THE NAVAL OFFICE IN VIRGINIA
1692-1700

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PREFACE

By the end of the seventeenth century the Colonial System of England involved a mass of agencies. The naval office was an important part of that system. The duties of the naval officers and royal customs collectors were so closely related that it is almost impossible to separate them. The purpose of this paper is to examine the functions of the naval office and to make a distinction between the duties of the naval officers and the royal customs collectors.

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THE NAVAL OFFICE IN VIRGINIA: 1692-1700

The naval officers filled an essential position in the English commercial system, second in importance only to the colonial governors. The naval officers made certain that the Navigation Laws were obeyed in the colonies. The English Navigation Acts were designed to protect English and colonial shipping from foreign competition and to regulate the trade of the colonies for the benefit of the mother country. This policy was followed by the English government since the fourteenth century but had been only intermittently enforced until the Commonwealth Period.[1]

The Commonwealth government in England enacted the Ordinance of 1650 which excluded foreigners from commercial intercourse with the English colonies. Up to this time the Dutch had taken advantage of the political discord in England during the civil wars to monopolize the carrying trade of the colonies. The Ordinance of 1651, the first Parliamentary statute to comprehensively define England's commercial policy, put into effect in the colonies regulations provided for the control of trade in England.[2]

On the restoration of the Stuarts to the throne of England, the Ordinances of 1650 and 1651 were replaced by the Navigation Act of 1660, which went further in the regulation of trade. The Act of 1660 was strengthened by later acts of trade during the reign of Charles II. The Navigation Act of 1696 provided for well organized administrative machinery for the execution of the acts of trade.[3]

The naval officers and their functions were foreshadowed in the Navigation Act of 1660, but the position developed slowly in the English colonies. The title "naval officer" had been used in Jamaica since at least 1676 to designate the official who saw that the "Acts of Trade and Navigation.../were/ punctually observed."[4] The first recorded appointment of a naval officer in Virginia was in 1692.[5] The term was first mentioned in an act of Parliament in the Navigation Act of 1696.[6]

The focus of this paper is on the naval office in Virginia during the seventeenth century. By the beginning of the eighteenth century this office had become a firmly established institution in Virginia. Attention will be devoted to the development of the naval office and its major features.

The Navigation Act of 1660, often called the Enumeration Act, made the colonial governors the administrators of the act in the colonies. The Act of 1660 required the governor to take an oath to enforce all the provisions of the act under penalty of removal from office.[7] The Navigation Act of 1663 held the governor responsible for its execution and declared that any governor who failed to enforce the act would be permanently disqualified for service as a royal governor and would forfeit £1000.[8] The multifarious duties of the governor, however, prevented him from attending personally to the many details connected with the enforcement of the acts. The Navigation Act of 1663 allowed the governor to appoint a deputy who represented him in all that concerned the acts of trade in the colony.[9]

The duties of the governor were clearly outlined in the Navigation Act of 1663.

> Noe Shipp or Vessell comeing to any such Land Isleland Plantation Colony Territory or Place shall lade or unlade any Goods or Commodities whatsoever untill the Master or Commander of such Shipp or Vessell shall first have made knowne to the Governor of such Land, Iseland Plantation Colony Territory or Place or other such Person or Officer as shall be by him thereunto authorized and appointed the arrival of the said Shipp or Vessell with her name, and the name and surname of her Master or Commander, and have shewen to him that she is an English built Shipp, or made good by producing such certificate...that she is a Shipp or Vessel bona fide belonging to England

> Wales or the Towne of Berwick and navigated with an English Master and three fourth parts of the Marriners at least Englishmen and have delivered to such Governor or other Person or Officer a true and perfect Inventory or Invoice of her ladeing together with the place or places in which the said Goods were laden...under paine of the losse of the Shipp or Vessell with all her Guns Amunition Tackle Furniture and Apparell and of all such Goods of the Growth Production or Manufacture of Europe as were not bona fide laden and taken in, in England Wales or the Towne of Berwick to be recovered and divided in manner aforesaid.[10]

The governor, then, prohibited the loading or unloading of any vessel in the colony until its master produced proof that the ship was not being operated in violation of the laws of trade. The appointee of the governor who received the inventory of cargoes and ships' papers came to be known as a naval officer.

In Virginia the functions of the naval officer were performed by the provincial customs collector. The first customs collectors in Virginia were appointed by the Virginia Assembly to collect provincial duties. In March 1658 the Assembly established a duty of two shillings per hogshead of tobacco exported from the colony. The Assembly appointed the collectors of this duty, and they received their commissions from the governor. A collector was appointed for the Eastern Shore and one for each of the principal rivers in the colony.[11] The act which provided for this duty was allowed to expire at the end of a year because of "certaine inconveniences...

found in the manner of collecting the imposition...to which an apt remedie could not bee supplied."[12] The "inconveniences" were probably the lack of central shipping points on the rivers. The Virginia planters, whose estates lined the many navigable rivers, inlets, and creeks in the colony, could ship their tobacco directly from their plantations.[13] Trading vessels could be loaded at any of the plantations without the knowledge of the customs collectors.[14]

The duty of two shillings per hogshead of tobacco exported was re-established by the Virginia Assembly in March 1661/2. The appointment of the collector remained in the hands of the Assembly.[15] In the royal instructions of September 1662 to Sir William Berkeley, governor of Virginia, the duty was considered a royal revenue and the English government granted Berkeley a thousand pounds of the money collected as his salary. The remainder of the duty was to be "disposed towards the encouragement of the plantation of the commodities aforesaid /silk, flax, potash, and pitch/."[16]

In September 1662 Governor Berkeley was also reminded of his duties as set forth in the Navigation Act of 1660.

> Whereas we have certain knowledge that there is greater endeavours used by the Ill arts of some and negligence of others to defraud us and this

> kingdom of the freight and benefit which would accrue by the act of Parliament concerning Navigation if the same was carefully and faithfully executed and observed, in that very much Tobacco is shipped in that our colony in Dutch vessels wherein some English mariners are entertained for that purpose and that very much which is put on board some English vessels not yet brought into England and enterred here as by the said act, it ought to be insomuch as the Quantity of Tobacco brought into this Kingdom is in no proportion to the Quantity yearly transported out of that our colony. We do hereby require you that a very exact account you do cause to be entered there and transmitted to our commissioners and farmers of our customers here of all Tobacco which shall be shipped from that our Colony in English vessels and that you suffer none other to be shipped from thence, with the time when the same was shipped, the name of the ship and of the Master and to what place he or they are bound, to the End that Discovery being thus made care might be taken for the severe punishment and prosecution of those who shall trangress the said act of Parliament.[17]

The Virginia Assembly declared that these instructions should be strictly obeyed and to implement them an act was passed in December 1662 which prohibited the loading of ships before a certificate or cocket was obtained from the provincial customs collector showing that the duty of two shillings per hogshead of tobacco had been paid. This act placed the appointment of the collector in the hands of the governor.[18]

In addition to the provincial customs collectors the Commissioners of Customs in England appointed a royal customs collector for Virginia in 1673. This officer collected imposts arising from the Plantation Duties Act

of 1673. This act, the third Navigation Act, provided that duties must be paid on certain enumerated commodities exported in vessels not giving bond to return directly to England.[19] The Commissioners of Customs appointed Edward Digges royal collector in Virginia in 1673,[20] but he refused the post and Giles Bland was appointed in 1675.[21]

Bland, a hot-tempered man, became involved in a dispute with Governor Berkeley about the enforcement of the acts of trade. Berkeley insisted that vessels trading in Virginia must enter and clear with the provincial collectors, but Bland pointed out that he could not perform his duty as royal collector if the vessels did not enter and clear with him. Bland charged that considerable illegal trade was carried on that he had no means of checking.[22] As a result of these and other charges, Bland was removed from his post as royal collector by the General Court of Virginia.[23] During Bacon's Rebellion in 1676, Bland aided the insurgents and was hanged in March 1677 for his pains.[24]

Competition for fees and the share of forfeitures given informers probably stimulated the rivalry between the royal and provincial customs collectors. It was obvious that neither the royal collector nor the governor could carry out his functions in regard to the Navigation

Acts unless the vessels entered and cleared with both the royal collector and the provincial collectors. This problem was largely solved in 1676 when the provincial collectors were appointed royal collectors by the Commissioners of Customs in England.[25]

The provincial customs collectors had actually been functioning as naval officers since 1662, but the title "naval officer" was not used in Virginia until 1692. The naval officers appointed by Lieutenant-Governor Nicholson in 1692 were at the same time appointed royal and provincial customs collectors.[26] If a position of royal collector became vacant in the colony, the governor could appoint a replacement who served until the Commissioners of Customs approved the appointment or named someone else to the post.[27] In each customs district in Virginia the positions of royal collector, provincial collector, and naval officer were held by the same person from 1692 until 1698.

The functions of the naval officers were set forth in the English acts of trade. The naval officer received bonds from ship's masters insuring that outgoing enumerated commodities would be sent to England or some other English colony.[28] They also granted certificates of entrance and clearance, examined all certificates, cockets, and navigation

bonds brought into the colony by incoming masters. They also seized vessels violating the acts of trade.[29]

After the enactment of the Navigation Act of 1696, the naval officers received their instructions from the Commissioners of Customs in England through the colonial governor. The instructions were drawn up by the Commissioners of Customs and approved by the Lords of the Treasury.[30] The instructions received by Governor Francis Nicholson in 1697 required the naval officers to keep detailed lists of information concerning the vessels trading in Virginia in addition to the accounts they were required to maintain by the Navigation Acts. These lists, or returns, of ships included such information as the date and place the vessel was registered, when and where it was built, its type of construction, its tonnage, number of guns, when and where bond was given, and the names of the owners and master.[31] The governor sent these returns to England at least four times a year after they were approved by the governor and council.[32]

It seems as if the returns were rarely transmitted to the Commissioners of Customs before 1699, but beginning in that year they were sent regularly.[33] The naval officers received sample forms by which they were to model their returns, but apparently the officers were careless and

inconsistent in making their reports. In August 1700 the Commissioners of Trade and Plantations informed Governor Nicholson that the naval officers' returns he had sent them were very confused. The Commissioners sent their observations on how the returns could be made more useful and intelligible. They suggested that separate returns should be made of ships entered and of ships cleared and that the exact quantity of tobacco exported in each vessel should be noted.[34]

A member of the ship's crew made the inventory of the tobacco exported in his vessel and the naval officer relied on the crew member's oath that the inventory was accurate.[35] The fact that a member of the crew made this inventory probably led to a great many frauds. Edward Randolph, surveyor general of customs in America, complained to the Commissioners of Customs that an officer had "nothing to satisfy him that the master had been trading legally but his oath."[36] Naval officers and royal customs collectors, however, had authority to examine the cargo of any vessel before it was cleared.

Royal collectors had power to:

> enter into any shipp bottom boat or other vessell as also any shop, house, warehouse, hostery, or other place whatsoever to make diligent search into any trunk, chest, packcase, truss or other parcel or package whatsoever for any goods, wares, or merchandises

> prohibited to be imported or exported or whereof the customes or other duties have not been duly paid and the smae to seize for his Majesties use.[37]

The Navigation Act of 1696 granted the naval officers similar powers.[38]

The Navigation Act of 1696, designed to put and end to the widespread violations and evasions of the earlier acts of trade, gave the colonial customs officials adequate administrative powers and rights. This act made all ships, "whether the same bee His Majesties Shipps of Warr or Merchants Shipps," subject to the same "Rules Visitations Searches Penalties and Forfeitures" as in England.[39] The main purpose of the Act of 1696 was to prevent "the great abuses that were daily being committed to the prejudice of English Navigation and the losse of a great part of the plantation trade of this Kingdom."[40] This act empowered the naval officers to visit any vessel, house, or warehouse to search for goods prohibited to be imported or exported or on which the duties had not been paid.[41]

Because of the alleged connivance of the naval officers with illegal traders, Parliament included a clause in the Navigation Act of 1696 which required the naval officers to post bond with the Commissioners of Customs in England for the faithful performance of their duties.[42] Royal Instructions to Governor Nicholson in

1697 required that all appointments to the naval office should be approved by the Commissioners of Customs.[43] The instructions Nicholson received in 1698 declared that no certificates of clearance signed by a naval officer would be "valid or effectural without the concurrance of the collector appointed there by the Commissioners of his Majesties Customs."[44] These restrictions were designed to bring the naval officers under the more direct supervision of the Commissioners of Customs.

As the governor was responsible for the execution of the acts of trade in his colony, the naval officers posted bond with him as well as with the Commissioners of Customs in England. This bond, for £1000, was to protest the governor from "all damages, loses, Costs and charges" that he might otherwise sustain by reason of the officer's failure to perform his duties.[45] Any failure to enforce the laws of navigation in the colony made the governor subject to heavy fines and removal from office. It does not appear that any governor of Virginia was removed for this reason, but some naval officers were removed by the governors for not attending properly to their trusts.

In May 1688 the Committee of Propositions and Grievances of the Virginia House of Burgesses accused

John Custis, collector of provincial and royal duties on the Eastern Shore of Virginia of:

> extorting...vnjust & vnreasonable fees from Masters Merchants & traders there to the great decay of their trade & discouragmt of Navigation insomuch that Masters and Merchants who formrly traded in those parts haue wholly deserted the place.[46]

Nothing was done, however, until June 1692 when Custis, now naval officer as well as collector, was accused of having "endeavoured to discourage their Majesties Evidence against the ship William and Mary." It was alleged that he permitted the vessel to trade illegally in his district and cleared it contrary to an order of the Council of Virginia.[47] When Custis refused to appear before the Council to answer the charges, he was relieved of all his offices, both "Civil and Military."[48] Edward Randolph reported to the Commissioners of Customs that Custis allowed anyone, even pirates, to trade on the Eastern Shore if they paid his "Unreasonable fees."[49]

Until 1698 a member of the Council of Virginia usually served as naval officer, royal customs collector, and provincial customs collector in each of the colony's customs districts. As early as 1692 Edward Randolph recommended that the positions of naval officer and royal collector be separated. Randolph believed that two officers in each district might act as checks on each other, thereby

eliminating the possibility of either engaging in illegal trade.[50] In 1697 Francis Nicholson, then governor of Maryland, repeated the argument. Nicholson believed a major cause of illegal trading was that the naval officers and customs collectors themselves were "great traders."[51] The instructions Governor Nicholson received in 1698 barred members of the Council from serving as naval officers. These instructions, designed to regulate certain abuses which had grown up about the Council, also prohibited naval officers from serving as royal customs collectors.[52]

In July 1698 Benjamin Harrison, a member of the Council of Virginia himself, complained that the councilors often agreed among themselves to ignore illegal trade when one of their members was involved.[53] As members of the Council, the naval officers rendered their accounts to themselves for approval. Even though the instructions to Nicholson in 1698 prohibited the Councilors from serving as naval officers, they continued to hold that post until new instructions were sent to the governor in 1705. These instructions again forbade councilors from serving as naval officers.[54] The Council protested and requested that its members might continue to hold the office because their salaries as councilors alone were insufficient for their support.[55] In answer to the protest, the Board of Trade

and Plantations wrote Lieutenant-Governor Edward Nott:

> We must Inform you that that Regulation was made upon Memorials presented to Us, Extracts whereof are here inclosed that you may Examine the same in Council and Enable Us by Your Contradicting those Reasons to lay before her Majesty what We shal thereupon judge most proper in this Particular.[56]

The reasons of the Board of Trade and Plantations must have been persuasive ones for members of the Council did not serve as naval officers after 1706.

The instructions Nicholson received in 1698 also prohibited the naval officers and royal collectors from executing their offices through deputies unless absolutely necessary.[57] Some officers hired deputies to perform the functions of their offices and gave them a commission on the fees collected. Christopher Wormeley, who lived fifty miles from the Potomac River, for which he was naval officer and customs collector, maintained a deputy nearer the river.[58] On the death of Wormeley in 1698, it was discovered that his deputy, Samuel Griffin, was unable to discharge "so great a trust and Service by reason of age and Infirmities."[59]

In addition to the duties established by the English Navigation Laws, the naval officers performed certain functions by order of the governor and Council of Virginia. The governor and Council often reminded the

naval officers and collectors that they were to aid the county sheriffs and other officials in the apprehension of pirates. In April 1699 the Council ordered the naval officers, customs collectors, commanders-in-chief of the county militia, and county sheriffs in Virginia to take all possible care to apprehend the notorious pirate Captain Kidd, commander of the Adventure, and his accomplices. The Council commanded the officers to use the "utmost diligence in the prosecution and performance" of this order, but cautioned them against making the order public "lest Intimacon be given, to the said pirates, and they thereby Enabled to Escape."[60]

In October 1699 the Council ordered the naval officers and customs collectors to execute the office of public notary "as to what relates to maritime affairs within their respective districts." This was done for the convenience of the public since the officers were located throughout the colony and were men of known "Integrity and Fidility."[61] In the same year the Council directed the naval officers and collectors to inquire as to the health of people on board vessels arriving in Virginia from Pennsylvania where a "violent and dangerous" sickness was widespread at the time. The officers were directed to:

> make strict Inquiry what Condition or State of Health the people belonging to such Ship or Vessel are in, and if they find any of them to be sickly, that they do not permit them to come on Shoar to trade upon any prtence /sic/ whatsoever, but if they are in health, then they may come on Shoar to trade after the next frost and cold weather, which shall happen to clear the air and not sooner.[62]

A naval officer confronted with a situation he could not handle might ask the Council of Virginia for directions. The Council often referred these questions to the attorney general of the colony for his opinion. This procedure was followed when, in 1700, the ship Thorowgood came into the lower district of the Potomac River without a certificate of registration. The master of the vessel presented Richard Lee, naval officer of that district, with a letter, supposedly from the Commissioners of Customs in England, stating that the Thorowgood was registered at London on the 24th of December 1697. Lee requested the Council to decide whether the letter should be accepted as a certificate of registration or not. The matter was referred to Bartholomew Fowler, attorney general of Virginia, who was of the opinion that the Thorowgood should not be allowed to trade until "good Security be given" because the letter did not mention the names of the owners of the vessel. Fowler maintained that it was possible the ship had changed hands since

the time of its alleged registration.[63]

The naval officers and customs collectors had to be constantly on the watch for counterfeit certificates. Edward Randolph stated that:

> At Glasgow they have false seals of the Customs houses of Whitehaven, Beaumaris, etc., and also blank certificates, some of which are so exactly filled up with fairly counterfeithed hands that they deceive the Collectors.[64]

The Royal Instructions to Nicholson in 1698 cautioned the naval officers and customs collectors to examine all certificates. If there was any reason to believe that a certificate was false, the officer was to take sufficient security to insure that the vessel would return to England.[65]

In time of war the naval officers and collectors were ordered by the Council to take bond from all masters of ships cleared in their districts that they would sail for Europe with the convoy. These convoys assembled at the mouth of the James River and were escorted to Europe by several warships.[66]

The governor occasionally requested the naval officers and customs collectors to give him their opinions on how illegal trade could be more efficiently controlled. On April 20, 1700, the naval officers and customs collectors reported to Governor Nicholson that:

> we take the Lord's Justices Instructions of which Your Excellency hath sent Coppyes to every one of us and commanded us to see them executed to be sufficient to detect illegal Traders, and that the Collectors and Navall Officers are so far from receiving obstruction or opposition that on the contrary they have at all times had due encouragement from the Government in all things relating to the Legall execution of the respective offices not do we know any better method according to the present circumstances of this Dominion than hath been already proposed by Your Excellency's Instructions and Notices...and commanded by the severall Acts of Parliament relating to Trade and Navigation.[67]

All of the collectors and naval officers in Virginia signed this statement.

When the royal customs collectors were barred from serving as naval officers in 1698, Governor Nicholson requested that the naval officers might continue to function as provincial customs collectors. The provincial customs collectors, or receivers of the Virginia duties, were appointed by the governor with the advice of the Council of Virginia. Nicholson thought that the positions of naval officer and receiver of the Virginia duties should be combined for the "conveniency of trade and the proper reward of the officer."[68] The governor made this request in July 1699 after he had already appointed eight men both naval officers and receivers of the Virginia duties the June before.[69]

The naval officers, serving as receivers of the Virginia duties as well as naval officers, collected no

taxes imposed by the English government, but only those levied by the Virginia Assembly. These duties included taxes on servants, slaves, and other persons brought into Virginia, on liquor imported, on tobacco exported, on skins and furs exported, and a tax on all vessels trading in the colony.[70] The proceeds from the tax on skins and furs exported were given to the College of William and Mary as the colony's share of its support.[71] This source of income yielded the college more than one hundred pounds annually.[72] The receivers presented their accounts of this tax to the auditor general of Virginia and the governors of the college twice a year and were allowed ten per-cent of the amount collected.[73]

The Virginia Assembly allowed the receivers of the Virginia duties a commission on the total amount of taxes they collected, and as naval officers they received certain fees established by an act of the Virginia Assembly of 1699.[74] This act also set the fees royal collectors could charge. In addition to their fees, the royal collectors received half of the customs they collected arising from the duty of one penny per pound of tobacco exported.[75]

For entering and clearing any vessel less than fifty tons burden, the Act of 1699 allowed the naval

officers to charge seven shillings and six pence and for every vessel above fifty tons but less than one hundred tons burden, the fee was ten shillings. The fee for entering and clearing a vessel on more than one hundred tons burden was set at one pound and five shillings. The act allowed the naval officers two shillings six pence for taking a ship's bond and the same amount for issuing a permit to trade in the colony. For issuing a loading cocket, the naval officer could charge one shilling and for a permit to sail the fee was set at five shillings. No commodities could be transported from one district to another after they were once landed without a certificate from the naval officer. The fee for this certificate was two shillings and six pence.[76] The total amount a naval officer collected for entering and clearing a vessel of less than fifty tons burden and granting the certificates, permits, cockets, and taking the bond was one pound and one shilling. For a vessel of burden over one hundred tons, the naval officer received one pound, eighteen shillings and six pence.

If a naval officer charged more than the amounts established by the Assembly he would, for the first offence, be fined one hundred pounds sterling and for the second offence he would be disqualified from holding

office. Because the naval officers were often accused of charging unreasonable fees, they were required to post a list of the fees as set by the Virginia Assembly in their office.[77]

Besides the income from the naval office and the post of receiver of the Virginia duties, the naval officers in Virginia usually held other important positions at the same time. Edward Hill, who gave up his post as Treasurer of Virginia to accept the position of naval officer,[78] served as a member of the Council from 1691 until his death in 1700. He also served as provincial and royal customs collector from 1692 to 1699; as judge of the Admiralty Court of Virginia and North Carolina from 1697 to 1700; and as commander-in-chief of the Charles City County militia from 1699 to 1700.[79] Hill also served as a commissioner of the Charles City County Court.[80] As commissioner of the court, Hill held the lucrative post of sheriff of the county for one year in every eight. Each of the eight county commissioners served as sheriff for one year. The sheriff received a commission on the public and county levies that he collected.[81]

In 1700 Miles Cary petitioned the Council of Virginia that:

> he being Register of ye Court of Admiralty & since by his Excys favour made Navall officer of York River District and being humbly of Opinion yt ye sd offices

> are Inconsistent it not being suitable yt one and ye same Person should be obliged to seize Ships and Vessells for Illegal traders and be a Party in ye tryall of them.../prays/ to be Discharged from the sd office of Register.[82]

There are many other examples in Virginia of such pluralism in office. Charles M. Andrews states that "the combining of offices was an inevitable necessity in the early history of the colonies" because the small population and "the scarcity of competent men made it obligatory for one man to hold two or even more positions."[83]

The naval officers, then, were in an important and influencial position in colonial Virginia. Involved in every phase of local government, they were close to the people as well as the governor. The fact that during the seventeenth century the naval officers held their positions during the pleasure of the governor[84] and were members of the Council, gave the governor more power over the executive branch of government than he ordinarily would have had.

TIDEWATER VIRGINIA

Showing Customs Districts

APPENDIX I

CUSTOMS DISTRICTS AND NAVAL OFFICERS IN VIRGINIA BEFORE 1700

Potomac River District. Before 1697 all of the Virginia side of the Potomac River was the district of one naval officer. In 1697 this area was divided by order of Governor Nicholson to improve the collection of revenue and to better control illegal tranding. The Upper District included the area northwest of "Lower Macholique" (Lower Machodoc Creek in Westmoreland County). The Lower District was southeast of Lower Machodoc Creek and extended to the Chesapeake Bay and down the coast to the Rappahannock River District.[85] In 1699 the two Potomac River Districts were divided into three. On June 8, 1699, a naval officer was appointed for each of the three Virginia counties fronting on the Potomac River.[86] However, the naval officer returns of September 1699 show only two districts on the Potomac.[87]

Henry Hartwell, in answer to questions on the State of Virginia put to him by the Board of Trade in England, stated that in 1695 Christopher Wormeley was naval officer for the Potomac District.[88] When the Potomac District was

divided on April 20, 1697, Wormeley remained naval officer for the Lower District until his death in 1698.[89]

When Christopher Wormeley died in 1698, Richard Lee, who had been appointed naval officer for the Upper District,[90] was given the post of naval officer for both Potomac River Districts.[91] Lee remained in that position until June 1699 when his son, Hancock Lee, was appointed naval officer for Northumberland County.[92] At that time Rice Hoe was appointed naval officer for Stafford County and Isaac Allerton was appointed for Westmoreland.[93] However, when Richard Lee retired from the Council of Virginia in October 1699, he was appointed "navall officer of all Potowmeck River Except Stafford County."[94] Lee, in his returns, referred to his district as the "Lower District" and Rice Hoe made returns for the Upper District of Potomac, which must have been Stafford County.[95]

Rappahannock River District. The Rappahannock River District included the area from the falls on that river to the Chesapeake Bay. It joined the Lower District of the Potomac at Windmill Point on the Chesapeake and joined the York River District at the Pianketank River.[96]

Ralph Warmeley took the oath of naval officer on April 29, 1692, probably for the Rappahannock District

since Henry Hartwell referred to him in that position in 1695.[97] Wormeley remained in that post until Robert Carter was appointed on October 24, 1699. Apparently Wormeley gave up the position because of ill health.[98]

York River District. The York River District embraced the area fronting on that river. It joined the Rappahannock District at the Pianketank River and the Lower James River District at Back River.[99]

Edmund Jennings took the oath of naval officer on April 29, 1692, and Henry Hartwell mentioned that he was naval officer for the York River in 1695.[100] Jennings remained in that office until Miles Cary was appointed in June 1699.[101]

James River Districts. The Upper District of the James River included the area from the fall at the present site of Richmond to Hog Island, a few miles below Jamestown Island. The Lower District extended from Hog Island around Cape Henry to North Carolina and around Point Comfort to join the York River District at Back River.[102]

On April 15, 1692, John Lear was appointed naval officer for the Upper District of James River.[103] When

William Cole, who was appointed naval officer of the Lower District of the James River on April 29, 1692,[104] resigned his position, Lear succeeded him on June 23, 1692. In place of Lear, Edward Hill was appointed naval officer for the Upper District.[105] Hill held that post until 1699 when Nathaniel Harrison was appointed.[106]

John Lear remained naval officer for the Lower District until his death in 1695. He was followed in that position by Daniel Park, who was replaced by Peter Heyman on April 19, 1698.[107] William Wilson was appointed naval officer for the Lower James River District in June 1699.[108]

Eastern Shore District. On April 15, 1692, Charles Scarborough was appointed naval officer for the Eastern Shore which is composed of Northampton and Accomack Counties.[109] Edward Randolph recommended that Scarborough be appointed naval officer of the Eastern Shore because "he knows all the tricts of the interlopers" and his house was located "so that no ship can sail to Somerset County /Maryland/ without passing by him."[110] Scarborough was followed in this office by John Custis, who was appointed on June 8, 1699.[111]

APPENDIX II

NAVAL OFFICER RETURNS

Before 1699 the naval officers did not make regular reports of shipping in their districts. The returns made before 1699 follow no set pattern, most containing only the name of each ship cleared with its master's name.[112] However, some contain such information as the ships' names, masters' names, dates cleared, destination, and cargoes.[113]

After 1699 the naval officers made the returns regularly. These lists contain the date each ship was entered and cleared with its name, tonnage, cargo, type of construction, when and where the vessel was built, when and where registered, when and where bond was given, number of guns, the names of its owners and master, and its destination.[114] The royal customs collectors made returns identical to those made by the naval officers. For the years from 1699 to 1706 the collectors' returns are deposited with the naval officers' lists in the Public Records Office of Great Britain.[115] The naval officers' returns are complete in the Public Records Office from 1699 to 1770, except for the years from 1707 to 1714.[116] The returns for 1771 to 1773 may be found in the Treasury In-Letters of those dates.[117]

NOTES

[1]George Louis Beer, The Old Colonial System, 1660-1754 (New York, 1933), I, 58-59.

[2]Lawrence A. Harper, The English Navigation Laws (New York, 1939), pp. 34-49.

[3]Beer, Old Colonial System, I, 58-127.

[4]"An account of the present state and condition of... Jamaica" Jan. 28, 1676, Calendar of State Papers, Colonial Series, 1675-1676, ed. W. Noel Sainsbury (London, 1893), No. 800.

[5]Minutes, April 16, 1672, Executive Journals of the Council of Colonial Virginia, ed. H. R. McIlwaine (Richmond, 1925), I, 223-224.

[6]7&8 Wm. III, c. 22, iv. All English statutes are from Statutes of the Realm, Record Commission (London, 1810-1828).

[7]12 Car. II, c. 18, ii.

[8]15 Car. II, c. 7, iv.

[9]15 Car. II, c. 7, vi.

[10]Ibid.

[11]"Imposition of two shillings per hogshead," W. W. Hening (ed.), Statutes at Large; being a Collection of all the Laws of Virginia (Richmond, 1809), I, 491-492.

[12]"The Act ffor Two Shillings per Hogshead made void," Ibid., p. 523.

[13]Thomas J. Wertenbaker, Patrician and Plebeian in Virginia ("The Shaping of Colonial Virginia," New York, 1958), pp. 34-40. Hugh Jones, The Present State of Virginia, ed. Richard L. Morton (Chapel Hill, 1956), pp. 72-74.

[14]Edward Randolph to Commissioners of Customs, Aug. 17, 1696. Cal. State Papers, Col., 1696-1697, No. 149.

[15]"Imposition of two shillings per hogshead," Hening, Statutes, II, 130-132.

[16]"Instructions to Berkeley, 1662," Virginia Magazine of History and Biography, III (1896), 15-20.

[17]Ibid.

[18]"An act for the imposition of 2 shillings per hogshead," Hening, Statutes, II, 176-177.

[19]25 Car. II, c. 7, v.

[20]Warrant from Treasurer Latimer to Customs Commissioners, Nov. 27, 1673, Calendar of Treasury Books, ed. William A. Shaw (London, 1909), IV, 427.

[21]Warrant from Treasurer Danby to Customs Commissioners, Feb. I, 1674/5, Ibid., p. 667.

[22]Giles Bland to Governor Berkeley, Sept. 16, 1675, "Papers relating to the American Colonies," British Museum, Egerton 2395, ff. 511-514. "Mr. Bland's case as Collector of the Customs in Virginia," 1675, ibid., ff. 517-518.

[23]Order of a General Court held at James City, Oct. 17, 1675, Cal. State Papers, Col., 1675-1676, No. 698.

[24]W. N. Sainsbury (ed.), "Virginia in 1673-1676," Virginia Magazine of History and Biography, XX (1912), 235-251.

[25]Warrant from Treasurer Danby to the Customs Commissioners, Oct. 3, 1676, Cal. Treasury Books, V, 346-347. "Account of the two shillings per hogshead duty for 1676," Journals of the House of Burgesses of Virginia 1659/60-1693, ed. H. R. McIlwaine (Richmond, 1914), pp. 501-502.

[26]Minutes, April 15, 1692, Executive Journals, I, 223-224.

[27]Royal Sign Manual to Lord Culpeper, Dec. 16, 1697, Cal. Treasury Books, VI, 309.

[28]12 Car. II, c. 18, xix.

[29]15 Car. II, c. 7, vi.

[30]Commissioners of Customs to the Lords of the Treasury, May 11, 1697, Cal. State Papers, Col., 1696-1697, No. 1007.

[31]Ibid.

[32]Instructions to Nicholson, Sept. 30, 1698, PRO C. O. 5/1311, ff. 142-150.

[33]"Shipping Returns," 1699-1706, PRO C. O. 5/1441, ff. 1-458.

[34]Lords Commissioners of Trade and Plantations to Governor Nicholson, "Council Papers 1698-1700," Virginia Magazine of History and Biography, XXI (1913), 384-386.

[35]Minutes, Dec. 20, 1699, Executive Journals, II, 34.

[36]Edward Randolph to Commissioners of Customs, June 27, 1692, Cal. State Papers, Col., 1689-1692, No. 2295.

[37]Blank Commission of a customs collector, "Executive Letter Book, 1698-1700," pp. 56-57. Manuscript volume in Virginia State Library.

[38]7&8 Wm. III, c. 22, v.

[39]Ibid.

[40]7&8 Wm. III, c. 22, i.

[41]7&8 Wm. III, c. 22, v.

[42]7&8 Wm. III, c. 22, iv.

[43]L. W. Labaree, Royal Instructions to British Colonial Governors, 1670-1776 (New York, 1935), II, 760-761.

[44]Instructions to Nicholson, 1698, PRO C. O. 5/1311, f. 151.

[45]Minutes, April 16, 1692, Executive Journals, I, 224. Bond of John Lear, April 30, 1692, PRO C. O. 5/1306, f. 420.

[46]Session of May 8, 1688, Journals of the House of Burgesses of Virginia, 1659/60-1693, p. 314.

[47]Minutes, June 23, 1692, Executive Journals, I, 247-248.

[48]Ibid.

[49]Edward Randolph to Customs Commissioners, June 27, 1692, Cal. State Papers, Col., 1689-1692, No. 2295.

[50]Ibid.

[51]Nicholson to Council of Trade and Plantations, July 13, 1697, Cal. State Papers, Col., 1696-1697, No. 1178.

[52]Labaree, Royal Instructions, II, 657.

[53]Memorial of Benjamin Harrison, July 11, 1698, Cal. State Papers, Col., 1697-1698. No. 656.

[54]Instructions to Governor Edward Nott, April 30, 1705, PRO C. O. 5/1361, "Entry Book 1704-1706," p. 187.

[55]Minutes, August 9, 1706, Executive Journals, III, 117-118.

[56]Board of Trade and Plantations to Governor Nott, March 1, 1705/6, PRO C. O. 5/1362, "Entry Book 1706-1709," pp. 6-8.

[57]Instructions to Nicholson, 1698, PRO C. O. 5/1311, f. 151.

[58]Edward Randolph to Commissioners of Customs, June 27, 1692, Cal. State Papers, Col., 1689-1692, No. 2295.

[59]Minutes, Oct. 20, 1698, Executive Journals, I, 392-393.

[60]Minutes, April 18, 1699, ibid., pp. 422-423.

[61]Minutes, June 22, 1692, ibid., I, 247. Minutes, Oct. 25, 1699, ibid., II, 18.

[62]Minutes, Nov. 10, 1699, ibid., II, 23.

[63]Minutes, April 25, 1700, ibid., II, 62.

64Edward

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73Minutes, April 25, 1700, Executive Journals, II, 62-63. Hening, Statutes, III, 123-124.

74"An act ascertaining Collectors and Navall Officers fees," Hening, Statutes, III, 195-197.

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[83]Charles M. Andrews, The Colonial Period of American History, IV, 182.

[84]Blank commission of a naval officer, "Executive Letter Book, 1698-1702," pp. 57-58.

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[86]Minutes, June 8, 1699, ibid., pp. 449-450.

[87]Naval officer returns, PRO C. O. 5/1441, ff. 78, 81.

[88]Henry Hartwell to William Popple, Sept. 13, 1697, Cal. State Papers, Col., 1696-1697, No. 1320.

[89]Minutes, Oct. 20, 1698, Executive Journals, I, 392-393.

[90]Minutes, April 20, 1697, ibid., p. 364.

[91]Minutes, Oct. 20, 1698, ibid., pp. 392-393.

[92]Minutes, June 8, 1699, ibid., pp. 449-450.

[93]Ibid.

[94]Minutes, Oct. 27, 1699, ibid., II, 21-22.

[95]Naval officer returns, PRO C. O. 5/1441, ff. 78, 81.

[96]Robert Beverley, The History and Present State of Virginia, ed. Louis B. Wright (Chapel Hill, 1947), p. 244.

[97]Minutes, April 29, 1692, Executive Journals, I, 224. Henry Hartwell to William Popple, Sept. 13, 1697, Cal. State Papers, Col., 1696-1697, No. 1320.

[98]Minutes, Oct. 24, 1699, Executive Journals, II, 14.

[99]Beverley, History and Present State of Virginia, p. 244.

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[104]Minutes, April 16, 1692, ibid., p. 224.

[105]Minutes, June 23, 1692, ibid., p. 250.

[106]Minutes, June 8, 1699, ibid., pp. 449-450.

[107]Minutes, Dec. 5, 1695, ibid., p. 337. Minutes, April 19, 1698, ibid., p. 382.

[108]Minutes, June 8, 1699, ibid., pp. 449-450.

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[110]Edward Randolph to Commissioners of Customs, June 27, 1692, Cal. State Papers, Col., 1689-1692, No. 2295.

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[113]"Misc. Correspondence," 1691-1692. PRO C. O. 5/1306, ff. 472-475. "Misc. Correspondence," 1691-1695. PRO C. O. 5/1308, ff. 195-196, 212-213.

[114]"Shipping Returns" 1699-1770. PRO C. O. 5/1441-1450.

[115]"Shipping Returns" 1699-1706. PRO C. O. 5/1441. ff. 1-458.

[116]"Shipping Returns" 1699-1770. PRO C. O. 5/1441-1450.

[117]Charles M. Andrews. Guide to the Materials for American History, to 1783, in the Public Record Office. (Washington, 1912), I, 158.

ESSAY ON AUTHORITIES

The Colonial Records Project, sponsored by the Virginia 350th Anniversary Celebration Corporation, has surveyed and microcopied material relating to Virginia history in the British Public Records Office, the British Museum, the Archives Nationales in Paris, and other European depositories. The Survey Reports, prepared by Dr. George H. Reese, offer a convenient, though unindexed, guide to the manuscripts. Each document is abstracted in the Survey Reports and the result is a more complete guide than Charles M. Andrews' Guide to the Materials for American History, to 1783, in the Public Records Office, 2 vols. (Washington, 1912-1914) and Andrews and F. G. Davenport's Guide to the Manuscript Materials for the History of the United States to 1783, in the British Museum, in Minor London Archives, and in the Libraries of Oxford and Cambridge (Washington, 1908).

Copies of the microfilm made by the Colonial Records Project are deposited at the Alderman Library in Charlottesville, the Colonial Williamsbury Library in Williamsbur , and

the Virginia State Library in Richmond. Abundant source material relating to the colonial history of Virginia is, then, easily available to the historian. Many of the documents copied by the Colonial Records Project are contained in the Calendar of State Papers, Colonial Series, America and the West Indies, edited by W. Noel Sainsbury, et al (London, 1860-); the Calendar of Treasury Books, edited by W. A. Shaw (London, 1904-); and L. W. Labaree, Royal Instructions to British Colonial Governors, 2 vols. (New York, 1935). Most of the documents in the last mentioned works are, however, abstracts.

A large number of manuscripts relating to seventeenth century Virginia history are in the Virginia State Library. There is no published guide to the manuscript collections in the State Library. The most useful for my study of the Naval Office was the "Executive Letter Book 1698-1702", parts of which have been published in the Virginia Magazine of History and Biography. The "Executive Letter Book" contains copies of communications from Governor Nicholson to local officials as well as copies of commissions and royal instructions to the governor.

Many of the colonial records of Virginia have been published by the State Library. Most valuable for my study were the Executive Journals of the Council of Colonial Virginia, 1680-1754, edited by H. R. McIlwaine and W. L.

Hall, 5 vols. (Richmond, 1925-1945). This work includes the proceedings of the Council in both its executive and its judicial capacities. The Journals of the House of Burgesses of Virginia, 1619-1776, edited by H. R. McIlwaine and J. P. Kennedy, 13 vols. (Richmond, 1905-1915) is another valuable publication of the State Library. Microfilm copies of the Virginia County Court records, some of which are complete from the earliest periods of settlement, are also deposited in the Virginia State Library.

The laws of Virginia during the colonial period are in Statutes at Large: Being a Collection of all the Laws of Virginia, edited by W. W. Hening, 13 vols. (Richmond, Philadelphia, and New York, 1810-1828). Hening's Statutes have been indexed by Earl G. Swem in Virginia Historical Index, 2 vols. (Roanoke, 1934). The William and Mary College Library has the Statutes of the Realm, Record Commission, 11 vols. (London, 1810-1828) on microcard.

The Manuscripts of the House of Lords, Historical Manuscripts Commission, Fourteenth Report, Appendix, Part VI, N. S. 8 vols. (London, 1900-1923) contains copies of reports concerning the colonies and instructions to colonial governors. Many letters regarding enforcement of the Navigation Acts in the colonies are in Edward Randolph; including his Letters and Official Papers, 1676-1703; edited

by Robert Noxon Toppan and Alfred Goodrick, 7 vols. (Boston, 1898-1909).

Important contemporary accounts of Virginia in the seventeenth century are Robert Beverley, The History and Present State of Virginia, edited by Louis B. Wright (Chapel Hill, 1947); Henry Hartwell, James Blair, and Edward Chilton, The Present State of Virginia, and the College, edited by Hunter D. Farish (Williamsburg, 1940); and Hugh Jones, The Present State of Virginia, edited by Richard L. Morton (Chapel Hill, 1956). Valuable secondary works on Virginia in the seventeenth century are T. J. Wertenbaker, The Shaping of Colonial Virginia (New York, 1958) and Wesley F. Craven, The Southern Colonies in the Seventeenth Century, 1607-1689, Vol. I of A History of the South, edited by W. H. Stephenson and E. Merton Coulter (Baton Rouge, 1949).

Secondary works on the Old Colonial System are plentiful, but the most valuable seem to be Volume IV of Charles M. Andrews, The Colonial Period of American History, 4 vols. (New Haven, 1934-1938); George Louis Beer, The Old Colonial System, 1660-1754, 2 vols. (New York, 1933); and Lawrence A. Harper, The English Navigation Laws (New York, 1939). These works are useful to anyone studying the Old Colonial System but their treatment of the naval office is too general to be helpful in the study of that office in any particular colony.

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