

## THE NAVIGATION LAWS.

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UNDER this general title I propose to describe the commercial policy of England; so far as it affected the English North American Colonies before 1760. I select the date 1760 simply because it marks, somewhat roughly to be sure, the ending of England's liberal colonial policy and the beginning of that illiberal policy which finally resulted in the American Revolution. The causes of the Revolution can be found in England's policy before 1760. But the germs were latent and might never have sprung into life had the liberal policy of the century before 1760 been maintained. In theory there was little or no change. The change really consisted in making the Navigation Laws a reality and in forcing the colonies to bear their share of the burdens necessarily incurred in carrying out an imperial policy.

England's commercial policy had been protective for centuries. Long before she possessed a colony, even before Cabot's voyage gave her a claim to land over the sea, England's statesmen had protected to the best of their ability the home industries of their country. As early as the reign of Henry VII. the importation of many commodities was restricted to English ships navigated by English sailors. Later in Queen Elizabeth's time foreign vessels were excluded from the English coastwise trade and fisheries. The Tonnage and Poundage act of James I. included the colonies under the usual designation of "dominions thereof" within its scope. But the first settlers of the early colonies were ordinarily exempted, by their charters, for a term of years at least, from the operation of these laws.

Whether bound by these laws or not the first colonists paid little or no attention to them. During the early years of the Great Rebellion, the restrictions were totally disregarded and the colonial trade fell into the hands of the most enterprising commercial people of the time, the Dutch. At length in 1645, the Long Parliament turned its attention to the colonies. In May of that year, "The Lords and Commons assembled in the High Court of England taking into consideration that nothing more enricheth this Kingdom than commerce, whereby the navigation thereof is much increased"<sup>1</sup> ordained that "whale oil, gils, commonly called whalebone, and fins" shall be imported into England only in ships fitted out from England by English subjects, under penalty of confiscation. This ordinance was the beginning of the new period of England's commercial policy, and deserves on this account to be called the First Navigation Act.

The new policy found favor with the Puritan masters of England. In January, 1646, it was extended to the colonies generally, by an ordinance prefaced by the following preamble: "Whereas the several plantations in Virginia, Bermudas, Barbadoes and other places of America have been much beneficial to this Kingdom by the increase of navigation, and the customs arising from the commodities of the growth of those plantations imported into this Kingdom" etc.<sup>2</sup> The ordinance itself is in many respects singularly liberal. The colonists were treated by the English Parliament almost as equals. The right to export English goods free of duty for three years—security being given to land goods so exported in the colonies—was offered the colonists. In exchange, however, the colony taking advantage of this offer must not suffer or permit any goods to be placed on board any foreign vessel whatever within the limits of the colony, and in case, the ordinance continues,

<sup>1</sup> Scobell, *Ordinances*, under date of May 6th, 1645.

<sup>2</sup> Scobell, *Ordinances*, Pt. I., 113.

“any of the said Plantations shall offend herein, then the Plantation so offending, shall be excluded from the benefits of this ordinance, and shall pay custom as other merchants do of France, Spain, Holland and other Foreign parts.”

Three years later the importation of French wool, silk and wine into England, Ireland and the “Dominions thereof” was prohibited.<sup>1</sup> The triumph of the Puritans and the establishment of the Commonwealth was not at all relished by the colonists of Virginia, Bermuda, and Antego or Antigua. The Long Parliament declared these colonies to be in a state of “rebellion” and prohibited all trade with them, and to better carry out this policy, excluded all foreign ships from the colonial trade unless a license were first procured from the Council of State.<sup>2</sup> This last enactment would seem to show that the Ordinance of 1646 had not worked well in practice. At all events the Ordinance of 1646 was neither continued nor confirmed.

In place of the policy of bribing the colonists to trade with the motherland, Parliament now adopted a policy of coercion pure and simple. In 1651, under the lead of the younger Vane—once governor of Massachusetts Bay—the Long Parliament passed an ordinance destined to be the foundation of England’s commercial policy till the American Revolution. This ordinance<sup>3</sup> is so important that I give an abstract of its more important provisions. It is entitled: “Goods from Foreign Parts by whom to be imported.” The object of the ordinance is stated to be the “increase of shipping and the Encouragement of the Navigation of this Nation.” The first section provides that no goods or commodities whatsoever “of the growth, production, or manufacture of Asia, Africa, or America, or of any part thereof \* \* as well of the English Plantations as others” shall be brought into England, Ireland or any other territories to this Commonwealth belonging in any vessels but such as do

<sup>1</sup> Scobell, *Ordinances*, II., 86, under date of August, 1649.

<sup>2</sup> Scobell, *Ordinances*, under date of October, 1650.

<sup>3</sup> Scobell, *Ordinances*, 1651, cap. 22.

truly belong to the people of this Commonwealth or the Plantations thereof "and whereof the master and mariners are also for the most part of them of the people of this Commonwealth." The penalty for the non-observance of this provision was confiscation of vessel and goods. European goods could be imported into England, Ireland and the territories thereto belonging only in English vessels or vessels belonging to the country where such goods were produced or usually shipped. Such goods must be so brought from the places of production or usual shipment. No salted fish or whale oil, gills and fins could be imported except such as were caught in English ships, nor could they be exported except in such vessels. The only notable exceptions to the provisions of this act were Spanish and Portuguese goods of colonial growth, which might be imported from any port of Spain and Portugal. This exception was necessary, as otherwise Englishmen must have gone without Spanish and Portuguese colonial products, so stringent were the colonial systems of those countries. Foreigners were also shut out from the English coasting trade.

The Restoration came in due season. It brought with it no reversal of the Puritan commercial policy. On the contrary the financiers of the Cavalier reaction strengthened and extended the policy of their predecessors. One of the very first acts of the Convention Parliament was one granting certain duties on goods imported into or exported from the Realm and "the Dominions thereunto belonging" to the King for life, under the name of Tonnage and Poundage.<sup>1</sup> The duties levied depended in some cases on the place of importation, and alien importers were obliged to pay higher duties than the subjects of the English crown. This discriminating duty was usually twelve pence in the pound. But alien merchants often paid fifty per cent. and, in some instances, even one hundred per cent. more duty than

<sup>1</sup> 12 Charles II., Chap. 4.

natives. The best examples of this excessive discrimination were Spanish wines upon which the native importer paid thirty shillings per pipe while the alien paid forty-five; and broadcloth exported on which the native exporter paid three shillings and four pence export duty, per length of twenty-eight feet weighing sixty-four pounds, while the alien exporter paid six shillings and eight pence export duty, or just double. These principal duties were mentioned in the act itself. In addition everything brought into or taken out of the Empire was taxed according to a tariff which was annexed to the act. This was the "Book of Rates, signed by Harbottle Grimstone, Bart, Speaker of the House of Commons." This tariff occupies twenty-two pages in the great folio edition of the Statutes of the Realm, and equals any production of modern tariff makers in minuteness of detail and peculiarity of duties. For example: "Babies or puppets for children" were taxed on importation, per gross, seventeen shillings and ten pence, while "baby's heads of earth imported" were liable to a duty of fourteen shillings four pence per dozen; apples, called pippins, paid an import duty of four shillings per barrel; sea-holly roots imported were taxed one pound sterling per hundred weight; rugs, whether of Polish or Irish make, were taxed at importation by the piece, one pound six shillings and eight pence; and pins were liable to an import duty of two pounds and ten shillings the dozen thousand. The export duty that most attracted my attention was a tax of five shillings per hundred weight of one hundred and eleven pounds on all maps, "sea carts," books and pictures exported. At first I thought this was an export tax on paper levied indirectly; but there is no duty laid on paper not printed except the ad valorem duty of twelve pence on every twenty shillings' worth, levied on all goods not mentioned in the act or in the Book of Rates.

The next step was to re-enact and extend the legislation of the Long Parliament as to shipping. The first act on the subject passed after the Restoration is the 12 Charles

II., chap. 18, and is commonly referred to as the First Navigation Act, though in reality it was the successor of many Navigation Acts. The preamble states its object to be "the increase of shipping and encouragement of the Navigation of this nation, wherein under the good Providence and Protection of God, the wealth, safety and strength of this Kingdom is so much concerned." The first section provides that no goods shall be imported into England from the Plantations but in English ships or in ships built and owned in such Plantations—the master and three-quarters of the crew to be English. Section 18 should be read in connection with this. By it certain goods enumerated in the act itself, and hence called "enumerated goods," must be brought direct to England, Ireland, Wales, or Berwick-upon-Tweed, from the colonial shipping port. These "enumerated goods" were "sugars, tobacco, cotton-wool, indigo and fustica, of the growth, production or manufacture of any British Plantation in America, Asia or Africa." The effect of these two sections of the act was to confine the trade in colonial staples to England. The colonies, however, were still at liberty to import European goods direct from Europe subject, of course, to the duties levied by the act of 12 Charles II., chap. 4. The second section provided that no aliens should be merchants or factors in the Plantations, and the sixth section closed the coasting trade of the empire to foreigners. The sections numbered three, four and five were virtual repetitions of the Ordinance of 1651, and confined the trade from known places in Asia, Africa and America to English vessels navigated by Englishmen, and, as in the ordinance, European goods could be brought only in English vessels or vessels of the producing country, and then only from the usual places of shipment. Both these acts were confirmed by the first regularly summoned parliament after the Restoration.<sup>1</sup>

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<sup>1</sup> The confirming act is 13 Charles II., Chap. 14.

In the 12 Charles II., chap. 18, the phrases "English built ships" and "English mariners" frequently occur. It soon became necessary to define both these terms. This was done by an explanatory act,<sup>1</sup> as follows: "No foreign-built ships—that is to say—not built in any of his Majesty's Dominions of Asia, Africa or America \* \* \* shall enjoy the privilege of ships belonging to England or Ireland." As to the crew, the statute continues "it is to be understood any of his Majesty's subjects of England, Ireland and his Plantations are to be accounted English." This act therefore plainly and in so many words admitted colonial ships and colonists to the privileges and benefits of the Navigation Laws at that time in force. So far as my knowledge of the statutes extends this act was never repealed, nor was any other interpretation given to the words "English built" and "English subjects" in any subsequent act.

It should be noted, however, that the vessel in order to come under the act must be actually built in England, Ireland, Wales, Berwick-on-Tweed, or the Plantations. English or colonial ownership alone was not sufficient. At the time this distinction does not seem to have been clearly understood by ship owners or customs officials. In fact, as there were then no adequate registry laws, it must have been difficult to enforce any such regulation. The supply of English-built ships must have been entirely unequal to the demand for many years. At all events, for years not only colonial but foreign built vessels of English ownership were employed in the trade of the English Empire. In 1685-6 this practice was given a death-blow by the levying a discriminating duty of five pounds per ton for each voyage to England made by such English owned, foreign built ships.<sup>2</sup> Such vessels seem to have been still tolerated in the colonial and Irish trade.

From this rapid survey, I am inclined to think that, as

<sup>1</sup> 13 and 14 Charles II., Chap. 11, § IV.

<sup>2</sup> 1 James II., Chap. 28.

far as the colonial shipping interests were concerned, the Navigation Laws were a positive advantage. Colonial shipbuilders, colonial shipowners, colonial shipmasters and colonial seamen were given a share in the monopoly of the carrying trade of the English Empire. The demand for English built vessels must have been enormous in the years between 1660 and the close of the century. Colonial shipbuilders were placed in a singularly fortunate position. At all events the shipping and shipbuilding interests of the New England and Middle Colonies flourished greatly during this period and later, even to 1760. From time to time the course of colonial trade was further restricted. But colonial vessels and mariners were allowed to participate in that trade on a footing of equality with the vessels and mariners of England.

The act of 12 Charles II. permitted direct trade between Europe and colonial ports in English vessels except in "enumerated goods." The profit of handling these goods was given by the act to English brokers and merchants. In 1663, the government decided to place the handling of the whole colonial import trade in the hands of the merchants of England also. One reason for this new restriction may have been the impossibility of carrying out the Act of 12 Charles II. so long as foreign ships were allowed in the colonies. The reasons given in the act itself well set forth the commercial policy of the time, and are as follows<sup>1</sup> :—

"And in regard his Majesty's Plantations beyond the seas are inhabited and peopled by his subjects of this his Kingdom of England; for the maintaining a greater correspondence and kindness between them, and keeping them in a greater dependence upon it, and rendering them yet more beneficial and advantageous unto it \* \* \* \* \* and it being the usage of other nations to keep their Plantation trade to themselves." The act is so important in the Annals of the Colonial System that I give the principal

<sup>1</sup> 15 Charles II., Chap. 7, Section V.

clause in full: "Section VI. No commodity of the growth, production or manufacture of Europe shall be imported into any plantation belonging to his Majesty (Tangiers only excepted) but what shall be bonafide and without fraud, laden and shipped in England, Wales, or the town of Berwick-upon-Tweed in English built shipping, whereof the master and three-quarters of the crew are English, and which shall be carried directly thence to said plantations." There were, however, some exceptions. For instance, salt for the fisheries of New England and Newfoundland might be imported directly from European ports to those colonies in English vessels. This privilege was extended to Pennsylvania in 1727<sup>1</sup> and still later, in the next reign, to New York<sup>2</sup> on the ground that New York had at one time been a part of New England. Another exception was wine produced in Madeira or the Western Islands, which might be brought direct from those places in English built vessels. The last exceptions mentioned in the act itself were servants, horses and provisions "of the growth or production" of Scotland or Ireland, which might be imported direct from those countries in English built ships navigated according to law. In addition, small quantities of lemons seem to have been passed by the customs officials under the title of ship's stores. But I have found no authorization of this exception. Of course in all this the term "English built" and English subject must be interpreted according to the act of 13 and 14 Charles II., so this act, sometimes spoken of as the Second Navigation Act, hardly affected the shipping interests of the colonies.<sup>3</sup>

<sup>1</sup> 13 Geo. I., Chap. 5.

<sup>2</sup> 3 Geo. II., Chap. 12.

<sup>3</sup> See, however, Lindsay, *Merchant Shipping*, II., 184, where in speaking of the 15 Charles II., Chap. 7, the author makes the following statement: "The unequivocal object of this clause was to secure to England, without, however, considering the interests of her colonists, the whole carrying trade of the world, Europe alone excepted." It will be noticed that the phrase used in the 15 Charles II., is "English built shipping" manned by an "English" crew. The word "English" in each case included the colonist. In fact, English writers of the modern economical school in endeavoring to throw odium on the commercial system of their fathers seem to have often overlooked important statutes.

According to this act European goods could not be imported by way of Ireland. In 1607, the direct importation of "enumerated goods" to Ireland from the colonies was stopped.<sup>1</sup> The trade in non-enumerated goods was still permitted. But the customs officials do not seem to have observed the distinction, as in 1731 it became necessary to pass an act<sup>2</sup> declaring in so many words that goods not enumerated in any act of Parliament might be carried direct to Ireland from the colonies in English built vessels. Ireland and Scotland were now on a footing of commercial equality and so remained till the union of Scotland with England in 1707. From that time Scottish merchants and shipowners participated with English merchants in all the benefits of the English imperial policy.

The Colonists seem to have paid little or no regard to these various acts. Colonial vessels seem to have sailed to whatever port seemed best to the owner or master, and there was no way by which a vessel could be traced from port to port. In 1682, an attempt was made to remedy this, and colonial governors, who often acted as customs agents, were required by law<sup>3</sup> to send lists of all vessels loading enumerated goods in their colonies to the proper officials in England. If such vessels did not appear at an English port and there unload the "enumerated goods" specified in the list such vessel should be confiscated upon her first reappearance within the jurisdiction of the imperial authorities. There was, however, nothing to prevent the sale of a vessel in a foreign port, or a change of name between ports, and it seems to have been impossible even to procure the names of vessels loading enumerated goods in the colonies. To secure this last object, duties were laid<sup>4</sup> on all "enu-

<sup>1</sup> 22 and 23 Charles II., Chap. 26, Sections X. and XI.

<sup>2</sup> 4 George II., Chap. 15.

<sup>3</sup> 22 and 23 Charles II., Chap. 26, Section XII.

<sup>4</sup> 25 Charles II., Chap. 7. Among these duties was one of five shillings per hundred weight on white sugar, of one shilling and six pence per hundred weight on brown sugar, and of one penny per pound on tobacco.

merated goods" laden in the colonies, to be collected at the time of shipment by collectors appointed by and responsible to the Commissioners of Customs acting under the authority of the Lord Treasurer of England. Money arising under this act should be paid into the Exchequer of England. Vessels loading enumerated goods should give bonds to land the same in England. Under this act custom houses were established in some of the colonies, and collectors appointed. But the Revolution of 1688 prevented the immediate carrying out of this stricter policy.

This will be the most convenient place to consider the regulation of the tobacco trade, as the system was practically completed at the accession of William and Mary. From the earliest time tobacco was a favorite subject of regulation, but the tobacco laws as they existed in 1760 date back, like the shipping laws, only to the Commonwealth. In 1652 Parliament by ordinance<sup>1</sup> prohibited the planting tobacco in England under penalty of twenty shillings for each pole planted contrary to the ordinance. The extraordinary power was given to "any person" of destroying tobacco growing in private gardens. This seems to have produced much hardship, and the next year it was provided that "planters of tobacco may enjoy the tobacco planted by them this year."<sup>2</sup> The law appears to have been observed after this, and in 1656, duties were laid of one shilling per pound on all tobacco not of English Plantation growth imported into England, while the duty on such English-grown tobacco was only one penny per pound. By the act of 12 Charles II., Chap. 18, tobacco was enumerated; or in other words, the profits of handling the continental trade in Virginia and Maryland tobacco were secured to English brokers and merchants. In the same year the planting tobacco in England was forbidden<sup>3</sup> and a duty

<sup>1</sup> Scobell, *Ordinances*, April, 1652.

<sup>2</sup> Scobell, *Ordinances*, 3d Sept., 1653.

<sup>3</sup> 12 Charles II., Chap. 34.

laid on all tobacco imported into England, Ireland and the Dominions of ten shillings per pound, if of Spanish or other foreign growth, and one shilling eight pence per pound on all tobacco grown in the English Plantations. These duties were to be paid at time of importation. But over and above the latter duty a tax of one penny per pound must be paid on all English plantation grown tobacco nine months after importation with a drawback, if exported within twelve months of the original importation. With such high duties on tobacco imported it proved difficult to carry out the prohibition of tobacco-growing in England under the moderate penalty of forty shillings imposed in the act of 12 Charles II., and in 1663, this penalty was increased to ten pounds.<sup>1</sup> But even this did not secure the desired end of making all tobacco pay a duty to the King, and in 1670, a still more stringent act<sup>2</sup> was passed providing that tobacco planted in England should be "utterly destroyed" once each year by the constable and other public officers in each parish or other local division. Exceptions were made in all these later prohibitory acts in favor of the "physick gardens" of the universities and other private gardens for physic and chirurgery so long as the quantity planted in any one garden was small.

These high duties levied under the Tonnage and Poundage Act of Charles II., coupled with the commissions and fees paid to brokers and warehousemen increased the cost of Virginia tobacco to the Frenchman or German and made illegal exportation of tobacco from the colonies enormously profitable. Of course it is impossible to speak exactly on such a subject; but the amount of evasion of the navigation and customs laws was sufficiently great to require the remedy of an Act of Parliament, and in 1672, as has already been mentioned, a tax of one penny per pound on every pound of tobacco placed on shipboard in the Plantations

<sup>1</sup> 15 Charles II., Chap. 7.

<sup>2</sup> 22 & 23 Charles II., Chap. 26, §§1-9.

was levied by Act of Parliament,<sup>1</sup>—the duty to be paid and collected in the colony at the time of shipment by agents of the Lord Treasurer, the net proceeds, if any, to be paid into the English Exchequer. Soon after, Charles II. died and the Tonnage and Poundage Bill expired by limitation. The subject of the duties to be levied on tobacco imported into England thus came before Parliament afresh; and Parliament sought to prevent the evasions of the tobacco laws by greatly reducing the rate of taxation. Instead of ten shillings per pound, foreign-grown tobacco was now taxed only six pence per pound, while the duty on English Plantation tobacco was reduced to three pence per pound and a drawback of the whole duty should be allowed if the tobacco were re-exported within eighteen months. This duty was made perpetual by the 9th Anne, Chap. 21.

Attempts to evade these regulations were discovered from time to time and counteracting laws were passed. In 1715, for example, the "mischief of manufacturing leaves and other things to resemble tobacco" required a statute<sup>2</sup> to remedy it. Later, more effectual means of watching the tobacco traffic were found necessary, and the requisite legislation<sup>3</sup> was passed. But notwithstanding all these regulations small quantities of tobacco found their way from Virginia to Continental Europe without being landed in England.

The years immediately following the Revolution of 1688 were years of confusion in the governmental service in England and the colonies. The Navigation and Customs laws seem to have been openly disregarded in many colonies. By 1695, William and Mary were firmly seated on the throne, and the English government turned its attention to the colonies. The Acts of Charles II. were explicit enough in their statements of what could and could not be

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<sup>1</sup> 25 Charles II., Chap. 7.

<sup>2</sup> George I., Chap. 46.

<sup>3</sup> 24 George II., Chap. 41.

done, and the penalties provided in these statutes were adequate. But the machinery provided for carrying the laws into effect was singularly inadequate. English-built vessels owned for the most part by aliens were admitted to the carrying trade of the Empire, and there were no means of identifying a vessel or of determining her carrying capacity. Under these circumstances it was no doubt impossible to enforce the Navigation and Customs laws. New legislation was necessary and was provided in the "Act for preventing frauds and regulating abuses in the Plantation trade" which stands in the Statutes of the Realm as the 7th and 8th William III., Chap. 22. This act is so important in its bearing on colonial trade that it might well be called the Colonial Navigation Act. Section two is as follows: "No goods shall be imported into or exported out of any Colony or Plantation, but in ships built in England, Ireland or the Colonies (except prize ships) and wholly owned by the people thereof" under penalty of confiscation of vessel and goods. The other sections provided for the registration of all English-built ships, and for the responsibility of all customs officials in the Colonies to the Commissioners of Customs in England. The registration proved to be a matter of considerable difficulty and Parliament was obliged to extend the time.<sup>1</sup> Indeed, it seems probable that the system of registration was never in colonial times carefully observed, vessels habitually being registered far below their actual size. Still, if they were registered at all, the enforcement of the navigation laws was made more easy and sure. All further shipping laws were in the nature of detailed regulations, and this act of 7 and 8 William III. may be said to have added the finishing touch to the colonial system so far as shipping was concerned.

The "enumerated goods" by the Statute of 12 Charles II. were tobacco, sugar, cotton-wool, indigo, and "fustich" of English Plantation growth or production. From time to

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<sup>1</sup> 9th and 10th William III., Chap. 42.

time as other colonial exports attracted attention they were added to the list. Early in the eighteenth century, mines of copper were discovered, and before long copper ore was exported from the colonies to foreign European markets "to the prejudice of this Kingdom." Copper ore was therefore added to the list of enumerated goods.<sup>1</sup> In the same year, furs of colonial production were added to the list of enumerated goods,<sup>2</sup> and the duties on beaver skins were reduced from six shillings and eight pence per skin to two shillings six pence per skin; and a drawback of a moiety of the duty paid was to be allowed on all skins re-exported.

Even before this time rice and molasses had become important articles of colonial export and had been "enumerated."<sup>3</sup> Carolina rice soon became well known in European markets and supplanted Italian and Egyptian rice in the countries of northern Europe. But the cost of transshipment so increased the cost to the continental consumer that Carolina rice could not be sold at a profit in Mediterranean ports. This was plainly against the interest of the Carolina planters, who were very good customers of the merchants and manufacturers of England. Early in the reign of George II. the prohibition was partly removed and Carolina rice was allowed to be exported direct from the Carolinas to European ports south of Cape Finisterre,<sup>4</sup> and a few years later, this permission was extended to rice shipped in Georgia.<sup>5</sup> Under this system, the production of Carolina and Georgia rice was enormously stimulated. But the amount exported from year to year cannot now be stated, and only the general effect of the favorable legislation can be given.

Another class of colonial products encouraged by the

<sup>1</sup> § George I., Chap. 18, §22, continued by various acts to 1774.

<sup>2</sup> § George I., Chap. 15.

<sup>3</sup> § and 4 Anne, Chap. 5.

<sup>4</sup> § George II., Chap. 28, continued to 1760.

<sup>5</sup> § George II., Chap. 19, continued to 1760.

English government was naval stores. These were placed among the enumerated commodities, and by the 3 and 4 Anne, Chap. 10, premiums on their production were provided as follows: On tar, per ton, £4; on pitch, per 20 hundred weight, £4; on rosin and turpentine, per 20 hundred weight, £3; on hemp, water-rotted, per 20 cwt., £6; and on masts, yards and bowsprits, per ton, girt measure, £1. These premiums were to be paid by the Commissioners of the Navy, who, for seventy days, had the right of pre-emption. These premiums were subsequently altered by the 2 George II., Chap. 35, in the case of tar being reduced to £2 4d.; of pitch, reduced to £1, and turpentine to £1 10s. In 1771, the premium on hemp was raised to £8. Suitable regulations to prevent foreign naval stores being shipped as colonial and to secure a good standard were adopted. It was also provided that if naval stores were re-exported the premiums should be repaid. English writers seem to be at variance as to the utility of these measures. It is certain that the amount exported varied greatly from year to year, and no general deductions can be drawn.

The most successful attempt to encourage colonial productions by means of bounties was in the case of indigo. Indigo was enumerated by 12 Charles II., Chapter 7. But no direct encouragement was given for its production till the middle of the century. In 1748 a premium of 6d. per pound on indigo imported according to law from the colonies was provided. In ten years, from 1747 to 1757, the amount of indigo exported from Charleston increased from 200,000 lbs. to 754,000 lbs. In 1763, the act giving this bounty was extended to 1770, the bounty to be reduced to 4d. per pound after 1763.

In other ways the colonies were benefited oftentimes by regulations intended primarily to extend some English or Irish manufacture. Let us take the case of linens, for example. By the Navigation Laws nothing could be exported

direct from Ireland to the colonies. But in 1704,<sup>1</sup> this policy was modified in favor of Irish linens, which henceforth, might be exported by any "native of England or Ireland" in an "English built" ship to the colonies direct. This was continued by 3 George I., Chap. 21, so long as British linen should be imported into Ireland duty-free. This last-named act also provided that Irish linens could be exported duty-free through England. To meet this competition of the Irish linen, English linens were also freed from export duties in the same year.<sup>2</sup>

Another act<sup>3</sup> of Queen Anne freed seamen engaged in colonial commerce from imprisonment—though it was subsequently claimed by crown lawyers that this law was temporary and designed merely for the present war (Spanish Succession.) And still another act<sup>4</sup> placed prize goods imported into England from the colonies on the footing of colonial merchandise.

In defiance of the Navigation Laws, an enormous and thriving trade was developed between the northern English colonies and the French, Dutch and Spanish West Indies. It was some time before the complaints of the British West India planters reached Parliament. But in 1733 an act was passed in which by laying a prohibitory duty on the importation of foreign sugar and molasses, Parliament hoped to stimulate and benefit the English West India planters. By this act,<sup>5</sup> duties were levied on all rum, spirits, molasses, syrup and sugar of non-English growth, imported into the English Plantations. These duties were as follows: on rum and spirits, nine pence per gallon; on molasses and syrup, six pence per gallon; on sugar, five shillings per hundred weight. Regulations providing for bonds, licenses and certificates were contained in the act, and as year suc-

<sup>1</sup> 3 and 4 Anne, Chap. 8.

<sup>2</sup> 3 George I., Chap. 7.

<sup>3</sup> 6 Anne, Chap. 37, §9.

<sup>4</sup> 10 Anne, Chap. 22.

<sup>5</sup> 6 George II., Chap. 13.

ceeded year and the act was not enforced, new regulations were devised<sup>1</sup> to prevent evasions of the law. The most curious of these, perhaps, was an act requiring shipowners to pay at least one-half of the seamen's wages after the return home of the ship. But all these regulations were futile, and in 1760, foreign sugar and molasses on which no duty had been paid formed one of the most important articles of New England's commerce.

The settlers of the northern and middle colonies turned their attention to manufacturing at a very early day. But it was not till well into the first quarter of the eighteenth century that the pernicious effects of these industries on the manufacturing interests of England attracted the attention of the English government. The hat-makers of England were the first to get their complaints acted on by the imperial legislature. In the fifth year of the reign of George II. was passed the act to restrain the exportation of hats out of the British Plantations, which proved to be the beginning of much legislation of a similar kind. The preamble is substantially as follows: "Whereas the art and mystery of making hats in Great Britain hath arrived to great perfection, and considerable quantities of hats manufactured in this Kingdom have heretofore been exported to his Majesty's American Plantations who have been wholly supplied with hats from Great Britain; and whereas great quantities of hats have of late years been made, and the said manufacture is daily increasing in the British American Plantation and is from thence exported to foreign markets heretofore supplied from Great Britain." For the reason thus frankly stated it was enacted that for the future "no hats or felts whatsoever, dyed or undyed, finished or unfinished," should be conveyed from out of any British North American colony to any "place whatsoever by any person or persons whatsoever."<sup>2</sup> Suitable penalties were provided and an effort

<sup>1</sup> 19 George II., Chap. 23; 26. George II., Chap. 32; 29. George II., Chap. 26.

<sup>2</sup> 5 George II., Chap. 22.

was made to prevent a great increase in the number of colonial hat-makers by confining the number of apprentices any one hat-maker might employ to two. And furthermore, no negro should be employed in the making of hats in the colonies under penalty of five pounds sterling per month for each negro so employed.

The next colonial industry to be regulated was the iron and steel manufacture. But in this case Parliament adopted a more liberal policy than was adopted in the case of hats. The reason for this change of policy is plain. Cheap iron was desired by English iron-masters then as now. But in 1750, no commercially successful method of smelting iron with coal had been devised, and the supply of wood in England for smelting purposes was limited. The importation of cheap unmanufactured iron of colonial production was, therefore, to be encouraged, while the manufacture of iron and steel goods in the colonies must not be tolerated on any terms. In 1750, Parliament by statute carried out to the letter this two-fold policy. The title of the act<sup>1</sup> is as follows: "An Act to encourage the importation of pig and bar iron from his Majesty's colonies in America; and to prevent the erection of any mill or other engine for slitting or rolling iron; or any plating forge to work with a tilt-hammer; or any furnace for making steel in said colonies." By this act, colonial pig iron might be imported free into any port of the United Kingdom, and bar iron might be so imported into the port of London. But no such colonial bar iron could be carried coastwise nor inland more than ten miles from London unless the duty were paid. Sufficient regulations were provided to prevent foreign iron being imported as colonial iron and, as stated in the preamble, all iron factories or mills except for making bar iron were prohibited in the colonies.

A few modifications of the Navigation Laws remain to be

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<sup>1</sup> 23 George II., Chap. 29.

noted. In 1750<sup>1</sup> silk of English plantation growth and manufacture could be imported into the port of London duty free. The preamble of the statute states this remission of duties is in the nature of a bounty. The actual payment of bounties by authority of the imperial Parliament began in 1769.<sup>2</sup> In 1748,<sup>3</sup> the export of tea from London to the colonies was permitted without the payment of the duties levied on sales of tea in England. Three years later pot and pearl ashes of colonial production were admitted free of all duties.<sup>4</sup> In 1757, during the stress of war, English ports were opened to colonial grain and provisions,<sup>5</sup> and the exportation of such food supplies to foreign countries was prohibited except as to rice, which might still be carried to ports of Europe south of Cape Finisterre.

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<sup>1</sup>23 George II., Chap. 20.

<sup>2</sup>9 George III., Chap. 38.

<sup>3</sup>21 George II., Chap. 24.

<sup>4</sup>24 George II., Chap. 51.

<sup>5</sup>30 George II., Chap. 9.

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