



Strathprints Institutional Repository

MacInnes, Allan I. (2008) *Scottish circumvention of the English Navigation Acts in the American colonies 1660-1707*. In: Making, Using and Resisting the Law in European History. Pisa University Press, pp. 109-30. ISBN 978-88-8492-549-7

Strathprints is designed to allow users to access the research output of the University of Strathclyde. Copyright © and Moral Rights for the papers on this site are retained by the individual authors and/or other copyright owners. You may not engage in further distribution of the material for any profitmaking activities or any commercial gain. You may freely distribute both the url (<http://strathprints.strath.ac.uk/>) and the content of this paper for research or study, educational, or not-for-profit purposes without prior permission or charge.

Any correspondence concerning this service should be sent to Strathprints administrator: <mailto:strathprints@strath.ac.uk>



Making, using and resisting the law in European history / edited by Günther Lottes, Eero Medijainen, Jón Viðar Sigurðsson. - Pisa : Plus-Pisa university press, 2008. - (Thematic work group. 1., States, legislation, institutions ; 3)

349.4 (21.)

1. Diritto - Europa - Storia I. Lottes, Günther II. Medijainen, Eero III. Sigurðsson, Jón Viðar

CIP a cura del Sistema bibliotecario dell'Università di Pisa

This volume is published thanks to the support of the Directorate General for Research of the European Commission, by the Sixth Framework Network of Excellence CLIOHRES.net under the contract CIT3-CT-2005-006164.

The volume is solely the responsibility of the Network and the authors; the European Community cannot be held responsible for its contents or for any use which may be made of it.

Cover: Marc Chagall (1887 - 1985), *Moses and the Golden Calf*, oil painting, private collection, St. Paul de Vence
© 1990 Photo Scala, Florence

© 2008 by CLIOHRES.net

The materials published as part of the CLIOHRES Project are the property of the CLIOHRES.net Consortium. They are available for study and use, provided that the source is clearly acknowledged.

cliohres@cliohres.net - www.clioehres.net

Published by Edizioni Plus – Pisa University Press

Lungarno Pacinotti, 43

56126 Pisa

Tel. 050 2212056 – Fax 050 2212945

info.plus@adm.unipi.it

www.edizioniplus.it - Section "Biblioteca"

Member of



Association of American
University Presses

ISBN: 978-88-8492-549-7

Linguistic revision

Neil Herman

Informatic editing

Răzvan Adrian Marinescu

Scottish Circumvention of the English Navigation Acts in the American Colonies 1660-1707

ALLAN I. MACINNES
University of Strathclyde

ABSTRACT

From its insular location, its limited indigenous resources and its subordinate political standing as one of three kingdoms ruled by the Stuart dynasty, Scotland was dependent on overseas trade, commercial networks and an entrepreneurial willingness to set aside international regulations for its very survival as a distinctive European nation in the later 17th century. Scotland was manifestly not a major European power, nor a significant imperial presence in the Americas. By the later 17th century, however, colonial endeavours were offering Scots the opportunity not just to break out from the mercantilist dominance of the great European powers, but also to sustain regal union under a common monarchy without recourse to political incorporation with England. By the 1690s, the clannish cohesion of their landed and commercial elite, their diligence in securing positions of influence and their collusive disregard for the Navigation Acts were perceived by English merchants, colonial officials, diplomats and ruling ministries as highly threatening. The Scots challenged the English state through their Darien Scheme to create an international entrepôt for the Pacific as well as the Atlantic on the Panama Isthmus, as through their expansion into Ireland and the Delaware Basin. If the Scots made a success of Darien, there seemed a real prospect to vested English interests that their domestic market would grow to include Ireland and that their entrepreneurial endeavours in the Delaware would lead to the secession of three counties to form a Scottish colony on the American mainland. Only political incorporation, through the Treaty of Union in 1707, seemingly put an end to Scottish flouting of English state power.

The demarcation of the early modern from the medieval period was greatly influenced by issues of religion and jurisdiction which were integral to state formation. Both Scotland and England, as Protestant powers, were to claim exclusive sovereignty in and around their respective territories in the British Isles. However, the situation was complicated by the establishment of a common monarchy, when James VI of Scotland became James

I of England in 1603. As the English Parliament remained hostile to political and commercial union, no British state was formally created despite the endeavours of James to promote himself at home and abroad as king of Great Britain and Ireland, possessed of an exclusive right of empire by land and sea. In the course of the revolutions against his son Charles I in the 1640s, Scots took the political initiative to secure recognition from the Stuart monarchy and the English Parliament that they were an independent, sovereign state. Nevertheless, civil wars and political schisms led to a republican regime in England that coerced Scotland, along with Ireland, into first a Commonwealth then a Protectorate under Oliver Cromwell. Although the common monarchy was restored under Charles II in 1660, the English state as represented by its Privy Council as the executive and its Parliament as the legislature, was intent on a distinctive commercial policy that discriminated as much against the Scots as the Dutch or the French. A series of Navigation Acts signposted that issues of political economy, designed to secure national prosperity, were becoming vital, modernising aspects of state formation. In this situation, Scottish independence was becoming parlous¹. Its insular location, its limited indigenous resources and its subordinate political standing to England meant its very survival as a distinctive European nation in the later 17th century became dependent on overseas trade, commercial networks and an entrepreneurial willingness to set aside English and other international regulations. England saw the legislative protection of its overseas trade and shipping as necessary for both its security as a state and its expansion as a global power. Scotland lacked the political clout to dismantle the legislative protection associated with mercantilism as exercised by England and the other leading European powers. Nevertheless Scottish politicians, merchants and colonial adventurers became adept at circumventing mercantilist restrictions inimical to their trade and commerce. Notwithstanding being castigated as a rogue nation, non-compliance to English laws became their watchword. The American colonies became the main theatre for their resistance to discriminatory laws.

Despite ongoing transatlantic reappraisal of the British nature of the American colonies, the continuity and vitality of commercial links between Scotland and the Americas from the 1620s have been relatively underplayed². Certainly, Scotland was manifestly not a major European power, nor a significant imperial presence in the Americas. Nevertheless, by the later 17th century colonial endeavours were offering Scots the opportunity not just to break out from the mercantilist dominance of England and the other great European powers, but also to sustain regal union under a common monarchy without recourse to political incorporation. By the 1690s, the clannish cohesion of the Scottish landed and commercial elite, their diligence in securing positions of influence in the Americas and their collusive disregard for the Navigation Acts were perceived by English merchants, colonial officials, diplomats and ruling ministries as highly threatening.

COMMERCIAL DISCRIMINATION

The extent to which the Restoration of Charles II marked a return to the promotion of an organic and inclusive civic society under a common Stuart monarchy remains questionable. The continuing political dominance of England threatened that Scotland, despite the formal restoration of its independence would, like Ireland, become a permanent political satellite³. In reality, restored Stuart rule over the three kingdoms represented a compromise between what may be termed normatively the Britannic and Gothic perspectives. The Britannic was grounded in an imperial vision, which ensured that Britain was always something more than the kingdom of England; the prerogative powers of the monarchy allowed them to suspend or dispense with laws inimical to other constituent interests within the British Isles. The Gothic was rooted in an English parliament with sole powers to vote supply and enact statutes that reinforced the English common law. Accordingly, the Gothic proponents of the supremacy of parliamentary statute and the common law placed contractual emphasis on rights, liberties and privileges which were applicable to all free born Englishmen, but were exclusively English at the expense of differing Scottish legal traditions or Irish customs⁴. The inclusive Britannic perspective of the monarchy was highlighted by the Dutch academic, Rutgerius Hermannides in his *Britannia Magna* of 1661, which nevertheless chronicled English hegemony over Scotland and Ireland. The German jurist, Samuel von Pufendorf, who came to view England as a composite monarchy with Scottish and Irish dependencies, forcibly articulated the exclusive Gothic perspective. Charles II was carrying on the mantle of Oliver Cromwell and his republican regime of the 1650s in maintaining English greatness through dominion over the seas and the promotion of commerce⁵.

The dice seemed loaded firmly in favour of the Gothic perspective in relation to commercial access to the American colonies of the common monarchy. The English Privy Council was restored as the king's executive agency for the government of the dominions as well as England. Reporting to this Council were permanent commissions for Trade and the Plantations, which followed Cromwellian precedent by involving merchants, mainly from the city of London, planters and sea-captains as well as royal advisers and by according no place for Scots, other than the less than benign influence of James Maitland, 2nd Earl (later 1st Duke) of Lauderdale as the autocratic manager for Scottish affairs. Scots in England and in the colonies were accorded the same rights as Englishmen so long as they lived under English jurisdiction. But, Scots based in Scotland and trading to and from the American colonies were treated as foreigners and aliens by the Navigation Acts promulgated in 1660 and 1663. This legislation was subsequently modified and explained but not essentially altered by further enactments in 1662, 1670, 1671 and 1673.

The purpose of these Acts was distinctly mercantilist: to advance overseas commerce, increase royal revenue and regulate the colonies on the one hand and promote shipping, manufacturing and a favourable balance of trade on the other. The Act of 1660 specified that no goods or commodities regardless of where they were produced could be imported into or exported out of any English plantation except in a ship built in England or the plantations whose master and three-quarters of the crew were English. The same Act enumerated colonial commodities, basically raw materials and produce that were to be exclusively traded through English markets. No direct trade was to be permitted between continental Europe and the American colonies. The Act of 1663 stated that England was to be the staple for all European goods imported into the colonies and all masters of ships sailing for the colonies were obliged to provide a detailed manifest of their ships and cargoes on arrival and lodge a bond for payment of customs in England prior to their departure⁶.

However the Britannic perspective was not entirely lost under Charles II. After the first imposition of the Navigation Acts, Charles II had used his prerogative powers to grant individual dispensations to entrepreneurs wishing to sustain sugar works in Glasgow and later in Edinburgh through trade to the American colonies. The development of these manufactures demonstrates the active involvement of Scots, notwithstanding the English Acts, in the transatlantic trade to the West Indies as to the Chesapeake and the Delaware for tobacco. As the Stuarts' overseas dominions in the Americas expanded in the Restoration era, so did assiduous commercial networking by Scottish entrepreneurs from Boston to New York and on to Philadelphia by the 1680s. Glasgow, which had developed Port Glasgow further down the Clyde as its Atlantic gateway in 1667, maintained a position of leadership in transatlantic trade, which stimulated engagement not only by Ayr but also by lesser ports such as Dumfries in the south and Irvine, Greenock and Dumbarton in the west. Consortia from Edinburgh soon followed through the port of Leith in regular commerce with the Americas, which, in turn, stimulated the engagement of such neighbouring east coast towns as Prestonpans, Burntisland, and Kirkcaldy as well as Bo'ness on the Firth of Forth. In terms of further engagement with the Atlantic economy, Perth joined Dundee from Tayside, while Montrose and Peterhead supplemented the endeavours of Aberdeen in the north-east, as did Inverness in the Highlands and even Stromness in the Orkney Isles by the 1680s⁷.

As Duke of York, the future James II had played a key public role in upholding an inclusive, Britannic perspective for imperial monarchy. James was instrumental in using the Crown's prerogative powers to suspend laws restricting Scottish participation in English overseas ventures. The issuing of letters of marque to Scottish privateers, the pressing of Scots into service in the Royal Navy and the less than welcome conscription of Scots seamen to serve in the Second (1666-7) and Third (1672-74) Dutch Wars against their main commercial partner further encouraged a laxity in applying trading prohibitions. Having been awarded New York as a colony on its wresting from the Dutch in

1664, James had been an assiduous and tolerant promoter of a durable Scottish and Dutch commercial network that was based in Albany, named after his Scottish ducal title. James also took the initiative in encouraging the extensive settlement of Scots on the lower Delaware, a district hitherto settled mainly by Danes, Swedes and Finns that had not been included in his original proprietary grant of New York, but was acquired by conquest in 1664⁸.

Royal patronage notwithstanding, enhanced Scottish activity can be attributed primarily to accumulating commercial expertise and sophistication in circumventing the Navigation Acts. Scottish endeavours to have the Acts suspended were peremptorily rejected in 1661 because of perennial English fears about the competitive edge enjoyed by the Scottish ships engaged in the carrying trade. Nevertheless, the Acts themselves contained significant loopholes and exemptions that could be exploited by Scottish entrepreneurs who took advantage of flexible arrangements for the loading and unloading of colonial commodities which could be undertaken in the sea-lanes rather than just at the port of Berwick-upon-Tweed on the eastern English border⁹. Direct shipments to and from the Scottish ports on the Firth of Forth nominally cleared English customs in the Holy Isles. As long as ships were allowed to land colonial goods in Ireland, the North Channel served the same purpose for ports in the west of Scotland intent on trade with the Americas. There were three areas exempt from the Navigation Acts – Newfoundland, where there was a lucrative trade in fish to Spain, Portugal and the Italian states; Guinea, the centre of the African slave trade; and Delaware, the district contested by Maryland, the Dutch and Swedes which remained exempt when incorporated into New York in 1664. This latter area was of greatest significance to Scottish commercial engagement in the tobacco trade.

No less pertinently, there were three key exceptions to the staple provision that all goods had to be exported from England – salt for the fisheries of Newfoundland and New England; servants, horses and provisions from Scotland as well as Ireland; and, in keeping with Charles II's marriage treaty with Catherine of Braganza in 1662, wines from the Portuguese islands of Madeira and the Azores. A steady supply of political prisoners featured on the individual dispensations given to Scottish consortia to trade with the Americas. More significantly, these exemptions encouraged tramp trading; that is, the conveying of goods to and from several ports rather than directly across the Atlantic. Tramping, which was the prevailing form of Scottish commerce in the Baltic, was now transferred to the Caribbean and the north Atlantic. Tramping was further encouraged by the concession that ships could trade freely between the colonies in the Americas, a trading practice not checked by the imposition of inter-colonial duties from 1673, not least because of the limited number of colonial officials in place or willing to collect these taxes. The need to provide bonds specifying ships and cargoes to and from the Americas was circumvented by transferring bonds from legitimate English to illicit Scottish shipping, by outright forgery, by disguised ownership, by smuggling and by

collusion with colonial officials. Such practices became the stock in trade of Scottish commercial networks operating in the Americas whose vitality has tended to be underplayed by disparate patterns of Scottish immigration and settlement in the colonies¹⁰.

SCOTTISH NETWORKING

Networks headed by London Scots that traded legitimately with the colonies, had the added bonus of enrolling their ships in convoys protected by the Royal Navy. However, Scottish entrepreneurs and their colonial associates were no less willing to use Rotterdam, Amsterdam and even Hamburg as commercial hubs. The Atlantic connection certainly contributed to the reinvigoration of Scottish networks in Bordeaux and their installation in Lisbon and Cadiz/Seville by the 1680s. The Irish ports of Belfast and Londonderry were locked into the Scottish transatlantic as well as the Baltic carrying trade. Whereas established colonial merchants in such English cities as Bristol had found themselves on the defensive by the 1650s from interlopers intent on the free trade in indentured servants, Scottish engagement with the Atlantic trade raised interloping from an urban to a national endeavour in the Restoration era. At the same time, there was steady pressure from the colonies for Scots to serve in the Caribbean as servants and in the Chesapeake and Delaware as frontiersmen. Highlanders especially were viewed as excelling in the latter role, but able-bodied men from all districts of Scotland were welcome to rebuild societies devastated by hurricanes and increasingly fearing internal upheaval from revolts as slavery increased exponentially with the profitability of sugar and rum. External threats from the French, the Spanish and the Dutch also had to be faced. Barbados, which was to the fore in providing settlers to consolidate Jamaica – forcibly acquired from Spain by the Cromwellian regime in 1655 – and extend the Stuarts' dominions in North and South Carolina, was the main promoter of Scottish immigration and open trade through Scottish commercial networks¹¹.

Scottish networks, however, did not confine their commercial activities in the Caribbean to the Stuart dominions. In ventures to the Lesser Antilles throughout the Restoration era they traded sporadically with the Dutch, the French and the Danes. Moreover, Scottish entrepreneurs were considerably more flexible than the English in switching political allegiance. The Scots readily transferred over from the Dutch to the English in New York in 1664 and again after a brief period of Dutch reconquest in 1673. Yet, the Scottish planting elite in Surinam not only accepted Dutch control from 1667, but also actively connived with the Dutch authorities to expropriate disaffected English planters¹².

Networks based on ties of kinship and local association were no more exclusively Scottish in North America than in northern Europe. Indeed, even where networks were predominantly Scottish, they were not always complementary and were occasionally involved in antagonistic sharp practices¹³. However, colonial officials from New Hamp-

shire to South Carolina noted the clannish cohesion as well as the acquisitiveness of Scottish entrepreneurs who consistently outsold English competitors by focusing on quantity rather than quality in marketing goods for servants and slaves. In Delaware especially, Scottish networks came to dominate the three southern counties of New Castle, Kent and Sussex. The Scots took advantage of these counties being regularly contested between Maryland and initially New York, then Pennsylvania. The issue was decided in favour of William Penn's colony in 1685. By then, the Scots were viewed as a greater threat to the operation of the Navigation Acts than either the Dutch, or even the Caribbean buccaneers. Local initiatives by English colonial officials to have the Scots declared foreigners and aliens incapable of wholesale trading or holding public office were summarily thrown out by court officials and juries who tended to think "that Scotchmen are as free as Englishmen".

Scottish networks in the Americas were usually dominated by literate laymen not averse to litigation and willing to represent each other in a diversity of jurisdictions covering commerce by land and sea through provincial and county courts as in courts of assistants, of common rights and of chancery. These networks were also able to take advantage of differing traditions of jurisprudence and legal practice in the colonies. In the middle colonies of New York, New Jersey, Pennsylvania and, to a lesser extent, Maryland, the normal practice of conforming to English statute and common law had to take account of Dutch and Scottish affinities for and grounding in civil law. Moreover, in all colonies from New England to the Carolinas, juries became notorious in the eyes of English officials for their disregard of the alleged facts in returning, even with repeated redirection, not guilty verdicts against practised evaders of the Navigation Acts¹⁴. Concerns about the autonomy of Scottish commercial networks were heightened by their endeavours to establish Scottish colonies in southern Carolina and east New Jersey with full backing from the Scottish Privy Council and the future James II. In 1681, James had established a Committee for Trade which subsequently reported to the Privy Council that the only effective way for the country to cope with mercantilism and growing dependence on English markets was either to seek closer union or develop overseas colonies. Nevertheless, there was little political will either at the court (even after James II succeeded Charles II), in the English Privy Council, in the Commissions of Trade and Plantations, or in the English Parliament to sustain an inclusive Britannic agenda within the Stuarts' dominions. When William of Orange replaced James II in all three kingdoms between 1688 and 1691, he took up the Gothic perspective as extolled by Pufendorf. For the purposes of making peace and war, and conducting trade and commerce, the interests of England were paramount. Scotland, like Ireland, was a peripheral consideration¹⁵.

COLONIAL REAPPRAISAL

The ‘Glorious Revolution’ that brought William of Orange to power in England can be viewed as a Gothic triumph. The Revolution transformed a Britannic Empire based on the Stuarts’ royal prerogative into an English Empire subject to constitutional oversight by the English Parliament. Yet, the proclaimed achievement of constitutional monarchy in place of Stuart autocracy glossed over the continuation of the fiscal-military state instigated in the Stuarts’ dominions in the Restoration era. Ostensibly under parliamentary control from the Revolution, military engagements and commercial opportunism on a global scale were moderated rather than contained by votes of supply and were fructified by the creation of the National Debt in 1693 that was financed through the Bank of England from 1694. The Revolution was not so much glorious as bloody in the other two kingdoms¹⁶. Scots were markedly disadvantaged in both the British Isles and the colonies by reinforced Navigation Acts, which instigated a tariff battle with England from 1693 until 1707¹⁷.

Nevertheless, Scottish commercial networks notably exploited the unsettled political situation in North America in the wake of the Revolution. Despite the covert placing of English customs agents to monitor Scottish shipping, Glasgow merchants were to the fore in expanding their operations into North Carolina from whence tobacco was shipped either directly to Scotland or to the stores controlled by Scots on the Lower Delaware. Glasgow also took the lead in forging documentation to pass off their shipping and their commodity trading as English. Even on the rare occasions when colonial officials attempted the strict enforcement of the Navigation Acts, Scottish merchants could still charter ships from London and other English ports and travel to the colonies as supercargoes responsible for the actual trading of commodities. In cases of doubt, colonial juries – even on appeal from county to higher courts – still continued to side with commercial networks over Crown officials¹⁸.

Although illicit Scottish entrepreneurship in the Americas was still proving remunerative, English commentators on commerce were rethinking the relative importance of the colonies. The colonies were making a rather limited fiscal and military contribution toward the furtherance of the war effort against France in the American theatre of the Nine Years War that had commenced in 1688¹⁹. To redress this situation, as well as deal with disruptive influences on colonial commerce, the Council for Trade and Plantations was established in 1696. In essence, the Council, or more commonly the Board of Trade, professionalized the oversight of the English colonies in America and promoted uniformity in their governance. Thus, the inclusive Britannic formula that the colonies should be governed by laws “not repugnant” to those of England was supplanted by the exclusive Gothic mantra that their laws should “be agreeable” to those of England. In keeping with this exclusivity, the Navigation Acts were again reinvigorated with a particular emphasis on curtailing documentary fraud, promoting probity among officials,

and appointing to places of trust in the plantations only natives of England and Ireland, which was particularly interpreted as a licence to treat Scots as aliens and incapable of public employment, be that civil or military²⁰.

In December 1697 and January 1698, the Board of Trade completed a review of English trade from 1670 until the recent Peace of Ryswick with the French. Focusing on commercial exchange, the balance of payments and the competitive impact of mercantilist regulation, the Council noted that the expansion of English trade in the Restoration era had gone into a measurable decline after the Revolution. Global threats to English trade were more pressing than transatlantic opportunities for colonial expansion. Serious misgivings were expressed about woollen manufacturing, fishing and the carrying trade, particularly that from the plantations in the Americas. The un-cooperative presence of Scottish commercial networks loomed large. Not only was wool necessary for English manufacturing being exported out of England, Ireland and Scotland, but Scottish carriers were dominating this trade from the three kingdoms. The Scots were not prepared to participate in a common British fishery in competition with the Dutch. In the colonies, the Scots were taking particular advantage of the lack of designated ports for the loading and unloading of overseas vessels²¹.

English commercial commentators and merchants were now stating in public what English diplomatic and colonial officials were expressing in private. Indeed, the Board of Trade had become particularly apprehensive about the purported dominance of Scottish commercial networks in Ireland since the Revolution. Not only did Scottish merchants in the trading towns and the Scottish gentry in plantation districts actively collude, but they “are generally Frugall, Industrious, very nationall, and very helpful to each other agst any Third [party]”. Associated claims that an additional 50,000 Scots emigrated to Ireland in the 1690s should be viewed as guesstimates rather than estimates. Nevertheless, Scottish dominance of the Irish carrying trade was recognised in reports from America. Dublin no less than Belfast and Londonderry was locked into Scottish commercial networks during that decade²².

The restructuring of colonial governance in 1696 was actually more impressive on paper than in performance. Not only did designated ports of entry for the collection of customs and authentication of trading documents remain inadequate to deal with the volume of trade. Policing by frigates cruising in Chesapeake and Delaware Bays also proved more expensive than remunerative. Scottish commercial networks became particularly adept at using their London contacts to attach their ships to Royal Navy convoys across the Atlantic and then slipping away under cover of darkness before the ships entered the English Channel. Particularly galling for English officials determined to curtail Scottish engagement in the Americas was the competitive edge their networks enjoyed, which were also diversifying into textile and other manufactures that were prohibited colonial endeavours.

For the Scots, circumvention of the Navigation Acts went hand in glove with commercial innovation. Glasgow merchants used both consignment and store systems first to break into the staple Atlantic trade in tobacco and then to secure a position of dominance. Under the consignment system the planter bore the risk of marketing tobacco which, though consigned to a merchant house in the British Isles, remained his property and therefore his liability until sold. Under the store system the risk of marketing was borne by the merchant who transported the tobacco from his colonial store to the British Isles. Liability was lessened by tying advances of credit on tobacco sales in Europe to the purchase of merchandise from the colonial store. The consignment system continued to be used by Scots trading through London, but this practice was increasingly challenged both in terms of price and quality by tobacco brought in through the stores. This latter system was particularly suited to the expansion of small plantations along the Chesapeake and the Delaware into the hinterlands of Maryland, Virginia and the Carolinas. It carried higher risks but greater profits. In addition to using Whitehaven on the western English border as an outstation of Glasgow, the Isle of Man was developed as the major centre of Scottish smuggling operations in the North Channel. Colonial commodities brought into Whitehaven were re-exported to Man, giving the Scots the benefit of a drawback on customs, and then smuggled into Scotland via the Firths of Clyde and Solway or into Belfast, Londonderry and Dublin by Irish associates. Newcastle as well as Berwick upon Tweed was also brought into play on the east coast. Scottish entrepreneurs procured disguised shares in the ownership of transatlantic vessels. Networks immersed in the colonial tramping trade established branches of Edinburgh merchant houses on the Tyne. Bilbao and San Sebastian in northern Spain also became tramping destinations for Scottish ships engaged in the Newfoundland fisheries where they also encountered New England traders carrying enumerated commodities for European markets²³. Persistent Scottish circumvention of the Navigation Acts was instrumental in the English government of William of Orange sabotaging the Darien Scheme in the late 1690s.

DARIEN

The end of the Nine Years War in 1697 caught William III in the horns of a British commercial dilemma. Government ministers and officials, merchants and commercial commentators were determined to ensure that English not British interests prevailed in the colonies as on the continent. William's Scottish government, however, was by no means averse to the promotion of schemes for economic growth. Two flagship endeavours were licensed in 1695. The Bank of Scotland and the Company of Scotland trading to Africa and the Indies were effectively national co-partneries, that is, joint-stock companies. When subscription lists were opened in 1696, both the Bank and the Company of Scotland attracted respectively individual and corporate pledges for £60,000 and £400,000 and sums in hard currency amounting to £6000 and £34,000

sterling. As Scotland was also in the grip of an intensive, five-year famine, these levels of investment could be taken as indicators of a blind optimism that would destabilise a fragile domestic economy. Yet, these subscriptions were not unrealistic in terms of inward investment that reflected the close integration of Scottish mercantile communities at home and abroad²⁴.

Under the far from benign entrepreneurial influence of William Paterson, a leading Scottish merchant in London and a founder of the Bank of England, the Company of Scotland was persuaded to concentrate its endeavours on an American settlement that would serve as an entrepôt capable of attracting trade from the East and West Indies through its location on the Panama Isthmus at Darien. Notwithstanding his sanctioning of both the Bank of Scotland and the Company of Scotland in 1695, William of Orange could not endorse the Darien venture without the support of the English parliament. Although the proposed colony did fit the legislative requirement that commercial activity was to be conducted in any part of the world not then at war with William, the Scottish Company was conceived as a rival to the English East India Company. Its established block of members in the English Parliament was more than capable of impeding William's need for financial supply. As the legality of English residents investing in the Scottish Company was ambivalent, the East India Company, with royal approval, successfully pushed through the Houses of Lords and Commons a series of hostile measures in December 1695. The threat of impeachment as interlopers for any investor resident in England aborted subscriptions to the Company of Scotland in London. At the same time, William desired to appease Spain, which claimed sovereignty over the Panama Isthmus. As William sought to broker a military alliance against Louis XIV, Scottish commercial interests became expendable. Instead of being a confederation of Scottish, English, Dutch and northern German commercial interests Darien was reduced to a solely Scottish endeavour. William clearly accorded higher priority to the balance of power in Europe over the balance of trade in Scotland. The Scottish directors, investors and colonists can certainly stand accused of over optimism, incompetence and even profiteering. That they were obliged to proceed unilaterally, however, turned Darien from a visionary enterprise into a fiasco²⁵.

In denying funding, expertise and assistance to the Company of Scotland, William was undoubtedly responding to the real determination within governmental as well as mercantile circles in England that the Darien enterprise should not succeed. Indeed, there was a serious concern within government circles (see Source) that if Darien succeeded the Scots would lay claim to a settlement on the southern shore of the Delaware Bay, especially as they had already established a resident conservator there, Gustavus Hamilton, who oversaw the operation of commercial networks that now stretched from New England to southern Carolina. This indigenous mercantile community was not only practised in the evasion of the Navigation Acts but deemed capable of establishing an independent staple for European manufactures. Darien as a free port would be consid-

erably more menacing to English interests in America than that operated by the Dutch on the island of Curaçao²⁶.

Although English diplomats and colonial officials lined up to sow doubts at home and abroad about the legality of the Scottish enterprise, their concerns for the sovereign rights of Spain over the Panama Isthmus were far from altruistic and somewhat tempered by the lack of current Spanish settlements in the area and by its suitability for an English entrepôt. Indeed, private ventures there by English entrepreneurs had recently come to grief prior to the Scots embarking for Darien. Making the area notably attractive for entrepreneurial exploitation was the fact that the Isthmus carried the overland route for the silver mined in Peru prior to its shipping to Spain from Portobello and Cartagena. The ill-fated endeavours of the Scots to settle Darien foundered in 1700, after successive expeditionary fleets in 1698 and 1699 failed to establish a permanent colony. Funded eventually as a national enterprise, as a commercial compact between God and the Scottish people, surveying, provisioning and leadership were deficient notwithstanding additional assistance provided by Scottish mercantile communities in Boston and New York. The defeat of Spanish forces at Tubuganti on 15 February 1700 by a combined force of Scots and Indians offered no more than a brief respite. English polemicists declared open season in ridiculing the audacity of Scottish enterprise. Duly glossed over was William's instruction to the governors of Jamaica and the other Caribbean colonies in December 1699 to offer no assistance to the Scots. Spanish tenacity on the issue of the Panama Isthmus was wholly underestimated. The fiasco was in no small measure due to misplaced British – not just Scottish – disrespect for Spain as 'the sick man of Europe'²⁷.

As Darien turned from a scheme into a fiasco, the call for reparations for the loss of £154,000 contributed to a marked deterioration in Anglo-Scottish relations on the outbreak of the War of the Spanish Succession in 1702. For the Scots, the Darien fiasco was an expensive demonstration of the need for purposeful British collaboration. But Darien also hastened a major restructuring of English colonial policy. Imperial consolidation became the overriding concern among English commercial commentators and colonial officials following the accession of Queen Anne in 1702. Faced with aggressive French competition in the Americas, there was a growing realisation that England did not have the demographic capacity for overseas expansion without draining its domestic manufactures of labour. Indeed, there was no immediate prospect of expanding empire unless migrants were attracted to England and the colonies or England re-engaged in state formation. In either case, Scotland was in pole position to benefit. Among shapers of English colonial policy, Scottish commercial networks moved from being viewed as significant obstructions to trade to potential pillars of Empire²⁸.

COERCIVE PERSUASION

The renewal of war with France in the shape of the War of the Spanish Succession in 1702 altered English viewpoints on how to service the fiscal-military state. The acquisition of the Spanish Crown by Philip of Anjou, a grandson of Louis XIV, not only threatened to create a Bourbon hegemony in Europe, but also made the fate of the Spanish Empire a key issue of the war. The Spanish colonial administration opted for the French candidate, rather than the Hapsburg candidate – initially the Austrian Emperor, Leopold I – whom the English and the Dutch favoured. The English colonies in America were threatened by an arc of menace that stretched from the north Atlantic to the Gulf of Mexico and into the Caribbean. The longstanding French threat to English ventures from Hudson's Bay and Newfoundland through to New England and New York now gained a southern dimension which bolstered the well worn Spanish antipathy to Virginia and the Carolinas. The Nine Years War had severely debilitated the English colonial alliance with the league of Iroquois Nations and Louisiana had been established in 1699 as a French colonial intrusion in the Gulf of Mexico. The Caribbean remained particularly vulnerable thanks to the reluctance of the English ministry to commit troops and naval resources away from the main European theatres of war²⁹. At the same time, the need to harmonize the plantation trade with English manufacturing as soldiers and sailors were being mobilized on an unprecedented scale for war, created a demographic deficit that was threatening to English interests in the long as well as the short term.

Although London had grown in the Restoration era to become Europe's largest city, its population, estimated at 530,000, was apparently stagnating, as was that of England as a whole at no more than 5.5 million. These relatively accurate estimates were made by Gregory King in 1696 to demonstrate to the English ministry that England did not have the resources in population and national income to prolong war beyond 1698. King was not arguing that population was static. Population had shifted through intensified, commercial agriculture and diversified manufacturing that had led to gradual urbanisation. However, the natural increase in population, which was seen as the basis of sustainable national prosperity, had been channelled towards emigration to Ireland and the American colonies³⁰. The Board of Trade had been relatively sanguine about the prospects for a favourable balance of trade between 1698 and 1701. But the renewal of war in 1702 led to important shifts in fiscal policy³¹.

In the first place, the balance between direct and indirect taxes to underwrite the costs of the National Debt moved away from direct land tax - which had primarily sustained deficit financing during the Nine Years War - towards indirect taxes raised through customs and excise. This shift reflected not only the dominance of the landed influence in the English Parliament, but also the tilting of the balance in favour of the advocates of national prosperity through landed enterprise and manufacturing rather than through

overseas trade. In the second place, there was a shift in the nature of recruitment to the army if not the navy. While the Royal Navy was voted supplies for 40,000-42,000 men in both the Nine Years War and the War of the Spanish Succession, ships of the line increased from 173 in 1688 to 224 by 1702. The army was raised from around 76,000 to 92,000 men. Masked by this growth in military manpower was an increased reliance on foreign auxiliaries; that is, England was becoming more dependent on continental troops than those raised within the British Isles. Whereas 26% of the troops raised in the Nine Years War were foreign auxiliaries, their proportion fluctuated between 54 and 67% during the War of the Spanish Succession when the bulk of the English troops were committed in the Low Countries and Germany. The Peninsular campaign in support of Portugal and Catalonia was predominantly fought by Irish and Scottish troops. The Italian front was left entirely to the allies.

As the prevailing strategy in both wars required the offensive commitment of both the army and the navy, costs rose significantly from an annual average of around £2.5 million in the Nine Years War to over £4 million during the War of the Spanish Succession. Merchant shipping remained notoriously vulnerable to French privateers. The Bank of England was overstretched in 1696-97 and again in 1705. The prospect of renewed war led to a temporary stop on the circulation of paper credit in 1701. The associated market in government stocks integral to the National Debt remained highly volatile. From 1702 the armed forces in English service were provisioned through designated domestic and continental agents. Such a system of payments by subventions created significant opportunities for inflating expenses and manipulating exchange rates. Scottish as well as English commercial networks were the beneficiaries³².

Demographic and fiscal pressures led to a renewed debate on the value of the colonial trade. The Board of Trade was especially concerned that the attraction of migrants to the American colonies was not only depriving English manufactures of skilled labour, but also mounting effective competition that undercut English products with respect to price, quality and fashion. Colonial manufactures not only impaired the balance of trade with the Americas, but also diminished the prospect of earning revenue from the re-export of colonial raw materials once manufactured in England. These concerns, which were first raised vociferously in 1702, became a regular feature of the Boards' reports to the English Parliament through to the Union of 1707. Over the same period, English agriculture and manufacturing experienced a war boom with increased demand for grain and textiles in Russia, the Low Countries and Germany, particularly as the Great Northern War dislocated grain supplies from the Baltic and textile production in Saxony and Silesia; meanwhile, the discovery of gold in Brazil fuelled increased sales of goods to Portugal. But this boom also put a premium on retaining population rather than encouraging migration to the American colonies³³.

If migration was not to damage the basis for English national prosperity nor weaken its military commitments by land and sea, some alternative source of productive and re-

liable people had to be found. French Protestant émigrés fitted both requirements, but in insufficient numbers. Ireland, whose population had reputedly increased in excess of 2 million, largely through migration within the British Isles, was still predominantly Roman Catholic (at least 80% of the populace) and therefore deemed unsuitable. Although its population had in all probability fallen to below a million, Scotland came into the position of favoured nation and was indeed identified as such. Calls for Scots to help ensure “a most Ample Encrease in the Wealth and Stock of England” won endorsement from the American colonies³⁴. In advance of the War of the Spanish Succession, and no doubt prompted by discreet lobbying on the part of Scottish commercial networks, planters in Barbados and the Leeward Islands had called for free trade with Scotland as a means of securing supplies of servants and militiamen. Colonial governors had also expressed their frustrations from 1703 that with English forces stretched to the limits they were disadvantaged by a continuing reluctance to give Scottish officers leading positions of command when confronting the French in the Caribbean. However, as well as complaints from Newfoundland that the Scots as well as the French were encroaching on English fisheries, there were also resurgent fears that clannish Scottish networks in Virginia, east New Jersey and Barbados especially were subverting English governance. On the one hand, colonial governors were pressing for the services of Scots from Maine and Nova Scotia to Jamaica and the Leeward Islands³⁵. On the other hand, the English ministry was determined that initiatives to engage Scots in the Americas were only acceptable if firmly under English control. That price was political incorporation. If the Scots would not agree to treat for an incorporating union, their commercial networks were to be subject to the same punitive tariffs as foreign traders. In effect, the discrimination applied against Scottish networks in the colonies from 1696 was now to apply in England from 1705. Notwithstanding the common monarchy, the Scots were to be treated as aliens unless they accepted the English invitation to negotiate a Union. As a further means of coercive persuasion, the English ministry mobilised its troops on the Borders and across the North Channel in Ireland³⁶.

In pushing for Union, the English ministry had several distinct advantages. They were clearly intent on political incorporation; they were prepared to use the resources of the English Treasury to influence Scottish politics; and they could rely on the support of key Scottish politicians whose thirst for power was enhanced by their lucrative playing of the English marriage market³⁷. Incorporation also offered a viable way out of the mercantilist constrictions of the Navigations Acts and nullified the threat of the discriminatory treatment of Scots as aliens; themes taken up by Scottish merchants resident in London, especially those with interests in colonial plantations. The removal of protective tariffs through free trade, though putting Scottish manufacturing and extractive industries at risk from English competition, opened up unfettered access to the English colonies. On the Scottish side, John Spreull from Glasgow, the city which was the main beneficiary of the illicit transatlantic trade, led a vigorous rebuttal of Scottish

vulnerability to discriminatory treatment on a global scale; a rebuttal which was reinforced by an attack from within the Scottish merchant community on the Anglo-Scottish trading houses in London. The dubious prospect of free trade was not “a sufficient Equivalency for our Sovereignty, Independency and Laws”. A communication of trade through commercial confederation would allow the Scots to harmonise rather than subordinate their economic regulation to English interests³⁸.

While there was a broad consensus against an incorporating union among the Scottish Estates as it entered what proved to be its last session in 1706-07, there was no agreed alternative with variations ranging from a federal executive to confederal legislatures³⁹. Scots were not necessarily committed to a British constitutional settlement any more than they were convinced that parliamentary incorporation was the best guarantee of economic prosperity. In the final analysis, however, political initiative rested with England, not Scotland. The making of the United Kingdom in 1707 was the product of power, control and negotiation. England had the military power to coerce and the fiscal power to persuade. The English ministry was intent on controlling through political incorporation what had become a rogue state in terms of commercial exchange. In return, Scottish manpower, Scottish enterprise and ultimately Scottish intellectual endeavour were harnessed in service of Empire⁴⁰.

CONCLUSION

Scottish overseas connections and mercantile activities between the Restoration of 1660 and the Union of 1707 offer a corrective to the narrow focus on empire that results from a preoccupation with conflicts for colonial hegemony, such as the territorial aggressiveness of England in competition with Spain (and Portugal), France and the Netherlands or even Denmark and Sweden. The distinctive activities of the Scots, no less than the Irish, the Flemings, the Norwegians, the Finns, the Poles and the Jews, like that of adventurers from Italian city states or colonists from German principalities, were not exclusively tied to the service of one imperial power. In the case of the Scots, their association with the English in the Americas did contribute to the British character of the Stuarts’ overseas dominions, but did not preclude their association with the Swedes and the Dutch on the Delaware, with the Dutch in Brazil, New Amsterdam, Surinam and Tobago, and with the Danes in St Thomas.

Scottish circumvention of the English Navigation Acts, an ongoing rather than an occasional process between 1660 and 1707, had not only linked traditional markets in northern Europe with the Americas but also rehabilitated the importance of political economy in effecting the United Kingdom of Great Britain. The accomplishment of Union signposted a collective crisis of political will among Scots to pursue a separate commercial agenda, not an entrepreneurial lack of ambition. The British nature of the Empire was reasserted through Scottish networks within an English governmental

framework. State power was now to be consolidated without internal disruption. Thus, once Union was formally accomplished on 1 May 1707, the governors in all the North American and Caribbean colonies were sent strict instructions that the Treaty was to be observed to the letter. The Gothic realities of British state formation were expressed appositely to Governor James Handasyd of Jamaica by the Board of Trade and Plantations on 9 May: "Scotchmen are thereby to be looked upon for the future as Englishmen to all intents and purposes whatsoever"⁴¹.

However the Union did not end the illicit trading activities of Scottish commercial networks. Unrestricted access to the American colonies after 1707 certainly enabled Glasgow merchants to secure dominance in the tobacco trade, primarily by expanding the store system under which the merchant rather than the planter bore the risk of trans-Atlantic shipping. Whitehaven, hitherto third after Bristol and Liverpool in the Atlantic trade, was so eclipsed by Glasgow merchants' use of the store system in tandem with smuggling mainly through the Isle of Man, that the Cumbrian town actually petitioned for repeal of the Treaty of Union in 1710. The Glasgow merchants took advantage of drawbacks on British customs for re-exporting tobacco by shipping out huge quantities to the Isle of Man and then bringing small amounts back illicitly to ports in the south-west of Scotland. Likewise, Scottish entrepreneurs duly extended the store system perfected by the Glasgow tobacco lords into the Caribbean in order to enhance profits from sugar and rum by fair means or foul⁴².

NOTES

¹ A.I. Macinnes, *The British Revolution, 1629-1660*, Basingstoke 2005.

² Cf. J.P. Greene, J.R. Pole (eds.), *Colonial British America: Essays in the New History of the Early Modern Era*, Baltimore 1984; B. Bailyn, P.D. Morgan (eds.), *Strangers within the Realm: Cultural Margins of the First British Empire*, Chapel Hill 1994; K.O. Kupperman (ed.), *America in European Consciousness, 1493-1750*, Chapel Hill 1995; N. Canny (ed.), *The Oxford History of the British Empire, volume I: The Origins of Empire: British Overseas Empire to the Close of the Seventeenth Century*, Oxford 1998; D. Armitage, M.J. Braddick (eds.), *The British Atlantic World, 1500-1800*, Basingstoke 2002.

³ R. Hutton, *The Restoration: A Political and Religious History of England and Wales, 1658-1667*, Oxford 1985, pp. 125-84; G. Holmes, *The Making of a Great Power: Late Stuart and early Georgian Britain, 1660-1722*, Harlow 1993, pp. 27-43.

⁴ Macinnes, *The British Revolution, 1629-1660* cit., pp. 8-39.

⁵ R. Hermannides, *Britannia Magna*, Amsterdam 1661; S. [von] Pufendorf, *An Introduction to the History of the Principal Kingdoms and States of Europe*, London 1699.

⁶ C.M. Andrews, *The Colonial Period of American History: England's Commercial and Colonial Policy*, New Haven 1943, pp. 50-143; M. Kammen, *Empire and Interest: The American Colonies and the Politics of Mercantilism*, New York 1970, pp. 20-9.

⁷ T.C. Smout, *Scottish Trade on the Eve of Union, 1660-1707*, Edinburgh - London 1963, pp. 175-8, 242; T. Barclay, E.J. Graham, *The Early Transatlantic Trade of Ayr, 1640-1730*, Ayr 2005, pp. 21-38.

⁸ N.C. Landsman, *The middle colonies: new opportunities for settlement, 1660-1700*, in Canny ed., *The Origins of Empire* cit., pp. 351-74.

- ⁹ Andrews, *The Colonial Period of American History* cit., pp. 85-107, 145-77; J.M. Soisin, *English America and the Restoration Monarchy of Charles II: Transatlantic Politics, Commerce and Kinship*, London 1980, pp. 39-73.
- ¹⁰ A.I. Macinnes, *Union and Empire: The Making of the United Kingdom in 1707*, Cambridge 2007, pp. 155-62; N.C. Landsman, *Nation, Migration, and the Province in the First British Empire: Scotland and the Americas, 1600-1800*, in "American Historical Review", 1999, 104, pp. 463-75; D. Dobson, *Scottish Emigration to Colonial America, 1607-1785*, Athens GA 1994.
- ¹¹ D. Harris-Sacks, *The Widening Gate: Bristol and the Atlantic economy, 1450-1700*, Berkeley 1991, pp. 14-15, 251-77; G. P. Insh, *Scottish Colonial Schemes, 1620-1686*, Glasgow 1922, pp. 229-32; J.P. Greene, *Colonial South Carolina and the Caribbean Connection*, in S.N. Katz, J.M. Murrin, D. Greenberg (eds.), *Colonial America: Essays in Politics and Social Development*, New York 1993, pp. 179-98.
- ¹² D. Denton, *A Brief Description of New York formerly called New Netherlands*, London 1670; Anon., *The Conduct of the Dutch relating to the Breach of Treaties with England*, London 1760, pp. 4-51.
- ¹³ S. Murdoch, *Network North: Scottish Kin, Commercial and Covert Associations in Northern Europe, 1603-1746*, Leiden - Boston 2006, pp. 13-83; C. Dalhede, *Handelsfamiljer på Stormakstidens Europamarknad*, 2 vols, Stockholm 2001, I, pp. 13-46.
- ¹⁴ Macinnes, *Union and Empire* cit., pp. 162-71.
- ¹⁵ Sir John Clerk of Penicuik, *History of the Union of Scotland and England*, ed. D. Duncan, Edinburgh 1993, pp. 81-3; Soisin, *English America and the Restoration Monarchy of Charles II* cit., pp. 5-23.
- ¹⁶ M.J. Braddick, *The Nerves of State: taxation and the financing of the English State, 1558-1714*, Manchester 1996, pp. 27-45; T. Harris, *Incompatible revolutions: the Established Church and the revolutions of 1688-9 in Ireland, England and Scotland*, and J.R. Young, *The Scottish Parliament and the Covenanting heritage of constitutional reform*, in A.I. Macinnes, J. Ohlmeyer (eds.), *The Stuart Kingdoms in the Seventeenth Century: Awkward Neighbours*, Dublin 2002, pp. 204-50.
- ¹⁷ Smout, *Scottish Trade on the Eve of Union* cit., pp. 205, 244-51; C.A. Whatley, *Scottish Society, 1707-1830*, Manchester 2000, pp. 31-9.
- ¹⁸ Macinnes, *Union and Empire* cit., pp. 181-4.
- ¹⁹ Andrews, *The Colonial Period of American History* cit., pp. 131-4; R.B. Sheridan, *Sugar and Slavery: An Economic History of the British West Indies, 1623-1775*, Barbados 1974, pp. 7-16; J.M. Soisin, *English America and the Revolution of 1688*, London 1982, pp. 231-44.
- ²⁰ Andrews, *The Colonial Period of American History* cit., pp. 157-68, 272-317; W. Speck, *The International and Imperial Context*, in Greene, Pole (eds.), *Colonial British America* cit., pp. 384-407; H.A. Curson, *Companion of the Laws and Government Ecclesiastical, Civil and Military of England, Scotland and Ireland, and Dominions, Plantations and Territories thereunto belonging*, London 1699, pp. 497-9, 510-12, 527-32.
- ²¹ B[ritish] L[ibrary], Papers relating to Trade etc., Sloane MS 2902, ff. 115-6, 171-80, 244; C. Davenant, *Discourses on the Publick Revenues, and on the Trade of England*, London 1698.
- ²² J. Cary, *A Discourse concerning the Trade of Ireland and Scotland as they stand in Competition with the Trade of England*, Bristol 1695 and London 1696; BL, Papers relating to Trade etc., Sloane MS 2902, ff. 137-8, 218; N[ational] A[rchives of] S[cotland], Journal of William Fraser, London, 1699-1711, CS 96/524, pp. 18-73.
- ²³ Macinnes, *Union and Empire* cit., pp. 184-9; W.R. Brock, *Scotus Americanus: A survey of the sources for links between Scotland and America in the eighteenth century*, Edinburgh 1982, pp. 11-12; J.M. Soisin, *English America and Imperial Inconstancy: The Rise of Provincial Autonomy 1696-1715*, London 1985, pp. 23-36. Greater Spanish engagement in turn led the Scots to take advantage of the rather grey area in the Navigation Laws concerning the Canary Islands whose wine was used as a transatlantic alternative

to that permitted to be exported from Madeira. As the Canaries were under Spanish control, their wine could be classed as European and therefore direct shipments to the colonies were prohibited. However, Scots made use of the argument that the location of the Canaries was African, therefore their wines were not subject to the proscriptions in the Navigation Acts (Andrews, *The Colonial Period of American History* cit., pp. 67, 110-13).

- ²⁴ W.D. Jones, 'The Bold Adventurers': *A Quantitative Analysis of the Darien Subscription Lists (1696)*, "Scottish Economic and Social History", 2001, 201, pp. 22-42; D. Watt, *The Management of Capital by the Company of Scotland 1696-1707*, "Journal of Scottish Historical Studies", 2006, 25, pp. 97-118.
- ²⁵ W.R. Scott, *The Constitution and Finance of English, Scottish and Irish Joint-Stock Companies to 1720*, 3 vols., Cambridge, 1911-12, II, pp. 207-27; T.M. Devine, *Scotland's Empire, 1600-1815*, London 2003, pp. 40-8.
- ²⁶ Macinnes, *Union and Empire* cit., pp. 173-81.
- ²⁷ C. Storrs, *Disaster at Darien (1698-1700)? The Persistence of Spanish Imperial Power on the Eve of the Demise of the Spanish Habsburgs*, "European History Quarterly", 1999, 29, pp. 5-38; D. Watt, *The Price of Scotland: Darien, Union and the Wealth of Nations*, Edinburgh 2007, pp. 145-93.
- ²⁸ A.I. Macinnes, *Union for Ireland failed (1703), Union for Scotland accomplished (1706-7)*, in D. Keogh, K. Whelan (eds.), *Acts of Union: The Causes, Contexts, and Consequences of the Act of Union of 1801*, Dublin 2001, pp. 67-94; H[untington] L[ibrary], San Marino, California], Blathwayt Papers, BP 33-4, 416; Bridgewater & Ellesmere MSS, EL 9611; BL, Papers Relating to English Colonies in America and the West Indies, 1627-1694, Eg. 2395, ff.574-8.
- ²⁹ B. Lenman, *Britain's Colonial Wars 1688-1783*, Harlow 2001, pp.13-46; HL, Blathwayt Papers, BL 14, 26-7, 361, 415; Huntington Manuscripts, Manuscript Newsletters from London to Tamworth (1690-1704), HM 30, 659/87.
- ³⁰ *Two Tracts by Gregory King*, ed. G.E. Barnett, Baltimore 1936; E.A. Wrigley, R.S. Schofield, *The Population History of England, 1541-1871: a reconstruction*, London 1981, pp. 174-9, 207-15.
- ³¹ J. Hoppit, *A Land of Liberty? England 1689-1727*, Oxford 2000, pp. 52-5; Macinnes, *Union and Empire* cit., pp. 189-94.
- ³² D.W. Jones, *War and Economy in the Age of William III and Marlborough*, Oxford 1988, pp. 1-65, 131-68; Hoppit, *A Land of Liberty? cit.*, pp. 123-31; HL, Stowe Papers: Brydges Family Papers, ST 8/vol. 1, "The Account of James Brydges, Esq., Paymaster General of her Majesties Forces acting in Conjunction with those of her Allies", and vol. 2, "Three Year Accounts of ye Payments made to the Forces in Flanders by the Rt. Hon. James, Earl of Carnarvon from 1706 to 1709".
- ³³ Macinnes, *Union and Empire* cit., pp. 194-7; Jones, *War and Economy* cit., pp. 169-210.
- ³⁴ HL, Huntington Manuscripts, HM 1264, "(Nehemiah) Grew, The Meanes of a most Ample Encrease of the Wealth and Strength of England in a few years humbly presented to Her Majesty in the 5th Year of Her Reign"; M. Flinn, *Scottish Population History*, Cambridge 1977, pp. 7-8, 187-200.
- ³⁵ HL, Huntington Manuscripts: Sunderland Collection, HM 9916 & 22,281; Lenman, *Britain's Colonial Wars 1688-1783* cit., pp. 35-8.
- ³⁶ Clerk of Penicuik, *History of the Union of Scotland and England* cit., pp. 81-5; C.A. Whatley, *The Scots and the Union*, Edinburgh 2007, pp. 224-42.
- ³⁷ W. Ferguson, *Scotland's Relations with England: a Survey to 1707*, Edinburgh 1977, pp. 232-69; P.W.J. Riley, *The Union of England and Scotland*, Manchester 1978, pp. 254-338.
- ³⁸ [George Ridpath], *The Case of Scots-men residing in England and in the English Plantations*, Edinburgh 1703; J. Spreull, *An Account Current betwixt Scotland & England balanced together with An Essay of a Scheme of the Product of Scotland, and a few Remarks on each*, Edinburgh 1705; *A Letter Concerning Trade from several Scots Gentlemen that are Merchants in England, to their Countrymen that are*

- Merchants in Scotland*, London 1706; [William Black], *Answer to a Letter concerning Trade sent from several Scots Gentlemen, that are Merchants in England to their Countrymen that are Merchants in Scotland*, Edinburgh 1706; D. Black, *An Essay upon Industry & Trade shewing the Necessity of the One, the Conveniency and Usefulness of the Other and the Advantages of Both*, Edinburgh 1706.
- ³⁹ K.P. Penovich, *From 'Revolution Principles' to Union: Daniel Defoe's intervention in the Scottish debate*, in J. Robertson (ed.), *A Union for Empire: Political Thought and the Union of 1707*, Cambridge 1995, pp. 228-42; [Daniel Defoe], *The Advantages of Scotland by an Incorporating Union with England, Compar'd with these of a Coalition with the Dutch or League with the French*, London 1706.
- ⁴⁰ Macinnes, *Union and Empire* cit., pp. 313-26
- ⁴¹ *Calendar of State Papers, Colonial Calendars of State Papers, Colonial: America and the West Indies*, eds. W.M. Sainsbury, J.W. Fortescue, C. Headlam, 17 vols, London 1880-1916, vol.1706-1708, pp. 426-7, 431.
- ⁴² T.M. Devine, *The Tobacco Lords*, Edinburgh 1975, pp. 55-71; A.I. Macinnes, *Introduction. Connecting and Disconnecting with America*, in A.I. Macinnes, A.H. Williamson (eds.), *Shaping the Stuart World, 1603-1714: The Atlantic Connection*, Leiden - Boston 2006, pp. 1-30.

BIBLIOGRAPHY

- Andrews C.M., *The Colonial Period of American History: England's Commercial and Colonial Policy*, New Haven 1943.
- Armitage D., Braddick M.J.(eds.), *The British Atlantic World, 1500-1800*, Basingstoke 2002.
- Bailyn B., Morgan P.D. (eds.), *Strangers within the Realm: Cultural Margins of the First British Empire*, Chapel Hill 1994.
- Barclay T., Graham E.J., *The Early Transatlantic Trade of Ayr, 1640-1730*, Ayr 2005.
- Braddick M.J., *The Nerves of State: Taxation and the Financing of the English State, 1558-1714*, Manchester 1996.
- Brock W.R., *Scotus Americanus: A Survey of the Sources for Links between Scotland and America in the Eighteenth Century*, Edinburgh 1982.
- Canny N. (ed.), *The Oxford History of the British Empire, volume I: The Origins of Empire: British Overseas Empire to the Close of the Seventeenth Century*, Oxford 1998.
- Devine T.M., *The Tobacco Lords*, Edinburgh 1975.
- Devine M., *Scotland's Empire, 1600-1815*, London 2003.
- Dobson D., *Scottish Emigration to Colonial America, 1607-1785*, Athens GA 1994.
- Ferguson W., *Scotland's Relations with England: a Survey to 1707*, Edinburgh 1977.
- Flinn M., *Scottish Population History*, Cambridge 1977.
- Greene J.P., Pole J.R. (eds.), *Colonial British America: Essays in the New History of the Early Modern Era*, Baltimore 1984.
- Hoppit J., *A Land of Liberty? England 1689-1727*, Oxford 2000.
- Hutton R., *The Restoration: A Political & Religious History of England and Wales, 1658-1667*, Oxford 1985.
- Insh G.P., *Scottish Colonial Schemes, 1620-1686*, Glasgow 1922.
- Jones, D.W. *War and Economy in the Age of William III and Marlborough*, Oxford 1988.
- Katz S.N., Murrin J.M., Greenberg D. (eds.), *Colonial America: Essays in Politics and Social Development*, New York 1993.

- Keogh D., Whelan K. (eds.), *Acts of Union: The Causes, Contexts, and Consequences of the Act of Union of 1801*, Dublin 2001.
- Landsman N.C., *Nation, Migration, and the Province in the First British Empire: Scotland and the Americas, 1600-1800*, in "American Historical Review", 1999, 104, pp. 463-75.
- Lenman B., *Britain's Colonial Wars 1688-1783*, Harlow 2001.
- Macinnes A.I., Ohlmeyer J. (eds.), *The Stuart Kingdoms in the Seventeenth Century: Awkward Neighbours*, Dublin 2002.
- Macinnes A.I., *The British Revolution, 1629-1660*, Basingstoke 2005.
- Macinnes A.I., Williamson A.H. (eds.), *Shaping the Stuart World, 1603-1714: The Atlantic Connection*, Leiden - Boston 2006.
- Macinnes, A.I., *Union and Empire: The Making of the United Kingdom in 1707*, Cambridge 2007.
- Murdoch S., *Network North: Scottish Kin, Commercial and Covert Associations in Northern Europe, 1603-1746*, Leiden - Boston 2006.
- Robertson J. (ed.), *A Union for Empire: Political Thought and the Union of 1707*, Cambridge 1995.
- Smout T.C., *Scottish Trade on the Eve of Union, 1660-1707*, Edinburgh - London 1963.
- Soisin, J.M., *English America and the Restoration Monarchy of Charles II: Transatlantic Politics, Commerce and Kinship*, London 1980.
- Id., *English America and the Revolution of 1688*, London 1982.
- Id., *English America and Imperial Inconstancy: The Rise of Provincial Autonomy 1696-1715*, London 1985.
- Storrs C., *Disaster at Darien (1698-1700)? The Persistence of Spanish Imperial Power on the Eve of the Demise of the Spanish Habsburgs*, "European History Quarterly", 1999, 29, pp. 5-38.
- Watt D., *The Management of Capital by the Company of Scotland 1696-1707*, "Journal of Scottish Historical Studies", 2006, 25, pp. 97-118.
- Id., *The Price of Scotland: Darien, Union and the Wealth of Nations*, Edinburgh 2007
- Whately C.A., *Scottish Society, 1707-1830*, Manchester 2000.
- Id., *The Scots and the Union*, Edinburgh 2007.

SOURCE

This document reveals how English colonial officials were becoming increasingly agitated by Scottish plans to rival the English East India Company, to colonise Darien on the Panama Isthmus, and to continue circumventing the English Navigation Acts in North America, particularly through commercial networks operating on the southern shores of Delaware Bay.

Memorial of Edward Randolph, Surveyor-General of the Customs in the American Colonies to the Commissioners of Customs, 1695.

In my paper of proposals to suppress the illegal trade in the Tobacco Plantations, which has been carried on from thence directly to Scotland for many years, I have shewn from whence it has so greatly prevailed, and laid down proper methods for preventing thereof for ye future . . . which will be effectually remedied if they were formed into an Act of Parliament to be passed this Session, and entitled an Act for preventing Frauds and regulating Abuses in

the Plantation Trade as in the Act of 14 Car.2nd [14th year of the reign of Charles II, 1663] for England, and that the commanders of his Majesty's Ships of War, during their stay in the country, may be ordered to receive instructions from this Board in what may concern the trade and navigation to and from those Plantations, and to be aiding and assisting to the officers of his Majesties Customs in the execution of their Duties.

I now lay before ye Honours an account of the present state of his Majesty's Colonies and Provinces upon the north coast of America in Relation to a Scotch Act which is lately passed; in which Act, under pretence of erecting an East India Company in that kingdom, they do . . . engage themselves in great sums of money in an American trade; a trade which has already for several years been carried on by Scotchmen, under pretence of being persons born within the allegiance of his Majesty as by Act of 12 Car 2nd [12th year of Charles II, 1660] they claim liberty to do. And although in the act of the 14th of the same King only English, Irish and Subjects in the Plantations are to be accounted English, as to the navigating of ships, yet they take on them to come from Scotland under the notion of Super-cargoes and merchants, and seldom fail of counterfeit masters.

. . . they have liberty to plant colonies . . . in or upon places not inhabited, and in or upon places inhabited, . . . to make and conclude treaties of peace and commerce with the Governors and Proprietors, paying only to his Majesty out of Scotland the yearly acknowledgment of one hogshead of tobacco. And, although they forbid all other Scots than those of their Company to touch on any plantations which they shall acquire, on pain of confiscation, yet they allow all such Scots to trade in tobacco and sugar elsewhere (that is to say amongst the English), they paying for what they so bring home such duties as are now established in Scotland.

By all which it may be presumed how thy project to let themselves into the trade of all his Majesties plantations, and it is probable they meditate either the purchasing a settlement in one of the three lower counties of Newcastle, Kent, or Sussex, on the southern shore of Delaware Bay, as being no part or parcel of the lands granted to Mr [William] Penn in his Province of Pennsylvania or in some one or more islands near the Continent, by which expedient, if acquired, they might in a short time make a staple not only of all sorts of European manufactures, but also of the enumerated plantation commodities, even as it is this day practised with great abuse at the small Dutch Island of Carasaw [Curaçao]

From: Historical Manuscripts Commission, *MSS of the House of Lords*, new series, vol. 2 (1695-97), C.L. Anstruther & H.P. St. John (eds.), (London 1903), p.447; another version is to be found in the Huntington Library, Bridgewater & Ellesmere Papers, EL 9880.