

THE SCOTTISH STAPLE AT VEERE

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OLD VIEW OF VEERE.

(From Smallegange's "Nieuwe Cronyk van Zeeland".)

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THE SCOTTISH STAPLE AT VEERE

*A STUDY IN
THE ECONOMIC HISTORY OF SCOTLAND*

BY THE LATE

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WITH ILLUSTRATIONS

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PREFACE.

THE present work on the Scottish Staple was projected by the late Professor John Davidson. The notes left by him consisted, firstly, of an accumulation of facts in regard to the Staple; secondly, of an account of various aspects of Scottish economic history; and thirdly, of a sketch of the history of the Staple to about the middle of the eighteenth century. In addition to this, in a fourth volume, bearing the title *The Organisation of the Staple*, a few pages only were written.

To complete a work thus outlined by another writer is a task of peculiar difficulty, as perhaps can be realised only by those who have attempted it. I have endeavoured, as far as possible, to expand the book on the lines which I think Professor Davidson would have adopted. In the first part, in the subjects dealt with in the various introductory chapters, I have followed closely the order indicated in Professor Davidson's notes, and the chapters, as completed, embody all that he wrote on these general questions. It is not, I think, improbable that Professor Davidson may have intended to expand this part into an economic history of Scotland. Indeed the history of the Staple should properly be regarded from such a wider point of view, but the second part, dealing with the

history of the Staple port, has grown so large that I feel that no apology is required for refraining from a task which would necessarily demand many years of incessant research and study. While the preliminary chapters are somewhat disconnected, I hope that they may be found sufficient to indicate the economic conditions in which the institution of the Staple arose.

In dealing with the history of the Staple, I have relied chiefly on the Records of the Convention of Burghs—a mine of information in regard to the economic history of Scotland—and on *An Account of the Scotch Trade in the Netherlands*, written by the Rev. James Yair, a minister of the Scottish church at the Staple port, who had access to papers now unfortunately lost. The Acts of Parliament, the Register of the Privy Council, and the Records of various burghs also contain much useful information. The history of the trading agreements of two countries cannot, however, be satisfactorily written from the point of view of one country only, and there are many incidents in the history of the Staple on which the Scottish Records throw little light. Apart from the Dutch chroniclers and the works of Ermerins, the eminent Dutch antiquary, there is much that is useful in the records of Bruges and Middelburg, and the archives at Veere contain much that is of interest in the history of Scotland. For the use made throughout the book of these sources of information I am solely responsible.

In writing of the Scottish Staple town I have used the form "Campvere," although on the title-page the modern form is preferred. I have done so for the sake of uniformity in the text, as I have not infrequently quoted from various Scottish Records, in which the older form is almost invariably used. It is rather

curious that this form should have been so consistently used in Scotland to as late a date as 1847, when the last memory of the Staple system disappeared from *Oliver & Boyd's Almanack*. With almost equal consistency "Veere" has been the form used in the Netherlands, even in the earliest chronicles of Zealand.

My acknowledgments are due to many who have extended ready assistance to me in this work by giving me access to papers in their custody. To Mr. Th. H. F. van Riemsdijk, keeper of the archives at The Hague; Mr. H. Turing, British Consul at Rotterdam; Mr. R. Fruin and Mr. W. O. Swaving, of Middelburg; Mr J. W. Perrels, of Veere; to the Convention of Burghs and their agent, Mr. J. L. Officer; and to the librarian of the University of Edinburgh, I wish to express my indebtedness.

For the illustrations my thanks are due to the Burgomasters of Veere and Middelburg, and to the authorities of the British Museum.

I am also greatly indebted to Mr. D. P. Heatley, of Edinburgh University, for the interest he has taken in this work. In addition to much that I owe him in other matters, my thanks are due to him for reading a large part of this book in manuscript. By Professor Nicholson I was also encouraged to undertake this work.

To the Carnegie Trust for the Universities of Scotland I also wish to express my thanks.

A. GRAY.

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[The old views of Veere are reproduced from Smallegange's "Nieuwe Cronyk van Zeeland". The other illustrations are from photographs by Mr. C. W. Bauer of Middelburg.]

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ABBREVIATIONS.

- A. R. = Aberdeen Records.
- C. R. = Convention Records.
- E. R. = Edinburgh Records.
- G. R. = Glasgow Records.
- P. R. = Peebles Records.
- P. C. R. = Privy Council Register.
- S. R. = Stirling Records.

PART I.

CHAPTER I.

BEGINNINGS OF SCOTTISH FOREIGN TRADE.

PROBABLY there are few countries which have experienced more violent changes in their history than Scotland; there are few in which the relation of events is so difficult to grasp. The triumph of the Anglo-Saxon over the Celtic elements, the outburst of national feeling towards the end of the thirteenth century, the extreme consequences of the Reformation, the Union with England—each of these represents a decisive turning-point in the history of Scotland. Political change may, however, have little necessary connection with national character. In this branch of history the importance of the trivial has become a commonplace, and there are those who delight to trace after many centuries the effects of the merely accidental. Yet the heart of a people may remain unaffected by the drums and trappings of a foreign conquest; a change of dynasty may have only indirect effects on the instincts and habits of a people. Thus, notwithstanding the violent changes in Scottish history, there is much to indicate that the Scottish character is in reality more conservative than the English, and, where possible, clings more tenaciously to the forms of the past. If we look beyond the history of parliaments and of courts this is readily seen. Scotland has in the Convention of Royal Burghs, for many centuries the governing authority in all matters of trade and commerce, "the oldest existing representative body in Europe," and in the Staple, the organisation of foreign trade, Scotland maintained in full force until the end of the eighteenth, and endeavoured to

revive in the nineteenth century, an institution to which in other countries parallels can be found only in the middle ages.

The history of the organisation of Scottish trade with the Netherlands and its concentration in one town is in a large measure the history of Scotland's foreign commercial relations. Before, however, considering this branch of the economic history of Scotland, it may serve to make the later and more important chapters clearer if, in the first place, some illustrations of the economic history of Scotland in the early middle ages are given, for thus the development of the Staple may be more properly viewed in its relation to the social and political history of Scotland.

In tracing the history of Scotland's commercial relations with neighbouring countries, it is necessary to begin at a period in which the records are extremely scanty, and to deduce from the nature of early laws and local statutes what little is known or may be surmised of the condition of Scottish trade at this early period. The remarkable body of legislation known as the "Ancient Laws and Customs of the Burghs of Scotland" as well as the "Laws of the Gild," deal almost exclusively with local and municipal regulations, and even those enactments which appear to refer to foreign trade may refer merely to the transactions of "strangers," who were merchants in neighbouring burghs.

From this comparative silence it may be inferred that foreign trade, so far as there was any, was left largely in the hands of foreigners. This inference is borne out by evidence drawn from other sources. During the reign of David I. many foreign merchants traded with Scottish ports, and this monarch is celebrated by Fordun for the benefits which his encouragement of foreign trade conferred on the nation. Somewhat rhetorically the chronicler writes that David "enriched the ports of his kingdom with foreign merchandise, and to the wealth of his own land added the riches and luxuries of foreign nations; that he changed its coarse stuffs for precious vestments and covered its ancient nakedness with purple and fine linen". This trade which

is thus described as being so advantageous to Scotland was however largely in the hands of foreign merchants, and in Scotland itself there was an ever-increasing foreign population chiefly engaged in trade and commerce.

The large influx of Flemings into England during the eleventh century and their lasting influence on the industry and commerce of that country are familiar facts in economic history. They played a no less significant part in the commercial and political life of Scotland. This Flemish influx came to a certain extent through England, and as it was through the policy of one English king that this foreign strain was introduced into English political life, so it is largely through the action of one of his successors that the benefit derived from their knowledge of trade and commerce was passed on to Scotland. To the encouragement and protection of Henry I. was largely due the introduction of these Flemings who came solely for industrial purposes. In the reign of his successor England had to pass through a season of chaos and confusion, and Stephen, endeavouring to accomplish a task beyond his strength, vainly spent his treasure in introducing mercenaries from Flanders and Brittany in the attempt to secure a peace which could only have been gained by a stronger mind at the centre of England. Thus at the succession of Henry II. there were two distinct classes of Flemings in England: there were those who had come on peaceful errands, and there were those who though doubtless not without some industrial skill were essentially military adventurers, and had greatly contributed to the barbarities with which the period of Stephen's nominal rule is connected.¹ One of the first measures of Henry II. for securing order was to free the country from the hordes of mercenaries who in recent years had become so intolerable a burden. By some he is said to have expelled all foreigners from his dominion, but it is more probable that in intention at least the proclamation was limited to the military adventurers introduced in the late unruly reign. In any case, a large

¹ Cunningham, *Growth of English Industry and Commerce*, i., p. 648.

number of Flemings with the knowledge of industry and commerce peculiar to that people passed on to Scotland, and to the action of Henry II. on his accession is due the introduction of this important foreign element in the Scottish population.

David I. (1124-1153), we are informed, established towns and invited foreign traders to settle in them. During the twelfth and thirteenth centuries the Flemish settlements, reinforced in this way, acquired considerable importance. They were not confined to any one part of Scotland, though naturally it was chiefly on the East coast that the Flemings found a resting-place. Berwick they contributed to make one of the greatest commercial towns of the age. They were found thickly settled in Fife and Forfarshire, and Aberdeenshire was particularly distinguished for its colonies of Flemings, and even as far north as Inverness their industry left its mark on Scottish history.

A curious incident of the reign of Alexander III. (1249-1286) contributed to bring foreign merchants to Scottish ports. The preceding reigns had been for Scotland a period of quiet progress and steady advance. A more adventurous spirit was in consequence shown in commercial pursuits, and the incidental risks which naturally attended more frequent and more distant journeys led to losses of various kinds from piracies, from shipwreck and from detention abroad which greatly alarmed the king. Alexander had recourse to a remarkable remedy. If foreign trade could not be carried on without these losses there was at least one simple solution. If ships were lost by sending them abroad, then, thought Alexander, it would be safer to keep the ships safely in harbour. Consequently an edict was published forbidding exportation of merchandise from his dominions. "A year had not expired," says Fordun, "when the vessels of different nations laden with merchandise came into our ports anxious to exchange their commodities for the productions of our country." Immediately after this we hear of a proposal of the Lombards to establish a factory at Cramond or near Queensferry, and doubtless their object was to acquire the

trade which the rudimentary economic theories of Alexander had denied to his own subjects.

There was thus a large foreign element in the towns of Scotland, and it was impossible that this should be amalgamated with the native population, even had there been any desire to do so. When Edward I. made his progress north to receive the submission of the burghs, the names of the burghers were largely English and Flemish, and a grant of Earl David, brother of William the Lyon, in conveying certain lands addressed it, "omnibus probis hominibus totius terrae suae, Francis, Anglis, Flamingis et Scottis". The problem caused by such a foreign alien population was a familiar one in the economic history of Europe during the middle ages and, indeed, till more modern times. The organisation of the steelyard in London is one illustration of the method frequently adopted to protect foreign traders—the foundation, that is, of "a special community with special privileges and special obligations".¹ The organisation of the Merchant Adventurers, with their successive settlements at Antwerp, Emden and Hamburg, affords an even better-known example of a foreign colony forming itself into some sort of society in order to become as independent as possible of its surroundings. The settlement of the Flemings at Berwick had some analogies to the steelyard. They were granted a factory called the Red-hall on condition of defence, a condition nobly fulfilled in 1296 against Edward I. More extensive privileges were, however, accorded to the Flemings who may have had, as appears from a charter of David II., the privilege of being governed by their own laws.² The impossibility of such a mixed system of law was admitted by a later enactment of 1425, which provided that all the king's lieges should be governed by the king's laws only, and not by any particular laws or special privileges, nor by the laws of any other country

¹Cunningham, *English Industry*, i., p. 654.

²Certain lands were granted "una cum lege Flemynge, dicitur Fleming-lauche". See Chalmers, *Caledonia*, i., p. 604. Perhaps, however, the evidence cannot bear so extreme an interpretation and some local custom may have been intended (Acts, i., Preface, p. 31).

or realm.¹ The influence of the Flemish towns, thus introduced, long continued powerful in directing the development of Scottish towns when the increasing enmity towards England made the example of the southern kingdom less acceptable to Scotland. Bruges, in particular, became the pattern on which the Scottish towns sought to model themselves. An interesting example of this is to be found in the Seal of Cause granted to the Wrights and Masons of Edinburgh in 1475, where a certain precedence was granted in processions, "lyk as thai haf in the towne of Bruges or siclyk gud townes,"² and more than a century later the Flemish example was again followed, though it was modified by French influence in the regulation made by Parliament in 1593 in regard to the jurisdiction of the Dean of Guild, "according to the lovable forme of jugement usit in all the guid townes of France and Flanderis quhair burses ar erected and constitute and specialie in Paris Rowen Bordeaulx Rochel".³

With another great trading power there is evidence that Scotland had early relations. It does not appear that the Hanseatic League ever possessed a factory or settlement in Scotland, but the letter which Sir William Wallace and Sir Andrew Moray despatched from Haddington to the towns of Lübeck and Hamburg seems to indicate the existence of an early trade which had declined in the recent misfortunes. This letter was dated 11th October, 1297, shortly after the battle of Stirling Bridge, and it invited the merchants of the Hanseatic League to trade with the Scottish towns as the country had recovered from the power of the English.⁴ The relation of the Hanseatic towns to Scotland, however, does not appear to have been at any time very intimate, for from the time of this letter from the "commanders of the army of Scotland" there appears to be no record dealing with the

¹ Acts, ii., 9, c. 4.

² E. R., i., 32.

³ Acts, iv., 30, c. 8.

⁴ "Rogantes vos, quatinus praeconizari facere velitis inter mercatores vestros quod securum accessum ad omnes portus regni Scotie possint habere cum mercandiis suis, quia regnum Scotie, Deo regraciato, ab Anglorum potestate bello est recuperatum" (quoted in Tytler, iv., p. 337).

commercial intercourse of the Hanse with Scotland until the early years of the fifteenth century, when frequent complaints were urged against the Scots for having plundered the merchantmen of the League. This led to many attempts to harass the Scottish merchants, and in 1412 the members of the League were forbidden to "purchase of Scotsmen either at Bruges or any other place, cloth either dressed or undressed or manufactured from Scottish wool":¹ in 1418 the Compter at Bruges was ordered to refrain from all commercial relations with the Scots, and in 1426 trade with the Scots was again forbidden. The complete breach between the Hanseatic League and Scottish merchants appears to have existed from 1415 to 1436,² but the fact that the prohibition of trade with Scotland had so often to be enjoined seems to make it probable that the various proclamations of the Hanseatic League had little effect, and that the Scottish export trade was not in Hanseatic hands.

So far we have been concerned with the part played by foreigners and by foreign settlements in developing Scottish commercial life. Of the participation of the Scots themselves in foreign trade there is very little early evidence. One of the earliest records showing that trade was not wholly in the hands of aliens is found in the charter granted by Philip, Count of Flanders, to the monks of Melrose, entitling them to a free passage through Flanders. The monks, as will be seen later, played a leading part in developing the industrial and commercial life of the country, and in this charter they gained in a certain sense official recognition of their position as pioneers of Scottish trade. There is also an enactment among the Burgh Laws indicating that the absence of burghers abroad was sufficiently common to make it necessary to safeguard their privileges during their absence. By this law judgment was to be delayed for a certain time in cases in which a citizen had gone beyond the sea on his errands, provided the absence was not intended to defeat the ends of justice.³

¹ Tytler, iv., p. 339.

² Fischer, *The Scots in Germany*.

³ "It is for to wyt that gif a man challangyt of his lande be passit in pilgrimage or on his errandis beyhonde the see befor the party adversar

The enactment of Alexander III., already referred to, indicates the existence of a considerable export trade in Scottish ships in the reign of that monarch. A famous ship is also said to have been built at Inverness in 1249 for Hugh de Chastillon, Earl of St. Pol, and it has been argued that the Scottish shipbuilders at this early period enjoyed a considerable reputation in Western Europe, and if so this early shipbuilding industry might be brought forward to prove the existence of a fairly extensive Scottish trade in Scottish ships. If, however, this vessel is not in part legendary, it was at least an exception, for James IV., whose aim was to create a Scottish navy, had to import shipwrights at a much later period.

The direct references to Scottish participation in foreign trade are thus extremely few, and the obvious inference to be drawn from this silence is supported by the references to trade and foreign commerce which are to be found in the Ancient Laws of the Scottish burghs. This code, originally adopted by the four southern towns, Berwick, Roxburgh, Edinburgh, Stirling, became later the law of all Scottish burghs, and in the reign of David I. (1124-1153) received the sanction of the legislature. The references to foreign trade consist chiefly of restrictions upon commerce, and the aim of the lawgiver appears to have been to check and to discourage foreign trade. Thus no citizen was to lodge a stranger for more than one night unless he was prepared to go bond for him.¹ More serious restrictions were at the same time put upon the foreign trader. He was forbidden to buy wool, hides or merchandise outside the burgh, and within it only from a burgher.² Other limitations were imposed on the

schaw the kyngis letteris in court, he aw to byde whil he cum hame, bot gif he haldis hym away fraudfully. And gif he sua dois he sal abyde hym xl days of lauch and reson, and forsuthe na langar" (*Leges Burgorum*, cap. xlv.).

¹ "Of uncouth men to herbery. Na man wonnande in burgh aw to herbery ony strangear in his house langar than a nycht, but gif he becum borch for hym as a lauchfull man" (*Ibid.*, cap. lxxxv.).

² "Of uncouth marchandis. Na marchande uncouth may by ututh burgh woll na hydys or ony othir marchandyse na yit wythin burgh bot gif it be fra burges" (*Ibid.*, cap. xvi.).

freedom of the merchant. With the exception of salt and herring, he was forbidden to sell any of his goods on board his vessel, the object being to protect the trade of the middlemen in the burgh by insisting that all merchandise should be brought to land.¹ In civil matters also only a half-hearted protection was extended to the merchantmen. In the case of a plea arising between a burgher and a merchant, it had to be brought to a close within the "third flood of the sea,"² and another enactment endeavoured to find a middle line to be adopted in the case of disputes arising between crews of foreign ships in Scottish harbours, and to avoid alike the impracticable extreme of rigid non-interference in quarrels which, though arising in Scotland, were nevertheless between those who were not subjects of the Scottish king, and the other extreme equally impracticable of claiming to exercise jurisdiction in the case of all disputes arising in Scotland. It was accordingly decided that the king's bailies should judge in the case of any dispute arising in Scotland if either of the parties made complaint against the other, but if tolls were paid and the ship in the harbour ready for departure, then the authority of the Scottish king was not to be asserted, and the complainant was to obtain justice where he best could.³

The restrictions thus imposed on foreign merchants were

¹ "Of marchandyse that cummys in schyppis. All marchandyse that cummys in schyp be see it sall be brocht to land outtane salt and heryng at sal be salde in the schyp" (*Leges Burgorum*, cap. ix.).

² "Of mutis betuix a burges and a marchand. Gif a mute be raisyt betuene a burges and a marchand it sall be endyt wythin the thrid flud of the see" (*Ibid.*, cap. viii.).

³ "Of stryff muffyt betuix schipmen in burgh. Gif schippis of othir strange kynrykis arryfis in the kyngis lande of Scotlande and contak ryse betuix the partyis of sulk meynye within the havyn of the kyng, the kyngis bailyeis sall halde rycht betuen thaim of alkyn manere of querelle ony of thaim will pleynye of othir, the whilk wrang was amuffyt betuen thaim in the lande of the kyng of Scotlande. And gif it sua fall at the challengeoure or the defendoure hafe giffyn his toll and done to the kyngis lande that at he aw to do and the schyp be in the rade, wele and in pes he sall pas and the tane of the tothir sall get his rycht whar he best may" (*Ibid.*, cap. xxv.).

reinforced in a slightly modified form at a later date. In the Assise of King William (1165-1214) the foreign merchant was forbidden to buy or sell any kind of merchandise outside the burgh, and within the burgh "cheffy to merchandis and fra schippis pertenant to the merchandis of the burgh"—a loosely worded statute, the intention of which is, however, quite clear. The stranger merchant was further forbidden to sell in retail, and offenders against this law were to be punished as breakers of the king's protection.¹ The statutes of the gild originally in force for the Gild of Merchants of Berwick (*cir.* 1249) soon adopted by all the burghs of Scotland, appear to extend greater privileges to a foreign merchant, but the spirit of exclusiveness is still obvious. No one, it was enacted, was to "buy hides, wool or wool skins to sell again, nor cut cloth unless he be a Brother of our Gild or a stranger merchant for the sustaining of his office and he shall not have lot nor cavil with Brother of our Gild,"² and another statute strictly forbade a gild brother buying on commission for a stranger merchant under heavy penalties.³

In the early development of naval and commercial enterprise, as well as in the advance of agriculture and fishing, the clergy deserve honourable mention. The great privileges which the monks acquired and their ever-increasing wealth may not have been in the ultimate interests of the Church, but it is difficult to overestimate the benefits which their commercial and industrial activity conferred on Scotland at a time when there was little capital or enterprise to be found outside the monasteries. Mention has already been made of the charter granted to the monks of Melrose allowing them a free passage through Flanders, and the charters of the various monasteries contain many references

¹ The regulation as to selling in wholesale was made in the interest of the traders within the burgh. "Likwise the King commandis that na strangear merchand arrivand with schippis and merchandise shall cut claith or sell in penny worthis bot in grete, and that wythin burgh and to the merchandis of the burgh" (*Assise Willelmi Regis*, xli.).

² *Statuta Gilde*, xxiii.

³ *Ibid.*, xxv.

to similar privileges. The "tofts" in the towns granted to the monasteries were used for the building of houses and the introduction of artisans who, with their industry, contributed to the commercial prosperity of the country. They were further the chief shipowners, and in the ship belonging to the convent and abbot of Scone, Alexander II. was particularly interested, commanding his subjects in Moray and Caithness to protect this vessel should it come to their coast, and at an earlier date Alexander had already granted to this monastery the custom of ships coming thither, and had invited the merchants of England to trade, promising them protection on paying the customs to the monks. Similar grants were made to the religious houses of Perth by David I., who also gave to the Bishop of Aberdeen the tenth of the can of ships trading there. The monks of St. Cuthbert enjoyed a grant of the wreck of ships, and in the case of Dunfermline to other extensive privileges was added one of the highest importance in encouraging trading, that the ship of the abbot was to be exempted from all custom. The monks on the Isle of May acquired also from David I. a similar freedom from can, toll, or custom, and further commercial privileges, including the right to the fisheries around their shores, almost converted the religious house into a trading community. The monks were, moreover, the bankers of the age, and there is frequent mention made of money advanced in consideration of the grant to them of lands or tenements. The influence of such communities with these enormous privileges made itself widely felt, and the prosperity of Berwick as a centre of trade has been attributed to the fact that it served as the port to the many religious houses situated in the valley of the Tweed.

Their wide influence may also be seen negatively in the attempts to limit their commercial activity, and in the jealousy with which they were evidently regarded by the merchants. As early as 1267 a canon was made by the Scottish Church "ne clerici vel monachi se negociis immisceant," and William the Lyon had already declared his will "that kirkmen live honestly of the fruits rents and profits of their kirks and sall

nocht be husbandmen shepherds nor merchants".¹ In what purports to be a record of statutes passed by the court of four burghs in 1405, there is an explicit prohibition of Templars engaging in trade. It is, however, probable that these statutes remained unenforced. Thus, though doubtless Chalmers speaks metaphorically, there is much truth in his description of the monks as "the earliest gild-brethren possessing exclusive privilege of trade and of fishing when boroughs had scarcely an existence".²

The rise of the burghs and their influence in the economic history of Scotland is, however, a subject which requires more detailed consideration.

¹ Cf. also Assise Willelmi Regis: "Item it is statut that na prelat or kirkman erl baron or secular person sall presume to by woll skinnis hydys or sic lik merchandise".

² Chalmers, *Caledonia*, i., p. 782.

CHAPTER II.

THE ORGANISATION OF THE BURGH.

THE question of the early history of the town is in all countries a difficult one, and to decide whether we should trace its origin to a military settlement around a castle, or whether we should more properly look on it as the natural result of a state developing from pastoral to industrial pursuits, may afford scope for the speculations of the politician or the researches of the historian who is concerned with the origin of society, but for the present purpose it is sufficient to consider the burgh at a later period of its development. The object of the present chapter is to consider the commercial organisation of the burgh, and the privileges which the burghs claimed and which the burgess enjoyed.

It is, however, admitted that in nearly all cases the object of the charter in Scotland was, not to create a burgh, but to acknowledge and safeguard the privilege of a community already in existence.¹ The creation of royal burghs cannot in the history of Scotland be traced to a more remote period than the reign of Alexander I., under whom we find Edinburgh, Berwick, Roxburgh and Stirling long associated together as the four burghs. Many charters belong to the reigns of David I. and William the Lyon, under whom the Crown readily granted privileges to those towns, which in virtue of these charters became royal burghs. These with the

¹ "It would appear then, that towns and trading communities existed among us as early as we can pretend to speculate upon our history—carrying on the little commerce of the country, through the impediments of lawlessness and insecurity of property and the oppressions and exactions of the government that ought to have protected them" (Cosmo Innes, *Scotland in the Middle Ages*, p. 158).

lands annexed to them became the property of the king, and it was an enlightened and natural policy on the part of the monarch to seek to encourage throughout his kingdom these centres of industry and commerce.¹

There were, however, charters which were not granted by the king. The greater barons to a certain extent, and the ecclesiastical houses to a much greater degree, granted charters to those burghs which were situated on their lands. The privileges which these burghs obtained were naturally not so extensive as those conferred on the royal burghs: for the inferiority of the bishop to the king naturally led to an inferior position being granted to an ecclesiastical burgh. Royal burghs were thus in certain cases enabled to tyrannise over those of their neighbours whose privileges were derived from no higher source than an ecclesiastical dignitary. Glasgow was such a burgh founded by the bishop, and the tyranny which the neighbouring royal burgh of Rutherglen long exercised over it is one of the interesting chapters in the early history of Glasgow.² A similar rivalry existed between the

¹Chalmers gives the following chronological arrangement of Royal Burghs:—

Under Alexander I.—Edinburgh, Berwick, Roxburgh, Stirling, Inverkeithing, Perth and Aberdon, the three last of which obtained their charters from William the Lion. Under David I.—Jedburgh, Haddington, Linlithgow, Rutherglen, Renfrew, St. Andrews, Dunfermline, Crail, Elgin, Forres and Inverness: Rutherglen and Inverness had their first existing charters from William. Under William.—Dumfries, Lanark, Glasgow, Irvine, Ayr, Forfar, Dundee, Arbroath, Montrose, Inverury, Kintore, Banff, Cullen, Nairn. Under Alexander II.—Annan, Dumbarton, Dingwall, Rosemarkie. Under Alexander III.—Kirkcaldy, Peebles, Selkirk. Under Robert I.—Kirkcaldy, Queensferry, Lochmaben. Under David II.—Cupar, Inverberrie, Dunbar, Brechin, Lauder, Wigton. Under Robert III.—North Berwick, Rothesay. Under James II.—Kirkcudbright. Under James III.—Kirkwall. Under James V.—Pittenweem, Burntisland, Dysart. Under James VI.—Anstruther Easter, Anstruther Wester, Culross, Wick, Sanquhar, Stranraer. Under Charles I.—Dornoch, Inverary, New Galloway, Newburgh. Under Charles II.—Tain, Cromarty, Kilrenny. Under William III.—Campbelltown. Many of these had at an earlier date been burghs of barony, or ecclesiastical burghs (Chalmers, *Caledonia*, i., pp. 775-6).

² Introduction to *Ancient Laws*.

ecclesiastical burgh of Brechin and the royal burgh of Montrose, though in this case later history has not so signally altered the relative importance of the two towns.¹ Though different in their origin and with different privileges, these various kinds of burghs tended in the course of time to become like each other. By means of confiscation alone many of these towns passed into the power of the king, and thus many of those burghs which originally derived their privileges from their ecclesiastical or baronial superiors, became royal burghs, indistinguishable from those which had from the first enjoyed a royal charter.

The earliest right which the burgh gained, was the exclusive right of trade and of merchandise within a certain area, and the privilege of associating themselves for that purpose in Merchant Gilds. A statute of William the Lyon (1165-1214) enacted that "the merchandis of the realm sall haif their merchand gilde," and gave them liberty to buy and sell within the bounds of the liberties of the burgh "sua that ilke ane be content with his awne libertie and that nane occupy or usurpe the libertie of another,"² indicating that at this early period the liberties of merchants were already exclusive. Some light is also thrown on the relations of the burghs to each other by a fragment of a law forbidding a burgher bringing or carrying bread or ale from one burgh to another, under pain of forfeiture of the bread and ale and a fine of eight shillings "for the injurie and prejudice done to the nychbors and the libertie of burghs forasmeikle as nane aw to encroach upon the libertie of ane other, and amercement is aucht in the burgh whare the trespasser is found, for he becomes subject to its courts by delict."³ Another fragment more explicitly forbade a burgess living outside the burgh to buy or sell in

¹ Other ecclesiastical burghs were: Selkirk (Abbot of Kelso), Peebles and Glasgow (Bishop of Glasgow), St. Andrews (Bishop), Arbroath (Abbot), Brechin (Bishop), Burntisland (Abbot of Dunfermline), Newburgh (Abbot of Lindores), Pittenweem (Monastery of May). Of baronial burghs may be mentioned: Dunbar (Earl of Dunbar), North Berwick (Earl of Douglas), Wick (Earl of Caithness), Inverary and Campbelltown (Earl of Argyll) (Chalmers, *Caledonia*).

² Assise Willelmi Regis, xxxix.

³ *Ancient Laws*, p. 162.

any town but that of which he was a burgess.¹ Similar questions, however, long survived, and in 1567 the magistrates of Edinburgh in passing a regulation against the making of "outlandis men" burgesses or freemen of the burgh, admitted the great damage done to the craftsmen of the town, through conferring the freedom of the burgh on those belonging to other towns.²

With the burghs thus claiming exclusive privileges, the question of their relations to each other was certain to arise. The tendency that centres of trade should under these conditions form themselves into some sort of league was sure to make itself felt, and the Hanseatic League later showed, in the history of European trade, the type to which the Scottish burghs seemed at one time likely to conform. There is early mention of a "Hanse" among the towns of the North of Scotland, and the word, which has since come to be used almost exclusively of the German league, is already used in this earlier charter to the northern Scottish towns of whose existence as a league, however, little or nothing is known. The phrase occurs in a charter of William the Lyon. "William, by the grace of God, King of Scots, to all good men of his whole land, greeting: Be it known that I have granted and by this Charter confirm to my burgesses of Moray and all my burgesses dwelling on the north part of the Munth, their free Anse (liberum ansum suum) to be held where they chose and when they chose, as freely as their ancestors had their Anse in the time of my grandfather king David. Wherefore I prohibit any from vexing or disturbing them while holding the same under pain of my full for-

¹ *Ancient Laws*, p. 163.

² "Understanding the greit skayth and dampnage sustenit be the inhabitantis, fremen of this burgh be making of outlandis men, having nother wyf barnis familie stob nor staik within the samyn burgessis of the said burgh, nochttheless the saidis outlandis burgessis duellis outwith the burgh and passis throw the cuntre, foirstallis skin hyde and other merchandice, and traffectis in selling bying and saling, nochtwithstanding the quhilkis that eschaip fra taxtis stentis and all othere portable chargis" (E. R., iii., 232).

feiture.”¹ There is, however, no evidence of the existence of a league, and, as “Hanse” has other meanings than that with which the word was later more commonly associated, it is probable that the charter did little else than grant to the burghs in the north their merchant gilds, with the right of exacting fees.²

For the whole of Scotland, however, there was from an early time the Court of Four Burghs, which later became the Convention of Royal Burghs. This court originally consisted of Edinburgh, Roxburgh, Berwick and Stirling, and from possessing judicial functions, it acquired legislative powers, and became the representative institution of all the royal burghs, with judicial and legislative control over the members. It is in this union of the four southern towns that the code of law known as the Laws of the Burghs had its origin. Adopted originally for the four towns mentioned, it soon became the law for all Scottish burghs, and received the sanction of the legislature in the reign of David I. (1124-53). Its place of meeting varied, though it seems to have been originally fixed at Haddington: later in 1454 it was decided by royal charter that it should meet in Edinburgh, where the Convention seems to have continued to meet, notwithstanding a later statute fixing it at Inverkeithing (1487). The meeting-place of the Convention continued to vary, and the practice of the burghs in fixing the time and place of their meeting to suit their own convenience received sanction in 1581.

The Convention of Burghs thus assembled had no limited scope of activity. It supervised the customs of the burghs: it guarded the interests of the merchant class: nothing that in any way affected the commerce and prosperity of the country was regarded as outside its jurisdiction. “In a word,” says the editor of the Convention Records, “it formed

¹ Cosmo Innes, *Scotland in the Middle Ages*, p. 164. It has been conjectured that this combination included Aberdeen, Banff, Cullen, Elgin, Forres, Nairn and Inverness (see Preface to *Ancient Laws*, p. xxxix).

² Gross, *Gild Merchant*, i., p. 197.

a complete and powerful organisation for the protection of burghal rights and privileges, and for the promotion of whatever the burghs conceived to be for their own interest and that of the country generally."¹

✓ The result of this organisation was that there was a larger measure of uniformity in burghal life and regulation than could be attributed to the spirit of the age, and the burghs were able to pursue, if not a national, at least a general policy in which the interests of all were observed. Intermunicipal courtesy had to some extent existed from earliest times, for by the statutes of the gild the persistent reveler of gild secrets was deprived of the liberty of his burgh for life, and this loss of liberty was extended to all other burghs in the realm, so that he who was condemned for this offence was on the third conviction unable to enjoy the privileges of a freeman in any burgh within the kingdom. This principle of common action was laid down in an extended form in the Convention of Burghs which met at Dundee in 1555, when it was enacted, in view of the danger to the privileges of the burghs arising through the action of the nobles, that in

¹ The deference paid to the Convention of Burghs may be seen as late as 1703 in the action of the Parliament, in adjourning its meetings to suit the convenience of the Convention, although at this time they were engaged in considering the Act of Security. It is of course probable that this adjournment was proposed by the Government in order to gain time in the struggle over that Act, but it at least shows that it was not considered unreasonable that the Parliament should give way to the Convention. The resentment of the Country Party may be seen in the account of a contemporary writer: "August. 2. The Lord High Commissioner signified to the Estates that in regard a great many of the Commissioners from the Royal Burrows were to meet in the Convention of the Burrows this Week at Glasgow, he thought fit to adjourn the Parliament for some Days, and it was accordingly adjourned till the Saturday after. This was very much resented by the Country Party, who thought it more reasonable that the Convention of Burrows, which related only to their own Trade, should have been adjourned, than the Parliament which had before them the present and future Concerns of the whole Nation, and those too of as great Weight as had ever been laid before the Estates since the Foundation of our Government" (*An Account of the Proceedings of the Parliament of Scotland which met at Edinburgh, 6th May, 1703*).

the case of any burgh being oppressed, all other burghs should as far as possible come to its assistance.¹ This somewhat vague statement of common help was amplified in 1580 in a Convention meeting at Aberdeen, in which it was laid down that forestallers, taking refuge in another burgh, should be handed back to the burgh from which they had fled, and the principle of solidarity among the burghs as far as membership was concerned, which we have seen as existing to a limited extent in the Statutes of the Gild, was made of universal application in 1593, when it was enacted that no burgh should admit to its privileges any one deprived of freedom by another burgh, under penalty of a hundred pounds, and when this was done unwittingly, the freedom granted was to be cancelled.²

This principle of common help led, naturally and logically, to the submission of the burghs to an authority of their own creation. If the burghs were to help any of their number who should be in need of assistance, it was clear that in the case of a dispute between the burghs the Convention must claim judicial powers. Thus in 1579 the Convention at Glasgow reaffirmed an act previously made at Stirling, by which burghs, in case of disputes arising among them, were forbidden to appear before the Lords of Session until they had first submitted the case to the Convention. The immediate occasion of this re-enactment is to be found in the offence of Haddington in pursuing Dunbar in the Courts of Law, and the full penalty of the act made at Stirling was now imposed on Haddington. Nominally these complaints were

¹ "Because the havie complaint of sum burrowis that thair opprest and gretlie defraudit of thair privelegis and liberties be grit men of the cuntrey, tending to put them to vtter decay : Thairfore it was devysit, statute and ordanit, that all burrowis within this realm concur togidder in ane peceabill and agreabill manner as becumis ; and gif ony ane of the saidis burrowis beis opprest or hurt in thair fredome or privileges all the remanent sall support the samin in counsale, geir, money, and gif forder neid requyris, as law will " (C. R., i., 12).

² The attempt to establish uniformity was expressly admitted on this occasion. The measure was passed " for ane uniformitie to be haid among thame selves " (C. R., i., 402).

submitted to the Convention, and, in the interpretation of this Glasgow statute, the Convention sought still further to extend its judicial powers over the burghs. The question of the precise meaning of the words "amangis burrowis" having arisen, the Commissioners interpreted the word "amangis" as covering disputes arising in the various burghs, and not merely those of an intra-burghal character.¹

Moreover, there were other forces which tended to bring a common spirit into the life of the burghs. Notwithstanding the privileges which each claimed, it was impossible for the burgesses to treat the trade of neighbouring burghs as matters in which they had no concern. There was indeed a natural desire to restrict trade as far as possible for the benefit of the burgesses of each town, and resort was had to various artifices to effect this end; but it was impossible in practice thus to live a life of isolation. Thus St. Andrews in 1596, ingeniously endeavoured to exclude the merchants of Anstruther, Crail, and Pittenweem from its markets by holding them at inconvenient hours. It was, however, ordered that the markets should be held at proper hours, though for the first hour the burgesses of St. Andrews alone might buy, but thereafter it was to be open to others on condition that there should be no forestalling, and in 1598 when the same question again arose in connection with these burghs, the bakers of Anstruther Easter and Crail were restricted in their purchases at St. Andrews to one bag of wheat.² In other cases where the supply was scarce, trade with outsiders was also forbidden, as when in 1546 Edinburgh forbade the fleshers to supply "talloun" to the inhabitants of other towns, and in 1577 Aberdeen similarly

¹ "Interpretis the foirsaidis word, amangis, to extend and be extendit upon the foirsaidis questionis alsweill within the bowellis of thair particular burghtis as betuix burght and burgh, concerning the commoun weill libertieis and weilfair thairof, and the saidis burrowis in thair actionis debetable alsweill within as betuix thame, to be judgit be the commissaris of burrowis conwenand to the generall assembleis thairof, quhen and quhow oft sic ane occatioun salbe offerit under the painis as said is contentit in the said act at Glasgow" (C. R., i., 355).

² C. R., ii., 33.

forbade the selling and exporting of victuals till the town should be served, and arrested two ships laden with beer for Leith.¹ In 1599 the general question of the right of a burgh to prohibit burgesses of neighbouring towns trading with it was raised by Perth, and the Commissioner, James Adamson, held that "the actis maid be thame in this mater is maid with consent of thair gild brether, and that the borrowis are nocht judgeis thairto nor na uther thair actis, and als that thair burgh is lauchfulle infest with full liberte to thair bailleis or deyne of gild to mak actis and statutes aganis thair nichtbouris".² On the question thus raised a decision was given in the Convention which met at Kinghorn in the following year, when the position taken up by the Commissioner of Perth was not upheld. It was decided that a burges of a town might at his pleasure offer his wares to a freeman of any burgh without any obligation to make the first offer to his fellow-townsmen, and that therefore such laws as had been made by Perth were to be regarded as prejudicial to the common liberty.³

Complaints in regard to the exactions thus imposed by various towns on the commerce of their neighbours continued to be of frequent occurrence, so that we find that the Convention of 1610 was "trubilt" with such grievances, and the Commissioners were advised to be prepared to attend the next meeting of Convention with instructions on this

¹This was meant as a temporary expedient in time of famine. The regulation refers to "the complaynt gevyn in be the commonis of this burght toward the exorbitant dartht of victuall and penurite thairoff," decreeing that "na victuall be sufferit to pass furtht of this port and hevyn of Abardeine to uther portis in na schip, crear, nor boit, that beis laid withtin this hevyn, bot to arreist and stay the samen, quhill the toun and inhabitantis thairoff be first servit with the samyn, for semable payment as the mercat standis" (A. R., ii., 30).

²C. R., ii., 57.

³"The saidis commissioneris be thair moniest voittis, efter lang ressoneing findis that ilk burges of ane fre burgh may sell his wairis to fremen of burrowis at his plesour, without ony offer maid to his con-burges and thairfor the saidis actis, giff ony be, to be verray prejudiciall to thair commoun libertie" (C. R., ii., 75).

question. Accordingly the whole matter was discussed in the following year at Stirling, when it was decided that "ilk burgh sall be frie and queyte, ane with ane other, fra payment of onye maner of pittie customs or dewteis to be tane of their goodis or wearis at the townland portis,"¹ and it was enacted that this freedom of trade should continue till the next meeting of the Convention. In another connection the principle of liberty in trade had been asserted some years before in the Convention which met at Montrose in 1591, when an act passed by Aberdeen against certain merchants trading from burgh to burgh was annulled, and such a prohibition was declared in the most emphatic terms to be prejudicial to the merchandise of the kingdom, and the welfare of the free burghs.²

All these were forces tending to make burghal life larger and more comprehensive than the restrictions of any single burgh would have allowed, and apart from any conscious striving after unity, would have led to a certain measure of uniformity among the Scottish burghs. The burghs themselves, however, perceived the advantages of such uniformity, and in 1552 established a uniform system of measures adopting "the stane wecht of Lanark, the pynt stope of Striviling, the ferlatt of Linlytqw, and the eluand of Edinburch," and at the same time the Convention enacted that there should be uniformity in the election of city officials on the pattern of Edinburgh.³ Three years later the question of uniformity of petty customs was gone into at greater length, and the inconvenience arising from the diversity of customs and the losses arising therefrom to poor travellers from "gredie keparis of portis and hevynis" were admitted.⁴ Accordingly

¹ C. R., ii., 313.

² "All in ane voce findis the said act maid be the said magistratis of Aberdene aganis the merchandis foirsaidis thair of to be dischairgit, and dischairgis the samin, and at na tyme heirefter to have ony effect, boot to be nulle in the selfe and of na executioun as gif the samin had never bene maid, in sa far as the contentis thair of was nocht onlie preiudiciall to the saidis haill merchandice bot generallie to the frie borrowis of this realme" (C. R., i., 359).

³ C. R., i., 2.

⁴ C. R., i., 10.

uniformity in the matter of petty customs and hewen silver was adopted by the Convention, which took Edinburgh as the standard in this matter. Measures were, moreover, taken in order that these regulations should not remain a dead letter, for it was enacted that a copy of the petty customs book of Edinburgh should be supplied to every burgh in the kingdom, and the breaker of the act was subjected to a fine of forty shillings.

On the other hand, notwithstanding this tendency to uniformity, and these efforts to establish something like free trade among the burghs, the privileges of each burgh remained great. What the burgh originally possessed, and what each endeavoured to maintain against its neighbours, was the exclusive right of trading not only within the town, but within a larger adjoining area, and the instances above mentioned in which the Convention refused to recognise the restrictions and exactions of particular burghs do not prove that the burghs were not anxious to maintain their privileges as far as they were each individually concerned. Such instances are rather to be attributed to the recognition by the majority of the fact that the restrictive privileges of any one burgh, if too zealously guarded, could not fail to be injurious to the prosperity of the others. The burgh then claimed certain privileges in the adjoining area;¹ thus Edinburgh extended on the east from the bounds of Haddington at Edgebukling Brae to the Almond Water on the west. We have already seen how Rutherglen, being a royal burgh, was enabled to oppress Glasgow. Perth had taverns in the shire suppressed in order to encourage its trade in liquor, though this privilege was at one time universal, as we learn from the "New Constitutions" dating from the reign of William the Lyon.² At a later date, in the sixteenth and seventeenth centuries, when it became customary to have burghs of barony erected into royal burghs, there are many entries in the Convention Records which show that the

¹ See Preface to *Ancient Laws*, p. xxxvii, and the First Report of the Royal Commission on Market Rights and Tolls (1889), p. 26.

² *Ancient Laws*, p. 97.

neighbouring royal burghs considered their privileges infringed thereby. Thus Crail protested against Anstruther becoming a free burgh; so also in 1592 Inverkeithing objected to the erection of Culross into a royal burgh "insafar as the samyn tenditt greitlie to the hurtt and prejudice of the said burgh of Innerkething".¹ Indeed in 1584 a general statute had been passed dealing with the creation of free burghs in such circumstances as these, and it was enacted that should it be proposed to create such within the bounds, limits, and liberty of another free burgh, all the other burghs should intervene to prevent this being done.²

In other ways also the attitude adopted by the free burghs was essentially selfish, and was directed to the preservation of their own rights, and the exclusion of other burghs from similar privileges. In 1574 the question of the position of decayed burghs on the coast side was raised, and it was left to the following Convention to decide whether they should be received into the society of free burghs or not. In 1578, however, the Convention resolved to petition the Council to make a penalty against those towns which unjustly usurped the privileges of royal burghs, on the ground that the royal burghs had been granted special privileges by the Crown, and that in respect of these they were subject to taxes and charges from which other burghs were free.³

In regard to the existence and liberties of markets the free towns also showed a certain jealousy of "unfree" places. The Reformation had led to the abandonment of Sunday markets at kirks, but only in burghs, and in 1574 the Convention asked the Assembly to forbid all Sunday markets "in landwart, as thay ar alreddy in the burrowis . . . failzeand that, the generall kirk be nocht offendit; that sic uther burrowis as ar greitlie hurt thairby kep thair mercattis upoun

¹ C. R., i., 375.

² C. R., i., 197.

³ "The saidis burghis ar nocht only privilegat be the King oure Soveranis maist nobill progenitouris, bot alsua ar subject to all taxationis, impositionis and chairgis for the commoun weill of the realm, quhairof the saidis unfrie tounis are frie and delyverit" (C. R., i., 68).

Sondayis, as thay had wont".¹ In 1578 the question of Sunday markets was again before the Convention, when they were forbidden to be held in free burghs. The holding of Sunday markets at landward kirks was condemned as being "baith aganis the law of God and actis of Parliament,"² and measures were taken whereby the inhabitants of the neighbouring towns most concerned could under the Acts of Parliament proceed against those taking part in the markets, so that letters could be obtained from the Privy Council to discharge the market, and to confiscate the goods found there. The same jealousy of markets outside the free burghs is to be seen later in 1607, when the Convention which met at Dumbarton forbade freemen going out with staple goods to "landwart kirkis and clachan tounis," and leaving them to be sold by unfreemen, and this measure was approved and ratified by the Convention meeting at Selkirk in 1608.³

There were other rights in trade and shipping which the free burghs maintained and which helped to give them an exclusive character. Thus as early as 1488 an Act was passed by which no ship could enter save at a royal burgh,⁴ and this was renewed with special reference to the towns on the West Coast in 1555;⁵ in 1567, on account of the losses which the king had sustained through foreign ships frequenting unfree ports and afterwards sailing with cargoes on which the king's customs had not been paid, it was enacted by Parliament that no foreign ship should be laden except at a free port, the only exception being in the case where the cargo taken consisted of coal, lime and stone.⁶ In actual practice there were many instances of this exclusive policy on the part of the royal burghs. The freemen of Edinburgh were in 1555 forbidden under heavy penalties to send any of their goods to Burntisland to be laden there because "sik ladynng in the Brunteland is expres contrar thair commone weil in hurt of thair fredome and grete skayth to thair customes".⁷ The general principle which confined trade to a royal burgh

¹ C. R., i., 35.

² C. R., i., 69.

³ C. R., ii., 238, 251.

⁴ Acts, ii., 209, c. 12.

⁵ Acts, ii., 409, c. 37.

⁶ Acts, iii., 42, c. 57.

⁷ E. R., ii., 208.

was enforced by Aberdeen in 1573 against a Flemish ship which was being laden at Faithtlie,¹ and in 1593 ships unloading at the water of Newburgh within "the precinct and jurisdiction of the burgh" had their sails removed under the direction of the dean of gild.² In 1607 the Commissioners of the burghs were concerned with a general complaint against the inhabitants of burghs of barony for taking upon themselves the trade of the country and buying and selling foreign merchandise, basing their claims thereto on the "lang owirsicht"³ of the royal burghs, and later still in 1671 the Convention lent its assistance to Stirling in an action against burghs in the County of Stirling importing and exporting staple goods contrary to the Acts of Parliament and the enactments of the Convention.⁴

Within the burgh also there was a similar exclusiveness in the rights which the freemen carefully safeguarded in regard to buying and selling from strangers. The exclusive right of buying and selling in wholesale was carefully maintained, and elaborate regulations were made in Edinburgh as to the way in which strangers should sell to the freemen of the town.⁵ Some time after this, in 1554, the question of

¹ A. R., ii., 10.

² "Theirfoir for mainteining of thair awin liberteis and frances thairanent, ordanit Maister Richard Irwyng, deane of gild and David Cargill, thesaurer, to pas with ane officer of armis, and ane or tua nichtboris, to the said watter of Newburgh, and be wertew of the lettres gevin to this burgh upon thair liberteis, to areist and fence the said schippis, tak the sailis fra the rayis thairrof, and use all ordour thairanent as accordis of the law and ressonne, and the expensis that salbe maid be the deane of gild heirupoun, to be allowit to him in his comptis" (A. R., ii., 81).

³ C. R., ii., 235.

⁴ C. R., iii., 629.

⁵ This regulation shows the nature of the goods then brought to Edinburgh: "20 December 1546. It is statute and ordanit be the prouest, baillies and counsalle anent for strayngeris in selling of thair guidis inbrocht be thame within this burgh to fremen of burrowes; In the first, all silkis and clayth to be sawld in haille steiks; item, worsetts siclyke to be sawld in steiks: and all uther merchandice that is to be mesurit with elne to be sawld in steiks and nocht cuttit; item, clowes cannel mases granis mugallis saffroun and siclyke that the samyn be sawld in grossis or at the leist nocht half dusionis; item, at uther grossis merchan-

strangers frequenting the port of Leith was again discussed in Edinburgh, and it was enacted that they should not sell any of their goods except to freemen and burgesses of the burgh for the first twenty days after exposing their merchandise for sale at their booths.¹ On the same principle John Gaittis, an Englishman, who obtained a licence to "brew saip" was only allowed to sell to freemen and in wholesale.² The unfree craftsmen working and dwelling in the suburbs also attracted the jealous attention of the towns. In 1581 Perth brought this "greit innormity" to the attention of the Convention, and six years later Dundee appeared with a similar complaint in regard to the residence of the craftsmen in the suburbs.³

Another important privilege strengthened the hands of the free burgesses as far as foreign trade was concerned. By an Act of 1466 they alone with their servants dwelling with them at meat and drink were allowed to go out of the realm to trade,⁴ and there are numerous instances of regulations adopted to enforce this monopoly. It was necessary to supervise the whole shipping of the country in order to prevent unfreemen usurping the privileges of freemen. The merchant must not only be a freeman, but it was necessary that he should be clad with a certain richness of apparel, and he had also to be a man of substance. The Act of 1466 required that no one but a famous and worshipful man should go outside the realm in any mercantile pursuit. It was repeatedly enacted that

dice to be sawld in grossis and half grossis ; item, sewing silk, sewing gold, sewing sylver to be sawld in pundis ; item, irne to be sawld in thowsands ; item, mader to be sawld in polks ; item, allum to be sawld in cark ; item, hemp to be sawld in polk ; item, wyne to be sawld in tun and half tun and generallie all uther mrchandice accordingly" (E. R., ii., 125).

¹ E. R., ii., 204.

² E. R., ii., 205.

³ "Bering them to be greitlie hurt in thair liberties, and the hail burrowis prejugitt of thair privilegis be the resorting and residence of all kynde of craftismen in the suburbis of frie burrowis of this realme, enjoying thairby als greitt commoditie as friemen subject to taxationis and all burdingis impositt upon the saidis burrowis" (C. R., i., 238).

⁴ Acts, ii., 86, c. 1-3.

the exporter should himself be the owner of a certain amount of the goods contained in his vessel, and there are various regulations enforcing this provision. In 1516 Edinburgh had appointed Robert Glen to be a searcher under the provisions of the earlier Acts of 1487 and 1489.¹ In 1551 the same question again arose in Edinburgh, and the magistrates received instructions to enforce the Act "that na merchand saill without he haif half ane last of guids of his awin," and to take precautions lest skippers and owners of vessels should receive on board those not qualified to engage in foreign trade.² The system of issuing licences was widely adopted, and a strict control was kept over those leaving the kingdom. In 1575 the Conservator in Flanders received certain instructions, and amongst his other duties he was to prevent from trading in that country all those who were not freemen, and those trading were to bring with them "testimionial of thair fredome and licence to saill frome ane frie port or hawin quhair thay imbarck, under the subscription of the juge of the poirt".³ The issue of tickets is mentioned as early as 1555 when it was enacted that the "dene of gild gif na ticket bot to qualifeit fremen, honest of conversation, having jugement of merchandice and substance requiring thereto,"⁴ and in 1578 a further regulation was made to the effect that the ticket thus issued by the dean of gild, baillie, or town clerk should be produced to the Conservator, who in the absence of such a ticket was to forfeit the goods as "ane unfriemannis geir".⁵ In the following year the supervision of the merchant classes was made more exacting, for it was made necessary that the dean of gild should be present at the freighting of any ship bound for France, Flanders, Sweden, Denmark or any other parts beyond the sea. In the absence of the dean of gild the baillies were to attend, and a breach of this regulation was exposed to a penalty of twenty pounds.⁶ More precise regulations were made in regard to these "tickets" in 1591, when it was enacted that the tickets should be shown once to the Conservator and thereupon "buikit in his buikis," and

¹ E. R., i., 163.² E. R., ii., 152.³ C. R., i., 40.⁴ C. R., i., 12.⁵ C. R., i., 74.⁶ C. R., i., 105.

the regulations were also extended so as to apply to merchants sailing to France or the Baltic, the certificates in these cases being shown to the most discreet merchant passing at the time to any of these ports.¹ Regulations continued to be made in regard to this matter, and later records couple together the three classes of offenders, "foirstalleris, regratouris sailleris without tikkettis". The regulations in regard to the issue of these tickets tended to become more strict. In 1581 a regulation was made that they should only be given to such as actually remained within the burgh, that is to say, only to those who continued to bear all the charges falling on the burgesses,² and these testimonials were to be renewed by every freeman at each voyage. A regulation made by Edinburgh sometime before this, required that all those intending to sail in a ship should appear in a body at the Tolbooth before the baillies, and that a list of those who were to be allowed to sail should thereupon be sent to the skipper, who was to admit these and no others.³ A more systematic attempt to restrict the number of those sailing abroad was made by the Scottish Parliament in 1567 in an Act which forbade the skipper of any ship to receive more than four merchants in his ship, and for the honesty and substance of these four the provost and baillies of the adjacent burgh were to be answerable.⁴ Edinburgh seems to have endeavoured to extend this careful supervision to the actions of foreign merchants trading with Scotland, for the Edinburgh Records for 1554 mention a regulation compelling the foreigners to declare the names of those to whom they have sold the goods imported, as well as those from whom they have bought the cargo taken from Scotland.⁵

The exclusive character of the burghal organisation is also to be seen in the regulations in regard to the gilds. Not all inhabitants of the burgh possessed these privileges and

¹ C. R., i., 358.

² In the language of the time only to those "walking wairding, scating and lotting and beiring all uther chaarges within the said burch and resident within the samyn" (C. R., i., 123).

³ E. R., ii., 216.

⁴ Acts, iii., 42, c. 59.

⁵ E. R., ii., 192.

not all burgesses. The relation of the gild to the city government is difficult to determine in any country, and is not less so in Scotland, but there is no doubt that the gild brethren formed an aristocratic set, endowed with privileges denied to craftsmen. These privileges belonged to merchant freemen, and a craftsman had to renounce his craft before he could become a merchant or a gild brother. The merchants did not make it easy to enter their gilds. At a later date when the battle with the craftsmen was going against them they somewhat relaxed their earlier position, and a more tolerant spirit may perhaps be inferred from the entry in the Edinburgh Records in 1560 when in consequence of various persons usurping the liberties of free merchants (and free craftsmen) the dean of gild and one of the baillies were ordered to seek out such and "compel thame to becum fre";¹ and later in the same year the dean of gild was ordered to seek out those who were selling staple goods and shut up their booths until they should become members of the gild.² In the days of their supremacy, however, it was otherwise. The craftsman had always been compelled to renounce his craft before he gained admittance to the gild. As early as the time of the Burgh Laws it was enacted that "nother lytstar na fleschwar na soutar" should be within the freedom of the gild without forswearing the craft with his own hands,³ and the laws of the gild have a similar enactment that "no butcher, as long as he chooses to practise his trade, buy wool or hides, unless he will abjure his axe and swear that he will not lay his hand upon beasts".⁴ The breaking down of this privilege came late. In 1577 the gild of Edinburgh refused to admit various craftsmen to gildry without renouncing their craft,⁵ and this was only modified in 1583 when, after a long contest between the crafts and the gild, the various matters in dispute were referred to arbitration, the Right Potent and Illuster Prince, King James, acting as umpire.

¹ E. R., iii., 72.

² "That he steik vp thair buithe durris and intronet with the keyis thairof unto the tyme they cum and mak thame self gyld" (E. R., iii., 89).

³ Leges Burgorum, xciv. ⁴ Stat. Gild., xxx. ⁵ E. R., iv., 57.

By the decision arrived at, the council of the gild was to consist of merchants and craftsmen in equal number, and the craftsmen were to be allowed to use merchandise apparently without renouncing their craft.¹ This struggle between the crafts and the gilds is indeed a common feature in the history of Scottish towns during the sixteenth and seventeenth centuries, and though the history of the contest necessarily varies in the different towns, the outstanding features are everywhere the same. The crafts gained a footing in the Burgh Councils, and they gained a certain liberty in buying and selling which at an earlier date had been steadily refused. Not, however, till 1846 were all restrictions finally abolished, and complete freedom given to all to engage in any trade or handicraft.²

The Convention was the governing body in all matters of trade, and it was therefore natural that the exclusive spirit which characterised the age should have manifested itself in the jealousy with which the qualification for membership was insisted upon. In 1574 it had been decided that only those should be admitted to the Convention who were "merchantis and trafficquaris," having their dwelling within the burgh, and bearing burden with the other inhabitants.³

¹ For a full account of the dispute and the various issues involved see Maitland's *History of Edinburgh*, pp. 228 *et seq.* The paragraph of the decret arbitral dealing with the gild may be quoted here: "Toward the lang Controversies for the Gildrie, it is finallie with common Consent appoyntit, agreeit and concludit that alsweill Craftsmen as Merchands, sall be receivit and admittit Gild-brother, and the ane not to be refusit or secludit thairfra, mair nor the uther, they being Burgesses of the Brugh, as meit and qualifiet thairfore; and that Gild-brether have libertie to use Merchandize; their Admissioun and Tryell of their Qualificatioun to be in the Hands and Power of the Provest Baillies Thesaurer and Counsell with the Dean of Gild and his Counsell quhilk sall consist in equal Number of Merchands and Craftsmen, Gild-brether, not exceeding the Number of sex Persones, by the Dean of Gild himself. And that na Persones of whatever Facultie he be, sall bruik the Benefit of ane Gild-brother, without he be ressavit and admittit thairto as said is" (Maitland, p. 233; E. R., iv., 265).

² See Gross, *Gild Merchant*, i., pp. 199-226.

³ A subsequent Act of 1578 is even more explicit: "sic as ar frie merchantis and gild brethir, trafficquaris thairin as ane frie merchant" (C. R., i., 75).

The same Convention had the question before it in a practical form, for it was decided that John Douglas "allegit proveist of Hadingtoun being ane cordinar of his occupation" could not sit with the Commissioners from the other burghs, declaring that no craftsmen had ever had or should have vote or commission among them.¹ In 1583 a similar case arose when John Houstoun, "allegitt wobstar," appeared as Commissioner for Renfrew. On this occasion the Convention did not take up so extreme an attitude. Before being allowed, however, to take his seat as a member, Houstoun renounced his occupation of wobstar, and declared on oath that he had not for a long time engaged in this craft, nor should he again do so.²

As early as 1556 it appears that Edinburgh chose Thomas Reidpeth, a skinner, to attend the Convention, but this was in obedience to a direct command from the Crown in order to settle various disputes which had arisen between the craftsmen and the merchants. In 1583 in consequence of the decret arbitral, already referred to, Edinburgh again sent a craftsman, Michael Gilbert, a goldsmith, and on this occasion the Convention made it clear that it was only the royal mandate that saved Edinburgh from the ignominy of being fined, and protected Gilbert from expulsion in accordance with the earlier Act of 1574.³ Indeed the Convention throughout resolutely closed its doors on all who were not themselves merchants. Of the later Acts dealing with the matter one of the most important is that of 1675, in which the Convention revived all former measures dealing with this subject, stating that the contrary practice was opposed to the ancient and primitive constitution of the burghs.⁴ By the

¹ C. R., i., 31.

² "And gaif his aith he hes nocht of lang tyme bygane usitt or exercit the samyn, lyke as in tyme cuming he sall nocht use nor exerce the said craft" (C. R., i., 163).

³ C. R., i., 164.

⁴ The Convention on this occasion expressed its own conception of its functions. To send those who had not the qualifications mentioned was, they maintained, "destructive to their interest, which is to be ane intire and unanimous bodie amongst themselves making a third distinct estate of

“platform” then laid down, members of the Convention had to be merchants, resident within the burgh, bearing common burden with the rest of the inhabitants, and such as could gain and lose in the concern of the burghs. Later Acts with the same object were passed, so that craftsmen were throughout consistently excluded from the body which was in fact the governing authority in all matters of trade and commerce.

The regulations in regard to residence had a similarly exclusive character. Difficulties were placed in the way of unfreemen taking up residence, and this applied, not only to unfree traders and craftsmen, but to all and sundry: thus in 1645 Edinburgh ordered proprietors of houses to refuse to rent them to unfreemen.¹ The presence of unfree craftsmen in the suburbs of the towns was strenuously objected to. On the other hand, the burghs sought to compel the presence in the burgh of those enjoying full rights. Frequent regulations were made in regard to those who claimed to be burgesses and who lived outside the burgh. In 1552 the Convention laid down a general law on the subject, that a proclamation should be made at the market cross of all burghs, and that all who alleged themselves to be free in any burgh should appear there within forty days, and hold “stob and staik” therein, that is to say, should reside there, and bear their share of the burdens imposed on other freemen.² A failure on the part of the burgess to appear involved the kingdom, without being impeded with persons of any other rank or quality than of the merchant estate, who usually carries on collateral designs than the direct, true, and solid interest of the royal burrows, whereby they become divided and lose their chief strength which consists in their unanimity, and consequently the contempt and ruin of the burrows follows as too sad experience manifests” (C. R., iii., 649).

¹ Maitland, p. 85. “If there be not a Mistake,” he adds, “in penning the above Act, surely it was a very impolitic Step of the Council’s; for by turning out so great a Number of unfree Gentlemen Housekeepers as must then have been in Edinburgh, the Rents must have been greatly reduced to the no small Loss of the Landlords: Had this Law only extended to Unfreemen Traders nothing could have been alleged against it.”

² C. R., i., 4.

loss of freedom, while the burghs which failed to cause such proclamation to be made were fined, and the amount of the fine was to increase with each offence. The failure of any burgh to carry out this regulation was to be notified by any of the neighbouring towns, and that this did not remain a dead letter may be inferred from the complaint which in 1579 Lanark brought against Rutherglen.¹

The aristocratic character of the Scottish merchant class was marked in many ways and was enforced even in the regulations governing their own conduct. As early as 1424 an Act had been passed by Parliament that every merchant sailing abroad should have of his own or at his disposal as much as three serplaiths of wool or the value thereof,² and it had been re-enacted in 1535 that every merchant should have half a last of his own goods.³ Meanwhile similar measures had been passed in 1466, 1487 and 1489, and the regulations may be regarded as part of the traditional policy relating to foreign trade. The good name of the country or burgh appears to have been pleaded as the justification for such a regulation as this,⁴ and this view is explained at great length in an entry in the Edinburgh Records for 1551 stating that my Lord Governor's Grace "is suirly informit of the evill bruite and lichteing of this realm and lieges thair of in pairts of Flanderis and France be passing of certane sempill persouns thair in merchandice cled in vyle array," and the provost and baillies were accordingly charged to see that no one should sail to France or Flanders

¹ C. R., i., 88.

² Acts, ii., 8, c. 16.

³ Acts, ii., 348, c. 32.

⁴ The merchant's ideas of the dignity of trade led to interference with individual freedom in other ways. Thus in Dundee in 1590 complaint was made "against sick persones of thaire number as traides with eggis, kail, onyons, apples, pearas and wthers the lyk hockstrie forme of traide, to the grate dishonor of thaire estaite, publictly befor thaire buith doris, it was ordained that na merchand within this brugh in any tyme heirefter sell the lyk sorts of waires or have the same publictly kept befor his merchand buith, under the paine of 20ss. for the first falt," and for further offences the penalty was to be loss of liberty (Warden's *Burgh Laws*, p. 129).

without having half a last of goods of his own.¹ This is only one of many instances in which measures were taken to ensure that the Scottish merchants should be properly dressed. One of the duties imposed on the Conservator at Flanders was to see that this should be done, and he was even empowered if need be to seize the goods of the unfortunate traveller whose clothing should be deemed discreditable, and have more satisfactory garments made for him. In the general list of duties entrusted to the Conservator in 1565 this reappears. The Conservator was in the first place to warn the ill-clad merchant, and should this fail to produce the necessary result he was to proceed to have the clothes made for him. More detailed regulations are to be found in some of the burgh records: thus in 1484 in Aberdeen, a certain Robert Buchan achieved an unenviable position by being ordered for the worship of the town and honesty of merchants, as often as he passed to Flanders to have a new gown and doublet made within four days of his coming there, and he was also ordered whenever four of his neighbours rode together in a cart to ride with them.²

There were, moreover, in addition to the general disabilities under which unfreemen laboured, specific prohibitions which tended to keep freemen and unfreemen apart as separate classes. The Convention of 1555 in the most precise terms forbade partnership between a freeman and an unfreeman, the

¹ E. R., ii., 152.

² A. R., i., 413. Aberdeen also made other regulations in regard to the dress which should be worn by "burgess of gild". Thus in 1576 they were forbidden to wear plaids, and in 1598 penalties were imposed on such as should be seen with blue bonnets. Perhaps, however, these regulations were not made for the "worship of the town and honesty of merchants," but were due to the natural jealousy of a lowland town exposed to highland influence. Two burgesses of Stirling, Robert Brown and Thomas Anderson, were in 1625 fined for wearing bonnets "at ane special tyme," when the factors of Campvere were in the burgh. Robert wore a black bonnet and was fined forty shillings. Thomas had worn a blue bonnet, which was perhaps less disrespectful, as he was only fined twenty shillings. About this time the gild brethren of Stirling were forbidden to appear in church with blue bonnets, black bonnets or gray cloaks (S. R., ii., 386).

penalty for such an offence being the loss of freedom.¹ A further record in 1662 reaffirmed previous laws dealing with the matter, and required that existing partnerships with unfreemen should be terminated by Whitsunday next.² In 1692 a still more comprehensive measure was passed, which after reciting the evils resulting from such partnerships went on to renew and revive "all former acts of conventions of borrowes of whatsomever daits tenor or content the samen be of," and further enacted that no burgess of free royal burghs should be partners with unfreemen "either in poynt of trade and merchandizing or in the matter of shipping".³ Similar regulations are to be found in the records of the burghs. Edinburgh merchants had from an early date (1485) been forbidden to take any man of Leith into company with them,⁴ and a later regulation in 1555 forbade the burgesses entering into partnership with any inhabitant of Leith or the Canongate, and the burgesses were further forbidden to choose any unfreemen to be their factor, or to be "frauchteris of schippis with them".⁵ The freeman was also forbidden to act as the agent of the unfreeman, and the frequent measures against the "colouring" of unfreemen's goods were directed against this practice.⁶

With such privileges as these it was natural that the merchants should become wealthy. The common feeling, characteristic of the trading class, led, however, to regulations and restrictions designed to prevent any individual member growing rich at the expense of the others. We do not hear much

¹ "It is thairfoir devysit, statute and ordanit, that na freman of quhatsumevir burgh within this realme tak vpoun hand to keip sociatie in merchandice or ressaif ony geir to trauffique thairwith fra ony vnfreman to his vtilitie and proffett" (C. R., i., 11).

² C. R., iii., 552.

³ C. R., iv., 133.

⁴ E. R., i., 50.

⁵ E. R., ii., 207.

⁶ The meaning of the phrase may be seen from the following entry: "thair is certane nychtbouris fremen within this burgh that displeiss God in thair aith, and hurtis the commoun proffett of fremen in leing till vnfremen baith Lumbardis and vtheris of certane merchandice, bayth woll, hide, skyne and claith and vtheris siclyke with thair money vnder the colour of thair awin" (E. R., i., 99 (1504)).

of the rule that a merchant must share his bargain with any of his fellows who demanded it, but it had to a certain extent become one of the presuppositions of the age. The beginnings of such a regulation are to be found as early as the Laws of the Gild, which enacted that if any one should buy "herring, salt, corn, beans, or pease at ships, or other like merchandise, he shall not refuse to his neighbour as much as he may wish to buy for food to sustain his household at the price at which he himself bought," but a fourth part of the purchase was to remain with the buyer.¹ Another of the Laws of the Gild, made in regard to the purchase of herring, limited this right to those who were present at the buying of the fish; any other who might wish to share in the bargain was to pay to the buyer for his profit twelve pennies.² Entries having the same object are to be found at a much later date in the records of the burghs. Thus Aberdeen in 1563 would not allow any "neighbour" to buy more lime or coals than he could use, and any one importing more than he needed had to sell the same at the price at which he bought it. The principle found in the Laws of the Gild was more explicitly announced in the Records of Edinburgh in 1523, when the "baillies and counsall statutis and ordanis that fra this day furth quhat nychtbour fremen of this toune that beis present quhane ony vther nychtbour makis ony merchandice or bargane with strangearis in bying of ony merchandice in Leyth or vther place, and he desyre ane pairt thair of, that he sall have it of the pryce as the bargane beis maid, he payand his pairt of the money promittet for the merchandice incontinent as the pryce beis maid thairvpoun".³

Numerous regulations were also passed in order that the price of the necessaries of life should not rise too high, and, in particular, regulations in regard to regrating and forestalling were of frequent occurrence. The regulations in regard to the common bargain, already referred to, were in fact largely directed against the practice of forestalling, but more definite regulations were made. In Edinburgh, for

¹ Stat. Gild., xxvii.

² Stat. Gild., xli.

³ E. R., i., 213.

example, an early regulation of 1507 excluded regrators from the market until the people of the town should be first served,¹ and later, in 1529, the time during which regrators should be excluded was made more definite. It was then enacted that no one of this class should appear among the buyers and sellers until twelve noon in the morning market, and not till six o'clock in the evening market.² Even more precise was the enactment of 1541 excluding regrators before midday and between two and six of the afternoon, and by this regulation the offender was subject not only to the forfeiture of the goods bought but he was also condemned to have his cheek branded.³ A later regulation, made in regard to fish, allowed the regrators to purchase only between twelve and one o'clock, and after six in the evening.⁴ In regard to the general question of regrating, there are countless measures to be found both in the records of the Convention of Burghs and in the records of the various burghs. The magistrates of Edinburgh found it a subject which demanded constant attention, and passed numerous regulations, more especially in regard to the regrating of wild fowl. For the most part these take the form of direct prohibition, but there is one enactment of 1529 which shows a more modern view of the functions of the middleman. By this measure the purchasing of wild fowl in order to regrate was forbidden within six miles of Edinburgh, and it is possible that it was realised that the operations of the regrators beyond this limit might be beneficial in tending to increase the supply.⁵ Another method of dealing with the question was soon afterwards adopted in the issue of licences by the provost, but this appears to have been a temporary expedient of which little is heard.⁶

The regulations against regrating were devised in order to prevent prices rising unduly. Another method of achieving the same end was by directly fixing the prices. Thus a proclamation of Edinburgh in 1583 gave power and commission to the baillies to fix the price of butter, cheese, fish and

¹ E. R., i., 112.

² E. R., ii., 7.

³ E. R., ii., 107.

⁴ E. R., ii., 158.

⁵ E. R., ii., 7.

⁶ E. R., ii., 27.

poultry on each market day,¹ and an Act of the Scottish Parliament in 1587 made arrangements for the appointment in each sheriffdom of a commission of eight to fix the price of wine and timber imported into the country—a duty which by an earlier Act of Parliament had been entrusted to the magistrates.² The fixing of prices had indeed long been part of the regular duties of the baillies and officials. In the Edinburgh Records the entries fixing the price of bread, malt, oil, meal and other provisions are of frequent occurrence, and indicate that the fixing of prices had usually taken place about October.³ At times the principle of fixing prices was extended to other articles, and the Edinburgh Records under 6th January, 1563, show in the regulations as applied to various kinds of boots the extent to which municipal interference was carried.⁴ About the same time Aberdeen extended the principle in order to determine the price which a blacksmith should receive for shoeing horses, “the grytest horss schone sex s. viii d. ; smaller horss and neggis four s.”⁵ The reasonableness of a certain margin was, however, recognised, and the prices fixed were not in all cases so definite as those given in regard to boots and shoes. Thus the candlemakers of Edinburgh were in October, 1529, ordered to make their candles of “gud and sufficient stuff,” and one quality of candles they were to sell “commonlie” at sixpence, and another at fivepence the pound,⁶ and similarly the prices of fish, poultry and game were not explicitly laid down, though in general a maximum was given, and it is clear that the object was to

¹ E. R., iv., 298.

² Acts, iii., 451, c. 36.

³ In Peebles, flesh pricers and ale-tasters appear to have been appointed annually about the first week of October (P. R.).

⁴ “The pair of double soillit schone of the lairgest mesour, weill wrocht, sufficient wark and sufficient stuf, for ij s. viij d. ; the pair of single solyt schone of the lairgest mesour and wark, ij s. viij d. : the pair of fynest doubill solyt buttes of the like mesour and wark xx s.” (E. R., iii., 155).

⁵ A. R., ii., 38 (1580).

⁶ “And at thai sell the pund thair of commonlie for vj d the rag weyk, and v d the lib. the hardis weyk” (E. R., ii., 6).

make the price as low as conditions would allow.¹ The prices fixed appear to have been arrived at after due consideration of the circumstances of the case. Thus in 1553 the baillies and council fixed the price of wines "haiffand consideratioun that the wynis ar sauld this yeir in vther pairtijs, beyound sey in Burdeelis and vther pairtijs quhair thai vs to be bocht and of the fraucht and vncostis thairof",² and in 1565 the prices of wine were fixed after conferring with, and taking oaths of merchants arrived from Bordeaux concerning the price of wines.³ The same principle was adopted by the Act of Parliament, passed in 1587, which required the importer of wine to bring with him as a guide to the prices a certificate stating the prices of wine in the country from which it had been brought.⁴ It was chiefly in regard to wine, salt, timber and provisions that these regulations were made, but the price of general merchandise of which the arrival was unexpected appears to have been fixed in the same way. Thus in 1546 after the capture of certain vessels by "the Christopher and her company," the provost and baillies fixed the prices of such miscellaneous articles as wheat, rye, wain-scotting, deal, lint, wax, tar and pitch,⁵ and shortly after this, in 1548, the magistrates of Edinburgh took measures to

¹ An entry in the Edinburgh Records (8th Dec., 1553) is interesting as showing the relative values of different kinds of poultry. "8 December 1553. It is statut and ordanit be the prouest baillies and counsall of this burgh that na maner of persone indwellar within the samyn nor vtheris our Souerane Ladiis liegeis repairand thairto with wyldmete and tame foullis to sell, take vpon hand to sell oney darrar wyldmete nor tame foullis bot of the prices following, viz.: the best capon xvj d., the best hen x d., the best tame guis xx d., the best wyld guis, viz, harroke and skilling guis iij s., the clack and quynk xxvij d., the best cunnyng xvij d., the best pordrik xvj d., the best woidcoke viij d., the best pluver vj d., the best snype ij d., the best wyld duik xij d., the best teill iiij d., the best quhaip viij d., the best tuqueit iiij d., the best pudzeoun ij d. obl., the best mure hen vj d., the best blak cok x d., the best gray hen x d., the best capercalye xij d., the best quailye iiij d., the dotrell iiij d., the dosone lawerokis iiij d., the best chikkin v d., the powtre ourheid viij d." (E. R., ii., 184).

² E. R., ii., 185.

³ E. R., iii., 211.

⁴ Acts, iii., 451, c. 36.

⁵ E. R., ii., 123.

enforce a general law of the Scottish Parliament dealing with the subject, requiring that the provost and baillies of Edinburgh should fix the prices of all goods brought in at Leith, and consequently all who imported such goods were to offer their merchandise to have the prices fixed, and they were forbidden to break bulk till this was done.¹ The regulations passed by the magistrates do not, however, at all times appear to have been enforced with sufficient care, for a higher authority was sometimes compelled to intervene to ensure a stricter compliance with the law. In 1536 the magistrates of Edinburgh were thus ordered to charge all the merchants who were in possession of certain kinds of cloth not to raise the price of such goods above what had been customary, and any one who could prove that a merchant had made himself liable to the penalties of this enactment was to be rewarded with a quarter of the forfeit imposed.² Some years later (1548) a similar interference was made in regard to the price of wines, when the Privy Council complained that wine was not being sold at the price agreed upon, and that those who had wine concealed it and refused to sell at the established price.³ Even more important was the action of the Privy Council in January, 1556, for on this occasion their regulations extended to provisions, and to those articles the price of which it was peculiarly the province of the magistrates to determine. Very detailed instructions were given to the provost and baillies as to the price of "ane capone xx d., ane hen xiiij d., and tame guse ij s., ane tame duke xiiij d.," and so on, and there can be no doubt that the action of the Privy Council was to a certain extent an infringement of the rights claimed by the magistrates.⁴

Regulations were also made in order that the price fixed by the magistrates might be observed in the market place. Any one discovering a regrator refusing to sell at the price fixed was authorised to "withhold" the meat until the arrival of the burgh officials, and no penalty was incurred by

¹ E. R., ii., 142.

² E. R., ii., 76.

³ E. R., ii., 144.

⁴ E. R., ii., 231.

such interference.¹ An entry in the Edinburgh Records also shows that those selling above the price fixed were liable to forfeiture of their goods. On 5th November, 1557, the provost and baillies were thus called upon to dispose of the wine which had belonged to David Somer who had forfeited it for his "inobedienttis and braiking of the statutis be selling of the said wyne aboue the price statute".² In other cases a fine was imposed as when Philip Belman had to pay an "amerciamento" to the magistrates of Aberdeen for having sold an apple for a penny "quhar he nicht have sauld thre for ane penny".³

From the fixing of prices by the magistrates to the making of bargains the transition is slight, and it is accordingly not surprising to find that the principle of the common bargain played a large part in the life of the Scottish towns of this period. There are regulations which show that the common bargain had been developed at a fairly early date. In 1462 victuals and timber arriving at the port of Leith were to be bought at the Tolbooth, and in order to assist the magistrates and the "neighbours" of the town, no one was to warn the strangers of the price of victuals in the country.⁴ Before this (1436) the magistrates had determined for the "common proffitt of the burgh" that they should purchase on the arrival of any vessel in Leith, wheat, meal, rye, malt and beer, and that these should be distributed to the commons by two distributors appointed for the purpose, and a penalty was imposed on any one who presumed to buy at a higher price than the magistrates.⁵ At a later date more elaborate regu-

¹ E. R., ii., 92, 10th Dec., 1538. The regulation is made in regard to the price of poultry and fowls, and the wording of the enactment is such that the arrival of the burgh official may have led to further disputes. It begins by stating the prices which the magistrates have fixed and which are not to be exceeded, "viz., the pair fatt cunings for xl d., and vtheris that ar nocht verray fatt for ij s. or xxviii d. the maist, the lakkest sort for xvj d. or xx d. the pair."

² E. R., iii., 12.

³ A. R., i., 75.

⁴ E. R., i., 19. The effect of the regulation is not quite clear. In the event of any one buying to regrate, the officers were to seize the goods, and distribute among the "nychtbours" at the price offered at the Tolbooth.

⁵ E. R., i., 4.

lations were made in regard to the inevitable conflict arising between the towns and private citizens as purchasers. On the arrival of the vessel at Leith the bellman was to be sent round, and the provost was thereupon to endeavour to effect a bargain on behalf of the whole neighbourhood. If no agreement was made the merchant might then sell his goods to any individual freemen, and others were entitled to share his bargain with him at the price which he had paid.¹ In 1490 this arrangement was extended to the case of timber. In the event of the town failing to make a bargain, and a private purchaser "in greitt" having come forward and having declared on oath at what price he had bought the victuals or timber, the bellman was to be sent round the town announcing that goods were for sale at such a price and "thai that byes the same in small thai sall mak fayth that it is to thair awin vse and nocht to regraitt agane".² This opportunity was to remain open for twenty-four days.

There were, however, limits to the extent to which the principle of the common bargain was admitted. The case having been raised by Edinburgh in 1517 in regard to a vessel of timber, it was clearly laid down by the Lords of Council that the king's comptroller had a right to buy as much timber as was required for the use of the king before the magistrates were at liberty to purchase.³ The Act of 1540 also required that the king should be first served, that the noblemen of the realm, prelates and barons, should have the second claim, and that thereafter all and sundry should be entitled to buy at the price fixed.⁴ There was, moreover, another restriction in regard to those who could share in such bargains. The purchase of wines had early been made by the baillies and council, who had declared that it was "evinlie to be deuidit betwix the hale tavernaris" at the prices which the magistrates had paid.⁵ This wholesale distribution must of course be interpreted with reference to the general conditions in regard to free citizenship and membership of the gild, and such restrictions were in fact explicitly

¹ E. R., i., 37.

² E. R., i., 60.

³ E. R., i., 169.

⁴ Acts, ii., 373, c. 18.

⁵ E. R., i., 119.

announced. On 5th January, 1547, Edinburgh appointed two distributors to dispose of wine which had lately come from Bordeaux, but their instructions clearly indicate the limitations under which such distributions were effected: "Item, that thair dilyver nane of the said wynes to ony of this burgh bot to thame that are bayth burgers and gild".¹

The craftsmen were indeed in certain cases to be considered, but the result was not to enable them to share in the common bargain distributed at cost price. On the arrival of goods at Leith it was laid down that the representatives of the crafts should be called "to the effect gif ony of the craftis hes ado with sic guidis as ar convenient for thame and beis inbrocht"; if so they were to have the first choice, but this did not take the form of a common bargain: the goods were to be offered to the highest bidder, and whatever was realised above the established prices was to be handed to the treasurer and devoted to common works for the benefit of the town.² In some cases later the deacons of craft made similar bargains on behalf of craftsmen, but the other case was more common, and continued to be the common practice till the eighteenth century.

Endeavours were frequently made to effect a fair distribution. To do so a certain amount of compulsion was at times necessary. Thus in 1545 Aberdeen threatened those who refused to take their share with loss of freedom,³ and somewhat later the Aberdeen Council decided that those who shared in the last cargo of the Flemish ship should have no part in the next, but that it should be divided among "the remanent of the nyctbouris that gat na part of the geir of this schip".⁴ Notwithstanding this in 1561 a complaint was made of "indiscreit distributioune—for the cummodite of certane particular personis," and to remedy this the gild brethren were divided into four sections, to which the distribution was to be made in rotation, and if any quarter refused its ship in turn it was to have no share during the following year.⁵ Naturally, however, the magistrates had at

¹ E. R., ii., 126.

² E. R., ii., 129 (1547).

³ A. R., i., 221.

⁴ A. R., i., 265.

⁵ A. R., i., 334.

times some difficulty in disposing of their bargain, and this difficulty tended to become greater. Earlier in the same year the provost and baillies bought the cargoes of two French ships containing wine, and were unable to dispose of their purchase, as the inhabitants of the town refused to accept the wine. The merchants were warned that the provost would proceed to sell the wine, and that in future, preference would be given to those who should take this bad bargain off their hands.¹ Even more rigorous measures were taken by Glasgow. In 1598 a common bargain of salt had been made, and the salt for want of purchasers was beginning to spoil; the freemen of the town were ordered to come and take their share under penalty of being put in ward until the price of the portion allotted to them should be paid.²

We have already seen in the case of Edinburgh the rights which the Crown reserved to purchase before the magistrates, and the liberty which was ensured to the traders to refuse to conclude a bargain with the magistrates. This freedom of the merchants was recognised but was not always observed. In the Convention of 1580 certain merchants appeared, and made complaint against Elgin and Forres that they had been compelled to offer to the magistrates of these towns their cargo of salt, wine and other merchandise.³ Accordingly in the Convention held in the following year these towns were held to have exceeded their powers, and the general rule was affirmed that the merchant should have full liberty under such circumstances.⁴

¹ A. R., i., 339.

² G. R., i., 189. There is an earlier instance in the Aberdeen Records, showing the anxiety of the magistrates to disclaim all responsibility should the town suffer loss through the common bargain. In 1541 the bellman was sent through the town warning the inhabitants that if they did not come and take their share of a supply of beer which had been bought they would get none. Thereafter "nane of the nychtbouris compering bot ane certane [few] thair of, quharfor thai tuik nott and act of court, that it wes nocht in thair defalt gif the toun wer skatht in selling of the said beir, for the causis forsaid, becaus thai hed varnit the toun to cum and resaif the same, and thai comperit nocht" (A. R., i., 178).

³ C. R., i., 106.

⁴ C. R., i., 111.

There are occasional indications that the common bargain effected by the magistrates was replaced by a more or less direct kind of municipal trading. It appears from an entry in the Glasgow Records under 1646 that a representative had been sent to Dumbarton to agree with them "anent the bargane of tobacco brought in be strangeris for the behuif of baith the brughes".¹ It is not clear whether this refers to a joint venture in foreign trade made by the burghs, or more simply to a joint purchase. The Aberdeen Records, under date 1489, make mention of the "craft schip salande out of the port of Aberden".² This craft ship can hardly be the venture of one of the crafts, for at that date the crafts had not achieved any freedom in merchandise, and the exact meaning of the phrase is not at all clear. In 1528 the baillies and Council of Edinburgh decided to sell the ship called the *Portingall Bark* "pertenand to the toune,"³ but here again it is not at all clear how the ship belonged to the town. It is possible that these entries have no reference to anything of the nature of municipal trading, but such joint ventures would have been in no way alien to the spirit of Scottish commerce. As early as the reign of David II. we hear of merchants being sent out by companies of nobles and barons. The Crown itself had a direct interest in trade: to pay David II.'s ransom, it was enacted by the Scottish Parliament that all the wool and wool fells of the kingdom should be given to the king, and it is supposed that the king afterwards sold these at a high profit to foreign merchants.⁴ Under such circumstances it is by no means improbable that the towns of Scotland learned to carry on trade in their interests, and probably the entries in the burgh records already mentioned have reference to some such municipal undertakings.

¹ G. R., ii., 94.

² A. R., i., 416.

³ E. R., ii., 1.

⁴ Tytler.

CHAPTER III.

RISKS OF SHIPPING AND PIRACY.

AT the close of the preceding chapter reference was made to the possibility of there having been municipal ventures in trading. The chief difficulty in accepting this interpretation of the facts is to be found in the risks of foreign trade which were probably too great to admit of municipal action. The Edinburgh Records speak habitually of foreign trade as the "wyld aventouris," and this name appears also in the treasurer's accounts for the city as the official title applied to foreign trade. The hand of God and the king's enemies were the great risks of trade in early times, and it has been mentioned in an earlier chapter that Alexander III. forbade all exports in Scottish ships on account of the loss sustained from pirates and from storm. The dangers of winter navigation were so great that it was an almost universal custom to lay ships up for the winter, and the mariner had perforce to remain where the inclement season overtook him. The close season varied but little in the northern seas. The Hanseatic regulations were that no ship should sail between Michaelmas and Candlemas (29th Sep. and 2nd Feb.), but exception was made in the case of two articles, herring, which had to reach its port of destination before Lent began, and beer, which might spoil in warmer weather. An Act of the Scottish Parliament in 1466 prohibited the sailing of ships with staple goods between the feast of Saints Simon and Jude and Candlemas (28th Oct.—2nd Feb.), the penalty being five pounds of "usual money,"¹ and another Act of the same year forbade the taking of goods to various parts of Flanders after the feast of St. Peter ad Vincula (1st Aug.), and merchandise

¹ Acts, ii., 87, c. 5

was to be removed from these towns¹ before the same date. In 1535 this Act was reinforced under increased penalties, but an important exception was made in the case of ships bringing in salt or wine, which might during the forbidden months sail with any kind of merchandise.² The limitation of these statutes to staple goods shows the tendency to convert what had at first been a safeguard against wintry weather, into a regulation partly of a fiscal and partly of an administrative character. The same tendency is seen in an Act passed at the same time as the last-mentioned statute (1535), which required that no vessel should sail to Flanders oftener than twice a year for "the Pasche mercate and the Rude mercate," the object being doubtless to concentrate trade and so avoid risks from pirates.³

As mariners became more skilled, these regulations naturally fell into abeyance. October, as we learn from a letter of James VI. (1604) relative to elections in burghs, was the month when merchants sailed to France to purchase wines.⁴ The principle of prohibiting sailing of ships in time of danger was, however, not wholly forgotten. An Act dated 8th July, 1643, after reciting the damage that had been done by Dunkirk frigates and Irish rebels, ordered proclamation to be made that no one should presume to conduct any ship out of the kingdom without express licence, "till the first of August next". This measure forbidding freedom of export was to be enforced under penalty of confiscation of the ship and the goods.⁵

At first little appears to have been done to reduce the natural risks arising from navigation, and it marks a great step in advance when the burghs began to erect beacons. In 1566 the Council of Aberdeen decided to erect a "gryt bowat or lamp" on St. Ninian's Chapel on the Castlehill, to guide the ships on entering the harbour.⁶ It appears, however, that such a lamp had been in existence at an earlier

¹ Acts, ii., 87, c. 6. The towns mentioned are Sluis Damme and Bruges. The river Zwin is also referred to.

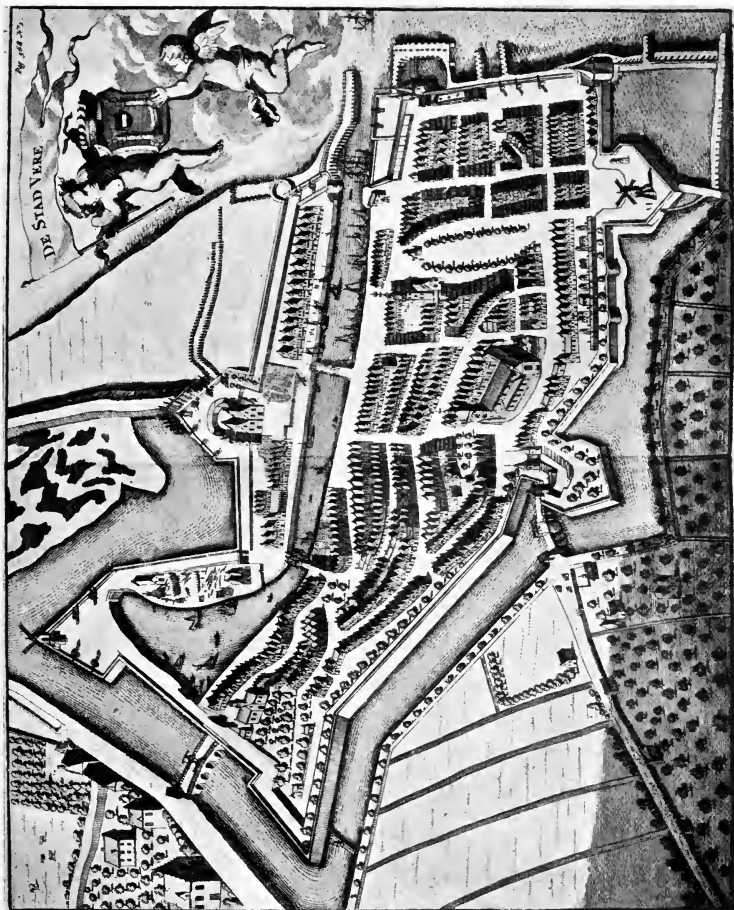
² Acts, ii., 348, c. 33.

³ Acts, ii., 349, c. 34.

⁴ Maitland, p. 55.

⁵ Acts, vi., 12.

⁶ A. R., i., 361.



OLD VIEW OF VEERE.

(From Smallegange's "Nieuwe Cronyk van Zeeland".)

time. For the maintenance of this signal an elaborate system of dues was levied on ships entering and leaving the harbour. The dangers to which mariners were exposed may perhaps be inferred from the gratitude with which the Aberdeen Council in 1598 rewarded a pilot for presenting a sea chart to the town. In the opinion of the Council this map contained many good and profitable instructions for those who should trade to any foreign country, as it was, in fact "the hail universall see kart of Europ, Affrica and Asaia and new found landis of America".¹ The question of erecting a beacon at Fifeness was raised in the Convention in 1625 by the knight of Balcomie, but difficulty arose in deciding the best situation for this purpose.² In 1631 a letter from His Majesty drew the attention of the Convention to the dangers arising from the want of a beacon on the Isle of May.³ An arrangement was afterwards made whereby an impost was levied for this purpose on all ships coming within Dunnottar and St. Abb's Head, and this received the approval of Parliament in 1641.⁴ Legislation along these lines was, however, long delayed, and the disposal and appropriation of wrecks remained the subjects of primary consideration. Even the Church participated in the gain arising from this source, and many monasteries had conveyed to them the "wreck of ships". Commerce was not yet so extensive as to make shipwrecking, as it became in later ages, a lucrative and nefarious occupation.

In the entries dealing with the subject of wrecks there is, however, a steady advance.⁵ In one of the earliest records (1323) the king undertook to restore goods cast ashore from ships of England, Wales, Gascony and Ireland, unless the

¹ A. R., ii., 158.

² C. R., iii., 179.

³ C. R., iii., 328.

⁴ Acts, v., 494, c. 257.

⁵ Wyntoun relates an incident, showing the early attitude on this question. He tells how a fleet of ships came into the Firth of Forth:—

The grettast a schype off thame al
 There brokyn wes in pecis smale.
 The Scottis men than thyddyr past

And all the gud thai tuk wp fast. (Bk. viii. ch. 29.)

goods belonged to him or any of his subjects "par lai de wreck"¹—an undertaking of some elasticity which can have afforded little security to the foreign merchant. In a law passed in 1430 an intermediate position was assumed. It was enacted that the ships and their goods should be forfeited to the king, only in those cases where this was the law in the country to which the vessels belonged. In other cases the protection which the law of their country would have afforded to a Scottish wreck was to be accorded to them.² This law seems to represent a transition stage in which the wrongfulness of appropriating wrecks was in theory admitted, while at the same time an attempt was made to lay the responsibility on the defective or unjust laws of other nations. Such a position could not long be logically maintained, and doubtless the abandonment of this position may be traced in the proceedings of Parliament in 1526 which ordered the restitution of the anchors, cables, sails, artillery, powder and other goods taken from a Danish ship wrecked near Aberdeen, and pillaged by the inhabitants, without making any reference to the law of Denmark in regard to wrecks.³ The old idea, however, still survived, and in 1581 a grant made to the Earl of Orkney included the "haill wraik and wayth" found within these lands or on the sea-coast.⁴

The greatest danger arose from piracy, and the gradual change in the attitude in regard to robbery on the high seas is an interesting test of the development of commerce. Professional piracy was not the only danger, at first was not even the greatest danger. In early days before the development of conscience in these matters, and before the disastrous consequences of piracy to all concerned became apparent with the increase of the volume of commerce, most traders were prepared to turn pirate when occasion offered. The professional pirates who harassed the Hanseatics were of another character, and till the development of the Dunkirkers in later centuries, Scottish trade was not much exposed to deprivations of this sort. Indeed the North

¹ Acts, i., 480.

² Acts, ii., 19, c. 15.

³ Acts, ii., 302.

⁴ Acts, iii., 255.

Sea in its northern expanse was not a fruitful field, and the towns and harbours of Scotland were not rich enough to hold forth any temptation to the sea robber who could easily gain greater spoil elsewhere. It was not till the North Sea in the fourteenth century became the haunt of fishermen that the northern seas became dangerous. We hear more of pirates in Scottish waters in the fifteenth, sixteenth and seventeenth centuries. Till then the Scots were, as likely as not, the aggressors, and many of the incidental notices we have of Scottish trade and shipping we owe to the complaints of foreign traders—Hanseatics and Flemings—about Scottish pirates. Between Scotland and England complaints were of frequent occurrence, and piracy on the high seas was as natural a diversion as a border raid. Indeed it may be said that as on the borders, so on the sea there never was peace with the “auld enemy”. Nor was Scotland the only aggressor. James I. was taken prisoner in time of peace, and this episode was one which the Tudor sovereigns were anxious on more occasions than one to repeat.

When ships were taken, recourse was had to a system of reprisal of the most arbitrary sort, and this continued till the nations or towns concerned grew tired, and contrived to effect a truce, when piracy became more occasional but perhaps not less frequent. Individual responsibility was not dreamed of. A Scots merchant defaulted in some payment in Flanders and his angry creditors seized the ship or the goods of some other Scots merchant within his power. A Scottish ship plundered a ship of Bremen and Bremen instigated her skippers to make war on Scottish ships wherever they might be met.¹ Many incidental references

¹ In a pamphlet published in Bremen in 1769 (*Merkwürdige Urkunden eines Vertrags zwischen Jakob II. König in Schotland und der Stadt Bremen*, by J. P. Cassel) four documents are reprinted, illustrating one such breach on the high seas. In this case the burgesses of Bremen were the aggressors to their own cost. The indiscriminate warfare was begun by the capture of a Scottish ship laden with leather and cloth, and thereafter ships were taken as opportunity offered. In August, 1445, James II. appointed Commissioners to appear before the Burgo-

are to be found in the records of the Scottish burghs illustrating the precautions necessary under such an arbitrary system. Thus in 1485 any one in Edinburgh who bought "reft guidis that happinis to cum in be sey" had to find surety that the town and merchants would be "skaythles of ony clame thairefter to cum,"¹ and the Aberdeen Records show a similar desire to take such precautions to satisfy inhabitants of Danzig and Campvere in order that the town might not suffer from the evil actions of unsatisfied creditors or outraged shipowners.² Notwithstanding their desire to have the town "skaithless" the magistrates of Aberdeen were not slow in making reprisals on the capture of an Aberdeen ship (1522).³ The spirit of commerce is, however, individualistic, and the system of collective responsibility was dissolved by the progress of commerce itself. As early as 1320 we find the Netherlanders, according to Cosmo Innes, desiring the communication of trade with the additional privilege that each man should be responsible for his own debts. Even the system of reprisals, which seems so barbarous an expedient, was an improvement on indiscriminate piracy. It secured at least a certain amount of consideration and some estimate of the consequences. Thus we find in the records of the maritime towns of Scotland

meister and Councillors of Lübeck, Bremen, Hamburg and other towns in order to establish a better understanding. The second of the papers contains the results of the efforts of the Commissioners. Reference is made to the previous losses. The citizens of Bremen were careful to make it clear that though they were prepared to make terms, they were not obliged to do so on account of their losses, "jodoch to leve unde to willen den Ergenompten unsen gnedighen heren unde sinen Koningliken Gnaden," as well as for the sake of peace, it was agreed to give the king a ship called the *Rose* fully equipped, and also forty lasts of beer. The burgesses of Bremen also agreed to ask no reparation for their own losses, and in particular for three vessels which had been taken. Considerable ceremony was observed in concluding this agreement, which we learn from the third document was ratified, "auf dem ofnen Platz, unter freien Himmel vor dem Erzbischöflichen Pallast". In the last paper James promises the burgesses and citizens of Bremen his especial aid and protection in trading in Scotland.

¹ E. R., i., 50.

² A. R., i., 404, 414.

³ A. R., i., 100.

instances of a disposition to be strictly fair towards those who claimed that in time of peace or of truce they had been plundered by ships of that burgh. The next advance made was with the issue of letters of marque—an advance which, however, also presents the appearance of retrogression. Piracy was thereby licensed by the sovereign, and half the exploits of the famous Bartons were piratical expeditions under letters of marque. James IV. was active in the issue of such letters. He threatened the magistrates of Danzig because of their treatment of Scots trading in the Baltic, and in reply to Dutch piracy he fitted out a vessel and entrusted it to Andrew Barton, with a commission to effect reprisals, which was done to such effect that Barton sent to the king the gruesome offering of “certane pipis with the heidis of the Holandaris”.¹ It was held to be quite lawful to issue such letters of marque when compensation had been refused for some act of piracy, and when another of the Bartons, called Robert, fell into the hands of the magistrates of Campvere, who, on the complaint of some Portuguese merchants whose ships had been seized, were intending to hang him as a pirate, James wrote with perfect confidence in the issue to Maximilian, King of the Romans, that the matter was quite legitimate inasmuch as letters of reprisals had been properly issued to the Bartons, father and son, in consequence of the capture of a ship commanded by Barton’s father, thirty years before, and that the capture in question was merely the natural outcome of these letters, whereby the claims of justice long delayed were at length satisfied. Soon after this,

¹ “In this symmer ane greit and costly ship quihilk had bene apoun the Kingis expenses, wes compleit, and sett furth into the raid of Leith the sevint of July; and the King salit himself into her to the yle of Maij in the firth and wes drevin in agane with storme, bot wes schortlie thaireftir send furth agane to the seas with sindre vailyeant gentill men into her aganis the Holanderis quha had takin and spoyleit divers Scottis ships and crewally had murdrest and cassin overburd the merchauntis and passingeris being thairintill, bot for revenge of the samyn Andro Bartone did tak mony shippis of that cuntry and fillit certane pipis with the heidis of the Holandaris and send unto the King in Scotland for dew punishment and revenge of thair crueltie” (Leslie, i., 74).

however, Andrew Barton's career as a licensed pirate came to an end. Returning in 1511 from Portugal, where he had committed many depredations on the strength of various letters of marque, he was attacked by the English and slain, and his two vessels were captured. James at once wrote demanding the restoration of the ships, and redress for such an outrage in time of peace. To this Henry briefly replied that the death of a pirate should not affect the relations between the two countries.¹ Apparently the dispute with Portugal remained for many years, for in 1564 an Act of Parliament, after reciting the "intolerabill skaith sustenit thir mony yeiris" owing to the letters of marque granted to the Bartons against the King of Portugal, repudiated these letters, and those who acted on pretence of the said letters of marque were to incur the danger and peril of the law.² When letters of marque were issued, the offending party made haste to secure their withdrawal either by doing justice or by representing that justice had been done.³ In making representations considerable ceremony was at times observed. In 1487 a deputation of three, including two burghesses, was sent to the King of the Romans in the matter of the "Cullonars claim," of which nothing is otherwise known. The object of this embassy, which was conducted at the expense of the whole body of merchants of the burghs, was to obtain the withdrawal of certain letters of marque,

¹ "To the quhilk it was anuerit be the King of Ingland that the slauchter being ane pirat, as he allegit suld be na break to the peace" (Leslie, pp. 82, 83).

² Acts, ii., 544, c. 25.

³ A letter of marque was obviously a very uncertain method of obtaining reparation, and might, and in fact frequently did, result in further losses. Thus in 1591 a complaint was lodged with the Privy Council in regard to a letter of marque which had been issued to Thomas Ogilvy of Dundee. Ogilvy's ship had been taken by "professouris of the Unioun and League callit the Halie League" of France. Apparently, however, the letter of marque had not the desired results, and the petition referred to was presented when the evil effects were beginning to be felt. It was decided that the letter of marque should be exercised "onlie aganis the inhabitants of sic burrowis as ar specialie and expresslie mentionat thairin" (Privy Council Register, vol. iv., p. 615).

and the ambassadors were entrusted with the seals of the lords who gave the sentence in Scotland in order to prove that justice had been done.¹

It is quite clear, however, that by the beginning of the sixteenth century the pirates had come to be considered common enemies and their suppression a matter of national duty. Prevention of outrage, rather than revenge after the event, came to be the accepted policy. During this century the entries relating to sentences passed against pirates become more frequent,² and the capture of pirates was regarded as a public service which was rewarded accordingly, as when the magistrates and baillies of Edinburgh in 1555 pardoned two offenders "in respect of thair gude service done in taking of the pirat laittie on the sey and of thair offir of thair service in tyme cummyng to the toune".³ The records of the Privy Council about this time show that an unceasing effort was being made to repress piracy, and where possible an effort was made to satisfy the claims of justice by compelling the restoration of goods stolen on the high seas. Towards the end of the century there are frequent petitions against English pirates. In 1574 the Scottish burghs were willing to cooperate with English ships of war in clearing the seas "of pyrattis and vtheris wicked personis,"⁴ and in 1587 the burghs united in fitting out a boat for the suppression of piracy;⁵ still later, in 1631, there is mention of a joint expedition fitted out by Glasgow and Ayr.⁶

It was natural that the greater stringency which these measures denote should have been accompanied by an altered attitude towards piracy. The sense of its wrongfulness became more apparent. Its international significance was emphasised by the Convention meeting in 1570, which ordered Edinburgh to take measures against pirates who

¹ Acts, ii., 178, c. 11.

² "E.g., Item, for cords to hang and bind uthir vj Inglismen peratts on the gallows of the Borrow Mure—iiij s. Ed. Accounts, 1554-5." (E. R., ii., 298).

³ E. R., ii., 219.

⁴ C. R., i., 27.

⁵ C. R., i., 242; E. R., iv., 500.

⁶ G. R., ii., 5.

were then living at Leith "knauing thameselves and the hail lieges of the realme to be in amitie and friendschip with all nationis".¹ In 1589 a step in advance was made when the Convention strictly ordained that no pirate should be received or entertained at any free seaport, and the magistrates were to enforce the law under a penalty of a hundred pounds—the same penalty which was attached to the offence committed by a citizen who failed to assist the magistrate in executing this part of his duty.² The most complete condemnation of piracy on moral grounds had, however, been made by Edinburgh in a proclamation in 1561, forbidding the purchase of captured goods lately brought to Leith. Professors of the true gospel could not, the magistrates considered, buy such goods with a clear conscience, remembering their duty to deal with their neighbours as they themselves would be dealt with.³ A proclamation of a similar nature was made in 1570, forbidding trafficking with such pirates' goods "quhilk may engender greitt inconvenienttis";⁴ while in the following year a similar prohibition was enforced since "it has plesit God that the hail subjectis of this realme standis on amytie and freindschip with all forrane nationis".⁵

¹ C. R., i., 21.

² C. R., i., 305.

³ The text of the proclamation is as follows: "Sen it has plesit the Almychti, of his omnipotent mercye and gudenes to oppin the lycht of his worde and mak patent to ws, the professouris of his maist hally gospell, our dewtie towert our nychtbouris and in speciall towert the innocent laying to oure charge, to deill with everye cristiane broder and nychtbour as we oure selfis wald be delt withall; and hering that laitlie thair is arryvit certaine prissis apprehendit vpoun sic ground as God knawis alwayis, to the apperance of the godlie sic guddis as may nocht be bocht or sauld be ony faythfull with saif conscience, quahaifor I command and charge in oure Soverane Ladeis name, and in name and in behalf of my lord prouest and baillies of this burgh, that na maner of persoun, merchant craftisman nor vther occupear nor induellar within the samyn or boundis thairof, intromet blok by or sell ony of the saidis prisses or guddis, being thairintill, nor be participant of the bloking, bying or selling thairof, vnder the pane of thair fredome for evir and pvnischement of thair personis without fauoris at the juges will" (E. R., iii., 111).

⁴ E. R., iii., 275.

⁵ E. R., iii., 283.

Aberdeen at an earlier date (1546) had passed a similar regulation to the effect that no one should in any way have any dealings with such goods without the consent of the baillies and council. Thus it was hoped the town would be kept in "a guid bruit and name".¹

It is interesting to note, however, that the more primitive methods continued to be enforced at a surprisingly late period in Scottish history. In 1626 the Convention petitioned for letters of marque "against the commoun enemye," and "as for the lettres of mark," the record continues, "his Majestie wes weill pleased to graunt the samin".² About the middle of the century letters of marque were granted to boatmen of Greenock who had been robbed by Irish frigates.³ Of still later date is the entry in the orders of the Committee of Estates (1689) in which the petition of a Captain Burd was granted, authorising him to detain a Frenchman and his ship until the liberation of his son, who appears to have been a prisoner at Dunkirk.⁴ Even more primitive methods of

¹ A. R., i., 241. The magistrates of Aberdeen were very jealous for the good name of their town in this connection. Since the death of James V. they said "this guid tounn and inhabitantis thairof hes keipit thair handis clein, and done na vrang, hurt nor trubill to na maner of schipis nor personis of Flanderis, Denmark, nor nane of the est partis". James V. had died four years before this. Aberdeen's record was, however, much more creditable than this fact might indicate. As early as 1444, when other treatment might have been expected, some shipwrecked mariners were asked if they had any cause of complaint against the town. "And the said maister and merchandis said thai wyst of na cause of playnt, bot the gude men of the toune had done right weile to thaim, of the quhilk thai thankit hartlie the gude men of the toune, requyring thaim of gude continuacion" (A. R., i., 11).

² C. R., iii., 214.

³ Acts, ii., 468.

⁴ "And Therefor humblie craveing the said Committee would grant warrand to the petitioner to arreist the forsaid Master Elwart his ship untill the petitioners sone ship and companie were liberate at Dunkirk as the said Supplicatione bears. Which being read heard and considered be the said Committee of Estates they doe heirby grant warrand to the petitioner to arreist the said Mr. Elwart and his ship wherever they may be found ay and whyll the petitioners son his ship and companie have their freedome and libertie to returne home from Dunkirk" (Acts, ix., Appendix 30). In this case, however, war had already been declared

retaliation were not forgotten at a late date. In 1589 the burghs petitioned the king, on the complaint of various merchants who had been pillaged by pirates of Dunkirk, to grant letters authorising the arrest of all persons and vessels belonging to that town.¹

To guard against these risks it was necessary that some system of insurance should be devised, and accordingly a rough and ready method of spreading the risk was adopted. All the goods on board the ship were made liable for the loss of any part plundered, and magistrates at the port were authorised to "sett ane scatt and extentt for releif of the personis dampnefeit as said is," and were further empowered to arrest goods and ship in case of refusal to contribute² (1575). Such a general law, however, required modification in the interests of the crew as well as of those who should subsequently bring goods on board, and accordingly five years later, clothes and "vther geir quhatsumever within sey kistis" and "vther gudes imput in the schip at ony vther port" were excluded from this joint liability.³ To prevent the sacrifice of the cargo to save the ship, the liability was, however, extended to the vessel, though this appears to have raised opposition among the skippers. The question of the responsibility of the owner of the vessel for loss incurred was not wholly lost sight of, and in the case of a ship called the *Jhone* sailing from Edinburgh to France, it was laid down that the "said schip be weill furnist with ankers and cabills," and in case any loss should arise from default of

against France. It may perhaps be mentioned that the declaration of war against the United Provinces in 1786 authorised the seizure of ships of his Majesty's fleet and by "all other ships and vessels that shall be commissioned by letters of marque or general reprisals or otherwise by his Majesty's commissioners for executing the office of high Admiral of Great Britain".

¹ C. R., i., 306. The same primitive method was adopted at a still later date. In 1644 as a result of complaints that the governor, sheriffs and captains of Carlisle had seized the goods, money and horses of travellers returning to Glasgow, a warrant was issued for the arrest in Scotland of the goods of any inhabitant of Carlisle (Acts, vi., 68).

² C. R., i., 45 ; ii., 494.

³ C. R., i., 99-100.

these the master was to refund the freight paid.¹ It was obviously a difficult matter to decide in which cases the responsibility for the loss incurred should rest wholly with the owners of the vessels, and in which cases it might be assumed that every precaution having been taken, the loss might fairly fall on the owners of the cargo as well as on the shipowners. In a long statement laid down by the Convention of Burghs in 1602, an attempt was made to effect a compromise which must in practice have been very unsatisfactory. It was thereby enacted that "gif the skipper happinis to cut mast, anker, or cabill, vpoun necessite and he with thre of the best men in the ship will sweir that he did the samyn for the saifty of menis lyffis and thair guidis, than sall the skaith cum vpoun the ship and guidis".²

A last contrivance for evading trading losses may be mentioned. The various towns which were, or hoped to be, chosen as the staple town for Scottish merchants in the Netherlands undertook to insure Scottish vessels against pirates in their home waters, and a clause to this effect was frequently inserted in the contracts drawn up. Thus Antwerp in 1540 guaranteed the stretch of sea between Antwerp and La Vere or Flushing, while in regard to losses at sea, assistance was to be extended to enable the Scots to have the privilege of recovering before any judge in the emperor's jurisdiction.

¹ E. R., ii., 66.

² C. R., ii., 142.

CHAPTER IV.

EARLY RESTRICTIONS ON TRADE.

IN the earliest period of Scottish commerce there can scarcely be said to have been any restrictions on trade in the modern sense, except on occasion of dearth or war. During the golden age before the War of Independence traders were encouraged, not restricted, but as we have seen trade was for the most part in the hands of foreigners—indeed when such legislation as that of Alexander III., prohibiting all exportation, was possible, it was inevitable that foreigners should be encouraged. It has already been pointed out that the class distinctions between burgesses and non-burgesses, and the endeavour of the burghs to secure a monopoly of trade within a certain area, threw many obstacles in the way of trade, but these were difficulties in the way of all who were burgesses of other towns, and not merely of those traders who were foreigners. Thus much was done to make trade a matter of difficulty, but there were no express prohibitions of trade. The *Leges Burgorum* and the *Gild Statutes*, in common with all early legislation, show no signs of active hostility to the foreigner as such, and there is no evidence that he was regarded with more hostility than was considered necessary by each burgh for the maintenance of its own trade. It is true that in the petty and king's customs a preference was in some cases shown to the home merchant in the shape of lower harbour dues, but this was due rather to the fact that the foreigner could pay, and did not arise from any desire to discourage the foreign trader.

After the War of Independence conditions were somewhat altered, but this was due rather to warlike conditions than

to theories about trade. A law passed in 1318 clearly indicates the reasons underlying such prohibitions. The exportation of goods or rents was by this measure forbidden, because the country was at war and the kingdom should not be impoverished by the exportation of goods.¹ A similar measure was passed in the following reign. David II., after eleven years' captivity in England, had been restored to his country by the treaty of Berwick in 1357. As a ransom a sum of 100,000 marks was to be paid, and one of the first measures of the Scottish Parliament was to enact that no cattle or sheep should be exported until the payment of this ransom.²

From the time of James I., however, there is a steady stream of prohibitions; most of these were indeed of a temporary character, and, if not explicitly limited to a year or a short term of years, were yet in the ordinary course of trade allowed to lapse. Regulations as to the sale of salmon had already been made in 1431.³ Five years later a Parliament meeting at Edinburgh made more precise restrictions on the sale of salmon, and other laws were passed limiting commercial freedom in various ways. Salmon were only to be sold to Englishmen who should come to Scotland, and only for English gold. If in spite of the safe conduct offered them the English should not come, then the salmon were to be exported, but not to England.⁴ Another prohibitive law forbade Scots to buy in Scotland wine of Flemings of the Dam, but it is not clear whether the object was to induce Scots merchants to trade abroad or whether the Flemings of the Dam had given special cause of offence.⁵ Another law of the same Parliament, if literally interpreted, would have put an end to all commercial intercourse with England,

¹ The preamble states the reasons for passing the measure: "Item ordinatum est et assensum pro communi utilitate regni et quia terra domini regis est de guerra quod non oportet propter hoc quod regnum suum depauperitur per alienaciones bonorum deportatas extra regnum, etc." (Acts, i., 473, c. 24).

² Acts, i., 491.

³ Acts, ii., 20, c. 2.

⁴ Acts, ii., 24, c. 10.

⁵ Acts, ii., 24, c. 11.

but probably full weight was not given to the less important parts of the enactment,¹ while the last Act of this Parliament was the first of a series of statutes forbidding the export of gold, silver and jewels.²

On the other hand, in time of dearth, foreign merchants were encouraged to trade with Scotland. In 1454 it was enacted that strangers were to be "favorably tretyt and thankfully payit for their wittalis".³ During the great famine about 1480, all restrictions on foreign merchants were removed, and the reason of the encouragement given was clearly stated in the various Acts passed. A measure passed in 1478 stated that victuals were "right scant" in the country, and that the "supportacion" of the realm was chiefly by foreigners; foreign merchants were accordingly to be honourably received and favourably treated.⁴ Even clearer was the statement of the object of these measures attached to an Act of 1481, where the favourable treatment of the merchants was expressly stated to be to induce them to come to Scotland, as the Scottish merchants had given up trade on account of the wars.⁵ The privileges of foreign merchants were more precisely secured by an Act passed in the following year, giving them liberty in their commercial transactions and freedom from new customs, impositions and exactions.⁶

For the purpose of meeting a dearth in the supply of provisions, the export of victuals was frequently forbidden. In 1468 it was enacted that "na ky oxin, schepe nor vthir catel" should be sold out of the realm,⁷ and in 1485 the ex-

¹ "That na man under the pane of eschet by ony English claith or vthir guds within the kinryk of Scotlande fra English men or without" (Acts, ii., 24, c. 9).

² Acts, ii., 24, c. 13.

³ Acts, ii., 41, c. 2.

⁴ Acts, ii., 119, c. 5.

⁵ Merchants were to be "faorable tretit and cherisit in tyme cuming to the Intent and effect to cause thame to cum within the realme considering that the merchands of this realme are throw weirs stoppit to exerce and use the course of merchandice and specially to gar vittalis be brot in sen ther is now skantness thereof" (Acts, ii., 141, c. 18).

⁶ Acts, ii., 144, c. 10.

⁷ Acts, ii., 92, c. 3.

port of hides was forbidden for a period of two years.¹ As in the case of wool, the export of which was also forbidden, the object was at this period not to develop industry at home, but to permit of the needed increase of stock. Though many of these regulations were only passed for a short term of years, yet, in the case of tallow the prohibition was renewed so frequently that it must have been almost continuously in force. During the sixteenth century the export of many other articles was forbidden, and a general law was passed in 1535 which recited the great evil done by the export of provisions, "quhairthrow greit derth daylie inccressis," and enacted that no one in future should take more victuals, tallow or flesh than was required for the voyage; an exception was, however, made in the case of Ayr, Irvine, Dumbar-ton, Glasgow and other western burghs, the citizens of these towns being allowed to take bread and ale for the purpose of barter in carrying on their merchandise with the islands.² More explicit prohibitions were made forbidding the export of white fish, horses and coal, and in 1573 an Act was passed comprehensively forbidding the export of "Lynning claith Linget seid, maid candell or vther Talloun quhatsumever, eitting Butter, Cheis, Barkit Hydes or maid Schone".³

Some interest attaches to the various regulations which

¹ Acts, ii., 174, c. 3.

² Acts, ii., 495, c. 14. Even when the export of provisions was forbidden by law, it was possible through the Privy Council to suspend the operation of the Act. Apparently, however, this was not done in the interests of the home producer, but in order to relieve the sufferings of humanity in other countries. Thus the Privy Council in 1576 referred to the Act forbidding export of victuals. The occasion of making such an Act was, however, the dearth from which the country had suffered. On such occasions Scotland had received help and support from France, Flanders and England. "The lyke favour and gude nychtbourheid, charitie and amytye cravis to be extendit towartis the people of the saidis cuntreis in this present yeir, quhen it hes plesit God to visie thame with the lyke derth and scarssitie, and this realme with sic increas and plenty of victuallis, as sum part thairof may, without prejudice of the state be sparit to the releif of our nychtbouris necessiteis" (Privy Council Reg., ii., pp. 588, 589).

³ Acts, iii., 83, c. 6.

were passed forbidding the export of goods to England. In 1524 the first comprehensive measure of this nature was passed, when the king's subjects were forbidden to take into England, wool, hides, skin, cattle or sheep, under pain of forfeiture, the reason annexed to the prohibition being a general reference to the great "skaith" caused by the export of such goods.¹ A more stringent law was passed eleven years later, the preamble of which stated that "all maner of Stuff hes growin to ane gret price and derth". In addition to cattle and sheep the law now forbade the taking to England of "vittalis, fische, or salt".² In 1555 the Scottish Parliament passed a measure with the same object, referring comprehensively to staple goods.³ More interesting is the later law of 1592, which set forth the evil consequences of transporting wool and cattle to England, "quhairby sic derth is rasit in the countrie that ane mutton buck is deirar and far surmounts the price of ane boll of quheit".⁴ In the negotiations of 1607 for a Union of the Parliaments, the question of the exports of goods from Scotland to England naturally occupied a prominent place. The conclusion arrived at was that such goods as were of the "grouth or handy work" of Scotland might be exported to England without payment of any custom, exception, however, being made in the case of wool, sheep, skin, cattle, leather, hides and linen yarn, which were not to be exported to England.⁵ In the circumstances of the case such laws forbidding export to England were almost impossible of execution, and the very frequency with which such laws were passed would naturally lead to the belief that they were largely inoperative. That this was so is confirmed by a petition which was presented to the Scottish Parliament in 1633, praying for the free importation of forbidden English goods into Scotland, "since forbidden goodes ar incontrollabillie transportit out of Scotland into England for the benefeit of that Kingdom".⁶ This petition coming after so long and so persistent efforts to carry out the

¹ Acts, ii., 290, c. 7.

² Acts, ii., 346, c. 25.

³ Acts, ii., 496, c. 19.

⁴ Acts, iii., 577, c. 71.

⁵ Acts, iv., 369.

⁶ Acts, v., 49.

policy which it condemns, is an interesting commentary on the previous economic history of Scotland.

Towards the end of the sixteenth century a modification was made in the general system of prohibition of exports by the introduction of licences. It has been remarked that salt was one of the articles of which the export was forbidden, and an Act of 1573 recounting the dearth of salt, required that no export of salt should take place, an exception, however, being made in the case of "strangeris of Norroway and vtheris of the Eist partis,"¹ who should bring in cargoes of timber, and who were allowed on their return journey to export salt. In the following year the export of salt was again forbidden, but exemptions were now based on the more arbitrary system of licence. No one was "to transport or cary ony maner of salt out of this realme without oure soverane lordis license in writt first obtenit to that effect vnder the signet and subscription of the regentis grace".² This is the beginning of the iniquitous system, pursued by James VI. and his advisers, of prohibiting the export of many articles and thereafter selling licences to individuals, thus at once creating a monopoly and diminishing the revenue from custom. Much opposition was naturally aroused by these licences, and measures were promptly taken to prevent the evil consequences arising from their abuse. Already in 1578 Parliament had enacted that no licence should be given for transporting forbidden goods,³ and in 1581 a law was passed requiring in most explicit terms that no licence or dispensation should be granted to any person or persons for transporting wool out of the kingdom under whatsoever colour or pretence, and the purchaser of the licence, the buyer of the licence from the original purchaser, and the transporter of the wool were all alike to incur the penalties set forth in the Act.⁴ The abuses arising from these licences appear, however, to have continued, and in an Act passed in 1585 it was stated that under colour of the king's licences, wool, tallow, and victuals were being daily transported out of the kingdom. It is

¹ Acts, iii., 82, c. 3.

² Acts, iii., 93.

³ Acts, iii., 97.

⁴ Acts, iii., 220, c. 18.

worthy of note that on this occasion the issue of licences was not forbidden; Parliament merely restricted itself to a measure which aimed at preventing a dishonest use of the system of licences, by requiring that licences should be signed by his Majesty's Comptroller, and without this signature they were to be invalid and have no effect.¹ The question of the export of wool was not yet, however, finally disposed of, and in 1597 the export was again forbidden, notwithstanding any licence or other dispensation, and all such were annulled, his Majesty promising not to grant any licence or dispensation in future.² The last great measure which was passed on this subject, and which aimed at preventing the abuses arising from the system of licences, was that passed in 1600 discharging all licences already granted, and requiring that no licence in future should be valid unless it should be passed in council, pass the seals and pay composition to the king.³

Reference has already been made to the Act of 1592 forbidding export on account of dearth and high prices. A later Act passed in the same year forbidding the export of skin is of interest, as it shows an alteration in the spirit underlying such prohibitive legislation. Through the scarcity of skins, the preamble declares, none can be had for the making of parchments, strings and other necessaries, "and beside ane greit number of craftismen are layid idle".⁴ The problem of the unemployed had already been raised some years earlier in an Act passed in 1581 in regard to the transporting of wool, "quhairby the pure may be the bettir haldin to werk". The Act which had this laudable end as its object set forth at some length the views held by the legislators on the relationship existing between luxury and employment, explaining how "God hes grantit to this realme sufficient commoditeis for cleithing of the Inhabitantis thair of within the self gif the pepill were verteouslie employit in werking of the same at

¹ Acts, iii., 379, c. 12.

² Acts, iv., 135, c. 21.

³ Acts, iv., 231, c. 24. The Privy Council had in 1587 decided that no licence to export forbidden goods should be valid unless subscribed by the Treasurer and Comptroller, "sittand togidder in chekker".

⁴ Acts, iii., 579, c. 77.

hame, quhairby greit numberis of pure folkis, now wandering in beging, mycht be Releiffit alsweil to the honestie, and welth of the cuntrie".¹ Such statements as these are significant of a change of attitude, and the policy of the seventeenth century, and indeed of the later decades of the sixteenth, differs greatly from that adopted in earlier centuries. It is an industrial and a national, as opposed to a fiscal and commercial policy, and the legislation of the seventeenth century, corrupted as it was by the greed of councillors and kings, in reality marks a great advance. The merchants in their burgh councils and in their Conventions never looked at trade questions from any but their own class point of view. They were free importers and free exporters provided that the trade passed through their hands. They stood, as we have seen, for the divine right of middlemen to be middlemen. They persistently put obstacles in the way of industrial development at home. They fought a long and a losing fight to keep down the craftsmen for whom every kind of ambition involved the renunciation of his craft. How far the close constitution imposed on the burghs in the fourteenth century was responsible for their sterility we need not attempt to decide. They were quite content with things as they were, and were satisfied that the nation should remain the hewer of wood and drawer of water for more developed peoples. As late as 1676 in one of the articles of the staple contract with Campvere, the traditional indifference of the merchant class to the national interest may be clearly seen; in the third article they endeavoured to obtain concessions on the ground that "all the staple comodities that cometh fra the Kingdom of Scotland are of the naturall production of that cuntrie," that Campvere and the other towns of the provinces had the profits arising from the manufacture of the raw products, and that thereby they reaped a greater benefit from Scottish foreign trade than the Scottish nation.² This was advanced as an argument in favour of concessions to the merchant class, and there was no suggestion that something

¹ Acts, ii., 220, c. 18.

² C. R., iii., 694.

might be done to render the advantages of foreign trade reciprocal. There were several occasions on which the merchant classes as represented by the Convention of Burghs seemed disposed to take a wider view than was required by their own immediate trading interests, but these more liberal views were intermittent, and the impulse to a more national policy failed to overcome the natural and traditional ideas of Scottish merchants. The attitude of the Convention of Burghs to the well-meaning attempts of James VI. to introduce various industries into Scotland furnishes an illustration of this tendency. At first the Convention appears to have been moved to express enthusiastic approval of the king's schemes for the introduction into Scotland of the manufacture of such cloth as was made in Flanders out of Scottish wool, and stated that they "war content and consentit glaidlie to hald hand thairto, and to concur for thair pairtis to the vttermost of thair power".¹ The burgh having obtained the control of the experiment of introducing Flemish weavers mismanaged the undertaking, and the scanty entertainment and discouragement given to the foreigners who had been

¹ C. R., ii., 108 (1601). During the closing years of the sixteenth century there was very widespread distress in Scotland, and the problems of unemployment were forced on the Government. The Records of the Privy Council in regard to the proposal referred to in the text show the object kept in view by the king. It was proposed to introduce 100 families skilled in the making of woollen cloth. The poverty which was everywhere to be seen in Scotland was due to the fact that no care had hitherto been taken in regard to the commodities produced by the country, so that "the puir may be put in werk and they be thair labouris may be sustenit". Other countries had taken Scotland's raw produce, and had resold it to Scotland, reaping thereby inestimable profit and "haveing bot a litle bestowit thair panes and labouris". That this state of affairs had been allowed to continue was due to the unskilfulness of the Scottish people, and their unwillingness to suffer strangers to come among them.

Those coming to instruct the Scottish people in this industry were to be allowed to bring with them a minister or pastor, provided he agreed with the religion professed in Scotland. The head of each family was to be at once naturalised, and as some recompense for the expenses incurred, immunity from all taxation was promised for a period of ten years (Privy Council Register, 1600, vol. vi., pp. 123, 124).

brought to Scotland led to the interference of the king, who had to threaten to remove the control to other hands.¹ The sequel to the incident is to be found four years later, in 1605, when the burghs endeavoured to limit their energies wholly to merchandise: "Anent the clotherie thay humble desyre thair lordships to consider that the said wark is na mair proper to the Burrowis nor to ony vther of the estaitis" inasmuch as the burghs live "cheiffie by thair negotiatioun". Various burghs, the Convention submitted, had undertaken this work and had suffered loss thereby; nevertheless, because it was "a guid wark," the burghs were anxious to give an empty encouragement to any one who would undertake the task, "bott to accept the burding of the said wark vpoun thame thair allane, the saidis burrowis declairis thair ar nocht habill thairfor in mony respectis".² There are other incidental references from which it would appear that the general well-being was not wholly lost sight of by the Convention of Burghs. In 1578 they wished to prohibit the import of English cloth because of the evil effects of this in causing unemployment among women,³ and in 1589 they petitioned for restrictions on the freedom of transporting hides inasmuch as this was a "greit hurtt to the merchant estaitt and na thing helpfull to the liegis of this realme". Notwithstanding these incidental references to the general welfare, there is in the Records of the Convention of Burghs little or no appreciation of the fact that there was a national as distinct from a class point of view, and from their attitude we can understand why it was that the Convention of Royal Burghs during the seventeenth century lost much of its old influence. And if they had no such appreciation when mercantilist ideas were current, we may be sure that in the fourteenth and fifteenth centuries they were quite incapable of anticipating them. They acquiesced in temporary prohibitions of export, but sought means for removing these restrictions, and in the cir-

¹C. R., ii., 123.

²C. R., ii., 202, 203.

³"Becaus the samyn is ane greit hurt to the realme, and is the occasion of mony vagabund women to pas ydill thairin for laik of woll, laubouring and making of clayth" (C. R., i., 76).

cumstances of the age were able largely to ignore them. Requests and petitions of the Convention of Burghs were seldom if ever made in the national interest. In 1632, indeed, they petitioned for free importation of victuals which constituted "throw all Europe . . . the prime and chiefest commodoty whereby all trade is maintained";¹ but such petitions were made in the interest of the commerce in which they were themselves primarily concerned, not in the interests of the people who might ultimately benefit by their prosperity.

It is too much perhaps to expect that the burghs should have taken a national rather than a class point of view, and it is unfortunate that there was no other authority to regard matters from a more comprehensive point of view. As early as the reign of David I. the rights of barons, prelates and nobles had been safeguarded to the extent that they were enabled to purchase free of duty what they required for their own use, and consequently there was no one interested in the development of industry at home.² For articles of luxury were more skilfully manufactured abroad than in Scotland. The Crown derived its revenue from export rather than from import duties, and it was substantially true that the measures passed in 1597 constituted for Scotland the first imposition of what is called a customs tariff. The Crown like the merchants was thus interested in an extensive export trade rather than in the development of home industry. In practice the merchants had not much to complain of on account of prohibition of exports, and when these restrictions became more effective in the seventeenth century the protests of the merchants became notably louder.

The Act of 1592 above referred to, with its consideration of the unemployed, marks, as has been said, the transition to a more national policy. Before the end of the sixteenth century there are one or two isolated measures in which the interest of the nation as a whole was the object of the legislature, but not till a later period did this become the first consideration. Thus the national aspirations underlying the Navigation Acts

¹ C. R., iv., 533.

² *Ancient Laws*, p. 174.

found early and indeed premature expression in Scottish legislation, for an Act of 1428 was passed for the purpose of freeing offenders from the penalties of an earlier Act, which could not be enforced in the undeveloped condition of Scotland as a trading country. By this measure of 1428 Scottish merchants were allowed to export their merchandise in vessels belonging to foreign countries when no Scottish vessels were available for the purpose, Acts to the contrary notwithstanding¹ Along the lines of the more familiar Navigation Laws of England, a national expression could not, however, be given to Scotland's economic legislation. The Act of 1428 clearly shows that even when such measures were adopted, the conditions of the time would not allow of their being carried into practice. Moreover, the idea underlying the Navigation Acts, the conception of the fundamental importance of the shipping interest to the nation's prosperity, was never realised in Scotland. The shipping interest was systematically sacrificed to the louder claims of the merchants, as we have already seen in the case of insurance against piracy. In other respects the owners of vessels received less consideration than they were entitled to, on a just appreciation of their importance to the prosperity of the nation. An Act of 1563 must have imposed considerable hardship on the owners of trading vessels. Coal had apparently become the "commoun ballast of emptie Schippis," and the object of this measure was to forbid the traders taking on board more coal than would be required on their journey. To such a law, having for its object the prevention of dearth at home, exception could not perhaps in the conditions of the time be taken on economic grounds, but the excessive penalty imposed, involving forfeiture of the coals, of the ship, and of all the goods on the vessel belonging to the owners of the coals, shows clearly that in the legislation of this period there was not that appreciation of the national importance of a large merchant fleet which a successful system of navigation law inevitably postulates.² Burghal legislation also shows that

¹ Acts, ii., 16, c. 7.

² Acts, ii., 543, c. 22.

the liberty of the skipper was limited, and that he was required to wait on the will of the merchant class of the town with which he was trading. Thus the Dean of Gild of Edinburgh had to take surety of the skippers that they should not receive merchandise from any one until the "nychtbours of the toune" were first considered.¹ With such regulations in force, limiting the freedom of the owners of vessels, it is out of the question to look for a development of national policy based on the appreciation of the importance of a merchant navy. In other respects indeed, there was no room for the policy of the Navigation Laws. There is a statement quoted by Chalmers from the House of Commons Journal, to the effect that at the time of the Union, Scotland can scarcely be said to have had shipping.² Doubtless this is misleading,³ yet even granting its substantial inaccuracy, it is nevertheless clear that Scottish shipping had not till after the Restoration acquired that importance on which a successful system of navigation law must necessarily depend.⁴

¹ E. R., ii., 119.

² Chalmers, ii., p. 52.

³ See Introduction to Andrew Halyburton's *Ledger*, pp. xcvi-ciii.

⁴ The statement of Chalmers is, however, supported by an entry in the Register of the Privy Council, which also serves to illustrate the difficulty of enforcing navigation laws in Scotland. In 1617 the Council took into consideration the loss sustained through merchants carrying their goods in foreign ships when English and Scottish ships might be had "quhairthrow the trade of navigatioun in this countrey is verie far decayit, the best shippis within the same ar sauld to strangearis for lack of employment, and in effect the cuntrey, quhilk of late yeiris wes weele furnist with a number of goode and strong shippis is now become emptie of shipping to the grite discredite, scandall, and waikning of the cuntrey, whereas, yf according to the lovable custome of all otheris weele gornit commounwealthis, no strangearis shippis wer sufferrit to be fraucht be the subjectis of this cuntrey quhen Scottis and Inglis schippis may be had, the shipping of this cuntrey wald daylie increse both in number and burdyne, and the trade of navigatioun, whilk of laite yeiris is far decayit, wald be renewit and florishe to the honnour, credite, and strenthe of the cuntrey" (Privy Council Reg., xi., pp. 202, 203).

It was, however, decided two years later that such a restraint on the freighting of ships was in the case of the "easterlyne trade" neither meet nor expedient, since the trade with the Baltic consisted of such necessary wares as the country could not do without, and if the restraint were

There is, however, one piece of legislation which is of a national as distinct from a sectional character, and which if followed up would naturally have led to a national economic policy. This was the Act passed in 1492 which aimed at once at the increase of national wealth, and at the relief of the evils of pauperism. This measure enacted that the burghs should build vessels of at least twenty tons in which stark idle men were to be forced to serve "for the taking of greit fische and small," and those who refused to accept this service were to be banished from their burgh.¹ The encouragement thus given to fishing received, however, no support from the burghs, and the wealth and prosperity which Scotland might have gained by a wise pursuit of the policy indicated in the measure, passed in James IV.'s reign to the Dutch then laying the foundations of their commercial greatness and their national freedom.² The course of action pursued by the burghs was not calculated to develop this side of national prosperity. In 1567 they succeeded in getting an Act requiring all fishers to sell their fish to free merchants of the burghs,³ and in the records of the Conventions of Royal Burghs it is easy to trace the anxiety of the merchants to have the law enforced. In this matter the burghs were without enterprise, and though in the course of the seventeenth century there were many attempts to increase the fisheries, no success attended these efforts even though such proposals in most cases came from the Crown. The

allowed the price of these necessary articles would be greatly increased. This was in effect a victory for the merchant class, and it was only natural that the skippers should have protested against the decision (Privy Council Reg., xii., pp. 107, 108).

¹ Acts, ii., 235, c. 20.

² In regard to the extent to which the Dutch carried on fisheries in British waters see "John Keymor's Observation made upon the Dutch Fishing about the Year 1601. Demonstrating that there is more Wealth rais'd out of Herrings and other Fish in his Majesty's Seas, by the Neighbouring Nations, in one Year than the King of Spain hath from the Indies in four." "Such an excellent jewel," says the writer, "have Neighbouring Princes and States upon his Majesty's Seas."

³ Acts, iii., 42, c. 62.

various proposals of the king, including a suggestion that the old law of 1492 should be re-enforced, came to nothing.¹ In 1661, says Baillie, "at the beginning of the Parliament there were many brave designs for fishing and more use of trade, but after much toome talke all seems to be vanished, the burroughs sticking absolutely to their old job-trot for their own hurt".² In the period before 1600, however, the burgh's job-trot was the rate at which the nation might develop, and the merchants were content for their own hurt to be merchants merely. The rest of the legislation regarding shipping in the fifteenth and sixteenth centuries was designed to safeguard the merchant monopoly.

The spirit underlying the legislation of the last years of the Scottish Parliament is so markedly different that some illustration of the change which came about the close of the seventeenth century may not be out of place in concluding a chapter dealing with the restrictions imposed on exports at an earlier period. English economic history furnishes familiar instances of the encouragement of industry by premiums on export, and in certain cases by the imposition of a veto on the exportation of raw material when the country might conceivably benefit by producing the finished article

¹The reply of the Convention of 1605 to the king's suggestion that the burghs should engage in fishing is an interesting example of the reasoning of the burghs. The same Convention, it will be remembered, refused to encourage the king's efforts to introduce manufactures, "Bott the maist profittabill and easie fisching att all tymeis is to be haid in the ileis and lochis thair of, fra the quhilk thai ar debarrit be the wiolence and barbarous crueltie, abuis, and extortious of the hielandis and cuntre men, and gif the samyn war maid peciable the sey fairand burrowis wald imploy thair moyane thairvpoun to the vttermest, sua that thair wald be na neid to vrge this present artickle, for the gain and proffeitt wald allure them, but sua lang as the saidis lochis and iyleis ar nocht peciabil it is nocht possibill to the saidis burrowis to do mair nor thai do, for it war in wane to tak them to fische in the mayne sey quhen thai may gett mair easie and mair profitabill fischeing in the lochis and neir the schore at all seasounis in grit abundance baith somer and wynter" (C. R., ii., 203). A full account of the condition of Scottish fisheries a century later may be found in the Memorial to the Commissioners of Trade, 1711.

² Baillie's *Letters*, iii., p. 469.

itself. It is this phase of economic legislation which is seen in the years which precede the Union of the Parliaments, and the object aimed at was to increase the prosperity of the country by augmenting the labour of the people as a whole. The encouragement thus given extended to all kinds of exports. The first clear triumph of this new policy is contained in the Act of 1695, by which victuals when at a certain price were not only to be free of duties, but the exporter was in addition to receive eight merks for each chalder. The preamble to this Act expressed the views which everywhere have led to the system of bounties, setting forth "that the grains of all sorts are the greatest product and commodity of this Nation and Considering how necessary it is for the promoting of tillage and improvement of Trade, to the best advantage of the Kingdom that an effectual encouragement be granted for Exportation of corn and victual furth thereof."¹ A similar policy was soon extended to other exports. In August, 1705, various premiums were given for encouraging fishing and "makeing red herrings,"² and in September of the same year another Act was passed for the same purpose. This is a somewhat lengthy measure, and its opening sentences illustrate the object aimed at in giving these premiums. Our sovereign lady and the estates of Parliament have, it says, taken into consideration the "many advantages that may arise to this Nation by encouraging the Salmond, White, and Herring Fishings they being not only a natural and certain fund to advance the trade and increase the wealth thereof, but also a true and ready way to breed seamen and set many poor and idle people to work".³ The exportation of beef and pork was encouraged by similar means⁴ and in the debates on the Act of Union the economic theories leading to these measures were reaffirmed.

The more indirect method of encouraging industry, that of forbidding the export of raw material, was adopted in the case of skins. By a law of 1695 it was made illegal to take out of the kingdom any kind of skins "untill they be made

¹ Acts, ix., 458, c. 63.

² Acts, xi., 219.

³ Acts, ix., 292, c. 48.

⁴ Acts, xi., 295, c. 51.

in work, or dressed leather to the good of the Kingdom".¹ Scottish economic history is, further, not without instances of that more circuitous method of encouraging industry which prescribed the use of certain articles on certain occasions. A law of 1686 "for the encouradgement of linen manufactories within this Kingdome" required that all should be buried in Scottish linen, and this Act was confirmed in 1693 and again in 1695.² Thus before the Scottish Parliament lost its existence in the larger Parliament of Great Britain, it had already put into operation all those devices for the encouragement of industry which are so common a feature in English economic history.

¹ Acts, ix., 461, c. 67.

² Acts, vii., 598, c. 28.

CHAPTER V.

MERCANTILIST THEORIES—RESTRICTIONS ON EXPORT OF MONEY.

THE early importance of export duties and the comparatively late appearance economically of import duties, have been repeatedly commented upon. To make the foreigner pay a higher price for goods produced at home was doubtless in the first instance the object aimed at in the imposition of export duties, and not till a later period, when economic theories were more fully developed and considered, did the possible advantages of other methods of taxation occur to the mind of the legislator. In actual historical fact the departure from the more primitive system of universal export duties was due to the rise of those theories which magnified the value of money, and which in practice led to an unnatural encouragement of exportation.¹ Scottish history does not in this respect differ from what may be looked upon as the normal economic development. The king's customs were collected almost exclusively on exports until 1597, when the great measure of that year marked a new departure in Scottish finance, and the legislation of the period shows clearly the increasing importance attached to an adequate supply of the precious metals, and the consequent impulse which this gave to the encouragement of exports. The object of the present chapter is to give some illustration of the anxiety caused by the scarcity of money and of the devices adopted to prevent the export of gold and

¹ "The field of action for export duties has been greatly diminished by the influence of the mercantile system, which looking on exportation as advantageous, was naturally hostile to anything calculated to restrict it" (Bastable, *Public Finance*, p. 553).

silver, and to secure that the country might be, as one Act put it, "stuffed with bullion".

In the years preceding the discovery of America a scarcity of the precious metals was a real limitation imposed on the freedom of European commerce. This, with the greed of needy kings, was in part the cause of repeated debasements of the coinage. This device, however, was insufficient to increase the supply of available money, and from an early date complaints on the subject are of frequent occurrence. From the middle of the fourteenth century legislation was busy in search of a remedy for a disease which the efforts of the Scottish Parliament till the Union of 1707 were unable to cure. Legislation on the subject took various forms, the object being either directly to prohibit the export of money, or indirectly to make regulations in regard to the value of coins so as to have a sufficient supply of current money in the realm. In 1357 a tax was imposed on the export of money by the Act which required that "*moneta nostra*" should not be taken out of the kingdom,¹ unless on payment of half a mark per pound, while the other method of meeting the difficulty of a deficient coinage was illustrated some years later, in 1368, when an order of the king, David II., was issued, carrying out an ordinance of Parliament diminishing the money by ten pennies weight in the pound of silver.² In the following years the policy of restricting the export of money was feverishly pursued, and the measures which were passed before the end of the century show a rapidly increasing severity in dealing with this offence. In 1369 the custom imposed was fixed at forty pence per pound; travellers in going abroad were to be allowed to take reasonable expenses with them, and strangers were to be allowed to take with them as much money as they had brought.³ The phrasing of this Act would naturally admit of some elastic treatment, and the difficulty in deciding when expenses could be regarded as "*moderatas*" was met by passing a more stringent measure, not subject to a possible variety of interpretation. In 1385 the Parliament of Robert

¹ Acts, i., 492.

² Acts, i., 502.

³ Acts, i., 508.

II., meeting at Edinburgh, passed an Act by which exportation of money was forbidden under pain of escheat, and the life of the offender was declared to be at the king's mercy.¹ The Act passed in the following reign (1398) forbidding export under pain of loss of life, limbs and goods, was perhaps scarcely more severe, but a new principle was introduced in the attempt to encourage the execution of the law, by giving as a reward to the discoverer of the offender a third part of the money forfeited. By this measure the sum which a traveller might take out of the country was fixed at twenty shillings.²

It is, however, in the course of the fifteenth century that Scottish history presents the most interesting illustrations of devices adopted to keep money within the country. The regulations already laid down were repeatedly re-enacted, but they were supplemented by many other measures of a more special character having the same object in view. The general principle that on the export of money custom should be paid to the king was laid down in 1424, on pain of forfeiture of the money, and a fine in addition of ten pounds,³ and in the following year the Act was rendered more precise; by both these measures the custom to be paid was fixed at forty pence per pound.⁴ Throughout the century a continual succession of such Acts was passed, and to make the execution of these more rigorous was the object of several of the later measures. In the Act of 1449 provision was made for the appointment of "straite serchars" to prevent the export of money, and these were to be situated not only at the harbours but on the marches.⁵ Later in the century there are more enactments with regard to the appointment of "true and able persons" to act as searchers and inquisitors. These Acts show a touching belief in the efficacy of legislation, provided that the Acts passed could be rigorously enforced. One of these measures for the appointment of searchers refers to the Acts passed by the king's predecessors, and on the due execution of these they trusted that "thar

¹ Acts, i., 554.

² Acts, i., 572.

³ Acts, ii., 5, c. 16.

⁴ Acts, ii., 9, c. 5.

⁵ Acts, ii., 37, c. 17.

sulde sudanly cum bullioun in the Realme in gret quantite".¹ Such a belief as this naturally led to the appointment of searchers to see to the execution of the law, and that they might not be lacking in zeal, a law of 1487 assigned to them a third of any money they should forfeit in the course of their duty, the king contenting himself with the remaining two-thirds. A large reward was at the same time held out to entice the ordinary citizen to be eager in preventing the export of money. In the case of an informer, other than the official searcher, the money forfeited was to be shared equally with the king.² By giving every citizen so strong an inducement to see to the rigorous execution of the law, Parliament was no doubt surprised to see that the bullion failed to appear "in great quantity".

The enforcement of these regulations required that Parliament should lay down what should be regarded as reasonable expenses, which might be taken abroad. Early in the century an Act had been passed requiring that money should be changed with the money changers before crossing the sea,³ in order that even in such a trifling matter as this the money might be kept within the country. It is not certain that this Act was enforced, for later measures regulating the amount that might be taken out make no reference to such a provision. In 1466 a statement was required from the intending traveller that the money to be taken with him for moderate expenses did not exceed an English noble.⁴ Later, in 1503, the limit which might be taken out was fixed at forty shillings.⁵

¹ Acts, ii., 105, c. 11 (1473).

² Acts, ii., 183, c. 13.

³ Acts, ii., 14, c. 2 (1427).

⁴ Acts, ii., 86, c. 10.

⁵ Acts, ii., 242, c. 11. The desire to keep bullion in the country may be found at a much later date, combined, however, with views which the magistrates of Edinburgh have now discarded. In 1743 the Convention, "having taken under their serious consideration The unhappy Circumstances to which this part of the united Kingdom is reduced, thro the universall and excessive use of Tea and foreign spirits, to which all Ranks, even the verry meanest of the people, are tempted by the Low prices at which such commodities when run are afforded by the Smugler and observing with deep Concern that the unrestrained use of Such Foreign



THE MARKET PLACE AT VEERE.

Meanwhile, other regulations were made which reveal the ideas of the time on the value of money, and show the methods taken to keep the precious metal at home. A wish to see money imported in return for goods exported, and a jealousy of the foreigners who in any way succeeded in securing the much-guarded money underlay all these laws. It is not surprising, apart from the views held in regard to the export of money, that the legislators should disapprove of the export of money in cases where no return was to be obtained for it. Thus the case of prelates going to Rome and taking gold with them to secure promotion was singled out, and it was specially enacted that they should not take more money than the ordinary law allowed.¹ The ordinary transactions of trade were, however, interfered with to prevent the export of money which would otherwise have left the country. The foreign trader had to produce the evidence of the host of his inn that the money gained in merchandise had been re-expended by him in goods of the country; failing which the usual customs imposed on the export of money had

Goods, for the purchas whereof the Coin of this Country has year after year been exported till at last the Scarcity of Bullion is very sensibly felt, Has in a great measure supplanted the Consumption of Malt, Liquors, and Spirits, made of grain, the growth of this Country, whereby the value of Barley, and all grains fit for malting must necessarily be reduced to the very great and unavoidable loss of all landlords and farmers over the kingdom, . . . and being under the strongest and most melancholy apprehensions that this destructive practise if not speedily and effectually prevented will compleat the Ruine of this Country, and blast all the hopes that were entertained of retring it by promoteing Manufactures," decided to take steps to induce Parliament to pass an Act to "prevent the said universall and excessive use of Tea and foreign spirits". So also the Town Council of Edinburgh gave similar reasons for taking this course—"as grain the natural produce of this country lyes upon the hand of the heritor and farmer unconsumed and neglected, people of the very lowest rank useing tea and brandy, in place of ale and home made spirits, —as the cash which used to circulat amongst ourselves when employed in the purchas of Corns is now profusely sent abroad to purchas these destructive commodities,—and as the health and the morals of the people are by the Immoderat Consumpt of them greatly impared and debauched".

¹ Acts, ii., 166, c. 11.

to be paid to the king.¹ More extensive were the regulations made with the object of securing that the home trader should in return for his goods bring home a certain proportion of money, or in certain cases that his goods should be sold for money only. These regulations in the first place applied to salmon, which, it was enacted in 1431, were to be paid for when sold out of the country, one half in English money and the other half in Gascon wine or similar merchandise.² This principle was soon extended, and in 1436 the exporter of wool had to find surety that he would bring home three ounces of bullion for each sack exported, and similar regulations were applied to hides and other goods, under pain of a forfeiture amounting to the sum which ought to have been brought back.³ Similar regulations were passed towards the close of the century; thus in 1483 an Act which dealt with various matters connected with the coinage concluded by fixing the amount of "brynt silver" that should be brought to Scotland in return for wool, skins, hides, cloth and salmon,⁴ and still later, in 1488, a measure in general terms required the merchants to bring back for each kind of goods the amount of gold laid down by the law.⁵ The principle thus applied to foreign trade in the hands of Scotsmen was also at times applied to the transactions of foreigners in Scotland. Reference has already been made in a former chapter to the prohibitions of the export of salmon to England (1436). The law enforcing this also required that where salmon were sold to Englishmen in Scotland, it should be in return for English gold.⁶ Cattle also were only to be sold to Englishmen for ready gold and silver. Interference with foreign trade was indeed carried much beyond this point, and in the case of English cloth import was unconditionally forbidden on the ground that Scottish exports

¹ Acts, ii., 5, c. 17; 9, c. 5. As late as 1550 the Privy Council enforced the regulation that foreigners should spend the price of their goods in Scotland, "except it be the thrid part" (Privy Council Reg., i., pp. 96, 103).

² Acts, ii., 20, c. 2.

³ Acts, ii., 23, c. 7.

⁴ Acts, ii., 166, c. 10.

⁵ Acts, ii., 212, c. 1.

⁶ Acts, ii., 24, c. 10.

were paid in cloth and not in money, as might otherwise be the case, "considering quhar thai myt have gude money baith golde and silver for thar salmound keling and utheris fischis, thai have alanerly now but claith, quhilk is gret hurt and skaith to hienes in his custome and to his lieges that ar bar of money".¹ It is interesting to note that this restriction was re-imposed at a much later date on similar grounds. As late as 1597, when a national policy was beginning to be adopted, the importing of English cloth was again forbidden as one of the chief causes of the export of money, and the scarcity of coin continually complained of. This reason is, however, added in the new spirit of the time to the familiar protectionist depreciation of foreign goods, "the same claith haveand onlie for the maist parte ane outwarde shaw, wantand the substance and strenth quhylk oftymes it appeiris to have".²

Into the vast mass of legislation regulating the coinage it is not necessary here to enter. Laws on the subject were incessantly passed. The difficulties arising from a debased coinage, complicated by the extensive circulation of foreign coins, necessitated continual adjustment of the value of coins, if, as was desired, good money was not to flow from the country. If a never-failing legislative activity could have attained the end in view, then Scotland might indeed have soon been rich in the possession of a large store of the precious metals. To prevent export the relative value of the coins was the subject of continual readjustment. To prevent the inconvenience arising from a doubtful coinage, Parliament in 1491 laid down that cracked coins should not be refused, and that a tender of such should be regarded as a discharge of debt;³ and this was re-enacted in 1563 when it was declared that such money should be accepted, notwithstanding it be "crakkit or flawit".⁴ In the midst of this chaos there was naturally much uncertainty, and this was increased by the possibility that at any moment the king might reduce the value of the coins in circulation. This

¹ Acts, ii., 105, c. 15 (1473).

² Acts, iv., 119.

³ Acts, ii., 226, c. 12.

⁴ Acts, ii., 246, c. 49.

uncertainty is curiously illustrated by the petition presented by the clergy in 1467 that in the event of the king proclaiming the money of "lawer price and less awail," duties and customs should be payable to them on the old basis. The general re-coinages of the reign of James VI. were designed to bring order into chaos, but notwithstanding this, complaints of the scarcity of money continued to be frequent till the Union of Parliaments, and new measures in regard to the export of money were frequently passed. It is interesting to note that in those Acts of the seventeenth century granting pardon for various offences, the exportation of money is specially exempted from his Majesty's forgiveness. Thus in 1663, after the accession of Charles II., his "Majestie being desirous now at the close of this his first Parliament that all his good subjects may find the effects of his mercy, as to exceed all former presidents, so to be beyond thair own expectation; Hath therfor thought fit with the advice and consent of his Estates of Parliament, By these presents to discharge pardon and remit all contraveners of any penall statuts for all deeds heirtofore done by them contrary to the tenor therof; Excepting the Statuts concerning the unlawfull takeing of usurie, transporting of silver and gold, slaying of red and blak fish."¹ The exception shows that at this time the scarcity of money was still felt, and that the export of the precious metals was regarded as an evil. That this was so is confirmed by other measures putting in force the old regulations.

As during this period all other nations had legislation of a similar character in regard to the export of money, it was inevitable that such legislation should be systematically evaded. The balance of bargains theory could not simultaneously be enforced by all trading communities, and of necessity it had sooner or later to be abandoned in favour of a more enlightened theory based on the advantages arising from a balance of trade. The Scottish merchants, so far as their transactions with Flanders were concerned, exported more than they imported, so that in this case the hardships which

¹ Acts, vii., 504, c. 82.

naturally arose from the enforcement of mercantilist laws was not so keenly felt. That it was, however, felt to some extent is clear, and there are indications that the impossibility of carrying out the law in regard to the home-bringing of bullion led the merchants dimly to realise sounder theories in regard to foreign trade, and to resent the limitations which were imposed on their commercial freedom. In 1554 it was represented that merchandise "passis nocht conform to the saidis ackis be sirpleth and vtheruis," and that "the silver can nocht be brocht hame conform to the foirsaidis ackis," and as a result a committee was appointed to arrange more suitable regulations.¹ The only result was, however, to draw from Edinburgh a more definite protest that "the hail burrowis of this realme ar hevely hurt be the compelling of thaim to bring hame bulyeon furth of vther contreis, it beand inhibit thair".² A glimpse of a still more modern view was granted, probably under pressure of necessity, to the magistrates of Aberdeen as early as 1492 when the merchants were required to bring home other goods "for the furnising of the toune with merchandiz".³

¹ E. R., ii., 203.

² E. R., ii., 235.

³ A. R., i., 419.

CHAPTER VI.

GENERAL NATURE OF SCOTTISH TRADE.

A. NATURE OF SCOTTISH TRADE.

IN the preceding chapters much has already been said incidentally in regard to the subject-matter of Scottish trade, but it may be found convenient at this stage to give a more detailed and connected account of the nature of the exports and imports at different periods, as well as of the conditions under which trade was carried on with the various countries which were commercially the neighbours of Scotland.

The earliest source of information open to us in regard to the exports of Scotland is to be found in the list of export duties imposed. Even at such an early date as that of the *Assisa de Tolloneis*, the export trade of Scotland would appear to have been, in variety at least, not inextensive.¹ There is, however, in the early manuscript collections of laws considerable confusion between the petty customs imposed at the town gate and those which are properly to be regarded as export duties imposed on goods being taken out of the country. The general nature of Scottish trade is, however, quite clear. It consisted in the export of raw material and in the import of all manufactured articles. Very little apparently was manufactured at home. Before the War of Independence the chief articles of export appear to have been hides, wool and salted fish, and for various kinds of live stock—cattle, horse and sheep—there also seems to have been some foreign demand. Probably at this time the export of wool

¹ *Ancient Laws*, p. 100.

was more extensive than it was at a later date.¹ The imports for the period are not so easily determined owing to the absence of import duties; according to Chalmers they consisted chiefly of wine, spiceries and corn.² The War of Independence marked in many respects a turning-point in the economic history of Scotland. The quiet prosperity which had marked the reign of Alexander III. was broken: the religious houses in the valley of the Tweed, which had served as industrial centres, were devastated. As a result Berwick, as a trading town, declined in importance and was no longer the great centre of wealth it had been in the prosperous days of the preceding reign. During this, the greatest period of early Scottish commerce, the objects of trade do not appear to have differed greatly from the exports and imports of a somewhat earlier date. The trade of Berwick consisted largely in the export of wool, woolfels and hides, while of fish, salmon appears to have been the chief commodity shipped from this port.³ To the list of exports already given for the earlier period of the reign of William the Lion, Tytler adds pearls, falcons and greyhounds as among the exports of Scotland at this later period.⁴ The imports at this time are for the reason already mentioned not so easily determined. The list given by Tytler is somewhat extensive, and perhaps it may be doubted whether all the articles enumerated can really be said to have been the object of an import trade. Among other things he mentions fine linen and silks, broadcloth, carpets and tapestry, wine, corn and barley, spices, drugs, arms and armoury. It is at least certain that during the struggle for independence and throughout the reign of Bruce the needs of the time gave rise to a very large import trade in all kinds of armour and war material. During the time of the early Stuarts the general condition of Scotland in

¹ From a very early list of goods brought to Bruges from various countries Scottish exports at that time would appear to have consisted of "laines, cuir, fromage et sui" (*Estaple de Bruge*, i., p. 19). According to the editor of *Hansisches Urkundenbuch*, this probably dates from the last third of the thirteenth century (*Hansisches Urkundenbuch*, iii., p. 419).

² *Caledonia*, i., p. 786.

³ Tytler, ii., p. 253.

⁴ *Ibid.*, p. 255.

regard to material prosperity does not compare very favourably with the golden age immediately preceding the War of Independence. Chalmers, whose object, however, is almost invariably to extol the advance made in more recent times, speaks somewhat contemptuously of the trade of Scotland in the reign of James I. The exports at this time, he quotes from a contemporary writer, consisted of wool, woolfels and hides; the imports he restricts to haberdashery, cart-wheels and wheel-barrows.¹ Æneas Sylvius, Pope Pius II., travelling in Scotland during this reign, gives as the exports of the country, hides, wool, salted fish and pearls,² and throughout the reigns of the early Jameses the export trade of the country was apparently restricted to the first three of these articles, which are again mentioned as the exports of Scotland by Don Pedro de Ayala, ambassador of Ferdinand and Isabella at the Court of James IV.³ The ledger of Andrew Halyburton, "Conservator of the privileges of the Scotch Nation at Middleburgh," throws considerable light on Scottish trade at the end of the fifteenth and the beginning of the sixteenth centuries, and the view there given does not show that at this period the exports of Scotland extended much beyond the three articles which had always formed the basis of Scottish export trade.⁴ Towards the end of the sixteenth century (1598) a detailed account of Scottish trade was given by Fynes Moryson, a student of Peterhouse, who travelled extensively, and some years later published an *Itinerary*. His account of Scottish trade may be given at length. "The

¹ *Caledonia*, ii., p. 44.

² Hume Brown, *Early Travellers in Scotland*, p. 27.

³ *Id.*, p. 42.

⁴ "On the whole, the impression this ledger of the Conservator leaves of the trade of Scotland is not favourable. It stands not quite midway between the time of the Alexanders and our own. It is but 250 years removed from the first bright era of national prosperity. It is 350 from the present. The state of trade seen through its medium contrasts painfully with the larger transactions, evident opulence and trading enterprise of Scotland under the last Alexander, and under the vigorous and prosperous reign of Robert Bruce" (Cosmo Innes, *Scotland in the Middle Ages*, 1860, p. 250).

inhabitants of the Westerne parts of Scotland, carry into Ireland and Neighbouring places, red and pickeled Herrings, Sea coales, and Aquavitae, with like commodities and bring out of Ireland Yarne and Cowes hide or Silver. The Easterne Scots carry into France course cloathes both linnen and woollen, which be narrow and shrinkle in the wetting. They also carry thether Wooll, Skinnes of Goates, Weathers and of Conies and divers kindes of Fishes, taken in the Scottish Sea, and neere other Northerne Ilands, and after smoked, or otherwise dried and salted. And they bring from thence Salt and Wines: but the cheefe trafficke of the Scots is in foure places, namely at Camphire in Zetland, whether they carry Salt, the Skinnes of Weathers, Otters, Badgers, and Martens, and bring from thence Corne. And at Burdeaux in France, whether they carry cloathes, and the same skinnes and bring from thence Wines, Prunes, Walnuts and Chesse-nuts. Thirdly, within the Balticke Sea, whither they carry the said Clothes and Skinnes, and bring thence Flaxe, Hempe, Iron, Pitch and Tarre. And, lastly, in England, whether they carry Linnen cloathes, Yarne, and Salt, and bring thence Wheate, Oates, Beanes, and like things.”¹

Some modification must be made in accepting these accounts of Scottish exports at various times. There are some commodities which might reasonably have been expected to figure among the exports, which nevertheless were not at any time during the period under consideration exported in such quantities as would justify their being included among the regular articles of Scottish export trade. Thus the early mention of salt-pans and the frequent admiring references by various travellers to the production of salt along the Firth of Forth “almost to Sterlin, from beyond Musselborough . . . all along the shore at least thirty English mile,”² might lead to the expectation that salt would at an early period have become one of the leading Scottish exports. On the contrary, however, there is early mention of the

¹ Hume Brown, *Early Travellers in Scotland*, p. 87.

² Sir William Brereton (1636) in *Early Travellers in Scotland*, p. 148.

import of salt, and it is a significant fact that in the Act which fixed a period during which staple goods could not be exported there is an exemption in favour of those ships which had brought in salt or wine.¹ The effect of this must have been in some measure to encourage the import of salt, and although salt was certainly exported yet the export early became a subject of license and monopoly, and at no time, notwithstanding the large production of salt at home, can salt be regarded as an export of Scotland. It was indeed necessary for the fishcuring industry that salt should be imported, as the salt produced at home appears to have been little suited for curing purposes. There are frequent references to the evil done in attempting to cure with salt obtained from salt water. In 1639 Glasgow protested that the result of preserving the herring with salt water instead of salt was that "the herring . . . cannot eschew rotting within twenty-four hours,"² and a traveller visiting Scotland in 1661, in giving an account of the salt-pans near Leith and of the curing of fish adds that "many persons say this salt will not preserve them long, and that the things pickled with it are apt to spoil".³ With the development of Scottish fishery, it was then necessary to import a finer kind of salt for curing purposes. This position of affairs is set out at length in the recital to an Act in 1587, reserving certain rights to Dame Margaret Balfour, Lady Burly, who had "upoun hir large cost and expensis procurit the knowlege of the making of refynit salt". The Act sets forth that "refynit salt vtherwayes callit salt vpon salt is verie necessar and profittable for salting of salmound, keilling (cod) ling and utheris grite fishes, qlk can not be maid or dressit with the small salt qlk

¹ Acts, ii., 348, c. 33 (1535).

² G. R., i., 404.

³ Jorevin de Rocheford, quoted in Hume Brown's *Early Travellers in Scotland*, p. 226. Sir George Mackenzie in his *Memoirs* notices the same fact: "Yet experience teaches, that our own salt cannot cure fishes or beef, which is to be carried beyond the line; and scarce what is spent at home, in our neighbour nations: and if hides be cur'd with our salt, they will fall out in holes: the like is also observed in other commodities" (p. 171).

now is accustomat to be maid and hes been maid befor within this realme," and goes on to explain how, owing to the expense involved, troubles in France or bad weather, it has not always been possible to obtain this "salt upon salt" from Spain or Brittany.¹ This Act shows clearly how salt, notwithstanding the large home production, was in reality, as in the account of Fynes Moryson, one of the imports of Scotland.

As far as the necessaries of life were concerned, Scotland was on the whole able to support itself, and victuals, except in time of dearth, were articles of export. We read of the export of cheese, butter, beef and fish. Wheat is seldom mentioned as an article of trade, and of any kind of grain little was exported, though Chalmers states that the Union had very opposite effects on two of Scotland's agricultural products, "wool, which could not now be exported to any other country than England, fell to a ruinous depreciation; corn, as it was now admitted into the markets of England, enjoyed thereafter a perceivable rise in its price".²

Among the exports are two manufactured articles, shoes and cloth. Shoes from an early time appear to have been made in Scotland, and the manufacture of these was encouraged, as has been seen, at a later date by forbidding the export of undressed skins (1695), and about the same time their importation was forbidden. Of cloth a considerable quantity was carried to the Low Countries and the Baltic and easily marketed as early as the beginning of the fifteenth century. It was, however, of poor quality and all other kinds were imported.

The imports, as already given in the account of Fynes Moryson (1598), show a somewhat miscellaneous trade, and this impression is confirmed by the accounts given in the ledger of Andrew Halyburton and the Compt Buik of David Wedderburn at an earlier date. There is, however, an obvious danger in regarding, as part of a regular trade, all the articles which at different periods are mentioned as being

¹ Acts, iii., 494, c. 101.

² *Caledonia*, ii., p. 34.

imported. Spices, drugs and sugar are frequently mentioned, and in the customs list of import duties of 1597 and 1604, which unfortunately aims at theoretic completeness, we find the same articles appearing. Many of the items appearing in Halyburton's ledger are, however, rather of the nature of orders from private customers resident in Scotland, and the mere incidental mention of his sending them into Scotland hardly justifies us in regarding them as imports.

Timber was at all times an article of import, and there are frequent references to a scarcity which was apparently acutely felt. Probably the great forests, of which historians have spoken, never had any real existence. Laws dealing with the import of timber were not unfrequent, and in 1563 an ambassador was sent to Denmark to secure to Scottish merchants the sale of timber which had recently been forbidden.¹ The records of the burghs also have at this period frequent reference to the import of timber, the most of which appears to have been brought from Norway. The importers of timber from Norway indeed received encouragement by being exempted from restrictions imposed upon other traders. The Act of 1573, passed with the object of preventing a scarcity of salt, forbade the export of salt under severe penalties, but an exception was made in the case of those who imported timber from Norway who "ar privilegit be this present Act to transport Salt for the exchange of thair money conforme to the actis maid of befor".² At a much later date the scarcity of wood may be traced in rather an unexpected way in a petition presented on behalf of Inverness in regard to a bridge which the magistrates had been obliged to build of stone, "great timber being scarce in the kingdom".³ The scarcity of timber in the country was a subject which constantly demanded the consideration of the Privy Council, and when in 1608 James VI. proposed to prohibit the export of timber, it was found necessary to remind the most learned Prince in Christendom that within

¹ Acts, ii., 544, c. 27; C. R., i., 528.

² Acts, iii., 82, c. 3.

³ Acts, viii., 363, c. 110 (1681).

the memory of man this had never been an article of export from Scotland.¹

Practically all the trade referred to was carried on by the towns situated on the east coast of Scotland. From the point of view of commerce, the towns on the west were of little importance. The account of Fynes Moryson appears to have been substantially correct, and so far as the west of Scotland was concerned, trade seems to have consisted merely in the transport of provisions to the islands and perhaps to Ireland. This view is confirmed by the Act of 1555 which forbade the export of victuals, and the exception in favour of the western towns is significant of the small importance attached to the trade carried on there, and of its purely local character. Ayr, Irvine, Glasgow and Dumbarton, and other towns on the "west seas" were to be allowed to carry bread, ale and aquavitæ into the isles, and to exchange these for other merchandise.² Of these towns, Ayr was for long the most important, but the rise of Glasgow may be traced through the sixteenth century in the tax-rolls adjusted for various years. In 1535 Glasgow occupies the eleventh place, and even forty years later Glasgow in the seventh place is still below Ayr. Not without jealousy and heart-burning did Ayr fall to the second place among western towns. For the consideration of the leasing of the customs from the king a Committee of Burghs had been appointed in 1586, and of these Ayr had been one, being the "burgh maist expertt of the burrowis trafficque in the west partis," and

¹ "It is notour and we doubt not bot your Majestie undirstandis sufficiently, that in no tyme bigane within the memorie of man thair hes bene ony tymmer transported furth of this kingdome the haill cuntrey being almost naked and mony yeiris ago spoiled of all the tymmer within the same, so that now thair is no such a quantitie thairin as may serve the hundreth pairt of the necessair uses of the same" (Privy Council Reg., vol. viii., p. 543). After the fire, however, Pepys proposed to import timber from Scotland for the rebuilding of London (26th Sept., 1666), though it may be doubted whether this could have been done. A century later Johnson professed to have travelled two hundred miles in Scotland and seen only one tree older than himself.

² Acts, ii., 495, c. 14.

the subsequent omission of Ayr led, in the following year, to a protest against the placing of "commissioneris of particular burghis, unexpertt of estaitt and traffique of the burrowis in the west pairtis".¹ It was, however, too late for Ayr to protest; in the very practical matter of contributions she had already been assigned in 1583 to a position below Glasgow in the tax-roll, and henceforward she could not again make good her claim to the first place among the western burghs.²

B. THE CHIEF COUNTRIES WITH WHICH SCOTLAND TRADED.

In a brief account of the conditions under which the trade of Scotland was carried on with neighbouring countries, the relations existing between England and Scotland at various periods require the first consideration. In the course of the thirteenth century there were many forces tending to bring the two kingdoms together, and in view of the later history of Scotland nothing is more remarkable than the comparative absence of feelings of hostility between the two countries at this time. A succession of kings with English sympathies, a gradual assimilation of burghal law, a constant intermixture of population under a nobility with a common origin seemed in the course of the thirteenth century to indicate the near approach of that Union which was deferred for four centuries, and which was only imperfectly consummated after years of incessant warfare and hostility.³ Such patriotism as existed,

¹ C. R., i., 247.

² In the years referred to the order in the contributions is as follows:—

1535: Edinburgh, Dundee, Aberdeen, Perth, Haddington, St. Andrews, Cupar and Montrose equal, Stirling, Ayr, Glasgow.

1575: Edinburgh, Dundee, Perth, Aberdeen, Ayr, St. Andrews, Glasgow.

1583: Edinburgh, Dundee, Aberdeen, Perth, St. Andrews, Glasgow, Ayr.

³ "On the whole for a long time past the two nations, if two nations we must call them, had been good friends; the two kingly families had been closely allied. Many a baron can hardly have known to which nation he belonged. . . . It seems clear enough from abundant evidence that, at the outbreak of the war of independence, the law of Scotland, or of southern Scotland, was closely akin to English law" (Pollock and Maitland, *History of English Law Before the Time of Edward I.*, i., p. 223).

and as may be found expressed for example in the treaty of Brigham, is to be found in the Church, not in the nobility, and it is to the Church that the preservation of Scottish independence in the coming struggle must in a large measure be attributed.¹ The ambition of Edward I. did not, to begin with, look to or depend upon force, and but for the death of the maid of Norway, his large designs would probably have been quietly realised, and the great vision of a united Britain, instead of being but the dreams of an ambitious king, would have remained for ever the unquestioned monument of his statesmanship. It was only his impatience to realise his dreams, when a truer statesmanship would have seen that the opportunity for union had for the time passed, that impelled Edward to use force, when force could only lead to failure, and made him, not the creator of a larger union but indirectly the begetter of that spirit of nationality in Scotland which for so long divided the island into two hostile kingdoms. On a dispassionate view of Edward's conduct it must perhaps be acknowledged that his aims were just, and that he intended well, but he is not to be acquitted of the charge of having acted rashly and impatiently when circumstances were no longer favourable, and, being frustrated by a sickly child's death, of having attempted to gain by force what he had so nearly won by diplomacy. He dreamed of the union of the two kingdoms: he left for his successors a legacy of national hatred.

It has already been pointed out that the period before the War of Independence was in many respects one of great prosperity for Scotland,² and it is probable that at this time

¹ See Andrew Lang's *History of Scotland*, vol. i., p. 165.

² Wyntoun's description of the state of Scotland under Alexander III. is well known:—

“Scotland menyd hym than full sare ;
 For wndyr hym all his legis ware
 In honoure qwyete, and in pes :
 For-thi cald Pessybill Kyng he wes.

.

Yhwmen, powere karl, or knawe

there was more intercourse of all kinds between the two kingdoms than at any time till the sixteenth or perhaps even the seventeenth century. At the same time it must be remembered that during the three centuries between the War of Independence and the Union of the Crowns, England was in many respects not the natural market for Scottish commodities. International commerce inevitably postulates difference in economic conditions, and England, though incomparably wealthier, better governed and less exposed to the ravages of war, was nevertheless under the Plantagenets and Tudors commercially and industrially much on the same footing as Scotland. It also exported raw materials and imported manufactured articles, especially articles of luxury.

That was off mycht an ox til hawe,
 He gert that man hawe part in pluche ;
 Swa wes corne in (his) land enwche :
 Swa than begowth, and eftyр lang
 Off land was mesure, ane ox-gang.
 Mychty men, that had ma
 Oxyn, he gert in pluchys ga.
 A pluch off land eftyр that
 To nowmyr off oxyn mesuryd gat.
 Be that vertu al hys land
 Off corn he gert be abowndand.
 A boll of atys pennys foure
 Of Scottys moné past noucht oure ;
 A boll of bere for awcht or ten
 In comowne prys sawld wes then ;
 For sextene a boll of qwhete
 Or for twenty, the derth was grete.
 This falyhyd fra he deyd suddanly :
 This Sang wes made off hym for-thi.

Quhen Alysandyr, oure Kyng was dede
 That Scotland led in luwe and lé
 Away wes sons off ale and brede
 Off wyne and wax, off gamyn and glé.

Oure gold wes changyd in to lede.
 Cryst borne into Vyrghnyté
 Succoure Scotland and remede
 That stad (is in) perplexyté."

(Wyntoun, bk. vii., ch. x.)

From it in time of dearth Scotland imported corn, and in return exported cattle, but trade was constantly interrupted by war and the prohibitions of intercourse which were the prelude or the after-consequences of hostilities. The attitude of Edward I. to Scottish commerce almost became a tradition in the relationship between the two countries. During the War of Independence he repeatedly endeavoured to stop all intercourse with Scottish merchants, and he not only prevented all English and Irish merchants from trading with Scotland, but he also used his influence as far as possible to induce the various powers in the Low Countries to abstain rigorously from taking part in Scottish trade. This example was, in the subsequent history of the English kings' connection with Flanders, frequently followed. The great notable exception to this is found in the latter part of the reign of Edward III., and is to be explained by the weakness and treachery of David II., rather than by any permanent alteration in the attitude of England towards Scottish trade. The pusillanimity of David II., and the misfortunes of his reign, reduced Scotland to a very inferior position, and the policy of Edward III. was directed to commending to the merchant classes of Scotland the English policy which David pursued in the beginning of his reign, owing to his English marriage, later on owing to the misfortunes which in 1363 led to the betrayal of his country to the English king. Consequently, while there were only three safe conducts given to English merchants during the years from 1291 to 1348 to enable them to trade with Scotland, and while during the same period there is no record of any similar safe conduct given to a Scottish merchant,¹ the later years of David II.'s reign show a marked increase in the intercourse between the two countries. After the truce of Calais in 1348, the influence of the queen procured the abandonment of the old rigid policy of exclusion, and in commerce much more freedom was allowed. More remarkable still were the privileges accorded to Scottish merchants at the end of the reign. When in

¹Tytler, ii., pp. 262-63.

1363 David II., after a secret conference, entered into the agreement with Edward III. which, carried into effect, would have meant the complete subjection of Scotland to English rule, Edward wisely endeavoured to gain the goodwill of the merchant classes by according them extensive and remarkable privileges. They were not to be obliged to observe the English staple at Calais, they were to pay less to the king's great customs on the export of wool than was paid in England.¹ This is, however, an exception, and otherwise English trade policy was always hostile to Scotland. Prohibitions of intercourse and of the export and import of all or of certain specified articles were of frequent enactment, and reprisals and retaliations continued to be the rule of the high seas. While international relations were such as to allow of the capture of James I. in time of peace, there could be little security for trade between the two countries. It is therefore not surprising that an Act of the reign of James I. should have forbidden Englishmen to buy or sell in Scotland, unless the goods were specified and leave to buy or sell given in the safe conduct (1436).² This is much more in accordance with the traditional commercial policy of this period, and naturally in times of war much more stringent regulations were passed against Englishmen. Thus in 1455, when James II. proceeded to overthrow the House of Douglas, which was supported by England, in whose hands Roxburgh and Berwick still remained, a series of Acts was passed which in practice must have prohibited all intercourse of any kind between the two countries.³ In the more or less incessant warfare between Scotland and England continuous commercial dealings were impossible, and complete breaches, such as that referred to, were not infrequent until the Union of the Crowns conferred on both countries the commercial benefits which the subjection of both countries to one Crown necessarily brought.

Except at those times when trade was absolutely forbidden, there was, however, a certain amount of intercourse which

¹ Tytler, ii., p. 125.

² Acts, ii., 24, c. 9.

³ Acts, ii., 44, c. 1-12.

in the sixteenth century grew to be not inconsiderable. Wool and hides were transported to the South, and in 1482 by a law of Edward IV. Berwick and Carlisle were made the legal staples for the products of Scotland,¹ and much later an Act passed by the Scottish Parliament under James VI., in 1606, enacted that all goods passing, as well from England to Scotland as from Scotland to England, should pass only by way of Berwick and Carlisle.² Even at the end of the sixteenth and the beginning of the seventeenth centuries, Scottish merchants were nevertheless inclined to regard the trade with England as not of the first importance. In 1599 when the question arose as to the appointment of a conservator in London to secure the interests of Scottish traders there, the Convention held that this could "nather be profitable nor necessar to thair estait bot rather hurtfull and chargeabill to the samyn".³ In 1612 there was a similar hesitation displayed in regard to the trade with London, when an agent was appointed at that port, for a short period only, in order that they might gain "sufficient pruf and tryell quhiddir the said office be necessair and proffitabill to the burrowes".⁴ Perhaps a rising appreciation of the importance of the London trade may be traced in the entry in the records four years later, when we find the Convention convinced of the "necessitie of ane agent thair".⁵ Probably the real reason for such a depreciation of the importance of London as a centre for Scottish trade is to be found in the fact that the trade with England, such as it was, was carried on chiefly with the northern towns. There is evidence that Scottish merchants did a considerable trade in buying goods in England and carrying them abroad, for the question frequently arose whether such goods, like those exported direct from Scotland, should be subject to the limitations imposed by the staple towns in the Netherlands. On this point the directions given by the Convention varied considerably, but this is from the present point of view immaterial, and the fact remains that the carrying of merchandise from English ports to Flanders

¹ 22 Ed. IV., c. 8.² Acts, iv., 285, c. 5.³ C. R., ii., 62.⁴ C. R., ii., 380.⁵ C. R., iii., 25.

repeatedly engaged the consideration of the Convention. It was inevitable that the importance of London for Scottish traders should grow during the seventeenth century, and probably the attitude of the Convention in 1616 already referred to marks the beginning of this. It is certain from the account given by Cosmo Innes in the Preface to the ledger of Andrew Halyburton that in 1627-28 London had become a place of resort for Scottish ships, as thirty-three ships were cleared from Leith to London as compared with ten to Campvere and thirty-nine for the whole of the Low Countries, and Tucker, in 1656, was able to declare that "the greatest part of their trade hath and wilbe a coast trade to and from England".¹

The commercial relations of Scotland and France were at all times complicated by political considerations. It is unnecessary here to consider the history and the effects of the long alliance which was based largely on a common hostility to England, but it is clear that such an alliance repeatedly renewed during several centuries must have had many and important effects on the trade between the two countries. The economic condition of France and of Scotland would of itself have led to frequent commercial intercourse. Such intercourse was further favoured by the policy adopted by both countries in their foreign relations. The alliance not only led to the existence of a more intimate knowledge between the two peoples—a fact in itself conducive to trade—but it also secured many privileges to the merchants of both countries. Although articles of luxury and weapons could be procured with greater ease in Flanders, the wines of France were early in demand in Scotland, and Bordeaux and Rochelle were the two ports from which the wines of Gascony were early obtained. From Rochelle also salt for the curing of fish was at times extensively imported. In return the usual exports were sent to France—horses, fish and the other usual staple goods, and for these Rouen and Dieppe became the favourite ports of Scottish resort.

The close alliance of France and Scotland naturally led to

¹Tucker's *Report*, p. 30, in the *Miscellany of the Scottish Burgh Records Society*.

many privileges being conferred on Scottish merchants in France. It is unquestionable, however, that the records of Edinburgh and of the Convention of Burghs as well as the Acts of Parliament, show that the merchant classes of Scotland were most interested in these privileges at a time when they were already being lost, and it is impossible at times not to feel that at a certain period of Scottish economic history, the reference to the "ancient privileges" enjoyed in France plays a part similar to that of the laws of the good King Edward under the early Norman kings. Thus as early as 1482 there was a loud complaint in the Scottish Parliament of the ill-usage accorded to Scottish merchants in France, who had been treated "contrare to the aliance and band betuix the Realms," and satisfaction was asked for in order that the Scots might be enabled to treat the French as "freyndis in tyme tocum like as has bene done in tymes bigane".¹ An Act of 1491 makes similar reference to "auld Alliances and Confederacions," and seeks to extend the privileges enjoyed in France.²

The references to the privileges which were in fact enjoyed in France are somewhat indefinite. Apparently these did not extend to Gascony or Bordeaux, for when James VI. endeavoured to procure a complete union between the two kingdoms over which he was called to rule, the Commissioners of the Scottish Burghs stipulated not only that the ancient privileges enjoyed in France should in no way be touched by the treaty, but that the king should endeavour to procure for Scotland such immunities as were enjoyed by England in Bordeaux and Gascony³ (1604). With the Union of England and Scotland it was inevitable that the privileges previously granted to Scotland should be withdrawn. In actual fact the complaints in regard to new imposts on Scottish goods were loud and persistent from about 1580, and many commissions were sent for the "doungetting of the Customs". At this time, however, England and Scotland were drawing together, and while the ancient privileges were

¹ Acts, ii., 144, c. 11.

² Acts, ii., 224, c. 2.

³ C. R., ii., 189, 190.

still regarded as a possession to be carefully cherished, it is clear that the merchants felt that the tendency of the time was not towards a closer understanding between France and Scotland. The results are at times curious and contradictory. It was felt that the countries were drifting apart, and that the privileges formerly enjoyed were being infringed. The question was raised in the Convention which met in 1595, and it was referred to the various burghs to consider whether a commissioner should be sent, in the first place, to secure the removal of the new imposts but also for "renewing the ancient liberteis of the natioun . . . and securite of thair peciabil treffik in tyme cuming".¹ In the following year, however, the Convention decided not to move in the matter as "the present tyme is nocht proper for that purpos" owing to the unsettled condition of France.² In the same year the matter was raised in Parliament, and the great benefits which had arisen from the ancient alliance were emphasised; on account of the recent impositions, however, his Majesty found "the said auld league to be sumquhat infringeit and alterit and the saidis maircheantis of this Realme thairby gritlie prejugit". Consequently in the same year in which the Convention deemed the time "nocht proper" the king despatched John Lindsay of Balcarres to secure the discharge of the exactions complained of.

The reference in this case to the benefits conferred³ on the Scottish merchants in France is somewhat vague, but a full list of these privileges as they existed or were conceived to exist about 1638 was drawn up by Mr. Alexander Guthrie,

¹ C. R., i., 457.

² C. R., i., 493-98.

³ The records of Parliament set out the benefits conferred on the merchant estate—"to quhome abone all vtheris a special respect and consideratioun hes bene had in granting vnto thame a discharge of thair custumes and vtheris dewiteis of all soirtis of wairis and mercheandice brocht within the realme of france or transportit furth of the samin. Besydis sindrie vtheris liberteis priuilegeis Tending greitlie to thair profieitt and advancement, Preferring thame in that respect not onlie to the subjectis of all vtheris foreyne realmis and nationis but also to his said darrest brutheris awne naturall and borne subjectis of the said realme of france" (Acts, iv., p. 112, b).

common clerk of Edinburgh.¹ One of the greatest of these privileges is not mentioned in this list, but as it must to a certain extent have included all other privileges it deserves the first mention here. In 1558, on the marriage of Queen Mary and the Dauphin, all Frenchmen were naturalised in Scotland and all Scotsmen received similar rights in France. At an age when commerce was hedged in by so many national barriers, it is easy to realise how great must have been the benefits conferred on Scottish merchants by this excessive levelling down of national distinctions.² A large part of Guthrie's *Inventory* consists of renewals and confirmations of privileges already granted, but the main points are clear enough. In 1510 a charter of Francis gave to Scottish merchants exemption from all customs in Normandy. This charter was repeatedly approved and confirmed, and in 1554 it was again ratified by Henry II. on condition that the Scottish merchants should declare on oath that the goods to be exported were their own and were to be shipped to Scotland. The privileges granted to Scotsmen were again frequently confirmed, and in 1594 a warrant of Henry IV. commanded that they should be allowed to "freelie traffique through all his kingdome without any trouble". In 1599 Henry IV. also annulled certain payments which had been imposed on Scottish merchants at Rouen. His successor, Louis XIII., also confirmed the privileges enjoyed by Scottish merchants in their exemption from customs in Normandy, and later in his reign in 1635 it was declared that notwithstanding certain new taxes raised in the Duchy of Normandy, the Scottish merchants should not be required to pay more than certain sums specified in this charter.

¹ C. R., ii., 576-81.

² Acts, ii., 507, c. 6. See in the publications of the Roxburghe Club, "Diplome de Jacques VI. Roi de le Grande Bretagne et en qualité de Roi d'Escosse renouvelant les anciens traités avec la France:" "Ils ont naturalisé tous les subjects les ungs des aultres, affin d' entretenir et fortifier leur ligue par ceste solenpnelle marque et gaigne de naturelle union". A considerable number of instances are given of Scotsmen holding office in France, and of Frenchmen holding office in Scotland without any process of naturalisation.

During the whole of the seventeenth century, however, there are many complaints that the "ancient privileges" were no longer being enjoyed by Scottish merchants. That the commercial relations of Scotland and France had been materially altered by the Union of the Crowns does not appear to have been realised. On the side of Scotland the attitude taken up appears to have been that such privileges as were left were of no great consequence. In the discussion in Parliament in 1607 on the question of the relation in which England and Scotland should stand to each other, it was conceivable that the privileges, to which the Scottish merchants had apparently attached so much importance, might be an obstacle to that completer union which was considered so desirable. On grounds of policy, or from a belief that Scottish merchants were no longer privileged, the references to the advantages which Scotsmen had so long enjoyed are curiously slighting. A commission of four, two from each country, was appointed to consider the "advantage that the Scottishmen ar supposit to have above the Englishmen in buying and transporting the commodities of Normandie and of vtheris pairtis of the Kingdome of France". The conclusion arrived at was that such privileges need not be any bar to community of commercial interests between Scotland and England, as the various advantages in question were so unimportant that they should "nawayes Justlie hinder the communication and Trade".¹ Notwithstanding the air of indifference which appears in these references to the relations of Scotland and France, the renewal of the ancient privileges was often in succeeding years the object of the merchant party in Scotland. In 1612 the Convention of Burghs directed a "sufficient" person to obtain letters of introduction from the king, and thereafter to proceed to France to obtain the ratification of their privileges and the continuance of the customs at the old level.² Some years later, in 1630, there is in the Records of Parliament a complaint that the privileges of Scottish merchants in France are "of lait muche retrinched".³ Still later in the century, in

¹ Acts, iv., 368, 369.

² C. R., ii., 334.

³ Acts, v., 233.

1664, it is evident that the ancient privileges were still eagerly longed for, as reference at that time is made in the Convention Records to the despatch of an emissary by the king "anent the renewing and confirmatioun of the privilegis and liberties grantit be his predicessouris to the Scotis natione in France".¹ At the close of the century the restoration of the ancient privileges was still desired by the representatives of the burghs who, in 1697, hearing that a Treaty of Commerce was to be made with the object of restoring these privileges, represented to the king the interest Scotland had in removing various impediments imposed on their trade with France.²

This somewhat monotonous reiteration of the Scottish merchants' grievances in the loss of ancient privileges, continued throughout the seventeenth century, inevitably suggests that the old commercial intimacy of Scotland and France was already lost beyond all hope of recovery before the Union of the Parliaments deprived Scotland of its power to take independent action in these matters. The great change which had occurred is clearly shown in an Act of 1701, forbidding the import of various wines from France until the same liberties should be granted in regard to the export of goods from Scotland to France "and the same freedom and immunities granted to Scots ships sailing thither that any other Nation enjoy in that Kingdom".³ A later lengthy statement by the Convention of Burghs in 1710 of privileges that had been lost merely serves to show that the rights and liberties in question were at that time in complete abeyance,⁴ and in 1714, in connection with the discussion on the

¹ C. R., iii., 573. ² C. R., iv., 248, 249. ³ Acts, x., 278, 279.

⁴ The opening paragraph of this memorial states clearly the old position in regard to these privileges. "First, After ane old alliance and mutuall correspondence for severall ages betuixt the French and the Scots, in the year 1558 all Scots men were naturalized in France and all French men were naturalized in Scotland, as the acts of naturalization recorded in the acts of the parliament of Scotland the said year doe testifie. By virtue of which acts the Scots enjoyed all the rights and priviledges of French men in France and particularly were freed from the droit de caubaigne, whereby the goods of all others dieing in France do fall unto the King; as also of all impositiones imposed upon strangers,

commercial treaty to be made after the Treaty of Utrecht, the Scottish burghs made many representations in regard to what should be aimed at by such a commercial agreement, but these representations were based on general grounds and not on the privileges so long granted by France to Scotland.¹ Notwithstanding the close friendship which had so long existed between the two countries, Scottish trade with France was never large enough to secure the development of that institution called the "Staple" which marked the trade with the Low Countries from the fifteenth to the eighteenth centuries. In 1574 it was proposed to transfer the Staple to Calais owing to the unsettled state of the Low Countries, but though Calais during its English occupation had acquired a considerable reputation as a commercial port, the Staple for Scotland remained fixed at Campvere. Later, in 1602, a protest was made against Captain James Colvill exercising the "pretended offices of Conservatore" at Calais, and he was in consequence repudiated by the Convention.² At various times there is mention of an agent or Consul at Rouen, but little can be inferred from this fact as there was also a similar office in Spain to which James VI. refers in the same sentence as to the Conservator in the Low Countries,³ and it is known that the trade with the Peninsula at this time was very small. To the office of Consulado at Lisbon, William Crawford was appointed by the Convention in 1609,⁴ and later Sir James Cunningham was appointed Consul at Cadiz,⁵ though the conditions of trade cannot have been so extensive as to make such appointments necessary. From the mention of agents in various French towns it is then impossible to draw any conclusion, and especially the imposition of fifty solz per tunn imposed upon foreign ships; which the Scots enjoyed until the year 1663: and therefore it is humbly craved that their right and privilege specially as to these two particulars may be restored" (C. R., iv., 500).

¹C. R., v., 109-14.

²C. R., ii., 146.

³The letter is in regard to the appointment of a Conservator in England: "as we hawe in the low cuntries and Spayne" (A. R., ii., 189).

⁴C. R., ii., 280.

⁵C. R., iv., 78.

and it is at least certain that they did not enjoy a position comparable to that of the Conservators in the Low Countries.

In regard to the trade with the "Eist seys,"¹ more information is to be found in the municipal Records of Aberdeen than in the Acts of Parliament or the Records of the Convention of Burghs. In the beginning of the fifteenth century, Scottish merchants had to encounter the hostility of the Hanseatic League, for the pre-eminence which the Scottish enjoyed in adding piracy to the more lawful occupation of trades ultimately compelled the League in 1415 to prohibit all commercial intercourse with Scotland. This prohibition was renewed on two subsequent occasions, and trade was not restored until 1436.

It was the decline of the Hanseatic League as a trading power that opened the Baltic to England and Scottish merchants. Throughout the fifteenth century it is clear from the usual notices in regard to reprisals that there was a considerable trade between the northern towns of Scotland and the eastern seas. More important than these letters, to be found throughout the century, is the communication from the magistrates of Aberdeen to Danzig in 1487 deploring the fact that ships of that town now sailed to more remote parts of Scotland (Leith and Dundee). The quarrel had arisen because certain Danzig merchants had been paid in spurious money in Aberdeen, and the magistrates were now anxious to make up the loss, and so induce the merchants of Danzig to return with their trade to the town which they had temporarily deserted.² A large part of the trade was evidently in Scottish hands, for in the years 1474-1476 twenty-four Scottish vessels entered Danzig. In this town the Scottish merchants claimed that important privileges had been granted to them by one of the Grand Masters, although they were unable to produce documentary evidence of their claims. The intercourse was, however, large, and at

¹In regard to the remainder of this chapter see Mr. Fischer's extensive inquiries in *The Scots in Germany* and *The Scots in Eastern and Western Prussia*.

²A. R., i., 414.

an early date the Scots had their own altar at the Schwarzmönchenkirche. Indeed it is clear from evidence in regard to shipping that during the sixteenth century the trade with Danzig and Königsberg had grown to such an extent that for Aberdeen and Dundee at least this part of their commerce was almost, if not quite, as important as their trade with the Low Countries. From David Wedderburn's *Compt Buik* it may be inferred that about the end of the sixteenth century Dundee had from twenty to thirty vessels trading with Baltic ports. According to Mr. Fischer, the chief articles of import were timber, wainscot, lint, wax, flour, grain and iron, to which in the seventeenth century was added glass.

The most interesting feature, however, in the economic relations of Scotland and the countries around the Baltic, is to be found in the life of the Scottish pedlars, who played so large a part in Prussia and Poland. References to these pedlars are to be found as early as the fifteenth century, though the enormous Scottish emigration to Poland did not reach its height till the end of the sixteenth century. The figures in regard to this wave of emigration are so large as to appear incredible. One traveller speaks of 30,000 Scottish families being in Poland, and it is at least clear that in the remotest villages of Poland the Scottish pedlar, vending his tin utensils and woollen stuffs, was a familiar sight. Chiefly to the utter destitution of Scotland in the closing years of the sixteenth century, to which the records of the burghs, of the Convention and of the Privy Council bear witness, is this extraordinary movement of population to be attributed. In their new home the Scots acquired a considerable share of unpopularity. They are classed with Jews, beggars and gipsies, and as they succeeded to the retail business of the Jews, so the hatred and oppression which everywhere had been the lot of that nation were transferred to their successors in business.

There were thus two distinct classes of Scots in Prussia and Poland, the merchants who were to be found in such towns as Danzig and Königsberg, and the pedlars who

swarmed about the country, selling goods from house to house. To this latter class the resident Scottish merchants themselves objected, on the ground that they did not confine themselves to their trade of hawking, but dealt in grain; they engrossed the custom of the countryside the week before the market, and brought discredit on the nation by dealing in smuggled and forbidden goods, especially amber. It was not, however, to be expected that the distinction between these two classes could be observed, and though the agitation was, in the first place, against the pedlars who were accused of interfering with the rights of the gilds, it was inevitable that the well-to-do Scotsman living in the town, and the wandering Scotsman who was to be met in the outlying hamlets, should have been confounded together in the popular hatred. Complaints on the part of the native tradespeople that business was spoiled by these travelling Scots were of frequent occurrence, and in these the Scottish character is commented on in very violent language.¹ This

¹ See for example the supplication of the United Gild of Kramer of Prussia in 1569—Fischer, *Scots in Germany*, p. 37. There is one curious incident in connection with the hostility shown in the Baltic countries towards the Scots about this time. A certain Stercovius, a German, or perhaps a Pole, wrote "ane infamous libell" on the whole nation, thereby causing much distress among those of his Majesty's subjects who traded in the east seas. It is not clear whether the material for this volume had been obtained during previous travels of the author in Scotland or whether it had been written from observations of Scottish immigrants in Germany. When complaint was made of this publication, the king directed Patrick Gordon, his representative (presumably at Danzig), and David Gray to take action, which they did "with suche dexteritie, foirsyght and discretioun, without spairing of panes travellis or expenssis," that Stercovius was tried and hanged for his crimes, and his book suppressed, thus "washeing away by his infamous deathe ony stayne or blott whilk his malicious libell might otherways haif importit".

Of the libel which had so serious results for its author nothing is known, but one charge may be inferred from the sequel. The action had been taken in the interests of the burghs, and the Privy Council considered that it was but right that the burghs should pay the costs involved, amounting to £600. This, however, they refused to do, and accordingly David Gray was, in the words of the Privy Council, "lyk to be frustrat of payment thereof, sua that just occasioun wilbe gevin to him to verifie

opposition was due to the gilds and the trading classes rather than to the government of the country, but the rulers had to yield to the popular demand, and an oppressive system of taxation was about 1564 put in force against Scots, Jews and gipsies, and continued to become more burdensome until 1629, when the king intervened on the representation of various Scotsmen, and the treatment accorded to other merchants was thereupon promised to them.¹ The fierce opposition, which the Scots had had to meet, led to the formation of Scottish brotherhoods, which enjoyed a certain amount of autonomy and in various matters exercised control over their members.² In 1617 the Privy Council made a more general proposal with the object of incorporating in one society all Scotsmen trading in the east countries. This, however, did not gain the approval of the Convention, who may have dreaded lest such a step should provoke a new outburst of jealousy in the Baltic countries. In any case the reply of the burghs was that "they find the samyne verie unnecessar, and that the samyne granted will rather tend to the preiudice of the saids trafficquers than to anye advantage".³ Yet notwithstanding the replies of the Scots to the petitions lodged against them, and their association in brotherhoods, the position of the Scottish merchants remained a hard one. In Danzig, indeed, they were treated with comparative liberality, but elsewhere freedom and toleration came slowly. They were not alone in being subject to regulations—the Dutch, also great traders, shared the national hatred.

quhatsomevir the said Stercovius had moist falslie and maliciouslie wreatin aganis this natioun". In the end the burghs paid. Thus Stercovius, being dead, almost proved the justice of the accusations for which he had been hanged, but unless there were other charges in the libel the punishment seems somewhat severe. In this accusation Stercovius can hardly have laid claim to originality even in 1613 (Privy Council Register and Records of Convention).

¹ In 1570 the Convention of Burghs agitated against new exactions in Denmark and Danzig (C. R., i., 18).

² See, for example, the constitution of the Scottish brotherhood in Brandenburg and Prussia (1615)—*Scots in Germany*, pp. 41-46.

³ C. R., iii., 46.

The regulations were, however, not more severe than were imposed on foreigners elsewhere, and in an age when commerce was aggressively founded on a national basis similar limitations can be found in the laws of all countries. They had to report themselves on their arrival, stating the value and the nature of their merchandise; they were debarred from retailing their own goods, and from the inland trade, and—a regulation which was found very oppressive¹—they were not allowed to lodge with their own countrymen, the object being to prevent the smuggling of amber. They could not acquire civil rights, a restriction inherited from the Hanseatics, against which the Scottish merchants struggled in vain for a century. Lastly, the property of Scots dying in the country by the *jus caducum* reverted to the Crown, if not claimed within a certain time, and by the *quarta detractus*, if left to heirs out of the country a fourth part was annexed by the Crown. Elsewhere Scottish traders secured the privilege of not being subject to such laws, but in the Baltic countries, in spite of frequent royal letters, and representations from burghs interested, to the magistrates of Danzig, Königsberg and other towns, it was not till the eighteenth century that the laws were abrogated as regards Scots by the receipt of assurances from magistrates in Scotland that rights such as were asked for were granted to heirs of Prussian subjects dying in Scotland. The opposition to the Scots, as has already been remarked, came from the trading and not from the ruling classes. Indeed, the Scots, like all stranger merchants who contributed directly or indirectly to revenue, were in favour with the Crown and nobility, and by obtaining royal letters from Scotland and by influence at Court, admission of Scots to the privileges of citizenship was frequently obtained. But it was only rarely that a Scot succeeded in obtaining admission to the ranks of the burgesses unless he were of the second generation and born in the country, or had married the daughter of a burgher, and even this was not infrequently found insufficient. These diffi-

¹ See the Petition in 1597 against this regulation—*The Scots in Eastern and Western Prussia*, pp. 14-18.

culties overcome, many of the Scottish merchants became wealthy, and rose to positions of great influence. In 1651 they were already sufficiently wealthy to attract the attention of Charles II. who, in his exile succeeded in enforcing his proposal that they should advance to him a "loan" of a tenth of their property. In this way a sum of £10,000 is said to have been collected, but the amount which reached Charles was quite insignificant. The Scots, in fact, afterwards became the chief money lenders and bankers of the country.

There is also evidence to show that there were a considerable number of Scottish artisans throughout Poland and Prussia. There was a linen weaving settlement near Danzig, and the allied crafts were all represented. It is, however, probable that the large number of other craftsmen incidentally mentioned, adopted their crafts after being in the country. They went, doubtless, to seek their fortunes as pedlars, and did not settle as craftsmen in consequence of an industrial demand.

PART II.

HISTORY OF THE STAPLE.

CHAPTER I.

EARLY HISTORY OF SCOTTISH TRADE WITH THE LOW COUNTRIES.

IN the history of the commercial relations existing between Scotland and other states, the most important place must be assigned to the intercourse maintained from an early date with the Low Countries. "The history of the connexion of Scotland with the Netherlands is really the history of Scotch trade."¹ Doubtless during the prosperous reigns of Malcolm and David, it was chiefly with the merchants of the Low Countries that Scotland traded, but there are few definite facts on this subject before the end of the thirteenth century. From the existence of the various Flemish colonies mentioned in an earlier chapter, conclusions in regard to early commercial relations may justifiably be drawn, and it is certain that in the thirteenth century Scottish trade with Bruges was sufficiently extensive to justify the inclusion of goods obtained from Scotland in a list of the merchandise imported into that city. The most outstanding fact during this period is, however, to be found in the existence of a charter granted in 1182 to the Monks of Melrose by Count Philip,² by which the monks gained a right of passage through Flanders. To the monks, as extensive producers of wool, the privilege thus gained must have been of considerable value, as personal security was not only granted to the monks, but the de-

¹ Cosmo Innes.

² He fell in the Crusades at the siege of Acre, 1191.

pendents of the Court were required to refrain from exacting anything in the nature of toll.

Apart from this there is little that is definite until the end of the thirteenth century, when the troubled affairs of Scotland gave Edward I. an opportunity of interfering with probable success in Scottish affairs, and there is mention of frequent attempts on his part to use his influence in Flanders for the destruction of Scottish trade. The freedom accorded to Scottish merchants, and the relation in which they stood to Flanders, may be seen in letters of protection given in 1293 by the Count of Flanders granting to the people of Scotland full liberty of trade on payment of the usual duties and customs on the understanding that the "tres excellent seigneur Jean," King of Scotland, should do justice to Flemings in his country.¹ In the confusion which followed Edward endeavoured to destroy this trade, but with little success, as he was told that Flanders was a free country open to all the world, and that all should have admission to it, and later complaints of the English king that the subjects of the Court of Flanders continued to trade with Scotland were equally ineffective in leading to the adoption of an exclusive policy in the Low Countries.² That Scottish trade was not entirely killed by Edward I. is clearly seen in the grant dated 6th December, 1321, whereby William Earl of Holland conferred on certain Scotsmen "Stephen called Fourbour, burgess of Berwick and Thomas called Well burgess of St. Andrews," certain privileges "the freedom of coming, going, continuing and remaining anywhere within our territories and districts, from the date hereof, for the space of one year, void of all

¹ *Etaple de Bruges*, i., p. 82.

² In 1296, no doubt after the apparent conquest of Scotland, Edward I. granted freedom of commerce to Flemings throughout England, Ireland, Scotland and Wales. Later, however, the policy of the English king was different. Thus in 1313 Edward II. entreated the Count of Flanders to prohibit commercial intercourse between Flemish merchants and Scottish rebels. In 1319 a request was made by Edward to a large number of towns in the Low Countries not to give refuge to the Scots, and in 1333 Edward III. asked the towns of Flanders to prohibit all intercourse with Scotland (*Etaple de Bruges*).

fear, or disturbance, safe and free".¹ The state of trade indicated by this grant is, it is true, very rudimentary, but in many ways it represents the first definite assurance of such rights. A significant fact pointed out by Yair shows how early this grant is in the history of the development of commercial relations between the two countries; he remarks that it differs from other similar grants in containing no reference to earlier privileges and concessions. A more generous grant was made two years later by King Robert giving to all merchants from the dominions of William, Earl of Hainault, Holland and Zealand, freedom of ingress and egress to any part of the kingdom. To other privileges in regard to "honourable treatment" was also added the more definite and valuable one, that "the said merchants shall not be arrested either in their persons or goods, neither for their own debt nor for the debt of others". This grant was to continue during the king's good pleasure, and that the merchants were to enjoy freedom of arrest for their own debts constituted a very large charter of freedom. That they should not be made liable for the debts of others was a privilege which early traders were always anxious to secure.²

The concessions thus granted by the King of Scotland in 1323 were not, in practice at least, reciprocated. Four years later one of those incidents so common in the early history of commerce broke up the good understanding between the two countries. A Scottish merchant in Middelburg, who had been unable to pay his debts, had been put in prison, and on his escape William, Earl of Holland, gave order for a general seizure of goods belonging to the Scottish community in Middelburg.³ This, in the conditions of the time, naturally led to reprisals, under which commerce for a while languished. Indeed, apart from any other cause, the confusion arising in Scotland after the death of King Robert in 1329 must in itself have undermined that security on which trade depends, and the death of the Earl of Holland, in 1345, must have caused a further interruption in the

¹ Yair, p. 8.

² *Id.*, p. 11.

³ *Id.*, p. 16.

commercial relations of the two countries. However, there is, in 1347, mention of an agreement made between the merchants of Scotland and the burgesses of Middelburg, and this agreement, by which a staple was established there, was ratified by Parliament.¹ The nature of the contract is not mentioned in the Records of Parliament, but it is not likely that the privileges granted were extensive. This contract with Middelburg is not wholly unconnected with another event of the same year. To understand the relations between Scotland and the Low Countries at this time, it is necessary to distinguish carefully between Flanders, Zealand and Holland. On the expulsion of a Scotsman from Flanders in 1347 an Act was passed that all Flemings in Scotland should be arrested and their goods confiscated.² Scotland was at this time at war with England; in the preceding year David had been captured at the battle of Neville's Cross. The war which had been thus so disastrous for Scotland was closely connected with Edward's great struggle with France, in which the towns of Flanders appeared as his chief allies. It was indeed chiefly to gain their support that Edward put forward his claim to the French Crown, which if recognised would have made him the suzerain of the Counts of Flanders. Flanders, Holland and Zealand had not yet come under the single control of the Duke of Burgundy, and the trading towns of Zealand and Holland were not therefore allies of the English king as the towns of Flanders were. Commercially and industrially, Holland and Zealand developed much later than did Flanders, where Bruges and Ghent were at an early date important centres of trade. Middelburg was the first of the cities in the territories of the Counts of Holland to receive a charter, and this privilege was not gained till 1217.³ The early inferiority of Holland and Zealand is emphasised by a Flemish, and therefore

¹ Acts, i., 514, c. 13.

² Acts, i., 515, c. 9.

³ See Motley, *Rise of Dutch Republic*, Historical Introduction, p. vi.: "Unless the earliest concessions of this nature have perished, the town charters of Holland or Zealand are nearly a century later than those of Flanders, France and England".

perhaps a prejudiced writer, in the "Cronyk van Vlanderen" quoted by Yair. Speaking of so late a period as 1492, "The trade of Flanders," he wrote, "far surpassed the trade of Holland and Zealand: these knew nothing at all of the West and North: England and Scotland were only known to them. The principal towns of Zealand were without walls and ditches, such as Flushing; Middelburg was a stranger to trade; Armuyden a fisher town, Tervere lately built by the family of Borselen." At the end of the fifteenth century this may perhaps be regarded as depreciation of a rival rapidly becoming dangerous, but during the fourteenth century it is substantially true. Scottish trade was chiefly with Flanders, and though most of our references during the fourteenth century relate to the trade with Holland and Zealand, the chief market was nevertheless at Bruges, where the Scots were early settled and encouraged by the assurance of privileges.¹ Owing to the traditional alliance of Flanders and England Scottish trade was, however, frequently disorganised and transferred temporarily to Zealand, but till the sixteenth century Bruges remained the chief centre for Scottish trade. In these facts—the alliance of France and Scotland, and the consequent strained relations with Flanders—is to be found the connection between the two outstanding events of 1347 already mentioned—the agreement with Middelburg ratified by Parliament, and the expulsion from Scotland of all Flemish traders.

The terms of this agreement of 1347 can, as already stated, only be matter of conjecture, but a later general safe conduct, given in 1371 by Albert, acting as regent during the madness of his brother William V., indicates what may probably have been the nature of the earlier arrangement with Middelburg. This grant was to remain in force for ten years, but the benefits conferred are limited; there are no exemptions from customs or local laws. "We have taken under our safe and secure protection all and sundry merchants,

¹ Various indications of the early connection between Scotland and Bruges may be found in the *Inventaire des Chartes de Bruges*, ii., p. 123. The Scottendyc, or Scots quarter, existed from a very early time.

shipmasters and ships belonging to the Kingdom of Scotland, that they may safely come to any part of our dominions, wherever they please with their ships and any goods whatsoever and may safely sell the same, traffick, and return. . . . It being always understood that they shall behave themselves orderly, and peaceably, neither committing, or attempting to commit any thing prejudicial to our country or territories; and that they shall trade, in legal and unprohibited goods; and that they shall pay whatever duties or customs the said goods are liable to according to the laws and statutes of our country.”¹

The earlier contract of 1347 with Middelburg, the terms of which are unknown, was probably not more extensive in the privileges granted than this later charter of 1371. In the early days of commerce the tendency indeed was that such privileges should be increased, and if we assume that the usual process of steady expansion marked the period between the above two documents, the earlier agreement of 1347 must have been very limited in its application. The benefits which Scottish merchants could enjoy under these grants were not so extensive as those conferred on English traders, and to enjoy similar privileges was naturally one of the objects of the Scottish merchant classes. English trade was always much more extensive than Scottish trade, and at an early date secured extensive concessions: the Scottish Staple not unnaturally showed a tendency to follow the English Staple, although in many ways the two institutions differed in character, and perhaps in the Merchant Adventurers a truer analogy to the Scottish Staple is to be found than that offered by the Merchant Staplers. Both these English bodies, however, had greater privileges than the Scots were able to secure for themselves, as was but natural in view of the fact that the export of Scottish wool was inconsiderable in value, whereas the English wool trade was of first importance to the Low Countries. The Merchant Staplers were transferred to Calais in the reign of Richard II., and from this time references to the privileges which English merchants have, refer to those obtained by the Adventurers

¹ Yair, p. 20.

in the Low Countries. The English Staple was frequently transferred from town to town, chiefly for political reasons, after its first establishment at Dort by King Edward I. in 1285. That the Scottish merchants enjoyed privileges less extensive than those conferred on English traders is well illustrated by a grant dated 1382 made by the same Albert who was responsible for the charter of 1371. By this the English Staple, then settled at Middelburg and Zierickzee, was freed from all obligation to pay custom or toll, except a small sum for every serplaith of wool, which sum was, however, at the same time to be paid at Dort. The English merchants were also allowed the liberty of choosing "governors" to decide in disputes among themselves in regard to trade; criminal actions, however, being reserved for decision under the laws of the Counts of Holland.¹ It is not without interest to note, that it was shortly after this date that the various bodies of English merchants trading throughout Europe gained this right of appointing an authority to settle disputes arising among them. Those trading in Prussia and with the Hanse Towns elected for this purpose a governor who was confirmed by Richard in 1391, and in 1404 a general power was given to the merchants by Henry IV. to enable them to appoint governors who should not only decide in disputes arising between the merchants, but also as far as possible give them protection against any injury that might be done to them, and in 1407 a similar right was given by the English king to the merchants settled in Holland, Zealand, Brabant and Flanders, and still later the general principle of appointing some such authority was extended to the merchants of Norway, Sweden and Denmark.² The grant of Albert given to the English merchants in 1382, therefore, only anticipated by a few years what was to be the general course of development adopted by English trading bodies.

It has already been pointed out that though most of the early references to Scottish trade deal with Holland and

¹ Yair, p. 22.

² Cunningham, *English Industry*, i., p. 415.

✓ Zealand, the chief centre for Scottish merchants was nevertheless in Flanders. There is mention of certain grants of privileges made during the fourteenth century, and these are referred to later in the history of the relations of Scotland and Flanders. Thus in 1359 a charter was granted by Louis de Male to Scottish merchants, enabling them to come freely and peaceably, on payment of the usual dues, "so long as they should keep their staple of merchandice in our country of Flanders," and to this was also added the privilege that the Scottish merchants should be free from arrest for debt.¹ The charter thus given was later confirmed in 1394 by Philippe le Hardi.² Definite history does not begin until the opening years of the fifteenth century. In the beginning of that century Scottish trade appears to have been transferred to Holland with little result save general dissatisfaction. In the first two decades of the fifteenth century, times of nominal truce alternated with periods in which the seizure of vessels was regarded as quite legitimate, if not altogether lawful. In 1407 one such period of reprisals was taken advantage of by the town of Bruges to make a definite treaty with Scotland.³ John the Intrepid, Duke of Burgundy, was interested in the commercial and industrial development of his dominions, and encouragement to foreign traders was freely given by him. A charter of this duke extending the privileges of Scotsmen travelling on business in Flanders was granted in 1407, and Bruges immediately seized the opportunity given by this charter to concentrate the Scottish trade

¹ *Estaple de Bruges*, i., pp. 235, 236. "Que nuls du Royaume Descoche ne leurs biens quelxconques soient arrestez en maniere aucune ne detenez pour debte ne obligation quelconque." The grant of 1359 appears to have been preceded by a complaint of the Scottish merchants in regard to the breach of privilege given at an earlier date. See "Klageschrift der Kaufleute von Schotland" in *Hansisches Urkundenbuch*, iii., pp. 352, 353.

² *Inventaire des Chartes de Bruges*, v., pp. 302-4.

³ The attitude of Flanders to Scotland immediately before this may be seen in an agreement of 1403 between England and Flanders. A promise was given "que les Flamens estans esdictes nefes ne facent aide aux nefes des Francois Escoz ou autres ennemis d'Angleterre" (*Estaple de Bruges*, i., p. 425).¹

within her bounds. The duke's grant, according to Yair, was the first document preserved in the Court Book of the Conservator at Campvere, and its importance as marking a new starting-point in the history of Scottish trade with the Netherlands is confirmed by references in the Records of the Convention of Burghs.¹ In part this charter of 1407 was a confirmation of the earlier grants of 1359 and 1394, but other privileges were added. A further clause set out that the Scottish merchants were to have certain commissaries who were to be favourably received. The duties of such commissaries was to "prosecute, require, demand or defend the goods of these merchants and subjects, for and against all," with the reservation, however, that the commissary or procurator should have a sufficient commission from the King of Scotland to act in this way. In addition to this there were also clauses extending to Scottish merchants any privileges granted to other foreign traders in very wide and comprehensive terms, "all other privileges, immunities, and liberties, granted by our predecessors or by us to any person whatsoever, before the date of these presents".²

Considerable as are these privileges, there are yet important limitations when this charter of freedom is compared with what was afterwards granted to Scottish merchants by the various towns in the Low Countries. For example, the commissary who was to look after the affairs of the Scottish merchants had not the rank of a Conservator or judge, and it was according to the laws and customs of Flanders that a decision was to be given, and apparently the proceedings were to take place in the usual law courts of the country. In regard to the duration of the benefits thus conferred, a further limitation must be noted. The privileges were to continue in force solely during the duke's pleasure—"until recalled by us or our successors"—and the effect given to the charter was made still further dependent on the duke by the clause which reserved to him the interpretation of the

¹ C. R., iii., 226.

² *Estaple de Bruges*, Yair, pp. 27-33.

charter, and the determination of what was involved in the various clauses.

The grant of privileges made by the Duke of Burgundy is dated 31st April, 1407. The town of Bruges lost no time in ratifying these concessions and in endeavouring to secure to itself the monopoly of Scottish trade. A few days later, on the 11th May, was dated the charter of rights given by Bruges to Scottish traders. In the clauses of this deed reference was continually made to the rights and privileges of the merchants of Germany, which were by this charter to be secured to Scottish traders. The preamble definitely laid down the condition that Bruges should have such benefits as might arise from the sole enjoyment of the trade of "the merchants and subjects of Scotland, frequenting the said city of Bruges, with their goods, effects and merchandise and making it their only staple". The first clause extended a general promise of protection with assurance of such reparation and restitution as would be given to their own burgesses. In addition to this there were many concessions of privileges, apparently already enjoyed by merchants of Germany to whom reference was in each case made. On landing in the Swyn or at Sluys, Scottish merchants were not to be arrested, but were to be treated like the merchants of Germany: like the merchants of Germany they were not to be harassed by any sentence of law. Further regulations already in force in regard to the merchants of Germany were made applicable to Scottish merchants in regard to the payment of goods bought in Bruges, the privileges of buying and selling, and the purchase of necessaries.

Of the remaining clauses of this charter the most important was that which dealt with the office of Conservator, afterwards so important a feature of the Scottish Staple. The grant of privileges conceded by the duke had referred to a commissary or procurator. In the Bruges document this official is called by the better-known name of Conservator, but his duties remained the same. He was "to pursue, procure, request or defend the goods of the said merchants, and their rights and actions in the said city of

Bruges in all cases for or against". The relation in which the Conservator stood to the Duke of Burgundy, however, marks the limitations which still hedged this office. The only statement made as to his appointment was that he should be "authorized by our said illustrious lord". Consequently, the Conservator is to be regarded at this time rather as an official of the Duke of Burgundy than of the Scottish nation.¹

Such a grant of privileges as this could not fail to excite some jealousy among those who almost inevitably suffered by these concessions. It has been seen that most of the clauses referred to the merchants of Germany, and the Hanseatics could not look with favour on this authorised invasion of their privileges. The Scots brought to market many of the commodities which the Hanseatics transported from the North, and to the jealousy which naturally rose from their conflicting interests as much as to their indignation at the depredation of Scottish pirates is to be attributed their boycott of Scottish cloth.²

In so promptly confirming the privileges granted by their duke, the citizens of Bruges were doubtless influenced by the

¹ Given in Yair, pp. 35-41.

² The enmity, however, was of a much earlier date. A dispute which arose in 1348 between merchants of St. Andrews and Cupar Fife and the Hans, in regard to the capture of a ship, led to a curious pronouncement on International Law. An agreement was effected by the magistrates of Bruges, but the Scottish merchants protested against their interference. "A moult grant tort avez suscité et nourri descort entre nous et vous pour loccasion de la neif d'Allemaigne, tant pource que les biens ne les personnes ne la neif ne furent pas vostres, que pource que la mesprison, se mesprison soit ne se fist mie dedens vostre jurisdiction ne par nulle personne de nostre roiaulme. Et par mesme la raison que vous vous en mellez, sen pourroient meller ceaux d'Espagne, Arragon et Portugal, et quiconques vouldroient et ensi auront une querelle juges sans nombre, que seroit grant inconvenient. Et par mesmes la raison vous pourriez vous mesler des occasions faites entre nous et les Englois hors de vostre jurisdiction et nous auxi des mesprisions faictes entre vous et voz anemis hors de la nostre; lesquelles choses sont plainement contraires a droic-ture" (*Estatle de Bruges*, i., p. 208; *Hansisches Urkundenbuch*, iii., pp. 62-65).

unsatisfactory relations in which Scotland and Holland then stood to each other. A few years later this ill-feeling developed into open hostility which in 1416 was concluded by a concession of privileges to Scottish traders by William, Earl of Holland. The period of more pronounced and open enmity began in 1410 by a petition presented to the earl by the town of Brouwershaven, complaining of reprisals made by the Scots. A licence was thereupon granted to "our good people and subjects of Brouwershaven to hurt and injure our foresaid enemies the Scots," and in order that the earl might not be wholly without some share of the profits arising from this irregular warfare, he issued numerous letters of marque on condition that a fourth part of the gains should be handed to him.¹ Although in 1416 these letters of reprisals were recalled and freedom and protection were assured to merchants, yet the policy of irregular warfare was soon resumed. Both sides inevitably suffered from a condition of affairs in which all security was impossible, and it was not long until it was realised that the true interests of both parties lay in peace. In reaching this conclusion the Earl of Holland was doubtless influenced by a petition from Amsterdam where the merchants naturally suffered from the freedom recently accorded to piracy. The concession of privileges which was made in 1416 is to be regarded as a much-needed truce after a long season of hostilities, rather than as a grant of commercial liberties. The privileges, however, such as they are, did not differ greatly from those granted in Flanders by the Duke of Burgundy. Freedom and protection were extended to Scottish merchants who were henceforward to be exempted from all but specified customs, and who thereby received the same treatment as English and other foreign merchants. Freedom in buying and selling was also given to them, while in the case of wrecks or other damage arising through stress of weather, such rights were extended to Scottish merchants as were already enjoyed by the earl's own subjects, and further security was also given to enable Scottish merchants to sell

¹ Yair, p. 44.

advantageously goods contained in vessels driven ashore. More particular notice may be taken of the clauses which dealt with the self-government of the merchants. We have seen the nature of the Conservators in the Bruges charter of 1407. In the grant now made by the Earl of Holland the resemblance is to be found rather in the English Staple at Middelburg, where in 1387 the privilege of appointing a governor was given. The functions of the governor in this case were clearly set out in clauses 8 and 9 of the grant:—

“8 Item. We consent and empower the merchants of the kingdom aforesaid to chuse and nominate, one or more governors, as they please, from amongst themselves, and that they shall have their meetings in one or other of our towns, where or when they shall think most proper, for the interest of their business and traffick, that these may be so regulated, as they should judge most to their satisfaction and advantage.

“9 Item. And if any difference or debate may happen to fall out among them, about an affair of debt, or what may be under their deliberation, if it is not a case of murder, breaking or disturbing the public peace, these governors may decide the affair without any of our subjects intermeddling with them.”¹

It is clear that to governors vested with these powers was assigned a more important part in the life of the Scottish industrial community than was given either to the Commissary or Conservator of the agreements already referred to.

The privileges contained in this grant were to be of short duration; by the last clause the agreement was to have validity only for a space of two years or until subsequently withdrawn. Within these two years William VI. the author of this charter died, but in 1418 it was ratified and confirmed by his successor.² Notwithstanding this agreement the relations between Scotland and Holland do not appear to have been greatly improved during the following years, and the old habit of irregular privateering was pursued. At length both sides became convinced of the ruinous consequences of such a warfare, and in 1423 Commissioners were sent during

¹ Yair, p. 54.

² *Id.*, p. 55.

James I.'s detention in England by the Duke of Albany to arrange "a good peace between the King of Scotland, on the one part, and our gracious Lord of Bavaria, Holland, Zealand, etc., on the other part".¹ The peace which was arranged was very limited in its scope, and was to be in force for a very short period beginning on St. Lambert's Day (17th September) and extending a year beyond the Lady Day following. During the period in which it remained in force it, however, guaranteed to Scottish merchants all the privileges granted to them in 1416. The treaty thus made was afterwards twice extended for short periods of one and two years.

With the return of James I. from his captivity in England, a change took place in the foreign commercial policy of Scotland. James was greatly dissatisfied with the treatment of Scottish traders in Flanders, and consequently transferred Scottish trade from Bruges to Zealand. An Act of the Scottish Parliament in 1424, the year in which James returned, imposed penalties on Scottish merchants who wilfully passed into Flanders.² In the following year ambassadors appeared from Flanders making offers of redress "for the intolerable disrespect shown to the Scotch merchants before the king's return from England" and of compensation for damage done under letters of marque.³ The king, however, persisted in making Middelburg the Staple, and the Duke of Burgundy, who already in 1426 had the controlling power in Holland and Zealand and was soon to add them to his dominions, consented and conferred the privileges granted in 1416 to the merchants of Scotland who are represented in the ratification as "very desirous to come to Zealand and particularly to the good town of Middelburg".⁴

¹ Yair, p. 58.

² Acts, ii., 7, c. 6.

³ Yair, p. 63.

⁴ "And as it is likewise our inclination to promote peace quiet and industry, and to protect those we have authority over to the utmost of our power: We therefore at the earnest desire of our town of Middelburgh have granted confirmed and established, and by these presents confirm grant and establish to the ordinary merchants and subjects of Scotland all such privileges favours rights and liberties, as they formerly enjoyed in the lifetime of our beloved uncle, William Duke of Bavaria, of blessed memory, which our dear uncle John Duke of Bavaria confirmed in the

This grant made in 1426 was to remain in force for a period of four years, but before the conclusion of this period the citizens of Bruges, in 1427, in their anxiety to regain the trade they had lost, induced their complacent duke to interfere, on this occasion in the interests of Flanders. By the charter now given the duke undertook to compensate his subjects for any damage which may have been done to the Scots before the date of the return of James from England, and further undertook that Scottish traders should have free access to Flanders, and should in no way suffer arrest, or detention, on account of any act of warfare that may have taken place while James was still in England. In addition to this general provision for the security of trade certain definite privileges were also accorded to the Scots, but these differ from other similar grants already mentioned in containing no reference to any officer corresponding to the Commissary or Conservator. Notwithstanding this the privileges were extensive and valuable, and in several respects more detailed than is customary in such grants.¹

How long the privileges, contained in this charter, were enjoyed by Scottish merchants cannot be definitely stated, but it is certain that during the fifteenth century Scottish trade continued to be chiefly connected with Flanders, and the town of Bruges, then the great commercial city of Western and Northern Europe, remained the chief centre for Scottish

latter part of his life, That they shall freely enjoy and possess the same, through the whole countries of Holland Zealand and Friesland as they are mentioned in their letters thereaunt, Always paying the ordinary duties and customs to which their goods shall be liable by water or by land. To begin at the date of these presents and to continue four years running thereafter and to end three months after we have recalled these presents. Always understanding that if any hostilities or war shall happen, between the Kingdom of Scotland the countries of Holland and Zealand (which God forbid) that then these grants and letters shall be accounted void and of no effect. And we shall be held as absolved from any obligation which we hereby come under, without any further debate thereupon" (Yair, pp. 65 and 66).

¹ This charter is given by Yair in Latin (pp. 67-74) and in English (pp. 74-80).

traders. Bruges at this time enjoyed an enviable pre-eminence among the cities of the Low Countries. It was the clearing-house both for the Hanseatics of the North and for the traders of Venice and of Spain. It was the seat of English Merchant Adventurers, the market for the hides and furs of Russia, Scandinavia and Scotland, for the drugs and spices of the East, for the silks and wines of France and of the Mediterranean. In such a world emporium the trade of Scotland must indeed have appeared insignificant, but Scottish merchants were attracted thither by its greatness, which made it the market in which they could both buy and sell most advantageously. Yet the position of Bruges was not unchallenged, and a careful observer might have recognised the gradual growth of Holland and of Zealand, indicating the possibility of a change in the world's market. Only towards the end of the century, however, was this alteration made outwardly manifest. Misunderstandings between Maximilian of Austria and the Flemings led to an insurrection against him, and his imprisonment in Bruges in 1488. The punishment which overtook Flanders for this act injured her commercial and industrial supremacy, and Bruges in consequence ceased to occupy the first place among the markets of Europe. Her trade rapidly declined. The English Merchant Adventurers transferred their Staple to Antwerp, creating thereby the prosperity of that town, and transforming in a few years an insignificant village devoted to agriculture and fishing into a commercial city which soon rivalled Bruges at its greatest. Thither, while access to Sluys was interrupted, the Italian silk trade was also transferred, and in time Antwerp also benefited by that trade which Bruges had never known—the trade which Spain and Portugal carried on with the new world. In these circumstances the advantages which Bruges had offered, as the most convenient market for the exchange of goods, could no longer induce Scottish traders to make the declining city the chief centre for her foreign commerce. They did not, however, like other foreign trading communities, go to Antwerp, but established themselves in the Island of Walcheren, from which as

a convenient centre they could carry on trade with the chief city of Flanders, now declining, as well as with Antwerp and with the rising towns of Zealand and Holland. The ledger of Andrew Halyburton, who as Conservator was settled at Middelburg about 1500, shows Scottish trade using that city as a distributing centre, convenient alike for the markets of Bruges, Bergen and Antwerp, which, as far as Scottish traders were concerned, appear as of about equal importance at the beginning of the sixteenth century.¹

During the early years of the fifteenth century there was, however, no indication of the approaching decline of Bruges, and Scottish merchants contributed their humble share to build up the prosperity of a town, which in return inevitably exercised a great influence on the burghal life and municipal institutions of Scotland. There are many traces of the close connection which existed between Edinburgh and Aberdeen and the town with which their merchants chiefly traded. As early as 1438 the close connection binding the towns together is shown by the regulation in the Records of Edinburgh requiring traders sailing outwards to give "a sek fraucht to Sanct Rynanes Ile in Brugis," and to make a similar payment to St. Giles on the homeward journey.² An entry with the same object appears in the Aberdeen Records, but as the payment was to be made only for the repair of the Parish Church of Aberdeen, and only by merchants sending goods to Bruges, the circumstances are not altogether similar (1449).³ By an Act of Parliament, however, passed in 1441, a tax was imposed on vessels sailing to Flanders, Holland and Zealand in order to support the Scots chaplain of the Carmelite Church at Bruges.⁴ Moreover, the example of Bruges was regarded as furnishing the pattern to which Scottish institutions should conform. Thus, later in the century, in 1475, in the seal of cause granted to the Wrights and Masons of Edinburgh—

¹ In regard to the fall of Bruges see the chapter entitled "The Final Catastrophe" in *Bruges* in the Mediæval Towns Series (Gilliat-Smith). The events leading to the decline of Bruges are concisely stated in a pamphlet *Antwerpen, was es war, ist und werden kann* (1803).

² E. R., i., 5.

³ A. R., i., 18.

⁴ Acts, ii., 57, c. 7.

itself a sign of Flemish influence—the representatives of these trades were to have “placis and rowmes in all generale processions lyk as thai haf in the towne of Bruges or siclyk gud townes”.¹ In other respects also the example of Bruges and of Flanders was accepted as a guiding principle. In an Act passed in 1467 under James III., dealing with various matters affecting the coinage, it was declared that various coins, including several pieces of the English coinage, were to have in Scotland a value corresponding to that at which they were accepted in Flanders,² and still later in the century, in 1489, the fineness of the silver work of Bruges was taken as the standard to which Scottish goldsmiths should conform.³

The subject-matter of Scottish trade with Bruges scarcely requires detailed discussion, as the general nature of Scottish exports and imports has already been considered in an earlier chapter. The trade with Bruges was comprehensive; indeed Bruges at the time served as a foreign depot, for the export of whatever Scotland had to export, and the import of whatever was required and could not be produced at home. Accordingly to Bruges as the market in Flanders, Scotland sent wool in small quantities, cloth to such an extent as to rouse the jealousy of the Hanseatics, hides, skins and furs in large quantities, together with salmon and trout. In carrying on this trade, Aberdeen and Edinburgh were the chief places of export. From Bruges they brought in return whatever articles of luxury or of refinement they could afford to buy—the inevitable drugs and spices, the finer cloths and embroidery, the gold and silver work for which a gorgeous Church ceremonial created some demand, sometimes wheat and provisions, and to a large extent the wines in general use. Bruges was thus for Flanders the chief market for the wines of France, Spain and Portugal brought by sea, as well as for those of the Rhine and of Italy brought overland. In the fifteenth century Scottish ships did not venture much on the longer voyage to Bordeaux or Rochelle, as they did later, and Bruges supplied most of their wants. Indeed their purchases of any kind were probably so small that it was only in a

¹ E. R., i., 32.² Acts, ii., 88, c. 1.³ Acts, ii., 221, c. 13.

universal emporium that they could profitably trade, the policy of direct importation from the producing country being an impossibility in the earlier stages of trade. Guicciardini, in writing of Antwerp in the beginning of the sixteenth century, gives an account of the trade carried on by various countries, but he passes by the trade of Scotland as scarce worthy of more than mere mention, and though Bruges had in the fifteenth century the advantage of being the foreign centre for Scottish traders, when compared with the vast extent of the trade of other countries, the contribution made by Scotland to the commercial greatness of Bruges must have appeared small to any outside observer.¹ We may not unjustly consider that it is patriotic exaggeration which induces Yair to attribute the decay of Bruges to the transfer of Scottish trade to Zealand, even though he can support his statement with a quotation from Smallegange to the effect that "many houses, packhouses, cellars and other places for the accommodation of merchandise, became not only empty but continued useless, and at last were a burthen to the proprietor".²

Bruges has been spoken of as the Staple Town for Scottish commerce at this time. It was not, however, continuously the head-quarters of Scottish merchants, and indeed throughout the whole of the fifteenth century the movements of the Staple are frequent and somewhat obscure. Thus although the grant of privileges already referred to was made by Bruges in 1427, and although a treaty for a hundred years is said to have been made with Bruges in 1431,³ it is clear, from the regulations in force in Middelburg in 1430, that Scottish merchants were at that time not unknown in the chief town of Zealand, though the Staple may not indeed have been situated there. In 1430 the magistrates of Middelburg required foreign merchants to stand with their wool in houses or cellars, but an exception was made in favour of English and Scottish merchants who were allowed to stand

¹ Guicciardini (a nephew of the historian) merely mentions the Scottish connection with Campvere : "e terricciuola assai leggiadra e di ragioneuole traffico, massime per il commercio delle navi di Scotia".

² Yair, p. 96.

³ Macpherson, *Annals of Commerce*, i., p. 647.

in the market place two days a week.¹ Little can indeed be inferred from such a reference, but it is clear from a decision of the governing body of Middelburg that in 1455 the Scottish Staple was definitely situated there.² It soon, however, returned to Bruges, for in 1461 an appeal was made against a decision of the Conservator, Etienne Anguis, in a dispute between two Scotsmen in regard to a cargo of beer and salmon. It is of some importance in connection with the evolution of the Conservator's powers to note that although the magistrates declined to interfere in this matter, their decision was based, not on the ground that they had no jurisdiction, but on the technical reason that a year and a day had elapsed.³ In 1466 Etienne Anguis was engaged in a dispute with the clerk of the merchants of the Hans, and he is again referred to as "Conservateur des privileges des Ecosais".⁴

In this year an interruption took place in the trade with Flanders, which is worthy of mention, as the reasons underlying the change are more obvious than is usual in this period of obscurity. The explanation of this breach is to be found in the existence of the Franco-Scottish alliance, and the relations in which France and Flanders then stood to each other. By an Act of this year Scottish merchants were forbidden to convey merchandise to the Swyn, Dam or Bruges, after the 1st August, under the pain of forfeiture of their goods, and before the same date all those having goods in these places were to remove them "and fra thin furth that thai nothir by nor sel na mak merchandise in ony of the places before writtin under the panis aforsaid".⁵ By an Act of the same year it was made lawful to all merchants in the realm to sail to Rochelle and Bordeaux and Norway "with sic merchandise as is convenient".⁶ Although the object of the Scottish legislature was thus to encourage

¹ *Oud Archief*, No. 170.

² *Id.*, No. 287.

³ *Estaple de Bruges*, ii., p. 118.

⁴ *Id.*, ii., p. 149.

⁵ *Acts*, ii., 87, c. 6. As to the alarm caused by the breach with Scotland, see *Inventaire des Chartes de Bruges*, v., pp. 25, 26.

⁶ *Acts*, ii., 87, c. 8.

trade with France, and by means of the heavy penalties mentioned discourage all intercourse with Flanders, it is not so easy thus to influence trade and turn it into what was then an unnatural direction. As has been said the journey to Rochelle and Bordeaux was too dangerous a one for Scottish traders to undertake, and it was imperative that they should have in a more accessible place some port to serve as a general emporium for their foreign trade. The necessity of this was admitted in another Act passed at the same time, granting tolerance to all merchants to pass with their ships and goods to the town of Middelburg and to do their merchandise there "till our sovereign lord provide for a Staple to them".¹ Scottish merchants were thus allowed to go to Middelburg, until a definite Staple should be established, and for a few years Scottish foreign trade appears to have remained in this unsettled form. In 1469, indeed, Middelburg paid a sum of £20 to Alexander Napar for his service in bringing the Staple to the town, but it is not improbable that this merely refers to the conditional permission already given to Scottish merchants.² At any rate, in the following year Scottish trade was again transferred to Bruges, and a new grant of privileges was made. Alexander Napar was also able to secure another gratuity, on this occasion from the magistrates of Bruges, for his labours in securing the return of the merchants to their town, and for his promise to use his influence with the king in compelling the observance of the Staple in future.³ Thus apparently, though the Scottish merchants had returned to Bruges, there was as yet nothing in the nature of a definite contract with the approval of the king. On this occasion,

¹ Acts, ii., 87, c. 7.

² *Stadsrekeningen*, ii., p. 56.

³ The words clearly indicate that Bruges was regarded as the traditional Staple town. The payment was made "pour certaine gratuite et en recompensation des grans fraiz, missions et despens que jay eu et soustenu pour moi et mes gens en la poursuyte de la matiere du retour des marchans Descosce en la dicte ville de Bruges ou ilz souloient tenir leur estaple". Napar was to use his influence to compel the merchants "pour y tenir leur estaple comme faire souloient en temps anchien" (*Etaple de Bruges*, ii., pp. 198, 199).

however, Napar's gratuity was not without effect, for on the 31st May, 1472, James III. ratified a treaty requiring merchants to take their goods to Bruges as the Staple port and not elsewhere.¹ A few days later a commission as Conservator was given to Anselme Adournes,² who had, according to James, reflected credit on Scotland and its king not only at the papal court and in Christian countries, but also among the barbarous nations of Saracens and Turks. The commission, which is a somewhat lengthy one, is chiefly of interest for the many points in which it exactly anticipates the later conception of the Conservator's office.³

Notwithstanding the conclusion of this treaty, and the appointment of a Conservator with very extensive powers, the Staple on this occasion remained at Bruges for a very

¹ "Ad dictum oppidum Brugense et non alibi more solito."

² Adournes, however, was not a Scotsman. The family, which played an important part in the history of Bruges, came originally from Genoa. Anselme Adournes was born in 1424, and on several occasions acted as ambassador to Scotland. With the Patriarch of Antioch he was sent to the Sultan of Persia. He was assassinated in Scotland in 1483 by Alexander Gardin, and buried at Bruges in the Jerusalem Church founded by his family (see *Bruges et le Franc*, by J. Gailliard).

³ The following extract from the commission given to Adournes shows how fully developed the conception of the Conservator's office was at this time: "Dantes et concedentes dicto Anselmo conservatori dictorum privilegiorum plenariam potestatem, et mandatum speciale privilegia et libertates dicte nostre nationi per illustrissimos principes Burgundie duces nostros confederatos et consanguineos concessas sustinendi, utendi et juxta tenorem seriem dictorum privilegiorum defendendi in judicio si necesse fuerit et extra, comparandi causasque lites et discordias inter mercatores aliasque personas aut partes quascunque burgorum Regni nostri ortas, motas sive movendas audiendi, et cum consensu et assensu certorum providorum et fide-dignorum conburgensium burgorum ibidem pro tempore existentium. Quiquidem conburgenses et fidedigni vocabuntur decidentes, terminantes et sentenciantes transgressores et diligentes punientes; necnon ad petendum, exigendum, et levandum pro suo salario vel pensione de quolibet sacco lane pellium oovriorum vel aliorum bonorum corisponendo ad saccum lane et pellium id quod prepositi baillivi, consules et mercatores Regni nostri in nostro parlamento unanimi consensu et assensu sibi per suas litteras sub sigillo communibus dictorum Regni nostri burgorum confectas et ut in eisdem continetur dare concesserunt" (*Etaple de Bruges*, ii., p. 215).

short time. Within two years the serviceable Alexander Napar was again despatched by James III. to Middelburg to arrange for a transference of the Staple, and about the same time the king wrote to Middelburg expressing his dissatisfaction with the situation of the Staple at Bruges where it had been since time immemorial. In recent years it had enjoyed but few advantages there, and the king had therefore decided to remove it to some other convenient town. For this purpose two commissioners were now sent to Middelburg with the necessary letters to bring the matter to a speedy conclusion.¹ The facts as to the establishment of the Staple at Middelburg are uncertain, but it is clear that soon after this the Staple was in fact transferred, for there are various entries in the Middelburg accounts showing that the Staple was situated there in 1477 and 1479. Here the Scottish merchants remained until 1483, when Bruges again made efforts to secure the monopoly of Scottish trade. In this year commissioners were sent to Middelburg to gain the goodwill of the merchants there, who, it was stated, had been absent from Bruges for "a certain time," and had had their residence in Middelburg.² A reference to the Scottish chapel at Bruges soon after this indicates that the commissioners were successful in moving the Staple to their town. This is confirmed by Boxhorn, who states that the Staple returned from Bruges to Middelburg in 1495, although it may be inferred from payments appearing in the Middelburg accounts that the Scottish merchants had already gone with their goods to Zealand in 1494. In this somewhat monotonous list of obscure changes, the next translation of the Staple is noteworthy, as another town now appears as the rival of Middelburg and Bruges. Apparently by command of Philip II. of Austria, the Staple was transferred to Bergen-op-Zoom sometime before March, 1496,³ and later in the same year Philip found it necessary to write to the magistrates of Middelburg requiring them, on the pain of his displeasure, to observe more strictly the ordinance which

¹ *Oud Archief*, No. 445.

² *E staple de Bruges*, ii., pp. 240, 241.

³ *Oud Archief*, No. 724.

had made Bergen the Staple town for wool brought from all parts of Great Britain and Ireland. Indeed it appears that English and Scottish merchants "of all kinds" continued to frequent Middelburg without paying the dues at Bergen.¹ In such circumstances Bergen could hardly hope to secure a monopoly of Scottish trade, and it is not surprising to find that the Staple returned a few years later to Middelburg, where in 1501 it was decided to make an annual payment to the Conservator of the Scottish nation so long as he should remain there with his wife, children and household, and the merchants of Scotland should keep their Staple in the town.² Here in fact the Staple remained till 1506, when, according to the Dutch chroniclers of Zeeland, it was removed to Campvere.

This appears to have been the first definite establishment of the Staple at Campvere, although tradition gives it a more remote origin. The close connection which it so long maintained with the Scottish burghs has, in fact, not infrequently been traced as far back as 1444, when Mary, sister of James II., married Wolphaert van Borselen, son of the Lord of Campvere, and it has in consequence been stated that Campvere became thus early the Staple for Scottish trade. There is, however, in reality no evidence in support of this statement, which probably owed its origin to a natural desire to give the connection between Scotland and Campvere a greater antiquity than it really had, and the marriage already mentioned seemed to offer a convenient event from which to date the history of the Scottish Staple at Campvere. The Borselen family did all in their power to encourage the trade of their town, and as early as 1430 it had some if perhaps not very extensive foreign shipping, and later, in 1459, the first ships from Denmark harboured at Campvere. The importance of Campvere as a trading centre grew, and in 1475 by a patent from Edward IV. its citizens had the privilege of trading freely in England.³ About three years later, after the war between England and France, a messenger was despatched to Scotland to announce that it was then open to

¹ *Oud Archief*, No. 727.

² *Stadsrekeningen*, iii., p. 76.

³ *Wagenaar*, iv., p. 118.

a rebus de stracta et
 Medeburg. A magis impense dilectis filiis magistris Johanne et consilio ville de
 a quatuor mensibus sequens villam burgensem. Dicitur quod dicti magistri Johanne et consilio ville de
 Minimis vero nullius compositione cum dictis villam burgensem. Dicitur quod dicti magistri Johanne et consilio ville de
 factum ab anno 1240 non. Dicitur quod dicti magistri Johanne et consilio ville de
 legatos apud dictam burgensem. Dicitur quod dicti magistri Johanne et consilio ville de
 taliter acciderit. Dicitur quod dicti magistri Johanne et consilio ville de
 locum non minus facere loci immunitatem et omnimodam libertatem. Dicitur quod dicti magistri Johanne et consilio ville de
 dictum plus burgensium libertatem et omnimodam libertatem. Dicitur quod dicti magistri Johanne et consilio ville de
 nullo singulorum. Dicitur quod dicti magistri Johanne et consilio ville de
 indelicet prout per dictum burgensem. Dicitur quod dicti magistri Johanne et consilio ville de
 burgem burgem non de Eduburg. Dicitur quod dicti magistri Johanne et consilio ville de
 eundem in dictis villam burgensem. Dicitur quod dicti magistri Johanne et consilio ville de
 profuturum. Dicitur quod dicti magistri Johanne et consilio ville de
 De infra non de Eduburg.

III
 J. W.

Scottish merchants to come with their vessels to Campvere.¹ It was, however, in no sense a Staple town, for at this time the English Staple was at Calais, while Scottish merchants, as we have seen, were situated either at Bruges or Middelburg. According to the legend which traced the history of Campvere, as the Scottish Staple, to the marriage of Mary and Wolphaert van Borselen, there was a succession of Dutch Conservators beginning with Paul, an illegitimate son of the second Lord of Campvere, who in consideration of his services as Lord Conservator was created Earl of Lauderdale, a title which continued in his family until 1577, when it became extinct in Scotland. This Paul, who was the first Dutch Conservator, was succeeded in office in 1504 by his son Henry, who was followed by his son—another Henry, and by another member of the family, Philip, who died in 1547, the last Dutch Conservator. A belief in this tradition may be traced in the various Dutch chroniclers,² and it is given at length by Steven in *The History of the Scottish Church at Rotterdam*. There is, however, no Scottish evidence for the existence of these Dutch Conservators, and, apart from the references to Anguis and Adournes in the fifteenth century, there is from the time of Halyburton (1493-1503) a succession of Scotsmen who bore the title of Conservator. Campvere, as has been stated, probably did not become the Staple port until the sixteenth century.

It is unfortunate that the obscurity, which hides the movements of the Scottish Staple in the fifteenth century, makes it difficult to determine the nature and the character of the agreements made at this time. The idea involved in the Staple necessarily demanded that the town chosen as the Staple port should enjoy the monopoly of Scottish trade. This conception was indeed established at a very early date.³

¹ Ermerins.

² With, however, modifications. Thus, for example, according to Ermerins, it was only under Anne, who died in 1518, that we find “de Scotsche stapel te recht gefundeerd”.

³ Certainly as early as 1388. “Robert Thomas descoche calengiez davoit fait aucunes marchandises, lesquelles il devoit avoir menne a

It is, however, probable that although this was doubtless involved in the various agreements, the condition of exclusiveness had not at this period acquired the importance later attached to it. Thus in the case of the contract with Bruges in 1472, it would appear that the settlement of the merchants there anticipated the agreement. If Boxhorn's statement, that the Staple was established at Middelburg in 1495 be accepted, the presence of Scottish merchants there in 1494, when they received gifts of wine from the town, may point to a similar settlement of merchants before, rather than after, an agreement. The complete failure of the Scottish merchants and the town of Middelburg to observe the conditions of the Staple at Bergen in 1496 also seems to indicate that the agreements at this time did not receive that strict interpretation which at a later period made a breach of the Staple so serious an offence.

Other evidence in regard to Scottish trade during the fifteenth century shows that merchants assumed a certain liberty in carrying on business with various towns in the Low Countries. In 1456 there is mention in the Aberdeen Records of the appointment of Lawrence Pomstrat to be "host and receiver" (*hospes et receptor*) of Scotsmen at Flusa (Flushing).¹ The Staple was indeed at this time at Middelburg, and Scottish merchants would therefore not be unknown in Flushing, but it is nevertheless unlikely that such an appointment would have been made had the Aberdeen merchants not been in the habit of frequenting Flushing in their commercial pursuits. Reference has already been made to the breach in trade, which took place with Flanders in 1466, and the liberty allowed to merchants of trading with Middelburg until the king should provide a Staple for them. The proceedings taken in consequence of this Act show us the unfixed condition of Scottish trade in the Low Countries. The king was to see "*quhat fredomes and privileges thai sal haf in*

Bruges a lestaple premiers avant quil les mist ailleurs a vente, lequel fut contre le franchise et lordenanche dou dit estaple delle dite ville" (*Estaple de Bruges*, i., p. 364).

¹ A. R., i., 21.

tym to cum at the place quhar thai sal be staplit," and certain persons were sent "in al gudly haste" to bring an answer in regard to this matter. Probably the goodly haste of the ambassadors resulted in the treaty with Charles of Burgundy, who in 1469 renewed the ancient privileges of the Scots, as is recounted in the preamble of the treaty with Charles V. in 1551.¹ The privileges thus renewed were, however, evidently not regarded as sufficient, for in 1478 an embassy was appointed to treat with the Duke of Burgundy on the subject of losses hitherto sustained by Scottish merchants in his dominions, as well as with the view of obtaining confirmation of previous alliances, and if possible a grant of greater privileges in future. This also indicates that the monopoly implied in the conception of the Staple was not insisted on, for there is in this Act nothing to suggest any limitation on Scottish trade; from the words used it is clear that any privileges obtained were to extend through the whole of the duke's territories, and were not to be merely in respect of the trade carried on with any one town.² It would appear from the records of the burghs that a special invitation was extended to Aberdeen to take part in this embassy, as doubtless the trade of Aberdeen made the undertaking one of special importance for the citizens of the northern town, and certain taxes were imposed to defray their share of the expense of the embassy.³ What was the "scaith" complained of, and what compensation the Scottish merchants desired we do not know, and can only surmise that, as was frequently the case, each party to the bargain was more anxious to hold the other to its concessions than perform its own part. In any case the embassy was fruitless, as the duke had already perished at the siege of Nancy before anything could be accomplished. Indirectly this mission had its effect on Scottish history. A certain Andrews, a physician and astrologer, returned with the envoys to Scotland, and by encouraging the king's taste for the occult, was not without influence in the deterioration of the royal character.⁴

¹ Introduction to *Halyburton's Ledger*, p. lxxxv.

² Acts, ii., 118, c. 4.

³ A. R., i., 410.

⁴ Buchanan.

That the rigid interpretation later given to the Staple was not at this time insisted on may further be inferred negatively from an Act passed in 1487. In an earlier chapter reference has already been made to the exclusive spirit of the Scottish merchant class, and to the property qualification required by those who traded abroad. In order that these laws should be more strictly enforced an Act was passed in 1487 in regard to the "grete multitude of simple unhonest persons" sailing from various burghs to Flanders, Holland or Zealand.¹ To see that those who traded abroad were famous and worshipful men searchers were appointed, but it was evidently no part of their duty to guard against any "breach of the Staple"—afterwards one of their most important tasks, and it is evident that at this time no measures were taken by the authorities in Scotland to prevent merchants sailing elsewhere than to the Staple port.

The accession of James IV., in 1488, in many ways marks a definite turning-point in Scottish history. The closing years of the fifteenth century were indeed years of importance in the history of the whole world. The invention of printing made possible the great intellectual revolution, the discovery of America prepared the way for a fundamental change in the commercial balance of Europe. With the close of the fifteenth century is also associated the formation of strong monarchies throughout Europe. For Scotland the great change, connected with the reign of James IV., is found in the fact that what had hitherto been a somewhat isolated country, with foreign relations confined almost exclusively to England and France, became a country of European importance. James had definite ideas and energy to carry them into effect, but his influence on Scottish trade was nevertheless comparatively slight. It was his misfortune that Scotland was entangled in the French Alliance, which meant not only antagonism to England but also strained relations with Burgundy, whenever it so pleased the ruler of France. James was but sixteen at the time of his accession, and his influence could not at first be strongly felt, but later in his reign the tendency is markedly

¹ Acts, ii., 178, c. 12.

to a renewal of the old friendship with France and a definite breach with England. In 1495 James's advocacy of Perkin Warbeck led to acts of open hostility against England, and though peace was arranged in 1498 the feeling of enmity to England remained, and this was accompanied by an unceasing readiness to espouse the cause of France in all matters. To this is to be attributed the proclamation of James in 1498 forbidding the sailing of vessels to all parts of the Duke of Burgundy's dominions.¹ It is, however, characteristic of the king that a special exemption was granted in favour of a ship belonging to Campvere lying at Aberdeen "ladyne and chargit with merchandice and gudis of St. Nicholess of Abirdene". James was too faithful a son of the Church to allow his proclamation to hurt the interests of St. Nicholas.

With the sixteenth century the record of the Staple trade becomes more systematic, and less the episodic chronicle of changes for which no reason is given and of which it is only possible to surmise the underlying cause. Henceforth legislation dealing with the organisation of the Staple was passed: the burghs in their Convention made regulations dealing with the matter, and endeavoured to have them enforced. Conservators were regularly appointed, and from various sources it is possible to construct a completer history of Scottish trade with the Netherlands.

¹ A. R., i., 426.

CHAPTER II.

RIVALRY OF CAMPVERE, MIDDELBURG AND ANTWERP FOR THE POSITION OF STAPLE TOWN (1541).

IN the preceding chapter we have seen the nature of the earlier grants of privileges accorded to Scottish merchants in the Low Countries, and it has been suggested that the merchants probably assumed a liberty of trading not in accordance with the strict letter of the contracts governing the foreign trade of Scotland, although no doubt it is true that motives of self-interest led to the concentration of trade in the town which for the time offered the greatest advantages. In the office variously known under such names as the commissary, procurator or conservator, above all in the very definite statement of duties enumerated in the commission given to Adournes in 1482, we have also seen before the close of the fifteenth century the early development of that office of Conservator, afterwards in many ways the central feature of the Scottish Staple, as established at Campvere. The object of the present chapter is to trace during the first half of the sixteenth century those changes by which a strict interpretation was given to the agreements in regard to Scotland's foreign commercial relations, leading under the organisation of the Staple to the concentration of trade in Campvere. During these years the monopoly of Scottish trade was the object of eager competition on the part of various towns in the Low Countries, and the general advance of trade and commerce made it essential that such a monopoly should be gained by definite concessions of privileges. Many of the advantages offered to traders under the charters and grants mentioned in the previous chapter appear from a modern point of view meagre enough, and are

indeed in many cases but the concession of bare justice. That a trader should not be liable for the debts of another does not appear to be the concession of any great privilege ; that Scottish merchants in trading should have the same freedom as others frequenting these places scarcely appears to be a sign of special favour shown to Scottish traders. In the fifteenth century, however, the assurance of even such negative protection as is indicated in many of the clauses of the earlier charters was sufficient to attract Scottish trade to the city giving such guarantees. In the sixteenth century the barbarism of an earlier age is in many respects left behind, and it was no longer sufficient for a city desiring a monopoly of Scottish trade to hold out the cold encouragement that trade could be carried on without positive injustice. Consequently the towns, which desired to secure the monopoly of Scottish trade, had to offer for what they sought real concessions of privileges and special advantages to Scottish merchants in carrying on their trade. Thus until 1541, when the contest was decided, we find Campvere, Middelburg and Antwerp actively competing for the monopoly of Scottish trade, and willing to give in exchange very extensive and valuable privileges. It is not improbable that other towns may at times have endeavoured to outbid these three principal competitors, but this is merely a matter of conjecture, and during the years in which Scottish trade was most keenly competed for, only the three towns mentioned demand consideration.

The earliest legislation of the sixteenth century dealing with the organisation of the Staple is concerned with the powers entrusted to the Conservators, and their jurisdiction in cases of dispute arising between merchants. The consideration of this is more properly deferred to a subsequent chapter, but for the present the significance of these Acts lies in the fact that the Conservator at this time (1503) is in no way restricted to one town, and the only reference to the situation of foreign trade is extremely vague, being a mere indefinite mention of the "parts beyond the sea".¹ It is

¹ Acts, ii., 244, cc. 32, 33.

evident that at this time the claims of the Staple town to a monopoly of trade were not acknowledged in the legislation dealing with the Conservator's office, and that in fact the Staple was not regarded as exclusively situated in any one town. In the negotiations which took place during the next forty years each of the three rival towns offered distinct natural advantages which had to be considered in fixing the situation of the Scottish Staple. Antwerp had risen on the decline of Bruges from the leading position maintained during the fifteenth century, and as its commercial heir it offered to Scottish traders the advantages which at an earlier date had made Bruges the chief centre for Scottish foreign trade. Antwerp had now become the chief city in the Low Countries, and its vast markets offered to Scottish traders these facilities in buying and selling which were so important for those who, like the Scottish merchants, depended on a miscellaneous trade. In its situation, however, it was markedly inferior to Middelburg and Campvere, as far as ships trading from Scotland were concerned. The disadvantages involved in the longer and perhaps more dangerous sea voyage was admitted by Antwerp, and in the contract of 1540 there are clauses which are intended to make Antwerp in this respect no less desirable than Campvere or Middelburg as the Staple town for Scottish traders. Thus not only did Antwerp offer to provide pilots to guide the Scottish traders from Campvere or Flushing according to their point of arrival, but they also undertook to insure against pillage by the emperor's subjects in the last part of the journey.¹ Middelburg had the advantage of being more accessible from Scotland, and in the nature of its harbour it appears also to have had claims to consideration as the Staple town of Scotland. The commissioners, Andrew Mowbray and James Henderson, appointed to inquire into the matter in 1541 drew up a favourable report after having apparently made inquiries of merchants, skippers and others "whether they can declare upon their consciences, and according to their experience, that they, verily, certainly and in truth know, that the rhode,

¹ C. R., i., 548.

port, harbour and town of Middelburgh in Zeeland is more proper, less dangerous, more accessible, easier to go to, out, and in, more commodious, and more profitable, and where may be had quicker despatch, and speedier justice for those who haunt, and frequent the said place . . . than the port of Campvere in Zeeland, or any other harbour, town, or place of the lands aforesaid".¹ Middelburg, however, as a trading city had not the greatness of Antwerp, and it could not offer to Scottish traders so convenient a market in which to buy and sell. The consciousness of this fact is seen in the Staple contract of 1541, when a clause was inserted to meet the possibility of Scottish merchants being unable to dispose of their goods "by reason of a low market, or bad times".² In such a case Middelburg undertook to supply Scottish merchants with goods from Bruges or elsewhere, when these could not be had in Middelburg. Campvere was not so obviously a desirable centre as the other two towns, yet it had its advantages which were considerable. It was fortunate in the possession of a good harbour, and even more than Middelburg it had the advantage of being easily accessible to ships sailing from Scotland. At the same time, its proximity to Middelburg, combined with the comparative shortness of the voyage to Antwerp, made Campvere a more convenient centre than a small town situated elsewhere would have been. In a certain sense also, the smallness of Campvere, while a serious disadvantage from the point of view of trade, offered to Scottish traders compensations which perhaps reconciled them to the loss of those conveniences which they had hitherto enjoyed in a vast market like Bruges, and which they might still have found in Antwerp. For the Scots in their trading transactions were ever an exclusive race, and in Campvere they could be a more important body than in any other town. In Middelburg their importance would have been overshadowed by the English colony there, yet for the Scottish traders if fixed in Campvere some advantage might be derived from the residence of English merchants in Middelburg, as the privileges granted to the

¹ Yair, p. 107.

² C. R., i., 552.

English there might be quoted as a pattern of the concessions which ought to be made to the Scots in return for a monopoly of their trade. In actual fact the preference ultimately shown to Campvere did not depend on any of these circumstances, but on the favour of its superior, Maximilian of Burgundy, who was actively interested in the town, and whose exertions on its behalf ultimately made it the Staple town for Scottish trade.¹ To this more than to any other fact is to be attributed the success of Campvere in the competition for Scottish trade. In general Campvere appears to have been recognised as the Staple during these years, and afterwards as the final result of these years of negotiation it definitely became, in 1541, the Staple for the traders of Scotland. Henceforward, with the exception of a short period during the revolt of the Netherlands when the trade went back to Bruges, and a few years in the seventeenth century when the Conservator resided at Dordrecht, the Scottish Staple remained at Campvere, until the institution perished in the convulsions which shook Europe during the Napoleonic wars.

According to the chroniclers, the Scottish Staple was transferred to Campvere in 1506, but it may be doubted whether there was in fact a definite contract. John Francis was appointed Conservator shortly before the settlement at Campvere, and in his appointment there is nothing to indi-

¹ The unknown author of the Dutch pamphlet on the Staple has much to say of the natural advantages of Campvere. It was, he maintained, the most convenient port in the Netherlands for the Staple which had been situated there since 1444. This was due to the situation and other circumstances of the town, which was close to the sea, and so easy of entrance that a skilful seaman who had already been there once or twice could safely undertake to unload his vessel in the harbour. He also referred to the safety in stormy weather of the road in front of the town, which, however, was so situated that a vessel sailing from Campvere could in an hour or two be in the open sea free from all banks and rocks. Moreover, the Veersche Gat (the passage between Walcheren and North Beveland) was hardly ever blocked with ice, and even in such a severe winter as 1740 ships could at almost any time sail out and in. The last advantage attributed to Campvere in this recital is a somewhat unexpected one; owing to its high quay, added the writer, the cellars of the town were not liable to be flooded (Perrels, i., p. 12).

cate a definite situation of the Staple.¹ That this vagueness continued after 1506 may be inferred from the fact that it was considered necessary by Campvere in 1508 to send Hendrik van Borselen (one of Steven's Dutch Conservators) with a gift of Flemish horses to Scotland. The object of this was admittedly to "establish" at Campvere the Staple which had already in some form been situated there for two years, but it may be doubted whether anything was in fact gained apart from the Order of St. Andrews, which was sent in return for the "guid horssis".² In any case about this time the citizens of Campvere, acting on the complaint of certain Portuguese traders, imprisoned the famous Scottish seaman Robert Barton, for his various depredations committed under a letter of marque, and it is not improbable that this caused a breach in the relations between Scotland and Campvere. Middelburg had in 1507 made an attempt to regain the Staple. A "silver jewel" had been bought in Bruges at a cost of over 45 guldens, and sent by a special envoy to the King of Scotland to induce him to establish the Staple in Middelburg. This jewel, which was in the form of a cup of a somewhat mysterious shape, appears to have effected nothing for the citizens who sent it, and it was in time brought back again to Zealand.³ In regard to the Staple for some years after this there is indeed no information, and it is not improbable that the institution may even for a time have lapsed. This, indeed, is the effect of an entry in the Records of Edinburgh in 1520, when the desirability of having a Staple such as other nations had was referred to in rather general terms, and the opinion of the merchants was asked as to which town would be most convenient for this purpose. The reply of the merchants was that Middelburg would be the most suitable town, provided they could enjoy such privileges as had formerly been granted, and such additional rights as might be desired by the town.⁴

¹ E. R., i., 108.

² Ermerins, Leslie, p. 75.

³ *Stadsrekeningen*, iii., p. 76.

⁴ "My said Lord Governour thocht it necessar that thair sould be ane stapill in the partis of Flanderis, quhair that Scottis merchantis mycht

In the winter of 1513-14 the Unicorn Herald had been despatched to Flanders "for the commoun weill of merchandice," and a tax imposed to defray the expense.¹ The precise object and the result of this visit are alike unknown, but it is not unreasonable to suppose that if in fact the Staple at this time was disorganised or non-existent, the importance of a definite commercial agreement with some town had been impressed on his mind, and thus the despatch of the official to Flanders may have strengthened the demand for a Staple port referred to above.

In the next outstanding event in the history of the competition for the monopoly of Scottish trade, the facts are clearer. If it may be inferred from the deliberations of the Edinburgh merchants in 1520 that the Staple had to a large extent ceased to exist, it is at least clear that the matter had in the previous years been repeatedly brought before the governing authorities in Scotland. Middelburg at this time showed an untiring determination to become at any price the Staple port for Scotland, and for over ten years the magistrates were prepared to give "presents" of vast sums of money in order to obtain a monopoly of Scottish trade. A contract was indeed made, but was repudiated in 1526 by the Scottish Parliament, which set out at some length its reasons for refusing to recognise an agreement which the magistrates of Middelburg had given so much to conclude. The method adopted by Middelburg may be seen as early as 1510, some years before the commencement of their unflagging efforts to capture Scottish trade. In that year two commissioners were

resort and haif ordour amangis thame, siclyke as vther natiouns hes, and desyrit that the said communitie of merchandis wald for thair pairt declair quhilk of thir thre townis, that is to say, Camfeire Myddilburgh or Byrges, ar maist convenient to the said stapill; with the quhilk desyre the saidis merchandis being avysit, the men of gude of the toun for the maist pairt than beand present, thocht the toun of Myddilburgh maist convenient toun to be thair stapill, swa that vther burrowis of the realm wald repair thairto siclyk as the inhabitaris of this toun, and thair haifand siclyke privilegis as wes grantit of befor, and as salbe devysit to be desyrit at the said toun" (E. R., i., 195).

¹ E. R., i., 145.

sent to Scotland to use their influence with the king and council with the object of securing the establishment of the Staple in Middelburg. That this might be the more easily accomplished, a sum of 4,000 guldens was put at their disposal with permission to increase their offer by 1,000 or 2,000 guldens, provided they could thereby gain their object.¹ Nothing resulted from this, and for a few years Middelburg appears to have made no further attempt to obtain the benefits of the Scottish Staple. In 1515, however, the magistrates began to urge their claims, which indeed received much support in Scotland. The Regent Albany informed them that there was nothing he would more willingly see than the establishment of the Staple in their town, and soon afterwards the support of the Archbishop of St. Andrews was also obtained.² It was towards the end of 1517 that Middelburg began to show itself untiringly zealous in canvassing for the establishment of the Scottish Staple. In November of that year commissioners, who were being sent to the King of Spain, were instructed to visit the governor of Scotland while passing through France, and obtain from him a favourable answer to their request.³ Instead of the Regent, the envoys met a certain Master Patrick, who announced that the matter was proceeding favourably.⁴ The magistrates were urged to proceed at once with the matter, and in March of the following year Jacob Bisscop and Jan Bisscop were appointed to treat with the Conservator, John Moffat, at Bergen-op-Zoom, and later in France with the Regent Albany to whom they were authorised to offer an annual payment of 400 pounds Flemish.⁵ The bribe to be given to the Duke of Albany, however, was rapidly increased. Phillippe Gualterotti was appointed in April to undertake the same errand

¹ *Oud Archief*, No. 962.

² *Id.*, Nos. 1044, 1058.

³ *Id.*, No. 1092.

⁴ *Id.*, No. 1095.

⁵ Perhaps this indicates that the Staple was at this time at Bergen. Certainly in 1517 it was not at Campvere, for in a list of charges against Jacob van Domburg, a former burgemeester of Middelburg, occurs one to the effect that he had used his influence against the establishment of the Staple in his own town, and had endeavoured to obtain this privilege for Campvere (*Oud Archief*, No. 1090).

in France, and to offer 5,000 or 6,000 guildens to the duke for the establishment of the Staple for a period of twelve, sixteen or twenty years: should he succeed, Gualterotti was himself to receive a present of twelve silver cups.¹ This formidable array of representatives appointed to wait on the Duke of Albany received instructions which were calculated to make their task an easier one. On the 13th May they were authorised to offer a further sum of 2,000 guildens,² and five days later Pieter Remijn—one of those who had conferred with Master Patrick from Scotland—received full authority to offer as much money as should be demanded in return for the establishment of the Staple, and to promise all concessions which the governor should make on behalf of the Scottish merchants.³ It is difficult to understand the motives that can have induced the magistrates of Middelburg to give to their representative instructions of such an extraordinary character. Certainly the value of Scottish trade at this time can scarcely have justified so unreserved a commission. Apparently, however, the magistrates did not regret the course they had taken, for in July they informed Pieter Remijn that they were content to pay the sum of 10,000 guildens which had been demanded and to grant all privileges which had formerly been enjoyed at Bruges, adding, however, in a phrase capable of wide interpretation, that such privileges should not be “extravagant,” or in conflict with the right of the town.⁴ Thus prudence slowly asserted herself, and as no definite result followed the extravagant offers which had been made, the magistrates began to realise that they had endeavoured much and achieved nothing. They did not, however, withdraw their offer, but when in January, 1519, Phillippe Gualterotti was again appointed to offer 10,000 guildens to the Duke of Albany, they

¹ *Oud Archief*, No. 1111.

² *Id.*, No. 1115.

³ “Zooveel geld als tot het verkrijgen daarvan mocht worden verlangd, mag hij beloven met toezegging van alle vrijdommen, die de gouverneur voor de kooplieden der natie mocht vorderen” (*Id.*, No. 1116).

⁴ “Mits zij niet te buitensporig zijn, noch in strijd met het recht van de stad” (*Id.*, No. 1119).

were unable to refrain from a discontented reference to the attempts of every kind which had been made in vain in the two preceding years.¹ But though disappointed their resolution was unshaken, and a further delay of more than a year merely led to an offer of an additional sum of 2,000 guildens.² Not till 1522 did the outlook appear more promising for Middelburg. The merchants of Edinburgh had already, in 1518, expressed their willingness to come to Middelburg provided better privileges could be obtained there than elsewhere. Now in reply to a definite proposal of the Duke of Albany that the Staple should be situated in one of four towns, Edinburgh, Dundee, Aberdeen, Perth and Stirling signified their readiness to settle the Staple in either of the towns mentioned, Bruges, Middelburg, Antwerp or Campvere. From this point the negotiations in regard to the contract made satisfactory progress. The Conservator, Alexander Mure, on the one hand, and on the other Erasmus Cornelisse were appointed during the summer to negotiate.³ Probably Mure was aware of the liberal offers which Middelburg had always made, for in the midst of the negotiations he recommended to the magistrates his good services in their cause, his labour by land and by sea, in which he had even risked his life, and lastly, not without bathos, the expense to which he had been put during the negotiations.⁴ Later in the year James Cottis, a canon of Glasgow, was associated with Mure to deal on behalf of Scotland, and he also did not fail to suggest to the magistrates of Middelburg how necessitous his circumstances were.⁵ The negotiations were continued during the autumn, and the contract was finally concluded on the 5th December, 1522.

Thus, Middelburg might at last feel that something had been gained after five years of indiscriminate promises.

¹ *Oud Archief*, No. 1138. ² *Id.*, No. 1162. ³ *Id.*, No. 1204.

⁴ *Id.*, No. 1210. Mure's representations were not without success. He obtained a "loan" of eighty pounds Flemish on the understanding that should the Scottish merchants come to the town this sum would be given as a gratuity (*Stadsrekeningen*).

⁵ *Oud Archief*, Nos. 1211, 1212.

Beyond this, however, nothing was done to carry the agreement into effect. At first, indeed, there were indications that the Scottish merchants intended to observe the Staple. The Government of Middelburg promised to pay 11,000 guildens fifteen days after the arrival of the first Scottish vessels, and the announcement that the Staple had been duly proclaimed in Scotland.¹ The announcement of this proclamation was in fact sent before the end of February, and at the same time it was stated that to give effect to the agreement two or three vessels had been sent to Middelburg. To guard against the ill-will of Campvere, a sufficient protection was asked, in order that others might be encouraged to frequent the Staple port.² It is impossible to avoid an uneasy suspicion that the ships were, in fact, sent "to give effect to the contract," and so fulfil the condition on which the payment to be made by Middelburg depended. In any case, in October a petition was presented to the magistrates against the appointment of Jasper Crawford, nephew of the Conservator, to a position he had been promised, on the ground that so far the Scottish nation had failed to take up their residence in Middelburg.³ So matters remained, and once more the cause of Middelburg was entrusted to her envoys. Mure and Crawford continued to press for the payment of various sums of money which they considered due to them, and at a meeting held at Utrecht the Conservator was able to produce not only the ratification of the agreement by the king, but also

¹ The magistrates of Middelburg demanded a rigid announcement of the Staple system: "que ceulx de ladictie nacion seront tenu, a payne de confiscation de navires et biens, de venir avec leurs navires et biens en la dictie ville de Middelbourg et jurisdiction dicelle et de deschargier tous leurs biens et marchandises en ladictie ville et non ailleurs" (*Oud Archief*, No. 1219).

² "Et dautant que somez assurez quilz aiont le malgré de voz voisins de la Vere et plusieurs autres par delà, quilz ont laisséz pour vous, nous vous prions les traicter et deffendre, veu quilz sont les premierz, que ce puisse estre exemple et donner couraige aux aultres de vous hanter et frequenter" (*Id.*, No. 1223). The passage is of some importance as it indicates that in 1522 Scottish merchants were chiefly but not exclusively in Campvere.

³ *Oud Archief*, No. 1237.



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the proclamation enforcing the Staple. The representative of Middelburg was, however, cautious. The ratification, he found, was old, made while the Regent held the government in Scotland. It had been rumoured that the king had repudiated all that had been done under Albany, and if so it was by no means clear that Mure had earned the reward which had been promised him.¹ The suspicions of Middelburg were justified a year later, in 1525, by the receipt of a letter from James and his council announcing that before the fulfilment of the contract it was essential that peace should be established, and, though the agreement had been ratified and the Staple proclaimed, the magistrates were informed that the king was prepared to consider further the conditions of the contract, and for this purpose to send envoys to Middelburg.² It is not surprising that the patience of the magistrates of Middelburg was at length exhausted. Before the end of the year the approval of the Emperor Charles V. was obtained to the contract which was to remain in force for a period of fourteen years,³ and in February, 1526, a further step was taken which indicated that the town was at length prepared to enforce its rights. The emperor's ratification was publicly proclaimed, and a commission was appointed to enforce the strict observance of the Staple.⁴ Some time later two Scottish ships bound for Campvere were seized at Arne-muiden. Nothing indeed resulted from this, as the merchants were released on their protesting their complete ignorance of the alleged contract. The magistrates, nevertheless, threatened to arrest all Scottish vessels sailing to Campvere after the conclusion of peace, thus making it clear that they were no longer prepared to accept the indignities to which they had been subjected in recent years.⁵

¹ *Oud Archief*, Nos. 1274, 1278.

² *Id.*, No. 1330.

³ *Id.*, No. 1339.

⁴ *Id.*, No. 1349.

⁵ A reference is made to the contract of 1522: "volgens hetwelk de Schotsche kooplieden in tijd van vrede hunne residentie en stapel binnen Middelburg moeten houden, met insinuatie hunnerzijds dat zij voortaan alle Schotsche schepen, na de publicatie van den vrede te Veere aankomende, zullen doen arresteeren en met de ladingen verbeurd verklaren" (*Oud Archief*, No. 1358).

Before this, however, the first step had been taken towards the repudiation of the contract. The incidents leading up to this are somewhat discreditable to Scotland—Middelburg, indeed, had much to complain of throughout the whole of these transactions. Writing in March, Mure the Conservator stated that he had obtained safe-conducts from the king; he added that the king had not cancelled the contract already made, but that he wished deputies to be sent from Middelburg to treat further on the matter.¹ In reply to this letter two commissioners were appointed in April, one of whom was Cornelis Barthelszoon, one of the first representatives of Middelburg sent to France nine years before, to treat with the Duke of Albany.² On their arrival in Scotland in June, they were ordered with the representatives of the towns who had acted in the matter to produce the contract, but at first failed to do so. When the consideration of the matter was resumed in November, William Adamson, a citizen of Edinburgh, was sent to seek for the missing agreement with one of the envoys, while the other, Barthelszoon, was to be put in ward for sure keeping: according to the Middelburg records they were in fact robbed and put in prison.³ Finally, the pretended contract was solemnly repudiated, the Parliament having considered the "great damage and scaith" that might result to the realm from the situation of the Staple at Middelburg. The reasons leading to this decision are set out in order at considerable length: firstly, the only commission granted to those who had negotiated the contract had been given by the Duke of Albany, then Regent, who had acted without the advice of the three estates, and who in this matter had exceeded his powers; secondly, the contract as drawn up submitted the king and his subjects to the emperor's jurisdiction, whereas, the entry in the Acts of the Parliament continues, "our soverane lord and his maist noble progenitouris has evir bene fre and emperouris within thame self, not subject to na erdlie creature undir God"; thirdly, the contract obliged Scottish merchants to resort to Middel-

¹ *Oud Archief*, No. 1350.

² *Id.*, No. 1354.

³ Acts, ii., 305, 314; *Oud Archief*, No. 1364.

burgh only, under pain of forfeiture of their goods, whereas by storms or other misfortunes they might be driven to another harbour; fourthly, by the contract a third part of all such forfeitures was given to the king, who, however, would have had to prosecute his own subjects in the courts of the emperor, and this in the eyes of Parliament would have been a great derogation to his honour; lastly, the contract in somewhat general terms was said to be contrary to the honour of the king, the freedom and privilege of the Crown, and the commonweal of the realm. For all these reasons the contract was declared to be "of none avail strength or vigour," and in all time coming full licence was given to merchants to trade wherever they might think it most profitable and where they should be best treated.

Thus the attempt of Middelburg to become the Staple town failed though the magistrates did not at once acquiesce in the repudiation of the contract. The emperor's assistance was invoked to enforce the Staple and to secure redress for the wrongs sustained by their envoys. Legal advice was also obtained to the effect that the town was justified in enforcing the contract—a more honourable course, it was stated, than to demand the repayment of the money already given to the King of Scotland.¹ Apparently, however, this course was not taken, and in 1531 Parliament ordered the money to be paid to Middelburg.²

Thus the negotiations with Middelburg ended in the definite statement that merchants should be allowed to trade where they considered it most profitable, or as another Act says, "where they please best". Moreover, it is clear from other references that this does not merely mean that the merchants should themselves choose their Staple port: the full liberty of taking their goods to the most convenient town is referred to in the Burgh Records as a highly prized privilege. The repudiation of the contract with Middelburg thus seemed to indicate that the commerce of Scotland had outgrown the limitations of the Staple system. In the following years the references to foreign trade are not in-

¹ *Oud Archief*, Nos. 1371, 1373.

² *Acts*, ii., 333.

frequent, but they do not denote anything of the nature of a binding contract with one town.

Shortly before the collapse of the negotiations with Middelburg, Alexander Mure had been appointed Conservator (20th March, 1526), with powers in Zealand, Holland, Brabant and Flanders,¹ although it is clear that he had already discharged the duties of this office for some years before this date. On the appointment of the next Conservator, John Moffat in 1529, the limits of his jurisdiction were again defined in general terms as "infra boundas et limites flandrie, Zelandie, et brabantie".² Later in the same year there is mention of the despatch of a commissioner to Flanders to "Lady Margaret and the Counsaill of Mauchlyne" to renew the privileges already granted to the merchants of Scotland as well as to secure others necessary for their welfare. To John Campbell, who was chosen for this purpose, lengthy instructions were given for his guidance in the concessions which he should seek to obtain. Foremost among these was that the whole nation should be free to trade throughout the emperor's lands on a single payment of custom, and that Scottish merchants should not be further compelled to pay custom than they were obliged to under their "auld privilegis," the record of which was in the hands of John Moffat the Conservator.³ Although at this time there was no definite proposal put forward in regard to a fixed Staple, the question was evidently one which was receiving consideration, and it would not have been contrary to expectation had the matter been definitely raised in any of the Conventions which met about this time. The feeling that a decision on this question might be arrived at, may be seen in the precautions taken by Aberdeen in electing commissioners for the Convention of Burghs in 1530. Aberdeen was in general opposed to change, and on the present occasion it clung to that freedom of trade which had been granted by Parliament on the repudiation of the treaty with Middelburg. Hence, in empowering the commissioners to act on behalf of the town, a clause was added providing that the

¹ Perrels, i., p. 13.

² Acts, ii., 331.

³ C. R., i., 508.

commissioners should neither renounce or give over the privilege granted to them, to pass and repass where they should be best treated.¹ The general interest felt in the trade with the Low Countries at this time may be further seen in the orders in Council issued from Stirling in 1530 and 1532, which deal generally with the regulation of trade in Flanders. To a large extent these embody the instructions already given to the commissioner who had been despatched in 1529, but although the powers and duties of the Conservator are frequently referred to therein, there is no clause which would in any way tend to restrict the freedom of Scottish trade.² In practice, however, Scottish trade was regarded as situated at Campvere, even though there may at this time have been no definite contract imposing any restriction on the freedom of Scottish merchants. Ermerins makes reference to a house belonging to the Conservator in 1530, showing that Campvere was in some sense the headquarters of Scottish merchants, and ten years later, in the negotiations with Antwerp and Middelburg, Scottish trade is represented as having been recently centred in Campvere. It was stated that the merchants of Scotland had hitherto had their principal Staple and residence at Campvere,³ and this probably represents the state of affairs at this time. For a Staple of the Scottish pattern was necessarily exclusive, and a "principal Staple" can have meant little more than the town which the Scottish merchants chiefly frequented.

The decade from 1530 to 1540 was, however, a period in which there was little tranquillity for commerce, and wherever the chief Staple may have been, it can have been but of little advantage to either party. One of the disadvantages of the French Alliance was that it inevitably produced strained relations between Scotland and the emperor, and the old system of reprisals was again developed during these

¹ C. R., i., 513.

² The order issued from Stirling on 25th January, 1532, illustrates the conditions under which Scottish trade was then conducted. See Yair.

³ C. R., i., 546.

years. In such a contest, however, Scotland had now a more powerful weapon than in the earlier times when the only way of displaying hostility was to seize the vessels of her opponents. The herring fisheries off the coast of Scotland were now largely frequented by the Dutch, and the development of the fishing industry was in great part the cause of the rise of Holland and Zealand at the expense of Flanders. The wealth thus derived from the herring fishing was in large measure the cause of the ultimate victory of the Dutch over the Spanish, and the foundation of the later commercial prosperity of Holland. That Amsterdam was built upon herrings was later a saying which justly recognised the great importance of the fishing industry in the rise of Holland and Zealand. In the unrest of these years, caused by the system of reprisals, the King of Scotland at length, in 1540, threatened to stop the Dutch fishing on the coast of Scotland, and it was the loss thus occasioned to the subjects of the emperor that led to the negotiations which ended in the peace of 1541.¹

Even before this peace was concluded, the losses and inconveniences which inevitably accompanied a period of reprisals had convinced both sides of the necessity of peace, and of the advantages and security which would be gained by a fixed Staple. In 1539 an agent from the city of Antwerp appeared before the Commissioners of Burghs then meeting in Edinburgh with proposals in regard to the transfer of the Staple to that town. The only limitation imposed on the commissioner was the rather vague one that the arrangement should not hurt the commonweal of Antwerp, which was represented as desiring "effectuislie the cuming and confluence of the natioun of Scotland".² The magistrates of Edinburgh were in favour of at once accepting the offer made by Antwerp, but with their consent they made the stipulation that they should not be obliged to remain at Antwerp as a sole Staple, but that they should retain the freedom of passing at all times to the place where they should be best

¹ Yair, pp. 103, 104; Wagenaar, v., p. 207.

² E. R., ii., 96, 97.

treated—a reservation which from the point of view of Antwerp must have considerably destroyed the value of Edinburgh's consent to the proposed agreement. Other towns were more cautious in their reception of the envoy; Aberdeen insisted on first seeing a copy of the privileges which were to be granted, while the commissioners of Dundee protested that their instructions did not authorise them to give their consent to any change of Staple. The matter was referred to the various burghs for consideration, and was apparently approved, for in April of the following year the contract with Antwerp was signed with many protestations of regard and esteem between the “two noble renowned and triumphant cities, the imperial and royal cities of Antwerp and Edinburgh,” which in the words of the contract “took one another under their mutual and sacred care and protection without fraud or guile”.¹ The contract thus made was ratified by Antwerp, so that the reason that it did not become a binding agreement cannot have been that the commissioner had exceeded the powers granted to him. As it is, the contract is chiefly interesting in view of the concessions offered by Middelburg and Campvere in the year following, and in the comparison which it affords with these later agreements.

This agreement with Edinburgh was ratified by Antwerp on the 20th April, 1540. The question was, however, soon regarded by the Scottish burghs as once more undecided. Within a year Aberdeen had appointed a commissioner to consult with the other burghs in regard to a port in Zealand to which their merchants might resort, but the antagonism, which the citizens of Aberdeen had always shown to any restriction on the freedom of trade, led them to add the condition that they should not be bound down to one Staple.² About the same time, on the 2nd April, 1541, the question had also been considered by the magistrates of Edinburgh, who on the 2nd of April with commissioners from Aberdeen, Perth, Stirling, Linlithgow and Dundee, resolved to pass to the town in Flanders which would give them the greatest privi-

¹ C. R., i., 549.

² C. R., i., 517.

leges, "and gyf it war the Kingis Grace plesour erar (rather) to Myddilburch nor Campheir," provided Campvere did not grant them greater privileges than Middelburg was prepared to give.¹ That Middelburg had made any offers in regard to the Staple was chiefly due to the action of James Henrison or Henderson, who was afterwards Conservator for a short time. In the beginning of the year he had written to the secretary of Middelburg, pointing out that an attempt had been made to fix the Staple at Antwerp, but that the promises made had not been kept, and that the Scottish merchants had left Campvere, and did not wish to return thither. This opportunity he held should not be lost by Middelburg which could offer a more convenient Staple than any other town.² The reply sent to Henrison shows that unpleasant memories of the broken contract were not without influence on the magistrates of Middelburg. They were prepared, they said, to forget all that happened on a former occasion,³ but did not think it advisable to send deputies to Scotland. They thought it would be sufficient to leave the matter to the influence of Henrison and trust to the favourable position of Middelburg, which indeed was well known. Henrison, though protesting against this decision of the magistrates, appears to have acted as a commissioner on behalf of Edinburgh, along with Andrew Mowbray, and their report has already been noticed in considering the natural advantages of the three chief towns which competed for the privilege of the Staple. The contract was in fact drawn up for ratification by the magistrates of Middelburg on 19th May, but before this Edinburgh had in anticipation of this agreement required that all ships sailing from Leith should pass to Middelburg under severe penalties, and in particular Leonard Cornelius was obliged to deliver his cargo at that port.⁴ The action of the Edinburgh magistrates in this matter appears to have attracted the attention of the king, for a week

¹ E. R., ii., 105.

² *Oud Archief*, No. 1749.

³ "Lequel voyage nous a esté cause de grandt discord ennemité et domâige" (*Oud Archief*, No. 1750).

⁴ E. R., ii., 105, 106.

later the Lord Cardinal of St. Andrews appeared with a letter on the subject. The letter set forth that the king had been informed of what had taken place, and the cardinal was instructed to inquire into the matter, and if he were satisfied that such constraint had been exercised, he was to release all merchants from such restriction, and confirm the freedom which had been granted them of passing "quhair evir thay pleis best".¹ On inquiry, however, the cardinal found that the magistrates were unanimous in their choice of Middelburg as a Staple port, and that among the merchants the proposed situation of the Staple at Middelburg had only two opponents. With this information he left to report the whole matter to the king. While the consideration of the question was thus deferred, Middelburg made a further effort later in the year to secure the monopoly of Scottish trade. Towards the end of August a commissioner appeared before the Edinburgh magistrates offering surety of 10,000 pounds Flemish that further concessions should be forthcoming, and also that all the concessions made should be observed.² This step was probably due to the alarm felt by Middelburg at the activity of Maximilian, overlord of Campvere, in the interests of his town, for the envoy who guaranteed the observation of all concessions made by Middelburg pointed out that the representatives of Campvere did not offer to find any such surety. It is evident that the natural inclination of the merchant class of Scotland was in favour of choosing Middelburg as the Staple town, but the interest of the king had been secured in favour of Campvere, and within a week of the last attempt on the part of Middelburg to secure the monopoly of Scottish trade, the decisive letter of the king in favour of Campvere was read to the Edinburgh magistrates. The king's letter was not in the nature of a command, but it was a request which, in the circumstances, it was difficult to refuse, even though it was accompanied by professions of the royal disinclination to injure in any way the

¹ E. R., ii., 106.

² E. R., ii., 108.

liberties of the merchants.¹ Middelburg had thus once more a very real grievance against the towns of Scotland. Notwithstanding the king's letter, the magistrates of Edinburgh wrote in October that although some preferred to establish the Staple at Campvere, they themselves found Middelburg more convenient, and hoped that their merchants would settle there.² Little could result, however, from such a declaration, and a statement of Edinburgh's preference, written probably under a feeling of resentment against the king's interference, can have brought but little satisfaction to the magistrates of Middelburg. Henrison had at an early stage of the negotiations received his reward for his efforts. The Scottish altar had been redecorated. The arms of the King of Scotland had been painted "with six lions" for the Conservator's house. The envoys to Scotland had taken with them the inevitable golden cup to give greater force to their arguments. Even the curate of Flushing had not gone unrewarded for being the first to bring the glad tidings that the merchants of Edinburgh were coming to Middelburg.³ In the following year an attempt was made to let the Scottish house in the Langedelft, and it is at least satisfactory to know that the golden cup was brought back and sold at cost price. There must, however, have been a strong feeling of indignation in Middelburg that their reasonable hopes had again been disappointed, and it is not a wholly sufficient defence of the Scottish burghs that they acted in compliance with the prayer of the king addressed to them "in our maist affecteous maner".

Thus almost by compulsion, and by the direct intervention of the royal authority, Campvere became the sole Staple in 1541. For two and a half centuries from this time, with

¹ "We think it oure honour and commoun weill of our burrois that the hale natioun pas to ane place, and rather to the Veir, than ony vther, as maist commodious and convenient to thame and plesour to ws in satisfioun of oure freindis" (E. R., ii., 108). Adolf of Burgundy wrote to James in the interests of Campvere soon after the Antwerp contract (10th August, 1540).

² *Oud Archief*, No. 1777.

³ *Stadsrekeningen*, iii., p. 78.

only two short interruptions, it retained this position, for the most part with the consent of the merchant classes, although the question of the situation of the Staple was one that was repeatedly raised, and though the organisation of the Staple was at all times liable to the king's intervention and caprice. Hitherto the burghs had sought the assistance of the royal authority as likely to prove useful to them, but with the increased importance of trade, the Crown itself became interested in the Staple, in order to provide places and pensions for royal favourites. Henceforth, one of the chief objects of the Convention of Burghs in connection with the Staple was to vindicate their own, as against the royal authority, above all in connection with the appointment and emoluments of the Conservator.

The contract which was thus entered into with Campvere, as the result of the intervention of its overlord, is given by Boxhorn and Yair; it does not appear in the Records of the Convention of Burghs. Strictly speaking, it is not a contract, but rather a grant of privileges of the same nature as those mentioned in the previous chapter. A comparison between the privileges offered by Antwerp, Middelburg and Campvere during these two years, shows that the final decision in favour of Campvere was scarcely justified by the privileges which were offered by Maximilian of Burgundy. Of the three, the privileges to be given by Antwerp appear not only most favourable to the Scottish merchants, but even where similar concessions are made, the words used are in this case clearer and more definite than in the grants offered by its rivals. It is only natural that there should be a great similarity between the concessions by which the three towns hoped to secure the monopoly of Scottish trade, for a marked failure to offer what might be obtained elsewhere would have been fatal to the claims of any of the competitors. Thus in different words all three undertook to provide a house for the Conservator in which the merchants of the "nation" might be lodged, and it was also stipulated that this house should enjoy freedom from excise on wine and beer, Middelburg carefully adding that the inmates should not again sell in

prejudice of the town. Antwerp also undertook in the case of a fleet arriving to assign other houses, which were to enjoy a like immunity. Similar privileges were also given in the assurance that merchants should be enabled to hire labourers at the usual prices, and this precaution against the possibility of extortionate charges was extended by Antwerp and Campvere to enable Scottish merchants to secure houses and cellars for their goods. Antwerp and Middelburg offered a special wharf; the corresponding concession by Campvere was much vaguer, consisting merely in the promise that on the arrival of the Scottish merchants, skippers and fishers should be obliged to make room and give place as soon as possible, but it is probable that the smaller size of Campvere made any greater concession impossible. Various offers of assistance in shipping were made in all three contracts, as in the provision of pilots, the assurance of help offered in the recovery of goods pillaged by sea, and the undertaking to lessen the risk of shipwreck by means of buoys and beacons.

The jurisdiction of the Conservator was defined in all three contracts, but more extensive powers were to be given to him by Antwerp than by the other towns. In the Antwerp contract three cases were clearly distinguished: jurisdiction in the case of all questions arising between one Scotsman and another belonged to the Conservator, and the Burgomaster at his request was to see that the sentences were carried into effect; in the case of an action brought against a Scotsman by a burgess or another foreigner, jurisdiction in the first instance belonged to the Conservator, but an appeal lay to the Burgomaster; lastly, in the case of an action brought by a Scotsman against one not a Scotsman, the Conservator was to have no jurisdiction whatever. The other contracts do not offer anything so definite. Middelburg merely undertook before any sentence was passed that they should take the advice of the Conservator for the time, or of some other unsuspected person belonging to the Scots nation, and also undertook to secure for Scottish merchants the same rights of appeal as were enjoyed by the burgesses of Middelburg. The Campvere contract appears

to refer exclusively to questions in regard to trade, and deals very briefly with the jurisdiction of the Conservator ; where such disputes were between Scotsmen, the Conservator was to decide ; where one of the parties belonged to another nation, the matter was to be brought before the judge of the town " without any tedious or long form of process ".

There are very few concessions made by Middelburg or Campvere which are not included in the contract made by Antwerp. There is, however, no reference to the Church or Chapel, and the use of the burying ground which is offered by the others, and Campvere is alone in promising a garden for recreation and amusement, and the provision of a water supply. Probably to the comparative insignificance of Campvere is to be attributed its willingness to adapt its standards and measures to those of Middelburg and Antwerp. The offer of Middelburg to buy in Bruges or elsewhere in times of low market was one which it was not necessary for a city in the position of Antwerp to make, and was, indeed, intended to make Middelburg as advantageous a centre as Antwerp for purposes of trade.

In all these respects the various contracts anticipated concessions which were obtained or made more definite later. In only one respect is there a distinct shortcoming when these documents are compared with the later conditions of the Staple trade. Nowhere do they assure exemption from duties. Antwerp, it is true, agreed that the Conservator should have a book of the customs, in order that the Scots nation should not be imposed upon, and also agreed that they should not have to pay the customs of Zealand more than once, and Middelburg undertook to pay half the expense which might be incurred by the Scots merchants in obtaining from the emperor the exemption from customs enjoyed by the English. The acquisition of such rights was, however, a matter of later history.

In many respects the contract with Antwerp appears to have offered more decisive advantages to the Scottish nation, and it is more precise in its language and more modern in appearance than the contracts with the other towns. Though

the offers made by Campvere were accepted, it is impossible to believe that the contracts with the other towns remained wholly unproductive, for it is probable that the influence of the agreement with Antwerp had, at a later date, considerable effect in amplifying and making more favourable the terms offered by Campvere.¹

¹The Campvere grant will be found in Appendix I. The agreements with Antwerp and Middelburg are given in the Convention Records (i., pp. 546, 551).

CHAPTER III.

GENERAL HISTORY OF THE STAPLE, 1541-1666.

UNDER the grant made by Maximilian of Burgundy in 1541, Scottish trade was thus settled at Campvere, although there was not yet apparently anything of the nature of a definite Staple contract. At first, however, the agreement can have brought but little advantage to the town of Campvere. During the years immediately following, the events which occurred during the minority of Mary made French influence predominant in Scotland, and brought on war with Henry VIII. As France was also at war with the emperor, the ally of England, it was almost inevitable that there should be sooner or later an interruption in the commercial relations linking Scotland and the Low Countries. According to the author of the tract entitled *An Historical Account of the Staple Contract*, Scottish trade flourished notwithstanding the war. His explanation is that in the Netherlands the Scottish traders were regarded as neutrals, and that it was only in 1548 that their own rash conduct in seizing at Campvere an English vessel sailing from Antwerp to Newcastle, drew from the emperor an order to make reprisals on Scottish shipping.¹ In reality the breach occurred some years earlier, when, in 1544, the depredations of the Scots, not only on English shipping but also on the ships of Antwerp, made it impossible for Maximilian any longer to extend his protection to Scottish traders. The attacks thus made on his English allies and on the property of the citizens of Antwerp, led to the order of the emperor that the goods

¹ This pamphlet is reprinted in Maitland's *History of Edinburgh*, pp. 383-415. It was written by Charles Stuart, for many years Conservator-Depute, and Conservator, 1760-61.

of all Scots subjects should be seized and sold, and that the Scots themselves should be regarded as public enemies.¹ There followed a furious war of reprisals in which the Scots appear to have held their own.² Peaceful trade was impossible in such circumstances, and instead of the Scottish Staple being settled at Campvere, eight ships of war were fitted out from this town for the protection of their own trade, and these succeeded in capturing several prizes which were carried to Zeeland.³ As had already happened in previous cases of irregular warfare, both sides soon realised that they had more to lose than to gain by indiscriminate piracy, and negotiations soon took place with the view of arranging a truce, and so far as Scotland was concerned the time might well have appeared to be such as to make overtures for a peace highly acceptable. The first invasion of Hertford had occurred in 1544, and the second and more terrible scourging inflicted by Henry VIII.'s ruthless general made the following year a dark memory in Scottish history. Both parties were obviously eager for a peace, for in 1546 an envoy, Sir Thomas Erskine, was sent from Scotland with the same object. Notwithstanding this common desire for

¹ "De Schotsche goederen werden aangeslagen en ten behoeve van den Eigenaar van 't Engelsch genomen Schip openbaar verkocht; voorts alle de Schotten Vyanden des Lands verklaard en de gemeenschap met hun verboden" (Ermerins, *Veere, House of Burgundy*, p. 77); see also Wagenaar, v., p. 267. In the *Hamilton Papers* there is a letter from Shrewsbury to the Queen and Council of England, in which the action of the emperor was anticipated. "It shall appeare also by the saide letters amongst other things that the saide Scottes have taken many Hollanders upon the seas which we thinke myght justelie irritate and provoke the Emperour agaynst them. And if it be trew, (as we here), that the Scottes have many of their shippes and goodes at Camphire, where they have always been very kyndeley handeled, he maye soone be even with them" (*Ham. Pap.*, ii., p. 471).

² According to Bishop Leslie, after the death of Henry VIII., the Protector stirred up war against the Scots in the Low Countries, "quhilk continewit with gret rigour quhill the end of the warris betuix Scotland and Ingland, albeit in the samin the Flemingis and Hollanders wan no advantage of the Scottismen bot hed gret losse" (Leslie, p. 202). For the negotiations from 1545 to 1551, see Wagenaar, v., pp. 354-57.

³ Yair, p. 119.

a satisfactory arrangement which existed at least on the part of the governments, nothing was done to bring about a conclusion of hostilities, and perhaps it may be inferred that these wishes were not altogether shared by some of the merchant class whose instincts were akin to those of freebooters. In any case hostilities continued until 1550 when a comprehensive peace was concluded. This was ratified by the emperor in the following year in the Treaty of Augsburg.¹

During this period in which Scotsmen, classed with sea robbers, were stated to have inaugurated an era of piracy without record,² it is clear that Middelburg, notwithstanding its previous experiences, had not wholly lost all desire to become the Staple port for Scottish merchants. The negotiations with the representative of Scotland during 1545 are in themselves of little importance, but a letter, addressed to the magistrates of Middelburg on behalf of the emperor, shows that the method in which the transactions relating to the Staple had hitherto been conducted, had thrown not a little discredit on the reputation of the nation. It was stated that the emperor disapproved of the steps which had been taken to obtain the Scottish Staple, as the object of the Scottish nation appeared to be to sell themselves to the highest bidder amongst the towns which were anxious to become the Staple port.³ Although the truth was thus recognised, Bruges in the same year sent to Scotland two envoys, Leonard Casembroot and Gabriel de la Coste, to negotiate with a view to the return of the Staple. Their lengthy report written on their return is of interest as a romance, and is in no sense a State paper dealing with matters of trade.⁴ That Bruges, however, should at this time have

¹ Yair, p. 121 ; Maitland, p. 386. ² *Etaple de Bruges*, iii., pp. 60-66.

³ "Daar het de bedoeling dier natie scheen to zijn, zich zoo duur mogelijk te verkoopen en er al drie steden waren, die haar gaarne zouden willen hebben" (*Oud Archief*, No. 1909).

⁴ The report consists exclusively of an account of their adventures. They came in sight of the Scottish coast off Montrose, and while preparing to land were attacked by an English warship. The captain of this vessel, whose name appears as Joannes Stamson, put them on board

endeavoured to become the Staple port is a remarkable proof of that keen competition to obtain a monopoly of Scottish trade, which is now so difficult to understand. The views of the emperor did not deter Middelburg from making half-hearted attempts to gain the favour of the Scottish towns. It is indeed possible to understand the anxiety at Middelburg at this time. The Scottish merchants and the "Easterlings" had gone to Campvere, and the salt manufacturers also threatened to remove to the rival town on the north-east of Walcheren. The Spaniards had also left Middelburg, having gone to Antwerp, and the trade in herrings had recently been lost to Flushing.¹ Thus the anxious-minded magistrates of Middelburg were not without some justification in their belief that every effort was necessary if the ruin of their town was to be averted. In this is doubtless to be found the explanation of the fact that the emperor's views had so little influence on the magistrates of Middelburg. In any case, in the beginning of 1551, an envoy was sent to Scotland to treat of matters of trade, and he obtained from Edinburgh, Aberdeen, and St. Andrews letters of thanks, in which, however, the Scottish burghs merely pointed out the impossibility of any burgh taking action apart from the Convention.² Nor indeed were the magistrates of Middelburg allowed to forget one feature which had always marked their negotiations with the towns of Scotland. In the following year Henrison, writing from Edinburgh, complained, not without bitterness, of the slight recompense given him in return for twelve years' continuous efforts on their behalf.³

Thus after the peace of 1551 the Staple remained at his own ship, in spite of their protests that they were men of Flanders "atque adeo socios et benevolos regni Anglicani". In vain also were papers and passports shown to the inexorable Stamson, who after eight days carried them to the mouth of the Tyne. Here further adventures befel them before they were able to return to Flanders. Probably the report contains both *Dichtung* and *Wahrheit* (*Estaple de Bruges*, iii., pp. 7-12).

¹ *Oud Archief*, No. 1924.

² *Id.*, Nos. 2081, 2083, 2104.

³ *Id.*, No. 2116.

Campvere, and there is evidence to show that Maximilian had again been active in the interests of his town and in the encouragement of Scottish traders there. In 1553 he granted to George Gordon, the Conservator, a pension of 50 pounds Flemish for his diligence in bringing Scottish trade to Campvere, half of which he undertook to pay out of his own revenues, the other half being met by the magistrates of the city, which profited by the presence of Scottish traders.¹ The renewed encouragement given to trade at this time may also be traced in an agreement between Campvere and Antwerp three years later, whereby the Conservator was to receive a fixed duty on goods shipped at Antwerp and delivered at Campvere.²

This period of prosperity and encouragement was unfortunately checked in 1558 by the death of Maximilian of Burgundy. The situation of the Scottish Staple at Campvere in 1541 had been almost entirely due to his influence and that of his predecessor Adolf, and he had throughout been zealous in the interests of his town and on behalf of the Scottish colony there. His death was a heavy blow to Scottish trade, and the misfortunes which followed accentuated what would in any case have been a severe loss to the Scottish merchants at Campvere. He had no children, and a nephew Maximilian of Hennon, would in ordinary circumstances have succeeded him; his affairs, however, were so involved that his estates and goods were publicly sold. These were bought by Jacob of Bossu, but in the confusion which followed owing to the civil war the purchase remained void, and the lordship was meanwhile claimed and exercised by Philip II.³ From such a master it was idle to expect any encouragement in matters of trade and commerce, and Philip appears to have been as regardless of the privileges of Campvere as of the Netherlands generally. The dissatisfaction caused by the altered circumstances led to a petition from George Gordon to the King of Spain, setting out the privileges

¹ Yair, etc.

² Yair, p. 123.

³ The estates came into the possession of William of Orange in 1581 by purchase.

which had been granted by the late Maximilian of Burgundy. The evil chiefly complained of was the quartering of soldiers on the Conservator's house, and on the houses of other Scottish traders throughout the town. Gordon represented to the king that under such treatment the merchants of Scotland would be obliged to take the first opportunity of removing their Staple elsewhere, "although they had been solicited and entreated to make this the place of their residence and traffick". The Conservator had no doubt, that such a measure would mean a serious loss to the town of Campvere in view of the extent of Scottish trade, "as it is a certain truth, that there has lately arrived from Scotland in one fleet seventeen ships, besides three or four hundred persons merchants and sailers". The Scots on their part continued to fulfil the contracts, thereby causing the prosperity of the town. Gordon therefore petitioned the king to give such commands as would ensure the observance of the privileges granted by the contract. To this remonstrance no reply was given, and the practice of quartering soldiers on the inhabitants became, in the troubles which succeeded, a common one with the generals of Philip.¹

For this account of the occupancy of the Conservator's office by Gordon, we are indebted to Yair. Gordon did not, however, hold the office continuously, and though the facts are somewhat obscure, it is clear that frequent changes were at this time made in filling the chief position in the Scottish colony at Campvere. It is, however, not altogether possible to reconcile the various facts in regard to the Conservator at this period. Gordon seems to have been appointed in 1553,² but two years later he was removed from his office by the Regent Mary of Lorraine, and James Henrison was appointed in his place, as a more fit person to discharge the duties of that office.³ Henrison's occupancy of the Conservatorship was of short duration, for later in the same year, 1555, the Regent Mary appointed George Hacket, who had under Henrison been Deputy-Conservator. Though Gordon had been dismissed with every mark of the Queen Regent's dis-

¹ Yair, pp. 126-29. ² Ermerins, Perrels. ³ Perrels, i., p. 15.

pleasure, he was, in 1559, appointed by Hacket to act as Conservator in his absence, and in 1561 he again became Conservator.¹ From 1565 it is clear from the Edinburgh Records that the office was held by George Hacket who retained the office from this time until 1589.² His tenure of the office is interesting because it probably marks a period of transition between the earlier and later Conservators who in fact enjoyed the dignity of ambassadors. Reference has already been made to the commission given to Adournes in 1482, in which the duties of the Conservator were set out in great detail, but these duties were limited to matters of trade and jurisdiction. Of Halyburton we know little except that he was a prominent merchant, and if he was indeed Conservator,³ the duties of that office must have been discharged in the leisure moments of a life devoted to buying and selling. Hacket's immediate successor, Denniston, was in reality an ambassador, and fulfilled the duties which properly fell to his

¹ Perrels, i., pp. 16, 17.

² Gordon was appointed to act as Conservator on 27th April, 1559, and it therefore seems probable that the petition referred to in the text as being addressed to King Philip, after the death of Maximilian in 1558, was written by him as Conservator-Depute, and not as Conservator.

Another uncertain point is in regard to the connection between the George Hacket who was Conservator from 1555 to 1561, and the George Hacket who held the office after 1565. In the Index to the Records of Edinburgh it is assumed that the George Hakheid, who appeared before the magistrates in 1555 with a gift of the office of Conservator, was not the Hacket who is more familiar after 1565, but in view of the frequent changes at this time, as in the case of Gordon, it is not impossible that Hacket may have held office twice. The name is indeed spelt somewhat differently, but in view of the large number of variations in the name little can be deduced from this. There is, moreover, a significant phrase in the letter written by Hacket in 1559. He refers to himself as "Conservateur voor de tijt van der natie van Scotlandt". This suggests, what indeed was the case, that the Conservators at this time had little security in the enjoyment of their office (Perrels).

³ Although in his *Ledger* Halyburton is addressed as Conservator, it should perhaps be noted that there is no other evidence of his having held the office. As far as I am aware he is not designated as Conservator in any official paper, and in particular it is remarkable that his name does not occur in the *Oud Archief* of Middelburg.

Majesty's representative in the Low Countries. Hacket was himself a merchant, and carried on trade on his own account, but the jealousy with which he was at times treated indicates that the merchant classes of Scotland did not altogether regard him as one of themselves. Thus in 1575 the Edinburgh magistrates decided not to exact duty on the merchandise contained "in his coffer," but this concession was made merely because he had been specially summoned by the Commissioners of the Burghs, and it was explicitly stated that he was subject to custom as an unfreeman so long as he remained out of the kingdom, and this liability to custom was specially mentioned in the case of such merchandise as he should send to be sold in Scotland.¹ Later, in 1585, notwithstanding the services he had meanwhile rendered to the trading community of Scotland, Edinburgh insisted on his paying duty to the town for the use of the "tron wechts" which were taken to Leith for the purpose of weighing lead ore belonging to the Conservator.²

The earlier years of Hacket's administration were apparently not very successful. It was, however, a period in which trade could not have flourished even with the most incessant care on the part of the Conservator. Systematic oppression and confiscation were at this time paralysing the commercial activity of the Low Countries, now under the administration of the Duchess Margaret. It is true that the final tyrannical step, making trade impossible, was not taken until four years later under Alva, when a tax of the tenth penny or 10 per cent. was assessed upon all merchandise to be exacted on every occasion of its changing hands. The spirit of the Spanish Government was, however, essentially the same, even before the last measure of oppression in regard to trade took effect. The condition of affairs in the Low Countries must be borne in mind in considering the censure passed on the Conservator in the records of the Privy Council for 1565. At this time measures were taken for the better management of the Scottish Staple, "the Queen's Majesty understanding, the privileges of the Scottish

¹ E. R., iv., 46.

² E. R., iv., 399.

merchants, her subjects, to decay and pass forth of use in the parts of Flanders, through the negligence of her Highness's Conservator officer, and the disorders and incivilities used by her said subjects".¹ Accordingly various regulations in regard to trade were renewed, and duties were imposed on the Conservator in regard to the export of bullion and of other forbidden goods. It is, however, probable that what was thus attributed to the negligence of the Conservator would have been more justly assigned to the chaos reigning in the Netherlands and the misgovernment by the representatives of the Spanish king. With this dissatisfaction in regard to Hacket's administration of the Staple at Campvere must doubtless be connected the proposal put forward in the same year to return to Middelburg. Beyond a letter from Mary and Darnley inquiring as to the privileges which the magistrates were prepared to grant, nothing, however, appears to have been done to remove the Staple from Campvere.²

Notwithstanding the universal confusion, Hacket was, however, able shortly after the arrival of Alva in the Netherlands to obtain from Philip, then exercising the lordship of Campvere, a recognition of the privileges enjoyed by Scottish merchants there.³ This document, which is dated 1568, follows closely the concessions previously granted. Thus the earlier privileges are merely reproduced as regards the Conservator's house with freedom from excise, the provision of buoys to prevent shipwreck, the guarantee of the reasonable price of labour and other provisions already noticed. The only innovation is not a surprising one in a grant of concessions given by Philip. It occurs in the clause dealing with the chapel granted to the Scots in the Collegiate College at Campvere, in regard to which it was now stipulated that the chaplain chosen should be of the Catholic religion, and in the conclusion it is stated that the whole grant of privileges and liberties is given on condition that the Scots "residing and

¹ Privy Council Reg., i., pp. 332-34. Yair.

² *Oud Archief*, No. 2393.

³ Hacket, we are told, was "a great dealer with the Duke of Alva, and has great credit with him" (*Calendar of State Papers*).

dwelling there shall live and behave themselves as good Catholics, so as our own subjects".¹ Such conditions as these were to be expected in a charter granted by Philip; that they should have been accepted by Scotland under the regency of the Earl of Moray is, however, surprising. The Parliament which met in 1567 had been zealous in the cause of the Reformation, had declared that the Bishop of Rome should have no jurisdiction or authority within the realm in future, and that no one, not professing "the religion," should be permitted to enjoy any benefice, notwithstanding any title he might claim to have from "the paip that Romane anti-christ".² The explanation of the quiet acceptance of Philip's conditions in the following year may be found in the fact that the religious limitations imposed probably remained a dead letter. Campvere was one of the first places to adopt the reformed doctrines, as it was one of the first in Zealand to declare for William of Orange. The capture of Brill in 1572 was speedily followed by the revolt of Flushing, which led Pacheco, the chief engineer of Alva, to the gallows, and the neighbouring town of Campvere almost at once joined in the movement against Spain.

The immediate result of the revolt of Campvere in 1572 was the removal of the Staple to Bruges, as Flanders was at the time comparatively quiet. This step was taken with remarkable promptitude. The revolt of Flushing took place on the 1st May, that of Campvere two days later, and the Act of the Council of Bruges confirming the Scots in their ancient privileges was dated before the end of the month.³ Hacket may in part have been induced to act in this way through his sympathies with the old religion, but the change was one which did not require any such justification. The island of Walcheren was almost equally divided between the two parties, and acts of cruelty daily committed made it impossible to continue the Staple at any of the towns of Walcheren.⁴

¹ Yair, pp. 134-140. ² Acts, iii., 36, 37. ³ Maitland, p. 387.

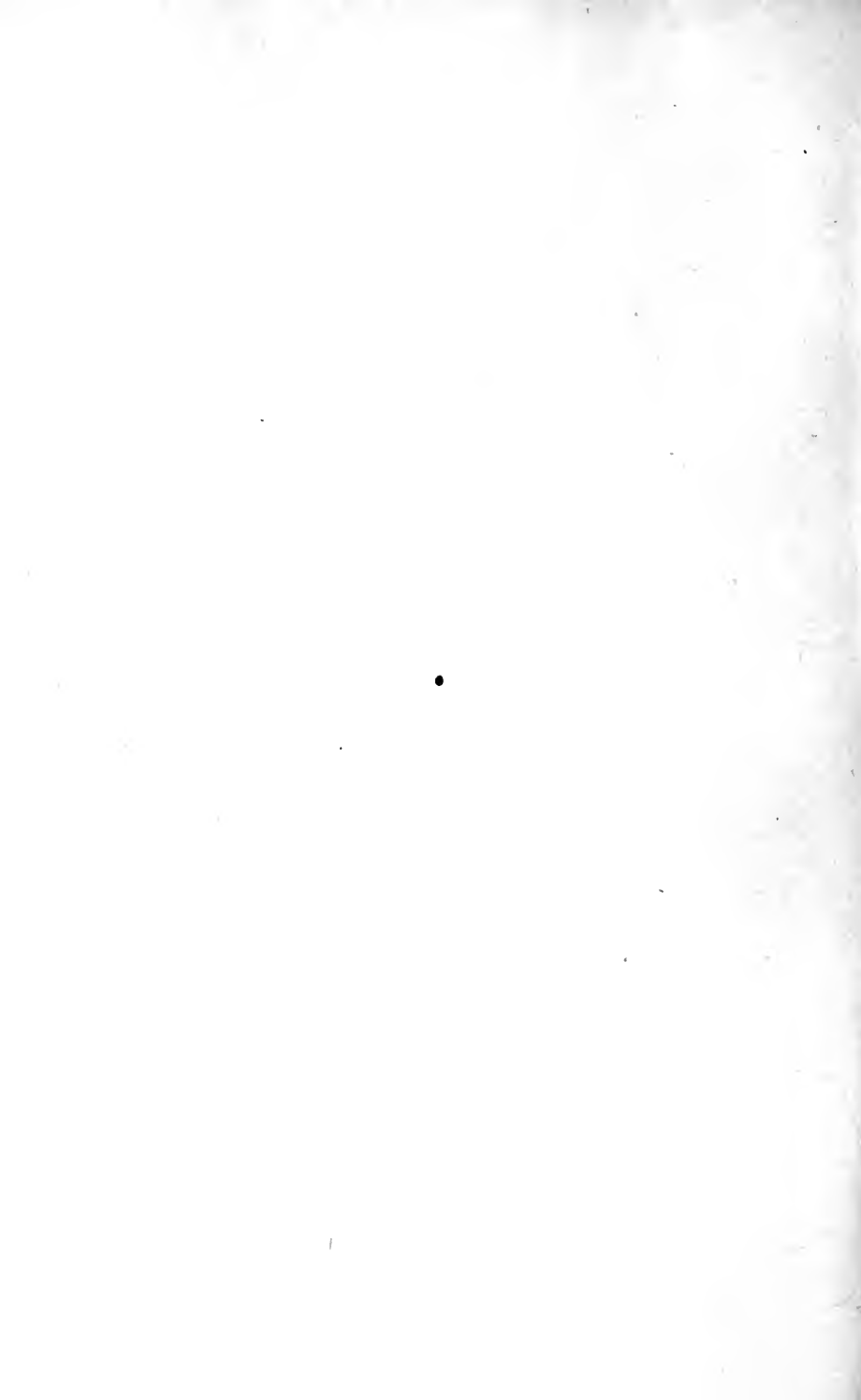
⁴ "The island of Walcheren, equally divided as it was between the two parties, was the scene of much truculent and diabolical warfare. It is difficult to say whether the mutual hatred of race or the animosity of

en faveur et des amy les Roialz et Roines et Bourgeois de
 la ville de Middelburg. Et tant arriere de pardon de tout les
 delictz et voyz surz. Et nous a fait entendre que aucun de vous
 luy avoit dict. Que voullant engager l'estape et les regens
 que nosz sujets tiennent en la ville de la d'icte come leur negociation
 et marchandises. Et la leur biens en luy lieu de Middelburg -
 seroit contrainct de nous bailler quelque advantage et profit
 que nous n'avons du lieu ou de l'estape maintenant. Et tout ce
 que nous desirons entendre plus au long tout ce qui pourra
 en cest affaire estre le plus advantageux et profitable come les
 negocians de nosz sujets. Pour ce que nous avons de par de
 luy de luy grand bien du profit de vosz intentions. Et que nous
 sommes subiectz et responsables pour luy assez de vous y,
 gratiffies pour la bonne volonte que les Contz de Zoffen
 nous a dit porter a leur forisme. Et pour ceste cause
 nous vous avons despesche a porter ce que vous aviez
 respondu. Et vous dire que vous n'avez y sa garde
 Et soit a Middelburg le 20^{me} jour de septembre 1565

Les bien vobres

Marye Stuart

113.



In the midst of such enormities, and in the unsettled state which accompanied the most barbaric forms of war, Hacket rightly judged that trade could no longer be carried on, and the greater tranquillity of Flanders naturally induced him to look for a better situation for Scottish trade there.

Meanwhile the war in Zealand continued. The headquarters of the Spanish party were situated in Middelburg, where Mondragon gallantly held out against the patriotic party until 1574. It was now, however, impossible in the straits to which he had been reduced to make any further resistance, and honourable conditions of surrender were at length drawn up and signed on the 18th February of this year. The capitulation of Middelburg placed the whole of the island of Walcheren in the hands of the popular party. William of Orange at once restored the ancient privileges of the town, and his efforts to secure better government led in April of the following year to Articles of Union between Holland and Zealand. The Union was completed on 4th June, 1575, and on 11th July the Prince of Orange formally accepted the government.¹ The restoration of municipal and burghal privileges was everywhere the object of the policy pursued by William of Orange, and now acting in the name of Spain he granted extensive privileges to the citizens of Campvere. As far as the Scottish Staple is concerned, the twenty-seven Articles are chiefly notable on account of the absence of all reference to Scottish trade, clearly indicating religious difference proved the deadlier venom. The combats were perpetual and sanguinary, the prisoners on both sides instantly executed. On more than one occasion, men were seen assisting to hang with their own hands, and in cold blood, their own brothers, who had been taken prisoners in the enemy's ranks. When the captives were too many to be hanged, they were tied back to back, two and two, and thus hurled into the sea. The islanders found a fierce pleasure in these acts of cruelty. A Spaniard had ceased to be human in their eyes. On one occasion, a surgeon at Veer cut the heart from a Spanish prisoner, nailed it on a vessel's prow, and invited the townsmen to come and fasten their teeth in it, which many did with savage satisfaction" (Motley, *Rise of the Dutch Republic*, part iii., chap. vii.). The incident is related less graphically in Wagenaar, vi., p. 355.

¹ Motley, part iv., chap. iii.

that when the Prince of Orange came into full possession of Walcheren there was a complete breach in the relations of the Scottish merchants to their old Staple town.¹

Even in Flanders, however, the Scottish Staple did not long find a safe resting-place. Although its comparative tranquillity had induced Hacket to move thither, at a time when the Island of Walcheren was the chief scene of warfare, Bruges did not, when compared with Zealand, long offer any advantages in this respect. Indeed the surrender of Middelburg again made Campvere a more desirable situation for the head-quarters of Scottish merchants, and the comparative immunity from disturbances enjoyed by Flanders was soon lost in the changing fortune of war. The new conditions led to new proposals in regard to the situation of the Staple, and the Convention of Burghs at one time appears to have despaired of securing a suitable town in the Low Countries during the continuance of the wars, and Calais was suggested as the most suitable town for the purpose. The consideration of this proposal took place in 1574 when the Convention "etter lang resonyng vpon the troubilsum estait presentlie in Flandirs and foirseing the dainger that sall apperandlie fall vpon the merchantis of this realme resoirting thairto," made a representation to the Regent in the interests of the merchants "to transpoirt thair traffique frome the saidis partis of Flanderis to the toune of Calais, for ane tyme, quhill it sall pleis God to bring that contry of Flanderis in quyetnes as it hes bene befoir," and meanwhile merchants trading with Holland or Zealand were to be careful not to traffic with West Flanders.² No more is heard of this proposal to move to Calais, which, of course, had ceased to be an English town twenty years before, and apparently the Staple town remained in Flanders during the following years. It is clear,

¹That the Scottish colony was not inactive in the struggle against Spain is proved by letters given in the *Antiquities* of Ermerins. A Scottish merchant, George Kincaid, raised a Scottish company in 1573. Two years later "zyne middelen verspild hebbende," Kincaid was rewarded for his services by a letter of recommendation to the Prince of Orange (Ermerins, Veere, vol. ii., pp. 404, 405).

²C. R., i., 26.

however, that Bruges was not during the whole of this time the situation of the Staple, for in 1576 there is a reference in the Edinburgh Records to a proposal to move to Bruges,¹ and in the later negotiations with Campvere in 1578 it was stated that the Staple had been "removet to syndrie places this tyme bypast, throwe the occasioun of the civill tumultis, quhairwyth the maist pairte of the cuntrie of Flanderis hes bene thir dyveris zeires occupiit to the hurt of mony".² Meanwhile the Convention, in 1575, had issued instructions to the Conservator in regard to his duties during these troubled times. In these the references to the situation of the Staple are vague and indicate the uncertain position of the Conservator's head-quarters. The bounds of his office were given as Flanders, and the protection which he was to give to Scottish merchants was to extend throughout the whole of Flanders.³ The question of the position of the Staple was, however, one that could not be indefinitely postponed, and Hacket's removal to Bruges was not, in consequence of subsequent disorders there, viewed with satisfaction. Decisive action was taken by the Convention in 1577 with the object of re-establishing the Staple in a more suitable town. In this year a commissioner was appointed to act with the Conservator in negotiations with such towns as Antwerp, Campvere, Bruges, Bergen-op-Zoom, and Middelburg.⁴ Through the intervention of the Prince of Orange the burghs under the direction of the Regent Morton decided to re-establish their Staple at Campvere. The representative of the Scottish burghs in arranging the conditions under which the Staple should again be situated at the old Staple town was Henry Nisbet, a citizen of Edinburgh, to whom lengthy instructions were given as to the concessions which were to be sought.⁵ The privileges

¹ E. R., iv., 55.

² C. R., i., 56.

³ C. R., i., 39-41.

⁴ C. R., i., 51.

⁵ During the winter of 1577-1578 Alexander Segait visited Scotland on behalf of the magistrates of Campvere, and travelled, amongst other places, to Aberdeen, Montrose, Dundee and St. Andrews, urging the claims of Campvere to be chosen as the Staple town. His method of canvassing may perhaps be inferred from his own account of his proceedings

naturally followed in large measure the terms of earlier agreements. The instructions given to Nisbet, however, extended in some respects to unexpected matters of detail. He was instructed to secure redress for the pillage of goods by citizens of Flushing, and an extract from the peace made with the emperor was sent in support of this claim. It was also decided to ask for a place of punishment or prison to be put at the disposal of the Conservator, and another of the requests made had reference to the evil air within the isle, which had resulted in the death and loss of many of the nation. This loss, it was maintained, would probably be greater in the future unless the salt-pans were removed, and accordingly the Scottish envoy was instructed to ask for the demolition of the salt-pans. The contract was finally signed on 17th October, 1578.¹ It differs only from the earlier agreements in its greater definiteness and detail, and though it does not appear in the Scottish records, the substance is contained in the instructions given to Nisbet. The old concessions were naturally reaffirmed. Campvere undertook to improve the harbours and its approaches, and to grant a quay for the exclusive use of Scottish vessels. The supply and price of labour for loading and unloading were regulated, as well as the rent to be paid for stores, and the charges for pilots. The interests of Scottish traders were guarded against the demands of the king's customs, and exemption was also promised in the respect of the common gild, that is to say, the payments made by outside merchants. In the contract reference was also made to the practice of billeting, a recent grievance, from which the Conservator and factors were to enjoy immunity in future. The Scots were to be treated exactly as the English. The jurisdiction of the Conservator was again recognised in all matters arising between Scots, and his advice was to be heard and his advocacy admitted in all cases in which a Scot was involved with one, not of "the Nation".

in Edinburgh: "Ick hebbe de secretaries van Edinburg een schenk beloeft dat hy ons vrindt daerin wilt wezen, ende bevinde hem oeck vrindelick in de zaeke" (Perrels, i., p. 24).

¹C. R., i., 57-60. See Appendix II.

In the event of civil war again breaking out, the Scots were to receive all possible assistance in removing to a place of safety, and their spiritual well-being was not forgotten, as the concessions in regard to a church and house for the minister were again renewed.¹

This contract was signed on the 18th October, 1578.² The date was an opportune one for Campvere, for little more than three months later, on the 29th January following, the Union of Utrecht was consummated and the foundation of the Netherland Republic was laid. The first clause of the Union stipulated that each province and city was to preserve its former rights, privileges, customs and laws. For Campvere this, of course, meant that the benefits of the Scottish Staple were in a sense secured against future legislation.³

As far as the Scottish burghs were concerned, the last clause (No. 17) in the contract introduced an innovation, which was subsequently the cause of much difficulty. The very idea of the Staple implied that the town chosen should enjoy a monopoly of Scottish trade, but hitherto this condition had been understood, rather than expressly declared. It may, indeed, be pointed out that the agreement of 1472 with Bruges excluded trade with other towns, but it has been sufficiently shown that in the events following the repudiation of the contract with Middelburg in 1526, such a limitation was successfully protested against, and the freedom to go where they chose was regarded by the merchants as a privilege to be jealousy guarded. Now, however, the

¹ The contract is given in the original French in Perrels, i., pp. 28-35. The somewhat unreasonable request in regard to the salt-pans was not conceded, but the magistrates of Campvere were apparently anxious as far as possible to meet the wishes of the Scottish merchants on this as on other points. (See section 13 of the contract in Appendix.) Through Segait the magistrates of Campvere explained that the salt-pans need not inconvenience the Scottish merchants "because thair is bot ane wynde from the north that makis ony reik, the quhilk apperandly blawis north every day (C. R., i., 64).

² In this year the Privy Council ordered that a seal should be made for the office of Conservator, "ane thryssill crownit with this circumscription Sigillum Officii Conservatorie".

³ Yair, p. 166; Motley, part vi., chap. i.

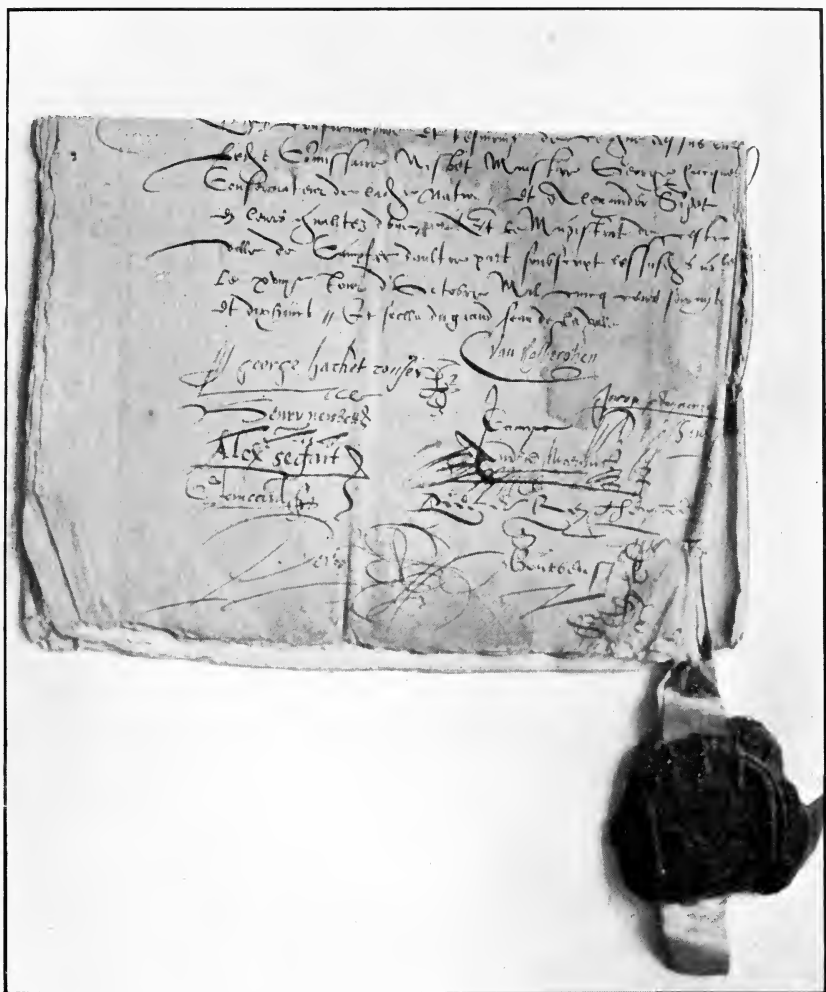
Scottish signatories promised "that they shall take order and not permit that any of their ships with Staple wares shall take any other port than of the said town of Campvere". From this time questions in regard to the breach of the Staple were continually coming before the Convention, and this led to frequent reaffirmations of the principle, that Scottish ships should pass to Campvere, and to no other port in the Low Countries.

In enforcing the Staple in these new conditions, there were, however, obvious difficulties to be overcome. It was an easy matter, for merchants and factors alike, to pretend at one time to be subjects of the King of Spain, and at another to be Scottish subjects, as was most convenient for the purpose in hand. Roman Catholics also had many advantages in a country governed by Philip of Spain, and doubtless many who could change their nationality to suit the occasion, may have found it advantageous to have a religion equally adaptable. If then the Staple contract was to be rigidly enforced, it was necessary to have some means of marking off those who were in fact Scottish subjects, and if not necessary, at least advisable to have a religious limitation on those who were to be allowed to enjoy the benefits of the Staple contract.¹

The first of these objects was aimed at in an Act passed by the Scottish Parliament in 1579.² By this measure an incorporation of the Scottish nation was to be made, with special reference to those residing in the Staple town; all who intended to trade in any way were to come before the Conservator, and take an oath of allegiance to the king. An entrance fee of £10 was charged, and those who were thus incorporated were to be subject to the king's commands in like manner as if they were resident in Scotland. Those who refused thus to come before the Conservator and take the oath of allegiance were thereafter to be debarred from the privileges conferred by the Staple contract, and his Majesty's subjects were forbidden to trade with those who were thus excluded.

¹ See in more detail in the chapter dealing with Factors.

² Acts, iii., 152, c. 34.



LAST HALF-PAGE OF EARLIEST CONTRACT WITH VEERE, WITH SCOTTISH AND DUTCH SIGNATURES (1578).

The same motive led to a regulation made by the Convention of Burghs some years later, in 1582, whereby a religious restriction was put on all who sought to exercise the office of factor. The Convention did not often depart from its strictly secular character, and on this occasion the reason given for the restriction was that many merchants were greatly hurt by "the playing of bankeroutt of sundry factouris within the cuntrie of Flanderis".¹ To modern ideas this scarcely appears a convincing reason for the imposition of religious tests of the kind referred to in the enactment, but it is probable that the real objection was to the behaviour of those factors who adapted their religion to their circumstances, and who, by at times pretending to be subjects of the King of Spain, defrauded their creditors.² In any case it was "statute and ordanit that at na tyme heirefter na maner of persoun be admitted sufferritt or permitted to use or exerce the office of factory in the pairtis of Flanderis, ather in Zeland, Holland, or Brabantt, be the Conservatour bot sic as ar professouris of the trew religioun of Jesus Christ oppinlie pubeschitt in this realme".³ It was, however, found impossible even by such precautions to control trade in such a way as to compel merchants to observe the Staple, and in 1587 the Convention again had before it complaints as to the breach of the Staple. That all merchants should pass with their goods to Campvere was emphatically re-enacted, and following the example of the magistrates of Edinburgh, penalties were imposed on those who should be found sailing elsewhere.⁴ In the same year the conduct of merchants in going to other towns also came before the Privy Council, and it was ordered that proclamation should be made at the market crosses of the head burghs, strictly enforcing the observance of the Staple contract.⁵

The difficulties in regard to the observance of the Staple, however, continued, and it is evident that during this period a careful watch was kept over the religious life of the Scottish merchants at Campvere, probably in part from dis-

¹ C. R., i., 132.

² Yair, p. 168.

³ C. R., i., 133.

⁴ C. R., i., 264.

⁵ Privy Council Reg., iv., p. 237.

interested motives, but also to assist in the "incorporation" of the Scottish nation, and so prevent the frauds which arose from factors and others at times pretending to be Catholics and subjects of the King of Spain. This intention colours the whole of a series of regulations to be found in the Records of the Privy Council under 1591, soon after the appointment of Denniston to be Conservator.¹ The first article restricted the enjoyment of all the privileges of the Staple contract to such as should profess in all points the religion as established by law in Scotland. By the second, all merchants, factors and sailors were bound to attend the ordinary service at the Church of Campvere under a penalty of five shillings, and to celebrate the Lord's Supper there under a penalty of twenty shillings. That the true object of these regulations was in part at least to exercise a better control over the conduct of Scottish subjects abroad is amply demonstrated by the fifth article, which imposes on the Conservator the duty of supervising completely the movements of Scottish merchants, and the article also states with what object this regulation was made: "For avoiding the inconveniencies which may tend not only to the religion presently professed, but also to his highness's authority, and Estate of this Realm, by the secret passing and repairing of his subjects, under colour of trafficking in merchandise, to the parts of Flanders and Brabant, and others under the King of Spain's dominions and presently under the government of the Duke of Parma, from Zeeland or the parts aforesaid thereto, His Majesty discharges all his subjects of all passing or repairing to and from the parts above specified without the knowledge and license of the said Conservator, under the pain of five pound, commanding and ordaining him straitly to search and seek, if they carry any letters, and if they tend to any weight or importance, to intercept and direct the same to his Highness, with the first commodity."²

At the same time the Convention of Burghs continued to show a deep concern in the religious life of the merchants at

¹ P. C. R., iv., pp. 650-53; also in Yair, p. 177.

² As given in Yair, pp. 179, 180.

the Staple town. The first serious complaint on this subject came before the Convention for consideration in 1586, when the great abuses of the merchants at Campvere were "havelie lamentitt, insafar as they besyde thair unctūmie behaviour in thair civill lyfe, and outwardt manneris, contrair the lawis of God and civill policie hes na maner of regard of conscience or relligioun".¹ It is impossible to say how far such charges of backsliding were justified. The maintenance of chapels had, however, always been a prominent feature of the Staple, even before the Reformation, when the Scots merchants had probably been induced to support a church of their own in order to satisfy a sentiment of nationality rather than a religious need. After the Reformation, notwithstanding the similarity between the reformed Churches of Scotland and of the United Provinces, there were more obvious reasons for the existence of a Scottish Church at the Staple town, especially as preaching became a more marked feature in the Scottish service, and in the contract of 1578 Campvere had granted the "quire of the great kirk" as well as a dwelling-house for their minister, with immunities from excise similar to those enjoyed by the Conservator. When the general question of the behaviour of Scottish merchants was raised in 1586, the Convention, after "lamenting" the various abuses which were alleged, determined that a Church should be built at Campvere, and a minister chosen. The Scottish Church was a subject of frequent discussion at subsequent meetings of the Convention, and in particular the method of raising the minister's stipend was the subject of serious reflection. At first (1590) a proportion of the excise on wine and beer was appropriated for this purpose, but at a later period a fixed salary was paid, of which by subsequent contracts Campvere undertook to pay a substantial part.²

Reference has already been made to the fact that whereas the merchant classes in the earlier stages of their development sought the protection and help of the king, the Convention had at a later period to guard jealously against the intervention of the Crown in the organisation of the Staple.

¹ C. R., i., 211.

² See the history of the Church in later chapters.

On the death of the Conservator Hacket about this time, a struggle took place in regard to the appointment of his successor, in which on the whole the Convention was successful in maintaining their jealously guarded claims in regard to the nomination of the Conservator. The Convention took early action in the matter, for in March, 1589, while Hacket was still alive, although at the "point of death," a representation was made to the king that in the event of a vacancy arising, the office should be conferred on George Kincaid, at the time one of the factors at Campvere. The burghs, however, foolishly compromised their case by endeavouring to combine their rights in electing a Conservator with their duty as obedient subjects of the Crown. Consequently, while they put forward their representation in favour of the appointment of Kincaid, they at the same time offered to accept another should the king find one "mair qualefeit".¹ As the king alone could decide on the matter of the superior qualifications, the admission of the burghs, if taken literally, would have conferred on the Crown the right of nominating the Conservator, merely reserving to the Convention a certain limited power of suggestion; it is, however, probable that the loyal expressions used by the burghs were not intended to convey any definite meaning. The nominee of the Convention was certainly well qualified for the position which was soon to become vacant. He was a prominent merchant who had been long resident in the Low Countries, and enjoyed the confidence of the magistrates of Campvere to such a degree, that they had been anxious that he should act for them in the negotiations leading to the establishment of the Staple in 1578. The king, however, ignored the request of the Convention, and in 1589 Robert Denniston, a favourite at the Court, was appointed to the office, not on account of his "sufficiency qualification and ability" as was stated, but because he had in fact purchased the appointment. At the same time the king required that certain payments should be made to the new Conservator, and it was only natural that the burghs should resent taxes made in the interests of

¹ C. R., i., 306.

a court favourite, even though there may have been some truth in the statement in the king's grant that the expenses of the Conservator had been greater in recent years than was formerly the case.¹ The articles appointing Denniston also formally made him "our agent in all our affairs within the same parts," thus continuing the identification of the Conservator, who was primarily the protector of the merchants' privileges in the Low Countries with the king's ambassador or representative there.² Notwithstanding the terms of Denniston's appointment, the burghs were, however, not prepared to accept him as their Conservator. In June, 1590, they unhesitatingly repudiated him. They referred to him as a "pretendit conservatour," spoke of him as having usurped the office, and ordered all merchants to refuse to pay the taxes payable under the king's grant. Penalties were also imposed on those who should acknowledge the Conservator except under compulsion, and the burghs were ordered to make this known, so that no merchant should be able to pretend ignorance of the relation in which Denniston stood to the Convention.³ Meanwhile, the king was replying to the disrespectful attitude of the Convention by equally vehement measures on behalf of his favourite. Even before the burghs had refused to acknowledge his nominee as their Conservator, he had given orders that no ship should sail for the Low Countries until Denniston was ready to depart, and at a later stage of the dispute he forbade the Convention transacting any business in regard to Flanders without the knowledge, advice and consent of the Conservator.⁴ Finally, so far did the king's zeal for Denniston carry him that in a special grant of rights and privileges, already referred to, he declared through the Privy Council that whatsoever the burghs might declare concerning the Conservator should be null and void, and further the Conservator was not to acknowledge any of their acts, unless they were ratified and approved by the king and the Privy Council.⁵ The result of this would have been to give the

¹ Yair, pp. 171, 172.

² Yair, p. 175.

³ C. R., i., 322, 323.

⁴ Yair, p. 176.

⁵ P. C. R., iv., pp. 650-53.

Conservator dictatorial powers, and had the king been able to maintain this position the real and original function of the Conservator would have been destroyed. Denniston himself, however, may have felt that it would be impossible to maintain his position under these circumstances, for in September of the same year he appeared before the Commissioners of the Burghs, and undertook to obey their instructions.¹ A more complete surrender on the part of Denniston took place three days later when he appeared before various representatives of the burghs. He then confessed that he had accepted the office of Conservator "of simplicitie" and in ignorance of the claims of the burghs in the matter. The Conservator was accordingly obliged to acknowledge his own oversight, and to renounce the duties which had been given him, as well as any other clause in the gift of the office, to which the burghs might take exception. He further undertook to receive whatever instructions they might give him, and promised not to accept any gift in future that would be prejudicial to their interests. The burghs having thus gained the acknowledgment of their rights did not pursue their victory unduly, and conferred on him the duties which the king had already required the merchants to pay him.²

Though the burghs finally accepted Denniston, the Conservator, in whose appointment they thus acquiesced, was far from being a man after their own heart. For a time he even incurred the royal displeasure. In 1596 the Earl of Erroll, who in the first place had surrendered to the

¹ C. R., i., 343.

² C. R., i., 350, 351. A list of instructions was given to the Conservator in 1591 and probably dates from Denniston's submission. The more important of these directed the Conservator to obtain a house "selon que sa qualite le requert" and immunity for the nation from impositions and exactions. The burghs also asked that they should be allowed to transport their goods to Holland, Brabant and Flanders or elsewhere should there be no demand at Campvere, provided the merchandise was in the first place landed there. It was further demanded, in the instructions to the Conservator, that Scottish houses should not be entered without first informing Monsieur le Conservateur, and that the Conservator should be called before the council before that body passed sentence on a Scotsman.

United Provinces, was entrusted to the Conservator to be guarded as a prisoner. Denniston, however, appears to have acted with some carelessness in the matter, for he allowed his captive to escape. The Conservator was accordingly summoned by the Privy Council to appear within sixty days to answer for this treasonable act as well as for "certane uthris tressounable, unworthie, and shamefull factis". Denniston was, in fact, suspended from his office. He was forbidden to hold courts or exercise any jurisdiction, and the lieges were discharged from the duty of obedience, and relieved from the usual imposts. This indeed was only a temporary measure, for in November he was formally restored to his office, and on his appearance before the Privy Council in January, 1597, the king "assoilzied him simpli-citer".¹ Thus the king's displeasure was overcome, but on the part of the merchants complaints of the "enormities" committed by him were still frequent, and his failure to appear, on being summoned in 1605, drew from the Convention a declaration of the dependence of the Conservator on the burghs. A committee was appointed to approach the Privy Council in connection with the election of the Conservator, that it should be "in the handis of the burrowis, to quhais behowe onle he is creatt and constitute, and of quhom he hes his lewing for the service to be done to thame in the Law Cuntreyis in manteyneing the preuelegis of the natioun and of thair tred and traffick thair".² In the following year Denniston appeared in person before the Convention, and an understanding was arrived at, the Conservator undertaking to obey the instructions of the Convention, and appear before them yearly, receiving in return for this undertaking the proceeds of certain taxes.³ Notwithstanding their constant efforts, it is, however, doubtful whether in the course of the seventeenth century the burghs ever had a Conservator whom they wholly trusted, with the possible exception of Cunningham in covenanting times, whose election was irregular and without royal sanction.

¹ State Papers, Privy Council Reg.

² C. R., ii., 200.

³ C. R., ii., 226.

The Staple contract of 1578 marked an important turning-point in the history of the connection of Scottish commerce with the Low Countries. The various clauses had been defined with a preciseness hitherto wanting, and the restriction that Scottish merchants should strictly confine themselves to Campvere, introduced new conditions which made it inevitable that new points should arise which would require consideration. Thus no definition had ever been given of the phrase "Staple goods," and if the Staple were to be observed with greater strictness, it was necessary that this should have a clear and definite meaning. The point was raised by the representative of Irvine in the Convention which met in 1602, and a most comprehensive interpretation was given, whereby Staple goods were taken to be "all merchandrice quhilk payis custome, alsweill brocht within the realm as transportit furth of the samyn".¹ In another way the meaning of the Staple contract had to be more closely defined. Round-about journeys became more frequent, and it was contended by various merchants that in such cases the obligations of the Staple contract were not binding. Thus goods belonging to Scottish merchants, if shipped from England, did not, it was said, come within the foregoing definition, and therefore could not properly be regarded as Staple goods within the meaning of the contract with Campvere. The question of the effect of such re-shippings was brought before the Convention which met at Crail in July, 1610, when a decision was given against those merchants who sought to evade the obligations of the contract by sailing from English ports, for it was decided that all goods belonging to Scottish merchants, no matter from what port they should be embarked, were to be taken to Campvere and to no other town in the Low Countries.² While it was thus necessary under the new conditions to render more precise the meaning of the terms employed in the Staple contract, the concentration of trade which the new regulations necessitated brought with it some disadvantages. All Scottish merchants were now obliged to sail to Campvere,

¹ C. R., ii., 130.

² C. R., ii., 298.

J. VI.
LESSEIGNEURS, depeçehans par delà nostre bien aimé servite
le Sieur de Denniston pour nostre service, quant Et quant avons eslimé
necessaire vous donner a entendre, qu'adjourné devant nous Et nre Conseil,
Et y comparant, l'avons trouvé bonnesté, fidele, Et loyal en tout Et par
tout, principalement au fait de l'eschappement de nostre trescher Cou-
sin le Comte d'Ernull saisi par vostre commandement Et commis en
garde audit Sieur de Denniston nostre Ambassadeur Et Conservateur
pour lors, jusques a ce que nostre Volonté touchant ledit Comte, vous
fust connue. Parquoy avans reçu ledit Sieur de Denniston en grace
Et faveur, l'avons remis Et de nouveau establi en ses premiers estats
Et charges qu'il tenoit par delà, Et en mesmes titres d'Ambas-
sadeur Et Conservateur nous le vous recommandons, afin d'y resider pour le
meilleur entretenement d'une perpetuelle correspondance es affaires qui
peuvent toucher nos estats en general, Et assopisement des questions
qui peuvent survenir parmi nos subjects d'une part Et d'autre, en
particulier, vous supplians tresaffecueusement le vouloir reconnoistre,
honorer Et respecter en ses qualitez comme il appartient, Et d'avan-
tage luy octroyer tant pour le present qu'a toute heure a venir, favo-
rable audience sur ce qu'il aura en échange de vous remonstrer de nre
part, Et le croire comme nousmesmes. Cependant nous prions Dieu,

Les Sieurs, vous donner tresheureux succez en toutes vos affai-
res a Jamais. De nre Palais de Falkland ce premier d'Octobre.

1597.

Vre tresaffecueu amy
J. VI.



and this restriction made them a more easy prey to the pirates of Middelburg and Flushing, who now found it an easier matter to plunder Scottish vessels on account of the more narrowly defined route they had to follow.¹ It is not improbable that this insecurity may have contributed in some degree to the dissatisfaction with Campvere as a Staple town which was at times manifested, although other reasons were alleged. The first occasion on which a change of Staple was suggested, was in 1599, when the king took the initiative in the matter, notwithstanding the fact that in the previous year an agreement had been made between the Conservator and the Burgomaster of Campvere with a view to avoiding some of the misunderstandings which had arisen.² The insecurity of Campvere owing to the wars was put forward by the king in a letter addressed to the Convention as a sufficient reason for removing to a more "commodious" port.³ The Convention, however, were on this occasion not prepared to advocate any change, and the Staple remained at Campvere, not because the burghs had no objection to the Staple being there, but, as would appear from their reply, because Flanders, Holland, and Zealand were equally troubled by the wars. Perhaps also, if we are to believe Denniston, the efforts of the Conservator may have had some influence in preventing the removal of the Staple from Campvere.⁴ Thus the king's suggestion remained a suggestion merely, and some years later, in 1608, the Staple contract was again ratified and approved.⁵ This step appears to have been

¹ Yair, p. 194.

² Reprinted in Perrels, *Bijdragen*, i., pp. 35-38.

³ C. R., ii., 52.

⁴ "Messieurs, devant la receipt de vostre lettre et depuis quelle peine j'ay eu d'empescher que la commission du transport de l'estaple hors de vostre ville (prest a estre subsigne par sa maieste et messieurs du conseil) ne le fut point et par quelles moyens assistances et promesses ie l'auray faict la lettre icy . . . vous fera cognostre" (Letter from Denniston, 28th Dec., 1602). In the king's letter the Staple was referred to as "now dispersit," but probably this merely means that the conditions of the contract were not being observed.

⁵ C. R., ii., 260.

taken in consequence of complaints on the part of Campvere that the Staple was not being properly observed, and that ships were sailing to other ports in the Low Countries. The Convention accordingly ordained that the contract should be observed in all points, and special instructions were issued to the magistrates of the seaports to punish those guilty of a breach of the Staple in this respect. The Privy Council at the same time took steps to prevent merchants sailing to other ports than Campvere.¹

Though the Staple continued to remain at Campvere, proposals that it should be moved elsewhere were frequent throughout the seventeenth century. It has already been mentioned that in 1610, in connection with round-about voyages, the principle that all vessels should sail to Campvere had been reaffirmed, and the meaning of the contract had indeed been extended in such a way as to cover ships belonging to Scottish merchants sailing from English ports. Notwithstanding this reaffirmation of the principle of the Staple, the question whether Campvere should remain the Staple town was again raised in the following year. In 1611 a commission was appointed to consider the whole question of the Staple,² and in their report, as given to the particular Convention in January following, it was recommended "that the said staipill presentlie haldein at Campheir sall be liftet and transportet thairfra to the toun of Middilburgh". This proposal was agreed to, and steps were taken to obtain the king's approval of the change in the Staple town.³

¹ P. C. R., viii., 618, 619; ix., 39.

² C. R., ii., 314.

³ C. R., ii., 334. Throughout the Conservator, Denniston, used his utmost influence to prevent any change in the Staple town. Writing in November, 1611, he informed the magistrates of Campvere that he had spared neither "peine, charge ou credite" with the king and the court to secure that no alteration in the Staple should then be effected, "qui a la fin m'est consenti," he writes, "pourveu que la ville de Campheir nous ottroy telles privileges que la ville de Midilburgh nous ait deja accorde." He goes on to relate at some length the attempts made to bribe him to the opposite party: "Mais la lettre de son excellence et mon affection a nostre ville de Campfeir ont tant eu de pois que j'ay les tout rejete." After it had been decided to go to Middelburg, Denniston

Notwithstanding the previous suggestion of the king that the Staple should be moved elsewhere, and the present unanimity of the Convention in favour of Middelburg, these proposals merely led in the same year to a fuller and more definite contract with Campvere. Campvere had indeed been so long the Staple town for Scottish merchants that only the most weighty reasons could be regarded as sufficient ground to induce the merchant classes to remove elsewhere, after having been so long situated in a town which was now so familiar to them as Campvere was. Indeed the king's influence was now thrown wholly on the side of Campvere, for a letter sent by James to the chancellor in August, 1611, was almost a command to the burghs to continue the Staple at the old town.¹ He had received a letter from Count Maurice, and now in writing to the chancellor the king referred to the disadvantages attaching to the town which the burghs proposed to make their Staple port, especially to "the difficult and dangerous entering of the harborie of Middleburgh". The new contract with Campvere was a lengthy document, and necessarily was to a large extent a summing up in clearer and more unambiguous language of all the concessions already made. There were, however, some innovations. By the contract of 1578 the "quire of the great kirk" had been granted for the use of Scottish merchants; they now obtained "a decent and convenient Church," and they not only were granted a house for their minister with the usual freedom from excise enjoyed by the factors, but a churchyard was also to be set aside for the burying of their dead. Another new concession is found in the twenty-third article in regard to the transporting of the goods of Scottish merchants from Middelburg. Campvere again wrote expressing his regret. He had, he said, entreated them "*de vouloir avoir regard aux anciennes alliances entre escosse et les marquis de la vere, le soin que le magistrat a toujours eu pour garder les points de contrat, leur faveur envers la nation, et la comodite de la ville pour nostre trafique*" (20th March, 1612).

¹The chancellor was requested "to insist instantlie in perswading of oure burrowis there to continew thair staple at the said toun of Campheir" (Privy Council Reg. ix., pp. 627-29).

undertook to provide boats which were to convey the goods along the canals, and which were to be at the disposal of the Scottish merchants at certain fixed prices, and the magistrates of Campvere were also to provide a covered enclosure, where these boats might be unloaded without any fear of the goods being damaged by rain. The concessions granted to the English at Middelburg were now also recognised in a more definite manner as furnishing a pattern to which the privileges given to Scottish merchants should conform. Mention may also be made of a further arrangement to which prominence was given in the contract, whereby to obviate the possibility of the heirs of merchants being defrauded, at the request of the Conservator an inventory should be taken of the goods of any merchant on his death, and for a similar purpose an inventory was also to be taken in the case of any merchant suspected of bankruptcy.¹

The period following this renewed contract with Campvere was in many respects the most flourishing period in the history of the Staple. "The Scottish nation," says Boxhorn, "increases there daily and selling their goods to the best advantage, they grow richer and more flourishing; Campvere on the other hand loses nothing by the bargain, for all the goods brought by the Scotch merchants to Campvere cannot be transported, but must be sold within the town."² The

¹ Extensive as are the privileges granted in the contract of 1612, the instructions given to the commissioner as to the privileges to be obtained were not wholly reproduced in the agreement. Thus by the twenty-first and last of these articles (C. R., ii., 362-66) the Scottish representatives were to ask "that the said natioun sall haif liberty to hunt with dogs or schoote with hakbuts, crocebowis, or hand bowis, ony maner of fowlis or foure futtet wyld beists, within the precincts of the territorie of Campheir, without any trubill or impediment maid be the baillie of Campheir or his officiares to thame."

² "Waer over de luiden van alle landen," continues Boxhorn, regarding the question from the point of view of the hotel-keeper, "in dese waeren handelende, ter Vere moeten komen om die daer te koopen, daer door geduerig een groot getal vreemde lieden binnen der Vere vernachten, 't welk de Stad en de kooplieden van de selve natie niet schadelijk is." The quotation in the text occurs in Yair, and is stated by him to be from the chronicle of Smallegange. It is to be found, however, in the earlier

terms of the contract were also now rigidly enforced by the Scottish burghs, and in the following years, the Records of the Convention contain numerous cases in which the full penalty was imposed on those transporting goods to other ports than Campvere.¹

While the burghs were thus scrupulous in enforcing the conditions of the Staple contract against defaulting merchants, they were equally zealous in struggling for the recognition of their own rights, as they conceived them, in regard to the election of the Conservator. At the time of Denniston's appointment the burghs had, with a large measure of success, combated the claims of the king in the matter, and in 1624 and 1625, when the next vacancy in the office arose, they again boldly stated that the Conservator was dependent on them alone, and on this occasion were able to secure the removal from office of the original nominee of the king. Denniston was now an old man, probably incapable of efficiently discharging his duties. In any case the regularity of his attendance at the meetings of the Privy Council, of which he was a conscientious member, and his activity on various committees, show that such duties as required his attendance at Campvere must for some time have been entirely neglected. In these circumstances a commission was given to a certain Nathaniel Uddert or Uduard, who had already gained promin-

chronicle of Boxhorn which was "extended and improved" by Smallegange. Boxhorn again professed merely to extend and improve the still earlier chronicle of Reygersberg. Yair also somewhat abridges the passage from Boxhorn in translating, and omits an enumeration of the goods brought by Scottish merchants to the Staple port. This list is of interest, because in addition to the exports usually given, it mentions "potlood" (black lead). Apart from this it is the usual table of exports—coal, skins, wool, cloth, tallow, etc. (see Smallegange, p. 591; Boxhorn, p. 259).

¹ It was a difficult matter in some cases to prove a definite breach of the Staple. In 1616 John Short of Aberdeen, being examined on oath, declared that his intention on sailing from Scotland was to go to Campvere "mais que le mauvais temps le contraignit de se sauver en Holland, ou estant, voyant sa marchandise gastee a cause dudit mauvais temps il la vendit". If the goods were really "gastee," they might as well have been sold in Zealand as in Holland, but perhaps John Short merely said that they were in danger of becoming such.

ence in connection with a monopoly for soap. The commission, however, was not intended to take effect at once, but was meant to secure to Uduard a reversion of the office. Notwithstanding this, the king's nominee being at Campvere had acted as if already invested with the full powers of a Conservator, exercising jurisdiction in the usual way by presiding in the courts.¹ The representatives of the burghs assembled at Edinburgh at once took steps to assert the rights of the burghs.² Uduard was in the eyes of the Convention a very unfit person for the position. He had deeply offended them in connection with the monopoly of soap, and was accused of "furneissing the cuntrey with worse soape then thai wer wont to have of befoir," and in other respects not mentioned he was alleged, in the words of the burghs, to have done "manie other acts in their prejudice".³ The Convention accordingly decided to make all lawful opposition to the appointment of Uduard, and to appoint a committee, who should endeavour to obtain from the king the right of nominating the Conservator in all time coming, or at least that no one should be appointed without the special consent of the burghs. In considering this matter the Convention made a statement of some importance, in which they expressed their view of the relation which should exist between the Conservator and the burghs, and of the office of Conservator in general.⁴

¹ Privy Council Reg. ² C. R., iii., 153. ³ C. R., iii., 163, 164.

⁴ "Considdering the said office of conservatorie to be ane office meirlic concerning theme and that the said conservator is thair onlie judge in that place quhair they have one of ther grittest treds and quhose intertynniment, fies, and dewties ar onlie payit out of thair purses of thair awin guidwill allanerlie; as lykways, considdering how much it concernis both the honor of the hail natioun in generall and thair credeit in partiular to haiff ane sufficient and qualifiet persone of that honor and creddeit as becumes that plaice without blot or blemish, and with all taking to consideratioun the bygane cariadge and behaviour of Maister Nathaniell Vduard, not onlie in intrudding him self in the said office of conservatorie, without thair consent, knowleg and allowance, but also in vther maters concerning the merchand tred and thairfore and for vther causis knawen to theme they find the said Maister Nathaniell altogether vnfit and vnqualified for the said plaice or to beir anie office above theme" (C. R., iii., 162).

In the end the agitation of the burghs was successful, for in August of the same year Uduard surrendered the office which he had purchased,¹ and by way of compensation the court undertook to pay him the sum of 6,000 marks "usual money".² The appointment of Denniston's successor was made in the same year, and was announced in a letter addressed by the king to Edinburgh, acting on behalf of the burghs in which the claims of the Convention were implicitly admitted. The letter recommended Patrick Drummond to the consideration of the Convention, but the appointment was not at once made, as the king invited the burghs to state whether they had any objections to the proposed appointment.³ A somewhat lengthy list of articles was drawn up and agreed to by Drummond, and on 13th July, 1625, he was accepted as Conservator, the Convention, however, jealously adding that this should in no way prejudice any right or title claimed by the burghs in regard to the office.⁴

This reservation on the part of the burghs was no idle phrase, and in a few years they were again agitating for a more complete control over the appointment of the Conservator. Drummond's behaviour did not satisfy the Convention, and in 1629 complaints in regard to his conduct began to be heard. He had exceeded his powers by deposing a factor, and a more serious charge was also made against him "that he usuallie strykes up the merchands lettere (which they cannot beleive)". The disbelieving Convention, however, thought it necessary to take steps to prevent the "farder growth of his enormities," and a commissioner was appointed to endeavour to obtain from the king the right of appointing one of their own number to the office, who might be removed at the will of

¹ In consequence of Uduard's precipitancy in holding courts at the Staple town, he was practically disowned by the king. "Treulie," wrote James, "we could not bot think it verie strange to heir that he had so summarlie possest him of that office, whereof we onlie intendit the reversion to him after the said Sir Robertes deathe" (Privy Council Reg., xiii., p. 487).

² C. R., iii., 175.

³ C. R., iii., 187.

⁴ C. R., iii., 188-91.

the Convention.¹ Drummond himself appeared before the Commissioners of the Burghs in the following year (1629), and made a general submission which appears to have closed the affair for the time.²

While the burghs were thus asserting their claims in regard to the appointment of the Conservator, the situation of the Staple at Campvere was again brought into question. Complaints that the Staple was not being observed, and demands that greater privileges should be obtained were of periodic occurrence in the history of the Scottish Staple. On this occasion as on so many others, no result followed the loud complaints in regard to the ill-treatment received at Campvere. The reasons for this agitation do not appear in the Records of the Convention, and when the question was first raised, the burghs confined themselves to a vague statement of the great damage and hurt done to the whole nation through the situation of the Staple at Campvere.³ As early as 1626 Drummond had found it necessary to protest against "le traitement peu courtois que nous recevons icy des magistrats de vostre ville de la Vere". The king, however, intervened against any rash action being taken, and asked to

¹ It is interesting to note how English influence led to this demand on the part of the burghs. The Commissioners of the Burghs, it is said, "hes thocht it fitt that since the Inglish natioun hes the onlie presentatioun of the said plaice at thair staiple port, and that they mak choice onlie of sum of thair owne number whome they think meittest for discharge of the said plaice, lyk as they considdering that the said conservatour is onlie mantenit vpon thair chairges, and that it is ane office that onlie does belong to theme, thairfore they give powar and commissioun to maister Johnn Hay, present commissioner for theme to his Majestie, to acquaint his Majestie with thair interrest in the said office and humblie to beg of his Majestie the presentatioun of the said plaice, that they may present sum of thair awin number thairto, as the English natioun does, for whome they salbe ansuerabill with powar to theme to continew or displace the present possessor or all vther whome they sall nomniat at thair pleasure" (C. R., iii., 278).

² Only for a time. In 1632 in consequence of a dispute with a burghess of Edinburgh it is recorded in the Register of the Privy Council that "the provest, baillies, counsell and communitie of the said burghs ar said to have conceaved indignatioun aganis the said Conservatour".

³ C. R., iii., 270.

be informed before anything definite was concluded.¹ Fortunately the subjects of complaint at this time are completely enumerated in two papers which Mr. Perrels has reprinted.² In the first of these the complaints of the Scottish merchants were stated with much bitterness, and the replies of the magistrates of Campvere show a wholly uncompromising spirit. In the second, the Scottish grievances are stated with considerable moderation, and the attitude of the magistrates is extremely conciliatory. Many of the complaints are vague, and not a few are unreasonable. As regards the Conservator, it was stated that he was not, as he had formerly been, one of the Council of the town, and moreover, sufficient respect was not paid to him in the courts in the case of a lawsuit in which a Scotsman was a party. To the complaint that Campvere was not a suitable town, and that it was consequently necessary to go to Middelburg for everything, the magistrates were able to reply that the Scottish merchants had had ample opportunity before 1612 of knowing what kind of a town Campvere was. Equally obvious was the answer to a further grievance, that it cost as much to bring goods from Middelburg to Campvere, as it did to convey them from Campvere to Scotland, for the magistrates at once pointed out that, if this were so, their town was a much more convenient Staple port than Middelburg could be. Exorbitant charges of various kinds were objected to, and complaint was also made of the condition of the Conciery House and the house of the minister, both of which were stated to be "incommode et malsaine". Further, the magistrates protected those factors who, having become bankrupt, enlisted as soldiers, and so defrauded their creditors. Having set out their other grievances, the Scottish merchants concluded by stating that there was not a single article of the contract which the magistrates had not broken, and indeed continued to break every day.

¹ C. R., iii., 289.

² The answers to the first, which I have followed in the text, are given in Dutch. In the second, given in Appendix III., the complaints and the answers are in French (*Bijdragen*, i., pp. 48-58).

The burghs in putting their case before the king did not definitely ask that the Staple should be moved elsewhere, but they represented to him that if he desired the Staple to remain at Campvere, better conditions should be obtained, and the concessions already made should be more carefully observed.¹ The Convention did not attempt to hide its dissatisfaction with the result of the negotiations which followed, and in 1630 confessed that notwithstanding the efforts which had been made to secure better terms, "yit they have maid bot small advantage of all to the gritt hurt of the whole tredders in these plaices".² Though the behaviour of the magistrates of Campvere afforded little satisfaction to the Scottish merchants, the Staple remained unchanged, perhaps in large measure owing to the intervention of the overlord of Campvere who in 1629 did his utmost to retain the Staple in his town,³ and till after the Restoration its situation at Campvere was not again seriously questioned.

¹ C. R., i., 301.

² C. R., ii., 314. The burghs, writing in July, 1630, complained at some length of the failure of Campvere to observe the conditions of the Staple contract. "Messieurs, Les incommodites que nous patissons journellement par la demeure de nostre estaple en vostre ville, et le peu d'accomplissement en vostre endroit du contract reciproque passe entre nous l'an 1612, avec la nonchalance et peu de regard qu'avons experimente entre vous, nous a invites enfin de penser sur la necessite du Remuement de nostre dict Estaple . . . estans toutes foys maintenant sensible du Manque et refroydissement de l'affection et accueil gratieux que nous nous promettons de vostre part." The Convention added, somewhat menacingly, their conviction "que l'amitie ne sauroit subsister d'un coste seul".

³ There are in the archives at Veere four letters dated 23rd April, 1629, from the overlord of Campvere. The first addressed to King Charles recalls "le civil et honeste accueil qui de tout temps a este fait auxdits Marchands dans la ville susdite qui a raison de sa situation est la plus propre de tous ces Paiz a l'administration de leur commerce". He urges on Charles that the merchants should not without weighty reasons leave "cette leur bonne et ancienne demeure dans laquelle comme jusqu'a present on a tousjours eu soin de les faire jouir du plein effect des contracts et conventions". In the letter to the Convention the overlord of Campvere urges the burghs not to change the Staple, "si, comme je m'asseuré il ne se trouve aucun subject d'importance qui puisse porter les dits marchands a ce changement, la verite estant que depuis le temps de leur entree en la dite ville (qui sans comparaison et la mieux situee de ces

It was impossible that the great struggle in the seventeenth century between the King and Parliament should take place without, in many ways, affecting the commercial relations between Scotland and the Low Countries, and without arousing the interest of the Scottish colony situated at Campvere. The Scots at the Staple town carefully nourished their patriotic feelings, and they naturally became keen partisans in the great strife which divided Britain in the middle of the seventeenth century. The position occupied by the Scottish nation as a whole—at first supporters of the Parliament against the excessive claims of the Stuarts, later the opponents of the Cromwellian usurpation—was accurately reflected in the part played by the Scottish community at Campvere. At first their freedom of action was somewhat hampered by the cavalier sympathies of the Conservator Drummond, who gave but little encouragement to any action which might suggest disloyalty to the House of Stuart. When a resolution was passed by the Church at Campvere in 1638 asking that a day of fasting and prayer might be observed, Drummond, no doubt accurately enough, replied that it exceeded his powers to give any directions in the matter, and though he undertook to forward the supplication to the Lords of the Council, he scrupulously dissociated himself from any more intimate connection with the resolution which had been passed.¹

It was not long until Drummond suffered for his indifference to the popular cause. Numerous complaints were made against him in regard to his administration of the office. He was accused of such offences as being absent from Campvere without notice, of naming no deputy in his place, of neglect to enforce various Acts of Parliament, and of suffering factors to exercise trade in Scotland.² Though such were ostensibly the charges made against him, there is little doubt that his

Pays pour la commodite du commerce d'Escosse) on a eu soin de les faire jouir paisiblement du plenier effect des conventions stipulees". The other letters, addressed to the Chancellor and the Conservator are in similar terms.

¹ Yair, p. 219 ; Church Records at Veere.

² Yair, p. 227 ; Cunningham's *Quotidian Record*.

real offence was that he had not sufficiently concealed his sympathy with the royal cause. His behaviour towards the Convention did not tend to allay the discontent which his conduct had caused. He is reported to have been "contumacious" on being summoned to answer the charge made against him. The Convention thereupon suspended the dues payable to him, and soon after, in October, 1640, deposed him from his office.¹

In the agitation against Drummond the leading part had been taken by Thomas Cunningham, a factor at Campvere, who had already distinguished himself by his zeal in the Parliamentary cause. His political principles he had already set forth in a publication entitled *The Thryssel's Banner*, to which he had found it necessary to add an "explication". Cunningham kept a *Quotidian Record*, in which his transactions in forwarding arms to the Parliamentary party are given at length. On the deposition of Drummond, those who had degraded the old Conservator naturally endeavoured to place Cunningham in the place now declared vacant. Indeed there were many who were sorry that Scotland had produced

¹C. R., iv., 544. In a letter from the Convention of Burghs dated 8th July, 1640, the magistrates of Campvere were informed that it had been found necessary to defer the payments due to the Conservator, with whom they stated they were "tres malcontens". "Mais voyant que l'occasion et temps est tel que offences se trouvent," wrote Guthrie, in the name of the burghs, "il nous fault ceder a l'iniquite du temps et suivre telles voyes que nous pourront justement defendre." Although a middle course was thus taken, the magistrates of Campvere were requested for the present not to extend any assistance to Drummond. "Dont nous avons trouve bon de vous en donner notice, Et vous priant que en cas qu'il desire ou requert aucune assistance de vostre autorite de ne y estre assistans en ce point jusques a ce que nous vous donnons aultre information au contraire." This was followed by a letter of 8th December, 1640, announcing that since the previous letter the Conservator had been deposed, and calling emphatically on the magistrates of Campvere to give no further assistance to Drummond: "Nous vous prions et requerons de ne luy assister en aucune chose en quelque voye que ce soit". A copy of the sentence passed against Drummond is given in Cunningham's *Quotidian Record*, among the Laing MSS. The chief points of the agreement made between the Conservator and the burghs in 1625 were stated at length, and various breaches enumerated under each head.

one who was so unnatural to his country as Drummond, and although Cunningham professed to shun rather than seek the office, he nevertheless used his influence to obtain the recommendation of the burghs. Recommended by the Committee of Estates, soon after supported by the Privy Council, Cunningham travelled to Edinburgh during the summer of 1641, enjoying in his journeys "2 dayes very noble Entertainment" with Leslie. In Edinburgh he was chosen Conservator by the Convention, but he completely failed to obtain the king's consent, which although not necessary, since the office belonged to the burghs, was considered expedient in view of the "Lustre which is added to all Publicq Offices in forreign Parts" by the approbation of the king. After some months delay Charles, however, in November, 1641, definitely refused to give his approval. The action of the king appears to have thrown considerable doubt on the course taken by the Convention earlier in the year in appointing Cunningham. During the winter a declaration was signed by the merchants of Scotland in favour of the appointment of the factor who had so faithfully supplied the Parliamentary party with arms. The Privy Council recommended him to the burghs, and urged the Commissioners of Parliament to use their influence with the king to secure to Cunningham a formal gift of the office. These attempts to gain the king's favour ended in the complete extinction of Cunningham's hopes. In the following year Sir David Cunningham was chosen to intercede on behalf of the nominee of the burghs. On the king's asking by whose advice he presented the letter of recommendation, Sir David answered that he was acting on the instructions of the Scots Commissioners at London, the Count Palatine and William Murray. "His late Majestie," afterwards wrote Sir David, "answered me and said that the Prince was a fool, and William Murray a knave, and that the said Thomas Cunningham had done so much service to his Enemies against him as he would rather give the said place to the devill then to him, and so he did absolutely refuse to sign it". Thus checked, the burghs appear to have withdrawn their claim to appoint a Conservator. At least Cunningham abated

his pretensions and only asked to be allowed to exercise the office in place of Drummond. The Convention was also more moderate, authorising him merely to do "all the affairs that the Conservator used to doe, and this without prejudice of his Majestie's right".¹

Though Cunningham was thus not appointed, the Convention made it clear that in their view Drummond had been legally deposed from his office. Writing to the magistrates of Campvere on 3rd June, 1644, the burghs stated that they had been informed that the "late Conservator does still pretend that he should be acknowledged and maintained by you". "We certifie unto you," they emphatically continued, "that the said Sir Patrick Drummond (be his pretexts what they will) wes lawfullie upon sufficient grounds and reasones suspended by the burrows . . . and by ane orderlie proceeding against him, after due triall and ripe deliberation absolutely deposed and deprived of the said office".

The position, indeed, remained for some time irregular, for although the burghs had deposed Drummond, it seems to have been realised both by the Convention and by Parliament that the appointment of a new Conservator exceeded their powers, and that for such a step the consent of the Crown was necessary. The Parliament, however, did what it could to authorise the powers entrusted to Cunningham. By an Act passed in July, 1643, they granted him a warrant and commission which in effect enabled Cunningham to discharge all the duties of Conservator, but Parliament made it clear that their powers were limited by granting the commission only until the appointment of a Conservator, and by adding that their gift was "without prejudice always of his majesty's right of presentation of a Conservator".²

In the following year two measures were taken which strengthened the hands of Cunningham. By the first he was appointed by the Committee of Estates to the position

¹ C. R., iv., 547, 548.

² Acts, vi., 18. Boxhorn gives a list of officials for 1643. Thomas Cunningham's name is given not as Conservator, but as "representerende den Conservateur" (Boxhorn, p. 260).

of "Commissioner and Ordinary Agent".¹ The enemies of religion, the Committee observed, were labouring by all means, which malice could forge, and calumny invent, to give false information and bad impressions of the proceedings taken in Scotland. Cunningham in his new position was to counteract these evil influences, and instructions were given to him for his guidance in removing these prejudices. This was followed in the same year by an Act establishing him in the office of Conservator (10th July, 1644).

Cunningham had still many difficulties to overcome. To discharge the duties of his office, it was necessary that he should be acknowledged by the authorities in the Low Countries, and at first the States-General refused to receive him except as an ordinary envoy. In Campvere, indeed, the Scots nation and the magistrates alike accepted him as Conservator, but other embarrassments awaited him there. Drummond at once sent him a challenge, "provoking me to a duell," wrote his rival, "pretending that I was obliged to give him personall satisfaction after this Heathnish manner of Unwarrantable Combats". Cunningham, however, was able to take such steps that the challenge in his own opinion merely redounded to his further honour, and to the greater disgrace of the cavalier.

A unanimous recognition of his position in Campvere was, however, not sufficient for Cunningham. Letters of recommendation were obtained, addressed to the various states, and also to the Prince of Orange. The prince was resolute in refusing to recognise Cunningham as Conservator. He would, he said, accept him as agent when the States-General did so, but he would not acknowledge him in the higher positions until the king's consent was obtained. The

¹10th May, 1644. "The experience of the Loyaltie and reall affection of our well beloved Thomas Cunningshame and the certane evidence wee have of his fidelitie by diverse notable services hath made us to choose and appoint him Commissioner and ordinarie Agent of this Kingdom of Scotland to the Lords the States General of the United Provinces. . . . We doe hereby earnestlie desire you to give to the said Thomas all reasonable assistance in maters concerning this nation and staple untill the Conservator's place be supplied."

States-General also questioned the legality of Cunningham's position, until a lengthy statement of the case for the burghs induced them in April, 1645, to accept him as agent, and to declare that the dispute in regard to the office of Conservator was not one in which they were called upon to come to any decision.¹ Cunningham was now able to discharge his duties as agent, but it was still necessary for him to seek protection against Drummond. The displaced Conservator, armed with a letter from Charles, expounded royalist theories to the magistrates of Campvere. The king in his letter, written from Oxford in March, 1645, referred to the conduct of Drummond in the office of Conservator, the duties of which he had discharged with so much fidelity. On the outbreak of the Rebellion, according to Charles, his opponents, in order to increase their strength, had disposed of the principal offices belonging to the Crown even those beyond the sea, and as they realised how important it was to have some one at Campvere who should represent affairs in a light disadvantageous to the cause of Charles, "et scachant bien que le Chevalier Drummond ne pretterait jamais l'oreille a leurs mauvais desseins," they had deposed Drummond in favour of Cunningham, who, said Charles, had made himself useful at the beginning of the political troubles in supplying arms and ammunition. They had dared, in this as in other things, to assume the power of disposing of such offices, and in their last assembly—falsely called a Parliament²—Cunningham had been appointed. Charles, however, had been informed that the town had not recognised the commission given by

¹In stating the case for the dependence of the Conservator on the burghs, Cunningham pointed out that even those appointed by the king submitted to the burghs, and this had been done by Drummond before he received the royal commission. An ingenious argument was based on the facts preceding Drummond's appointment, for if the king's commission had been sufficient, then Drummond would never have been appointed, as Uduard, appointed by the king, had been prevented from taking office by the protests of the burghs.

²"En leure derniere assemblee (que faussement ils nomment parlement puisque nous ni aultre de nostre part ny assista)."

the rebels, and, added the king, " nous vous prions de persister a en faire du mesme pour l'advenir ".¹

The position of the magistrates of Campvere, thus called upon by the two parties to recognise different Conservators, must have been a difficult one, and it is clear that for some time neither side had been satisfied. Drummond, writing in October, 1644, emphasised the dependence of the Conservator on the king's authority, and not merely called on the magistrates of Campvere to refuse to recognise Cunningham, but urged them to prevent his assembling the subjects of King Charles at the Staple port under any pretext whatever.² A few days later the Convention of Burghs, through Guthrie, announced the appointment of Cunningham, and called on the magistrates of Campvere to receive him as such, and to give him all necessary assistance in that office,³ and at the same time the Earl of Lauderdale wrote on behalf of Cunningham, and asserted the authority of Parliament. Notwithstanding the appointment of Cunningham, " yitt we are informed," he wrote, " that the said Sir Patrick has not onlie offered to oppose and affront him but has also baselie traduced the proceedings of the Parliament, whereof we are verie sensible ". The magistrates were at the same time invited to punish the demerits of Drummond, and to chastise the insolence of Cunningham.⁴ In the circum-

¹ Cunningham is somewhat severe in his judgment on this letter. It is, he says, " fully stuffed with such untruths and impertinent rayling expressions as favoured more of Sir Patrick Drummond's turbulent spirit then of a Royall braine ".

² " Je suis contraint au nom de sa Majeste de vous prier non seulement de ne voulloir point Reconnoistre ledit Cunningham en telle Callitte avant qu'il soit autorise et estably par sa Majeste, mais aussy de ne permettre point qu'il assemble les subiectz de Sa ditte Majeste en vostre Ville en aucun lieu ny soubz quelque pretexte que se soit."

³ " Ces presentes Donc sera pour vous en donner Congnoissance, Et vous requerir De Le Accepter et de Le Estimer Comme Conservateur susdit, Et de Luy donner toutte Assistance et Concourance en toutes et telles Chosses qui appartient au dit Office " (7th Nov., 1644).

⁴ In a letter from London dated 1st November, 1644, and signed by various adherents of the Parliamentary cause, after reference to the Law

stances it is not surprising that as far as possible they did neither, but endeavoured to steer a middle course between the two parties. They had refused to receive Drummond, and "gave him leave," says Cunningham complacently, "to feed upon his fancy, without taking any more notice of him in the quality of Conservator". But the facts were not so entirely favourable to the Parliamentary agent. The Prince of Orange was still "somewhat passionate" in his refusal to acknowledge any one but Drummond, and the magistrates of Campvere solved the difficulty by recognising Cunningham, while paying the larger part of the Conservator's stipend to Drummond. In the civil struggle the Parliamentary party was gaining, and it was but natural that Cunningham's position should become more assured with their success; in 1647 he obtained confirmation of his office by gift under the great seal. In the following year, notwithstanding his great services to his party, a faction was, however, formed against him, and his agency recalled, but this proved but a temporary change in his fortunes.¹

The policy of Cromwell aiming at the national consolidation of the three kingdoms viewed with distrust the existence of the Scottish Staple, and for the first time the expediency of dissolving the whole institution was seriously considered. We learn from the Stirling Records that the commissioners of the Parliament of the Commonwealth of England, meeting at Dalkeith, "had a great mynd appeirandlie to have of Nations, and the ancient friendship between Scotland and Campvere, the magistrates are requested to protect Cunningham, "tellement qu'il ne puisse recevoir aucun inconvenient ou tort en la deue execution de l'office auquel le Parlement d'Escosse l'a place. Et que le Sieur Drummond y soit puny selon ses demerites, Puisque nous vous assureons qu'il y a desja quatre ans que le parlement l'a depose de l'employ de conservateur du commerce d'escosse a rayson de ses mauvais comportements". Drummond, in his letter of 22nd October, is even more eager in his demand that his opponent should be punished and asks the magistrates "de me pretter Main forte en cas de Besoing afinque je le puisse tant mieux chatier dunne ynsollanse sy enorme".

¹In regard to the dispute between Drummond and Cunningham, there is a large number of letters at Veere, and an account from the Parliamentary point of view is also given in the *Quotidian Record*.

dischargit both our Staple at Campheir and the Conservator of his office".¹ The danger was, however, averted, and the whole matter was reserved for later consideration at London. No more is at this time heard of the suggestion to suppress the Staple. Doubtless it appeared unwise to interfere in a matter which so intimately concerned the merchant classes of Scotland, and the justice of the view later expressed by Monck in his protest to Cromwell in regard to the proposed interference in the elections in Scottish burghs, may already have been felt, for as Monck wrote "all the burghes in Scotland (being incorporated into one body) were the very first that owned us and submitted to us, and have ever since lived peaceably under us, and whose interest is most agreeable with ours, by reason of their trade and traffick, and so more easily to bee interwoven with ours, and therefore more tenderly and carefully to bee cherished by us".²

Whatever may have been the reasons leading to the abandonment of the proposal to abolish the Staple, there is little doubt that the antagonism of the English commissioners was, in part at least, due to the fact that the Scots at the Staple port, hitherto active in support of the Scottish popular cause, had now recognised Charles II. and were lending him financial support. Throughout the struggle the Scots at Campvere had been liberal in advancing money and arms to their friends in Scotland, and this hearty support was now given to Charles II. Cunningham's previous history did not at first commend him to the favour of the exiled king, but when a liberal advance of money was forthcoming, the Conservator's position was materially altered. Thus in 1650 Cunningham's commission was confirmed by the king, and at the same time the honour of knighthood was conferred upon him.³

During the Commonwealth the history of the Staple is somewhat obscure. According to Yair, there was a vacancy in the office of Conservator from the death of Cunningham in 1655 until after the Restoration. This, if true, might

¹ S. R., i., 203.

² G. R., ii., 380.

³ Yair, p. 238; *Quotidian Record*.

throw some light on the failure of the English commissioners to proceed in discharging the Scottish Staple. From the records of the Convention of Burghs, it is, however, clear that Cunningham did not die in the year mentioned. In the later years of the Commonwealth he is referred to as the Conservator, and in the year of the Restoration he and his deposed rival both addressed letters to the Convention, the consideration of which was deferred until the "waliditie of ather of thair richtis to the said office" might be determined.¹

The exact influence of Cromwell's rule on the prosperity of the Staple trade can only be vaguely surmised. The statement made by the author of the *Historical Account of the Staple* that the wars with the Dutch caused no interruption, may indeed be accepted,² but that these struggles were without influence on the commercial prosperity of Scotland cannot readily be granted. The precise effect of the Navigation Laws is a matter of some obscurity, but if the relation in which England stood to the Dutch and the Scots in 1651,³ the year of the Navigation Act, be remembered, it is impossible not to believe that the policy of this Act must have had a detrimental effect on Scottish trade, whatever results might have followed that completer union of Scotland and England which was the object*of Cromwell's rule. In another way the Government of the Commonwealth did much to destroy Scotland's prosperity. In the various wars carried on by Cromwell and his generals, Scottish shipping suffered severely. The storming of Dundee by General Monck in 1651, long remembered as one of the dark pages in Scottish history, was followed by the destruction of sixty vessels taken in the harbour.⁴ The patronising language used some years later by Tucker in his report, written in connection with the customs, must be read in the light of the severe losses sustained by Scotland in the earlier years of Cromwell's rule.

¹ C. R., iii., 510.

² Maitland, p. 388.

³ See Seeley's *Growth of English Policy*, vol. ii., p. 27 *et seq.*

⁴ Warden, *Burgh Laws*, p. 11.

CHAPTER IV.

HISTORY OF THE STAPLE FROM THE RESTORATION.

AFTER the Restoration the Staple policy became almost an obvious anachronism. It had arisen in the economic conditions of an earlier age, and had been devised to enable trade to be carried on in security at a time when security could only be gained by the concentration of Scottish foreign trade. The whole trade of Scotland had depended on an organised system of limitation and exclusion, and the Staple policy clearly reflected the exclusiveness which characterised the earlier development of Scottish economic life. At home the royal burghs kept a jealous eye on the burghs of barony, and were ever eager to protest against any attempt that might be made to infringe their own peculiar privileges. Within the burghs there was the no less clearly marked distinction drawn between freemen and unfreemen, and the reservation to the former of all the more valuable rights in trade and commerce. The Staple contract as it became more rigidly elaborated was likewise a serious restriction on the freedom of trade, as it required under severe penalties that all Scottish merchants should convey their Staple goods to the Staple port only. Inevitable and advantageous as such restrictions may at one time have been, it was clear that the whole trend of the national life from the middle of the seventeenth century was in another direction. The demand in every way was now for a greater equality in trade, and for a greater encouragement to commerce. The royal burghs, it is true, still clung jealously to their rights, but they were striving vainly against forces which were too strong for them. The Staple policy was persisted in. Contracts were made and renewed: Conservators were appointed: but the later

history of the Staple is little more than a history of failure. Contracts were made only to be broken. Progress consists in the timely abolition of institutions which have benefited earlier generations. The spirit underlying the Staple contract was no longer the spirit of the nation, and from the Restoration it becomes more and more apparent that the Staple was merely a survival from an earlier time, and that it was only kept alive by the diligent and mistaken efforts of the Convention of burghs. In view of the great changes at the end of the seventeenth and the beginning of the eighteenth century, there are few more remarkable facts in Scottish history than the repeated renewals of the Staple contract, and the consequent persistent attempts to limit the commercial life of the nation by the terms of a written agreement.

The new tendency had, as we have already seen, made itself felt under the Commonwealth. The consideration by the Commissioners at Dalkeith of the proposal to abolish the office of Conservator, if due in part to the support which the exiled king was obtaining among the Scots at the Staple port, was also in part the natural expression of the conflict which was bound to arise, when the larger national dreams of Cromwell were brought into contact with an institution whose continued existence was now only in the interests of a small minority of a small fraction of the inhabitants of Britain. The demand for greater equality, and the long series of measures for the encouragement of trade, began during the Commonwealth, and even when the privileges of burghs and the institution of the Staple were carefully and expressly safeguarded, it is clear that the old fetters could not be submissively worn, when freedom from restrictions in other respects was the privilege in trade most frequently demanded. Thus in the representations of the burghs in regard to Articles on Trade in 1654, a prominent place was given to the demand that the Staple be continued at Campvere "without change or alteration," but in the first three clauses the demand for freedom is well illustrated, as the burghs therein asked for licence in regard to the export of

skins and hides and for freedom to transport coal and salt to the most advantageous foreign port, and to import goods from France and Spain in the ships most convenient to the merchants.¹

From the Restoration no subject was more constantly in the mind of the legislators and rulers of Scotland than the best means of increasing the trade of the country. The Records of the Convention of Burghs are full of overtures for the "promoving of trade," and Parliament during the period under consideration—from the Restoration to the Union—was equally assiduous in passing Acts for the encouragement of trade. It is scarcely necessary to review this vast mass of legislation in detail, but before returning to the history of the Staple during its final period, the more important measures of Parliament may be referred to, in view of their influence on the trade of the country and on the deliberations of the burghs.

In 1661 the important step was taken of appointing a Council of Trade. The terms of its appointment were such as to make it a governing body in all matters relating to the commerce of the country. It was authorised to make rules, acts and ordinances for the advancement of trade, navigation and manufactures. Other powers given to it indicate how widely in spirit the new movement differed from the traditional Staple limitations. It was empowered to establish companies, and endow them with liberties and privileges, while another part of its duties was to give orders and directions to all Scots Factors and Staples abroad.² That such a body was likely to come into conflict with the royal burghs was evidently foreseen, for it was provided that in the event of any dispute arising, the Privy Council was to decide on the question at issue.³

An equally important measure of the year 1672 indicates clearly the changed conditions in trade, and the strong tendency of the legislation of the close of the seventeenth century to break down the old privileges on which the whole

¹ C. R., iii., 394, 395.

² The use of the plural should be noted.

³ Acts, vii., 273, c. 292.

life of Scotland as a trading community had been built. This measure, entitled "An Act concerning the Privileges of Burghs Royal," met with the fiercest opposition on the part of the Convention, and for many years gave rise to much jealousy among the towns of Scotland. The object of this Act was to curtail the privileges of royal burghs as these had been confirmed by an Act of the reign of Charles I., whereby the export of any merchandise was restricted to the burgesses of royal burghs, their factors and servants. Such privileges, it was now asserted, were highly prejudicial to the common interest and good of the kingdom, and the exclusive rights of freemen of royal burghs were henceforth to be restricted to the buying and selling of wine, wax, silks, spiceries, wald and other dyeing materials. Apart from these limitations, the export of all native commodities—live stock, coal, salt and skins—was made free to all, and burghs of regality and barony were allowed to export articles of their own manufacture, and in return to import such goods as timber, iron, soap, hemp and implements required for tilling.¹

The royal burghs naturally regarded this as an unwarranted encroachment on their ancient privileges. Not, however, for some considerable time did any results follow their agitation. The later history of this question is somewhat curious, and shows that the royal burghs having gained an unsatisfying victory in defence of their rights, had nevertheless little courage to reap the fruits of their struggle, and had to content themselves for the most part with unavailing protests and entreaties. In 1686 a letter was addressed to Viscount Melfort, Secretary of State, setting forth their grievances, and enclosing a draft of an Act to recover some of the privileges which they had lost. The burghs represented how they "have of late suffered and does still suffer unspicable prejudice and loss by having ther priviledges communicat by ane act of parliament in anno j^mvj^c sevinty two yeirs to the burghs of barronie and regality, whoe being free of any part of the said taxes are able and will infallible in tyme ingros the wholl trade to themselves to our utter

¹ Acts, viii., 63, c. 5.

ruine; for remeid wherof we have transmitted to your lordship a scroll of ane act in which we pretend not to be restored to all the priviledges wherof wee wer formerly possessed bot only to some necessarie ones being willing to communicat many others to which we had right to the burghs of barronie and regality as your lordship will perceave by comparing the act of parliament therwith".¹ An Act was in fact passed in 1690, nominally in favour of the royal burghs, but the exceptions made were such that the Act could in no sense be regarded as reversing the earlier measure of 1672. The privilege of importing foreign goods was reserved to the royal burghs, but exception was made in the case of cattle, horse, sheep and other live stock. In the case of exports their victory was even less decisive, for from the monopoly which they nominally gained was excluded the export of corn, cattle, horse, sheep, metals, minerals, coals, salt, lime and stone, and there was further a reservation in favour of the inhabitants of burghs of barony and regality, enabling them to buy and sell the native commodities of the country.²

Between the Acts of 1672 and 1690 other measures had indeed affected the position of the royal burghs. The effect of these two Acts was to a large extent to destroy the distinction which existed between royal and unfree burghs, but apart from this levelling tendency, the privileges which belonged to royal burghs had suffered serious limitation. The Acts for the encouragement of trade, notably that passed in 1681,³ were based on mercantilist theories, and the increase of manufactures, as much as the increase of trade, was the object of the new national policy. Thus the ultimate prosperity, which was to be promoted by this Act, was to be obtained by heavy restrictions on trade. Manufactures in the country were encouraged by forbidding the import of all goods which might conceivably be manufactured at home. Thus though to a certain extent the royal burghs regained by the Act of 1690 some of the privileges which they had formerly lost, these privileges were in reality to a large extent taken away by the Act for the Encouragement of Trade and Manu-

¹ C. R., iv., 60.

² Acts, ix., 152, c. 15.

³ Acts, viii., 348, c. 78.

facture, which had been passed in 1681. This Act forbade the export of linen yarn, worsted, woollen yarn, and unwalked cloth, and on the same principle the import of finished goods was also forbidden. This prohibition extended amongst other goods to gold or silver thread, gold or silver lace, printed silk stuffs, ribbons, embroidery, all foreign stuffs made of linen or cotton, wool or lint, foreign silks, foreign laces, foreign gloves, shoes, boots or clothes. The precise effect of the Act of 1690 in restoring to the burghs their old privileges can only be realised by considering the very important restrictions which this Act, passed in the interests of the future prosperity of the country, imposed on the export, and above all on the import trade of the Scottish towns.

Even apart from the limitations made by the Act of 1681, the royal burghs can scarcely have been satisfied with the terms of the Act, which nominally restricted the privileges of unfree burghs, and their hesitation in defending such privileges as were assured to them by the measure seems to indicate that they themselves had little faith in the strength of their own cause. Instead of enforcing the penalties imposed on those guilty of a breach of the law of 1690, the royal burghs addressed entreaties to the unfree burghs, and the burghs of regality and of barony were apparently strong enough to ignore the appeal directed to them. In the year in which the Act was passed the royal burghs addressed letters to the various unfree burghs, inviting them to attend a conference on the matter. They professed great friendship for the rivals who had so lately encroached on their privileges. Such was the tenderness they felt towards them as their neighbours and countrymen that they were, they wrote, unwilling to enforce their rights by law. The result showed the powerlessness of the royal burghs.¹ In their own words their offer was slighted and undervalued. The proceedings of the Convention show an intense desire to put the unfree burghs in the wrong, and an equally great hesitation to enforce their own rights. The conduct of the burghs was, moreover, not wholly free from an element of absurdity.

¹ C. R., iv., 123.

From the door of the council house, where the Convention met, a list of unfree burghs was several times read aloud to see if any one would appear on behalf of the unrepresented towns. In the end the period of negotiation was declared to be closed, and the various royal burghs were authorised to enforce the Act against the adjacent burghs of barony and regality. Of the unfree towns Greenock alone had made any substantial offer to bear a share of the burdens imposed by taxation on the royal burghs, and in consideration of this, the adjacent royal burghs were recommended to "deall discreetly" with the inhabitants of a town which had been so notable an exception.¹ Apparently, however, the Convention met with little success in their efforts to restrain the unfree burghs. In 1692-93 instructions were given to their agent, John Buchan, to enforce the measure of 1690,² and though this agreement with Buchan was ratified by Act of Parliament, complaints in regard to the trade of unfree burghs continued. The Act referred to had recognised the principle that the burghs of barony should in return for this communication of trade, relieve the royal burghs of part of the taxation imposed on them.³ A letter which appears in the Records of the Convention in 1709, shows that even then the royal burghs had not advanced beyond the suppliant attitude which had been so unsuccessful in 1690. This letter recites that the royal burghs had used all the tenderness in their power towards the unfree traders, and that George Smollet, their agent, had been instructed to proceed against them in accordance with the law. The letter, however, thereafter lapses into the old tone of entreaty—"but in the meantime as a farder proof of the royal burrows aversione to put you to unnecessar trouble and expences, and to prevent these extremities which the result of a legall proces will certainly produce against the unfree traders, they have impouered their said agent to agree with you even at your own doors, at the sight and advice of such of the adjacent royall burrows as he will advertise you, and it is now expected that you will not slight this last opportunity of saving yourselves but will embrace the occasione of observing

¹ C. R., iv., 139, 140.² C. R., iv., 180.³ Acts, ix., 315, c. 51.

what shall be desired and the royall burrows hope that when they are so happy as to be incorporat together you shall find the good effects".¹ The Acts of 1672 and 1690, and the dispute with the unfree burghs, show that in matters of trade the royal burghs after the Restoration no longer occupied the position they had formerly held.

That the organisation of the Staple was no longer adequate to satisfy the needs of Scotland in matters of trade and commerce is well proved by the measures passed in the last decade of the seventeenth century. From the closing years of the Commonwealth numerous Acts had been passed for the encouragement of trade, and these now culminated in the provisions which were made for the formation of companies. A general measure was passed in 1693, enabling merchants to unite in order to form such companies. This Act did not place any limitation on the countries with which trade might be carried on, mentioning in vague language in addition to the countries of Europe, the East and West Indies, the Straits, the Coast of Africa, "the Northern parts or elsewhere". To companies so formed were to be given all the privileges granted to companies formed for the purpose of manufactures, and they were also promised letters

¹C. R., iv., 495. The payments received from burghs of barony and regality in respect of the communication of trade, figure in the accounts of the Convention throughout the eighteenth century. The position of affairs at the end of the century may be found in a report dealing with a Bill on the Land Tax (16th Jan., 1799). This report gives an account of the process by which the royal burghs had secured a partial relief. "At and preceding the Union, the Royal Burghs were burdened with one sixth of the Land Tax, payable by Scotland, and when the Land Tax in England was 4/ per pound, the above amounted to £8000 being one sixth of £48,000. . . .

"It is here necessary to inform that the Royal Burghs do not pay the whole of the £8000, and that in virtue of several Acts of Parliament in the end of last century, they were entitled to be relieved of 10 per cent. of it by Burghs of Barony and Regality, on account of their privilege of carrying on Foreign Trade, but of which relief they never were benefited to its full extent. . . .

"These Burghs of Barony are still more partially assessed than the Royal Burghs, some of them paying nothing such as the populous and thriving towns of Paisley, St. Johnston, Beith and others. The town of Paisley has more Trade than some ten royal burghs put together."

patent under the great seal, confirming their powers and privileges.¹

This general undertaking to encourage trading companies was soon followed by a more particular Act, which in the sequel proved to be one of the most important measures ever passed by the Scottish Parliament. This was the Act of 1695, by which was formed a company for the purpose of trading to Africa and the Indies.² The miserable history of the Darien scheme, the angry demands that the rights of the company should be vindicated and protected, the rising indignation against England, need not be discussed in this place. The misfortunes of the company became a national disaster, and contributed much to produce that intolerable situation which made the Union of 1707 a necessity. In the history of the events which led to that Union, the Act of 1695 occupies a more important place than it does in the history of Scottish trade and commerce.

There is one other point in which the condition of the burghs was changed in the years following the Restoration. This alteration is not indeed a fundamental one, yet it deserves passing mention, as it represents the passing away of the old forms in which the commercial life of the country was cast. In writing of the year 1669, Sir George Mackenzie in his *Memoirs* remarks on the large number of fairs then granted to noblemen and gentlemen and towns. The effect of this increase may be given in his own words: "Though it was commonly believed," he remarked, approving the views of a judicious merchant, "that these were advantageous to the country and tended much to the ease and service of the people, yet they would prove very prejudicial to trade and commerce; for when there were few fairs in Scotland, they were much frequented by strangers who thought them worthy of their monies, from England, Ireland, and sometimes from Holland, France and Flanders; but now the commodities of the countries were vented in so many

¹ Acts, ix., 314, c. 50. In the same year the charter of the Merchant Company of Edinburgh was ratified (Acts, ix., 334, c. 77).

² Acts, ix., 377, c. 10.

places at so many different occasions, that not any one fair would be so considerable as to deserve any concourse of strangers or even of country merchants who lived remote; and all these new fairs were so many new occasions given to the peasants to intermit their ordinary employments, and to debauch at such meetings".¹

Another proposal, mentioned by Mackenzie in writing of this year, shows how the old institutions were breaking down in another direction. The organisation of the burgh in the middle ages was to a large extent based on the gild, and the defects of this system were now becoming obvious. The condemnation which Mackenzie passes on the earlier organisation of industry is worthy of comparison with what others have written of the same system. "It was designed at this time," he writes, "that all tradesmen should be declared free in all the Burghs Royal of Scotland, for payment of a very small acknowledgement; which would encourage strangers to come and settle in this kingdom, as in Holland, where every man is free of the trade, upon the payment of ten guilders; whereas now we are forced to buy all things abroad, because our Deacons and Trades here, will allow no expert tradesmen, to live amongst them; nor are any admitted to be artificers, except such as either married the daughters of tradesmen, or have served as prentices, whereby the ignorance and unskilfulness of workmen is transmitted to posterity without any possibility of reformation."² When Bacon described the gilds as "fraternities in evil," his condemnation, if perhaps more brief, was certainly no less decided than that of Mackenzie.

So far we have, in this chapter, been considering the general condition of the burghs in the years following the Restoration, and the new directions which trading enterprise was taking in the years preceding the Union of the Parliaments. Some account of the great changes which took place in the second half of the seventeenth century is necessary for a complete understanding of the history of the Staple in this the last period of its existence. On the one hand we

¹ Mackenzie, p. 177.

² *Id.*, p. 176.

have seen that the distinctions between royal burghs and burghs of barony were no longer drawn with that clearness which marked the dividing line at an earlier time, and that in other ways the royal burghs no longer enjoyed the prestige which had once belonged to them. With new conditions also, trade could no longer be confined within the old limits, and the Act conferring privileges on trading companies clearly showed that Scottish merchants were becoming more adventurous, and that 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 in connection with the Staple contract after the Restoration, and above all during the eighteenth century. Discontent with the contract and friction with the magistrates of the Staple town were in this last period never long absent, and though the contract was repeatedly renewed, it is difficult to avoid the impression that it was only by an effort that the old institution was kept alive at a time when the nation had outgrown such an organisation of her foreign trade.

The year following the Restoration witnessed in Scotland a dangerous exaltation of the royal power. The Parliament which met in 1661 was, we are told by Mackenzie, most "obsequious to all that was proposed to them," and the series of Acts passed, culminating in the Rescissory Act, making null and void the proceedings of all Parliaments since 1633, replaced the monarchy in that position of authority which had been the dream of the Stuart kings after their accession to the throne of Britain. It has been seen that in 1660 Drummond and Cunningham both claimed to be Conservators, and that the Convention deferred the consideration of the matter. There is in the archives at Veere a copy of a proclamation by Charles reinstating Drummond in the office of Conservator.¹ No date appears on the copy, but it is prob-

¹ "Et estant assure de la fidelité prudence et bonne conduite du sieur Chevalier Patrick Drummond dont il a donné des preuves suffisantes dans les charges qu'il a eues de Conservateur des susdits Privileges et de Resident pour le Roy defunt mondit Seigneur et Pere, en ce qui con-

able that Drummond was again given the dignity of Conservator after the Restoration. A vacancy, however, occurred immediately afterwards, and the tendency to exalt the royal power is seen in 1661 in the proceedings of the Convention in deliberating on the Staple. In an earlier chapter attention has already been drawn to the rival claims of the burghs and the king in regard to the appointment of the Conservator, and on more than one occasion we have seen the Convention zealous in defending its rights on this point. In the Convention which met in 1661 the burghs did not, it is true, absolutely give up their claims in the matter, but the reservation of their rights in future cases of appointment was combined with a ready surrender of their claims to nominate a Conservator to the vacancy then existing. The burghs were well aware of the disputes which had previously arisen on this point, but the reaction after the rule of Cromwell in favour of the monarchy, prevented them insisting on their rights on this occasion, "and now being all convinced of the tender cair and fatherlie affection his sacred Majestie our most gracious King hes caried to his royal burrowis, have thairfoir resolved to leave the nominatione of the persone for the exerceis of the said office to his Majestie".¹

The king's choice fell on Sir William Davidson, who in accordance with what was now the usual custom was appointed not only Conservator, but also King's Agent for the affairs of England and Ireland.² Davidson in his appointment was referred to as succeeding Drummond, not as Yair supposes, because it was intended to disown Cunningham's office and commission, but probably because Drummond had, as we have seen, been reinstated after the Restoration. Though the burghs, in the loyalty characteristic of the year 1662, congratulated Sir William and themselves on the fact that the king had been pleased "to pitch upon so eminent a persone,"³ as far as the interests of the merchants were con-

cerne mondit Royaume d'Escosse, J'ay trouvé, bon de le continuer en ladite charge et qualité de Conservateur, et de mon Resident pour les affaires de mon susdit Royaume."

¹ C. R., iii., 547.

² Yair, pp. 239, 240.

³ C. R., iii., 551.

cerned, the administration of the Staple under Davidson, met with little success. The union of the offices of Conservator and King's Agent inevitably led to the neglect of those duties which were more intimately connected with trade and commerce. The representative of the burghs was lost in the representative of the king. In the case of Davidson this tendency was almost immediately felt. The agent for the king in English and Irish affairs could scarcely be expected to discharge the duties belonging to that position in a town relatively so insignificant as Campvere. These duties often required that he should live at Rotterdam or Amsterdam, and in later years complaints that the Conservator no longer resided at the Staple town were of frequent occurrence.

Davidson's difficulties were also increased by the unfortunate readiness with which he disagreed with those around him. His refusal to pay a tax in Amsterdam brought him into conflict with the magistrates of that town. He quarrelled with the minister in Campvere, and ultimately succeeded in having him removed to Scotland. With the factors and merchants generally he was equally unsuccessful, and the principles in Church and State, which he endeavoured to enforce, led to constant friction between the Conservator and the Scottish inhabitants of the Staple town. These misunderstandings and difficulties led Davidson to view the situation of the Staple at Campvere with but little friendliness, and prepared the way for the sudden change in the Staple town, which soon after took place.¹

Apart from the private inclination of the Conservator, other forces were at work causing discontent with the situation of the Staple at Campvere. Breaches of the Staple were frequent, notwithstanding the heavy penalties imposed on those guilty of taking goods elsewhere than to Campvere. Many of the leading burghs wished to recognise the changed conditions and remove the Staple, the general feeling being in favour of Rotterdam,² whither, as a matter of fact, a large

¹ Yair, pp. 240-43.

² As, for example, Stirling (S. R., i., 239) and Dundee (*Burgh Laws*, p. 157).

proportion of Staple goods was conveyed in defiance of the law. As early as 1662 the advisability of changing the Staple to Rotterdam had been before the Convention, and the Conservator was instructed to ascertain definitely what terms Rotterdam would offer. The question was still under consideration in 1667 when Campvere wrote to the Scottish burghs endeavouring to win back the trade which was more and more going elsewhere. The magistrates of Campvere, writing in Latin, made violent protestations of friendship, proposing that all recollection of offences should be blotted out with unfeigned forgiveness. "Come let us begin a new kind of warfare," the letter bombastically continued, "and henceforward strive earnestly which of us shall prove most victorious in deeds of kindness and friendship." To this new warfare the magistrates of Campvere, in their own words, sounded the trumpet. The Scottish burghs replied in similar language, stating that they accepted the challenge and gladly descended into the arena to meet their opponents. They, however, pointed out that Campvere should lead the way in this contest by repairing an act of injustice which had recently been brought to their notice.¹ There is nothing to show that this "novum preliandi genus" led to anything, and in the following year a commission was appointed to treat with the various seaports in the Low Countries, the Convention, however, offering to restrict their negotiations to any town which the king might wish to have chosen as Staple port.² Thus on every side the way was prepared for a change in the situation of the Staple, and in 1668 the discontent of the Conservator with Campvere, the desire of the merchants to have a town more suitable for purposes of trade, and the readiness of the Convention to acquiesce in the royal pleasure, led to the second exile of the Staple from Campvere.³

¹ C. R., iii., 596-98.

² C. R., iii., 600, 601.

³ It is noteworthy that even in leaving Campvere, violent protestations of friendship were made. A committee of three was empowered to settle the Staple port in any port in the United Netherlands. Writing from Dort in July, 1668, they informed the magistrates that "upon account of old friendship, having a special respect for your Lordships, and the whole

Soon after the burghs decided to accept the will of the king in the matter of the Staple port, a decision on the question was arrived at, and it is not improbable that while the burghs were considering the question the new situation of the Staple was in fact already determined. The Conservator's dislike of Campvere had made him resolve to move elsewhere, and having had, during the summer, the assistance of the Council of Dort in gauging the depth of the neighbouring rivers, he wrote to the king to obtain his consent to the removal of the Staple to Dort. The two brothers, John and Cornelius de Witt, were active in the same cause, and the king's consent was speedily forthcoming (7th Sept., 1668).¹ The contract with Dort, signed on 1st October of the same year, is a lengthy document extending in all to fifty articles.² The terms of the agreement followed the customary lines, and the leading provisions, already embodied in earlier contracts with Campvere, need not be referred to here. Dort was, however, an inconvenient and unnatural situation for the Staple town, and this was in fact admitted in one of the clauses of the contract, whereby Staple goods arriving from Scotland were to be wholly free from payment of convoy or custom (Article 18). In Dort the settlement of the Staple was the cause of immediate difficulties. Coal was not at this time one of the Staple commodities, but it was announced by the Conservator, in the month following the ratification of the contract, that the coal masters were willing to enter into an agreement with some town in the United Provinces. On the 20th November various members were delegated by the Council of Dort to enter into negotiations with Davidson with a view to an arrangement being made in regard to the export of coal from Scotland. This, according to the chronicler of the privileges of Dort, aroused the jealousy of

corporation of Camphire (we) have thought good to make your Lordships the first proffer". According to Wagenaar, the Prince of Orange exerted himself to retain the Staple at Campvere. Its transference to Dort is said to have involved a loss to the prince of 12,000 guildens a year (Wagenaar, xiii, p. 410).

¹ Yair, pp. 244, 245.

² Given in Yair, pp. 246-74,

Rotterdam, already attracting a large share of Scottish trade notwithstanding the terms of the contract. Rotterdam's opposition appears to have taken the form of questioning the legality of such contracts being made without the consent of the States.¹ Moreover, difficulties arose between the royal burghs and Dort. The burghs, indeed, had never been in favour of the settlement of the Staple in the town on the Maas, and in a letter, addressed to the commissioners before a decision was reached, it was stated that the sense of the Convention was much less in favour of Dort than of Rotterdam or Campvere. Aberdeen went beyond this, and protested alike against Dort and Rotterdam, on account of the "inconveniences" of these ports, and in this protest the commissioners of Aberdeen had the support of Montrose and Kinghorn.² Thus from the beginning there was little prospect that the Staple contract with Dort would be rigidly observed. The Convention, it is true, in 1669, required that all Staple goods for any of the seventeen provinces should be conveyed to Dort, and in particular forbade their export to Rotterdam.³ This, however, had no effect, and the magistrates of Dort had from the first to complain that goods were being sent elsewhere. It had been decided in March, 1669, to hire a house as a Conciery, but two years later the magistrates again took possession of this, and also refused the free grant of a house to the Conservator, in order that they might make more emphatic their grievances in regard to the continued breaches of the Staple.⁴ The answer of the burghs to such complaints merely emphasised the unsuitability of the Staple port; they appeared to accept the fact of the violation of the Staple treaty, and stating that Dort was "ane place inconvenient and unfitt to have the Scotts steple settled there,"⁵ appointed a committee to consider the whole matter and to decide whether the Staple should be again removed.

One of the chief causes which had led to the change to Dort had indeed by this time been removed, and any pro-

¹ *Privilegien der Stad Dordrecht* (Van de Wall).

² C. R., iii., 607, 608.

³ C. R., iii., 614.

⁴ *Privilegien der Stad Dordrecht*.

⁵ C. R., iii., 625.

posal to return to Campvere was facilitated accordingly. The removal from the old Staple town had been largely due to the discontent of Davidson, who had sought to magnify his office by removing to Dort. The result of the change was, however, unsatisfactory, and the Conservator, disappointed in his hopes, remained as discontented as before. Instead of obtaining the profits which he should have reaped from his office, he complained that his life and fortune were in danger. Accordingly, though he had had his son appointed as colleague and successor, both sent their resignation to the king in May, 1671,¹ and Davidson's retiral from office was announced two months later in a letter to the Convention, in which he protested that it was through no unwillingness to serve the burghs that he had been induced to take this step.² With Davidson's withdrawal from the office of Conservator, the situation of the Staple at Dort, already unsatisfactory to all concerned, became more than ever insecure.

Yair states that no appointment to the office rendered vacant by Davidson's resignation was made till 1675. The Records of the Convention, however, show that Henry Wilkie was at once accepted as Conservator, and the king's commission granting him all the powers and privileges of the office is also dated 1671.³ The magistrates of Dort appear to have hoped that the appointment of a new Conservator⁴ might improve the unsatisfactory condition of affairs, and accordingly they wrote once more to the Convention of Royal Burghs. It is not clear that any reply was sent to this letter. In any case the removal of the Staple to its old home was shortly afterwards carried through, this renewed contract with Campvere being ratified on 12th October, 1676.

This contract contains in all forty articles, following for the most part what had now become the traditional lines.⁵ There are, however, some modifications which indicate that

¹ Yair, pp. 276, 277. ² C. R., iii., 624, 625. ³ C. R., iii., 625.

⁴ The name of Davidson's successor appears in a somewhat mutilated form in the *Privilegien der Stad Dordrecht*, where he is referred to as Servaes Wilkin.

⁵ Printed in C. R., iii., 692-706, and see Appendix IV.

the relation between Campvere and the Scottish burghs was no longer what it had once been. In one respect the contract was distinctly less advantageous to Campvere than earlier agreements had been, for Campvere became the Staple port for seven provinces only, and not for the whole seventeen,¹ though the burghs in 1677, true to the spirit of monopoly, insisted that Dutch vessels sailing with Staple goods from Scotland to any of the seventeen provinces should convey their cargo to Campvere.² There is also in the contract a tacit admission that Campvere was an inconvenient town for the purchase of goods for a return journey, and to remedy this defect the magistrates of Campvere undertook to arrange with Middelburg that the Conservator and merchants of Scotland should be accorded in that town the freedom and immunities granted to the citizens of Campvere. There is also in the thirty-seventh article a recognition of the fact, that even the privileges granted by the Staple contract were scarcely sufficient to induce Scottish merchants to frequent Campvere, and that the advantage to be gained by the agreement was not altogether above question. Consequently, Campvere undertook to induce the estates of Zealand to reduce the custom on coal in order that Scottish ships might naturally come to Campvere. The character of trade had indeed so far changed that frequently Staple goods no longer formed the bulk of a cargo, but were merely, in consequence of legislation, a few parcels carried on board a ship laden with coals.

Notwithstanding the new contract with Campvere, the return to the old Staple port effected little improvement in the conditions of Scottish trade. Wilkie, like his forerunner in office, was a failure, and though the burghs on his appointment had entertained good hopes "of his civill and oblidging deportment,"³ they were soon persuaded that Scottish trade would not flourish under his administration. It is clear that from the first there was much dissatisfaction with the situation of the Staple at Campvere. The proclamation authorising the transference of the Staple from Dort was issued on the 11th October, 1676, and on the 20th October Wilkie, who

¹ C. R., iii., 668.² C. R., iv., 3.³ C. R., iii., 625.



A Proclamation, For setting of the Staple-port
at *Campvere*.



HARLES, by the Grace of GOD, King of *Scotland, England, France and Ireland*, Defender of the Faith, To Our Lovits,

Macers, Messengers at Arms, Our Sheriffs, in that part conjunctly and severally, specially constitute, Greeting: Whereas upon occasion of the unsettled condition of the *SCOTS* Staple in the *Low-countrys*; The Merchants of this Our ancient Kingdom of *Scotland* have for diverse years past, suffered great prejudice, in their Trade and Commerce to those Provinces. And being graciously inclined to countenance all fair and just means, for setting of the said Staple: We therefore gave full power and commission to Our Resident and Conservator of the priviledges granted to Our Subjects of *Scotland* in the *Low-countrys*; to treat with any Town or place most convenient and advantageous for the Merchants and Trade of this Our Kingdom: So the Articles agreed by him with the Commissioners of the Prince of *Orange*, and Deputies of the town of *Campvere*, for the re-setting of the *Scotts* Staple-court within the said town, are approved by Us: Whereupon the said Staple court is removed from *Dort* to the town of *Campvere*. And to the end this Our Royal pleasure, may be made known to all Our loving Subjects of this Our Ancient Kingdom, We with advice of the Lords of Our Privy Council, Do Ordain publick Proclamation to be made thereof at the usual places of this Our Kingdom; that no person may pretend ignorance, but duely obey Our Royal pleasure herein, as they will answer at their peril. And further, We, with advice foresaid, Do declare that the ancient standing Acts of Parliament made by Our Royal Progenitors, in favour of the Staple-court, and the Conservator, are in full force and strength. And further, We Ordain the Royal Burroughs in their meetings to make strick Acts, that the Staple may be duely observed, which We with advice foresaid, Declare to be binding upon all Our Subjects whatsoever trading to, or residing within any town, or place of the united Provinces. And We ordain this presents to be Printed and published at the Market Crofs of *Edinburgh*, and other Royal Burghs and Sea-ports needful, that none may pretend ignorance thereof.

Given at *Edinburgh*, the eleventh day of *October*, One thousand six hundred and seventy six years, And of Our Reign the 28 year.

Al. Gibson, Cl. Sii. Concilii.

God save the King.

Edinburgh, Printed by the Heir of *Andrew Anderson*, printer to His most Sacred Majesty: Anno DOM, 1676.



was then in Scotland, wrote to Campvere in regard to the dissatisfaction existing in the country. He had, he said, met with persons diversely inclined to the regulations made in regard to the foreign trade of the kingdom, but to all these he had opposed a threefold buckler of Plainness, Patience and Sincerity—Plainness in resolving the difficulties of one class, Patience in bearing with the shallowness of another, and Sincerity to defy the malice of a third. The chief obstacle was, he admitted in regard to the masters of ships, many of whom landed their friends and their goods at Rotterdam, and for this reason were opposed to the continuance of the Staple at Campvere. Complaints on the part of Campvere, that the Staple was not being properly observed, were soon forthcoming, and like Davidson, Wilkie was unfortunate in his attitude to the magistrates of the Staple town, as well as in his relations to the Scottish burghs. As early as 1677 serious charges of embezzlement were brought against him in connection with certain moneys belonging to the Scots poor, resident at the staple port, and when the charge was more definitely renewed two years later, he was called upon to resign his office, otherwise the Convention threatened to write to the king and “narrate his whole behaviour and how destructive his being conservator is to the staple porte”.¹

The agitation of the burghs against Wilkie led to the appointment of a new Conservator, James Kennedy, who in July, 1682, was recommended by the king in a letter addressed to the Convention.² The two previous appointments had

¹C. R., iv., 6, 12. In a very extraordinary letter the Convention of Burghs endeavoured to hold the magistrates of Campvere responsible for Wilkie's misdeeds. “We are verie unwilling to mention a particular which wee conceive may be a just hindrance of the observation of the Staple, occasioned by our Conservator, Henry Wilkie, his applying the poores money which belonged to the Scotts congregation with you to his own private use. . . . Bot this wee hold forth to your Lordships that if money which is sett apairt for so pious ane use be misapplied what may particular Merchands think will become of their effects and goods which are consigned to Conservator and factors, bot that misapplication may be made of them also” (4th July, 1679).

²C. R., iv., 30.

been loyally accepted by the burghs, who on both occasions had congratulated themselves on the discernment of their royal master, although subsequent events showed that the king might have chosen more wisely. The excessive submission to royalty was, however, by this time exhausting itself, and the proceedings in 1682 showed that the Convention was again becoming aware of the old claims put forward by the burghs on this matter. It is true that no opposition was made, but a committee was appointed to consider what interest the burghs had in the nomination and election of the Conservator.

Dissatisfaction with the situation of the Staple at Campvere continued under the new Conservator. According to Kennedy's own account some improvement was indeed at first effected, for his report in 1683 represented the Scottish Staple¹ as being in a more flourishing condition than it had been at any time in the preceding twenty years. This may be merely the enthusiastic statement of a new occupant of office, but it is more probable that Kennedy was in fact more efficient, as his account of what had been done showed care and zeal in various ways, and in particular, reference was made to the "poor box," in regard to which Wilkie was notoriously guilty of maladministration. Kennedy, however, was not long able to give so satisfactory an account of the Staple port, and soon became convinced of the disadvantages under which Scottish merchants laboured there. A year later (1684) he strongly represented to the Convention "the many inconveniences and great prejudices the royall burrows susteans by haveing their staple setled there, inregaird that Campheir is now become a place where Scotts goods gives less rates than at other places, and the cuntrie about is nowayes propper for buying of goods to transporte to this kingdom, which are the two main designes and ends for setleing of the staple, and that the toun of Campheir had broken many of the articles of the staple contract which they were oblidged to performe".² On receiving this report the burghs again raised the question of changing the Staple

¹ C. R., iv., 36.

² C. R., iv., 46.

town, although so long a period of the contract with Campvere had still to run, and in the meetings of the Convention Rotterdam was spoken of as the most suitable town to be considered in the event of it being decided to leave Campvere. To speak of change was, however, easier than to take any definite action on these vague complaints. Two of the most important burghs, Dundee and Aberdeen, protested against any alterations in the existing conditions. They pointed out on general grounds that this question could not then be properly considered as the usual notice in regard to the subjects to be discussed made no reference to this, and also they alleged that Campvere had not in fact been guilty of any breach of the Staple. Though these two reasons were ostensibly the chief grounds on which they based their opposition to the proposed changes, the real grounds of their active disapproval may perhaps be found in their third line of argument, for it was pointed out that the magistrates of Campvere might in the event of a sudden change of Staple retaliate by seizing the goods of Scottish merchants then lying at Campvere, of which a large proportion belonged to Dundee and Aberdeen.¹ In any case nothing resulted from the complaints of the Conservator in regard to the unsuitability of Campvere as the Staple port.

The revived interest which, on the appointment of Kennedy, the burghs showed in their own claims in matters concerning the Staple was again illustrated some years later. In 1686 the king made a grant to the Conservator of various impositions on Scottish ships and merchandise. The burghs did not indeed protest against these impositions, but on the other hand they did not quietly submit, as would probably have been done by a Convention meeting immediately after the Restoration. The Convention immediately instructed the Lord Provost of Edinburgh to communicate with the Secretary of State on the matter, and in the end the king's gift was redeemed by the burghs.²

Kennedy's tenure of office was brief, and there is little in the years preceding his death which properly has its place

¹ C. R., iv., 47.

² C. R., iv., 67, 80.

in the history of the Scottish Staple. He shared the religious views of James II., and his attempt to introduce a Roman Catholic clergyman to the Scottish Church at Campvere earned for him a considerable degree of unpopularity among the Scottish inhabitants of the Staple port, and led to various ecclesiastical disputes in the closing years of his administration.¹ He died in 1688 while James was still on the throne of Great Britain.

On the death of Kennedy, the unsatisfactoriness of the existing arrangements was universally admitted, and indeed at one time it seemed probable that the office of Conservator would be allowed to lapse. In replying to the congratulations of the burghs on the birth of his son in 1688, James took occasion to refer to the interest he took in the trade of Scotland, and explained his attitude in regard to the vacancy then existing in the office of Conservator: "and first," he wrote, "that wee have thought good to forbear to name and appoynt any new conservator in place of the said Sir James Kennedy, lately deceased, untill that wee have your opinion both as to the expediency of supplying this vaccancy and the continuing of this office".² The burghs on their part were equally in doubt as to the wisdom of appointing a Conservator. The flight of James and his queen took place soon after the date of the letter already referred to, and the question did not come up for consideration until the following year when William and Mary were King and Queen of Britain. The attitude of the burghs in 1689 differed little, however, from the view expressed by James in the last year of his reign. The grievances of the burghs were stated at length in July, 1689, and though the first place is given to the encroachments of the burghs of barony, already noticed at the beginning of this chapter, the fifth paragraph in their statement shows the same hesitation on the matter already seen in the letter written by James. The burghs, however, had now again become fully alive to their old claims in regard to the appointment of the Conservator. "It should be considered," the burghs stated, "whither the office of ane conservator be

¹ Yair, p. 279.

² C. R., iv., 82.

necessar or not, and if it be found necessar, that noe conservator be made without the burrowes consent, and that the determination of what dewes he is to have to be absolutely in the power of the burrowes."¹ Thus at the time of the Revolution, the king and the burghs alike were dimly realising that the Staple policy was becoming an anachronism.

In the end, the force of habit prevailed, and in 1690 a new Conservator, Andrew Kennedy, was appointed.² The records of the following years show that it might have been wiser had the whole institution been allowed to pass away. All the anomalies already complained of continued. Kennedy, as the king's agent, was chiefly resident at Rotterdam, where he kept his courts from 1691 to 1698,³ and complaints as to breaches of the Staple became more and more numerous.⁴

¹C. R., iv., 95.

²C. R., iv., 104-12.

³Yair, p. 283.

⁴The extraordinary extent to which breaches of the Staple continued during the latter half of the seventeenth and the whole of the eighteenth century, notwithstanding the precautions taken to compel ships to sail to Campvere, is one of the most remarkable facts in the history of the Scottish Staple. Two Conservators towards the end of the seventeenth century endeavour to explain this. Wilkie, writing in 1678, referred to the wars in those parts of the country where Scottish commodities had been most in demand, and thus explains the diminished demand for Scottish goods at Campvere, and the unwillingness of merchants to sail thither. "And as Dilligence is the nurse of Good Success, so Gain and Profit is the Motive of Trade, which failing every one in his station is ready to slacken the raines in their privat negotiations, And thereby permitte themselves (contrary to the established orders for the commerce of this Kingdome) to be carried towards that which they fancy to be most conducting to their particular advantage." The statement, however, that Campvere was no longer a suitable place for Scottish trade in no way explains the almost complete failure of the measures adopted to enforce the Staple contract.

There is a letter written by Kennedy in 1695 which throws more light on this matter. After expressing himself as both sorry and ashamed on account of the recent shameful breaches of the Staple he continues: "My lords, the true foundation of all this disorder in breaking the Staple is from our customs houses in Scotland, who do not obey the King's proclamation concerning the Staple, which requires all collectors, surveyors, and others not to suffer any staple goods to go out of the Kingdom unless the merchand and master of the ship give bond to land their staple goods at Ter Vere and to report the Conservator or his depute

One of the first acts of the new Conservator was to draw up a statement in regard to the Staple port as he found it, and the extraordinary decline in Scottish trade with Campvere is well illustrated by this report, which shows that towards the end of the seventeenth century, Campvere, nominally the Staple town, was almost wholly deserted by Scottish merchants. According to the memorial of the Conservator, which was embodied in the Records of the Convention, Campvere "seems in a manner much to be deserted, the current of the trade having for severall years past run as it wer in a course to Rotterdam, for at Campheir at present ther is, primo, noe legall established factor (but one by way of expediencie) into whose hands the nation may saiffie consigne ther goods; secundo, no Scots merchant; tertio, no minister; quarto, no consistacy; ¹ quinto, no congregation save two or three men, wherof only one is a Scotsman, and three or four women; sexto, noe consergery hous, which is most necessary for our nation, the Dutch innes ther being exorbitantly dear." How to deal with such a state of affairs obviously perplexed the Conservator. "If it wer bot one particular person or veshell wherby the staple wer broken," the report continues, "it wer easie to rectifie it, but when the bulk of the wholl trade as said is runs to Rotterdam it is the mor difficult." That merchants were not to be blamed for trading with Rotterdam, the Conservator readily admitted; as Campvere neglected to provide the necessary convoy, it was only natural that they should sail with the Rotterdam convoys, and having disembarked and paid the dues there, it seemed somewhat unreasonable to insist that they should be at the expense of thereafter conveying their goods to Campvere, especially as most of the Staple goods were in fact bought by the people of Rotterdam, who would thus again have to that they have so done. . . . When I was in Scotland (I) spoke most seriously to the chief farmers of the customs, but the truth is these farmers are in hazard of losing and falling short and therefore stand not to let men carry out staple goods as they please that they may get money, for the merchants tell them rather than be bound to send them to Zeeland, they will send none at all" (24th Oct., 1695).

¹ The Consistory or Kirk Session.

defray the cost of taking the goods back to their own town.¹ The Convention was, however, unable to suggest any course of action likely to remedy the existing state of affairs. The only step taken by the burghs was to appoint a minister, Robert Fleming, to the vacant charge in case the stipend might "fall indeswetood". The Conservator was also instructed to arrange for the appointment of factors temporarily "as a fitt expedient".² To meet the real evil no steps were taken, and indeed the highest wisdom would have failed in the attempt to revive the Scottish Staple at a time when Scottish trade could no longer be confined in the old forms. Both parties to the contract freely expressed their dissatisfaction with the existing conditions. Campvere complained loudly that Scottish Staple goods were being carried to Rotterdam. The Scottish burghs answered that it was impossible in time of war strictly to observe the Staple,³ unless a sufficiently strong convoy were sent to guard the

¹ C. R., iv., 137, 138.

² C. R., iv., 142.

³ "And now ther being thrie ships at this port fullie loadned with Staple goods readie to saile and we doubt not but at other places ther ar many more bound for your Toune, Our merchants have bein in expectations of ane Convoy suitable to the Contract past betuixt the Royall Burrows, and you, wherfor that it is hasardous to put to sea at this tyme without Convoy, Wee doe intreat that with all speid your Lordships will take such course and give such directions that ane shipp of such force our merchants may lean to and trust for protectione may be furthwith ordered to come to this Road or to the South Foarth" (Letter from Aberdeen, 23rd April, 1689).

"We know no reason to charge us with the least breach nor have we either authorized any persons nor complied with them to the contrare. Only you would be pleased to consider the difference betwixt the tymes of peace and warr, which do exceedingly alter the caice, and severall things fall out which are not capable of a remedie, And under such circumstances the matter is neither to be admired nor censured.

"The Royall burrows are extreamlie inclynable that no jealousy be interteined betuixt your Lordships and them, and that all mistakes may be removed, I am warranted to assure you that upon your giving seasonable and competent convoyes to their fleits, The merchants shall be obleidged to ane exact observance of the port at Campheir and performance of all the dewties that are prestable by the Contract" (Letter from the Royal Burghs, 17th July, 1691).

merchant ships, and to the charge thus made of breaking the Staple, Campvere replied by drawing up a list of the convoys recently sent to Scotland which had returned unaccompanied by Scottish ships.¹ Matters came to a crisis in the following year (1692) when Campvere, on account of the breaches of the contract, laid an arrest on Scottish goods lying there. "We must tell you," wrote the Convention, "that this is another kynd of treatment than we expected," and pointed out that under the Staple contract they had sufficient guarantee without seizing private goods, "besydes, blessed be God, we are under the protection of a gracious prince who will take care each performe condition to other". The burghs wrote to the king and the Conservator, and through the intervention of William, matters were again satisfactorily arranged. The burghs throughout wrote in an aggrieved tone, stating that they had given no provocation for the treatment they had received.² "We think the magistrates of Campheer have dealt hardlie with us," they wrote to the Conservator, "and soe as to make ther contract of a short endurance." The king, who was also Marquis of Campvere, did not wholly approve of the attitude of the burghs, and recommended to them "the improvement of your meettings for the use they wer designed". Notwithstanding the rebuke contained in the king's reply, the burghs were loud in professions of gratitude for the service he had rendered to Scottish trade.

Though the final result of this breach was to call forth on both sides promises that the Staple would be observed in future, little improvement was apparently effected. From the letters of the Conservator it is clear that Campvere was still more or less deserted by the Scots. A letter, written immediately after the better understanding with the Staple town had been arrived at, asked the Convention to summon

¹ A full account is given of four convoys despatched July, 1689, November, 1690, February and May, 1691. At most a few Scottish vessels returned with these, while practically all the Scottish traders with Staple goods sailed with the convoy to Rotterdam (Memorial dated 7th Nov., 1691).

² C. R., iv., 163-71.

a certain William Gordon to appear before them, as there were not at Campvere enough of the "nation" to enable the Conservator to hold a court in order to pass sentence.¹ In the following year (1693), Kennedy again incidentally shows us how much the Staple port was then deserted. There was still a vacancy in the Church, and as the minister's stipend was paid by the magistrates of Campvere, the Conservator was most anxious to have the vacancy filled, urged thereto not wholly by considerations of the spiritual needs of the Scottish population resident at Campvere, as he himself admits.² There cannot, however, have been any very urgent need for a Scottish minister at Campvere at this time, apart from the fear, shared alike by the Conservator and the Convention, of allowing the stipend to lapse. That Scottish trade was at this time insignificant may be learned from the letter written by the Conservator in regard to this question. "Hitherto," he said, "I have taken care dewly to provyde a minister for the congregation so long as ther was any Scots ships at the port."

At this time also the complaints, on the one hand of the breaches of the Staple, on the other of the failure to send convoys, became even more continuous than they had been before William's intervention had effected a better understanding in 1692. Scottish merchants were obliged to trust to the providence of God, being no longer able to put their confidence in the convoys provided by Campvere.³ The

¹C. R., iv., 174. This is not, however, a conclusive proof of the decay of the Staple trade. As Yair pointed out, in urging for a reform of the constitution of the conservator's Court, merchants had formerly sailed to the Low Countries twice a year, "which brought a great many of them together at these two seasons. But at present," he adds, "the staple goods come at any time of the year, not with convoy or with any considerable number of ships together, but separately, and as they have occasion. The merchants to whom these goods belong don't attend them according to antient practice, which makes it difficult sometimes to form a court as the law requires" (Yair, pp. 394, 395).

²C. R., iv., 185.

³"Iff our fleits be not allowed sufficient convoyes, wee doe not love to be uneasie to you, But complaints are given in to us be sewerall merchands, particularly by John Rutherfoord, Master of ane Bruntisland

magistrates of the town admitted that it was necessary that convoys should be sent in the interest not only of their own town, but also of Middelburg, Zierickzee, Flushing and indeed of the whole province, but apparently nothing was done to secure the more regular despatch of convoys. The letters of Kennedy at this time show much concern at the continued default of Campvere, and not a little anxiety lest their failure should lead to an agitation for a removal of the Staple elsewhere.¹

Such a condition of affairs cannot have been satisfactory to the Convention, and as the period of twenty-one years,

Ship, who was taken within ane league of the convoy, who did not endeavour his reskew, And wee most acquaint your Lordships that our merchants will not be prevailed with to observe the Staple port unless sufficient Convoyes be afforded seasonably. Hitherto they ascribe the preservation of ther goods and ships, only to the providence of God, and not to your convoys" (Letter from John Hall, 11th July, 1693, forwarded to Campvere by the Conservator).

¹See, for example, various letters written during 1693 and 1694: "I entreat your Lordships may take care to send such a sufficient convoy as may encourage the observing of the Staple, and as may prevent ill affected persons towards the Staple, who seek occasions of complaining; for my own part I have made no complaint of the insufficiency of the Convoy to the Royall Burrows, but rather apologized for it" (21st Aug., 1693).

"My Lords, I am sorry to understand that the Convoy from your city is not yet gone for Scotland; I wish it may not be to your prejudice. I know some will be ready to take advantage that it comes not as ye were pleased to write to the Royall Burrows at the time appointed, the middle of September. . . . My Lords, I humbly think it would not be amiss to send a letter of excuse to the Burrows with the convoy for not coming sooner" (19th Oct., 1693).

"My Lords, With truble I understand that the Convoy appointed to attend our ships from Scotland is not yet ready which is a great prejudice to our trade, and will be a considerable loss to our merchants. . . . I entreat your Lordships would interpose effectively with the Lords of the Admiralty presently to hasten the Convoy, the rather that when I go to Scotland to wait on the Royall Burrows there may not be any occasion of complaint on this account" (2nd April, 1694).

"I would have none in Scotland to have any shadow of complaint for want of sufficient and seasonable convoys, Wherefore my lords, my earnest desire to you at this time is that with all possible haste a convoy may be sent to Scotland" (30th Sept., 1694).

during which the contract with Campvere was to be in force, was now nearly completed, it is not surprising that in 1694 a committee was appointed to consider the whole matter, and to receive all information as to the offers that might be made by various towns in Holland and Zealand.¹ The advantage of having the Staple in a town on the Maas was put forward, and Rotterdam, Schiedam and Brill were suggested as suitable ports.² As was usual in such cases the deliberations of the Convention did not lead very speedily to any decisive result, and in the following year it was decided that the Staple should remain at Campvere till July, 1696, but the Conservator was meanwhile to continue negotiations with various likely places throughout the Netherlands.³ At all times the discontent with the Staple town predisposed the Convention to discuss eagerly any proposal to change elsewhere. It was, however, always an easier matter to speak of change than to carry any change into practice, and, as we have seen, the Staple was only moved from Campvere on two occasions, and then only in special circumstances. Now again the conservative forces triumphed, and towards the end of 1696 the committee appointed to deal with the matter reported in favour of Campvere, and a draft agreement was drawn up.⁴ The king's sanction to negotiate with Campvere was soon obtained, and the renewal of the contract was definitely arranged for in 1697, though it was not ratified

¹ C. R., iv., 190, 191.

² Perrels, i., p. 10. There are very few references in the Scottish papers to Brill. It appears, however, from Alkemade's *Beschryving van de Stad Briele*, that at an early date there was a large colony of Scottish merchants there—"dat er in de Stad een geheele straat zelfs met Schotsche Koopluiden bewoont is geweest" (vol. i., p. 22).

³ C. R., iv., 203.

⁴ C. R., iv., 216-19. Kennedy supported the claims of Campvere, and looked with not a little self-satisfaction on his share in the negotiations: "And when diverse objections were proposed by some of the Burrows against Ter Vere as an inconvenient place for our trade, I answered them all, and took them off so cleanly, that when it was put to the vote whether now the Staple should be resettled at Ter Vere or on the Maes, it was concluded without a dissentient vote that it should be re-established again at Ter Vere" (Letter to the Magistrates, 1696).

and confirmed by the Convention till 1699.¹ The renewal of the contract was accompanied by many expressions of warm friendship, perhaps not wholly sincere. Writing before the renewal of the agreement, the magistrates of Campvere made a well-grounded complaint, and hinted at the negligence of the Scottish Convention in the matter. "We . . . have seen little fruits of the Scots Staple containwally upon Campheir," they wrote, "it being remarked that as much or more staple goodes went to other streames and roads then have been brought heir to the staple port, occationed by that the transgressors ware not punished according to ther merits."² A year later, however, when it had been decided to renew the contract, they professed no manner of doubt in regard to the goodwill of the Scottish burghs "which from all old time even untill now hath been containowed".³ The Convention referred in even warmer language to the friendship uniting them to Campvere. Though favourable offers had been made by various towns in Holland "the old kyndnes which hes been long containowed betuixt yow and us" prevented them from entertaining these offers.⁴ Neither the magistrates of Campvere nor the Convention of Burghs were perhaps intentionally insincere in this exchange of compliments, but the previous never-ceasing complaints on both sides must have indicated to all of how much practical value these professions of friendship were. Almost immediately, in fact, the old dissatisfaction was revived, for in July, 1697, the Scottish burghs complained to the king that the magistrates of Campvere had invaded their privileges, claiming that all the rights belonging to Scotsmen were in abeyance between the expiry of the old contract and the renewal of the agreement, which had just been ushered in with so warm demonstrations of affection.⁵ Thus proof was at once given that the warm gratitude which could be summoned up in order to renew the contract was of little value when practical difficulties arose.

The contract of 1697 was to remain in force for twenty-one years. It contained several new concessions not granted in

¹ C. R., iv., 274, 275.

² C. R., iv., 222.

³ C. R., iv., 223.

⁴ C. R., iv., 224.

⁵ C. R., iv., 232.

earlier agreements, and remained the standard contract in the later negotiations of 1718, 1736 and 1742. In these years no new contract was drawn up, the parties to the agreement merely adding additional clauses modifying the earlier contract of 1697. The concessions now made had become astonishingly precise and elaborate; there appears to have been no limit to the generous promises of the magistrates of Campvere, and it is difficult to see how the Staple town can have derived any benefit whatever from the agreement now made with the Scottish burghs. All Staple goods from Scotland were to be exempted from toll or custom, and as the Scottish burghs no longer showed any jealousy in regard to the goods to be declared Staple, being eager to secure the exemptions promised in the contract, the list of Staple goods was now a somewhat lengthy one. The magistrates of Campvere now also prevented the citizens of their own town trading to Scotland in Staple goods. They further undertook to rebuild the church, and keep the church and churchyard in order; to provide a conciergery, and if the existing house, on being repaired, was not found satisfactory, a new house was to be found for this purpose. A house was also promised for the use of the surgeons of the Scottish nation, and another was to be provided for the storage of merchants' goods, and by another of the clauses a bank was to be established for the convenience of Scottish merchants. The magistrates were equally generous in the privileges they conferred on the Scottish officials, and further undertook to pay a salary not only to the Conservator, but also the minister, the precentor and the clerk. To give every encouragement to Scottish trade to come to a town which in situation was not altogether advantageous, convoys were also to be sent to the Forth or elsewhere, and remain there for fourteen or twenty days awaiting Scottish vessels, and various immunities were also promised in the neighbouring town of Middelburg.

In return for this most extensive list of privileges, the Scottish burghs undertook that all Staple goods should be conveyed to Campvere, and to no other place in the United

Provinces, and the Conservator was rigorously to enforce this provision, the penalty on those guilty of such a breach of the Staple being the confiscation of all their goods. The rigour of this punishment was lessened when the Staple contract was renewed in 1718, and the confiscation was then restricted to Staple goods only. It is difficult to believe that Campvere can have regarded such a promise of a monopoly as in any sense an adequate compensation for the concessions granted to Scottish merchants. In the past the magistrates of Campvere had had to complain incessantly of breaches of the Staple, and ought by this time to have known how far the Convention was able or willing to enforce the conditions of the contract. If it had been difficult before to enforce the Staple regulations, when the emoluments of the Conservator depended to a considerable extent on the active discharge of his duties, Campvere could now look with but little confidence to a stricter observation of the Staple, when the Conservator was paid a fixed salary, and was allowed to live at Rotterdam, the rival of Campvere for Scottish trade, leaving the discharge of his duties to a deputy. At the end of the seventeenth century Rotterdam had, according to the records of the Scottish Church there, more than 800 Scots inhabitants.¹ At an earlier period during the political troubles, Rotterdam had been a city of refuge for all who found it inconvenient to remain in Scotland, but after the Revolution Rotterdam was no longer called upon to serve as a haven to political refugees, and the greater part of the Scots population resident there must at this time have been engaged in trade pure and simple. In view of the large Scottish colony thus situated in the town to which Scottish trade naturally tended, Campvere had very little to hope from the contract which was now ratified.

As we have seen, the question as to the existence or non-existence of Scottish rights in the period between the two contracts caused some friction at a time when the protests of friendship must still have been fresh in the memories of the parties to the agreement. The more familiar com-

¹ Steven, *Scottish Church at Rotterdam*, p. 229.

plaints as to the breach of the Staple were soon forthcoming, and the difficulties were now made more acute by the misunderstandings existing between the Conservator and the magistrates of Campvere. To this misunderstanding the burghs attributed the complaints advanced by the Staple town, and urged on the magistrates the necessity of maintaining a becoming friendship with the Conservator.¹ Kennedy had always represented himself as zealous in prosecuting offenders, and at an earlier date he had written to the magistrates to the effect that although the state of his health did not permit his living at Campvere, yet his residence at Rotterdam was beneficial inasmuch as he was thereby in a better position to punish the guilty. This, however, the authorities at the Staple port did not accept, and they now complained bitterly of the action of the last two Conservators, who, living at Rotterdam, had hoped to transport the Staple thither, and had connived at the breaches, so that since the renewal of the contract there were but few traces of the Staple in Campvere. The intrigues and practices of these Conservators, added the magistrates, were so obvious that it was unnecessary to refer to them.² On the part of the Scottish burghs complaints were also made, and apart from the failure to send convoys, which was a traditional grievance, a statement was drawn up accusing the magistrates of Campvere of a large number of distinct violations of the Staple contract.³ Perhaps as

¹ "But wee see plainly that the spring of all these troubles (notwithstanding of our many indeavours to prevent them) aryse from the misunderstanding that is betwixt the Lord Conservator and your Honours, and it is our opinion that were (these) hapily removed the occations of your present complaints would fall in consequence. And theirfor it seems indispensibly necessar that you should agreee together and live in that friendship which is becoming." It had also been suggested to the burghs that there were some at Campvere who industriously fomented these differences "which, if trew," added the Convention, "is a bad part for any man to act".

² "Sijn soo zonneklaar dat het niet van nooden is daarvan jets meer te seggen of te schrijven."

³The more important points complained of were: the invasion of the Scots jurisdiction (a dispute between Gordon and his wife of which

some concession to the complaints of Campvere, the burghs in the same year, 1702, appointed a special official, whose duty was to consist in the prosecution of offenders against the Staple contract. The provosts of Perth and Aberdeen were also sent as commissioners, with lengthy instructions to examine the whole matter and to take measures with the magistrates of Campvere for the "religious observance of the Staple contract".¹ There were, of course, at the same time complaints that Campvere had failed to provide the convoys promised in the contract, and the whole question was still under consideration two years later, in 1706. In 1708 the magistrates of Campvere renewed their complaints, appealing to the queen in order that through her intervention they "might at length reap the true sweats so long in vain looked for from a contract" which had cost them so much. The condition of affairs revealed in the letter to the queen was indeed extremely unsatisfactory to Campvere, and shows how hollow the whole Staple contract had become. They complained that the merchants had not only refused to come to Campvere with the convoy, which according to the terms of the contract had been sent to Leith, but "at the same time they took the occasione of ane English convoy, and a litle after of ane Dutch convoy, to come to Rotterdam to the number of more than seventy, loaden with staple commodities; in so much that the convoy of this province after having remained to no purpose more than a moneth in the road of Leith was obliged to return hither only with three or four small barks which arrived at the staple port".²

Writing to the burghs, the magistrates of Campvere recited the same facts, and referred to the long-standing friendship in language which shows that recent complaints (the magistrates had taken cognisance); intruding in the Scots Church in the matter of Ferrier (see history of the Church, p. 315); compelling Scots to be burghers; failure to pay salaries; Conservator's power in regard to prison not recognised; choosing of factors without consent of Conservator; Scots denied freedom of excise; the Church not provided with seats; money demanded in some cases in respect of burial-ground; wages of workmen not regulated.

¹C. R., iv., 327, 328.

²C. R., iv., 440.

had not been very long remembered. "Wee must acknowledge," they wrote, "that we cannot comprehend how a nation so famous for their integrity and exact keeping of their word, can, in prejudice of the publick faith, break and transgress so solemn a contract (the fundatione whereof was laid two hundred years agoe upon a mutual hermony and faith and which hath been kept on both sides thus long with so much exactness and sincerity) as if there were no tye nor obligation on either side."¹ The attitude of the Scottish burghs cannot have tended to a more satisfactory condition of affairs in regard to the Staple trade.² The queen in forwarding to the Convention the letter received from Campvere, had urged an inquiry into the matter with a view to the punishment of the delinquents according to the law, and though the burghs professed their readiness to enforce the Staple contract so far as they were concerned, nothing was done to prevent the continuance of the extensive breaches of the Staple, complained of by Campvere, and admitted by the Convention.³ The burghs in fact asserted that they were justified in what they had done, as the convoy which Campvere had supplied was not sufficient to fulfil the terms of the contract, and referred to what had happened in 1704 when two of the most valuable vessels had been captured owing to the insufficient protection afforded by the convoy.⁴ The

¹ C. R., iv., 442.

² The burghs showed their displeasure at the action of Campvere in appealing to Queen Anne: "Wee have received a letter from her Majestie, our Sovereigne by which we understand yow have laid your complaints befor her, and could have wished that befor yow had complained to her Majestie yow would have redrest our former grievances offered to yourselves for not sending sufficient convoyes to guard our trade" (2nd March, 1708).

³ C. R., iv., 439.

⁴ C. R., iv., 443. The attitude assumed by Scottish merchants may be seen in a letter of Kennedy's at this time: "And altho a good deal of ships were loaded with staple goods, and bound for Campvere excepting five, none would adventure to go with so weak a convoy wherefore being disappointed they unloaded their goods, and entered their protestation to be free to go with the first good occasion to Rotterdam which accordingly (after new protestation) they did some three or four months thereafter" (26th Sept., 1704).

Scottish burghs were in fact successful in assuming the tone of the injured party, and having later in the same year (July, 1708) consulted the Lord Advocate as to what constituted a breach of the Staple, they were able to write to the magistrates of Campvere that they were resolved to pass by all the grounds of complaint formerly given, and were "willing that any mistakes which have fallen out upon either side be buried in oblivion".¹

During the same years the credit of the Scottish Staple must have suffered considerably in consequence of a long dispute between two rival Conservators. The matter had ultimately to be decided in the law courts, and while undecided, the administration of the Staple can only have been very inefficiently carried on. The contest between the two Conservators began in 1705, when Sir Alexander Cumming of Coulter appeared before the Convention with a gift of the office.² In a letter addressed to the Convention the queen attributed the violations of the Staple contract to the "misbehaviour and malversation" of Kennedy and his son, whom she had accordingly decided to set aside, appointing Cumming to the vacant office, in the hope that he might be acceptable to the burghs.³ Such action on the part of the crown was obviously an infringement of the rights claimed by the Convention in regard to the appointment of the Conservator, and naturally led to protests from Kennedy. In the following year it appears that in the contest which followed Kennedy had "prevailed,"⁴ but the matter was not allowed to rest there, for a representative of the ultra-royalist party, Colonel Patrick Ogilvie, at the same time objected to the terms of a letter then being sent to Campvere, in which reference was made to Kennedy as Conservator, contending that in view of the queen's commission to Cumming, the Convention should adopt a strictly neutral attitude. Kennedy's reply was two-fold. In the first place he asserted the rights of the burghs in the matter, protesting that no one had any claim to the office of Conservator until admitted by the royal burghs, and

¹ C. R., iv., 459-61.

² C. R., iv., 374.

³ C. R., iv., 379.

⁴ C. R., iv., 389.

secondly, he was able to produce a decree of the Lords of the Session requiring Cumming to desist from troubling or molesting him in his office.¹ No one had been found to second the protest of Colonel Ogilvie, and immediately afterwards Kennedy was able to write to Campvere, that "the supreme Civill Court of this kingdom now have done me justice against the invasions of Sir Alexander Cumming of Coulter," and to enclose a missive from the Convention owning and acknowledging him as Conservator. Notwithstanding the decision here referred to, the dispute still continued, and the finding of the Court of Session was apparently reversed soon afterwards in favour of Cumming, who, writing to Campvere in 1708, expressed the hope that he might now have peace and liberty to enjoy his office.² To this Kennedy replied that Cumming had got no declared right from the Lords of Session, and that he was not "in the least owned or acknowledged by the Royal Burrows". Thus Cumming's hopes that quiet and liberty had at length been attained were insecurely founded, and though during 1709 it is clear that he was acting as Conservator, Kennedy had not abandoned his claims, and it is probable that Cumming himself realised that he might yet be removed from his office. In his letters to Campvere he showed an unnatural anxiety to pose as the friend of the Staple port, as against Kennedy and "other ill-wishers of the Staple," and his eager desire to secure the friendship of the magistrates of Campvere was probably in part due to the sense of insecurity which he felt.³ Kennedy

¹ C. R., iv., 393.

² "The lords of Council of session, our sovereign judges here have decreed and determined the cause betwixt Mr. Kennedy and me in my favoure by finding his Right to the office terminate and out of doors, by the sentence of deprivation against his Father, so that I may now hope to be in quiet and have liberty to enjoy my office, and discharge my duty without trouble" (11th Dec., 1708).

³ Throughout the dispute Cumming strenuously asserted that Campvere had not made default in sending convoys. "In the meantime Sir Andrew Kennedy and other ill-wishers of the Staple, lay the blame of the breaches of the Staple to the town of Campvere, for not sending convoyes, and asserts there has been but twice or three times convoys sent in the

finally carried the matter to the House of Lords, and in 1711 it was decided that Cumming's commission was void, apparently on the ground that it had been "granted before any sentence declaring the office forfeited". The petition of the successful Conservator that the decision of the House of Lords should be entered in the Records of the Convention gave the burghs in 1712 an opportunity of again discussing the whole matter.¹ Even then the long dispute was not definitely decided, for it was claimed on behalf of Cumming that the decision of the Lords only affected his first commission, and that a later commission given in 1708 was in no way invalid. The magistrates of Campvere apparently acted on this view, and Kennedy found it necessary to write to them in 1712, expressing his surprise that they should continue to pay no regard to the decision of the House of Lords, "declaring and adjudging our commission subsists in full force, therefore all other pretended commissions are void and null, that being the decree of a most supreme court and perhaps the most august in the world". The matter was, however, definitely closed in 1713 by a letter from Queen Anne withdrawing the commission given to Cumming and reappointing Kennedy and his son. In 1714 it was, however, still considered necessary to write to the magistrates of

terms of the staple contract, since he came to the office. On the other hand, I endeavour to show them that convoys were frequently sent, and so often returned without ships that it discouraged the States of Zeeland and Admiralty from sending so punctually as they would" (10th Feb. 1708). In a memorial drawn up by the Kennedys in 1708 as to the causes of the breaches of the Staple, it was stated that in the previous six years only five ships had been sent, and never two at a time, that all five ships had failed to come at the appointed time, that at most they had been vessels of from thirty to forty guns, and that one had only had twenty-four guns. Cumming in his attitude of friend of Campvere referred to this memorial and spoke of "the many disappointments your city has mett with by the fruitless expeditions of convoys, and small returns of ships from this".

After the final decision in favour of Kennedy had been given Cumming wrote: "The intention of my adversary has been always to destroy the Staple, and has always loaded you whenever he had an opportunity with the Breaches of the Contract" (27th April, 1711).

¹ C. R., v., 21-29.

Campvere, recommending Kennedy as "the only person to negotiate the burrows affaires and as Conservator".¹ At a time when the terms of the Staple contract were but little observed by Scottish traders, this long dispute must inevitably have contributed greatly to the ease with which the agreement was broken, and must have helped to make the whole institution more than ever an unreality.

During these years, the unsatisfactory condition of the Staple trade was further accentuated by the great depression under which commerce and manufactures alike suffered at this time. The abnormal activity of the Convention and of Parliament towards the close of the seventeenth century, to which reference has been made at the beginning of this chapter, resulted from the clear perception that Scottish prosperity was declining, and the Acts which sought to make it necessary as far as possible to manufacture all commodities within the country, were designed to remedy that unsatisfactory condition of affairs in commerce, which patriotic observers traced to the Union of 1603. It is at least certain that under the Dual Monarchy Scotland had not prospered, and towards the end of the seventeenth century, notwithstanding all the legislation of recent years, the economic condition of Scotland became more and more serious. Writing at this time Fletcher remarks that formerly there were as many ships belonging to the seaports of Fife as now belonged to the whole of Scotland, and the Fife burghs themselves were now, he wrote, "little better than so many heaps of ruins". An improvement in trade was in many quarters confidently anticipated as an immediate result of the Union of 1707, and to Scotsmen suffering from the evil effects of the Darien Scheme aggravated by the dearth and famine resulting from a series of bad harvests, such a prospect had much to make amends for the proposals of Union, in themselves distasteful to the great mass of the nation. The rapid strides made by Scotland in every direction in the second half of the eighteenth century have somewhat disguised the fact that no such happy issue resulted immediately from

¹ C. R., v., 141.

the great event of 1707. There was indeed too much justification for the fears expressed by Fletcher. "Scotsmen," he said, "will then spend in England ten times more than they now do. Besides the sums carried out of Scotland by Scottish members of Parliament to the English capital, all the gentry will take up their residence in London as does that of Ireland already. Scots in search of fortune, or public employment will become aliens to their country, and if they come to great wealth will purchase lands in England. Increase of trade is nothing but a visionary supposition."¹ The trade of Scotland, much as it had declined before the Union, was in fact in a more unsatisfactory state after that event. Conditions were in many ways changed by the new relation in which England and Scotland now stood to each other, and even if the alterations which logically followed an equality with England in trade and commerce, should ultimately prove beneficial to Scotland there was a period of transition, unfortunately prolonged by the ill-feeling which was so prominent during the first half of the eighteenth century, during which the trade of Scotland suffered. Immediately after the Union, the Convention had, for example, to take into consideration the position of the wool merchants who would suffer severe loss through the "stricte prohibitions of the export of wool," and the sudden establishment of free trade with a country which was then so much more advanced economically than Scotland, had inevitably a detrimental effect on the more undeveloped manufactures of the poorer country.²

At this time there was thus but little attempt on the part of the Scottish burghs to enforce the conditions of the contract; confusion was caused by the disputes between rival Conservators; the trade of Scotland was suffering a con-

¹ See Mackinnon, *The Union of England and Scotland*.

² The effect of the Union of 1707 on the Staple trade was observed by the writer of the Dutch pamphlet on the Scottish Staple. The Union opened English markets to Scottish manufactures, and consequently, he adds expressively, "gaf hetselve een groote krak aan de stapel" (Perrels, i., 11).

tinuous and steady decline. In the circumstances it is almost impossible to believe that Campvere derived any benefit from the contract, and it is not surprising that the magistrates of the Staple town were led, as we have seen, to appeal to the queen, in order to secure her intervention on their behalf. At times indeed Campvere did not act so constitutionally, and if we may believe the Scots minister, Thomas Hoog, writing in 1698, the magistrates of Campvere showed their dissatisfaction with the manner in which the contract was observed in their treatment of the Scottish inhabitants of the Staple port. "Since your Lordship leaving of us," he wrote to the Conservator at Edinburgh (1698), "matters are here so far altered that our nation are here in difficult circumstances being every day in hazard of falling under the lash of our new-modelled Inquisition. And except matters be made to run in a quite other channell than hitherto, the Staple here will quickly come to a very weak pass and perhaps Ter Vere, by their arbitrary government and enmity against our nation, may at length have the honour of becoming peers with Armuyden and may ere long not have a single Scotsman to persecute."¹ The quotation is interesting because we may perhaps find suggested in it the reason why Campvere clung so obstinately to the Staple policy. There can indeed have been but little profit in it, yet Scottish trade, insignificant as it was, was probably all that stood between Campvere and the fate of Arnemuiden. The decline of Antwerp, and the decay of the towns of Flanders, eventually proved fatal to the prosperity of the towns of Zealand at the mouth of the Schelde. The centre of industry had drifted northward to Holland, and trade followed in its train. In the fear of what might happen if Scottish trade were completely withdrawn, rather than in any profit gained from the existing contract, is to be found Campvere's reason for so long submitting to the unfavourable conditions of the Staple contract.

Throughout the eighteenth century there is little outstanding in the history of the contract with Campvere.

¹ Steven, *Scottish Church at Rotterdam*, pp. 359, 360.

There were numerous complaints in regard to the breach of the Staple; Conservators were appointed, the contract was frequently renewed with something like an echo of the old protests of friendship, but trade was throughout little affected by the survival of these ancient forms, and there is much to show that such meagre trade as Scotland still carried on with Campvere steadily declined. The first of these renewals of the contract took place in 1718, and the events leading up to this are characteristic of the lifelessness which now in every way marked the old organisation of Scottish trade. Dissatisfaction with the existing arrangements and complaints as to the breaches of the contract were not wanting, but this did not prevent a renewal of the agreement so much complained of. In 1716 the consideration of these violations of the contract was again before the Convention, and the Conservator was strictly charged to proceed against all who had in the past, or who should in the future, carry Staple goods to any port other than Campvere.¹ Sir Andrew Kennedy died in the following year, and his second son, also called Andrew, was appointed in his place. There is a curious sentence in the commission given by King George appointing the new Conservator, which well illustrates how the office was now regarded, in the first place as a source of income for the occupant, and only secondarily as necessary in the interest of the merchants. Appointments are doubtless often made for such personal reasons, but it is usually considered expedient not to show too clearly what these reasons are. King George, however, in appointing the younger Kennedy, felt no scruples on this point: "by the granting to him of the said office," the commission states, "it would help to supply him with resources for the support of his mother, relict of the said late Sir Andrew and his family, who greatly need such assistance and sustentation".² The office of Conservator was in fact becoming a position to which needy courtiers could be conveniently appointed.

The new Conservator was accepted by the burghs, and in announcing his appointment to the magistrates of Camp-

¹ C. R., v., 163.

² C. R., v., 184.

vere, he promised to contribute all in his power to remedy the decayed state of the Staple. One of his first duties was to negotiate for the renewal of the Staple contract now on the point of expiring. The usual committee to consider the whole matter had been appointed, but in the end they recommended the renewal of the existing agreement with Campvere.¹ There were many interests combined against the continuation of the Staple at the old town, and among Scottish merchants there was a strong feeling in favour of Rotterdam; that Campvere was again chosen as the Staple port was to some extent due to the exertions of John Chalmers, the minister of the Scottish Church at Campvere, who was active in canvassing on behalf of a continuance of the old arrangement. There was little enthusiasm on either side, and in place of the violent profession of friendship which had been uttered in 1697, the Convention did not go beyond a reference to the "great import and concern" of the continuation of the contract to the burghs. The terms of the agreement of 1697 were renewed for a further period of twenty-one years, with the addition of several new clauses, the effect of one of which was, as already noted, to reduce the penalty for a breach of the Staple. Instead of the confiscation of all goods, the penalty now was the confiscation of Staple goods only.

In the years following the value of the Staple contract continued to decline. In 1725 the national fiscal policy of the United Provinces was altered so as greatly to diminish the value of the concessions granted to Scottish merchants. Duties on importation and exportation were greatly reduced, so that the exemptions enjoyed by Scottish traders were now of less importance than formerly. The Scots gathered at Rotterdam did not fail to take advantage of this opportunity, and protested, probably with a fair show of reason, that the privileges given at Campvere were now of little service to Scottish trade.² Though the value of these concessions was thus reduced, there was, however, no serious suggestion that a change in the Staple town should be made.

¹ C. R., v., 194-99.

² Maitland, *History of Edinburgh*, p. 389.

In other ways the decay of the Staple trade may be traced during these years. Kennedy, writing in 1720, remarks on the fact that trade was being diverted into other channels. "It was scarce possible," he said, "to get it well observed this year, there having been a great demand for Staple commodities at London, Hamburg and elsewhere, and by buying up goods in English peoples names there has been to the mutual loss of your Lordships' town and me, goods sent to Holland." From about 1720 complaints were frequent as to the decline of the dues payable to the Conservator. In 1730 the dues received amounted only to £24 16s. 6½d., and the agent of the Convention was instructed to pay to the Conservator the sum of £25 3s. 5½d. to make up an allowance of £50, and in the following years a similar deficiency was made up annually to provide a sum payable by the Conservator for the services of a Conservative-Depute.¹

When a new Conservator, Archibald Macaulay, was appointed in 1726, he is stated to have found the Staple port frequented only by a few ships from Aberdeen, and but little known to the rest of Scotland.² "We apprehend," wrote the burghs in announcing his appointment, "that all matters concerning the Staple are in the utmost disorder," and Macaulay himself was obliged to confess his extreme ignorance of matters affecting the Staple. The decay in trade was attributed by the burghs to the badness and insufficiency of the Staple goods, and the difficulty of obtaining in Zealand suitable goods for the return journey to Scotland.³ According to the writer of the *Historical Account of the Staple Contract*, Macaulay, by his energies, revived the trade with

¹ C. R., v., throughout.

² Maitland, p. 389.

³ "We are thereby convinced that this decay has arisen from the Badnes and insufficiency of the Staple Goods occasioned by the neglect of executing the laws made to prevent such abuses, and from our merchants disfrequentering your port, which, as they pretend, is partly caused by their wanting an opportunity of providing goods in Zealand proper for their return" (6th July, 1728). It will be seen in the chapter dealing with the factors that the burghs, by their fierce opposition to the existence of Dutch factors, must to a large extent be held responsible for this last difficulty.

Campvere, and re-established a good understanding with the magistrates of the Staple town, thus inaugurating a new era in which trade and commerce yearly increased. The author of this pamphlet was, however, Charles Stuart, Conservator-Depute, and he naturally wrote with the object of magnifying the importance of the Staple contract and of emphasising the benefits derived from the connection with Campvere during his tenure of office, and it is probable that the statements made with regard to the improved conditions consequent on Macaulay's taking up office were largely influenced by the object with which he wrote and by his subordinate position to Macaulay. The letters written by Macaulay about this time do not support the view that there was in fact any revival in the Staple trade. In 1735 he represents himself as having laboured to the utmost with perhaps some success in inducing the traders on the west coast to carry their goods to the Staple port. The merchants of Aberdeen, who had long boasted that they were the most faithful frequenters of Campvere, now found, he admitted, that London was a more suitable market.¹ In the following year the contract was again renewed for a period of twenty-one years, although the agreement entered into in 1719 was still binding for some time to come. Macaulay still laboured to secure the better observance of the Staple in view of the faithfulness with which Campvere had recently kept the contract, and the carelessness of the Scottish merchant class in observing the terms of the agreement.²

¹“ My Lords, I have laboured to the outmost of my power the better observation of the Staple Contract both with the Borrows and traders in Staple goods, both by threats and promises, and have, I hope had some small success to induce the west countrey traders to carry most of their goods to the Staple Porte. The Aberdeen people for some years have found London a better mercate than Holland for their goods, and only carry to Holland what does not sell there; this cannot be helped till trade takes ane other channell ” (21st June, 1735).

²“ That upon no occasion during the last contracts had you made the smallest infringements upon any article of the Staple contract ” (22nd Feb., 1737).

“ I have of a long time observed a remissness on thair part (for there

The next renewal of the contract took place in 1748, after the Revolution which exalted the Prince of Orange to the position of Statholder of the United Provinces. The Lord Provost of Edinburgh and the Conservator were instructed on behalf of the burghs to proceed to Holland to congratulate the prince on this occasion, and also to obtain a prolongation of the contract. In this object the commissioners were completely successful, and were able in January of the following year to inform the burghs that the approval of the prince had been gained. As regards the period of this agreement, ratified on the 31st December, 1748, it was stipulated that it should remain in force for a period of twenty-one years, after the date on which the existing contract would have expired, that is to say, the 25th December, 1760. Thus the agreement was continued down to the year 1781. The remissness on both sides in regard to the observance of the contract, already noticed in the early years of Macaulay's tenure of office, continued notwithstanding the glow of friendship which might have been expected to accompany the renewal of an ancient agreement. The Conservator-Depute had indeed been able to secure a convoy from Campvere in the beginning of 1748, but the satisfaction, with which this fact is chronicled, merely emphasises the conclusions which is to be drawn from the applications made by the burghs to the Admiralty in 1742 and 1744 to afford their merchandise that protection formerly regarded as one of the chief benefits derived from the contract. On the part of the Scottish merchants, the ratification of the agreement had no effect in encouraging a stricter observance of the Staple. Complaints were made by the magistrates of Campvere, and at the suggestion of Macaulay the agent of the burghs was authorised to prosecute in the Court of Session three merchants who had been guilty of carrying Staple goods to Rotterdam. Only one of these, Thomas Grindley of Bo'ness, offered any defence, but his plea that he had acted through stress of weather was not accepted. The hope that these prosecutions would deter other merchants from breaking are but few towns that have any concerne in that trade) and every title observed on yours" (31st March, 1739).

the Staple was soon disappointed. In 1751 the Conservator had again to admit the justice of the many complaints of the magistrates of Campvere.¹

Soon after the renewal of 1748 occurred one of the last outstanding events in the history of the Scottish Staple. It represents the protest of a useless monopoly against a necessary national reform. Owing to the mercantile policy of Great Britain and France as expressed in their stringent Navigation Acts, Dutch trade was crippled from the beginning of the eighteenth century. The carrying trade had been their great mainstay, and in the fisheries they had had to meet the jealous competition of the natives of England and Scotland, who regarded them and treated them as interlopers. As in 1725, so again in 1751, after the Revolution, the Dutch under the Prince of Orange endeavoured to adopt the policy of more or less absolute free trade, in order if possible to overcome the decay into which Dutch commerce had fallen. It was proposed to abolish all purely transit duties and to reduce the export duties, and on some articles all duties on export or import were to be abolished. On others again, although the duty on importation was maintained this was to be repaid on export, in the same manner as a drawback. Such a policy if carried into effect would have deprived the Staple contract of the little value it now had, and accordingly the magistrates of Campvere, the Scottish Conservator, and the Convention of Burghs, united in opposition with the States of Zealand, who were willing to accept the proposals, only on condition that the Staple at Campvere should not suffer thereby.

On the death of the Prince of Orange this scheme of reform was put aside, but being revived soon afterwards called forth much strenuous opposition, and had finally to be abandoned in 1754. It is not necessary to enter at length into the complicated history of the conferences and memorials dealing with the matter, in which Yair played a prominent part, and of which he gives an elaborate account. The whole

¹ "Yet there were many just complaints of Considerable Quantitys of these goods being carried to Rotterdam and other ports in violation of the staple contract."

discussion proceeds on the assumption that a very considerable sacrifice was demanded of Campvere, and the language of the States of Zealand may be quoted to show the spirit of the moribund monopoly: "Whereupon their Noble Mightinesses shall only observe, that it cannot be reconciled with the principles of common equity and justice, that the town of Campvere, because of any pretended inconveniencies to the publick . . . must be deprived of all their rights and liberties and totally ruined".¹

¹Yair, p. 314. The correspondence of Macaulay and of the burghs on this point illustrate the view now taken of the Staple.

"I wish to know in what situation the proposall of taking off the duties in al the Ports of the Netherlands stands at present: if it succeeds it will certainly prejudice your Porte, if not the whole Province. I think with submission as your city was the staple port for the goods, the product of Scotland, specified in our staple Contracts, you have a good plea that the duties upon these goods continue as they are at present, otherways they robe you of that privilege which was reserved to you at the Union of the Provinces" (Letter of Macaulay, 12th April, 1752).

"My Lords, I am not without my own apprehensions, that when the Royal Burrows come to know that our Staple Goods will pay no more at other ports than now at the Staple Porte, they will not be very sangwin in the support of Privileges that their trade will have so little advantage by, tho they will still be bound legaly to send their staple goods to your Porte while the Contract subsists, and they have the Law of this Nation full in their favors for this purpose.

"If all the Ports of the Provinces had been free ports from the first, it is certain we had never thought of a contract with any particular city, and as this distress arises from the States Generall of which you are a member the Royall Borrowes will hope and Expect that by your influence bad Consequences to the Staple Contract will be guarded against, and as the Contract did subsist long before the Union of the Provinces and that by the Articles of that Union all the privileges you possessed at that time were reserved to you for ever, the States Generall cannot in Law or Justice directly nor indirectly Devest or Rob your City of them; this Argument with others which may occur to you cannot miss to be pled in your favour and I hope with good success" (Letter of Macaulay, 12th May, 1753).

"And we think it both a just and natural consequence of it (i.e. the Contract) that the Goods of the same species mentioned in the Contract shall continue to pay the present inward duties as we would otherwayse be deprived of what the laws of Scotland and the Royal Burroughs have always had in view by obliging all our product and Manufacture, de-

There is but little worthy of mention in the history of the Scottish Staple during its last decades. Macaulay died in 1760, and on the 19th December a commission was given to Charles Stuart, who had for many years discharged the duties of Conservator-Depute. Stuart was accepted by the Convention which met in the following year, but the old tradition that the Conservators were chosen by the burghs and not by the king had not yet died, and on this as on all subsequent occasions the commission was entered in the Convention books under protestation of their own rights.¹ In the letter which announced this appointment to the magistrates of Campvere, the previous breaches of the Staple were admitted by the representatives of the burghs, who, however, pleaded the "unavoidable inconveniencys and misfortunes of war". For the future the Convention trusted that there would be a strict observance of the terms of the contract on both sides, and in case of any doubtful expression, the practice of former times—not a very sure guide—was to be admitted as the "propperest explanation". Stuart held the office of Conservator for less than a year, and after his death the factors, in December, 1761, urged the Convention to fill the position temporarily. In March of the following year George Lind, Lord Provost of Edinburgh, was appointed to that "honourable and important office," but he resigned in about a year's time, and was succeeded in April, 1764, by John Home, author of *Douglas*, whose appointment was "parti-

nominated Staple, and exported for the Low Countries to be landed in Campvere" (Letter of the Burghs, 6th July, 1754).

(We are obliged) "to beg your Royal Highness will use your Intrest with the states of the united provinces and colledges of Admiralty to secure the continuance of the present dutys upon Staple goods . . . and wee humbly Intreat your Royal Highness that nothing may be done upon this occasion which may either infringe the priviledges or lessen the value of a Contract so ancient, so frequently and so lately renewed by your Royal Highnesses illustrious Consort of immortal Memory in the year 1748" (Letter of Burghs to Princess of Orange, 6th July, 1754).

¹ "Under protestation That the same should not be prejudicial to any right which the Convention has to nominat and appoint a Conservator of their Priviledges."

cularly agreeable" to the magistrates of Campvere. A few years later Home also resigned, and was succeeded in March, 1769, by Patrick Crawford of Rotterdam. The events following the appointment of Crawford show how completely the office of Conservator was now becoming dissociated from the organisation of the Staple at Campvere. It was a regulation of long standing, that a newly appointed Conservator should appear before the magistrates of Campvere before being qualified to discharge the duties of his office. Crawford was accepted by the burghs at their annual meeting during the summer, but his commission from the Convention appears to have been delayed, and he was able, by pleading the difficulties of a winter journey to Campvere, to secure exemption from what was apparently regarded as a troublesome ceremony, and was authorised instead to appear before the magistrates of Rotterdam, Campvere's chief rival for the trade of Scotland. Thus it was now made unnecessary for the Conservator to have more than a merely nominal connection with the staple town.¹

Under Crawford complaints as to the breaches of the Staple were again made, and the Conservator had in 1771 undertaken to do all in his power to secure a strict observance of the contract, "as both his honour and his interest demanded". The burghs showed more zeal than usual in such circumstances, and pleaded that such infractions were due merely to the ignorance of some individuals, and that strict injunctions had been issued to the magistrates of all burghs "to be more punctual in giving obedience to the limitations contained in the Staple Contract". When the matter was considered in the general Convention in the same year (1772), the burghs showed less energy in enforcing the terms of the contract. Inquiry had been made in the case of the chief towns interested in the Staple trade, but they had

¹ "As Mr. Crawford presently resides in Rotterdam, It would particularly oblige if the Committee in order to save him the trouble of a journey to Campvere at this late season of the year, would authorize their Clerks in the expeding of his commission to insert an alternative empowering him to appear either before the magistrates of Campvere or Rotterdam to qualify himself in terms of the Act of the Convention."

been unable to find "anything of that nature". It was therefore concluded that nothing could be done "till the Conservator or Magistrates of Campvere condescend more particularly on the trespasses committed". The magistrates of Campvere appear at all times to have been under the delusion that the contract had hitherto been carefully observed, and on this occasion they referred to the agreement as having existed without interruption since 1444.¹

Early action was taken by the authorities at the Staple port to secure a renewal of the contract in view of its approaching expiry in 1781. In 1774 one of the factors, Smart Tennent, was sent to Scotland to enter into negotiations with this object. In the commission given to their representative the magistrates had offered, not merely to renew all the old privileges and stipulations in favour of the Scots nation, but had also undertaken to "grant all such new ones as lyes in their power". A report was in time presented to the magistrates of Campvere, in which Tennent discussed at needless length his doings in Scotland. "Some ill-informed members," he wrote in regard to the main object of his mission, "said it was hard to be restricted (as they were by the Staple Contract) from carrying their goods to what part of the Republick they pleased. I answered that they were not restricted from sending them to any part, but only obliged to land them at Campvere, and (being duty free) they could be sent from thence to any other place at a cheaper rate than imported to any such place directly without coming to Campvere." To which, adds Tennent, no answer was made. Probably one of the ill-informed members was the Provost of Glasgow, who soon after opposed the proposal to renew the contract on the ground that Rotterdam or some other town would be a more convenient centre. Moreover, it is clear that though no answer was made to the arguments of Tennent, the Scottish burghs as a whole were on this occasion extremely indifferent. That the contract should be renewed was indeed admitted, but beyond this nothing was in fact done. Notwithstanding

¹ "Een Contract dat zedert den Iaare 1444 genoegsaam zonder Interruptie heeft gesubsisteert."

the representations of Campvere, the matter was for six successive years referred to the consideration of the annual committee. A letter written from Campvere in May, 1779, betraying not a little impatience, appears to have induced the committee to take more definite action.¹ The burghs were at length invited to communicate with the Lord Provost of Edinburgh as to the privileges which should be claimed, and three commissioners—the chief magistrates of Edinburgh and Glasgow and the Conservator—were appointed to negotiate with Campvere. Of the burghs, only five appear to have made any suggestions in regard to the conditions which should be made, Perth, Dundee, Aberdeen, Kirkwall and Jedburgh, which can scarcely have had much interest in the trade with the Low Countries. It was finally decided that the Commissioners should endeavour to obtain a continuation of the contract for twenty-one years, and if possible were to obtain the addition of salted and dried fish to the list of Staple goods. Although the burghs had chosen three representatives, the Conservator, Sir Patrick Crawford, carried through the negotiations alone, and a contract was concluded and ratified, to remain in force for a period of twenty-one years from 25th December, 1781. This is the last contract in the history of the Staple.

About this time as an indirect consequence of the American war, hostilities broke out between Great Britain and the United Provinces on the question of the Law of Neutrals. On 20th December, 1780, the British Government authorised reprisals against the ships, goods and subjects of the States-General of the United Provinces. It was not until almost a year later, in December, 1781, that the Scottish subjects at

¹ David Loch, General Inspector of the Fisheries in Scotland, in the third volume of his *Essays on the Trade, etc., of Scotland*, in urging the importance of the Staple contract complained of the inactivity of the Convention, and of the disastrous results which might follow. Though instructions had been given to draw up an answer "no commissioner was appointed to deliver it, or to treat with the said magistrates, so that it has ever since been either overlooked, or totally neglected" (iii., p. 75).

Campvere drew up a declaration of neutrality.¹ This document, which presumably was signed by the whole Scottish population, is subscribed by the Conservator-Depute, nine factors, the minister of the Scottish Church, and four women. The permanent Scottish colony at this time would thus appear to have numbered about fifteen.

Soon after the conclusion of the negotiations in regard to the contract the Conservator died. He was succeeded in March, 1782, by his brother, James Crawford, who, like his predecessors, continued to live at Rotterdam. Writing from that town soon after his appointment, he announced his intention of prosecuting rigorously all breaches of the Staple, and in this intention he maintained that his residence at Rotterdam, the illegal head-quarters of Scottish trade, would be of considerable service to him. During the early years of James Crawford's tenure of office, there is very little information in regard to the history of the Staple. Factors were indeed appointed, and in 1789 a tavern keeper in Flushing was chosen as Master of the Conciery House, but it is clear that apart from such routine occurrences, there was but little connection between the Scottish burghs and Campvere. Trade had gone elsewhere notwithstanding the contract; the Staple system, for long an anachronism, had at length lost all vitality, and could not be expected to survive the approaching crisis in European politics.

On the establishment of the Batavian Republic, based on the principles of the French Revolution, it was clear that a trading community like the Scottish merchants at Campvere could not expect to retain the privileges formerly enjoyed. A general resolution against all such privileges appears to

¹ "We the underwritten subjects of his Brittanic Majesty and Members of the Scots Staple Court Do hereby promise and swear that we shall in continuance conform ourselves to the annexed obligation so long as we reside here during the course of the present War unhappily subsisting betwixt Great Britain and the United Provinces, observing a strict neutrality, and doing nothing either Directly or Indirectly (consistent with our knowledge) to the prejudice of the said Republick. Campvere, 4th Dec., 1781."

have been passed in 1795,¹ but the Scottish privileges were not at this time directly attacked. The Convention indeed, meeting in 1796, decided that, as there was no Conservator of the Scottish privileges in Holland, his salary should be applied to the relief of the widow of the late Conservator-Depute, but in the following years the usual sum of £50 sterling was paid to Crawford, though on each occasion it was the subject of special consideration. From the records of the church at Campvere it also appears that in 1796 the privileges of the Scots court were still "continued provisionally".

It was not until two years later that active steps were taken to cancel the Staple contract. In September, 1798, the governing body of what had formerly been the Province of Zeeland,² writing from Middelburg, urged the Representative Body³ of the Republic to cancel the privileges which the Scottish merchants had by various contracts enjoyed at Campvere since 1579, and to take steps to prevent the revival of any such institution within the limits of the Bavatian Republic. The representations thus advanced were at once referred to the Executive Body⁴ to advise on the question raised, and a few days later, on the 26th September, 1798, the whole matter was passed on to an official⁵ whose opinion was supposed to be authoritative, to prepare a report for the guidance of the Executive. Not until August of the following year was this body in a position to report to the legislature. The result was a sweeping condemnation of the whole Staple system—indeed so much argument was scarcely required to kill an institution which already showed no signs of vitality. Historically more accurate than in the representations put forward from Middelburg, the origin of the Staple was now traced to the grant of privileges made by Maximilian of Burgundy in 1541. Such an institution, it was argued,

¹ Steven, *Scottish Church at Rotterdam*, p. 292.

² "Het Intermediair Administratif Bestuur van het voormalig Gewest Zeeland."

³ "Het vertegenwoordigend Lichaam."

⁴ "Het Uitvoerend Bewind."

⁵ "Agent van Nationale Oeconomie."

caused inevitable injury to all other cities and centres of commerce in the country, as other towns thereby saw themselves shut out from a trade which in a well-ordered government must be common and free to all. An institution of the nature of the Staple was, moreover, inconsistent with the principles which the Batavian nation had acknowledged, and on which the Republic was based. In a country in which privileges were not tolerated among citizens, it was impossible that any foreigner residing in the Republic should enjoy immunity from the common duties and burdens imposed on the subjects of the State. It was injurious to the industry and the manufactures of the country, as well as to its trade, which demanded that each town and each burgess should be equally privileged in engaging in commercial pursuits. From such general considerations the executive passed on to consider various points in the history of the Staple, showing how, by the frequent violation of the contract, the advantages to Campvere had long been diminishing and were at length completely lost, whereas the privileges were still extended to Scottish merchants. The report concluded by recommending that a period of four weeks should be allowed the members of the Scottish court to withdraw from the country; otherwise they should become as ordinary citizens.

This recommendation was soon afterwards adopted by the Representative Body, and on the 1st October, 1799, a proclamation was issued cancelling the contract, and requiring all those who claimed any privileges under the agreement between the Scottish towns and Campvere to leave the Republic within four weeks.¹ Two days later the announce-

¹The second part of the proclamation is the more important, and was embodied in the decree issued by the Departmental Government on 28th October, 1799: "Secondly to enjoin to all persons who may claim by virtue of said contract any privileges within the Republic either of exemption of public charges or of privileged jurisdiction, or of any other nature whatever, to quit the Republic within four weeks after receiving intimation of the decree, or otherways to consider themselves as suspended from the enjoyment of the advantages they have hitherto enjoyed by virtue of said Contract, and also to consider themselves as held to submit to all the public duties and charges to which all the inhabitants

ment appeared in the *Haarlemse Courant*. It was not without regret that the magistrates of Campvere learned of this decision, and representations were made to the Executive Body on behalf of the Scottish merchants who had been so long connected with their town. Such representations were, however, unavailing, and on the 16th October, 1799, the decree of the Representative Body was considered, and it was decided to write to the Government of the Department of the Schelde and the Maas, and to the Council of Campvere, in order that they might bring the proclamation to the notice of those concerned. The period of four weeks in which the Scottish colony was thereafter to be allowed to withdraw expired in December, 1799, and the connection which had so long existed between Campvere and the towns of Scotland came to an end.

The factors indeed did not allow the decree to take effect without praying the Representative Body to reconsider their decision, and to allow a period of at least six months in which to withdraw from the country. The tone of this memorial is more moderate than might have been expected from men hitherto accustomed to receive privileges, and to confer none. While admitting that the Representative Body had the power to annul the contract, they pointed out that during their long residence at Campvere—in some cases as long as half a century—they had established connections throughout the Republic, and that it would be impossible for them to arrange their affairs in the short space of four weeks “without exposing themselves to the greatest inconveniencies and even to total ruin”. Moreover, they contended that they were to be regarded as the representatives of their principals, residing in the royal burghs of Scotland, from whom it was impossible in the short time allowed to receive instructions as to how they should act in their interests, “as becomes honest and faithful agents”. Like their predecessors in time of war they had lived in Campvere as peaceable inhabitants solely occupied with their commerce, of the Batavian Republic are held and bound” (Translation in Records of Convention).

and as they had taken an oath of neutrality they had not considered that it would be necessary to take such steps as would enable them to leave the country at four weeks' notice. Reference was further made to the twentieth article of the contract by which, in the event of war, a period of six months was to be allowed the members of the Scottish colony to withdraw, and though admittedly this did not cover the situation of affairs towards the end of 1799, it could at least be argued from the terms of the contract that the intention of the contracting parties had been to allow a reasonable time to the merchants to settle their affairs. Thus it is noteworthy that the petition of the factors was in no way directed against the dissolution of the Staple. This appears to have been accepted as inevitable, and the only object of the memorial was to gain an extension of the period in which they were required to withdraw from the country.

These representations of the factors were necessarily unavailing. The Conservator could but express the hope that on the conclusion of peace "the utility of the former connection" would lead to its revival. Indeed, Crawford was not without some justification for the view that so ancient an institution as the Staple could not quietly be allowed to perish without some attempt being made to bring it once more to life. After the Peace of Amiens the matter was raised in the Convention by the Commissioner for Aberdeen, and in the following winter, in November, 1802, the committee had under consideration a letter from the magistrates of Campvere dealing with the same subject. As the Conservator, however, pointed out, Campvere was no longer politically in the position in which it had been formerly, and the only reply sent was one "acknowledging the receipt of their polite letter," and inquiring what steps should be taken to renew the contract. The Conservator was at the same time authorised to find out whether the town of Campvere had any authority to act in the matter. In the following year (1803) a minor indication that the Staple had ceased to exist may be found in the definite decision of the Convention to discontinue the Conservator's salary.

In 1814 the question of a renewal of the Staple system was again before the Convention on the representation of L. C. Gregorie, formerly a factor at Campvere. It was decided that the contract ought to be renewed, if this could be done on the lines of the former agreements, and it was remitted to the committee to act in the matter with Conventional powers.¹ For some years the question was raised

¹ A report handed in by Mr. Laing, who had on several occasions acted on behalf of the Conservator, is of considerable interest. On the main question, the renewal of the Staple, he was surprisingly candid. "There can be no doubt of the propriety of an application on the part of the Royal Burghs for a renewal of the ancient privileges for the simple reason that there were no reciprocal advantages granted by the Royal Burghs to the Dutch trader. The advantages of the Contract were all on our side, and the only object of the former Dutch Government in granting it was to secure a kind of trade to a particular Town or Province, which had a right and voice in their states general, but which from the changes of commerce was falling into decay." An unexpected ignorance of the terms of the contract appeared in the memorial, and Laing admitted that he was unable to give exact information as to these privileges, although he had applied to the Conservator and to a Scottish merchant who had formerly constantly availed himself of the advantages of the Staple. His account of the working of the system during the last years of the eighteenth century is, however, of some value. "In point of practice for forty or fifty years previous to the revolution in France and Holland the privileges, I understand were these, Salt, grain, coals, lead, woollen stockings and other woollen goods, salted fish and provisions, and generally all raw products, and certain, if not all, manufactures from products in Scotland could be exported by a Scotch burgher from a royal burgh and landed at Campvere free of any import duty of any kind. Goods of this description, Lead for example, was accordingly always landed at Campvere, altho' the Merchant to whom such goods were consigned lived at Amsterdam or Rotterdam. The subsequent reshipment of the goods to the consumer or the market for them was in that country, and in those days a trifling expense compared to the duty saved, and this reshipment and transiter trade was exactly the kind of trade suitable to the capital of the place and which the Dutch Government wished to secure to that Province." It is difficult to explain Laing's vagueness in regard to the terms of the contract, but it is clear from other sources that this ignorance was universal towards the end of the eighteenth century. Loch, in his *Essays on the Trade, etc., of Scotland* (1779), gives an account of the Staple at some length. "I have enlarged the more upon this," he explains, "that it is so little known, and still less understood by our commercial people" (iii., p. 37).

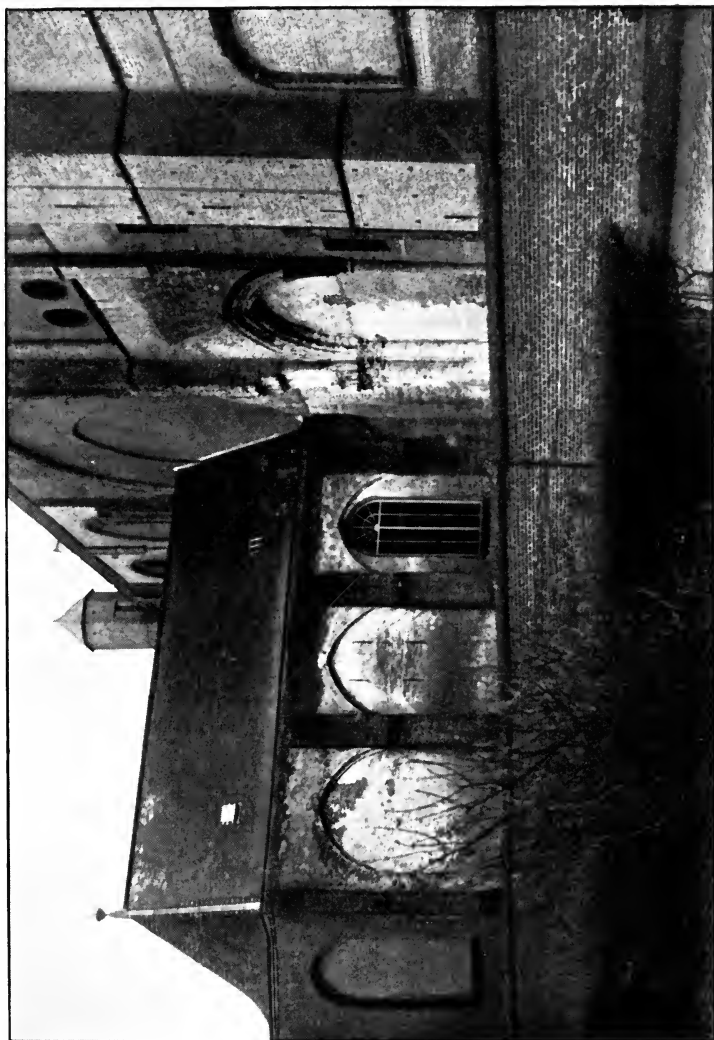
annually in the meetings of the Convention, and on each occasion referred to the Committee, which appears to have done nothing in the matter. The memory of the Staple system, however, survived for many years, and in *Oliver & Boyd's Almanac*, among the officers of the Convention, the Conservator at Campvere appeared annually until 1847, when the office, then a purely nominal one connected with the British Consulate at Rotterdam, ceased to exist. The last to bear the old title was Sir Alexander Ferrier.

CHAPTER V.

THE CHURCH AT CAMPVERE UNTIL 1653.

THE history of the church at the Staple town may, like the history of the Staple itself, be traced to somewhat obscure beginnings. It is improbable that the Scottish merchants who lived abroad were ever entirely without some means of holding divine service amongst themselves, for to those settled in a foreign country, a church conducted on lines familiar at home satisfies at once the instinct of religion and the instinct of nationality. Of the early history of the church or chapel at the Staple port little is, however, known. The contract of 1541 stipulated that the Scots should have "the choice and option of a suitable place in the collegiate church of our town of Campvere, with a chaplain so as it shall please the said nation".¹ The contract with Middelburg of the same year made a similar offer "to erect and furnish a chapel . . . in whatever place or Church the said nation should think most convenient". It is impossible, however, to say, to what extent the Scots availed themselves of the

¹The information before the end of the sixteenth century in regard to the Scottish church at the Staple port is extremely meagre and disconnected, and does little beyond proving the existence of a church. In 1470 the magistrates of Bruges, in granting various privileges to Scottish merchants, agreed to give a sum of money for the repair of the Scottish chapel (*Cartulaire de l'ancienne Estaple de Bruges*, ii., p. 197). The records of Middelburg in 1489 show the discontent of the magistrates of Edinburgh on account of the poverty of the chapel at Bruges, from which the cups and other ornaments had been stolen. The chaplain, Andreas Russel, was sent to give further information to the magistrates of Middelburg on the subject. In 1552, according to Ermerins, the Scottish merchants at Campvere had already their own priest or chaplain, who at that time was John Dawson. He received from the town three pounds Flemish a year.



SITUATION OF THE SCOTTISH CHURCH AT VEERE.
(*White Gable Mark on the Wall of the "Groote Kerk".*)



offer of the right to use part of the church which was thus made by Campvere in 1541, and though it is probable that some one discharged the duties of chaplain, there is no record to show on whom these duties devolved. On the return of the Staple from its exile at Bruges in 1578, the clause in the renewed contract with Campvere is more definite, extending not only to the use of the church, but also granting valuable privileges to the minister.¹ "To the effect" (so it is stated in Clause 12) "that those of the said nation, during their residence here, be not frustrated of the word of God, and exercitation of the religion, as it is for the present used in Scotland: the said Magistrate grants unto them the quire of the great kirk, and their ministers to have off the town their dwelling house, with free excise of beer and wine for his household and family". Notwithstanding this clause in the agreement it does not appear that at this time there was a minister at the Staple port. At any rate a few years later, in 1586, the Convention expressed their regret that there was no church at Campvere. To this they ascribed the abuses existing among merchants, "thair uncumlie behaviour in thair civill lyfe and outwarth manneris contrair the lawis of God and civill polecie". It was therefore decided in general terms that a Scottish church should be erected and a minister chosen as soon as possible, it being left to the next Convention to "spy out the moyen". Little progress was, however, made. It was indeed decided that the minister should be supported out of the excise on beer and wine which Campvere had granted to the Scottish nation, and a commissioner was sent to Zealand to ascertain precisely the value of this excise. In 1590, although provision had been made for the payment of a stipend to the minister, no minister was appointed, and in the following year the

¹This was held out by the magistrates of Campvere as an inducement to return to Campvere. "Par vos dernieres avec Alexander Seguet nous avons entendu les offres que vous nous faites tant de la jouyssance de nos ancienz privileges et aultres immunitiez comme d'une église particuliere pour y ouir la parolle annoncer en nostre langue moyennant que nous trouvions bon de restablir nostre estaple dans vostre ville" (Letter from Magistrates of Edinburgh to Campvere, 6th June, 1577).

difficult task of selection was entrusted to the magistrates of Edinburgh. This act was ratified in 1594 so that the magistrates, notwithstanding the assistance of the Presbytery, were somewhat slow in discharging the duties entrusted to them. Apparently the matter was laid aside, for in 1600 the Convention, in considering the affairs of the nation at Campvere, found them "gritle prejudgeit be thair awin negligence and owirsicht in wanting ane minister and kirk within the said toun". They considered that the excise of wine and beer was not being put to the best possible use, and that it was merely being "abusit" by the factors. The matter was again entrusted to the magistrates of Edinburgh, who were authorised to send a commissioner to Campvere to arrange for the conversion of a part of the excise on wine and beer into a sum payable as a stipend to the minister. It was also left to Edinburgh, after arranging this first point with the magistrates of Campvere, to choose some one to act as minister at the Staple port.

On this as on the previous occasion the good resolutions of the Convention led to no practical result. The next complaints, which were made in 1607, show that at this time nothing had been done in regard to the appointment of a minister. The initiative on this occasion was taken by the Scottish factors at Campvere, who "heavily lamented" that they had not a minister as the English, French and other nations had. The factors offered to bear half the burden which would be incurred in arranging for the minister's stipend, and the Convention of Burghs instructed the commissioners to come to the next meeting with instructions on this matter.

Whether the Convention would, on this occasion, have taken any effective action in regard to the choice of a minister may be doubted. In any case the whole matter was delayed by the intervention of the king, who was at this time eagerly following out his ecclesiastical policy in regard to Scotland. Notwithstanding the Act of the Privy Council, nineteen ministers of the Scottish Church had in 1605 met at Aberdeen and formally constituted themselves the General Assembly

of the Church. Against six of these, charges of high treason were brought on account of their refusal to acknowledge the authority of the Civil Court in spiritual matters. A verdict of guilty was, as a matter of course, obtained against them, and in October, 1606, they left Scotland in consequence of the sentence of exile passed upon them.

It was in consequence of these exiled ministers that James actively interfered in regard to the proceedings of the Convention in this matter, already so often delayed. In 1608 the Conservator produced a letter from the king in which he represented himself as being "miscontent with the suppleyis gevin be the merchandis of this realm treding in the Law Cuntreyis to the baneist ministeris," and called on the Convention "to restrayne that impertinent and undewtifull supple gevin to the saidis ministeris". The letter went on to require that the Convention should not elect a minister for the Staple port without first obtaining his approbation. As a result of the king's intervention the whole matter was again postponed.

It was not until 1612 that the question was again raised, and on this occasion the negotiations were conducted to a successful issue two years later, in the appointment of the first Scottish minister at Campvere. In July, 1612, it was decided that with the consent of the king, a minister should be appointed to the church at the Staple port. Elaborate regulations were at the same time made in regard to the minister's stipend and the method in which this should be collected. In the beginning of the following year a letter was written to the magistrates of Campvere, asking them to have the church and the minister's house ready before the 1st May. In regard to the choice of a minister a course was taken which might well have made the final decision a matter of some difficulty, for every burgh present in the particular Convention was instructed to "serche try and inqyre for ane honest and qualefeit persone quha may preitche in the said kirk". The first name put forward was that of Andrew Ramsay, who, however, declined the offer and became soon after professor of theology in Edinburgh Uni-

versity, as well as rector.¹ The Convention finally decided to appoint the Rev. Alexander Macduff, who accepted the charge and the various duties assigned to him by way of stipend. The appointment was confirmed by the king and also received the consent of the Archbishop of St. Andrews (1614). The Convention, writing to the magistrates of Campvere, referred to the appointment which they had made "apres avoir eu la suffisante preuve de la litterature et autres bonnes qualitez de Maistre Alexander Macduff," and they entreated them "tres affectueusement de le recevoir avec telle faveur et de l'user avec tel respect et courtoisie comme appartient a une personne de sa qualite". From the appointment of Macduff to the expulsion of the last minister in 1799, the Scottish church played an important part in all matters connected with the Staple port.

Having thus appointed a minister, the Convention in the same year took steps to elect another officer whose duties were of considerable importance in the church. This was the "reader," to whom, however, many tasks were assigned in addition to that from which he derived his official title. To this post Thomas Ewing was appointed, and for his guidance the Convention set out the duties which fell to him to be discharged. The first of these specified the work which a reader naturally had to do, "that he sall reid in the kirk and tak up the psalme and serve the kirk and minister and elderis and deacones in all thinges belonging to the office of ane reidar as they sall injoyne to him". In addition to this there were, however, many other things required of the reader. He was to keep the session book and receive the collections. In his capacity as clerk and treasurer it also fell to him to keep a note of all goods arriving from Scotland, coal as well as Staple wares in order that he might efficiently collect the dues assigned to the minister by way of stipend. The Conservator's due he was also authorised to collect, so that he became an officer of the Staple and not merely of the church. So far the reader's duties, if numerous, were at least definite

¹ For some account of Ramsay see Grant, *The Story of the University of Edinburgh*.

and defined, but vague clauses were added which, if literally interpreted, must have made the office of a reader a somewhat onerous one. In all matters in regard to the better government of the church he was to receive the injunctions of the minister, the elders and the deacons, and he was placed in a corresponding position of subjection to the Conservator-Depute, having to obey such orders as this official considered "expedient for policie". To these manifold duties there was added one, the intention of which is not quite clear. The reader was obliged to receive and keep whatsoever the burghs or the minister or the Conservator-Depute should consider needful, so that apparently the reader was expected to act also as a guardian of public property. For the discharge of these various duties Thomas Ewing was required to find caution to the officers of the Staple and of the church at whose service he was placed.

During the ministry of Macduff, the references to the Staple church are chiefly in regard to the salary to be paid and the means of collecting it.¹ Although the collection of the minister's dues was one of the tasks assigned to the reader, it would appear that Macduff himself had to undertake this

¹There is, however, a reference in the Records of the Privy Council in 1614 to the minister of the Scottish church at Campvere, which is perhaps worthy of mention. Unfortunately its effects on the church at the Staple port are unknown. In the year in which Macduff was appointed, the Council took into consideration the large number of people, adversaries of the true religion who crowded into Campvere, and were thereafter transported to Scotland. When in Scotland these, according to the Privy Council, "ar bussye and imployis thair wittis and ingyne to divert simple and ignorant people from the treuthe and veritie of the evangell". Accordingly all skippers and masters of vessels were forbidden to receive any one on board at Campvere unless furnished with a testimonial from the minister of the Scottish church "bearing that the persone or personis who desyris to be transportit into this kindome doeth hant the Scottis kirk at Campweere and ar knowne to be professouris of the trew religioun presentlie profest and be law establisit within this kindome". The issue of such certificates would probably have been recorded in the session books. Unfortunately these volumes before 1630 have not been preserved. There is, however, nothing to show that such testimonials were issued after that date, and the regulation being somewhat impracticable may very soon have lapsed.

uncongenial task. In the year following his appointment he petitioned the Convention to take into their own hands the collection of his stipend, and asked that a sum of 800 "gudlings" should be paid to him. In the following year the Convention agreed in part to Macduff's request, for they undertook to pay him the sum asked, but as it was to be paid as "in tymes past" the action of the Convention apparently did little more than stipulate that the dues assigned as stipend should amount to this sum. In this year the Convention also paid a gratuity to Macduff, in consideration of a long illness from which he had suffered, "whairby his moyane is exhaustit". As, however, the method of collecting the stipend remained unaltered, Macduff soon after, in 1619, renewed his complaints, representing himself as distracted from his ministry by the necessity imposed upon him of attending to the collection of his salary. To a request for an augmentation of his stipend the burghs replied that the commissioners were not at that time authorised to consider the question, but in regard to the collection of the dues the Convention reminded Thomas Ewing of the manifold bonds whereby he was bound to serve the burghs, and called on him to continue the collection of these duties. From the date of Macduff's first complaint on the matter, it may, however, be doubted whether Ewing had ever discharged this part of the duties assigned to him. A further advance towards satisfying the petition of the minister was made in the following year when the Convention agreed to pay him a fixed salary. His request for an increase of stipend they were unable to grant, inasmuch as owing to the lowness of the funds at their disposal they were not "abill to recompens his guid service," but they undertook not to forget this matter should a more suitable opportunity arise. In 1621 the "intromissions" of Thomas Cunningham, the factor to whom at this time was assigned the task of collecting the dues out of which the minister's stipend was paid, amounted to £163 6s., and of this sum £133 6s. 8d. was paid to the minister, £16 13s. 4d. to the reader, and £12 to the keeper of the kirk.

The first pastorate of the Scottish church at Campvere came to an end in September, 1625, and a few weeks later the burghs appointed George Syidserff, being convinced of his "literature and bygane guid lyiff". No increase was made in the stipend allowed to the minister, and no alteration was made in the arrangements for collecting the duties. In the following year, however, the Convention agreed to pay 100 "gudlings" to the collector of the Conservator's dues to whom the task of collecting the minister's stipend was apparently transferred. The ministry of Syidserff was brief and cannot have been very successful. In little more than a year after his appointment he was compelled through ill-health to retire. It was represented to the Convention "that the aire of that cuntrey does not agrie with his complexioun," and that he could not without hazard to his life remain at the Staple port. After his resignation the Convention made him a special allowance in respect of the "daingerous seiknes of his bodie," which he had suffered in the discharge of his duty.

In the minister who succeeded Syidserff, the Scottish church at Campvere was again unfortunate in the short period of his pastorate. In 1627 the Convention appointed the Rev. John Forrett, incumbent of the parish of Newburn in Fife, to the vacant church at the Staple port. During the short time which elapsed between his appointment and his death, Forrett came into conflict with Patrick Drummond, the Conservator, and was able successfully to vindicate the independence of the church in matters concerning her own government. The exact subject of dispute is not given, but when the "encroachments" of the Conservator were brought before the Convention in July, 1629, Drummond was forbidden to hinder and impede the session in matters ecclesiastical. As civil magistrate it was asserted to be his duty to put in force such acts as were made in regard to the church and church discipline. To the Conservator was, however, allowed the first vote and opinion in all matters of discussion—that is to say, the rights of ruling elder were given him—but the position of moderator, in regard to which the dispute in part at least ap-

pears to have arisen, was reserved to the minister in accordance with the custom of the Scottish church. Forrett cannot long have survived the success which he had gained in freeing the church from the interference of the civil magistrate. At the beginning of 1630 the church was represented as having already been vacant for some time on account of Forrett's death. To the vacancy the Convention appointed the Rev. William Spang, student of divinity, on the usual conditions as regards stipend. The Convention on this occasion were more than usually generous in the allowance they made to Helen Ramsay, Forrett's widow, who had been "left verie indigent with the burdein of manie poore childrein".

The Records of the Scottish church, which are now preserved in the Stadhuis at Veere, begin with the appointment of Spang, and from this date the history of the church can be followed in considerable detail, and it throws much light on the life of the Scottish colony at the Staple port. Spang occupied the position of clergyman at Campvere from 1630 to 1653, eventful years in the history of the church as well as in the history of the nation.¹ In the internal organisation of the church and its relation to the national church of Scotland, important changes took place during the ministry of Spang. The election of Spang was announced to the congregation on 25th May, 1630, and a few days later the first election of elders and deacons took place. This in the session books is invariably called a "lyte," and the church at Campvere differed from the practice followed in the churches in Scotland at present, inasmuch as the "lyting" of office-bearers took place annually, two elders and two deacons being chosen on each occasion. Even in the earlier days of Spang's ministry, the best days of the Scottish Staple were already past, and the decrease in the Scottish population, which had already begun, made it difficult to choose annually so many office-bearers. In May, 1636, it was accordingly decided that in future the annual lyte should be but for one elder and one

¹ Spang was a cousin of Baillie, who addressed many of his most lengthy letters to the Scots minister at Campvere. Some account of Spang's life is given in the introduction to Baillie's *Letters*, vol. i., p. cx.

deacon. The words used by the session contain what is perhaps one of the earliest references to the decay of trade at Campvere. In deciding to modify the existing system of election, the session can hardly be acquitted of the charge of laying exaggerated emphasis on the diminished population, for they represented themselves as having been led to make the innovation, "finding the number of the nation now resident to be but small so that if the number of officers were doublet non at all would be omitted". The membership of the Scottish colony can at this period scarcely have been so attenuated, but by the beginning of the following century references to the diminished population are of constant occurrence, and it is curious to find so extreme a statement so soon after what was probably the most flourishing period of the Staple trade with Campvere. In the following year the position which had been assigned to Drummond, the Conservator, after his dispute with Forrett, was in part affirmed, when "it was ordained that the foresaid Conservator be always one of the elders".

The year 1642 was an important one in the history of the Scottish church at Campvere, for from this date it was recognised as one of the congregations of the National Church, empowered accordingly to send representatives to the General Assembly. In March, 1642, Spang laid before the session a letter which he had received from Archibald Thomson, Clerk of the Assembly. "We conceive," he wrote in the name of the supreme authority in the Church, "that your presence may be behoofful for that correspondence which our Church intendes Godwilling to keep with our brethren abroad." The attention of the session at Campvere was drawn to an Act passed in the previous Assembly held in Edinburgh in August of the preceding year "whereby this our Church was lovingly and kindly invited to join in the national synods," and the church was accordingly requested to send the minister with one elder to the Assembly to be held in St. Andrews in the same year. Overtures thus made to a church, which had the patriotism and the difficulties of a National Church in a foreign town, could not but be welcomed, and it was

accordingly "resolved and acknowledged that this kind offer was courteously to be embraced and acknowledged as ane favour shown to the Church, whereof they sould endeavour at all occasions to shaw themselves worthy".

There was, however, an obvious difficulty in regard to the representation of the church in an Assembly held in Scotland. The journey was a long one, and even if it should prove possible for the minister to be absent so long, it was difficult to get any of the elders to make a similar sacrifice of time. The difficulty arose as soon as it was necessary to take definite steps in regard to the representation of the church in the Assembly, and indeed it occurred later, on almost every occasion on which the session decided to send representatives to Scotland. Both the elders "professed ane great desyre to gratifie the assembly, yet by resson of the importunitie of ther privat affairs . . . desyred to be excused". Spang in particular appeared anxious that he should not be sent to Scotland alone, but in the end the session had to accept the excuses of the elders, being "privy to the equity and urgency of the causes of ther refusal". Spang accordingly had to take on himself the representation of the church in the next Assembly. Various measures were passed in this Assembly in regard to the church at the Staple town, and these were announced to the session on the return of the minister in February, 1643. The first of these was in regard to the representation of the church. The absence of the elder was on this occasion excused, but they were warned that they must not thereby plead a continual exemption: once in three years at least the minister was required to appear with an elder. The second matter dealt with was in regard to difficulties arising in the exercise of discipline: these were to be referred to the Presbytery of Edinburgh with which the church at Campvere was associated. Lastly, with a view to securing the regular attendance of representatives from Campvere, it had been decided that the Assembly should make themselves responsible for the expenses incurred by the minister and the elder in crossing to Scotland. Unfortunately this Act fell into disuse, and later, the session at Campvere were con-

tinually asking the Assembly to pass such a measure in order that the attendance of their representatives might be less burdensome.

The arrangements made in regard to the collection of the minister's duties were again modified during the time of Spang's ministry. The existing method of gathering these duties was to assign the task to one of the factors, but like the systems previously in force, to this also there were objections in practice. In 1642, the Convention made an offer to the session of Campvere to undertake the collection of these dues, and so relieve the factors from the duty hitherto imposed upon them. The session decided to accept the offer thus made, on certain conditions, and for this purpose despatched Richard Weir to the Convention of Royal Burghs. As Weir returned to Campvere without discharging his commission, a writ was drawn up on behalf of the session and the factors undertaking to pay the stipends of the various officers of the church. This set out the objections to the existing method of imposing the collection on the factors, as this proved "very burdenable to them in distracting of them from their service of the nation". The document accordingly declared that the offer of the Convention to relieve the factors was accepted, and the signatories obliged themselves and their successors "to mak dew and thankfull payment to the minister reader and kirk officer of ther above specified stipends, and that quarterlie and tymouslie without any requisitioune for the same". The collection of the minister's dues appears to have presented a problem for which no satisfactory solution could be found, for in the same year (21st Oct., 1643) a general meeting of the nation was held, when a special collector was appointed to uplift the dues, a salary of 50 guelders being allowed to him. The minister's stipend, which in 1632 had been increased to 1,100 guelders, was at this time 1,200 guelders.

In 1643, the discipline of the church, so far as it concerned the session, was made more severe by a measure which subjected each member to the unlimited criticism of the session as a whole. It is probable that this step was taken in

consequence of an unseemly wrangle which in this year agitated the church at Campvere, and in which various accusations had been publicly brought against Spang.¹ It was accordingly decided that a strict examination of the minister and of the office-bearers should take place, and, withdrawing in rotation, an opportunity was given to the session to discuss more freely the private life of each member. As far as Spang was concerned, the session did their utmost to free his name from any stain which might recently have fallen upon it, for they declared that they knew of no "scandal given by the minister, that his pains in the ministry were both profitable and comfortable to all who desired to profite by the gospell, That they had no reason to complaine of negligence in any part of his pastorall calling". As for the elders and deacons "every one was admonished and exhorted to continew in that good way wherein he had walked". Having discovered this method of investigating each other's conduct, it was decided that "this particular censure of the members" should be recognised as part of the church discipline "and might serve in place of a visitation of the presbyteries, which part of discipline this kirk could not enjoy, being so far distant from the kirks in Scotland to which it was joyned". This process of self-examination, it was decided, should take place during the week before the celebration of the Lord's Supper, "The Minister first should withdraw himself out of the sessioun hous that the rest of the brethren in his absence might the more freely declare ther myndes of all the passadges of his conversatioune alsweill in privat and publick, and then every one of the elders and deacons should do the lyk". The tyranny of the Kirk Session during the seventeenth and earlier part of the eighteenth century is the least agreeable feature in the history of the Scottish church during that period, and in the rule of discipline adopted in Campvere, it is unpleasant to think that the church should by its example have done so much to foster and encourage that type of mind which delights in

¹ See below as to the dispute with the Porterfields, p. 293.

indiscriminate criticism of the absent. Two years later, in 1645, the discipline to which the members of the session were subjected was made more rigorous in another direction by the adoption of a rule which imposed a small fine on members who came late to the meeting: on those who absented themselves a double penalty was imposed.

Towards the end of Spang's ministry considerable difficulty was found in regard to filling up the office of precentor. The steps taken by the session in the matter afford an interesting illustration of the method in which the government of the church was carried on. In 1648 Mr. Alexander Cummin, master of arts, applied for the position of precentor then vacant, and having given proof of his ability to sing publicly in the church, he was appointed to the office of precentor. Two years later another application was made to the Kirk Session for the post, on this occasion by William Cuming. The office had become "vacant by the running away of Mr. Alexander Cummin," though under what circumstances the previous precentor had found it necessary to run away is not stated. William Cuming, being admitted to give proof of his powers, gave the session but indifferent satisfaction. Precentors, however, were difficult to find, and the session could not afford definitely to refuse any one who was willing to accept the office, "Because it was found he was not then sufficiently fitted for that charge, the session did not grant his desyre, but yet hoping by exercising himself he could amend, they promised to keep the place vacant until May". It was in October that Cuming was thus turned back to Dordrecht to exercise himself in singing. He returned punctually to Campvere on the 30th April, 1641, and was admitted to give a new trial. Some improvement was evidently recognisable, for he was now admitted to the office having given "tolerable contentement". The terms of his appointment were, however, not such as could inspire him with confidence, for he was expressly informed that "the tryal he gave did not fully satisfie the session, and he promised to use al diligence for to come to a greater ability both in reading and singing. Therefore the session did bestow this place

upon him allanerly for one yeir expressly telling him that if he should not better his reading and singing, that at the yeeres end, it sould be free for them to dismiss him." Cuming, however, not merely retained the office of precentor but added to it that of Kirk Officer, for which an extra sum of 50 guelders was allowed.¹

The attitude of the church to the people at this period is also well illustrated in the records of the session. Of one aspect of this matter little need be said here. The extreme position taken up by the Kirk Session in regard to discipline was unfortunately limited to no period in the history of the church at Campvere, and was indeed the recognised attitude of all Kirk Sessions of the Church of Scotland. At each meeting "search for scandal" was made, and the minister and elders showed an untiring zeal in seeking out and laying bare in the face of the congregation every detail of unfortunate lives, over which a covering of charity might well have been drawn. Of the "scandals" into which inquiry was made, by far the larger part consisted of breaches of chastity, but intemperance and wrangling in the streets were also not infrequently before the session. The attitude of the sessions of the Scottish Church on these matters was a wholly mistaken and unfortunate one, and it is scarcely possible to condemn too strongly the inquisitorial methods in which the session tyrannised over those unfortunate enough to find themselves before these self-constituted judges. The universal practice of exacting a public expression of repentance in the presence of the congregation must have exercised on all concerned an altogether unhealthy influence. The action of the Scottish Church on these matters had no influence in promoting habits of chastity, and the prevalence in Scotland of the crime of child murder about the beginning of the

¹ William Cuming was in 1667 deposed from the office of precentor, but not for his indifferent singing. He had gone to Scotland for a month, "albeit without any formal permission of any in authoritie". He married in Scotland, and, says the session book, "hath continued in wilful neglect non resident now two compleat years".

eighteenth century was the natural result of a system which made a public spectacle of immorality.¹

Yet the picture is not without redeeming features. Harsh as the session undoubtedly was, it was not unforgiving, and in Campvere it not unfrequently occurred that those who had been required publicly to express their sense of penitence were afterwards, in their poverty, relieved by grants of coal or more often by weekly allowances paid out of the church funds. The session was indeed a great and ready giver, and for their eminence in this part of charity they deserve honourable mention. To the old and the poor of the congregation they were invariably ready to extend such assistance as they could afford, and these payments throughout the history of the church are noteworthy as well for their liberality as for their frequency.

The charity of the Scottish church at this period deserves, however, more than passing mention. It was not confined to the indigent of their own congregation, but was extended freely without consideration of nationality. Throughout the history of the church at Campvere, the funds in possession of the church are referred to as the Poor's Money. In each of the factors' houses and in the conciergery house, boxes called "Poor's Boxes" were placed for receiving "God's pennies," and the God's pennies thus collected were gathered in annually.² The church endeavoured to make as good a use as possible of the money which was not immediately required, and this sum was annually lent in various amounts to the factors who at first had to pay 7 per cent.

¹ In regard to the tyranny of the Kirk Session in Scotland throughout the seventeenth century see Lecky, ii., p. 327 *et seq.* (Cabinet Edition), and Buckle, vol. iii.

² This custom may have been borrowed from the Dutch. See Pepys' *Diary*, 23rd September, 1662. "Sir G. Carteret told me how in most cabarets in France they have writ upon the walls in fair letters to be read, 'Dieu te regarde,' as a good lesson to be in every man's mind, and have also in Holland their poor's box; in both which places at the making all contracts and bargains they give so much, which they call God's penny." The custom was, however, also known in Scotland (*A. R.*, ii., 215).

for the money thus advanced. This, however, was found excessive, and in 1635 the factors had protested representing the rate of interest as "burdenable" to them, and it was agreed to reduce it to $6\frac{1}{2}$ per cent. In general when any object was recommended to the congregation a special collection was made, but it was frequently supplemented by, and at times entirely replaced by, a contribution out of the poor's money consisting of the funds at the disposal of the church augmented annually by the "God's pennies".

In nothing does the Scottish church at Campvere appear in a more agreeable light than in these special collections made from time to time. The Scottish colony at the Staple town appears to have followed with attention the contemporary history of Europe, and their liberality shows the keenness of the interest taken in events occurring around them. Not least noteworthy also in a congregation full of the spirit of the Scottish church of the seventeenth century is the fact that in each case the charity was given for the relief of some definite physical evil—to allay the ravages of famine, to lessen the sufferings of banishment, or to release the captive from imprisonment. Much has been written of the intolerance of the Scottish Church in the seventeenth century. In considering its influence for good and evil, allowance must also be made for the fact illustrated in the history of the church of Campvere that in the not inconsiderable part of charity which consists in giving, the church gave liberally and was guided only by a desire to relieve the sufferings of humanity.

The more important of these occasions may be mentioned here. In May, 1634, the position of the banished Protestants of Bohemia, Moravia, and Silesia, was put before the church. The minister entreated them to show a Christian fellow-feeling with their afflictions, "of the quhilk," says the session book, "they wer not unmyndfull but contributed liberally to the ssume of fiftie pundis flemish or therabouts". To the sum thus collected there was added another twenty-five pounds Flemish out of the poor's box. Towards the end of the same year the liberality and carefulness of the session were

curiously combined in regard to an application which had been made to them to contribute to the relief of four natives of Kirkcaldy who had been taken captive by the Turks. It was decided not to bring the matter before the congregation, but to contribute out of the poor's box since "the members of the congregatioune residing heir wer overburdenet with uthir contributions daylie". The amount voted was, however, advanced cautiously, not without hope that it might again return to the coffers of the church. An elder Cunningham and a deacon Weir, who were going to Scotland, were entrusted with the money, and they were instructed "that coming to Scotland they should inquire whether or not the appointed sum for the captives' redemption was already gathered, and if they found ane sufficient sune collected, that then they needet not mentionate anything concerning their commission : but if the full sune was not collected they should give in name and behalf of the session and church at least fyv and twentie lib. flemish".

In September, 1636, an appeal was made to the congregation on behalf of the Duchy of Bipont "brought to extremitie of famine by the barbarous crueltie of the Imperiall souldierie". The session "did uniformlie conclude that it was most needfull and Christiane to affoord som releif unto them," and it was accordingly decided to announce the collection on the following Sunday after the morning service, "whereby every one sould be desired to bring with them in the afternoone so much as God would be pleased to move their hearts to give". By drawing on the contents of the poor's box a letter of exchange for 400 guilders was sent, a very large sum considering all the circumstances of the case.

Two months later it is evident that the session realised that they were drawing somewhat freely on the funds of the church. In November a request was made for the granting of some relief to a Scotsman "who through the wars in Upper Germanie was brought to extreem poverty". In order not to burden the members of the congregation, it was decided to give some assistance out of the poor's money.

The session, however, were careful to make it clear that the course taken in this case was exceptional. "It was resolved that this should not serve as a precedent in tyme following considering the grit number of the ordinaer poor who do daylie resort hither wald by such means be left destitute of necessaire relief."

In January, 1644, a collection was appointed to be made in the Dutch Churches on behalf of "the distressed Protestants of Ireland now in grit famine". That the Irish had claims on their fellow-subjects in Scotland was emphasised by Spang in announcing the action taken by the Protestant Churches around, "and if it were not fit that the lyk collectione sould be mad in this kirk for the same end alledging the near Interest we had with the distressed ther above those of the dutch natioun". On this occasion the collection was made by an elder and a deacon who were instructed to call at the Scottish houses between morning and afternoon service. In this way 97 pounds Flemish were collected, and by taking a contribution out of the church funds, a sum of 150 pounds Flemish was set aside for the relief of the Irish Protestants.

In the following year the minister of the church was appealed to by the Professor of Divinity in Utrecht on behalf of "a young student in divinity one of our awine natione . . . to whom he gav a good testimony of his Christian cariage and good beginnings in learning at that time through poverty constrained to serv as a souldier under Colonel Kirkpatrick's Company lying in garrison at Utrecht". The session decided to send to the student, Mathew Wallace or Waller, a sum of ten pounds Flemish, and for six months gave him weekly a small allowance.

The last special collection, to which reference need be made under the ministry of Spang, is noteworthy, because another appeal made at the same time was the only one at this period of its history to which the session was unable to respond. In May, 1650, a letter was received from the minister of the Scottish church at Rotterdam, the Rev. Alexander Petrie, asking for assistance to aid in the ransom

of one of the members of his congregation recently taken prisoner. A collection was ordered to be taken, but meanwhile the deacons were to advance a sum of 100 guelders. At the same meeting of the session a similar appeal was received from the Dutch. It was decided that for this purpose no collection could be made "by reason of the former grant for the relief of the captivated Scotsman who could not be helped any uther waye, and that the collection mad in the Dutch kirks wald safely amount to a considerable summe which might serve the turne". To these reasons was added another which shows that the Scottish colony were at this time, in one respect, in danger of losing their national identity. It was stated that the wives of many of the "nation" were members of the Dutch Church, and that thus the Scottish colony would indirectly contribute to the ransom of the Dutch prisoners.

In the church records at this time there are frequent references to the unsettled condition of affairs in Scotland, and the sympathies of the session throughout the struggle which led to the establishment of the Commonwealth are not disguised. The first mention of the political troubles at home occurs towards the end of 1638, when the dispute between Charles and the Scottish nation was rapidly passing beyond the stage at which a peaceful solution was still possible. The previous year had seen the attempt to force the Service Book on the Scottish Church. In the beginning of 1638, the National League and Covenant had revealed the unanimous feeling which then existed in Scotland on the religious question. It was on the 18th September of that year that the session first took into consideration whether a day of fasting should be held in connection with events in Scotland. It was decided, however, that this was a matter for the civil magistrate although "with one joint voyce all did acknowledge that we had most necessary cause of fasting and praying". The Conservator, on being appealed to, declared that this was beyond his powers, and the matter was put aside until a reply was received from the Convention of Burghs. In the end, the day of fasting was held on the 17th

November, a few days before the meeting of the Assembly at Glasgow which undid so much of the ecclesiastical labour of Charles I. and James VI.

From 1642 to 1645 the church at Campvere appears to have been keenly alive to the evil times in which their lot was cast. It was in 1642 that the conflict between Charles and the English Parliament broke out. On 23rd April Hull had refused to admit the king: on 22nd August the royal standard had been unfurled at Nottingham. In the month following these first beginnings of hostilities a public fast was proclaimed, and observed on the 17th September. The reasons which induced the session to set aside a day for fasting and prayer were set out at length, and combine general references to the backsliding of the times, with more particular statements in regard to the political condition of England. The struggle against Charles was at this time being carried on in England, and it is noteworthy that in the reasons given by the session there is no reference to the state of Scotland. The fast was proclaimed for the crying sins of the time, and the want of zeal in the service of God, and to recommend to the Lord the distressed state of all Reformed Kirks, on whom God's heavy hand had lain so long. More particularly, the members of the congregation were to recommend the business of the Reformation of the churches in England, and to pray the Lord for the averting of His judgment from that country, and for mercy to Ireland. It is characteristic of the Scottish church that on the day set apart for prayer in regard to these matters of national importance, the congregation should also have been instructed to intercede for seasonable weather for the harvest.

The following year was an important one in the history of Scotland. The campaign of 1642 in England ended, on the whole, against the Parliamentary forces, and in the winter both sides appealed to Scotland for assistance. Unanimous as the feeling in Scotland had been at an earlier stage of the struggle, on the question now raised there was considerable diversity of opinion, as loyalty to the king, and suspicion of the character of Charles were both powerful sentiments

which, however, would not admit of reconciliation. The decisive step was taken in June when the Convention definitely associated itself with the English Parliament, and two months later this action was approved by the Assembly, and the "Solemn League and Covenant" was drawn up as the basis of the alliance with the English forces fighting against the king. These events were soon known in Campvere; the session had recently been admitted to send representatives to the General Assembly as a congregation of the Scottish Church, and as such, the action of the Assembly was not without interest for them. In October, 1643, it was decided that an exact copy of the Covenant should be obtained from Scotland and presented to the church for signature. Not till next April was the copy received, and it was then decided that the matter should be deferred until after the approaching communion. On the 29th May, 1644, the Covenant was at length signed in the body of the church.

By this time the war was being actively carried on in both countries. In the beginning of the year Leslie crossed into England, and took part in the campaign, which in July by the battle of Marston Moor gave to the Parliament the control of the North of England. It was while this contest was still undecided that the session in May ordained that a day of fast and humiliation should be held for the great troubles of the kingdoms of Scotland and England, "so that all should fervently recommend to the Lord the miserable stait of his people in these kingdoms with the bleeding conditione of the poor protestants in Ireland".

During the following year the condition of Scotland was an unfortunate one. Montrose with his wild band of Irish Celts had begun his victorious career in September, 1644, and the Lowlands were terrorised by the conquering advance of his troops, regarded as little better than savages. Throughout this period the congregation at Campvere were ever mindful of the miserable condition of their native country. In January, 1645, a fast was proclaimed in regard to the state of affairs in Scotland "for which we had reason to be humbled in tyme, as also for that lookwarm and meer formal

performance of all holy duties". In June another fast was held "in these tymes of the publick danger of our native country". Montrose's most decisive victory was gained at Kilsyth on 15th August, and although it is improbable that the news of this defeat had then reached Campvere, the session decided within a month that a fast should be held for "the great miseries under which our native country of Scotlande did groane," reference also being made to the pestilence then raging in Edinburgh. On this occasion the consent of the Conservator was obtained and intimation made, so that "all might fit and prepaire themselves for the work and so might be in a position to intercede with the Lord effectually for our country".

So far no direct reference to Montrose is made in the church records, but there is little doubt that his victorious advance was the chief affliction of Scotland for which these days of fasting were held. On the news of the final defeat of Montrose at Philiphaugh (13th Sept.), a brief entry chronicles the relief with which the church at Campvere received the news (18th Nov.). It was decided that a day should be set apart for "solemn thanksgiving to the Lord for his mercifull gracious assistance given to the armies of our land ingadgit in the cause of relligioune and liberty".

It is remarkable that there is no reference in the church records to the final tragedy which closed the struggle between Charles and his subjects. Not till 1651 are political events again mentioned. At the battle of Dunbar in 1650, Cromwell had conquered Scotland, but Scotland had not accepted the Commonwealth, and in Campvere, as in Scotland, Charles II. was regarded as king. On the 1st of January, 1651, Charles had been crowned at Scone, and six days later a fast was proclaimed at Campvere in which special prayers were made for their unfortunate monarch. The first reasons given for the fast are general in their nature, for the "senselessness and hardness of our hearts under the hand of God," and for "the fearful divisions in our land wherby all good and wholsom counsels for redress of evill ar blasted". But the last two reasons given show the mind of Scotland in

regard to Charles, in the endeavour to be loyal to a king, whom they yet regarded as unworthy to rule. "That the Lord would be reconciled to that land of our nativity," was the prayer of the congregation for a distracted country, and in regard to Charles "that He wald in special be reconciled with our king forgiving his personal sins and the sins of his hous, and wald mak him a gracious king over his people, blessing him with the blessings of heaven and earth".¹

In the end of July, when Charles decided on the somewhat hazardous plan of marching into England, he was followed by the good wishes of his subjects in Campvere. On the 2nd September, it was decided that a day of humiliation and prayer should be held for the great distresses of Scotland on account of the prevailing of the English soldiery, "also for ane blessing upon the King's majesty and his armies in ther present expedition to England". Next day, on the anniversary of Dunbar, Cromwell at the battle of Worcester gained his "crowning mercy".

These references to the political struggles in Scotland and England have been given at some length, because they show how intimate was the connection between the Scottish colony at the Staple port and the mother-country. Throughout the sentiment of the Kirk Session reflects faithfully what was the general Scottish feeling on these matters, at first in their opposition to the king, later in their loyalty to Charles II. Although, as has been pointed out, intermarriage with the Dutch must have been of frequent occurrence, it is clear that exile from their country had in no way affected their interests in the concerns of their country, or modified the views which were common to the large mass of Scotsmen at this time.

There is one other event in the history of the church at

¹ Cf. a passage in the sermon preached by the Rev. Robert Douglas at the Coronation of Charles II. at Scone on 1st January, 1651. "The sins of former kings have made this a tottering crown. I shall not insist here, seeing there hath been a solemn day of humiliation through the land, on Thursday last, for the sin of the Royal Family. I wish the Lord may bless it: and desire the King be truly humbled for his own sins, and the sins of his Father's house, which have been great."

this time which deserves mention here, because though insignificant in itself, it engrossed for a time the attention of the session, and being referred to the General Assembly, led to the passing of an Act against the practice of burying in churches. It is indeed in large measure but a vulgar tale of petty wrangling and spite, yet it served as the starting-point for lengthy assertions of the first principles of Church government, which reveal the mind of the time on Church decorations and kindred matters. In July, 1648, Elizabeth Cant, mistress of the Conciery House died, and it was at once rumoured that her relatives in accordance with a practice common enough in Dutch churches, intended to place in the church the arms both of the deceased and of her husband. Hearing of the intention to erect this memorial stone on the wall of the church "in the very middle of it," Spang consulted with Thomas Cunningham, at this time one of the elders, as to what action should be taken. It was necessary to act with caution in the matter, since Sir Patrick Drummond, the unpopular Conservator, was a son-in-law of the deceased, and was to a large extent responsible for the proposed erection of the stone. Spang, with the approval of the leading elder, next approached a certain Sir Philip Balfour, who had come to Campvere to attend the burial, and through him endeavoured to persuade Drummond "not to erect any such thing in the Church, it being a meer novatioune in the Scottish Kirk hier, having never had any president example although sunderie people of very good quality had been buried in it heretofor". The reply of the Conservator was what in the circumstances might have been expected. He replied that Spang was merely actuated by malice, and that for his part he would not suffer himself to be persuaded to desist from his intention. Having thus protested and made clear that it "was a novatioune no wayes pleasing to the Church," Spang decided to take no further action in the matter at that time. No public opposition was to be made since "Sir Patrick Drummond wald tak that for ane publik affrontinge". Elizabeth Cant was buried and the stone was erected to her memory.

The dispute had advanced to this stage when on the 18th July the minister fully informed the session of what had happened, and asked them to decide what course of action should be taken in the future. The action already taken by Spang was heartily approved by the session, who found that it "was so far from savouring of malice as Sir Patrick Drummond alledged that upon the contrair it was a clear and evident token of lovely respect in him by giving him fair warning".

Having thus defended the minister from the charge made by Drummond, referring to events before the death of Elizabeth Cant, the session proceeded to set out at length their views on the matter brought before them. It was un-animously agreed that the erecting, affixing and putting up the arms of men or women in the church after burial to remain there was against order and scandalous. The church at Campvere was in all matters to be governed according to the practice of the Church of Scotland, in which there was neither law nor custom authorising private members to erect such memorials in the most conspicuous part of the church, and the "disorder" was in this case emphasised by the fact that no attempt had been made to obtain the consent of the session. It was probably realised that as the union with the Church of Scotland had only recently been accomplished, an appeal might be made to the practice of the Dutch Churches, and the session was careful to meet any argument which might be advanced on these lines. It was thus answered in the first place that the church was obliged to "follow the patterne of the Kirk of Scotland," and the absurdity to which Dutch example would logically lead was insisted upon, "else it might alsweill be inferred that quhenver magistrat among us pleased, he had power to erect organs in the Church for raysing of the psalms," as had recently been done in various towns throughout the provinces. Secondly, it was pointed out that Dutch practice could not be claimed as a precedent in the present case, inasmuch as no one "of the quality of ordinary citizens had ever attempted that among the Dutch". Chiefly, however, was emphasis laid on the judgment of the

godly learned amongst the ministers of Holland, who were quoted at length against the practice. It was not seemly, as one of these had declared, that the house of God appointed for public prayer and other divine ordinances should have its walls covered with badges of pride. "Hierby ane scandal is given to Papists," the session further quoted, "who can not but lyk the worse the casting doune of Imadges and uther monuments of idolatry out of ther churches". There was also produced a remarkable and clear passage taken out of a little treatise by a Professor of Divinity at Leyden, where at page 169 he learnedly and judicially condemned the custom of burying in churches, saying that such monuments had their spring from vanity and ambition. The instruments of idolatry, wrote the Professor of Leyden in his clear passage, are cast out of the temples, images which were turned into idols are taken away or defaced that in their room might be substituted the badges of our vanity; thus by erecting memorial stones on the walls of the churches on which the ten commandments were also inscribed, the school of humility and of our submission was turned into a monument of pride. If then, argued the session, the faithful and religious pastors of the Dutch Church and their own professors of divinity disapproved of these practices, although long custom might in their case be pleaded, it could not but be scandalous in a Scottish church to permit the erection of these memorials.

To the argument that the children of the deceased were moved merely by respect for their parents, and intended to offer no offence, the session replied briefly that "it is certaine that offences doe com by it". As to how true filial respect was to be shown, it was added that "though it be the duty of children to honour the remembrance of their parents, yet that is not to be esteemed honour which is done with a public injurie to the whole congregatioune, and that the desyre of children to honour the remembrance of their defunct parents is to be boundet with the limits of such things as may indeed tend to their honour and may not savour of ambitioune at least may give to uthers ane occasiounne to think so".

The session also found that in this case the erection of the memorial stone had been united to a contempt of the minister's friendly admonition, and that the children of the deceased could not pretend ignorance of the disapproval of the church was manifest "by ther speedy returning to the kirk after the dismissing of the buriall to maintain with force the erecting of the arms". It was accordingly decided that the two sons of Elizabeth Cant, John and Walter Porterfield, should be called before the session and censured, and should they fail to remove "that brod of arms" before the next Sunday, the elders and deacons should themselves do so.

On the appearance of the Porterfields the controversy passed from the generalities of Church government, and the personal element which had hitherto been concealed by the session was now emphasised. The claim put forward that whatever had been done in a Scottish church might be lawfully done at Campvere, and that in fact such coats of arms had been erected in Scotland was at once put aside by the session. These had only been erected in memory of persons with special claims on a church, or of those who had greatly benefited the congregation to which they belonged, which, added the session, could not be said in the case of Elizabeth Cant. It was the younger son Walter, however, who brought the discussion down to the merely personal. The session he accused of acting out of malice: throughout they had persecuted his mother maliciously, and the minister had even persecuted her unto death. It was a bold challenge, it was answered, for him to judge the session of malice, and more so to condemn the minister "who by his redde attendance upon the defunct during her heavy sickness did at all occasions frequently testifie his affectione to her, albeit he got but slender thanks for it".

Thus accused Spang gave an account of his conduct at the death-bed of Elizabeth Cant. During her life the late mistress of the Conciery House had earned the enmity of various members of the Scottish colony at Campvere, and the minister in visiting her during her last illness had impressed on her that she would do well to be reconciled to her

enemies, and offered to bring them to her death-bed if she would but bid him do so. In reply to Spang's exhortation Elizabeth Cant "confessed that she heartily forgave them and all the world, but wald not condiscend to desyre the minister to requyre them to come," and Spang, fearing the consequences which might follow should he appeal to her again, had not pressed the matter further. Thus Elizabeth Cant had died forgiving all the world, persecuted to death, according to her son, by the minister's ill-timed importunity. The session, however, merely found in Spang's account additional proof of the tender care he had of her comfort, and, censuring the Porterfields, ordered them to remove the stone.

Even in the meeting of the session in which they had been censured, the Porterfields had refused to take away the memorial, and had threatened to prevent any one who should do so. Three days later one of the deacons reported that he had been to see Sir Patrick Drummond in regard to the removal of "these scandalous arms," and that he had also seen John Porterfield, who had threatened bodily mischief to any one who should carry out the injunctions of the session in the matter. The decision of the session, that the elders and deacons should themselves take such steps as were necessary to remove the stones thus remained a dead letter, since "by these bloody threatenings they were violently hindered to execute the session's decree". No attempt was made to meet with superior force the threats of the Porterfields. As Dutch practice was alleged, the minister and Cunningham, the ruling elder, were deputed to ascertain the views not only of the neighbouring Dutch ministers, but also the opinions held on the subject in the English Churches of Middelburg and Flushing. Little time was lost in these inquiries, and three days later, on the 24th July, a report was submitted which was entirely in favour of the attitude of the session. It was announced that the other churches on the island pressed on all possible occasions for a removal of such memorial stones, "yea so far wer they from dissuading the sessione of the Scottish Kirk to tak them doune, that they approved their zeal in opposing their hanging up".

Fortified by the opinion thus obtained the session decided to refer the whole matter to the General Assembly, at the same time setting out in a letter what "they suffer by Sir Patrick Drummond pretending himself to be Conservator". The decision of the Assembly, which was received in the following October, supported the position taken up by the session. They found that "the Sessione of the said Scottish Kirk in Campvere has herein proceedit according to the Acts and Constitutions of this Kirk, and therfor ordains them to prosecute the said matter untill the removall of the scandalous monuments above named". Instructions were also given to the effect that a former Act, and one passed by this Assembly in regard to church burial and hanging up of arms and monuments should be carefully observed in future. A copy of the new Act on church burial was enclosed, and was entered in the minutes. The real difficulty which the session had had to meet was not, however, removed, and was indeed not one in which the Assembly could give any assistance should the Porterfields still be uttering their bloody threatenings. A comprehensive recommendation was made to the Lords of the Privy Council, the Commissioners of the Burghs and the magistrates of Campvere, "to be pleased to provyde in ther wisdomes som way for the securitie of the minister and other members of the said sessione". Fortunately it was unnecessary to exercise the wisdom of these bodies on the question, as the "broad of arms" had already been removed and nothing further was done in the matter.

The ministry of Spang, of which the chief events have been noted, was brought to an end by the call which in October, 1652, he received from the English church at Middelburg. A meeting of the session, with the Dutch minister as moderator, was held to consider the call, and it was with great reluctance that they accepted the resignation of their pastor "of whose comfortable and powerful ministry they have had so long and full experience". Spang had equal hesitation in leaving Campvere "when he remembered the lovely and comfortable entertaynement he had found of his ministry here". In the end leave was granted to Spang to

accept the call, on condition that he remained "som competent tyme" in Campvere, and the reluctance of the session to part with their old minister was made evident in a meeting held soon after when it was decided that there should be no haste in the matter. Spang did not finally take leave of the congregation until 4th May, 1653. No attempt was made to fill the vacancy thus caused in the church of Campvere; the Rev. Robert Browne was, however, appointed to officiate temporarily.

CHAPTER VI.

THE CHURCH AT CAMPVERE FROM 1653 TO 1738.

IN the years immediately following the resignation of Spang, the information in regard to the Scottish church at Campvere is somewhat meagre. Browne was in the first place appointed for a period of six months, but this was extended, and as late as July, 1654, he is referred to in the Records of the Convention as exercising the place of minister at Campvere. He was, however, never recognised as the minister of the Scottish church, and it is probable that he left the Staple port soon after the date last mentioned, since there is a blank in the records of the church extending from August, 1654, to April, 1657. In 1657 George Robertson is referred to as their "present preacher," but he was not definitely appointed as minister of the church, and it was decided that steps should be taken to "settle" him in the vacant pastorate. The matter came before the Convention of Burghs in December of the same year, when, after deciding that Robertson was sufficiently qualified, commissioners were appointed to deal with the Presbytery of Edinburgh, with a view to his ordination as minister of the Scottish church at Campvere. Robertson remained at the Staple port only for a very short time, for in 1660 the session, taking into consideration the state of the church, decided to call a pastor as they had been "destitute of a settled minister for a long tyme". The Presbytery, to whom an appeal was made, recommended the Rev. Thomas Mowbray, preacher to Lord Cranston's regiment in Prussia. Mowbray was not unknown to the congregation at Campvere as he had "exercised himself" there since September, 1659. The session testified that "they find singular contentment, being fully satisfied with his gifts and

godly conversation". A call was accordingly given, and Mowbray was admitted to the charge on 26th September, 1660.

The Convention of Burghs had hitherto made certain claims in regard to the appointment of the minister to the church at Campvere, and their claims were to a certain extent acknowledged by the action taken on this occasion. In the following year, apparently at the special request of Mowbray, the Commissioners of the Burghs "ratified and approved of his call and admission," the object being to obtain from the Convention the grant of the various dues from which the minister's stipend was drawn: The allowances made to his predecessor were confirmed, and the extensive list shows how complicated the arrangements had become notwithstanding the various attempts which had been made to put the minister's stipend on a more satisfactory basis.¹

Mowbray, like his predecessor, remained but a short time at Campvere. The unsatisfactory method of raising the minister's salary remained a subject of grievance, and in 1663 Mowbray petitioned the Convention that he might be relieved from the necessity of paying a salary to the precentor, and also that a more satisfactory method of collecting his dues might be found. Such petitions had in the past been not infrequent, but the Convention in this case took a very unusual course. Instead of sending a smooth reply, as had

¹ "Imprimis, the sowme of tuelve stivers, thrie doytis, Fleymes money, to be payit be the marchant of ilk sect of goodis pertaining to him or be his factor in his name, and four stivers and ane doit Fleymes money, be the skipper and owneris of the schipp of ilk seck arryving at the said staple; item, of ilk marchand that sall happin to arryve thair not haueing ane sect of goodis, threttie stivers ilk voyage; item, of ilk hundreth coallis arryveing thair, nyn stiveris; item, of ilk schipp loadnit with corne, nyne gudlingis, quhair of sex to be payit be the merchant and three be the skipper; item, of ilk schip arryving within the Yll although frauchtit be any stranger and cuming from forayne pairtis, ten schillingis great; item, of ilk seck of goodis that any factor sall happen to resaw, aucht stivers twa doitis Fleymes money; item, of ilk seck of goodis aryveing at the said port quhairvnto thair is no factor employed, aucht stiveris twa doitis to be payit be the marchant by and attover his other dewis" (C. R., iii., 544).

usually been done, the commissioners "thocht fit to recommend the said Mr. Thomas to the lord archbishops of St. Andrews his grace, to be disposed of as he shall think fitting". The result of this was seen in the following year when Mr. Thomas was removed. In July, 1664, "Thomas Mowbray," it is stated in the session books, "being called by those who are in authority in the Church of Scotland, especially by the Archbishop of St. Andrews for to demit this charge preached his farewell sermon".

Mowbray was immediately succeeded by the Rev. Andrew Snype, who was recommended by the civil and ecclesiastical powers of Scotland. Snype remained at Campvere until his death twenty-two years later, in 1686. One important change took place in regard to the position of the Scottish church in this time. In 1670 the Staple port was removed to Dort, but a considerable section of the Scottish population remained behind. Representations were made by the session to the authorities in Campvere, and "out of singular affection towards our nation and us," the privileges granted to the church were continued. Snype also, although he professed his readiness to go to Dort, was prevailed upon to remain at Campvere. The church could not now, however, claim to be the church of the Staple port, and in the altered conditions an important change took place in the constitution of the church. Although apparently no breach was made in its relation to the Church of Scotland, the church was at this time incorporated with the Dutch Churches in Walcheren. The session consented that the minister should be confirmed *de novo* by any minister who should be authorised by the Dutch Church to do so, and this was done by one of the ministers of Campvere.

On the death of Snype in 1686, the difficulty in regard to the right to elect a minister was definitely raised. It has been seen that the Convention had always put forward certain claims on this point, and that these had been strengthened by the application of Mowbray in 1661, and that his removal three years later had been almost entirely due to the influence of the burghs. The appointment of Snype had been

on the recommendation of the Conservator, in accordance with the design of the civil and ecclesiastical powers of Scotland. Immediately after the death of Snype, a protest on behalf of the Convention was read "against anything that shall be done contrary to the right and privilege of the Royall Burrows who in times past have (as we are informed) been in use to nominate and recommend to the said congregation a minister". The reply of the session to the claims thus put forward, was an assertion of spiritual independence, "that it is ane indisputable privilege of the members of the Church to elect their own minister". The Convention, however, do not appear to have pressed their claim on this occasion, and indeed the protest, though nominally made on behalf of the Convention, was in reality the result of a dispute between the session and the Conservator, Sir James Kennedy, who, according to Yair, being of the same religion as the king, wished to introduce a Roman Catholic minister to the Scottish church. The congregation proceeded to vote on the election of a successor to Snype, the result being in favour of the Rev. Charles Gordon, who was ordained on the 24th March, 1686.

Gordon indeed cannot have been a man after Kennedy's heart. Already he had gained some notoriety "because when at Edinburgh, he had looked at the Archbishop of Glasgow, coming out of the Council house in his bishop's robes, without taking off his hat".¹ He remained for almost five years at Campvere, during which time the church was in a somewhat depressed condition. Throughout there are repeated references to the decayed state of the congregation as seen in the poverty of the poor's boxes, and more especially immediately after the appointment of Gordon, to the want of government in the church through the failure to elect elders. Gordon was throughout unfortunate. Within two months of his ordination, on the 25th May, 1686, "through a sad and surprising providence, the Great Church was set on fire by which our Church was likewise kindled and burned down". The congregation thereafter met in the Poor's House

¹ Yair, p. 280.

which was considered more suitable for the purpose of worship than the Scottish House, (the conciergery) which was also available. Considerable difficulty was experienced in regard to the rebuilding of the church, as the session, in response to appeals from the Dutch, refused to contribute, unless some assurance was given that the Scottish church would be erected at the same time. In April of the following year further representations were made, but the session found that they had no authority to spend the poor's money in contributing to the Dutch church, "it was more reasonable to contribute out of our own pockets, which some declared they were most willing to do, when they should have assurance given them that our Church should be rebuilt also". In the following month the Dutch deputies reappeared, and explained the reason of their importunity. It was not so much the value of the money, they stated, as the bad example given to other churches in Zealand, which caused them to be so anxious to receive a contribution from the Scottish church. Thus appealed to the session gave way, explaining, however, that it was not out of "obstinacy, ill will, or bad design" that they had hitherto refused, and their consent was now given only because the Dutch represented that their refusal "might be so considerably to their prejudice as having the appearance of bad example to other churches".

The decayed state of the Scottish church at this time may in part have been due to the fact that in two successive years, 1689 and 1690, Gordon was absent from the Staple port for about seven months. In May, 1689, Gordon sailed to Scotland in order to be married, but on the day following his departure from Campvere, "it was his lot of unhappiness" to be captured by a French ship and carried as a prisoner to Dunkirk. He only returned on the last day of the year, after seven months' imprisonment in France. As in the previous year Gordon again sailed for Scotland in May, with the same object as before. He was again absent until December, and two months later, in February, 1691, he resigned his charge and accepted a call to Dumfries. Such long absences as these cannot have been without considerable

influence in undermining the prosperity of the Scottish church, already weakened by the decay of trade and the "breaches of the Staple" which became so numerous towards the end of the seventeenth century. It should perhaps be said that, according to Yair, Gordon was the first minister of Campvere who was a member of the Presbytery of Edinburgh, although, as has been seen, some connection with this Presbytery was established by the Assembly in 1642.

No steps were taken for some time to elect a successor to Gordon. The Conservator, it is true, in July of the same year represented to the Convention that as there was no minister then at Campvere, it was in the interest of the burghs to proceed to the election as soon as possible, lest the stipend allowed by the magistrates of the town, amounting to 900 guelders, should be forfeited. He announced that he had already taken steps to secure the consent of the congregation to the appointment of the Rev. Robert Fleming, junr.,¹ elected in 1692 to be minister of the English church at Leyden, and from 1695 minister of the Scottish church at Rotterdam. The approval of the Convention was in fact given, the Conservator being told to bring the matter before the Presbytery of Edinburgh. Nothing was, however, done for over two years, and it was only in September, 1693, that a call was addressed to the Rev. Thomas Hoog, minister at Delft. The appointment of Hoog had already met with the approval of the Convention some time before this, and a call was now signed by all the congregation with the exception of Arnold Rycks, who asked to be excused "by reason of a vow which he said he had taken, not to be concerned in the call of any minister to that Church". In February, 1694, Hoog began his duties at Campvere. The new minister was the son of the Rev. Thomas Hoog of Larbert and Dunipace, and, after graduating at Edinburgh, he was at first designed for the profession of law and for a time practised in the Court of Session. Later he applied himself to divinity, and, after being licensed to preach, he was obliged owing to the political

¹ For an account of Fleming's life see Steven, p. 114 *et seq.* He was an author of some distinction.

and ecclesiastical troubles in Scotland to seek refuge in Rotterdam in 1679. Some years later he was appointed to be Rector of the Latin School at Goes, in South Beveland, and it was while occupying this post that he was called to the English church at Delft. During the few years in which he remained at the Staple port, Hoog appears to have acquired considerable reputation as a preacher, for he received no fewer than three calls to Scottish churches, from Clackmannan, Ayr, and Culross, all of which were declined, although the General Assembly concurred in his removal to Clackmannan.¹

In a short time, however, the condition of affairs at the Staple port made Hoog anxious to move to some other town. There was at the time much unpleasantness between the Dutch and the Scots, and in a letter written on behalf of the burghs, the reason which had induced the Presbytery of Edinburgh to proceed so far in urging the call to Clackmannan was stated to be that "Mr. Hoge was under discouragements at Campheir, and therfor they thought it ther deuty to embrace the occatione for bringing him home to his own country". In a letter written to the Conservator, part of which has already been quoted in another connection, Hoog wrote that "it is no very desirable post to stand here longer, especially seeing the bruit which a certain brute did maliciously raise anent the illegality of my call to this place doth not cease". Accordingly a call which he received to the Church at Rotterdam did not, as he put it somewhat negatively, "occur with any unpleasant aspect". Hoog was in fact anxious to leave Campvere, to escape the "persecution" of the Scots of which he complained, and the call from Rotterdam was therefore welcome as offering at once a way of escape from a town in

¹ Hoog appears to have enjoyed some fame as a preacher before his call to Campvere. Writing in August, 1693, the Conservator refers to the state of the Church: "Also my lords, the Burrows desire their Kirk may be rebuilt, and repaired, and by their order, I am just now about the calling of a very worthy minister to be our minister at Campvere, who, I am confident will give your lordships all satisfaction, and doubt not your lordships giving him all due encouragements. He is known to some of your lordships. He was Rector at Tergoes, and is now minister to the English congregation at Delf. His name is Mr. Thomas Hoog."

which he had been subjected to much unpleasantness, and at the same time better opportunities for the education of his children than the Staple town could afford. His intention to accept the call was announced in August, 1698, and met with the opposition from the congregation which he had anticipated.¹ They eagerly appealed to him not to leave them and testified to the "universal loathness of the whole congregation to part with him". In the end leave was given to Hoog to accept the call, and he preached his farewell sermon to the Scottish church at Campvere on the 26th April, 1699.

For the remainder of his life Hoog discharged the duties of minister of Rotterdam, though he was not without offers of advancement both in Scotland and in Holland. In 1701 he received a call to fill the chair of divinity in King's College, Aberdeen, which he accepted on condition that the state of the seas would be such as would admit of his sailing to Scotland. In the end, however, he had to decline the chair which for various reasons he was anxious to accept, not being able to "go beyond the bounds of reason and religion, by forcing a tender and timorous family to adventure upon the merciless fury of the French, who do all they please now at sea". A similar offer made by one of the Dutch Universities was also declined, and Hoog remained minister of the Scottish church at Rotterdam until his death in January, 1723. Of his sons who survived him three were ministers in the Dutch churches at Schoonhaven, Browsershaven, and Ooltgensplaat: a fourth was a merchant in Rotterdam.²

Hoog had preached his farewell sermon in April, 1698. It was not until a year later that an invitation was sent to the Rev. John Chalmers, then acting as assistant minister in Rotterdam, to supply the vacancy, and it was not until

¹ "I am not worthy to be contended for. . . . Yet such is the unmerited respect that this people profess for me at present, that there is no doubt of their contending for me, and setting themselves by all means against any call that cometh, except perhaps it were from some chief town which is not once to be suspected that it ever shall happen."

² Some interesting letters written by Hoog with reference to his various calls to Scotland are given in Appendix D. of Steven's *Scottish Church at Rotterdam*.

October, 1699, that Chalmers was admitted to the charge of the church at Campvere. The ministry of Chalmers, lasting until his death in 1729, was more lengthy than that of any of his predecessors, and as the great struggle which convulsed Europe in the beginning of the eighteenth century was not without influence on the island of Walcheren, the records of the Scottish Church are again of interest, as in the times of Spang, for the light they throw on the attitude of the Scottish colony to the political affairs of Europe.

In regard to what is more strictly the history of the church there is little of importance during this period. The rebuilding of the church, which had been burned down in 1689, was completed before the end of the year in which Chalmers entered on his duties, and it was decided that services should be held at 9.30 and 1.30, instead of at 10 and 2. Chalmers' ministry thus began in favourable conditions, but for the most part it is clear that his people were but a handful, and the complete decay of the Staple trade during the eighteenth century, to which reference has already been made, is reflected in the numerous references to the poverty and the paucity of the Scottish congregation. The old condition imposed by the Assembly that a representative should be sent at least every third year was still maintained, although the arrangement made at that time as to the expense incurred in sending representatives had lapsed. In 1708 it was decided that a letter of excuse should be sent to the Assembly for their failure to observe the condition "by reason of the continued danger at sea through the war". But though this may have been a valid excuse it was not the only reason, as was admitted by the session after the Treaty of Utrecht, when in 1714 they took into consideration the long absence of commissioners "during the war which served to excuse it". The words which follow reveal the decline of trade and the poverty of the church, which was the real reason preventing the sending of representatives to Scotland. The session referred to "the present state of the Church Stock there being but now 2 per cent. of interest paid for their obligation, and during all the war besides through the

decay of trade, the collections and boxes being so very much diminished, it was found impracticable that at present the church could bear that great expense, considering that besides they were to be at the charge of the wagon hire for the minister who supplyd in absence". Taking into consideration these facts it was decided that for once the charges should be borne by those sent "who should sollicite either that the expenses of our commissioners should be otherwise provyded for, or, if that cannot be obtained, that then we should in general be oblidgeed only to send when conveniency did allow, without being limited as at present to every third year". A commission was accordingly given to Chalmers on this understanding, but from his report made on his return in August, 1714, he does not appear to have been very faithful in carrying out the instructions given to him. He had decided that the petition of the session in regard to the defraying of expenses could not be granted, "and that therefore it were more proper not to move in it". On the other point, in regard to the attendance of representatives, he had been more successful, as it had been decided that this "would be dispensed with tho' it was not every third year, if they came when conveniency could allow, if but once in the seven years".

The declining prosperity of the Scottish church in consequence of the unsatisfactory condition of trade, and the fear of the consequences on the church, of a failure to renew the Staple contract, explain the commission given to the minister on the next occasion on which he was sent as a representative to the General Assembly. This was in 1718, when Chalmers figured as a political emissary rather than as a commissioner to the governing body of the Church. He was instructed in January of this year to use his influence when in Scotland to secure an extension of the contract, and he appears to have been assiduous in his endeavours to attain this end by canvassing the members of the Convention. On his return to Campvere in August, he reported that "finding that many of the members (of the Convention) were much strangers to the affairs of the Staple, he had

drawn up and printed a paper of reasons containing the advantages and privileges the nation and Scots corporation have had by the Staple contract". Yair attributes the extension of the contract on this occasion in large measure to the "indefatigable pains and application" of Chalmers, but it is probable that notwithstanding recent friction, the contract would in any case have been renewed from force of habit, in the absence of any overpowering reason for breaking off the connection which had existed so long between Scotland and Campvere. That the church should, however, take a leading part in urging for a renewal of the Staple contract, to which it originally owed its existence, is worthy of notice, and illustrates in one way the forces which were at work in maintaining the Staple, long after the Staple had become an anachronism.

Chalmers was, however, genuinely attached to the place in which he had already been minister for so long, and his love for the congregation, which had led him to interfere in political matters in 1718, led him soon afterwards to decline two calls which in many ways it would have been in his interest to accept. The first of these was in 1722, when he was called to a church in Moray, and an Act of the Assembly transferring him from Campvere was announced to the session. The course taken by the Assembly on this occasion was extremely unwelcome to Chalmers and the congregation, and the minister in the following year travelled expressly to Scotland for the purpose of obtaining the repeal of the previous Act of the Assembly, and in this he was successful. When so much had been done to avoid the necessity of leaving Campvere, it was only to be expected that a call from Middelburg, which was received in 1724, should have been at once declined.

Apart from these facts there is little during the ministry of Chalmers which is to be regarded as of any consequence in the history of the church. But there are not a few references which show how feeble was the Scottish colony at the Staple port at this time. Great difficulty was experienced in filling up the various offices of the church, when these

positions were vacant, and it is characteristic of a Scottish congregation that the increased difficulty in securing an adequate education for the children was one of the points which caused the session most anxiety. Before the appointment of Chalmers in September, 1699, it had been decided to look out for some one who should combine the duties of reader, precentor, and schoolmaster. To this position John Murray was chosen, and in addition to other emoluments he was entitled to receive a sum of ten stivers a month for each scholar whom he should teach to read and to write. The session endeavoured as far as possible to maintain the Scottish ideal of education, and the church undertook to pay this fee in the case of any child whose parents should, through poverty, be prevented from doing so. The method in which the session united this charity with other objects is seen soon afterwards when Janet Neilson asked the church to pay her daughter's fees at school. Her request was granted, "but withal both she and her husband were ordered to attend better the ordinances of the Lord's day".

The anxiety of the session in regard to education was more clearly expressed in 1718, when they "took into consideration the great loss the children of the Scots nation were in for one to instruct them to read and write in their own language, and how that their being bred up only in the Dutch was a hindrance to the increase of this church in that when they came to years they were incapable of joyning with us for want of the language". The sexton was asked to undertake this duty, and a small increase of salary was given him in consideration of his services, and two years later William Moncrieff was appointed as sexton, schoolmaster, and precentor, a salary of 100 guelders having been obtained from the states.

The difficulty in filling up the offices of the church drew forth in 1706 another confession of the feeble state of the congregation. In regard to the keeper of the church it was in this year decided to write to the minister at Rotterdam "to enquire if they knew a man sober and qualifyd for it

seeing we could not find any in our small number living here in this place”.

The poverty of the Scottish congregation at this time is as obvious as their fewness in number, and is well shown by the various transactions which took place about the beginning of the century, in regard to the poor's house vesting in the Scottish church. This house had been allowed to fall into a serious state of disrepair, involving considerable danger to the neighbours. In August, 1701, a letter was received from the Burgomaster requiring them to make the poor's house wind and water tight, and as nothing apparently was done to carry out the injunctions of the Dutch magistrates, a further communication to the same effect was received in the following January. The session thereupon took into consideration what should be done with the poor's house. There were difficulties in the way of selling it, as apparently the title of the church was doubtful, the conveyance having been made in the name of one of the deacons, and it was accordingly decided to get in the first place a report on the conditions of the house. The report when obtained was not encouraging. It was stated that the poor's house was not worth more than 300 guelders, “and we could scarce expect that from any”; to convert it into a pack-house was estimated to cost 400 guelders, while it was stated that to carry out the instructions of the magistrate and make it wind and water tight would involve an expenditure of 600 guelders. It was accordingly decided to sell the house, but it was not until three years later, in 1705, that the notices of the sale were in fact issued. The result of the attempt to get rid of the burdensome house was a complete failure. The reason, given by the session, was that owing to the decay of trade, there was now no demand for houses. The account of the sale given in the church books shows us the Dutch gathered to scoff at the unfortunate plight of the Scottish congregation. “There was no money bid for it, tho' at last they had got it in so very low, as to be put in for one pound flemish with the expenses of sale. . . . Yet several timmer men and masons who came to wait on the sale, the most

likely to make any good of it were so farr from offering anything for it that some asked what we would give to take it of our hands." In their difficulties the session again entertained the idea of turning it into a pack-house, but considering the burden it had been for so many years through costs of repair, and expenditure in "Clapper and Lantern geld,"¹ it was decided to let the building go at any cost. A proposal had been made by one of the magistrates to buy at the price for which the poor's house had finally been offered for sale, and the session agreed to close with this, "it being nothing but a burden to them".

In the great European struggle which was on the point of breaking out on the death of William, Walcheren was sufficiently near the scene of operations to be directly affected by the course of the campaigns. Regiments were situated near Campvere, and the population of the Staple port was increased by the miscellaneous crowd which follows a great army. Before the war broke out, a Scottish regiment, that of Colonel Hamilton, was stationed in the town, and in November, 1701, demands were made on the generosity of the church in the interests of their fellow-coutrymen. In regard to the burial of the soldiers of this regiment the session decided that the "Mort Cloth" should be given to them free, as it should not be refused to any Scots person. More important for the comfort of the unhappy soldiers was the decision soon after to establish something of the nature of a soup kitchen, in which, however, the Scottish church merely followed the charitable example of the French minister. "A motion being made of the great misery of the Scots regiment who being most of them sickly for want of wholesome nourishment were dieing in numbers, and how that it was the charitable proposal of some particularly of the French minister who offered the assistance of five skillings a week that a pot should be boyled with broth for them, They did unanimously embrace the motion, and ordered the deacons to give out 15 skillings a week this way, in providing of

¹ Clapper geld was a tax levied in respect of the services of the watchmen.

wholesome diet for those that were sick." Soon afterwards one of the congregation was authorised to receive sixpence "for the expence of fire and trouble, every time a pot was boyled in his house for the sick men".

In dealing with the history of the church under Spang, reference has already been made to the eagerness of the Scottish church to relieve physical evil, while at the same time they were actuated by an unamiable harshness in other matters. This is again apparent in their conduct towards the Scots of Colonel Hamilton's regiment. While by their orders a pot of broth was being boiled for all the sick, the session were active in doing their utmost to withhold spiritual comforts from those of the soldiers who did not belong to their own denomination. With the regiment there was an Episcopalian chaplain, the Rev. Alexander Frazer, and in November, 1701, a request was received from the Dutch magistrates, asking the session to arrange either to join in service with him, or as an alternative, to grant him the use of the church between 11 and 2 o'clock, although, added the messenger significantly, referring to the fact that the church was granted to the Scottish nation by the Dutch magistrates, "they might have ordered it". The minister in reply stated that "as to the first or joyning with him, considering his principals and form of worship, it was what he could not at all comply with, and as to the second, or giving the hours specified, that it was ordinarily a quarter or half an hour after eleven before we came out in the morning, having two exercises, a lecture and a sermon". The session endorsed the views of the minister, and decided that neither of the alternatives of the magistrates should be granted, adding that "if any order should be given they would find themselves obliged for their own vindication to give their testimony against it". The church officer was ordered to lock the door after morning service on the following Sunday, to keep the key well, and to give it up to no one without first acquainting the minister. On Saturday the magistrates sent for the key, which being refused they gave another to Frazer, authorising him to preach between the morning and afternoon

services of the Scottish congregation. The session immediately afterwards met to express their dissatisfaction, and though a deputation was sent to the Conservator on the matter it was obvious that nothing effective could be done. By way of protest, however, it was decided that nothing should be done to facilitate the holding of Episcopalian services in the church. "The sexton was still ordered to shut the doors of the church at our going out, that so their entry might be still seen to be by force, by the imploying their own key."

During the War of the Spanish Succession, the congregation followed the course of the struggle with interest, and numerous days (from 1705-11) were set apart for public thanksgiving "for the success of the campaign". On these occasions no reference was made to any particular victory, the only exception being after the battle of Ramillies for which in June, 1706, a day of thanksgiving was observed "for the glorious victory over the French near Judoigne and the happy consequences of it in the conquest of Brabant and Flanders". After the Treaty of Utrecht in June, 1713, a day of thanksgiving was held for the conclusion of peace.

During this time the Church at Campvere were strongly attached to the reigning house, and took every possible occasion to testify their loyalty. After the death of William it was decided to show their respect "to the memory of our great and good prince," by covering the pulpit and some of the seats in the church with black "seeing after calculation it was found that it could be done without any great expence," and in 1714, on the death of Anne, a similar course was taken, and also in 1727 on the death of George. When Chalmers was sent to the General Assembly in 1714 in the critical times before Anne's death, one of the instructions he received was to the effect that he should assert their zeal in the Hanoverian cause, "that he should readily concurr and joyn in any overture or proposall which might be made in the Assembly for testifying their affectionate concern for the protestant succession in the House of Hanover as it is by law established, on which the welfare of our religion and liberties

seems so much under God to depend," and in March, 1716, thanksgiving was offered by the congregation "for the quashing of the Rebellion in our native country".

Chalmers died on 18th September, 1729, and was succeeded in the beginning of 1730 by the Rev. Charles Jervey. The old difficulty in regard to the representatives of the church in the General Assembly continued, and appeals were again made in vain for the establishment of a fund to defray the expenses involved in sending commissioners to the Assembly. In their relation to the Dutch magistracy, the extreme demands of the Scottish colony and the anxiety of the town of Campvere to meet the wishes of the Scots in all possible matters, may also be seen during the ministry of Jervey on the occasion of the renewal of the Staple contract in 1736. The Conservator received various instructions in regard to concessions to be obtained from the town. In the first place the magistrates were asked to take over a house belonging to the congregation "which they find disadvantageous to keep on their hands any longer". They were also requested to grant to the Scottish congregation the privilege of placing their orphans and their aged or sick poor in the poor-house of Campvere, and a further somewhat extravagant demand was that the magistrates of the Staple port should supply a certain quantity of turf for the use of the church, as well as bread and wine for the sacrament. There appears to have been no limit to the willingness of the Dutch magistrates to meet the requests of the Scots, and all the demands of the session were immediately granted. An extract from the proceedings of the Town Council was entered in the session books in proof of the new concessions made by the magistrates.

In regard to church discipline the chief point which was raised in Jervey's ministry was in connection with the baptism of children. The failure of the Scottish inhabitants to bring their children for baptism on Sunday came under the notice of the session in 1736 when measures were taken to discourage this growing practice. Reference was made to the disorder and trouble caused by those who "neglecting to

bring their children to church on the Sabbath to be baptised do afterwards plead to have them baptised privately on week dayes, and that ordinarily with pretence of the children's being sick, thro' which indecencies are often occasioned". The method taken to prevent these disorders was the not infrequent one in Campvere of imposing fines. It was accordingly decided that in future there should be no private baptisms in the church on week days, unless those concerned paid three guelders to the poor, and double the ordinary dues to the church officer for his "trouble extraordinary". This officer, William Moncrieff, was further instructed to receive these fees before opening the church door. Moncrieff himself was soon after subjected to the session in matters of fines, for he was reprov'd for "not opening the church timeously" for service, and warn'd that in future he should have to pay a fine of twelve stivers for each such neglect. On the same day (6th Nov., 1737) on which Moncrieff was thus reprov'd, the session also decided to follow the example of the English church at Middelburg in matters of hospitality, by resolving to provide stoves to be given to strangers. In the church at Campvere at this time visitors cannot have been frequent, and perhaps in practice these warming-pans added to the comfort of the congregation during the two exercises, a lecture and a sermon.

Jervey died on the 13th August, 1738, having been minister at the Staple port rather less than nine years.¹

¹ During the ministry of Jervey, there is in the church books an entry which is of interest in connection with the Porteous Riots. On the 11th January, 1738, the minister informed the session, "that one George Robertson sometime ago tryed and sentenced to death by the Lords of the Justiciary in Scotland for crimes Lybelled and found proven against him, as is noutourly known, and who haveing escaped from justice there and settled himself in this place, Had been at the minister desireing to have his child Baptized, Which extraordinary and straitening case, He referred to the Consistory for advice and determination.

"The Consistory takeing the affair into consideration unanimously found that the said George Robertson being actually under sentence of death for crimes lybelled and found proven against him (as is noutour and himself owns publickly) could by no means be admitted to present his child

to Baptisme, That being such a scandal as no Church could purge far less overlook.

“ But that the Child be not deprived of the privilege of Baptism for the Father's crimes, do allow Helen Purvess lawful wife to said George Robertson and Mother of the Child to present the same to Baptism, and to take on the vows, they knowing nothing against her character and conduct.”

There is no entry to show that the child was baptised. Robertson appears to have remained at Campvere. On 9th May, 1757, the minister (Yair) was instructed to pay to one Garrit “ where George Robertson at present lodges the sum of f. 7. 14 (florins) considering the great poverty of the said George Robertson ”.

CHAPTER VII.

THE CHURCH AT CAMPVERE FROM 1738 TO 1799.

FOUR months after the death of Jervey, the Rev. James Yair of Carron, in the County of Linlithgow, was recommended to the church at Campvere, and on the 21st December, 1738, a call was drawn up and signed by the congregation. The decayed state of the Scottish colony at this time may be seen in the call which was addressed to Yair. To this document there were but eleven signatures, the names attached being those of the Deputy-Conservator, two elders, one deacon, and seven consenters. Though the new minister was thus called to the Staple port at a time when the Staple organisation had almost ceased to exist, he was, nevertheless, perhaps the most eminent minister who had been entrusted with the charge of the Scottish congregation at Campvere. He remained at the Staple port for a period of forty-five years, and as his ministry extended from 1739 to 1784, he thus remained at Campvere some time after the last confirmation of the Staple contract, and brought the Scottish church there to within a few years of its dissolution. Apart from the somewhat accidental interest which attaches to Yair on account of his long term of office, he is, moreover, the only minister of the Scottish church who is remembered to-day. Of the others, the most distinguished was perhaps Hoog, who enjoyed considerable fame as a scholar in his own life-time, but Yair's reputation for learning is not based merely on the opinion of his contemporaries. As the author of the volume entitled *An Account of the Scotch Trade in the Netherlands, and of the Staple Port in Campvere*, published at London in 1776 and dedicated to the Lord Conservator, Patrick Crawford, he has

gained for himself a secure, if a minor place among Scottish historians.

Although the Scottish congregation was thus so far reduced in numbers at the time of Yair's arrival at Campvere, the various wars, which occupy so large a part of European history during the eighteenth century, brought to the Staple port during many years of Yair's ministry a large floating and unsettled population. To relieve the distress thus indirectly caused by these wars the session did all in their power, and more especially in the years following Yair's arrival at Campvere there is frequent mention of the church paying the passage of such destitute persons to Scotland. The general question raised by the presence of these homeless wanderers was brought before the session in July, 1744, when it was "represented to the Consistory that upon account of a present war, a great many people daily flock to this place, and begging supply from the Scots Church, altho' they did not immediately belong to this Congregation, and wanted the advice of the Consistory, which they taking into their serious consideration were of opinion that some allowance should be given them either weekly or otherwise, when they were found to be in extream necessity". Some months after this general decision to help had been arrived at, the Church was burdened with the responsibility of having to provide for five children left behind by a battalion of the Royal Scots. The session appealed to the town of Campvere to take over these destitute children, pleading their own inability on account of the decay of trade, and the support which they found it necessary to extend to their own poor. The request of the session was granted, but only as a temporary measure, and in the following year, in April, 1748, the magistrates asked that they might be relieved and the children sent to Scotland. What became of all these children is not clear, but in 1750, the session were able to secure a place for two of the orphans in the poor-house in Edinburgh.

The liberality of the session must have made a serious drain on the funds of the congregation, and in the circumstances it is not surprising that an appeal was made to the

congregation to assist, as far as possible, in this work of charity. In January, 1750, the session probably realised that their generosity was not in proportion to the means at their disposal, for after an examination of the "Elymosinary Books" they found that "they have been at extraordinary expence last year, and therefore it is recommended to all and each in particular to do everything lying in their power to put themselves in condition to assist the poor and distrest". The liberality of the session was not, however, limited in consequence of this appeal to the individual members of the church, and two years later, in 1752, they undertook the maintenance of a whole crew of sailors until an opportunity should be found of sending them to England.¹

¹ At the British Consulate in Rotterdam there is a volume of church accounts illustrating the ordinary charity dispensed by the minister in cases which it was not considered necessary to bring before the session. The entries do not begin until some years after the date referred to in the text, but there is no doubt that earlier volumes, if found, would show the same characteristics. Two examples may be given: (1) the disbursements extending from August to November, 1765, and (2) from April to December, 1771. The increasing poverty of the church towards the end of the eighteenth century may be traced in the more limited liberality of the minister.

(1) Poors Money disbursed by Mr. Yair:—

August	17.	To a poor woman with two Children	2	13
	31.	To a poor woman	13	11
	31.	To a poor man (Wilson)	2	13
Sep.	7.	To two travelers going to Holland	2	13
	19.	To a poor woman	2	13
	21.	To a poor traveler	1	6 8
Oct.	12.	To three sailors	5	6
	19.	To the same	2	13
	21.	To the same	2	13
	25.	To the same	2	13
	25.	To Cairns on their account		15
	29.	To a poor woman	2	13
	29.	To Al. Gun on her account	1	6 8
Nov.	6.	To the same	2	13
	8.	To a poor woman	1	6 8
	22.	To a poor soldier sick	1	6 8

(2) 1771.

April	29.	To a Scots soldier	13	4
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During the Seven Years' War the session had also the opportunity of assisting their countrymen. A Scottish regiment was for some time stationed in the town, and in September, 1757, the session took into consideration "the present melancholy situation of the first Scots Bataillon of General Marjoribank's regiment lying in garrison in this town by reason of an epidemical sickness amongst them". The church was at this time becoming poorer through the continued depression of the Staple trade, but the minister was instructed to inquire of the doctor of the regiment how a little money could best be spent, and as a result of this a sum of thirty guelders was paid on behalf of the soldiers. The women and children who were with the battalion were also remembered by the session, and as some of these wished to return to Scotland "therefore the Consistory out of compassion to their poor country people" resolved to assist them as far as they could in returning home.

Throughout Yair's ministry the attitude of the session to the magistrates of Campvere shows, as in 1736, the unlimited trust which the Scottish colony had in the readiness of the authorities of the Staple port to meet their demands. The appeal made to the town to relieve them of the care of the orphans left behind in 1747 has already been referred to, and throughout this period there are representations to the magistrates on other matters affecting the church. Campvere, however, was no longer prosperous, and, like the Scottish church, the magistrates were able to plead their poverty as an excuse for declining to accede to the requests of the session. Thus in 1757 it was decided to ask the magistrates of Campvere to erect a gallery in the church at the town's expense, but the answer received six weeks later was not encouraging "as they alledged that the Finances of the

May	16.	To an Inverness man	13	9
	24.	To a poor traveler	6	10
June		To sundry persons travelers and in distress	6	18
July		To a Scots man		11
Dec.	6.	To Anne Robertson	2	13

The money, it should be stated, is expressed in guлдens.

town were so low at present that they could not spare anything for that end". The result of another appeal made four years later is not recorded, but probably the poverty of the town again prevented anything being done. On this occasion the minister and the Conservator were appointed to wait on the Burgomaster, and bring to his notice "how much public decency requir'd a wall or rail or some proper enclosure to the Scots Church Yard, lying quite open and indecently exposed," and to represent "how requisite it is that the Church Yard should be handsomely enclosed". Though these appeals had no practical result, the belief that the civil authorities of Campvere might reasonably be called upon to contribute in matters affecting the Scottish church remained unshaken, and shortly before the death of Yair, a petition was addressed to the town to take over a poor orphan as the poor's money of the church was "reduced to such a low state at present that he can neither be relieved or maintained by it" (Nov., 1782).

In matters affecting the internal government of the church, two matters appear most distinctly during the ministry of Yair. The first of these is the anxiety of the session in regard to the education of the children; the other is the difficulty experienced in filling up the offices of the church. Soon after Yair's admission the position of schoolmaster is represented as having been for long vacant, and it was considered desirable to make more precise regulations in regard to the emoluments attaching to the office. Accordingly a tariff was drawn up. For each child who was taught English for a month, the master was to receive twelve stivers; for English and writing he was to receive fifteen; for teaching English, arithmetic and writing the fee to be paid was fixed at eighteen stivers, while in respect of the more advanced pupils, whose curriculum embraced Latin, arithmetic and writing, he was authorised to receive one guilder four stivers. The children, the expense of whose education was defrayed by the session, were evidently taught English only, and for these the schoolmaster was to receive a reduced fee of nine stivers a month.

In regard to education one obvious obstacle in a town like Campvere was found in the difficulty experienced in obtaining books. What was done in regard to secular instruction is not clear, though it is probable that but very few books were required. The inconvenience in religious instruction owing to the absence of suitable books was, however, considered by the session in 1754, when it was found that "several of the Scottish people's children living in this place were at a loss for want of English Catechisms," and a consignment of books was accordingly ordered from Scotland. The books thus ordered comprised 12 New Testaments with the Psalms, 24 Proof Catechisms, 24 Mothers' Catechisms, a publication which has not survived, and 12 Confessions of Faith. Soon after this a somewhat similar supply of books on behalf of the congregation was ordered. In the end of 1756, no doubt owing to the increased population due to the Seven Years' War, the session found that "as the Congregation at present is very numerous there is a scarcity of Bibles and Psalm Books". Accordingly six of the former and twelve of the latter were ordered for the use of the congregation.

The session at this time had considerable difficulty in filling up the vacant offices of the church, amongst other reasons owing to the very small number of Scotsmen at the Staple port. The combined position of precentor and schoolmaster became vacant in 1760, and two years later no progress had been made in filling the vacancy. The minister announced that he had "found no person hitherto whom he could recommend or esteem qualified for that office, and that it was more difficult now in tyme of war to engage one to come from Scotland without the Promise of some Encouragement whether he might have the office or not when he came over". Eventually, one Rutherford was appointed temporarily, but owing to the difficulty of finding any one more qualified, he retained the position till his death in 1769. Yair thereupon urged the necessity of appointing a precentor, representing "the Fatigue he had undergone himself in being obliged to precent in time of the deceased's sickness". As Yair was at this time sixty-two years of age

his appeal to the session was no doubt a reasonable one. Peter Murray from Dunnottar having given proof of his ability, was appointed precentor, the session "being very well pleased with his voice, method of singing and with his sober and Christian behaviour since he has lived here". Murray was not without training for the position he now took up; the session contemplated with satisfaction the fact that he had already acted as precentor at Gottenborg in Sweden.

Towards the end of 1780 Yair began to feel that the duties of his office were too severe for one at his time of life. In December of that year he sent a petition to the States of Zealand, asking them to "grant him the favour of becoming Emeritus". He referred to the fact that he had already been forty-one years minister at Campvere, and that he was now seventy-three years of age, and he prayed for relief on account of the "ever increasing weakness of his body". There is no mention of any reply being received, and it is at least certain that nothing was done to allow Yair to hand over his work to a younger man. "The good, learned, and pious Mr. James Yair" died on the 22nd April, 1784, having been minister at the Staple port for almost forty-five years.

Soon after the death of Yair the session wrote various letters in regard to the vacancy, and in that addressed to the Lord Provost of Edinburgh, they suggested that the Rev. Alexander Wilson of the Presbyterian Church at Dort should be called to Campvere. In writing to the Presbytery of Edinburgh, they represented the urgency of the matter, stating that since the unfortunate rupture between England and the United Provinces, Campvere was "beginning again to be frequented as before by sea faring people from Scotland and other parts of Britain who are deprived of the public worship of God in their own language, except once a fortnight, when the Rev. Mr. Samuel Wilcocke, Minister of the British Presbyterian Church in Middelburg gives us an afternoon sermon, and you are very sensible how much this must lay these people as well as the British inhabitants of this

place open to the temptation of mis-spending their time and profaning the Holy Sabbath ”.

The vacancy was on this occasion promptly filled. The session had already indicated their wish to have Wilson of Dort as their minister, and in September a call was signed being assured of his “Piety, prudence and Learning, soundness of Judgement, Painfulness and other ministerial qualifications,” and on the 7th November, 1784, Wilson was invested in his office, preaching in the afternoon “an excellent discourse on Ephesians iv. 11 and 12, which gave universal satisfaction”. The call to Wilson was somewhat more extensively signed than that addressed to Yair forty-five years earlier, but it also serves to show how small was the Scottish congregation during the eighteenth century. It was, as on the previous occasion, signed by the Deputy-Conservator, one elder and two deacons, but the number of consenters was now fifteen in place of seven, but of these fifteen three were military officers who could not be regarded as forming part of the Scottish colony at Campvere.

Wilson's tenure of office at the Staple port was of short duration, as he died in May, 1789, within five years of his translation from Dort. During these years nothing of note happened in the history of the church. Some old questions were again raised, and representations were made to the Assembly in regard to the expenses incurred by the church's representatives in travelling to Scotland, and further petitions were made to the town as to the necessity of enclosing the churchyard, but in neither case do the session appear to have been successful in attaining their end.

On the death of Wilson, it was at first the intention of the congregation to send a call to the minister of Dort, the Rev. William Greig, but as Greig received at the same time and accepted a call to a church in Scotland, the session had to look elsewhere for a successor to Wilson. In the end the Rev. James Likly of Aberdeen received a call, to which were attached fourteen signatures in all. Likly, the last minister of the Scottish church, was admitted on the 25th April, 1790,

preaching in the afternoon from Luke viii. 18,¹ a not inappropriate subject for one whose ministry was so soon to end, broken by the grasping strength of the government founded by Napoleon. The evil days leading up to the final catastrophe began within a short time after Likly's arrival at Campvere, and the difficulties of the church during the last decade of its existence were intensified by its ever-increasing poverty. The poverty of the congregation may be seen indirectly in two ways during these years, the first of which is rather surprising. It was no doubt in consequence of the lowness of the church funds, that the session decided so frequently at this time to purchase lottery tickets, and to their good fortune in the drawings the church owed not a little of such means as were at its disposal in the last years of its existence.² The other obvious proof of poverty in the Scottish church at this time, is to be found in their refusal to contribute to objects to which the session would have liberally given at an earlier period of their history. Thus in 1792, in reply to an appeal from the Protestants of Lille and Dunkirk, the answer sent was that "the Consistory of this Church wish well to the laudable undertakings of their Protestant Brethren in Lille and Dunkirk and regret that the poorness of the funds of their Church prevents them from contributing for the Churches in these Citys".

From 1792, the danger which threatened the church, and indeed the whole Staple, may be traced in the numerous days of humiliation and prayer for the sins of the land, and from 1795 the position of the church became more and more perilous. The session realised that it might at any moment be impossible for them to meet, and in view of this they

¹ "Take heed therefore how ye hear: for whosoever hath, to him shall be given; and whosoever hath not, from him shall be taken even that which he seemeth to have."

² *E.g.*, "March 18 1791. Mr. Murray, Treasurer reported that the Lottery Tickets bought with the poors money by him had come up No. 32685 a prize of f. 120 and No. 32686 a prize of f. 110." They appear to have been of the nature of Premium Bonds. The prizes, however, were either unusually numerous or the Scottish Church exceptionally fortunate.

drew up a lengthy statement in regard to the position of the church which in April, 1795, they forwarded to the Presbytery of Edinburgh. "The present situation of publick affairs," they wrote, "leads us to think it very uncertain how long our priviledge as Members of the Scots Court may be continued or what may be determined concerning us as a consistory by the Govenours of this Country". The growing antagonism of the civil authorities of Campvere to the Scottish church led in November of the same year to the announcement that in future the church would receive for each sacrament but one stoop of Spanish wine in place of a stoop and a half as had been formerly agreed, and the session although they regarded this as an infringement of their privileges were unable to take any notice of the communication received from the magistrates. The first clear indication, however, of the approaching dissolution of the church is to be found in the meeting of the session which took place on the 31st May, 1796, when the members assembled "considering that this might be the last time they would act as a Consistory". A proclamation had been received from the "governors of the country," requiring the clergy and the elders throughout the seven provinces to take an oath acknowledging the sovereignty of the people before the 17th of June. Likly referred to the fact that he and the gentlemen of the factory had at the request of the magistrates taken an oath of neutrality during the preceding year, and as the privileges of the Scottish court were still continued provisionally "the present magistracy of Campvere could not with consistency ask such an oath from him or any of the Consistory. He was afraid, however, that the magistracy of Campvere would take that inconsistent step." As a British subject Likly declared that he would regard it as his duty to refuse to take such an oath acknowledging the sovereignty of the people, and should it be asked of them as elders, he advised each to tender their resignation to him in writing before the oath should be demanded. The session approved of these views, holding that "it was Mr. Likly's duty to refuse it tho' it should prove the loss of his living". In view

of the cloud that was hanging over the church, the financial affairs of the church were considered, and, as a refusal to take the oath might have serious consequences for their minister, an extract from the register was given to him in order to show "the honourable cause" of his leaving Campvere. The end, however, was not yet, and though the session did not again meet for over a year, it was at the next meeting, in June, 1797, announced that the oath had not been required.

The troubles following in the train of the Revolution not only embittered the relations between the session and the magistrates, but also put an end to the hitherto harmonious friendship existing between the congregation and the classis of the Dutch church. This opposition is definitely marked in a meeting of the session held towards the end of 1797, when a paper was received from the classis at Middelburg asking them to join in a day of thanksgiving "for the blessings bestowed and mercies shown by the Lord to this land since the commencement of the war . . . and a day of humiliation for the sins and ingratitude of the inhabitants". The reply of the session showed that they were not prepared to purchase peace at the price of dissembling their views on the political situation. They admitted that the paper of the reverend classis breathed much of the spirit of genuine Christianity, and that their picture of the moral and religious condition of the provinces was too just. "But the paper of the reverend Classis," they stated, "contains much of a political nature, and much relating to the present success and prosperity of this Republic, which in the present situation it is impossible for the consistory with Honour to comply with". They were therefore unanimously of opinion "that their duty as British subjects—as well as the oath of neutrality which they took to the Governours of the City forbids their coming forward in a public manner to pray either for the present governours or for success, and prosperity to the nation at the present period".

This unambiguous declaration of the views of the session must have tended to make the situation of the church more

difficult both in regard to the civil and ecclesiastical authorities. The curtailment of the privileges of the church proceeded rapidly from this time. In February, 1798, a letter was received addressed to the session as "Fellow Citizens," under the ominous words "Equality, Liberty, Fraternity". In consequence of a proclamation of the National Assembly representing the people of the Netherlands, dated 18th August, 1796, notice was now given that "the wearing of different insignias by Teachers or other Church officers upon the public streets and roads, the exercising of religious ceremonies without the walls of Churches and houses of prayer, and the ringing of bells giving warning of religious exercises are done away and abolished by the National Assembly". In matters in which they might reasonably comply without sacrifice of principle the session of the Scottish Church were ever ready to obey as far as possible the civil authority, and on this occasion it was decided that the order should be complied with as it was thought that there was nothing in the letter which would effect the exercise of their religion, except in regard to ceremonies outside their walls, and this, they said, would "incommode their congregation but very seldom".

In October of the same year a further communication was received from the magistrates of Campvere, to which Likly rightly decided that attention should be paid. This required that no military person should be contracted in marriage without the written consent of the heads of the battalion to which he belonged. Such a regulation was entirely one within the discretion of the civil authority, and the session regarded it as one which they were bound to obey.

Although the church thus took up as far as possible an attitude of discreet acquiescence, their position was rapidly becoming an impossible one. Earlier in the year the town smith had applied for the keys of the church in order to remove various monuments, and in the meeting of the session held on 31st October, 1798, referred to above, it was also announced that all the coats of arms in the church¹ and a

¹There had evidently been some changes in the church since the days of Elizabeth Cant.

certain blue marble monument had been removed by order of the magistrates of Campvere.

Meanwhile the relations existing between the session and the Dutch church became more strained. They had already refused to join the classis of Middelburg in a day of thanksgiving, and had stated that they were unable to unite with them in praying for the governors of the country or the prosperity of the nation. Now towards the end of 1798 they again emphasised their attitude of aloofness. In reply to an invitation to join in a conference to consider the interests of the Reformed Church in Holland, "the Consistory unani- mously ordered it to be recorded that tho' they were truly much interested at present in the fate of the Dutch Reformed Church,—and most sincerely wished it Peace and Prosperity, —yet the Consistory were convinced that neither they nor their minister could with propriety attend the meetings of the Dutch Clergy, and give their opinions on the above subjects in an official capacity". In the following March there is mention of a letter received from the President and Kerkenraad of the Dutch Church announcing that the rights of the Scots church had been transferred to them. It is not improbable that this was the result of the antagonistic attitude of the session, but what the precise effect of this transference was, is not clear. Certainly it did not affect the continued independent existence of the Scottish church, which survived another year.

During this last year of the existence of the Scottish church, the consideration of financial matters occupied not a little the attention of the session. The complete collapse of trade and the hostility of the State combined to reduce the church to extreme poverty. That there had been absolutely no trade for a number of years was definitely stated "the reason why the poors Boxes lodged in the houses of the Gentlemen of the Factory had not been called for and examined by the Consistory since the 6 May 1794 was that they were perfectly satisfied there could be little or nothing in them, there being no Scots Trade in Campvere since that period". Moreover, the widening breach with the State laid

charges on the treasury of the church which had hitherto been otherwise defrayed. Thus on the precentor's salary being stopped, the session agreed to allow him some payment "while the Governours of this Country withhold from him his legall sallary". The future was also uncertain, and as it was not clear to the session whether, under one of the amplifications of the contract, the poor's obligations would not, on its expiry, be ceded to the town of Campvere should there be no Scottish church, it was considered that it might be prudent at this stage to sell the obligations remaining in their hands. On 11th October, 1799, the matter was further considered, and it was decided not to sell, for reasons which showed their undiminished faith in their native country even in the dark days of the second coalition.¹ "As Great Britain," they said, "had now come forward to reinstate the Prince of Orange, and to establish legall Government, the Consistory ought not to doubt the credit of their bonds on this Country, and therefore ought not to sell them at the present low price as they would sustain a loss of 50 or 70 per cent."

Before this, however, it had become obvious that the end was at hand. In consequence of an announcement appearing in a paper published at Haarlem on the 3rd October dealing with the Staple contract and the Scots court, Likly had already summoned a meeting of the session, as the paper referred to might in his opinion be "a presage of its dissolution". The definite announcement came soon afterwards in a letter from the factors dated the 2nd November containing a decree of the legislative body annulling the Staple contract. Under this decree Likly was allowed four weeks in which to withdraw from Campvere, during which time, however, in accordance with the opinion of the factors, he continued to preach in the Scots church. Thus he found himself "under the disagreeable necessity of leaving this Country and of resigning his charge as Pastor of the Scots Church in Campvere at least for a time".

¹The capitulation of the Duke of York at Alkmaar took place a week later, on 18th October.

The only question remaining was as to the disposal of the bonds belonging to the church. The first proposal was to hand these over to the Presbytery of Edinburgh, but it was finally decided that the more prudent course would be to hand them over to trustees, and for this purpose the minister, the elders and factors, and sons of such when of age were chosen. Precise regulations were drawn up regulating the action of the trustees. When required they were to deliver up the bonds to the Presbytery of Edinburgh, whose orders they were to follow; in any year they were to spend no more than the interest of the capital without the permission of the Presbytery, and such money was to be spent only in the interests of the Scots poor and of British subjects in want in Campvere; a meeting of the trustees was to be held annually in March, and a report sent to the Presbytery of Edinburgh; for the trouble involved no salary was to be demanded, but on the other hand the trustees were not to be answerable to the Presbytery should the property be taken away by force. Owing to the small numbers of the session, a meeting was soon after held with the factors who signed an agreement which substantially embodied the above points, the only modifications being that the Presbytery of Edinburgh was not given a position of such supreme authority, and that a clause was inserted safeguarding any claims which the royal burghs might have to the money.

Thus having as far as possible set their house in order, the Scottish church at Campvere had merely to await the fulfilment of the decree which dissolved the whole system of the Staple. In a last letter addressed to the Presbytery of Edinburgh on the 27th November, 1799, they expressed their feelings on the disaster which had overwhelmed their church: "How much we now regrave the loss of Publick Worship in our own language, the dispersion of our own Congregation, and the loss of our Pastor, so justly esteemed and respected by us, the Reverend Presbytery can better conceive than we can describe".

The last act of the session was a worthy conclusion to a long record of liberality. On 5th December they took into

consideration the condition of the British prisoners on the island, and decided that it was their duty to assist "in relieving the wants of their countrymen, and in giving them every assistance in their power in their present unfortunate station". A sum of 79 guelders and 10 stivers was given for this purpose.

The last meeting of the session was held on the 17th December, 1799, the minister having on the previous day handed over the property of the church to the trustees. They met under a cloud, and the only task that remained was to bring to an end the long history of the church at Campvere. It is on a pleasant picture of harmoniousness, even if necessarily a somewhat melancholy one, that the curtain falls. "The Consistory ordered it to be recorded that from the time Mr. Likly had presided in their meetings as Moderator to this day, the Elders and Mr. Likly never once had differed in opinion in Consistory."

With the departure of Likly from Campvere, the Scottish church at the Staple port came to an end. In 1800 Likly indeed appeared before the Presbytery of Edinburgh, and petitioned for redress, but although a memorial was transmitted through the Lord Advocate to the Treasury, the matter was not one in which any effective action could be taken. In 1801 and 1802 the annual account of the possessions of the church which the trustees had undertaken to furnish was submitted to the Presbytery, and there is a further reference to the subject in 1819.¹ Likly was not long without

¹In the book of church accounts referred to in the footnote on page 322, a full statement of the money belonging to the Church at Campvere is brought down to 1821. The trustees maintained the traditions of the church in the matter of liberality. The money at their disposal was extremely limited, being merely the annual interest on the church's obligations. The following entries illustrate the nature of the cases to which the money was devoted:—

1813.

Nov. 12.	Paid three English men who were stranded and taken prisoners	5 0 8
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1814.

Feb. 27.	Paid a poor English Prisoner in the Hospital	1 4
May 9.	Paid a poor English Prisoner on his return home	1 4

a charge. On 18th March, 1801, he was admitted as pastor of the Parish of Meldrum in Aberdeenshire, where he remained until 8th December, 1816, when he "departed this life at 4 o'clock A.M."¹

In theory, however, if not in practice the Scottish church at Campvere continued to exist. Steven, writing in 1833, notes it as a remarkable fact that the congregation of Campvere still remained on the rolls of the Assembly. The Dutch church at Middelburg was indeed regarded as in some sense the successor of the church which had collapsed in 1799, and so recently as 1894, Mr. Frater of the combined churches of Middelburg and Flushing, appeared at the bar of the Assembly claiming to represent "the Kirk Session of the remanent congregation of the Scottish Church at Campvere, presently worshipping in Middelburg". The Assembly, however, refused to recognise his claims. Later in the same year the Assembly decided that the church at Campvere should remain on the roll of the Assembly.

Thus the church at Campvere had not ceased to exist without leaving some memorial behind. Its communion cups, after some vicissitudes, have at last found a resting-place in Manchester Cathedral.² Its name still appears among the congregations entitled to be represented in the General Assembly of the Church.

¹There is no mention in the church books of Meldrum of the production of the certificate to show the honourable cause of Likly's leaving Campvere. I am indebted to the Rev. Marshall B. Lang who has examined the Session books.

²"Their communion cups (four in number, presented by the factors in 1620) passed from the custody of an elder to that of his son, whose widow the present minister of Middelburg says confessed to him that they had been intended for the church at Middelburg, but were sold by her. They were sold as old silver by a firm of jewellers in the Strand, London, on 23rd July, 1875, and bought by Lord Egerton of Tatton, who presented them to Manchester Cathedral so recently that they were placed for the first time on the retable on the 2nd April, 1893" (*Mair's Digest of Church Laws*, 3rd edition, p. 367). I am indebted to this book for the information in regard to Campvere subsequent to 1799.



THE PRESENT HARBOUR AT VEERE.
(Formerly reserved as the "Scottish Quay".)



PART III.

THE ORGANISATION OF THE STAPLE.

CHAPTER I.

THE NATURE OF THE SCOTTISH STAPLE.

IN the preceding chapters, dealing with the history of the Scottish Staple, much has been said incidentally in regard to the nature of that institution, the privileges granted to Scottish merchants in accordance with the terms of the various contracts, and the restrictions which were necessarily imposed on Scottish commerce. Before discussing the organisation of the Staple in so far as this is to be traced in the duties of the various officials, it may, however, be advisable to consider the Scottish Staple as an organisation for the purposes of trade, and to form some conclusion as to its true nature by comparing it with similar institutions in other countries.

The word "Staple" is in itself an ambiguous one, and for this reason no attempt has so far been made to define closely what is meant by such phrases as the "Scottish Staple" or "Staple Goods". To give an account of the history of the institution is indeed the best method of explaining what the word means. It will be at once obvious from the preceding chapters that the Scottish Staple differs radically from the institution which in England developed under the same name. The English Staple arose under different conditions, was organised on dissimilar lines, and throughout its history had another object than that aimed at in the regulations governing the Scottish Staple. In its origin the Staple in English history was developed in order to concentrate trade

with the object of facilitating the collection of customs duties,¹ and probably dates to the latter part of the thirteenth century. Certainly in the fourteenth century the concentration of trade in Staple towns was repeatedly the object of legislation and governmental control. The limitation of the wool trade to certain ports, for the purpose always associated with the English Staple, can be traced to the reign of Edward I., while an Act of his successor endeavoured to limit trade in the same way to one Staple town in the Low Countries. English policy in this respect was not, however, continuous, for at the beginning of the reign of Edward III. all Staples beyond the sea were suspended, but it does not appear that this measure remained long in force.²

Bruges, as the most important town in the Low Countries at this period, was naturally for the most part the Staple town for English merchants, though it was not continuously so. In 1353 a great change was made in the organisation of the English Staple, by removing the Staple to England.³ Such an alteration would have been impossible in the development of an institution based on the Scottish conception of the Staple, but there was nothing foreign to the English idea in having the Staple situated in an English town. The object being merely to concentrate foreign trade, this could be done as well by compelling foreigners to come to certain English towns, as by forbidding Englishmen to trade with all but certain specified foreign markets. There were even advantages which, it was confidently expected, would result from such a situation of the English Staple on English soil. The restrictions which were imposed on foreign markets would thus be evaded, the dangers and losses due to piracy, would, it was hoped, be transferred to the foreigner, and it was anticipated that by such an arrangement effective steps

¹ "The Staple was a depôt, where goods were deposited so that tolls might be collected, and the *jus stapulæ* was the right of a town to have such goods exposed for sale in its market" (Cunningham, *Growth of English Industry and Commerce*, i., p. 311 n.).

² *Id.*, i., pp. 311, 312.

³ *Id.* i., p. 315; Ashley, I., i., p. 112.

could be taken to guard against the introduction of foreign coins of inferior quality.¹

Under the "Ordinance of the Staple" ten towns were thus chosen to be Staple towns for England.² To these towns foreign merchants were encouraged to resort, the management of affairs in each case being controlled by a Mayor of the Staple. At a later period of its history the English Staple was situated more or less continuously at Calais, which, while occupied by the English, combined the advantages of being situated abroad, and yet being part of the English possessions.³

The English Staple was thus to a large extent a fiscal device, and it arose naturally from the system whereby the Crown derived a large part of its revenue from payments on the export of wool. The English Staple was governed almost exclusively with reference to the wool trade;⁴ the necessity of controlling this trade, so as to guard against any possibility of the Crown being defrauded, inevitably led to the appointment of a class of officials who could not efficiently discharge their duties of supervision if the wool trade were not restricted in some such way as was done by the organisation of the English Staple. Wherever governmental interference is directed to the maintenance of a certain standard of quantity or quality in goods, some such limitations of place to facilitate inspection is almost necessary, and in the many shades of meaning attaching to the word Staple, it is interesting to note a Scottish Act of 1584, where "Staple" is apparently used merely to designate the place where such governmental control was exercised. The object of this Act was to standardise the barrels in which herring, salmon and other fish were packed: the standard barrel was to be kept at Edinburgh, while other towns were to receive similar barrels, branded in such a way as to show their correctness when compared with the original. For the purposes of this Act various towns

¹ Cunningham, i., p. 316.

² Newcastle, York, Lincoln, Norwich, Westminster, Canterbury, Chichester, Winchester, Exeter and Bristol (Cunningham).

³ Ashley, I., i., p. 112.

⁴ Cunningham, i., p. 313.

were named as "Staple towns for salmon," "Staple towns for herring" and so on, and the provosts of these towns were authorised to appoint a discreet man to act as inspector and gauger, and to brand the barrels.¹ It is difficult in such a passage as this to attach to the phrase "Staple town" any meaning apart from the fact that in such a town trade was, for some governmental purpose, concentrated.

This illustration shows in a sense the meaning which is to be attached to the word Staple in English history. The management of the Staple was thus primarily a matter of royal concern, though the administration was to a large extent left in the hands of the merchants of the Staple. The object kept in view was the increase of revenue, rather than the privilege of merchants or the general welfare of trade. In Scotland, as has been shown in an earlier chapter, the governing body throughout the history of the Staple was the Convention of Royal Burghs, and though royal interference was not infrequent in regard to such matters as the determination of the Staple town, yet in connection with the appointment of the Conservator, in which the power of the king was most frequently exercised, the Convention, even in the excessive loyalty following the Restoration, never wholly lost sight of claims put forward by them in their long disputes with the king on this matter. The difference in the Constitution of the Staple in the two countries inevitably led to another fundamental difference. In the English Staple, the object being the supervision of the revenue arising from the duties on wool, the exclusion of the foreigner from the trade was no essential feature in the system. On the contrary, after the establishment of the Staple in England under the Ordinance of the Staple, every encouragement was given to the foreign merchant to come to England and purchase English wool, as it was clear that the revenue payable to the Crown would not thereby be diminished, and it was hoped that the risks of foreign trade would by such means be transferred to the foreigner. In the Scottish Staple on the contrary, as will soon be shown, the attitude to the foreign trader was

¹ "To be visitor, wraker, gagear and birnar" (Acts, iii., 302, c. 19).

one of rigid exclusion. The development of the nation's trade, or rather the prosperity of the merchant classes in the royal burghs, was the object kept in view by the Convention, and any participation in trade by unfreemen, by unfree burghs, or by foreign merchants, was regarded as taking away some portion of that trade which, in the view of the Convention, was the right of the freemen of the free burghs.

Though the English and Scottish Staples thus developed on different lines, it is not without interest to note that in the reign of David II., before the organisation of Scottish foreign trade had taken definite form, a proposal was made in the Scottish Parliament which, if carried into effect and consistently maintained, would have led to a Scottish Staple not dissimilar from that with which English economic history has made us familiar. The arrangements made in 1357, on the release of David from captivity, threatened in a very serious manner the recently acquired independence of the kingdom. The ransom agreed on was £100,000, an enormous sum for such a country as Scotland to pay in view of the value of money at that time. In 1364, little progress had been made with the payment of the ransom, and the annual payment had fallen somewhat into arrears, thereby increasing the burden on the country. In this year Parliament made desperate efforts to meet the serious position in which these heavy financial liabilities placed the country. By one of the measures taken, it was decided that a tax of 8,000 marks should be raised on the whole wool of the kingdom, and certain burgesses were appointed to receive it in Flanders in English money; on behalf of the king supervision was also to be exercised in the weighing house in regard to the annual payments. Beyond this, however, the imitation of the English fiscal expedient was not continued, and after the pressure of the period was over there was no necessity for organising Scottish trade with a view to the collection of revenue. Scottish foreign trade was thus left free to develop on lines in which the first consideration was the interest of foreign trade.¹

¹ Tytler.

As an organisation for the development of foreign trade, a truer analogy to the Scottish Staple is, in England, to be found in the company of Merchant Adventurers, and the other trading companies which played so large a part in expanding English influence. Reference has already been made to the various grants of privileges during the first decade of the fifteenth century to English merchants in the countries of Western Europe. English merchants were thereby authorised to elect governors to whom was entrusted the double duty of judging in cases of dispute within the colony, and of affording protection and obtaining redress against any infringement from without. The companies thus formed differed entirely from the Merchants of the Staple, though these were also organised for trade; for the various companies were called into existence solely for the purpose of trade, and were not used as a part of the administrative machine. Each company had the privilege of trading within certain territorial limits, and the only object for which it existed was the development of this trade. The Merchant Adventurers thus differed from the English Staple in that point which marks the fundamental distinction between the Scottish and the English Staples.¹

Though the differences between the Merchant Adventurers and the Merchants of the Staple emphasise a certain similarity between the former and the Scottish Staple, it must at the same time be observed that this similarity has obvious limitations. The Scottish Staple, in fact, stands midway between the two English institutions. The Merchant Adventurers and the other trading English Companies were essentially groups of private persons. The Scottish Staple, on the other hand, always had its place, and was recognised as having its place, in the body politic. Though not a fiscal device, it had a definite relation to the fiscal system. The monopoly of trade, which belonged to the merchants of the royal burghs, extended to all those articles from which customs revenue was collected. This was the "Staple trade," and the organisation of the Staple

¹ Cunningham, i., pp. 415, 416.

was concerned with the management of this monopoly, and thus, though the Staple was not conducted in the interests of the royal revenue, it had yet an intimate connection with the fiscal system of the country. That the term Staple goods came to mean, in accordance with English analogy, the articles of raw produce which formed the export trade of the country was due to the accidental circumstance, already referred to, that the customs revenue of Scottish kings down to the tariff of 1597 was collected, chiefly, if not exclusively, from exports.

The chief distinction to be drawn between the Scottish Staple and the Merchant Adventurers is in the manner of its government. The English trading companies were throughout managed as private enterprises; the Scottish Staple, according to the ideas of the age, was the whole nation organised for the purpose of foreign trade. While the Merchant Adventurers were thus managed as a private company, the Scottish Staple was at all times controlled by the Convention of Royal Burghs, a national body, the constitution of which has already been examined. The proceedings of the Convention on all occasions of importance were followed with interest by the Crown, and in the management of the Staple, royal interference always constituted a factor which might seriously modify the decision of the Convention. Thus, when the organisation of the Staple became more definite, its governors, if we may so call the Conservators, were in fact appointed by the Crown, although the Convention to the end protested its right to elect. In each case of regular election the nomination was made by the Crown, although the Convention were able at times to protest with success against the appointment of a Conservator, who in their opinion was not qualified for the position to which he was called. The Conservator naturally acquired a position of considerable authority, if only through the exercise of power at a distance from the Convention, but his position was never one of independence. He may be said to have been a governor in virtue of his leading position in the colony, but that he was subject to the Convention was

a principle which was invariably insisted upon. The real control lay with the Convention and its committees, and they ruled, not as the partners of a private company, but as the representatives of the burghs. The Staple thus naturally became an organ of administration, and various miscellaneous duties of government became in time associated with it. This tendency is indicated in the gradual change whereby the Conservator of Scottish privileges became in time the king's representative and ambassador in the Low Countries. In an earlier chapter some account has been given of the various regulations to which trade at various times was subjected by Act of Parliament, or regulation of the Privy Council. These regulations affected such matters as the import of false coin, the prohibition of the export of various articles, the proportion of money and goods to be brought home in return for the export of other objects of merchandise. To all such regulations the merchants trading to the Staple town were of course subjected, as were the merchants who, as far as this was permitted by the terms of the Staple contract, traded elsewhere. The concentration of trade brought about by the Staple contract, made it necessary that some more definite measures should be taken to ensure the observance of these regulations; the existence of the officers of the Staple for the purposes of the Staple, naturally marked them out as being most qualified to supervise the administration of the law so far as it concerned matters of trade. To their original duties were thus added others, which made them more and more officers of the Government, and instead of being merely guardians of the trading colony, and responsible for the discharge of their duties to the Convention of Burghs, they were entrusted with the task of seeing that all these various laws in regard to trade were duly observed, and while their responsibility was always primarily to the Convention, indirectly their added duties made them in some measure responsible to the Central Government. Through these duties thus being imposed upon the Conservator and the other officers of the Staple, the Staple became in a very real sense, an administrative organ, and so differs from such

an organisation as the English Merchant Adventurers. These new duties, already referred to, all deal with matters affecting trade, but the Staple as an administrative organ was used for other and more general purposes of government. Thus the Parliament which met in 1597 required the Conservator to enforce the various Acts in regard to usury.¹ At other times the duty was imposed upon him of assisting the Government in suppressing heresy. During the various ecclesiastical and political troubles of the seventeenth century, the Staple was at all times much more than a mere trading organisation; at times it was even a factor of considerable importance in the struggles of the period. At the beginning of the century (1608), James had occasion to complain of the supplies given to the banished ministers.² In the more serious disputes during the middle of the century, the factors did much to finance the popular cause and later to assist the return of Charles II. whose cause they had espoused. The Staple was thus during these years a very real part of the political life of the nation; and it is only consistent with this aspect of the Staple that the Conservator's services should have been called into use in order to detect and confiscate seditious writings, and to keep watch on persons who were from a political or religious point of view undesirable. In the Edinburgh Records there is mention of another duty imposed on the Conservator which is somewhat similar to those referred to. In 1580, during the plague in the Low Countries, the Conservator, George Hacket, was instructed to see that no one coming from any suspected place should be allowed to sail for Scotland.³ All these were duties which were rightly imposed on the magistrates of the maritime towns at home; the existence of the officials of the Staple furnished a ready means of extending this control, and the Government was not slow to seize the opportunity offered by the Staple for this purpose.

The change by which the Conservator came also to exercise the duties of agent of the king in the Low Countries necessarily tended in the same way to bring the organisation

¹ Acts, iv., 138, c. 30. ² C. R., ii., 259. ³ E. R., iv., 180.

of the Staple into touch with the Central Government. Of his ambassadorial duties there is little mention in the Records of the Convention, but this elevation of the Conservator was not without influence on matters which concerned the Staple, regarded solely in its original capacity as an organisation for purposes of trade. On the one hand, the duties which were necessarily discharged by the king's representative led to the neglect of the duties which were earlier attached to the office of Conservator, and were pled in excuse of such neglect, as when Denniston, on being repeatedly summoned to appear before the Convention soon after the accession of James VI. to the throne of England, excused himself "in respect he is imployit in his majesteis seruice".¹ On the other hand, the ambassadorial duties of the Conservator necessitated more and more his frequent absence from Campvere, and his residence in Rotterdam. Thus in time the Conservator of the Scottish privileges in the Netherlands came to act as the king's representative in a foreign country, compelled by his duties to spend a large part of his time in a town from which Scottish trade should have been barred, had the Staple contract been rigorously observed. While the development of the Conservator's powers in this direction emphasised the close connection between the Staple as organised in the interests of trade, and the Staple as an organ of administration, it had important effects in making necessary some changes in the control of the Scottish colony at the Staple town. The frequent residence of the Conservator in Rotterdam made it in fact necessary to appoint a Deputy Conservator to discharge his duties during his absence.

While the Scottish Staple thus resembled the Merchant Adventurers in not being in its origin a governmental device, it is to be distinguished from the English trading companies in the connection which grew up between it and the Government, and the use to which it was put as an administrative organ. In the attitude to the foreign trader, the Merchant Adventurers resemble the Scottish Staple in another point which, as already noted, distinguishes the English from the

¹ C. R., ii., 180.

Scottish Staple. Throughout Scottish history the foreigner had to buy from freemen only, and foreigners and unfreemen were alike excluded from the benefits of the Staple trade. To preserve this monopoly was at all times one of the objects aimed at in the measures taken by the Convention. Whereas in accordance with the end for which the English Staple existed, foreigners were encouraged to come to the various towns which were designated as Staple towns, in the history of the Scottish institution which bears the same name, no foreigner and no Scot who was not a freemen was admitted to enjoy the privileges of the Staple contract. The citizens of the Staple port had in particular expressly to refrain from any attempt to trade directly in Staple goods, in consideration of the benefits which their town was assumed to derive from the terms of the Staple contract. This principle of exclusion was indeed enforced with surprising thoroughness. Scottish traders resident abroad at the Staple port were excluded, and even the Conservator himself was regarded in a certain sense as an outsider. Thus the magistrates of Edinburgh in February, 1576, decided in the case of Hacket that "notwithstanding his office . . . he is subject to custome as ane unfreman sa lang as he hes his remanyng furth of the realme".¹ All those who thus acquired any privileges abroad by residence or intermarriage were specially excluded, and the privileges of trading in Staple goods was reserved for those who were free burgesses of royal towns, resident in Scotland. As business methods changed, and the merchant no longer accompanied his goods abroad, the organisation of the Staple called into existence a new class of men. The duties of these "factors" will be more fully considered later, but in connection with the limitation imposed on those who might deal in Staple goods, two regulations in regard to these factors may be noted here. These necessarily resided at the Staple town, and they were therefore debarred, for this reason as well as in the interests of those for whom they acted as agents, from participation in merchandise. That factors should confine themselves to their office of factory,—that

¹ E. R., iv., 46.

is, that they should not buy and sell in their own interests, —was, as will be seen later, a regulation repeatedly re-enacted. Of another limitation on the powers of the factors there is less frequent mention, but this is doubtless merely because it was found unnecessary to lay the same emphasis on this restriction, not because the principle involved was less essentially a part of the system on which the Staple trade was organised. This was the regulation whereby factors were forbidden to extend the benefits of the Staple to "Strangers," as when in 1699 the Convention prohibited "any of the factors at Campheir to colour any Staple goods belonging to strangers as Scotsmen goodes or to give them the benefeit of the Staple port".¹ Thus, not only was the foreigner excluded from participating in the Staple trade; this exclusion extended to any Scotsman who acquired a foreign domicile, or foreign relations of an entangling sort, likely through differences of the law in regard to inheritance or bankruptcy to render him a source of insecurity to those with whom he might trade.

It is thus in the privileges they sought, not in the method of government, that the merchants of the Scottish Staple resembled, and indeed consciously imitated, the Merchant Adventurers. In some matters of government, and in the object of the Staple policy, there is a closer resemblance to the foreign factories of the Hanseatic League. The League indeed became a great military and independent power, and so far there can of course be no analogy with the Scottish Staple, controlled by the Convention of Burghs, a body which never aspired to any position of independence. But in neither case was there anything of the nature of a company, and this serves above all things to distinguish the Scottish Staple from the English Merchant Adventurers. The great Hanseatic factories, such as those at Bergen, Bruges, and Novgorod, and the Steelyard in London, were conducted in the common interest of the trading cities of the League; in the same way the Scottish settlement in the Low Countries was directed by the Convention of Royal Burghs in the common

¹ C. R., iv., 283.

interest of all Scottish merchants. The deliberations of the royal burghs were, it is true, liable to be overruled by the capricious intervention of the king, whereas the Hanseatic League exercised over its members the full powers of sovereignty, but this difference, fundamental as it may be, did not affect the position of any individual merchant in either case. The exertions of the governing authority were in each case made in the interests of all merchants; in the absence of a company each merchant was left complete freedom as regards the nature and extent of his undertakings. The Scottish merchant thus made his own adventures, and traded on his own account. The expenses necessarily connected with the maintenance of the Staple were defrayed by a tax imposed on the goods he took thither. The whole machinery of the Staple existed to further his business, and having paid the taxes imposed, the whole profits of his transactions were his own, and there was no attempt to limit his enterprise. There is thus nothing corresponding to the "Stint" which is so prominent in the history of the English Merchant Adventurers. This was the limit imposed on each member restricting his undertakings, and was a device intended to prevent one member monopolising trade at the expense of others. There could be no such limitation in the case of the Scottish Staple. Regulations of various kinds had necessarily to be made, but to all who complied with these regulations full liberty was given in matters of trade. Each merchant could export as he chose, and no limit was assigned to the profit which he might obtain from his own undertaking.¹

In dealing with the history of the Staple contract, attention has already been drawn to the various concessions and privileges which were from time to time sought in the contracts made with the Staple town. It is, therefore, unnecessary to discuss at length this aspect of the nature of the Scottish Staple, and in the full text of the more important

¹This refers to the period in which the organisation of the Staple is definitely known. Earlier devices, as *e.g.*, the sharing of a bargain, have been noticed in the chapter on the organisation of the Burgh.

contracts printed in the Appendix, further details will be obtained in regard to the inner life of the Scottish trading colony. To obtain greater security and mutual support was in the first place the object of the policy of concentration. This explains the prominent place assigned in all the contracts to provisions which have no direct connection with trade or commerce. This is indeed a common feature of all trading settlements in the middle ages, and the organisation of the Merchant Adventurers, and of the Steelyard in London supply close parallels with the desire of the Scottish merchants to remain socially and politically independent of those among whom they had to dwell for purposes of trade. To this instinct for independence is to be attributed the judicial powers given to the Conservator, which to a large extent removed the Scottish colony from the jurisdiction of native courts. To this firm resolution to maintain alive the feeling of their common origin is due their demand for separate chapels, churches, burial grounds and recreation grounds. To avoid all unnecessary entanglements with the inhabitants of the Staple town, the Scottish merchants resided in their own conciergery house, and at one time even insisted that their factors should be unmarried men.¹

The Staple was, however, an organisation for trade, and these privileges and regulations of a social order were therefore supplemented by the various concessions directly bearing on matters of trade and commerce. These, as we have seen, were of a miscellaneous character, and guaranteed amongst other things the provision of pilots, beacons, wharves and warehouses. Protection and fair play in the charges to which he was subject were also secured to the merchant by the terms of the contracts, and by exemption from taxation of various kinds trade was also encouraged. The privileges thus granted were gradually extended, until the Staple town, Campvere, agreed to pay a price out of all proportion to the benefits which it could possibly derive from

¹ Cf. the similar regulations as regards marriage applied to all merchants of the Steelyard.

the monopoly of the Staple trade, which the contract professed to secure.

As this monopoly was the only advantage which Campvere obtained in return for the many privileges extended to Scottish merchants, it was necessary to take measures to secure the observance of the Staple contract. The Staple trade had thus to be supervised, and thus the existence of the Staple was not without influence on the burghal life of Scotland. The earlier contracts, it is true, did not definitely lay down the rule that all Staple goods should be transported only to the Staple town, and thus the questions involved in the "breach of the Staple" did not arise till a later date. The supervision of the Staple trade was, however, throughout its whole history of the same nature, and the influence which the Staple contract had on the city life of the Scottish towns is not so marked as might have been expected, for this reason, that the enforcement of the contract merely emphasised those features which were already characteristic of the burghal life of Scotland. In dealing with the rise of the burghs and their organisation, the general attitude of exclusiveness has already been commented upon. The attitude of the royal burghs to other burghs, and of free burghers to unfreemen has already been noted, and the supervision of the Staple trade, when this came to be exercised with the view of enforcing the Staple contract, served to emphasise the lines on which burghal life had developed. Most of the limitations imposed on the Staple trade have thus already been mentioned in another connection. The Convention meeting in 1574 adopted an Act of James V. that ships with hides, wool, skin, cloth and "siklyik stapill guidis" should only sail to Flanders twice in the year, and this law was again enacted some years later.¹ That only freemen should sail with Staple goods was a principle which was repeatedly laid down, and the attempt to limit the number of those carrying on foreign trade led to the enactments which required merchants to be men of substance. The elaborate system of requiring merchants to procure tickets,

¹ C. R., i., 32.

declaring their freedom and residence in a free burgh, signed by the dean of guild, and the regulation at one time enforced of allowing vessels to be laden only in the presence of the dean of guild, or, in his absence, in the presence of the baillies, were parts of the same extensive supervision of the Staple trade, and were probably due in part to the necessity of enforcing the Staple contract as well as to the exclusive instincts of the Scottish burghal class.

The exclusiveness of the royal burghs in their relation to their less favoured neighbours may also be observed in all matters connected with the Staple. Regulations as to Staple goods were indeed made at a time when the organisation of the Staple was only taking definite form, and before Scottish merchants were bound down by the contract to convey their goods only to the Staple town, the unfree towns were jealously excluded from all unnecessary dealings in Staple goods. It was during the sixteenth century that the Staple became fixed at a definite town¹ and the contract became more precise and binding. In 1541 the Staple was fixed at Campvere; on the return to Campvere in 1578 it was definitely laid down that merchants should sail with Staple goods only to the Staple town. During this century in which the organisation of the Staple assumed the form maintained until its dissolution in 1799, the attitude of royal burghs to unfree burghs in regard to Staple goods may be seen in the various regulations enforced by Edinburgh against Leith. The principle of exclusion in these matters was no new one. Towards the end of the fifteenth century (1482), it had been definitely laid down that no Staple goods should remain longer at Leith than was necessary to allow them to be carted to Edinburgh, and none of course should be sold in Leith.² On this rigid principle of exclusion the organisation of the Staple was built, so far as it affected those who might

¹ During the fifteenth century, as in the agreement with Bruges in 1472, exclusiveness appears to have been of the essence of the contract. The statement in the text refers to the rigidity which came after the licence allowed in 1526 and subsequent years.

² E. R., i., 46.

carry on trade, and throughout the changes of the sixteenth century this is the principle which is repeatedly enforced in various forms against the citizens of Leith. In 1506 there was a proclamation of the king forbidding all and sundry to "pak or peill" (trade or traffic in) any Staple goods,¹ and some years later (1518) the Lords of Council, in an action brought by the magistrates of Edinburgh against a certain Robert Bertoun of Leith, laid down in most definite terms that the inhabitants of Leith and all other unfree towns should desist from all "pakking and peling".² In the following year this prohibition was set out in more detail, when it was laid down that the inhabitants of Leith should in no way buy "wyne walx victuellis irne tymber lint pick tar, or ony uthir stapill gudis".³ After the Staple had been settled at Campvere, there are a number of regulations directed against breaking bulk at Leith, and various prosecutions for offences of this nature. In 1558 there occurs in the Records of Edinburgh a comprehensive prohibition, which summed up all previous regulations in the matter, and prevented the inhabitants of Leith from taking any part in the Staple trade of the country.⁴ To enter into partnership with any inhabitant of Leith in any trading enterprise was also strictly forbidden.⁵ The continuation of the same policy may be seen still later in the century (1585) in the declaration

¹ E. R., i., 109.

² E. R., i., 180.

³ E. R., i., 192. In 1523 Edinburgh proceeded against the inhabitants of Leith and obtained a decision of the Lords of Council in their favour (E. R., i., 212, 213).

⁴ "The indwellaris of Leyth may on na wayis buy woll hyde claith skin salmound wyne walx victuellis or ony maner of stapill gudis, fra unfremen in the countrie, bot all sic merchandice sould first cum and be presentit to the burgh of Edinburgh, and thairefter sould be bocht fra the fremen thairof. Item the indwellaris nor na uther unfremen may pack and peill the sadis gudis in the town of Leyth, quhilk is ane unfre town, nor yit in ony uther place within the fredome of Edinburgh, bot all sic merchandice and gudis aucht and sould be brocht to the said burgh as principall stapill thairof, and thair to pack and peill the samin and pay their customis and dewties thairfor as effeiris" (E. R., iii., 25, 17th June, 1558).

⁵ E. R., ii., 207.

that "na maner of staipill guidis suld be howset, pakket peillet, ventit, toppit, (retailed) or sawld within the unfrie toun of Leyth".¹ This uniform series of regulations, extending over the period in which the Staple contract was taking definite form, shows, in the particular case of Edinburgh and Leith, the limitations imposed in one respect on those who might participate in the Staple trade.

It may be convenient in concluding this chapter to state more fully the nature of the goods comprised under the phrase "Staple Goods," to note what was at various times definitely excluded from this class, and what the Convention of Burghs endeavoured to include under this phrase. Speaking generally, Staple goods were the goods in which only free burghesses of free towns could trade; they were those on which custom was payable to the Crown. It is impossible, however, to find until comparatively late in the history of the Staple any clear general statement of the meaning of the term Staple goods. The words generally occur after a list of the more characteristic exports of Scotland in the phrase "or other Staple goods," and it does not appear that the conditions of Scottish trade during the earlier years of the Staple contract required any rigid definition of goods which were Staple. As has been pointed out in an earlier chapter, the necessity for such a clear statement was not felt until the contract of 1578 laid down rigidly the principle that Staple goods should not be taken to any port other than Campvere. In fact the question was not definitely raised for a considerable number of years after the contract of 1578 had clearly determined the nature of the Staple. In 1602, however, Ninian Barclay, Provost of Irvine, raised the question. After a lengthy discussion the decision of the Convention was comprehensive and conservative, and reaffirmed the meaning which had at all times been given to the term Staple goods: "The saidis commissioneris, efter lang conference and ressoneing findis and declairis that, according to the consuetude of merchandrice in all tymeis bygane, all merchandrice quhilk payis custome, alsweill brocht within the

¹ E. R., iv., 432.

realm as transportit furth of the samyn, is and hes bene callet, repute, and haldin stapill guidis and wairis".¹

From about the middle of the seventeenth century it became necessary to specify more precisely what these Staple goods were, and the question whether certain goods were or were not Staple goods was frequently brought to the consideration of the Convention. The goods which thus required to be specially considered were salt, coals, stockings, salmon, and at a later date cured herrings, lead and lead ore. The first of these to occupy the deliberation of the Convention was salt. In 1649 the Conservator received instructions to negotiate with the magistrates of Campvere with a view to the recognition of salt as a Staple good, the Convention somewhat needlessly stipulating that the transport of salt should, however, be restricted to the free burghesses of royal burghs, and that factors should not receive consignments of salt from any unfree person.² Whether salt should or should not be regarded as a Staple good was apparently not considered further at this stage. In regard to coal, however, more extensive negotiations were carried on. This also came before the Convention which met in 1649, and the representatives of the burghs cordially approved of the measure taken by Thomas Cunningham, the Conservator, to have "sea and burne coall" recognised as Staple goods. A committee was appointed to meet with the coalmasters to secure their concurrence in what was proposed.³ The consideration of the matter was for some time deferred, and it was not until 1659 that any decisive result followed the negotiations with the coalmasters. An offer had been made by the coal contractors in Holland to buy the coal for a certain number of years. This offer had been communicated to the coalmasters of Scotland, who, however, expressed themselves as wholly dissatisfied with the terms offered, alleging that they could get a much better price than the Dutch coal merchants were prepared to pay.⁴ In consequence of the attitude taken up by the coalmasters nothing further was done in the matter,

¹ C. R., ii., 130.

² C. R., iii., 344, 345.

³ C. R., iii., 354.

⁴ C. R., iii., 475, 476.

and ten years later, in 1669, the year following the removal of the Staple to Dort, when the Convention thought it advisable to define precisely the goods to be regarded as Staple, salt and coal were both excluded from the list: "For the bettir distinguishing and puting difference betuixt those goods that are staple goods, and those that are not, the conventione statuts and ordaines that the comodities and wairs wnderwritin shall be reckoned holden, and repute staple goods in all tyme coming *viz.*, first, skinns of all sorts, hydys of all sorts, plaiding and all that is made of oull, the salmond, the tallon, the beef and no others shall be repute staple comodities".¹

The exclusion of coal from the list of Staple goods was more definitely announced some years later, in 1675, by a committee of the Convention meeting in Edinburgh. This committee declared that "coall is not nor never wes ane steple comoditie," and accordingly the conduct of the late Conservator, Sir Patrick Drummond, in exacting dues in respect of coal was held to have been without warrant, and the Conservator then in office, and his successors, were forbidden to exact any such duties in future.² The vagueness attaching to the meaning of "Staple Goods" is well illustrated by the fact that from this statement Aberdeen dissented until "it be maid appear that coall is not a staple commoditie". In this fundamental dissent from the findings of the committee, Aberdeen was joined by Perth when the matter was brought before a full meeting of the Convention in the following year.³ In 1680, after the re-establishment of the Staple at Campvere, the Convention finally declared that coal was not a Staple commodity, and that, therefore, the duties which had hitherto been exacted should no longer be collected. The Conservator at this time was Wilkie, whose administration of the office had been unusually unfortunate, and the Convention in thus deciding that coal should not be regarded as a Staple good, and thereby depriving the Conservator of a part of his income, may have been

¹ C. R., iii., 615.

² C. R., iii., 658.

³ C. R., iii., 655.

actuated by feelings of hostility to their representative at the Staple port.¹

In 1676, in the discussion in regard to the terms of the new Staple contract with Campvere, the Convention had again before it the meaning of "Staple Goods". It was asserted that lead, lead ore and salt were not and in no time coming should be regarded as Staple commodities, and in the following year, after comparing two forms of the contract, the Conservator undertook to secure the adherence of the magistrates of Campvere to the form of contract embodying the principle thus laid down.² In regard to two other commodities, certain modifications were also laid down by the Convention. It was declared that salmon, as a "tender and perishable commoditie", should, at certain seasons of the year only, remain at the Staple port for a limited period, and the merchant should thereafter have full permission to move his goods elsewhere, after payment of the Conservator's and minister's dues. In regard to stockings, not being a "comoditie that frequently vends at the Staple porte," a similar regulation was made to enable the merchant to remove his goods on the expiry of two months, on payment of the same dues as were to be exacted in the case of salmon.³

In the years following this contract (1676), the position in regard to salmon and stockings appears to have remained somewhat anomalous, and the renewed contract of 1697 reaffirmed the doubtful attitude of the Convention in regard to these two commodities. In 1682 it was declared that salmon were not and in no time coming should be considered to be Staple goods, but should remain as formerly subject to payment of Conservator's dues.⁴ This compromise appears to have been unsatisfactory, for in the following year a letter was read from the magistrates of Campvere, asking among other things that salmon and lead ore should be declared to be Staple commodities. The answer of the Convention was undecided, and showed a desire on the part of the Scottish

¹ C. R., iv., 23.

² C. R., iii., 667; iv., 4.

³ C. R., iii., 667, 668.

⁴ C. R., iv., 32.

merchant class to combine the benefit which would arise from salmon being a Staple commodity, with the advantages which they would retain if it were not so classified. They replied that they were not prepared to recognise salmon as a Staple commodity, inasmuch as it was perishable, but were willing in case salmon should be taken to Campvere "that the same enjoy the benefitt of a staple comoditie," and the Conservator was recommended to negotiate with the magistrates of Campvere with a view to obtaining their permission to convey the salmon to other places in the Netherlands. The reply in regard to lead ore must have been even more unsatisfactory to Campvere. The Convention alleged that in this matter they were powerless on account of certain existing contracts between Scottish noblemen and Hollanders not resident at Campvere.¹ The whole object of such an international contract as the Staple was, however, necessarily to interfere with private agreements, and the attitude taken up on this occasion by the Convention would have led, if logically applied, to the subordination of the contract to any previously existing private agreement. In the negotiations in regard to the renewal of the Staple in 1696-97, to the clause dealing with Staple goods was added a defining paragraph, which included salmon in the list of Staple commodities. "And by this article it is agreed that the goodes followeing is and shall be repute staple goodes and no others, *viz.*: wooll, woollen and linnen yearn, all woollen and linnen manufactorie, hyds and skins of all sorts, plaiden, carsays, Scots cloath; stockings, salmond, tallow, oyl, and all sorts of barrell flesh and pork, butter, leather dressed and undressed."² The inclusion of salmon in this list, was, however, modified by a condition similar to that on which the Scottish Convention had always insisted. Salmon coming to Campvere after the 1st October were to remain there till the 1st November, those arriving after 1st November might be removed elsewhere provided the first offer of sale was made in the Staple town. Stockings

¹ C. R., iv., 38.

² C. R., iv., 217. This list is also given in the Proclamation enforcing the Staple, dated 30th March, 1699.

as already agreed, were to remain in Campvere for two months. These regulations in regard to salmon and stockings were insisted on three years later (1700) by the Convention in writing to the magistrates of Campvere on the matter.¹

During the eighteenth century little was done to modify the meaning of Staple goods. The Convention indeed at times indicated their willingness to have the list of Staple goods extended, and at various times instructions were given to the Conservator accordingly. When the contract was renewed in 1718 Andrew Kennedy, acting by the orders of the Convention, endeavoured to have cured herring and salt added to the list of Staple goods.² The desire of the merchant classes thus to extend the number of Staple goods is probably in part explained by a phrase used in the instructions given to Kennedy in regard to the herring cured in Scotland: the chief object may now have been to secure in respect of as large a number of goods as possible "the same exemption of custome at the staple port in all respects as other staple commodities".³ The reply given by the magistrates of Campvere in the following year was not wholly unfavourable, but in effect promised little. An undertaking to "informe themselves if it be possible," a pledge even "to do their utmost endeavours" may have meant little on the part of Campvere.⁴ Certainly on the occasion of the next prolongation of the Staple in 1736, matters appear to have been in the same condition as regards the interpretation to be put on Staple goods, for on this occasion the instructions to the Conservator refer not only to cured herring and salt, but "bar lead and lead ore" were also mentioned in the instructions as commodities which it was desirable to have recognised as Staple goods.⁵ By the seventh article of the contract made in 1736, bar lead was classed under lead ore, as being of the same substance and nature, and its omission from the Ampliations of 1697 was admitted to have been the result of a mistake. In regard to salt and cured herring, the magistrates of Campvere

¹ C. R., iv., 301.

² C. R., v., 195.

³ C. R., v., 202.

⁴ C. R., v., 221.

⁵ C. R., v., 611.

merely promised to take into their consideration whether these goods might with prudence be classed among Staple commodities (Sections 8 and 9).¹ Similar instructions were given to the representatives of the burghs in regard to the negotiations in 1780, and similar clauses were embodied in the contract then made.

¹Yair ; Perrels.

CHAPTER II.

THE CONSERVATOR.¹

IN the organisation of the Staple the central figure was at all times the Conservator, in whom, as representative of the Convention, were vested extensive powers of supervision and control. In the middle ages the tendency of foreign trade was in all countries to develop by means of settlements, and such foreign settlements inevitably demanded the existence of an officer who should in some measure discharge the duties of a governor. As applied to the Scottish Staple the name is perhaps a misleading one, for extensive as were the powers of the Conservator in some directions, in other respects he was under the constant and jealous supervision of the Convention, who did not fail whenever necessary to emphasise the fact that he was in reality but a subordinate officer of the royal burghs. Yet for the sake of emphasising the analogy which exists between the Scottish institutions and trading companies elsewhere, the Conservator may well be described as the governor of the Scottish colony, exercising judicial powers over the Scottish merchants in the Staple town, entrusted with the protection of their privileges, and bound to supervise the due observance of the law in all matters in regard to merchandise, and more especially to enforce the regulations in regard to the Staple trade.

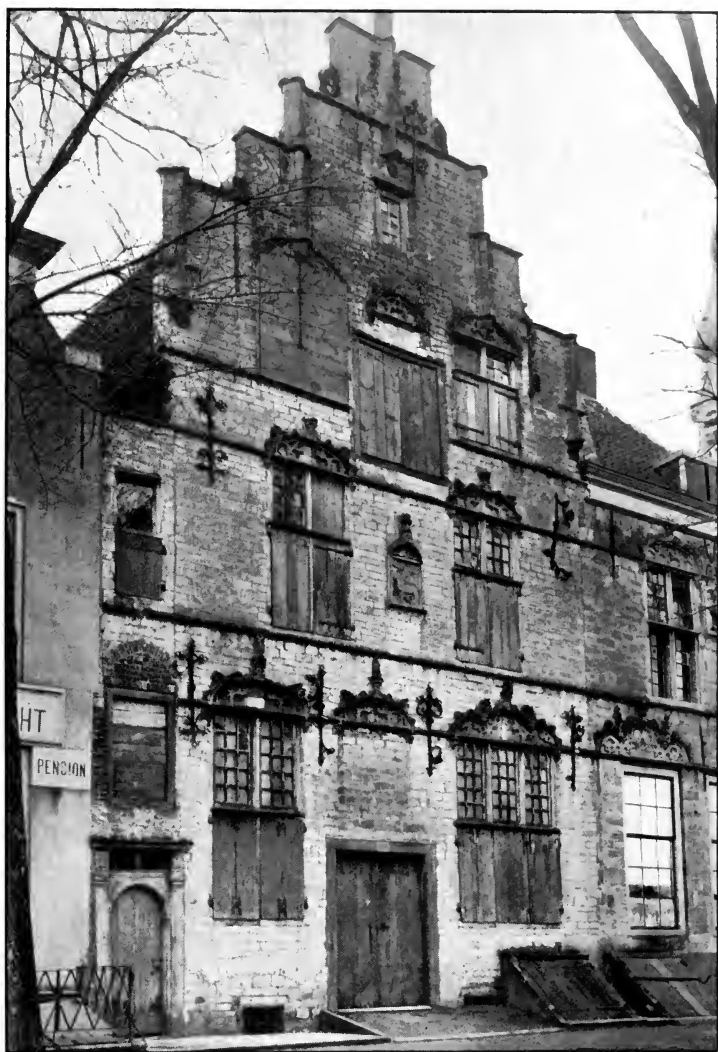
It has been seen that from the time when Scottish foreign trade began to take definite form, some such officer was invariably referred to in the contracts made with foreign powers. In the early grant of privileges made by John Duke of

¹ In this and the following chapters the information is taken almost entirely from the Convention Records.

Burgundy in 1407, provision was made for the appointment of "commissaries," who though their powers were limited by the law of the country, were yet in virtue of the protection they were designed to extend to Scottish merchants, the forerunners of the later Conservators. In the agreement made with Bruges immediately after this, the title of "Conservator" is used to designate the officer to whom was assigned the duty of protecting the Scottish merchants. Appointed apparently by the Dukes of Burgundy, the Conservator of the agreement of 1407 differs essentially from the more familiar Conservator of later times, yet he is unmistakably a forerunner, and the use of the name by which the chief officer of the Staple was afterwards designated, emphasises the connection between the Conservator of this earlier contract and the Conservator of the sixteenth and seventeenth centuries.

The next reference to an officer exercising powers similar to these occurs in the grant of privileges made by the Earl of Holland in 1416, already referred to in an earlier chapter. The title Conservator was on this occasion displaced in favour of the term which is more familiar in connection with the English Merchant Adventurers. The Scottish merchants were authorised to appoint "one or more governors," and the fact that the appointment was thus made by the Scottish merchants marks an advance in the development of the Conservator's office, for the governors were thus Scottish officials in a sense impossible in the case of the "Conservators" appointed in accordance with the agreement of 1407. The closer definition of the governor's judicial powers also marks an advance to the extensive jurisdiction afterwards exercised by the Conservator over the Scottish population resident at the Staple port.

During the fifteenth century the most interesting evidence in regard to the office of Conservator is to be found in the commission given in 1472 to Anselm Adournes. Before this Etienne Anguis had indeed appeared as Conservator, defending the rights of Scottish merchants. In the case of Adournes, however, the commission has been preserved,



THE CONSERVATOR'S HOUSE AT VEERE.



and it is therefore possible to obtain from this document a clearer view of the contemporary conception of his office than may be deduced from the slight references to the discharge of these duties by Anguis. The functions of the Conservator as recorded in this commission were already accurately defined. His chief duties in regard to the defence of the privileges of the nation, and the holding of courts of justice with the help of merchants at the Staple port were stated at length, and the arrangements made for raising his salary do not differ from those enforced at a later period of the history of the Staple. Indeed it is not improbable that a more rigid conception of the Staple contract and of the Conservator's duties existed about the time of this agreement with Bruges, than is to be found in the opening years of the sixteenth century, when the system of exclusively trading with one town—on which the Staple was built—appeared to be breaking down. Certainly, in regard to Andrew Halyburton, a Scottish merchant settled at Middelburg from 1493 to 1503, who received the title of Conservator, there is little to show that any definite meaning was attached to the office so precisely defined in the case of Adournes.

Halyburton¹ is known to us from his *Ledger*, which has been preserved, the entries in which cover the period from 1493 to 1503. As a source of information in regard to the exports and imports of Scotland, and the social conditions of the country at this period, Halyburton's *Ledger* is invaluable. On the development of the office of Conservator it throws, however, no light. Halyburton was, in the first place, a merchant, resident for the most part at Middelburg, but also carrying on business with other towns, such as Bergen, Bruges and Antwerp. He bought and sold on behalf of his numerous clients in Scotland, and his *Ledger* gives a detailed account of the goods received and returned. During the period covered by Halyburton's *Ledger*, the Staple, as has already been seen, was not continuously at Middelburg, but the monopoly of Scottish trade was not rigidly confined to

¹ For an account of Halyburton's *Ledger* see chap. viii. of *Scotland in the Middle Ages* (Cosmo Innes).

any town, as the facts in regard to the situation of the Staple at Bergen sufficiently show. The title by which Halyburton is addressed in some of his letters, "Conservator of the privileges of the Scotch nation at Middelburg," indicates, however, as indeed is apparent from other sources, that Scottish trade was at this time mostly with that town. In buying and selling on commission, he was undertaking the work at a later date entrusted to the factors. Thus in the words of the editor of the *Ledger*, Halyburton may perhaps best be described as "a leading merchant and probably the chief of the Factors". Of his activity as Conservator, however, nothing is known, and it is impossible to say whether the title was a vague one given him in virtue of the leading position he certainly enjoyed as a merchant, or whether the evidence in regard to his tenure of the office has been lost.

Halyburton was resident at Middelburg until somewhere about the year 1503; with the appointment of Frances to be Conservator in 1505, the history of the office becomes fairly clear and continuous. In the year in which the entries in Halyburton's *Ledger* close, two Acts were passed by the Scottish Parliament in regard to the Conservator, which, with a third Act passed in 1535 before the Staple was definitely fixed at Campvere, lay down the three main principles underlying all later regulations in regard to the office. These principles are, indeed, but a development of the conception of the office as found in the commission of Adournes, but they now appear definitely in the statute book for the first time. The first of these Acts is that giving the Conservator jurisdiction over the Scottish merchants. The professed object of this Act was to avoid the heavy expenses incurred by merchants in carrying on law suits in foreign countries. The limits of the Conservator's jurisdiction were not on this occasion defined, the only reservation being that the Conservator should not decide in any matter unless six of the best and "honeste merchandes of maist knowlage" sat with him, or if so many could not be found, then the Conservator was to sit with four merchants, the object of this regulation probably being to secure an odd

number in the court so formed. It was further enacted that no merchant was to bring an action against another merchant before any other judge. The second Act passed in 1503 required the Conservator to come home yearly, or should this be impossible, to send in his place a procurator to announce all charges brought against him. The Act of 1535 referred to does not directly bear on the powers or duties of the Conservator, but the reference to the Conservator in the last sentence of the Act is of importance in considering the development of the office. The measure was one for the enforcement of various Acts already passed requiring merchants carrying on foreign trade to be men of substance, that is, to have half a last of their own goods on board. By this Act the magistrates of the towns on the sea-board were to seek out those guilty of any infringement of this measure, and to exact the fines due for such offences. It was at the same time enacted that a copy of the Acts in question should be forwarded to the Conservator, who was to report the names of all guilty of any breach of these measures.

Thus in the early years of the sixteenth century, at a time when the organisation of the Staple had not attained that definiteness so characteristic of the institution at a later date, and when it had lost the rigidity which at least outwardly appears to have been a feature of Scottish trade at certain periods of the fifteenth century, three principles were laid down in regard to the office of Conservator. Firstly, the Conservator had to give annually an account of his conduct and answer complaints brought against him; this in effect made him subject to the Convention of Burghs where alone such complaints could in practice be made. Secondly, the Conservator had jurisdiction in any dispute arising among Scottish merchants. It was an easy extension of this principle to give to the chief officer of the Staple a general power of control over the life and conduct of merchants at the Staple port. Thirdly, it was entrusted to the Conservator to see that laws in regard to trade were duly observed; on the same principle the enforcement of all laws dealing with the Staple was naturally entrusted to the same officer.

The absolute subjection of the Conservator to the Convention of Royal Burghs has been illustrated so frequently in the account already given of the history of the Staple that it is scarcely necessary to emphasise the point at this stage. The Conservator was the representative of the burghs, and in all negotiations in regard to the situation of the Staple, or the terms of the Staple contract, the Conservator acted on behalf of the burghs. The Convention lost no opportunity of emphasising their view that the Conservator existed for them, that his office was created and existed in their interests. The claims of the Convention in regard to the appointment of the chief officer of the Staple were never acknowledged by the Crown, but the Convention except when influenced by the loyalist zeal characteristic of 1666, unfailingly asserted these claims, emphasising the subordinate position held by the Conservator in his relations to the representatives of the royal burghs. Though the protests of the Convention could secure the removal of particularly undesirable persons from the office of Conservator, for various reasons the holders of the office were seldom men wholly after the Convention's own heart. Yet even when the king's nominee was most grudgingly accepted, he was compelled to receive the instructions of the Convention. In view of the method of appointment it was only natural that in general the Conservator was not on the best of terms with the Convention. Complaints were incessantly being made by merchants against the Conservator in connection with his administration of the Staple, and the Convention always showed itself ready to listen to such complaints and almost invariably required the Conservator to appear and answer the charges made against him. When the Conservator was thus summoned, the authority of the Convention was in general vindicated, for the Conservator most frequently did not hesitate to make his "submission" to the higher power.

With regard to the second principle laid down by Parliament in the early years of the sixteenth century, it is not necessary at this point to deal with the Conservator's judicial powers over his fellow-countrymen at the Staple port. In

tracing the history of the Staple contract in an earlier chapter, the various arrangements made in regard to the jurisdiction of the Conservator's courts have been sufficiently indicated, and fuller information may be found in the Appendix, in the text of the more important contracts. The problem raised was a common one in the economic conditions of the middle ages. There are, for example, in Scotland early references to the government of Flemish colonies by Flemish law. The existence of a privileged and foreign body required the existence of an independent power, which should be in the State yet not of the State. To the general problem no satisfactory solution could be given, and here as elsewhere a halting compromise was all that could be achieved. The nature of sovereignty does not permit a State to guarantee the existence of a judicial power over which it renounces control.

The control of the Conservator over Scottish merchants exercised through the courts could only arise in the case of a dispute brought before him for a judicial decision.¹ His power, however, extended far beyond this. Over other officers of the Staple he naturally exercised powers of control, and in particular he was repeatedly instructed to see that regulations in regard to factors were duly observed. The factors were of course, like all others at the Staple port, subject to the jurisdiction of the Conservator should they be involved in any dispute. The point was definitely brought before the Convention in 1588 when a merchant of Glasgow, Mathow Flemyng, was instructed to pursue Nicoll Reid, one of the factors at Campvere, before the Conservator "as his

¹ Some interest attaches to the form of fencing the court in use about the beginning of the eighteenth century: "I defend and forbid in name and authority of Our Sovereigne Lord George, By the Grace of God, King of Great Brittain, France and Ireland, Defender of the Faith and in the name and Authority of the Honourable Andrew Kennedy, Esq., Lord Conservator of the Previiledges of the Scots Nation in the Netherlands and his Majesty's Agent and Counsell there for all affairs Relating to the Kingdom of Scotland that no person Trouble or Molest this present Court nor speak for himself nor for another without leave asked and given under the Pain of a Merciament. God Save the King."

onlie juge ordnar". To the Conservator was, however, entrusted all manner of regulations in regard to the factors and the discharge of their duties, which must have made it necessary for the Conservator to keep the whole life of the factors under close observation. Measures limiting the rights of factors, regulations in regard to their fees, enactments dealing with their religious life, were alike entrusted to the Conservator to see that the will of the Convention in all these matters was duly observed. Of the control of the Conservator over the other officers of the Staple we hear less, but this is because the Convention did not find it necessary to lay down general regulations dealing with the duties of other officials, such as the minister of the church at the Staple port. On the other hand, the duties of factors constituted one of the subjects most frequently under the consideration of the Convention, and the nature of their duties repeatedly made it necessary for the Convention to emphasise the control which the Conservators were expected to exercise over the actions of the subordinate officers.

The extensive powers of control vested in the Conservator are perhaps best seen in the provisions in regard to private merchants. By these measures the ordinary life of the merchants at the Staple port was subject to the supervision of the Conservator in what would appear to the modern mind to be the most trivial matters. One instance has already been given in an earlier chapter in considering the exclusive character of the Scottish merchant class. The Convention meeting at Edinburgh in 1529, was led to lament the dishonour brought on the realm by merchants going abroad in their "evill and wirst clais". The Conservator was accordingly instructed to take note of such offenders, and if need be, gentler methods of persuasion having failed, he was authorised to seize their wares, and have suitable clothes made for them. It would be interesting to know the results of such an obviously impracticable regulation as this, for it is difficult to believe that a merchant who should compel the Conservator to exercise his full powers in the matter would quietly discard his "wirst clais" on being presented with "honest

clais" made out of a part of his own merchandise. Beyond this point a difficulty may very well have arisen, and it is not clear that the Conservator's powers were sufficient to carry out the will of the Convention at this stage.

Later in the century, in 1565, at the time of the queen's displeasure with Hacket, an Act of the Privy Council laid down various regulations in regard to the life of the merchants at the Staple port, and these also the Conservator was instructed to see observed. By these the Conservator's power over the behaviour of the merchants in very minor matters was considerably extended. The power of the Conservator in cases of dispute arising was of course reaffirmed, and another important regulation entrusted to the Conservator the goods of Scottish merchants on their death, until such goods should be claimed by the wife or children of the deceased. Many of the other matters dealt with are, however, comparatively insignificant, and gave to the Conservator considerable powers of interference in unimportant matters in the life of the merchants. The power of the Conservator to make clothes for the disreputable was reaffirmed, and all merchants were also bound to follow the Conservator on any occasion of ceremony. Another rule laid down was that in buying in the market place not more than two merchants should at any time be present in the same booth: a third merchant coming to such a booth was required to pass elsewhere until one of those already in possession should leave. Most noticeable as illustrating the power of the Conservator in trivial matters are two regulations dealing with the behaviour of merchants in the market place. No merchant on buying goods was allowed to carry his purchase to his lodging, but was to hire another to do so, "lyke ane merchand," and further, no one having bought meat in the market was to carry it home in his sleeve or on his knife-point: how he was to carry it home is not however stated. All these matters the Conservator was to see duly observed. It is therefore only natural that at a later date, when religious questions were more acute, the duty was entrusted to the Conservator of seeing that the Sabbath day was observed by

those at the Staple port. At the time of the incorporation of the Scottish nation at Campvere in 1579, the control of the Conservator over the individual was emphasised by the oath of allegiance to the king, which every Scotsman was required to take before the chief officer of the Staple. One other example of this absolute authority of the Conservator may be added. By an Act of the Convention of 1649, all wills and testaments of Scotsmen at the Staple port were in future to be made only by the Conservator's clerk, who was to enter them in the court books. The due execution of these wills was also entrusted to the Conservator, who was authorised to appoint tutors and administrators for Scottish orphans at Campvere.

The third general principle, already referred to as being laid down at an early date by the Convention in regard to the Conservator, has also already been frequently referred to. It was established that the Conservator was the authority responsible for the due observance of the whole body of what we may call Staple law, and though this was never definitely extended, yet in practice the tendency was to lay on the Conservator the further duty of supervising more general matters in mercantile law, which had no necessary connection with the administration of the Staple.

This may indeed in a sense be regarded as the primary duty of the Conservator. As the chief officer of the Staple, an organisation existing for commercial purposes, his first duty was necessarily to supervise the regular observance of those laws which governed the conduct of the Staple trade. Moreover, although in a sense an officer of the Convention, subject to the control of the representatives of the royal burghs, the Conservator had a considerable share in shaping one part of the Staple law. He was the representative of the burghs, and as such it generally fell to him to conduct all negotiations in regard to trade with foreign powers, although at times the Convention appointed some one to assist the Conservator in these matters. The terms of the various Staple contracts were thus in large measure the result of negotiations carried on by the Conservator with the magistrates of the Staple

town. Nor was the Conservator's activity as representative of the royal burghs limited to dealing with affairs arising out of the Staple contract. There is, for example, in 1688 a reference to the Conservator proceeding to Hamburg "to negotiat the burrowes affaires ther". Thus the Conservator acted as the ambassador of the burghs, and as such he must have had considerable influence in shaping the law in regard to foreign trade in so far as this depended on contracts and agreements with foreign powers.

The internal organisation of the Staple was also in the same way in large measure subject to the Conservator. Reference is not now made to the control exercised over subordinate officers, already illustrated in the case of factors, but to the regulations affecting the payment, the appointment or the necessity of the various officers. That is to say, not merely were the officers personally subject to the Conservator, as explained in an earlier part of this chapter, but in certain cases considerable powers in regard to the office as distinct from the occupant were vested in the Conservator. Two examples may be sufficient to illustrate the powers of the Conservator in this direction. When in 1590 arrangements were made with a view to the minister's stipend being paid out of the excise of wine and beer, it was entrusted to the Conservator to see to the payment of the salary in question, and to give yearly to the Convention a full account of his management of the money arising from this source. Somewhat similar were the instructions given to the Conservator in 1683, to the effect that he should procure some maintenance for the reader, the schoolmaster and the schoolmistress out of the poor's box, until some other fund should be found for their maintenance. In these, as in other cases, the power of the Conservator was thus extended to making arrangements for the internal organisation of the Scottish colony at the Staple town.

In his relation to the organisation of the Staple, the Conservator's chief duties were, however, to supervise strictly the execution of the whole body of law dealing with the Staple trade, and to guard the privileges granted by the Staple town

to Scottish merchants. To this last function, indeed, the chief officer of the Staple owed his title; he was the Conservator of the Scottish privileges rather than the governor of the Scottish colony. In order that the Conservator might adequately supervise the administration of the law and efficiently withstand any encroachment on the privileges of Scottish merchants, it was necessary that he should have in his possession copies of all laws and treaties dealing with the Staple trade. Thus the Conservator became to a certain extent one of the official keepers of papers dealing with his own office. We have seen that, as early as 1535, it was enacted that a copy of a particular measure then passed by Parliament should be forwarded to the Conservator, but the general question was not raised then. In 1625, however, the Convention, after declaring at some length that the Conservator existed only in their interests, and that it was therefore necessary that all papers dealing with the Conservator's office should be carefully sought out, appointed a certain James Lennox to undertake this task, and in the same year the clerk was instructed to draw up a list of all Acts dealing with the Staple port, the Conservator or the factors, including all measures affecting the government of the nation at the Staple port. One copy of this list was to be entrusted to the Conservator, while the other was to be kept among the registers of the Convention. In the following year Lennox reported to the Convention the result of the search which he had been appointed to undertake. He announced that he had handed over to the Conservator the books dealing with his office. Of these three are mentioned, two of which are court books; the third, of greater importance, is described as "ane grit buik bund with broun broddis contening the hail priueleges and liberties grauntit be the potentates of the Law Cuntreyis to the Scottis natioun, and als the hail actes statuttis and ordinances sett down be the kingis of Scotland, and royall burrowis thair of at thair conventiounes tuitching the office of conservatorie". At a much later date, in 1691, the Conservator still had in his custody books containing the privileges of the Scottish merchants and lists of Acts of

Parliament dealing with the Staple trade. In the year referred to the Conservator presented to the Convention a list of the books, to the number of ten, then in his possession. Most of these are indeed court books, but there are others which were obviously entrusted to the Conservator for his guidance in supervising the Staple trade, and in protecting the Scottish merchant.

In addition to this general reference to the Conservator of all matters in regard to the Staple trade, it was usual in the measures themselves definitely to impose on the Conservator the duty of enforcing the Acts made. The two chief difficulties were first that involved in the "breach of the Staple," and second in the participation in trade of those who had not the necessary qualification of being free citizens in one of the royal burghs. The elaborate system of issuing coquets and requiring declaration of freedom has already been referred to; it is only necessary at this stage to indicate the position of the Conservator in regard to these complicated arrangements. A series of Acts passed by the Scottish Parliament in 1597, conferred on the Conservator extensive powers of control over the export and import trade at the Staple port. By the first of these the coquet was to state in detail the quantity and the particular nature of goods and merchandise, the names of the various owners and how much of the cargo belonged to each. The Conservator was instructed to confiscate all goods not thus particularly specified in the coquet. By the Act following, all ships sailing without coquets were in the same way to be confiscated to the Crown. By other measures passed in the same year, the Conservator was to exact on oath from all merchants that their vessels did not contain forbidden goods not specified in the coquet, and further that the goods belonged to freemen and not to unfreemen; also before returning to Scotland an inventory of the goods to be taken home was also to be presented to the Conservator. The control of the Conservator over the Staple trade in this respect was made more absolute by the Act of the same year, requiring a declaration on oath not merely that no merchandise had been removed from the

vessel before its arrival at the Staple port, but also that no one on board had landed before the arrival of the ship at Campvere. The Convention Records show that at a later date the control of the Conservator over vessels and merchants arriving at the Staple port remained as strict as under the laws of 1597. Thus in 1645, in making various regulations in regard to the Staple port, the Convention again insisted on the detailed character of the coquets. On their arrival at the Staple port, merchants were in the first place to report themselves to the Conservator, and no goods were to be removed from the vessel until the coquet had been presented to the chief officer of the Staple. A declaration on oath in regard to the owners of the goods might be demanded, and every merchant was required to produce sufficient evidence of his freedom. Similar regulations at a later date show that the Conservator retained this absolute power of control over vessels arriving at the Staple port.

The other great difficulty involved in the Staple contract, to which reference has already been made, was that which resulted in vessels sailing to other ports than Campvere. This question of the breach of the Staple was also one that was under the supervision of the Conservator. On no subject were regulations more frequently made imposing penalties on defaulting merchants, and such regulations were, along with those dealing with other matters, entrusted to the Conservator to enforce. The history of this particular question is, however, interesting, inasmuch as it shows an attempt to create an executive authority independent of the Conservator, and the failure of this attempt serves to emphasise the position of supreme authority held by the Conservator in all matters relating to the Staple port. The complaints of Campvere in regard to the manner in which the contract was observed by Scottish merchants became more frequent towards the end of the seventeenth century. To prevent this growing abuse the Convention appointed John Buchan "vigorouslie to persew all the breakers of the staple port and put all laws made in relation to the staple port in full executione against them," and in 1701 this duty was entrusted to Gilbert

Stewart. It was not long, however, until this was merged in the more general powers belonging to the Conservator. In 1716 the Convention, taking into consideration the fact that the Conservator on account of diminished fees was the chief sufferer from the continued breaches of the Staple, in writing to the Conservator, "thought the best expedient they could fall on . . . was that the prosecution of the transgressors of the staple contract shall for hereafter be committed to you". The somewhat anomalous position which had resulted from the existence of a special officer for the enforcement of the Staple was thus terminated and the complete control vested in the Conservator.

The duties of the Conservator in relation to trade and commerce, already referred to, have all had a more or less intimate connection with the organisation of Scottish foreign trade in the Staple. In more general matters, however, as for example in regard to the coinage, he was also authorised to take action. Thus in the Act of the Privy Council passed in 1565, dealing with the life of the merchants at the Staple port, the Conservator was authorised to see that no one took coined money out of the realm. Any such coined money was to be confiscated, a third part being given to the Conservator to encourage him in the strict supervision of this Act. This measure, in addition to taking steps to prevent the export of coin, also reaffirmed an Act of Parliament passed two years earlier requiring the Conservator to give information in the event of false coin being sent home from Flanders. The goods of offenders against this regulation were to be confiscated, and a similar proportion was to be awarded to the Conservator, who was also authorised to keep defaulters in captivity pending his report to the home Government.

Of other matters of commercial interest entrusted to the Conservator, notwithstanding the fact that they had no necessary connection with the Staple trade, reference may again be made to the Act passed in 1597, requiring the Conservator to enforce various regulations in regard to usury. A further illustration of how the powers of the Conservator were used in general matters may be found in the proceedings of the

Convention in regard to the export of coals during the last decade of the sixteenth century. It is interesting to note at so early a date the existence of that dread in regard to the exhaustion of the coal supply manifested in more recent times. In 1594 the Convention noted with alarm that "burne coill is deylye transportet furth of the realme, contraire the actes of parliament, and to the greitt hurt of the lieges the said coill decayand and growand skant daylie, and the cuntrey apperand to be destitute of fewall in schort spaice". It was ordered that all the laws dealing with the matter should be more rigorously enforced, and a heavy duty was to be paid to the Conservator on all coal arriving at the Staple port, not in the interests of the Conservator but in order to discourage the export of coal. In the following year the Conservator received general instructions to escheat as far as possible all coal belonging to unfreemen,¹ and to send home the names of those bringing coal from Scotland. The dread of exhausted coal supplies appears to have continued for some time, for in 1597 the Conservator was required to furnish a list of all persons who had arrived with coal during the two preceding years, and to continue to send such a list in the future.

In considering the Conservator's office an attempt has been made to illustrate the nature of the various duties which were assigned to the chief of the Staple, and to show the relation in which he stood to the Convention and to the merchants at the Staple port, without making special reference to the conditions which regulated the office at any particular time. During the history of the Staple, however, the position of the Conservator did not remain unchanged, and a general view, such as that already given, may therefore with advantage be supplemented by some reference to definite lists of duties laid down by the Convention and definite pledges exacted from the Conservator at various times. There are numerous such agreements between the governing authority and the chief official of the Staple as regards the duties of the latter, but notice need only be taken of three definite enumerations of the Conservator's duties, which are noteworthy for their com-

¹ Coal was not a Staple commodity.

pleteness. These will show the views of the Convention in regard to the Conservator's functions in 1575, in 1625 and in 1690.

The first of these comprehensive statements as to the Conservator's duties was that which in 1575 was laid down for the guidance of George Hacket. In this year, it will be remembered, the Staple, owing to the "dangerous tymes," was exiled from Campvere and situated at Bruges, and in the instructions the Conservator is vaguely referred to as being resident in Flanders. The articles which were nine in number laid down the following points in regard to the Conservator's office:—

(1) The Conservator was to do his utmost for the aid and relief of merchants when in danger.

(2) He was to find out those guilty of introducing false money into the kingdom.

(3) He was to allow only free merchants bringing with them proof of their freedom to engage in trade.

(4) He was either to be present in person at the unloading of every ship, or was to be represented by his "special servand," in order to arrest forbidden goods.

(5) He was to keep all Acts, statutes and privileges granted to the nation, and was to see that Scottish merchants observed these.

(6) He was to exercise summary jurisdiction between merchants, factors and sailors.

(7) Any factor appealing from the judgment of the Conservator was to be discharged from his office of factory.¹

¹The reference in the text is to the conduct of a factor appealing to the courts of the Staple town. In regard to the general question of the validity of the decisions of the Conservator, it is somewhat remarkable that the right to appeal against the judgments given in his courts was not definitely acknowledged until 1754 when the Staple system was moribund. "It being represented in the Convention that a doubt arose whether the judgments of the Conservator's Court at Campvere were final or could be revised by the Supreme Courts here, and the Conservator being present declared that all judgments given in his Courts could be and were frequently revised by the Supreme Courts of this part of the Kingdom, and the Convention were of opinion that all and every judgment of the Conservator's Court may be challenged by a reduction or suspension before any of the supreme courts here" (C. R., 4th July, 1754).

(8) The factors were not to sit in judgment with the Conservator, who was to choose discreet merchants for this purpose.

(9) The Conservator was to forfeit all forbidden goods arriving at the Staple port.

The second enumeration of the duties of the Conservator already referred to is to be found in the articles signed by Patrick Drummond on his appointment to the office in 1625. Drummond was appointed after the successful agitation of the burghs against Uduard, and the recent success of the royal burghs is reflected in the lengthy and more detailed list of promises exacted from the Conservator. Briefly stated the pledges made by Drummond laid down the following points in regard to the office of Conservator:—

(1) The Conservator was not to demit his office in favour of another without the burgh's consent.

(2) He was to be answerable for his deputies and to remove them from their office should they give any sufficient cause of offence.

(3) He was to remain at the Staple port and protect the "nation" there.

(4) He was to keep courts as by law established, and was not to be assisted in these courts by any of the factors.

(5) He was to enforce the Acts of Parliament against unfree traders.

(6) Acts of Convention against unfree men were to be enforced. In particular the Conservator was not to allow factors to trade.

(7) He was not to allow any one to act as a factor who had not in the first place been admitted by the Convention.

(8) He was to accept the previously existing arrangements in regard to fees.

(9) He was to preserve the liberties of the nation, especially those in regard to the Conciergery House.

(10) He was to be bound by the same articles and conditions as had been laid down in the case of any former Conservator.

(11) In the case of any dispute arising the Conservator was to be subject to the jurisdiction of the Convention.

(12) He was to appear before the Convention in order to answer any complaint.

(13) During his tenure of the office he was not to purchase or procure anything prejudicial to the liberties of the burghs.

(14) He was to discharge all his duties "with speed and indifference".

(15) He was to assist the minister in supervising the doctrine and discipline of the church.

The list of instructions given to Andrew Kennedy in 1690 is perhaps chiefly interesting for the close similarity it bears to the pledges signed by Drummond. Though somewhat differently arranged in order, in most cases the articles reappear in similar language, and it is obvious that during the seventeenth century there was but little modification in the view taken by the Convention of the Conservator's office apart from the fact that the existence of the Conservator-Depute was more fully acknowledged. The instructions given to Kennedy are briefly as follows:—

(1) The Conservator was not to demit his office except to the king or with the consent of the burghs.

(2) He was to have power to place deputies at the Staple port or in Scotland and was to be answerable for these.

(3) He was not to leave the Staple port without some important cause notified to the burghs. He was to remain at Campvere for the protection of the "nation".

(4) He was to keep courts in which he was to be assisted by merchants but not by factors.

(5) He was to enforce the Acts of the Convention against unfree traders: in particular he was to prevent factors engaging in trade.

(6) He was only to permit to exercise the office of factor those who had been admitted by the Convention of Burghs.

(7) He was to safeguard the liberties and privileges of the nation, especially in regard to the Conciergency House.

(8) In case of a dispute arising, he was to be subject to the jurisdiction of the Convention.

(9) He was to appear before the Convention when summoned in order to answer complaints.

(10) He was to discharge all his duties with "speed and indifference".

(11) He was to assist the minister in supervising the doctrine and discipline of the church.

(12) He was not to exact any dues in excess of that shown in the table drawn up by the Convention.

(13) He was to be bound by the same articles and conditions as governed previous Conservators.

(14) During his tenure of office he was not to purchase or procure anything prejudicial to the liberties of the burghs.

In concluding this chapter on the powers and duties of the Conservator, some reference may be made to the regulations in force at various times in regard to the payments made to the chief officer of the Staple for service rendered to the merchants at the Staple port. The most obvious method of rewarding the Conservator was to grant him certain dues payable by the merchants on the arrival of their goods, and for a long period this was the recognised method of payment, the Convention from time to time determining how much should be payable on each sack or last of goods. As early as 1529, when the Staple organisation was still somewhat indeterminate in form, the Convention of Burghs meeting in Edinburgh, had decided that the Conservator should have for every sack of wools, skins, hides and other goods "four grit". Later, in 1565, an Act of Privy Council enabled the Conservator to take "for his labouris" two stivers for every sack of goods. During the unsettled period in which the Staple was removed to Bruges the sum of two stivers per sack is referred to as "his dewtie of auld," so that it is probable that for some considerable time before the date of this reference (1575), this was regarded as the payment to which the Conservator was entitled. In this year an additional grant was made to Hacket, "considering his paynis and labouris to be greit in respect of the dangerous tymes," and apart from what had previously been allowed, he was authorised to receive "ane schilling greit" for every sack. Two years

later when extra expenses were incurred in connection with the negotiations for the return of the Staple to Campvere, the increase in the Conservator's emoluments was continued, and he was granted six stivers in addition to the traditional two stivers allowed on each sack. It was not, however, intended that this increase should be permanent, and in the following year Hacket was required to "desist and ceis" from further uplifting the additional duties which had been granted to him.

In the following years the amount payable to the Conservator was subject to frequent regulation, according to the degree of favour with which the Convention viewed Hacket, their representative at the Staple port. Throughout this period the Convention apportioned the Conservator's dues between the owner of the merchandise and the owner of the vessel, two-thirds of the sum levied being paid in respect of the goods, and the remainder being charged to the owner of the ship on which the merchandise had been brought to the Staple port. The first occasion on which this division was made was in 1581, when the Convention made a more liberal allowance to the Conservator than had hitherto been customary. "In consideration of gude service foresaid done and to be done be the said conservatour" the Convention "frielie and of their awin accord, all in ane voce grantis and consentis" that a sum of twelve stivers for each sack should be paid, eight in respect of the merchandise and four in respect of the ship. The grant thus effusively made by the Convention was not, however, long maintained. Hacket, not content with the twelve stivers allowed him, exacted fifteen; the Convention showed their displeasure by reducing the amount to which he was legally entitled. In 1583 the Commissioners of the Burghs represented themselves as "gritumlie hurt" by the exactions of the Conservator, whose allowance was in consequence reduced to nine stivers, six from the merchandise and three from the ship. Hacket apparently ignored the action of the Convention, and continued to exact the fifteen stivers. As a result renewed complaints were made in the following year, and a further reduction was made in the

dues payable to the Conservator, who was now authorised to exact six stivers only, apportioned in the same ratio as before between the owners of the merchandise and of the ship. At the same time an extract from the proceedings of the Convention was made and forwarded to Hacket "to the effect the said Maister George pretend na ignorance heirof". The misdeeds of Hacket did not end here, for two years later, in 1586, he was summoned to Edinburgh to give an account of his conduct, and was threatened with the withdrawal of the six stivers which he was still entitled to levy. Meanwhile, with a certain John Gourlay, he was entrusted with a commission to England and Flanders, to secure compensation for losses sustained by Scottish vessels. For his services the Convention "randeritt to him greitt thanks". Apparently the royal burghs once more regarded him with favour, and the question of his previous exactions was not again raised.

Towards the end of the century various regulations were made, the effect of which was to make clear certain sources from which the Conservator was not to derive an income. In 1593 the question of exacting fees for the holding of courts was raised, and it was decided that no special fees should be payable to the Conservator for these services "because it is ane pairt of his office for the quhilk he hes his ordinar fie". In reply to other claims put forward in the same year by the Conservator, it was after some time decided (1597) that no fees should be payable on goods arriving from France, England or the Eastern seas. Only in the case of Staple goods arriving from Scotland payment was to be made to the Conservator.

In 1606 the Convention in arriving at an understanding with Denniston the Conservator in regard to various points then in dispute, granted him a list of duties "in full contentatioun of all uther feyis". By the measure now agreed to, the payments to the Conservator were no longer made on the previous simple basis. Instead of the traditional payment of so many stivers for each sack of goods arriving at Campvere, an elaborate series of payments was to be made,

depending on the nature of the goods, and the port from which they were brought. There is something suggestive of feudal payments in the first regulation that every burgher's son and every one marrying a burgher's daughter should pay "ten shillings gritt" on the occasion of the first voyage to the Low Countries. Others, that is to say, "new intrantis," were to pay twenty shillings. In the case of Staple goods arriving from Scotland a sum of fifteen stivers for each sack was allowed to the Conservator, twelve being payable by the merchant and three by the owner of the vessel. Special regulations were made in regard to wine, for which the merchant was to pay six stivers, the owner of the vessel two stivers for each "sack," a sack being defined in the case of Bordeaux wine as equivalent to two tuns, in the case of Rochelle wine as two and a half tuns, while four butts of Spanish wine were regarded as making up the same measure. A similar payment was to be made by the importers of salt, of which a sack was defined as being four tuns. This payment of six and two stivers was also to be made in the case of goods arriving from the Eastern seas, on which the Convention had recently declared that no duty should be payable. The division between payments for the merchandise and for the ship was logically applied by the Convention to the case in which a Scottish ship was laden with goods belonging to foreigners. In such a case the ship, as it presumably did not come from Scotland, was to pay two stivers, as in the case of vessels arriving from the Baltic. For the better enforcement of these provisions every skipper within four days of his arrival was to make a full report to the Conservator under a penalty of twenty shillings "gritt," and further, any one leaving the Staple port without paying the Conservator's fees was liable to the payment of double the sum due.

The measures taken by the Convention in this year appear to have remained for some considerable time in force. The Conservator, it is true, did not at all times loyally accept the payments which were allowed him, and in 1630 there were loud complaints against Drummond in regard to ex-

actions made on the occasion of the first voyage to the Low Countries, as well as in regard to fees charged for holding courts, but it is clear that there had been no change in the payments legally allowed to the Conservator, and in the meeting of the Convention at Dysart in the following year, the table of dues drawn up in 1606 is specially referred to as being still in force. In the confusion which arose during the time of the Civil War on account of the rival claims of Drummond and Cunningham, the Conservator's fees were again revised. After Cunningham had been appointed Conservator by the Parliament in 1644, the Convention made a grant of duties differing in some respects from what had hitherto been in force, being less elaborate than that which had regulated the fees payable since 1606. The dues payable were three in number. In respect of Staple goods the previous allowance of fifteen stivers was continued, apportioned as before.¹ No special mention was on this occasion made of wine or salt; instead, a somewhat similar payment was exacted on the import of coals. Thirdly, every one on the occasion of the first voyage to the Low Countries was required to pay a sum of one pound great. At the same time the old regulation in regard to holding courts without a fee was revived.

A return to the more elaborate system of fees was made by the Convention in the regulations governing the Staple, drawn up after the removal from Dort to Campvere in 1676. After appointing a committee to set down a table of the Conservator's dues, the Convention agreed to a more extensive list of payments than had hitherto been given to any Conservator. In respect of each sack of Staple goods the fee was now advanced to twenty stivers, of which a fifth part was to be paid by the owner of the vessel. An innovation was also made on this occasion in the careful definition given as to the quantity of Staple goods required in each case to

¹ Some idea of the purchasing power of the grants made to the Conservator may be found in the regulation passed at this time that the "ordinary" at the Conciergency House was to cost twelve stivers and no more. This may be regarded as the reasonable price of a good dinner.

make up a sack. In regard to the payment made on the occasion of the first voyage from Scotland, a differential treatment was again established in favour of the son of a burghess who was required to pay six guldens, in place of twelve exacted from all others. A factor on being admitted to his office had to pay to the Conservator ten pounds Flemish. Wine and salt had to pay a reduced sum of eight stivers, two of which were payable by the skipper, and the same sum was also paid for Staple goods belonging to Scotsmen brought from the Baltic in Scottish ships, and ten stivers was levied on corn coming from the same source. In addition to his entrance fee already referred to, the factors had also to pay out of the factor's fee ten stivers on each sack of goods. A half of all fees exacted for breaches of the Staple was also granted to the Conservator. Wilkie endeavoured to have the payment for Staple goods increased from twenty to twenty-four stivers, but the Convention in the following year re-affirmed the table as already drawn up.

Although the dues payable to the Conservator were thus clearly set out, it was not long before questions arose as to the precise privileges of the chief officer of the Staple in these matters. It was probably to the Conservator's interest to lay claim to more than was legally his due. If put forward with a show of reason, the royal burghs could not carry their displeasure beyond a refusal to admit the claim thus advanced, and to secure their withdrawal they might even be willing to make some concession to the Conservator. Four years after the grant of fees referred to above (1681), the Conservator, Andrew Kennedy, withdrew a claim which he had put forward for a grant of ten stivers on each last of corn, and in return he was empowered to exact a stiver and a half on each can of wine, and half a stiver on each can of beer sold in the Conciergency House. As further compensation for his claims against the burghs, he was also awarded a sum of £150 sterling.

Hitherto the Conservator's income had been derived from a number of comparatively insignificant duties. The objections to such a system were obvious, and as the system

became more complicated and an increasing number of grants were made, the method of payment must have become increasingly unsatisfactory. Even in the early days of the Staple when the Conservator was authorised to collect so many stivers on each sack of Staple goods, the labour involved in collecting his dues must have been considerable. The difficulties of collecting the fees as laid down in 1677, with the further payments made in 1681, must have been enormous. Moreover, the office of Conservator tended to become more and more a position reserved for a nominee of the Crown, and it was therefore desirable in the interests of the court that the unsatisfactory system in force should be replaced by one under which the holder of the office could draw a sufficient salary without the countless inconveniences which the Conservator must hitherto have met in collecting his income. It is not, therefore, surprising that James II. should have taken the first step in suggesting the payment of a regular and sufficient salary to the Conservator, in place of the accumulation of duties which the Convention had hitherto granted their representative at the Staple port as a reward for his labours. The letter of the king to the Convention dated 18th April, 1685, stated that he was "well informed of the mean and inconsiderable allowance which the Conservator hes at present in the Low Cuntries, alsweel as of the great expenss he is at in collecting the same out of the severall shippis that arrive from Scotland," and went on "to recommend his condition to your serious considderation so as yow may take off all these small dues which formerly were payed to the Conservator either out of shippis or goods comeing from Scotland into the Netherlands, and in lew therof grante unto him such ane yeirlye certaine sallarie and allowance as may affoord him a comfortable subsistence suteable to the great truble, pains and expensis in that employment". The first reply of the Convention was a somewhat guarded one. Most of their communication was filled with rather pessimistic references to the decay of commerce, "the course of trade being much altered, and the advantage thereof being much impaired from what it wes formerly",

The Convention would have shown a more than human restraint had they not seized the opportunity of emphasising some of the grievances to which they attributed the decay of trade. Such were the privileges recently communicated to burghs of barony, the prohibitions laid on Scottish trade in England and Ireland, and the various regulations which had been made by the Scottish Parliament in the hope of encouraging home manufactures. In regard to all these matters the Convention expected "some redress in what tyme and after what manner your Majestie shall think most convenient". They had, however, summoned the Conservator to adjust various matters in regard to trade, and they would go "the utmost lenth" to provide the comfortable subsistence which the king had asked for the Conservator.

No decision was arrived at in the matter until March, 1690, when a particular Convention having considered the question were led to the same conclusion as King James that the former dues were "too little and not able for maintaining the dignity and charge of the Conservator's office in the Netherlands". A recommendation was accordingly made to the next general Convention to allow to Andrew Kennedy a sum of £300 sterling. Later in the year this recommendation was confirmed, and some attempt was thus made to put the salary of the Conservator on a more satisfactory basis.

The method of collecting dues was not, however, abolished. In deciding that a sum of £300 should be allowed to the Conservator, the consideration of how this should be raised was remitted to a further Convention to decide whether it should be by "augmenting the dewes of the former table or other wages". The result of this further deliberation was that no fundamental change was made in the payments allowed to the Conservator. Although nominally it had been decided that a salary of £300 should be given to the Conservator, in practice the only change decided upon was that in future the duty should not be laid upon the sack but that it should be payable upon the value of the Staple goods, and that the duty to be exacted should be at the rate of fifteen stivers for 100 guildens. The payments on goods that were

not Staple, and the charges levied on factors on their admission and on merchants on the occasion of their first journey were to remain as before.

Though the Convention had thus made an attempt to allow something in the nature of a fixed salary to the Conservator, the greater part of his emoluments continued to be on the previous basis throughout the history of the Staple. There was some discussion as to how the sum allowed should be raised, but the principle involved was not affected. In 1718, and again in 1720, the previously existing table of fees was confirmed, the amount chargeable on Staple goods being now, however, 1 per cent. Later indeed, in the eighteenth century, the accounts of the Convention show that a fixed salary of £50 sterling was annually paid to the Conservator, and this payment was, in fact, made during the earlier years of the nineteenth century.

Such were the regular payments made by the Convention to the Conservator. In addition to these the Convention repeatedly made grants intended to cover out-of-pocket expenses. Such allowances were invariably made when negotiations in regard to the prolongation of the Staple contract imposed on the Conservator duties beyond the ordinary routine of his official life, and it was also customary to make similar grants when the Conservator was summoned to Scotland to confer with the Convention. The most considerable sum given in this way was in 1699, when the Convention allowed £500 sterling for the double purpose of rewarding the Conservator for settling the Staple at Campvere, and as compensation to William Gordon for resisting the encroachments of the magistrates of Campvere, who had claimed jurisdiction in a case in which he was involved. The sum in this case was, however, not apportioned between the two objects for which it was given. The special grants made by the Convention usually varied from £50 to £200. In addition to these payments granted by the Convention, the Conservator also received a salary from the authorities at the Staple port. Thus in the middle of the sixteenth century, Gordon received an annual payment of fifty pounds Flemish

from Maximilian of Burgundy, and this was continued to Hacket. Later in the history of the Staple, provision for the Conservator's salary was made in the contract, as in the ampliations of 1697, where the payment is referred to as one of long standing.

CHAPTER III.

THE FACTORS.

WHEN foreign trade was still in its earliest stages, the merchant accompanied his goods to the port of destination, and personally undertook the responsibility of disposing of his merchandise. From this primitive state it was an obvious advance when goods were assigned to some one at the foreign port, who, in return for commission paid to him, undertook to dispose of the wares entrusted to him, and to return to the owner of the merchandise the proceeds of the sale. In the history of the Scottish Staple a considerable part was played by those who discharged these duties. The factors, as they were called, must at all times have been the most considerable part of the permanent Scottish population at the Staple port, and the influence of the "Gentlemen of the Factory" in the Scottish colony increased until the dissolution of the Staple system at the end of the eighteenth century.

Reference has already been made in an earlier chapter to the position of Andrew Halyburton at Middelburg. Halyburton was one of the earliest Conservators, but, as far as is known, his chief occupation was rather to buy and sell on commission, and thus he may be regarded as the chief factor of his day, discharging in addition the duties of Conservator, as these were understood at the beginning of the sixteenth century. In regard to the position of the factors much has already been said incidentally. The object of the present chapter is to set out, in more or less chronological order, the more important of the numerous regulations made in regard to their duties.

It is indeed obvious that in the interests of commerce, and for the security of trade, it was necessary to keep such a body of men under careful supervision. Considerable opportunities of fraud were placed in their way, and it is evident that the more ingenious of the factors did not neglect these opportunities. Although Scotsmen, and therefore subject to Scottish law, their constant residence abroad made it a comparatively easy matter for them to escape the consequence of their frauds. Dutch marriages were frequent, and the existing state of international law on this point was a source of insecurity to the merchants at home who entrusted their goods to a factor at Campvere. Moreover, by pretending bankruptcy the factors at one period appear to have been able successfully to appropriate the merchandise in their keeping. To meet these and similar difficulties, it was therefore found necessary to pass stringent regulations in regard to the factors, in order to prevent, or at least diminish, the possibility of such frauds being perpetrated. This explains some facts already referred to. The complete submission of the factors to the Conservator, and the declaration that the Conservator was their only judge, are explained by the necessity of supervising the factors, and thus preventing them appealing to the jurisdiction of a foreign power. The incorporation of the Scottish nation at one period of the history of the Staple was also designed to make clear the subjection of all Scottish subjects to Scottish law.

The regulations in regard to the factors begin to be of frequent occurrence towards the end of the sixteenth century. There is, indeed, an Act of the Convention passed in 1529, which requires that a deceitful factor should pay for any loss which a merchant might sustain in consequence of his dishonesty,¹ but the whole enactment is vague, and cannot have been easily enforced. The point on which complaints were

¹ "Item : gif ony factour do falset or dissaif ony man that he is merchand to vther in selling of his gudis or bying it beand prowit the said factour sall pay all the skaith that ma be prowit that the merchand sustein in his defalt of his awin propir gudis, and neur to occupy fredome nor sail in merchandeis in tymis to cum" (C. R., i., 511).

most frequently made in regard to the factors was that they did not confine themselves to buying and selling on behalf of others, but that they engaged also in trade in their own interests. On this matter and on the religious beliefs of the factors the Convention had passed various regulations before the end of the sixteenth century. The question of the religious faith of the factors was in part though not entirely connected with the frauds which arose through the factors pretending bankruptcy, as those guilty of this deception appear to have declared themselves Roman Catholics, and no longer Scottish subjects. Accordingly, in June, 1582, the Convention decided that in consequence of the losses sustained by various merchants owing to the pretended bankruptcy of these factors, no one should be allowed to be a factor who was not of "the true religion of Jesus Christ openly published in this realm,"¹ and such had also to find caution within the Burgh of Edinburgh. The representatives of the royal burghs in making this regulation were also, however, largely influenced by the dangers involved in unnecessary intercourse with Roman Catholics.²

¹ "Beaus thair is dyueris and sindry merchantis of this realme greitumlie hurtt, and vtheris alluterlie wrakkit and hereit, be the playing of bankeroutt of sundry factouris within the contrie of Flanderis, Thairfoir it is statute and ordanit that at na tyme heirefter na maner of persoun be admitted, sufferitt, or permitted to vse or exerce the office of factory in the paitiris of Flanderis, ather in Zeland, Holland, or Brabant, be the Conservatour bot sic as ar professouris of the trew religion of Iesus Christ, oppinlie publeschitt in this realme, and they befor their admissioun thairto outhet be thame selues or vtheris in thair names, fynd sufficient cautioun and souerty within the burgh of Edinburgh to the magistratis thairof for maintaining of the said trew relligioun to the vttermost of thair poweris" (C. R., i., 133).

²Buckle refers to the case of Alexander Laurie who was censured by the Kirk Session of Perth for travelling in Portugal, and admonished "not to travel in these parts again except that they were otherwise reformed in religion," and adds that the clergy, still earlier, in 1592, "attempted to interfere with commerce 'alleging that the marchands could not mak voyage in Spayne without danger of their sawlis and therefore willit thayme in the name of God to absteyne'" (Buckle, vol. iii., chap. iv.). More extraordinary, however, is the fact which Buckle does not mention, that this was the attitude taken up in 1582 by the Convention of Royal

About the same time also there were numerous regulations passed with the object of restricting the factors to their office of factory. The first mention of this is in 1588, when a certain burgess of Glasgow, Mathow Flemyng, complained "that by all conscience the factouris of Campfer had vsurpitt the tred of merchandise," and that they were "als liberally traffecquing with all soirtis of wairis cuming frome this cuntre as ony merchantt within the same, omitting thairthrow their ordinair and dewtiful cure of factory". It was resolved to petition the king and the Privy Council with the object of obtaining an Act on the matter, and meanwhile it was decided that no one should be employed as a factor, unless he could obtain sufficient surety that he would refrain from buying Scottish wares. More definite action was taken in 1593, when a letter was received from the town of Campvere in regard to the factors who "nocht content with thair office of factourie, ar becum merchantis in byeing and selling to thair awin behuiffe, quhairby the merchantis of this realme ar greitlie hurtt and prejuget in the profiteit of thair merchandise". The commissioners of burghs found that the factors should content themselves with their office of factory, and required them under pain of loss of office, to desist from all buying and selling in their own interests. In the following year this Act was approved, and the Conservator was instructed to see to its enforcement. Notwithstanding this

Burghs, the body most interested in trade. In this same meeting of the Convention (22nd June, 1582), it is stated that, "The samyn day vnderstanding dyueris and sindry thair comburgessis and vthers merchantis and traffecquaris within this realme resorting to France, Flanders, and vtheris pairtis, to be conuersant and daylie handlaris with sindry factouris, quha ar nocht professouris of the trew relligioun of Iesus Christ, bott altogether ignorant and couiurit papeistis and manefest contempnaris and ennemeis to the trewth, quhairby greitt and abominabill errouris may ensue exceptt haistie remeid be provyditt thairto, For eschewing quhairto, and to the effect na sic occasioun may occur in tyme cuming, it is statute and ordanitt that na merchant traffecquar or ony frie burges of ony burgh within the realme of Scotland fra thyne forth tak vpoun hand to have ony maner of tred, or ony ways to have ado, hantt or vse the company of ony sic personis as ar nocht of the trew relligioun of Iesus Christ opinly publischt within this realme as said is" (C. R., i., 133).

decision the matter was further discussed, and the commissioners of the burghs were required to come with special instructions on the point. In the Convention held at Burntisland in 1597, it was once more enacted that the factors should desist from all trading in their own interests, "but onle to the weil and proffeit off the merchandis quhome to thair subject to mak compt thairroff".

The necessity of supervising the factors, and the advisability of requiring from them some surety, naturally led to the making of regulations in regard to the method in which they should be appointed. It is not clear how the factors had hitherto been chosen, but the matter was definitely raised in 1593, and a somewhat elaborate scheme was put before the Convention. It was proposed that each burgh should elect "ane or ma young men of gude qualiteis," who should proceed to Campvere and act as factors, the burghs electing them being held responsible for their behaviour. In the following year this scheme was approved with an important modification, for in place of the former comprehensive proposal which would have produced an army of unemployed factors at the Staple port, it was now left optional to "ilk burgh that plesis" to send one of their citizens to act as factor. The control of the central authority was also asserted in the further reservation, that the consent of the Convention had to be obtained to all such appointments.

Complaints in regard to the practice of the factors in carrying on trade in their own interests continue during the early years of the seventeenth century,¹ and the Conservator was instructed to unlash offenders "in ane unlash of xl. li. grit, totijs quotijs" (1606), half the fine being given to the royal burgh, and half to the Conservator to increase his zeal in executing the law. The prohibition was a most extensive one, forbidding not only the factors, but also his household to engage in trade. Thus, in 1608, the Conservator received

¹ *E.g.*, in 1605 complaint was made of "the grit damage and skaithe done be them to the hail burrowis in bying of the wairis cuming furth of the realm, copping and selling the samyn agane to thair awin behuif" (C. R., ii., 200).

instructions not to put any obstacle in the way of the natives of Campvere or Middelburg buying Staple goods, but as regards factors the existing regulations were laid down in a clause which states more definitely than any previous enactment the limitations imposed: "exceptand awayis the factouris, thair guidsonis seruandis and doaris, quhome the saidis commissioneris discharges sympliciter to by any of the said staple wairis to thair awin behuife".

On the occasion of the renewal of the Staple contract in 1612, other frauds in connection with the existing system of factors were discussed and remedies considered. In the somewhat lengthy statement of concessions to be asked from the magistrates of Campvere, the royal burghs asked that measures should be taken to prevent the widow and children of a deceased factor "intromitting" with the goods in his possession at the time of his death. It was proposed that all the goods, bonds, obligations, moneys and merchandise should be put in surety until the merchants, for whom he had acted as factor, were first satisfied. To guard in some measure against the frauds thus arising, and also to prevent those occasioned by the factors' bankruptcy,¹ the Conservator received strict injunctions not to admit any one as a factor unless he had already obtained the approval of the royal burghs, and the regulations in regard to the finding of caution were at the same time made more stringent—the sureties, it was stated, were to be "responsall men," and were to be renewed from year to year. The representations of the Convention were also in part given effect to in the contract of 1612, as the magistrates undertook in the twentieth clause to take an inventory of the goods of a defunct factor, on a request to this effect being made by the Conservator or his depute.

Some years later, in 1619, the views of the Convention on

¹ "Heavand consideratioun of the greit dammage and skayth sustenit be the merchantes of this realme throw occasioun of thair said factours quhairof sum becvmis bankrupt in thair lyfetymes, and after thair deceissis the merchants are defraudet be thair weddowis, bayrnis and intromittouris with thair guidis, compts, and obligatiouns" (C. R., ii., 370).

the freedom of trade are curiously illustrated by an incident which the commissioners of the burghs regarded as detrimental to the interests of the Staple trade. They were ready to admit the advantage, and even the necessity, of having factors at the Staple port to whom the merchants at home could consign their goods. It was equally reasonable that those who bought the Scottish merchandise throughout the Low Countries should seek to be represented at Campvere by factors who should buy on their behalf. The rise of a body of factors acting on behalf of the merchants of the provinces of West Flanders and Holland caused however much anxiety to the Convention of royal burghs. It was represented that these factors did not offer such good prices as the country people themselves, and that in consequence, through the lowering of prices the Staple trade would be ruined unless measures were taken to prevent the growth of such a class of Dutch factors.¹ Consequently by an Act passed soon afterwards, all Scottish merchants and factors were strictly forbidden to sell goods to four of these Dutch factors who were mentioned by name. The efforts of the Convention were thus directed to prevent the growth of a class of men whose existence would have done much to regulate trade, and distribute Scottish merchandise throughout the Low Countries. By insisting that the country people and the small merchants should personally come to Campvere and buy goods, the Convention must be held to be, to a very considerable extent, responsible for the decay of the Staple trade which begins soon after this date.

As complaints in regard to the behaviour of the factors

¹ Complaint was made against various people resident at Campvere "taking vpon theme to be factouris and buyars for the merchands in West Flanders and Holland and vthers that went to cum in gritter number to buye frome the merchands, thair skins, hyides, plaids and vthers waires, and so causing the said cuntrey people to byd at home, quherby the natioun is constraint to sell thair waires of lower raittes and pryces nor thai wer wont to doe nor quhen the said cuntrey people did cum down to buy the saids waires themeselfis, to the gritt hurt and prejudice of the haill natioun, and will not fail to bring ane gritt decay to that haill tred if the samin be not prevented in tyme" (C. R., iii., 85).

continued to be frequently made, the Convention took the further step of more strictly supervising the conditions of appointment, by insisting that candidates should appear personally before the commissioners of the burghs that they might "the better trye and understand of thair qualifica-tiounes"¹ (1620). Notwithstanding this closer control and further affirmations of the principle that factors should confine themselves to their office of factory, it was found necessary in 1624 to summon eleven factors before the Convention to answer complaints made against them. A lengthy statement as to their malpractices was made,² and when in the following year, seven of these factors appeared to make their submission, a series of sixteen articles was drawn up setting out clearly what the factors were not to do. By these regulations the factors were forbidden to carry on trade in their own interests, and they were also forbidden to act as factors for the country people who were to be allowed "to

¹ Later, in 1625, such applications were made "ane heid of the missive," that is to say, notice had to be given, so that the representatives of the burghs could come instructed (C. R., iii., 202-3).

² The saids factouris, to the grit preiudice of the merchands employers of theme, does buye or caussis buye thair staiple guidis quhen the samin does come to the staiple port at ane wane mercatt, and thairefter quhen they find the mercattis ryasing they sell the said guides to thair owne behoove and prefers the samin in selling to thair saids merchands guidis to the grit preiudice of the saidis merchands; and that the saids factouris ar awners of schippis and does send the samin over to Scotland laidnit with diuers sorts of merchandice vpon thair owne risk and to thair awin proffeitt, and does transport bak agayne frome Scotland such commodities as they pleis, and to this effect doeth keip and intertein servands in this cuntrey; as lykwayes the saidis commissioneris ar informit that the saids factouris in tyme of scaircitie does buye victuall and vthers viuers before the hand, and vtters the samin agayne at ane hier rate than they cost the same to the merchandis that employes theme, to the grit preiudice not onlie of the merchandis bot also of the whole cuntrey; as also they sell the merchands commodities to ane langer day and in vther maner then is limit to them in thair commissiouns, and does continuallie transgres the actes of borrowis, notwithstanding thair knaw the samin to haif bein lauchfullie intimat to theme, and does sindrie diuers and vthers things whiche if the samin be nocht tymouslie preventit will tend to the utter ruine of all kind of traid in these pairts (C. R., iii., 164-65).

cum doun and buye the saids Scottes waires theme selfis".¹ To receive goods on behalf of unfreemen was also made illegal, and the power of the factors to break the regulations was further limited by the provision which made it impossible for them to have shares in the ownership of any vessel trading with Scotland. The fees which they might charge were also regulated, and another source of income was also taken away in the clause which forbade the practice of regrating—the buying of merchandise in a time of scarcity with the object of selling it dearer. The subordinate position of the factors was also emphasised. They were forbidden to sit in the Conservator's courts, and they were required to submit to the Convention and appear there when summoned. By thus laying down definitely the limitations attaching to the factors' office, it was hoped that the factors might in future confine themselves to their office of factory.

Soon after this, the questions arising in connection with the marriages of factors were brought before the Convention, and a series of regulations was passed with the object of preventing the frauds which had arisen in this way. It is difficult to understand the existing state of the law on this subject, for although the factors were in every way subject to the laws of Scotland, it appears that in those cases in which a factor had married a Dutch woman, the widow was "preferit be the lawis of that cuntrey to the hail creditouris," and as there were other methods of defrauding the creditors not indicated, the merchants complained loudly that they were "grittumlie dampnefiet". The first step taken to prevent such abuses is found in the regulation passed in 1625 which required that in the case of a factor marrying a Dutch woman, she should in the first place be brought before a judge to renounce her liberty and jurisdiction, and undertake to submit to the laws of Scotland. It was obvious that such an enactment was a somewhat futile one, as the Convention of Royal Burghs sitting in Glasgow could not undertake to

¹ Later in 1631, the factors were again forbidden to sell to factors for Holland and West Flanders, "being prejudicial to our trading" (C. R., iv., 526).

legislate for the States of Zeeland. So long as the widow was preferred to other creditors by the law which had force in Campvere, a promise before marriage that she would not "cleith hir selfe with the lawis" of her own country was a somewhat uncertain guarantee that she would not take advantage of the privileges conferred by these laws in her widowhood. That the regulation would in itself avail little, was recognised by the Convention, who at the same time instructed the Conservator to use his influence with the estates to have this enactment ratified, and to obtain an Act removing the factors' wives from the jurisdiction of Dutch law, and declaring them subject to the laws of Scotland. Such a measure would in effect have made the factors' wives Scottish subjects, and would have solved the difficulty in the most obvious manner.

The regulation passed by the Convention in 1625 was to be at once put in force. The Conservator was instructed to call before him all the factors, and require their compliance with the measure then passed. The Convention had, however, undertaken a task that was beyond their powers. The factors were threatened with the loss of their office if they did not comply, but the royal burghs were powerless, and it was necessary to extend the time of grace allowed to the factors. Indeed, so long as the Convention allowed the factors to marry, it was clear that they could not effectively intervene in a matter which in the first place concerned the factors' wives as Dutch subjects.¹ The only logical step was

¹ A letter from Charles to the Privy Council in 1629, acknowledged the complete failure of the laws previously passed on this subject. "Some factours have in a most contemptuous manner refused to conforme thameselfes to these Acts, and that the wedowes of diverse of thame have assumed the libertie of the Estaits of the United Provinces in seazing upon the chiefest or greatest part of the goods remaining in the custodie of thair deceassed husbands, thairby defrauding the just awners thair of residing within that our kingdome to the great hurt thair of and contempt of our auctoritie and lawes." Accordingly means were to be devised so that only those should be factors who "with thameselfes, thair parents and wyffes doe reallie acknowledge us to be thair supreme head and governour" (Privy Council Reg., iii., p. 183).

to forbid the marriage of the factors, and a decision to this effect was arrived at in the Convention which met in 1630. By Acts of this and of the following year, it was decided that the factors at Campvere should be unmarried persons, that their factorship should expire on their marriage, and that before marrying they should settle all payments due to the merchants who had employed them. It is, however, noteworthy that this measure was nominally designed to prevent not the frauds which had been practised by the factors' widows, but the undermining of the national strength caused by the young men of the country marrying foreigners.¹ It was, however, found impossible to insist on such a regulation, and some years later in 1649, the Convention, upon "weighty considerations" which are not stated, repealed the previous Acts, and factors were accordingly at liberty "to marie when and quhersoever ane honest match and lawfull occasione sall present".²

While these measures in regard to the factors were being passed by the Convention, various regulations were also considered with the view of more efficiently supervising the factors' conduct in another direction. By various enactments between 1625 and 1630 an attempt was made to control their behaviour as factors by prescribing an elaborate system of book-keeping, which at every stage was to be inspected by the Conservator. The first and most extreme measure was indeed not enforced, as the Conservator was instructed to await the further decision of the Convention on

¹ "It being schewin vnto theme the grit hurt the natioun does suffer through occasioun of the factoures abroad who haiveing thair meanes and educatioun from the merchandis of this cuntrey yit proves so vnthankfull that they becum altogidder negligent of all deutye ather to thair native cuntrey or merchandis that hes employed theme, and by maryeing with straingeris becomes altogether alienants and straingeris; and considering with all the exemple of other kingdomes who does onlie employ thair awin youth abroad, quhairby manie of theme becummes abill and qualifiet for vndergoeing of seruices for thair cuntrey, and becummes steidable memberis of thair awin commoun welth, thairfore they haue thocht guid that the borrowis tak to thair consideratiounes sutch lyk overtoures as may best tend for the weill of thair awin youth &c" (C. R., iii., 316).

² C. R., iii., 353.

the matter. The regulation of 1629, which was put into force, established, however, a very exacting supervision of the actions of the factors. The clerk of the Conservator was to mark each leaf of the account book kept by the factors, and to keep a note of the number of pages in the book. At the same time the factors were forbidden to keep accounts in any but these officially signed volumes.¹

From about 1645, questions in regard to the caution to be found by factors frequently engaged the attention of the Convention. The commissioners of the burghs considered that the losses, which had recently been sustained by various merchants, were in part due to the carelessness of the Convention in not inquiring into the sufficiency of the surety given, and also in not sufficiently enforcing the personal liability of the factors. It was accordingly decided in 1646 that henceforth the factors were to be "lyable in their persons, means, and estates to the lawes of this kingdome, in the same manner as if they were here resideing in this kingdome". At the same time the conditions in regard to the finding of sureties were made much more stringent, as it was declared that the factors should, if called upon, be prepared to renew their caution at the end of every three years. It is clear that from this time considerable care was taken in enforcing these regulations in regard to the sufficiency of the caution proposed. In 1654 all the factors were called upon to renew their caution, and two years later it was decided that any factor who should fail to renew his caution

¹The original proposals were even more exacting: "As also statuttis and ordanis that the saids factouris sall keip no compt buiks bot such as ar markit be the conservatour clerk on euerie leaf thairof be the number, and on euerie tent leaff be his subscriptioun, and that at the filling vp of ane buik he present ane new ane to be markit be the said clerk in maner abonewritten; as also ordanis the said conservatour to caus visite thair saids bookes monethlie and to sie the same filled vp be theme, and in caice anie salbe fund negligent to aduerteis the burrowis thairof; and farder ordanis the said conservatour clerk to keip ane not of so manie buikes in the conservatouris buikes as he sal happin to mark to anie factour, and to tak ane not of the hail buikes that ar in the present factours handis" (C. R., iii., 199, 1625).

within six months should be suspended from his office. Nor did this extreme measure remain a dead letter. Andrew Skein, one of the factors, who had failed to appear, and who had sent no letter of excuse, was deprived of his office by the particular Convention which met in February 1657, and this decision was later confirmed in a General Convention. Later also in nearly every case in which a factor was appointed, the sufficiency of his caution was carefully considered before he was admitted to discharge the duties of his office.

After the return of the Staple from Dort, regulations were made in 1677 in regard to the factors, which, though merely embodying much that was already customary, illustrate the relations existing between the merchants and the factors at this time. The amount which the factors might charge as commission was now more definitely fixed than had hitherto been the case. It was decided that in those cases in which a factor employed a broker to dispose of a merchant's goods, the factor was himself to pay the broker's fee out of his own commission. What he might deduct was fixed in the case of plaiding at 5 per cent. and in the case of skins at 2½ per cent., and after such deductions the factor was required to pay the merchant in ready money. To guard against the possibility of a factor keeping the merchant's goods beside him for an indefinite time, a regulation was also made to the effect that a merchant might take away fingrain and plaiding which had lain beside a factor for a year and six weeks, without paying any factor's fee. A similar rule applied to salmon and other goods which might be removed after the "appoynted tyme". At the same time the Convention renewed the old regulations, which forbade factors to sit in the Conservator's courts, and a new method was adopted in regard to the appointment of factors. It was remitted to Edinburgh, Aberdeen, Linlithgow and Queensferry, or any three of them to meet and admit factors at any time.

Towards the end of the seventeenth century there was a renewal of the old complaints in regard to the factors engaging in trade. The factors indeed were at this time appointed somewhat irregularly, and perhaps to this fact may be attri-

buted the increased attention which the Convention found it necessary to devote to the consideration of complaints in regard to the factors. In 1691 it was stated that there were no factors legally established at Campvere in the time of war, and "least the merchants should suffer by having their goods squandered when they come to the Staple their being non to look after them," the Conservator was instructed to look out at Campvere, Rotterdam, or elsewhere, for merchants who should be competent to discharge the duties of factors. The decision of the Conservator was, however, subject to the approval of the Convention. From this time it is clear that there were a number of factors whose appointment was irregular, and it was necessary in the following year to make it clear that a factor had no power to confer his privileges on another, as, for instance, by taking him into partnership, and that the powers of a factor could only be obtained from the Convention of Burghs. The Conservator was specially instructed in 1693 to punish all who had assumed the duties of factors, without obtaining the consent of the burghs and without finding the necessary caution.

While there thus existed a number of factors, not regularly appointed, it was but natural that complaints should have been made as to the manner in which the factors discharged their duties. Two such complaints came before the Convention in 1699. The first of these embodied a new charge against the factors, though at one period of the history of the Staple, regulations had been made in regard to a similar offence on the part of the merchants generally. The factors were now forbidden to give the benefits of the Staple to strangers, or in the phrase which is always used in dealing with this point, they were prohibited from "colouring" foreigners' goods as goods belonging to Scotsmen, and on the occasion of this regulation, the Convention took the opportunity of requiring all factors to renew their caution. The other complaint which was embodied in a memorial from the Conservator, dealt with the old grievance caused by the factors in carrying on trade in their own interests, instead of confining themselves "to the well and profite of their merchants".

The attitude of the Convention on this matter has already been sufficiently indicated, but the regulation made on this occasion is noteworthy inasmuch as it applies also to the merchants. Reference was made to the great hurt and prejudice done to the factors by the action of merchants who brought not only their own goods to Campvere to dispose of them, but also brought the goods of other merchants for sale. Such merchants were, indeed, obviously in the position of factors who had not been appointed by the Convention, and accordingly by the new measure, the factors were not only required to confine themselves to their factory, but the merchants were also obliged to restrict themselves to their merchandise. In the following year it was again necessary to renew the Acts forbidding factors to trade under penalty of loss of office.

In the eighteenth century there is little that is material to the organisation of the factors as a body. The old regulations were maintained, although there appears to be a slight modification in the regulation made in 1719, allowing factors to hire and freight small ships. It is, however, during the sixteenth and seventeenth centuries that the records in regard to the factors show most clearly the part they were intended to play in the general organisation of the Staple. Briefly, the point insisted upon by the Convention, was that the factors should be factors and nothing else, and all the regulations were in reality designed either to enforce this, or to prevent the numerous frauds which were liable to arise in such a system. That the factors should wait upon the Conservator, and should be debarred from sitting in his court was part of the same system which regarded the factors as being but the servants of the merchants. The attitude of the Convention on this question is certainly in some respects narrow, and above all in the resolute hostility which they showed to the formation of a body of Dutch factors, whose existence was urgently demanded by the conditions of the Staple, the royal burghs must be condemned for their failure to realise the true interests of Scottish trade.

CHAPTER VII.

THE CONCIERGERY HOUSE.

AMONGST the privileges early accorded to Scottish merchants by the Staple town was the right to have a certain amount of beer and wine free from the usual duties. Such a privilege was obviously liable to abuse, for there must always have been a certain temptation to resell the beer at a profit, and the magistrates of Campvere were also exposed to the possibility of being defrauded by the action of those merchants who entertained others not of the "nation," and so enabled outsiders to participate in the benefits conferred by the Staple contract. It was thus necessary to insist that the beer which was supplied under its market value should be consumed on certain premises, and as the number of merchants increased, and the Scottish towns were able successfully to demand that a house should be provided for the accommodation of merchants, the Conciergency House naturally took the form which is familiar in the later history of the Staple. It was in reality a Scottish inn maintained for the reception of merchants living at Campvere, in which the wine and beer provided by the magistrates had to be consumed.

In the contracts made, or proposed to be made with Campvere, Middelburg and Antwerp in 1540 and 1541, there is no definite reference to a Conciergency House. The Staple town was always obliged to make some sort of accommodation for the merchants, and as has already been seen, in each of the three contracts referred to, a house was given to the Scottish nation. It is clear, however, that at this time there was no definite distinction between the Conservator's residence and the Conciergency House, and that the building

which was to be granted was in all three cases intended to serve both these purposes.¹ In the contract of 1578, made on the return of the Staple from Bruges, there is also no definite reference to anything of the nature of a Conciery House. The ninth article deals with the excise of beer and wine, which it was stated should be distributed among the houses appointed for receiving the "nation".² This would appear to indicate that at this time there was no house set apart for receiving Scottish merchants, but that various houses were licensed for this purpose.

It is in the negotiations leading up to the contract of 1612, that the question of the Conciery House first takes definite form.³ After it had been decided that the Staple should remain at Campvere, the Convention, drew up a list of articles which their commissioners were instructed to endeavour to obtain from the magistrates of Campvere in settling the Staple there. Of these the seventh and eighth deal with the Conciery House. Although in the beginning of the article, the burghs asked to be "furnist be ane or twa sufficient ludging housis," the remainder of the clause reads as if only one house were being demanded, and this house is called not merely the lodging-house, but also the "consergerie". In the house which the Convention thus

¹ Campvere granted to the whole nation a house "the most commodious and convenient that can be found". Antwerp offered "a fair and pleasant House appointed for the residence of their Conservator and others of the said Nation". Middelburg undertook to provide "a very gentle house worthy of the said nation, in which their Conservator or any others the said nation thought proper might lodge and be accomodated" (C. R., i., 546 and 551).

² See contract of 1578 in Appendix.

³ Before 1612 there was apparently an official known as the "sergeant of the Conservator," whose office was abolished in consequence of the contract of 1612. The Convention in July, 1614, wrote asking for certain privileges on behalf of John Corstorphin "autrefois sergeant de Monsieur le Conservateur, lequel a servy nostre nation par plusieurs annes passees fort fidellement et loyaument, et voyant que les privileges par luy enjoyes devant le dernier appointment fait entre vos Seigneures et nous sont abolies a raison de l'institution de la Maison de Concieryerie sur quoy ledit Jean Corstorphin est grandement interesse et endommage".



THE CONCIERGERY HOUSE AT VEERE.



demande the merchants of the nation were to be required to lodge, and the master of the house was to sell wine and beer, excise free, to the whole of the nation, to mariners as well as to merchants. For the ordinary a reasonable price was to be fixed, and some attempt was also made to meet the obvious difficulty which would arise in the case of merchants given to hospitality.¹ The commissioners were further to ask that the master of the Conciery House should be free from various usual duties and personal services, and that he should also be free from the liability to have soldiers quartered on the house. To the commissioners who were appointed to negotiate, acting in conjunction with the magistrates of Campvere, was entrusted the task of choosing the master of the Conciery House, and of fixing the price of the ordinary. At the same time it was also decided that all merchants trading to Campvere should lodge at the Conciery House under a penalty of forty shillings each voyage, and that a similar penalty should be paid by any factor who should receive a merchant into his house. Fines thus incurred were to be uplifted by the Conservator and divided into three equal parts, one share being given to the Conservator, the second share to the master of the Conciery House, who was supposed to be thus defrauded, and the third part being devoted to the use of the poor.

In the beginning of 1613 two names were considered in connection with the new position of master of the Conciery House, Alexander Gwyne or Ewin,² and Neil Kay, and in the end Ewin was appointed. The burghs at first requested that the house should be ready before the 1st of May, and this condition was embodied in the contract, but the burghs admitted that it was impossible to have the house ready by that time, and as it was held to be "ane mater of consequence and requyring greit deliberatione," it was decided to consider

¹ "And gif it sall happin ane merchant to inveitt anie straynger to denner or supper that in that case (the straynger beand frie) the toun of Campheir sall nocht quarrell the samyn" (C. R., ii., 363).

² Both forms are given.

the matter further with the help of "ane autentick copley of the ordour keipit in the Inglish house at Middilburch".

Soon afterwards Ewin, who had been appointed master of the Conciergency House, was removed from that office. On being summoned he had failed to appear before the Convention, and moreover letters of horning¹ were produced against him. In view of this, it was decided that Ewin was incapable of holding the office. A prominent part in the proceedings against Ewin had been taken by Neil Kay, formerly his rival for the post of master of the Conciergency House, who was now appointed in his place. The burghs had always shown an active jealousy of any royal interference in regard to the appointment of the Conservators, and this same spirit was manifested on the occasion of the appointment of Kay to the Conciergency House. Before the Convention had taken any action in the matter he had apparently obtained a grant of the office from the king. The burghs required him to produce this gift, and to renounce all right or title which he might have to the office in virtue thereof, and to acknowledge that his only claim to the office was in respect of his appointment by the burghs. In proof of his acquiescence the royal nominee cancelled the deed obtained from the Crown, and delivered it into the keeping of the burghs.

To Edinburgh was entrusted the task of drawing up the regulations for the guidance of Neil Kay in the government of the Conciergency House. In these instructions, as finally embodied in twenty-two articles, the whole organisation of the Conciergency House at this time may be seen, and as they are of considerable interest on account of the light which they throw on the life of the merchants at the Staple port, the substance of these articles may be reproduced here.

1. The master of the Conciergency House was required to repair at his own expense any damage caused by himself or his servants.² He was to provide a sufficient supply of beds,

¹ A letter from his Majesty's Signet requiring payment of debt.

² This clause appears to have been interpreted in such a way as to make the master of the house responsible for the goods of merchants

bedding, tables, stools, chairs, linen and woollen goods, plates, glasses, knives, candlesticks and all other necessaries.

2. The Conciery House was to be free of all excise on beer and wine, vinegar, verjuice,¹ salt and oil.

3. The master of the Conciery House was to provide at his own expense sufficient wine and beer, pepper, meat, and salt, and all other things belonging to the service of the table.

4. With the advice of certain merchants he was to choose one, two or more rooms to be ordinary eating rooms in each of which was to be a table, at which the merchants should eat according to their numbers. After the "nation" should be satisfied in regard to sleeping and eating rooms, the remainder of the house was reserved for the use of the master of the Conciery House and of his family.

5. "The said Maister of the Consergerie sall intertinnie the merchantis of the best sort of the natioun with fresch and poulderit beif of sic as the land thair affordes, with mustard thairto, and mutton sodden and rostit, or sic vther meitt as the seasoun of the yeir randeris, with breid and stark Inglis beir, sa mikle as they may eitt and drink in ane ressonable maner, with cheis and fruites efter meitt, according to the number that salbe at the taible for aught stuiers ilk persone."

lodging in the Conciery. In 1731 Alexander Westland complained that a bundle containing "three Pieces Handkerchiefs, and a half dozen China Cups and Plates" had been taken from his room. The master of the Conciery House, Dalgleish, and his wife were summoned to the Conservator's court, but though they disclaimed all knowledge they were found liable for the loss. Westland thereupon declared on oath that on the previous day he had paid 30. 18 guildens for these goods at Middelburg, and the master of the Conciery House was ordered to pay this sum, on the understanding that should the goods be found, he would have this money restored to him. Dalgleish, however, does not appear to have been a successful governor of the Conciery House. In 1736 he was summoned before the Conservator Macaulay, as the house for some years "through bad management had been useless to the Nation, and by no means answered the ends and purposes for which it is designed". He was accordingly ordered to leave the house before Whitsunday.

¹ "A strong acid made from crab apples, sour grapes, &c." (Gloss. to C. R.).

6. "Item, the vther tables to be intertyniet with the same sort of meittes with breid and small Inglis beir, swa mikle as they may eitt and drink moderatlie, for sex stures and ane half ilk persone, and gif they call for stark beir to pay for the same extraordinarie at tua stures the can."

7. Clean linen for the table was to be furnished twice a week.

8. A merchant sleeping alone was to pay two stivers a night, two merchants sleeping in one bed were to pay one stiver each. Clean sheets and pillowslips were to be provided every fifteen days.

9. A merchant breaking anything in the Conciergery House was to pay for the losses incurred. For uncivil behaviour a penalty payable to the poor was to be imposed by the master of the house with the advice of two or three of the merchants in the house at the time: "but gif they call any ane vther ane knaif or lowne or sic iniurious language, or els sould gif ane vther ane cuf on the halfit, they sall pay ane pund Fleyms for euerie ane of thir faltis: and gif they stryk ane another with quhinger, daiger, knyf, or rung, and cause the offendit blude, they sall pay fyve pundis grit besydes the curing of the woundes and satisfieing of the partie greivit; gif they scold or drink extraordinarie at the taibles they sall pay the wyne and beir drucken extraordinarie and ane pund Fleyms besyde for the pair, the same being tryet be the Maister and twa or thrie of the honest men being at the taible".

10. Merchants calling for breakfast were to pay "according to that thei ressaive".

11. Due notice was to be given in the event of a merchant wishing to give a banquet, and this was to be paid for extraordinarily.

12. A committee was to be appointed to fix the price of the wine quarterly, and to see that the wine and beer were not mixed. Should the wine or beer be "mixed" the master of the Conciergery House was to pay a fine of one pound Flemish for each offence.

13. From October until the 1st April fire was to be pro-

vided in the rooms at noon and at night during the time of dinner and of supper only.

14. The master of the Conciery House was to send his servant with candle and lantern to fetch the merchants to supper between six and seven, when there was no moonlight. Should there be clear moonlight the merchants were to come without candle.

15. The merchants were to withdraw to their chambers at half-past nine in winter.

16. The master of the Conciery House was to provide the porter with meat, drink, lodging, fire, and candle.

17. At every meal the trencher was to be laid down, and each man should pay his ordinary.

18. Only merchants and mariners were to eat and drink at the house. Others of the nation, as, for example, gentlemen and students, were to have licence to eat in a room or at a table apart, but only for the space of two days.

19. A box was to be hung at each of the eating tables, in which fines for swearing were to be placed.

20. A "sufficient and stark box with thrie lockes" was to be provided to keep all the fines, the keys being given to the minister, the master of the house, and one of the factors. The keys of the small boxes referred to in the preceding article were to be kept by the minister, and the contents transferred quarterly to the large box. Three quarters of all the fines collected were to be given to the poor of the congregation, and the remainder to the master of the Conciery House.

21. All injunctions in regard to the Conciery House made between the "nation" and the town were to be observed by the master of the house.

22. The master of the Conciery House was to attend to any further instructions which the burghs might give on the matter.

Such were the conditions to which in 1613, Neil Kay, the first master of the Conciery House, put his name. It was not long, however, before complaints were made as to the condition of the house. Already in 1615 Kay complained to

the Convention in regard to certain "inlaiks" or defects which he maintained should be properly repaired by the magistrates of Campvere, and in 1617 the Convention wrote asking the town of Campvere "to have ane cair of the reparatione of the consergerie house, yaird thairof, and bigging of the dyks of the samyn". In the general discontent which was felt in regard to the Staple about 1632, the condition of the Conciery House was put prominently forward in the two papers entitled, "Les chefs principaux dont nos gens se plaignent". The house it was stated was situated in the most unhealthy part of the town, causing disease and death among the merchants. Half of the merchants could not be accommodated there, and moreover the cellars were incapable of holding a third part of the beer and wine which the nation found necessary. The magistrates of Campvere, in an uncompromising attitude, replied that the Scottish nation had themselves chosen the house in which they were then living, although another had originally been bought for them. As regards the complaint that the house was not big enough, this they held was due to the fact that many people were accommodated at the Conciery House who should properly be obliged to live elsewhere. A more conciliatory spirit, however, prevailed, and the magistrates undertook to repair the house to the satisfaction of the nation, or if this should be impossible to provide a house elsewhere.¹

Soon after the appointment of Neil Kay complaints were also made in regard to the failure of the merchants to observe the regulations laid down for the government of the Conciery. It was indeed a difficult matter to require that the merchants should have their meals at one place, and nowhere else, yet the institution of the Conciery House endeavoured to impose this restriction. In 1616 complaints were made of "the gritt inormities done be sundrie of the natioun cummand to the toun of Campheir, in resorting and repairing to uther places for thair ordinares than the consergerie house," and of the factors and others supplying beer to the nation, "grittumlie tending to the hurt and preiudice of

¹ Perrels, i., 51-55.

the master of the consergerie house and utter ruine of the said house". It was indeed apparent that the Conciery House could only be a success, if attendance there were made absolutely compulsory, and accordingly the factors, and others having the privileges of the nation, were forbidden under heavy penalties to invite a merchant to supper, or on Sundays at noon or even, and any merchant failing to attend the "ordinary" was to pay as if he had been present.¹

Neil Kay was succeeded in 1620 by John Porterfield, whose widow Elizabeth Cant, on his death in 1621, continued to act as mistress of the Conciery House. Soon after Elizabeth Cant's appointment the jealousy with which both sides regarded the privileges of the Conciery House was well illustrated in an incident which occurred in 1622. Elizabeth Cant had received two Englishmen into the house, and though the visit had been a short one, extending only for "the spaice of tua houres," the magistrates of Campvere regarded their presence as unwarranted by the conditions on which the Conciery House had been granted, and took action accordingly against Elizabeth Cant. The royal burghs defended her on general grounds. It was pointed out that the English at Middelburg had the privilege of receiving Scotsmen in their Conciery House there, and that by the contract all privileges enjoyed by the English at Middelburg were to be extended to the Scots at Campvere. The matter was referred to the next Convention, but apparently the dispute was not continued. The old difficulty of enforcing the monopoly of the Conciery House was again raised at the same time and the magistrates of Campvere were requested to take proceedings against two "indwellers" of the town who were alleged to keep open house in selling beer and wine to the nation to the great detriment of the mistress of the Conciery House.

It was not long until it was found necessary to modify the regulations which had been made in regard to the price

¹ It may perhaps be inferred from the regulations that a factor might entertain a merchant to the mid-day meal on any day except Sunday, but this is not definitely stated.

of the ordinary at the Conciery House. In the case of the better merchants this had been fixed at eight stivers, but in 1624 Elizabeth Cant, after her marriage to a merchant, David Peebles, represented to the Convention that since the price had been fixed "the viuers hes rissing to such ane heich rate" that it was no longer possible to comply with the regulations laid down. The Convention after making some investigation decided in part to comply with the request put forward, but their action cannot have given complete satisfaction to Elizabeth Cant and David Peebles, for while they found that "the pryices of the viuers since the first setting doun of the said ordiner hes rissin to ane double rate," the keepers of the Conciery House were merely authorised to increase the price of the ordinary from eight to ten stivers, on the understanding, however, that should the price of provisions fall, the price of the ordinary should again be reduced. Apparently no such fall in prices took place, and under Elizabeth Cant the charge remained at ten stivers. One of the first acts of her successor James Arnot, who was appointed in 1642, was to obtain a further advance in the price of the ordinary which was now fixed at twelve stivers.

Meanwhile complaints continued to be made as to the behaviour of the merchants at the Staple port, and their failure to observe the regulations made in regard to the Conciery House. In 1631 the Convention had found it necessary to renew the Act of 1616, declaring that merchants and merchants' sons should keep their ordinary at the Conciery House, and forbidding the factors and others to sell them beer or wine. On the same subject William Arnot also complained in 1649, stating that there were certain Scottish houses which provided both lodging and diet for merchants and skippers. The Convention found "the samyne very prejudiciall and tending much to the ruyn and vndoeing of thair consergerie hous," and to remedy the evils complained of, renewed all the measures requiring compulsory attendance at the ordinaries of the Conciery House.

From the middle of the seventeenth century there are, apart from the various appointments made, few references to

the Conciery House. On the removal of the Staple to Dordrecht, Daniel Wilkie was admitted to be master of the Conciery there, in consequence of an agreement made between him and Arnot, who had up till then held the office at Campvere. A general regulation conferring certain privileges on the master of the Conciery House was made in 1700, when it was enacted that he should be free from all exactions of the Conservator, and at the same time the rate at which he should sell beer and wine was more definitely fixed, it being decided that he should sell to the Scottish nation at a fourth less than the price current in Dutch houses.

During the eighteenth century in the steady decline of Scottish trade with the Staple port, the Conciery House can have been of but little importance in the Scottish colony at Campvere. It is seldom mentioned except on the occasion of the appointment of a new master of the Conciery House, and even these appointments do not appear to have been regularly entered in the books of the Convention. From the form of agreement signed by the occupants of this office, it is, however, clear that the organisation of the Conciery House remained unchanged until the dissolution of the Staple.¹

¹See, for example, articles signed by George Cruickshanks in 1719 (in Appendix V.).



APPENDIX I.

GRANT BY CAMPVERE, 1541.

“MAXIMILIAN of Burgundy, Lord of Bevern, of Campvere, Flushing, Touighem, Demburgh, Brainvers, Pasen, Duyveland, &c. Admiral by sea.

“Be it known to all men, That for the good, friendship, confederacy, and custom of dealing together, which in former times the kingdom of Scotland, have manifested and shewen to our predecessors, Lords of Campvere, hoping the same shall continue, We for the good and great affection, which we reciprocally have for the said nation, and for the desire we have to entertain friendship, correspondence, and communication with the said nation, and the inhabitants of our town of Campvere. And in consequence of the charge and commission we have given to our Deputies, sent to the kingdom of Scotland, to treat with the merchants of the said nation, and to grant them the liberties, privileges, and franchises, by us to them, offered and presented to these of Dundee, Perth, St. Andrews, Aberdeen, Montrose, and Cowper, and accepted by them, which we freely and willingly grant, and consent unto. Likeas we freely and willingly grant and consent unto, out of our favour for the said merchants, trading to and frequenting our said town of Campvere, the points and articles following :

“First. We grant to these of the said nation, a house within our town of Campvere, the most commodious and convenient that can be found, for those of the said nation, without paying any hire, with freedom of excise upon wine, or beer, for those of the said nation ; and likewise they shall not pay excise for victuals imported for their provision, entertainment and consumpt.

“If they are robbed or spoiled of their ships or goods, we shall order a prosecution and restitution at our expence ; and likewise we shall cause be kept buoys, and other floating marks, or beacons, in the stream before our said town, to prevent danger or shipwreck. And if by storm or otherwise, any of their ships shall be in danger, there shall immediately proper people be sent to their assistance, at a reasonable rate, to deliver them, who shall agree thereto by the advice of the merchants. And on their arrival in the harbour, the skippers and fishers shall be obliged to make room, and give place as soon as possible ; And if they make any resistance, we shall order them to be punished according to the circumstances of the case.

“Likewise, We shall advise, and cause good order and rules to be observed, that for the future, workmen, porters, and suchlike employed daily by the said merchants, shall work for their accustomed wages formerly established, without exceeding the same, or offering to refuse, or giving rude and opprobrious language, and if they do they shall be punished as above.

“If the foresaid merchants shall have occasion for cellars, houses, or pack-houses to put or keep their goods in, they shall apply to those who are appointed to tax the same, either by the month, or for a longer time, which shall be done with moderation: And it shall not be permitted to any person whatsoever, to encrease the hire for the said cellars, houses, or pack-houses, after the arrival of the Scotch merchants.

“They shall have the choice and option of a suitable place in the collegiate church of our town of Campvere, with a chaplain, so as it shall please the said nation; who shall be provided with a prebendary of canons, upon the first vacancy in the said church. And these of that nation who die, shall be buried in the said chapel, without paying any duty, which is accustomed to be paid for those who are buried in the said church.

“If those of the said nation shall find it most profitable for them, or to their loss, we shall cause the ell to be changed to Antwerp’s measure, and a sponisible man shall be chosen for metster, who shall take a paract () for the hundred ells, but if a single piece of cloth be measured it shall only pay half a paract, according to antient custom. And the price of weighing shall be according to that of Midleburgh; and likewise they shall not pay any duty for the crane, or for those goods which they can unload by their own machines, except desweddes () and wine. They shall likewise be free of the crane for these goods bought at Midleburgh, and the right of the crane shall only be paid for these goods that do not come to Campvere. But if they make use of the crane, they shall pay the duty, and not otherwise. And we shall do all in our power, and use all our influence, that these of the said nation shall be free, and pay only a custom or toll, so as the English, both being one franc, but exempted from the duty of anchorage.

“If any question arise on account of merchandise, between a Scotch man, and one of any other nation, they shall apply first to the judge of our town of Campvere, without any tedious or long form of process; the differences arising between those of the said nation, amongst themselves, shall be decided by the Conservator of the said nation.

“The said nation, if they have occasion for pilots, to shew them the fair way, in going out or coming in, to Campvere, they shall be employed at the expence of our said town.

“There is likewise granted to those of the said nation, a garden or an inclosure, or other place, for their recreation, conveniency and amusement: And for their benefit we shall cause make a cistern for rain water, which shall be conveyed and purified by being conveyed in lead.

“If it should so happen that these of the said nation, in particular, or in general, shall have occasion to carry on a lawsuit in any of the courts of this country, we promise them all manner of help and assistance in the said lawsuit; and likewise the assistance of our servants, if it shall be needful, without any charges. And we shall not suffer, that on account of any affair concerning them, they shall be injured or ill used, which shall be prevented as much as in us lies.

“In approbation and confirmation of the above written, we have signed with our hand, and caused affix our seal and arms of the town, 6th December, 1541.” (*As given in Yair*, pp. 111-117.)

APPENDIX II.

CONTRACT WITH CAMPVERE, 1578.

“AFTER great solicitation and long suit made by the magistrates of the town of Campvere, towards the merchant estate of the realm of Scotland, to the effect that they would bring again their staple to the said town, as it was at the breeding of the last troubles, It has pleased my lords, the deputies of the towns of Scotland, upon the offers made by the said magistrates to them, to direct and send honourable men, Henry Nisbet, their commissioner, assisted with George Hacket their Conservator, and Alexander Seggit, with absolute power to contract and conclude, in their names, with the said magistrate, for the establishment of the said staple again in the said town, as at more length is contained in the procurations and commissions passed by the Baillies of the town of Edinburgh, of the date of the 29th of August 1578, subscribed by Alexander Guthrie.

“By virtue of the which commission, the said commissioner, with his assisters aforesaid, entered in communication with the said Magistrates, where after sundry propositions, made by the said Commissioners, and answers thereto, given to them, by the said Magistrates, at divers and sundry diets, with long and weighty reasons—In fine, the two parties, the 18th day of October, 1578, accorded, and finally agreed in manner and according to the articles following :

“1. In the first, touching the mending of the channel and haven of Campvere, for as mickle as, in that consists the principal and greatest weil of the town ; the said Magistrates, what by dyking, and sundry heads, as has been used already, may be seen a very excellent beginning, and to continue the said work : Notwithstanding that the channel and entries thereof, is esteemed and holden, as good as ever it was : And that marks and tokens for the weil of merchants, are already for the most part, placed in the rooms accustomed and most necessary.

“2. Touching an appointed place within the haven, to loss and to laden the ships of the said nation ; the said Magistrates appoint unto them all the shore, betwixt the house called the Oliphant, unto the Vernal called the Chapel Street, and when the said place shall not be sufficient, that they shall be accommodated more to their advantage, and so as they shall need, in making all other boats and ships to depart from the said shore, and shall be given express ordinances to that effect, that none pretend ignorance.

“3. Concerning the King’s custom, or entries, of any controversy or difference, between him and any of the said nation, the said Magistrates shall cause him intent and persue his action before them; who in no ways shall permit or suffer, any of the said nation, to be molested, or troubled, and the cost what they should pay shall be given a copy thereof to the said Commissioners, or Lord Conservator, within two days.

“4. Concerning the exemption of the common guild of the said Magistrates, shall keep quit the said nation of the said imposition of all merchants coming from Scotland to this town. And if any new imposition shall be laid hereafter on the said merchants, wherein it shall be found that the English should be free and exonered, the said Magistrates shall be bound to free the said nation, or at least to send one of their council, upon their own expence, with whom the said nation, may join one of theirs, if they shall think good, to the effect that they may together, make suit for the said exemption; promising further, not to consent, nor agree in any manner of sort, to the continuation of the said imposition of the said merchants, but by advice and consent of the said nation.

“5. Concerning the pyners and labourers, what shall be paid for every sort of goods, the list whereof shall be given to the Commissioner, or made so, to the favour of the merchants of the said nation, that not only the said Magistrates, but also the said Commissioner, and merchants, shall think conscience, having respect and consideration to the dearth of all things presently, in respect as they were wont to be, not doubting, but being moved with pity, but hereafter of their good wills, they shall augment the prices. And as to the number of the labourers, for discharging of their ships, the said merchants shall have no occasion to complain. But the said Magistrates shall appoint unto them sufficient number, so that the whole goods shall be housed at the furthest in summer, at eight hours at night, and in winter five; which shall be made express ordinances.

“6. As to the loft and cellar males, the merchants and factors of the said nation, in that they may provide themselves so good cheap as they may. Yet the said Magistrates shall not permit, that any within their town, take more nor three groot (1 $\frac{1}{2}$ st.) for every hundred sheep skins in the month.

“7. As touching the pilots, for that the merchants of the said nation, have to do with hoys, albeit for present necessity, they shall be compelled to promise large sums of money; the said Magistrates shall be content that the said differences shall be modified by four Commissioners, viz. two of the said Magistrates, and two of the said nation, of the which, my Lord Conservator shall be one.

“8. Concerning the passage between the Campvere and Antwerp, the said nation shall only pay five stivers, and as much from Antwerp to Campvere.

“9. Item. As touching the excise of beer and wine, the said Magistrates grant, and give, to the factors and others of the said nation, sixteen

lasts of English beer, or any other such as they shall please to take, with five tun of wine, which shall be distributed among the said factors, and other houses, appointed for receiving of the said nation only. Being also concluded that all those, that shall enjoy the said liberty, and freedom of excise, shall receive none in their houses, to spend their silver, or to make any bargain, or sell wine or beer to any other person whatsoever, under the pain of the tinsel of his liberty in that case only. Granting also to the said nation, power to distribute the foresaid quantity of beer and wine, and to change and alter the house, at all times, when they shall think good, and as they shall find most meet and profitable for themselves, providing that they nominate unto the Magistrates the names of those, with the number and quantity of beer and wine, to whom any part shall be given, and distributed. Of the which sixteen last of beer, and five tun of wine, the said nation shall not pay any excise or imposition to any person whatsoever, but the said Magistrates shall acquit and free them thereof. As also, they are content that the factors of the said nation, shall be exempted from lodging of men of weir (soldiers) or to pay for them, any collection or imposition. And further, shall not be bound to enter into any guildrie, neither watch nor ward, nor muster. Well understanding that my Lord Conservator, is not here comprehended, but shall be free of all charges, conformable to the accustomed order past.

“10. As to the judgment of the actions, or quarrels, civil or criminal, that may fall out betwixt any of the said nation, and subjects of this country—In this case, the said Lord Conservator, shall be warned to be present, not only to hear the matter reasoned, if it shall please him, but also have power to alledge, if he shall think good, to the preservation of the privileges of the said nation, and for the defence of the King of Scotland's subjects. And this before the Magistrate proceed to the pronouncing of the sentence. And as to the causes, as well civil as criminal, that fall out among any of the said nation, that shall occur, In that case the Conservator shall only have the judgment, without impediment, according to the privileges of the said nation, which the Lord Conservator may (those of the said nation being found guilty) put in prison, within the prison house of the town, and again release them as he pleases, and that none other have to do thereintill.

“11. And in case (as God forbid) that any motion, or discord, hereafter shall happen between the town of Campvere, or any other neighbours, or with any of the province, or otherwise, that the said nation may not freely and quietly, here frequent and traffick in all assurance, The said nation may, with their goods and merchandise, depart from here liberally, without trouble or impediment; and the said Magistrates shall give unto the said nation all assurance, help and favour, to make them have skippers and hoys, and all others necessary, upon the reasonable expence of the said nation, providing they shall be holden to pay their debts that they shall be owing in these parts.

“ 12. To the effect, that those of the said nation, during their residence here, be not frustrated of the word of God and exercitation of the religion, as it is for the present used in Scotland ; the said Magistrate grants unto them the quire of the great kirk, and their ministers to have off the town, their dwelling house, with free excise of beer and wine for his household and family.

“ 13. As concerning the salt pans, it is agreed, that they shall remain, as yet, as they are presently, and when the said nation shall come into this town with their staple, the said Magistrates are assured, that the said nation shall not find them so noisome and incommodious, as presently is agreed by the said Commissioner Nisbet. As also, that the said pans cannot suddenly be demolished, or in any other way altered or changed, without the great and hail wreck, of the principal burghers of this town, and consequently the total ruin and destruction of the same, which we are assured is against the intention and meaning of my Lords Commissioners of the towns of Scotland. But when that inconvenience shall be found thereintil, we shall not spare any manner of expence for remedy thereof. And in the mean time, the remedy shall be sought, so long as the said nation shall be here. And when the wind shall happen to be in the arts and places, noisome or otherwise, in that case the said Magistrate shall cause the fire of the said pans to cease, so as they shall have no occasion to be miscontented.

“ 14. As to the metting of the cloth, for as much as the said commissioners have assured us, that one metter is not sufficient to serve in that part, The said magistrates have granted, that hereafter shall be appointed, two upright and discreet persons, who shall give their oath in presence of my lord Conservator, to duely and justly mett their cloth without doing any wrong, to any one party, or to the other.

“ 15. Also it shall be procured, That the weight of the iron of this town, shall be according to Antwerp. And they have made express ordinance, that all the iron (weights in the balance) that shall be sold here, shall be according to the weight of Antwerp, without they please make their condition otherwise, which shall be followed.

“ 16. Finally. The said magistrates are content, and shall let and suffer the said nation, joy and bruik all privileges and immunities, that heretofore has been granted, by the emperor Charles the V. by his son the King of Spain, or Dukes of Brabant, Earls of Flanders, and Lords of Campvere ; and shall assist to obtain confirmation of the same.

“ 17. And in respect to the points and articles heretofore granted unto the said nation, and that the said magistrates has promised the premises by these presents, to observe and keep them inviolable, as the said commissioner Nisbet, with his assisters foresaid, promised, that after subscribing and sealing of this present contract, by both the said parties contractors, that they shall take order, and not permit that any of their ships with staple wares, shall take any other port than of the said town of Campvere ;

assuring them upon the part of the magistrates, that so long as old love and affection, and their commodities commands the said nation to remain in this town of Campvere, that the said magistrates shall have them in their protection and safeguard, under what place they may serve to their commodities, without interest of the said town, the said magistrates shall do it with all their heart.

“In confirmation of the which, has the said commissioners Nisbet, Mr. George Hacket, and Alexander Seggit, on the one part, and the magistrates of the town of Campvere, on the other part, subscribed the foresaid articles, at the town of Campvere, the 17th day of October, 1578, and sealed with the great seal of the said town.

Mr. George Hacket,	Caspar Voysbergen.
George Nisbbet,	Jan Campen.
Alexander Seggit,	Andreas Marinus.
	Jacob Adriansen.
	Ad. Volsius.
	A. Bovens.
	Pieter Regensbergh.”

(As given in Yair, pp. 153-166. The original contract in French will be found in Perrels, i., 28-35. It will be seen from the reproduction of the last half-page of the contract that the signatures are not accurately given by Yair.)

APPENDIX III.

COMPLAINTS OF SCOTTISH MERCHANTS (*circa* 1632).

CHEFFS PRINCIPAUX DONT NOS VOYSINS SE PLAIGNENT.

1. Premièrement de ce quand il y a proces entre un Escossoys et ung Flaman, il n'est pas permis a monsieur le conservateur et son député de demeurer en jugement jusques a la sentence donnée.

“Le magistrat quant a cest article se raporte au contract, lequel ne porte point, que quand il y aura proces entre un Escossois et Flamand qu'il sera permis a monsieur le conservateur ou son député de demeurer en jugement jusques a la sentence donnée, mais contient seulement, que monsieur le conservateur ou son député y sera appellé pour ouir et entendre le débats, si bon luy semble, et ausi alleger ce que luy semblera convenir pour le droict des Escossois, devant que le magistrat procede a la pronunciation de la sentence diffinitive, ce que le magistrat a tousjours observé, ayant appellé messieurs les conservateurs ou leurs députés, lesquels apres qu'ils avoyent ouys et entendus les débats et allegés ce que leurs a samblé convenir pour le droict des Escossois, se sont retirés sans demeurer en jugement, comme n'estant raisonnable que ceux qui ont assisté a ung des parties, ouissent en jugement les opinions des juges.”

2. De ce que les laboureurs et portefaix, qui transportent les marchandises des boutiques aux navires et alieurs, ne se contentent pas de leur gages selon le liste, encor quilz soyent trop grandes, mais, extorcionnent les marchands a leur plaisir et le plus souvent les outragent.

“Quant au contenu de cest article le magistrat dict, qu'il a fait les dicts portefaix observer le taux selon la liste, et promet ausi de donner ordre a ce que dorenavant les dicts portefaix se contenteront de leur salaire selon la dicte liste, encor que le salaire n'est pas si grand, comme il est a Middelbourgh.”

3. De ce que les dicts portefaix et laboureurs ne veullent pas transporter les marchandises pour les mestre a couvert soit au navire ou alieurs, sinon quand il leur plaist, ains les laissent par mallice sur le havre et mesmes hors la porte de la ville pres du cran toute la nuit en danger destre mouillés et desrobés, sur quoy ils sont contrainctz de les veiller.

“Sur cest article le dict magistrat promet, qu'il donnera tel ordre, que les marchans n'aurront occasion de se plaindre de ce que les dicts portefaix ne veulent pas transporter leurs marchandises pour le mestre a couvert.”

4. De ce que la maison, ou la nation demeure, est assise en l'endroit le plus malsain de toute la ville, qui cause les maladies et souvent la mort a nos gens, joynt aussy qu'elle nest pas capable de loger la moytié de ceulx qui y doyvent loger, et na pas de caves pour le tiers du brevage qu'il fault, et que ce que lon y met, se gaste et se perd incontinnent au grand prejudice du maistre et la ruine de la santé de tous ceulx qui le boyvent.

“Comme ausi le dict magistrat promet d'accommader et approprier la maison, ou la nation demeure, en telle facon et maniere que ni le maistre de la conchergerie ni la nation auront cause ou raison a se plaindre des incommodités, dont la nation maintenant se plaint. Et en cas que la dicte accommodation et appropriation n'oste pas les dictes incommodités, alors le magistrat promet de pourvoir la nation d'une ault(r)e bonne maison.”

5. Le mesme ce peult dire des maisons assignés a nos ministres.

“Le magistrat ordonnera, quand il en sera requis et besoiing, une honneste maison pour le ministre.”

6. De ce qu'on faict tant de difficulté a nous fournir du vin et bierre sans excisse, que quant le maistre de la conchergerie lachapte et la marque, souvent on efface sa marque, et donnent la bierre aux aultres, allegant par reproche, qu'il fault que la ville soit premierement fournie, et puis que s'il y a de reste, se seroit pour les Escossoys.

“A cest article le magistrat dit sincerement d'ignorer qu'on a fait de difficulté a fournir du vin et de la bierre a la nation sans excise, et qu'on a effacé la marque avec laquelle le maistre de la conchergerie l'avoit marqué, et declare, si la nation ou le maistre de la conchergerie se fut esté plainct, qu'il eut remedié et donné ordre a cela.”

7. De ce que quant nos navires sont en danger pres la ville, le magistrat ne presente pas la main comme il est requis et ils y sont obligés, comme lon a veu, quand la navire de JACQUES HALIBARTON se perdit, duquel on pouvoit avoir sauvé tous les biens, si on eu(t) voullu.

“Au contenu de cest article le dict magistrat dict, quil a presté la main quantefois on la requis et qu'il estoit possible dassister.”

8. De ce que il ny a point de bateau couvert a transporter les marchandises de Middelbourgh selon le contract; et les marchandises estant rompus, mouillés et mesmes perdus par la faulte des batelliers, on ne repare point la perte.

“A cest article le dict magistrat ordonnera les battelliers d'avoir en leurs bateaux de couvertures pour couvrir les marchandises, quand ils les transporteront de Middelbourgh en ceste ville.”

9. De ce que quand les facteurs de la nation font banqueroutte, ou quand apres leur mort leur femmes et heritiers obtiennent des lettres de benefice de inventaire, le magistrat de la ville entretiennent les dictes lettres au grand prejudice de nos voysins.

“A ceci respond le dict magistrat, que la cour ne donne point a ceulx, qui font banqueroutte, de lettres de benefice d'inventaire mais bien aux heritiers de ceulx qui sont decedéz insolvent, lesquelles lettres le magis-

trat est tenu selon les lois et costumes de ce pais d'interiner ou les rejeter ; ou autrement si le magistrat refuse de les interiner sans cause, les dicts heritiers peuvent appeller a la dicte cour, laquelle les interinera et les fera executer en ceste ville aux grands despens des creanciers ; et par cela est notoir, que le magistrat ne fait en cela aucun prejudice a la nation."

10. De ce que les magistrats de ceste ville ont signé de eux mesmes a faire des inventaires des biens des facteurs escossoys apres leur banqueroute ou mort, et ne veullent pas s'en departir, quand ils sont requis par le conservateur, auquel seul comme a son deputé en son absence il appartient de droict de faire les inventaires des dicts facteurs, les magistrats estant obligés de lassister, quand ils sont par eulx requis de ce faire.

"A ce dernier article dict le magistrat, qu'a eulx seuls appartient d'inventoriser tous les biens d'un defunct insolvent ou vivant subsonné de faillissement pour en faire droict et justice entre les creanciers selon les lois et costumes du pays et de ceste ville, et non pas au conservateur ou son deputé, lesquel(s) ne sont pas qualifiés de faire droict et justice entre les creanciers selon les lois et costumes du pais et de ceste ville, mais sont seulement selon le contract tenus de requerir a ceste fin le magistrat, lesquels seuls sont juges en tel cas en ceste ville du droict et selon le contenu du contract."

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APPENDIX IV.

CONTRACT WITH CAMPVERE, 1676.

1. That, for the keeping and preserveing of the strick allyance and freendship, which—by Gods providence—is made between his most sacred Majestie of Great-Britan etc. and the Lords the States Generall of the United Netherlands and for the long enjoyment of the fruitts of so happie ane peace, the magistratts of this city in all things according to their pouer upon all occassions shall seriouslie give a just and reall demonstration of their true affection to his Majesties royall persone, authoritie, and government, and of their constant inclinations to the weellfaire and tranquillitie of his Majesties kingdoms and dominions and in particular of his Majesties kingdom of Scotland ; and in the manifestation thereof the saids magistratts shall to their pouer obstruct and hinder the buying or selling of all maner of amunition of warre, weapons, offensive and defensive, unto or by any fugitives, rebels, enimies or others, disaffected to his Majesties royall persone and government, as also, so far as in them is, to hinder the printing and publishing of all seditious books and pamphletts within their jurisdiction and also the transporting of them to any of his Majesties dominions ; and if at any tyme herefter the same shall be discovered by the Conservator or his deputies and information given to the said citie magistratts theirof, they shall caus speedie punishment to be inflicted upon the persons so offending, being found within their jurisdiction, according to their demerits.

2. That there may be one firme correspondence and agreement betuixt the Royall Burrows of the kingdom of Scotland and the magistratts and toun of Campheer, with the approbation of the lords commissioners from his royall highnes the Prince of Orange, for the establishment of the Scotts staple-court in the said toun of Campheer for the space of tuentie ane yeirs and so much more tyme, as shall be thereafter agreed upon by the Royall Burrows and this toun, there to enjoy the priviledges and immunities, mentioned in the ensueing articles, with all other priviledges, formerly granted by this toun by antient contracts, especially that of the yeire 1612, except in so far as may be innovat by this agreement, or that may be agreed upon hereftir for the furder encouradgement of the said intercourse of trade, and that the magistratts of the said toun of Campheer shall give publict assurance, that during the whole tyme of

this agreement the said Conservator and all other persons, having dependence upon the said staple-court, may have ane free and saiff conduct and protection within this toun, and that they with their famillies and goods may peaceably duell and negotiat there and in the jurisdiction therof.

3. In regard all the staple-comodities, that cometh fra the kingdom of Scotland, are of the naturall production of that cuntrie, most of them unmanufactured, by which means the toun of Campheer and other touns of the Provinces have the conveniencie and advantadge of reduceing the saids comodities into severall manufactories fitt for use, quherby they rype ane greater benefeett then the people of the Scotts nation, therefor it is by this article agreed, that all the saids staple-commodities may be freely imported to this toun, without paying any toll or custom, as is here called incoming-convoy, licent-money and vijeilgilt-money and lastgilt, upon any of the Scotts shippis or other vessellis, quhatsomevir to them belonging, and from all such impositions for the future ; and that all residenters, belonging or anyway depending upon the staple-court, may be free to enjoy all the priviledges and freedoms, that the burgers themselves doe enjoy within the toun and jurisdiction thairof ; and by this article it is agreed, that all goods, which wer staple-comodities in Sir PATRICK DRUMOND's tyme, are hereby declaired to be staple-commodities and no others.

4. That the Conservator without lett, hinderance and molestation may exercise jurisdiction in all causes, civill and criminall, over the persones and goods of all those, who belong to the Scotts staple, as also over all others of the Scotts nation, alre dyuelling or which shall hereafter duell, remaine or lodge within the toun of Campheer or freedom thierof, so that no magistratt or judge of this toun shall have pouer to determine in or upon any question or difference, civill or criminall, at any tyme happening between tuo of the Scotts nation, but the same caus shall be only pleaded, adjudged and by definitive sentence determined by the court of the Conservator ; and that no factor be member of the court, and that without contradiction or appeal ; and in case of incivillie, contention, opposition or resistance the city-magistratts shall affoord the Conservator or his deputie all help and assistance to bring the offenders to usewall and deserved punishment. And that all acts, ordinances, sentences and decreits, made and given in the Conservators court, as also all certificats and lettres testimoniall, given, acknowledged and granted under the hand of the Conservator or his deputie and secretary, with the office-seal thereto affixed or appended, shall be held and esteemed in all cases, either civill or criminall, als oblidgeing, legall and authentick to all intents and purposes as any other, given and granted by the magistratts or judges of this toun in cases belonging to their jurisdiction ; and the Conservator shall within sex weeks aftir the signeing of this contract give to the magistratts a list of all such persones, as are under the staple-court, as

also of those, that shall happen from tyme to tyme hereaftir to live under the jurisdiction of the staple-court.

5. If any question or action civill shall fall out between any of the Scotts nation and any of the inhabitants of this toun, either native or stranger, the plentive or first complener, he being a Scotts man, shall be obliged first of all to apply himself to the Conservator or his deputie, and being a Dutchman, to the magistratts, that there may be arbitrators nominat over the bussines in question, and the said Conservator together with the magistratts shall upon either syde yeirlye name three arbitrators, the present to include the absent, that may freely cognosce, arbitratt and determine upon the saids differences ; and the sentences and decreits, so past in judgement by them upon the willing submission of the pairties, shall be holden als valide to all intents and purposes, as if the same wer past in judgement befor the magistratts of this toun or Conservators court ; and that all such decreits and sentences arbitrall so given shall with all expedition be putt in execution according to the priviledges of this toun and lawes of the cuntrie ; and if it should so happen, that the saids arbitrators be equal in their voices, in that case the saids arbitrators shall choise ane umpire, that may pronoucee the arbitrall sentence ; and if the saids pairties will not willingly submitt to the said arbitrall sentence, then the same is to be brought before the magistratts of this toun to be determined at the knowledge of the Conservator or his deputie, and that within fourtie dayes, eftir that full probation is made of the caus by both pairties ; and if it shall happen, that any of the Scotts nation shall have to doe befor the Lords the States or councill of Zealand, the Lords of the admiralty or toun-councill of Midelburgh, whither it be for staying of their shippes, confiscating of their merchandice or any other caus quhatsoever, in that case the magistratts of this toun of Campheer shall be obliged to caus assist them by their pentionary or some other of their councill, to the end that those of the Scotts nation may be weill used and als much favoured, as any of their own burgesses.

6. To the end that the people of the Scotts nation be not frustratt of the word of God and exercise of the reformed religion in their own propper language, the magistratts of the toun shall hereby be obliged to provyde for them a convenient church, decently furnished with all necessaries requisite to the due order and right administration of God's service and exercise therof, according to the doctrine, service and discipline, acknowledged, practised and by law established within the kingdom of Scotland, as also a fitting churchyard, wherin the dead of that nation and none other—without the consent first obtained from the Conservator or his substitute—may be buried, together with such place in the church, as shall be by the Conservator and his deputies thought fitt ; the said church and churchyard to be kepted in due reparation at the charges of the toun and to be exempted from any grund right, which may be pretended to be payed for burieing within or without the church ;

and to have the libertie to burie our dead at any tyme of the day or night at our pleasure without giving any fyne for the same; and also to have a minister, precenter and clerk for the service of the said staple-church according to their respective callings; and the said minister being dewly admitted, the toun shall provyde, that the minister shall receive his yeirlye mantinance in the same maner, as it is now payed. And if it shall so happen, that the above specified congregation shall so encrease, that it shall be fund necessary to have a second minister for assistance, whose interteament shall be at the charge of the Scotts nation.

7. For the better preventing and eviteing of all perrills and daingers, that may be in the incoming to this porte, the magistratts are hereby obliged to entertaine continually the marks, meiths, tuns and bowes at the entrie and within the channell, leading to this toun in all places, where it shall be fund requisite, and also that knowing and experienced pilots or pinks be appoynted to bring in and out the shippes, belonging to the Scotts staple, at the charges of the employer in stormie, mistie and dark wether; and als often as the saids pilots shall be employed and made use of, but no otherwayes in any sorte, their sallarie be regulated upon all ordinar occassions by the magistratts together with the Conservator or his deputie; and if throw tempest or storme of wether any shippes of the Scotts nation be in danger, and for their saiffitie the skipper be compelled or necessitate to promise to the pilots any exorbitant pilotage, by them requyred for inbringing of the saids shippes, in that case the skippers at their saiff arriveall shall not be obliged to pay all that they promised to them, but the magistratts of this toun shall be holden to modifie according to equitie and right reasone.

8. To the intent the shippes of the Scotts nation, coming to the porte of this toun, may be weell accomodate with a large and spatious haven and key for the safe lying and unlivering of the saids ships and goods, the magistratts of this toun are hereby holden to appoynt the whole shoire, wherewith the Scotts shippes have been served in tyme bygane from the bridge to the hous, called the Oliphant; and that the same be kept free only for the use of the Scotts nation, provyded with key-crans, good help and assistance with boatts, deck-boatts, lighters, especiallie in tyme of frost, when shippes cannot come to the haven; that there be appoynted a good number of sledds, waggons and labourers for the tymely loading and unloading of their shippes and goods, which labourers hyre shall be regulate by the Conservator and magistratts of this toun; and if it shall so happen, that the haven, so appoynted by the magistratts, be not sufficient to containe all the number of the Scotts shippes, that shall happen to come, in that case the magistratts shall caus accomodate them with so much more place, as shall be neidfull, by causing their haven-master remove all other shippes from the shoire, to the end there may be no contraversie fall out betuixt the mariners of the Scotts nation and those of

other nations; and the magistratts shall take such order in this point, that these of the Scotts nation may have no caus to compleane; and the shoir-masters shall by the magistratts be ordained to keep the saids havens and keyes voyd and cleare, that the shippes of the Scotts nation may the more comodously unload and reload without any hinderance or molestation. The haven-master shall lykwayes have a caire, that at all occasiones, when the Scotts shippes are coming in and going out, the haven shall be patent and open to them without any impediment; and if at any time the shoir-master or any in his name shal maliciously cast lousse or cutt any cable or any other rope upon the shoir of any of the Scotts shippes, he shall be punished therefore by the magistratts at the sight of the Conservator or his deputie, and if the magistratts or shoir-master fail in any of this article, the magistratts to be lyable for all coast, skaith and damage.

9. That the merchands of the Scotts nation, coming to this toun in their negotiations, may be weill served with pioners, labourers and workmen, with sellers, warehouses and lofts at ane moderate and easie pryce to be payed by the saids persones; and in case any burgar or other inhabitant shall demand of the saids merchands unreasonable rates, the magistratts of the city shall moderate the samen; and the hyre of the labourers and workmen shall be payed according to the rates, that shall be agreed upon by the Conservator and magistratts of this toun, to be sett down in ane table, to be made and published for that purpose, of the wages, to be payed for the sledds, waggons and workmen, as also of the scout-boatts, by watter going and coming from this toun to Middelburgh, that the labourers and workmen may be holden to observe and keep the same inviolable conforme to the tenor hereof, the master of the skout-boatts to be lyable for any damage, susteained betuixt Middelburgh and Campheer; and all merchandizing goods, unlivered out of the Scotts shippes, shall be caried and transported off the shoir in the winter befor thrie hours in the affirnoon and in summer before sex hours at night; and if any of the saids labourers or workmen shall committ any incivility be word or deed to any merchands, factors, skippers, mariners or other persones, belonging to the Scotts staple, the magistratts shall furthwith caus such to be punished according to the demerite of the fact; and in case any of the goods and wairs, belonging to the saids merchants, comes to susteane any damage or loss by the inadvertance, willfullnes and delay of the cran-masters, his substitute or his servants, by him employed for the loadning and unloading of shippes, the cran-masters shall be oblidged to make good the said damage and loss so occasioned, and in case of refuseall shall be thereto compelled by the magistratts; also the workmen and sladers shall be oblidged to make good all damages and losses, that shall happen to merchands-goods throw thair default.

10. And for the better accomodation of the Scotts nation in this toun the magistratts shall be holden to provyde a fair and large hous,

weell accomodate for ane conserjarie-hous, which house shall be free from all excyse and impost upon wyne and beire, the yeirlye rent and constant repaire of the said hous to be at the charge of the toun; and if the said hous shall not be fund sufficient, the magistratts are hereby halden by ane new addition to enlarge the same, or if it shall be fund necessary to have another hous of interteanment, the same to enjoy the lyke privilegedges, as is above mentioned, onlie the rent of the second hous to be payed at the charge of the nation; and the master of the conserjarie-hous is hereby halden to repaire such things, as are willfullie spoyled or damadged throw his default within the hous.

11. That if it should happen—which God forbid—that any of the Scotts nation or any belonging to the Scotts staple-court or having dependance thereon should in this toun or jurisdiction thereof committ such a cryme or fault, for which he ought to be punished capitallie by the loss of his life or limb, in that case it is by this article agreed unto, notwithstanding of the forsaid cryme, that his goods shall not in any sorte be lyable to forfaiture or confiscation; but the same shall remaine free to his airs or executors, only the delinquent to pay ten pounds Fleemish, and to be free as to his goods, according to the privilegedge, granted to this toun by the earle of Zealand; and in lyke maner all the goods and others, that shall be fund in his custodie, belonging to any other merchand, principall or freend, shall not be lyable to any confiscation for any offence, by him committed, although it wer *in crimine leso majestatis* of what-somevir kynd; bot the same goods shall be holden free and made furthcomand to the right owners and proprietars thereof; and also that no persone, who may be guiltless or innocent, shall for the offence, guilt or fault of any other be in anywayes arreisted or molested in his persone or goods, except he shall be fund bund and oblidged either in his persone or goods for another.

12. That no person, belonging to the Scotts staple, shall or may be arreisted in his persone and goods (in the toun or jurisdiction thair of) for debt or any other civill action, whereupon no sentence is past, except there be fund just caus of suspition, that the pairtie is about to absent himself; and incase of a declaired sentence the magistratts are hereby holden not to give ordor for arreistment of any of the Scotts nation, untill the same be first made knowen to the Lord Conservator or his deputie, being present in the toun, that the pairtie may give caution, and upon knowledge of the matter the proces may be determined.

13. That no native or stranger, burgers of this toun or induellar therein or jurisdiction thair of, shall have pouer or be permitted to trade, deal or trafficque in Scotland in any goods or merchandice, which are already declaired or shall hereftir be declaired staple-commodities, by bringing them over themselves or causing others to bring them, upon the penaltie of haveing the saids goods confiscated *toties quoties* by the magistratts of the toun; and if any persones of the Scotts nation shall be

fund in their names to cover, conceal and negotiat for the abovesaid persones, they shall be punished by the Conservator or his deputie according to the lawes of the staple-court; and it is by this article furdre agreed, that no persone of the Scotts nation shall be made a free burgar of this toun without knowlege and consent of the Conservator or his deputie; and they, who ar already burgars, shall in no maner of way be favoured to trade in staple-goods, untill such tyme as they have quytted their right of burgership and thereftir be legallie admitted and declared by the Conservator or his deputie as members of the Scotts staple-court, upon the penalties above exprest; nether shall any induellar in this toun be admitted under the Scotts staple-court without the knowlege and consent of the magistratts.

14. And for the better encuradgement of the navigation and trade of the Scotts nation it is by this article agreed, that, in case any ship or ships, belonging to them, be robbed, spoiled or taken at sea by any inhabitant or others, holding themselves under the jurisdiction of the province of Zealand, the magistratts of this toun shall hereby be obliged to endeavour—according to their power—that all such shippes or goods be againe restored with their intire loadnings or what shall be so robbed or taken, or els caus full satisfaction be given to the persone or persones so wronged, proportionallie to the right value thair of, and shall caus the delinquents be punished according to the nature of the offence; but if so that the offender duell under another jurisdiction, then the magistratts shall be obliged by their pentionary or others to require the restitution and satisfaction for the said damage, and that at the coast and charge of the toun. And furdre that all goods of ships cast away, belonging to the merchand and factors of the Scotts staple, that shall be saved by any inhabitant or other persone, holding themselves under the jurisdiction of this toun, or any way concealed or made away be them in any sorte, then the magistratts are hereby holden to use their pouer and authoritie, to the end the saids goods or value thereof might be furthcomeing to the right owners, and the persones so offending to be severly punished for such their concealment and unjust detention; and also in case the saids goods shall happen to be taken up, concealed or embazled be any persone or persones, liveing without the jurisdiction of this toun, the magistratts shall use their best endeavour to gett the saids goods or their value againe restored to the right owners; and in case any shipp or shippes shall be in danger to be cast away in the passage, leading to this toun, that then all possible and speedie help shall be employed at the coast of the owner of the goods for preservation of the same.

15. If in case any of the inhabitants, here being adebted to any of the staple, shall come to obtaine letters of respyte of tyme or suretie *de corpis* or *cessio bonorum*, these of the nation shall be favoured and used in the same maner as any other creditor, induellar in this toun; and if it shall happen, that any of the staple, adebted to any induellar in this cuntrie,

or ane induellar, adebted to any of the staple, doe come to fail, if in that case it be fund necessar to appoynt a curator over his goods, then shall the magistratts with the Conservator upon each syde choise a curator or overseer, who shall joyntly dispose and manadge the whole estate of the pairtie insolvent.

16. For the better secureing of the estate of any of the Scotts nation, that shall happen to die in this toune, the magistratts is by this article holden to grant and agree unto those of the Scotts staple-court, that if any of their members hapning to die or depairt this life intestat, without making his last will and testament, that then and in that case their goods and estate shall and most fall under the administration of the court of the Lord Conservator, in so much that nether the magistratts nor the orphans-court in this place shall have any thing to doe with the saids goods or estates of the persons so dieing or exercise any authoritie thereupon.

17. The magistratts doe by this article promise and consent, that the Conservator or his deputie shall and may use the prisson of this toun at their pleasure, furnished with all necessars thereto belonging, in which the Conservator or his deputie shall and may caus to be imprisoned all such debtors, offenders and evill-doers of the Scotts nation, which he, the said Conservator or his deputie, may imprison, and againe enlarge out of the same at his or their pleasure without contradiction or being obliged to informe the toun-magistratts therewith, and that the marshell, keeper of the prisone, or his officers be obliged to give all due assistance to the said Conservator or his deputie, als often as he or they shall be thereunto requyred.

18. And for the better secureing of the trade of the Scotts nation it is hereby agreed, that the magistratts shall upon all fitting and convenient occasion in the tyme of warre and danger procure in the court of admirality in Zealand a weell furnished man of warre, ane or mae, if need be, that may freely goe out in convoy of the ships, belonging to the Scotts nation, to any place or places within the river of Forth or any other place in the kingdom of Scotland, and there to stay and attend for the space of fourteen dayes for bringing back the saids shippes or others to this porte.

19. It is by this article agreed, that the magistratts of this toun caus good and sufficient watch to be kept in the streets in the night-tyme, especially in those places, where the greatest pairt of wairehousses of the said staple-court are, and shall also take caire, that the inhabitants and burgers of this toun shall carie and demean themselves peaceable and in ane frendly maner to those, who are members of the said staple-court. And furder the saids magistratts doe also consent by these presents, that those of the Scotts staple may take in their service such ane doctor of phisik, chirurgian, barbor and appothecary, as they shall think good, without any contradiction, who may enjoy all such immunities and priviledges, as be right and custome belongs to the doctors, chirurgians, duelling

in this toun ; all others doctors, apothecaries and chirurgians shall also be freely permitted to practise among all such of the Scotts nation, as reside here ; also the magistratts doe grant to the barbor-chirurgian of the Scotts nation a sufficient hous rent-free. The magistratts are also holden by this article to provyde and appropriat to the use of these of the Scotts staple a convenient place for their merchands and factors, therin to aire and dry their sheep-skinns, hyds or other goods, which may be in dainger to be damnified by watter or otherways, and also to affoord those of the Scotts nation a convenient place for their merchands and factors within or near the toun, wherinto they may resorte for their bodilie recreation, and lykwayes libertie and freedom to the Conservator, his deputs, court-officers and merchants to fish, hunt, shoott and hauck in all places under the jurisdiction of this toun without lett, hinderance or molestation with the same freedom, the magistratts themselves enjoy.

20. And in case—as God forbid—that by reason of any intesten warr or plague the people of the Scotts nation may not with securitie and saiffie to themselves frequent this toun, then it shall be lawfull for them to transport themselves, their goods and merchandice freely to any other toun or place, they shall think fitt, provyded always they pey befor their depairture, what they shall be justly adebted to any inhabitant within this toun ; and the magistratts is hereby holden oblided to caus help and assist the said nation with shippes, hoyes and all other things, necessary for their transportation, upon their reasonable charges ; and in lykmaner the magistratts are by this article holden oblided, that if in case—which God prevent—any difference should aryse betuixt the King of Great-Brittan and these United Provinces, whereupon hostilitie and warre may ensue, in that case they are to give save and sure protection to all persons of the Scotts nation for sex moneths tyme aftir the publication of the said warr, according to the 32 article of the generall treatie betuixt the King of Great-Britann and the States General, to the end that those of the Scotts nation may recover and gett in the debts, dew to them, and also pey, what they may be owing to any of the inhabitants here, and theraftir withdraw themselves to any other place, they shall think fitt, the magistratts affording them the same assistance, mentioned in the foirgoeing part of this article ; and when the pestilence is over, the Scotts nation to return againe to this toun.

21. That if any of the Scotts nation shall happen to marie with any woman in the Netherlands or within the toun of Campheer and aftir the said mariadge reside here under the staple-court, the said woman shall be holden to be under the government of the lawes of Scotland ; and that she neither shall nor may by contract of marriage or otherwayes detaine, keep or dispose of her husbands goods to the prejudice of his lawfull creditors, bot concerning that she most be regulat according to the saids lawes of the kingdom of Scotland ; and lykwayes that no persone, whither man or woman, depending upon the Scotts staple, be permitted to dispone of

their goods by testament or otherwayes, contrare to the saids lawes of Scotland and staple-court; and the tutors and curators of childreen in minoritie shall also be regulat according to the saids lawes.

22. And quheras the trade and commerce of the Scotts nation doeth consist not only in the importation bot also in the exportation of goods and merchandices from these provinces, in which the toun of Midleburgh is concerned, that the magistratts here may make the same known to the magistratts of Midleburgh, to the end the Conservator and others, belonging to the Scotts staple-court, may be used in that toun with all kyndnes and frendly respect and with the same freedom and immunities, that any free burger here may there enjoy.

23. And for the better observance of the staple-porte it is by this article agreed unto by the Conservator, that no staple-goods, contained in the list made thereof, shall be brought and sold into any harbor of the United Provinces bot to the staple-porte, under the paine of confiscation of the saids goods, and that the Conservator is holden to persew the contraveeners rigorously without any connivance according to the lawes of the staple-court; that the magistratts of this toun may make ane suteable adress to his highnes the Prince of Orange for interposeing his authoritie, that incase any of the Scotts nation shall importe any staple-goods to any other toun or place in these provinces (besyde the staple-porte), that the respective magistratts of the saids touns or places may by his highnes be oblidged to assist the said Conservator, his deputie and other officers for bringing these of the Scotts nation to condigne punishment according to the nature of the offence; and in case justice cannot be obtained in those towns or places in these provinces in the Netherlands, then the Conservator shall caus punish the saids persons (for transgressing) in Scotland according to the ordinances of the Royall Burrows and acts of Parliament of that kingdom to that effect.

24. It is by this article agreed, that besyde the species of wyne and beire, which by ancient contracts hes alwayes been free of excyse, so also all salt, bought here by any of the Scotts nation, shall be free of the said duetie, in regard they have use thereof for cureing and dressing severall sorts of staple-goods; and for the avoyding fraud and deceitt, that may happen therein, those of the Scotts nation shall take a billott from the (pathters,) under the paine, enjoyned to the inhabitants by the publick placcats of this land; and the said wyne and beire to be caried by the ordinar workman, appoynted for that purpose.

25. And lykwayes it is agreed, that the magistratts doe appoynt ane anchor with a boy thereon to be laid out in the road before the haven, quherby shippes, belonging to the Scotts nation, may gett savely into the road in cases of eisterly and northerly winds.

26. As also if any of the Scotts shippes can help his nighbor with the ballast from his shipp, those of the scottmen shall not be permitted to object against the same; and they shall only demand payment for such

quantitie of ballast, as they shall be ordered to bring aboard, provyding it be no less as sex last.

27. And that all skippers and masters of shippes, alsweell as the residents of the Scotts nation, are hereby holden to be free of the excyse of the wyne, beare and salt, that they may have use for thair shippes ; and to have constantly bilgets given them without paying anything for the same.

28. That the magistratts doe yeirly and everie yeare in January assemble the cranmasters, weighers, measurers, workmen and other persones, with whom those of the Scotts staple shall have to doe, and shall caus to be red and published before them all and every the tables, that shall be agried upon for the hyre and sallarie, that may be demanded by the saids persons, and also to caus read any part of these articles, wherin the above mentioned persones may be concerned, to the end they the better know how to regulate themselves therein and give all reddy obedience thereto ; and incase any person shall contraveen the same, they are to be punished by the magistratts according to the demerit of the offence.

29. And whereas it will be necessarie, that the saids Scotts staple-court should be provyded and furnished with faithfull and fitting messengers, officers and servands and also with brookers, weighers and measurers, that therefor the magistratts of this toun with the knowledge of the Conservator shall choise and place so many honest, good and knowing persones, as may be requisite for these offices, to be chosen alsweill out of the Scotts nation as inhabitants of this citie, all which persones so admitted are to take ane oath of fidelitie before the magistratts of this toun and also befor the Conservator, for doinge right both to the buyer and seller. The magistratts are obliged to have in their wiehous here iron weights, that may be conform to the weights of Amsterdam.

30. The Conservator and his deputie may fully and freely enjoy all such exemptions, immunities, priviledges and prerogatives, as be law and custome belong to the office of conservatorshipp, in als ample maner and forme as any former Conservator had and enjoyed upon all occasions ; and also it is granted to the saids Scotts nation the freedom from the imposition of excyse upon wyne, beire and all other sorts of drink conform to the old contracts ; and particularly it is agreed, that everie master of ane familie of the Scotts nation, liveing under the staple-court, shall have the freedom and exemption from payment of the excyse and other taxations yeirly upon sex secks of wheatt, three lasts of turff, four fathoms of wood, sex skails of coalls, tuo barrells of butter, tuo barrellis of soap ; and the conserjarie-hous to be free of excyse for vivers, coalls and fyreing, and lykwayes from payment of all such soums of money, as may be demanded for goeing out and coming in at the gates of this toun by evening, and also from watching and paying the citie-watchmen, training and haveing souldiers quartred in their houses ; the above mentioned priviledges also to be enjoyed by the widows of the above said persones, so long as they

remaine widowes ; and if any of the above said persons shall have occasion yeirlie to kill a beast or beasts, the same to be done at the knowledge of the magistratts.

31. It is by this article mutuallie agreed, that if at any tyme hereaftir it shall be fund convenient, either by the magistratts of this toun or the Conservator with consent of the Burrows, to amplifie or explaine any of the aforesaid articles or what other poyntt or article shall be fund necessary for the further benefitt and advantadge of the Scotts staple in this toun, besyds those which stand alredy specefiet in this agreement, and nottice given thereof by the saids magistratts to the Conservator and to the saids Royall Burrows or by them to the saids magistratts, the same being fund equitable, shall be consented unto and observed in all poynts as the articles alredy specefiet.

32. It is also by this article mutuallie agreed, that for the better encouragement of the commerce of the Scotts nation within the toun of Campheer the magistratts are hereby bund and oblidge to caus erect a bank of money within this toun within half ane yeire aftir the settlement of the staple-porte, wherby the merchands, factors and others of the Scotts nation may be furnished from tyme to tyme with such soums of money, as they may have occasion of, upon securitie to them by delivering the merchands goods to the factors, and the factors giveing securitie to the bank upon the reasonable interest of ane half per cent in the moneth, and *pro rata* for the dayes, weeks, moneths and yeirs, untill the same be againe payed. It is hereby also provyded, that during the present warre with France money being scarce at hie rates in the interest, the said merchands, factors and others shall be oblidge to pey for such moneys, as they may make use of, at such rates, as the necessity of the tims oblidge others to pey, bot so soon as the warr is over, then the foirgoing agreement according to the rate of sex per cent per annum to be and continow in full force according to the true intent and meaning of this article ; and als it is agreed, that there be no confiscation of not entred goods, coming from Scotland to the said staple-porte by the custom-office or for shorte entries, bot only ane moderat fyne, and that there be no more payed for measuring of plaiding, then wes in Sir PATRICK DRUMMONDS tyme, viz. ane half stiver per tallie or ane stiver the 100 elns.

33. And if any persone or persones, citizen or inhabitant of this toun, or any depending upon the said staple-court of whatsomevir qualitie or condition, shall be fund to have acted or done anything contrare to this agreement or any poynt or claus therein contened, yet notwithstanding the agreement, mentioned in the foirgoeing articles, shall not be understood to be broken or violated thereby ; bot the persons contraveening (being a Scottsman), shall be punished by the Conservator, and being ane citizen or inhabitant in this toun, to be lyable to the punishment by the magistratts according to the qualitie of the offence.

34. And it is hereby agreed, that if any dispute shall happen to aryse

between the Scotts nation and the ballance-masters concerning the right of those goods, that are to be subject to the said ballance, the ballance-master shall only pretend the dewes upon such goods, as shall be reallie and truely b(r)ought to be weighed at the said ballance, and no others; and the merchands to be free to sell their merchandice by the peice, number or bulk without being oblided to bring the same to the wiehous; and in lyke maner the cranmaster shall not demand from the Scotts merchands and factors any cran-dewes, bot allenerly for such dewes, as he shall actuallie be employed to liver with the said cran.

35. It is also agried, that if in case any of the Scotts nation shall through misunderstanding, negligence or other caus whatsomevir omitt to make ane true and right entrie of their goods and merchandize to be by them imported or exported, be it either in quantitie or qualitie, the saids goods shall not be lyable to any confiscation, only the persons so offending shall be oblided to pay the double duetie for the goods, wrong entered or concealed, and the saids goods to be free.

36. It is lykwayes agried, that if any question or difference happen to fall out between any of the Scotts nation and the publict receivers of the toll and other dewes, the receivers are to bring thair action befor the magistratts of this toun, to the end the Conservator or his deputs may have knowledge thair of, and that such good ordors may be settled therin, that these of the Scotts nation may not be extorted in payment of the saids dewes upon exported goods.

37. It is also hereby agreed for the better setleing of the Scotts staple within this toun, that the magistratts shall use all possible endeavors with his highnes the Prince of Orange and the States of Zealand, to the end the imposition upon the Scotts coall be lessned, that all the Scotts shippis, coming to these provinces, may thairby be oblided to come constantly to the staple-porte.

38. It is by this article mutuallie agried, that whensoever any Scotts shipp or vessells shall be by stress of wether or otherwayes putt in to Campheer, haveing in staple-goods, and not being intended to liver within the sevin united provinces, in that case they shall not be trubled nor molested, bot shall have libertie to goe to their intended porte and to pay no dewes; as also if any vessell shall come in to the staple-porte or other goods, that are not staple-goods, being only intended to unload a pairt at the staple, and is to goe to another place without the sevin united provinces with the remainder of the goods, then they are not to be trubled nor molested, nor to pay no dewes, bot what they doe unload.

39. It is by this article mutuallie agried and declared, that the continuance of the Scotts staple at Campheer shall continue and endure for the space of tuentie ane yeirs aftir the signeing of this agreement and no longer without the samen be renewed; and in respect the Royall Burrows of Scotland stands bound to the toun of Dorte to keep their staple-porte there, therefor the magistratts and toun of Campheer, with consent of the

lords comissioners from the royall highnes the Prince of Orange, binds and oblidges them not only to doe their outmost endeavour and to interpose with his highnes the Prince of Orange for making voyd ane former agreement betuixt the Royall Burrows and the toun of Dorte anent the establishment of the Scotts staple there, but also binds and oblidges them to freeth and relieve the Royall Burrows of Scotland of the said agreement with Dorte and of all coast, skaith, damnage, which they or any particular Scottsman may susteane or incurre any maner of way be vertue of the said agreement with the magistratts and toun of Dorte, which they solemnly be thir presentis oblidges them to doe and performe.

40. In consideration of all the forsaid articles the magistratts of the toun of Campheer, with consent forsaid, doe promies to observe and caus to be observed inviolably all the forsaid articles, that are performable upon their pairt ; as lykwayes the above mentioned Conservator, be vertue of the above written commissions, hath promised and be this underwrittin subscription doe promise, that ordor shall be taken with all diligence to inhibite any shippes of what quantitie soevir without exemptione, which carries staple-goods, to frequent or haunt any other porte or haven within the sevin united provinces of the Netherlands but this toun of Campheer, and to caus punish rigorously all these persones, that shall doe in the contrare. (Convention Records, iii., p. 693 ; Perrels, ii., p. 6.)

APPENDIX V.

ARTICLES SIGNED BY MASTER OF CONCIERGERY HOUSE, 1719.

1. Imprimis. The said George Cruickshanks as master of the Scotts free house or Consergery oblidgeth himself to have the said house of Entertainment well furnished of all necessaries for Bed and Board and to repair what damage is done in the house throw his or his servants default.

2. The said George Cruickshanks is to keep the said house well furnished with Wines, Beer and Spiceries for the use of those of the Scotts nation allenary and is not to encroach or break the Articles of Agreement with the Town of Campveer by conniving or permitting any of the Dutch Inhabitants to come and drink in the Scotts house or to sell any Wine or Beer out of the house.

3. That the said George Cruickshanks oblidgeth himself that all Merchants Factors Schippers Servants and Seamen of the Scotts Nation coming to his house shall be first served with Rooms and Chambers for thier accomodation both in thier Lodging Dyet and Drinking and to have clean Naprie twice a Week.

4. The said George Cruickshanks oblidgeth himself to keep a constant ordinary for those of the Scotts nation that shall happen from time to time to lodge att his house at the constant rate of ten Stivers each person for Dinner and to observe the Wensdays and Frydays of each week with Fish Dinners and if any of the lodgers should happen to call for any meet or drink in the morning or att night, or order any extraordinary Banquetts to be made ready they are to pay the same apart as also for thier nights Lodging and Bed each person to pay two styvers.

5. The said George Cruickshanks oblidgeth himself to keep Fires in the rooms and chambers of the said house from the first of October to the first of Aprile in the chambers of such Lodgers as shall desire the same, and to exact payment according to the Rate and prices which for that purpose shall be quarterly sett by the Conservator or his Depute and the prices upon all wines and bear as also quaterly to be sett by the Conservator or his depute.

6. The said George Cruickshanks as master of the consergery house with the advice of two merchants present for the time may cognosce upon all manner of Ryots oaths and misdeameanors committed within the

house the fines and penalties to be exacted from the Contraveeners is sett down apart in a Table made by the Conservator or Depute for that purpose and in case of Discord or difference arising hereupon then the same is to be made known to the Conservator or his Depute to the End the Persons offending may be punished according to the Nature and demeanor of the Fault.

7. The said George Cruickshanks shall observe all commands coming from the King's Majesty and the Royal Burrows in the same manner as if he were living in Scotland and in like manner oblidgeh himself to submitt and obey all that shall from time to time be enjoyned to him by the Conservator or his Depute in the Exercize of his office as master of the Consergery and keeper of the Scotts house.

8. The said George Cruickshanks master of the Consergery and of the necessary officers of the Conservator Court oblidgeh himself that whenever any Court is called he shall give his personall attendance and punctually obey what shall be enjoyned him by the Conservatour or his Depute in the punctual observance of his office.



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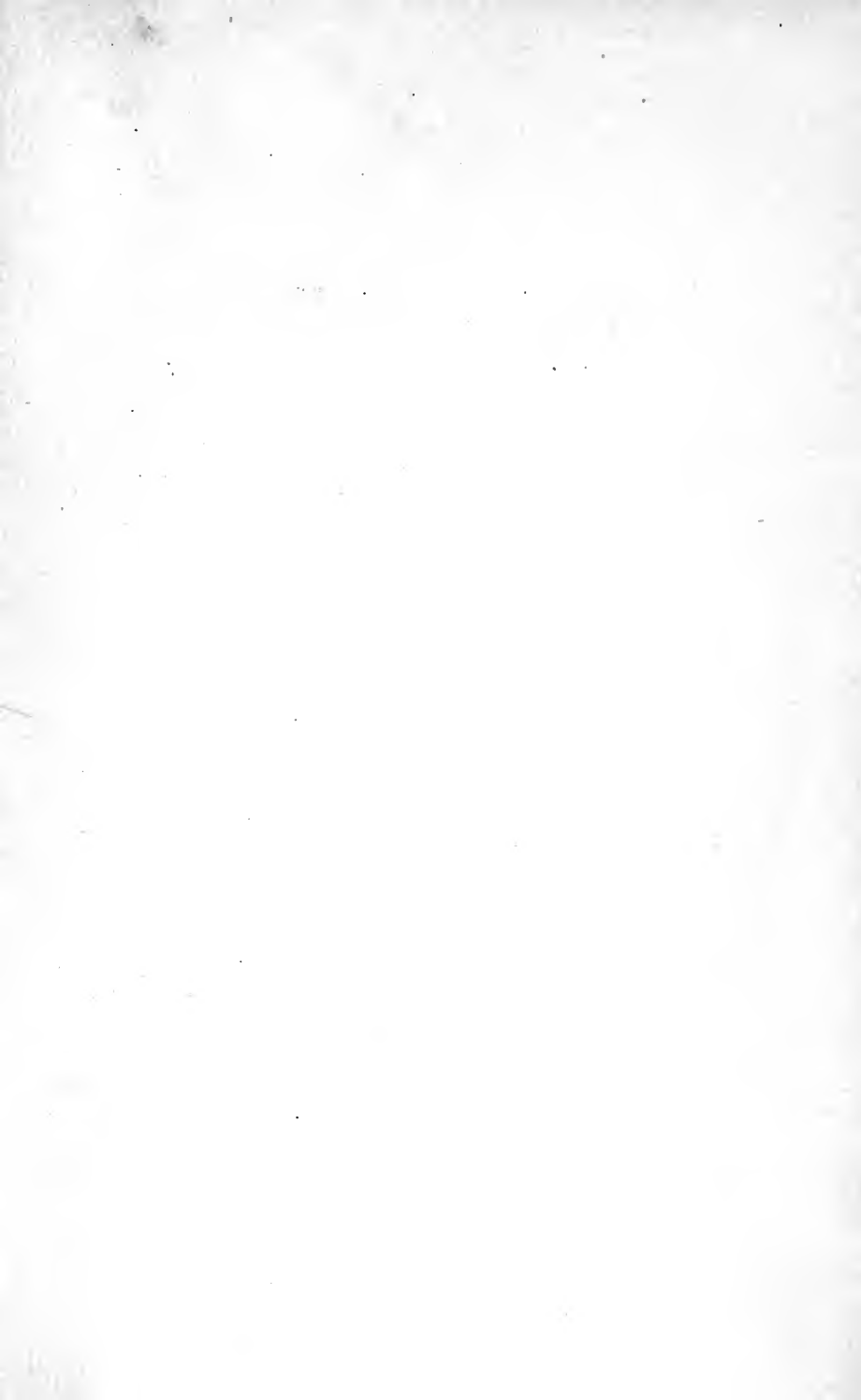
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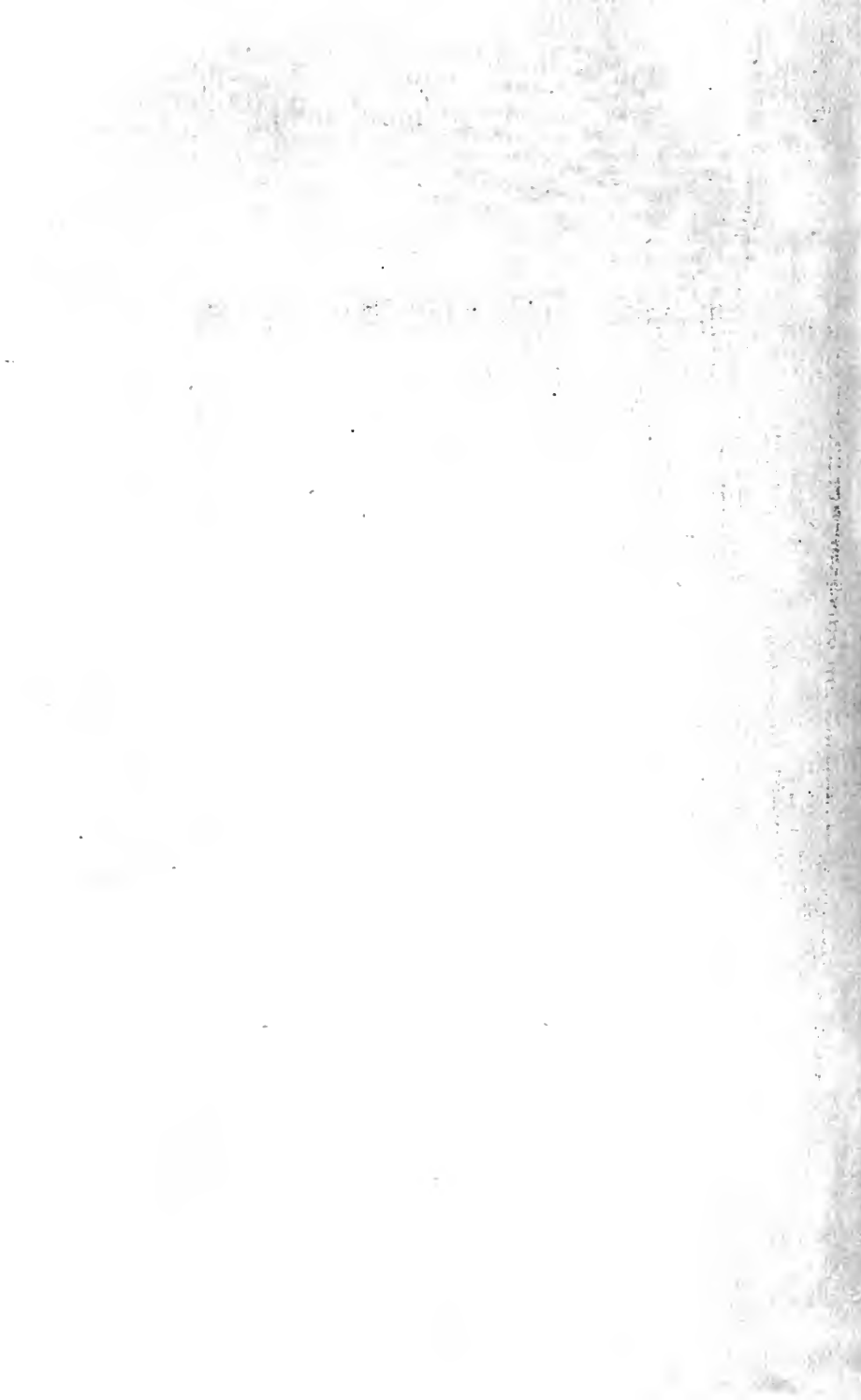
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