

PART II.  
 22. CAR. II. TO  
 A. D. 1783.  
 BRITISH  
 SHIPS.

BUT this practice, which had usage alone to support it, and was evidently against the express meaning of the Act of Navigation, and stat. 7. & 8. *Will.* 3. was viewed with jealousy. We find in the year 1749 an opposition was endeavoured to be made against it by the commissioners of the customs, who expressed themselves dissatisfied with the usage, and especially with what was said to be the prevailing notion in the Long Room, namely, that if a *foreign-built ship*, bought by British subjects only, did not cost above one-third of the whole expences in fitting her out (the remaining two-thirds being laid out upon her in Britain), she was to be deemed a British-built ship to all intents and purposes, although there was not a single passage in any act of parliament to warrant such a position.

AT that crisis the commissioners were consulted by the Scotch commissioners on the following case arising upon this sort of question: A foreign-built ship, stranded within the port of Aberdeen, was purchased by some merchants for one hundred and seventy pounds, who, as appeared by proper vouchers, expended in recovering and repairing her with British materials, two hundred and sixty-

sixty-five pounds; part of the repairs consisting of a new keel, and new keel-stone. The solicitor of their board thought she was intitled to be deemed a British-built ship; but that board, considering the granting of plantation-registers as a matter of great delicacy, had declined adopting the solicitor's opinion.

PART II.  
 12. CAR. II. TO  
 A. D. 1783.  
 BRITISH  
 SHIPS.

THE English commissioners, being thus called upon for their advice, caused the whole to be laid before the law-officers, that it might be fully considered, and the rule of conduct finally settled.

ON this occasion it was declared by *Sir Dudley Ryder (a)*, that if the matter was *res integra*, there might be a reasonable ground of doubt; but he took it to have been long understood to be the law and settled practice, that a foreign-built ship greatly repaired here, and with a new keel, at a much greater expence than the prime cost, did become intitled to be registered as a British-built ship, though the precise proportion of one expence to the other was not settled: the true foundation of this was,

(a) 20 November 1749.

that

PART II.  
 22. CAR. II. TO  
 A. D. 1783.  
 BRITISH  
 SHIPS.

that such a sort of repair might be reasonably looked upon as a re-building. And he said, the circumstance of a new keel was no otherwise material, than as that was probably considered among ship-builders, and persons conversant in the trade, to be material in distinguishing between a repair and re-building. And he thought the facts in the case from Scotland were such as should intitle the ship to a register.

THIS opinion seems to have put an end to all further doubt; and it continued the practice to allow such ships a plantation-register, upon the bills being laid before the Attorney-General verified by affidavit; the putting a new keel, however, being considered usually as the strong circumstance to denominate it a rebuilding.

THE privileges of a British-built ship were conferred on ships taken prize, and legally condemned, by the general laws of shipping, and by statutes passed at various times during the continuance of hostilities.

IT is only upon such temporary acts that any information is to be collected respecting prizes.

THE

THE effect of such a capture was considered in the following case: A French ship was taken prize and condemned. It was afterwards recaptured by the French, and then sold to a Spanish merchant, and was employed to import the commodities of Spain with a Spanish master and mariners. It was a question, Whether this was a legal importation? An act had been passed for the encouragement of English ship-building, stat. 29. *Geo.* 2.c. 34. (a), which dispensed, during the war, with stat. 12. *Car.* 2. c. 18. sect. 8. and allowed the articles there enumerated to be imported in British-built shipping owned and navigated by foreigners of the place where the goods were the growth, and giving the privilege of a British-built ship to all prizes taken. It depended on the construction of this act 29. *Geo.* 2. whether the ship which became intitled to the privileges of British-built by the capture, continued to retain that quality when sold to the Spaniard. It was thought by *Mr. Starkie* (b), that the importation was good; but this being a new case, and one which did not fall in with that part of the preamble which takes notice of the beneficial branch of trade

PART II.  
 12. CAR. II. TO  
 A. D. 1783.  
 BRITISH  
 SHIPS.  
 Of Prize Ships.

(a) Sect. 18, 19, 20.

(b) 4 March 1758.

arising



## PART II.

32. CAR. II. TO

A. D. 1783.

BRITISH

SHIPS.

arising from selling British-built ships to foreigners ; and as this ship after the capture was sold by the French, who then had the property in her, to a Spanish merchant, by which no advantage could accrue to this country ; he thought it deserved great consideration. *Mr. Pratt*, in an opinion given by him, seems to think the importation was good, and that the re-capture made no difference in the case. In a similar case of French prize, where the sale was made by the captors to a Spaniard, it was held by *Mr. Norton (a)*, that she was legally qualified to import the goods of Spain, being navigated by Spaniards under the prize act, the same as if she was really British-built.

Of Master and  
Mariners na-  
turalized.

THE *manning and navigating* of English or British ships has given occasion to some points of discussion. It was a question, Whether a Dutchman, made a denizen of Ireland, was *English* within the first section of the Act of Navigation, so as to be master of a ship? *Sir William Jones (b)* held, that both a master and mariner born in Ireland, or any other of the king's dominions, and having his habitation or residence there,

(a) 22 Feb. 1758.

(b) 10 July 1676.

was as much English within the intent of this act, as if he were born in England; for this word *English*, when applied to masters and mariners, is as large as when applied to shipping; and this seemed to him to be clearer from the words, *that the master and three-fourths be ALSO English*; which words seem to make the word *English* bear the same sense in both relations. He thought a foreigner born being made a denizen of Ireland, if he had his habitation and residence there, was as much *English* as if born there; for by his denization he was become part of *the people*, and one of the king's subjects there. Yet he thought a denizen of Ireland or England, and indeed a natural-born subject of either, not having his habitation there, was not *English* within the intent of this act; for the former words are, not *belonging to ENGLISH or IRISHMEN*, but *to the people of ENGLAND or IRELAND*; and the word *English* with the latter words must be understood in the same sense. He also thought that a native of Scotland, if he inhabited in England, was to be accounted English or Irish within the Act of Navigation explained by the Act of Frauds, viz. stat. 12. Car. 2. c. 18. f. 7. and stat. 13. & 14. Car. 2. c. 11. f. 6. and also within

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PART II.  
 12. CAR. II. TO  
 A. D. 1783.  
 BRITISH  
 SHIPS.

PART II.  
 12. CAR. II. TO  
 A. D. 1783.  
 BRITISH  
 SHIPS.

the Act of Trade, stat. 15. *Car.* 2. c. 7. f. 17.

WE find this question was again moved at the distance of twenty years, when *Sir John Hawles* gave an opinion upon it. A considerable doubt arose from the explanatory act stat. 13. & 14. *Car.* 2. c. 11. f. 6. which declares, that wherever the Act of Navigation requires the master and three-fourths of the mariners to be English, it should be understood, that any of his majesty's subjects of England, Ireland, or his plantations, should be accounted English, and no other. To this he answers, that whatever might have been the intent of the parliament by that clause, yet since, by law, a man born in Scotland is a subject of England; and since the two kingdoms, as to matters of privilege, while they remain united and have the same king, are accounted but one nation, this clause will not exclude a Scotchman from the privilege of an English subject.

THE word *English*, he said, must, in the Act of Navigation, be construed according to the rules of the common law in like cases; and since the union of the two crowns, at least

least at this day, says he, it has been undoubtedly held, that persons born in Scotland shall have the same privileges as persons born in England as to purchasing freeholds, taking lands by inheritance, and other matters. He thought it must be the same where any act of parliament gives a privilege to a Scotchman; for a Scotchman will be English in privilege, though a native of Scotland: and wherever this act mentions *a subject of England or Ireland*, he thought the words *England or Ireland* redundant, and so should be rejected, and certainly would not exclude a Scotchman without negative words.

PART II.  
 12. CAR. II TO  
 A. D. 1783.  
 BRITISH  
 SHIPS.

BUT where the case of a Scotchman residing in Ireland was submitted to the opinion of *Mr. Warde*, he refers to the Act of Frauds, as containing the description of the master and mariners; and says, he apprehends that a man, though born in Scotland, yet having from his tender years been educated, married, and a settled housekeeper in Ireland, might well be understood to be one of his majesty's subjects of Ireland, and so within the meaning of the Explanatory Act; from which it should seem he considered this point as resting entirely on

## PART II.

12. CAR. II. TO

A. D. 1783.

BRITISH

SHIPS.

those words, and not turning upon the general principles laid down by *Sir John Hawles*. He also seems to think, that being a *housekeeper* in Ireland added strength to the case, for that is wholly his own wording, there being no such fact in the statement laid before him. Such circumstances seem to have been thought of weight, and had been stated to *Sir John Hawles*; but he thought it made no alteration in the case, whether such Scotchman was a housekeeper or lodger, single or married.

A SIMILAR doubt arose after the Union, Whether a Scotchman living in England ought to be accounted as a subject of Scotland within the meaning of the fifth article of the Union, stat. 5. Ann. c. 8. by which *all ships and vessels belonging to HER MAJESTY'S SUBJECTS OF SCOTLAND at the time of ratifying the Union, though foreign-built, are to pass as British-built?* And *Sir Simon Harcourt* (a) held that he ought to be so considered.

(a) 10 June 1707:

## P A R T III.

## INTRODUCTION.

THE settlement made by the peace in 1783, had a considerable effect upon the system of law respecting Shipping and Navigation. A revulsion which converted a great part of our American colonies into independent States, that had shipping and commerce of their own, gave a new appearance to the trade of America. It became expedient to accommodate the law to the existing state of circumstances by some new regulations, which the exigency of the moment might suggest.

PART III.  
FROM THE  
PEACE 1783,  
TO A. D. 1792.

THE American trade became thus a new subject, and called for the best attention that the Legislature and his majesty's Government could bestow upon it. Connected in some measure with this change in Ame-

PART III.  
 FROM THE  
 PEACE 1783,  
 TO A. D. 1792.

rica, the *registering* of British shipping and the *fisheries* presented themselves as objects of very important concern. These three heads, therefore, of our subject, namely, *The Plantation Trade*, *The Fisheries*, and *British Shipping*, will be seen to undergo very great modification during the short period that elapsed from the peace in 1783 to the year 1792, and much more than in any former period of ten times its duration.

INDEED almost the whole that has been done of this sort has been accomplished within a still shorter period; for it is principally since the year 1785 that the great regulations respecting the fisheries and British shipping have been brought forward. At that time his majesty was pleased to appoint a committee of council for the consideration of all matters relating to trade and foreign plantations, and soon after to place at the head of it a noble lord whose services to this country in affairs of commerce and navigation have already had effects so solid and extensive, as to promise to be remembered when praise will have no appearance of flattery. It is to the superintendence and authority of this committee,  
 and

and to the great knowledge and unwearied exertions of the noble lord at the head of it, that we are indebted for the very important improvements in the law of shipping and navigation made during this short lapse of time.

PART III.  
FROM THE  
PEACE 1783,  
TO A. D. 1792.



## CHAPTER I.

## THE PLANTATION TRADE.

*The American Intercourse Bill, Stat. 23. Geo. 3. c. 39.—The Newfoundland Supply Bill—Stat. 28. Geo. 3. c. 6.—Intercourse with the West Indies—With the American Colonies—The American Orders in Council—Doubt thereupon removed by an Explanatory Order—Free Port Act.*

PART III.  
FROM THE  
PEACE 1783,  
TO A. D. 1792.  
PLANTATION  
TRADE.

NOTWITHSTANDING the American colonies had been separated from this country, and their independence acknowledged by the peace of 1783, we cannot avoid placing them, with regard to their trade, among our plantations. This seems suitable as well to the consequences, as to the crisis of their transition from the state of colonies to that of foreign States, which happened at this period; the Government of this country having imparted to them many of the advantages and easements in trade,  
and

and in duties, that are enjoyed only by the British plantations.

PART III.

FROM THE  
PEACE 1783,  
TO A. D. 1792.  
PLANTATION  
TRADE.

THE first parliamentary regulation that applied to the United States, was made with a view of giving effect to the peace: this was by opening the trade and *intercourse* which stood prohibited by stat. 16. *Geo.* 3. c. 5. enforced by stat. 17. *Geo.* 3. c. 7. These two acts were accordingly repealed by stat. 23. *Geo.* 3. c. 26. It then remained to make a new disposition of the trade applicable to the new situation. The country belonging to the United States now ceased to be a part of the British plantations, and fell back into the class of American dominions that were not intitled to any special privileges in matters of trade. They no longer were intitled to come to the British plantations, nor could the goods and commodities of their country be imported into Great-Britain but in British ships.

To adhere to the strictness of this rule, and exclude American ships belonging to the people of the New Sovereignty, now acknowledged by us, would have manifested such a want of disposition to conciliate, as was not consistent with the recent treaty

PART III.  
 FROM THE  
 PEACE 1783,  
 TO A. D. 1792.  
 PLANTATION  
 TRADE.

The American  
 Intercourse  
 Bill, 23. Geo. 3.  
 c. 39.

treaty of peace ; and something was to be devised that would bear a resemblance to the course of trade that had long subsisted. It was soon seen that this adjustment required a more minute investigation than the pressure of the moment would allow ; the parliament therefore, instead of laying down any permanent rule for regulating this complicated and hitherto unexplored subject, conferred on his majesty a discretionary power to make such order therein, as he from time to time should be advised to make. It was enacted by stat. 23. Geo. 3. c. 39. for the purpose of opening a commercial *intercourse* (for this term, introduced by the prohibitory acts, was now continued to express the American trade) with the United States, that it should be lawful for the king in council, by orders to be issued from time to time, to give such directions and make such regulations with respect to duties, drawbacks, or otherwise, for carrying on the trade and commerce between the people and territories belonging to the crown of Great Britain and those of the United States, as to him in council should appear most expedient and salutary (*a*).

(*a*) Sect. 3.

To

To free American ships from the checks to which they were before subject, as ships bringing plantation goods, it was at the same time ordained, that no manifest, certificate, or other document whatsoever, should be required for any ship belonging to the United States arriving from thence at any port in this kingdom, or upon entering or clearing out from any port in this kingdom for any port in the United States, except the bonds that are required for duly exporting and not relanding goods intituled to a drawback or bounty, or prohibited to be used in this kingdom (a). Where a certificate is necessary for discharging a bond entered into for landing goods in the United States, a certificate under the hands and seals of any officers appointed by the United States for that purpose shall be sufficient; and if none such are appointed, then of any magistrate there, certifying, that no such officer has been appointed, and that oath was made before him by the master, that the goods were duly landed (b).

PART III.  
FROM THE  
PEACE 1783.  
TO A. D. 1792.  
PLANTATION  
TRADE.

THIS act being experimental,\* and to serve the necessity of the moment, was to

(a) Sect. 1.

(b) Sect. 2.

continue

PART III.  
 FROM THE  
 PEACE 1783,  
 TO A. D. 1792.  
 PLANTATION  
 TRADE.

continue only for a few months ; but it was afterwards further continued by two acts made in the next sessions of parliament, namely, stat. 24. *Geo.* 3. ft. 1. c. 2. and c. 15. It was again further continued by two acts passed in the second session of 24. *Geo.* 3. (a), and by another passed in 25. *Geo.* 3. and so on to the 28. *Geo.* 3. by an annual act of continuance, without any alteration except the following ; namely, in stat. 24. *Geo.* 3. c. 45. the parliament united to the discretionary power they had conferred on the king for regulating the trade and commerce with the United States, the same power to regulate the trade and commerce with the British colonies in America, as far as regarded iron, hemp, sail-cloth, and other articles of the produce of any place bordering on the Baltic, which might be lawfully exported from this kingdom. This regulation went on, hand in hand with the other for the general intercourse, in the annual acts of continuance.

SOME doubt had arisen as to the legal mode of enforcing a due execution of the power lodged in his majesty by stat. 23. *Geo.* 3.

(a) C. 1. and c. 23.

c. 39. To remove this it was enacted by stat. 27. *Geo.* 3. c. 7. (one of the annual continuing acts) that if any goods or commodities, the growth or production of the United States, should be imported into the West-India Islands, other than such, and in such manner, as by law, or by that act, or by order of his majesty in council, should be permitted, they should be forfeited, together with the ship (*a*). The forfeiture was extended by stat. 28. *Geo.* 3. c. 5. sect. 2. to the export from this kingdom of the beforementioned articles from the Baltic, and to the import of American articles from the United States into this kingdom.

PART III.  
FROM THE  
PEACE 1783,  
TO A. D. 1792.  
PLANTATION  
TRADE.

IN the same act the following temporary regulation was made respecting the intercourse between the United States and our West-India Islands, in addition to that made under stat. 23. *Geo.* 3. c. 39. In order that no provisions or lumber, being the growth or production of the United States, should be imported from the foreign islands, it was enacted, that no flour, bread, rice, shingles, or lumber of any sort, should be imported from a foreign West-India Island ; with a

(*a*) Sect. 4.

proviso,

PART III.  
 FROM THE  
 PEACE 1783.  
 TO A. D. 1792.  
 SLANTATION  
 TRADE.

proviso, that governors, in case of necessity, might, with the advice of their councils, authorize the import of such articles for a limited time,

The New-  
 foundland  
 Supply Bill.

ANOTHER exception to the power given to the king by stat. 23. *Geo.* 3. c. 39. was contained in stat. 25. *Geo.* 3. c. 1. which was made for regulating the trade between the United States and the island of Newfoundland. By that act, no goods or commodities whatsoever were to be imported into Newfoundland, or the adjacent islands, from the United States, except bread, flour, and live-stock, and that only in British-built ships, owned by the king's subjects, and navigated according to law, and which should have cleared out within seven months before the importation from some part of the king's dominions in Europe, and obtained a licence, according to the form prescribed in the act, from the commissioners of the customs in England or Scotland, or the commissioners of revenue in Ireland. This was to continue to 25 March 1786; and from thence it was continued, by stat. 26. *Geo.* 3. c. 1. to 25 March 1788. By stat. 26. *Geo.* 3. c. 1. Indian-corn was added to the other articles permitted to be so imported.

THUS

PART III.  
 FROM THE  
 PEACE 1783,  
 TO A. D. 1792.  
 PLANTATION  
 TRADE.

THUS stood the law in the beginning of the year 1788, respecting the intercourse between this kingdom and the United States, and between the colonies and the United States. As to the former, it depended on an annual order of council, grounded on stat. 23. *Geo.* 3. c. 39. continued and amended by subsequent acts, as before-mentioned; the nature of which annual orders in council I shall defer speaking on for the present. As to the latter, it depended upon the same order, saving the branches of it which the parliament had taken out of the hands of the king: first, By stat. 25. *Geo.* 3. and 26. *Geo.* 3. with regard to the import of bread, flour, Indian-corn, and live-stock, from the United States to Newfoundland; and, secondly, by stat. 27. *Geo.* 3. c. 7. with regard to the circuitous importation of lumber and provisions from thence, through the foreign West-India Islands, into our own. These laws were now upon the point of expiring, when the parliament, having again to declare its annual judgment upon the intercourse with the United States, deemed it proper to make a permanent law for settling one great portion of this trade. The annual act for Newfoundland was left to expire. The annual intercourse act,  
 stat,



**PART III.**  
 FROM THE  
 PEACE 1783,  
 TO A. D. 1792.  
 PLANTATION  
 TRADE.

stat. 23. *Geo.* 3. c. 39. was continued by stat. 28. *Geo.* 3. c. 5. so far only as extended to the trade and commerce carried on between this kingdom and the territories of the United States ; which at once let fall the regulation concerning the circuitous import of lumber and provisions, and the whole of the order in council founded on it, which respected the trade between our colonies and the United States. This latter was put into an act, which was intended to be permanent. As the intended regulation was to contain the substance of what had been the policy of the orders in council, and had now had the experience of five years of practice, added to the light which some discussion had now thrown upon the new position in which the two countries stood with relation to each other, it was thought it might safely be formed into a standing law, instead of floating any longer on an order of council, that must be renewed every year.

Stat. 28. *Geo.*  
 3. c. 6.

THIS gave rise to stat. 28. *Geo.* 3. c. 6. which contains the whole of the present law respecting the intercourse between the British colonies and the United States. The provisions of this act may be divided into such

as relate to the West-Indies, and such as relate to the colonies in North America.

PART III.

FROM THE  
PEACE 1783,  
TO A. D. 1792,  
PLANTATION  
TRADE.

Intercourse  
with the West-  
Indies.

FIRST, with regard to the West-Indies, it ordains, that no goods or commodities whatever shall be imported or brought from any of the territories belonging to the United States into any of his majesty's West-India Islands (in which description the Bahama and the Bermuda or Somers' Islands are included), under the penalty of forfeiture, together with the ship importing them, except only the following articles ; namely, tobacco, pitch, tar, turpentine, hemp, flax, masts, yards, bowsprits, staves, heading-boards, timber, shingles, and lumber of any sort ; horses, neat-cattle, sheep, hogs, poultry, and live-stock of any sort ; bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, and grain of any sort ; such commodities being of the growth or production of any of the territories of the United States (a) ; and these are not to be brought but by British subjects, and in British-built ships, owned by his majesty's subjects, and navigated according to law, under the same penalty of forfeiting the ship and cargo (b).

(a) Sect. 1.

(b) Sect. 2.

A 2

THUS

## PART III.

FROM THE  
PEACE 1783,  
TO A. D. 1792.  
PLANTATION  
TRADE.

THUS far of the imports to the West-Indies; next as to the exports from thence. It is permitted to export from the West-India-Islands to the territories of the United States any goods or commodities whatsoever which were not, at the time of passing the act, prohibited to be exported to any foreign country in Europe; and also sugar, molasses, coffee, cocoa-nuts, ginger, and pimento: but those articles, or any other (except salt from *Turks Islands*), are not to be exported but by British subjects, and in British-built ships owned by his majesty's subjects, and navigated according to law, under the penalty beforementioned (*a*). In such cases, where a bond would be required on the exportation of goods to a British colony in America, a bond is to be given, on the exportation of such goods, for the due landing of them in the United States, to be discharged by a certificate under the hand and seal of the British consul, or any officer appointed by the United States (or of some magistrate, certifying that there is no such officer), and that oath has been made by the master, that the goods were duly landed (*b*).

(*a*) Sect. 3.(*b*) Sect. 4.

SUCH

PART III.  
 FROM THE  
 PEACE 1783,  
 TO A. D. 1792.  
 PLANTATION  
 TRADE.

SUCH is the plan of policy settled by parliament for the intercourse with our West-India Islands. But, notwithstanding all American ships were thus excluded from the general trade to and from the West-Indies, it was thought adviseable to admit them to a particular branch of trade, which needed more than ordinary encouragement: this was, the making of salt at *Turks Islands*, which are among the *Bahama* Islands. Any ship belonging to the United States coming in ballast, but not otherwise, may enter the ports of those islands for the purpose of lading with salt, but for no other purpose, under the pénalty beforementioned (*a*). The master of such ship is to make entry upon oath, declaring the built of the ship, how manned, who is master and owner, and the purpose of his coming; and is to answer questions touching those particulars, if put by the officers of the customs, on pain of forfeiting £100. (*b*). A tonnage duty of two shillings and sixpence is imposed on such ships, to be ascertained by admeasurement; and it is to be paid before any salt is laid on board (*c*).

(*a*) Sect. 5.

(*b*) Sect. 6.

(*c*) Sect. 7, 2.

PART III.  
 FROM THE  
 PEACE 1783,  
 TO A. D. 1792.  
 PLANTATION  
 TRADE.

To prevent the communication thus permitted with *Turks Islands* being made a channel of illicit trade, no goods or commodities whatever are to be exported from *Turks Islands* to any part of the British dominions in America or the West-Indies, or laid on board any vessel in those islands, except salt; nor to Great Britain or Ireland, except salt, and also such goods and commodities as may by law be imported into this kingdom from all other countries whatsoever, free of all duties, under the penalty of the forfeiture beforementioned.

THE next provision in this act is to obviate the circuitous trade that had been provided against in the annual act of 27. Geo. 3. None of the articles permitted in the former part of the present act to be imported directly from America, are to be brought from any island in the West-Indies under the dominion of any foreign European sovereign or state, under the penalty of the forfeiture beforementioned (a). However, in cases of public emergency or distress, the governors of any of the islands may, with the advice and consent of their council, authorize the

(a) Sect. 10.

importation

importation of those articles for a limited time from any such foreign island, for the supply of the inhabitants; but such importation must be by British subjects, and in British-built ships, owned by his majesty's subjects, and navigated according to law (a). Such is the whole of this act, which relates to the West-Indies.

PART III.

FROM THE  
PEACE 1783,  
TO A. D. 1793.  
PLANTATION  
TRADE.

SECONDLY, it ordains, with regard to the American colonies, that no goods or commodities whatever shall be imported from the United States into the provinces of *Nova Scotia* or *New Brunswick*, the *Island of Cape Breton*, *St. John's*, or *Newfoundland*, or into any country or island within their respective governments, under the penalty of the same forfeiture (b). However, in cases of public emergency and distress, the governors of all those places (except Newfoundland) may, with the advice and consent of their council, authorize the importation of scantling, planks, staves, heading-boards, shingles, hoops, or squared timber, of any sort; horses, neat-cattle, sheep, hogs, poultry, or live-flock of any sort; bread, biscuit, flour, pease, beans, potatoes, wheat, rice, oats, barley, or grain of any sort, for a

Intercourse  
with the Ame-  
rican Colonies.

(a) Sect. 11.

(b) Sect. 12.

A a 3

limited

PART III.  
 FROM THE  
 PEACE 1783,  
 TO A. D. 1792.  
 PLANTATION  
 TRADE.

limited time, from the United States, for the supply of the inhabitants.

AND, with regard to *Newfoundland*, his majesty in council may by order from time to time authorize, or by warrant under his sign manual empower the governor of Newfoundland to authorize, in case of necessity, the importation of bread, flour, Indian corn, and live-stock, from the United States for the supply of the inhabitants and fishermen, for the then ensuing season only; which importation is to be conformable to such regulations and restrictions as shall be specified in such order, or warrant: and such special importations, whether to *Nova Scotia* and the other places, or to *Newfoundland*, must be by British subjects, and in British-built ships, owned by his majesty's subjects, and navigated according to law (a).

FURTHER, no goods or commodities whatever are to be imported from the United States by sea or coastwise into the province of *Quebec*, or the countries or islands within that government, or up the

(a) Sect. 13.

River St. Lawrence, under the penalty of the forfeiture beforementioned (a).

PART III.  
PEACE 1783,  
TO A. D. 1793.  
PLANTATION  
TRADE.

THE import of American articles from the foreign islands, which the governors might under this act permit occasionally for the supply of the inhabitants, was soon converted into a traffic of importing, and then exporting to others of our own islands. This being contrary to the design of the measure, it was provided by stat. 29. *Geo.* 3. c. 56. that such exportation, or the putting on board any ship, boat, or vessel, or bringing to any quay with intent to export, should be punished with a forfeiture of the articles in question, and of the ship, boat, or vessel (b). The better to guard against such exportation, no articles of the same sort that may be lawfully exported, are to be shipped till the exporter has made oath, that none of them were imported, under such permission, from a foreign island (c). By stat. 31. *Geo.* 3. c. 38. these provisions are extended to any foreign colony or plantation on the *continent of South America*.

It now remains to consider the orders in council, that were made from time to time for carrying into execution the powers

The American  
Orders in  
Council.

(a) Sect. 14.

(b) Sect. 1.

(c) Sect. 2.

• A 2 4

lodged



PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 PLANTATION  
 TRADE.

lodged in his majesty by stat. 23. *Geo.* 3. c. 36. for regulating the trade with America; and which were reserved for this place, that they might not interrupt the train in which it was convenient to arrange the foregoing statutes, all belonging to the same subject.

THE first order was made 14 May 1783; by which it was directed, that oil, and unmanufactured goods and merchandize, the growth or production of the United States, might be imported directly from thence into this kingdom, either in British or American ships, upon payment of the same duties as if imported from a British plantation in America; and that there should be the same drawbacks, exemptions, and bounties on merchandize exported from Great-Britain to the United States, as on the like goods exported to a British plantation in America; and American ships that had come into port since 20 January 1783, were to be admitted to an entry, and entitled to the benefit of this order.

THE act under which the above order was made having expired, and a new act passed to the same effect, a new order was thereupon made. This order was dated 6 June 1783, and varied somewhat from the former. In-  
 stead

stead of the general words there used, it enumerated the articles that were to be admitted upon the plantation-duty; namely, pitch, tar, turpentine, indigo, masts, yards, and bowsprits. It further directed, that tobacco might be landed from thence, on paying the old subsidy, and then be warehoused, upon bond, with the allowance for payment of the further duty according to the acts in force.

PART III.  
FROM THE  
PEACE 1781,  
TO A. D. 1792,  
PLANTATION  
TRADE.

THIS variation in the orders of council, issued within less than a month one from the other, shews how unsettled men's minds were, and how unprepared to agree upon any permanent system for governing the American trade.

As yet, nothing had been done to regulate the trade between our colonies and the United States; but on 2 July 1783, an order came out for that purpose; by which permission was given to export rum, sugar, molasses, coffee, cocoa-nuts, ginger, and pimento, by British subjects, in British-built ships owned by his majesty's subjects, and navigated according to law, from the West-India islands to the United States, on payment of the same duty, and subject to the  
like

PART III.  
 FROM THE  
 PEACE 1783.  
 TO A D. 1792.  
 PLANTATION  
 TRADE,

like regulations, as if they were exported to a British colony in America.

SUCH was the limited intercourse which his majesty's government thought it expedient to allow between the United States and the British colonies. An order was issued on 5 September 1783, to facilitate this intercourse, by directing, that bonds given on clearing out from Great-Britain or the West-Indies, and carrying the above-mentioned goods to the United States, should be discharged upon the like certificates as are required by the Act of Navigation, stat. 12. *Car.* 2. c. 18. s. 19. to discharge bonds given in Great-Britain for the due landing of any other goods in the United States; and direction was given that all bonds taken since the date of the former order, should be discharged on the like certificate,

By an order of 5 November 1783, an amendment was made in the order of 6 June 1783, respecting the importation of tobacco, by directing, that in case of importation into the ports of London, Bristol, Liverpool, Cowes, Whitehaven, or Greenock, the importer might be allowed to give bond for the

the old subsidy, as well as the further duties due, in the manner and with the allowances mentioned by the acts on that subject; and if such tobacco should be taken out of the warehouses, at any of those ports, to be exported, the bonds should be discharged in the manner mentioned in the acts of parliament on that subject. Some doubt arising concerning the allowance here made, an order came out on 19 November 1783, whereby it was declared, that the said order should not extend to the making any allowance for payment of the old subsidy; and the port of Glasgow was added to those named in the said order of 5 November 1783.

PART III.  
FROM THE  
PEACE 1783,  
TO A. D. 1792.  
PLANTATIONS  
TRADE.

ON 26 December 1783, a new order was issued, containing, for the first time, the whole regulation for the American trade, both with Great-Britain and with the colonies; and this order is particularly deserving of notice, as the subject was there thrown into that form in which it has continued, with very little variation, ever since.

IN this order, there is another variation in the description of the articles; that is, oil, which had been a permitted article in the first,

PART III.  
 FROM THE  
 PEACE 1783,  
 TO A. D. 1792.  
 PLANTATION  
 TRADE.

first, but not enumerated in the second order, was not expressly excepted; and the general description of *unmanufactured goods*, used in the first order, was now added to the articles enumerated in the second order; to which general description was added a guard, to prevent goods, otherwise prohibited, from coming in under this permission; the words run thus: "any unmanufactured goods, or merchandize, the importation of which into this kingdom is not prohibited by law (except oil), and any pitch, tar, turpentine, indigo, masts, yards, and bowsprits." The regulation about tobacco was retained, together with the last alteration made for taking away the allowance for prompt payment of the old subsidy.

THE orders, that had hitherto been made for the intercourse between the United States and our colonies, went no further than to permit the *exportation* from the West Indies of certain articles to the United States. The present order went a step further, and laid down a rule for the *importation* of certain articles from the United States. It was ordered, that pitch, tar, turpentine, hemp, flax, masts, yards, and bowsprits, staves, heading-

heading-boards, timber, shingles, and all other species of lumber; horses, neat-cattle, sheep, hogs, poultry, and all other species of live-stock, and live provisions; pease, beans, potatoes, wheat, flour, bread, biscuit, rice, oats, barley, and all other species of grain, being the growth, and production of any of the United States, might be imported by British subjects in British-built ships, owned by his majesty's subjects, and navigated according to law, from any port of the United States to any of his majesty's West India islands, the Bahama islands, and the Bermuda or Somer islands. The export from the West Indies was continued on the same footing as by the former order; and the whole of the regulations of the present order were made to extend to all goods imported from and shipped for exportation to the United States since 20 December 1783.

PART III.  
FROM THE  
PEACE 1783.  
TO A. D. 1792.  
PLANTATIONS  
TRADE.

THE orders issued on 18 June and 30 July 1784 (the act under which the first of them was made continuing only to 1 August) conformed precisely with the one of the former year just mentioned. On 27 August in the same year, there came out a fresh order, grounded on the act passed that session  
of

PART III.  
 FROM THE  
 PEACE 1783,  
 TO A. D. 1792.  
 PLANTATION  
 TRADE,

of parliament respecting goods of the Baltic. By this order the same drawback was allowed on exportation of foreign hemp, or iron, to the British colonies, or to the United States, as are allowed by law on their exportation to other foreign ports. By an order made 24 November 1784, the port of *Lancaster* was added to the other ports for warehousing tobacco imported from the United States.

THE act passed in the sessions 1784, was made to continue to 5 April 1785; the acts passed after that were in like manner annual; and so were the orders of council made upon them. The annual order made 8 April 1785, pursued the order of the former year precisely; besides which was added, for the first time, a regulation for the trade between the United States and the British colonies in North America. It was ordered, that no goods or commodities being the growth or manufacture of the United States, should be imported into the provinces of *Nova Scotia* or *New-Brunswick*, and their respective dependencies, except horses, neat-cattle, sheep, hogs, poultry, and all other species of live-stock, and live provisions; pease, beans, potatoes, wheat, flour,

flour, bread, biscuit, rice, oats, barley, and all other species of grain; also lumber of every sort; and these were to be imported by British subjects only, and in none other than British-built ships, owned by his majesty's subjects, and navigated according to law, and only during such time as the governors of those provinces should, with the advice of their council, declare the same by proclamation to be necessary for the supply of the inhabitants: further, no goods or commodities whatsoever, being the growth or manufacture of the United-States, were to be imported into the ports of the province of Quebec.

PART III.  
FROM THE  
PEACE 1783,  
TO A. D. 1792.  
PLANTATION  
TRADE.

AN order was made 15 February 1786, for allowing the warehousing of rice upon the same terms as were prescribed in former orders with regard to tobacco, preserving the same distinction between the ports there named and others.

IN the annual order made 24 March 1786, were contained some few variations from the former. The exception from the enumerated articles, which had hitherto been confined to oil, was now extended to blubber, whale-fins, and spermaceti; and the word

oil



PART III.  
 FROM THE  
 PEACE 1783,  
 TO A. D. 1792.  
 \*PLANTATION  
 TRADE.

oil was changed into *fish-oil*; the importation might be either in British-built ships owned by his majesty's subjects, and navigated according to law; or if in American ships, might be until 1 Jan. 1787 in ships *belonging* to the subjects of the United States, and whereof the master and three-fourths of the mariners were subjects of the United States: but if after 1 Jan. 1787 they were American ships, they were to be ships *built* in the United States, and owned and navigated as before-mentioned. These two alterations were, no doubt, suggested by the discussions that were now frequently had on the subject of the Southern Whale-fishery, and the shipping and navigation of the country, and which led to the forming two bills that were passed into laws in the then session of parliament. Conformably with the ideas then prevailing, the expression of *British ships* was changed into *British-built ships*.

AN act having been passed in the last session of parliament respecting the importation of tobacco, the former directions on this head were dropped in the present order, and that article was directed to be imported in conformity to the regulations of stat.

25. Geo. 3.

25. *Geo.* 3.; but the special wording on that subject was retained and transferred to the article of rice. In the part that regulates the trade between the West India islands and the United States, tobacco is added as an article that may be imported from America *in the fair and lawful way of barter and traffic* “between the people of “the United States and those of the West “Indies,” as permitted by stat. 25. *Geo.* 3. just mentioned.

PART III.  
PEACE 1783,  
TO A. D. 1792.  
PLANTATION  
TRADE.

In the annual order made 4 April 1787, an addition was made to the enumerated articles, which now run in this order: *pig-iron, bar-iron, pitch, tar, turpentine, rosin, pot-ash, pearl-ash, indigo, masts, yards, bowsprits*; and conformably with the policy begun in the last annual order, if the importation was in American ships, they were to be *built* in the countries of the United States, and owned and navigated as required in the former order. Again, the following articles were added to the enumerated articles allowed to be imported into *Nova Scotia* and *New Brunswick*, rather with the view of better explaining, as it should seem, what came under the word *lumber*, namely, every sort of squared timber, scantling,  
B b planks,

PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 PLANTATION  
 TRADE.

planks, boards, staves, heading-boards, shingles, and hoops. In other respects this order conformed with the one of the foregoing year, and the annual order made 19 March 1788 conformed with that of 1787 just mentioned, except that every thing relating to the West Indies and the British colonies was left out, those regulations being introduced into stat. 28. *Geo.* 3. passed that session of parliament.

THE annual order made 3 April 1789, pursued that of the foregoing year in every thing, only that *wheat*, which had been prohibited by an order of council dated 25 June 1788, on account of an alarm about the Hessian fly, which was supposed to have infested the American crop, was added to the articles excepted from importation. The annual order made in April 1790 contained no alterations from that of the foregoing year, but that *wheat* was no longer among the excepted articles.

Doubt there-  
 upon removed  
 by an Explanatory Order.

SOME doubt had been started upon the meaning of the American order, which applied to it in all its changes from the first issue of it to the last; namely, What was to be

be the construction as to those articles imported from the United States which were not enumerated or described in the order? And upon examining the order itself, a doubt was raised upon the wording. Some contended, that the words towards the close of the first section, *and no other*, were to be understood as referring to the *articles*; and then the meaning would be, that no other *articles* than those enumerated and described should be admitted at all. Others contended, that *no other* referred to the *duty*; and the meaning was, the articles enumerated should pay the duty there specified, and *no other* duty: and they held, that those articles that were excepted, and all other articles from the United States, should be imported upon *the general duty* to which they would be subject, if coming from any other place. The latter is most probably the sense in which the words were used by the framers of the first order; it was certainly the sense in which they had been construed at the custom-house. But to remove all doubt, it was thought proper, that an order of council should be made for explaining this doubt, and putting beyond all dispute the words of an instrument, that contained the law for governing the whole trade with

PART III.  
PEACE 1783,  
TO A. D. 1792.  
PLANTATION  
TRADE.

PART III.  
 PEACE 1783,  
 FO A. D. 1792.  
 PLANTATION  
 TRADE.

the United States. This was accordingly done by an order made 6 Oct. 1790; in which likewise was removed an ambiguity to which the word *oil* was subject, from the printer having interposed a comma between that word and the word *fish*.

THE provisions of this explanatory order are as follow: That oil made from fish or creatures living in the sea, and blubber, whale-fins, and spermaceti, and also all other goods and merchandize, the importation of which into this kingdom is not by law prohibited, being the growth, production, or manufacture of any of the territories of the United States, and not enumerated or described in the annual order, may be imported upon payment of such duties of custom and excise as are payable on the like goods and merchandize imported from countries not under the dominion of his majesty, according to tables *A.* and *D.* and *F.* in the consolidation act, or any subsequent law; and where different duties are there imposed on the same goods coming from different countries not under the king's dominion, then upon the lowest of such duties; and such goods are to be intitled to drawbacks, according to those tables.

THE

THE annual order issued 1 April 1791 was worded conformably with this explanation; and the order issued 1 April 1792 is a literal copy of that of the preceding year; and upon this order the trade with the United States is now carried on (*a*).

PART III.  
PEACE 1783;  
TO A. D. 1792;  
PLANTATION  
TRADE.

ANOTHER point in the present policy with regard to the plantations, is to encourage the trade that can be carried on by means of free-ports in the West-Indies. For this purpose the act of 6. *Geo.* 3. which had been dropped, as far as regarded the free-ports in the island of *Dominica*, ever since stat. 21. *Geo.* 3. and was now upon the point of expiring *in toto*, was repealed by stat. 27. *Geo.* 3. c. 27. as far as regarded importation or exportation, or the admission of vessels, or the duties payable thereon (*b*). The repealing act then goes on to make regulations *de novo*, adding to the number of ports before opened, restricting the commodities admissible to certain enumerated articles, and limiting the tonnage of the shipping.

Free Port Act.

(*a*) See the American order in the Appendix.

(*b*) Sect. 1.

## PART III.

PEACE 1783,  
TO A. D. 1792.  
PLANTATION  
TRADE.

THUS wool, cotton-wool, indigo, cochineal, drugs of all sorts, cocoa, logwood, fustic, and all sorts of wood for dyers use, hides, skins, and tallow, beaver, and all sorts of furs, tortoise-shell, hard-wood or mill-timber, mahogany, and all other woods for cabinet-ware, horses, asses, mules, and cattle, being the growth or production of any colony or plantation in America, belonging to, or under the dominion of, any foreign European sovereign or state; and all coin and bullion, diamonds or precious stones, may be imported from such colonies or plantations into the ports of *Kingston*, *Savannah la Mer*, *Montego Bay*, and *Santa Lucca*, in the island of *Jamaica*, the port of *St. George* in the island of *Grenada*, the port of *Roseau* in the island of *Dominica*, and the port of *Nassau* in the island of *New Providence*, one of the *Bahamas*. Such importation must be in some foreign sloop, schooner, or other vessel, not having more than one deck, and not exceeding the burthen of seventy tons, and must be owned and navigated by the subjects of some foreign European sovereign or state (a); and the same description of persons and ships may export from those

(a) Sect. 2.

ports rum being the produce of a British island, negroes brought into those islands in British-built ships, owned, navigated, and registered according to law, and all manner of goods that had been legally imported into those islands, except masts, yards, or bowsprits, pitch, tar, turpentine, and tobacco, and also except such iron as shall have been brought from the British colonies or plantations in America (*a*). The legality of such importation is to be first made appear to the satisfaction of the officer of the customs (*b*).

PART III.  
PEACE 1783,  
TO A. D. 1793.  
PLANTATION  
TRADE.

THE enumerated articles so imported may be exported to Great Britain or Ireland, under the same regulations as are laid down in the Act of Navigation, stat. 12. *Car.* 2. c. 18. and stat. 22. & 23. *Car.* 2. c. 26. and also in stat. 20. *Geo.* 3. c. 10. which laid open the colony-trade to Ireland (*c*).

No goods or commodities of the growth, production, or manufacture of Europe, or the East-Indies, or other places beyond the Cape of Good Hope, are to be exported from the islands of Grenada or Dominica,

(*a*) Sect. 4.      (*b*) Sect. 5.      (*c*) Sect. 6.



PART III.  
 PEACE 1783,  
 T.O.A.D. 1792.  
 PLANTATION  
 TRADE.

or the Bahama Islands, to any other British colony or plantation in America or the West-Indies (*a*). The regulations of this act are enforced by the usual forfeiture of the ship and goods. No fee or reward is to be taken by the officers of the customs for any such foreign vessels, or the goods and merchandize imported or exported therein (*b*).

Two alterations have since been made in this act. It being found that the limitation in the tonnage of the vessels was too great a restraint on the trade, it was taken off by stat. 30. *Geo.* 3. c. 29. but the vessels are still limited to one deck. Again, it being found that persons who inhabited within the limits of countries admitted by us to belong to European sovereigns, but who did not hold themselves to be *subjects* of such sovereigns, were anxious to participate in this trade, it was, by stat. 31. *Geo.* 3. c. 39. sect. 7. extended to vessels owned by any persons *inhabiting* such countries on the continent of America.

(*a*) Sect. 7.

(*b*) Sect. 8.

THE stat. 27. *Geo.* 3. like the former Free Port Act, was a regulation of experiment, and was to continue in force only till 1 September 1792, and from thence to the end of the next sessions of parliament. It is now continued, by an act of the present session; and by another act of the present session, sugar and coffee, the produce of any foreign country or plantation, may be imported into the port of Nassau, and into any other port in the Bahamas, or Bermuda Islands, that shall be approved by his majesty in council, under the regulations of the Free Port Acts of 27. *Geo.* 3. and 30. *Geo.* 3.

PART III.  


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 PEACE 1783,  
 TO A.D. 1792.  
 PLANTATION  
 TRADE.

## CHAPTER II.

TRADE WITH ASIA, AFRICA, AND  
AMERICA.

PART III.  
PEACE 1783,  
TO A. D. 1792.  
TRADE WITH  
ASIA,  
AFRICA, AND  
AMERICA.

THE only regulation made since the peace in 1783, which affected the general policy established by the Act of Navigation with regard to this trade, is a section (a) in stat. 27. *Geo.* 3. c. 19. which regards the African Trade, and makes it lawful for any person to import or bring into Great Britain from Gibraltar, in any ship or vessel which before 1 May 1786 did truly and without fraud belong to his majesty's dominions, or was of the built of his majesty's dominions, and was navigated and registered according to law, any goods, wares, or merchandize, being the growth or production of the dominions of the emperor of Morocco, and which shall have been imported into Gibraltar directly from any of those dominions

(a) Sect. 11.

not

not lying to the southward of the port of *Mogadore*, in ships or vessels belonging to, or of the built of, his majesty's dominions, as before described, navigated and registered according to law, or in ships or vessels belonging to the subjects of the emperor of Morocco, upon payment of the same duties as if imported directly from Africa (*a*). But such goods are to be accompanied with a certificate from the governor of Gibraltar, shewing they were brought into Gibraltar in the above manner (*b*).

PART III.  
PEACE 1783,  
TO A. D. 1792.  
TRADE WITH  
ASIA,  
AFRICA, AND  
AMERICA.

THE following alteration concerned the affairs of the African Company. The fort of *Senegal* had been ceded to France by the peace of 1783; and the French king guaranteed to Great Britain the possession of fort *James* and the river *Gambia*, both lying between the port of *Sallee* and *Cape Rouge*. It was now thought more beneficial for the trade, that the forts, settlements, and factories, between the port of *Sallee* and *Cape Rouge*, which by stat. 5. Geo. 3. c. 44. had been vested in the king, should be re-vested in the Company. This was accordingly done by stat. 23. Geo. 3. c. 65. The same freedom of trading there was, notwithstanding, continued to all the king's subjects.

(*a*) Sect. 11.

(*b*) Sect. 12.

## CHAPTER

## CHAPTER III.

## THE EUROPEAN TRADE.

PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 EUROPEAN  
 TRADE.

THE only provisions made during this last period that can properly be classed under the head of regulations respecting the European Trade, are in a clause in stat. 27. *Geo.* 3. c. 13. and another in stat. 27. *Geo.* 3. c. 19.

THE first of these was for carrying into execution the commercial treaty with France. Two of the articles that were the objects of that treaty were wine and olive-oil, both which were, by the Act of Frauds, stat. 13. & 14. *Car.* 2. c. 11. prohibited to be imported from the Netherlands. This stood in the way of the adjustment now made by the treaty; and to remove this obstacle it was enacted (*a*), that French wines might be imported in casks from any place in the

(*a*) Sect. 22.

European

European dominions of the French king, in such manner, and under such regulations, as they might then by law be imported from France; and also French wines in bottles or flasks, as well for sale as for private use, in the same manner, and under such regulations, as they might then be imported from France for private use: and also, that olive-oil the product or manufacture of France, or of any place in the European dominions of the French king, may be imported from any part of the Netherlands belonging to, or under the dominion of, the French king, in British-built ships or vessels owned, navigated, and registered according to the laws in force on or before 10 May 1787, or in French-built ships or vessels owned by, and belonging wholly to, the subjects of the French king, and whereof the master and three-fourths of the mariners at the least are the subjects of the French king. This regulation expires with the treaty in the year 1900.

THE last of these clauses (*a*) was made in order to do away the injury which the Navigation Act suffered from the provision lately made by stat. 22. Geo. 3. c. 78. in favour of

(*a*) In stat. 27. Geo. 3. c. 19.

foreign

PART III.  
PEACE 1783.  
TO A. D. 1792.  
EUROPEAN  
TRADE.

PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 EUROPEAN  
 TRADE.

foreign shipping. Under that act, foreign shipping were qualified to import the articles enumerated and described in the eighth section of the Act of Navigation; if they were of the built, or belonged to any other country than that of their growth or production, provided it was a country under the same sovereignty. This made an opening that gave offence to the jealous defenders of the policy of the Navigation Act; and it was accordingly meant to be repealed, without its being so expressly declared, by the following provision; namely, that the goods or commodities so enumerated or described in the Act of Navigation, being of the growth, production, or manufacture of Europe, *may* be imported into Great Britain, under the regulations of that act, and of stat. 13. & 14. *Car.* 2. c. 11. and stat. 6. *Geo.* 1. c. 15. either in ships which before 1 May 1786 truly and without fraud wholly belonged to his majesty's dominions, or which are of the built of his majesty's dominions, and registered according to law, or in ships the built of any country or place in Europe belonging to, or under the dominion of, the sovereign or state in Europe of which such goods or commodities are the growth, production, or manufacture, or of such ports where

where those goods can only be, or most usually are, first shipped for transportation, with a master and three-fourths at least of the mariners belonging to such country, place, or port, and in no other ships whatsoever (a).

PART III.  
PEACE 1783,  
TO A. D. 1792.  
EUROPEAN  
TRADE.

By this act, the ships are required to be of a certain built, as by the old law, but the built need not be of the very country of production, only of *some* country under the same sovereign; which latter point so far agrees with the liberality of the statute meant to be otherwise corrected by this; and by the wording of this part it applies also to countries circumstanced like those that were not under the same sovereign at the time when the Act of Navigation was passed.

It was intended by this act to restore the law to the state it was in under the eighth section of the Act of Navigation, as altered by the prohibitory clause in stat. 13. & 14. Car. 2. c. 11. and stat. 6. Geo. 1. c. 15. But the penning of this act seems to do more. Thus, under the words of this act, currants and Turkey commodities,

(a) Sect. 10.

being



PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 EUROPEAN  
 TRADE.

being the growth, production, or manufacture of Europe, may be imported either in ships *belonging to*, or ships built in, Great Britain, or in ships of the country; but by the eighth section they may not be imported but in *British-built* ships, or ships of the country. It was not, however, intended, that the permission under this act should go further than the permission under the eighth section; and it is expressly provided, that this permission should be exercised under the regulations of that and the other two acts beforementioned. The construction has accordingly been, that where *British-built* ships are required by the eighth section, they must still be employed under this act. In like manner, the permission here given is not to be construed to take away the prohibitory clause in stat. 13. & 14. *Car.* 2. nor is the saving in stat. 6. *Geo.* 1. which takes off part of that prohibition, to be extended beyond the limitations annexed to it, which require the goods imported to belong to the king's subjects, and the importation to be in *British-built* ships(*a*).

(*a*) Vid. ant. 204. 208.

## CHAPTER IV.

## THE COASTING TRADE.

THE Coasting Trade, as far as shipping were concerned, seems to have been left in the state in which it was placed by the Act of Navigation, and stat. 1. Jac. 2. c. 18. The late laws made to prevent smuggling do, in some measure, affect this trade, but are not properly within the limits of the present work,

PART III.  
PEACE 1783,  
TO A. D. 1792.  
COASTING  
TRADE.

## CHAPTER V.

## THE FISHERIES.

*The Newfoundland Fishery—The Greenland Fishery—The Southern Whale Fishery—The British Fisheries—The Herring Fishery—The Deep-Sea Fishery.*

PART III.  
PEACE 1783,  
TO A. D. 1792.  
FISHERIES.

THE extending and improving of the Fisheries occupied a considerable portion of that attention which has lately been bestowed on the shipping and navigation of the country. The regulations for conducting these in a great measure, and the bounties for their encouragement altogether, depended upon certain temporary laws, which were near expiring in the twenty-sixth year of his majesty's reign. Thus, the bounties granted by stat. 15. Geo. 3. c. 31. for the Newfoundland Fishery were to expire on 1 January 1787. The bounties given by stat. 11. Geo. 3. c. 38. for the Greenland Fishery were to expire on  
25 De-

## PART III.

PEACE 1783,  
TO A. D. 1792.  
FISHERIES.

25 December 1786. The bounties given by stat. 15. *Geo.* 3. c. 31. and stat. 16. *Geo.* 3. c. 47. for the Southern whale fishery were to expire 1 January 1787. The bounties given by stat. 11. *Geo.* 3. c. 31. and stat. 19. *Geo.* 3. c. 26. for the British white herring fishery, were to expire with the close of the session of parliament next after 22 October 1785. It became immediately necessary to consider the policy to be observed respecting these objects of trade and navigation. The result of this consideration was, that bills were brought into parliament and passed into laws, in the twenty-sixth year of the king, for granting new bounties, and making new regulations for carrying on these fisheries with every possible advantage to the nation. We shall now take a view of these acts, and the general scope of them, without entering too far into their detail. The first is c. 26. for the Newfoundland fishery; the next is c. 41. for the Greenland fishery; c. 50. for the Southern whale fishery; and c. 81. for the British fisheries.

THE bounties granted by c. 26. are for ten years, for vessels employed in the British fishery on the banks of Newfoundland. They are to be British-built, and wholly

The New-  
foundland  
Fishery.

PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 FISHERIES.

owned by his majesty's subjects residing in Great-Britain, Ireland, Guernsey, Jersey, or Man, navigated with a master and three-fourths of the mariners of the same description. They are also to be qualified and subject to the regulations of stat. 10. & 11. *Will.* 3. c. 25. and they are to clear out from some port in Great Britain, Guernsey, Jersey, or Alderney, after 1 January in every year, and proceed to the banks of Newfoundland; and having caught there a cargo of not less than ten thousand fish, they are to land them at one of the ports on the north, east, or south side of the island, between Cape St. John and Cape Raye, on or before 15 July, and then make one more trip at least to the banks, and return with another cargo of fish, caught there, to the same port. The one hundred ships which shall first do this are, if navigated with not less than twelve men, to be intitled to 40*l.* each; if with less than twelve, but not less than seven men, 25*l.* each: provided, that if in either of those cases the vessel is wholly navigated by men going out upon shares, that is, receiving a certain share of the profits of the voyage in lieu of wages, such vessel shall in the first case be intitled to 50*l.* and in the latter case to 35*l.* Again, the next one hundred vessels

vessels so arriving are in the first case to have 25*l.* each, in the latter case 18*l.* each; and such of them as are wholly navigated by men going out upon shares shall in the first case be intitled to 35*l.* and in the latter case to 21*l.*

PART III.  
PEACE 1783,  
TO A. D. 1792,  
FISHERIES.

IN order to prevent frauds, a certificate is to be exhibited to the collector of the customs before he pays the bounty, from the governor of Newfoundland, that all the requisites were there complied with (*a*). The sanction of oaths by the master and mate is required to certain facts (*b*). Provision is made for preventing the desertion of seamen (*c*), and the selling of boats, vessels, or tackle, for the fishery to foreigners (*d*). Powers are given to his majesty's officers on that station to seize vessels (*e*).

AGAIN, by stat. 29. *Geo.* 3. c. 53. it was declared, that no fish taken or caught by any of his majesty's subjects or other persons arriving at Newfoundland, or its dependencies, or on the banks thereof, except

- (*a*) Sect. 1.    (*b*) Sect. 1. 4. 7:    (*c*) Sect. 12, 13.  
(*d*) Sect. 14, 15.                    (*e*) Sect. 20, 21,

PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 FISHERIES.

from Great-Britain, or one of the British dominions in Europe, should be landed or dried on that island; with a saving of the rights granted by treaty to the French king (a): a provision that was occasioned by persons from the Bermuda Islands having lately aimed at possessing themselves of a share in the fishery.

The Green-  
 land Fishery.

THE bounties granted by c. 41. are for five years; they are for British ships, owned by British subjects usually residing in Great Britain, Guernsey, Jersey, or Man, which proceed from those places on the whale fishery to the *Greenland Seas* or *Davis's Straights*, or to the seas adjacent, manned and navigated with a master and three-fourths at least of the mariners British subjects, usually residing in Great Britain, Ireland, or Guernsey, Jersey, or Man. Such ship, after she has been visited and admeasured by the officer of the port, and it shall appear upon inspection and examination upon oath of certain persons, and it shall be certified by such officer, that she is properly furnished with tackle and equipment for the whale fishery, according to the requisites of the

(a) By stat. 28. Geo. 3. c. 35. his majesty is empowered to make regulations for more peaceably carrying on the French Fishery.

act,

act, and means to proceed thither, and endeavour to take whales, or other creatures living in the seas, and on no other design or view of profit in the voyage, and to import the whale-fins, oil, and blubber thereof, into Great Britain, specifying the port, and shall give bond for so doing; upon these terms such ship may have a licence from the commissioners of the customs to proceed on such voyage (a); and upon the return of such ship, and her condition being reported by the officer of the port, and oath made by the master as to the performance of the voyage, and that all the whale-fins, oil, and blubber, imported were really and *bond fide* caught and taken in those seas by the crew of such ship, or with the assistance of some other ship licensed for that voyage, there is to be paid by the commissioners of the customs a bounty of thirty shillings *per* ton of such ship (b).

PART III.  
PEACE 1783,  
TO A.D. 1792.  
FISHERIES.

SUCH ship must sail on her voyage on or before 10 April, and continue in those seas diligently endeavouring to catch whales or other creatures, and not depart before 10 August, unless laden with a certain quantity of oil, blubber, or whale-fins, unless they shall be compelled, by some unavoidable ac-

(a) Sect. 1.

(b) Sect. 3.



PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 FISHERIES.

accident, to depart (*a*). Ships of more than four hundred tons, already employed in the fishery, might continue to be rated as of four hundred tons, and not more. All ships coming into the fishery after 25 December 1786, and being more than three hundred tons, shall not receive a bounty for more than three hundred tons (*b*); and such ships respectively are not to equip and man for more than four hundred or three hundred tons (*c*).

IF a log-book has not been constantly kept on board, no bounty will be allowed (*d*). The log-book must be produced to the captains of his majesty's ships of war with which they may chance to fall in, and also to the British consul at any foreign port (*e*).

PROVISION was made, that ships owned by the king's subjects residing in Ireland, and fitting out from thence, should, on complying with the conditions of this act, be intitled to these bounties (*f*). Permission was given to insure the bounties, in order that when ships were lost the owners might have some indemnity (*g*). Harpooners, line-managers, and boat-steerers, are se-

(*a*) Sect. 4. (*b*) Sect. 8. (*c*) Sect. 9. (*d*) Sect. 10.

(*e*) Sect. 11. (*f*) Sect. 12. (*g*) Sect. 13.

cured from pressing (*a*). The extent of the fishery is defined to fifty-nine degrees thirty minutes north, and no farther (*b*). The commissioners of the customs are annually to lay before parliament an account of the ships employed (*c*).

It appearing not necessary to keep ships in the Greenland seas so long, it was enacted by stat. 29. *Geo.* 3. c. 53. that they should have the bounty although they left those seas before the 10th August, and were not laden with the quantity of whale-fins and of oil and blubber required by stat. 26. *Geo.* 3. c. 41. s. 4. provided they did not depart from thence till the expiration of sixteen weeks from the time of sailing from the port from whence they cleared out (*d*). A penalty of 50*l.* is by the same act imposed on masters who wilfully dismiss their apprentices before the expiration of the time for which they were indentured (*e*). By an act of the last session, these bounties were continued for one year longer; and by another of this session they are continued for six years; during the first three at twenty-five shillings; during the second three years at twenty shillings *per ton*.

(*a*) Sect. 17.    (*b*) Sect. 18.    (*c*) Sect. 19.

(*d*) Sect. 2.    (*e*) Sect. 5, 6, 7.

THE

PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 FISHERIES.  
 The Southern  
 Whale Fishery.

THE next is the *Southern Whale Fishery*. Premiums are granted by c. 50. of this session, for ten years, to twenty ships employed in that fishery; they are to appear by their register to be British-built, and they are to be fitted and cleared out from Great Britain or Ireland, Guernsey, Jersey, or Man, and wholly owned by the king's subjects usually residing there (a).

WITH regard to fifteen of these ships clearing out between the 1st May and the 1st September, and sailing to the southward of seven degrees of north latitude, and there carrying on the fishery and returning before the 1st July in the subsequent year to Great Britain, there is to be paid 500l. to the three which shall first arrive with the greatest quantity of oil, or head-matter, being not less than twenty tons in each ship, the produce of whales or other creatures living in the sea, taken and killed by the crews of such ships respectively; 400l. to the three that shall first arrive with the next greatest quantity; 300l. to the three that shall first arrive with the next greatest quantity; 200l. to the three that shall first arrive with the next greatest quantity; and 100l. in like manner to the next three (b).

(a). Sect. 2.

(b) Sect. 3.

WITH

WITH regard to the remaining five, they are to proceed to the southward of the thirty-sixth degree south latitude, and there carry on the fishery, and return in not less than eighteen months nor more than twenty-eight months from the 1st of May in the year in which they clear out; and there is to be paid 700*l.* to the first which shall arrive with the greatest quantity of oil or head-matter in manner before mentioned; 600*l.* to the next; and 500*l.* 400*l.* and 300*l.* to the others in order respectively (a).

PART III.  
PEACE 1783,  
TO A. D. 1792,  
FISHERIES.

THE ships are to be navigated by a master and three-fourths of the mariners being the king's subjects usually residing in Great-Britain, Ireland, Guernsey, Jersey, or Man; or if the ship clears out from Great-Britain, then it may be navigated by persons being protestants, and who, not being subjects of his majesty, have been heretofore employed in carrying on this fishery; and who shall first make oath, if it is their first voyage from Great-Britain, that they have already established, or intend to establish, themselves and families in Great-Britain, as subjects thereof; and if it is their second voy-

(a) Sect. 4.

PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 FISHERIES.

age, that they actually have so established themselves (*a*).

VARIOUS regulations are contained in this act for attaining the object designed and preventing frauds. Each ship is to have on board, for every fifty ton, an apprentice indentured for three years (*b*). A log-book is to be regularly kept and produced to the collector of the customs at the return home, and verified on oath; and is likewise to be produced to the captain of any of his majesty's ships with which they may happen to fall in (*c*). The master, mate, and two of the mariners, are to make oath, that the oil and head-matter are the produce of their own fishing (*d*). A penalty of 500*l.* is incurred if the cargo is made up from the fishing of any other crew (*e*). If oil or head-matter is mixed with water to increase the quantity, the whole is forfeited and the premium lost (*f*). The quantities are to be ascertained by an officer of the customs (*g*).

ANY produce of the fishing in the going out or returning home, although not taken

(*a*) Sect. 5.

(*b*) Sect. 6.

(*c*) Sect. 7, 8.

(*d*) Sect. 9.

(*e*) Sect. 10.

(*f*) Sect. 21.

(*g*) Sect. 22.

within

within the prescribed latitudes, may be reckoned towards the requisite quantity (*a*). If a ship makes two voyages within any of the periods, she is to have only one premium (*b*). Harpooners, line-managers, and boat-steerers, are privileged from being impressed (*c*).

PART III.  
PEACE 1783,  
TO A. D. 1793,  
FISHERIES.

As these voyages would carry ships within the limits of the charters granted to the East-India and South-Sea Companies, some special provision was necessary to qualify them to make this incroachment. It was accordingly enacted, that they might go to the eastward of the Cape of Good Hope, and to the westward of Cape Horn, or through the Streights of Magellan, in order to carry on the Southern whale fishery, provided those sailing to the eastward of the Cape of Good Hope did not pass to the northward of thirty degrees south latitude, nor make more than fifteen degrees east longitude from the Cape of Good Hope; and those passing to the westward of Cape Horn, or through the Streights of Magellan, did not pass to the northward of the equi-

(a) Sect. 11.

(b) Sect. 20.

(c) Sect. 25.

PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 FISHERIES.

noctial line, nor make more than fifteen degrees west longitude from Cape Horn (*a*).

SUCH ships were also to take a licence from the East India Company; but the Company were not obliged to grant it to more than ten ships in one year, if it was for passing to the eastward of the Cape of Good Hope; and this, under certain conditions calculated to guard against illicit trade (*b*). Those who exceeded these limits were liable to the penalty attending the infringement of the Company's trade (*c*). When ships return from a voyage to the eastward of the Cape of Good Hope; they must bring a certificate from the officer of the port, testifying there are no goods on board the produce of those places, But only oil, head-matter, or bone of whales or fish, otherwise they will not be intitled to the premium (*d*). Those sailing within the limits of the South-Sea Company's charter, as described by stat. 9. *Ann.* c. 21. are to have a licence from that Company (*e*).

LASTLY, temptations were held out to invite foreigners to come and settle here,

(*a*) Sect. 14, 15.

(*b*) Sect. 16.

(*c*) Sect. 17.

(*d*) Sect. 18.

(*e*) Sect. 19.

and

and carry on the Southern whale fishery from this country (*a*).

PART III.  
PEACE 1783.  
TO A. D. 1792.  
FISHERIES.

SOME amendments were made in this act by stat. 28. Geo. 3. c. 20. As to the fifteen ships, they are now to sail between the 1st Jan. and 1st Nov. and to return to some port in Great Britain on or before 1st Sept. in the following year. As to the remaining five ships, they are to sail between the same periods of 1st Jan. and 1st Nov. and to return on or before 1st Dec. in the following year (*b*). The following additional premiums are granted for the same period as the former: they are for three ships clearing out, as in the former act, between 1st Jan. and 1st of Nov. and which shall double Cape Horn or pass through the Streights of Magellan into the South Seas, and there carry on the fishery for four months to the westward of Cape Horn; namely, to such ship which shall return to some port in Great Britain on or before the 1st Dec. in the second year after clearing out, but not in less than eighteen months, and with the greatest quantity of oil or head-matter, not being less in the whole than thirty tons,

(*a*) Sects. 24, 26, 27, 28. (*b*) Sect. 1.

there



PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 FISHERIES.

there should be paid 800*l.*; to the next 700*l.*; to the next 600*l.* (*a*).

AGAIN, ships sailing to the eastward of the Cape of Good Hope, may pass as far as the equator northward, and as far as fifty-one degrees longitude east from London, and no farther; and those passing to the west of Cape Horn, or through the Streights of Magellan, may pass as far as the equator northward, and as far as one hundred and eighty degrees longitude west from London, and no farther. Such ships are to have licences from the East-India and South-Sea Companies (*b*); and the East-India Company are not obliged to grant any licence to sail within the limits of their trade round the Cape of Good Hope, until the owners have given bond in the penalty of 2000*l.* for such ship not taking on board goods the produce or manufacture of the East Indies, or other places between the Cape of Good Hope and the Streights of Magellan, to the value of 100*l.* except such as are necessary for their voyage (*c*). Doing any thing in breach of this and the former act, shall disable a ship from being entitled to any licence in

(*a*) Sect. 2.

(*b*) Sect. 3.

(*c*) Sect. 4.

future.

future (a). Power was given to the governor of St. Helena, the commanders of the Company's ships, or agents thereto authorised by the Company, to search licensed ships for East India goods (b).

PART III.  
PEACE 1783,  
TO A. D. 1792.  
FISHERIES.

SHIPS doubling the Cape of Good Hope, or Cape Horn, or passing through the Streights of Magellan, and not being less than two hundred tons burthen, may be armed for resistance and defence, on a licence being obtained from the Admiralty; which licence is to be granted on exhibiting a certificate from the commissioners of the customs, testifying that such ship is entered out for such voyage, and that the owner has entered into bond in a penalty of 2000l. with condition that such arms shall be used only for resistance and defence in cases of involuntary hostility (c).

No ship is to have more than one of the additional premiums, although she make two voyages within one of the periods (d).

LASTLY, there was held out to foreigners a similar temptation to come and settle

(a) Sect. 5.      (b) Sect. 6.      (c) Sect. 7, 8.  
(d) Sect. 10.

D d

here

PART III.  
 PEACE 1783,  
 TO A. D. 1794.  
 FISHERIES.

here for the purpose of carrying on this fishery (*a*).

AN amendment was made in stat. 28. Geo. 3. c. 20. by stat. 29. Geo. 3. c. 53. it being thought sufficient, if, instead of eighteen months, such three ships were kept out only sixteen months (*b*). Again, it was declared, that ships need not clear out specially for the latitudes mentioned in stat. 26. and stat. 28. (*c*). If any master permitted his apprentice to quit his service before the expiration of three years, he is to forfeit fifty pounds (*d*). In all these fishery-acts there is provision made for importing the produce thereof duty free.

The British  
 Fisheries.

THE last act made in this session of parliament respecting the fisheries, is ch. 81. for the encouragement of the British fisheries. In the former sessions, by stat. 25. Geo. 3. c. 65. the bounty given by the former acts of 11. Geo. 3. and 19. Geo. 3. was extended to vessels and busses above eighty tons burthen (*e*); and the regulations in those acts compelling the busses to rendez-

(*a*) Sect. 14, 15, 16, 17, 18.

(*b*) Sect. 3.

(*c*) Sect. 4. (*d*) Sect. 5:

(*e*) Sect. 1.

vous at certain times and places were repealed (*a*). This act extends the bounty, upon certain conditions, even to those under twenty tons (*b*). But the old bounties now expiring, it was enacted by stat. 26. *Geo.* 3. c. 81. that from 1 June 1787, for the term of seven years, and from thence to the end of the then next session of parliament, a bounty of twenty shillings *per* ton should be paid annually to the owner of every decked vessel built in Great Britain after 1 Jan. 1780, of not less than fifteen tons burthen, manned and navigated according to law, which shall be fitted and cleared out for and employed in the British white herring fishery (*c*).

PART III.  
PEACE 1783,  
TO A. D. 1792.  
FISHERIES.  
The Herring  
Fishery.

THE manner in which these vessels are to be equipped and proceed in their voyage, with the manner of making up their cargo, compose a very long detail not necessary to be here repeated.

THE act gives likewise several other bounties; namely, four shillings *per* barrel for herrings packed and completely cured, and landed from any buis intituled to the

(*a*) Sect. 2.

(*b*) Sect. 3.

(*c*) Sect. 1, 2.

## PART III.

PEACE 1783,  
TO A. D. 1792.  
FISHERIES.

twenty shillings bounty *per* ton ; or if a greater proportion than two barrels and a half to a ton is so landed, then one shilling *per* barrel (*a*). Also a bounty of one shilling *per* barrel for all such herrings landed from boats not intitled to the twenty shillings bounty (*b*).

The Deep Sea  
Fishery.

It gives also additional encouragement to *the Deep Sea Fishery* on the north and north-east coasts of this kingdom ; namely, for the greatest quantity of herrings caught by the crew of a buss intitled to the above bounties of twenty shillings *per* ton, and four shillings and one shilling *per* barrel, and brought in by such busses between 1 June and 31 Nov. the premium of eighty guineas ; for the next greatest quantity, sixty ; the next, forty ; and the next, twenty guineas (*c*).

ALL duties in respect of herrings, cod, ling, hake, and salmon, or other white fish caught and cured by British subjects, and removed for home consumption, were to cease, excepting the equalizing duties paid on the importation from Scotland into En-

(*a*) Sect. 8, 9.      (*b*) Sect. 11.      (*c*) Sect. 14.

gland

gland of falmon, cod, ling, hake, tusk, and other white fish (*a*). The distinction with regard to the bounty made by stat. 5. *Geo.* 1. c. 18. between that called *haberdine* and other dried cod, was taken away, and instead of the five shillings bounty there is to be paid in all cases that of three shillings *per* hundred weight (*b*).

PART III.

PEACE 1783,  
TO A. D. 1792.  
FISHERIES.

A BOUNTY of one shilling *per* barrel is given to the inhabitants of the Isle of Man for herrings caught and cured by them; and also on the export thereof, the bounties allowed by stat. 5. *Geo.* 1. c. 18. (*c*); and the duty on the import of herrings from the Isle of Man was from thenceforth to cease (*d*).

LASTLY, in order better to protect the British fishery, it was endeavoured to give further sanction to stat. 1. *Geo.* 1. c. 18. and stat. 9. *Geo.* 2. c. 33. for prohibiting the importation of foreign-caught fish. To facilitate the prosecution of offenders against those acts, power is given to two justices, upon the information of an officer suspecting such fish being brought into the port of

(*a*) Sect. 15.    (*b*) Sect. 16.    (*c*) Sect. 33, 34.  
(*d*) Sect. 35.

## PART III.

PEACE 1783,  
TO A. D. 1792.  
FISHERIES.

London, to summon the parties and proceed to hear the complaint, and convict in a summary way upon their non-appearance (*a*).

SOME alterations were made in this act in the subsequent session of parliament. By stat. 27. *Geo.* 3. c. 10. the bounty, which by the former act was confined to busses built before 1 Jan. 1780, is extended to those built after that period (*b*). Some trifling alterations were also made as to the cargoes of vessels (*c*); and the bounty of twenty shillings *per* ton is not to be allowed to more than fifty vessels fitting out in one year from the same port (*d*).

SUCH are the regulations of this long act for promoting and protecting the fisheries on our coasts; to which we have only to add, that by stat. 25. *Geo.* 3. c. 58. an additional bounty was given on the export of pilchards for that season only, which was continued, with other additional bounties, by stat. 26. *Geo.* 3. c. 45. to 24 June 1786, which makes the whole of the parliamentary

(*a*) Sect. 43, 44, &c. (*b*) Sect. 1, 2. (*c*) Sect. 3, 4. (*d*) Sect. 5.

provisions passed at this time for increasing and extending the British fisheries.

PART III.  
PEACE 1783,  
TO A. D. 1792.  
FISHERIES.

NOTHING remains to add but the following provision in the Consolidation Act, stat. 27. *Geo.* 3. c. 13. which enacts, that fresh fish of every kind or sort whatever, caught or taken in any part of the ocean by the crews of any ships or vessels built in Great Britain, Ireland, the islands of Jersey, Guernsey, or Man, or in any of the colonies, plantations, islands, or territories, which now belong, or at the time of building such vessels did belong, or which may hereafter belong to, or be in possession of his majesty, his heirs or successors, and wholly belonging to and owned by his majesty's subjects usually residing in Great Britain, Ireland, or the islands of Jersey, Guernsey, or Man, and navigated and registered according to law, may be imported into Great Britain in ships so built, owned, and navigated without payment of any duty of customs whatever (a).

THE sum and result of all these various laws regarding the fisheries, seem to be

(a) Sect. 32.

D d 4

this.



PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 FISHERIES.

this. The following advantages are obtained by *permanent* laws: namely, By stat. 10. & 11. *Will.* 3. c. 24. stat. 1. *Geo.* 1. ft. 2. c. 18. enforced by stat. 9. *Geo.* 2. c. 33. and stat. 26. *Geo.* 3. c. 81. f. 43, 44. no sort of fish whatever of foreign fishing (except eels, stock-fish, anchovies, sturgeon, botargo or caveare, turbot and lobsters), can be imported into *England*.

By stat. 27. *Geo.* 3. c. 13. f. 32. all fresh fish caught by vessels built in the king's dominions, and owned by persons usually residing in his majesty's European dominions, may be imported free of duty; and by stat. 5. *Geo.* 1. c. 18. f. 6. and stat. 26. *Geo.* 3. c. 81. f. 16. a bounty is paid on the export of pilchards or shads, codfish, ling, or hake, whether wet or dried, salmon, white herrings, red herrings, and dried red sprats, being of British fishing and curing.

THE following advantages are obtained by *temporary* laws: namely, By stat. 26. *Geo.* 3. c. 81. and stat. 27. *Geo.* 3. c. 10. a tonnage bounty and various other bounties are given on the fish caught in the British fisheries on the coast. By stat. 26. *Geo.* 3. c. 45. a bounty on the export of pilchards.

By

By stat. 26. *Geo.* 3. c. 26. a bounty on the fish taken in the Newfoundland fishery.

By stat. 26. *Geo.* 3. c. 41. a tonnage bounty on ships employed in the Greenland fishery.

By stat. 26. *Geo.* 3. c. 50. premiums on the arrival of ships from the Southern whale-fishery. The seal-skins, oil, head-matter, blubber, and whale-fins, taken in the Newfoundland, Greenland, or Southern whale-fisheries, are importable without payment of any duty.

PART III.  
PEACE 1783,  
TO A. D. 1793.  
FISHERIES.

## CHAPTER VI.

## OF BRITISH SHIPS.

*Frauds in Registering—Smuggling—Defects in the Registering Laws—Intended Amendments therein—Points submitted to the Commissioners of the Customs—Their Report thereupon—Proposals for amending the Laws—The Opinion of the Committee of Trade thereupon—Stat. 26. Geo. 3. c. 60.—Of British-built Ships—Of Registering—The Bond—Indorsement on the Certificate—Bill of Sale—Change of Name—Certificate lost or mislaid—Prize Ships—Amendments made in Stat. 26. Geo. 3. c. 60.—Of Shipping in the Eastland Trade—Remedies proposed in Aid of British Shipping—Easement in Duties for British Ships—The Case of a Bill of Sale—Macneal's Case.*

PART III.  
PEACE 1783,  
TO A. D. 1792.  
BRITISH  
SHIPS.

IN the 26th year of the present king very considerable alteration was made in the whole concern of registering shipping, with a view of securing to ships of the built of this country a preference and superiority which they

they had not enjoyed so completely before. The plan of regulation then proposed to parliament was the result of an enquiry and deliberation of great length before the committee of privy council for the affairs of trade and plantations; and that enquiry was commenced and carried on, and the measure at length decided upon, principally by the exertion and perseverance of a noble lord, to whom I have had occasion before to allude.

PART III.  
PEACE 1783,  
TO A. D. 1792.  
BRITISH  
SHIPS.

A VIEW of the change which had happened in America, suggested the necessity of some regulations respecting the registering of shipping for the plantation-trade.

THE frauds which used to be committed before the war were chiefly confined to the West Indies; and they principally consisted in the Dutch inhabitants of St. Eustatia, and Curaçoa, and the Danes at St. Croix, purchasing British vessels with their plantation registers, and then employing them in the West Indies as British bottoms. Besides this practice by the Danes, and Dutch themselves, there were many British subjects who resided and were admitted burghers in those islands, and carried on their trade from thence

Frauds in  
Registering.

PART III.  
 PEACE 1783.  
 TO A. D. 1792.  
 BRITISH  
 SHIPS.

thence to our islands, the same as if they were resident in a British plantation.

BUT these abuses were far exceeded by those which had prevailed during hostilities, and since the termination of the war,

It appeared, that the custom-house officers in our plantations had granted registers to qualify several ships to trade in our plantations, which were built in some of the provinces in North America, during the time they were in actual rebellion, and of which the owners as well as the masters were now really and truly subjects of the United States, and resident there. These registers had been granted under an idea, that vessels built before the acknowledgement of the American independence, and while his majesty styled them his rebellious *subjects*, were to be considered as plantation built, and the owners and masters as British subjects.

THIS was a very important consideration in the commerce of the colonies, and involved in it a point of law, upon which it was necessary to consult the law-officers; when it was held by them, that a vessel built in America during the existence of the prohibitory

hibitory acts, could not be considered as intitled to the privileges of a British-built ship; because the ships and effects belonging to the inhabitants of the revolted colonies were declared to be forfeited; and those colonies had never been restored to his majesty's peace, but had been declared Independent States.

PART III.  
PEACE 1783,  
TO A. D. 1792.  
BRITISH  
SHIPS.

THUS, all ships built since the prohibitory act 16. Geo. 3. that is, since the beginning of the year 1776, were held to be foreign ships in point of law. But the evil, in point of fact, would still in a great degree continue to prevail, and it was necessary to resort to some remedy that would have the effect of making such registers useless.

FROM the registering of plantation ships, it was natural to pass on to the consideration of British shipping in general; respecting which some points of great importance presented themselves.

It appeared upon enquiry among merchants and underwriters, that by the course of insurance, the shipping of this country had upon the same voyages a preference over the shipping of all the other countries in Europe,

PART III.  
 PEACE 1783,  
 TO A. D. 1797.  
 BRITISH  
 SHIPS.

Europe, and over that of America. With respect to American ships bound to and from America and the northern parts of Europe, the premium of insurance was double that on British ships; and to and from the southern parts of Europe the difference was considerably greater. This preference was to be ascribed to British ships being better built, better fitted, and better navigated; but the difference in the latter case was to be ascribed to the war carried on against the Americans by the Barbary States; that although there was not much difference between the two in the insurance to the West Indies or to Africa, the preference would, for the first of the above reasons, be given to a British ship.

It appeared also, that British shipping had greatly the preference of the shipping of Russia, and of Denmark; of Sweden, except their Chinamen, which are few in number, and of the shipping of Hamburgh, but not so great as over the more northern nations; that it was preferred before the Dutch shipping, the Spanish, and Portuguese; but that the premium on French and British shipping was much the same. Upon the whole there seemed, on a general view of the commerce  
of

of the world, to be such an advantage on the side of British shipping, that new obligations to employ them might be imposed with safety; that the time was now arrived for excluding almost entirely foreign-built ships from the European as well as the plantation trade; and that the scheme of registering should, for that purpose, be extended to ships employed in all trades whatsoever.

PART III.  
PEACE 1783.  
TO A. D. 1792.  
BRITISH  
SHIPS.

THE suppression of smuggling had lately occupied the attention of the Legislature, and it was thought that the intended scheme of registering might be made auxiliary to the completion of this object.

It is the business of the master of a smuggling vessel to pass, if possible, unknown and undiscovered; it was found, therefore, that a smuggler was frequently changing not only his own name, but that of his vessel; and although informations were given against both, it was generally difficult to proceed in a course of justice against either. Another practice was to change the port or place to which the vessel was said to belong, as often as it suited the views and necessities of the smuggler.

Smuggling.

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PART III.  
 PEACE 1783,  
 TO A. D. 1792.  
 BRITISH  
 SHIPS.

Not only the masters of such vessels, but the owners, found it convenient to keep themselves concealed. Some smuggling vessels, liable to forfeiture under stat. 24. *Geo.* 3. c. 47. if they belonged to British subjects, and were found in port, or within four leagues of the coast, unless licensed by the admiralty, frequently escaped by obtaining documents certifying they were the property of foreigners residing at Ostend, Flushing, and other foreign ports; and they had often so been claimed, although known to be built in this kingdom, solely navigated by British seamen, and employed in the contraband trade.

THESE evils, it was thought, might be remedied, if every vessel was to be registered at the port to which it belonged; it would then be easy to ascertain the true name of the vessel, of the master, and of the port; and if the names and occupations of *all* the owners were required to be described before a certificate of registry should be granted, it might be expected that many persons would be discouraged from being concerned in building, equipping and employing, vessels of this description, from the apprehension that their names must appear: if such ships were