

The Navigation Act.

[Oct. 9, 1651. Scobell's Acts of Parliament, pt. ii, p. 176. See *Commonwealth and Protectorate*, ii. 147.]

[Cap. 22.] *Goods from Foreign parts by whom to be imported.*

For the increase of the shipping and the encouragement of the navigation of this nation, which^[1] under the good providence and protection of God is so great a means of the welfare and safety of this Commonwealth: be it enacted by this present Parliament, and the authority thereof, that from and after the first day of December, one thousand six hundred fifty and one, and from thence forwards, no goods or commodities whatsoever of the growth, production or manufacture of Asia, Africa or America, or of any part thereof; or of any islands belonging to them, or which are described or laid down in the usual maps or cards of those places, as well of the English plantations as others, shall be imported or brought into this Commonwealth of England, or into Ireland, or any other lands, islands, plantations, or territories to this Commonwealth belonging, or in their possession, in any other ship or ships, vessel or vessels whatsoever, but only in such as do truly and without fraud belong only to the people of this Commonwealth, or the plantations thereof, as the proprietors or right owners thereof; and whereof the master and mariners are also for the most part of them of the people of this Commonwealth, under the penalty of the forfeiture and loss of all the goods that shall be imported contrary to this act; as also of the ship (with all her tackle, guns and apparel) in which the said goods or commodities shall be so brought in and imported; the one moiety to the use of the Commonwealth, and the other moiety to the use and behoof of any person or persons who shall seize the goods or commodities, and shall prosecute the same in any court of record within this Commonwealth.

And it is further enacted by the authority aforesaid, that no goods or commodities of the growth, production, or manufacture of Europe, or of any part thereof, shall after the first day of December, one thousand six hundred fifty and one, be imported or brought into this Commonwealth of England, or into Ireland, or any other lands, islands, plantations or territories to this Commonwealth belonging, or in their possession, in any ship or ships, vessel or vessels whatsoever, but in such as do truly and without fraud belong only to the people of this Commonwealth, as the true owners and proprietors thereof, and in no other, except only such foreign ships and vessels as do truly and properly belong to the people of that country or place, of which the said goods are the growth, production or manufacture; or to such ports where the said goods can only be, or most usually are first shipped for transportation; and that under the same penalty of forfeiture and loss expressed in the former branch of this Act, the said forfeitures to be recovered and employed as is therein expressed.

And it is further enacted by the authority aforesaid, that no goods or commodities that are of foreign growth, production or manufacture, and which are to be brought into this Commonwealth in shipping belonging to the people thereof, shall be by them shipped or brought from any other place or places, country or countries, but only from those of their said growth, production, or manufacture, or from those ports where the said goods and commodities can only, or are, or usually have been first shipped for transportation; and from none other places or countries, under

the same penalty of forfeiture and loss expressed in the first branch of this Act, the said forfeitures to be recovered and employed as is therein expressed.

And it is further enacted by the authority aforesaid, that no sort of cod-fish, ling, herring, pilchard, or any other kind of salted fish, usually fished for and caught by the people of this nation; nor any oil made, or that shall be made of any kind of fish whatsoever, nor any whale-fins, or whale-bones, shall from henceforth be imported into this Commonwealth or into Ireland, or any other lands, islands, plantations, or territories thereto belonging, or in their possession, but only such as shall be caught in vessels that do or shall truly and properly belong to the people of this nation, as proprietors and right owners thereof; and the said fish to be cured, and the oil aforesaid made by the people of this Commonwealth, under the penalty and loss expressed in the first branch of this present Act; the said forfeit to be recovered and employed as is there expressed.

And it is further enacted by the authority aforesaid, that no sort of cod, ling, herring or pilchard, or any other kind of salted fish whatsoever, which shall be caught and cured by the people of this Commonwealth, shall be from and after the first of February, one thousand six hundred fifty three, exported from any place or places belonging to this Commonwealth, in any other ship or ships, vessel or vessels, save only in such as do truly and properly appertain to the people of this Commonwealth, as right owners; and whereof the master and mariners are for the most part of them English, under the penalty and loss expressed in the said first branch of this present Act; the said forfeit to be recovered and employed as is there expressed.

Provided always, that this Act, nor anything therein contained, extend not, or be meant to restrain the importation of any of the commodities of the Straits^[2] or Levant seas, laden in the shipping of this nation as aforesaid, at the usual ports or places for lading of them heretofore, within the said Straits or Levant seas, though the said commodities be not of the very growth of the said places.

Provided also, that this Act nor anything therein contained, extend not, nor be meant to restrain the importing of any East India commodities laden in the shipping of this nation, at the usual port or places for lading of them heretofore in any part of those seas, to the southward and eastward of Cabo Bona Esperanza,^[3] although the said ports be not the very places of their growth.

Provided also, that it shall and may be lawful to and for any of the people of this Commonwealth, in vessels or ships to them belonging, and whereof the master and mariners are of this nation as aforesaid, to load and bring in from any of the ports of Spain and Portugal, all sorts of goods or commodities that have come from, or any way belonged unto the plantations or dominions of either of them respectively.

Be it also further enacted by the authority aforesaid, that from henceforth it shall not be lawful to any person or persons whatsoever to load or cause to be laden and carried in any bottom or bottoms, ship or ships, vessel or vessels, whatsoever, whereof any stranger or strangers born (unless such be denizens or naturalized) be owners, or masters, any fish, victual, wares, or things of what kind or nature soever the same shall be, from one port or creek of this Commonwealth, to another port or creek of the same, under penalty to every one that shall offend contrary to the true meaning of this branch of this present Act, to forfeit all the goods that shall be so laden or

carried, as also the ship upon which they shall be so laden or carried, the same forfeit to be recovered and employed as directed in the first branch of this present Act.

Lastly, that this Act nor anything therein contained, extend not to bullion, nor yet to any goods taken, or that shall be taken by way of reprisal by any ship or ships, having commission from this commonwealth.

Provided, that this Act, or anything therein contained, shall not extend, nor be construed to extend to any silk or silk wares which shall be brought by laud from any part of Italy, and there bought with the proceed of English commodities, sold either for money or in barter: but that it shall and may be lawful for any of the people of this Commonwealth to ship the same in English vessels from Ostend, Nieupoort, Rotterdam, Middelburg, Amsterdam, or any ports thereabouts, the owners and proprietors first making oath by themselves, or other credible witnesses, before the Commissioners of the Customs for the time being or their deputies, or one of the Barons of the Exchequer, that the goods aforesaid were so bought for his or their own proper account in Italy.

^[1] When this Act was re-enacted after the Restoration many changes were made, the most important being that the prohibition of importing in foreign bottoms was extended to exports (12 Car. II, Cap. 18).

^[2] 'The Straits' are the Straits of Gibraltar, but the term includes the Mediterranean, or, as here, the western part of it.

^[3] The Cape of Good Hope.