound up, with both the charter and Tranquebar being handed back to the King, although Feldbaek thinks that this may have been a ruse to allow the creation of a debt free company, which is what happened when the DAC was founded in 1732.⁴³

Despite a small domestic market – even by the end of the eighteenth century 90% of Chinese goods were being re-exported – Denmark benefited from being largely neutral in a century of warfare. ‘...it was only when their competitors’ trade was crippled in whole or part by war that the Copenhagen auctions produced satisfactory results.’⁴⁴ The other change in the eighteenth century was that many of the goods imported from China were no longer luxuries but, in the case of tea for example, effectively necessities. This very much supports the view of Denmark-Norway joining Sweden as a source of contraband tea.

Table 6/1 illustrates the significance of both the SOIC and the DAC as importers of tea into Europe and their reliance on smuggling into Britain. Both the Swedish and Danish Companies only began to fail when the duty on tea imports into Britain was slashed in 1784, at a stroke rendering tea smuggling uneconomic. This is reinforced by Mads Kirkebaek, who wrote that ‘the heavy British duties had made it a profitable business to smuggle tea... However, in 1784 the British

⁴¹ Feldbaek, *The Danish Trading Companies*, p 206

⁴² Feldbaek, *The Danish Trading Companies*, p 206

⁴³ Feldbaek, *The Danish Trading Companies*, p 208

⁴⁴ Feldbaek, *The Danish Trading Companies*, p 208

government ...reduced (the duty) to 12 per cent. This took away the advantage of smuggling and was a disaster for the Danish company'.⁴⁵

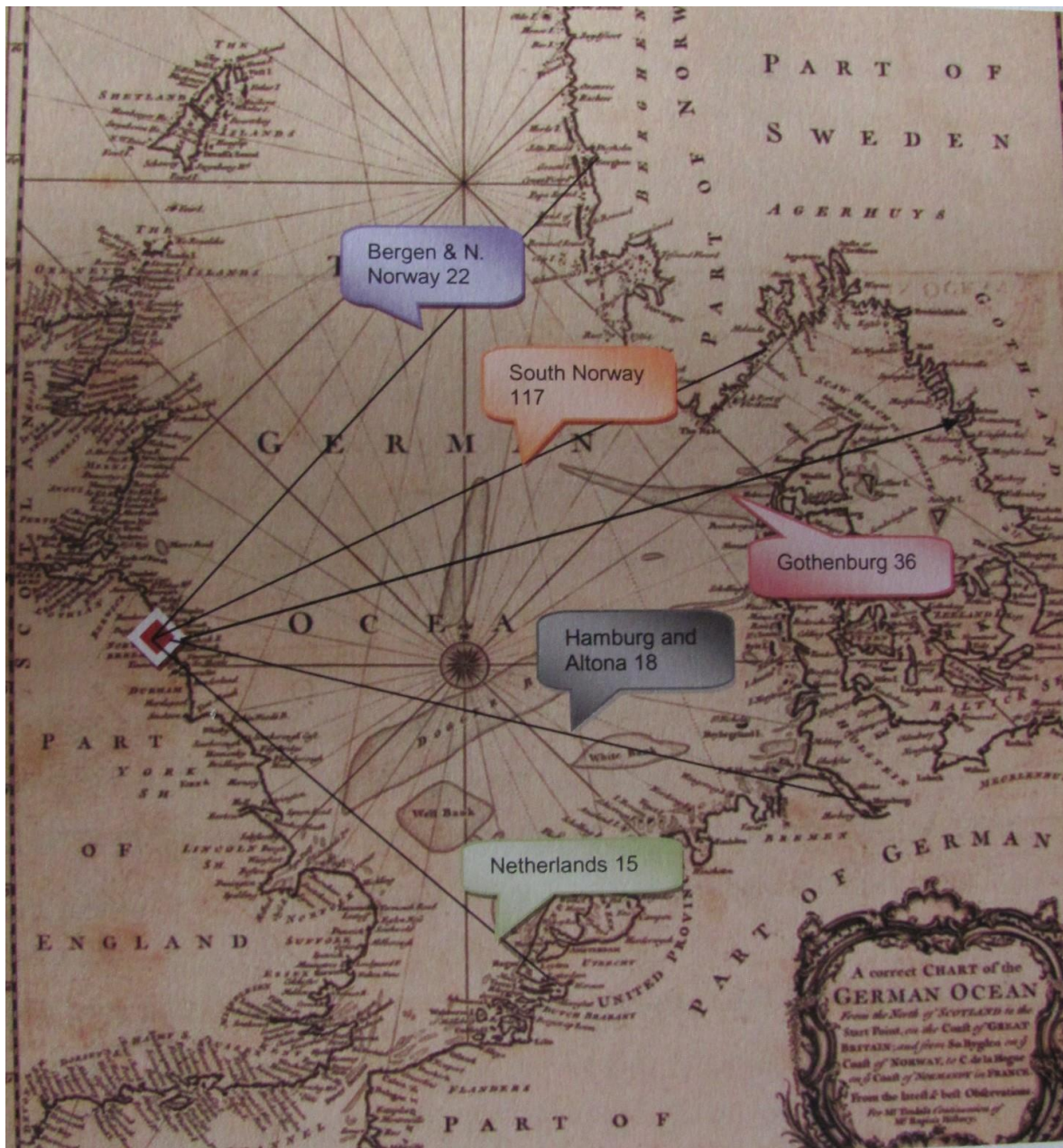


Figure 6/5. Eyemouth and the North Sea.

The numbers are the total number of recorded voyages between Eyemouth and each district between 1740 and 1790. This map clearly illustrates how well-placed Eyemouth is to trade with the principal northern smuggling centres. While not every voyage would necessarily have involved contraband, neither were all the voyages involving contraband recorded.

⁴⁵ M. Kirkebaek, 'The voyage of the Dronningen af Danmark to China 1742', in K.E. Broedsgaard and M. Kirkebaek (eds), *China and Denmark: Relations since 1674* (Copenhagen: Nordic Institute of Asian Studies, 2001), p.43.

6.5 Smuggling from Sweden and Denmark

An analysis of the trading links of Eyemouth, illustrated in Fig. 6/5, provides an understanding of the way that the North Sea smuggling trade worked and how it followed the pattern of legitimate trade. The SOIC re-exported the bulk of its tea directly from Gothenburg, but the DAC's smuggling outlets were more complicated. Whereas the SOIC sales were open to all, those of the DAC were restricted to Danish buyers only and, whilst the names of the buyers are known, there is little or no record of their disposal of the tea purchased. As explained below, some was smuggled direct from Danish territory, but Kent believed that more shipments went to England via Holland and the Austrian Netherlands. He notes that shares in the DAC were held in the Dutch and Flemish ports from where smuggling to Britain was carried out.⁴⁶

Bergen was a known outlet for DAC contraband, but the timber ports of south Norway were also used, as was Copenhagen itself, the Faroe Islands and, perhaps, Altona, the southernmost of the Danish-controlled ports, now a suburb of Hamburg.⁴⁷ There is only a little hard evidence for any of this, but there is enough to draw tentative conclusions.

Sweden had a legitimate trade with Britain, exporting iron, tar and timber. In the 1750s, for example, Britain took over one half of Sweden's bar iron exports, which, in turn, accounted for at least half the bar iron requirements of British industry.⁴⁸ This trade meant that ships were regularly traversing the North Sea for legitimate reasons. In terms of Eyemouth, there were thirty-six recorded arrivals from Gothenburg, thirty of which carried timber and iron, two just iron, one timber only and another carried hemp and hemp tow in addition to timber and iron.⁴⁹ Two had cargoes unrecorded. There was only one recorded export cargo – wheat, barley, oatmeal and malt in 1750. While it is always difficult to identify undetected smuggles, between 1782 and 1784 the *Elizabeth* also known as the *Betsy and Peggie*, John Lyon, master, brought timber and iron into Eyemouth on four occasions. John Lyon, however, was a notorious

⁴⁶ Kent, *War and Trade*, p.122.

⁴⁷ Kent, *War and Trade*, p.119.

⁴⁸ Kent, *War and Trade*, p.76.

⁴⁹ NRS, E504/10.

smuggler, referred to thus, by the Customs in connection with an otherwise unrecorded voyage from Gothenburg, in the same ship, in October/November 1785: 'getting hold of his vessel will be difficult as he is a most Compleat artfull Fellow for the Business. No capture will destroy smuggling on that Coast as much as securing this vessel.'⁵⁰ These figures are only from the Eyemouth end. Grage, for example, analysing the *Göteborgs tolagsräkenskäper* notes three Eyemouth ships leaving Gothenburg in 1755, whereas no matching arrivals are recorded in the Collectors Quarterly Accounts.⁵¹ This suggest two patterns: the Eyemouth based ships didn't necessarily sail to Eyemouth and that there is a substantial piece of work to be done in Gothenburg analysing the records and tying up recorded departures with recorded arrivals. John Nisbet's dealings with Scott and Fraser and Sibbald and Greig further confirm the reality of smuggling direct from Gothenburg to Eyemouth.⁵² The key to this smuggling from Gothenburg lay partly in the merchant community in that city.

'The history of Gothenburg has been closely linked with that of England and Scotland since the town was founded in 1621'. So starts John R. Ashton's survey of the British in Gothenburg, which then proceeds to demonstrate this with clarity and detail.⁵³ One of the founding members of the town government of Gothenburg in 1621 was Thomas Stewart, a Scot who had been enrolled as a burgher of Nylöse, the settlement that preceded Gothenburg. Other Scots came over to Sweden to join the armies of Gustavus Adolphus, the great protestant leader in the Thirty Years War. Unlike the Scots and other Europeans, the English were reluctant to be naturalized, which was a pre-requisite for becoming a burgher and being permitted to trade.

During the seventeenth century, trading connections built up with England, with London, Newcastle and, especially Hull. In the 1720s several Scots worked for the Ostend east India company, then, after it failed, moved to Gothenburg. Murdoch paints a picture of a vigorous and influential Scottish presence in the early modern period: 'Scots also played an important role in the development of

⁵⁰ NRS, CE56/2/5C, 19 November 1785.

⁵¹ Elsa-Britta Grage, 'Scottish Merchants in Gothenburg, 1621–1850', in T.S. Smout (ed.), *Scotland and Europe, 1200–1850* (Edinburgh, 1986), pp.112–127; NRS, E504/10, 1755/1756.

⁵² NRS, RS19/17/140–1; NRS, CS229/NI/60.

⁵³ Ashton, *Lives and livelihoods in Little London*.

Scandinavian cities and their infiltration into the institutional apparatus of Sweden in particular was breath-taking.⁵⁴ His pioneering work on the Scots development of networks in northern Europe prior to the mid-eighteenth century sets the scene for their involvement in the Swedish end of the smuggling trade.⁵⁵ He has also worked to effectively destroy the myth of the connection between Jacobites and Freemasons in northern Europe, notably by demonstrating that both Hanoverians and Jacobites were active in Freemasonry.⁵⁶

An upsurge in Scots coming to the city followed the defeat of the Jacobite rising in 1746. The Swedes had agreed with the French to provide military support to the Jacobites in Scotland, but the ship involved was icebound in Gothenburg until too late to help. A few refugees came over, however, many of whom stayed on. It was this group, together with other Scots who had come both earlier and later, who formed the substantial and influential Scottish merchant community in the middle of the eighteenth century.⁵⁷ They all appear to have enjoyed good reputations in Gothenburg, but as many of them were involved in the purchase of tea, it is highly likely that they participated in smuggling that tea into Britain. There is surely no other justification for the purchase of tea at the SOIC sales. The presence of these merchants in Gothenburg was crucial to the success of the merchant-smugglers of Eyemouth. Their knowledge and understanding of the 'home' market made them especially valuable contacts. It is important to bear in mind that, in all these cases, the smugglers, the importers of contraband, were merchants, dealing directly with fellow merchants, often Scottish or with Scottish roots. As George Johnston observed in the Sibbald and Greig case: '...this smuggling trade is carried on between the natives at home and the Houses abroad in the most regular and systematic manner, a trade the most lawfull could not be carried on more avowedly....'⁵⁸

⁵⁴ Murdoch, 'The Scots and Early Modern Scandinavia', p.41.

⁵⁵ Murdoch, *Network North*.

⁵⁶ Steve Murdoch, 'Des reseaux de conspiration dans le Nord? Une étude de la franc-maçonnerie jacobite et hanoverienne en Scandinavie et en Russie, 1688 – 1746' *Politica Hermetica*, 24 (Sorbonne, 2010) (English translation, pp. 21 and 27

⁵⁷ Behre, 'Sweden and the Rising of 1745', 148–171.

⁵⁸ NRS, CS229/NI/60.

John Sibbald, whose father was in partnership with Henry Greig, pursued Nisbet, and then his sequestrated estate, for the final payment on a consignment of tea. The legal challenges relating to this case provide some of the detail of Nisbet's business affairs.⁶⁴ Johnston describes Sibbald thus:

The chief Partner of the House John Sibbald constantly resided at Kinghorn and it is believed was seldom if ever out of the country – his son, the Present Claimant, went to Gothenburgh and as Acting Partner of the House supplied such commissions as were sent from this country. He has returned some years since after having made a handsome fortune and purchased the estate of Abden in the neighbourhood of Kinghorn his native Place.

The name of John Sibbald, probably the son, appears in the records of the British Factory at Gothenburg and he was also a founder member of the Bachelors' Club.⁶⁵ In 1771 the ship *Sea Hero* arrived in Eyemouth from Gothenburg with a cargo of timber and iron for Henderson and Renton and Robert Robertson. The master was William Sibbald and her home port was Kinghorn, surely part of the Sibbald family business.⁶⁶

Henry Greig, who was John Sibbald senior's business partner may have been born in 1743 – certainly a child of this name was baptised at Lunan, with two merchants as witnesses, one from Montrose. Other sources give a birth date of 1750 or 1740.⁶⁷ He is reported as being active in Gothenburg by 1765, which makes an earlier date more likely. In 1771 he was actively involved in smuggling in the Forth, just off Kinghorn, Sibbald's home port and, in a report to the Board of Customs on 13 May, a warrant was sought for his arrest.⁶⁸ Later that same month Greig wrote to the Nisbets, for the first time that is known, almost certainly enclosing the 1771 sale catalogue of the SOIC ('...the following letters, also inclosing a printed Note of the Teas to be sold by him.') and notifying them of the actual and expected arrivals of tea in Gothenburg that season.⁶⁹

⁶⁴ NRS, CS229/N/1/60.

⁶⁵ Ashton, *Lives and livelihoods in Little London*, p.67.

⁶⁶ NRS, E504/10, 8 August 1771.

⁶⁷ Ashton, *Lives and livelihoods in Little London*, p.84; 'Det gamla Goteborg' from <http://gamlagoteborg.se/2014/04/09/chalmers-ostindiska-opiumsmuggling-och-slojdskola/>

⁶⁸ NRS, CE1/12, 13 May 1771.

⁶⁹ NRS, CS 229/NI/60.

In terms of Greig's life in Gothenburg, he was a distinguished citizen. Like the others referred to above, he was a founder member of the Bachelors' Club in 1769. He was an active member of the British Factory, the organisation of British merchants and factors, from 1773, four times Treasurer of the British Poor Box and became a Burgher in 1780. He became involved in the governance of Gothenburg, especially as an auditor of public funds, he established a malthouse and brewery and is chiefly remembered as working with the Burgomaster to raise subscriptions to fund the bringing of piped water to the town in 1785. He suffered from the slump in trade in the 1790s and went bankrupt in 1794, dying in 1798.⁷⁰

Born in 1726, George Carnegie, another Jacobite, from a landowning family of Pitarrow in Kincardineshire, fought at Culloden in Charles Edward Stewart's Lifeguards. Following the defeat, he escaped and fled to Gothenburg, where he found employment with a British house. In 1752 he was elected a member of the British Factory, becoming Treasurer of the British Poor Box in 1755 and 1762 and giving generously to the English Church. He was close to two merchants originating from Hull – John Hall and William Williamson.⁷¹ By 1758 he was in business on his own account and was enrolled as a burgher in Gothenburg. He was involved in the import and export business, exporting timber, iron bars and China goods, including tea. He seems always to have intended to have returned to Scotland, writing to his former captain in July 1759

I have resided in this country ever since the Reduction of our Troop and find no cause to repent my changing the military for mercantile State of Life. I am now turning my thoughts homeward, tho' I have not yet determined in what part of Scotland I shall take up my habitation!⁷²

George Carnegie 'from the Lodge of St John in Gottenburg' visited the masonic Lodge St Ebbe in Eyemouth on 12 February 1761.⁷³ In that year he and his Trustees were pursuing a petition at the Admiralty Court regarding a master on one of his ships who had embezzled £150 paid for a cargo of timber at

⁷⁰ Ashton, *Lives and livelihoods in Little London*, p.85.

⁷¹ Jackson, *Hull in the Eighteenth Century*, p.123.

⁷² Ashton, *Lives and livelihoods in Little London*, p.70.

⁷³ Minutes of Lodge St Ebbe.

Inveraray.⁷⁴ His lawyer and trustee in this case was Robert Jamieson WS, who also acted for Robert Robertson of Eyemouth. Might this explain his visit? According to Ashton he returned to settle in Scotland in 1768 or 1769, so he may well have been paying a discreet visit to sort out his problem, before his pardon had come through and there were few more discreet places than Eyemouth that were near to Edinburgh, where Jamieson was based.⁷⁵

Jamieson was still acting for Carnegie in 1767 when he was in dispute with a merchant in Dundee.⁷⁶ In 1767 he re-acquired the family home at Pitarrow in Kincardineshire and lived out his life in Scotland, where he died in 1799.⁷⁷ His son, David, returned to Gothenburg where he joined John Hall's business and eventually established his own firm, which still survives, even if in name only, as the Swedish Investment Bank, Carnegie.⁷⁸ From this account of his career, two matters stand out – his unexplained visit to Eyemouth in 1761 and the reference to his dealings in tea. According to Ashton, some of his financial records survive, not least a Book of Charges. These may well throw some light on his dealings. Unfortunately, this book does not appear to be in the local archives and Ashton died in 2008.

Of the other merchants, John Hall did supply cargoes to Eyemouth ships and buy tea, but it is not possible to make a closer connection at this stage. In terms of the bigger picture of 'northern' smuggling, however, it is surely not irrelevant that the Halls came from Hull and would have retained contacts in that port and its hinterland.⁷⁹

What is clear from this, is that Gothenburg, the source of the best quality contraband tea, was well placed geographically and in terms of connections with Scotland, with its cadre of Scottish and northern English merchants. The fact that several the Scots were also Jacobite exiles would certainly indicate that they would have been accustomed to working with discretion. It is also

⁷⁴ Edinburgh, NRS, Carnegie, G. and Trustees, Petition to the Admiralty Court. Edinburgh, 1761, AC8/1036.

⁷⁵ Ashton, *Lives and livelihoods in Little London*, p.70.

⁷⁶ Edinburgh, NRS, Robert Garrie (Garry) v Robert Jamieson, Trustee for George Carnegie of Pitarrow, 1767, CS271/63597 and 63519.

⁷⁷ Ashton, *Lives and livelihoods in Little London*, p.70.

⁷⁸ 'Carnegie', from <http://www.carnegie.se/en/about-carnegie/history/>, accessed 2015.

⁷⁹ Ashton, *Lives and livelihoods in Little London*, p.73.

likely that they would have been able to use old Jacobite colleagues in Scotland as trusted contacts. It is notable, however, that these merchants, these suppliers of contraband, were largely leading citizens of Gothenburg and their association with this trade evidently did no harm to their reputations. This surely serves to reinforce Müller's assertion as to the importance of smuggling to the commercial success of the SOIC,⁸⁰ itself perhaps a symbol of national resurgence after the collapse of Sweden's military force early in the eighteenth century. The men contributing to the commercial success of the SOIC were then acting in Sweden's national interest.

Denmark included Norway during the period covered by this work. Unlike Sweden, whose exports of contraband all came from Gothenburg, Denmark-Norway had a more complex series of outlets. The area with which Eyemouth has the strongest links was Norway and, although concrete evidence of smuggling from Norway is thin, circumstantial evidence is quite strong. The main import to Britain from Norway was timber, from the south coast and Bergen. Unlike Sweden, which, as far as Eyemouth was concerned, meant only Gothenburg, Norway had regular trade with Eyemouth on a long-term basis. There was a total of one hundred and thirty-nine recorded voyages to and from Norway between 1743 and 1785.⁸¹

In smuggling circles, Bergen was best known as a false destination. Examples relating to Eyemouth include 'the Ship *Unity* of Eymouth...from Rotterdam being arrived in the Harbour of Burntisland, pretending to have been forced up the Firth in distress, and to be bound for Bergen...' (1756); the sloop *Charles and Mary* of Carron Water found at anchor off Lumsdean Bay 'pretended designed to be carried to Bergen' (1757); the ship *Molly* of Eyemouth loaded with spirits and other goods 'pretending to be bound for Bergen' (1760); 'the ship *Pretty Nymph* ... pretending to be bound for Bergen in Norway' (1767).⁸²

Bergen was as far north as a ship with contraband would need to pretend to travel, to allow her to sail up the east coast, in order to run her cargo. The case

⁸⁰ Müller, 'The Swedish East India Company', pps. 6–8.

⁸¹ NRS, E504/10.

⁸² NRS, CE56/2/1–5.

of the *Unity* shows clearly how the pretence worked, whereby the master claimed that she was in distress, when, in fact, she was suspected of hovering at the mouth of the Firth of Forth. The *Charles and Mary* had the misfortune to be caught in the act, anchored just off one of the main 'running' beaches near Eyemouth. We know that the *Molly* was a smuggler – belonging to the Nisbet brothers – as two of the crew later became informers. The cargo of the *Pretty Nymph* was seized and sold – to John Nisbet.⁸³

There were, however, genuine links with Bergen. There were 19 recorded voyages between Eyemouth and Bergen – nine outwards and ten inwards to Eyemouth. The exports to Bergen were all grain – barley, oatmeal and malt. The imports varied. In the 1740s they were mostly Iberian or Mediterranean goods, presumably being re-exported from Bergen – Levant wines, prunes, almonds and cork, for example, lipra raisins and Levant wines and raisins, prunes and Italian brandy. One more unusual cargo included lemons. From about 1750 onwards, the recorded imports were timber and tar – just what would be expected.⁸⁴

Alexander Wallace, a Norwegian merchant of Scottish descent, was appointed British Consul at Bergen in 1744. He reported to the British government on smuggling from Bergen in 1757, describing how shipments of East India goods were sent from Copenhagen to Bergen, whence they were smuggled to Britain.⁸⁵ Wallace would have known about this from personal experience, as he himself had at least two ships seized by the Customs, one of which, the *George of Sunderland*, was taken by Daniel Dow, the Commander of the King's Boat at Eyemouth in June 1765.⁸⁶ Alexander Wallace, merchant in Bergen, made a claim for the cargo and offered a composition, which was accepted by the Board of Customs.⁸⁷

In March 1762 *Maria Margarethe* of Bergen, with a declared cargo of timber, tar and nuts was wrecked on the approach to Eyemouth. Her master, the merchant

⁸³ NRS, CE56/2/1–5.

⁸⁴ NRS, E504/10.

⁸⁵ Kent, *War and Trade*, p.119.

⁸⁶ NRS, CE56/2/3, 18 June 1765.

⁸⁷ NRS, CE1/11, 31 October 1765.

who owned the cargo and one of the crew were all made members of the Lodge St Ebbe in Eyemouth and John Renton, the agent to the Homes of Billie, organised the salvage of the cargo.⁸⁸ Despite this misfortune, the Board of Customs wrote to Dunbar concerning the ship, instructing the officials there to ‘endeavour to procure evidence of the hovering of this ship and Running the quantity of spirits by these mentioned – not under fifty ankers’.⁸⁹

South Norway was the part of Scandinavia with which Eyemouth had the most frequent connections. For example, there were 117 shipping movements recorded between Eyemouth and southern Norway, compared to 22 for Bergen, Stavanger and Trondheim and 36 for Gothenburg.⁹⁰ There is a sequence of small harbours along the south coast of Norway – Risor, Krogero, Dram, Christiansand and several others, as well as Christiania (Oslo).

<i>Port</i>	<i>Ships</i>	<i>Percentage</i>
Arendal	1	0.80
Krogero	7	6.00
Dram	9	8.00
Christiania (Oslo)	15	13.00
Risor	53	45.00
Fredericksdal	3	2.54
Christiansand	14	12.00
Long Sound	1	0.80
Frederickstad	4	3.42
Moss	1	0.80
Postground (Porssgrund)	1	0.80
Mandel	8	6.84

Table 6/2. Recorded ports of departure in south Norway for ships arriving in Eyemouth with timber, 1744–1785

Source: Collector’s Quarterly Accounts, Dunbar⁹¹

⁸⁸ NRS, E504/10, 9 April 1762; Minutes of Lodge St Ebbe.

⁸⁹ NRS, CE56/2/2, 4 March 1762.

⁹⁰ NRS, E504/10.

⁹¹ NRS, E504/10.

Of these, Risør was far and away the most popular departure point, with 53 ships – 45 per cent of the total. The next was Christiania with 15 (13 per cent). This contradicts Kent's view, which was that 'few shipments from southern Norway to Scotland can be traced', that 'Scotland received its timber from western Norway' and that 'the Scottish trade appears to have been practically exclusively a barter trade'. The first two points are addressed by the figures quoted above and the concept of a barter trade is undermined by the fact that there are no recorded exports from Eyemouth to southern Norway. Kent describes the barter trade process thus: 'Fleets of small Scottish ships of a hundred or so tons brought mainly grain, some coal, a few textiles, sugar and tobacco in exchange for wood. Shipmasters would delay unloading their cargo until they had been assured of timber, which was sometimes carried to England.'⁹² 79 out of the 117 voyages from southern Norway to Eyemouth were undertaken by Norwegian ships – 67 per cent of the total, which further contradicts Kent.

One evidence of business process is contained in a statement of account between Michael Leon of Christiansand and Harry Knox and John Nisbet, dated 7 March 1754 according to which Leon owed Knox and Nisbet £20 8s plus £1 11s 9d interest 'which he promises to pay in good wood'.⁹³ It is intriguing that Leon owed Knox and Nisbet money. Were they smuggling goods to Norway? In an article about new exotic goods in Norway, Ragnhild Hutchison seeks to identify the scale of imports of tobacco, sugar and coffee by sampling local customs records, but she adds a *caveat*: 'It should be emphasized that there is no reason to believe that what was noted in the customs records was all that arrived. Norway has the longest coastline in Europe, and there was no way customs officials could patrol it thoroughly for smuggling.'⁹⁴

In terms of concrete evidence for smuggling to Britain, this is hard to come by. In November 1776 a ship was reported arriving at Montrose laden with deals from Christiansand – and also bringing in tea.⁹⁵ Thomson reported that 'the legitimate timber trade with Norway had a long history of acting as a cover for

⁹² Kent, 'The Anglo-Norwegian Timber Trade in the eighteenth century', 67.

⁹³ NRS, AC8/912.

⁹⁴ Ragnhild Hutchison, 'Bites, Nibbles, Sips and Puffs', 158.

⁹⁵ NRS, CE1/15, 12 November 1776.

smuggled wines and spirits'.⁹⁶ In 1795 Mary Wollstonecraft visited Risor, on behalf of her then partner, Gilbert Imlay, in search of a cargo of silver which had been shipped on a vessel from that port and 'disappeared'.⁹⁷ Wollstonecraft travelled by boat along the rocky south coast of Norway, and was unimpressed by Risor:

...the character of the inhabitants is as uncultivated, if not as picturesquely wild, as their abode. Having no employment but traffic, of which a contraband trade makes the basis of their profit, the coarsest feelings of honesty are quickly blunted...Nothing genial, in fact, appears around this place or within this circle of its rocks...What, indeed, is to humanise these beings, who rest shut up, for they seldom even open their windows, smoking, drinking brandy and driving bargains...Nothing can be more disgusting than the rooms and men towards the evening: breath, teeth, clothes and furniture, all are spoilt.⁹⁸

The legal timber trade was important as well, supplying building materials for the new houses being built throughout the Scottish Borders. Hutchison makes clear the link between urban expansion and house building in Britain and the scale and nature of timber exports from Norway.⁹⁹ She also links the increased disposable income generated in the timber growing areas of Norway, where the forests were often owned by individual farmers, rather than large scale landlords or the state, with a consequent demand for luxury goods.

This situation is reinforced by Arnvid Lillehammer, writing of the later seventeenth century about the district of Ryfylke in south west Norway, near Stavanger. He describes a form of trade which sounds very similar. He makes the point that in this area the seventeenth century is still referred to as 'the Scottish period'. It was characterised by direct trade between ports on the east coast of Scotland and farmers, who owned the forestry resources, using informal ports in local fjords. Two factors put an end to this trade – the depredation of the forests and the increasingly successful efforts of Stavanger to control it. The ultimate success of the authorities in Stavanger was a royal resolution in 1717 safeguarding the privileges of Stavanger and banning

⁹⁶ Thomson, *The Scottish Timber Trade*, p.38.

⁹⁷ L. Gordon and G. Molden, 'The Treasure Seeker', *The Guardian* (8 January 2005).

⁹⁸ Richard Holmes (ed.), *Mary Wollstonecraft: A Short Residence in Sweden, Norway and Denmark*. Penguin Classics (London, 1987), p.131.

⁹⁹ Ragnhild Hutchison, 'The Norwegian and Baltic timber trade to Britain 1700–1835 and its interconnections.' *Scandinavian Journal of History*, 37(5), (2012), 578–599.

Scottish ships from trading direct with the farmers in the fjords.¹⁰⁰ The similarities with the timber trade in the later eighteenth century in south Norway are marked.

There seems, therefore, to be a potential synergy, whereby timber and contraband were imported from south Norway into Eyemouth, with other contraband going back to Norway. It is also clear that timber was exported from south Norway in excess of the quotas permitted.¹⁰¹ The south Norway timber ports provided around 25 per cent of the crews of the DAC ships sailing to Canton, a further hint at the possibility of them being centres for the dispersal of contraband from the East.

Copenhagen was the headquarters of the DAC, but the only evidence of smuggling directly to south-east Scotland from there, is contained in intelligence reports of ships loading with tea.

A great Quantity of Tea and other Goods lately imported at Copenhagen from India will be sent to the British Dominions and the following vessels were loading on the 10th and 11th of October (1783) with those commodities: A large ship going to Ostend, where the Captain's Brother (one Gibson) is preparing all the vessels calculated for the Smuggling trade to receive the Cargo which will probably be landed on the Coast of Scotland...¹⁰²

On the 12 October a ship commanded by George Gibson passed through the Sound bound for Ostend from Copenhagen with a cargo of tea.¹⁰³ Then, a fortnight later there was another report of a ship loading a substantial cargo of tea 'from the House of Mr Ryberg'.¹⁰⁴ Erik Gøbel describes Niels Ryberg as 'one of the important actors in this (smuggling)'¹⁰⁵ A further series of reports were submitted in September and October 1785, one of a cargo of tea 'to be taken to Scotland in a schooner' then an account of a 'Smack rigged Scotch

¹⁰⁰ Arnvid Lillehammer, *The Scottish-Norwegian Timber Trade in the Stavanger Area in the sixteenth and the seventeenth centuries*, in T.C. Smout (ed) *Scotland and Europe 1200 – 1850*. John Donald (Edinburgh, 1986) pp97 - 111

¹⁰¹ Kent, 'The Anglo-Norwegian Timber Trade in the eighteenth century', 66.

¹⁰² NRS, CE56/2/5C, 3 November 1783.

¹⁰³ Sound Toll Registers.

¹⁰⁴ NRS, CE56/2/5C, 20 November 1783.

¹⁰⁵ Erik Gøbel of the Danish National Archives, personal communication (26 January 2015).

sloop...all over black'.¹⁰⁶ There is just one record of a ship coming to Eyemouth from Copenhagen, in 1754, with a declared cargo of timber.¹⁰⁷

From 1640 until 1864 Altona was one of the most important Danish controlled ports. It is now a suburb of Hamburg, which itself was a Free City within the Holy Roman Empire, on the River Elbe. In April 1774 the Board of Customs in Edinburgh wrote to the Collector in Dunbar that

...an Information (had been) received...respecting the Contraband Trade carrying on from Hamburg, Altona and the villages of New Mills and Blacknese situated in the Elbe to Great Britain, and that the same is committed by concealing wine and spirits in Small Casks and Flasks, Gold Silver and Thread Lace between the Ribs of the vessels, which are afterwards covered & nailed up with Boards...¹⁰⁸

The Collector's Quarterly Accounts which record only declared voyages, show one ship coming in from Altona, the *Harriot* of Dunbar for William Nisbet, with a cargo of raisins, currants, soft soap and liquorice in November 1748. There was a spasmodic export trade to Hamburg, taking malt or grain for Robert Robertson, with five voyages in the early 1750s, another four in the early 1760s and a further five in 1777.¹⁰⁹ There is little official evidence of return cargoes, but the *Hope* of Eyemouth, commanded by Thomas Hogg, carried grain to Hamburg for Robertson in March and May 1762 and then was taken by the customs in July of that year carrying a substantial cargo of French wine and brandy from Hamburg for John Nisbet. She had been found hovering in the mouth of the Forth, perhaps seeking to run on the south coast to supply Nisbet's customers in Edinburgh.¹¹⁰

Providence, which sailed to Hamburg in January 1752 was in the charge of John Aitken, a master associated with smuggling. *Providence* is almost certainly Robertson's own ship, later re-named *Peggy* and linked to smuggling. She was stopped and spirits seized in December 1753, for example, and in September

¹⁰⁶ NRS, CE56/2/5C, 12 October 1785.

¹⁰⁷ NRS, E504/10, 6 July 1754.

¹⁰⁸ NRS, CE56/2/5, 21 April 1774.

¹⁰⁹ EH504/10, 7 November 1748, 23 March, 30 March, 10 April 1750, 16 January 1752, 18 April 1754, 13 January, 3 March, 7 May 1762, 28 June 1763, 1 March, 12 March, 22 March, 14 June, 21 June 1777.

¹¹⁰ CE1/11, 8 February 1763.

1759 she was reported to be hovering in the Forth and had spirits seized (Table 4/1). The *Syren* also went to Hamburg for Robertson, in January 1762, having attracted the attention of the authorities the previous December, when an Excise Officer was prevented from boarding her by two members of the crew of the King's Boat.¹¹¹ No suspicion is attached to the ships in 1777, other than that the master of Robertson's own vessel *Philadelphia* was Ralph Gibson, a man later associated with smuggling.¹¹² There is further evidence in the report of the informer Charles Coombs, on board David Nisbet's ship *Molly* in 1759, in which he describes four successive voyages from the continent, including one from Hamburg with 'each voyage returning to the coast of Scotland, where there were run out of the said Ship sundry Quantities of Brandy, Geneva, Tea, Wine, Tobacco, Vinegar and eleven pieces of Indian silk Handerchieffs'.¹¹³

This is clearly indirect evidence, but – as well as being adjacent to Altona – Hamburg was a noted source of contraband. George Parish, a merchant from Leith who had settled in Hamburg in the early 1750s, took part in the smuggling trade and developed links with ports in France. His son, John, continued the trade and later was very helpful to the Americans in the lead up to, and during the War of Independence,¹¹⁴ in which role he had some connection with Henry Greig in Gothenburg.¹¹⁵

6.6 The Low Countries

The Low Countries – modern Netherlands, Belgium and just over the border into France – had long had trading links with Scotland and the east coast of England. They were also the home of two East India Companies – the Dutch, known as the VOC, and the Austrian, better known as the Ostend Company. While tea was imported by the VOC, it is generally thought to be the case that the bulk of tea smuggled from the Netherlands had its European origins in

¹¹¹ NRS, E504/10, 15 December 1761; 13 January 1762.

¹¹² NRS, E504/10.

¹¹³ NRS, CE1/10, 26 August 1761.

¹¹⁴ Schnurmann, 'His Father's Favored Son'.

¹¹⁵ B.B. Oberg (ed.), 'Letter to Benjamin Franklin from Parish & Thomson, 24 August 1781', in *The Papers of Benjamin Franklin* (New Haven and London, Yale University Press, 1999.), vol. 35. (letters in date order)

Gothenburg or Copenhagen.¹¹⁶ As referred to above, 'Dutch tea is become a name for all that are bad in quality and unfit for use.'¹¹⁷ The Ostend Company was effectively suppressed by Britain in 1731, to the regret of consumers, 'underselling is the only natural method of engrossing a trade', and some politicians, but to the joy of merchants, 'I never heard that any man was wild enough to affirm that the trade carried on at Ostend was of no consequences whatever to us.'¹¹⁸

Although there was a considerable smuggling traffic from the Netherlands to Scotland, the bulk of the trade from the Austrian Netherlands and Dunkirk was with the south of England:

French and Flemish ports, notably Dunkirk and Ostend, were convenient harbours for the loading of wines, repacking of tobacco, or preparation of Continental goods for landing on the coasts of Kent or Sussex.¹¹⁹

Rotterdam was a notorious centre for the supply of contraband. Dutch merchants were among the major buyers of tea at the sales in Gothenburg.¹²⁰ It is known from details of his sequestration that John Nisbet purchased contraband, including tea, from Richard Pillans, a second generation English merchant in Rotterdam.¹²¹ There are records of ten ships coming to or linked to Eyemouth from Rotterdam, of which only five are recorded in the Collector's Quarterly Accounts as arriving in Eyemouth with a cargo or, in one case, leaving.¹²² One of these five was actually stopped off St Abbs Head on her way in, in February 1769, when spirits in small casks were found 'designed to be carried to Norway' and seized. The other five ships are recorded as involved in smuggling – one in the Letter Books in 1756, two linked to Pillans, and two, from 1759 and 1760, in the Minutes of the Board of Customs.¹²³

¹¹⁶ Müller, 'The Swedish East India trade', p.38.

¹¹⁷ Mui and Mui, 'Smuggling and the British Tea Trade', p.48.

¹¹⁸ G. B. Hertz, 'England and the Ostend Company', *The English Historical Review* 22 (86) (1907), 255–279 (278).

¹¹⁹ Hoon, *The Organisation of the English Customs*, p.169.

¹²⁰ Kent, *War and Trade*, p.120.

¹²¹ NLS, BCL.D2650(85).

¹²² NRS, E504/10.

¹²³ NRS, CE56/2/4, 9 February 1769; NRS, CE56/2/1, 18 November 1757; NRS, CE56/2/2, 26 June 1760; NLS, BCL.2650 (85).

The three towns of Campveere Middelburg and Flushing (Vlissingen) are all close together on what was then the island of Walcheren at the mouth of the Scheldt estuary. Campveere was the Scottish Staple, from 1541 until 1799. It acted as the legally agreed port for trade between Scotland and the United Provinces for an agreed range of 'staple goods'. The Scottish side was administered by the Convention of Royal Burghs who appointed the Conservator. Davidson and Gray give an account of the full history of the staple, which describes its steady decline during its final 140 years.¹²⁴

...Scottish merchants were becoming more adventurous, and ... the attractions offered by a Staple town were not enough to satisfy their more developed capacity for foreign trade. All this explains the lifelessness, which more and more marks everything to do with the Staple contract after the Restoration, and above all during the eighteenth century.¹²⁵

What happened was that early modern realism and practicality dictated that Rotterdam was the most effective port to use. Indeed, towards the end of the Staple, the Conservator was based there. Rotterdam had a Scottish population of around 800 in the late seventeenth century, while Campveere had as few as fifteen.¹²⁶ Davidson and Gray refer to Rotterdam's role as a 'city of refuge for all who found it inconvenient to remain in Scotland', but after the Revolution (1689) 'the greater part of the Scots population resident there must at this time have been engaged in trade pure and simple.'¹²⁷

Campveere continued in its formal role until 1799, when the arrangement was terminated by the Batavian Republic, the revolutionary regime then in power.¹²⁸ Towards the end it is possible that what had become Campveere's disadvantage, its relative remoteness, may have made it attractive to smugglers, especially from Scotland. John Nisbet, for example, continued to trade with Campveere – one of the *Molly's* voyages in 1759 recorded by the informer was from Campveere.¹²⁹ In addition, the year before, *Molly* was recorded as arriving in Eyemouth in August 1758 with a cargo of flax for John

¹²⁴ J. Davidson and A. Gray, *The Scottish Staple at Veere: A Study in the Economic History of Scotland* (London, 1909) pp 211 – 268.

¹²⁵ Davidson and Gray, *The Scottish Staple*, p.221

¹²⁶ Davidson and Gray, *The Scottish Staple*, pp. 242 - 243

¹²⁷ Davidson and Gray, *The Scottish Staple*, p.242

¹²⁸ Davidson and Gray, *The Scottish Staple*, p.265 - 266

¹²⁹ NRS, CE1/10, 26 August 1761.

Nisbet from Campveere.¹³⁰ What made this voyage interesting was that *Molly* was carried into Dunkirk by a French Privateer in July 1758, having just left Campveere in the company three other Scottish ships.¹³¹ She obviously left Dunkirk quite promptly, presumably after payment of a ransom, perhaps of several hundred guineas.¹³² Does this suggest that Nisbet had insurance? It was certainly the case that ships' masters had delegated authority to settle ransom demands and that insurance gave comfort in terms of meeting the amount required.¹³³

Vlissingen certainly became known as a base for smugglers, to the extent that the term 'Flushing Cutter' was taken to refer to smuggling vessels. For example, the reference in March 1780 to John Lillie of Duns reported as heading a gang of smugglers 'when the Flushing Cutter were upon the coast.' and another from December 1773: 'a Flushing Cutter is soon expected on the Coast betwixt Berwick and Ross'.¹³⁴ Kerr also refers to Flushing 'Such men (local smugglers)... are much encouraged to persevere by regularly established agents of the Kentish and Flushing smugglers who allow credit for the smuggled goods...'¹³⁵

Middelburg was less used – it was accessed only by canals – but Robertson received a cargo of oats and old iron from there in June 1766 and in January 1786:

Mr James Kyd Commandr. of the *Osnaburgh* cutter signified that a Brigg belonging to Ely arrived there that Night from Midleburgh the Master of which informed him that on the 4th Instant when he sailed from thence, a Luggger came out with him, which he saw off St Abbs Head on Sunday evening last 8th Instant.¹³⁶

Aside from its role as a base for Privateers, there are only three references to Dunkirk in relation to shipping in Berwickshire. One is specific to Robert

¹³⁰ NRS, E504/10, 1 August 1758.

¹³¹ 'Captures, &c. by the French', *Scots Magazine*, Edinburgh, (July 1758).

¹³² 'List of Ransoms made by the WHIM Privateer of Dunkirk', *Caledonian Mercury*, Edinburgh (25 July 1781).

¹³³ A.B. Leonard, 'Underwriting Marine Warfare: Insurance and Conflict in the Eighteenth Century', *International Journal of Maritime History* 25.2 (2013), 173–185 (176).

¹³⁴ NRS, CE56/2/5B, 24 March 1780; NRS, CE56/2/5, 9 December 1773.

¹³⁵ Kerr, *General View*, p.7.

¹³⁶ NRS, CE56/2/5D, 13 January 1786.

Robertson, and quite tantalising. This is in the will of Job Buck, a shipmaster from Eyemouth who died in 1753. In the list of debts owing to Buck, there is this:

...by Robert Robertson merchant in Eymouth Eighty pound Sterling Contained in a bill dated at Dunkirk in France the twenty seventh Day of August last and drawn by the defunct upon the said Robert Robertson payable four months after date.¹³⁷

There is no record of Buck as the master of any ship in or out of Eyemouth, but he did have a half share in the 90 ton ship *Helen*, which was roused (auctioned) on 1 May 1753 at Eyemouth, after returning from Malaga on 12 March with a cargo of raisins and Spanish wine for Davidson, Grieve and Co., under the command of Thomas Davidson. There is nothing to link Robert Robertson to Dunkirk other than this one reference. It is possible that the Eighty Pounds was linked to a ransom – Robertson was the sort of man that someone like Buck may have gone to for assistance in the event of his ship being taken. On 24 December 1787 ‘a small vessel laden with Spirits, Wines and Tobacco was that morning drove onshore bottom uppermost at Thorntonloch’ and in March 1788 an application was made to the Board of Customs

...on behalf of John Christian junr., Merchant in Dunkirk claimer of the Cargo of Spirits and Tobacco on board the *Lively*, James Simison master, lately wrecked at Thorntonloch.¹³⁸

In 1766 the *Elizabeth* of Eyemouth, Lawrence Fraser, from Dunkirk was stopped and found to have ‘broken bulk’, there were spirits in ankers, so was seized and taken into Dunbar, despite Fraser’s protestations that she was bound for Gothenburg, presumably a pretended destination, as Bergen was so often.¹³⁹ The year before, *Elizabeth* under the regular smuggling master George Hay had been seized by Captain Boog’s cutter and taken into Leith, with a cargo of wine from a place recorded as Boltogan.¹⁴⁰

6.7 Conclusion

¹³⁷ NRS, CC15/5/10.

¹³⁸ NRS, RH4/76, March 1788.

¹³⁹ NRS, CE56/2/3, 8 December 1766.

¹⁴⁰ ‘Leith: arrivals’, *Caledonian Mercury*, Edinburgh (7 August 1765).

There was a distinctive North Sea smuggling world. Consumers in Scotland and the north-east of England preferred to drink Congou, one of the better-quality teas, hard to get and expensive through legitimate channels. The East India companies of both Sweden and Denmark relied largely on smuggling into Britain for their commercial success. This was no accident. They developed ships that carried the optimum amount of tea in the most cost-efficient and speedy way and neither had any internal market to speak of. Both companies also had good financial reputations in Canton and were able to buy the best quality teas.

In Sweden, there was a group of merchants of Scottish origin, some of whom had been active Jacobites in 1745/1746, who bought tea from the SOIC and sold it directly to merchant-smugglers at 'home' in Scotland. It is likely that merchants in Gothenburg with their origins in Hull would also have dealt with their former townsmen. The Humber estuary was the most plausible route for tea to reach Leeds from Sweden. In addition, Dutch merchants bought tea to sell through Amsterdam to other UK based tea smugglers. The Danes seem to have undertaken more direct selling of tea, from Copenhagen itself, through Bergen, the Faroe Islands and surely the group of isolated, ultra-specialised timber ports of southern Norway, with their traditions of law breaking, new demands for imported luxuries and connections with the DAC.

The Netherlands had long been a trading partner of Scotland, through the Staple of Campveere on Walcheren and the port of Rotterdam. As with the tea imported by the Scandinavian East India Companies, the Netherlands supplied goods that were highly taxed in Britain and much in demand, such as gin and French wine and brandy, brought up to be re-distributed. The same was true of the German river port of Hamburg, which acted as an entrepôt between the European hinterland and the sea. Dunkirk, the southernmost of these ports, just over the border in France, supplied goods to the north and south of Britain. Its main role, however, was as the base for privateers in time of war. These threatened smugglers, as witness the seizure of the Nisbets' *Molly* in 1758. The threat from Dunkirk could well have encouraged a shift in smuggling to the north, but more work is needed to investigate this.

The apparent contrast with smuggling in the south of England, fed from France and Guernsey and with the west coast, fed from the Isle of Man, until 1765, is surely related to the distances involved and the weather that could be expected. In other words, relatively small boats could manage the smuggling trade in the English Channel and the Irish Sea, but in the North Sea, larger vessels were needed. This could be at least part of the explanation for the dominance of the trade by merchant-smugglers, who were already regularly bringing cargoes into Eyemouth from many of the same ports that supplied contraband. It is apparent that, from sometime around 1780, smuggling changed again. This is discussed in more detail in chapter seven, which will explore the reasons for this, which are multi-faceted, and have a certain internal logic.

Chapter 7

The changing face of smuggling in south-east Scotland in the late eighteenth century

7.1 Introduction

This final, almost valedictory, chapter covers a period of approximately 20 years up to 1796, during which the nature of smuggling in the south-east of Scotland changed completely. Five case studies will be used to make the point, reinforcing the micro-history of smuggling around Eyemouth.

The first, and most substantial, is that of John Nisbet, who was sequestered (made bankrupt) by a fellow merchant in 1787. The very fact of his being a smuggler prompted a number of legal disputes around his sequestration, which allow for a more detailed analysis of his failure. Secondly, James Renton, the son of the Eyemouth lawyer John Renton, was a timber merchant and associate of initially of Robert Robertson, then of John Nisbet, John Lyon and John Lyell. James was bankrupted in 1788. Thirdly, John Lyon was a ship master and well known (to the authorities) as a full-time smuggler based in Berwick-upon-Tweed. Fourthly, John Lyell (later known as Lyall) originally of Greystonelees, near Burnmouth withdrew from the trade between 1785 and 1788 and moved to London and Sussex, where he made a new life as a ship owner and merchant and fathered a dynasty of Victorian professional men. Finally, there is the Gibson family, of Fairnieside, also near Burnmouth, who married into a Folkestone smuggling family and can be seen to exemplify the new world of 'professional' smuggling. One additional figure, who was examined in some detail in Chapter 4, was Charles Swanston, the ringleader of the raid on the Customs Warehouse in 1780. He had died in 1782, so perhaps was also included in George Tod's categorisation of 'former dealers'.¹

¹ George Tod, 'Parish of Eyemouth', in Sir John Sinclair (ed.), *The Statistical Account of Scotland* (1791–1799), 115.

The reasons for these changes are complex and efforts will be made to tease them out and draw distinctions between personal issues and the changing political and economic climate. The timing of both Nisbet's and Renton's failures and Lyell's move away is strongly suggestive of a connection with the end of large-scale tea smuggling following the Commutation Act of 1784. Nisbet was a special case, the last and most blatant, of the Eyemouth merchant-smugglers.

The earliest local source which drew attention to these changes was the Reverend George Tod, Minister of Eyemouth, writing in the *Statistical Account of Scotland* in the early 1790s.

For several years past, there has not been a single smuggler residing in this parish. The former dealers in that illicit trade are now all dead, or removed to distant parts. Not one of them died rich, and the far greatest part of them became bankrupt.²

Three contemporary sources will be examined: Tod, quoted above, as well as Robert Kerr and Adam Smith.³

7.2 The failure of John Nisbet

When George Tod wrote of smugglers in Eyemouth that 'the far greatest part of them became bankrupt', he was surely referring to John Nisbet, the highest profile of the Eyemouth merchant-smugglers who was brought down by that pillar of the Church of Scotland, Robert Robertson, in 1787. It is possible to follow Nisbet's failure from the early 1770s, when he was doing well, to his sequestration in 1787, his subsequent retirement to Tweedmouth, on the south side of Berwick-upon-Tweed, and his death in 1796. Following his death, his affairs remained confused, not being finally resolved until 1812, long after the period covered by this thesis. Nisbet clearly failed to address this dictum of Adam Smith's:

² Tod, *Parish of Eyemouth* p.115

³ Kerr, *General View*; Smith, *The Wealth of Nations*.

...the common returns ought, over and above the ordinary profits of stock, not only to make up for all the occasional losses, but to afford a surplus profit to the adventurers of the same nature with the profit of insurers.⁴

so that when he did suffer losses, he was not able to recover. Much of Nisbet's business career, including his network of associates, was dealt with in Chapters 3 and 4, but some of this will need to be reiterated in the context of his failure. Nisbet will dominate this chapter, partly because of the quantity of material available concerning his business failure, but also because he was the dominant figure in the smuggling business in Eyemouth.

There are, as yet, no detailed studies of business failure in Scotland at this period. The key work on the subject in England is still Julian Hoppit.⁵ Despite the legal differences between the two jurisdictions, the reasons for failure are similar. When Hoppit looks at merchants, his prime focus is on those involved in the export trade, who needed to advance credit to attract customers. Nisbet was almost exclusively involved in imports – the usual position of the smuggler.⁶ Robertson had a much more even balance of recorded imports and exports (36 export voyages and 51 imports). Nisbet, therefore, relied heavily on credit being advanced to him. This made him particularly vulnerable to sequestration. Sequestration is a Scottish practice, defined as 'primarily a coercive procedure initiated by a creditor by which the assets of a debtor who fails or refuses to pay his debts are made available to his creditors towards the satisfaction of their debts.'⁷ The main work on this subject is still Burton from 1845.⁸

Hoppit looks at access to credit and, as with Fair Trade, this was an essential requirement of smuggling. He quotes Rosenblatt's study of credit in the tobacco trade 'in fact, the ability to command commercial credit in time of

⁴ Smith, *The Wealth of Nations*, vol. 1, p.213.

⁵ Hoppitt, *Risk and Failure*.

⁶ Joe Varley, 'Smuggling in the Eighteenth and Early Nineteenth Centuries'. *On-Line Journal of Research on Irish Maritime History* (2014), accessed 5.2.2014.

⁷ *Bankruptcy and Related Aspects of Insolvency and Liquidation* (Scottish Law Commission, 1982), paragraph 2.8.

⁸ J. H. Burton, *The Law of Bankruptcy, Insolvency and Mercantile Sequestration in Scotland* (Edinburgh, 1845)

duress was more important to success in eighteenth-century commerce than any technical or administrative skill the merchant might possess.⁹ It was Nisbet's failure to re-pay all his debts that provided the opening for his sequestration, either because of business decline or the inability to access other lines of credit or, in this case, because he was not given the opportunity to pay his creditors.

Perhaps the most significant problem faced by a contemporary scholar looking at eighteenth-century smuggling as a business is to grasp what proportion of adventures succeeded and, in this case, what proportion of Nisbet's total business was devoted to smuggling. While some effort has been devoted to specific aspects of smuggling in relation to overall trade there does not seem to have been any detailed analysis of smuggling as a local business.¹⁰ This is, of course, largely due to the absence of material – smugglers' detailed accounts have not generally survived. Job's partial records give a broad view, but he was more of a backer of smugglers, rather than an active smuggler himself.¹¹ The informer aboard Nisbet's ships in the late 1750s reported on four voyages in none of which the ship came into port and which would, otherwise, have remained unknown.¹² The suggestion from the Pillans case is that there was an ongoing relationship between Nisbet and Pillans and also between the Robertsons and Pillans, which are also not reflected in the official records.¹³ There is, however, a reasonable amount of material relating to Nisbet's career which will allow for certain assessments to be made. This section, therefore, will review the data that exists regarding Nisbet's smuggling career and draw conclusions.

The last recorded voyage of a ship for John Nisbet in the official records is that of the *Betty* which came from Rotterdam in June 1770 under the command of Peter Dagleish, one of Nisbet's favoured masters, with a declared cargo of clover seed for John and David Nisbet. It seems to be the

⁹ Hoppitt, *Risk and Failure*, p.101.

¹⁰ Cole, 'Trends in Eighteenth Century Smuggling'; idem, 'The Arithmetic of Eighteenth Century Smuggling: Rejoinder'; Mui and Mui, 'Smuggling and the British Tea Trade'.

¹¹ Wilcox, 'Maritime Business in Eighteenth Century Cornwall'.

¹² NRS, CE1/10, 26 August 1761.

¹³ NLS, BCL.D2650 (85).

case, that the last officially recorded voyages for the Nisbets were all from Rotterdam in 1769 and 1770, mostly with declared cargoes of seeds.¹⁴ It is clear, however, that the Nisbets were still active later in the 1770s and, indeed almost certainly into the 1780s. Their relationship with Greig and Sibbald of Gothenburg, for example, dates from as late as 1771,¹⁵ while in 1773 their servants were caught bringing contraband away from the shore at Gunsgreen.¹⁶ The dispute between George Johnston for the creditors and Robert Robertson and Son relates to Nisbet's transactions with Richard Pillans of Rotterdam in 1774. According to Johnston, in another case following the sequestration, in early 1775 '... Mr Nisbet's affairs became much embarrassed and he himself falling into a very bad state of health, became little able to give attention to business of any kind.'¹⁷ Contraband was found in a building at Gunsgreen in 1782¹⁸ and there is paperwork suggesting the delivery of a substantial consignment of tea as late as the end of the following year.¹⁹

Richard Pillans

Nisbet's dealings with Pillans offer a clear exposition of how smuggling worked at this level and offer an indication of what may have started his decline. The two sources for this matter are Johnston's petition of 1792²⁰ and an account of the case used in Bell to illustrate the principle of a *Pactum Illicitum*:

Richard Pillans, a native of Holland, and merchant in Rotterdam, had been engaged in furnishing goods to John Nisbet merchant in Eymouth, which he knew were to be smuggled into this country; and it appears from his letters, that he had pointed out to Nisbet different methods of conducting this business, as well as solicited employment in that line.

¹⁴ NRS, E504/10, 15 February 1769; 1 June 1770.

¹⁵ NRS, CS229/NI/60.

¹⁶ NRS, CE56/2/5, 24 June 1773.

¹⁷ NLS, ESTC T213586.

¹⁸ NRS, CE56/2/5B, 26 August 1782.

¹⁹ NRS, CS229/Y/1/17.

²⁰ NLS, BCL.D2650 (85).

In one of his letters, for example, Pillans had advised Nisbet that 'our India sales are now over, and on the other side you have the quotations of the present shipping prices for your government; if you wanted to make another trial this winter, here is one of our schoots on sale...'.²¹

It is interesting, therefore, to note Nisbet's incoming voyages from Rotterdam in 1769 and 1770 referred to above. It is also known from the paid informers on the *Molly* that Nisbet was bringing in contraband from Rotterdam and Campveere as early as 1759.²² The dispute in the Pillans case concerned a ship called the *Hawk*, James Balfour, master, which Nisbet sent to Rotterdam in June 1774. A ship of this name, George Malcolme, master, was reported sailing from Kirkcaldy to Gothenburg to load tea and spirits in July 1771²³ and running tea from Gothenburg at Redheugh, north of Eyemouth, in November 1772.²⁴

The *Hawk*, it transpired, required extensive repairs, the cost of which were borne by Pillans. Nisbet regarded such jobs as 'ready-money work' which he wished to be instantly discharged. The account below, therefore, relates only in part to the repairs and related costs. The total of 14,453.9 florins converted to approximately £1,285 at an average exchange rate of 11.25 florins to the pound sterling, as deduced from the creditor column. The repairs and related costs were subsequently assessed as amounting to around £199. The remaining £1,086, therefore, was presumably paid for contraband. The shortfall in Nisbet's payments indicated below was approximately £656. He had, however, paid £630, comfortably more than the cost of the repairs. It must be assumed that Nisbet made further payments after this statement was signed off in September 1774.

²¹ Bell, *Cases Decided in the Court of Session*, pp.349–355.

²² NRS, CE1/10, 26 August 1761.

²³ NRS, CE56/2/4, 28 July 1771.

²⁴ NRS, CE56/2/4, 24 November 1772.

DEBTOR.		CREDITOR.	
1774.	Balance from Pillans and Rofe,	f. 1997	9 0
March 11.	Sundries per Balfour,	3855	0 0
May 13.	Ditto per ditto,	1838	3 0
July 1.	Sundries paid Balfour,	254	0 0
Sept. 22.	Sundries per ditto,	4561	18 0
	Sundries paid for the ship,	1472	7 0
	James Balfour's bill at fight,	462	9 8
	Postages and brokerage of bills,	12	2 8
		<u>f. 14453</u>	<u>9 0</u>
			<u>f. 14453</u>
			<u>9</u>

Errors Excepted.

Rotterdam, 23d Sept. 1774.

RICHARD PILLANS.

Figure 7/1. The state of Nisbet's account with Pillans, 23 September 1774²⁵

Johnston made the point that Nisbet's payments should have been applied first to the repairs and that Pillans made no specific request for payment for 'various articles sent to Nisbet, such as tea, wine and brandy'. This is significant as the whole court case revolved round a *Pactum Illicitum*, which Burton refers to as 'a smuggling transaction, or money lost at play &c,' which 'cannot be held to be a just and necessary cause.'²⁶ As Lord Swinton said in his Opinion to the Court of Session:

A foreign merchant knowing the smuggling laws of this country, who has been accessory to a smuggling adventure, cannot pursue for implement of the smuggling contract; were such an action to be sustained, he would derive advantage from those very laws which he had violated.²⁷

The Court did, however, allow that part of the overall account relating purely to the repairs of the ship and related costs to stand. Nisbet's creditors were unhappy about this and objected on two grounds – that laid out above, that Nisbet had paid for the repairs, and that the repairs were *de facto* part of the

²⁵ NLS, BCL.D2650(85)

²⁶ Burton, *The Law of Bankruptcy*

²⁷ Bell, *Cases Decided in the Court of Session*, pp.349–355

Pactum Illicitum. Unfortunately for them, the original decision stood and £198 19s 5d was allowed out of the original claim of £413 17s.²⁸

During the hearing about this specific matter, letters were read into the court record to illustrate the nature of the relationship between Pillans and Nisbet. These throw light on the initial cause of Nisbet's decline.

In my last I acknowledged the receipt of your favour by the *Royal Code*, and have dispatched the cargo, as per invoice on the other side, of 2996ft. to your debite, and hope it will meet better luck. I expect it on board this day, and as the wind is fair, may be with you ere this comes to hand.²⁹

It was the cargo sent by the *Royal Code*, which was taken, that eventually led to the claim against Nisbet. It amounted to approximately £266 sterling, and by 1778 the debt, with interest, amounted to £413. It was then that Nisbet granted a heritable bond over the lands of Gunsgreen, which was taken in the name of Alexander Robertson, acting as Pillans' 'friend and correspondent'. Alexander, the son of Robert Robertson, then purchased this debt in 1782 for £400, although it was by this time worth £600. Robertson and his father then used this debt to seek to have Nisbet sequestrated, although they failed in this for procedural reasons.³⁰

This rather complex sequence of events highlights several interesting factors. Firstly, Nisbet had had a reasonably long-term relationship with Pillans, buying tea, wine and brandy and smuggling it into Britain. Pillans gave active help, offering to provide a ship – the schoot referred to – and arranging for Nisbet's ship to be repaired and the master and crew looked after. This has all the hallmarks of 'normal' trade, down to the line of credit and payments made through reputable banking houses. What it also shows is that Nisbet lost a cargo when the *Royal Code* was taken and possibly earlier, if one notes the phrase 'hope it will meet better luck' in Pillans's letter. This seems to have been the beginning of the end of this phase of Nisbet's career, particularly as

²⁸ NLS, BCL.D2650(85).

²⁹ Bell, *Cases Decided in the Court of Session*, p.350.

³⁰ Bell, *Cases Decided in the Court of Session*, p.350.

these episodes coincided with his reported ill-health.³¹ It also, perhaps, suggests that Nisbet lacked the access to the further lines of credit or funding that he had had earlier.

Alexander Dow

The Nisbet brothers had a complicated relationship with Alexander Dow, who was John Nisbet's clerk in the early 1750s, then went, following a cruise on a privateer off the south coast of England, to India. He became a colonel in the Bengal Regiments of the East India Company, learned Persian and produced a three volume *History of Hindostan*, published in 1768/1772. He also produced a volume of stories and two plays, put on by David Garrick in London. He was friends with David Hume, James MacPherson and Caleb Whitefoord and had his portrait painted by Joshua Reynolds. He died in 1779 at the age of 43 leaving his entire property – now some £14,000 to £18,000 – to David Nisbet, in a will produced in 1757 aboard the privateer.³²

Two of the more considerable debts that featured in Nisbet's sequestration are linked to Dow, and Nisbet's 'expectation' of his inheritance from Dow allowed him to postpone the final sale of his property for well over a year. Dow's career can be reconstructed from a variety of sources, but the story of his relationship with the Nisbets is outlined in papers regarding two post-sequestration court cases, one relating to an advance to one of Dow's relatives, the other to Nisbet's attempts to delay the execution of the process of sequestration.³³ They serve to illustrate how Nisbet's affairs deteriorated through the 1770s.

Bell and Rannie

The story of Nisbet's dealings with the Leith wine merchants Bell and Rannie is very complex, but quite revealing. The source is George Johnston's response to Bell and Rannie's petition to be recognised as creditors and is

³¹ NLS ESTC T213586.

³² NA, Prob. 11/1091.

³³ Johnston, *Petition against an Interlocutor*.

dealt with in chapter three above.³⁴ The case revolved around Alexander Dow's cousin, Duncan Carmichael, who was a grocer in the Nether Bow in central Edinburgh.³⁵ In the late 1760s, Dow advanced his cousin £100 sterling, then in 1768 Nisbet, without further reference to Dow, gave Carmichael a letter, addressed to Bell and Rannie, authorising them to supply Carmichael with 'one of our butts of Port' which makes it clear that Nisbet did supply them with wine. Interestingly, there is no record of Nisbet importing any wine from Portugal in the years before this transaction. In February 1768, however, he bought 38 hogsheads and three tierces of claret at the customs auction in Dunbar, wine which may well have been his own in the first place, having been seized from a ship captained by Peter Dalgleish, one of his regular masters, in July 1767.

What happened subsequently was that Bell and Rannie advanced Carmichael more goods on credit, despite Carmichael having been imprisoned for debt at one point. The situation became increasingly complex with Carmichael pursuing several financial manoeuvres, presumably to try and keep afloat. Bell and Rannie pursued Nisbet, who wrote to them in January 1773:

Your favour of the 20th instant, advise the Lords have determined against you in the affair *you* had with Carmichael's bond, *in which I have no concern*. I expect Colonel Dow in three weeks when you may depend I will do the utmost in my power *for your interest*

The Interlocutor granting a stay of execution on the sale of Nisbet's property, in rehearsing some of the background, indicates that in 1771 Dow had lent Nisbet £1,500, secured by a heritable bond and that this bond was reinforced by a Bond of Corroboration in 1777.³⁶ What this suggests is that even at a time when we are told he was 'a man in considerable trade' he still relied on a substantial loan to keep him going, which he showed no intention of ever paying back. This loan also turned out to be what eventually brought about his downfall.

³⁴ NLS ESTC T213586.

³⁵ Williamson, *Directory for the City of Edinburgh*.

³⁶ Johnston, *Petition against an Interlocutor*.

John Sibbald and Henry Greig

Nisbet's relationship with the Gothenburg merchants Sibbald and Greig, later Henry Greig alone, falls into two parts. The earlier period, starting in 1771, is detailed in Chapter 7 above. The dealings with Greig in the 1780s are more difficult to untangle. The whole of Nisbet's relationship with Greig and Sibbald appears to be described by George Johnston in his 1790 submission to the Court of Session.³⁷ This is reinforced by the earlier submission by Henry Greig, a sworn expression of the 'State of Debt due by Mr John Nisbet of Gunsgreen to Mr Henry Greig'.³⁸ What complicates matters is the existence of the original documentation relating to this debt, including the bill of exchange, preserved elsewhere in the National Records of Scotland.³⁹

This documentation indicates that Nisbet was still buying tea from Greig as late as 1783, which suggests that Nisbet's failure could be linked to the effects of the Commutation Act. There are some indications, however, that matters were not as simple as they first appeared. One is the description of Nisbet's poor health in 1775 by Johnston.⁴⁰ The other is that Nisbet's brother, and business partner, David had died in early 1784, probably in March. Nisbet was, therefore, isolated and open, as described below, to the Robertsons' machinations and possibly vulnerable to some form of exploitation executed by, or through, Gavin Young, described as a London merchant.⁴¹ Equally, Johnston may have exaggerated his comments on Nisbet's health – Nisbet was certainly determined enough to seek to cause delays to the sequestration process.

³⁷ NRS, CS229/NI/60.

³⁸ Edinburgh, NRS, CS229/N/1/59/3, State of the Debt Due by Mr John Nisbet to Mr Hy Greig, 1788.

³⁹ NRS, CS229/Y/1/17.

⁴⁰ NLS, ESTC T213586.

⁴¹ NRS, CS229/Y/1/17.

The transcript of the Bill written into the papers for the court reads thus, with the date shown as 1784:⁴²

L259.16/ Sterling Gottenburg ye 6 Decemr. 1784

Four months after date pay this my first of Exch.
to Mr Gavin Young or order in London Two
Hundred & fifty nine pounds Sixteen shillings
Stg value in our place same as per advice from

To Mr John Nisbet]	Henry Greig
Of Gungreen]	Accepts John Nisbet
Eymouth]	at Messers Kinloch & Hog
	London

The problem is that the actual Bill, preserved in the archive, has the year removed – it looks as though it could well have been cut off – as can be seen in the picture below (Fig. 7/2).

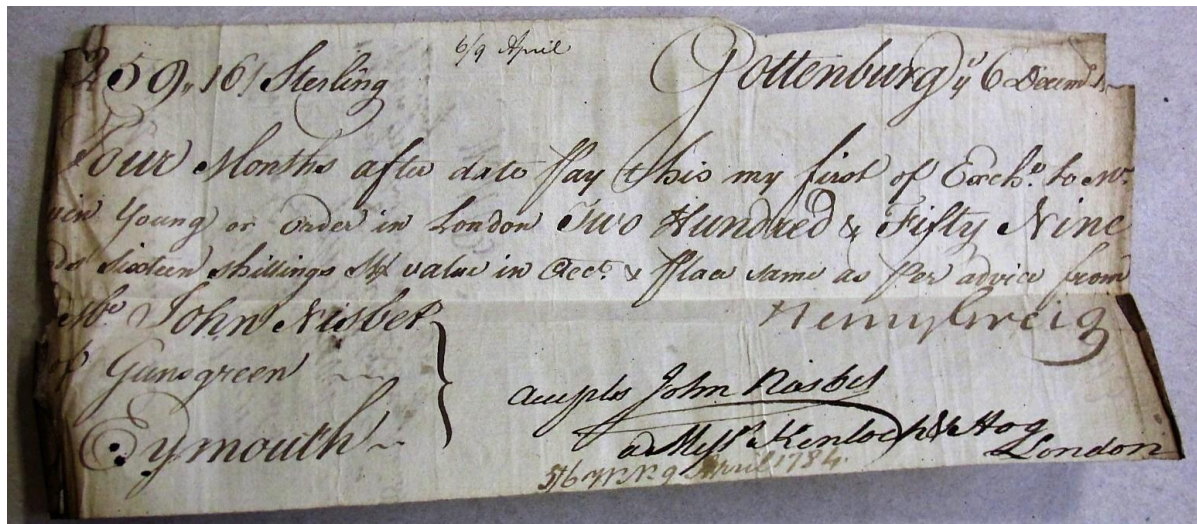


Figure 7/2. Nisbet's bill to Gavin Young, 6 December 1783⁴³

There then follows the payment pattern described in the sworn 'State of Debt', starting on 6 April 1784, probably less than a month after the death of David Nisbet – and exactly four months after 6 December 1783, as promised in the

⁴² NRS, CS229/Y/1/17.

⁴³ NRS, CS229/Y/1/17.

Bill: surely confirming 1783 as a more likely date for the Bill, if it were genuine. A further point of interest is that two of the payments, those of 26 November 1784 and 24 March 1785 were made in Berwick to John Lyon, whose career is discussed below. If this Bill really relates to a consignment of tea delivered in late 1783, it indicates that Nisbet must have taken delivery of around 32 cases of tea: Paton's prices suggest about £8 for an 80 lb box.⁴⁴ In addition, this document indicates that Nisbet was in a position to make regular payments, totalling £259 13s between April 1784 and January 1787. The ship that seems the most likely means of importing this tea was the *Betsy & Peggy*, which was recorded as arriving in Eyemouth from Gothenburg in late October 1783, skippered by John Lyon for James Renton,⁴⁵ evidence of a potential further connection with Renton and Lyon.

It is hard to understand Nisbet's financial position, as when he was issued with a Protest in April 1784, four months after the date of issue of the Bill, a standard period, his bankers, Kinloch and Hog of London explained that the Bill could not be paid 'for want of funds'.⁴⁶ The assumption must be that he was successfully selling the tea and receiving payments on an irregular basis, or that he was relying on someone else, perhaps James Renton, to provide the funds, presumably in cash.

The process of the sequestration

On 10 July 1787

John Nisbet having become insolvent, a petition was preferred ... at the instance of Robert Robertson and Sons, merchants in Eyemouth, his creditors in a bill ... praying for a sequestration of his estate... But this petition was refused, 'in respect the same is not presented within the time limited by the act of Parliament, after the last step of diligence'.⁴⁷

The Robertsons were clearly not men to take no for an answer and on 19 July they 'having found that Mr Nisbet was also debtor to Alexander Dow, brazier

⁴⁴ NRS, GD51/3/194/1-2.

⁴⁵ NRS E504/10, 24 October 1783.

⁴⁶ NRS, CS229/Y/1/17.

⁴⁷ Johnston, *Petition against an Interlocutor*.

in Hertford' presented a new petition on which sequestration was awarded on 14 August 1787, in these terms:

John Nisbet not having appeared within the time specified in the citation ... to show cause why further procedure should not be had in the petition, neither having paid the debt mentioned therein (Lord Alva) Sequestrates the whole real and personal estate belonging to the said John Nisbet...⁴⁸

This decision set in train a sequence of events which led eventually to the sale of Gunsgreen House. Nisbet, however, did not give in without a considerable struggle. His position had been weakened by the death of David in 1784 and William ten years earlier. If he was still involved in tea smuggling as suggested by the bill to Henry Greig, the impact of the Commutation Act would have been very serious.⁴⁹ John was also 75 years old by this time.

Nisbet sought to exploit his age by submitting a petition to the Lord Ordinary 'in which, though he admitted that he had once been a merchant, yet he said he had given over business for some years and contended that therefore he did not fall under the description of the statute.' The finding, on 18 September 1787, was '... as his debts had been contracted in the course of trade, it was of no consequence though, after his affairs had fallen into confusion, he should have given over business.'⁵⁰ The legislation was unclear on this point, in fact and it was not laid down whether a lapse of time would render the application inept. A decision made as late as 1830 was that it referred to people who 'are or have been traders'.⁵¹

The advertised meeting of creditors went ahead, therefore, on 15 October 1787. At this meeting George Johnston, an Edinburgh lawyer, was appointed to act as the trustee for the creditors. He was then instructed to advertise a public roup (auction) of the sale of 'the lands and estate of Gunsgreen, together with the houses upon it' in Edinburgh on 6 February 1788, with an

⁴⁸ Johnston, *Petition against an Interlocutor*.

⁴⁹ NRS, CS229/Y/1/17.

⁵⁰ Johnston, *Petition against an Interlocutor*.

⁵¹ Burton, *The Law of Bankruptcy*, pp. 275 - 6

upset (reserve) price of £3,000. In what seems to have been normal practice, Nisbet could remain in possession of the farm until Whitsunday 1788. Nisbet then tried a second delaying tactic – he ‘avoided his examination under the statute upon pretence of sickness’, so Johnston had to apply for a new date to be set. There is a detailed account of this examination in the Petition of 1788. As it represents Nisbet’s own account of his affairs, it is valuable to include this lengthy quotation:

Mr Nisbet, being accordingly examined, declared, ‘That the lands of Gungreen, belonging to him, have been in his own natural possession since his purchase, and *that he cannot, on that account, exhibit an exact rental thereof* (original italics); but, in his opinion, that land, with the farm-houses thereto belonging, including the house and yard presently possessed by himself, may be let in tack for £100 Sterling of yearly rent. Declares, That the rent of the large house, lately possessed by John Stewart, Esq; younger of Allanbank, with the small garden at the end of it, was, when in his possession, £35 Sterling yearly, and that he possessed the same for five years at that rent, and removed from it at Whitsunday last... Declares, That he has one share in the East Lothian and Merse Whale-fishing Company in himself and another share to which he succeeded by the decease of his said brother David Nisbet. Declares, That he is of *opinion* that these two shares would at present sell at par, or £50 Sterling each; and that he is confirmed executor of his brother in the share which belonged to him... he goes on to say, that half of Colonel Dow’s succession should belong to him in right of his brother; and declares, that he had from Colonel Dow a promissory note, for L.400 Sterling, which the declarant indorsed to Messrs Robert Robertson and Son, in security of a debt, originally due to Mr Pillans of Rotterdam, and now in the persons of the said Robert Robertson and Son; but that he cannot at present say, whether that L.400 promissory note makes part of the debt given in against the representatives of Colonel Dow or not, but that the same will appear from the state.⁵²

Following this, Johnston called a meeting of the Trustees to confirm the earlier decision to advertise the sale of Nisbet’s property. This was held on 25 January 1788 and attended only by the representative of Alexander Dow of Hertford – the creditor with the largest claim. The sale was fixed for 6 February, but the day before Nisbet gave in a petition on which an interlocutor (a judgement given before a suit is concluded) was granted. Johnston argued against the interlocutor, citing the appropriate statute, which he believed made

⁵² Johnston, *Petition against an Interlocutor*.

it clear that it was for the creditors to decide how to proceed. After a series of withdrawn advertisements, Gunsreen House was finally sold in March 1789 – to Alexander Robertson.

Below is a summary of the acknowledged debts, but closer examination reveals several queries on both sides of the argument.

Mr Dow,	-	-	L. 2416	0	0
Messrs Robertſon and Sons,		L. 567	14	0	
Intereſt from 17th June 1781, to					
June next,		198	9	0	
				766	3 0
Meffrs Bell and Rannie,	-	-		760	3 9
Mr George Andrew,	-	-		60	0 0
Mr Wightman,	-	-		42	0 10
Mr Henderſon,	-	-		25	0 0
Mr Edgar,	-	-		4	11 6
		Amount,		L. 4074	9 1

Figure 7/3. Summary of Nisbet's debts, 1788⁵³

Of these debts, the three largest are all, to a greater or lesser extent, dubious. They have all been referred to in the previous section and now they can be considered in relation to the sequestration.

Mr Dow

The original sum of £1,500 was borrowed from Colonel Alexander Dow in 1771. The 'owner' of the debt, however, was Alexander Dow of Hertford, a brazier. He was the son of Colonel Dow's last surviving uncle – and the only one who outlived him, William Dow. As William had outlived him, he would have had a strong argument to be the Colonel's heir in the absence of a will. The discovery of the will, however, or a 'paper purporting to be a will' as it was described should have placed William in a different position.⁵⁴ The will was perfectly clear

... all and singular such Salary, wages, Prize Money Sum and Sums
 ...Do give grant and bequeath unto my beloved friend David Nisbet of
 Eymouth in North Britain merchant and to his assigns for ever and I do

⁵³ Johnston, *Petition against an Interlocutor*.

⁵⁴ NA, C/12/658/19

nominate him the said David Nisbet Sole Executor of this my last will and Testament...⁵⁵

Dow of Hertford's will, dated July 1802, refers to the bond: '...whereas I am entitled to or otherwise interested in a certain sum of money arising due or payable under and by virtue of an Heritable Bond upon an Estate in Scotland of the late Colonel Dow...'⁵⁶

It is indicated in the Interlocutor that Nisbet was not content to accept Dow's right to the heritable bond, although his challenge seems to have been unsuccessful. Johnston said

The petitioner has no occasion to enter into the objections which Mr Nisbet stated to the claim of Alexander Dow, upon his bond for L.1500. It is sufficient to mention, that protestation was sufficient to pass in a process of reduction brought for setting it aside.⁵⁷

The position was that, as the £1,500 was secured on a heritable bond, it counted as property and therefore, it passed directly to Dow's nearest relative and was excluded from the will.⁵⁸

A further peculiarity of Dow's affairs is that an annuity to a Mrs Isabella Touffner, née Mountfort was to be taken out of Nisbet's resources. Mrs Touffner is referred to in the will of Dow of Hertford as 'a woman who formerly cohabited with the said Colonel Dow'.⁵⁹ It is clear from this will that Mrs Touffner's annuity was due to be paid from Colonel Dow's effects, in particular from the proceeds of the heritable bond. She certainly made her case by filing a bill in the Court of Chancery

against these trustees and all others concerned, praying that she may be paid the amount of her demand, as a just and lawful creditor on the estate, in preference to those who may be entitled to the free residue, after payment of debts.⁶⁰

⁵⁵ NA, Prob 11/1091/280

⁵⁶ NA Prob 11/1377/272.

⁵⁷ Johnston, *Petition against an Interlocutor*.

⁵⁸ NRS, Register of Sasines, 17/143.

⁵⁹ NA, Prob 11/1377/272.

⁶⁰ Johnston, *Petition against an Interlocutor*.

The whole business of the resolution of Dow's will was complex and difficult to follow. In terms of Nisbet's sequestration, however, 'I very much doubt, whether Mr John Nisbet's interest in Colonel Dow's effects, could at this time, with propriety, be brought to market',⁶¹ was Johnston's dismissal of its relevance to the sequestration.

Messrs Robertson and Sons

This was the Pillans debt, described above. It was challenged in the Court of Session and substantially reduced. It caused Nisbet a great deal of bitterness and the tone of his comments in his will lead one to suspect a strong element of personal feeling in the whole affair. This debt and, in particular, the way it was managed and exploited by the Robertsons, is one of the pieces of evidence supporting the view that the Robertsons set out to deliberately destroy Nisbet. There was certainly no financial imperative and they had no personal stake in the matter having chosen to purchase the debt from Pillans in 1782. The fact that they did so 'at an undervalue' further roused Nisbet's suspicion of their motivation.⁶²

Messrs Bell and Rannie

This debt, arising from the activities of Duncan Carmichael, was of dubious validity, as suggested by the legal challenges to it by George Johnston on behalf of the other creditors. Certainly, there seems no evidence that could persuade a court of law that Nisbet owed much more than £100 if that. Nisbet was acting on behalf of Dow and neither he nor Dow could have foreseen the trail of debt that Carmichael would build up and the response to it of Bell and Rannie.

The smaller creditors

Wightman was presumably William Wightman, the doctor in Eyemouth. Could this debt have represented charges in connection with Nisbet's reported sickness? Henderson was probably James Henderson and Edgar was Andrew Edgar, both fellow merchants and these are to be regarded as normal

⁶¹ Johnston, *Petition against an Interlocutor*.

⁶² NA, Prob 11/1276/239.

trading debts. George Andrew, Writer in Edinburgh, is listed in a later document as representing 'Mr Henry Greig, late Merchant in Gothenburgh'.⁶³ The figure of £60, however, bears no relation to any of the related documents. One creditor, not yet listed, was David Paterson, an Edinburgh Insurance Broker, who presented a Protest in May 1788, seeking to be recognised as a creditor. This was accepted. This was in respect of an advance of £100 cash in return for a promissory note signed by John Nisbet on 13 August 1787, the day before his sequestration took effect, plus a further sum of £698 2s 5d in respect of advances to James Renton which had been underwritten by Nisbet and Sir John Stewart of Allanbank.⁶⁴ This is dealt with in more detail in the section below concerning James Renton.

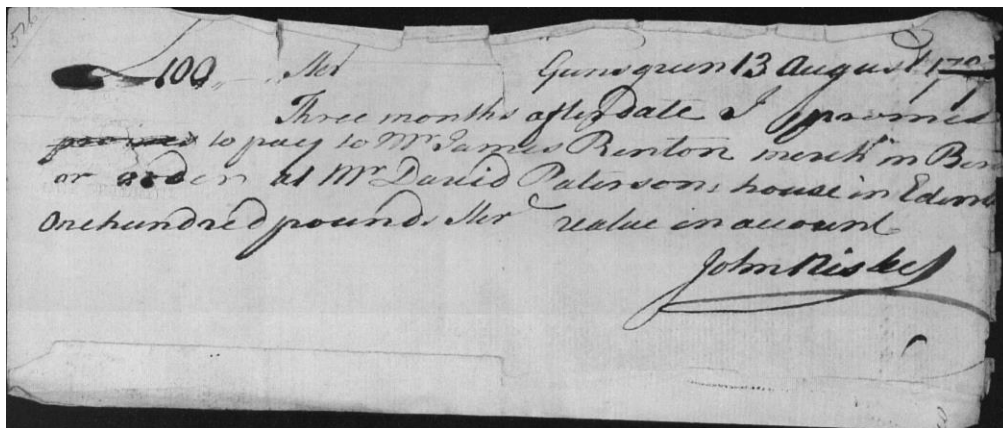


Figure 7/4. Nisbet's Promissory Note for £100 to Paterson⁶⁵

Although the date of the sequestration was 1787 and legal disputes carried on until 1792, 1789 has been chosen as a cut-off date, as this was when Nisbet lost Gungreen House and had to move to Tweedmouth, now a suburb of Berwick-upon-Tweed on the south side of the river. It is not yet known where he lived in Tweedmouth. The resolution of his affairs dragged on to 1812 and illustrates some of the complexities of his affairs, even though only a relatively small sum was involved.

⁶³ Edinburgh, NRS CS228/N2/30, Minutes of a Meeting of the Creditors of John Nisbet, Edinburgh, 1805.

⁶⁴ Edinburgh, NRS CS229/G/6/2(1-3), Claim for Mr Paterson on the Estate of Mr Nisbet of Gungreen, 1790.

⁶⁵ NRS, CS229/G/6/2 (1-3).

Nisbet's will is a valuable source of information.⁶⁶ First written in 1793 and revised until early 1796, much of it betrays Nisbet's thought processes at this difficult time. He starts by describing himself as 'John Nisbet of Gunsgreen Esq., presently residing at Tweedmouth'. The word 'presently' seems, in the context, quite threatening. Nisbet named three executors – John Constable, attorney at law in Berwick, George Johnston, Writer to the Signet and John Nisbet, farmer of Ancroft. Nisbet of Ancroft is presumably a relation, although there is no other evidence for this. Nisbet and Constable both refused to serve, leaving George Johnston as the sole executor. This was to prove significant over the coming number of years, particularly as he was also the factor for the creditors. Johnston was an Edinburgh lawyer, a WS – Writer to the Signet. At the creditors' meeting on 15 October 1787 he was appointed as the factor (agent) for the creditors and it was he who handled all the legal disputes that provide so rich a source of information on Nisbet's affairs. He was also, as mentioned above, the only one of Nisbet's nominated executors who agreed to serve. It was this dual role that caused much of the subsequent difficulty.

In November 1787 and July 1788, Nisbet conveyed his interest in Colonel Dow's estate to Johnston, to enable him to recover the money. Nisbet died on 25 March 1796 and four weeks later a final decree of the Court of Chancery was obtained, dividing Dow's fortune among the several parties concerned and identifying for the first time the actual amount of Nisbet's share, which Johnston recovered, save for his portion of a fund set aside to provide Mrs Touffner's annuity.⁶⁷ Mrs Touffner, incidentally, was reported to be still alive in 1812. As Johnston was both executor and trustee, on Nisbet's death and the receipt of the funds from India, he began to settle Nisbet's affairs, paying his funeral expenses and current debts, then resolving debts unpaid from the sequestration and several legacies and donations made in the will. He formed the impression that there would be enough to settle all outstanding matters, so he terminated the sequestration. What seems to have happened, however, is that Johnston had made no payments at all to any of the creditors claiming

⁶⁶ NA, Prob 11/1276/239.

⁶⁷ NA, C.12/658/19.

under the sequestration. He carried on making payments to those in most need, notably Nisbet's housekeeper, Janet Ferguson. This continued until 1799 when Johnston's own affairs 'went into confusion and he found it necessary to execute trust deed in favour of certain trustees for behoof of his creditors'. The whole matter was most confusing as Johnston had insufficient assets to pay his own debts and those relating to Nisbet's sequestration and will. The Trustee, therefore decided it would be prudent to re-activate Nisbet's sequestration to allow the whole matter to be resolved. Johnston having died, a new Trustee for Nisbet's creditors was appointed at a meeting in July 1805.⁶⁸

As part of the process of dealing with Johnston's 'confusion' and death, there were two meetings of creditors in 1805 and 1812, the minutes of which survive. The first meeting took place on 24 July 1805 in the Royal Exchange Coffee House in Edinburgh. It was attended by George Andrew WS, representing Henry Greig; John Paterson, on behalf of his father David; John Gibson WS on behalf of the heirs of the late Andrew Gillie – the first mention of Mr Gillie; Charles Bremner WS for Sir John Stuart of Allanbank, presumably in relation to the jointly guaranteed advance from David Paterson, and also for the representatives of the late Alexander Dow of Hertford, his daughters Mary and Elizabeth; Walter Cook WS, agent for William Dick on behalf of his children who were Nisbet's residuary legatees, the descendants of William Nisbet, and for Mr Robertson of Prendergust; and Robert Strachan WS agent for the trustees of the late George Johnston, who had died in 1801. The purpose of the meeting was to elect a new Trustee to act for the creditors in place of the late George Johnston. After some debate, Mr William Molle WS was elected by the majority of creditors in value. What the creditors failed to address was that Johnston was not only their Trustee, but also the sole executor for Nisbet's will.⁶⁹

⁶⁸ Edinburgh, NRS, CS177–867, Act Appointing William Molle WS Curator Bonis on the Sequestrated Estate of John Nisbet, 1812.

⁶⁹ NRS, CS228/N2/30.

It took a further seven years to address this outstanding issue, at the meeting held on 22 May 1812. In addition, there had been a dispute with William Dick concerning Mrs Touffner's annuity, which also held up the final resolution of Nisbet's affairs. This meeting was attended by fewer parties, William Molle as Trustee for the Creditors; James Bremner WS for the representatives of Alexander Dow of Hertford; John Orr WS for Mr Thomson, in right of Alison Ferguson, Janet Ferguson's niece, 'a legatee in Mr Nisbet's trust deed and settlement' and Mr Strachan WS for 'Miss Jean (sic) Ferguson, Berwick, an annuitant *per* Mr Nisbet's settlement' and also for the representatives of George Johnston.

Mr Molle explained the complexities of the matter, that

... there were legatees and annuitants under Mr Nisbet's settlement, to a considerable amount, whose claims were preferable to those entitled to the reversion of Mr Nisbet's funds; but as by the death of Mr Johnston ... there was now no person authorised to carry the testator's intentions into effect. It therefore occurred to him to be advisable for the postponed creditors, legatees and annuitants, to apply to the Court of Session to have a *curator bonis* appointed, for carrying the purposes of the Trust into effect...

This was agreed by the meeting, a petition submitted and Molle was so appointed on 20 June 1812, finally producing a resolution of Nisbet's affairs, sixteen years after his death and twenty-five years after his sequestration.⁷⁰

While Nisbet did owe around £4,000 by 1787, he was not without some expectations and, indeed, had been actively paying off his debt to Henry Greig. What really brought him down was the action of one creditor – Robert Robertson and Sons. McAloon, talking of the system of credit in Scotland says, of bills of exchange:

it required a fairly disciplined society, aware of the necessity for goodwill between creditor and debtor, to make their continued use effective. If such qualities had been missing, the whole system might have periodically collapsed in an avalanche of lawsuits.⁷¹

⁷⁰ NRS, CS177–867.

⁷¹ McAloon, 'A Minor Scottish Merchant in General Trade', 24.

The main beneficiary of Nisbet's sequestration was clearly Robert Robertson's son, Alexander. He was able to buy Gunsgreen House cheaply and set up home in the smartest house in Eyemouth.

There are perhaps three indicators of the personal nature of the sequestration. The first sign that something unusual was happening was that Robert Robertson and Sons, having failed to have Nisbet sequestrated with the debt that they had purchased from their erstwhile business partner Richard Pillans, returned to the Court of Session just nine days later, having become aware of the heritable bond that had been assigned to Alexander Dow of Hertford.⁷²

It has been shown above how Nisbet successfully resisted the sale of Gunsgreen House in February 1788. A letter written from Edinburgh by George Home of Branxton, who inherited Paxton in 1809, to his cousin, Patrick Home MP of Billie, whose young brother Thomas had been indentured to John Nisbet in 1750 reveals more about Nisbet's feelings. The letter discussed a range of family and local business, before George added a note at the foot:

I had the Inclosed from John Nisbet, after thanking him in your name for his good intentions towards you. I told him I was convinced you would not Interfeer with the purchase in any respect – I can not say I perfectly understand the purport of the Letter – The poor man I believe would do any thing rather than it should fall into Mr Robertson's hands – and he will be mad if he pays £3000 for it, which is the upset price.⁷³

The letter is dated 3 February 1788, just three days before the original scheduled date for the sale of Gunsgreen House, to which it clearly refers. Unfortunately the 'Inclosed' is missing.

The third piece of evidence is John Nisbet's will, which contains two versions of the following instruction. The earlier one indicated that Nisbet would undertake it himself. It was revised in early 1796:

⁷² Johnston, *Petition against an Interlocutor*.

⁷³ Paxton House.

I hereby grant full power and authority to follow furth and prosecute a process of Reduction of the sale of the Lands and Estate of Gunsreen ... and houses in Eymouth ... purchased by Alexander Robertson of Prendergust from the trustee on my said sequestrated Estate and of damages against him for having purchased up a Debt against me at an undervalue and for having taken the advantage of me at an advanced period of my life by which much expence has been incurred and for making the aforesaid purchase and to take such other steps as redress of the injuries I have sustained by reason of his proceedings which process I intend to institute against the said Alexander Robertson.⁷⁴

Reduction in this sense means the annulment or setting aside of an action by legal process – in other words, overturning the sale of the house.⁷⁵ It is clear from this that Nisbet believed that the Robertsons had sought his downfall and it appears that he was right in this belief. What is harder to deduce is why? It can certainly be guessed at – Nisbet's house would have been an affront to the Robertsons, the doyens of the local merchant community. They had a house on the waterfront in Eyemouth, overlooked by Nisbet's 'palace'. Nisbet represented new money and he was a notorious smuggler. The Robertsons were not innocent of smuggling, but it appears to have been only a side-line, not their main business. Nisbet's bitterness at his downfall, and the role of the Robertsons in it comes through all too clearly.

The purpose of sequestration was to ensure a fair outcome to creditors when a trader was unable to pay his debts. In Nisbet's case, this was patently not the outcome of the sequestration process. The neediest debtor, Alexander Dow of Hertford, died before the position was resolved. The Robertsons were the one party who achieved what seems to have been their objective – the purchase of Gunsreen House at a cheap price. The fact that they bought it demonstrates that they were not interested in any financial settlement; they would have had no need of the relatively small sum they were owed. They had bought the debt from Pillans in the first place, so they had, perhaps, always intended to make use of it in the way that they did.

⁷⁴ NA, Prob 11/1276/239.

⁷⁵ Robinson (ed.), *The Concise Scots Dictionary*.

Nisbet laboured under several disadvantages, particularly, perhaps, that his key business was smuggling. This may have led to his exclusion from polite society and, perhaps, the local masonic lodge and even made his cash flow less reliable. This was reinforced by the fact that he was mostly involved in imports, so inevitably relied on credit. He had two large loans in his career: £1,500 each from his brother David and from Colonel Alexander Dow. David's death in 1784, when John was at a vulnerable point in his life and Dow's early demise in 1779 left him vulnerable, with two debts related to Dow being significant factors in his failure. Even though some sort of deal seems to have been done with Dow's representatives, whereby half his wealth should have been left to David, this proved to be so controversial to Dow's family and connections that Nisbet was unable to access any of it.⁷⁶ This was exacerbated by the transfer of the right to the £1,500 heritable bond to Dow's cousin, Alexander of Hertford.

The documentation offers an unusual enough picture of the 'road to bankruptcy' of a merchant but a very rare breakdown of the business affairs of a smuggler, or merchant-smuggler. It is this body of paperwork which lends John Nisbet such significance in the study of the business of smuggling.

7.3 James Renton

James Renton was born in 1749, son of the Eyemouth lawyer John Renton and older brother of David Renton, also a lawyer in Eyemouth. He was the cousin of John Gibson of Fairnieside, who acted as an agent for Henderson and Renton throughout the 1770s and whose later smuggling career is dealt with below. Renton was married to Margaret Home, Robert Robertson's first wife's niece – his relationship with Robertson is described in chapter three. He appears to have been involved in trading from the age of eighteen, the first reference being to a cargo brought in on the ship *Dunbar* of Dunbar in March 1767. Part of the cargo was managed by James Grey, who had been John Nisbet's clerk in 1760.⁷⁷ Renton joined the Lodge St Ebbe in December

⁷⁶ NA C12/658/19.

⁷⁷ NRS, E504/10, 30 March 1767.

1768.⁷⁸ There is little concrete evidence for Renton being involved in smuggling early in his career, although much that is circumstantial; for example, he used one of Nisbet's more active smuggling masters, Peter Dalgleish in 1770, for voyages from Riga and Memel,⁷⁹ shortly after Dalgleish on the *Ann & Peggy* of Eyemouth had shot at the King's Boat during a prolonged chase which ended with a substantial seizure of spirits.⁸⁰ There is also a possibility that the importation of timber from southern Norway was effectively a 'cover' for the smuggling of contraband from the Danish Asiatic Company. Kent quotes several sources which encourage this belief, and this is also discussed in Chapter 6.⁸¹

At the end of his career Renton had a relationship with John Nisbet. In 1786, for example, Nisbet and Sir John Stewart of Allanbank, tenant of Gunsgreen House, stood surety for Renton when he borrowed £500 from David Paterson, an Edinburgh insurance broker.⁸² This loan provoked a dispute in 1796 between the Assignees of James Renton and the Trustee of John Nisbet – an interesting coming together of the representatives of bankrupts in England and Scotland.⁸³ The evidence led in this case confirmed that Renton and Nisbet had had a business relationship:

There were separately a variety of mercantile transactions between John Nisbet and James Renton which as final winding up, left a balance of £74.10.4 due to Mr Renton. The Right to which debt having vested in the respondents as Assignees under the Commission of Bankruptcy they made claim upon the sequestrated estate to the effect of recovering the amount...

The dates of the 'mercantile transactions' are unclear. The Trustee for Nisbet's estate had seemingly argued that the account was prescribed. The Assignees responded that that 'Merchants Books and Letters *in re mercatoria* ... do not prescribe for twenty years, which has not yet elapsed, that if

⁷⁸ Minutes of Lodge St Ebbe.

⁷⁹ NRS, E504/10, 14 July and 18 September 1770.

⁸⁰ NRS, CE56/2/4, 19 April 1770.

⁸¹ Kent, *War and Trade*.

⁸² NRS, CS229/G/6/2(1–3).

⁸³ Edinburgh, NRS, CS229/12/4/27, David Hume, Answers for the Assignees of James Renton Late Merchant in Berwick Now Deceased to the Objections Stated to Their Interest in the Sequestration of the Estate of John Nisbet, 1796.

undergoing any shorter prescription it has been kept alive by the Citation given in 1792 at the instance of the Assignees...’

The complexities of the dealings over the loan from David Paterson are too great to enter into here; the key element is that it illustrates the apparently close relationship between Nisbet and Renton. It seems likely that, if he was not involved earlier, Renton had turned to smuggling as his business began to fail, perhaps with the advice and support of John Nisbet, in accordance with Smith’s dictum that ‘the presumptuous hope of success seems to act here as upon all other occasions, and to entice so many adventurers into those hazardous trades.’⁸⁴ The key evidence for this change of direction is in the shipping records.⁸⁵ An analysis of these shows that Renton dominated the local timber trade – between 1775 and 1784 for example, he was involved in 28 out of 33 timber importing voyages into Eyemouth and then stopped abruptly after August 1784. This is, according to the report from the Customs quoted below, about the time he moved to Berwick-upon-Tweed. The Eyemouth timber trade itself continued in much the same scale without him. One indication of something happening was that, after having used a wide variety of ships from different places, suddenly Renton used the *Elizabeth* (also known as the *Betsy and Peggie*) of Berwick-upon-Tweed under her master John Lyon, to bring in timber and iron from Gothenburg four times in 1782–1784. As mentioned below, Lyon was a notorious smuggler. There is other evidence that Renton did more than import timber with Lyon:

Gentlemen,
Having considered your Report of the 2nd Instant on the petition of James Renton Merchant at Berwick, praying the delivery of two kegs of oil under stop out of the *Betsey and Peggie* John Lyon Master from Oporto for not being reported by the Master. We direct you to return the same as a Seizure for Condemnation.⁸⁶

What can be deduced from this? It is known that Renton’s business failed in 1788. Could it be that he was in financial difficulties some years earlier?

⁸⁴ Smith, *The Wealth of Nations*, vol. 1, p.213.

⁸⁵ NRS, E504/10, 1775–1786.

⁸⁶ NRS, CE56/2/5C, 6 September 1785.

Robert Robertson, with whom he had family and business connections, was getting old, he died in 1788, and so had he turned to John Nisbet who, although also semi-retired, perhaps still had contacts in the smuggling trade and was able to set Renton up with Lyon? It is clear from the evidence cited earlier that Renton did work with Nisbet, in a way not revealed in the Collector's Quarterly Accounts. There is also a coincidence of timing between Nisbet's bill of exchange with Henry Greig in December 1783 and Lyon's arrival from Gothenburg for James Renton in late October that year.

aforsaid.

To be SOLD to the highest Bidder,
 (By the Assignees of James Renton, a Bankrupt.)
 At his House and Cellars, in Berwick upon Tweed, on Wednesday the 31st day of December, 1788, and the following Days,
ALL the STOCK in TRADE of the said James Renton, consisting of Wines of different kinds, and Spirituous Liquors, in casks and bottles.
 And also all the valuable HOUSEHOLD FURNITURE of the said James Renton — The Sale to begin precisely at ten o'clock in each day, and continue till all be sold.
 Catalogues of the Stock and Furniture will be prepared in a few days, and ready to be delivered upon application to John Smith, Auctioneer.
 After the Sale of the said Stock and Furniture, an unexpired term of six years, at and from Whitsunday next, of and in the premises possessed by the said James Renton, will also be disposed of to the best bidder.
 The said premises are well calculated for carrying on the Wine Trade; vaults and catacombs having been lately made and erected thereon at a considerable expence.
 All persons indebted to the Estate of the said James Renton, are requested forthwith to pay their respective debts to Mr Turnbull, Attorney, in Berwick, who is authorized to receive the same.

To be SOLD by Auction,

Figure 7/5. Notice of James Renton's bankruptcy sale, from the *Newcastle Courant*, 27 December 1788

The advertisement describes Renton as a wine merchant, and he had obviously spent money on improving his premises. The timing of his failure is surely not unconnected with the phasing out of tea smuggling following the Commutation Act of 1784, given that he was trading with Norway and Gothenburg when his timber business was at its height. He had a ship arriving from Gothenburg virtually every year, either when he was in partnership with John Henderson,⁸⁷ or when he was trading on his own account. In 1776 two ships bringing in his cargoes from Memel had been stopped and had contraband seized, so the temptation to take advantage of connections in Gothenburg would have been hard to resist. One other factor may have been the impact on the timber trade of the ending of the American War of Independence.

⁸⁷ NRS, GD267/27/81.

<i>Date</i>	<i>Ship</i>	<i>Master (agent)</i>	<i>Comments</i>
20.5.1771	<i>Lively</i> (Eyemouth)	G. Young (JG)	Recorded in Gothenburgh
8.8.1771	<i>Sea Hero</i> (Kinghorn)	W. Sibbald (JG)	Linked to J. Sibbald of G'burgh
4.6.1773	<i>Nancy</i> (London)	J. Fowler (JG)	
17.5.1774	<i>Peggie</i> (Kincardine)	R. Hodge (JG)	
18.5.1776	<i>Venus</i> (Leith)	T. Philp (JG)	
29.4.1777	<i>Mary</i> (Ely)	J. Duncan	
Two years of records missing			
13.6.1780	<i>Elizabeth</i> (E'mouth)	J. Peart	
14.9.1781	<i>Elizabeth</i> (E'mouth)	J. Peart	
24.4.1782	<i>Elizabeth</i> (BuT)	J. Lyon	Same ship as <i>Betsy & Peggie</i>
2.6.1783	<i>Betsy & Peggie</i> (BuT)	J. Lyon	
24.10.1783	<i>Betsy & Peggie</i> (BuT)	J. Lyon	
12.7.1784	<i>Betsy & Peggie</i> (BuT)	J. Lyon	

Table 7/1. Voyages from Gothenburg for Henderson and Renton or James Renton. Voyages where John Gibson acted as agent identified (JG).⁸⁸

His engagement with Lyon, as mentioned above, was surely a desperate last move, designed to try and keep his business afloat. Renton had links with John Nisbet, John Lyell and John Gibson, the three other protagonists in this chapter. John Lyon also had a relationship with Nisbet and Henry Greig, handling two of Nisbet's payments to Greig in late 1784 and early 1785.⁸⁹

7.4 John Lyon

Little is known of John Lyon's life, but he could perhaps be seen as a transitional figure between the merchant-smuggler represented by Nisbet and, to an extent, by Renton, and the later professional smugglers linked to Gibson. The reason for suggesting this is that the description of Lyon's ship, the *Elizabeth* or *Betsy & Peggie* as 'barely 60 tons, and rigged like a smack, square sterned and (with) a very long top mast'⁹⁰ indicates a more specialised smuggling vessel, one that sounds as if it was based on the Berwick smack –

⁸⁸ NRS, E504/10, 1771–1784.

⁸⁹ NRS, CS229/Y/1/17.

⁹⁰ NRS, CE56/2/5C, 18 July 1785.

the fast coastal sailing vessels which were operated on the route from Berwick-upon-Tweed to London.⁹¹

As indicated in Table 7/1 above, Lyon undertook voyages from Gothenburg on behalf of James Renton four times between 1782 and 1784. In addition, Lyon was reported in July 1785 as

a very little man humpbacked; this vessel sailed from the 17th May with grain for London and was off Dover the 18th of June on her passage to Oporto to load a cargo of wine for Berwick.⁹²

This is clearly the voyage when Lyon imported the oil for Renton that was subsequently seized by the Customs.⁹³ As mentioned in chapter six, in the autumn of 1785 it was written by the Customs that 'getting hold of his vessel will be difficult as he is a most Compleat artfull Fellow for the Business. No capture will destroy smuggling on that Coast as much as securing this vessel.'⁹⁴

In the 1780s, therefore, he was clearly seen as a significant figure in the smuggling business in south-east Scotland. He also had some sort of relationship of trust with either Henry Greig direct, or through his apparent London contact, Gavin Young or his Edinburgh lawyer George Andrew. This relates to Nisbet's transaction with Greig and the associated Bill of Exchange, which Nisbet paid off in instalments. Two of these were received by John Lyon in Berwick-upon-Tweed, to a total of £79 18s.

⁹¹ Barrow, 'Corn, Carriers and Coastal Shipping', p.16.

⁹² NRS, CE56/2/5C, 18 July 1785.

⁹³ NRS, CE56/2/5C, 6 September 1785.

⁹⁴ NRS, CE56/2/5C, 19 November 1785.

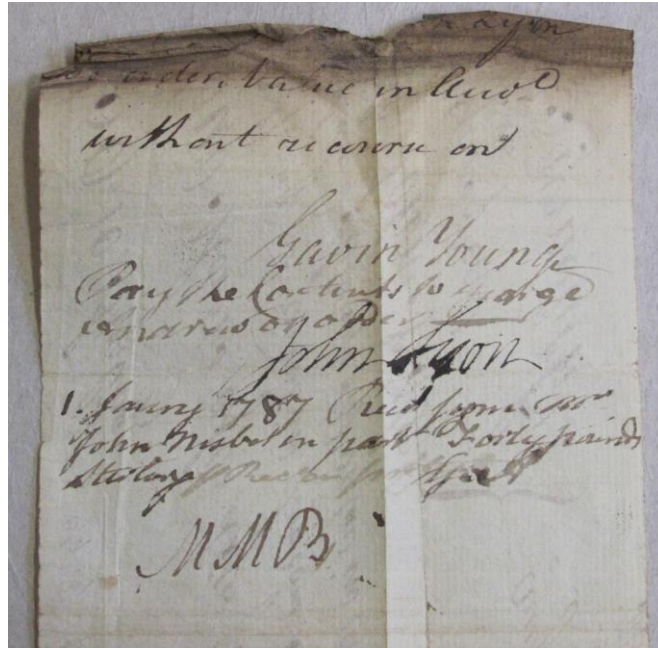


Figure 7/6. Reverse of Bill of Exchange showing John Lyon's signature for payments by John Nisbet⁹⁵

7.5 John Lyell

John Lyell falls into George Tod's category of those smugglers who 'removed to distant parts', re-locating his home to Findon in Sussex, where he made a new life for himself, and his business to London. He distanced himself so much from his past that when his grandson's biography was published in 1913, the author, while associating the family home at Greystonelees with stories of smuggling, was quick to disassociate smuggling from the Lyells: 'there is nothing to connect them (the stories of smuggling) with George Lyall. He died in 1801, not rich, but a man of standing and repute...'⁹⁶ There is a Lyall Terrace in Burnmouth, the community nearest to Greystonelees.

The evidence from the official records is clear, however, that the Lyell family (the spelling was modified) was deeply involved in smuggling. This account, from late August 1780, links them to the raid on the King's Warehouse in Eyemouth:

⁹⁵ NRS, CS229/Y/1/17.

⁹⁶ Mortimer Durand, *The Life of the Right Hon. Sir Alfred Comyn Lyell* (Edinburgh London: William Blackwood and Sons, 1913), pps 1 -3.

It also appearing by the Declaration of the Tidesmen that five Ankers of Spirits were likewise seized by them among the corns of George Lyell Tennant in Graystonlies in presence of him and Christopher his son, the Smuggling Cutter at that time lying off shore in their sight – when the son Christopher at that time threatened the officers with getting twenty or thirty of the Smugglers to land and take back the goods again out of the Warehouse and in fact a boat from the Smuggler having soon after landed and convened with the Lyels, the Crew fired immediately after the Officers , and the Warehouse was also broke open that night But neither Lyell nor his son being examined, the same is also to be done. And you are to report the Result of the whole for our further consideration.⁹⁷

In mid-July 1785, a further report specifically linked John Lyell to the smuggling business and, further, indicated that Greystonelees was known to the authorities as a centre of the trade.

Having received Information that Frauds to the prejudice of the Revenue have been committed from on board the Sloop John of which John Lyal was several years master and is now the reputed owner, which vessel is at present commanded by one Whitehead and has for the above time generally cleared from Newcastle for Hamburgh, Norway and Sweden under the command of one of them, and delivered a Cargo of Lumber at Newcastle having previously discharged her Contraband Goods at or near a place called Graystonelees near Eymouth (near which place lives George, the father of the abovementioned John Lyal.) and very likely will be there in a very short time as she cleared from Newcastle 21st June for Christiana, nominally...⁹⁸

There are several notices in the *Newcastle Courant* of the ship *John* with Lyell named as master clearing for the ports as described. An example of these is shown below. Other notices place a comma between *John*, the name of the ship and Lyall, the master, as with the other ships shown.

⁹⁷ NRS, CE56/2/5B (31 August 1780).

⁹⁸ NRS, CE56/2/5C (18 July 1785).

Cleared over sea, Mary and Nancy, Horn, for Ham-
 burgh; Wilhelmina, Pieters, for Fohr, Sagan Van Boven,
 Bundes, for Amsterdam; John Lyall, for Hamburg;
 Port au Prince, Pederfon, for Atherfon, all coals, &c.
 Noidwyt's Welvaren, Wiel, for Rotterdam, with lead

Figure 7/7. Notice of ships 'cleared for over sea from Shields', from the *Newcastle Courant*, 17 June 1780, showing the *John Lyall* bound for Hamburg

The significance of Greystonelees was reinforced in the same report as above, which also linked the Lyells with John Lyon:

... also that the Sloop *Elizabeth* ... commanded by one Lyon... but as this vessel belongs to the same Fraternity... there is no doubt but a good part of the cargo will be attempted to be landed at or near Greystonelees, probably in August.⁹⁹

The sources for Lyell's career are relatively slight, but Durand does review the early history of his subject's antecedents. George Lyell was at Greystonelees in the 1750s and by 1761 was able to buy a piece of land in Castlegate in Berwick-upon-Tweed, where he built a house. John was the eldest son, born at Greystonelees in September 1752. Durand says that John was given a good education and then moved to Newcastle, where he married Jane Comyn, the daughter of a 'broken' former Jacobite, who was 'out' in 1745. Their first son, George, was born in Newcastle in 1779.¹⁰⁰ This evidence is supported by the shipping records from the *Newcastle Courant* and the reports in the customs records, quoted above. He was still in Newcastle in 1785, but in 1788 his fifth son was born in Stepney. There is no clear explanation for his move to London, but it certainly gave him the opportunity to reinvent himself, which he did as a ship owner and proprietor of a house at Findon in Sussex. Indeed, he even chartered a ship, the *Herculean*, to the East India Company in 1800 and 1802, ironic given his earlier career.¹⁰¹

When he died in 1805, he owned a house in Findon, an Estate and Farm in Virginia, the house that his father had built in Berwick, two ships wholly owned, a share in another, a sloop and a three-hundred-pound investment in

⁹⁹ NRS, CE56/2/5C, 18 July 1785.

¹⁰⁰ Mortimer Durand, *The Life of the Right Hon. Sir Alfred Comyn Lyell*, pps 3 - 4.

¹⁰¹ Tom Lyall, *Two Brothers, Two Destinies: John and Christopher Lyall* (Bangkok: Tom Lyall, 2011).

the local turnpike road in Sussex. Although straying a little from the theme, the careers of his sons illustrate his progress. The first son George, born in Newcastle, inherited his father's business, twice served as Conservative MP for the City of London and was a director of the East India Company, chairman in 1830. The fifth son, William, was Dean of Canterbury from 1845 to 1857 and is buried in a marble tomb in the cathedral there.¹⁰²

John's will refers to his father's will as 'now in the possession of Mr David Renton, Writer in Eyemouth'. This was the same David Renton who was engaged by the Board of Customs to collect the precognitions (witness statements) in relation to the raid on the King's Warehouse in Eyemouth and the related incident at Greystonelees, at which George Lyell combined with the smugglers to see off the customs men who were searching his haystacks. A further layer of complexity is that David Renton later lived at Greystonelees.¹⁰³ The naming of John's brother, Christopher's, children clearly reinforces this connection with the Renton family. A son was christened David Renton Lyell and a daughter Isobel Renton Lyell. David and Isobel Renton were siblings to James. Christopher, of course, was mentioned in the account of the incident at Greystonelees.¹⁰⁴

7.6 The Gibsons of Fairnieside

Writing in 1809, Robert Kerr gave an assessment of the state of smuggling at that time:

Formerly by various evasions of the revenue laws, a considerable contraband trade, in wine, foreign spirits, tea and tobacco, was carried on at Eyemouth. But this illicit traffic, by the amendment and better execution of the revenue laws, is now happily abolished. Even a petty smuggling trade, mostly in Hollands gin, and chiefly confined to fishers, and other low people, now very much curtailed, or at least seems to have changed its place of action to the English side of the borders. Such men... are much encouraged to persevere by regularly

¹⁰² Clive Dewey, *The Passing of Barchester* (London: The Hambledon Press, 1991).

¹⁰³ London, NA Prob 11/1435, Last Will and Testament, John Lyall, 1805.NRS Scotland's People, SC60/41/12 Inventory of the Personal Possessions of David Renton of Graystonelees, 1849

¹⁰⁴ Tom Lyall *Two Brothers*.

established agents of the Kentish and Flushing smugglers who allow credit for the smuggled goods...¹⁰⁵

The Gibsons can be seen to represent this 'new' smuggling, which replaced the business of the merchant-smugglers. It can be no coincidence; Kerr is clear about this: that it took over at about the time that tea smuggling was effectively stopped by the 1784 Commutation Act and that it concentrated on alcohol. The Gibsons lived at Fairnieside, a farm on the coast close to Burnmouth, and to Greystonelees. John Gibson, who had acted as a shipping agent in the 1770s and was a Messenger (court official) and auctioneer, was the head of the family. He was also related to James Renton – he was his cousin. Gibson named one of his daughters Jean Renton.

In a letter to his cousin, Patrick Home of Wedderburn, David Home, from the branch of that family dispossessed after the 1715 rising, wrote of an encounter with John Gibson in about 1793.¹⁰⁶ Gibson had 'professed much Friendship' for David Home and provided him with some seed and some help with his farming. He also gave him a gallon or so of spirits. 'All this while inveighing against Smuggling, but I soon discovered him to be one of the most treacherous of all the contraband Tribe'. Gibson presented Home with an account for over twenty pounds. Home had a lot of trouble with Gibson, and his son, whom he described as a 'Republican Puppy'.

In 1801, a Folkestone smuggler, John Dangerfield, the eighteen-year-old master of a smuggling lugger, was observed with his crew landing a cargo of spirits at Burnmouth. In 1806 'a Friend to the Publick' wrote to Lt Robert Nicholls of the Eyemouth Sea Fencibles linking the Gibsons to Dangerfield.

...10th July Dangerfield's cutter landed her Cargo near Eyemouth... I am informed she landed 7 or 800 ankors at these places... 600 anchors where landed at Burnmouth, Mr Gibson of Funeside had 3 men assisting in carrying the anchors on Shore. There must have been a great quantity landed at Burnmouth for there was no less than 6 Carts went through this place... Ten Days the Smugglers either from

¹⁰⁵ Kerr, *General View*, p.7.

¹⁰⁶ Paxton House, Letter from David Home to Patrick Home of Wedderburn, 1799.

Furnside or Burnmouth for I saw all six with my own eyes, Mr Wlm Frazor and his son at Hallow Down and John Dangerfield and severall other agents who stay at Furny Side at times...¹⁰⁷

In October 1806, David Home – no friend of the Gibsons, as indicated above – also wrote a letter complaining about the Dangerfields, describing how Dangerfield was at ‘Berwick to meet his ships with fresh Cargoes from Flushing and continues to remain there and smuggle unmolested.’¹⁰⁸

The relationship between the Gibsons and the Dangerfields was cemented in 1811 by the marriage of John Gibson’s daughter Isabella to John Dangerfield. In the record of their wedding, Dangerfield is described as ‘of this parish’ and a brewer. It seems, therefore, that he had a respectable business, while also acting as an agent for smugglers from Flushing, having earlier actively smuggled from Folkestone. These facts, and those above, bear out Kerr’s assertions regarding the changes to the smuggling trade, and its move south of the Border. Incidentally, the future of the couple bore similarities to that of their former near neighbours, the Lyells. They settled in Edinburgh, where John became a fish curer in quite a substantial way of business and their son, John, went to University and became a Church of Scotland Minister. *The New Statistical Account*, prepared in the 1830s describes Fairneyside as

a good property extending along the sea coast, with an ancient mansion and farmhouse... the former occupied by farming tenants and the latter by farm servants. Here, also smuggling concealments have lately been discovered indicating a two-fold traffic carried on by a former tenant, the history of which is sufficiently recent to be pretty well known to the parishioners even to this day¹⁰⁹

7.7 Conclusion

What can we learn from these five case studies? One is, yet again, the apparent normality of smuggling, emphasised by Adam Smith, who merely

¹⁰⁷ Jim Tibbett, *The Dangerfield Family of Folkestone* (Victoria, Australia/Norfolk, England: 2010), p.10.

¹⁰⁸ Tibbett, *The Dangerfield Family of Folkestone*, p.11.

¹⁰⁹ Tibbett, *The Dangerfield Family of Folkestone*, p.12.

described it as 'the most hazardous of all trades'.¹¹⁰ The whole twenty-five-year process of the sequestration and settlement of Nisbet's affairs was carried through following the normal legal processes. The only indications that Nisbet was anything other than a legitimate merchant were the legal challenges to two of the debts on the basis that they were incurred for unlawful purposes. The tone of the George/Patrick Home letter bears out this view: that Nisbet was not seen as a criminal or gangster, but as a sympathetic character in a difficult position.

What we see in Nisbet's failure is the collapse of the financial viability of a man on the verge of retirement, almost certainly brought about deliberately by the Robertsons, possibly exacerbated by the impact of the Commutation Act of 1784. The loss of his house seems to have caused him a great deal of upset and the fact that the Robertsons purchased it for a bargain price caused him particular anguish. Due to the complexity of his dealings and his smuggling activities we are given a very detailed picture of the failure of the business of a merchant in a small port in Scotland, despite the absence of any of Nisbet's own records.

James Renton operated what seems to have been a successful timber business, often involving partners and associates. In later life he moved to Berwick-upon-Tweed, perhaps as Eyemouth harbour became increasingly unsuitable for larger ships. He was described in the advertisement for his bankruptcy sale as a wine merchant. What is apparent, however, is that in the early 1780s he moved into serious smuggling in association with one of the most notorious smuggling skippers in the area, John Lyon and, almost certainly, with John Nisbet. The timing of his failure, 1788, does seem to suggest a connection with the Commutation Act – his regular trade with Gothenburg, must be strongly suggestive of tea smuggling.

John Lyon was seen by the authorities as a leading smuggler and had relationships with Nisbet, Renton and the Lyells. His role in handling Nisbet's

¹¹⁰ Smith, *The Wealth of Nations*, vol. 1, p.213.

payments to Gavin Anderson, acting for Henry Greig is of particular interest. The lack of more information about his career is tantalising.

John Lyell, who had moved away from home and set up as a ship owner in Newcastle was also clearly involved in smuggling, in association with his father, brother and John Lyon, at the very least, as late as 1785. His son George was born in London in 1788, so, as with Renton and John Nisbet, the timing of this change of direction coincided with the implementation of the Commutation Act. Lyell, of course, made a sensible decision to re-locate, and was able to reinvent himself to the extent that he was seen as being the respectable father of a family of successful children, educated at the best schools and universities.

The Gibsons and their associates the Dangerfields represent the new world of professional smuggling, with a system of agents connected with the fast, purpose-built smuggling craft from Folkestone and Flushing. Paton had implied that tea smuggling was the gateway to smuggling wine and spirits.¹¹¹ The implication of the change is that smuggling tea was undertaken by merchant-smugglers 'in the most regular and systematic manner a trade the most lawfull could not be carried on more avowedly'¹¹² while the new smuggling, largely confined to gin, was the business of 'fishers and other low people'¹¹³ supported by a network of agents, as the Guernsey smugglers were in Cornwall.¹¹⁴ Effectively smuggling changed from an activity run by the middling sort, supplying goods such as tea and claret to fellow middle class citizens to a much more working class occupation, with 'fishers and other low folk' supplied via agents and dealing in gin, presumably supplying a market mainly consisting of local working people.

Is it fair, then, to see John Nisbet, supported by his brother David, as the last of the serious merchant-smugglers of south-east Scotland, with his John Adam house, his ships and his 'esquire'? James Renton, son of a lawyer,

¹¹¹ NRS, GD51/3/194/1–2.

¹¹² CS 229/NI/60.

¹¹³ Kerr, *General View*, p.7.

¹¹⁴ Jamieson (ed.), *A People of the Sea*, p.211.

seems only to have moved into regular smuggling late in his career, while the Lyells of Greystonelees were probably not to be seen as merchant-smugglers, more as one of those farming families with land on the coast, referred to in Chapter 4. In many ways, the Nisbets were unique, particularly with regard to their pretension in building Gunsgreen House and it may well be the case that this hubris helped to bring about their downfall, provoking the Robertsons to have them sequestered.

The Commutation Act of 1784 seems to have brought about a change in the culture and methodology of smuggling in the area in the second half of the 1780s. There clearly was such a change, reported at the time by both George Tod and Robert Kerr and the loss of the market in contraband tea seems to have been the most likely explanation. By looking in detail at these five smugglers, it can be seen how this change impacted on the fortunes of these individuals, the most successful of whom was the one who moved furthest away, from both his home and his previous reputation.

What these case studies have shown is the way that smuggling was managed in south-east Scotland in the years leading up to 1784. It demonstrates clearly the close relationship that John Nisbet had with Henry Greig of Gothenburg. It is this relationship that inspired the development of this thesis and the definition of 'northern smuggling'

Conclusion

This thesis has clearly demonstrated several key propositions relating to smuggling in the eighteenth century in south-east Scotland. It is clear that smuggling in Scotland accompanied economic development and post-union 'enlightenment' agricultural improvement schemes and was not a 'throw-back' to something earlier. John Nisbet could only conduct his activities in Eyemouth because it acquired a harbour big enough to accommodate his ships and had road and trade networks that were sufficient for him to transport goods safely and efficiently inland, together with access to credit facilities to make those deals attractive.

Chapters one and two explain the background to the development of the port of Eyemouth and its hinterland and demonstrate how smuggling was able to grow on the back of an expanding international trade in grain and timber, and closer ties across the North Sea with Norway, Sweden and Denmark, as well as with the Netherlands. As chapter three demonstrates, these activities led to the growth of a group of substantial merchants, whose activities ranged across legitimate and illegal trade, with John Nisbet standing out as the most blatant of the smugglers, the builder of an imposing Georgian house on the basis of almost entirely ill-gotten gains. The Minister of Ayton, writing in the 1830s, reported that 'It was in allusion to this mansion-house [Gungreen] that a member once observed in the Senate [House of Commons], that smuggling was carried on to such an alarming extent on the east coast of Scotland that one man had been enabled, from its gains, to erect a splendid palace.'¹¹⁵

If smuggling was organised as a business so was revenue enforcement in this part of the country, as chapter four makes clear. While the processes of 'state-formation' had created a revenue service that had branches in every port, the primary purpose of the service was to extract tax from the smugglers, not to bring an end to smuggling itself. Consequently, Scottish smuggling lacks stories of violent confrontation between smugglers and the authorities,

¹¹⁵ George Tough, 'Parish of Ayton', *Statistical Account of Scotland* (1834–1845).

because smuggling was conducted like legitimate commerce and the authorities sought to enforce tax payments in a similarly business-like manner, within the limited resources at their disposal. John Nisbet's career provides a particularly concentrated example, because he was a man who did little else, and invested his profits ostentatiously, but he operated in the guise of a prudent merchant, rather than as a 'desperate' smuggler.

The distribution of contraband is detailed in chapter five. Some of the customers were innkeepers and merchants, while others were probably the end consumers. Aside from the evidence relating to Nisbet, there is also the will of Charles Swanston, a local smuggler, showing that he was owed money by innkeepers, a carrier and a church minister. The Nisbet brothers made use of a local carrier and there is evidence that they supplied wine merchants in Edinburgh and Newcastle, as well as using contacts in Leeds to move goods to London.

The improvement of local agriculture, as well as supporting the development of Eyemouth harbour, provided landowners and farmers in the hinterland with increased disposable income to purchase luxury goods and also ensured the availability of transport, with increasing numbers of carts and wagons required to move grain to the port. As with the development of the port itself, the societal changes brought about by agricultural improvement during the Scottish Enlightenment, industrial development around Newcastle and the increasingly prosperous – and numerous – landowning and professional classes in Edinburgh provided the impetus for the growth of smuggling. The apparent existence of a market in Scotland for high quality tea, not capable of being satisfied by the East India Company, together with a residual fondness for claret, when French wines were heavily taxed, further supported the contraband business.

John Nisbet's case opens the door to understanding a distinctively 'Northern' system of smuggling, which was substantial in scale, dependent on international trading companies, and which imposed significant distortions on the patterns of the supply and consumption of tea in Britain, explained in

chapter six. This thesis demonstrates that 'Gottenburgh' teas were a distinctive brand, which dominated tea consumption in Scotland and northern England. Such teas were sold openly, at prices that the legitimate trade from the EIC could not match, and on credit terms that made them even more attractive. This trade was of such high volume and profitability that it formed the primary business of the Swedish and Danish East India Companies. As soon as the tariffs on tea were lowered, their profit-margins disappeared and both companies failed in short order.

John Nisbet was merely one cog in this mechanism of supply that stretched from China, via Sweden and Denmark, back to Norway and Holland, and then across the North Sea to the Scottish east coast. Its particularly Scottish orientation may have reflected the presence of Jacobite exiles and other Scots among the merchant community of Gothenburg, as well as Scots' preference for Congou over Bohea teas. Chapter seven shows how Nisbet rose and fell alongside the fortunes of the tea trade and the profitability of the two Scandinavian East India Companies. His immediate downfall was provoked by local rivalries, and the Robertsons' desire to acquire his most prized possession, Gunsgreen House. However, the concurrent disappearance of other participants in the 'Northern' smuggling trade shows how Nisbet's fate also depended on the fiscal rules of this broader geo-political, geo-economic system.

The stereotypical image of the villainous smuggler, initially prompted by the reporting of the Hawkhurst Gang, has been kept alive by the enthusiastic reporting of local historians. What this micro-historical study has clearly shown is that many smugglers were indistinguishable from local merchants, other than that they dealt in contraband. Perhaps the stereotype should rather be the bespectacled clerk with a clipboard overseeing the transfer of his master's goods into small boats.

Across the North Sea, merchants were buying from merchants and distributing goods to retailers or customers in this country, with a great enterprise – the SOIC – heavily dependent on smuggling and a market for

goods, whose branding, 'Gottenburgh Teas', indicated their true nature, growing in Scotland and the north of England. The true significance of this is that smuggling – and tea smuggling in particular – was all pervasive. It was widely believed that hardly any 'legal tea' was consumed north of the Trent, so virtually the whole population of that area was complicit.

What effect did it have? Tea smuggling certainly boosted tea consumption in Britain and, thereby the consumption of sugar from the West Indies and the trade in slaves to produce it. It provided Sweden with a heritage of a great trading company, exemplified by the headquarters building of the SOIC, now the City Museum in Gothenburg, and a reconstructed Swedish East Indiaman, which has even visited Guangzhou (Canton) in recent years. Many Swedish homes have collections of Chinese ceramics from the eighteenth century. The East India Company was left, at one point, with a vast surplus of unsold tea in London, which it was permitted to export to the American Colonies, where Boston merchants – who did well out of tea smuggling themselves – encouraged the dumping of the tea in Boston Harbour, thereby providing one of the sparks of the American War of Independence.

This study of one small port and its smuggling business draws attention to the effect of this early wave of globalisation, with Swedes, including Scottish exiles, buying South American silver from Spain to take to China to exchange for good quality tea, which was brought back to Europe. Much of it was then smuggled into Britain, where it helped to create a wider market for tea, grow the market for sugar and support the growth of pottery and other decorative art manufactures.

What this thesis demonstrates is the existence of a distinctive form of smuggling operating in the North Sea, which helped to create a substantial market for tea in northern Britain and formed the basis of the economic success of two important Scandinavian trading companies. The business of smuggling, in terms of the suppliers, the smugglers and their customers followed the pattern of eighteenth-century trade, with a group of merchant-smugglers dominating the business. These merchant-smugglers owned their

own ships, had access to credit, bank accounts – in London as well as Edinburgh – and, in the case of John Nisbet in particular, owned a magnificent house which completely dominated the town and harbour of Eyemouth, just as he dominated the smuggling trade.

Müller, Mackillop and Kent have written about aspects of northern smuggling, Murdoch and Zickermann have written extensively about the Scottish communities in Gothenburg and northern Germany and the Muis and Cole have looked in detail at tea smuggling. This in-depth examination of the port of Eyemouth and its merchant-smugglers produces a much more detailed analysis of that phenomenon.¹¹⁶ Mackillop has looked at the distribution of tea to individual customers, which has not been possible for this study, but the strength of this work is the combination of new sources, relating to Eyemouth, with an informed re-examination of earlier work. In addition, the increasing availability of online sources, such as the British Newspaper Archive, Scotland's People and the Sound Toll Records, for example, has allowed for the development of both a wider and deeper picture of the sale of tea, including the development of 'Gottenburgh Teas' as, in contemporary terms, a brand and of the understanding of the trade and merchant community of Eyemouth, never previously examined in such detail.¹¹⁷

There are, inevitably, unanswered questions. How typical was Eyemouth? Its geographical advantages are highlighted in chapter two, but these apply to other ports. It does seem that the port was redeveloped by the 'County' to provide an outlet for grain from the improved farms of the Merse, the rich agricultural district of Berwickshire. Can it be said that agricultural improvement paved the way for Eyemouth to become a centre for smuggling? Why are respectable merchants in Newcastle and Leeds dealing with at least one smuggler in south-east Scotland? How important was the Jacobite connection between Scotland and Gothenburg?

¹¹⁶ Müller, 'The Swedish East India Trade'; idem, 'The Swedish East India Company'; Mackillop, 'A North Europe World of Tea'; Kent, 'War and Trade in the Northern Seas'; Murdoch, 'Network North'; Mui and Mui, 'Smuggling and the British Tea Trade before 1784'; Cole, 'Trends in Eighteenth Century Smuggling'; idem, 'The Arithmetic of Eighteenth Century Smuggling: Rejoinder'.

¹¹⁷ Janes, 'Fine Gottenburgh Teas'.

The research associated with this thesis reveals a series of issues that can be pursued in future studies. These include the history of the port of Eyemouth itself and the coastal grain trade, the relationship between Eyemouth and Newcastle, the role of the ports of south Norway in smuggling, including a clearer view of Danish tea imports into Britain, and the life and career of Alexander Dow, Nisbet's one-time clerk who rose to become a minor literary figure in London.

What may be most important, however, is to highlight the importance of smuggling as an arm of trade in eighteenth-century Britain, first identified by Ramsay in 1952.¹¹⁸ Whenever the history of the trade of a port is being examined, smuggling should be treated as an integral part of that study.

¹¹⁸ Ramsay, 'The Smuggler's Trade'.

Appendix 1. Eyemouth Merchants c.1740–1790

The purpose of this table is to identify merchants active in Eyemouth in the second half of the eighteenth century, to indicate the scale of their activity – through the number of recorded voyages and the level of detected smuggling activity associated with them. It then shows their association with the main networking opportunities discussed in chapter 3.5.1–4. It also notes if they pay Window Tax, a further indicator of wealth. What is clear that involvement in smuggling was no bar to participation in any of the bodies concerned, except for John Nisbet's exclusion from the Masonic Lodge. Perhaps the scale of his smuggling activity was simply too extensive to be acceptable.

Name	Active	Voyages	Smugs	Mason	WT	Kirk	EL&M	Notes
John Aitken	1788–1793	12						Partner to Wm Robertson
John Davidson	1753	2	2	X	X			d.1788; rouped by Thomas French
Andrew Edgar	1747–1773	6		X	X	X		Creditor of John Nisbet
Thomas French	1749–1768	58		X	X			Many voyages as agent of James Martin, his brother-in-law
John Gibson	1770–1782	34	1	X		X		Cousin of James Renton; agent for Henderson and Renton, James Renton and Robert Robertson
William Gra(e)me	1750–1763	14		X	X			Brother-in-Law of Robert Robertson
James Gray	1759–1767	4	2	X	X			Clerk to John Nisbet c.1760
Patrick Grieve	1744–1770	13	6	X	X		X	
William Grieve	1786–1787	7		X	X			
James Henderson	1764–1775	41	1	X	X			Mostly with James Renton; creditor of John Nisbet
John Henderson	1754–1756	6						All voyages with William Henderson
William Henderson	1754–1756	6		X				All voyages with John Henderson
Robert Home	1779–1781	5		X				Partner to James Renton
Robert Hunter	1765–1768	7						Agent for Thomas French
John Keith	1727–1747	17	1	X	X			d.1771;10 voyages pre-1742
Harry Knox	1744–1752	5						Co-partnery with John Nisbet

Name	Active	Voyages	Smugs	Mason	WT	Kirk	EL&M	Notes
								1740s and 1750s; based in Dunbar
James Martin	1747–1761	68	3	X			X	d. 1761; brother-in-law of Robert Robertson and Thomas French
James Mercer	merchant in Lodge records	X	X					
David Nisbet	1750–1784	15	10	X			X	Brother of John and William
John Nisbet	1742–1787	25	17		X		X	Brother of David and William
Patrick Nisbet	1754–1756	2	1	X				No known relationship to Nisbet brothers
William Nisbet	1742–1762	8	1	X	X	X		Brother of David and John
James Renton	1767–1784	68	4	X	X			Cousin of John Gibson; married to Robert Robertson's first wife's niece
Alexander Robertson	1768–1787	49		X	X			Partner to his father Robert
Robert Robertson	1743–1787	87	1	X	X	X	X	Central figure in Eyemouth
William Robertson	1780–1793	24	2	X	X			Partner to his father Robert
John Simpson	1758–1762	5		X	X			Vintner/Ship's master
Andrew Wilson	1770	1		X	X			Partner to P. Grieve
27				23	18	4	5	

Key: WT = Window Taxpayer; EL&M = shareholder in East Lothian and Merse Whale Fishing Company; Smugs = reported smuggles. The sources for this table are the Minutes of Lodge St Ebba,¹ the records of Eyemouth Kirk Session,² Customs Records³ Berwickshire tax records⁴ and the wills of some of the people involved.

¹ Minutes of Lodge St Ebbe.

² Eyemouth Kirk Session.

³ Minutes of the Board of Customs; Dunbar Customs Letter Books.

⁴ Window Tax Records, Berwickshire.

Appendix 2. Glossary of smuggling and associated terms

<i>Term</i>	<i>Meaning</i>	<i>Comments</i>
Anker	Small, portable barrel, ideal for carrying by hand or slung over a horse.	Described in the OED as containing 10 'old wine gallons' or 8 imperial gallons.
Appraised value	The value of seized goods as appraised by local officials.	'the appraisement of the Goods is invested in Trusty and Experienced Officers.'
Breaking Bulk	Transferring wine, spirits etc. from Hogsheads to Ankers.	Treated as evidence of intention to smuggle.
Composition	A price agreed between the owner of seized goods and the authorities to allow them to be reclaimed.	Had to be agreed by the Solicitor to the Customs, generally when evidence to support a successful prosecution was deemed inadequate.
Condemnation	The forfeiture of seized goods following prosecution.	After this the goods were generally auctioned, with the 'appraised value' being the equivalent of the reserve price.
Contraband	Illegal or prohibited traffic.	Often used as shorthand for contraband goods.
Cutter	Fast sailing boat.	Term generally used for customs boats.
Deforce	The use, or threat, of violence sufficient to prevent an officer of the law from doing his duties.	
Fair Trade	Legitimate trade – with all taxes and dues paid – the opposite of contraband.	The OED has it that it was also used in the eighteenth century as a 'euphemistic synonym' for smuggling, although it has no source for this term.
False Destination	Shown on ship's papers – usually ports such as Bergen.	To allow ships to cruise up the coast seeking to run goods justifying their presence and explaining away their cargo of contraband.
Free Trade	The OED definition is 'open and unrestricted trade' but is often used as a synonym for smuggling.	In fact, the earliest OED references to Free Trade meaning smuggling are in two novels by Sir Walter Scott – <i>Guy Mannering</i> (1815) and <i>Redgauntlet</i> (1824).
Headport	The main port in a customs district – Dunbar, for example.	

<i>Term</i>	<i>Meaning</i>	<i>Comments</i>
Hogshead	Large barrel used for transport.	Described in the OED as containing 63 'old wine gallons' or 52½ imperial gallons.
Hovering Limits	The distance offshore – three miles – within which a ship loitering could be assumed to be involved in smuggling.	The OED defines hovering as 'to wait near at hand'.
Lugger	Specialised sailing boat.	Term generally used for smuggling vessels.
Outport	A smaller subsidiary port in a customs district.	Sometimes referred to as a creek. Eyemouth in Dunbar district.
Prohibited Goods	Goods such as tea whose import by merchants was forbidden.	The import of tea was subject to a monopoly of the Honourable East India Company.
Rummage	Search of ships, premises etc. by the authorities.	
Run	Landing contraband, generally away from a port or harbour.	
Seize	Technical term used for the formal confiscation of contraband.	Goods were liable to seizure upon suspicion of fraud or running. Common causes of seizure were hovering, running, false oath by masters and failure to declare the whole cargo. Following seizure, the goods were generally either discharged, subject to a composition, or condemned following prosecution.
Smuggle (noun)	An incident of smuggling.	
Tierce	Literally one third – a unit of measure the equivalent of one third of a pipe of wine.	The OED defines this as 42 'old wine gallons'.

Note: the sources are the OED and E.E. Hoon *The Organisation of the English Customs System 1696–1786*

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