

Scotland and the Early Modern Naval Revolution, 1488-1603

by
Sean K. Grant

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ABSTRACT

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Sean Kevin Grant
University of Guelph, 2014

Advisor:
Professor E. Ewan

By re-examining the circumstances surrounding the establishment and disestablishment of the Scots Navy, this thesis challenges existing scholarship which suggests that Scotland was neither an active participant in, or greatly impacted by, the early modern naval revolution. The Scots Navy did not disappear in the middle of the sixteenth century because Scotland no longer had need for a means of conducting maritime warfare, nor was a lack of fiscal capacity on the part of the Scottish state to blame, as has been suggested. In fact, the kingdom faced a constant series of maritime threats throughout the period, and these had compelled the Scots to accept the value of seapower and to embrace the technological innovations of the naval revolution. And as had occurred in other states impacted by the revolution, the Scottish fiscal system went through a structural transition that gave the Crown the capacity to acquire and maintain a permanent fleet. However, by mid-century the need for such a fleet had dissipated due to a shift in strategic focus which merged Crown and mercantile interests. This merger solved the principal-agent problem of military contracting – the dilemma that had led James IV to found the Navy in the first place – and this meant that Scottish maritime warfare could be conducted by privateers alone thereafter. An effective maritime legal regime, which had emerged as a result of Scotland's participation in the naval revolution, ensured that these privateers did not engage in piracy, and instead conducted their operations in the interests of the kingdom as a whole. This thesis proves that Scotland was an active participant in, and was deeply impacted by, the naval revolution. Such a conclusion suggests not only that Scottish naval history is in need of revision, but also that certain aspects of the history of institutional development in Scotland may need to be reviewed.

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LIST OF ABBREVIATIONS

- ACAS* *Acta Curiae Admirallatus Scotiae*, ed. Thomas Wade, Edinburgh: Stair Society, 1937.
- ADC* *The Acts of the Lords of Council in Public Affairs, 1501-1554: Selections from the Acta Dominorum Concilli*, ed. Robert Hannay, Edinburgh: H.M. Stationery Office, 1932.
- CSP, Foreign* *Calendar of State Papers, Foreign*, eds. William Turnbull et al., 27 vols., London: Longmans, 1861-1936.
- CSP, Scotland* *Calendar of the State Papers relating to Scotland and Mary Queen of Scots, 1547-1603 Preserved in the Public Record Office, British Museum, and Elsewhere in England*, eds. Joseph Bain et al., 13 vols., Edinburgh: H.M. General Register House, 1898-1969.
- CSP, Spain* *Calendar of Letters, Despatches, and State Papers relating to the Negotiations between England and Spain preserved in the Archives of Simancas and Elsewhere*, eds. G.A. Bergenroth et al., 23 vols., London: Longmans, 1862-1899.
- CSP, Venice* *Calendar of State Papers and Manuscripts relating to English Affairs existing in the Archives and Collections of Venice and in other libraries in Northern Italy*, eds. Rawdon Brown et al., 38 vols., London: Longmans, 1864-1905.
- ER* *The Exchequer Rolls of Scotland*, eds. George P. McNeil et al., 23 vols., Edinburgh: H.M. Stationery Office, 1878-1908.
- EBR* *Extracts from the Records of the Burgh of Edinburgh, 1403-1528*, ed. J.D. Marwick, Edinburgh: Scottish Burgh Records Society, 1869.
- FP* *Flodden Papers: Diplomatic Correspondence between the Courts of France and Scotland, 1507-1517*, ed. Marguerite Wood, Edinburgh: Scottish Historical Society, 1933.
- HL* *Ledger of Andrew Haliburton, Conservator of Scottish Privileges of the Scotch Nation in the Netherlands, 1492-1503*, Edinburgh: H.M. Stationery Office, 1867.
- HP* *The Hamilton Papers: Letters and Papers Illustrating the Political Relations of England and Scotland in the XVI Century*, ed. Joseph Bain, 2 vols., Edinburgh: H.M. Stationery Office, 1890-92.
- LJ4* *The Letters of James the Fourth 1505-1513*, ed. R.L. Mackie, Edinburgh: Scottish Historical Society, 1953.
- LJ5* *The Letters of James V*, ed. Denys Hay, Edinburgh: H.M. Stationery Office, 1954.
- LPH8* *Letters and Papers, Foreign and Domestic, from the Reign of Henry VIII*, eds. James Gardiner et al., 21 vols., London: Longmans, 1862-1932.
- ML* *The Scottish Correspondence of Mary of Lorraine*, ed. A. Cameron, Edinburgh: Scottish Historical Society, 1927.

- RPCS *The Register of the Privy Council of Scotland*, eds., J.H. Burton, et al., 38 vols., Edinburgh: H.M. Stationery Office, 1877-1970.
- RPS *The Records of the Parliaments of Scotland to 1707*, eds. K. Brown, et al., <http://rps.ac.uk>.
- TA *Accounts of the Lord High Treasurer of Scotland*, eds. Thomas Dickson, et al., 11 vols., Edinburgh: H.M. Stationery Office, 1877-1902.

Introduction

At the close of the fifteenth century, the states along Europe's North and Baltic Sea coasts still conducted maritime warfare in much the same way as they had throughout the medieval period. Sovereigns did not enjoy a monopoly over the use of violence at sea, and therefore a large proportion of naval actions were carried out by non-state actors in the furtherance of private interests. Outside of the Mediterranean, few states possessed permanent standing navies. When rulers required vessels for military campaigns they turned to merchant communities to provide both ships and seafaring knowledge. The use to which these maritime mercenaries were put was also limited. Their main task was to transport troops and to land them ashore. On the rare occasions when they did engage the enemy at sea, the battles did not differ much from those on land, as most fighting was conducted with infantry weapons and short-range projectiles. Moreover, naval operations were normally carried out within the small geographical radius which represented the limits of a medieval monarch's strategic focus.¹

By the middle of the seventeenth century, naval warfare in Europe had been transformed due to a series of economic, legal, and technological changes which some naval historians have identified as being components of an early modern naval revolution.² Over the course of the later fifteenth century both naval weaponry and vessel design underwent significant advancements. Europeans learned to make saltpetre, and this discovery, combined with the adoption of the Catalan forge, allowed for the production of wrought iron breech-loading cannon. The nature of naval engagements was forever changed when these innovative weapons were loaded onto a newly developed sailing platform - the 'ship' - which featured an improved hull capable of being outfitted

¹ Jan Glete, *Warfare at Sea, 1500-1650: Maritime Conflicts and the Transformation of Europe* (Abingdon: Routledge, 2000), 2.

² John F. Guilmartin, "The Military Revolution in Warfare at Sea during the Early Modern Era: Technological Origins, Operational Outcomes, and Strategic Consequences." *Journal for Maritime Research* 13:2 (2011), 129-30; Gijs A. Rommelse, "An Early Modern Naval Revolution? The Relationship between 'Economic Reason of State' and Maritime Warfare." *Journal for Maritime Research* 13:2 (2011), 145.

with multiple masts and sails - increasing speed, manoeuvrability, and range.³ Between 1500 and 1650, many of Europe's Atlantic and Baltic coast states established permanent fleets composed of these new warships, crewed by sailors and officers paid from the public purse. Such standing navies were costly, but improved fiscal systems allowed governments to absorb the increases in expenditure.⁴ Moreover, the development of admiralty courts allowed sovereigns to assert their control over the use of violence at sea by their subjects. This meant that maritime warfare undertaken by private entities would be considered legitimate only if sanctioned by the state.⁵ As a consequence of the early modern naval revolution, European rulers now had the tools to pursue their interests in a newly enlarged strategic space. Several were able to use their navies and merchant fleets to control the flow of world trade and build overseas empires that stretched from the New World to the spice islands of the Pacific.⁶

Those concerned with the history of Scotland, a state situated on an island in the North Sea, might very well wonder what impact the early modern naval revolution had on the kingdom, and what part the Scots played in that revolution. According to the existing historiography, the revolution's impact on Scotland, and the Scottish role in it, was very minimal indeed. Admittedly, naval historians have made much of James IV's great ship *Michael*. Both Louis Sicking and Geoffrey Parker make note of her revolutionary design, with Parker pointing out that she was likely the first ship purpose-built to fire broadsides, with twelve cannon hidden behind hinged gunports on both her port and starboard sides.⁷ Not only did the *Michael* represent an innovation in nautical engineering, but she also served as the flagship of what was by 1513 one of the largest standing

³ Guilmartin, 130-31.

⁴ Glete, 2; Rommelse, 139, 143.

⁵ Glete, 3; Louis Sicking, "Naval Warfare in Europe, c. 1330-c. 1680." In *European Warfare, 1350-1750*, eds. Frank Tallett and D.J.B. Trim (Cambridge: Cambridge University Press, 2010), 236-37.

⁶ Glete, 6, 187.

⁷ Sicking, 250; Geoffrey Parker, ed., "Ships of the Line, 1500-1650." In *The Cambridge History of Warfare* (Cambridge: Cambridge University Press, 2005), 122.

navies in Europe.⁸ However, despite being an early adopter of the technological innovations associated with the early modern naval revolution, and assembling a formidable fleet, Scotland seemingly reversed course by the mid-sixteenth century and disestablished its navy.⁹ As far as naval historians are concerned, the kingdom's participation in the naval revolution ended soon after the death of James IV, the champion of the Scots Navy, on the battlefield at Flodden on 9 September 1513.¹⁰ Jan Glete likewise points to the sale of the *Michael* in 1514 as having marked a turning point. He states that afterwards "Scotland never again became a naval power of any importance."¹¹

This is a misinterpretation on the part of the naval historians, and is attributable to deficiencies in the historiography of Scottish maritime warfare during the early modern period. Particularly troublesome are problems within the scholarship that touches upon the establishment and disestablishment of the Scots Navy, as well as in the work which deals with the issue of Scottish privateering. Some scholars have argued that by the middle of the sixteenth century Scotland's strategic situation no longer required the maintenance of a maritime defence. For example, Norman Macdougall and Jane Dawson have both linked the disestablishment to the end of official Anglo-Scottish enmity in 1560. In Macdougall's opinion, the original purpose of the navy was to strengthen the anti-English Auld Alliance with France.¹² The only reasonable inference to be drawn from such an analysis is that the Scots Navy became surplus to the Crown's requirements with the end of the Auld Alliance, and the formation of a new one between the two British kingdoms in the Treaty of Berwick. This is exactly what Dawson concludes. Agreeing with Macdougall about the Navy's original purpose, she suggests it was "with sturdy realism" that the Scots had allowed responsibility for their security to pass to France from the 1540s onwards, and that this mantle was taken on by

⁸ Steve Murdoch, *The Terror of the Seas? Scottish Maritime Warfare 1513-1713* (Leiden: Brill, 2010), 33.

⁹ Murdoch, 76.

¹⁰ Parker, 122.

¹¹ Glete, 139.

¹² Norman Macdougall, *James IV* (Edinburgh: John Donald Publishers, 2006), 228, 242-43.

England as Scotland slipped into the role of a Tudor satellite after 1560, negating the need for the Scots to re-establish their own means of maritime defence.¹³

It has also been asserted that the maintenance of a standing navy was beyond the fiscal capacity of the Scottish Crown. Glete contends that Scotland's fall from the naval power tables was due to the kingdom's inability to recover from its financial exhaustion at the end of the War of the League of Cambrai, a view with which Parker concurs.¹⁴ Alternatively, Rommelse attributes the disappearance of the Scots Navy to the general inability of a smaller state to afford a fleet of warships.¹⁵ Dawson, on the other hand, does not attribute the disestablishment to Scotland's size, but rather to its lack of fiscal development. She argues that because France had taken responsibility for the defence of Scotland, the Crown's financial apparatus did not go through the improvements that had allowed other states to sustain their participation in the early modern military revolutions.¹⁶ Steve Murdoch concurs that a fleet was indeed beyond the kingdom's means, and asserts that it was out of desperation that Scotland was forced to revert to a reliance on privateers from the late 1540s onwards.¹⁷

The actions of these privateers have been much maligned by historians, as has the ability of the Scottish Crown to control the activities of its subjects at sea. The result has been the historiographical association of the Scots with piracy. Susan Mowat has charged the Scottish Admiralty with nothing short of corruption, asserting that the primary concern of officeholders was the making of money from their posts. Therefore even vessels captured illegally by Scots were declared legitimate prizes, from which the Admiralty received a percentage.¹⁸ Glete states that the problems were due to the failure of the government in Scotland to effectively assert a monopoly

¹³ Jane Dawson, *Scotland Re-formed 1488-1587* (Edinburgh: Edinburgh University Press, 2007), 77, 345-46.

¹⁴ Glete, 139; Parker, 122.

¹⁵ Rommelse, 144.

¹⁶ Dawson, 77, 345.

¹⁷ Murdoch, 9, 76, 78.

¹⁸ Susan Mowat, "Shipping and the Trade in Scotland 1556-1830: The Records of the Scottish Admiralty Court." *The Mariner's Mirror* 83:1 (1997), 14.

over violence at sea as other states had done. As a consequence, he writes, “Scottish privateering often operated in a twilight zone between piracy and legal warfare.”¹⁹ This reputation for nebulous maritime activity has also found its way into the work of Scottish specialists. In his comprehensive study of the Rough Wooing, Marcus Merriman classifies Scotland’s naval actions during that conflict as acts of piracy.²⁰ Historians who focus their attention on other areas of Europe also share this negative opinion of Scottish maritime warfare. In his investigation of the naval history of the Hapsburg Netherlands, Nicholas Tracy argues that Holland, Flanders, and Zeeland were driven to form their first commissioned war fleets because of the losses suffered by the Dutch fishing industry at the hands of Scottish ‘pirates.’ Like Glete, Tracy blames a weak Scottish government for being unable to control the conduct of its subjects, and declares that by the 1540s the Scots had become “the terror of the North Sea.”²¹

The picture of Scottish maritime warfare that emerges from this brief historiographical survey is not flattering. Despite its participation in the early stages of the naval revolution, Scotland seems to have opted out this transformative process when the kingdom disestablished its standing navy in the mid-sixteenth century. There are two prevailing explanations for this apparently sudden policy change. Either Scotland’s strategic situation no longer required a means of maritime defence, or the kingdom could not afford the maintenance of a fleet because its fiscal system had failed to develop the capacity to sustain naval expenditure. The Scottish Crown is also regarded as having been unable to assert its control over the conduct of its subjects at sea. As a result, Scotland has come to be viewed as a piratical nation, and certainly not a state to be considered in any discussion of the naval revolution.

¹⁹ Glete, 135.

²⁰ Marcus Merriman, *The Rough Wooings: Mary Queen of Scots, 1542-1551* (East Linton: Tuckwell Press, 2000), 203-05.

²¹ James D. Tracy, “Herring Wars: The Hapsburg Netherlands and the Struggle for Control of the North Sea, ca. 1520-1560.” *Sixteenth-Century Journal* 24:2 (1993), 256-57, 261-64.

This thesis argues that Scotland was in fact deeply affected by, and was an active participant in, the early modern naval revolution. The Scots Navy was not disestablished in the middle of the sixteenth century because Scotland no longer required its own maritime defence. Such an interpretation is a result of the narrow focus upon official Anglo-Scottish relations in much of the historiography, and ignores the myriad other threats which the kingdom had to face throughout the period. Nor was the disestablishment a result of a lack of fiscal capacity on the part of the Scottish Crown. The notion that a smaller kingdom like Scotland might lack the financial wherewithal to maintain a navy is a convenient explanation, but it is also based on an incorrect analysis of Scottish fiscal history. In reality, and as had occurred in many of the other states impacted by the naval revolution, Scotland's fiscal system underwent a significant transformation during the early decades of the sixteenth century which provided the Crown with the capacity to raise the capital necessary for the acquisition and maintenance of a fleet of warships. However, despite the availability of sufficient resources Scottish maritime warfare came to be conducted exclusively by privateers after 1547. This privatization resulted from a merger of the Crown's strategic ambitions with the economic interests of the kingdom's merchants and mariners. This convergence solved the principal-agent problem of military contracting – which had initially compelled James IV to establish the Scots Navy – and eliminated the need for the Crown to maintain its own fleet. The success of this new 'public-private partnership' was ensured by an efficient maritime legal regime. This regime had emerged as a result of the Scotland's participation in the naval revolution, and even though it has been disparaged by past scholars as having been corrupt or inept, it was in actuality able to effectively govern the activities of Scottish mariners.

The evidence supporting this argument will be presented over the course of three chapters. In the first chapter, a revised naval history of Scotland will be utilized to highlight the circumstances surrounding both the establishment and disestablishment of the Scots Navy. It will also demonstrate

the kingdom's continuous need for a maritime defence throughout the period, as well as chronicle the gradual emergence of Scottish privateering as the kingdom's sole means of conducting naval warfare. The second chapter will involve the application of the Bonney-Ormrod Model to Scotland, in order to prove the occurrence of a domain to tax-state transition during the reign of James IV, which increased the fiscal capacity of the Crown. The third chapter will examine the two mechanisms which allowed the privatization of Scottish maritime warfare to occur. The merger of Crown and commercial interests will be described, and the elimination of the principal-agent problem that was brought about by this convergence will be illustrated. Also, the existence of an effective maritime legal regime in Scotland will be made evident through a study of Admiralty proceedings and diplomatic interactions.

Chapter One – A Revised Naval History of Scotland, 1488-1603

Introduction

This opening chapter presents a revised naval history of Scotland. It chronicles the rise and fall of the Scots Navy, and highlights the development of Scottish privateering during the course of the sixteenth century. The first section is concerned with the period between the accession of James IV in 1488 and the end of the War of the League of Cambrai in 1516, and examines the circumstances surrounding the establishment of the Scots Navy. The discussion shows that contrary to the assertions of some historians, the foundation of a royal fleet by James had little to do with the king's desire for prestige, nor was it established because of the Auld Alliance against England. Instead, the acquisition of a navy was the direct result of the Crown's inability to achieve its objectives in the Western Isles and the Baltic Sea with hired vessels. The second section covers the years between the outbreak of the Fourth Italian War in 1521 and the Union of the Crowns in 1603. Threats to the kingdom's maritime interests were a constant feature throughout this period, and did not disappear after 1540 due to the French alliance, nor because of the Anglo-Scottish rapprochement in 1560. What did change was the manner in which Scotland responded to these threats. As such, this section outlines the gradual rise of privateering from the 1530s onwards, and illustrates its success as the kingdom's sole mechanism for conducting maritime warfare after the disestablishment of the Navy.

James IV and the Establishment of the Scots Navy

When James IV succeeded to the throne in 1488, the Scottish Crown did not yet possess a navy. His father, James III (*r.* 1460-1488), had acquired part ownership in two vessels, *Yellow Caravel* and *Flower*. These were not warships, however, but merchantmen which were often leased out for long trading voyages. In any case, the Crown's involvement with them was short-lived, and its interests seem to have been sold off early in James IV's minority to the merchant-captain Andrew

Wood.¹ Nevertheless, as European piracy worsened during the latter part of the fifteenth century Scotland found itself in need of a means of maritime defence.² In 1489, the notorious Danish pirate Lutkyn Mere was captured and executed, but only after having spent the previous two years attacking Scottish vessels sailing between the coast and the North Sea.³ Pirates were particularly attracted to the Firth of Forth. It was the conduit through which most of Scotland's overseas trade passed, and the presence of English pirate fleets was noted on several occasions between 1488 and 1491.⁴ The government responded by hiring Andrew Wood to hunt down the pirates, and in 1490 he defeated a squadron of three English ships off the Isle of May.⁵ To help further protect Scottish shipping, a series of coastal fortifications were authorized. Dunbar Castle, earmarked for demolition, was instead re-purposed as a naval defence work, and improvements were also made to the royal castle at Blackness.⁶ In 1491, John Dundas was licensed by Parliament to construct an island castle on Inchgarvie, while Andrew Wood was likewise granted permission to fortify his town of Largo.⁷ This strategy seems to have been effective, but James IV would soon learn that he could not always rely upon private individuals and hired ships to defend his waters and conduct the kingdom's naval warfare.

While the Crown had concentrated on extinguishing piracy on the Forth during the first few years of James IV's reign, attentions soon shifted to the West, and it was there that the Scots Navy would ultimately be born. Since the thirteenth century, Scottish monarchs had been engaged in a series of attempts to assert effective rule over the kingdom's western seaboard and the many islands off the coast, but their efforts had largely been met with failure. Finally, in 1474 the last Lord of the

¹ *TA*, I, ccxxvi; W.S. Reid, "Seapower in the Foreign Policy of James IV of Scotland." *Medievalia et Humanistica Fasciculus* 15 (1962), 98; Macdougall, *James IV*, 224, 226, 229.

² Susan Rose, *Medieval Naval Warfare, 1000-1500* (London: Routledge, 2002), 81.

³ *TA*, I, xciii-xciv, 118.

⁴ David Ditchburn, "Piracy and War at Sea in Late Medieval Scotland." In *Scotland and the Sea*, ed. T.C. Smout (Edinburgh: John Donald Publishers, 1992), 36.

⁵ Macdougall, *James IV*, 226-27.

⁶ *Ibid*, 227-28; Dawson, 78.

⁷ *RPS*, 1491/4/1 and 1491/4/2.

Isles, John of Islay, was forced to submit to the Crown and surrender his quasi-regal status after an unsuccessful rebellion. However, John's capitulation created a power vacuum in the West which allowed his relation, Alexander of Lochalsh, to claim the Lordship. When John failed to impose order following Alexander's 1491 attack on Inverness, his title was forfeited by Parliament, and the king prepared an expedition to the Isles to re-assert royal authority in 1493.⁸ The details of this first expedition are few, but while it seems that several Hebridean chieftains did come to James at Dunstaffnage to pay him homage, the visit was brief, restricted in geographical scope, and the greatest lord in the West, the Earl of Argyll, did not feel compelled to attend.⁹ Alexander of Lochalsh was evidently not impressed with what he had seen at Dunstaffnage, as he revolted again in early 1494. Alexander was subsequently killed by John MacIan after an abortive attack on Ross, but MacIan's resultant status as a royal favorite raised the ire of the MacDonalds and they rose in rebellion against the Crown.¹⁰

It is not certain if the first expedition's lack of success had been due to logistical limitations, or the absence of overwhelming military force, but James and his councillors undoubtedly felt that the problem lay in the maritime sphere as they hired a large ship, *Christopher*, for the king's second expedition to the Isles in the summer of 1494.¹¹ Thanks to the extended range of *Christopher*, James covered a much greater area during this campaign, and was able to remain in the Isles for three months. Additionally, the increased cargo capacity allowed the king to transport the forces necessary to seize Dunaverty Castle, and the supplies needed to provision both it and Tarbert Castle on the isthmus of Kintyre.¹² Suitably impressed with the capabilities of a ship like *Christopher*, and likely uncertain about the loyalties of local mariners, the king's councillors purchased her for the Crown,

⁸ Macdougall, *James IV*, 100-02.

⁹ The king remained in the Isles for only eleven days, Ibid, 102-03.

¹⁰ Ibid, 103-04.

¹¹ *TA*, I, 217.

¹² Ibid, cxv-cxvi, 215, 237, 244.

and then proceeded to assemble the first squadron of the Scots Navy on the Clyde. They acquired a second ship called *Douglas*, and established a naval base and centre for shipbuilding at Dumbarton which produced two barques and a galley for the royal fleet by 1495.¹³ In that year, James undertook his third expedition to the Isles. His objective seems to have been a demonstration of royal support for John MacIan as the Crown's primary agent in the former Lordship. Accompanied by the five vessels of the Dumbarton squadron led by Sir Andrew Wood aboard his own ship *Flower*, James was successful in achieving his goal. He proceeded to the former MacDonald stronghold of Mingarry Castle at the mouth of the Sound of Mull, now held for the king by MacIan, and there he took the submission of several leading chieftains who had hitherto not recognized royal authority.¹⁴

Norman Macdougall and Jane Dawson have both suggested that the focus of the Scots Navy shifted away from the West after 1495; however the region remained very much on the royal agenda throughout the rest of James IV's reign.¹⁵ Within just six years of the king's third expedition, the West once again erupted into open conflict, following the escape from captivity of John of Islay's heir, Donald MacDonald, in 1501. By 1503 the unrest threatened to spill over into the royal lands in Moray, and the following year James dispatched a fourth expedition to quell the violence.¹⁶ After having received a new ship, *Columb*, the Dumbarton squadron sailed for the Treshnish Isles in the Inner Hebrides, again under the command of Sir Andrew Wood.¹⁷ There the squadron laid siege to the MacDonald fortress of Cairnburgh. Thanks to the technological advances of the naval revolution, Wood was able to utilize ship-borne cannon to deliver artillery fire against an island stronghold that had previously been unreachable, thus forcing its garrison to surrender and demonstrating to the rebels that no part of the kingdom was now beyond the reach of royal

¹³ Ibid, 217, 245-254.

¹⁴ Ibid, cxx, 242; Macdougall, *James IV*, 115-16.

¹⁵ Macdougall, *James IV*, 229; Dawson, 77.

¹⁶ *TA*, II, xci-xciii.

¹⁷ Ibid, 254, 428-35, 445, 449.

authority.¹⁸ After Wood's force returned to the Clyde in June, the king ordered the construction of yet another warship at Dumbarton, which was completed in 1507.¹⁹ With this addition the Navy's western squadron numbered seven vessels. As will be discussed later, every one of these ships would be needed in 1513, when the West again became a centre of focus during the War of the League of Cambrai.

W.S. Reid wrote that "no true understanding of Scotland's position in Europe...can be obtained without a consideration of her relations with Denmark at the turn of the sixteenth century."²⁰ The same could also be said regarding the establishment of the Scots Navy, as its second squadron was born out of the Crown's involvement in the affairs of the Baltic Sea region. This involvement began with the marriage of James III to Margaret, daughter of Christian I of Denmark, in 1469. This match was not simply intended to form a dynastic union, but was in fact the basis for a military alliance. Sometime before May 1474, a treaty was finalised between Scotland and Denmark, in which the two kingdoms agreed to aid each other in time of war. Significantly, the treaty specified that the alliance excluded military action against an ally of either party, and as such Scotland would receive no aid from Denmark in the event of war with England, because of a treaty signed between Christian I and Edward IV of England in 1465.²¹ The Dano-Scottish alliance was therefore not intended as an anti-English accord, but was instead a mechanism through which both Crowns might access military assistance in asserting royal authority over their often recalcitrant nobles.²² As has been discussed, over the course of James IV's reign it was necessary to undertake several expeditions to the Isles to subdue the chieftains of the Hebrides. Access to external military assistance was therefore still very pertinent to royal authority in Scotland, and the Crown despatched an embassy to

¹⁸ Ibid, 433-34; N.A.M. Rodger, *The Safeguard of the Sea: A Naval History of Britain, 660-1649* (London: HarperCollins, 1997), 168.

¹⁹ *TA*, III, 296-99.

²⁰ W.S. Reid, "The Place of Denmark in Scottish Foreign Policy, 1470-1540." *Juridical Review* 58:3 (1946), 183.

²¹ *RPS*, A1474/5/3; Reid, "Denmark," 185-86; Thomas Riis, *Should Auld Acquaintance be Forgot...Scottish-Danish Relations c. 1450-1707* (Odense: Odense University Press, 1988), 18-19.

²² Reid, "Denmark," 184-85.

Denmark to discuss a renewal of the alliance in 1491 - the same year as the Lochalsh rising - and a new treaty was ultimately ratified in 1494.²³

Although James IV was ultimately able to use his navy to assert his rule over the Isles without having to request external support, the challenge facing the Danish Crown was much greater. Since the formation of the 'Kalmar Union' in 1396, the kings of Denmark had ruled over not just their own realm, but also Norway, Sweden, and various dependencies scattered across the North Atlantic and along the southern Baltic coast. Danish monarchs were forced to engage in a constant struggle to contain revolts that routinely broke out throughout this vast and complex set of territories, and had often turned to the Hanseatic League for assistance. By the end of the fifteenth century, however, Denmark was engaged in a competition with the League for control of Baltic Sea trade, and instead of helping to suppress rebellions against the Danish Crown, the Hansa had begun to aid the rebels.²⁴

Following the death of Christian I in 1481, his son John had been forced to fight for the Swedish throne. Although he was ultimately victorious in 1497, John soon faced a second rebellion in Sweden when the kingdom's nobility rose against him just two years later. By 1502, the Hanseatic League had entered the conflict on the side of the Swedes, and Norway had also risen in rebellion against Danish rule. In critical need of military assistance, John appealed to James IV for aid under the terms of the Dano-Scottish alliance.²⁵ In order to assist his uncle in the suppression of the Swedish rebellion, James was required to assemble a flotilla that could transport 2,000 Scottish troops to the Baltic, land them at Stockholm in time to assist the Danes in lifting the rebel siege of the city, and then combine with the navies of Denmark and Brandenburg to bombard enemy fortifications. This was a daunting set of tasks, and while the king did temporarily pull *Christopher* and

²³ *RPS*, 1491/4/29; Riis, 19.

²⁴ Reid, "Denmark," 183-85.

²⁵ *Ibid*, 186-87.

Douglas from the west coast, in 1502 the Isles were not yet fully subdued and James could not risk sending the entire Dumbarton squadron to the Baltic. As a result, the Crown had to hire several privately-owned vessels, including *Towaich*, *Trinity*, *Jacat*, and *Eagle* in order to fulfill its commitment.²⁶ The force departed Leith in May under the command of Lord Hume, but arrived too late to help the Danes hold Stockholm, although the Scots did lay siege to several rebel castles in both Sweden and Norway.²⁷ In a letter to the Danish queen, Christina of Saxony, James expressed his frustration at the failure of the Swedish expedition, writing that his fleet had “achieved less than it should have done and returned sooner than was expected.”²⁸

The greatest contributing factor to the campaign’s failure was the fleet’s late departure from Leith, as by the time it arrived in the Baltic the most significant actions of the conflict had already been fought. This delay was attributable to the need to outfit the private vessels for war. For example, the Crown was forced to sanction Lord Seton due to considerable delays in outfitting his ship *Eagle* for the expedition. The king had hired *Eagle* for £400, and had even paid Seton another £526 to cover the costs of outfitting her with guns and a reinforced hull. Despite these outlays, the *Eagle* was not ready to sail when expected, and the fleet was kept anchored in Leith harbour for another month whilst it waited for work on her to be completed. After the fleet returned, Seton had his ship impounded by royal officials until he paid back what the Crown had already remitted to him, plus a fine of £952.²⁹ Such compensation was little comfort to the king, whose ability to meet his commitments under the Dano-Scottish alliance had been shown to be severely limited.

James responded to the dismal experience of the Swedish expedition by repeating on the Forth what had already been done on the Clyde; albeit on a decidedly larger scale. The king quickly

²⁶ *TA*, II, lxxxix-xc, 141-48.

²⁷ Dawson, 58; Macdougall, *James IV*, 232.

²⁸ *LJ4*, no. 37.

²⁹ *TA*, II, lxxxvi, 140, 146-47. It is possible that other hired vessels were likewise delayed, but no records of the consequent fines have survived.

set to work assembling the Navy's second squadron, and before the end of 1502 he already laid down the keel of a large four-masted warship that would eventually become known as *Margaret*. When she was completed at Leith in 1506, *Margaret* displaced 700 tons and carried five large cannon.³⁰ Additional vessels were constructed at Leith, or were acquired from private ship-owners and upgraded. Examples include *Gabriel*, *Bark of Abbeville*, *Lark*, and Seton's *Eagle*, which the king bought outright in 1504.³¹ The Crown also acquired warships abroad. In 1504, while in Brittany to purchase a former merchantman for the king, royal agents also placed an order for a large ship to be built at Le Conquet. This vessel would be named *Treasurer* when it was launched in 1506.³² In that same year, work on *Michael* was begun at the new shipbuilding centre of Newhaven. Finally completed in October 1511, *Michael* would become the most famous vessel of the Scots Navy, and with a displacement of 1000 tons and a complement of twenty-seven large cannon, she was also the largest and most powerful.³³ With the exception of *James*, likely acquired in 1511 to replace *Treasurer*, all of the larger warships of the Navy's east coast squadron were in service or under construction by 1506.³⁴ As will be discussed below, in this year Scottish involvement in the Baltic would reach its height, while relations with England were peaceful, and the earliest indications of another Anglo-French conflict were still three years into the future.

The Scottish Crown's acquisition of large warships has led some historians, including Steve Boardman and Norman Macdougall, to assume that James IV was to some extent driven by a desire for international prestige.³⁵ However, such an interpretation ignores the changes in weapons technology and ship design which occurred in this period as a result of the naval revolution. Large

³⁰ Ibid, 281-87; *TA*, III, 90, 135, 170-71, 199, 203-07.

³¹ *TA*, II, 422; *TA*, IV, 280, 457-58, 479.

³² Ibid, 445; *TA*, III, lxxvii, 157, 347.

³³ *TA*, III, 295; *TA*, IV, xxxix, 44-48, 313; Macdougall, *James IV*, 237.

³⁴ *Treasurer* was shipwrecked on the English coast whilst returning from a diplomatic mission to France in 1508, Macdougall, *James IV*, 255.

³⁵ Steve Boardman, "Royal Finance and Regional Rebellion in the Reign of James IV." In *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch*, eds. Julian Goodare and Alasdair A. MacDonald (Leiden: Brill, 2008), 36; Macdougall, *James IV*, 228.

warships such as *Michael* and *Margaret* were in fact quite common in sixteenth-century Europe, as they represented the first stage of development in the use of heavy cannon at sea. Thanks to the Iberian development of breech-loading iron cannon, by the end of the 1400s the Portuguese and Spanish were routinely mounting multiple ship-killing cannon onto their naval vessels. By the early sixteenth century several states in the North Atlantic and Baltic regions had begun to do the same, including Denmark, England, France, Brandenburg, the Hapsburg Netherlands, and some Hanseatic city-states such as Lubeck.³⁶ Given the adoption of ship-borne cannon by the Hansa, one of the problems facing the Scottish Crown in assembling a fleet for the 1502 Swedish expedition was the need to outfit the hired merchant vessels with improved hulls so that they could withstand cannon shot.³⁷ Additionally, several of the hired ships had even lacked their own guns and these needed to be provided from the royal arsenal at Edinburgh Castle.³⁸ Within this wider European context, even the construction of *Michael* appears pragmatic. Admittedly, some of the behemoths that were built in this period were meant purely for show, such as *Grand Francois* belonging to Francis I, which was effectively a royal yacht and featured a tennis court, chapel, and a windmill. Others, however, were intended for war. A 'great ship' like *Michael* was intended to be able to withstand fire from ships outfitted with multiple cannon, and inflict damage on other large warships thanks to its ability to carry a significant number of heavy guns on both sides of its hull. Nor was *Michael* the largest warship afloat during this period, as is often claimed. *Engelen*, belonging to John of Denmark, was launched two years before *Michael* and was nearly twice her size.³⁹ Thus, while it is possible that James derived great satisfaction from his ownership of such warships, his acquisition program was also highly pragmatic and not particularly remarkable.

³⁶ Glete, 26; Reid, "Seapower," 101.

³⁷ *TA*, II, 140.

³⁸ *Ibid*, 157.

³⁹ Sicking, 250-51.

Critically, the mere existence of a squadron of large warships on Scotland's east coast gave James IV the ability to influence events in the Baltic, and thus support his Danish ally. In 1505, the nobles of Sweden once again rebelled against Denmark, and the Hanseatic city of Lubeck quickly declared war in support of the Swedes. King John requested Scottish naval assistance, but James informed his uncle that since much of the Scots Navy was still under construction in early 1505, he was unable to send any ships.⁴⁰ However, knowing that he would soon have several large warships at his disposal, the Scottish king then set about laying the diplomatic groundwork for an enforced peace. James began by convincing John to grant the Swedish nobility a pardon if they would agree to end their rebellion.⁴¹ He then lobbied Sweden's aristocracy and clergy to agree to submit their grievances to a Danish royal council, threatening to use force if they failed to do so.⁴² Once the majority of the east coast squadron had been assembled on the Forth in late 1506, James sent a letter to Lubeck. He painted the Swedes as unreasonable for not accepting the offer of reconciliation before a royal council – an act which James well knew the Swedish nobility could not actually accept, as it would acknowledge Danish overlordship. He then suggested that Lubeck embrace the Swedish refusal as sufficient justification for making a separate peace with Denmark, and therefore avoid having to face the Scots Navy at sea.⁴³ Early in 1507, James dispatched Robert Forman, Dean of Glasgow, as his ambassador to both Denmark and Lubeck with instructions to bring the hostilities to a conclusion. Forman was able to accomplish his mission quickly, due in large part to his king's earlier diplomatic efforts, and thanks to the presence of Scottish warships in the North Sea.⁴⁴

Despite the realities of the Scottish Crown's commitments in the Isles and the Baltic, some historians have nevertheless argued that the establishment of the Scots Navy was linked to the Auld

⁴⁰ *LJA*, no. 3.

⁴¹ *Ibid*, no. 5.

⁴² *Ibid*, no. 6.

⁴³ *Ibid*, no. 75.

⁴⁴ *Ibid*, nos. 74-5 & 86.

Alliance with France.⁴⁵ Interestingly, a proper reading of James IV's 'crusading diplomacy' reveals the king's deep desire to avoid going to war with England on the side of France. However, much of the existing scholarship on this aspect of James IV's foreign relations fails to make the connection because it takes the king's crusading rhetoric at face-value. Alan Macquarrie claims that "the crusading movement underwent a remarkable revival in Scotland" during the early sixteenth century.⁴⁶ And while Macquarrie dismisses the notion that the king might have been influenced by contemporary crusading literature, such as the 'Book of the Three Royal Sons' - which tells the tale of an adventure taken by the sons of the kings of Scotland, England, and France to the Holy Land - he does believe that James had an "obsession" with the ideals of crusading and was legitimately concerned with the Ottoman threat to Christendom. As a consequence, Macquarrie argues, James began "dabbling innocently with ambitious schemes of world domination" in an effort to assemble a crusading force, and he was thus taken advantage of by other European rulers.⁴⁷ W.S. Reid has likewise pointed to James IV's diplomatic interactions during this period as evidence of the king's belief that a crusade to Palestine was truly necessary, and that the king had his heart set upon leading it himself. In canvassing for his crusade, Reid believes that James allowed himself to be "thoroughly befooled" by fellow monarchs who repeatedly promised to provide forces and other support for a campaign against the Turks, but never fully committed themselves.⁴⁸

Both Macquarrie and Reid have failed to appreciate what James IV was actually trying to accomplish with his crusading diplomacy. The king was not truly interested in leading a crusade to the Holy Land. However, he was quite anxious to avoid the outbreak of another Italian War, which had the potential to trigger an Anglo-French conflict into which Scotland might well be drawn. Indeed, James had been compelled by the Auld Alliance to invade England in 1496, after Henry VII

⁴⁵ Macdougall, *James IV*, 228, 242-43; Dawson, 77, 345-46.

⁴⁶ Alan Macquarrie, *Scotland and the Crusades, 1095-1560* (Edinburgh: John Donald Publishers, 1985), 107.

⁴⁷ *Ibid*, 107-08, 110.

⁴⁸ Reid, "Denmark," 191; Reid, "Seapower," 99.

had opted to join with Spain and the Papacy in the anti-French Venetian League during the First Italian War.⁴⁹ Lacking the ability to enforce his will upon the great European powers, James sought instead to use the notion of a crusade in an attempt to encourage peace when hostilities once again resumed on the Italian Peninsula.

The War of the League of Cambrai began in 1508, when Pope Julius II attacked Venice in an attempt to annexe some of its territory to the Papal States. The Pope's initial campaign was a failure, but in 1509 Julius formed the 'League of Cambrai' with Louis XII of France, Ferdinand of Spain, and the Emperor Maximilian, in order to defeat the Venetians.⁵⁰ The involvement of France seems to have drawn the attention of the Scottish king, and James dispatched a letter to Julius in which he claims to have been informed by Louis XII that the Pope was intent upon leading a crusade against the Ottomans.⁵¹ There is no evidence that Julius had any such intention, but James nevertheless declared his willingness to participate. However, the king's true message was made abundantly clear when he then went on to warn Julius that it had been the Pope's own actions which had thus far delayed the sailing of the Scottish fleet.⁵² In February 1510, the League of Cambrai fell apart after Louis XII alarmed his fellow members by taking control of large portions of the Romagna following the defeat of Venice, and by the summer France and the Papacy were at war.⁵³ In December James sent Robert Forman to the Continent as his ambassador to the French court, where the Dean dutifully proposed to Louis XII the establishment of a European peace and a Christian alliance against the Turks.⁵⁴ Forman then moved on to Rome in February 1511, where he informed the Pope again of James' desire for a crusade and stressed the need for peace so that it could be undertaken.⁵⁵ Unfortunately, by the time Forman arrived at the Papal Court Julius had already formed a new anti-

⁴⁹ Macdougall, *James IV*, 125-26.

⁵⁰ *Ibid*, 200.

⁵¹ *LJ4*, no. 294.

⁵² *Ibid*; Macdougall, *James IV*, 203.

⁵³ *LJ4*, no. 300.

⁵⁴ *Ibid*, no. 336.

⁵⁵ *Ibid*, nos. 350-51.

French Holy League with Ferdinand, Maximilian, and the Venetians. At this point James dropped all pretenses, and in a letter to the Duke of Savoy he stressed that “it is the duty of Christian princes to maintain the peace and reconcile the King of France to the Pope.”⁵⁶ Having failed in Rome, Forman returned to the French court in July and made a final attempt to persuade Louis XII to cease hostilities. The Imperial ambassador in France, Andrea da Bargo, understood perfectly well what the Scots were trying to achieve, but was also perceptive enough to realize that it was a doomed exercise. In a letter to Margaret of Savoy, he reported that Louis had informed Forman that unless Julius agreed to French terms immediately there would never be peace. Bargo closed his letter by stating that “there is no longer any hope for this Scottish project.”⁵⁷

The failure of James’ diplomatic strategy does not negate the fact that he had actively tried to avoid being drawn into a war against the English. Indeed, there is little evidence to suggest that James had ever intended to undertake a military campaign against his southern neighbour. Relations between the two British kingdoms had been remarkably peaceable since the Spanish-brokered Treaty of Ayton had ended Anglo-Scottish hostilities in 1497. James IV and Henry VII even went so far as to form an alliance in the 1502 Treaty of Perpetual Peace, and James was married to the English king’s daughter, Margaret, the very next year.⁵⁸ Furthermore, in stark contrast to his 1496 invasion of England, which had followed closely upon Henry VII’s adherence to the Venetian League during the First Italian War, James made no moves against his brother-in-law after Henry VIII joined the Pope’s anti-French Holy League in November 1511.⁵⁹ Louis XII of France was quick to notice James’ lack of interest in prosecuting a war against England. In January 1512 Louis was even compelled to communicate his concern that Scotland might go so far as to join the Holy

⁵⁶ Ibid, no. 354.

⁵⁷ Ibid, no. 377.

⁵⁸ Dawson, 59-60.

⁵⁹ Macdougall, *James IV*, 207.

League against France.⁶⁰ Then, in a series of messages dispatched between April 1512 and May 1513, the French king repeatedly asked James to ignore the Anglo-Scottish alliance, and to instead support France by openly declaring war and invading England.⁶¹ Although James finally agreed to a renewal of the Auld Alliance in the spring of 1512, he reminded Louis that Scotland and England were bound by their own treaty of alliance, as well as by marriage.⁶² In May 1513, Henry VIII landed with an English army at Calais and Louis, already engaged in countering a joint Anglo-Spanish invasion in Navarre, had become increasingly desperate. Long aware that both England and Spain had been making overtures to Scotland, Louis actually went so far as to promise James the English throne in return for a Scottish invasion.⁶³ Despite the French king's best efforts, it seems to have been Henry VIII's bellicose approach towards foreign relations which finally pushed James into siding with France in June 1513, and he subsequently declared war on England in August.⁶⁴

Notwithstanding the evidence that James did not decide upon war with England until the summer of 1513 – nineteen years after the establishment of the Scots Navy and eleven years after the king had begun to assemble an east coast squadron - some historians have still insisted that the fleet's use in the Flodden campaign is sufficient evidence that its original purpose was to engage the English navy.⁶⁵ Norman Macdougall and George Goodwin have even dismissed the 1502 Treaty of Perpetual Peace as nothing more than an instrument which was intended to give Scotland the diplomatic cover it would need to support France at sea without triggering a war with England. They point specifically to the clause which allowed Scotland or England to assist a third party in any manner they wished, as long as they did not invade each other's territory.⁶⁶ But this is to read history

⁶⁰ *FP*, no. VI.

⁶¹ *Ibid*, nos. VII, IX-X, XII, XV, XVII.

⁶² *Ibid*, nos. IX-X.

⁶³ *Ibid*, nos. X & XVII.

⁶⁴ *LJA*, nos. 552, 557, & 560; *LPH8*, I, no. 1735.

⁶⁵ Macdougall, *James IV*, 243.

⁶⁶ *Ibid*; George Goodwin, *Fatal Rivalry: Flodden 1513, Henry VIII, James IV and the Battle for Renaissance Britain* (New York: Norton, 2013), 119.

backwards, as there was no indication in 1502 of the coming Anglo-French conflict. Moreover, the notion that Scotland could meet its obligations under the Auld Alliance without invading England is difficult to accept. From the French standpoint, the distraction of the English by way of a Scottish incursion across their northern border was the *raison d'être* for the Auld Alliance. Indeed, an invasion of northern England is exactly what James had been compelled to undertake in 1496 during the First Italian War, and the same would be required of Scotland during the Fourth and Seventh Italian Wars.⁶⁷ As such, in April 1512 Louis specifically asked James to “make war by land, rather than by sea...in order to divert the King of England from his war against France.”⁶⁸ It was only the English victory at the Battle of Saint-Mathieu, which saw the defeat of a combined Franco-Breton fleet and the destruction of the Breton flagship *Cordeliere*, which finally moved Louis to specifically request the services of the Scots Navy in May 1513.⁶⁹

Steve Murdoch has portrayed the deployment of a Scottish fleet to the Channel during the 1513 Flodden campaign as having caused the Scots Navy to fail at its primary mission of defending Scotland.⁷⁰ However, upon closer examination it appears that the fleet's actions are indicative of the strong priority given to protecting Scottish interests over the need to support the French at sea against the English. When the fleet departed Leith in late July 1513 it did not head for the Channel, but instead sailed north around Caithness, headed for the Irish Sea, and bombarded the English castle at Carrickfergus in Antrim.⁷¹ Both Jane Dawson and James Grant have characterized this action as a diversion, and marked it as evidence of inexperienced leadership on the part of the fleet's commander James Hamilton, 1st Earl of Arran.⁷² But the attack on Carrickfergus was more than just an opportunistic assault upon English interests in Ireland; it was in fact reflective of the Scottish

⁶⁷ There were Scottish invasions of northern England in 1522, 1523, and 1542. Scotland's involvement in these later Italian Wars will be discussed in the next section.

⁶⁸ *FP*, no. IX.

⁶⁹ *Ibid*, no. XVII; Rodger, 170.

⁷⁰ Murdoch, 34.

⁷¹ Macdougall, *James IV*, 268.

⁷² Dawson, 83-84; James Grant, *The Old Scots Navy from 1689 to 1710* (London: Navy Records Society, 1914), xiv.

Crown's long-standing engagement in the West. During his efforts to bring the Isles under royal control, James IV had sought to strengthen his relationships throughout the region, and as part of this he concluded a military alliance with O'Donnell of Tyrconnell following the third expedition to the Isles in 1495.⁷³ The continued importance of this alliance to both parties throughout the period is reflected in the king's letter to O'Donnell's son after the death of the latter's father in 1507, in which James wrote that he expected the relationship between Scotland and Tyrconnell to continue as before, and promised to support the younger O'Donnell if required.⁷⁴ This support was duly provided when hostilities broke out in 1513. James not only dispatched his fleet to Ireland, but he also sent O'Donnell several cannon from the royal arsenal, despite knowing that he would soon be leading an invasion of England.⁷⁵

It was only once it had completed its support of O'Donnell's siege of Carrickfergus that the Scottish fleet sailed for France in September. Arran's objective was to rendezvous with the French and Breton navies at Brest, and then proceed into the Channel to cut off Henry VIII's supply and communication route back to England. The involvement of the Scots Navy in the Channel was cut short, however, by the news of the Scottish defeat, and the death of James IV, at the Battle of Flodden on the 9th of September.⁷⁶ Despite Murdoch's assertions that the Scots Navy failed to defend Scotland during the War of the League of Cambrai, the disaster at Flodden seems to have compelled the majority of the fleet – with the exception of *Michael*, *Margaret*, and *James* - to return immediately to Scotland, and it appears that they were back in home waters by November.⁷⁷ In fact, it is likely that some elements of the Navy had not sailed for Brest at all, but had remained in Scottish waters throughout the entirety of the conflict. The Venetian ambassador to England, Marco

⁷³ Macdougall, *James IV*, 116-17.

⁷⁴ *LJA*, no. 106.

⁷⁵ Dawson, 76.

⁷⁶ Rodger, 171-72.

⁷⁷ Murdoch, 34; W.S Reid, "Seapower," 106.

Dandolo, reported to his Senate that Scotland had sent a fleet of twenty-two ships to France, but he was in the field with the English army when he penned his dispatch and might have confused the Scots with the entire allied fleet.⁷⁸ Alternatively, W.S. Reid has asserted that the Scottish contribution to the naval force in the Channel comprised no more than eleven ships.⁷⁹ An examination of the historical evidence does seem to suggest that Reid is rather nearer to the mark. The royal ship-accounts for 1513 record outfitting, supply, and manning expenditures for only eight Crown warships, and there is no indication of which vessels actually sailed for France.⁸⁰ There is certainly no record in the accounts of preparations being made to deploy any of the ships of the Dumbarton squadron outside Scottish waters, and these seem to have remained on the west coast after the attack on Carrickfergus.⁸¹ And while *Michael* was ultimately sold to the French, after having continued to operate in the Channel for several months *Margaret* and *James* returned to Scottish waters sometime before the end of 1514, and were subsequently recorded as being anchored at Dumbarton in the summer of 1515.⁸² The quick return of the balance of the Scottish fleet seems to have caused Henry VIII's councillors some disquiet and they dispatched an English squadron to Scotland in January 1515. And while the exact purpose of this deployment is unknown, N.A.M. Rodger has noted that the presence of the Scots Navy in British waters "continued to worry the English" until the conclusion of the war in 1516.⁸³

Rise of the Privateers and Demise of the Royal Fleet

The next conflict to involve Scotland was the Fourth Italian War, which broke out in 1521. As had occurred during the War of the League of Cambrai, the Scots were pressured to join in this largely Continental affair as a result of the Auld Alliance with France, which had been renewed in

⁷⁸ *CSP, Venice*, II, no. 297.

⁷⁹ Reid, "Seapower," 106.

⁸⁰ *TA*, IV, 451-507.

⁸¹ *Ibid.*

⁸² *FP*, no. XXIV; *ER*, XIV, cxxxvi, 21, 144; *TA*, V, 16-17.

⁸³ Rodger, 173.

1517. However, unlike in the previous conflict, no dramatic battles were fought in Britain between 1521 and the end of hostilities in 1524. The Scots did invade northern England in both 1522 and 1523, but these forays were minor actions, and both incursions were brought to a quick end by truces brokered in the field.⁸⁴ Operations at sea were likewise devoid of the large fleet maneuvers that had characterized naval warfare during the War of the League of Cambrai. Instead, blockades and *guerre de course* were the order of the day. After elements of the English Navy attacked Kinghorn in 1523, a Scottish squadron sailed south and blockaded the mouth of the Humber for several months. During the same year, other Scottish warships captured approximately twenty English merchant vessels, which were brought into Leith and sold as prizes.⁸⁵ Although these actions were few, they are nevertheless notable as they foreshadowed the manner in which Scotland would conduct maritime warfare throughout the rest of the period. From the 1520s onwards, Scottish naval campaigns focused exclusively on *guerre de course*, and privateers would gradually emerge as key participants in these campaigns during the 1530s and 1540s. Eventually, the privateers would fight right alongside the Navy, and thus operate in the exactly the same manner as did the Crown's warships.

Another recurring feature would be the lack of naval support provided to the Scots by the French. During the Fourth Italian War, Francis I of France was required to supply an army for his campaign in Lombardy, while simultaneously providing troops for the defence of northern France against the English, and southern France against the Spanish. Moreover, the French Navy was needed to defend its own ports and protect its own shipping. With all of his resources concentrated on the Continent, Francis had no additional forces which could be dispatched to help his Scottish

⁸⁴ Norman Macdougall, "Indian Summer: 1517-1560." In *Scotland: The Making and Unmaking of the Nation Vol. IV*, eds. Bob Harris and Alan R. MacDonald (Dundee: Dundee University Press, 2007), 1, 4.

⁸⁵ Murdoch, 37; *ADC*, 159.

allies.⁸⁶ While France would occasionally be able to send aid to Scotland during future conflicts, such assistance was restricted by French commitments in Italy, and was limited to the provision of men and supplies for fighting on land. As such, the Scots were always required to generate their own means of conducting maritime warfare.

It is clear that Scotland met this requirement during the Fourth Italian War by utilizing the ships of the Scots Navy. That the twenty English merchantmen captured during the conflict were taken by naval vessels is made evident by the entry in the Privy Council register which records the Crown's sale of these prizes to Robert Barton and other leading mariners of Leith, as well as by the absence of any adjudication procedures which would have been necessary if the merchantmen had been taken by privateers.⁸⁷ Exactly which of the Navy's ships had survived from James IV's reign is uncertain due to fragmentary treasury records, but it is likely that both *Margaret* and *James* were still around.⁸⁸ And since the royal accounts record expenditures made on the construction of additional docking for these two ships at Dumbarton, it is reasonable to conclude that most of the west coast squadron was still in existence.⁸⁹ As has been noted, following the defeat at Flodden most of the Scottish fleet had returned home in November 1513, and there are indications that at least some of those ships were retained. For example, *Gabriel* is recorded as being active after its return from the Channel, and she was dispatched to the Isles early in James V's reign to assist MacIain in suppressing a minor revolt in Lochalsh.⁹⁰ Furthermore, three years after the fleet's return from France, payments were still being made to the master of the king's ships at Leith for sailor's wages, indicating the continued presence of Crown vessels on the east coast.⁹¹

⁸⁶ Macdougall, "Indian Summer," 4.

⁸⁷ *ADC*, 159. For a discussion of Scottish prize adjudication procedures, see Chapter Three.

⁸⁸ Murdoch, 39.

⁸⁹ *TA*, V, 16-17.

⁹⁰ *Ibid*, 45.

⁹¹ *Ibid*, 95.

The Scots Navy would again be used to impose blockades and carry out *guerre de course* when Anglo-Scottish hostilities broke out in 1532. This was an undeclared war, with most of the fighting restricted to the Borders and Ireland. And while this conflict lasted only eighteen months, Scotland was successful in using its Crown fleet to inflict significant damage to England's maritime economy. In 1532, four Scottish warships captured fourteen English vessels in the Channel, while a second squadron sailed down the west coast and hindered the transit of enemy shipping around Cornwall.⁹² In early 1533, the Scots Navy blockaded both the Humber and the Tweed, and by the spring had captured a further twenty English merchantmen.⁹³ The Imperial ambassador in England, Eustace Chapuys, reported that the English mariners were "astonished" at the number of Scottish ships that were able to operate inside English waters.⁹⁴ With his kingdom's merchants frustrated that their ships were being kept in port, Henry VIII requested French assistance – asking that King Francis intercede and convince his Scottish allies to bring an end to the hostilities. A truce was ultimately agreed to in October 1533, and the Scots Navy returned to port.⁹⁵

It is important to note that while the Navy had been responsible for carrying out the majority of Scottish actions at sea during this brief conflict, Scots privateers were also active for the first time, and demonstrated that they too were adept at conducting *guerre de course*. Robert Fogo captured at least two English merchantmen, while a squadron of galleys belonging to the Macleans seized several prizes, including two warships of the English navy – *Mary Willoughby* and *Mary Walsingham* – in the Irish Sea during Scottish operations there in support of Tyrconnell.⁹⁶ In contrast to the disposition of prizes following the Fourth Italian War, in 1533 the Crown not only sold captured English ships, but also purchased others from Scottish privateers. For example, both the

⁹² *LPH8*, V, no. 906.

⁹³ *LPH8*, VI, nos. 235 & 450.

⁹⁴ *Ibid*, no. 235.

⁹⁵ *Ibid*, no. 230; Murdoch, 40.

⁹⁶ *TA*, VI, 163-64; *LPH8*, VI, no. 610; Murdoch, 3.

Mary Willoughby and *Mary Walsingham* were acquired for the Scots Navy, and as compensation Maclean's land rents were commuted.⁹⁷ While their contribution during the Anglo-Scottish War of 1532-33 was arguably minor in comparison to the actions of the royal fleet, in future conflicts Scotland's privateers would play an important role in the kingdom's naval campaigns.

Despite the addition of two large English warships to the Scots Navy, James V undertook to expand his royal fleet even further between 1536 and his death in 1542. Jane Dawson has insisted that James did not share his father's passion for naval affairs, and therefore the only ships acquired during his reign were those which the king received as gifts, or those that were captured in war.⁹⁸ However, while James did receive *Salamander* as a wedding present during his visit to France in 1536-37, the expansion of the Scots Navy did not actually rely on happenstance.⁹⁹ The royal accounts make it quite clear that James not only purchased ships, but also had some of his naval vessels built in Scottish shipyards. When he first landed in France in 1536, James acquired a French ship called *Morisat*, and she was outfitted at Dieppe alongside *Salamander* during the course of the king's visit.¹⁰⁰ When he returned to Scotland, James ordered construction to begin on two more ships at Newhaven. These were launched as *Unicorn* and *Little Unicorn* in 1539, and after outfitting they were stationed on the Forth alongside *Salamander*, *Morisat*, *Mary Willoughby*, and *Mary Walsingham*.¹⁰¹ By 1542 a third ship, *Lychtar*, had been launched on the Forth, and yet another vessel, *Little Forfar*, was purchased for the Dumbarton squadron.¹⁰²

The purpose behind these acquisitions is uncertain, but Andrea Thomas has suggested that at least two of these new ships might have been earmarked for use in the Isles. She points out that both *Unicorn* and *Little Unicorn* were built as galleasses – warships that could be propelled by either

⁹⁷ *TA*, VI, 233-36, 451-52; Jamie Cameron, *James V: The Personal Rule, 1528-1542* (East Linton: Tuckwell Press, 1998), 235-36.

⁹⁸ Dawson, 121-22.

⁹⁹ *TA*, VI, 463.

¹⁰⁰ *Ibid*, 451-53.

¹⁰¹ *Ibid*, 381; *TA*, VII, 189-90, 224-25, 257.

¹⁰² *TA*, VIII, 95; Cameron, 247.

their sails or by banks of oars – and were thus able to combine the firepower of a proper ship with the manoeuvrability of a galley.¹⁰³ Thomas may be correct, as James V did indeed undertake an expedition to the Isles in 1540, and the two galleasses were part of the fleet which accompanied him.¹⁰⁴ However, her argument rests on the notion that there had been no Scots Navy when James had last prepared for an expedition in 1531, and thus by building *Unicorn* and *Little Unicorn* the king was seeking to avoid having to once again rely upon hired vessels.¹⁰⁵ The problem with this interpretation is that the private ships which were hired at Leith for the 1531 expedition were all small craft which seem to have intended to transport James, his entourage, and some cannon from the royal arsenal to the west coast. One was even specially outfitted with a special cabin for the king, but when the situation no longer required the presence of James in the Isles these ships were released, and their owners pursued by Crown agents for repayment of the sums they had received for their hire.¹⁰⁶ The expedition's offensive capability would thus have been provided by a Scots Navy which was very much in existence in 1531. As has been discussed, the Crown's warships had recently participated in the Fourth Italian War, and once again engaged the English at sea during the conflict of 1532-33.

It should be mentioned, however, that in the 1530s galleasses represented the latest in Venetian ship-design, and since they were as useful in the open ocean as they were in the Irish Sea, Henry VIII also had some built for the English navy.¹⁰⁷ It is therefore possible that by the late 1530s James V was simply looking to replace some of the more aged remnants of his father's fleet with a new class of warship that incorporated recent innovations made available by the ongoing naval revolution. As such, the launch of these galleasses just prior to the 1540 Isles expedition was likely

¹⁰³ Andrea Thomas, *Princelie Majestie: The Court of James V of Scotland, 1528-1542* (Edinburgh: John Donald Publishing, 2005), 159.

¹⁰⁴ *TA*, VII, 352-55.

¹⁰⁵ Thomas, 156.

¹⁰⁶ *TA*, V, 446, 459-462.

¹⁰⁷ Rodger, 212.

nothing more than coincidence, especially when one considers that their hulls had been laid down two years before the expedition was even planned.¹⁰⁸ Whatever motivations drove its expansion, the next time the Scots Navy went to war its strategy remained utterly unchanged. But while the focus on *guerre de course* continued, Scottish naval warfare would no longer be dominated by the Crown fleet. Privateers would also play a key role, even operating alongside the Navy on occasion.

This next conflict was the Seventh Italian War, which started in 1542 after France and the Empire fell out over their competing claims to the Duchy of Milan. In the months leading up to the outbreak of hostilities Henry VIII had tried to secure his nephew's assurance that there would be no Scottish invasion of England in the event of war. Henry even arranged a conference at York, so that the two kings could discuss matters face to face, but James refused to attend. As a result, Henry sent an army into Scotland soon after war was declared in July 1542. This invasion was repelled by the Scots at the Battle of Haddon Rig in August, but a Scottish incursion into northern England was likewise defeated in November at the Battle of Solway Moss. James V subsequently died of a fever at Falkland Palace on 14 December, and he was succeeded on the throne by his infant daughter Mary.¹⁰⁹

But while the king was dead, Scotland was still at war. And as had been the case during the Fourth Italian War, France was yet again unable to provide Scotland with naval assistance. The Scots were nevertheless able to effectively disrupt England's maritime economy by forming combined squadrons of naval ships and privateers to conduct *guerre de course* against English shipping in the Channel and the North Sea.¹¹⁰ For example, in January 1543, *Mary Willoughby*, *Unicorn*, and *Salamander* were operating off the French coast with a supporting fleet of at least five privateers which included Fogo's *Lion*, and by the beginning of February a portion of this squadron had returned to Leith with

¹⁰⁸ *TA*, VI, 381.

¹⁰⁹ Macdougall, "Indian Summer," 10-11.

¹¹⁰ *Ibid*, 13.

nineteen English prizes, including at least eleven vessels of Henry VIII's own wine convoy from Bordeaux.¹¹¹ In response, Sir Francis Bryan was placed in command of an English squadron tasked with engaging the Scots, but he was forced to withdraw back to the Humber when he discovered that *Salamander* and *Unicorn* were still patrolling the English coast with a squadron of privateers.¹¹² While the Scots Navy concentrated on keeping the enemy in port, Scottish privateers continued to prey on English shipping throughout 1543 and into the early part of 1544. Unable to counter this threat at sea, Henry VIII had his diplomats push Imperial authorities to seize the English prizes that had been brought into the port of Veere by the Scots.¹¹³ After multiple requests and much prevarication, Veere's council finally agreed to acquiesce. By April 1544 they had managed to arrest 150 prizes, reflecting the high level of activity and sheer magnitude of success achieved by Scotland's privateers during their first campaign.¹¹⁴

In the spring of 1544, Anglo-Scottish hostilities entered a new phase which has become known as the Rough Wooing. During the first half of 1543, commissioners from both kingdoms had been engaged in negotiating a peace settlement. These talks resulted in the Treaties of Greenwich, which were ratified by Mary's regent, James Hamilton, 2nd Earl of Arran, in August 1543. The first of these treaties provided for an end to the war in Britain, but the second envisaged a union of the Scottish and English Crowns by way of a marriage between Mary and Henry VIII's son Edward. Such a union was unacceptable to the Scottish Parliament, however, and it ultimately rejected the treaty in December 1543. Furious at this repudiation, Henry ordered an invasion of Scotland in April 1544.¹¹⁵ A large flotilla of transports carried his army north, and enroute the accompanying warships attacked towns along the Scottish coast and seized several vessels at anchor.

¹¹¹ *LPH8*, XVIII.1, nos. 57, 104.

¹¹² *Ibid*, no. 124.

¹¹³ Veere served as the Scottish staple port in the Hapsburg Netherlands. Scotland and the Empire would not be in a state of war until May 1544, Merriman, 182.

¹¹⁴ *LPH8*, XIX, nos. 7, 16, 31, 69, 284.

¹¹⁵ Macdougall, "Indian Summer," 14-15.

The English fleet then sailed up the Forth and landed its troops in front of Leith on the third of May. After the port town was taken, the invaders proceeded to lay siege to Edinburgh Castle. The Lord Admiral, Patrick Hepburn, 3rd Earl of Bothwell, was in Edinburgh at the time of the attack, but while he did have several warships at his disposal – including *Salamander* and *Unicorn* - he made no move to oppose the enemy fleet.¹¹⁶ As a result, the English caught both of these capital ships, and possibly other naval vessels, at anchor in Leith harbour, and took them as prizes.¹¹⁷

The reason for Bothwell's inaction is unknown. It is possible that his loyalties were divided, like those of other Scottish nobles at this time.¹¹⁸ Alternatively, it may have been pragmatism that had kept the Admiral in port. After all, the English invasion force included an armada of well over 150 vessels, and France had once again been unable to provide the Scots with naval assistance.¹¹⁹ Francis had dispatched a quantity of weapons and supplies to Scotland during the months leading up to Parliament's rejection of the Greenwich treaties, but once they had offloaded their cargo his ships promptly sailed for home before the end of October 1543.¹²⁰ In any case, despite the loss of *Salamander* and *Unicorn*, the Scottish maritime campaign continued unabated. Following the English withdrawal, a squadron of at least six men-of-war under the command of Robert Barton was patrolling off the east coast of England. As had become the norm, this squadron was a combination of naval ships such as *Mary Willoughby*, and privateers like Fogo's *Lion*. By the end of September they had taken several English merchantmen as prizes, and these actions caused many of England's mariners to offer to contribute funds towards their kingdom's naval defences.¹²¹

¹¹⁶ *TA*, VIII, 288; *LPH8*, XIX.1, no. 463; Murdoch, 48-49.

¹¹⁷ *LPH8*, XIX.1, nos. 472 & 481; Rodger, 181.

¹¹⁸ Macdougall, "Indian Summer," 15-16.

¹¹⁹ *LPH8*, XIX.1, no. 375. The size of this English fleet was much reduced when the private vessels that had been hired to act as transports refused to serve beyond the landings. As such, the English army was forced to march home following its unsuccessful siege of Edinburgh Castle, Rodger, 181-82.

¹²⁰ *HP*, II, no. 62.

¹²¹ *LPH8*, XIX.2, nos. 254 & 324.

However, it was not only English shipping that was targeted by the Scots during the Rough Wooing. In May 1544, the Holy Roman Emperor, Charles V, had declared war on Scotland in support of his English ally.¹²² But by doing so, he exposed the maritime economy of the Hapsburg Netherlands to attack. The Emperor's Dutch subjects were highly dependent upon the North Sea as a result of its significant herring fishery, and also because it was the route through which goods passed between the Low Countries and the Portuguese Empire.¹²³ As a result, in October 1544 Barton's combined-squadron, enlarged by the addition of *Andrew* and the privateer *Great Spaniard*, headed for the North Sea fishing grounds and captured thirteen Dutch herring busses.¹²⁴ Meanwhile, Scottish privateers operating out of Breton ports attacked Imperial shipping in the Channel throughout 1545 and 1546.¹²⁵ By July 1546, Henry VIII was dead. An Anglo-Scottish truce was incorporated into the Treaty of Ardres, which brought hostilities between England and France to an end, but Scotland remained at war with the Empire.¹²⁶ Thus, while the Scots and English carried out joint reprisals against the Portuguese in early January, several squadrons of Scottish naval vessels and privateers, operating out of French ports such as La Havre in Normandy, attacked Spanish and Dutch shipping in the Channel on an almost daily basis.¹²⁷ Eventually, Charles V was forced to order Spanish merchantmen to travel in convoys, and Mary of Hungary was compelled to commission the first Dutch warships, one squadron of which was ordered to be stationed close to Scottish waters at all times.¹²⁸

In September 1547, after just fourteen months of peace in Britain, Edward IV's regent, Edward Seymour, 1st Duke of Somerset, renewed the Rough Wooing against Scotland. He led an English army northwards and defeated a Scottish blocking force under the Earl of Arran at Pinkie

¹²² *CSP, Spain*, VII, no. 87.

¹²³ Tracy, 253, 255-56.

¹²⁴ *LPH8*, XIX.2, nos. 349 & 364.

¹²⁵ Merriman, 194.

¹²⁶ Murdoch, 55-56.

¹²⁷ *ADC*, 562-63. Scottish reprisal actions against Portugal will be discussed in Chapter Three.

¹²⁸ Merriman, 194; Tracy, 263-65.

Cleugh.¹²⁹ Somerset's army was shadowed by an English fleet numbering over sixty vessels, which not only carried supplies and provided artillery support, but also raided several Scottish harbours and burnt ships at anchor.¹³⁰ This fleet sailed into Blackness, where they caught *Mary Willoughby*, *Anthony*, *Bosse*, and several privateers at anchor. After taking a few of the Scottish ships as prizes, the English burnt the rest and sailed for Leith. There they found seven large men-of-war at anchor and burned them as well. Although there is no comprehensive list of every ship taken or destroyed, this Leith squadron likely represented the balance of the royal fleet. Certainly there are no records of any Crown ships in the royal accounts after September 1547. As such, the English actions at Blackness and Leith mark the destruction of the Scots Navy.¹³¹

Following the Battle of Pinkie, Somerset advanced further into Scotland, and by early 1548 he had established several English garrisons at various locations throughout southern Scotland. It was at this point that Henry II of France dispatched a relief expedition. A large French army arrived in June and laid siege to the English at Haddington, and it was there that the Treaty of Haddington was signed, which betrothed Queen Mary to the Dauphin.¹³² French troops would remain in Scotland for the remainder of the conflict, but Henry II did not provide any warships. The fleet which had transported the French army to Scotland consisted of ninety-six vessels, but once the landings had been carried out these ships returned home, and it was Scottish merchantmen that were utilized to supply the besieging force at Haddington.¹³³ This lack of French naval assistance was largely irrelevant, however, as the conduct of Scotland's maritime campaign seems to have been largely unaffected by the loss of the Navy. Indeed, by November 1547 the government of the Hapsburg Netherlands was pushing England to make peace with Scotland, citing the severe

¹²⁹ Macdougall, "Indian Summer," 16

¹³⁰ Merriman, 259.

¹³¹ Murdoch, 59-60, 76; Rodger, 185; *TA*, IX-XI, *passim*.

¹³² Macdougall, "Indian Summer," 17.

¹³³ Merriman, 308.

economic injury being inflicted by Scottish privateering.¹³⁴ No such peace was forthcoming and Scots privateers operating out of French ports - chief among them *Great Spaniard* – seized English merchantmen transiting the Channel on the wine trade throughout 1548.¹³⁵ Privateers also patrolled the British coast and attacked English ships sailing north to supply Somerset's garrisons in Scotland, while others raided English merchantmen at anchor in foreign ports as far afield as Danzig.¹³⁶ Such actions continued until the Treaty of Boulogne ended Anglo-Scottish hostilities in March 1550. Scotland was still at war with the Empire, however, and on July 28th the Privy Council issued a special round of marque letters authorizing the taking of vessels from Holland and Flanders.¹³⁷ The success of the Scottish privateering campaign against the Hapsburg Netherlands was significant. After Scotland and the Empire made peace in 1551, the Council of Antwerp claimed that Flemish mariners alone had suffered 1.6 million *Hollander* pounds in losses at the hands of the Scots.¹³⁸

Following the end of the Rough Wooings, no efforts were made to re-establish the Scots Navy. Between the peace of 1551 and Scotland's entry into the Eighth Italian War in 1557, the Crown made no vessel acquisitions, and the royal shipyards on the Forth and Clyde fell into disuse. Both James IV and James V had assembled east coast squadrons in roughly the same period of time, and the Guise regency could have done the same if it had desired to do so. As such, it was during this six year interval that the disestablishment of the Scots Navy occurred. Nevertheless, as it had done between 1547 and 1551, Scotland was able to effectively prosecute a campaign of *guerre de course* using privateers alone when it next went to war.

In 1557, England entered the Eighth Italian War against France, and Scotland was thus compelled by the Auld Alliance to in turn declare war against England. Despite the fact that the

¹³⁴ *CSP, Spain*, IX, 192-94.

¹³⁵ *Ibid*, 560.

¹³⁶ Murdoch, 63-64.

¹³⁷ *RPC*, I, 102.

¹³⁸ Tracy, 262.

Scots had joined the war in defence of their ally, French support was almost non-existent, being limited to intermittent supply convoys.¹³⁹ But as usual, the lack of allied naval assistance had no discernible effect on the conduct of Scottish maritime warfare. Throughout this conflict, Scots privateers were able to attack English merchant shipping almost with impunity.¹⁴⁰ In August, John Cant captured two English merchantmen in the Irish Sea and brought them into Dumbarton, while in September four English prizes were taken by *Kait*, captained by William Gibson.¹⁴¹ In October, the large privateer *Bonaventure* captured an English merchantman heavily laden with a cargo of iron in the Channel and brought her into Leith.¹⁴² Richard Walters likewise captured an English iron ship returning from the Baltic trade off the coast of Norway in December.¹⁴³ In May 1558, Thomas Nicolson and John Hoge took two valuable English merchantmen at anchor in an Icelandic port.¹⁴⁴ Scots privateers also proved themselves capable of engaging powerful men-of-war, when in July *Kait* and *Andro* captured *Grace of God*, a 22-gun English privateer.¹⁴⁵ Other Scottish privateering actions, too numerous to detail in full, continued to be carried out until the signing of the Treaty of Cateau-Cambrésis, which brought the Italian Wars to an end in April 1559.¹⁴⁶

Just as the six-decade long Italian conflict was coming to a close, a group of Protestant nobles calling themselves the ‘Lords of the Congregation’ rose in revolt against the Guise regency. At Berwick in February 1560, the rebel leadership negotiated a treaty of alliance with England on Scotland’s behalf, and by March an English army had placed French forces at Leith under siege. Mary of Guise died in June, and the next month the Treaty of Edinburgh was signed. It mandated

¹³⁹ Murdoch, 67.

¹⁴⁰ Ibid, 66.

¹⁴¹ *ACAS*, 2-3, 27, 57.

¹⁴² Ibid, 17.

¹⁴³ Ibid, 10-11.

¹⁴⁴ *CSP, Scotland*, I, no. 1138.

¹⁴⁵ *ACAS*, 69-70.

¹⁴⁶ Murdoch, 68.

an end to hostilities and the withdrawal of all foreign military forces from Scotland.¹⁴⁷ Not only did this brief episode usher in the Scottish Reformation, it also brought about a diplomatic revolution in Britain. The Earl of Arran's ratification of the Treaty of Berwick on 10 May 1560 terminated the Auld Alliance, replaced it with an Anglo-Scottish accord, and ended centuries of warfare between the two British kingdoms.¹⁴⁸ However, as with the Auld Alliance, Scotland's new compact with England did not negate the need for Scotland to provide for its own maritime defence.

The Marian Civil War would provide an early indication that the Scots would continue to meet this requirement through the utilization of privateers. In the aftermath of the defeat of Mary's forces at Carberry Hill in June 1567, her husband, James Hepburn, 4th Earl of Bothwell, was allowed to flee the field. Although he was the incumbent Lord Admiral of Scotland, Bothwell was desperate to escape the kingdom, and so upon arriving in St. Andrews his men seized a ship in the harbour and Bothwell forced its captain to take him to Shetland, where he acquired two additional ships. The Privy Council determined that Bothwell's actions at St. Andrews had constituted piracy. As a result they stripped him of the Admiralty and dispatched four privateers from Dundee to capture him. These privateers engaged Bothwell's squadron in a series of running battles across the North Sea which drove the former Admiral towards the Norwegian coast, and he was subsequently imprisoned in Dragsholm Castle by Christian III of Denmark.¹⁴⁹

Mary was ultimately forced to abdicate her throne soon after Carberry Hill and her son succeeded her as James VI. Jane Dawson has claimed that James' preference for peace and the existence of an Anglo-Scottish alliance negated the requirement for the kingdom to provide for its own defence during his reign.¹⁵⁰ In actuality, Scotland was compelled to defend itself against serious maritime threats throughout the period between Mary's abdication and the Union of the Crowns.

¹⁴⁷ Macdougall, "Indian Summer," 18-19.

¹⁴⁸ *CSP, Scotland*, I, no. 786.

¹⁴⁹ Murdoch, 134; *RPC*, I, 544-45.

¹⁵⁰ Dawson, 345.

The direst of these threats was English piracy. Between 1567 and 1603, English pirates carried out sixty-three recorded attacks upon Scottish merchant shipping.¹⁵¹ Many of these incidents could be quite violent, with several instances of sailors and fishermen being murdered after their vessels were seized, as happened to the crew of a Scottish trading ship out of Kirkcaldy that was captured by pirates off Scarborough.¹⁵² Not only did piratical attacks result in loss of life, they were also economically damaging. By 1587, Scottish mariners had suffered losses of just over £200,000 sterling at the hands of English pirates.¹⁵³ Such predations also put Anglo-Scottish relations at risk. In June 1574, after Scottish merchantmen were attacked on at least six separate occasions, the English ambassador in Scotland, Henry Killigrew, reported to Elizabeth's secretary, Francis Walsingham, that it was possible the Scots would take hostile action against English shipping in retaliation.¹⁵⁴ This was no idle threat, as by July Scotland's mariners were requesting permission to enter England's waters in order to carry out reprisals, after English pirates captured three Scottish merchantmen and threw twenty-six crewmen overboard.¹⁵⁵ As they had done during the Italian Wars and the Rough Wooings, the Scots responded to English piracy by outfitting privateers. In June 1584, Scotland's burghs were authorized by the Privy Council to put a squadron of six privateers to sea in order to hunt down the pirates and protect the approaches to the Firths of Forth and Tay. In September this squadron was increased by two ships.¹⁵⁶ The existence of eight men-of-war actively patrolling Scottish waters seems to have greatly reduced the incidence of piracy, and there were very few attacks after 1590.¹⁵⁷

¹⁵¹ *CSP, Scotland*, IX, nos. 354, 417-18, 445; Murdoch, 363-70.

¹⁵² *CSP, Scotland*, IX, no. 445.

¹⁵³ *Ibid*, no. 413. This was equivalent to approx. £1,800,000 *Scots*, Elizabeth Gemmill and Nicholas Mayhew, *Changing Values in Medieval Scotland: A study of prices, money, and weights and measures* (Cambridge: Cambridge University Press, 1995), 138.

¹⁵⁴ *CSP, Foreign*, Elizabeth X, nos. 1445-46.

¹⁵⁵ *CSP, Scotland*, V, no. 17.

¹⁵⁶ *EBR*, 406-30.

¹⁵⁷ Murdoch, 119, 370.

While English piracy was an almost constant problem throughout James VI's reign, with the outbreak of the Anglo-Spanish War in 1585 the Scots had to deal with a new maritime threat that was shorter in duration, but no less severe. On several occasions during this conflict, hostilities spilled over into Scottish waters, threatening not only the security of Scotland's foreign trade, but also the personal safety of those Scots living in coastal areas. Spanish warships and privateers often entered Scottish waters in order to attack English shipping, such as the capture of the *John* of King's Lynn off the east coast of Scotland in early 1590.¹⁵⁸ However, as one particular incident illustrates, the Spanish were not beyond terrorizing Scottish subjects as well. In June 1590, a warship of the Spanish Navy captured six English merchantmen off the Fife coast, and having burnt three of them, brought the remainder into Anstruther and there executed several English captives. Violence then ensued between the local populace and the Spanish sailors. Gunfire was exchanged, and the Spanish were forced to return to their ship. The Spaniards then locked the remainder of the English crews in the holds of the captured vessels and set them alight. The unfortunate sailors were burned alive in full view of the shoreline. The Privy Council dispatched the privateer *Lyon's Whelp* to hunt down the Spanish warship, but by the time she reached the Spaniards' last known position off Orkney, they had departed Scottish waters.¹⁵⁹ Nevertheless, Scots privateers did have some success in fending off Spanish and English incursions. In 1595, James VI ordered his subjects to attack any Spanish ship found inside his waters, and a privateer under the command of Gilbert Foulzie was indeed successful in saving an English merchantman from being captured by a Spanish man-of-war off the Northern Isles.¹⁶⁰ Scots privateers also pursued their English counterparts who had attacked shipping in Scottish waters. For example, in 1592 a Dundee privateer took an English man-of-war

¹⁵⁸ Ibid, 122.

¹⁵⁹ Ibid, 122-24.

¹⁶⁰ *RPC*, IV, 739.

off Flamborough Head that was loaded with captured goods. The English captain and six of his crewmen were subsequently tried in the Admiralty Court for piracy and executed.¹⁶¹

Conclusion

By presenting a revised naval history of Scotland, this chapter has updated the scholarship which had previously been done on the establishment and disestablishment of the Scots Navy. It has been shown that James IV founded the Navy due to his inability to rely upon hired vessels for the furtherance of Crown objectives in the Isles and the Baltic. The acquisition of these large cannon-bearing warships was not driven by a desire for the attainment of prestige on the part of James. Instead, it reflected the technological advancements of the naval revolution, and Scotland's early participation in it. However, when the Scots Navy was destroyed in 1547, the Crown made no effort to rebuild its fleet. This disestablishment was in no way related to the Auld Alliance with France, nor to the eventual peace with England. Indeed, as this chapter's examination of James IV's diplomacy has demonstrated, the Scots Navy had been born outside of the triangular context of Scotland's relations with France and England, and it died outside of it as well. Instead, over the course of the 1530s and 1540s privateers had gradually become an important component of Scottish maritime warfare, and had proven to be more than capable of participating in the kingdom's *guerre de course*. By the Seventh Italian War, Scottish privateers were operating alongside the Navy. As such, there was no discernible change in the conduct of the kingdom's naval campaigns after the destruction of the royal fleet in 1547. Thus, despite Scotland being engaged in a series of international conflicts, there was no reason for the Crown to re-establish the Scots Navy, and the kingdom's maritime warfare remained privatized. Similarly, privateers were equally successful at hunting pirates and policing the kingdom's waters during peacetime. The next chapter will demonstrate that this privatization was not driven by financial constraints, as during the reign of James IV Scotland's fiscal

¹⁶¹ Murdoch, 125-26.

system underwent a transformation which gave the Crown the capacity necessary to acquire and maintain a fleet. Instead, as will be discussed in the third chapter, the kingdom's transition to a privatized maritime defence resulted from a merging of Crown and commercial interests which solved the principal-agent problem that had plagued the early naval campaigns of James IV, and had caused him to establish the Scots Navy.

Chapter Two – Fiscal Capacity

Introduction

This second chapter proves that the privatization of Scottish maritime warfare described in the previous chapter did not result from fiscal constraints. Instead, the discussion shows that during the early sixteenth century the kingdom's fiscal system underwent a transformation which gave the Scottish Crown the capacity to raise the funds necessary for the acquisition and maintenance of a royal fleet. The Bonney-Ormrod Model is applied to Scotland in order to demonstrate the occurrence of a fiscal transition during the reign of James IV. This transition resulted from the rapid increase in naval expenditure during the period, which required the Scottish fiscal system to move from a domain-state structure into a tax-state structure, in order to meet the costs associated with the establishment of the Scots Navy. This transition process involved the disposal of many of the Crown's income-producing assets in order to realize immediate gains, and while this greatly increased the monarchy's reliance upon taxation for revenue-generation, it also expanded the Crown's fiscal capacity by requiring the Scottish government to move beyond the limits of the king's demesne and feudal rights, and thus allowed it to access a much more elastic source of income which could be utilized to cover spending shortfalls brought about by significant expenditures, such as the acquisition and maintenance of a royal fleet.

The Bonney-Ormrod Model and the Naval Revolution

Before applying the Bonney-Ormrod Model to Scottish fiscal history, it is helpful to first review the Model itself, and also to highlight the relationship between tax-state transition and participation in the naval revolution. The Bonney-Ormrod Model was developed by historians Richard Bonney and W.M. Ormrod in response to what they saw as the inability of existing fiscal

models to properly identify the occurrence of domain to tax-state transitions.¹ These models, such as those posited by the Austrian economist Joseph Schumpeter and the Danish economic historian Kersten Kruger, not only base their definitions of a tax-state on decidedly modern examples, but they also fail to address the causes of fiscal transitions.² Consequently, scholars employing these models, or similar theories, might fail to identify pre-modern domain to tax-state transitions, since their conception of a tax-state would include certain elements that are more characteristic of modern states - professional bureaucracies, active government economic regulation, and extensive statistical record-keeping – and also because they would have no causal framework with which to detect the occurrence of fiscal transitions outside periods of expected transformation, such as an economic crisis.³

By contrast, the Bonney-Ormrod Model is much more flexible in its classifications of fiscal state-types, and it contains an explanatory framework which identifies the causes of fiscal transitions so that their occurrence might be more easily detected. The Model defines a tax-state as one in which the government no longer relies upon the surpluses generated by royal lands and the Crown's feudal rights for its revenues, as does a domain-state, but has instead shifted to utilizing taxation as a means of funding a proportion of its expenditures.⁴ Critically, Bonney and Ormrod recognize that fiscal transitions are not always black and white transformations, and therefore any given fiscal system might very well contain elements from one or more state-types simultaneously. As such, a tax-state could continue to derive a portion of its income from domain surpluses, even though it

¹ Richard Bonney and W.M. Ormrod eds., *Crises, Revolutions, and Self-Sustained Growth: Essays in Fiscal History, 1130-1830* (Stamford: Paul Watkins Publishing, 1999), 2.

² Ibid, 1-2. Schumpeter and Kruger based their tax-state criteria on post-WWI Austria and Napoleonic-era Hesse respectively, B. Yun-Casalilla, "The Rise of the Fiscal State in Eurasia from a Global, Comparative and Transnational Perspective." In *The Rise of the Fiscal State: A Global History 1500-1914*, eds. B. Yun-Casalilla, P. O'Brian, and F. Comin (Cambridge: Cambridge University Press, 2012), 2.

³ Bonney and Ormrod, viii.

⁴ Ibid, 4-8.

levies taxes on a fairly regular basis.⁵ Meanwhile, those states with complex bureaucracies and highly developed regulatory practices – the ‘tax-states’ of the Kruger and Schumpeter models - are classed by Bonney and Ormrod as more advanced ‘fiscal-states.’⁶ By providing a flexible definition of a tax-state, the Bonney-Ormrod Model allows its users to more readily recognize this type of fiscal system, especially in pre-modern states with unsophisticated governmental institutions, and with residual elements of their previous domain-state structures.

Bonney and Ormrod also provide an explanation of the causes of fiscal transition, and in so doing give users of their model a framework to assist in identifying the occurrence of transitions. Such a framework is especially helpful in recognizing fiscal system shifts which took place outside of periods of economic crisis. According to the Model, a fiscal transition is triggered when a quantitative or qualitative change occurs in just one of three categories of analysis: revenue, expenditure, or credit. This change in turn triggers an eventual shift in the other two categories, and the result is the occurrence of a fiscal transition.⁷ For example, a domain to tax-state transition might be brought about by an increase in a state’s military expenditure, which existing domain revenues – hitherto used primarily to fund the expenses of the royal household - are not able to meet. The government in question is therefore required to begin levying taxes on a more regular basis, and is also compelled to occasionally utilize various types of credit facilities in order to make-up shortfalls. In this scenario, the state has transitioned from one fiscal system to another not because of a crisis, but as a result of a change in its defence policy.

The ability to recognize the occurrence of a state’s domain to tax-state transition is critical for being able to determine whether or not that state was a participant in the early modern naval revolution. In his discussion of the nature of the naval revolution, Louis Sicking cites fiscal capacity

⁵ Ibid, 4-8, 9-10.

⁶ Ibid, 6-8.

⁷ Ibid, 9-11.

as the key determinant of a state's ability to raise, maintain, and exercise control over a fleet of warships.⁸ Similarly, Gijs Rommelse credits the introduction of new taxes for giving certain states the capability to consistently adopt the technological innovations introduced by the naval revolution.⁹ Finally, Jan Glete links the intensification of resource extraction in early modern Europe with the dramatic increase in naval expenditure during that period.¹⁰ Thus, there is a link between transition to a tax-state structure and the capacity to possess a standing fleet of warships. However, if the sixteenth-century Scottish fiscal system, with its lack of sophisticated institutions and practices, was judged on the basis of the models developed by Schumpeter or Kruger, it would almost certainly be classed as a domain-state. Moreover, the existing scholarship on Scottish fiscal history suggests that if Scotland did experience a tax-state transition during the sixteenth century, then it did not do so until the economic crisis which occurred in the later years of James VI's reign (*r.* 1567-1625).¹¹ It is therefore not surprising that some scholars have judged Scotland incapable of funding a standing navy during the first half of the sixteenth century.¹² However, if the more flexible Bonney-Ormrod Model - which allows for the occurrence of transition outside of a crisis – is applied to Scotland, it becomes evident that the kingdom had in fact experienced its domain to tax-state transition during the first decade of the sixteenth century, and was thus rendered capable of maintaining a royal fleet long before the reign of James VI.

The Scots Navy and Scotland's Domain to Tax-State Transition

In the early years of James IV's reign, Scotland was still the quintessential domain-state. Writing in July 1498 to inform Ferdinand and Isabella of his efforts to ensure the maintenance of the Anglo-Scottish peace established the previous year in the Treaty of Ayton, the Spanish

⁸ Sicking, 236.

⁹ Rommelse, 143.

¹⁰ Glete, 5.

¹¹ Julian Goodare, "A Balance Sheet for James VI of Scotland." *Journal of European Economic History* 88 (2009), 83.

¹² Glete, 139; Parker, 122; Rommelse, 144; Dawson, 77, 345; Murdoch, 9, 76, 78.

ambassador to Scotland, Don Pedro de Ayala, also provided the royal couple with a description of the Scottish state and its finances.¹³ Ayala classified the various sources of the Crown's revenue by type, and he identified the proportion of James IV's income that was generated by each of these sources. According to Ayala's estimates, income from royal lands accounted for the largest share of Crown revenues - just over thirty-six percent – and other feudal-type sources, such as ward-ships, casualties, and the administration of justice, accounted for a further forty percent.¹⁴ Conversely, he determined that only twenty-two percent of the king's annual income was generated from what can be classified as non-feudal sources - almost exclusively export duties.¹⁵ Ayala was unable to quantify the value of food and fish-rents which the Crown received each year, but he did note that these seemed adequate for the feeding of James IV's court as it moved from one royal residence to another. It was the expenses of this court, and of the royal household and palaces, which accounted for almost the entirety of the Crown's expenditures. Spending on land-based warfare was non-existent, as a large proportion of the kingdom's male population were liable to serve in the king's army for several weeks per year without pay.¹⁶ Therefore, the Scottish fiscal system as described by Ayala – with its revenues generated from Crown lands and feudal rights, and its expenses limited primarily to the costs of maintaining the itinerant royal court – conforms exactly to the Bonney-Ormrod's definition of a domain-state.¹⁷

However, within just a few years of Ayala's dispatch, the Scottish fiscal system began a transition which ultimately transformed the kingdom into the Bonney-Ormrod Model's ideal tax-state. As envisaged by the Model, this transition was not triggered by an economic crisis, but was instead the result of James IV's establishment of the Scots Navy. The acquisition of a standing fleet

¹³ *CSP, Milan*, no. 558; *CSP, Spain*, I, no. 210. Although Ayala was not precise in his numerical estimations, the surviving royal accounts from James IV's early reign indicate that his identification of the Crown's revenue sources, expense items, and their respective proportions were largely accurate, *TA*, I, *passim*; *ER*, XI, *passim*.

¹⁴ *CSP, Spain*, I, no. 210.

¹⁵ *Ibid*.

¹⁶ *Ibid*; Jonathan Cooper, *Scottish Renaissance Armies, 1513-1550* (Oxford: Osprey Publishing, 2008), 18.

¹⁷ Bonney and Ormrod, 4-8.

of warships represented both a qualitative - royal spending was no longer limited to running the court – and quantitative change in the nature of Crown expenditures. At first, the cost of the Scots Navy was actually quite small, and outlays could be met within the limits of domain-state revenues. Indeed, the first vessels acquired for the Dumbarton squadron in 1494 – *Christopher* and *Douglas* – had a combined cost of only £145.¹⁸ However, as was discussed in the previous chapter, the Western squadron continued to expand over the following decade to six vessels, and with the additional expense of constructing docks and a shipyard at Dumbarton, the financial limits of the domain-state structure were gradually being reached.¹⁹ The difficulties were already evident when Ayala penned his dispatch in 1498, as he reported that while the king was able to pay his various expenses, he was “not able to put money into his strong boxes.”²⁰

Nevertheless, in 1502 James IV established his second squadron of much larger ships on the east coast, and naval expenditures increased dramatically as a result. The fleet’s capital ships placed a particular strain on the royal coffers. Begun in 1502 and completed in 1506, the *Margaret* cost just over £7,000 to construct and to outfit, and even the much smaller Breton-built *Treasurer* carried a price-tag of £1,100.²¹ Meanwhile, the total sum expended on the Navy’s flagship *Michael* between 1506 and 1513 was in excess of £30,000.²² In addition to the expense of purchasing or building nearly two-dozen vessels, the Crown also had to fund the construction of shipyards, docks, and storage facilities along the Forth, as well as pay the wages of sailors and dockworkers. These expenses could be quite considerable. For example, the construction of a single docking site at Airth cost the king £240 in 1511, while the monthly wages for the *Michael*’s crew averaged 30s per man, or almost £5,500 per year.²³ As a consequence of this fleet expansion, average annual expenditure on

¹⁸ *TA*, I, 217.

¹⁹ *Ibid*, 245-254; *TA*, II, 449.

²⁰ *CSP, Spain*, I, no. 210.

²¹ *TA*, II, 281-87, 422; *TA*, III, 90, 135, 157, 170-71, 199, 354.

²² *TA*, III, 295; *TA*, IV, 44-48, 127, 313, 444, 451-505.

²³ *TA*, IV, xliii, 280, 447-59, 502-05.

the Scots Navy rose from a low of £140 to a high of £18,710 between 1498 and 1513.²⁴ It should be mentioned that the treasury records are incomplete for portions of the reign, and no accounts exist at all for the years 1506 and 1511, but even the partial estimate of approx. £170,000 for shipbuilding, maintenance, and crewing, gives compelling evidence of the impact of James IV's naval spending on royal finances.²⁵

In order to meet these increased fiscal demands, James IV was compelled to greatly increase royal revenues. To do so, he began to engage in a practice known as 'feu-farming.' This involved the grant of a parcel of royal land, free of any liability for feudal casualties or services, to a feu-holder in exchange for an annual payment – the feu duty – that was fixed in perpetuity.²⁶ While still theoretically remaining as overlord, the Crown effectively lost control over feued lands, as feu-holders enjoyed complete autonomy over the fixing of rents, the designation of tenants, and the transference of property.²⁷ Nevertheless, the Crown was willing to undertake these transactions because the feu duties typically yielded a much higher annual return than renting the same land to tenants, and also because the grantees were required to pay a one-time entrance fee equal to the value of the annual feu duty.²⁸ In 1504, an Act of Parliament permitted James IV to feu away any royal lands that he wished whatsoever, and this bill was followed closely by a series of transactions of ever increasing value.²⁹ For instance, in 1506 the king feued out the Crown's land-holdings on the Isle of Bute, and in 1510 he feued Fife in its entirety, increasing the Crown's returns from that country nearly three-fold to £1,500 per annum.³⁰ In that same year, James IV feued out the royal forest of Ettrick in a series of transactions which brought an extra £7,260 into the royal coffers.³¹

²⁴ *TA*, II-IV, *passim*.

²⁵ *TA*, I-IV, *passim*; Macdougall, *James IV*, 228.

²⁶ Julian Goodare, *The Government of Scotland 1560-1625* (Oxford: Oxford University Press, 2004), 153.

²⁷ Goodare, "Balance Sheet," 58.

²⁸ Macdougall, *James IV*, 159.

²⁹ *RPS*, 1504/3/136.

³⁰ *ER*, XIII, 617-25.

³¹ Macdougall, *James IV*, 159.

However, while the practice of feu-farming was lucrative, it also brought about the beginning of a qualitative change in the nature of Crown revenues. Since the real value of feu-duties - fixed in perpetuity as they were - could be significantly reduced by the period's particularly high inflation, they ultimately had to be supplemented by another revenue source as their real value declined over the course of time.³² However, because feuing was a process that involved the alienation of the Crown's income-producing assets, the Scottish government could no longer attempt to meet its fiscal shortfalls by seeking to increase yields from the royal demesne, as an enterprising domain-state might do, but was instead compelled to rely upon taxes levied from its subjects in order to fulfil its spending obligations, which is a tactic more characteristic of an extractive tax-state.³³

Indeed, after 1504 Scotland was very much a tax-state. As early as 1505 the amount of annual Crown income contributed by each revenue source-type had changed dramatically from the proportions described by Ayala in 1498. While feudal casualties and fees from the administration of justice had remained stable at forty percent of total receipts, income from Crown lands had declined to only thirteen percent.³⁴ At the same time taxes, which had not been levied in 1498, now accounted for fully thirty-seven percent of royal income.³⁵ Finally, during the reign the Crown had begun to utilize short-term credit by 'hiving-off' financial officer accounts; in effect making up for momentary spending shortfalls by incurring debts on the personal credit of the Treasurer or Comptroller, and then paying these men back with the proceeds of later tax levies.³⁶ When the introduction of this embryonic form of government borrowing is considered in combination with the quantitative and qualitative changes to Crown revenues and expenditures that have already been

³² David M. Walker, *A Legal History of Scotland, Vol. III: The Sixteenth Century* (Edinburgh: TT Clark, 1995), 140-42; Gemmill and Mayhew, 138.

³³ Goodare, "Balance Sheet," 79-83; Bonney and Ormrod, 4-8.

³⁴ *TA*, II, 163-96.

³⁵ *Ibid.* By this point in the reign, customs duties accounted for only about ten percent of revenues, *ER*, XI, xxviii.

³⁶ *TA*, I, 208; Walker, 139.

discussed, one can declare the occurrence of a domain to tax-state transition in Scotland during the reign of James IV, under the framework provided by the Bonney-Ormrod Model.³⁷

And while this fiscal transition did mean that government spending was now highly dependent upon tax revenues, it also meant that the fiscal capacity of the Scottish Crown had been enhanced. In fact, domestically-generated royal revenues had increased nine times in real terms during the course of James IV's reign.³⁸ This is largely because the alienation of Crown lands had compelled the Scottish government to move beyond the financial limits of the king's demesne and feudal rights, and thus it now had access to portions of the kingdom's tax base. This tax-base represented a much more elastic source of revenue than yields from Crown land, in that it could be tapped to extract specific amounts of revenue when required in order to meet shortfalls caused by particularly large expenditure obligations, such as the maintenance of a fleet of warships.

The utilization of this elastic revenue source continued unabated after the death of James IV. During the adult reign of James V and the early minority of Mary I, the Scots Navy numbered only eight vessels at its greatest extent, but as the above discussion regarding the cost of ship acquisition, outfitting, and manning will have made clear, the maintenance of even this much smaller fleet nevertheless represented a significant expense for the Crown. For instance, even though the *Mary Willoughby* was captured from the English Navy, its outfitting for the 1533-34 campaign alone still cost James V about £500, nearly half the build price of his father's ship *Treasurer*.³⁹ James V's naval expansion between 1533 and 1542 coincided with an intensive round of palace-building and annual Crown expenditure rose from a low of £25,000 to just over £51,000 as a result.⁴⁰ Outlays would have eventually surpassed royal income after 1539 if the government had only been able to draw

³⁷ Bonney and Ormrod, 4-8.

³⁸ *TA*, I-IV, *passim*. An increase from £4,500 to £44,500 per annum, adjusted for inflation, Macdougall, *James IV*, 165; Gemmill and Mayhew, 138.

³⁹ *TA*, IV, 227-36.

⁴⁰ Cameron, 257.

upon the yields from Crown lands.⁴¹ Instead, the imposition of taxes, in particular a £72,000 levy upon the Scottish Church, allowed James to avoid this outcome.⁴² In fact, not only did this recourse to taxation ensure that revenues kept pace with the increases in naval spending, but it also resulted in a residual sum of £26,000 being left in the royal treasury at Edinburgh Castle upon the death of the king in 1542.⁴³ Mary of Guise likewise utilized taxation of the Church in order to help her meet the Crown's expenditures during the early years of her daughter's minority.⁴⁴ Had the Scots Navy survived beyond 1547, or if there had been a need to re-establish the fleet following its destruction, it is likely that the Regent would have been able to levy the requisite taxes, much as previous governments had done. Indeed, it was not until 1556, when Mary of Guise proposed a new tax expressly to pay for French fortifications in Scotland, that Parliament, by then dominated by Protestant and English sympathizers, refused a war-related levy request.⁴⁵

Conclusion

By applying the Bonney-Ormrod Model to Scotland, the occurrence of a fiscal transition during the reign of James IV has been demonstrated. The dramatic increase in royal expenditure brought about by the establishment of the Scots Navy caused the Crown to utilize the practice of feu-farming, which alienated significant quantities of Crown land in return for the immediate realization of large gains. However, because feu-duties were fixed in perpetuity, their real value declined as time passed due to the period's high level of inflation. Having disposed of its income-producing assets, the Crown was compelled to utilize taxation to make-up spending shortfalls. This represented a shift in the kingdom's fiscal system from a domain-state to a tax-state structure, but it also permitted James IV and his successors on the Scottish throne to move beyond the financial

⁴¹ Ibid.

⁴² Ibid, 260. It should be noted that the detrimental treatment of a particular section of society by a tax-state – in this case the clergy – is acceptable under the Bonney-Ormrod Model, and also forms part of the modern fiscal-state system, Bonney and Ormrod, 8.

⁴³ Macdougall, "Indian Summer," 12-13.

⁴⁴ Walker, 145.

⁴⁵ *RPS*, 1556/5/1; Dawson, 182-84.

limitations of the Crown's demesne and feudal rights, and instead access the kingdom's tax base. This tax-base was a much more elastic revenue source, which could be tapped to extract specified amounts needed to meet significant expenditure obligations, such the acquisition and maintenance of warships. The privatization of Scottish maritime warfare was not, therefore, due to fiscal incapacity, since Scotland had experienced the same fiscal transformation as other participants in the naval revolution. Instead, as the next chapter will argue, the privatization was in fact attributable to two mechanisms: the merger of Crown and merchant interests, and the existence of an effective maritime legal regime.

Chapter Three – The Mechanisms of Privatization

Introduction

While the previous chapter demonstrated that it was not fiscal incapacity that caused the privatization of Scottish maritime warfare, this third and final chapter shows that the privatization was in fact brought about by two specific mechanisms. The first mechanism was the convergence of Crown and merchant interests. This solved the principal-agent problem of military contracting, which arises when the interests of a state are not aligned with those of the private agents hired to conduct warfare on the state's behalf, and this often results in inefficient or ineffective campaigns. The early naval expeditions that were undertaken by James IV had been plagued by inefficiencies because the interests of the Crown and its mariners were not aligned. There was little economic benefit to be gained from transporting troops to Scandinavia or the Isles, nor from bombarding shore fortifications in the Baltic or Inner Seas. Moreover, the economic well-being of Scotland's merchants was not greatly affected by Baltic Sea affairs. However, once the Crown's strategic focus shifted to supporting France against the Anglo-Imperial alliance, shipping routes and fishing grounds that were critical to the Scottish economy came under threat. At the same time, the kingdom's maritime strategy came to be dominated by the lucrative tactic of *guerre de course*. As a result, Scotland's merchant ship-owners and mariners became eager to participate in naval campaigns, and the need for a royal fleet dissipated. The second mechanism was the existence and function of an effective Scottish maritime legal regime, which played a key role in allowing the privatization to occur by ensuring that Scotland's privateers operated within the bounds of the law, and in the interests of the kingdom as a whole. The regime was able to achieve this because its function rested upon a framework which emphasised the protection of private property. Throughout the period, the Scottish Admiralty and other government bodies, including the Crown,

governed the conduct of Scotland's mariners by sharply distinguishing between legitimate privateering and piracy, and working to ensure the legality of reprisals.

The Principal-Agent Problem and its Solution

According to economist Roger Myerson, the effectiveness of a military operation is determined by how successful a state (the principal) is at co-ordinating the actions of those private individuals and groups which it has hired to carry out the campaign (the agents). The level of co-ordination that can be achieved by a principal is a function of how aligned its interests are with those of its agents. This need to align interests is known in defence economics as the principal-agent problem of military contracting.¹ In the case of maritime warfare, the principal-agent problem is solved only when a campaign is fought in the interests of both the state, which wishes to project power at sea or defend against similar power projection by other states, and its privateers, who as mariners use the sea as a source of wealth through trade or resource extraction.² Just as important is the manner in which a naval campaign is fought. While there is great economic incentive for mariners to participate in *guerre de course* – particularly in a kingdom like Scotland where the owners of a privateer were entitled to retain ninety percent of every prize taken – there is almost none at all when a state's strategy dictates that its naval forces be used to support the pursuit of objectives that are unrelated to the interests of its mariners.³

As was discussed in the first chapter, James IV's expeditions to the Isles involved the utilization of Scottish naval forces in a strictly supportive role during land-based campaigns. This was also the case during the 1502 Scandinavian expedition, but the absence of *guerre de course* was not the only reason for the lack of enthusiasm on the part of those Scots mariners who had been hired for the campaign in the Baltic. The fact was that power dynamics in the Baltic Sea region had

¹ Ron Smith, *Military Economics: The Interaction of Power and Money*, (New York: Palgrave Macmillan, 2011), 6.

² Glete, 1.

³ Murdoch, 25; Rommelse, 143.

little effect on Scottish mercantile interests, as the Scots did not conduct much direct trade with Scandinavia. As such, the fate of the ‘Kalmar Union’ was of little consequence to Scottish mariners, and the Swedish expedition floundered due to the principal-agent problem. Indeed, between the end of the fifteenth century and the middle of the sixteenth there are no references to Scandinavian trade in the burghal records of either Aberdeen or Dundee, and there are only five recorded sailings of Scottish ships bound for the Baltic from Edinburgh.⁴ Scotland did import a great deal of timber from the Baltic region during the early sixteenth century, but it was either sourced from Norway – which did not require Scottish trade vessels to pass through the Sound – or was purchased from Hanseatic merchants who always carried timber exports on their own ships.⁵ Distance certainly played a role in discouraging Scottish exporters from sailing to the Baltic, since the journey between Leith and the main Danish trading ports on the Sound was much longer than one to the Netherlands. Moreover, because the exports of both Scotland and the Baltic region were highly similar – skins, furs, and fish – there was very little demand there for Scottish goods.⁶ Those Scots merchants who did conduct business with their Baltic counterparts did so through middlemen based in the Hapsburg Netherlands.⁷

Despite the realities of the principal-agent problem in the Baltic, Norman Macdougall has nevertheless cited the involvement of the Barton family in the region as evidence that Scottish privateers did fight there for the Crown.⁸ However, this is to misunderstand the nature of Barton naval activity, and it also misreads the relationship between the Bartons and the Danish royal family. This relationship began in 1508, when James IV was obliged to dispatch *Margaret* to the Baltic after the Hansa broke a truce with Denmark that been arranged the previous year by the Scottish

⁴ Ditchburn, 80.

⁵ Ibid, 80-81, 84.

⁶ Ibid, 82-85; Dawson, 24.

⁷ W.S. Reid, *Skipper from Leith: The History of Robert Barton of Over Barnton* (Philadelphia: University of Pennsylvania Press, 1962), 25.

⁸ Macdougall, *James IV*, 242.

ambassador Robert Forman.⁹ In command of the *Margaret* was Andrew Barton, who had been appointed to the post when the ship was launched in 1506.¹⁰ Barton must have impressed John of Denmark during the deployment of the *Margaret* in 1508, because the very next year his services, and those of his brother Robert, were requested by the Danish king, following the landing of Hansa forces in Sweden.¹¹ It is critical to understand that the Bartons were being retained as privateers by the Danish Crown – as evidenced by John’s issuance of writs the following summer authorizing the payment of prize money to Andrew and Robert - and that they were not acting in Scottish service. Indeed, in 1509 John made a separate request to James IV for the deployment of four ships of the Scots Navy, but the Scottish Crown refused to enter into the conflict – perhaps because the threat to royal authority in the Isles had abated by this time, and therefore the potential need for Danish military assistance was not as great.¹² In 1511, Robert Barton returned from Scandinavia, and after he failed to recruit other Scottish mariners into Danish service, John asked James IV to once again allow Andrew Barton to fight for Denmark with his own private ships. This permission was granted, and in April Andrew set out for the Baltic with the *Lion* and *Jennet Purmyn*.¹³

The strong working relationship between the Bartons and the Danish Crown had nothing whatsoever to do with any economic interests outside of privateering. As will be discussed below, the Barton family conducted almost all of their trading business in the Netherlands. In fact, after conducting extensive research on Barton commercial interests, W.S. Reid has concluded that apart from Middleburg and Veere, the only other ports the Bartons exported trade goods to were located on or near to the Channel in northern France and Brittany.¹⁴ Instead, it is very likely that the key to the Dano-Barton partnership was the goodwill developed between Robert Barton and Prince

⁹ *LJA*, no. 166. For more on Forman’s diplomacy in the Baltic, see Chapter One.

¹⁰ *TA*, III, 326, 344.

¹¹ *LJA*, no. 286.

¹² *Ibid.*

¹³ *Ibid*, no. 387; Reid, “Denmark,” 189-90.

¹⁴ Reid, *Skipper*, 62-64, 294-95.

Christian during the course of the Baltic campaigns. At the time of the Barton deployments Christian was serving as the Danish regent in Norway, and King John had given his son responsibility for overseeing certain aspects of Denmark's naval strategy; including control over the Bartons' privateering actions.¹⁵ The strength of the bond formed by the two men during the fighting against Sweden and the Hansa must have been very great indeed, as Robert willingly supported Christian's efforts to recover the Danish throne after he was deposed in 1523.¹⁶ In 1531, Christian sailed to Scotland and secured not only £2,000 from Robert, but also his promise to provide naval support for Christian's upcoming invasion of his lost territories.¹⁷

Ultimately, Christian was defeated and imprisoned in 1532, but the fact that Robert agreed to back the effort at all is testament to the strength of their relationship since the Scottish Crown in no way supported Christian's restoration to the Danish throne. This is because within a year of succeeding his father, Christian II had actually broken the Dano-Scottish alliance and joined the War of the League of Cambrai on the side of England.¹⁸ As such, when the Danish nobility named Christian's uncle Frederick, Duke of Schleswig-Holstein, as their new king, it was no surprise that James V's regent, John Stewart, 2nd Duke of Albany, wrote to Frederick expressing Scotland's support.¹⁹ Similarly, after Christian allied himself with the anti-French Charles V in 1528, Albany told the Danish ambassador in Paris that Christian would receive no help from the Scottish Crown, and James V himself communicated the same to both Frederick and Christian.²⁰ Due at least in part to Christian II's breaking of the Dano-Scottish alliance, after the end of James IV's reign the Scottish Crown turned its strategic focus away from supporting Denmark in the Baltic, and instead

¹⁵ *LJ4*, no. 286.

¹⁶ Reid, "Denmark," 195-96. After succeeding to the throne upon the death of his father in 1513, Christian II acted with particular high-handedness towards his nobility and he angered them further by converting to Lutheranism. He was finally overthrown in 1523, after Sweden successfully gained its independence from Denmark.

¹⁷ *Ibid*, 197.

¹⁸ *Ibid*, 194.

¹⁹ *LJ5*, 98-99.

²⁰ *Ibid*, 147-48, 206.

concentrated on fighting England and the Empire in the North Sea and in the waters around Britain. And it was this strategic shift that ultimately solved the principal-agent problem.

Undoubtedly, the emphasis upon *guerre de course* during these campaigns helped to encourage the participation of the kingdom's mariners, but it was the sensitivity of Scottish merchants to the effects of warfare in their home waters and near to their primary export markets that truly focused minds. Indeed, it was to Dutch ports such as Veere and Middleburg, and to the harbours along the northern French coast, that Scottish merchants most often went to sell their goods and to purchase those items which they took back to Scotland.²¹ The Netherlands were such an important export market for the Scots that Imperial authorities permitted the Scottish mercantile community to appoint one of their number as the 'Conservator of Scottish Privileges' in Middleburg. The first incumbent, Andrew Haliburton, was initially appointed as trade representative in 1492 before being named Conservator in 1498.²² His surviving ledgers show that, in contrast to the Baltic region, Scots merchants doing business in the Netherlands were able to benefit from a strong demand there for the entire range of Scottish exports, as well as from ready access to items that were in demand back in Scotland. The nature of this trading activity can be appreciated by considering Haliburton's interactions with the Barton family. Over a period of just two years, between 1495 and 1497, Andrew Barton exported several large cargos of raw wool to Middleburg on behalf of Edinburgh merchants Andrew Mowbray, Robert Rind, and William Clerk. This wool was then sold by Haliburton in the textile-producing centre of Antwerp.²³ Robert Barton likewise exported wool and hides to the Netherlands, while his brother John was engaged in delivering salmon to customers in Middleburg.²⁴ While they were in the Netherlands, the brothers were able to

²¹ Dawson, 21-22, 24.

²² Reid, *Skipper*, 44, 53.

²³ *HL*, 82, 82, 167.

²⁴ *Ibid*, 264, 273.

acquire lucrative luxury items, such as spices from the Portuguese trading empire in Asia, to sell in Edinburgh upon their return.²⁵

The security of shipping routes across the Channel and North Sea to France and the Netherlands was thus critical to the prosperity of Scotland's merchants. And since only a very minute amount of Scottish exports and imports were ever carried on foreign vessels, the health of the kingdom's economy was likewise highly dependent upon the ability of its merchant vessels to sail between Scotland and the Continent without being subject to attack.²⁶ As such, war against England and the Empire could be highly damaging to the interests of Scottish mariners. For example, during the Fourth Italian War (1521-26), an English naval squadron under the command of William Sabin not only attacked several key Scottish ports such as Leith and Kinghorn, but also captured many Scottish merchantmen engaged in trading voyages in the North Sea.²⁷ Similarly, during the Seventh Italian War (1542-46) Henry VIII made it clear to his naval commanders that they were to focus their efforts on injuring the Scottish economy. For example, in February 1543 he instructed the admiral of his North Sea squadron, William Woodhouse, to take all Scottish vessels he should encounter as prizes, without distinction as to size, cargo, or resale value, and to place all captured crewman into forced labour below decks on English ships. Henry also directed Woodhouse to attack all vessels – including those of neutral and even allied states - found carrying trade into Scotland.²⁸

As might be expected, Henry VIII's policies caused a great deal of resentment towards England among Scotland's merchants, and were a great motivation for Scottish mariners to take up privateering. During the negotiations surrounding the Treaties of Greenwich in 1543, the Scottish mercantile community demanded compensation for all vessels and cargos lost to English actions

²⁵ Ibid, 192.

²⁶ Richard Britnell, *Britain and Ireland 1050-1530: Economy and Society* (Oxford: Oxford University Press, 2004), 336.

²⁷ Rodger, 174; Murdoch, 37.

²⁸ *LPH8*, XVIII.1, no. 225.

since the start of the Seventh Italian War the year before. English diplomats informed the Scottish ambassador in England, Sir Adam Otterburn, that no restitution would be forthcoming unless Scotland agreed to declare war on France. Otterburn replied that such a condition would not only ensure the failure of the Greenwich agreements, but would also lead to a renewal of Anglo-Scottish hostilities.²⁹ Otterburn was ultimately proven correct on both counts. In November 1544, Francis Talbot, the Earl of Shrewsbury and Warden of the English Middle March, wrote Henry VIII to inform him that the large number of Scottish privateers then at sea were a consequence of the economic losses suffered by the merchants of Edinburgh and Leith at the hands of Englishmen.³⁰

It was not, however, only English shipping that Scottish privateers were eager to attack, since the economic interests of Scotland's mariners were similarly endangered by subjects of the Hapsburgs. Perhaps the direst of these threats was posed by Dutch encroachments on Scottish fishing grounds in the North Sea, as during the sixteenth century salmon, cod, and herring accounted for a significant proportion of Scottish exports.³¹ Despite repeated protests from the Scottish Crown, by mid-century the various provinces of the Hapsburg Netherlands were regularly dispatching over 300 herring busses – often accompanied by warships - to reap the harvest inside Scottish waters every year.³² Additionally, on several occasions during the reign of James V Scottish merchantmen sailing through the Channel came under attack by Spanish ships, and no restitution for the losses suffered was ever forthcoming from the government in Spain.³³ Given the threats that Hapsburg subjects posed to their interests during peacetime, it was little wonder that Scottish privateers were particularly aggressive in their attacks on Dutch and Spanish shipping whenever Scotland and the Hapsburgs went to war. However, while it was the animosity of Scottish merchants

²⁹ *ML*, 29, 35.

³⁰ *LPH8*, XIX.2, no. 540.

³¹ Dawson, 42-43; Britnell, 331.

³² *LPH8*, XV, nos. 947, 962, 963; Tracy, 256-57.

³³ *ER*, XIV, 403; *LJ5*, 391.

towards England and the Empire that solved the principal-agent problem by merging mercantile interests with the Crown's new strategic ambitions, such hostility also needed to be controlled by an effective legal regime in order to ensure that the privateers did not act entirely out of self-interest, and that their violence was channeled in the interests of the kingdom as a whole.

The Scottish Maritime Legal Regime

Like the Scots Navy, the Scottish Admiralty was a product of the naval revolution. Having originated in the kingdom of Sicily in 1239, the office of admiral was initially a strictly Mediterranean institution. By the late fifteenth century, however, several states in Northern and Western Europe had established admiralties and admiralty courts, as rulers began to appreciate the value of sea power and sought to assert a monopoly over the use of violence at sea by their subjects.³⁴ Scotland appointed its first Lord Admiral in 1452 and then in 1488, when the office was granted on a hereditary basis to Patrick Hepburn, on the occasion of his creation as 1st Earl of Bothwell, the right of the incumbent to hold an Admiralty Court was also established.³⁵ Among other matters, this court was given specific jurisdiction over crimes and faults committed by mariners during times of war, and also over all contracts and instruments pertaining to the use of violence at sea.³⁶ As was discussed in the introduction to this thesis, the Scottish Admiralty has been much maligned by historians as having been corrupt, inept, and therefore incapable of controlling Scotland's privateers.³⁷ However, the Admiral's decision-making was in actuality no more encumbered by self-interest than was the case in most European states, and less so than in some others. The Scottish Admiralty was entitled to only a ten percent share of prizes, cargos, and ransoms taken under letters of marque. This is consistent with the proportion of prizes received by the courts in England and France, while in the Netherlands authorities took thirty percent, with two-thirds of that share being

³⁴ Sicking, 236; Glete, 3.

³⁵ *RPS*, JamII/1 & 1488/10/36; *ADC*, 17.

³⁶ Walker, 582-83.

³⁷ Tracy, 262; Mowat, 14; Glete, 135.

earmarked for the Imperial purse. In Scotland, the Crown itself received no share at all, and no organ of the Scottish government received funds from reprisal decisions.³⁸

Also, where the Admiral or one of his deputies was found to have a personal interest in a case before the Court, they were required to recuse themselves from the bench and not sit in judgement on the matter. For example, on 27 September 1558 David Kintor, vice-admiral under James Hepburn, 4th Earl of Bothwell, was assigned to rule on the capture of a Dutch ship, taken in July of that year by the Scottish privateer *Diane* under letters of marque. The legal representative for the Amsterdam-based owners of the captured vessel protested to the Court that Kintor's impartiality was suspect since he was a member of the consortium which had put the *Diane* to sea as a privateer, and thus stood to gain financially from the declaration of legitimate prize. Although Kintor insisted that he would have been able to judge the matter fairly, he stepped down as judge and the case was taken up the next morning at the Tolbooth in Edinburgh by Richard Thorpe, his fellow vice-admiral.³⁹

Furthermore, the effectiveness of the Scottish maritime legal regime did not suffer because the hereditary nature of the Admiralty left open the possibility of a minor holding office. In cases where the incumbent was not yet considered an adult, another party exercised the powers of the office. Such a situation arose when Adam Hepburn, 2nd Earl of Bothwell, was killed leading the rear column at Flodden in 1513, and the office of Admiral fell to his son Patrick, who was less than a year old. With the conclusion of the Fourth Italian War in 1524, the Admiralty was required to adjudicate on several matters arising from the conflict, but the 3rd Earl had only reached his twelfth year by that point. The Lords of Council stepped in and acted as the Admiralty Court, being careful to note that they in no way intended to injure the purview of the Admiral.⁴⁰ In fact, the Privy

³⁸ Murdoch, 27-28, 30.

³⁹ *ACAS*, 74-75.

⁴⁰ *ADC*, 202-03.

Council, and the Crown itself, routinely exercised the powers of the Admiralty if the Admiral was unable or unwilling to perform his duties, as they did following the flight of the 4th Earl in 1567.⁴¹

Nor were the Admiral and his deputies the only judges in Scotland entitled to rule upon matters pertaining to privateering and reprisals. From 1532 onwards, judges of the newly established Court of Session were permitted to preside alongside the vice-admirals in the Admiralty Court, and decisions made by the Admiral or his deputies could be appealed to the Court of Session.⁴² In 1544, Parliament formally recognized the right of the Lords of Session to act as Admiral should no other authority in Scotland take up the duties if the post was ever to become vacant.⁴³ In certain circumstances, the Crown might even intervene in pending litigation before the Admiralty Court and assign a case directly to the Court of Session. Queen Mary did just that in August 1562 when English suitors complained they had been waiting for over four years for a prize decision to be made regarding the taking of their two ships by Scottish privateers in the spring of 1558. Mary ordered the Lords of Session to immediately issue summons to the litigants so that the case could be promptly heard.⁴⁴

The Scottish maritime legal regime was thus characterized to a certain extent by a system of checks and balances which guarded against self-interest, and ensured that no one individual or institution was able to completely dominate the application of admiralty law in the kingdom. However, just as important as the impartiality of the adjudicators was the effectiveness of the legal principles that they were actually applying. According to Jan Glete, an effective early modern maritime legal regime was based upon a framework which emphasized the protection of private property by consistently distinguishing between piracy and legitimate maritime violence, such as

⁴¹ Walker, 134; *RPC*, I, 544-45.

⁴² Walker, 582, 585.

⁴³ *RPS*, 1544/11/29.

⁴⁴ *CSP, Scotland*, I, no. 1130.

privateering actions and reprisals.⁴⁵ That just such a regime existed in Scotland during the naval revolution is made evident upon a direct examination of the application of Scottish admiralty law in the surviving records.

The earliest extant records of the Admiralty Court, the *Acta Curiae Admirallatus Scotiae*, cover the years between 1557 and 1561.⁴⁶ Thus, the collection deals largely with prize decisions stemming from privateering actions undertaken by Scots during the Eighth Italian War, and in the fighting against French occupying forces during the Scottish Reformation. The records indicate that Scotland possessed a well-developed and highly routinized system for the adjudication of prizes taken under letter of marque. This is best appreciated by considering a privateering case from start to finish. Upon Scotland's entry into the Eighth Italian War in 1557, a merchant-captain and ship-owner from Leith named William Gibson outfitted one his larger vessels, the *Kait*, as a privateer, and put her to sea under a letter of marque which authorized him to take enemy shipping. In early September *Kait* successively captured four English merchantmen in the Channel, and soon returned with them to Scotland. At that point Gibson applied to the Admiralty Court to have them declared as legitimate prizes, as was required under the law. The case was promptly brought before David Kintor and Richard Thorpe at Leith on 30 September, and after considering the evidence presented, the vice-admirals declared that Gibson's actions appeared to have conformed to long-standing custom.⁴⁷ However, Kintor and Thorpe did not immediately declare the captured vessels as legitimate prizes. Instead they ended their judgement by inviting any parties who could present evidence of illegal actions on the part of Gibson to notify the Lord Admiral's procurator and request a hearing. Ultimately, no such objections were made, and upon payment to the Court of the Admiral's portion of the ship value and ransom receipts, Gibson's prizes were finally declared to have been legally

⁴⁵ Glete, 134.

⁴⁶ Walker, 6; *ACAS*, xi.

⁴⁷ *ACAS*, 3.

taken on 15 October.⁴⁸ The privateering cases contained within *Acta Curiae Admirallatus Scotiae* all conform to this general procedure, which appears to have been strictly adhered to with little variation.⁴⁹

It is important to note that Scottish privateers had a strong economic motivation to follow the rules. Before a letter of marque was even issued, the owner or consortium applying was required to put up a large financial surety as a guarantee – often amounting to many thousands of pounds – that would be surrendered to the Admiral if the privateer failed to conform to the law.⁵⁰ Nevertheless, while there were few boldface transgressions, the Admiralty occasionally had to deal with privateers who tried to stretch the rules. Letters of marque were finite in nature, being valid only for as long as official hostilities were in progress. As such, the distinction between legitimate actions and piracy in privateering cases was often determined by when an action occurred relative to declarations of war, truces, and peace treaties. In 1560, the Admiralty Court was called upon to make just such a determination in the case of *Schothart v. Whitehead*. John Whitehead was an English mariner who had been issued letters of marque by the Privy Council during the Anglo-Scottish campaign against the French occupying forces in Scotland. On 10 June 1560, Whitehead captured the *Francis*, a French transport ship, and as required he returned with her to Leith for adjudication. However, the owner of the transport, Schothart, objected that Whitehead had taken his ship outside a time of war.⁵¹ The Admiralty determined that since the action had occurred four days after the Treaty of Edinburgh had been signed, Whitehead's letter of marque had not been valid at the time of seizure. Thus the captured vessel could not be declared as legitimate prize, and the Court restored the ship to Schothart.⁵² As was the case with English piracy after 1567, if a state allowed

⁴⁸ Ibid, 3, 7-8.

⁴⁹ *ACAS*, *passim*.

⁵⁰ *RPCS*, III, 30-31.

⁵¹ *ACAS*, 139-41.

⁵² Ibid, 179-80.

unauthorized privateering actions to occur during peacetime it could have a detrimental effect upon the prosperity and security of its subjects, and injure relations with foreign nations.⁵³ It was for that reason that just a few weeks after her return to Scotland in 1561, Queen Mary issued an official declaration which reminded her privateers that all hostilities had come to an end, and therefore letters of marque were considered suspended. She was quick to write to Elizabeth of England to inform her cousin of the declaration.⁵⁴

In contrast to privateering actions, reprisal cases were much more complicated. Moreover, because they were triggered by private disputes, reprisals could arise even in times of peace, and thus might be directed against allies or neutral states. As such, a mishandling of reprisals by the Scottish government would have been very dangerous to the health of the kingdom's foreign relations, and damaging to the well-being of many Scots. While other European states, such as England and the Netherlands, often issued letters of reprisal simply as mechanisms which authorized the conduct of naval warfare by private vessels in much the same manner as they did letters of marque, in Scotland authorities drew a strict distinction between the two types of documents. In order for the Scottish Admiralty to issue a letter of reprisal applicants had to prove that they had sustained a loss of ship, cargo, or crew at the hands of subjects of a foreign state, and also that they had unsuccessfully sought to obtain compensation for their loss through the legal system of that foreign state. Even if these conditions were met an active letter was not immediately issued. Instead, the Scottish Crown would attempt to gain the aggrieved party satisfaction through diplomatic channels. It was only when this avenue led nowhere that an active letter of reprisal was issued.⁵⁵ While reprisals were not generally subject to a time limitation, the holders were only authorized to seize prizes belonging to subjects of the offending state, and were required to cease attacks when a certain monetary sum was

⁵³ For more on English piracy during the reign of James VI, see Chapter One.

⁵⁴ *CSP, Scotland*, I, no. 1015.

⁵⁵ Murdoch, 79-80.

reached, normally equal to the original loss.⁵⁶ It was by following this procedure that Scottish admiralty law both ensured the protection of private property, and also controlled the use of violence at sea by the kingdom's mariners.

Perhaps the most famous reprisal case in the history of Scotland involved a dispute between the Bartons and Portugal. And while the Bartons are often held up erroneously as examples of Scottish piracy personified, their Portuguese reprisal case is in fact illustrative of the effective handling of such disputes by the Scottish government.⁵⁷ Most importantly for the purposes of this thesis, since the Admiralty Court's records survive from only 1557, the Barton case, which lasted from the 1470s until 1563, demonstrates that an effective maritime legal regime had in fact existed in Scotland even during the early years of the naval revolution. Thus, it did not emerge only in the middle of the sixteenth century as a symptom of the Navy's disestablishment, but was instead a mechanism which facilitated the privatization.

The Barton reprisal case traced its roots back to 1473, when two Portuguese ships captured the *Juliana*, a Scottish merchantman owned and captained by John Barton of Leith. After killing most of the crew, the Portuguese set the remaining Scots, including Barton, adrift in a small boat, and then sailed home with their prize. After failing to find justice at the court in Lisbon, Barton brought his case before James III in 1476, and the king issued him with suspended letters of reprisal, which authorized Barton to take Portuguese shipping in order to recover his losses.⁵⁸ By 1494, John Barton was dead, but the family had still not obtained satisfaction for the 1473 losses. James IV issued a new set of letters to Barton's sons, Robert and John the Younger. In recompense for "justice being denied," these documents permitted the seizure of vessels, goods, and equipment

⁵⁶ Ibid, 82.

⁵⁷ Rodger, 169; Norman Macdougall, "Barton, Andrew (c.1470–1511)." In *Oxford Dictionary of National Biography*, ed. Lawrence Goldman (Oxford: Oxford University Press, 2004), <http://www.oxforddnb.com.subzero.lib.uoguelph.ca/view/article/1594> (accessed June 7, 2014).

⁵⁸ Reid, *Skipper*, 33-35.

belonging to any Portuguese subject. The letters limited legitimate takings to 3,000 French crowns, which represented the original amount lost by their father.⁵⁹

In 1506 James IV issued yet another set of reprisal letters to the Bartons. These new letters emphasized the fact that no compensation had yet been forthcoming from Portugal, and again authorized the taking of prizes up to the amount of the loss still outstanding, plus an additional 12,000 ducats, which represented the expenses which the Bartons had incurred thus far in pursuing their cause in Lisbon.⁶⁰ However, just as his own father had done in 1476 with the original letters, James IV ordered the 1506 letters suspended as soon as they were written. He then dispatched an envoy to Manuel I of Portugal in July 1507 in order to give the Portuguese Crown another opportunity to provide the Bartons with restitution. James impressed upon Manuel the unreasonably drawn-out nature of the case, extending as it did back to 1473, and reminded him that the Scottish Crown had previously suspended the reprisal letters in order to give Portugal the chance to remit compensation, but noted that none had ever been forthcoming. James warned Manuel that should that same pattern be again repeated, he would allow the letters to come into force.⁶¹ Ultimately, the Portuguese king spurned James' offer, and the letters were activated early the following year.⁶²

In October 1508 the Bartons finally put the letters to use, and Robert successfully captured a Portuguese merchant vessel off the Dutch coast and took it into the Scottish staple port of Veere. His action was immediately challenged by the ship's owners, and Robert was imprisoned pending a resolution to the dispute. James IV wrote to the Regent of the Hapsburg Netherlands, Margaret of Savoy, and to the Emperor Maximilian, protesting Barton's arrest on the grounds that he had been operating under legally issued letters of reprisal.⁶³ The burghal authorities in Edinburgh were asked

⁵⁹ *EBR*, I, 119-22.

⁶⁰ *ACAS*, 202.

⁶¹ *LJA*, no. 125.

⁶² Reid, *Skipper*, 87.

⁶³ *LJA*, nos. 206 & 207.

for their judgement on the matter, and the entire case seems to have revolved around the consistency between the 1494 letters and those issued by James IV in 1506. The council found the two sets of letters to be consistent, and on 6 December 1508 Barton was cleared of wrongdoing.⁶⁴ It is instructive that the issue centred upon consistency between the two sets of letters, as this indicates that the councils in Edinburgh and Veere did not question the veracity of the Barton claims against Portugal, but simply wanted to ensure that the 1506 letters had been legitimately issued.

Despite having the right of the Bartons to undertake reprisals confirmed by councils in both Scotland and the Netherlands, the Scottish Crown nevertheless offered Lisbon two further chances to make restitution and avoid attacks on Portuguese shipping; something which Scotland was no longer under any legal obligation to do. In June 1510, James IV wrote to Manuel I to inform him that the Barton letters had been once again suspended in order to allow the remittance of compensation. This approach was met with silence and in the face of such unreasonable conduct James had no option but to re-activate the letters.⁶⁵ Similarly, in 1541 James V attempted to resolve the impasse through the good offices of Charles V. While the Emperor noted that the Barton letters were “very old,” he stressed that he did not intend to “pronounce upon the consistency of the letters.”⁶⁶ Indeed, Imperial officials in Veere had already done so in 1508 after Robert’s arrest. Charles was likely trying to acknowledge the arguments of both sides so that he could facilitate a resolution to a dispute that had dragged on for nearly seven decades. As such, the Emperor suggested that James should give the Portuguese Crown another chance to provide restitution.⁶⁷ The Scottish king accepted the advice, and dispatched an envoy to John III of Portugal in July. He informed John that the letters had been in a state of suspension since the death of James IV because the Albany regency had decided it best to wait for James V to come of age so that a final attempt at

⁶⁴ *EBR*, I, 119-122.

⁶⁵ *LJ4*, no. 315.

⁶⁶ *LJ5*, 403-04.

⁶⁷ *Ibid*, 404.

resolution could be made before re-activating them. James invited John to provide compensation to the Bartons, and reminded him that if no restitution was made the Scottish Crown was obligated to support its subjects if they had suffered a loss of property.⁶⁸ However, in February 1542 John refused to recognize the “alleged” Barton losses, and cited the “delay” between the arrival of the Scottish diplomats and the issuance of the original letters as sufficient grounds on which to deny the request.⁶⁹ With no compensation forthcoming from Portugal, in August James wrote to John and informed him that the letters would be put back into execution.⁷⁰

As the preceding discussion has illustrated, although the Barton reprisal case was a drawn out affair, since the 1470s it had been handled in strict accordance with the procedure stipulated by Scottish admiralty law. The Scottish Crown had even provided Portugal with the opportunity to resolve the dispute through peaceful means on several occasions, even when such efforts were no longer mandatory. In fact, it was not until 1561 that the case ran into difficulty. In that year, the English ambassador in Scotland, Thomas Randolph, reported to William Cecil that several Scottish mariners might be preparing to use forged copies of the Barton reprisal letters in order to shield piratical activities. He noted that Patrick Blackadder was in the process of outfitting his large man-of-war *Lion* in Leith harbour, and that several English merchantmen were there with him.⁷¹ Tellingly, Randolph did not question the legitimacy of the Barton reprisal claims in his dispatches, and indeed the issue was not exactly cut-and-dry since the 1506 letters had authorized the Bartons to subcontract reprisal actions to third-agents.⁷² In any case, Randolph suggested to Cecil that Sebastian I of Portugal would easily be able to settle the matter financially for somewhere between eight and ten thousand ducats, but no agreement was reached.⁷³

⁶⁸ Ibid, 430-31.

⁶⁹ Ibid, 435.

⁷⁰ Ibid, 443.

⁷¹ *CSP, Scotland*, I, no. 986.

⁷² *ACAS*, 202.

⁷³ *CSP, Scotland*, I, no. 986.

The saga was finally brought to an end after Blackadder's flotilla, which had put to sea in May 1562, captured two Portuguese merchantmen, *Petyr* and *Holy Spirit*, in the North Sea. Blackadder brought them into Leith and applied to the Admiralty Court to have them declared as legal seizures under his copies of the Barton reprisal letters.⁷⁴ At that point John, son of the late Robert Barton, appeared before the Court and claimed his family's right to receive the proceeds from the disposition of Blackadder's prizes. The judges agreed with John and ordered that the prizes rightfully belonged to the Bartons under their legitimate letters of reprisal.⁷⁵ However, the Queen's advocate appeared before the Court and suggested that as a result of the award the original Barton losses might finally have been met. The Court suspended the letters, and directed John Barton to provide it with a complete accounting of all prizes taken under their authority since 1476. This Barton could not or would not do – likely because the limit had indeed now been reached - and the letters were cancelled by the Privy Council, which warned that the penalty for the continued use of any forged letters would be death.⁷⁶ In June 1563, Parliament formally confirmed the Council's decision, and ordered that notices of the cancellation be posted in all of the kingdom's ports.⁷⁷

It must be stressed that the Barton-Portuguese reprisal case was far from being a singular event. Because the Scottish admiralty regime adhered to a strict procedure for the handling of reprisals, the historical record contains several other examples of cases which, while more mundane and of shorter duration, are likewise indicative of the existence of an effective legal framework. For instance, in 1514 a vessel owned by a consortium of Edinburgh merchants was seized by a group of Zealanders from Flushing and sold on to a party of English mariners. The aggrieved Scots petitioned the Imperial authorities in the Netherlands for restitution, but after three years of refusals they brought their case before the Albany regency. The Scottish Crown wrote to Anna of Veere and

⁷⁴ *ACAS*, 194.

⁷⁵ *Ibid*, 196.

⁷⁶ *RPCS*, I, 161.

⁷⁷ *RPS*, 1563/6/25.

to the Antwerp council demanding restitution for the losses suffered, and warning that other avenues would be pursued if compensation was not forthcoming.⁷⁸ It was clearly not, as the consortium of petitioners later seized two Imperial merchantman under letters of reprisal in order to compensate for their losses. Nevertheless, Albany wrote to Charles V and indicated that the Imperial merchants were welcome to initiate legal proceedings in Scotland if they felt that the capture had been illegal, but no such proceedings were ever pursued.⁷⁹ Similarly, in 1520 a Spanish ship out of Gijon seized the *Black Barque*, a trading vessel owned by Robert Barton, and illegally claimed it as a prize. Robert petitioned the Spanish authorities, but after years of appeals no restitution was ever paid.⁸⁰ Finally, in June 1531 James V wrote to Charles V demanding redress for Barton, but the request was denied by the Emperor.⁸¹ As a result, in January 1540, James issued the Bartons with letters of reprisal which authorized them to take Spanish shipping up to an amount of 20,000 *livres*.⁸²

It should be pointed out that since the Scottish maritime regime was based upon the protection of private property, and was structured to guard as much as possible against bias, the Bartons and their fellow Scottish mariners did not simply get their own way in reprisal cases – as the foregoing discussion might suggest - but were in fact sanctioned by the Admiralty when they acted illegally. For example, in October 1497, two Barton-owned vessels were attacked at anchor in the Breton harbour of Roscoff at St. Pol by a party of Bretons led by the Sieur de Villeneuve. The Bretons imprisoned the Scottish crews, stripped the Barton vessels of their cargoes, and eventually allowed the Scots to leave on one of the ships, while keeping the other.⁸³ By 1505, Robert Barton had commenced a legal action in Brittany, but before the case could even be considered, Andrew Barton seized the *St. Mary*, a Breton merchantman, on the high seas and sold her at York for £6,700.

⁷⁸ *LJ5*, 52-53.

⁷⁹ *Ibid*, 29.

⁸⁰ *ER*, XIV, 403.

⁸¹ *LJ5*, 194.

⁸² *Ibid*, 387.

⁸³ *LJ4*, no. 1.

Given that he had taken a ship without a letter of reprisal, Andrew was fined and ordered to compensate the Breton ship-owners for their loss. In the meantime, James IV had written a letter of complaint to Louis XII of France who, as Duke of Brittany *jure uxoris*, ordered the arrest of Villeneuve and the other Breton perpetrators, and the payment of Barton's loss claims.⁸⁴

Similarly, in July 1540 the Scottish privateer Robert Fogo illegally seized an Imperial merchantman and sold it in England without first returning with his prize to Scotland for a hearing. Nevertheless, Fogo claimed that this action had been conducted under letters of reprisal, but his plea did not convince the Crown. The next month, James V wrote to Charles V and informed the Emperor that since Fogo had not been operating under legitimate letters of reprisal he had been placed under arrest. Furthermore, James urged Charles to seek the payment of restitution through the Admiralty and promised that such a suit would not be delayed.⁸⁵ The Crown's readiness to sanction mariners such as Andrew Barton and Robert Fogo – men who had fought at sea for Scotland on numerous occasions – when they failed to follow the Admiralty's reprisal regulations, is compelling evidence of the effectiveness of the kingdom's maritime legal regime, even in the early stages of the naval revolution.

Conclusion

This chapter has shown that the privatization of Scottish maritime warfare was attributable to two mechanisms. The first mechanism was the merger of Crown and mercantile interests which solved the principal-agent problem of military contracting. Whereas Scottish merchants had very little interest in Baltic Sea affairs, or in supporting land campaigns in the West or in Scandinavia, their economic well-being was closely tied to security of their shipping lanes to France and the Netherlands, as well as to the protection of the North Sea fishery. As such, when the Scottish Crown wished to enforce its rule in the West or assist Denmark in the Baltic, the principal-agent

⁸⁴ Reid, *Skipper*, 79-80; *LJ4*, no. 1.

⁸⁵ *LJ5*, 413.

problem arose to sour the outcome of its campaigns, and James IV was compelled to assemble the Scots Navy. However, once war with England and the Hapsburgs became the Crown's focus, then Scottish mariners were willing to serve as privateers in order to protect – and even enhance - their own economic well-being. And with the principal-agent problem solved, there was no further need for a royal fleet. The second mechanism that facilitated the privatization was an effective Scottish maritime legal regime, which asserted the Crown's monopoly over violence at sea, and ensured that the kingdom's privateers conducted their actions legally and in the interests of Scotland. The Scottish government achieved this by establishing an institutional structure that guarded against self-interest, by following a strict procedure for the declaration of legitimate prizes, and by consistently applying a body of laws which emphasised the protection of private property over self-interest. Moreover, the efficient handling of reprisal cases has demonstrated that Scotland had possessed this legal regime since the late fifteenth century, and it did not therefore emerge as a result of the privatization, but was instead a symptom of Scotland's participation in the naval revolution. The regime was thus ready and waiting to facilitate the privatization when the principal-agent problem was finally resolved.

Conclusion

This thesis began by considering what existing scholarship had to say about the role played by Scotland in the early modern naval revolution and about the impact that the revolution had on the kingdom. The historiography reviewed suggested that Scotland was not a major player. At the end of the fifteenth century, James IV had founded what would ultimately become one of the largest standing navies in Europe, but this fleet did not survive beyond the middle of the sixteenth century. As far as naval historians are concerned, Scotland's participation in the revolution ended with the disappearance of its Navy, which they believe occurred either because the Scots had no further need to defend themselves at sea, or because Scotland failed to develop the fiscal capacity required to maintain a fleet. Furthermore, the Scots are strongly associated with piracy in much of the historiography, which suggests that unlike other participants in the naval revolution, Scotland failed to develop an effective maritime legal regime with which to control the use of violence by its subjects at sea.

By undertaking a re-examination of the circumstances surrounding the establishment and dis-establishment of the Scots Navy, this thesis has demonstrated that Scotland was in fact an active participant in the naval revolution, and that the revolution did have an impact on Scotland. It has been shown that the Scots Navy was established due to the inability of James IV to enforce his rule in the West or support his Danish allies in the Baltic with hired vessels. This inability to rely upon private actors for the conduct of these campaigns resulted from the principal-agent problem of military contracting. This problem arises when the interests of the contracting principal and its contracted agents are not aligned, and it often leads to inefficient or ineffective military operations. The fact was that Scottish merchants had very little interest in the affairs of the Baltic region, and the kingdom's mariners had little to gain financially from the transportation of troops around the Irish and Baltic Seas, or from supporting the bombardment of fortifications. The only solution

available to the Crown in this situation was to acquire its own standing fleet, and this is exactly what James IV and his councillors did.

By acquiring a fleet of state-of-the-art cannon-bearing warships, James IV demonstrated the Crown's appreciation for the strategic value of seapower, and its acceptance of the technological innovations of the naval revolution. With such a force the king was able to bring the chieftains of the Isles under his control by bombarding their formally unreachable island fortresses, and he was also able to intimidate the Hansa into making peace with Denmark by leveraging his possession of a 'fleet in being.' And as had occurred in other states who were participants in the naval revolution, the Scottish fiscal system went through a structural transition which transformed Scotland into a tax-state. This transition enabled the Crown to move beyond the limits of the king's demesne and his ancient feudal rights, and to gain regular access to the kingdom's tax-base. As a result of being able to tap into this more elastic revenue source when needed, the Crown gained the fiscal capacity necessary to acquire and maintain a standing fleet. Therefore, the disestablishment of the Navy cannot be blamed on a lack of financial resources.

Instead, just as the establishment of the Scots Navy was associated with the principal-agent problem, so to was the fleet's disestablishment. Certainly the disappearance of the Navy did not result from a lack of need. It has been shown that the kingdom had to respond to an almost constant series of maritime threats during the period. And yet, the Scots Navy was not re-established following its destruction in 1547. Even after the termination of the Auld Alliance with France, which an examination of James IV's diplomacy has shown to have been completely unrelated to the Navy's establishment, Scotland still required a means of defending its waters against pirates and the hostile actions of foreign powers. However, a standing fleet was no longer needed to meet this requirement. In the years after 1513, the Crown had shifted its strategic focus from overawing Western chieftains and supporting the Danes in the Baltic, to fighting England and the Empire in waters that were

crucial to the economic well-being of Scotland's merchants and mariners. Furthermore, Scottish maritime warfare became dominated by the lucrative activity of *guerre de course*, and the kingdom's mariners came to detest the English for their attacks on Scottish shipping, and the Dutch for their incursions into Scotland's fishing grounds. The result was a merger of Crown and commercial interests that solved the principal-agent problem.

Thus, beginning in the Anglo-Scottish War of 1532-33, Scottish privateers became ever more active participants in the kingdom's naval campaigns. By the 1540s, these privateers were operating alongside the Scots Navy, and they also demonstrated that they were more than capable of conducting *guerre de course* on their own. As such, when the royal fleet was destroyed Scottish maritime warfare remained unchanged and unaffected, and this negated the need for the Navy's re-establishment. The privateers were controlled, and their violence channeled in the interests of the kingdom, by an effective maritime legal regime which had developed as a result of Scotland's long participation in the naval revolution. This regime was able to effectively assert the Crown's monopoly over the use of violence by its subjects at sea because it was structured in such a way as to guard against bias and ensure that no one individual or body had complete control over the application of Scottish admiralty laws - which themselves emphasised the protection of private property over other interests.

While several of the conclusions contained in this thesis clearly necessitate revisions to the existing scholarship on the naval history of Scotland in the early modern period, the demonstration of the naval revolution's impact on Scotland may also require a review of the work which has been done on the history of Scottish institutional development. Not only did the revolution's influence lead to the establishment of the Scots Navy, but it also triggered the occurrence of a domain to tax-state transition in Scotland. Therefore, Scottish fiscal history may need to be re-evaluated, since the existing scholarship suggests that Scotland's fiscal structure did not reach this level of development

until the end of the sixteenth century at the earliest. Likewise, the prevailing historiography on the nature of the Scottish Admiralty asserts that Scotland never did develop an effective maritime legal regime. The demonstration in this thesis of the effective functioning of just such a regime will require a re-examination of these interpretations.

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