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**HOW ENGLAND GOT ITS
MERCHANT MARINE**

HOW ENGLAND
GOT ITS
MERCHANT MARINE
1066-1776

By

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NATIONAL COUNCIL OF AMERICAN SHIPBUILDERS

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FOREWORD

THE National Council of American Shipbuilders has, as one of its purposes, the dissemination of information concerning merchant marine conditions.

In line with this policy, the Council has sponsored the accompanying survey of the early legislative principles upon which Great Britain founded her shipping supremacy. The book also deals with the origins of the American merchant marine, for the ships of the colonies were an integral and important part of the British mercantile navy, up to the outbreak of the American Revolution, at which period the survey closes.

While the early Navigation System built up in Great Britain and her colonies unquestionably brought her the supremacy of the sea which she had been seeking for centuries, it must be recognized that a body of methods peculiarly adapted to conditions prevailing two or three centuries ago, and abandoned about a hundred years ago by Britain, is not necessarily suitable for use today, although there are certain principles of the system that could probably be adopted with benefit to the American merchant marine. The publication of this survey, therefore, does not imply that the Council favors the adoption by this country of the old Navigation Laws of Great Britain.

A main purpose of the work is that it shall be informative and educational, while giving access in convenient form to the text of the principal old laws and historical records relative to shipping.

This survey has been prepared by Mr. Henry C. Hunter, in collaboration with Mr. Henry C. Wiltbank. Mr. Hunter is counsel for the National Council of American Shipbuilders and

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other shipping organizations, and for many years has made a study of the shipping legislation of the United States and of European countries. Mr. Wiltbank has long been a writer on shipping and foreign trade and is an authority on these subjects.

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PREFACE

To bring together, within the compass of a single volume, the various measures affecting the early development of the English and American merchant marines, is the purpose of this work.

The period dealt with extends from the Norman invasion of England, in 1066, to the outbreak of the American Revolution in 1775. From the latter time, England and the United States were to be bitter rivals on the sea, and the British Navigation Acts were to meet their severest test. The American merchant marine, which had been developed, partly by aid of, and partly in spite of English laws and decrees, was to fight England with her own weapons, to outrival her, and to be the chief element that brought about the annulment of the Navigation Acts of Charles II. by Britain after they had been in use uninterruptedly for two centuries.

Historians and economists generally, have considered the early growth of British shipping from the standpoint of the effects of a few of the so-called "Navigation Acts" only, as laid down in the times of Richard II., Henry VII., Elizabeth, Cromwell, Charles II., and William III. But these were not the only laws giving preference to English shipping, nor were Parliamentary statutes the only source through which the up-building of a powerful British mercantile marine was sought.

The term, "Navigation Acts," has been arbitrarily applied by most writers to the laws just cited; but the scope of the definition of the phrase itself covers a far wider ground. Any law that seeks to give to a country's shipping advantages over the shipping of other countries may be regarded as a navigation

act. Many such laws were enacted in the period under review in England, and in the American Colonies as well.

There were also, however, many measures which, while not directly applying to ships, affected the shipping of the country. Laws relating to shippers, exports and imports, and customs duties frequently came into this class. Acts regulating or prohibiting production sometimes had a marked effect upon the growth of the merchant marine, as, for instance, the laws forbidding the growing of tobacco in England or Ireland, and the importation of foreign grown tobacco. These steps resulted in the steady increase of English and Colonial shipping engaged in trade with the Southern American Colonies.

It has been sought, as far as consistent with the limitations of space, to give the actual text of the various laws, decrees, etc., connected with the development of shipping. Where, however, the phraseology has been too archaic to be readily understandable, the language has been modernized, without any departure from the original meaning. The most important Navigation Acts have been presented in their complete form, and in cases where abridgement has been necessary, it has been the purpose to adhere as closely as possible to the original texts.

One difficulty which writers have encountered in dealing with the earliest statutes and decrees is that, in their original form they appeared in old French and old Latin; from which many of them have never been translated. The Acts of the Privy Council, for example, up to the times of Henry VIII. are not recorded in English. Most collections of the laws and proceedings of Parliament, also, are, to a varying degree, in foreign languages. This difficulty, however, was largely overcome by the British Government, which, about 1810, began the publication of the "Statutes of the Realm" in complete form. In most collections, acts repealed or expired are given

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in a greatly abridged form. One of the greatest selections of old English official documents is that contained in Rymer's "Foedera." This work, however, has never been presented in completely translated form. The same applies to the "Rotuli Parliamentorum," and the records of many of the departments of the English Government. There undoubtedly still remains a large amount of data relating to the early development of English shipping, which is unavailable to students in any form for ready reference.

which they have since manifested. That they should now begin to feel their consequence, was a matter of natural expectation; and that the wish to realise it, in some degree, by enlarging their privileges, or pressing a little on what might be considered as the exuberance of parental authority, should be encouraged among them, was the result of their prosperous and powerful condition.

The advantages which the Americans possessed were numerous; nor did they want a spirit to add to the number of them. Their interior trade, as well as external commerce, was greatly increased; their population augmented, their agriculture extended, and their knowledge enlarged. While they possessed frugality and industry, those two leading principles of private and public prosperity, they could boast an ardent, but well-directed spirit of commercial enterprise; and though they declared a most faithful attachment to Great Britain, and had manifested, on all occasions, a dutiful obedience to its government, yet the republican spirit which had led their ancestors to the American deserts was preserved amongst them with a traditional devotion, particularly in the New England provinces, and remained a latent principle of action, ready to break forth whenever any events should take place which might encourage its exertion. Nor is it a matter of dubious relation, that to attain a state of political independence, was a favorite, as it had been a constant hope, with many persons of character and influence, from the earliest times of their colonization, till it was universally adopted in that contest which obtained it for them.

But this was not all:— The French, long before the commencement of the war in 1756, gave very unequivocal proofs of their desire to effect a separation between England and its North American colonies; and when that war had finally deprived them of all expectation of gaining any point by the

power of their arms, they began to practice those intrigues, and employ those artifices, which have so often served that treacherous nation with better effect than more honourable exertions. They employed their secret, but active emissaries, to disseminate such opinions as were best calculated to raise the political importance of America in the opinion of its inhabitants, and to dispose them to look with a jealous eye on the regulating power of the mother country. Such arts were practiced with perseverance and with success.

The nations of Europe were also growing into what might be considered, by the impartial politician, as a reasonable jealousy of the amazing power of Great Britain, and would have rejoiced to see a limb broken off from that colossal greatness of our country which seemed to bestride the globe.

At this time, therefore, and when all these circumstances were evident to the most common observation, it was surely the true policy of Great Britain to have employed the most temperate measures in her government of the American colonies; and it was at this moment that she began to exercise her power, though not indeed without consideration; for the minister of that period was not in the habit of committing rash actions.

Mr. Grenville possessed an uncommon spirit of industry, great financial knowledge, and unimpeached integrity; but with these, and other eminent qualities, there was a contraction of mind in his character, that was much better suited to the detail of an inferior department than the conduct of a great empire. He felt the weight of debt, amounting at this time to one hundred and forty-eight millions, which oppressed his country, and he looked to the melioration of the revenues as the only mode of relieving it. He was right in principle, but wrong in practice.—He had studied the public revenues with a professional assiduity, and professional ideas seemed to min-

gle in all his regulations concerning them. The methods which were now adopted to prevent smuggling, might not have been attended with any unpleasant consequences, if they had been confined to the coasts of Great Britain and Ireland; but by extending them to the shores of America, they interrupted a commerce, which, though not strictly legal, was extremely advantageous to the colonies. They were therefore in a state of no common discontent on account of the acts of the British Parliament which added to their restraints, when the stamp act appeared to heighten their resentment, and raise a kind of private displeasure into public remonstrance and general opposition.

A number of armed cutters were stationed around the coasts of Great Britain, and the most rigid orders were issued to the commanders of them to act in the capacity of revenue officers. They were enjoined to take the usual custom-house oaths, and to observe the regulations prescribed by them. Thus was the distinguished character of a British naval officer degraded by the employments of a tide-waiter, and that active, zealous courage which had been accustomed to the conquest of an enemy, was now to be exerted in opposing a contraband trade, and to find a reward in the seizure of prohibited commodities.

The clamour against these measures was loud in England; but in America the discontent on the occasion was little short of outrage. As naval gentlemen, the commanders of these vessels were not conversant in the duties of revenue collection, they were therefore oftentimes guilty of oppression; remedies were indeed at hand in England; but as the Lords of the Admiralty or the Treasury could alone rectify any errors, check any violence, punish any injustice, or restore any violated property, it was always extremely difficult, and in many cases almost impracticable, for the Americans to obtain redress.

But bad as this evil was, there arose one, from the same

source, which was still worse. A trade had been carried on for more than a century between the British and Spanish colonies in the new world, to the great advantage of both, but especially the former, as well as of the mother country; the chief materials of it being on the side of the British colonies, British manufactures, or such of their own produce as enabled them to purchase British manufactures for their own consumption; and, on the part of the Spaniards, gold and silver in bullion and coin, cochineal, and medical drugs, beside live stock and mules; which, in the West India plantations, to which places alone these last articles were carried, from their great utility, justly deserved to be considered of equal importance with the most precious metals.

This trade did not clash with the spirit of any Act of Parliament made for the regulation of the British plantation trade; or, at least with that spirit of trade which universally prevails in our commercial acts; but it was found to vary sufficiently from the letter of the former, to give the new revenue officers a plea for doing that from principle of duty, which there was no small temptation to do from the more powerful motives of interest. Accordingly, they seized, indiscriminately, all the ships upon that trade, both of subjects and foreigners; which the custom house officers stationed on shore, either through fear of the inhabitants, a more just way of thinking, or an happy ignorance, had always permitted to pass unnoticed.

As the advantage of this commerce was very much in favour of Great Britain, the Spanish monarchy had always opposed it; guards costas were commissioned to scour the coasts of her American dominions, and to seize every vessel which approached too near them; a duty which they had exercised with such general licence, as to provoke the war which broke out in 1739. The British cruisers seemed to act at this time with

the same spirit in destroying this commerce so that in a short space of time it was almost wholly annihilated.

This circumstance was to the northern colonies a deprivation of the most serious nature.—This traffic had long proved the mine from whence they drew those supplies of gold and silver that enabled them to make copious remittances to England, and to provide a sufficiency of current specie at home. A sudden stop being thus put to such a source of advantage, the Americans expressed the injury they sustained in the harshest terms that a sense of injury could inspire. But in spite of all complaints, the ministry continued to proceed in their unfortunate career, and measures equally offensive to the inhabitants of the North American colonies continued to be successively adopted.

Besides this trade carried on between the British colonies in general, especially those in the West Indies, and the Spanish, there had for a long time subsisted one equally extensive between the British North American colonies in particular, and those of the French West Indies, to the great advantage of both, as it consisted chiefly in such goods as must otherwise have remained upon the hands of the possessors; so that it united, in the strictest sense, all those benefits which liberal minds included in the idea of a well regulated commerce, as tending, in the highest degree, to the mutual welfare of those who were concerned in it.

In these benefits the respective mother countries had, without doubt, a very large share, though it may be impossible to determine which, upon the whole, had the most. We had enough to engage those in power to think it worth connivance, for it certainly was not strictly to law, in consideration of the vast quantity of manufactures it enabled our American colonies to take from us; and this also, in spite of all the clamours which those concerned in our West India trade and possessions

could raise against it, as enabling the French to undersell them in West India produce at the foreign markets. This outcry might indeed be found to arise, in a great measure, from another consideration, which it was not proper for these gentlemen to avow, that of their not getting so good a price as otherwise they might expect, for such part of their produce as they sold in the markets of their mother country, and which, considering the vast demand for it, from even the poor, to whom, from long habit, it has become one of the chief necessaries of life, it would have favoured of oppression if it had been permitted to advance in price. But, be that as it may, this trade was suffered to be carried on in the late war between Great Britain and France; directly, by means of flags of truce; and indirectly, through the Dutch and Danish islands; and afterwards through the Spanish port of Monte Christi, in the island of Hispaniola; till, at last, the vast advantages the French received from it above what the English could expect, in consequence of our having, in a manner, laid siege to their West India islands, determined government to put a stop to it.

In doing this, however, they did not think proper to consider it so much in the light of a contraband trade, as in that of a treasonable practice, by supplying the enemy with necessaries, without which it would have been impossible for these valuable islands to hold out so long against our attempt to reduce them. Accordingly, as soon as the conclusion of the war had taken the appellation of treason from this trade, it returned again to its pristine, flourishing condition; and thus it remained, till it sunk beneath the same blow with the trade between us and the Spaniards, whose history we have already related.

This trade not only prevented our North American colonies from being drained of their current cash, by the calls of the mother country upon them, but added greatly to it, so as to make it, in some measure, keep pace with their domestic trade,

which could not but greatly increase in proportion to the remarkable increase of mankind in a part of the world, where the cheapness of land determines so great a part of the inhabitants to the exercise of the rural arts, which are known to be favourable to population.

Though the suppression of that trade which we have just been relating, instead of barely interrupting these supplies of the necessaries and conveniences of life, which the North American colonies were before accustomed to receive in their return for their superfluities and incumbrances, tended visibly, by obstructing their internal commerce, to deprive them, in a great degree, even of those blessings, the sources of which lay between themselves; yet a law was made in the beginning of the last year, which, whilst it rendered legal, in some respects, their intercourse with the other European colonies in the new world, loaded the best part of it with duties so far above its strength to bear, as to render it contraband to all intents and purposes.

Besides, it ordered the money arising from these duties to be paid, and in specie, into the British exchequer, to the entire draining of the little ready money which might be still remaining in the colonies; and within a fortnight after, another law was passed to hinder the colonies from supplying the demand of money for their internal wants, by preventing such paper bills of credit as might be afterwards in them, from being made legal tender in payment; and the legal tender of such bills as were actually subsisting, from being prolonged beyond the periods already limited for calling in and sinking the same.

These new regulations, following each other so rapidly, produced an equal degree of surprize and discontent among the people of North America. Warm and spirited remonstrances were sent to England on the occasion. Among other arguments they alleged, that such restraints upon their trade were

absolutely ruinous, as they tended to put an end to the clearing of their lands, and damped the prosecution of their fisheries. They also asserted, that unless those foreign ports where they deposited the surplus of their corn, and of the provisions of all kinds with which their country abounded, were freely opened to them, they knew not whither to carry them. The British islands in the West Indies were not equal to their consumption, and Great Britain did not want them: it was absolutely necessary, therefore, that some places for the disposal of them should be permitted, where they might fetch a reasonable price.

But such remonstrances, though founded in national policy, were not regarded, and the Americans became determined to unite in a general opposition to the views of the British ministry. Public meetings were held, and resolutions were entered into, to make no further importations from Great Britain but such as unavoidable necessity required; and to encourage, to the utmost of their power, every kind of manufacture that was practicable among themselves. These resolutions were steadily observed in America, and their effects were seriously felt in England; the manufacturers began to express their alarms; and ministers found that trans-Atlantic discontents were re-echoed in their own streets.

It is indeed proper to observe, that all the money arising from the above duties, was to be reserved for defraying the charges of protecting the colonies on which it was levied; and that, at the same time, with the law for restraining the increase of paper money, several new laws were made to encrease and encourage, as well as regulate, the commercial intercourse of our North American colonies with the mother country; such as a bill of granting leave, for a limited time, for carrying rice from the province of South Carolina and Georgia to other parts of America, on paying British duties; a bill for granting a bounty on the importation of hemp, as well as rough and

undressed flax, from the American colonies to Great Britain; and a bill to encourage the whale-fishery on their coasts. But, unfortunately, the effects of all these laws to restrain the foreign, and cramp the domestic trade of the colonies, were certain and instantaneous; whereas the effects of the laws made for their benefit, which might compensate, in some degree, for these evils, was, if not uncertain, at least remote.

The minister, from whose honest, but mistaken intentions to serve his country, proceeded all the regulations and laws relating to the British colonies which we have already mentioned, thought it right that a measure of so much importance and novelty as the passing a law to levy a tax on North America, should not be brought forward without giving the colonies who were to pay the tax, and the members of both Houses, who were to join in passing the act, sufficient opportunity to make it an object of deliberate consideration. He had also another reason for postponing all further proceedings upon the resolution of last session, for imposing a stamp duty in America, which was to give the colonies time to offer a compensation for the revenue such as tax might produce. But this conduct in the minister, which was represented by many as a rare example of political moderation and candour, did not receive such a favorable interpretation from the colonies who were the objects of it. They seemed to consider it as an affront rather than a compliment; and instead of offering a compensation for the proposed duty, some of them transmitted petitions to be presented to the King, Lords, and Commons, positively and directly questioning the authority and jurisdiction of Parliament over their properties.

The vote, indeed, concerning the propriety of laying a stamp duty on the colonies, passed the lower House of Parliament, in the preceding session, without interruption; but the final completion of the object of that vote, in passing it into a law,

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was attended with very serious and able debates, both as to the right of the British legislature to tax the colonies without their concurrence; and, supposing that right to exist, the expediency of exercising it for the purpose in agitation. The bill, however, made its way through both Houses, under the sanction of great majorities; and, at last, his Majesty being indisposed, it received the royal assent by commission.

BIBLIOGRAPHY

OF the hundreds of works consulted in the preparation of this book, the following, it is believed, will be found of the most value to the student of early English and American trade and shipping:

- Acts and Ordinances of the Interregnum. (London, 1911, 3 vols.)
- Acts of the Privy Council (especially the Colonial Series). (London, various dates.)
- Acts of the American Colonies. (Various dates. The most complete collection is that of the Pennsylvania Historical Society, in Philadelphia.)
- The American Merchant Marine. (N. Y., 1933, American Bureau of Shipping.)
- Anderson, Adam—Historical and Chronological Deduction of Commerce. (Dublin, 1790 ed., 6 vols.)
- Andrews, Charles M.—Colonial Self-Government, 1652-1689. (N. Y., 1907, Harper.)
- Atton, H., and Holland, H. H.—The King's Customs. (N. Y., 1908, Dutton.)
- Beawes, Windham—Lex Mercatoria. (London, 1813 ed., 2 vols.)
- Beer, George L.—The Origins of the British Colonial System, 1578-1660; The Old Colonial System, 1660-1754, 2 vols.; British Colonial Policy, 1754-1765. (N. Y., 1908, 1913, 1907, Macmillan.)
- Board of Trade Journals, 1675-1782. (90 vols., in Library of Pennsylvania Historical Society, Philadelphia.)
- Bourne, Edward G.—Spain in America. (N. Y., 1907, Harper.)
- Calendars of State Papers (especially Colonial Series). (London, various dates.)
- Cambridge History of the British Empire. (Vol. 1, Cambridge, University Press, 1929.)
- Channing, Edward—History of the United States. (N. Y., 1905-1927, Macmillan, 4 vols.)

- Cheyney, Edward P.—European Background of American History. (N. Y., 1907, Harper.)
- Child, Sir Josiah—A Discourse about Trade. (London, 1690.)
- Cotton, Sir Robert—An Exact Abridgment of the Records in the Tower of London. (London, 1657.) Posthuma (Edinburgh, 1884-1888, 4 vols.)
- Cunningham, William—The Growth of English Industry and Commerce. (N. Y., 1896-1903, Macmillan, 2 vols.)
- Day, Clive—A History of Commerce. (N. Y., 1923 ed., Longmans, Green.)
- Dowell, S.—A History of Taxation and Taxes in England. (London, 1884, Longmans, Green, 4 vols.)
- Doyle, J. A.—History of the English Colonies in America. (London, 1882-1907, Longmans, Green, 5 vols.)
- Giesecke, Albert A.—American Commercial Legislation Before 1789. (Philadelphia, 1910, University of Pennsylvania.)
- Greene, E. B.—Provincial America, 1690-1740. (N. Y., 1907, Harper.)
- Harleian Miscellany. (London, 1808-1811, 12 vols.)
- Holdsworth, W. S.—A History of English Law. (London, 1922-1926, 9 vols.)
- Howard, George E.—Preliminaries of the American Revolution, 1763-1775. (N. Y., 1907, Harper.)
- Johnson, Emory R., and others—History of Domestic and Foreign Commerce of the United States. (Washington, D. C., 1915, Carnegie Institution.)
- Letters and Papers of Henry VIII. (London, various dates.)
- Levi, Leone—History of British Commerce. (London, 1872, Murray.)
- Lindsay, W. S.—History of Merchant Shipping and Ancient Commerce. (London, Sampson, Low, 1874, 4 vols.)
- Macpherson, David—Annals of Commerce. (London, 1805, 4 vols.)
- Mahan, Alfred T.—Influence of Sea Power upon History, 1660-1783. (Boston, 1932 ed., Little, Brown.)

- Marvin, Winthrop L.—The American Merchant Marine. (N. Y., 1902, Scribner.)
- Monson, Sir William—Naval Tracts. (Oxford, 1744 ed. of Churchill's Travels.)
- Nicolas, Sir Harris—History of the Royal Navy. (London, 1847, 2 vols.)
- Oppenheim, Michael—History of the Administration of the Royal Navy. (London, 1896.)
- Osgood, Herbert L.—The American Colonies in the 17th Century. (N. Y., 1904, Macmillan, 3 vols.) The American Colonies in the 18th Century. (N. Y., Columbia University Press, 1924, 4 vols.)
- Palgrave, R. H.—Dictionary of Political Economy. (N. Y., Macmillan, 1894-1899, 2 vols.)
- Postlethwayt, Malachy—Britain's Commercial Interest Explained and Improved. (London, 1757, 2 vols.)
- Raleigh, Sir Walter—Works. (London, 1751.)
- Ramsay, James H.—A History of the Revenues of the Kings of England. (Oxford, 1925, Clarendon Press, 2 vols.)
- Ricardo, John L.—Anatomy of the Navigation Laws. (London, 1847.)
- Rolt, J.—Dictionary of Trade. (London, 1755 ed.)
- Rotuli Parliamentorum—(London, 1767-1777, 6 vols.)
- Smith, Adam—The Wealth of Nations. (London, 1796 ed., 3 vols.)
- Statutes of the Realm. (London, 1810, 6 vols.)
- Thwaites, Reuben G.—France in America. (N. Y., 1907, Harper.)
- Tyler, Lyon G.—England in America, 1580-1652. (N. Y., 1907, Harper.)
- Williamson, J. A.—Maritime Enterprise. (Oxford, 1913, Clarendon Press.)
- Winsor, Justin—Narrative and Critical History of America. (Boston, 1884-1889, 8 vols.)
- Witt, John de—The True Interest of Holland. (London, 1702.)
- Zimmern, Helen—The Hansa Towns. (N. Y., 1889, Putnam.)