The Westminster Model Navy: Defining the Royal Navy, 1660-1749

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ABSTRACT

At the Restoration of the English monarchy in 1660, Charles II inherited the existing interregnum navy. This was a persistent, but loosely defined organization that included a professional community of officers, a large number of warships, and substantial debts. From the beginning Charles II used royal prerogative to define the Royal Navy. In 1661, Parliament created legislation that simultaneously defined the English state and the Royal Navy. These actions closely linked the Royal Navy's development to that of the English state, and the use of both statutes and conventions to define the Navy provided the foundation for its development in the 'Westminster Model'.

This thesis considers the Royal Navy's development from the Restoration to the replacement of the Articles of War in 1749 in five distinct periods. The analysis shows emphasizes both the consistency of process that resulted from the creation and adoption of definitions in 1660, as well as the substantial complexity and differences that resulted from very different institutional, political and geopolitical circumstances in each period.

The Royal Navy's development consisted of the ongoing integration of structural and professional definitions created both in response to crises and pressures, as well as deliberate efforts to improve the institution. The Royal Navy was integrated with the English state, and became an institution associated with specific maritime military expertise, and the foundations laid at the Restoration shaped how the Navy's development reflected both English state development and professionalization. In particular, the aspects of the Royal Navy that Charles II and Parliament respectively defined in 1660 provide important context for when first Parliament, then the Board of Admiralty later stepped outside those bounds.

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INTRODUCTION

Andrew Lambert argues that '[n]avies developed alongside the nation states that they served. Only strong, centrally controlled states had the tax-raising powers to fund standing navies.'[1] Whilst this is undoubtedly true, the nature of the relationship between a navy's development and that of its parent state is more complex than this observation allows. Given the global commercial, military, and imperial power of eighteenth-century Britain, the exploration of this relationship has been of particular historical interest, giving rise more recently to an emphasis, not on strong, centralised monarchies, as such, but to Britain's exceptional, parliamentary constitutional nature and on the long-term fiscal benefits of investment in a strong navy.[2] Many histories of the Royal Navy, therefore, explore the links between its development and the growth of the state, building a narrative around key events or developments, such as the creation of the Bank of England in 1694, and privileging the particular constitutional nature and financial resilience of the state.

A premise of this thesis is that, although they were closely related, the processes of state development and of naval development were not one and the same thing, nor was the navy just the incidental product of countless political contests and economic and military imperatives. To borrow a phrase from Kathleen Wilson's definition of empire, the navy 'was always in the making, changing, and in process', and it is this process that is of interest here.[3] Like the Restoration state itself, which adopted and modified certain aspects of the Commonwealth before it, but which was really an attempted reconstitution of the state as it had existed prior to the civil wars, the navy

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1   Andrew Lambert, *War at Sea in the Age of Sail*, London: Cassell, 2000. 24
2   N.A.M.Rodger, 'From the 'military revolution' to the 'fiscal-naval' state', Journal for Maritime Research 13, 2 (2011), 119-128.
3   Kathleen Wilson, ed., *A New Imperial History: Culture, Identity and Modernity in Britain and the Empire, 1660-1840* (Cambridge University Press, 2004), p. 12.

experienced more than a mere re-branding of the Parliamentarian navy. In its own process of change, the Royal Navy naturally built upon the existing fleet and the officers, along with the accumulated debt and experiences of its recent, turbulent history, but it, too, was the product of re-invention, or re-definition. This involved the revival of customs and precedents, such as the appointment of individuals to offices that had been abolished under the Commonwealth. It also resulted in new legal definitions. This thesis, therefore, is primarily a study of the development of the Royal Navy as a contested legislative space, the result of many political contests that left significant, observable traces in the legislative record. It emerged out of the particular circumstances of the Restoration itself in 1660 and, notably, the subsequent insertion of the navy's *Articles of War* into statute law the following year. The period of study ends in 1749, when these statutes, which defined the Navy, were repealed and amended following the War of the Austrian Succession (1740-48).

It is well-known that the Restoration navy needed to come firmly under direct, royal control from 1660 and that the creation of a close association between the navy and the monarchy and of a shared identity was an important moment in the Royal Navy's celebrated history. Yet this study does not take the Royal Navy's future institutional form as a particularly treasured feature of the state or its later operational successes as natural or inevitable, nor as the basis on which to assess its early history. It is not such longer-term results that matter here but the process itself, and a new way of viewing this process can be gleaned from the constantly changing definitions of the navy that are found within statute law and other formal documents. The choice of these 'definitions' as the object of study was partly inspired by what has been referred to as the 'cultural turn' in political and imperial history. Wilson's study of the eighteenth century, for example, defines political culture as 'the realm encompassing political values and

ideologies, the *forms* of their expression – verbal and non-verbal, embodied in both actions and artifacts – and the mechanisms of their dissemination and transformation'.[4] The definitions studied here are one such cultural 'artifact' from the past which, together, can shed some light on the process of change in the navy over time.

In this sense, something of an 'archaeological approach' to the historical record is being taken here. That is to say that, rather than another study of the many political contests and pressures that affected the navy themselves, it is their outcome in the form of legal definitions which is being uncovered and studied here for the light that they shed on the process of change. An important concept is that of royal prerogative. It has been described as:

> [t]he personal discretionary powers which remain in the Sovereign's hands. They include the rights to advise, encourage and warn Ministers in private; to appoint the Prime Minister and other Ministers; to assent to legislation; to prorogue or to dissolve Parliament; and (in grave constitutional crisis) to act contrary to or without Ministerial advice.[5]

Following the Restoration, many powers remained in the King's hands, including the power to define the state. In particular, it is clear from taking this approach that early definitions of the Royal Navy were not simply imposed by Charles II. In 1661, Parliament passed the *Act for the Establishing Articles*, which contained the Royal Navy's *Articles of War*. It also created limits on the authority and jurisdiction of the restored office of Lord High Admiral.[6] This provided the Royal Navy with statutory definitions which, together with the customs inherited from the Commonwealth Navy, recreated or modified at the Restoration, in effect formed what will be argued in this

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4   Kathleen Wilson, *The Sense of the People: Politics, Culture and Imperialism in England, 1715-1785* (Cambridge University Press, 1995), p. 12.

5   Parliament, *Select Committee on Public Administration Fourth Report*, https://www.publications.parliament.uk/pa/cm200304/cmselect/cmpubadm/422/42202.htm accessed May 3, 2017.

6   'Charles II, 1661: An Act for the Establishing Articles and Orders for the regulateing and better Government of His Majesties Navies Ships of Warr & Forces by Sea.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 311-314. *British History Online*, accessed August 16, 2016, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

thesis was a 'Westminster Model' constitution. This is a twentieth-century concept that is used primarily to describe flexible constitutional arrangements within the Commonwealth, but which also best describes the nature of the subsequent evolution of the navy.

This redefinition of the navy was an extraordinary departure that would set the foundations for the navy's subsequent legal development up to the 1740s. Indeed, the replacement of the *Articles of War* in 1749 appears to have defined another, distinct departure, as it was the first time that the definitions in the *Act for the Establishing Articles* were entirely replaced, as opposed to just supplemented as circumstances required. By 1749, therefore, the Royal Navy was no longer quite the same contested legislative space that it had been after 1660. The amendments were initiated by members of the Board of Admiralty who sought to implement an institutional philosophy that emphasized discipline and hierarchy in a reaction to the Royal Navy's experiences in the War of the Austrian Succession. The *Act for the Amending, Explaining and Reducing into One Act* of 1749 contained the amended *Articles of War* and also rationalized the other legislation that had previously defined the Royal Navy. This reflected the sense that more fundamental, lasting changes were necessary than had been attempted after the Restoration.

Professionalisation is also a major theme of this study. At the Restoration, the Royal Navy was not only provided with structural definitions, but also professional ones. After 1660, the structural and professional definitions were increasingly integrated, so that a specific Royal Navy Officer profession was created that was part of the Royal Navy as an institution. As Eric Ash argues,

> In the modern period, it may be argued that expertise acquires full
> legitimacy only through the affirmation of certain established institutions
> such as universities, corporations, and government bureaus. Yet the origins

and forebears of many of these institutions have extensive premodern roots, and they evolved alongside the experts and states in question.[7]

The Royal Navy was absolutely one such institution. The active and continued definition of both its structural and professional attributes were defined in statute and in custom, and from 1660 to 1749 there was a general shift in the definitions contained in statutes, from focus on the structural attributes to the definition of the officer profession, particularly following the end of the War of the Austrian Succession in 1748.

Both developments reflect the main argument of this thesis which is that the Royal Navy followed a Westminster Model of constitutional development from 1660 to 1749. It is useful to apply this concept in the seventeenth and eighteenth century because the piecemeal institutional evolution that it implies captures perfectly both the unique domestic institutional circumstances of the navy's early changes and, internationally, a development process that is different to, on one hand, the local admiralties and federalised Dutch navy and, on the other, the much more centralised navy of the French state, which was subject to a number of major, root-and-branch institutional reinventions by the crown through major acts of legislation in 1584, 1626, and 1629 which foreshadowed the great reforming projects of Colbert late in the seventeenth century.[8]

The development of the Royal Navy was more than just a series of incremental changes that merely reflected broader transitions in the state and the Royal Navy officer profession. At the same time, it was not the long, gradual implementation of a preconceived ambition or clear institutional programme either. The argument in this study, however, is built almost entirely on the domestic context of change. Although all

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7   E.H. Ash, 'Introduction: Expertise and the Early Modern State' *Osiris*, Vol. 25, No. 1, Expertise and the Early Modern State (2010), p 19.

8   Jaap Bruijn, *The Dutch Navy of the Seventeenth and Eighteenth Centuries* (Columbia, S.C.: U of South Carolina Press, 1993). Alan James, *The Navy and Government in Early Modern France, 1572-1661* (Woodbride: The Boydell Press, 2004).

institutions go through subsequent incremental changes, some English and later British institutions, entities and corporations were created effectively fully-defined. The Royal Navy on the other hand, was never granted a charter, and so was different in this way to corporations that would be otherwise comparable. The Royal Navy as an institution or organization was continually defined and re-defined over decades through slow, constitutional changes, the implementation of circumstance-specific agendas, and attempts to address issues raised by changing pressures. These pressures related to both the Royal Navy's relationship with the state and to the professional development of the service.

The emphasis on constitutional change, working through both custom and statute together, which is part of the very definition of the Westminster Model, is also reflected in the nature of the sources available for this study. Two broad categories of primary sources have been consulted. The first concerns legislation that defined the Navy, its attributes, and its interaction with the state. Legislation formed the 'statute' element of the Royal Navy's constitution. This legislation was found in the *Statutes of the Realm* and other similar volumes. This provides none of the political background to the legislation, of course, but crucially it provides us with the definitions, the outcomes of political contexts that are needed. The *Journal of the House of Commons, Journal of the House of Lords*, individual letters from key players and other documents provide important context. Sources for these letters include the Admiralty and Navy Board correspondence and letters from the politicians who participated in defining the Royal Navy such as Horace Walpole.

The second category of primary sources includes orders-in-council and internal administrative documents, such as the *Instructions* or *Regulations and Instructions, Establishments*, orders to officers, commissions, and warship names. These sources

provide the 'conventions' aspect of the Royal Navy's constitutional definitions. They are

found primarily at the National Maritime Museum (NMM), National Archives, and the

National Museum for the Royal Navy (NMRN). The Papers of Samuel Pepys in the

Rawlinson Manuscripts at the Bodleian Library, Thomas Corbett's volumes, and Navy

Records Society volumes are also important collections. Often these documents also

lack important context. For example, the fourth and fifth volumes of the Clumber House

collection at the NMM contains transcriptions of orders-in-council, and at times, not

even the full text but only titles and summaries. Again, context for these definitions is

provided by other documents. Likewise, the Corbett volumes at the NMRN refer to

documents and precedents that defined both structural and professional aspects of the

Royal Navy, though some of these documents were unavailable. In comparison, the

Navy Records Society volumes contain many documents that defined the Royal Navy as

well as letters that provide important context. In other cases, letters were sourced from

the Admiralty and Navy correspondence collections at the NMM, from the ADM series

at the National Archives, and from published volumes of correspondence. Other

documents consulted include commissions, warrants, lieutenant's logs, order books and

officer lists. Not all such documents relating to the years 1660 to 1749 could be

consulted, of course. Yet it is possible to be guided through them by the definitional

outcomes and the complexity of the development process as it appears in the wording of

the various acts and statements upon which this study is based. Together they

contributed to the evolving legal definition of the Royal Navy.

Literature Review and Methodology

The important literature that forms the foundations for this project is discussed

in four categories: first, the discussion of the Westminster Model , which is the central

concept. The second group includes socio-cultural histories of the Royal Navy, as well as post-structural considerations of history, and which are linked by the 'Cultural Turn'. This group provides insight both into the studies that provide immediate context for the topic studied in this thesis and into the methodology used. The third section discusses the established literature regarding the Royal Navy's institutional history. The fourth section discusses the studies of professionalization. These latter two categories are important because of the creation of both structural and professional definitions in the Royal Navy's development.

Section I: The Westminster Model

The concept of the Westminster Model or 'Westminster System' is central to this thesis and is used to describe the process of the development of the English and British State and of the Royal Navy following the Restoration. This is a label normally used to discuss the current constitutional peculiarities of the government in the United Kingdom, Canada and other Commonwealth nations and their historical evolution. It is a concept borrowed from Political Science and is not normally applied to state development in this period.

Early twentieth-century discussions of the attributes of a state laid the foundations for the later discussion of the Westminster Model . James Garner argues that a state has four attributes: 'Population', 'Territory', 'Unity of Government' and 'Sovereignty'.[9] Both 'Population' and 'Territory' are material attributes, specifically over whom and where the state has authority. The implication is that without actual population or territory, a state does not exist. 'Unity of Government' refers to who has authority over the jurisdiction. The attributes of 'Population', 'Territory' and 'Unity of Government' are particularly important for discussing the Royal Navy. The first two are

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9   Garner, *Political Science and Government* (New York: American Book Company, 1928), 74-109.

directly referred to in the first statutory definitions created for the Royal Navy and would shape its development until they were replaced in 1749. Likewise, 'Unity of Government' is important because the re-creation of the Royal Household, and the reintroduction of royal prerogative following the Restoration, created conflicts that were directly responsible for defining the Royal Navy as an institution. 'Sovereignty' is less relevant, however, since although the Royal Navy was remarkably independent in some ways, it clearly was not a state itself but only an arm of one. The other three attributes are identifiable and are useful vectors for identifying the Royal Navy's structural definitions and their development. Further, they provide the foundation for the more detailed and nuanced discussion of the Westminster Model.

A Westminster Model state is defined as possessing several identifying attributes, but definitions and core concepts are not universally agreed upon. Rhodes, Wanna and Weller include such attributes as a head of state with a mostly ceremonial role that is distinct from the head of government, a bicameral parliament, an institutionalized opposition, parliamentary privilege, and also an 'unwritten' constitution with flexible constitutional conventions.[10] Smith argues that it is

> a constitutional system in which the head of state is not the effective head of government; in which the effective head of government is a Prime Minister presiding over a cabinet composed of Ministers over whose appointment and removal he has at least a substantial measure of control; in which the effective executive branch of government is parliamentary in as much as Ministers must be members of the legislature; all and in which Ministers are collectively and individually responsible to a freely elected and representative legislature.[11]

However, these are not the only descriptions. Lijphart interchangeably uses the term 'Majoritarian' in place of 'Westminster' because he argues that one of the primary features is that they are dominated by two major political parties. Indeed in his study of

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10   R. A. W. Rhodes, John Wanna, Patrick Weller, *Comparing Westminster,* (OUP Oxford, Aug 27, 2009) 5-6
11   S. A. De Smith, 'Westminster's export models', *Journal of Commonwealth Studies* Vol 1 No. 1 (1961) p. 3

'Majoritarian' democracies he notes that the United Kingdom does deviate from what other nations have done since they have a bicameral parliament. Further, Lijphart's attributes include 'Unified Government', building on Garner's work.[12]

For this thesis, the most important attributes of the Westminster Model are the forms of its definitions. Linda Colley has argued that there is '[a] substantially late Victorian-invented tradition of Britain's eternal, unsullied, and invariably distinctive unwritten constitution', but that '[a]fter the Restoration of the monarchy in 1660, successive London governments worked hard to engineer public forgetfulness of the innovations of the Civil War and republican eras: the Agreements of the People of 1647–49, the Instrument of Government of 1653, and the subsequent codified constitution, the 1657 Humble Petition and Advice.'[13]

This use of 'unwritten' is misleading, however, for some parts of the Constitution were indeed written. It was written into legal precedence and incremental statute law; it was simply not all written into one single document. Indeed, to describe an 'unwritten constitution' in this way is to some extent even more susceptible to the charge of anachronistic application of later concepts as the Westminster Model is, since early modern constitutions were rarely 'written' in the way that Colley implies. More importantly, however, it is inadequate because it does not fully capture the positive nature of institutional change through statute and custom together which is a hallmark of the Westminster Model. Lijphart states that one of the key attributes of the Westminster Model is 'Constitutional Flexibility'.

> Britain has a constitution that is 'unwritten' in the sense that there is not one
> written document that specifies the composition and powers of the

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12 Arend Lijphart, *Patterns of Democracy* (Yale University Press, 2012) pp 9-20.
13 Linda Colley, 'Empires of Writing', *Law and History Review* May 2014, Vol. 32, No. 2, 263. Colley, 'Empires of Writing', 241. Linda Colley, 'Writing Constitutions into British History' http://ias.umn.edu/2009/11/12/colley-linda/, A.R. Carnegie, 'Floreat The Westminster Model? A Commonwealth Caribbean Perspective' *The Caribbean Law Review* Volume 6 No.1 June 1996 Pages 1-12, G. Marshall, *Constitutional Conventions: The Rules and Forms of Political Accountability*. (Oxford: Oxford University Press 1987), 1.

governmental institutions and the rights of citizens. These are defined instead in a number of basic laws—like the Magna Carta of 1215, the Bill of Rights of 1689, and the Parliament Acts of 1911 and 1949— common law principles, customs, and conventions.[14]

It is easy to see why a study of such acts, or legal definitions in statute, is necessary and that by itself describing the constitution as unwritten is not enough to capture the nature of the process of change. Marshall describes customs and conventions as follows:

Most of them deal with the responsibilities of the major organs and officers of government and with the relations between them. It could be said that in general they are rules of non-legal accountability.[15]

Importantly, however, the statutes that contain the definitions are no more or less important than the conventions.

It is necessary to examine the history of the application of the Westminster Model to understand its use in this thesis. The concept of the Westminster Model emerged in scholarly discussion in the early 1960s with reflections on the development of newly independent nations. These studies examine the creation of Westminster Model states in Africa and their ongoing problems and development.[16] During this period, it was also applied to other nations, such as Canada.[17] Later, the Westminster Model has continued to be applied in further studies of Canada, for example and to the case of New Zealand, which implemented new developments and definitions in the 1980s and 1990s.[18] In the latter studies, the Westminster Model is more clearly considered as a framework that develops in-situ. That is to say, it is a system that not only continues to

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14 Lijphart, *Patterns of Democracy*, 18.
15 G. Marshall, *Constitutional Conventions*, 1.
16 Donald S Rothchild, 'On the Application of the Westminster Model to Ghana', *The Centennial Review of Arts Science*, Vol 4. No. 4, *Africa Emergent: A Changing Continent* (Fall 1960), pp 465-483., G.F. Engholm, 'The Westminster Model in Uganda' *International* Journal, Vol 18, No. 4 (Autumn, 1963), pp 468-487, John Fletcher-Cooke, 'The Failure of the Westminster Model' in Africa*' African Affairs*, Vol 63, No. 252 (Jul. 1964) pp. 197-208, and Newell M, Stultz, 'Parliaments in Former British Black Africa*', The Journal of Developing Areas*, vol 2, No. 4 (July, 1968), pp. 479-494.
17 Alexander Brady, 'The Westminster Model Overseas: The Canadian Case' *International Journal*, Vol 23. No. 4, (Autumn, 1968) pp 585-599.
18 Graham White, 'Westminster in the Arctic, The Adaptation of British Parliamentarism in the Northwest Territories*' Canadian Journal of Political Science/ Revue canadienne de science politique* Vol 24, No. 3 (Sept, 1991) pp 499-523, Jack Nagel, 'The Lessons of the Impending Electoral Reform in New Zealand', *The Newsletter of PEGS,* Vol 3, No. 1 (Winter, 1993), pp. 11-12.

develop, but does so in a way that incorporates local peculiarities and conditions not present in other nations.

The Westminster Model , therefore, can be usefully applied to different individual national contexts. In a specifically British context, for example, the past and future development of the Westminster Model is an on-going discussion particularly in relation to the devolution of powers to Scotland, and to possible Scottish independence.[19] There have also been studies of the interaction between the Westminster Model and the development of military policy. In particular, Philippe Lagassé's work investigates the relationship between Canada's Parliament, the Canadian Forces and defence policy. Lagassé has examined the creation of defence policy under specific recent political circumstances, such as the recent Harper Conservative government, and addressed specific aspects of Canada's constitution as it pertains to the Canadian Forces.[20] He has also addressed specific aspects of Canada's constitution as it pertains to the Canadian Forces. Most importantly, Lagassé has also considered the effect of institutional development on the relationship between the military and the 'Westminster Model' state.[21] As the concept of the Westminster Model has been used, therefore, it has become more sophisticated and flexible as a means of shedding light on the state, military institutions, and formal, institutional definitions.

The clearest example of the application outside of the Westminster Model outside its original context of early Commonwealth states is recent work on Japan. Numerous scholars have studied Japan's constitutional development, and argued that

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19   W. Elliot Bulmer, *Constituting Scotland: The Scottish National Movement and the Westminster Model* (Edinburgh University Press, 2016).

20   Philippe Lagassé, Justin Massie et Stéphane Roussel 'Le néoconservatisme en politiques étrangère et de défense canadiennes' in L*e fédéralisme selon Harper. La place du Québec dans le Canada conservateur,* Julian Castro-Rea et Frédéric Boily eds. (Québec, Presses de l'Université Laval, 2014), Philippe Lagassé, 'The Crown's Powers of Command-in-Chief: Interpreting Section 15 of the Constitution Act, 1867', *Review of Constitutional Studies*, 18(2), 189-220, 2013.

21   Philippe Lagassé, 'Parliament and the War Prerogative in the United Kingdom and Canada: Explaining Variations in Institutional Change and Legislative Control' *Parliamentary Affairs* No. 70, (2017) pp. 280–300

there is development there towards a Westminster Model democracy, although it is being achieved slowly.[22] In these studies, the Westminster Model is represented as a possible end goal for Japanese state development, or as a logical extension of the changes being made, and the Japanese state is considered against the archetype for the Westminster Model . For example, Takanaka argues that 'Japan has experienced a series of political reforms since the 1990s. The British parliamentary system was a reference point in designing these reforms'.[23] Estévez-Abe in kind argues 'Where is Japan going? The answer is, toward a Westminster system.'[24] Both Takanaka and Estévez-Abe primarily consider the creation of statute definitions for the Japanese state, and Estévez-Abe in particular describes how codified definitions are being created to replace unwritten conventions, resulting in shifting power within political parties.[25] Takenaka also described the creation of conventions in a study examining Diet reform, and the creation of the position of 'junior minister'.[26] Taken together, these studies reveal the creation of both statute and convention definitions for the Japanese state, and clearly identify the development process in relation to the Westminster Model . Crucially, the Japanese example also demonstrates the flexibility of the Westminster Model as a concept that can be usefully applied outside the original context of modern Commonwealth states.

The study of the early-modern English state and the Royal Navy following the Restoration is also substantially outside the normal Commonwealth context for application of the Westminster Model . Indeed in 1660, England was clearly not a

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22 Margarita Estévez-Abe, 'Japan's Shift Towards a Westminster System: A Structural Analysis of the 2005 Lower House Election and its Aftermath' *Asian Survey*, Vol. 46 No. 4 (July/August 2006), pp. 632-651, Harukata Takenaka, 'The Frequent Turnover of Japanese Prime Ministers: Still a Long Way to a Westminster Model' in *Looking for Leadership: The Dilemma of Political Leadership in Japan*, Ryo Sahashi & James Gannon, Eds. (Brookings Institution Press, Japan Centre for International Exchange: 2015).
23 Takenaka, *Looking for Leadership*, 79-80.
24 Estévez-Abe, 'Japan's Shift Towards a Westminster System' 651.
25 Estévez-Abe, 'Japan's Shift Towards a Westminster System' 648.
26 Harukata Takenaka, 'Introducing Junior Ministers and Reforming the Diet in Japan' *Asian Survey*, Vol. 42, No. 6 (November/December 2002), pp. 928-939

Westminster Model democracy, although by 1749 several of the major attributes had not only been developed but become sufficiently established to become the foundation for future change. Further, the development of the English and British state between 1660 and 1749 is clearly composed of the creation of statutes and conventions that defined the state. Where Lijphart mentions the *Parliament Acts* of 1911 and 1949, the Restoration had its own *Parliament Act* of 1660.[27] Other acts, such as those of the Clarendon Code provided other definitions for the State prior to the *Bill of Rights* (1689). On the other hand, the creation of conventions included the recreation of the Chapel Royal and other aspects of the monarchy, and other uses of royal prerogative. Following the Hanoverian Succession, the creation of the post of Prime Minister was a critical development of 'The Westminster Model' democracy in Great Britain.

Although there are apt comparisons between the Royal Navy as it was defined at the Restoration and the State (in particular, the attributes of 'Population', 'Territory' and 'Unified Government' raise interesting questions about the Royal Navy as an institution), it was no more a finished Westminster Model state than England. At the Restoration, the translation of the existing State's Navy into the Royal Navy was one part of the reconstitution of the English state. In 1661, Parliament passed *The Act for the Establishing Articles*, which defined the authority of the Lord High Admiral, therefore also further defining the state and the navy, and it also included the *Articles of War*, the Royal Navy's internal legal code. At the same time, the Royal Navy was defined by royal prerogative, such as when renaming warships, using orders-in-council to define structural and professional aspects of the Royal Navy. These actions began a pattern of the Royal Navy as an institution being defined both in statute and in the creation of

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27 Lijphart, *Patterns of Democracy*, 18. 'Charles II, 1660: An Act for removing and preventing all Questions and Disputes concerning the Assembling and Sitting of this present Parliament.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 179. *British History Online*, accessed May 2, 2017, http://www.british-history.ac.uk/statutes-realm/vol5/p179.

'conventions'. As a result, it is appropriate to use the Westminster Model to consider both the development of the English state and Royal Navy during the period 1660-1749.

This thesis demonstrates how the definitions created for the Royal Navy identify and describe its development in the Westminster Model. This constitutes an identifiable development cycle, from the creation of the *Act for the Establishing Articles* in 1660 to its repeal and replacement with the *Act for the Amending, Explaining and Reducing* in 1749 The definitions, both in statute and convention, are part of institutional development both in terms of the Royal Navy's structural and professional attributes. Even more than the creation of statutes and conventions, it is how they are built upon and extrapolated over time that demonstrates both the existence and internal complexity of the Royal Navy's development in the Westminster Model.

Section II: Sociocultural History & The Cultural Turn

This approach to the subject was largely inspired by two broad groups in the historiography. The first are a group of studies from the 1980s that, amidst the 'Cultural Turn', started asking questions about the Royal Navy, society and culture. The context for these debates includes the conflict between 'Revisionists vs Marxists', and these authors explored new ways to consider the Royal Navy and its development.

Bernard Capp, J.D. Davies, and N.A.M. Rodger were amongst the first to use a social-historical approach to the study of the Royal Navy in the age-of-sail and produced studies of the Commonwealth, Restoration, and Georgian navies respectively. These histories provide a series of snapshots of the Royal Navy's institutional culture through the description of common behaviours, attitudes and institutional frameworks, in addition to descriptions of the lives and experiences of Royal Navy officers and ratings.

Rodger's *The Wooden World: An Anatomy of the Georgian Navy* provides an in-depth examination of the day-to-day experiences of the officers and ratings of the Royal Navy during the long eighteenth century. He tries to ensure that the reader understands the contemporary context and perspectives on the Royal Navy and the language used to describe it, without imposing anachronistic theories of modernisation or other sociological concepts. In the section dedicated to discipline aboard ship, for example, he first examines how naval officers and ratings of the period would have defined, discussed, and considered discipline to distinguish it from the modern connotations of punishment.[28]

The Wooden World examines a Royal Navy that had developed from the professional framework of the 1660s into an extensively defined professional institution. Rodger's examination of that framework and the day-to-day experiences of the service illustrates the binary nature of the Royal Navy's professional and institutional cultures. Statutes such as the *Articles of War* and, on the other hand, official standing orders such as the *Regulations and Instructions* governed the social and professional behaviour of Royal Navy officers and ratings. Rodger sees the *Articles of War* as a 'haphazard collection of regulations and admonishments largely concerned with court-martial offences by officers'. Likewise, he describes the *Regulations and Instructions* as

> a small volume... which purported to describe the duties of each officer, but did so chiefly in terms of accounting responsibilities, and said little about discipline.[29]

Rodger's discussions of the *Articles of War*, including the statement that 'some of the commonest crimes were not mentioned at all' cast it only as the Royal Navy's private

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28 N.A.M. Rodger, *The Wooden World: An Anatomy of the Georgian Navy* (Glasgow: William Collins Sons & Co, 1990) 205-208.
29 Rodger, *The Wooden World*, 218.

legal code.[30] He does not provide any indication that the *Articles of War*, has, can, or should be considered from any other perspective.

Bernard Capp's *Cromwell's Navy: The Fleet and the English Revolution,* which was in the final stages of production when *The Wooden World* was released, was nevertheless clearly influenced by Rodger.[31] Unlike Rodger and Davies, Capp is primarily a social historian, and he states outright that *Cromwell's Navy* is not a naval history '*per se* but [aims] to explore a relatively uncharted aspect of the English Revolution'.[32] Since Capp was accordingly less influenced by the history of, and myths about, the Royal Navy than a naval historian might be, he could more easily treat the officers and men of the Commonwealth's Navy as part of English society as a whole. He uses a broader approach to his analysis, breaking down the different aspects of both Royal Navy society, major forces within that society, and how the members of that society were chosen. Like Rodger's discussion of the Georgian Royal Navy, *Cromwell's Navy* provides a snapshot of the Navy's structural and professional existence and attributes immediately prior to the changes forced by the restoration of Charles II. The primary importance of Capp's work is that discussion of the efforts under Cromwell to brand and redefine the Navy provides context for the Royal Navy's creation and development at the Restoration and beyond. In particular, his discussion of the role of individuals such as Lawson and Montagu in the selection of officers for the fleets under their command and therefore directly in the shaping of the Navy sets the stage for the Royal Navy's creation and development at and following the Restoration.[33]

The Restoration navy received the sociocultural treatment from J.D. Davies in 1991 in his *Gentlemen and Tarpaulins: The Officers and Men of the Restoration Navy*.

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30 Rodger, *The Wooden World*, 221.
31 Capp, *Cromwell's Navy*, viii.
32 Capp, *Cromwell's Navy*, vii
33 Capp, *Cromwell's Navy*, 295-6, 365-6.

Directly influenced by Rodger and Capp, Davies' examination focuses on what he refers to as the sea-officers of the Royal Navy, whose interactions with each other, the naval administration and the developing naval bureaucracy were at the core of the creation and development of a Royal Navy officer socio-professional identity.[34] *Gentlemen and Tarpaulins* is significant for three main reasons. First, Davies directly engages with the sociologists who studied the development of the naval profession.[35] In particular, his arguments refer to Elias's dichotomy between the 'gentleman' and the 'tarpaulin'. Davies' analysis emphasizes the existence of the national and institution-specific attributes and influences that belie the universality of the sociologically-derived frameworks and models.

Second, Davies argues that the Royal Navy officer corps was significantly more diverse and the spectrum of socio-professional identities broader than Elias presented in his sociological analysis. For example, while Elias drew a simple logical equivalence between 'tarpaulin' officers and parliamentarians and between 'gentlemen' and royalists, Davies definitively shows that this was not true. In fact, both parliamentarians and royalists could be either 'tarpaulins' or 'gentlemen', to create four broad socio-professional categories.[36] This highlights the requirement to test a sociological framework against the specific realities of a particular institution. It also highlights the broad professional realities of the officer corps Charles II inherited in 1660, and it provides a more nuanced perspective on contemporary opinions.[37]

Third, Davies argues that it was not the conflict between 'gentlemen' and 'tarpaulins' that generated most of the sociocultural conflict for the post-Restoration Royal Navy, but rather what he describes as a 'generational gap'. This 'generational gap'

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34 Davies, *Gentlemen and Tarpaulins*, 2-3.
35 Davies, *Gentlemen and Tarpaulins*, 38.
36 Davies, *Gentlemen and Tarpaulins*, 3-6.
37 Davies, *Gentlemen and Tarpaulins*, 35-37.

created conflicts because of the reintroduction and integration of political and military cultures that did not easily combine with those developed during the interregnum.[38] Unfortunately, development of Davies' work has been limited. Roger Manning, for example, reverts to the idea of a simple binary of 'gentlemen vs tarpaulins' in his recent, brief treatment of the subject.[39]

In his two more recent volumes, *Safeguard of the Seas* and *Command of the Ocean*, Rodger examines English or British naval forces' warfare over a millennium and draws many connections with developments in other aspects of English, European and global society.[40] This approach combines the longer-term study favoured by sociologists and the historian's emphasis on the contingent and immediate. This breadth is shown in variously thematic and chronological chapters that treat discretely the broad contours of operational history, social history, administrative history, and the ships themselves. In this way, Rodger takes forward a number of aspects of Royal Navy historiography, from the administrative histories of Oppenheim and Tanner, the operational and strategic histories of Ehrman, Richmond and Graham, and modern social history.

These sociocultural histories are important because their examination of the Royal Navy as both a society and as a group of individuals raises important questions about how those influenced the Royal Navy's development. This is particularly important because many of those individuals were also involved in developing the English or British state. They also emphasize the importance of personal relationships, such as patronage arrangements, and the importance of existing precedents, practices and inherited behaviours or attitudes that served as the foundation for the Royal Navy's

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38 Davies, *Gentlemen and Tarpaulins*, 231-233.
39 Manning, *An Apprenticeship in Arms*, 434-435.
40 N.A.M. Rodger, *Safeguard of the Seas: A Naval History of Britain 660-1649* (New York: W.W. Norton & Company, Inc. 1997), N.A.M. Rodger, *Command of the Ocean, The Command of the Ocean: A Naval History of Britain 1649-1815*. (New York: W.W. Norton, 2004).

specific institutional and professional culture. These studies provide an important basis for asking further questions about the Royal navy's development in this period.

This thesis was also influenced by a multi and interdisciplinary group of studies, generally classed as post-structuralist approaches which are part of the 'Cultural Turn'. These are influential for this project because they encouraged both the consideration of the sources and topic from a different perspective.

Discussion specifically considering the intersection between the disciplines of archaeology and history is important for it raises questions about similarities and fundamental differences. As an example, M.I. Finley considered first the practical ways that history and archaeology could interact and engage in their mutual research.

> [T]o my mind, at least, there is a close kinship with the problems created by the trend toward 'serial history'... Implicit in this discussion is the assumption that contemporary historians, even of antiquity, are asking new kinds of questions. Anyone who is happy with kings and battles or with 'calling ancient things to life' (I deliberately resort to a caricature) will find the discussion wholly irrelevant.[41]

It is clear that other academics were also considering the relationship between the two fields. For example, Joyce Mackay reflected on the work of Claude Levi-Strauss and in particular *Structural Anthropology* to consider theory and methods.

> The archaeologist and historian both grope for meanings, whether they be represented by words or things. Thus, their quests both seek configurations held by past minds. If culture may be defined simply as a mental construct, then both the historian and the archaeologist study culture.[42]

Mackay further elaborates

> [T]he historian does not deal solely with the particular. Generalizing, he may remove his view to a 'richer perspective'. Similarly, the archaeologist seeks those processes, the dynamic structures, suggested by his material evidence.[43]

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41 M.I. Finley, 'Archaeology and History' *Daedalus,* Vol. 100, No. 1, Historical Studies Today (Winter, 1971), 169.
42 Joyce Mackay 'The Coalescence of History and Archaeology' *Historical Archaeology*, Vol 10. (1976) 93.
43 Mackay, 'The Coalescence of History and Archaeology', 94-95.

In this last, Mackay effectively describes the main intent of this thesis, that is the consideration of the Royal Navy as a dynamic structure, and the treatment of the sources used (as described below) as material evidence. As the focus of this paper is the identification and discussion of the Royal Navy's development in the Westminster Model over a longer period of time, the focus is on the part played by definitions themselves rather than on the politics and debates that led to their creation. The definitions created and adopted at the Restoration in 1660 were the foundation for later developments. Each period studied, therefore, provides another layer of the stratigraphy, to provide a real sense of how the Royal Navy as an institution was built.

Post-structural approaches have also been directly influential in the conception of this project. Foremost is Judith Butler's consideration of 'performativity'. Butler applied this concept to gender and identity. She argues that gender is a construct, but not one that is enacted, but rather defined as it is performed.[44] This influenced this thesis' conception of the Royal Navy as a legislative space, as an entity that is continually defined with emphasis on the process of expression and definition. This is also reflected in historical literature from the same period, such as the *Invention of Tradition*, the collected edited by Eric Hobsbawm and Terence Ranger and indeed published several years earlier than Butler's work. In particular, that work emphasized the importance of the act of creating traditions, in particular when new material is used in addition to re-purposed or inherited ideas.[45]

The approach used in this thesis, while by no means the only one possible, sheds some light on the contemporary political debates and the internal complexity of the RN's development including some of its apparently contradictory elements. Indeed, the

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44 Judith Butler 'Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory' *Theatre Journal*, Vol 40. No. 4 (Dec., 1988) pp 519-531
45 Eric Hobsbawm, in *The Invention of Tradition*, Hobsbawm & T. Ranger, Eds. (Cambridge: Cambridge University Press, 1983.) 4-7.

archaeological and post-structural inspiration have contributed to a new perspective

that complements the existing understandings of the RN's development.

Section III: Institutional/Structural History

In the nineteenth century, the established tradition of English naval history was

almost entirely narrative. Works by historians such as William Laird Clowes and James

Froude satisfied a nationalistic need for myth-making at the end of the Victorian age in

which Royal Navy officers (and their professional predecessors) became an

embodiment of English Protestant fighting spirit.[46] Although these were certainly not

academic histories by today's standards, they influenced naval historians into the

twentieth century. By the end of the nineteenth century, historians began to examine

systematically the development of the Royal Navy as an institution by focusing on naval

administration. These administrative historians included dedicated amateurs like

Michael Oppenheim, who trained as a merchant marine surgeon, and the professional

historian J.R. Tanner, both of whom were founding members of the Navy Records

Society in 1893. In particular, their studies of Carolinian and post-Restoration

administration and finance created a new basis for the study of the Royal Navy.[47] They

highlighted the transformation of the naval administration from its reliance on the

private financial wherewithal of the administration's members to a more integrated part

of the functions of the state.

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46 W.L. Clowes, *The Royal Navy, A History from the Earliest Times to the Present*, (London: Sampson Low, Marston & Co., 1897-1903); J.A. Froude, *English Seamen in the Sixteenth Century: Lectures Delivered at Oxford, Easter Terms, 1893-4 bu Jame Anthony Froude*, (London: Longmans, Green, 1907); G. Callender *Sea Kings of Britain*, (London: Longmans, Green, 1907-1911);W.H.G. Kingston, *A Popular History of the British Navy from the earliest times to the present*, (Edinburgh: Gall & Inglis, 1876).

47 M. Oppenheim 'The Royal Navy under Charles I: Part III- The Administration',*English Historical Review* Vol. 9, No. 35, (July, 1894); J.R. Tanner, 'The Administration of the Navy from the Restoration to the Revolution' *English Historical Review* Vol. 12, No. 45 (Jan., 1897), J.R. Tanner, 'The Administration of the Navy from the Restoration to the Revolution: Part II.-1673-1679 (Continued)', *English Historical Review*, Vol. 13, No. 49 (Jan., 1898); J.R. Tanner, 'The Administration of the Navy from the Restoration to the Revolution. Part III.-1679-1688 (Continued)', The English Historical Review, Vol. 14, No. 54 (Apr., 1899);

These types of studies continued through the mid-twentieth century. In 1953, John Ehrman published *The Navy in the War of William III: 1689-1697*, and in 1965 Daniel Baugh published *British Naval Administration in the Age of Walpole*. A later study is Andrew Turnbull's PhD Thesis, *The Administration of the Royal Navy, 1660-1673* which builds on Tanner's earlier work and examines the Royal Navy's administrative bodies in detail.

These studies are particularly important because they directly addressed the Royal Navy's transformation into a formal state structure in which Parliament assumed authority formerly exercised personally by the monarch under royal prerogative. Ehrman's narrative is narrowly focused on the Royal Navy following the Glorious Revolution.[48] In comparison, Baugh's discussion of naval administration does reach back to the turn of the eighteenth century in order to provide context for his examination of the War of the Austrian Succession.[49] Turnbull considers the Royal Navy's administration in the context of the Second Anglo-Dutch war and the development of the State following the Restoration. He describes a 'stronger emphasis on civilian control over the navy' dating to the Commonwealth.[50] These studies provided the basis for the development of the discussion of 'fiscal-military' or 'fiscal-naval State', which is considered below.

This group represents the most recent discussions that specifically examine the subject of this thesis: the relationship between the English or British state and the Royal Navy. Normally, this relationship is studied from the state-development point of view. Unfortunately, the Royal Navy is almost entirely absent from such works. Tim Harris' *The Restoration* (2005), for example, makes no mentions of the navy in over 500 pages.

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48 J. Ehrman, *The Navy in the War of William III 1689-1697: Its State and Direction* (Cambridge: Cambridge University Press; 2012)
49 D.A. Baugh, *British Naval Administration in the Age of Walpole* (London: Oxford University Press, 1965)
50 A. Turnbull, *The Administration of the Royal Navy 1660-1673*, PhD thesis Leeds University, 1974. 512-513

Claydon's *Europe and the Making of England, 1660–1760* (2007) is similarly silent. Kevin Sharpe's *Rebranding Rule*: *The Restoration and Revolution Monarchy, 1660-1714* (2013) is an excellent analysis of the relationship between monarch, state and the use of royal prerogative and has twelve mentions of the Royal Navy in 849 pages, compared to 43 mentions for the Order of the Garter.[51]

J.D. Davies, on the other hand, has examined the impact of state development on the Navy in the 1670s, specifically regarding the political crisis surrounding the place of the Duke of York as Lord High Admiral and its impact on the Navy's definition.[52] This is an excellent example of a study that specifically examines the connections between the Royal Navy and the state and mentions the use of both royal prerogative and Parliamentary statutes to define the institution. For example, Davies discusses how the Duke of York continued to influence the Royal Navy's day-to-day operations following the loss of the office of Lord High Admiral.[53] Further, he describes an entity more like a county than an integral part of the state.

> Like towns and counties, the navy witnessed, successively, attempted purges of catholics, then dissenters; like them, its 'government' was remodelled to accord with the prevailing political viewpoint.[54]

Davies provides an evocative description of how Charles II and James II's personal connections to the Royal Navy and the conflict over royal prerogative drew together the Navy's development with the state's.

Michael Braddick advocated in 1991 for a 'concentration on the process of state formation, as distinct from a concentration on the state as an entity.'[55] In S*tate*

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51 In 2015, David Davies illustrated this at the Statesmen and Seapower conference when he noted how rarely the Royal Navy was mentioned in recent books on state development following the Restoration, J.D. Davies, *Kings of the Sea: Charles II, James II and the Royal Navy* (Barnsley: Seaforth Press, forthcoming, 2017)

52 Davies, 'The Navy, Parliament And Political Crisis In The Reign Of Charles II' *The Historical Journal*, 36, 2 (I993), pp. 271-288

53 Davies, 'The Navy, Parliament And Political Crisis In The Reign Of Charles II', p. 279

54 Davies, 'The Navy, Parliament And Political Crisis In The Reign Of Charles II', p. 288

55 M. Braddick, 'State Formation and Social Change in Early Modern England: A Problem Stated and Approaches Suggested', *Social History*, Vol. 16, No. 1 (Jan., 1991), p 1.

Formation in Early Modern England c. 1550-1700, he takes a longer view and illustrates the fiscal development of the government after the Restoration.[56] He quotes Rodger describing the financing model of the Royal Navy prior to the Restoration as having 'obliterated the distinctions between public and private business', and he describes the fiscal revolution in England that made financing the navy possible, including the establishment of the Bank of England.[57] This transition from private financing, including from members of the administration themselves, who paid for naval expenditures in anticipation of future reimbursement from the government, to a formal method in which the English government borrowed against future tax revenues is entirely consistent with the rationalization of government functions in other aspects of state development.

The greater significance of Braddick's work is located in two arguments that he makes in his conclusion. The first is the spontaneous development of the early modern state in England, described in the subtitle of his concluding section of the book as, 'actions without design, patterns without blueprint'.[58] To put it another way, '[i]nstitutional change is the outcome of negotiating legitimate responses to political problems and opportunities'.[59] Braddick also argues that studying offices 'as social roles integrates intellectual and administrative history, and the abstract order of the state with the actual experience of political authority, thus drawing attention to the way that ideas and values can drive ... action'.[60] These observations apply equally to the Royal Navy.

Unlike most other studies, Sarah A. Kinkel's PhD thesis, *Disciplining the Empire: Georgian Politics, Social Hierarchy, and the Rise of the British Navy, 1725-1775*, explicitly studies the relationship between the Royal Navy and the state's

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56 M. Braddick, *State Formation in Early Modern England c.1550 – 1700* (Cambridge: Cambridge University Press, 2000) 195.
57 Braddick, S*tate Formation*, 207, 224-226.
58 Braddick, S*tate Formation,* 427.
59 Ibid.
60 Ibid.

development, starting after the rise of Walpole.[61] Although her argument regarding what she refers to as the rise of the 'Authoritarian Whigs' and the subsequent changes in British political culture, views on Empire, and alterations to the Royal Navy specifically are convincing and important for providing context for the Royal Navy's development from the 1740s, Kinkel does not consider the Royal Navy's relationship with the state prior to the Hanoverian succession. Further, she consistently poses her analysis of the state and naval developments of the mid-eighteenth century with a view towards providing an explanation for the Royal Navy's victories during the Napoleonic Wars.

The Royal Navy's influence on state development is most commonly discussed in the context of the fiscal-military state. In the introduction to the Naval Records Society volume he edited, Baugh states, 'The process by which a nation fits itself for war deserves analysis. To examine the problems involved in mobilizing and maintaining a fleet during the sailing-ship era may help naval historians understand precisely how administrative difficulties could narrow strategic choice and threaten the success of operations.'[62] Baugh's idea provided a foundation for the discussions of the concept of the 'fiscal-military' state.

John Brewer's *The Sinews of Power: War, Money, and the English state, 1688-1783* argues that British parliamentary government and the apparent relative affordability of the navy upon which Britain relied, compared to large continental armies, gave it natural advantages.[63] This has influenced much subsequent writing on navies, particularly the work of Jan Glete.[64]

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61 Kinkel, 'Disciplining the Empire', 1-4.
62 Baugh, *British Naval Administration in the Age of Walpole*, (1965), 3-4.
63 J. Brewer, *The Sinews of Power: War, Money and the English state 1688-1783* (London: Unwin Hyman, 1989) 167-171.
64 J. Glete, 'The Swedish Fiscal-Military State and its Navy, 1521- 1721', http://www2.historia.su.se/personal/jan_glete/Glete-Swedish_Fiscal-military_state.pdf; J. Glete, *Swedish Naval Administration 1521-1721: Resource Flows and Organisational Capabilities* (Leiden: Brill, 2010) J. Glete 'Warfare at Sea 1450-1815' in J. Black (Ed.) *War in the Early Modern World 1450-1815* (London, Taylor & Francis, 2005); J. Glete *Warfare at Sea, 1500-1650: Maritime Conflicts and the Transformation of Europe* (London: Taylor & Francis, 2002)

With respect to the Royal Navy in particular, N.A.M Rodger has emphasized the complexity and enormous cost of navies, and it has since become clear that it was, in fact, taxation and considerable direct investment in the navy that was the foundation of what has been termed the 'fiscal-naval state' in Britain.[65] For example, Roger Knight, Roger Morriss and James Davey have published extensive studies which in different ways address this enormous investment.[66] Most of this discussion, however, refers to the late eighteenth century, the Napoleonic Wars, and later when the Royal Navy's operations and logistics were far more substantial than during the period this thesis examines. For example, in *The British Fiscal-Military States, 1660-c.1783*, of nine papers included, only Roger Morriss' 'The British Fiscal-Military State in the Late Eighteenth Century, A Naval Historical Perspective' provides any substantial discussion regarding the Royal Navy.[67]

There are some specific discussions of the English fiscal-naval state during the early modern period. J.S. Wheeler studied naval finances prior to the Restoration and argued that the 'financial revolution' was started during the Commonwealth, not after the Glorious Revolution.[68] Pepijn Brandon, on the other hand, has compared the English and Dutch fiscal-naval states and argued that the English example was created following the Glorious Revolution.[69] In 2013, the *International Journal of Maritime History* published 'The Contractor state: 1650-1815', a forum edited by Huw Bowen. Stephen Conway, Richard Harding and Helen Paul argue in their contribution that it was during

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65 N.A.M.Rodger, 'From the 'military revolution' to the 'fiscal-naval' state', *Journal for Maritime Research* 13, 2 (2011), 119-128.
66 R. Knight & M. Wilcox, *Sustaining the Fleet, 1793-1815: War, the British Navy and the Contractor state*, Boydell & Brewer, (2010). R. Knight, *Britain Against Napoleon: The Organization of Victory, 1793-1815*, Penguin (2013), as well as many articles; R. Morriss, *The Foundations of British Maritime Ascendency 1755-1815: Resources, Logistics and the state*, Cambridge, Cambridge University Press, 2010. as well as many articles; J. Davey, *The Transformation of British Naval Strategy: Seapower and Supply in Northern Europe 1808-1812*, Boydell Press (2012).
67 A. Graham & P. Walsh, *The British Fiscal-Military States, 1660- c.1783* (Abingdon: Routledge, 2016) 201-227.
68 J.S. Wheeler, 'Navy Finance, 1649-1660', *The Historical Journal*, Vol. 39, No. 2 (Jun., 1996)
69 Dr Pepijn Brandon, *War, Capital and the Dutch state (1588-1795)* , Brill 2015, 123.

the wars of 1689-1697 and the War of the Spanish Succession (1702-1714) that the English or British Contractor state emerged.[70] In the conclusion to the edition, Roger Knight and Martin Wilcox point out that 'Pepijn Brandon asks what it is that fundamentally differentiates the early modern state from its successors. This begs the question of the relationship between the contractor state and debates over state formation and military revolution.'[71] Clearly, the development of a single military institution, in particular the Royal Navy, can be as important a concept as 'military revolution' itself. [72]

The discussion of the fiscal-military or the fiscal-naval state is important because it comprises the most modern examination of the development of the Royal Navy in relation to the development of the English state from the naval history perspective. Longer-term studies are made possible because financial information can be statistically analyzed to provide useful data. In 'Commissioned officers' careers in the Royal Navy, 1690-1815', Rodger adapts this kind of quantitative analysis to the Royal Navy's socio-professional existence. He presents the Royal Navy officer community as a population that can be modelled, in this case specifically examining the numbers of officers in service. This statistical approach requires a relatively stable institutional hierarchy, and thus he argues that the methods that he uses cannot be applied to the Royal Navy prior to 1690 because of the impermanent and inherently fluid concepts of seniority and rank.[73]

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70 Bowen et al, 'The Contractor state: 1650-1815' *International Journal of Maritime History*, 2013, 251-2

71 Bowen et al, 'The Contractor state: 1650-1815', 271

72 Other research questions England's existence as a fiscal-military state, particularly following the Glorious Revolution. Steven Pincus and James Robinson argue that English military spending was a smaller proportion of state income than it was in other states such as France, Austria and Prussia. The Glorious Revolution simply made the later, 'precocious' development of an interventionist or developmental state possible. Pincus and Robinson, 'Wars and state   Making Reconsidered: The Rise of the Interventionist state' Unpublished Article, 21; 'Faire la guerre et faire l'État', *Annales. Histoire, Sciences Sociales* 1/2016 (71e année)

73 N.A.M. Rodger, 'Commissioned officers' careers in the Royal Navy, 1690-1815'. *Journal of Maritime Research*, Vol 3, No. 1, (June, 2001), 89.

In terms of methodology, the largely quantitative approach seen in the discussion of the Fiscal-Military/Naval State and Rodger's discussion of officers careers is important because they facilitate the identification of long-term trends, whether financial, the number of officers employed or otherwise. This thesis builds on this existing literature by applying this general approach to the Royal Navy's qualitative attributes. The consideration of the Royal Navy's development as a process has allowed for the identification of a number of trends.

Section IV: Professionalization

The first studies of the Royal Navy's professionalization resulted from efforts by those responsible for teaching Royal Navy officer cadets between the First and Second World Wars. In 1939 the head of history at the Royal Naval College Greenwich, Matthew Lewis, published *England's Sea-Officers: The Story of the Naval Profession* and argued that 'by 1660 the Naval Profession had come into existence, and it had come to stay, but it was still quite amorphous, and in no sense yet an organism'.[74] This was an astute assessment, and it applies more broadly to the wider Royal Navy as an institution. Lewis recognized that the development of the Royal Navy officer profession was just as important to understanding the Royal Navy as an institution as its administrative or operational history. He presented a set of attributes for a professional navy, but rather than concerning himself with professionalization as a concept, he focused more on the officers themselves, describing six phases of a professional naval career.[75] Lewis, however, was still strongly influenced by his predecessor Geoffrey Callender and his hero and action-driven narrative. One important aspect is his discussion of areas of

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74 M. Lewis, *England's Sea Officers: The Story of the Naval Profession, (*London: George Allen & Unwin, 1939) 51.

75 Lewis, *England's Sea Officers*, 55-58. These are discussed in detail in the opening chapter in the second section of this study.

expertise and professional roles, particularly in tracing the origins of the Royal Navy

officer profession. Lewis began with Anglo-Saxon 'butsecarles', who were both soldier

and sailor. By the Elizabethan era, the professional functions had further

differentiated.[76] For example, Lewis argues that Frobisher was an explorer, a seaman

and a fighter; he was not a seaman-fighter.[77]

After Lewis' publication in 1939, sociologists analyzed the development of the

naval officer profession as an international phenomenon. In an article that was

posthumously published in a collection of his work as *The Genesis of the Naval*

Profession, Norbert Elias, in particular, argued that the conflict between the 'tarpaulins'

and 'gentlemen' defined the development of the naval profession in Europe.[78] He also

argued that the 'similar status-battles and struggles for position, longer or shorter as the

case may be, can be found whenever individuals, initially independent, are about to

merge into a group, or smaller groups into a larger one'.[79]

In a manner that partially inspired this thesis, Elias examined the issue of

professionalization, to address the phenomenon across the major European naval

powers and provide a framework for analysis. While such an approach will highlight the

similarities between the different nations over the longer time periods studied by

sociologists, the inherently sociological desire to create universal frameworks and

systems is designed to accommodate the specific factors and differences in each country

or, importantly, each institution's case. This is one reason sociologists tend, as J.D.

Davies argued, to misunderstand military professionalism during the early modern

period.[80] Elias' students responded with an intellectual salvo in the introduction to *The*

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76 Lewis, *England's Sea Officers*, 21-28.
77 Lewis, *England's Sea Officers*, 39.
78 N. Elias 'Studies in the Genesis of the Naval Profession'. *The British Journal of Sociology*, Vol. 1, No. 4 (Dec., 1950), pp. 293-294.
79 N. Elias, *The Genesis of the Naval Profession*, ed. R. Moelker and S. Mennell (Dublin: University College of Dublin Press, 2007) 49-50.
80 J.D. Davies, *Gentlemen and Tarpaulins: The Officers and Men of the Restoration Navy* (Oxford: Clarendon Press, 1991) 5

Genesis of the Naval Profession arguing that Davies and military historians examined

phenomena over too narrow time frames to see the systematic realities.[81]

The tension between definitions of military professionalization as a concept and

historical examinations of specific military professional organizations is also evident in

the modern historiography, particularly David Trim's edited collection *The Chivalric*

Ethos and the Development of Military Professionalism. In his introduction, Trim argues

that social scientists have either ignored military professionalism during the early

modern period or misunderstood it.[82] He then provides a list of attributes of the military

profession as a construct. Unfortunately, none of the collected articles in Trim's book

discusses navies or maritime military forces. However, it is still relevant because the list

of attributes applies equally to navies as to the institutions and forces discussed in the

collection.

Roger Manning provides an analysis of Royal Navy professionalization in *An*

Apprenticeship in Arms: The Origins of the British Army 1585-1702. He argues that 'the

professionalization of the officer class of the English navy proceeded more rapidly in

the seventeenth century because the navy, unlike the army, became a standing naval

force at an earlier date.'[83] Further, he argued that,

> By contrast, the English navy had made more progress towards
> professionalization during the latter part of the seventeenth century because
> a greater degree of technical proficiency was required to integrate
> navigational and military skills under one command.[84]

Manning also identified the Royal Navy's development of permanent internal socio-

professional status as important to professionalization.[85] However, his discussion of

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81 Elias, *Genesis of the Naval Profession*, 2.
82 D.J.B. Trim, introduction to *The Chivalric Ethos and the Development of Military Professionalism*,
    ed by D.J.B. Trim (Leiden: Koninlijke Brill NV) 4.
83 R.B. Manning, *An Apprenticeship in Arms: The Origins of the British Army 1585-1702* (Oxford:
    Oxford University Press, 2006*)* 434.
84 Manning, *An Apprenticeship in Arms*, 430-1.
85 Manning*, An Apprenticeship in Arms*, 435-438.

Royal Navy professionalization is substantially simplified, as it is included only to provide context for his much longer discussion of the Army's professionalization.

The history of professionalization during the Early Modern period has also come under substantial recent scrutiny. Of particular interest is the history of the professionalization of science and the importance of expertise and experts to early-modern states. Eric Ash distilled the recent literature in his article 'Expertise and the Early Modern State.' His article provides two frameworks, first about the attributes of expertise and second about expertise's place in the early modern states. This is important because it provides a modern example of professionalization outside the context of the Royal Navy. In the discussion of his frameworks, Ash provides examples from across Europe. The frameworks are further discussed below.

In her PhD thesis '*Half-Gods, Good Surgeons May Be Called': Surgery's Quest For Occupational Credit In England, 1590-1715*, Sam Sandassie examines the professionalization of surgeons in England, roughly concurrent to the period studied by this thesis. She argues that

> As the seventeenth century progressed, the Company of Barbers and Surgeons acted increasingly to shape the occupational identity of surgeons as separate from barbers and more closely related to physicians. The institution battled to be recognized as an organized body whose members were competent medical practitioners... Through both this institutional mechanism and informal patronage relationships, surgeons could ingratiate themselves with those who could provide both positions and patients... these findings hold implications for the history of surgery and the occupation's advancement... during a period that lacked significant innovation in terms of technique or even improved quality of care.[86]

Sandassie's argument provides some parallels for the development of the Royal Navy and the Royal Navy officer profession. As part of its development, the Royal Navy differentiated from both the English maritime profession as a whole and also from Trinity House. Further,

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86 Sam Sandassie, '*Half-Gods, Good Surgeons May Be Called': Surgery's Quest For Occupational Credit In England, 1590-1715* (PhD Thesis, Queen's University, 2014). 3.

> Many rules implemented and enforced were not part of a planned,
> systematic reframing of institutional or occupational identity. Rather, they
> were piecemeal – and largely reactionary – changes over the course of
> several generations. As these tensions mounted, surgeons found increasingly
> their occupational goals incommensurable with the status of barbers.
> Changes culminated eventually in the Company's 1745 split as the surgeons
> separated to form the Company of Surgeons.[87]

The Royal Navy's development process was very similar in its implementation.

Although there are some substantial structural differences with the College of Surgeons,

its differentiation from the College of Barbers certainly provides context for the Royal

Navy's professionalization.

A profession in the sociological sense is a construct, an archetype or framework

for discussion. Norbert Elias argued that professions 'stripped of their gear and apparel,

are specialized social functions which people perform in response to specialized needs

of others.'[88] George Ritzer's article 'Professionalization, Bureaucratization and

Rationalization: The Views of Max Weber' was an examination and analysis of Weber's

Wirtschaft und Gesellschaft. In it, he discusses Weber's identification of

professionalization as an 'aspect of the rationalization of society'.[89] He notes how Weber

examined several established professions including the law and the priesthood to derive

the attributes of a profession, which he then identifies. David Trim took a similar

approach by delineating attributes of military professions. Comparing Ritzer's list of

attributes to Trim's provides an opportunity to consider the specialist attributes of a

military profession as a subset of professions in general. Their lists of attributes are as

follows:

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87 Sam Sandassie, '*Half-Gods, Good Surgeons May Be Called*', 199.
88 Elias, 'Studies in the Genesis of the Naval Profession', 291.
89 G. Ritzer, 'Professionalization, Bureaucratization and Rationalization: The Views of Max Weber'
    Social Forces Vol. 53, No. 4 (Jun., 1975), 627.

Ritzer's (Weber's) Criteria	**Trim's Criteria**
1. Power	1. a discrete occupational identity
2. Doctrine, or general systematic knowledge.	2. formal hierarchy
3. Rational training.	3. permanence
4. Vocational qualifications	4. a formal pay system
5. Specialization	5. a distinctive expertise and means of education therein
6. A full-time employment	6. efficiency in execution of expertise
7. The existence of a clientèle	7. A distinctive self-conceptualization[91]
8. Salaries	
9. Promotions	
10. Professional duties	
11. A distinctive way of life[90]	

The comparison highlights differences between sociological and historical practice. The sociological approach on the left provides a greater number of more specific attributes. The historical approach provides fewer, less specific attributes. There are also attributes unique to each list that indicate sociological and historical preferences. Ritzer argues that power, and a clientèle is required for a profession, which is unsurprising given Weber's examination of the Law and the Church. Trim lists efficiency in execution of expertise or, to put it another way, being good at one's job.

Michael Lewis examined the link between professions and institutions, and specifically the case of the Royal Navy. He provided a list of criteria that he argued are necessary for the ongoing maintenance of a permanent professional naval service. Lewis's List is as follows:

1. A continuous flow of entry of young officers, of the required material and in the required numbers.
2. There must be the provision of an adequate system of training the young officers as they enter
3. There must be the provision of regular employment for the officers thus trained. Employment must be as regular as possible, and when not forthcoming, the officer's professional connection must be maintained through half-pay.
4. There must be the provision of reasonable chances for the individual officer in rising gradually in professional, financial and social status as he becomes

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90 Ritzer, 'Professionalization, Bureaucratization and Rationalization' 630-632.
91 Trim, Chivalric Ethos, 6-7

capable of bearing greater responsibility and thus giving more to the service and the state, e.g. rank and promotion.

5. There must be provision for a steady exodus at the other end of the service. Officers not suitable for promotion to command or flag rank need to be able to be superannuated or placed into the reserve.

6. Pecuniary provision for retired officers or dependants[92]

Lewis divided these six requirements into phases, which he describes as entry and training, post and rank, superannuation and after-care.[93] Each of these attributes has both institutional and socio-professional aspects. Although Lewis clearly struggled with the Royal Navy's professional antecedents, he understood that an institution that has an integrated profession must consider professional assets in the same manner as it would its materiel or financial assets. Lewis's attributes do overlap with those discussed above, for example a mechanism for formal promotion, a specific professional education, and continued professional existence beyond active service. However, Lewis developed his attributes from a different perspective because his is specifically derived from the Royal Navy's experiences, while Weber or Ritzer and Trim examined numerous professions not tied to a single institution.

Lewis' list, and the list derived from Weber or Ritzer and Trim, are useful because they help frame the discussion of the Royal Navy's professional development, particularly in terms of the definitions and attributes that embodied the Royal Navy's transition from persistence to permanence.

As mentioned above, Eric Ash developed two frameworks regarding expertise in early modern states. These are useful for this thesis because they provide an example of how conceptions of the state, institutions, and expertise can be brought together. His first framework to a large extent repeats (albeit in different words) the attributes of professions discussed above.[94] The second framework builds upon those attributes and

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92 Lewis, *English Sea Officers*, 55-58
93 Lewis, *English Sea Officers*, 55-58
94 Ash, 'Introduction: Expertise and the Early Modern State', 5-10.

considers expertise and the state. First, the state provides a means for legitimizing

experts and fields of expertise. Second, having experts in their service allowed states to

use that expertise effectively at will. Third, states were able to use experts to greatly

extend their reach and influence around the world. Fourth, the interaction of states and

experts resulted in the creation of institutions that formalized, regulated and certified

expertise.[95] These four attributes are useful conceptual references for putting the Royal

Navy's often protracted and incompletely implemented development into perspective.

The Royal Navy's development from 1660 to 1749 was composed of several

distinct phases, which are recognizable in hindsight. Each chapter discusses a different

phase, with divisions chosen to reflect major differences in the context for, and

influences on, the Royal Navy's development. The first chapter examines the

Restoration and the creation of the Royal Navy as a contested legislative space with a de

facto Westminster Model constitution. The second chapter examines developments

during the reigns of Charles II and James II. The third chapter discusses how the

Glorious Revolution and England's participation in two major wars significantly

changed the dynamics of the Royal Navy's development. The fourth chapter examines

the Hanoverian Succession and the Royal Navy's transformation into a largely

peacetime navy, albeit one with increasingly global responsibilities and a shifting

operational focus. The fifth chapter discusses the ramifications of the Royal Navy's

transition into extended warfare in the 1740s and the replacement of the *Articles of War*

in 1749. Taken together they demonstrate that the Royal Navy's development along the

Westminster Model was a complex process, with shifting priorities and influences, but

at all times shaped by the foundations laid and precedents created at the Restoration.

In conclusion, therefore, the Royal Navy's development following the

Restoration in 1660 has not been considered from a perspective that prioritizes

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95   Ash, 'Introduction: Expertise and the Early Modern State', 13-19.

development process, nor has the Royal Navy's development from 1660 to 1749, framed by the placement of the *Articles of War* into statute, been specifically considered. An examination of the creation and development of the structural definitions, and the development of a naval officer profession specific to the Royal Navy, provides an important opportunity to do both.

This structure of this thesis reflects the importance of the definitions contained in both conventions and in statutes. Each chapter begins with a discussion of state development, following by the changes in the Royal Navy's administration during that phase. The first chapter examines the Restoration and the creation of the *Act for the Establishing Articles* and identifies the source of the foundations for the Royal Navy's later development amongst an intense flurry of definition. The second chapter discusses the period 1662-1688, a very different phase in which lingering questions and repercussions from the Restoration drove specific developments. The third chapter begins with the Glorious Revolution and addresses how very different political circumstances affected how Parliament directly defined the Royal Navy. The Hanoverian Succession and its aftermath is discussed in the fourth chapter. The final chapter positions the replacement of the *Articles of War* in 1749 as the end of the Royal Navy's first cycle of development in the Westminster Model and highlights a very different relationship between the Admiralty and Parliament than had existed since the Glorious Revolution.

CHAPTER ONE: THE RESTORATION AND THE ROYAL NAVY

The recreation of the Royal Navy at the Restoration was not merely a matter of substituting the formal authority that oversaw it; it was a complex interaction that involved the integration of many inherited and established practices, conventions, responsibilities, personnel and debt, with new statements of identity, and new statutory definitions. Certain aspects of the definitions created for the Royal Navy were chosen carefully, especially as pertained to the expression of Royal authority and identity. This included modifications to inherited definitions and attributes as well as the creation or recreation of 'new' definitions. However, much of what defined the Royal Navy was directly inherited from the interregnum State's Navy, and indeed from Charles I's Navy. In comparison, the state's transformation during the Restoration was much more dramatic, with the rational and deliberate reconstitution of the monarchy. It was by no means a 'Westminster Model' state. However, the creation of statutes and conventions that defined the state laid important foundations for the Navy's future development. For the Navy, the creation of the *Act for the Establishing Articles* was an important and dramatic change, although it was largely overshadowed by the Restoration itself. Like with the state's reconstitution, the creation of statutes along with conventions created the foundation for the Navy to develop into a new institution.

This chapter begins with a discussion of the Restoration and the creation of definitions to reconstitute the Stuart monarchy. This is followed by a discussion of Charles I's Navy Royal prior to the interregnum, and of the State's Navy prior to the Restoration. This is then followed by a discussion of the creation of definitions for the Navy, first in conventions and then in statutes. This includes a new consideration of the modification of the *Articles of Wa*r and their inclusion in the *Act for the Establishing*

Articles that provides a basis for the analysis of later developments throughout this thesis and complements existing considerations of that development.

Context: The Restoration

The transition of the English state from Cromwell's reign as Lord Protector, through to the Restoration of Charles II was complex. It was so complex, in fact, that 'reconstitution' may be a better term. In addition to the King being invited to take up his throne, aspects of the state that had been discarded needed to be recreated. The efforts to define the English state to permit the Restoration provide an important context for the re-creation of the Royal Navy.

Monck's entry into London in January 1660 along with Vice-Admiral John Lawson's blockade of the city created sufficient pressure that Monck was able to force the restoration of the 'Long Parliament', including all the members who had been excluded from the 'Rump'. The 'Long Parliament' dissolved itself in March 1660, and in April a 'free Parliament', known as the 'Convention Parliament' was elected, which included a significant number of royalists.[96] The 'Convention Parliament' was responsible for reconstituting the English state in such a way that allowed for the Restoration. Specifically, it created statutory definitions for the English State, even prior to the Restoration itself. One such statutory definition was the *Parliament Act*, which declared the 'Long Parliament' dissolved and restored the House of Lords. Although the monarch had not summoned it, the 'Convention Parliament' acted as if he had.

> For the preventing all Doubts and Scruples concerning the Assembling, Sitting and Proceeding of this present Parliament: Bee it Declared and Enacted, and it is Declared and Enacted by the King Our Soveraigne Lord, and by the Lords and Commons in Parliament assembled and by Authoritie of the same That the Parliament begun and holden at Westminster the third day of November in the Sixteenth yeare of the Raigne of the late King

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96 T. Harris, Restoration: Charles II and his Kingdoms (Penguin Ebook, 2006) l. 26., G. Davies, 'The General Election of 1660' *Huntington Library Quarterly*, Vol. 15, No. 3 (May, 1952), 234-235

Charles of Blessed Memory is fully dissolved and determined; And that the Lords and Commons now sitting at Westminster in this present Parliament are the two Houses of Parliament, and soe shall be, and are hereby Declared Enacted and Adjudged to be to all Intents Constructions and Purposes whatsoever, notwithstanding any want of the Kings Majesties Writt or Writts of Summons or any Defect or Alteration of or in any Writt or Writts of Summons or any other Defect or Default whatsoever; as if this Parliament had beene summoned by Writt or Writts in His Majesties Name according to the usuall Forme, and as if his Majestie had beene present in person at the Assembling, and Commencement of this present Parliament. [Provided alwaies That this present Parliament may be_dissolved by His Majestie after the usuall manner as if the same had beene summoned by Writt or Writts in his Majesties Name.[97]

Although it clearly respected and acknowledged the King's ability to define the state, Parliament also took that authority for itself through this action. This kind of authority to define the state was also demonstrated by Parliament's declaration on 8 May 1660, following the arrival of the 'Declaration of Breda', that Charles II had indeed been monarch since 1649.[98] These actions were statutory definitions for the English state and therefore constitutional documents.

In April 1661, Charles II summoned the first 'Cavalier' parliament. Amongst its accomplishments was legislation which declared that the acts of the 'Convention Parliament' were legal.[99] The 'Cavalier' parliament also passed other legislation that continued to define the English state. Two of the more important acts were *The King's Sole Right over the Militia Act* and, for the Navy, *The Act for the Establishing Articles*. These acts defined the authority of the Monarchy over military forces and

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97 'Charles II, 1660: An Act for removing and preventing all Questions and Disputes concerning the Assembling and Sitting of this present Parliament.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 179, accessed January 26, 2016, http://www.british-history.ac.uk/statutes-realm/vol5/p179

98 'House of Commons Journal Volume 8: 8 May 1660,' in *Journal of the House of Commons: Volume 8, 1660-1667*, (London: His Majesty's Stationery Office, 1802), 16-18. *British History Online*, accessed September 14, 2016, http://www.british-history.ac.uk/commons-jrnl/vol8/pp16-18.

99 'Charles II, 1661: An Act declaring the sole Right of the Militia to be in King and for the present ordering & disposing the same.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 308-309. *British History Online*, accessed October 12, 2016, http://www.british-history.ac.uk/statutes-realm/vol5/pp308-309, 'Charles II, 1661: An Act for the Establishing Articles and Orders for the regulateing and better Government of His Majesties Navies Ships of Warr & Forces by Sea.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 311-314. *British History Online*, accessed October 13, 2016, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

simultaneously placed limits on the use of royal prerogative in the use of those military forces. Parliament did undertake other actions to rebuke the interregnum and consolidate the monarchy, such as on 14 May 1661, when it was ordered in the House of Commons that a committee should 'look into all the Journals of the Long Parliament... and make Report of what they shall think fit to be expunged thereout, as treasonable, and scandalous to his Majesty, and his Royal Father, of blessed Memory.' The same committee was also ordered 'make Search in the several Courts of Justice, whether the traiterous Writing, called The Instrument of Government, be there remaining; and that they report, how they find the same.'[100]

Another act passed during this session was *An Act for Safety and Preservation of His Majesties Person and Government against Treasonable and Seditious practices and attempts*, which is interesting because of the context it provides for the acts described below. This act dissolved the Parliament of 1640, and made it illegal to suggest publicly that Charles II was Roman Catholic or intended to reintroduce Roman Catholicism to England.[101] Clearly, it was created to support the King. There were two sections that placed limits on the King's authority, however.

> Provided likewise and be it Enacted That this Act or any thing therein contained shall not extend to deprive either of the Houses of Parliament or any of theire Members of theire just ancient Freedome and priviledge of debating any matters or busines which shall be propounded or debated in either of the said Houses or att any Conferences or Committees of both or either of the said Houses...[102]

100 'House of Commons Journal Volume 8: 14 May 1661,' in *Journal of the House of Commons: Volume 8, 1660-1667*, (London: His Majesty's Stationery Office, 1802), 248-250. *British History Online*, accessed March 6, 2017, http://www.british-history.ac.uk/commons-jrnl/vol8/pp248-250.
101 'Charles II, 1661: An Act for Safety and Preservation of His Majesties Person and Government against Treasonable and Seditious practices and attempts,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 304-306. *British History Online*, accessed March 12, 2017, http://www.british-history.ac.uk/statutes-realm/vol5/pp304-306.
102 Ibid.

While Parliament banned the kind of criticism of Charles II described above, they exempted themselves from the law in that they could not be prosecuted for making such suggestions.

The state was a contested legislative space, that is to say that there were several actors who could, and did define it. In this case it was Parliament, and the King. Even after May 1660, it was certainly not clear that the Restoration would be any more successful than Charles' crowning and campaign in Scotland a decade earlier, as indicated by the 'Fifth Monarchists' attempt to capture London and kill the King in order to bring about the end of the world.[103] Charles II had been invited to resume the Monarchy, and while the 'Cavalier' Parliament was generally supportive, he did not, of course, have the strength or wherewithal to rule without Parliamentary support. As a result, in this period, Charles II found it necessary to remove some of the mystery of Monarchy, explain his aims, and work with Parliament to accomplish things.[104] Parliament was able to create and define limits for the Monarchy, as well as certain offices of state, specifically Lord High Admiral. While Charles II did have to accept Parliament's definitions for the state, he also retained royal prerogative, and for example defined the state through the recreation of the Royal Household and appointments to the Offices of State. For example General Monck was made Duke of Albermarle and named Master of the Horse.[105] The most important example for this thesis is the appointment of James, Duke of York as Lord High Admiral. The ability for Parliament to define the state, and indeed their later willingness to define it contrary to Charles II's desires, is discussed further in the next chapter.

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103 Harris, *Restoration,* l. 129
104 K. Sharpe, *Rebranding Rule* (Yale University Press, 2013) Kindle Location 690
105 'The stables: Master of the Horse 1660-1837,' in *Office-Holders in Modern Britain: Volume 11 (Revised), Court Officers, 1660-1837*, ed. R O Bucholz (London: University of London, 2006), 603-604. *British History Online*, accessed October 13, 2016, http://www.british-history.ac.uk/office-holders/vol11/pp603-604.

Immediately after the Restoration, there was the rational and deliberate creation of definitions for the state that would allow it to function and be acceptable to the Stuarts. The immediate concern of implementing the reconstitution of the monarchy required Charles II to work together with Parliament and largely limited the scope of the definitions that were created. From the modern perspective, the use of royal prerogative and statute to define the state laid the foundations for the development of a Westminster Model state, although no such motivation could possibly be assigned to those involved in the process.

Context: The Navies that Came Before

Charles II directly inherited his Navy from the interregnum state. This included warships, dockyards, officers and crew, responsibility for debts, and other features. Importantly, it also included the administrative structures. The structure of the Navy from 1660 was directly based on what had come before. N.A.M. Rodger has provided the generally accepted narrative for the Navy's development prior to the Restoration.

Since the death of Elizabeth I, the Navy had gone from neglect to war-pressured poverty, usually hampered by the corruption of its administration. Various councils sought to improve and grow the Navy during the reign of Charles I.[106] In terms of the administrative structure, the Duke of Buckingham as Charles I's favourite had been appointed Lord High Admiral, and after his death in 1628 the office had been placed in commission. In particular, the Board was retained after 1631 when Charles I was impressed by how the Dockyards had been improved and revamped. This remained intact until 1638, when the Earl of Northumberland was appointed Lord High Admiral, in the wake of the infant Prince James being appointed Lord Admiral.[107] The Earl of

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106 Rodger, *Safeguard of the Sea*, 391-394.
107 Rodger, *Safeguard of the Sea*, 391.

Northumberland was responsible for generating instructions that would influence the Navy following the Restoration.[108] With its origins in the reign of Henry VIII, and active use since 1618, this was not a new creation. Indeed the origins of the Navy Board have been extensively examined.[109]The Navy Board was recreated in 1628, and with political changes, would remain active through to the 1640s.[110]

This would change with the War of the Three Kingdoms. On the one hand, the Earl of Warwick and other entrepreneurs combined public office (Warwick was Lord High Admiral from 1643 to 1645 when he was forced to resign, then again until 1648), with private enterprise as owners, builders, surveyors and privateers. Parliament used a number of committees, including Admiralty Commissions, Navy and Customs Committee, and Navy Commissions (which replaced the Navy Board), the members of which were effectively the same. Members of these boards, such as William Batten, would be important to the Navy following the Restoration. In 1649, after Pride's Purge, a military dictatorship removed all others and created the Committee for the Regulation of the Navy and Customs.[111]

The aftermath of this was extremely important to the Navy following the Restoration, because neither Cromwell's coup in 1653 nor the chaos following the fall of Richard Cromwell substantially reshaped the administration of the Navy.[112] In 1649, the office of Lord High Admiral was replaced with the office of General-at-Sea, which was put into commission between Richard Deane, Edward Popham and Robert Blake. Monck replaced Popham after his death in 1651 and in December 1653, after Cromwell

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108 Instructions given by the Right Honourable Algernon Earle of Northumberland Admiral and General of His Majesty's fleet' 1636;, NMM, LEC/5 f1

109 C.S.L. Davies, 'The Administration of the Royal Navy under Henry VIII: The Origins of the Navy Board' The *English Historical Review*, Vol. 80, No. 315 (Apr., 1965), 268.; M. Oppenheim, 'The Royal Navy under Charles I: Part III -- The Administration' *English Historical Review*, Vol. 9, No. 35 (Jul., 1894) 480; A. Coats, 'English Naval Administration under Charles I- Top Down and Bottom Up- Tracing Continuities' in *Transactions of the Naval Dockyard Society*, Vol. 8 (June 2012) 12-3, 19-20. Capp, *Cromwell's Navy*, 46-8.

110 Rodger, *Safeguard of the Sea*, 391.

111 Rodger, *Safeguard of the Sea*, 421-426.

112 Rodger, *Command of the Ocean*, 35.

seized power, Desborough and Vice-Admiral William Penn were also commissioned. In 1656 Edward Montague was also added to the commission. All of the Generals-at-Sea also served as 'Commissioners for the Admiralty and Navy'.[113]

In December 1652, the Navy Commission created the *Laws of War and Ordinances of the Sea* (hereafter *Laws and Ordinances)* which would become the *Articles of War*.[114] This was in response to the Navy's defeat at the Battle of Dungeness, and was instigated by Blake in response to the behaviour of the captains of the ships under his command.[115] This was the Navy's new disciplinary code, and it was annually endorsed by Parliament. Indeed, prior to the Restoration, Parliament's endorsement of the *Laws and Ordinances* had lapsed.[116] This was an important document, which adapted following the Restoration would become central to Parliament's creation of definitions for the Navy. It was not entirely original to this period, and portions were certainly inspired by earlier *Articles of War* such as those issued by Lord Wimbledon in 1625.[117]

The nascent Royal Navy drew on both the pre-1649 and the pre-Restoration Navy and naval administration. It is these consistencies and continuities that really set apart the originality of the inclusion of the *Articles of War* in the *Act for the Establishing Articles*, as they all together were the foundations for the Royal Navy's development in the Westminster Model.

The Nascent Royal Navy

At the Restoration, there was no intention to create a new type of institution for the Royal Navy. Charles II's adoption of the fleet was a practical matter, like the

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113 Rodger, *Command of the Ocean*, Capp, 33
114 Rodger, *Command of the Ocean*, 15.
115 Rodger, *Command of the Ocean*, 59-60.
116 Reginald Acland, 'The Naval Articles of War*' Journal of Comparative Legislation and International Law*, Third Series, Vol. 3, No. 4 (1921) 197-98.
117 Corbett, Ed. *Fighting Instructions*, 52.

adoption of the regiment that would become the Coldstream Guards following their efforts to put down the Fifth Monarchists. The fleet had been directly involved in creating the opportunity for the Restoration, from its blockade of London under the command of Vice-Admiral John Lawson, to its voyage to the Netherlands to retrieve the monarch. Edward Montagu not only commanded the fleet during that voyage, he had also been personally involved in the efforts to bring about the Restoration.[118] In this period, a substantial proportion of the definitions for the nascent Royal Navy were conventions and precedents. The *Act for the Establishing Articles*, however, was the important exception, an act that effectively provided the institution with a Westminster Model constitution and a framework for further defining the institution.

The next section examines how the fleet defined its association with Charles II, and how he in turned defined his association with it. The second section investigates the reconstitution of the Navy's administration. The section that follows discusses professional practices and identities that were adopted and inherited. The final section of this chapter discusses the *Act for the Establishing Articles*.

Making the Navy 'Royal'

The fleet's acknowledgement of the Monarchy and his public adoption of it was the first major phase of the creation of constitutional conventions. Initially, the Navy became 'royal' when the fleet proclaimed itself for the king and exchanged the Commonwealth's arms with those of the king. The fleet began to visibly redefine itself as a royal Navy prior to the actual voyage to the Netherlands. Samuel Pepys' diary discusses these first steps in the entry for 7 May 1660.

> My Lord went this morning about the flag-ships in a boat, to see what
> alterations there must be, as to the arms and flags. He did give me order also

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118 Davies, *Gentlemen and Tarpaulins*, 9.

to write for silk flags and scarlett waistcloathes. For a rich barge; for a noise of trumpets, and a set of fidlers.[119]

On 11 May, the fleet began to implement actively the change in recognized authority in its preparations for departure.

[T]his morning we began to pull down all the State's arms in the fleet, having first sent to Dover for painters and others to come to set up the King's.[120]

Pepys' diary shows that senior officers in the fleet, specifically in the person of the General-at-Sea, Edward Montagu, understood that the monarch was reclaiming power, but also that the fleet, like the New Model Army, was an independent actor that not just accepted but actively worked to execute the Restoration.

Then to the quarter-deck, around which the tailors and painters were at work, cutting out some pieces of yellow cloth into the fashion of a crown and C. R. and put it upon a fine sheet, and that into the flag instead of the State's arms.[121]

The fleet under the command of General Montagu further recognized the authority of the king himself on 22 May 1660:

By the time we came on board again, news is sent us that the King is on shore; so my Lord fired all his guns round twice, and all the fleet after him, which in the end fell into disorder, which seemed very handsome.[122]

Through these actions, those individuals who together composed the community of the fleet specifically endorsed Charles Stuart, as King of England. This self-adopted association with the king was at the time limited to just the fleet that voyaged to The Netherlands. It was, however, an important step in the definition of Royal Navy institutional identity more broadly and would be spread to the other Commonwealth Navy ships that were not present but became part of the Royal Navy.

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119 Latham and Matthews, *Diary of Samuel Pepys Vol I,* 130.
120 Latham and Matthews, *Diary of Samuel Pepys Vol I,* 133-134.
121 Latham and Matthews, *Diary of Samuel Pepys Vol I,* 136.
122 Latham and Matthews, *Diary of Samuel Pepys Vol I,* 153.

From a social history point of view, the change from the state's arms to those of the king would be less significant than the stability represented by the employment of the same officers and ratings, especially senior officers across the Restoration. For example, General-at-Sea Edward Montagu was given a peerage as Earl Sandwich and continued to serve as an admiral in the fleet until his death at the Battle of Solebay in 1672.[123] Furthermore, George Monck was made Duke of Albermarle and in 1666 was, with Prince Rupert, co-admiral of the fleet after they replaced the Duke of York.[124] Charles II also continued to employ Vice-Admiral John Lawson, despite his non-conformist religious views and known republicanism.[125] The stability among the senior officers was reinforced by the transition of the Commonwealth-built warships into Royal Navy service.

The exchange of the arms on the flag was an expression of institutional identity and the redefinition of the authority the fleet recognized. The quote from 13 May was very specific and referred to the removal of the state's arms, which was a device created in 1654 that included symbols for England, Scotland and Ireland, and its subsequent replacement with the crown and initials C.R.[126] This was more than just a recognition that the Monarchy had been restored; it was a direct statement of institutional affiliation to Charles II personally.

The Stuarts and specifically Charles II also directly claimed the fleet. These steps were taken by the monarch after the fleet's arrival, for example in the appointment of his brother James, Duke of York as Lord High Admiral.[127] Another important step was the king's renaming of ships in the fleet, which occurred on 23 May 1660. This act of taking possession, unlike the fleet's proclamation, extended beyond the ships that

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123 Davies, *Gentlemen and Tarpaulins*, 164.
124 Davies, *Gentlemen and Tarpaulins*, 143.
125 Davies, *Gentlemen and Tarpaulins*, 108-9.
126 Latham and Matthews, *Diary of Samuel Pepys Vol I*, 136.
127 Latham and Matthews, *Diary of Samuel Pepys Vol I*, 143.

were present in the larger Commonwealth Navy. Samuel Pepys describes the event and

illustrates the active erasure of the Protectorate identity:

> After dinner the King and Duke altered the name of some of the ships, viz.
> the Nazeby into Charles; the Richard, James; the Speaker Mary; the Dunbar
> (which was not in company with us), the Henry; Winsly, Happy Return;
> Wakefield, Richmond; Lambert; the Henrietta; Cheriton, the Speedwell;
> Bradford, the Success.[128]

JD Davies has shown how this pattern was expanded to other ships that were inherited

from the Commonwealth.

> Charles followed these principles when changing the remaining interregnum
> names: *Marston Moor* became *York; Bridgwater, Anne; Torrington,
> Dreadnought; Tredagh* (= Drogheda), *Resolution; Newbury, Revenge;
> Lyme, Montagu; Preston, Antelope; Maidstone, Mary Rose; Taunton,
> Crown; Nantwich, Bredah* (where Charles had signed the declaration
> promising liberty of conscience which guaranteed his Restoration).[129]

A consideration of the fleet at the Restoration puts these changes into perspective.

Charles renamed three of four first-rates, one of eleven second-rates, nine of fifteen

third-rates, seven of forty-six fourth-rates, and nine of thirty-seven fifth-rates. None of

forty-one sixth rates, or of 7 yachts were renamed.[130]

The significance of these changes is especially clear in light of Jakub Basista's

framework of the *'*Sacred, Profane and Anti-sacred*'.[131]* This is more sophisticated than a

simple binary classification of symbols as either 'sacred', which implies a good message,

or 'profane', a bad message. Basista argues that 'anti-sacred' should be used to describe

symbols that are intrinsically against the desired message and identities and that

'profane' provides a classification for symbols that are neither inherently good nor bad.

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128 Latham and Matthews, *Diary of Samuel Pepys Vol I*, 154. J.D. Davies, 'Fubbs Yes, Mum No: The
    Naming of British Warships, c.1660-c.1714, Part 1' *Gentlemen and Tarpaulins Blog,* 30 July 2012.
    http://gentlemenandtarpaulins.com/2012/07/30/fubbs-yes-mum-no/
129 J.D. Davies, 'Fubbs Yes, Mum No: The Naming of British Warships, c.1660-c.1714, Part 1'
    Gentlemen and Tarpaulins Blog, 30 July 2012.
130 "The Settlement of the Navy at the Coming of King Charles the Second", NMM CLU/9 f5-7.
131 This framework is borrowed from Dr Jakub Basista, of Jagiellonian University Krakow, from his
    paper 'The Sacred, the Profane, and the Anti-Sacred', presented 27 June 2014, at the Godly
    Governance: Religion and Politics in the Early Modern World conference at the University of York.

Ships named for Parliamentary or Commonwealth symbols and victories were clearly 'anti-sacred', and their renaming allowed Charles II to both rebuke the Commonwealth and emphasize the Monarchy's reconstitution. The renaming of warships was an effort to erase the bad memories of the Wars of the Three Kingdoms. The Stuarts renamed the ships after royal symbols and individuals from the royal family, but not necessarily in honour of royalist victories. In most cases, the new royalist names created associations with a different type of symbol than the preceding name. For example, the *Naseby* was renamed for the King, and the *Preston* was simply renamed *Antelope*. The biggest exception was the *Richard*, named for Cromwell's heir, was named for *James*, who was at that time Charles's own heir (and eventual successor).[132]

The identities and associations expressed by the fleet's warships were not simply 'sacred' or 'anti-sacred', therefore. An example of a warship with a 'profane' name was the *Hampshire*, which was built in 1653 and served with the Royal Navy until it was sunk at the Battle of Hudson's Bay in 1697.[133] Other ships to retain their name included the second-rate *Rainbow*, and the third-rates *Essex, Fairfax* and *Gloucester*.[134]

The interregnum regimes had imprinted their identity on the fleet through several measures. In addition to the Commonwealth's use of land-officers aboard ships and the use of army troops as crew (to a limit of no more than one man in eight), the use of names such as *Drogheda, Lyme, Taunton* and *Wexford* associated the fleet, and its warships, with the victories that the New Model Army's regiments had fought and won.[135] The interregnum regimes had not named warships after its naval victories, such as the Battle of the Gabbard.[136]

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132 "The Settlement of the Navy at the Coming of King Charles the Second", NMM CLU/9 f5.
133 Winfield, *British Warships in the Age of Sail 1603-1714: Design, Construction, Careers and Fates*, Barnsley: Seaforth Publishing, 2009) 102.
134 "The Settlement of the Navy at the Coming of King Charles the Second", NMM CLU/9 f5-7.
135 Capp, *Cromwell's Navy,* 52-53.
136 "The Settlement of the Navy at the Coming of King Charles the Second", NMM CLU/9 f5-7.

Clearly, both the Interregnum regimes and the Stuarts were political in their

naming of warships, but Charles II did not necessarily use the same types of symbols in

warship names as the previous regimes had. Specifically, ships named after

Parliamentarian victories were renamed to the *Resolution, Revenge, Crown* and *Bredah,*

which did signify royalist victory, but on a conceptual level rather than on the field of

battle.[137] Also, the Stuarts erased the Navy's connections to the New Model Army in

warships names, although Charles II did not add any specifically maritime associations,

other than reviving Elizabethan warship names such as *Dreadnought,* which had been

Torrington.[138] The reuse of Elizabethan warships names also demonstrates that Charles

II was aware of the Navy's pre-civil wars history and was influenced by it. The

definitions created by the changes in warship names were deliberate, a rational

statement of royal authority and the rebuke of the interregnum. They provide important

context for the similarly rational statement of royal authority in the changes to the

Articles of War discussed below.

The Reconstitution of the Naval Administration

After the Restoration, the Admiralty and Navy Board were both recreated,

restoring the Navy's administration to what had existed pre-1649. In July 1660, the King

appointed the Principal Officers and Commissioners of the Royal Navy, popularly

known as the Navy Board.[139] The new Admiralty and Navy Board inherited the

responsibilities of its predecessor organs. To be specific, the new administration was

responsible for the ships, men, dockyards and debt of the State's Navy. This inheritance

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137 Ibid.
138 J.D. Davies, *Kings of the Sea,* (forthcoming), "The Settlement of the Navy at the Coming of King
    Charles the Second", NMM CLU/9, f5.
139 Order-in-Council, 4 July 1660. NMM CLU/9 p.1.

would cause conflict between King and Navy only a few years after the Restoration, as is discussed in the next chapter.

One structural change after the Restoration was the addition of the Lord High Admiral to the Navy Board. Although this was not a change compared to practices prior to the interregnum, it had an important effect on the Royal Navy's development during this period. Turnbull states that:

> Prior to 1673, there was a strong tendency for the distinction between the Admiralty and the Navy Board to be blurred, but this was very much a temporary state of affairs caused by the reappointment of a single Lord High Admiral.[140]

In practice, the Navy Board executed the orders of the Admiralty regarding administration.[141]Another important structural change was the addition of three additional commissioners to the Navy Board in addition to the four principal offices: the Treasurer, the Controller, the Surveyor and the Clerk of the Acts. After Pepys was named Clerk of the Acts to the Navy Board, he had to negotiate a payment or pension of sorts for his predecessor from the reign of Charles I, Thomas Barlow, who owned the position despite Pepys' appointment.[142]

The recreation of the Navy Board and Admiralty removed the Navy from Parliament's direct authority and placed it under royal prerogative, although the Navy itself was not part of the Royal Household. After the board was appointed, the Duke of York issued instructions for the Principal Officers and Commissioners, in which he set forth his interpretation of their responsibilities.[143]

The Duke of York bluntly explained in both the sets of instructions why he issued them. The January 1661 instructions for the Principal Officers and Naval Commissioners begins as follows:

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140 Turnbull, *The Administration of the Royal Navy 1660-1673*, 117.
141 Turnbull, *The Administration of the Royal Navy 1660-1673*, 116-7.
142 Latham and Matthews, *Diary of Samuel Pepys Vol I, 1660*, 188, 202,205, Tomalin Pepys, 133.
143 The Duty of the Principall Officers and Commissioners of His Majesty's Navy jointly considered"
    NMM, CLU/5 f11

> Gentlemen, I having long deferr'd the sending to you a Book containing the Duties of the several officers belonging to His Majesty's Navy, not that I thought it unnecessary they should be instructed in it, but that I was inform'd that the present want of money had so hardened and embolden'd many Persons in their negligences and abuses, that there was little hopes of their Amendment, and therefor thought it better to delay the Publishing of these Rules, until the Want, and in it the pretence of offending were remov'd...[144]

And again, in the same month, the Duke of York created another document addressing the duties of the standing officers of the Navy. That instruction begins:

> Whereas I understand that there arise frequently doubts and disputes amongst divers of the Officer belonging to his Majesty's Navy, concerning the Dutys of their several places, whereby the said officers are not only much disquieted amongst themselves, But the King's Service is much prejudiced through the Neglects occasioned by said disputes or doubts. For preventing the growth or continuance of these, and the like inconveniences arising from these Ignorances or neglects of the duties belong to the Several Officers, I have thought fit to ratifie and confirm certain orders which I understand were formerly published by the Earl of Northumberland (being then Admiral).[145]

These included further instructions for some of the officers of the Navy, in particular boatswains, gunners, pursers, muster masters and others aboard ships under the care of the Navy Board.[146] Given the substantial continuity in personnel between the pre-Interregnum and post-Restoration navies, many of the personnel would have been familiar with those instructions specifically.

These instructions are an illustration of the use of royal authority to define the nascent Royal Navy by creating conventions. For example, the 'Duties of the Principall Officers and Commissioners of the Navy' was issued under the Duke of York's authority as 'Lord High Admiral of England and Ireland, Constable of the Castle of Dover and Lord Warden of the Cinque Ports'.[147] The recreation of the Navy's administration, the alteration of the pre-interregnum structure and the re-issue and of institutional

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144 Letter from the Duke of York to the Principall Officers and Commissioners of the Navy Board, 2 January 1661, NMM CLU/5 f2,
145 'Letter from Duke of York to the Principal Officers and Commissioners of the Navy' 28 Jan 1661, NMM CLU/5 f9
146 'The Boatswain of the Ship's Duty', 'The Gunner's Duty', 'The Purser's Duty' NMM, CLU/4 f2-6 '
147 NMM CLU/5 f9.

procedures from that same period, at the same time that it assumed the existing financial responsibilities, is an important example of how the two important influences were combined. This also provides important context for the changes made to the *Articles of War*.

Adoption of Professional Definitions

Although at this point the profession of being a naval officer had not been firmly differentiated from military service on land, there were professional definitions and established expectations which would serve as part of the foundation for the Royal Navy's development. These came from two broad groups of sources: published treatises upon naval service and the instructions issued from the Admiralty for naval officers.

An early example that the Duke of York and other military and professional mariners would have been familiar with was Nathan Boteler's *Six Dialogues about Sea-services between an High-Admiral and a Captain at Sea*. Originally compiled and written prior to the Wars of the Three Kingdoms, *Six Dialogues* was published multiple times including a version in 1685.[148] Boteler directly addressed the socio-professional role of the Admiral, Captain and Lieutenant aboard warships, unlike the Duke of York who did not directly address the issue immediately post-Reformation.[149] A comparison between Boteler's dialogues and the Duke of York's instructions for duty indicates a very different purpose to the documents. Boteler discusses an ideal role for each of the officers in a theoretical and directly educational way. The descriptions also bluntly describe the similarities in scope of practice between being an officer in a warship and an officer on shore, highlighting the reality of dual service and the lack of professional and institutional differentiation. Boteler describes the role of the Lieutenant as follows:

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148 'Six Dialogues about sea services between an High-Admiral and a Captain at sea.', Nathaniel Boteler, 1685' NMM TUN/166 ' 1
149 Ibid.

> A lieutenants place at sea is as the Lieutenant's place on the shore, for in the
> Captain's absence, he is to command in Chief; only he is to be admonished
> that he be not too fierce in his Way at the first, (which is an humour whereto
> young men are much addicted) but to carry himself with Moderation and
> Respect to the Master Gunner, Boatswain and the other Officers, that so he
> may not be despised, but beloved and obeyed and when Experience hath
> taught him somewhat more fully to understand his place, he may grow to an
> higher strain, and at last attain to his affect Port, a Captain-ship.[150]

Boteler does not describe the duty of the Lieutenant, merely his place within the

community that is a warship. This indicates that the office of Lieutenant was not, at that

point, professionally differentiated in terms of scope of practice between land and

maritime forces. He continues to describe Captains, presented as a response to the

question 'What are the parts and properties requireable in a Captain at sea, who is to

direct and command all the forenamed Officers'?[151]

> There is no doubt but that a Sea Captain commanding in Chief, in one of
> His Majesties Royal Ships, hath as enlarged a Charge under his Hand, and
> of as high as Nature as any Colonel at Land; for besides... He is also over
> and above to stand answerable to His Majesty for the whole Ship her self,
> and all her Ordnance.[152]

Again Boteler did not describe the operational, but rather the socio-professional, scope-

of-practice, the Captain's place in the Navy's social order and within the social order of

the larger English military profession as well. Again, it was not a statement of the

maritime aspects of the job, but rather the Captain's area of responsibility or authority.

Admirals commissioned by James I and Charles I issued instructions specific to

the Navy. The Marquis of Buckingham in 1623 laid out the duties of naval officers, and

the Earl of Northumberland also issued further instructions in 1636.[153] Another example

is the Earl of Lindsay's instructions from 1635.[154] Some of these were published, such as

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150 NMM TUN/166 f40-1
151 Ibid.
152 NMM TUN/166 f41-2
153 Instructions given by the Right Honourable Algernon Earle of Northumberland Admiral and General
    of His Majesty's fleet' 1636;, NMM, LEC/5 f1, 'Instructions to all officers belonging to the Navy,
    given by the Earl of Nottingham and Marquis of Buckingham, with a list of Admirals from the reign
    of King Edward II to 1623.' NMM LEC/3
154 Corbett, ed. *Fighting Instructions, 1530-1816*, 77.

the Earl of Northumberland's manual *Discourse on the Navy* from 1638.[155] An example

comes from Lord Wimbledon's Instructions of 1625:

> You shall with the master take a particular account of the stores of the
> boatswain and carpenters of the ship, examining their receipts, expenses and
> remains, not suffering any unnecessary waste to be made of their provisions,
> or any work to be done which shall not be needful for the service.[156]

The *Laws and Ordinances* mentioned above were partially derived from the instructions

that had been presented to ships captains by Admirals in the English Navy prior to 1652.

Hence, these documents provided both the basis for the Navy's disciplinary code and

extant statements of professional expectations. They, along with publications like

Boteler's *Six Dialogues,* provided the foundations for the development of a later Royal

Navy-specific officer profession. The adoption of the existing professional expectations

and definitions was different from the two other categories of definitions discussed. The

professional expectations were not regime-specific, especially compared to the warship

names or the structure of the Navy's administration. As such, they did not need to be

immediately redefined and were not until the Duke of York's instructions in 1663.[157] The

creation of professional definitions is further discussed in the subsequent chapters.

The active use of royal prerogative and authority to define aspects of the Navy

following the Restoration largely proceeded as would be expected. Although the

renaming of warships, the use of the royal standard and the recreation of the Admiralty

and Navy Board were substantial changes, they alone would not have provided the

foundation for the development of a new type of naval institution. As well, the

comparison of the way that the definitions inherited from the State's Navy were or were

not directly replaced at the Restoration provides important insight into foundations for

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155 'A Brief Discourse of the Navy' 26 January 1638, NMM LEC/7 f1

156 'Instructions to be duly performed by all commanders, and their captains and masters, and other
    inferior officers, both by sea and land, for the better government of his majesty's fleet.' Corbett,
    Fighting Instructions 1530-1815, 50-51.

157 'General Instructions to Captains 1663' Bodleian Rawl Mss A. 187, f8, NA Kew, ADM 2/1733.

the Navy's future development and the creation of the first statutory definitions for the

Navy.

The Codified Definitions

The inclusion of the *Articles of War* in the *Act for the Establishing Articles* was

the key action that provided the basis for the Navy to develop in the 'Westminster

Model' because it provided the first statutory component. Current understanding of the

Articles of War is shaped by two different historical approaches. The first involves the

social and cultural histories that examine the impact of the *Articles of War* on the every-

day lives of the Royal Navy officers and sailors through discussions of discipline, crime

and punishment. The best example is N.A.M. Rodger's *The Wooden World: An Anatomy*

of the Georgian Navy, which provides a balanced appraisal of the Articles using an

eighteenth-century definition of discipline.[158] This foundation on a more nuanced

discussion of crime and punishment results, however, in limited analysis of the Articles'

influence on the Royal Navy's development process. J.D. Davies provides a different,

more cultural perspective in his discussion of naval discipline during the seventeenth

century and argues that the Articles' role as a disciplinary code was just one aspect of its

function. In particular, he discusses the first article's definition of the Royal Navy's

official religion.[159] As a disciplinary code, the most interesting thing was not their

brutality, or the nature of the punishments themselves, but rather the lack of any official

process for ratings or junior officers to register complaints with a higher authority.[160] A

similar approach is also evident in Bernard Capp's *Cromwell's Navy*. Capp discusses the

Laws and Ordinances, which were adapted into the *Articles of War*. He, too, implies that

the *Articles of War* acted as more than just the Navy's legal code, albeit prior to the

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158 Rodger, *The Wooden World*, 205.
159 Davies, *Gentlemen and Tarpaulins*, 92-93.
160 Davies, *Gentlemen and Tarpaulins*, 95-97, 104.

Articles actually becoming legislation. He argues that the extreme fundamentalist

Protestants who controlled the Navy Commission in December 1652 included a clarion

call for a strident Christian identity and mission for the Navy.[161] However, it was the

influence of certain senior officers like John Lawson, who tended to favour co-

religionists professionally, that had more influence on the religious makeup of the

Navy's officer community.[162]

The second major approach to the *Articles of War* is to provide narratives of the

long process of legislative developments. Michael Oppenheim, when discussing the

1653 *Laws and Ordinances* and the *Articles of War* following the Restoration argued

that 'these latter... were only based upon those previously existing which are the

groundwork of all subsequent modifications and additions experience showed to be

necessary down to the present day'.[163] More significantly, Reginald Acland, an

experienced jurist who had served as the Royal Navy's Judge Advocate General

examined the development of the Navy's *Articles of War,* beginning with the Cadiz

expedition of 1596 and ending with the Victorian revisions of 1860 in an article from

1921. However, he attributes no more significance to the *Act for the Establishing*

Articles than Oppenheim and notes merely what he considers to be minor textual

changes addressing the Monarchy and the addition of an article addressing sodomy.[164]

Acland's study is notable in that he does not seem to notice, or at least does not consider

to be important for his narrative, the translation of what had always been a temporary

document into a permanent one.[165] N.A.M Rodger also ascribes relatively little

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161 Capp, *Cromwell's Navy*, 219.
162 Capp, *Cromwell's Navy*, 182.
163 Michael Oppenheim 'The Navy of the Commonwealth, 1649-1660,' *English Historical Review*, Vol. 11, No. 41 (Jan., 1896): 28-29.
164 Acland, 'The Naval Articles of War' 190,197.
165 Acland, 'The Naval Articles of War' 198.

importance to the amendments to the *Articles of War* in 1660, emphasizing their origins in the *Laws and Ordinances*.[166]

The emphasis this study places on the inclusion of the *Articles of War* in the *Act for the Establishing Articles* is not an attempt to overturn the existing understanding, but to complement it and to provide an additional perspective. This action is certainly much more important to the consideration of the Navy's development in the 'Westminster Model' than it is in for example, social histories of the Navy during this period.

The *Act for the Establishing Articles* and the codification of the *Articles of War* did not occur within a legislative or institutional vacuum. At the same time that the Stuarts asserted their control over government, the nation and the Navy, they were also asserting control over the other English military forces as well, as the regiments of the Land Forces and militia also had to be claimed and regulated. Of particular importance is the 1661 *Militia Act*, which received royal assent on the same day as the *Act for the Establishing Articles*.

The *Act declaring the sole Right of the Militia to be in King and for the present ordering & disposing the same* served to legally claim control of the militia and the Navy. Charles II was not proclaiming what Glete would refer to as a state monopoly on violence, but rather using Parliament to re-assert his authority over specific English military forces, including the Navy and militia. The *Militia Act* in particular defined Royal control over English military forces that were separate from the small number of standing regiments. The actual language contained within the act is important to ascertain the difference between how the government, including the king, controlled the Navy and the militia.

> Foreasmuch as within all His Majesties Realmes and Dominions the sole
> Supreme Government Command and Disposition of the Militia and of all
> Forces by Sea and Land and of all Forts and Places of strength is and by the

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166 N.A.M. Rodger, *The Command of the Ocean*, 15, 59-60.

Lawes of England ever was the undoubted Right of His Majesty and His Royall Predecessors Kings & Queenes of England and that both or either of the Houses of Parliament cannot nor ought to pretend to the same nor can nor lawfully may raise or leavy any Warr Offensive or Defensive against His Majesty His Heires or lawfull Successors and yet the contrary thereof hath of late yeares beene practised almost to the Ruine and Destruction of this Kingdome and during the late Usurped Governments many evill and rebellious Principles have beene distilled into the minds of the People of this Kingdome which unlesse p[re]vented may breake forth to the disturbance of the Peace and Quiet thereof...[167]

In the beginning of this section of the act, it was clearly stated that the crown and the king possessed sole control of all military forces, on land and at sea. However, that is the final mention of English naval or maritime military forces within this act.

This was a direct and rational declaration of Royal authority. What is critically different here is that this act was written, and passed by Parliament. Parliament is defining the state as it had with the *Parliament Act* and as it received assent, created a definition that was acceptable to Charles II. For example, it directly rebukes the challenges to the authority of the King from the Wars of the Three Kingdoms and makes it clear that the Militia are under the King's authority and those officers he appoints as his Lieutenants. It explicitly required the Lord Lieutenants, their deputies, and militia officers to swear the Oath of Allegiance and Oath of Supremacy. These expressions of Royal authority are partially balanced by s. III, which aimed to restrict the demands the King could place upon counties to provide military forces by limiting them to 'their ancient proportion.' More importantly for the context of the Restoration, further restrictions were placed upon the King by s. IV, the 'Proviso against compelling Subjects to go out of the Kingdom,' which forbids the monarch from sending the militia abroad.[168] These two sections were added by Parliament on 16 July 1661, after the first and second readings of the Bill and were formulated by a Committee of the Whole

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167 'Charles II, 1661: An Act declaring the sole Right of the Militia to be in King and for the present ordering & disposing the same.,' in *Statutes of the Realm: Volume 5, 1628-80*
168 Ibid.

House.[169] Hence, the creation of those limits was important to Parliament. In the *Militia Act*, the militia was defined first and foremost as a royal force *'Foresmuch as within all His Majesties Realmes and Dominions the sole Supreme Government Command and Disposition of the Militia and of all Forces by Sea and Land'.[170]* Yet, where the Militia (and all forces by sea and land) were declared to be under royal control, the act itself was a result of Parliament continuing to define the state.

Some context is also provided by additional interactions between Charles II and Parliament regarding the Navy. In December 1661, Charles II went to Parliament to ask for income to pay off the fleet. He 'invited the house to "thoroughly examine whether these necessities be real or imaginary" or whether the consequence of private royal profligacy rather than public need'. This was certainly a reflection of the consequences of Charles I's implementation of the Ship Money tax.[171] Sharpe describes Charles II's relationship with Parliament as follows:

> Charles II's speech early on in his own first parliament suggests- and helped to construct- a new openness, a new pragmatism, a different style of monarchy that was to emerge... In Parliament, while rhetorically denying the need to do so, Charles understood that more than his predecessors, he must argue and justify his case.[172]

While Charles II used language that upheld royal prerogative, his actions, such as providing royal assent to the *Militia Act* and the *Act for the Establishing Articles* shows that he did understand that the acceptance of some restrictions was necessary. Further, he did not veto the acts (or withhold royal assent), as he would a bill in 1678 that suggested that Parliament rather than the monarch controlled the militia.[173]

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169 House of Commons Journal Volume 8: 16 July 1661,' in *Journal of the House of Commons: Volume 8, 1660-1667*, (London: His Majesty's Stationery Office, 1802), 302-303. *British History Online*, accessed March 6, 2017, http://www.british-history.ac.uk/commons-jrnl/vol8/pp302-303.

170 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80*, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.,

171 K. Sharpe, *Rebranding Rule* (Yale University Press Ebook, 2013) Kindle Location 680-90.

172 Sharpe, *Rebranding Rule*, Kindle Location 690.

173 Manning, *An Apprenticeship in Arms*, 302-3.

The Act for the Establishing Articles

The creation of the *Act for the Establishing Articles* was an unprecedented mechanism for defining the Navy. The inclusion of the *Articles of War* in statute definition provided a critical foundation for the Royal Navy's development in the 'Westminster Model.' The *Journal of the House of Lord*s and the *Journal of the House of Commons* from May to July 1661 describe the process of the Articles*'* passage into law, and illustrate how Parliament's continued ability to define the state in addition to the monarch's definitions informed and shaped the future development of the Navy.

The act originated in the House of Lords, with the first reading on 6 July 1661.[174] Both houses contributed to the authorship of the bill. Following the second reading on 10 July, the Lords formed a committee that included the Lord High Admiral and Duke Albermarle along with thirteen others. They were ordered to meet the next day 'in the Princes' lodgings.'[175] The bill was further considered by the Lords on 12 July, when the alterations and amendments created by the committee were read twice and then agreed upon.[176] On 15 July, the bill was read for a third time, voted upon, and sent to the House of Commons.[177] The Commons read the bill for the first time on 16 July, and then following the second reading on 22 July a committee was formed to meet that very afternoon.[178] The future Lord Treasurer, Thomas Clifford, chaired the Commons'

174 "House of Lords Journal Volume 11: 6 July 1661," in *Journal of the House of Lords: Volume 11, 1660-1666,* (London: His Majesty's Stationery Office, 1767-1830), 300-301. *British History Online*, accessed March 6, 2017, http://www.british-history.ac.uk/lords-jrnl/vol11/pp300-301.

175 'House of Lords Journal Volume 11: 10 July 1661,' in *Journal of the House of Lords: Volume 11, 1660-1666* (London: His Majesty's Stationery Office, 1767-1830), 304-305, accessed May 10, 2012, http://www.british-history.ac.uk/lords-jrnl/vol11/pp304-305;

176 "House of Lords Journal Volume 11: 12 July 1661," in *Journal of the House of Lords: Volume 11, 1660-1666,* (London: His Majesty's Stationery Office, 1767-1830), 306-307. *British History Online*, accessed March 6, 2017, http://www.british-history.ac.uk/lords-jrnl/vol11/pp306-307.

177 'House of Lords Journal Volume 11: 15 July 1661,' in *Journal of the House of Lords: Volume 11, 1660-1666,* (London: His Majesty's Stationery Office, 1767-1830), 309-310. *British History Online*, accessed March 6, 2017, http://www.british-history.ac.uk/lords-jrnl/vol11/pp309-310. "House of Commons Journal Volume 8: 15 July 1661," in *Journal of the House of Commons: Volume 8, 1660-1667,* (London: His Majesty's Stationery Office, 1802), 301-302. *British History Online*, accessed March 6, 2017, http://www.british-history.ac.uk/commons-jrnl/vol8/pp301-302.

178 'House of Commons Journal Volume 8: 16 July 1661,' in *Journal of the House of Commons: Volume 8, 1660-1667,* (London: His Majesty's Stationery Office, 1802), 302-303. *British History Online*, accessed March 6, 2017, http://www.british-history.ac.uk/commons-jrnl/vol8/pp302-303, "House of

committee, and other members included the naval commissioner Sir William Batten,

and the Duke of York's personal secretary William Coventry.[179] The House of Commons

returned the Bill to the House of Lords with amendments (discussed below), to which

the upper house agreed the same day.[180]

As mentioned above, the direct origins of the *Articles of War* contained in the

Act for the Establishing Articles was the *Laws and Ordinances* from 1652.[181] As both

Acland and Rodger have stated, the relatively few alterations made to the content of the

1652 *Laws and Ordinances* indicates that contemporary opinion of them was that they

were successful.[182] Some aspects of the Commonwealth's Articles were clearly

unacceptable in that they reflected 'anti-sacred' identities and symbols and had to be

altered to recognize royal authority. Samuel Pepys did not comment on it in his diary,

although he would be personally involved in the aftermath and did comment on the

passage of other legislation at the same time.[183] The importance of the act in setting a

new pattern for the Royal Navy's development can only be appreciated with the benefit

of considerable hindsight.

Commons Journal Volume 8: 22 July 1661," in *Journal of the House of Commons: Volume 8, 1660-1667*, (London: His Majesty's Stationery Office, 1802), 307-308. *British History Online*, accessed March 6, 2017, http://www.british-history.ac.uk/commons-jrnl/vol8/pp307-308.

179 'Coventry, Hon. William (1627-86), of Whitehall and Bampton, Oxon.' *The History of Parliament Online*, http://www.historyofparliamentonline.org/volume/1660-1690/member/coventry-hon-william-1627-86

180 'House of Commons Journal Volume 8: 24 July 1661,' in *Journal of the House of Commons: Volume 8, 1660-1667*, (London: His Majesty's Stationery Office, 1802), 309-311. *British History Online*, accessed March 6, 2017, http://www.british-history.ac.uk/commons-jrnl/vol8/pp309-311, "House of Lords Journal Volume 11: 24 July 1661," in *Journal of the House of Lords: Volume 11, 1660-1666*, (London: His Majesty's Stationery Office, 1767-1830), 319. *British History Online*, accessed March 6, 2017, http://www.british-history.ac.uk/lords-jrnl/vol11/p319.

181 The creation of this type of campaign-specific Articles of War did not necessarily change with the Restoration, and the Massachusetts expedition to attack Quebec in 1690, for example, was issued a single set of Articles of War that applied to all members of the expedition. W.K. Watkins, 'Soldiers in the expedition to Canada in 1690 [microform]' *The Internet Archive*, https://archive.org/stream/cihm_25428/cihm_25428_djvu.txt

182 N.A.M. Rodger, *Articles of War: The statutes which Governed Our Fighting Navies 1661, 1749, and 1886*. (Hampshire: Kenneth Mason, 1982), 7.*;* Acland, *'The Naval Articles of War'* 201.

183 Latham and Matthews, *Diary of Samuel Pepys Vol II*, 144-5.

The Proviso and Articles: Codified Constitutional Aspects

Where the inclusion of the *Articles of War* into legislation was the single most important foundation for the development of the future Royal Navy institution, the *'Proviso touching the powers of the Lord High Admiral'* was the single most important section within the *Articles of War*, as it, rather than the other alterations, additions and deletions, was the reason they were translated into legislation at all.[184] The bill in general had been a creation of the House of Lords, and had been amended by a committee led by the Lord High Admiral, but the Proviso was a creation of a 1661 House of Commons committee and was specifically written by a sub-committee chaired by William Coventry who, in addition to sitting as an MP, was personal secretary to the Duke of York.[185] The administration of the Royal Navy, which the previous year had been appointed using royal authority had a direct role in the creation of the text that Parliament used to limit royal authority. From the *Journal of the House of Lords*, the direct role of the Duke of York is clear and points to de facto cooperation between the Admiralty and Parliament. The text of the Proviso is as follows:

> Provided alsoe and bee it further Enacted by the Authority aforesaid That this Act or any thing or things therein conteyned shall not in any manner of wise extend to give unto the Lord High Admirall of England for the time being or to any his Vice-Admiralls Judge or Judges of the Admiralty his or theire Deputy or Deputies or to any other the Officers or Ministers of the Admiralty or to any others having or claiming any Admirall Power Jurisdiction or Authority within this Realme and Wales or any other the Kings Dominions any other Power Right Jurisdiction Preheminence or Authority then he or they or any of them lawfully have hath or had or ought to have and enjoyed before the making of this Act other then for such of the Offences specified in the severall Articles conteyned in this Act as hereafter shall be done upon the main Sea or in Ships or Vessells being and hovering in the maine Streame of great Rivers onely beneath the Bridges of the same Rivers nigh to the Sea within the Jurisdiction of the Admiralty and in none

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184 Acland argued that the most significant changes in 1661 were in article XIII, which altered the penalty for being paid by merchants in a convoy, and article XXXII, which made sodomy a capital offence. Acland, 'The Naval Articles of War' 198.
185 HMSO, *Journal of the House of Commons Vol 8*, 307/308.

other places whatsoever and comitted only by such persons as shall be in actuall Service and Pay in his Majesties Fleete or Ships of War.[186]

It is the Proviso, rather than the articles themselves, that provided the Royal Navy with its first 'constitutional' definitions. It covers two of Garner's four attributes of a state, specifically 'Territory' and 'Population'. It also defined the Royal Navy as a jurisdiction, rather than an entity embodied by ships, personnel, or other aspects of its material existence.

The Proviso was added to the *Articles of War* because of the political fallout and conflicts of the Restoration. It was designed to limit the Lord High Admiral's jurisdiction, authority and power. This Parliament was the first 'Cavalier' parliament and included many returned Royalists, but also a number of those who had supported the Parliamentarian cause. For example, Richard Ingoldsby (who was a member of the New Model Army during the Commonwealth) and William Coventry were both elected in 1661.[187] The 'Cavalier' parliament supported the monarch, but MPs had concerns about royal authority. The creation of the Proviso reflects Parliamentary concerns about royal authority, given the context provided by the Common's creation of the limits on that authority in the *Militia Act* as described above.

The Proviso provided other definitions for the Royal Navy as a contested legislative space and further specified the nature of the Lord High Admiral's jurisdiction. The limits of the Lord High Admiral's powers were defined for where, when, and over whom the *Articles of War* applied. The title of the legislation itself defined the Navy as the *'ships of war and forces by sea'.*[188] Naval officers could only be

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186 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80,* http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

187 'Coventry, Hon. William (1627-86)', *The History of Parliament Online;* 'INGOLDSBY, Richard (1617-85), of Waldridge, Dinton, Bucks.' *The History of Parliament Online,* http://www.historyofparliamentonline.org/volume/1660-1690/member/ingoldsby-richard-1617-85

188 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80,* http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

prosecuted under the *Articles of War* when actively serving in the Navy and specifically only when aboard ship in certain locations, just as militia officers only held authority as such when the militia was mobilized. This was a reflection of the established limited jurisdiction of English military authority, as demonstrated by the fourth clause of the *Militia Act*, which stated that

> Provided That neither this Act nor any matter or thing therein contained shall bee deemed construed or taken to extend to the giving or declaring of any Power for the transporting of any [of] the Subjects of this Realme or any way compelling them to march out of this Kingdome otherwise then by the Lawes of England ought to be done.[189]

In other words, the Militia was defined as an internal military force, which did not exist outside of England. In comparison, the Royal Navy was strictly defined as an external military force, with no legal authority or operational existence in England itself. It was also defined as a geographically dynamic jurisdiction and contested legislative space co-located with the Navy's ships.

The Articles contained within the document also provided definitions for the existence of the Royal Navy and Royal Navy officer profession. A number of terms were used to describe the individuals who were subject to the *Articles of War*, further describing those Garner would have classified as 'population'. Article XI explicitly referred to *'Every Captaine Commander and other Officer Seaman or Souldier of any Shipp Frigott or Vessell of Warre'*, while Articles XVI and XVII specifically refer to *'Sea Captains'*.[190] In many cases, this language was copied directly from the *Laws and Ordinances*, such as from Article XIV of the 1652 edition, which referred to *'Every Captain, and all other Officers, Mariners, and Soldiers of every ship, Frigot, or Vessel of War'*.[191] In some of the articles adopted, the terms were specifically altered. For

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189 ibid.

190 Ibid.

191 Parliament of England and Wales, *Laws of War and Ordinances of the Sea Ordained and Established by the Parliament of the Commonwealth of England; for the and better government of the navies, fleets and ships of war, and armies by sea of the commonwealth of England, and all singular persons,*

example, 1652's Article XIII specified that *'Every Captain and Commander of any ship, Frigot or Vessel of War shall duly observe the Commands of the General at Sea'.[192]* In comparison, 1661's Article XI, which is otherwise the same, adds 'every … seaman or Souldier' to the list of those who must observe the commands of the 'Admirall or other his Superior or Commander of any Squadron*'.[193]* Further, the references in 1661's Articles XVI through XVII to Sea-Captains replace the term Captain in the equivalent articles from 1652.[194] The replacement of Captain with Sea-Captain could be easily seen as a specific and positive definition that provided a foundation for the 'maritimization' of the Royal Navy officer profession. The text clarified the practice of a ship's commanding officer as a maritime officer, without actually changing the practices for employing warship officers and captains. However, as will be discussed in the next chapter, there was indeed a desire for Royal Navy officers to become maritime professionals.

The alteration of 'General at Sea' to 'Admiral' was a reflection of the Restoration, the abolition of the offices of the Generals-at-Sea and the restoration of the Lord High Admiral. This change removed a term very directly connected to, not just the Commonwealth's Navy, but also the Commonwealth Government's specific measure to take control of the Navy. This was a symbolic gesture, as both remaining Generals-At-Sea, Montagu and Monck, would serve as admirals for the Royal Navy following the Restoration. From the perspective of the Royal Navy as a contested legislative space, this alteration created a positive, specific definition of senior naval officers as admirals, an office associated with royal authority, rather than the Parliamentary authority that

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ships and vessels thereunto belonging; (London: John Field., 1652). 8. via *Early English Books Online* ID No. 99866122

192 Parliament, *Laws of War and Ordinances of the Sea,* 8.

193 "Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80,* http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

194 Ibid.

created the office of 'General-at-Sea'. The Proviso introduced the most significant

symbolic and practical change by definitively placing the Navy under royal authority at

the same time that it limited the authority of the Admiral, but the relatively minor

amendments and the use of more maritime terms did also provide some foundations for

the development of a specifically maritime and military identity.

The Proviso did not specifically provide definitions that would differentiate

naval officers or require them to use their Royal Navy professional identity ashore.

Officers who were ashore often adopted their army rank, or civilian social position, in

their interactions with the world rather than their naval rank.[195] In some cases, this was

due to the individual having more than one commission. For example, the Earl of

Sandwich was Colonel of a cavalry regiment at the same time as he was Admiral of the

Fleet at the Restoration.[196] There were exceptions, of course, such as Lieutenant

Lambert, who served aboard Montagu's flagship and was an acquaintance of Samuel

Pepys.[197]

Defining Identities

The alterations to the *Articles of War* were one mechanism for the

implementation of a new 'Royal' identity for the Navy, specifically in its direct

connection to Charles, the monarchy and to the Church of England. This was not simply

accomplished by stating that the Navy was under Royal authority. Many specific articles

needed to be altered or removed, particularly any that referred to the Commonwealth

directly. Article XIX of 1652, as an obvious example, was removed, though elements of

it can be found elsewhere in the revised Acts. It stated that any captains of ships who

had either taken Parliament's commission, or served as private warships for Parliament

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195 Davies, *Gentlemen and Tarpaulins*, 58-60.
196 Latham and Matthews, *Diary of Samuel Pepys Vol I*, 242.
197 Latham and Matthews, *Diary of Samuel Pepys Vol I*, 27, 105.

or the Commonwealth, who then declared for the Crown or attacked any Parliament or friendly vessels or who turned pirate would be sentenced to death.[198] Other articles were simply adapted to reinforce Stuart identity. It was not intended to provide the framework for the development of a specific Royal Navy institutional identity. As the *Act for the Establishing Articles* proved to be permanent, these changes together would provide the statutory foundations for just that.

The important first article of the 1661 act, which defined the Royal Navy's religious identity, was largely adapted from the 1652 Articles. The alterations were a direct reflection of the Restoration and specifically the anticipated legal codification of the Episcopacy and the Church of England, which were political priorities for Charles II because the re-establishment of the Church of England was a non-negotiable aspect of the Stuart state. It was also an emphatic and powerful symbol of Stuart, royal victory and the repudiation of the religious changes under the Commonwealth.

The text of the 1652 Article I reads as follows:

> ALL Commanders shall endeavour, that Almighty God be solemnly and reverently served in their respective Ships, all Prophaneness and Irreligiousness avoided, and other Religious Duties be excercised and duly frequented, and the Lord's Day Religiously observed.[199]

Capp argues that the Naval Commission which created the 1652 *Articles of War* had been controlled by some of the more radical Protestant members of English Parliament.[200] However, the naval commissioners in 1652 only added the line 'all Prophaneness and Irreligiousness avoided, and other Religious Duties be exercised and duly frequented' to the Earl of Warwick's earlier instructions upon which they were based. As Capp argues, a common religious identity in the Navy did not develop during the interregnum.[201] The 1652 articles had thus failed to impose a uniform religious

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198 Parliament, *Laws of War and Ordinances of the Sea*, 9.
199 Parliament, *Laws of War and Ordinances of the Sea*, 3.
200 Capp, *Cromwell's Navy*, 296.
201 Parliament, *Laws of War and Ordinances of the Sea*, 3

identity on the Navy which had so many different confessional elements within it. There

was, therefore, an obvious determination for the 1661 version to be more effective.

To this end, Article I was altered in 1661 with very specific references as

follows:

> That all Co[m]manders Captaines and other Officers att Sea shall cause the
> publique Worshipp of Almighty God according to the Liturgy of the Church
> of England established by Law to be solemnly orderly and reverently
> performed in theire respective Ships And that prayers and preachings by the
> respective Chaplaines in holy Orders of the respective Ships be performed
> diligently and that the Lord Day be observed according to Law.[202]

Where the naval commissioners in 1652 had only provided a very general directive to

act in a Christian way, the Stuarts clearly intended to make the Royal Navy an Anglican

Navy. Although according to Capp the 'average sailor did not become a puritan' during

the interregnum, the religious definitions included in the *Act for the Establishing*

Articles hint at a much more determined effort to define a common confessional

identity.[203]

Similarly, throughout the articles, repeated references to the king and to

monarchy more generally further cemented the Navy's royal identity. Article II refers to

'[e]very person and persons in his Majesties pay*'*, and Article VII to 'None in his

Majesties pay', where in the *Laws and Ordinances*, the phrase 'none shall' is used

instead.[204] Article XX also addresses treasonous behaviour and includes the phrase *'*His

Majestie or Government*'.*[205] Article XII, which dealt with the requirement for every ship

in the fleet to support it and not to act independently, referred to *'*His Majesties Ships*'.*[206]

Finally, the Proviso also directly referred to the monarch, explicitly to the *'*Kings

202 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5,*
    1628-80, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.
203 Capp, *Cromwell's Navy*, 323
204 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5,*
    1628-80, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.. Parliament, Laws of War
    and Ordinances of the Sea, 5-6.
205 "Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5,*
    1628-80, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.
206 Ibid.

Dominion*'* and also to his *'Majesties Fleete or Ships of War'*.[207] While these might seem like rather unsurprising, descriptive alterations, from a legal point of view they indicate a rather profound change. They show that the *Act for the Establishing Articles* was unlike any document previously used to control or define the Navy and that the Navy had at least the potential to develop into something more than just a temporary force.

Specifically, Article III includes a reference that implied a long-term institutional application: *'Rebellion against His Majesty His Heires and Successors'*. Likewise, Article IV, which also addresses treason, includes the slight variation *'the Kings Majesty His Heires and Successors'*.[208] Because there had never been any persistent professional continuity between military campaigns or periods of employment, this type of language was uncommon within definitions of the Navy. Of course a close association remained between the creation of military forces and their specific, time-limited missions making the appearance of such forward-looking language all the more striking. It contributed to the stability of the 1661 *Articles of War*.

Definition of Procedures and Practices

Definitions of procedures and practices were at the core of the *Articles of War*. The majority of these definitions were limited to the delineation of expectations for behaviour and the specification of the required institutional response to failures to live up to those expectations in terms of both the judicial procedures and the appropriate punishments. The specification of the Navy's religious practices and the paired selection of courts-martial and the de-selection of councils-of war as the Navy's judicial process were more particularly important. They are statutory embodiments of definitions required by respectively Charles II, and by Parliament.

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207 Ibid.
208 Ibid.

As indicated above, Article I from *The Act for the Establishing Articles* required the Royal Navy to use the Liturgy of the Church of England. Through this, Parliament specified that in at least this respect, the Royal Navy's practices would be externally defined. The expectation was that the contemporary Savoy Conference of 1661 would produce a *Book of Common Prayer* that was acceptable to Anglicans, Presbyterians and other groups that the king wanted to bring back into the Church of England. Yet the failure of the conference perpetuated the divisions between Anglicans and Presbyterians and resulted in the Parliamentary creation of the *Book of Common Prayer* released in 1662 and legally mandated under the *Act of Uniformity*.[209] In this case, the Royal Navy was required to follow procedures that were externally defined (by Parliament) and were also not contained with the *Act for the Establishing Articles*. But for the failure of the Savoy Conference, the Royal Navy's religious practices could have been significantly different. Stability and consistency in practice required the stability and consistency of the established church, which was by no means certain when the *Act for the Establishing Articles* was created.

The most substantive of the doctrinal or procedural changes made in the 1661 *Articles of War* was the specification of the court-martial as the Royal Navy's designated disciplinary and investigative process. This involved ending the practice of administering punishments through councils of war that provided yet another way for Parliament to place limits on the power of the Lord High Admiral and specifically on his judicial prerogative. Councils-of-war were traditionally an internal, informally regulated process akin to the land forces' regiments system of regimental courts-martial and what Reginald Acland described as a 'complete system'.[210] Further, the *Laws and*

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209 Susan McMahon, *'*John Ray (1627-1705) and the Act of Uniformity 1662*' Notes and Records of the Royal Society of London,* 54 (2) 163-64.
210 R. Acland, *'*The Developments of Naval Courts-Martial*' Journal of Comparative Legislation and International Law, Third Series, Vol. 4, No. 1 (1922),* 38-40.

Ordinances had specified these councils to adjudicate over offences that did not require a court-martial.[211] By making the court-martial the described judicial mechanism for the Royal Navy and by placing limits on courts-martial, Parliament introduced an element of oversight, or checks and balances, intended to govern the personal authority of the Lord High Admiral.[212]

The earlier *Laws and Ordinances* specifically named councils-of-war in its various articles. Article VI, for example, ordered the harbouring of enemies or enabling their movement abroad to be dealt with by a council-of-war. Similarly, article XVIII, which dealt with wasteful expense of ammunition and shot, also ordered punishments to be decided by a council-of-war.[213] However, the existence of courts-martial is implicit due to the specified punishments for more serious offences, such as article XXVI, which dealt with the death of Generals-at-Sea or Admirals and article XXXIII for murder and intentional killing.[214] Other articles specified either death or a lesser punishment, such as article XXXII, which addressed sleeping while on watch, negligence in duty or abandoning one's station.[215] In addition, articles XXXVII and XXXVIII addressed punishments for poor behaviour during a court-martial and the duty of officers to apprehend offenders respectively, explicitly stating the importance and use of the court-martial.

In the 1661 *Articles of War*, however, Parliament's eradication of the councils-of-war and the careful elaboration of courts-martial removed any ambiguity and implemented a single judicial procedure, the parameters and details of which were defined by Parliament itself. This was not done at a single, legislative stroke. Rather the

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211 Rodger, *Command of the Sea*, 15, 59-60.
212 R.E. Glass, *'Naval Courts-Martial'* in *New Interpretations in Naval History: selected papers from the Twelfth Naval History Symposium held at the United States* Naval Academy*, 26-27 October 1995'* W.B. Cogar, Ed. (Annapolis: Naval Institute Press, 2007) Turnbull, *The Administration of the Royal Navy 1660-1673*, 77-78.
213 Parliament, *Laws of War and Ordinances of the Sea*, 9.
214 Parliament, *Laws of War and Ordinances of the Sea*, 13.
215 Ibid.

predominance of courts-martial is revealed in repeated references. Typically, articles

refer to infractions that should *'be punished by Fine imprisonment or otherwise as the

Offence by a Court martiall shall be adjudged to deserve'.*[216] To be sure, some articles,

however, continued to specify that some offences should simply be punished by death

such as setting of fire to one's own ship and murder.[217]

The limits placed upon the Lord High Admiral were extended by two specific

articles, which defined the process of the court-martial. Particularly, article XXXIV

addressed the consideration of capital punishment:

> And it is hereby further Enacted That the Lord High Admirall for the time
> being shall by vertue of this Act have full power and authority to grant
> Commissions to Inferior Vice-Admiralls or Commander in Cheife of any
> Squadron of Ships to call and assemble, consisting of Commanders and
> Captaines and no Court martiall where the paines of death shall bee inflicted
> shall consist of lesse then Five Captaines at least the Admiralls Lieutennant
> to be as to this purpose esteemed as a Captaine and in no case wherein
> sentence of death shall passe by vertue of the Articles aforesaid or any of
> them (except in case of mutiny) there shall be execution of such Sentence of
> Death without the leave of the Lord High Admirall if the offence be
> committed within the Narrow Seas But in case any of the Offences aforesaid
> be committed in any Voyage beyond the Narrowe Seas whereupon Sentence
> of Death shall be given in pursuance of the aforesaid Articles or of any of
> them then Execution shall not be done but by Order of the Commander in
> Cheife of that Fleete or Squadron wherein Sentence of Death was passed.[218]

Article XXXV further specified courts-martial processes:

> And be it further Enacted and Declared That the Judge Advocate of any
> Fleete for the time being shall have full power and authority to administer
> an Oath to any person or witnes in order to the Examinac[i]on or Tryall of
> any of the Offences aforesaid and in the absence of a Judge Advocate the
> Court marshall shall have full power and authority to appoint any person to
> administer an Oath to the purpose aforesaid[219]

With the Proviso, the courts-martial, and the inclusion of these articles, the Royal Navy

chose a single process for prosecuting serious offences. This was an expectation for how

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216 in this case quoted from article XXV, "Charles II, 1661: An Act for the Establishing Articles and
    Orders', *Statutes of the Realm Volume 5, 1628-80*, http://www.british-history.ac.uk/statutes-
    realm/vol5/pp311-314.
217 Articles XXVI and XXVIII respectively, Ibid.
218 Ibid.
219 Ibid.

the Navy would operate in specific circumstances and provided the foundation for the future development of the Royal Navy's judicial procedures, which are discussed in the following chapters. Remarkably, in this respect, the Royal Navy's legal code was more centralized than English Common Law.[220]

Judicial and professional precedents did have an important role in the definition of the Royal Navy's judicial practices. Article XXXIII of the *Act for the Establishing Articles* stated that 'All other Faults Misdemeanors and Disorders committed att Sea not mentioned in this Act shall be punished according to the Lawes and conventiones in such cases used att Sea.'[221] This is important, because of some alterations that reflected the shift from the *Articles of War* as standing orders, to the Royal Navy's legal code and statutory constitutional definitions. The 1661 *Articles of War* made certain offences triable by court-martial, where they had not been so in 1652. For example, article XXV of the *Laws and Ordinances* forbade fighting and quarrelling amongst crew. It was punishable 'upon imprisonment, and such other punishment as the Offence shall deserve.'[222] In 1661, it became 'upon paine of Imprisonment and such other punishment as the Offence shall deserve and the Court martiall shall impose.'[223] In comparison, the directive in the *Laws and Ordinances* for Captains to keep his ship fully manned, the crew healthy, a sufficient number of sailors and mariners, and not to be 'pestered with Idlers and Boys', was simply removed and not present in the *Act for the Establishing Articles.*[224]

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220 R. W. Cannon 'Judge-Made Law in the Colonies' *The International and Comparative Law Quarterly* Vol. 13, No. 1 (Jan., 1964), pp. 284-288

221 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80,* http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

222 Parliament, *Laws of War and Ordinances of the Sea,* 11.

223 "Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80,* http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

224 Parliament, Laws of War and Ordinances of the Sea, 11-12. "Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80,* http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

The inclusion of the *Articles of War* in the *Act for the Establishing Articles* did not remove the need for standing orders, and general directions, issued from a commander-in-chief to the fleet as a whole. Obviously, courts-martial were not the only judicial procedure employed by the Royal Navy, and captains had quite a bit of authority for imposing punishments for minor offences. Classically, this included flogging.[225] The reference in the *Laws and Ordinances* and in the *Act for the Establishing Articles* enabled these established practices to continue. Specifying them in the *Articles of War* would have been unnecessary. In the former example, the importance of peace and order aboard ship was emphasized when fighting and quarrelling was made a court-martial offence. The removal of the latter example from the *Articles of War* is important because similar directives were included in the *Instructions* issued to Captains by the Duke of York. They were convention rather than statutory definitions and are discussed in the next chapter.

The creation of a permanent institution was not the purpose of the amendments or new material within the *Act for the Establishing Articles*. The reality was that the Royal Navy remained a temporary force, and the established processes for the creation, use, and disbandment of fleets was recognized and incorporated into the Act. The Proviso's limit of jurisdiction to *'only by such persons as shall be in actuall Service and Pay in his Majesties Fleete or Ships of War'* does not speak directly to a philosophy or practice for the creation and use of permanent military forces, but reflects the temporary nature of a person's service in in the fleet and their subjection to the *Articles of War* and the Lord High Admiral's authority.[226] Importantly, however, this definition of the Lord High Admiral's authority, like the statement of the King's authority in the *Militia Act*,

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225 Rodger, *The Wooden World*, 211-214.
226 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80*, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

was permanent and not subject to Parliament's renewal or endorsement as the *Laws and Ordinances* had been.

Differentiating the Royal Navy

The creation of a new type of institution in the shape of the nascent Royal Navy also involved its differentiation from other existing institutions, professions and communities. Differentiation is a different type of process, in that it was embodied more through the ratification and formalization of the side-effects and developmental by-products of the first three processes. Although this had not yet progressed far during the Restoration, the early differentiation of the Royal Navy can be ascertained most clearly in a specific clause from the *Laws and Ordinances* that was not included in the *Acts for Establishing Articles*.

Article XIX of the *Laws and Ordinances* alluded to the varied composition of the Commonwealth's naval forces, although they are not explicitly delineated. It acknowledged that Parliament's maritime military efforts included private vessels of war that operated independently of the fleet or fleets.

> All Captains of ships, having once taken any commission for taking of Prizes, according to any Act, Ordinance or Order of Parliament, or served as any private man of War, or received any Pay or Impress, or been otherwise employed from or under the Parliament that shall either turn to the Enemy, or declare themselves against the Parliament, or wilfully set upon, fight with, surprize, or take any ship or vessel standing in obedience to Parliament or any of its adherents, or shall turn robber, or use to exercise piracy either against any Merchants or other ships, shall be punished with Death.[227]

Clearly there had been some equivalence between the Captains of privateers and the Captains of the ships in the fleet. The decision to remove this article in the 1661 Act rather than to amend it suggests that no such equivalence could any longer be considered appropriate.

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227 Parliament, *Laws of War and Ordinances of the Sea*, 9-10.

The adoption and alteration of similar articles from the *Laws and Ordinances*

into the *Act for the Establishing Articles* provides further evidence of the definitional

foundations of the Royal Navy. Article XIX of the *Laws and Ordinances* was one of a

set of three articles which discussed mutiny and desertion and which should be

considered together. According to Article XVII:

> All Captains, Officers and Seamen, that either have or shall betray their
> Trust, and turn to the Enemy, and either run away with their ship, or any
> ordnance or ammunition, or Provision, to the Weakening of the Service, or
> yield the same up to the Enemy, shall be punished with Death.[228]

Article XVIII followed with:

> All Captains, Officers or Mariners that desert the service, or their
> employment in the ships, or shall run away or entice others so to do, shall be
> punished with Death.[229]

Together, articles XVII, XVIII and XIX framed the responses to different types of

mutiny and desertion as described by the Generals-at-Sea. In 1661, however, Article

XVII was transformed as follows:

> All Sea-Captaines Officers and Seamen that shall betray theire Trust or
> turne to the Enemy Pirate or Rebells and either run away with theire Shipp
> or any Ordnance Ammunition or Provision to the weakning of the Service or
> yield the same up to the Enemy Pirate or Rebells shall be punished with
> death.[230]

Article XVIII was modified to become the following as article XVII

> All Sea Captains Officers or Mariners that shall desert the Service or theire
> Imployment in the Ships or shall run away or intice any others soe to doe
> shall be punished with death.[231]

In the second example the changes are minimal, with only the substitution of

'Sea Captains' for 'Captains'. The first, however, was more significantly altered to

include turning to 'Pirate or Rebells' in addition to the enemy, an absorption of the

banned behaviours detailed in Article XIX. This confirmed the removal of equivalency

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228 Parliament, *Laws of War and Ordinances of the Sea*, 9.
229 Ibid.
230 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80*, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.
231 Ibid.

between the captains in the ships of the fleet, those individually deployed ships also part

of the nascent Royal Navy, and privateers who were no longer under the jurisdiction of

the *Articles of War*. This had an important effect on the future development of the Navy,

in that it created the potential for socio-professional, institutional and legal

differentiation among English practitioners of maritime warfare. It also created the

possibility of the specialization of the Royal Navy officer profession as a profession

directly tied to the Royal Navy, rather than to maritime warfare in general.

The *Act for the Establishing Articles* contained the Navy's private legal code and

a legal definition of its existence as a jurisdiction, but it was not an all-encompassing

document that regulated all aspects of the Royal Navy's day-to-day existence. In

addition, despite the Royal Navy's origins in an undifferentiated military profession and

set of practices, the *Articles of War* tellingly did not include a mechanism for the Navy

to operate ashore when needed and so legally, if not practically, limited the Royal

Navy's operational abilities.[232]

At the heart of the *Articles of War* was an inherent flexibility that matched the

established mechanisms for the mobilization of forces when needed and their

disbandment when not. For example, the *Act for the Establishing Articles* does not

contain any language about the specific maritime duties of the officers in relation to the

ship, and yet Article X sets forth the punishment for Captains who *'shall not put all*

things in his Ship in a fitt posture for fight'.[233] These duties were understood and defined

by established precedence and discussed, for example, in Boteler's *Six Dialogues* and

the Earl of Northumberland's instructions.[234] Later, they would be encompassed within

the *General Instructions*, a document created to replace the *Articles of War* as the set of

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232 Ibid.
233 Ibid.
234 'Six Dialogues' NMM TUN/166; 'Earl of Northumberlands Instructions' NMM LEC/5.

standing orders. However, those were first issued in 1663 and so are discussed in detail in later chapters.[235]

Conclusion

The consideration of the Royal Navy's development in the Westminster Model provides a new perspective that complements the approach of existing studies to the Restoration. It emphasizes the substantial continuities, such as the ships, officers and financial responsibilities inherited from the State's Navy. The discussion of the 'convention' definitions in particular highlights the use of royal authority to deliberately impart new identities to inherited ships, to reintroduce previous sets of instructions in context with the straightforward adoption of existing professional standards and expectations. The creation of the A*ct for the Establishing Articles* must also be considered from that perspective as well. As Rodger and others have argued, the *Laws of War and Ordinances of the Sea* of 1652 was at the core of the modified *Articles of War*. Like the warships built by Cromwell's regime, the *Laws and Ordinances* was a resource that could be suitably modified and then used. That they were so directly modified to include statements of royal authority and then included into legislation built directly on the precedents established by Parliament during the interregnum.

The creation of definitions for the Royal Navy during this period did not automatically or fully render a new type of military institution, no more than the definitions for the state created during this period rendered a 'Westminster Model state'. In both cases, what was created was the foundations that would frame their respective development in the future. These development processes were bound together by the *Act for the Establishing Articles*, which simultaneously defined by the state and the Navy, although their development cannot be conflated into a single process.

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235 'General Instructions' 1663 Bodleian MSS Rawl A/187 f3.

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This chapter has described the definitions created in an intense burst of activity, as Parliament and Charles II strove to define the state, and the Navy, in order to make them consistent with the restored Stuart monarchy. The definitions created did not address the entirety of the state or the Navy's existence and did not provide long-term solutions for actions such as the restored Navy Board and Admiralty taking responsibility for the ships and especially the debts incurred by the State's Navy. The next chapter examines the period 1662-1688 and the continuation of the Royal Navy's development process under largely different circumstances.

CHAPTER TWO: CHARLES II AND JAMES II

The Restoration did not transform the English state into a 'Westminster Model' state, nor did the State's Navy become a fully defined institution capable of, or funded for, world-wide operations. Rather, the Restoration involved the creation of the foundations for the development of the state and Navy. In this period between the Restoration and the Glorious Revolution, a desire to trace an ascending line of development would be disappointed. By 1688 both Charles II and James II would rule without Parliament, and the Navy would prove to be almost ruinously expensive to maintain. The process of development through the creation of statutes and conventions continued, framed by the definitions created in 1660 and 1661. The reconstitution of the monarchy and the creation of the Royal Navy had ramifications that were at the core of conflicts that were no less intense than they were at the Restoration.

The conflict between King and Parliament over royal prerogative was central to much of the state development during this period, and indeed N.A.M. Rodger provides the following summary:

> Two themes sum up the administration of Charles II and James II: the struggle to make the administration of the Navy more efficient... and the contest between King and Parliament for control of the Fleet.[236]

The standard approach to this contest has been the discussion of the provision of funds for the Navy, whether it was to service debts, create fleets to serve at sea or to build warships, which is an important perspective. Nevertheless, an examination of the definitions created for the Navy during this period provides a complementary perspective. Another aspect of control over the Navy was the ability to create

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236 Rodger, *Command of the Ocean*, 110.

definitions, to imbue the institution with identity, to define professional processes and qualifications, and to create deployments and order operations abroad.

The creation of *The Act for the Establishing Articles* provided the precedent for Parliament to directly define the Royal Navy as an institution, and there were a small number of statutes that directly built on that precedent early in Charles II's reign. The emergence of conflict between the King and Parliament brought an end to much of that cooperation (with a small number of exceptions), and so Parliament ceased to directly define the Navy through statute. However, it did pass statutes that defined the state as a whole and placed limits on the King's authority and royal prerogative, which indirectly defined the Navy. In comparison, Charles II and James II maintained much of their ability to define the Navy's diverse attributes and actively did so throughout their reigns. This chapter will therefore provide a new perspective on the struggle between King and Parliament over royal prerogative, especially as it pertains to the Royal Navy's development between the Restoration and the Glorious Revolution.

State Development Context

Following the Restoration, Charles II was in an unfamiliar situation. Unlike the Parliamentarians, he had not come to power through the use of force. Parliament had not been defeated but, instead, internecine conflict following Cromwell's death drove the state asunder. Charles II's acceptance of the invitation to resume the throne created a variety of conflicts that reflected the reality the he had very little actual power or ability to use force to guarantee his reign. Nevertheless, he had to perform the monarchy. It was not merely a question of accepting the responsibility and doing the job, he had to be seen to rule, to demonstrate to his supporters and the nation at large that his reign was solid. Sharpe argues that Charles II removed some of the mystery of monarchy and

more openly explained his reasons and ideas to Parliament during the early years of his reign because if he had not, he would be unable to perform the role of monarch. 'In 1660, a returning king had to again make the case for monarchy; to argue for rather than assume his authority.'[237] Following the Restoration, first there was a period where Parliament created laws that defined the State with the King's cooperation. This was followed by active conflict between the King and Parliament over definitions of the state. Thereafter, Charles II and James II ruled directly without Parliament. This latter phase can be interpreted as movement away from a 'Westminster Model State', however the last phase cannot negate the reality that for much of this period, Parliament did contribute statutory definitions to the English constitution. Further, the statutory and convention definitions established at the Restoration and afterwards continued to be the foundation for state development at and after the Glorious Revolution. As such, the state's development should still be considered to be in the 'Westminster Model', at least in terms of process.

Immediately following the Restoration, a series of acts collectively described as the 'Clarendon Code' specifically defined the state church and created formal legal definitions that excluded Presbyterians and religious non-conformists. These were the *Corporation Act* of 1661, *Act for the Uniformity of Publique Prayers* (1662), *Conventicle Act* (1664) and *Five-Mile Act* (1665). These acts directly defined the state, but only indirectly defined the Navy. For example, the *Corporation Act* required municipal officials to abjure the Solemn League and Covenant, swear allegiance to the crown, and to attend the Church of England and receive communion.[238]

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237 Sharpe, *Rebranding Rule*, L.267

238 'Charles II, 1661: An Act for the well Governing and Regulating of Corporations,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 321-323. *British History Online*, accessed October 13, 2016, http://www.british-history.ac.uk/statutes-realm/vol5/pp321-323.

The *Corporation Act* received royal assent at the same time as the *Act for the Establishing Articles*.[239] It stipulated that individuals could not be elected to corporations or to local government without first swearing the loyalty oath, proving that in the past year they had taken communion in the Church of England, and specifically renouncing the *Solemn League and Covenant.*[240] One of the keys to the Royal Navy's development in the Westminster Model was that unlike other institutions, such as Trinity House, the East India Company or the Hudson's Bay Company, it was not a corporation, and it did not have a charter. Its officers were commissioned by the King, not elected or otherwise appointed. It follows that the Royal Navy was not directly affected by the passage and implementation of the *Corporation Act*. This serves to further emphasize the difference between the Royal Navy and other corporate institutions and to emphasize another similarity to the state since it was not affected by the act. It is relevant because it provides context for later acts that did affect the Navy's officers.

A second act, one that would define the Navy, was the *Act for the Uniformity of Publique Prayers.* In the *Act for the Establishing Articles,* the first article made it clear that a liturgy was expected to be created. The Savoy Conference, the first attempt following the Restoration to create a somewhat unified, national *Book of Common Prayer,* was convened by the Bishop of London Gilbert Sheldon at his quarters in the Savoy Hospital on the Strand in London.[241] This was an attempt to get the 'Anglicans' and 'Presbyterians' to agree on a common liturgy and resolve issues around the structure of the established church and the presence of the episcopacy or the role of bishops. The Conference consisted of a meeting between twelve bishops representing the 'Anglicans'

239 House of Commons Journal Volume 8: 31 July 1661,' in *Journal of the House of Commons: Volume 8: 1660-1667* (London: His Majesty's Stationery Office, 1802)
240 'Charles II, 1661: An Act for the well Governing and Regulating of Corporations,' in *Statutes of the Realm: Volume 5*, 1628-80, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 321-323, accessed November 5, 2015, http://www.british-history.ac.uk/statutes-realm/vol5/pp321-323
241 G.R. Abernathy Jr, "The English Presbyterians and the Stuart Restoration, 1648-1663' *Transactions of the American Philosophical Society*, New Series, Vol. 55, No. 2 (1965), 80.

and twelve representatives of the Presbyterians and Puritans (as well as deputies for both sides), and began on 13 April 1661.[242] The Puritan Richard Baxter presented a new liturgy on behalf of the nonconformists, which was rejected.[243] On 25 July, the Conference was dissolved without accomplishing anything, and the Nonconformists removed themselves from the discussions.[244] The collapse of the conference left a void, an expected presence which was not defined until the next year, with the creation of the 1662 *Book of Common Prayer* through the *Act for the Uniformity of Publique Prayers* that specifically defined the religious aspects of the English State. Mark D. Chapman described Parliament's intervention as the 'invention of Anglicanism'.[245]

The *Act for the Uniformity of Publique Prayers* defined both the state and the Royal Navy. On 25 June 1661, a month before the Savoy conference was dissolved, the House of Commons ordered:

> That a Committee be appointed to view the several Laws for confirming the Liturgy of the Church of *England*; and to make Search, whether the original Book of the Liturgy, annexed to the Act passed in the Fifth and Sixth Years of the Reign of King *Edward* the Sixth, be yet extant; and to bring in a compendious Bill to supply any Defect in the former Laws; and to provide for an effectual Conformity to the Liturgy of the Church, for the Time to come.[246]

At that point the House of Commons took it upon themselves to create a new *Book of Common Prayer* and liturgy and therefore one that would be heavily influenced by the Anglicans and by the royalist members of parliament. On 30 April, 1662, the House of Commons returned the 'Uniformity Bill' to the House of Lords for its final reading with alterations.[247] On 8 May, the House of Lords voted on the amendments and read the bill

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242 Listed in John Henry Blunt, The Annotated Book of Common Prayer (1872)., *Manual of Dates*, 852.
243 Walter B.T. Douglas *Richard Baxter and the Savoy Conference of 1661*, (PhD Thesis, McMaster University,1972) 147.
244 *Manual of Dates*, 852.
245 Chapman, Mark D. *Anglican Theology*, T&T Clark International, London, 2012. 151
246 'House of Commons Journal Volume 8: 25 June 1661,' in *Journal of the House of Commons: Volume 8, 1660-1667* (London: His Majesty's Stationery Office, 1802), 279-280, accessed November 8, 2015, http://www.british-history.ac.uk/commons-jrnl/vol8/pp279-280
247 'House of Commons Journal Volume 8: 30 April 1662,' in *Journal of the House of Commons: Volume 8, 1660-1667* (London: His Majesty's Stationery Office, 1802), 416-417, accessed November 10, 2015, http://www.british-history.ac.uk/commons-jrnl/vol8/pp416-417

for a third time.[248] The next day, the House of Lords sent a message that they had agreed

to the 'Uniformity Bill' as amended by the House of Commons.[249] The *Act for the*

Uniformity of Publique Prayers received royal assent on 19 May 1662, the end of the

first session of the 'Cavalier Parliament'.[250] The *Book of Common Prayer* affirmed a

'Royal' identity for England's national religion, and included services of thanksgiving

for the Restoration of Charles II, and the Gun-powder Treason, and for 'King Charles

the Martyr'.[251] The language in these prayers reflected the language in legislation such as

the *Act for Safety and Preservation of His Majesties Person and Government*.[252]

Another act from this early phase of cooperation between King and Parliament

was the 1664 *Triennial Act*. This repealed an act from 1641, which required Charles I to

hold a Parliament of at least fifty days every three years.[253] If he did not summon

Parliament, the Lord Chancellor was empowered to do so. In the 1664 act, Charles II

was again required to summon Parliament at least every three years. However, it

removed the measures that had been in place in 1641.[254] This is an important example of

Parliament defining the state, and the King's responsibilities, albeit one that actually

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248 'House of Lords Journal Volume 11: 8 May 1662,' in *Journal of the House of Lords: Volume 11, 1660-1666* (London: His Majesty's Stationery Office, 1767-1830), 450-451, accessed November 11, 2015, http://www.british-history.ac.uk/lords-jrnl/vol11/pp450-451

249 'House of Commons Journal Volume 8: 9 May 1662,' in J*ournal of the House of Commons: Volume 8, 1660-1667* (London: His Majesty's Stationery Office, 1802), 423-425, accessed November 5, 2015, http://www.british-history.ac.uk/commons-jrnl/vol8/pp423-425

250 'House of Lords Journal Volume 11: 19 May 1662,' in *Journal of the House of Lords: Volume 11, 1660-1666* (London: His Majesty's Stationery Office, 1767-1830), 468-477, accessed November 8, 2015, http://www.british-history.ac.uk/lords-jrnl/vol11/pp468-477

251 *Book of Common Prayer*, 315-327.

252 'Charles II, 1661: An Act for Safety and Preservation of His Majesties Person and Government against Treasonable and Seditious practices and attempts,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 304-306. *British History Online*, accessed March 13, 2017, http://www.british-history.ac.uk/statutes-realm/vol5/pp304-306.

253 'Charles I, 1640: An Act for the preventing of inconveniencies happening by the long intermission.of Parliaments.," in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 54-57. *British History Online*, accessed August 17, 2016, http://www.british-history.ac.uk/statutes-realm/vol5/pp54-57.

254 'Charles II, 1664: An Act for the assembling and holding of Parliaments once in Three yeares at the least, And for the repeale of an Act entituled An Act for the preventing of Inconveniencies happening by the long Intermission of Parliaments.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 513. *British History Online*, accessed August 16, 2016, http://www.british-history.ac.uk/statutes-realm/vol5/p513.

removes a limit from royal prerogative. It also created a foundation for similar acts

following the Glorious Revolution, which are discussed in the next chapter.

During the 1670s, tensions between Charles II and Parliament increased. An

important conflict in 1669/70 was over the renewal of the expired *Conventicle Act*. This

was part of the 'Clarendon Code'. At first, Charles II prorogued Parliament. In 1670 he

relented, and Parliament was able to renew the act with its harsh penalties against

nonconformists.[255] Parliament responded by providing Charles II with generous funds.[256]

However, conflict between the King and Parliament escalated. One of the results of the

Treaty of Dover was Charles II's attempt to issue the *Declaration of Indulgence,* which

would remove the prohibition and penalties on Roman Catholics.[257] Negotiations and

discussions on the policy continued from February into March 1673.[258] On 7 March

1673, the declaration was cancelled.[259] However, this was not the end of the affair, and

Parliament used the threat of not providing Charles II any funds to pass a *Test Act*.

On 5 March, the bill was read for the first time, and a week later, the bill was

read for the third time and sent to the House of Lords.[260] On 29 March, *An Act for*

preventing Dangers which may happen from Popish Recusants received royal assent

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255 'Charles II, 1670: An Act to prevent and suppresse Seditious Conventicles., in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 648-651. *British History Online*, accessed March 13, 2017, http://www.british-history.ac.uk/statutes-realm/vol5/pp648-651.

256 "House of Commons Journal Volume 9: 6 December 1670," in *Journal of the House of Commons: Volume 9, 1667-1687*, (London: His Majesty's Stationery Office, 1802), 176-178. *British History Online*, accessed March 13, 2017, http://www.british-history.ac.uk/commons-jrnl/vol9/pp176-178

257 Andrew Browning, *English Historical Documents 1660-1714* (London: Eyre and Spottiswood, 1966) 387

258 Browning, *English Historical Documents 1660-1714*, 77-81, 'House of Commons Journal Volume 9: 3 March 1673,' in *Journal of the House of Commons: Volume 9, 1667-1687* (London: His Majesty's Stationery Office, 1802), 260-261, accessed November 11, 2015, http://www.british-history.ac.uk/commons-jrnl/vol9/pp260-261

259 Browning, *English Historical Documents 1660-1714*, 81.

260 'House of Commons Journal Volume 9: 5 March 1673,' in *Journal of the House of Commons: Volume 9, 1667-1687* (London: His Majesty's Stationery Office, 1802), 262-263, accessed November 9, 2015, http://www.british-history.ac.uk/commons-jrnl/vol9/pp262-263, 'House of Commons Journal Volume 9: 12 March 1673,' in Journal of the House of Commons: Volume 9, 1667-1687 (London: His Majesty's Stationery Office, 1802), 267-268, accessed November 11, 2015, http://www.british-history.ac.uk/commons-jrnl/vol9/pp267-268

and Parliament was prorogued.[261] This again was a constitutional document and created

another important connection between the definition of the State and the Royal Navy in

the second section.

> Bee it further enacted by the authoritie aforesaid That all and every person
> or persons that shall be admitted entered placed or taken into any Office or
> Offices Civill or Military or shall receive any Pay, Salary, Fee or Wages by
> reason of any Patent or Grant of his Majestie or shall have Command or
> place of Trust from or under his Majestie His Heires or Successors or by his
> or their authority or by authoritie derived from him or them... take the
> severall Oathes of Supremacy and Allegiance... take the severall Oathes of
> Supremacy and Allegiance[262]

Where the *Corporation Act* had not affected the Royal Navy or the state directly, the

Test Act (as it has become known) explicitly affected both. An immediate result for the

Navy was that the Duke of York was forced to leave the office of Lord High Admiral.

The religious aspects were especially contentious given the offices held by the Duke of

York and his continued influence (especially over the Navy) following his resignation.[263]

Religious fear, and specifically the invention of a 'Popish Plot' in 1678, provided

an important context for future developments. It created further suspicion for the Duke

of York and those associated with him including Samuel Pepys.[264] That year Parliament

passed *An Act for the more effectuall preserving the Kings Person and Government by*

disableing Papists from sitting in either House of Parlyament.[265] This extended to the

House of Lords the restrictions included in the 1673 Act.[266] Further, in 1679 the Whigs

261 'House of Lords Journal Volume 12: 29 March 1673,' in J*ournal of the House of Lords: Volume 12,*
 1666-1675 (London: His Majesty's Stationery Office, 1767-1830), 579-585, accessed November 11,
 2015, http://www.british-history.ac.uk/lords-jrnl/vol12/pp579-585

262 'Charles II, 1672: An Act for preventing Dangers which may happen from Popish Recusants.,' in
 Statutes of the Realm: Volume 5, 1628-80, ed. John Raithby (s.l: Great Britain Record Commission,
 1819), 782-785, accessed November 8, 2015, http://www.british-history.ac.uk/statutes-
 realm/vol5/pp782-785

263 Davies, "The Navy, Parliament, and Political Crisis in the Reign of Charles II', pp. 277-80.

264 J.R. Tanner, "Pepys and the Popish Plot' *The English Historical Review*, Vol. 7, No. 26 (Apr., 1892), p
 281

265 'Charles II, 1678: (Stat. 2.) An Act for the more effectuall preserving the Kings Person and
 Government by disableing Papists from sitting in either House of Parlyament.,' in S*tatutes of the
 Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 894-896,
 accessed November 10, 2015, http://www.british-history.ac.uk/statutes-realm/vol5/pp894-896

266 'Charles II, 1678: (Stat. 2.) An Act for the more effectuall preserving the Kings Person and
 Government by disableing Papists from sitting in either House of Parlyament.,' in *Statutes of the
 Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 894-896.

introduced the *Exclusion Bill,* which would have excluded the Duke of York from

succession. In response, Charles II dissolved Parliament. On 21 March 1681, a new

Parliament assembled. On the 26th, the House of Commons again voted to bring a bill to

exclude the Duke of York from succession.[267] Two days later, Charles II dissolved

Parliament, and commenced personal rule that lasted until his death.[268]

These familiar developments are one side of the development of the state, and

they are put in context by the use of royal prerogative both before and after the

resumption of personal rule. Although neither the *Declaration of Indulgence* nor the

Exclusion Act was successfully implemented, they very much influenced the active

definition of the state. In this period, royal prerogative was mostly used to define the

state after 1682, during what is known as the 'Tory reaction'.[269] From 1682, Charles II

'began the crusade against the charters'.[270] He began to remodel charters both for

corporations like Trinity House, and for other corporations like boroughs. His efforts to

promote political unity ended, and he actively worked to place political allies into

corporate office.

> [O]nce the King had found there were plenty in the corporations ready to
> work with him to remodel their charters, the political will and means were at
> last created for undertaking a radical restructuring of the relationship
> between corporate bodies and the sovereign who gave them life.[271]

The new charters during this period provided the King the power to set aside any

corporate officer.

    British History Online, accessed August 16, 2016, http://www.british-history.ac.uk/statutes-realm/vol5/pp894-896.

267 'House of Commons Journal Volume 9: 26 March 1681,' in *Journal of the House of Commons: Volume 9, 1667-1687*, (London: His Majesty's Stationery Office, 1802), 710-712. *British History Online,* accessed August 26, 2016, http://www.british-history.ac.uk/commons-jrnl/vol9/pp710-712.

268 'House of Lords Journal Volume 13: 28 March 1681,' in *Journal of the House of Lords: Volume 13, 1675-1681*, (London: His Majesty's Stationery Office, 1767-1830), 756-757. *British History Online*, accessed August 22, 2016, http://www.british-history.ac.uk/lords-jrnl/vol13/pp756-757.

269 P.D. Halliday, *Dismembering the Body Politic: Partisan Politics in England's Towns, 1650-1730* (Cambridge: Cambridge University Press, 2002) p 19.

270 J.R. Tanner, 'Samuel Pepys and the Trinity House' *The English Historical Review*, Vol. 44, No. 176 (Oct., 1929), p. 584

271 Halliday, *Dismembering the Body Politic*, 188.

Following his succession, James II used that ability to cast out the allies his brother had so carefully placed into power. In new charters he actively ignored the statutory definitions of the Clarendon Code (particularly the *Corporation Act*) and allowed Roman Catholics and dissenters into corporate office.[272] He, too, issued a *Declaration of Indulgence*, first in Scotland in 1687, and then in England in April 1688. He then commissioned Roman Catholics into both the Land Forces and into the Navy. For the former, by 1686, Roman Catholic officers and soldiers numbered 3,409 from a total strength of 8,629.[273] That far outweighed the Roman Catholics commissioned into the Navy. The most famous was Admiral Sir Roger Strickland, who was later removed from command after attempting to have Mass celebrated in the fleet.[274] Strickland's commission is further discussed below.

The use of royal prerogative was not limited to England, and in 1675 the Jamaican assembly redefined St. Dorothy's Parish so that its territory extended out to sea. The purpose of this was so that ships illegally trading in slaves ships were not subject to the Vice-Admiralty Court, but to the Court of Common Pleas and therefore a jury trial. Deputy Governor and Admiralty Court judge Sir Henry Morgan admitted to Henry Coventry that the law was intended to make it difficult for the Royal Africa Company to successfully prosecute slave traders violating their monopoly. This attacked royal prerogative by challenging the Royal Africa Company's monopoly and the authority of the Lord High Admiral and his courts. The reaction from England nullified these attempts, and reinforced both the authority of the Admiralty Courts, and the authority of the King to grant monopolies.[275]

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272 Halliday, *Dismembering the Body Politic*, 19.
273 J. Miller, 'Catholic Officers in the Later Stuart Army' *The English Historical Review*, Vol. 88, No. 346 (Jan., 1973), pp. 39
274 Davies, *Gentlemen and Tarpaulins*, 204-5.
275 Swingen, *Competing Visions of Empire*, 100.

The three distinct phases of the state's development in the period between the Restoration and the Glorious Revolution can be differentiated by the working relationship between the King and Parliament, or lack thereof. In the first, they effectively worked together, not because Charles II believed necessarily in working with Parliament, but because he had to be seen to perform the duties of the Monarchy. In the second period, from the 1670s, there was conflict between Parliament and King Charles II, where Parliament used its control of finances to force through Acts that placed restrictions on religious nonconformists and directly limited the use of royal prerogative. In the third phase, Charles II and James II defined the state through royal prerogative and authority alone. These phases provide important context for the Royal Navy's development in this period, and bring another perspective to the relationship between the authority of the King and the authority of Parliament over the Navy.

Defining the Royal Navy

The previous chapter discussed how the immediate concerns of the Restoration shaped the creation of definitions for the Royal Navy. The key examples included Charles II creating a personal connection with the Navy through warship names, the reintroduction of the office of Lord High Admiral, and Parliament's creation of the *Act for the Establishing Articles*. These definitions were all created in reaction to immediate concerns and provided the framework that would allow the Royal Navy to function and be subject to the crown. The repercussions from these definitions, however, continued to reverberate throughout the important formative period for the Navy between the Restoration and the Glorious Revolution.

The conflict between King and Parliament over the Navy during this period was not about control as such. Despite the financial responsibilities that Charles II inherited

from the Commonwealth, Parliament did not vote him sufficient funds required to entirely pay the Navy's debts, nor to fully provide for its operations during the Second Anglo-Dutch War. Accordingly, the famous discussion in Parliament in 1667 following the Medway Raid was about financial mismanagement, not about control of the Royal Navy.[276]

The career of Samuel Pepys has, in the past, been used as a conceptual shorthand for the Royal Navy's development during this phase.[277] However, Charles II and James II definitely had a strong personal role in shaping the Royal Navy. It was paid for by royal funds (albeit often provided by Parliament). Officers were appointed through royal commissions. Warships were named in ways that promoted, first and foremost, connections between the Royal Navy and the monarch as an individual.[278] The implications of all of this are very different over the roughly twenty-five years preceding the Glorious Restoration than they were in the short period at the Restoration because they reflected a relatively stable hierarchy, rather than the flux of regime change.

The traditional narrative of this phase is one of contrast between professionalization, driven by Pepys, and operational failures and institutional embarrassment.[279] It would be fairer, however, to describe the Royal Navy as having to deal with the repercussions of the Restoration. First of all, despite the Anglo-Dutch Wars of 1665-7 and 1672-4, it was largely a period of peace, especially with the French and Spanish. On the other hand, there were ongoing defensive responsibilities, such as the protection of Caribbean colonies and Tangiers. The Anglo-Dutch wars did present

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276 R. Latham & W. Matthews, *The Diary of Samuel Pepys, Vol IX 1668-9* (London: HarperCollins, 2000) 104-5.
277 Arthur Herman, *To Rule the Waves*, 182. A chapter is named 'Mr Pepys' Navy'.
278 This is the major argument behind J.D. Davies' forthcoming book *Kings of the Sea: Charles II, James II and the Royal Navy*, also Davies, *Gentlemen and Tarpaulins*, 26-7.
279 Herman, *To Rule the Waves*, 182-207. Herman is a good example of this as he derived his narrative from existing scholarship.

issues that were addressed, but the transitions from wartime to peacetime and those ongoing colonial responsibilities more directly influenced the creation of the Royal Navy's new professional definitions during this phase.

Both Charles II and James II had a direct influence on the creation of structural and professional definitions for the nascent Royal Navy. However, they were not the only such individuals to have an influence. Shortly following the Restoration, many of the individuals who were important senior officers were veterans of the civil wars. These individuals represented in many cases inherited patronage relationships, and Charles II made an effort to reward or compensate families who had supported and served his father. These attempts to reward service also happened after the Anglo-Dutch Wars and represented established practice.[280]

J.D. Davies identified a significant generational issue in the socio-professional conflicts within the Royal Navy following the Restoration. For example between 1678 and 1685, the Royal Navy's senior officers were almost entirely turned over. With the exception of the Duke of York, the flag officers who had served in the Anglo-Dutch Wars were either dead or retired by 1685. They were replaced by a much younger group of individuals who were part of new patronage families and who collectively remained important to the Royal Navy right through into the first decades of the eighteenth century. These officers were instrumental in helping to provoke or define the Royal Navy's professional developments of the 1670s and were amongst the first to be certified by those regulations. These officers, like Arthur Herbert and Cloudesley Shovell, were a product of the Tangiers station and the impetus it provided for professional development.[281]

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280 Order-in-Council 'For the Allowances to given to the Widows and Orphans of Seaman slain at sea' 12 Jan, 1672/3. NMM CLU/5 f31, Order-in-Council 'For a Reward to Officers Wounded in Sea Fight' 6 June 1673, NMM CLU/5 f37

281 Davies, *Gentlemen and Tarpaulins*, 177-8.

The further establishment of the Royal Navy institutional identities reflected the direct connection to the King and attributes of his personality and an ideal Stuart monarchy that he considered important. The creation of professional definitions, and integration of the Royal Navy officer profession into the Royal Navy institution was critical, and it reflected the influence of serving officers and the comparisons between established practices for rewarding service and the proactive creation of definitions to improve future service. Most importantly, however, it reflected the ability of an Admiralty that derived its authority to define the Navy from the King, rather than from parliament.

The Naval Administration

Between the Restoration and Glorious Revolution, the Royal Navy's administration went through several distinct phases. From 1660 to 1673, the Duke of York was Lord High Admiral and sat on the Navy Board. This effectively created the impression of a merging of the two bodies.[282] After the Test Act of 1673, he was forced to resign, and his duties were assumed by the King. He was assisted by Pepys as Secretary of the Admiralty as well as by an Admiralty council including Prince Rupert. Some of the other commissioners included the 2nd Earl Shaftesbury, the Earl of Buckingham and the Duke of Monmouth.[283]

The 'Popery Plot Crisis' resulted in James' resignation, and Charles II created an Admiralty Commission to fulfill the office of Lord High Admiral. The first commission was chaired by Henry Capell and formed of those people who had criticized the Navy

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282 Turnbull, *The Administration of the Royal Navy 1660-1673*, 117.

283 "Lord High Admiral and Commissioners of the Admiralty 1660-1870," in *Office-Holders in Modern Britain: Volume 4, Admiralty Officials 1660-1870*, ed. J C Sainty (London: University of London, 1975), 18-31. *British History Online*, accessed October 19, 2016, http://www.british-history.ac.uk/office-holders/vol4/pp18-31., N.A.M. Rodger, *Command of the Ocean*, 87.

and been politically responsible for the Duke's fall from office.[284] These commissions were unstable, having five different sets of members appointed prior to Charles II's resumption of the office in 1684.[285] This was accomplished through the issuance of a patent 'To revoke the Commission of Admiralty'.[286] Following Pepys return from Tangier, he once again became the Secretary of the Admiralty. Upon his succession as monarch, James II took the offices of Captain-General and Lord High Admiral for himself.[287] Importantly, Charles II and James II were both actively involved in the management and creation of definitions for the Navy.[288]

Precedents and convention

Throughout the entire period from 1662-1688, the Royal Navy was consistently and thoroughly defined through the use of royal authority, either by the Monarchs themselves or by their deputies such as the Admiralty and the Navy Board. The creation of 'conventions' included building upon what had been created at the Restoration, but also issues and concerns that had not been addressed then. These developments included the beginning of the integration of the Royal Navy's structural developments and the nascent Royal Navy-specific officer professional definitions. The frequency and thorough use of convention to define the Royal Navy provides another perspective on conflict between King and Parliament during this period.

Defining the Navy as Royal

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284 J.D. Davies, 'Pepys and the Naval Commission 1679-1684' *Historical Research*, Vol. 67, No. 147, pp. 35-36
285 Sainty, *Office-Holders in Modern Britain*, 18-31
286 Corbett Papers, NMRN Mss 121 V. 9
287 Order-in-Council 6 January 1686, NMM CLU/5 f81
288 Rodger, *Command of the Ocean*, find the page- admin 1660-1688, also Davies (Several things)

At the Restoration, introduction of royal identity to the Navy was accomplished through the modification of assets that already existed, specifically the renaming of warships and the modification of the *Laws and Ordinances*. The period from 1662-1688 not only was much longer, but also included the building of a large number of new warships, which provided an incredible insight into the impact Charles II had on the Royal Navy's expression of royal identities and associations. James II after him did likewise, though the much longer reign of Charles II had more impact and there were significant differences in how they went about shaping the Navy's identity.

The personal affinity of both Charles II and James II with the Navy led to the use of certain names that were intensely personal, but it was the larger scope provided by the period between 1662-1688 that provided the greatest potential for the monarchs to personally shape the Navy. An example was the fifth-rate *Sweepstakes*, built in 1665 and so named to celebrate Charles II's fondness for gambling.[289] In 1682, Charles II named a yacht *Fubbs* to express his appreciation for his mistress Louise de Kerouaille's physical attributes.[290] The use of these names shortly following the Restoration marks the flamboyance of Charles II's personality and his willingness to exercise the king's personal authority over the Navy. It is also consistent with the manner in which he removed some of the mystery of the monarchy during his concurrent dealings with Parliament.[291]

Monarchs were not the only members of the royal family to be associated with the Royal Navy in this way. Again, this was not new to the restored Stuarts. In addition to the example of Henry VIII's *Mary Rose*, Charles I had named the *Henrietta Maria* for his Queen.[292] During the interregnum, the *Richard* was named for Oliver Cromwell's son

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289 *Winfield, British Warships 1603-1714,* 286; Davies, 'Fubbs Yes, Mum No: The Naming of British Warships, c.1660-c.1714, Part 1'
290 Davies, 'Fubbs Yes, Mum No: The Naming of British Warships, c.1660-c.1714, Part 1'
291 Sharpe, *Rebranding Rule,* L. 267
292 Davies, 'Fubbs Yes, Mum No: The Naming of British Warships, c.1660-c.1714, Part 1'

and heir, and later the *Royal James* for Charles II's heir.[293] However, the thirty ships

program of 1677 provided substantial scope for Charles II to build upon the precedents

he established at the Restoration. For example, he named the third-rate warships

Monmouth, Grafton, Lenox, Burford, and *Berwick* after illegitimate children whom he

publicly recognized.[294]

Other warship names that made the connection between the monarchy and the

Navy were not named for the royal family, but for important events. Consider the third-

rate ship *Restoration*, which was launched in 1678.[295] It was lost in a great storm in

1703 and replaced by a third-rate of the same name in 1706, which was subsequently

wrecked at Livorno in 1711.[296] The name was not reused. James II also named several

warships for personally important events, such as the second-rate *Coronation* which was

launched shortly after his own coronation ceremony, but was not commissioned until

1690, during the reign of William III and Queen Mary.[297] The fourth-rate ship

Sedgemoor celebrated a personal military triumph for James over the Duke of

Monmouth.[298] The use of *Sedgmoor* set a different precedent and was in some ways a

restoration of the naming practices under the Commonwealth in that it was named for a

military victory, rather than a personal cause. This change in precedent can be explained

by James II's self-perception as a soldier and that he had a closer personal relationship

to the Army than his brother. Later monarchs who also favoured the land forces rather

than the Navy mirrored that connection.

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293 *Winfield, British Warships 1603-1714,* 27.
294 *P. Lefevre, 'We have … great work which the Nations Eyes is upon': the Thirty New Ships
    shipbuilding programme'' http://www.britishnavalhistory.com/great-work-nations-eyes-upon/*
295 ibid.
296 Winfield, *British Warships 1603-1714,* 79-80.
297 Lavery, *The Ship of the Line Vol. 1,* 162.
298 J.D. Davies, 'Saints and Soldiers: The Naming of Stuart Warships, c.1660-c.1714, Part 3.' *Gentlemen
    and Tarpaulins Blog*, http://gentlemenandtarpaulins.com/2012/08/20/saints-and-soldiers-the-naming-
    of-stuart-warships-c-1660-c-1714-part-3/

Some associations between the monarch and the Royal Navy persisted beyond the circumstances of their creation, and Charles II more strongly imparted his identity on the Royal Navy than his successor monarchs. This occurred from the reuse of warship names associated with him and the perpetuation of practices that reaffirmed his connection to the Navy. A good example was the use of the name *Royal Oak*, which recalled the oak tree he climbed to escape following defeat at the Battle of Worcester in 1651. The name was initially given to a second-rate ship in 1664. After her loss during the 1667 Medway Raid, the name was sufficiently important enough for Charles II to reuse it for a third-rate ship built in 1674. She was subsequently rebuilt several times during the period examined by this thesis, and retained her name until she was broken up in 1764.[299]

Charles II's imprint upon the Royal Navy is also clear in the creation of a specific format for naming ships to honour monarchs personally as mentioned in the previous chapter. Both of the names *Royal Charles* and *Royal James* were reused for new warships, specifically for replacements following their loss during the Medway raid. They were replaced with a new *Royal Charles* launched in 1673, and two further *Royal James* being built one in 1671 and another in 1675.[300] When these ships were later renamed for other monarchs, the ships themselves came to express not just individual but collective royal identity. Further, the reuse of these names reinforced the practice of adding the prefix 'Royal' to ships named for the monarch, which continued until the reign of Queen Victoria.[301]

The Royal Navy did not only express connections between the institution and the monarchy through warship names. Another way was the firing of salutes. For example, the Royal Navy began to fire salutes on 29 May to honour both the

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299 Winfield, *British Warships 1603-1714*, 308.
300 Winfield, *British Warships 1603-1714*, 10.
301 Last was HMS *Royal William*, launched 1833. Lavery, *The Ship of the Line Vol. I*, 192

Restoration and Charles II's birthday. In 1678, the *Mary Rose* recorded the firing of nine

guns to salute the King's coronation and birthday.[302] However, this procedure was not

always followed by ships. For example, ships on active duty, or those in the process of

working up for sea did not necessarily fire the salutes every year. In May 1678 the

Montague was riding in the Downs waiting to be decommissioned, as recorded in the

log of the Second Lieutenant, Abraham Hoare.[303] In May 1683, the *Montague* was

deployed as part of the force sent to Tangiers and she again did not fire a salute on 28

May as she was in the process of making ready for sea, and receiving gunners' stores as

Lieutenant William Rigby noted in his log.[304] Thiswas not due to disrespect to the King,

but a reflection of circumstances that did not always permit for the salutes to be fired.

The *Book of Common Prayer* was *a*nother mechanism for expressing royal

identity in connection with the Navy. The very first prayer in the order of service

specifically named the monarch as a focus for the prayer.[305]

> Preserve us from the dangers of the sea, and from the violence of the enemy;
> that we may be a safeguard unto our most gracious Sovereign Lord, King
> Charles, and his kingdoms, and a security for such as pass on the seas upon
> their lawful occasions.[306]

Further, the collect to be said after a battle also refers to the monarch, although not

individually by name.

> And, we beseech thee, give us grace to improve this great mercy to thy
> glory, the advancement of thy Gospel, the honour of our Sovereign, and, as
> much as in us lieth, to the good of all mankind.[307]

These invocations, which would have been read to the crews of Royal Navy ships

during holy service, were designed to continually reinforce the connection between

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302 29 May 1678, Log of Lt. John Lomax, NMM, ADM/L/M/254/B f2
303 Log of Lt. Abraham Hoare, NMM, ADM/L/M/254/A np
304 Log of Lt. William Rigby, NMM, ADM/L/M/254/A np
305 *Book of Common Prayer* (London: John Baskerville, 1762), 309
306 *Book of Common Prayer*, 309
307 *Book of Common Prayer*, 310

the King and the Navy.

Connecting the Navy to the Nation

The Royal Navy's existence as a national armed force is taken for granted by the public as well as by historians. At times, the 'Royal' seems to be taken simply to mean 'English' or 'British'. Despite the *Act for the Establishing Articles* defining the Royal Navy as external to England, extensive associations between the Navy and the nation did exist. The practice of naming warships for English towns and counties was inherited by Charles II at the Restoration and had been used extensively for naming warships built during the interregnum. For example, the group of third-rates ordered in 1652 included the *Essex, Gloucester, Lyme*, and *Plymouth*.[308] These geographical names were 'profane', and as noted in the previous chapter these ships were not renamed. In the period following the Restoration, Charles II and James II continued to use geographic names.

Following the creation of the Royal Navy, the major building programs such as Charles II's thirty ships clearly demonstrated national identity being expressed through ship names. One of the first ships built during the reign of Charles II was the first-rate *Loyal London* (1666), which signified the importance of the support of the capital city to the Stuart monarchy.[309] Despite Cambridge's strong connections to the Parliamentarians, a ship was not so named until after the Restoration, with a 70-gun third-rate ship launched in 1666. It was succeeded in that name by an 80-gun third-rate ship that was launched in 1695 and served until 1750.[310] Third-rate ships built under the thirty ships program included the *Pendennis, Northumberland, Essex, Kent, Exeter*, and

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308 Winfield, *British Warships 1603-1714*, 46-52. Other ships in this group were the *Torrington, Marston Moor, Tredagh, Newbury, Langport, Bridgwater*. These ships were all renamed at the Restoration.
309 Lavery, *Ship of the Line Vol. 1*, 160.
310 Lavery, *Ships of the Line, Vol. 1*, 169.

Suffolk.[311] James II named a fourth-rate *St Albans* in 1687, which although it had been used before the Restoration may have been a reflection of his Roman Catholicism, in memory of England's first martyr.[312]

The Royal Navy's continued existence, and continued use of geographic names combined to allow the it to become a symbol for the expression national pride. As with previous aspects of identity, the importance of this can be ascertained from the size and importance of the ship being named. As the connection between the nation and the Navy became more prominent, so too did the expression of national identity through warship names. However, there was a limited number of the larger first and second-rate ships to provide the most powerful expressions of identity.

The one warship that did provide such a symbol, and an enduring one, was the first-rate *Britannia*. Originally built by Phineas Pett II at Chatham Dockyard in 1682, it was rebuilt in 1719 and served until 1749.[313] Another such example was the *Neptune*, a second-rate from the same building program. Launched in 1683, she certainly represented another national symbol of pride, an obvious reference to the Roman god of the sea.[314] This kind of association was absolutely in line with more a symbolic representation of the monarchy. These representations were consistent with how James and Charles I had represented their monarchy, and also followed on similar connections Charles II had made performing his role as monarch, such as , such as the royal entry to London in 1661.[315] It was also consistent with portrayal of the Duke of York as Mars, god of war, in Lely's famous portrait. England was not the only nation to be represented either, and Royal Navy warships were named to connect it to Ireland, Wales and Scotland. In 1665, a 50-gun fourth-rate was named *St Patrick*, followed in 1667 by the

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311 Lefevre, *"We have … great work which the Nations Eyes is upon"*
312 Davies, 'Saints and Soldiers'
313 Winfield, *British Warships 1603-1714*, 11.
314 Winfield, *British Warships 1603-1714*, 33.
315 Latham and Matthews, *Diary of Samuel Pepys, Vol. II, 1661* (London: HarperCollins, 2000) 81-82.

similar *St David*, and in 1670 by the first-rate *St Andrew*. A ship was not named for England's patron saint until the first-rate *Charles* (launched 1668) was renamed *St George* in in 1687.[316] Further, these four ships were clearly national symbols, rather than mere geographic associations.

Institutional and Maritime Identity

Previous institutions, such as the various navies under Charles I and Parliament, had the potential to create permanent identities over time, but their limited short-term existences made this practically impossible. Nevertheless, people still referred to 'the' Navy, so there had been some limited, permanent identity. The nascent Royal Navy's institutional and professional identities gained importance as it's persistence after the Restoration allowed for them to be perpetuated. Continued reuse of a warship names, or a label for the institution, would build on the significance of that name, label, or practice for internal Royal Navy audiences, as well as for external audiences. In this phase between the Restoration and the Glorious Restoration, although the Royal Navy was recognized as an organization that existed, it had not had the persistence yet to become an institution with its own identity. Likewise, the Royal Navy's maritime identity and attributes were seldom celebrated or advertised. Between the Restoration and the Glorious Revolution, the Royal Navy was a medium for communicating the King and nation's attributes, symbols and associations. In comparison, the regiments of the land forces each had their own uniform, to broadcast their own identity.[317] The absence of deliberate institutional and maritime identity-making puts the deliberate celebration and communication of royal and national identity into sharper relief.

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316 Winfield, *British Warships 1603-1714*, 8-9, 110-11
317 Manning, *Apprenticeship of Arms*, 294.

In this period, there were few examples of warship names being used to build institutional identity. One example was the aforementioned *Royal Oak.* Its replacement in 1674 was rebuilt four times before being turned into a prison ship in 1756.[318] By the time the second ship was removed from service, its original meaning would have been lost to many, because Restoration Day became Oak-Apple day, a 'harmless' nature celebration with no ties to Jacobitism.[319] However, the name had become a sufficiently important part of the Royal Navy's institutional identity that a new third-rate was named *Royal Oak* in 1769.[320] Although the reuse of names would create institutional importance, at this point the Royal Navy had not been persistent enough for that to be so.

Given the importance of the other types of identity expressed through warship names, it is unsurprising that relatively few names actively expressed connections to the Royal Navy, or celebrated Royal Navy officers. During the reign of Charles II and James II, warships named for those who served in the Navy were less celebrations of institutional heroes, than part of the Charles II's large pattern of naming warships for favoured courtiers.

An early example is the *Rupert*, a third-rate built in 1666, named for Prince Rupert of the Rhine who served the Royalist Navy prior to the Restoration and at the time co-commanded the fleet with the Duke of Albermarle.[321] Another example is the second-rate *Sandwich* (1679), built to commemorate the Earl of Sandwich, who had commanded the fleet that retrieved the King from the Netherlands and was serving in the fleet when he was killed at the Battle of Solebay in 1672. The second-rate *Albemarle*, launched in 1680, was actually the third warship named for the Duke of

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318 Winfield, *British Warships 1603-1714,* 308; Winfield, *British Warships 1714–1792* 44,49.
319 P.K. Monod, *Jacobitism and the English People 1688-1788* (Cambridge: Cambridge University Press, 1989) 209.
320 Lavery, *Ships of the Line, Vol.1*, 169.
321 J. Corbett, *Ed. Fighting Instructions, 1530-1816 Publications Of The Navy Records Society Vol. XXIX* (Navy Records Societ, 1905). 129

Albemarle after the Restoration.[322] This did not include the *Monck,* a 52 gun third-rate launched in 1659 and which retained her name following the Restoration.[323] The second-rate *Ossory,* launched in 1682, was named to commemorate Thomas Butler, the 6th Earl of Ossory, who had served as both an officer in the fleet, a Commissioner of the Admiralty, and died before he could take office as Governor of Tangiers.[324]

The number of important naval officers who did not have ships named for them prior to the Restoration is an indication that the naming of warships for Royal Navy heroes as such was not an important influence. For example, neither Sir William Penn, Sir John Lawson, nor Sir John Narborough had warships named for them until the expansions of the fleet for the First and Second World Wars.[325] In each case, these men were important flag officers of the Royal Navy during the reign of Charles II and influenced the early development of the institution as well as the Royal Navy officer profession. Penn was a member of the Navy Board from the Restoration, the Duke of York's flag captain in the Second Anglo-Dutch War and was appointed 'Great Captain Commander' in 1666.[326] Lawson was an important Commonwealth flag officer and had helped to bring down the Rump Parliament by blockading London. He was knighted for his service in helping the Restoration and retained his position until his death in 1665 at Lowestoft despite being a Republican and nonconformist.[327] Sir John Narborough was a vice admiral, and in the 'peaceful' phase following the Third Anglo-Dutch War he was commander-in-chief of the Royal Navy squadron in the Mediterranean and partially responsible for the creation of the examination for Lieutenant in 1677.[328] From 1680

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322 Winfield *British Warships 1603-1714*, 33.
323 Lavery, *Ship of the Line* vol I, 159.
324 Davies, *Gentlemen and Tarpaulins*, 33.
325 Narborough was honoured by two ships named for him, one an M Class destroyer built 1916, and a Captain class Frigate in service 1943-1946. *HMS Penn* was a P class destroyer in service 1942-1950. *HMS Lawson* was also a Captain Class Frigate also in service 1943-1946.
326 'Instructions for Principal Officers and Commissioners of the Navy' 28 July 1661, NMM CLU/5 f11, / Davies, *Gentlemen and Tarpaulins*
327 Davies, *Gentlemen and Tarpaulins*, 135, 140-6
328 Davies, *Gentlemen and Tarpaulins*, 40.

until his death in May 1688, Narborough was a Commissioner of the Navy on the Navy Board.[329] That these individuals did not have ships named for them by either Charles II or James II indicates that the recognition of the Royal Navy as an institution was either not considered or not a priority.

Further evidence of this is the several names that were used to describe the Navy in documents. Tacit acknowledgements of these developments of the Royal Navy as an institution with a specific institutional identity can be found in internal documents such as instructions and officers' commissions that defined the institution's existences and practices. Many different terms were used to discuss the nascent Royal Navy institution. The term 'Navy' was not only used to refer to the fleet but also the nascent institution. Certainly, the use of terms 'Navy Officer' to describe the 'Principall Officers' of the Navy (who were not necessarily naval officers), and the lack of formal institutional coherence between the Navy Board, the later Board of Admiralty, the Victualling Board, Greenwich Hospital, other institutions and the individual elements fleet can confuse the picture somewhat.[330] In the *Act for the Establishing Articles* the preamble used the label 'Majesties Navies Ships of War and Forces by Sea'.[331] In 1661, the Duke of York issued instructions to the 'Principal Officers and Commissioners of the Navy' that used both the terms 'His Majesty's Navy' and 'The King's Service'.[332] In this case, it seems that he was not referring a nascent institution, but instead to the actual performance of service to the King.

In the 1662 *Book of Common Prayer*, the section 'Form of Prayers to be Used at Sea' included the instruction 'these two following prayers are also to be used in his Majesty's Navy every day'.[333] In the 1673 Order-in-Council that established the Duty of

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329 George Jackson, *Naval Commissioners*, 97.
330 'Instructions for Principal Officers and Commissioners of the Navy' 28 July 1661, NMM CLU/5 f11
331 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80*
332 'Instructions for Principal Officers and Commissioners of the Navy' NMM, CLU/5 f9.
333 *Book of Common Prayer*, 310.

the Lord High Admiral, following the resignation of the Duke of York, it was written, 'That the Lord High Admiral be able at all times to give his Majesty a perfect account of the State of His Navy'.[334] This essentially only applied to the fleet, but it does provides context for the use of the label. In 1687, an order-in-council setting procedures for salutes included 'His Majesty's Royal Navy' in the title.[335] But in March 1688/9, another order-in-council referred to 'His Majesty's Service'.[336] Thus in this period, there was not a single standard label that was applied exclusively, the repeated use of which would have been an anchor for the creation of institutional identity.

Similarly, the active expression of the Royal Navy's maritime identity and existence was rather limited. The proviso and other definitions discussed both in the previous chapter and in this chapter did not necessarily denote a corresponding internal maritime identity, merely a maritime environment of operations and jurisdiction. Nor did it imply that the 'forces at sea' were fundamentally distinct from His Majesty's land forces. This external application of a maritime identity was common throughout the *Articles of War*, and shown in the critical passage at the end of the Proviso:

> shall be done upon the main Sea or in Ships or Vessells being and hovering in the maine Streame of great Rivers onely beneath the Bridges of the same Rivers nigh to the Sea within the Jurisdiction of the Admiralty...[337]

Clearly the navy was considered to be inherently maritime, although the proviso did not really define it as such. In fact, it was not really the that sea that defined the existence of the Navy, but rather the ships and the Lord High Admiral's jurisdiction.

The *Book of Common Prayer*, on the other hand, did explicitly state the Navy's maritime existence. Both the text of the various prayers and the orders of service

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334 'Instructions for ascertaining the Duty of the Lord High Admiral' 13 June, 1673 NMM, CLU/5 f41
335 'Order in Councill Establishing a new Regulation concerning Csalutes to be observed in His Majesty's Royal Navy', NMM, CLU/5 f83
336 Order-in-Council requiring Commissioned and Warrant officers to swear an oath to James II, 14 March 1688/89. NMM, CLU/5 f87.
337 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80*

specifically express their understanding that the wholly and uniquely a maritime organization whose duty it was to fight at sea. This is clear in the first prayer for use every day, which reads

> O Eternal Lord God, who alone spreadest out the heavens, and rulest the raging of the sea; who hast compassed the waters with bounds until day and night come to an end; Be pleased to receive into thy almighty and most gracious protection the persons of us thy servants, and the Fleet in which we serve. Preserve us from the dangers of the sea, and from the violence of the enemy; that we may be a safeguard unto our most gracious Sovereign Lord, King CHARLES, and his kingdoms, and a security for such as pass on the seas upon their lawful occasions; that the inhabitants of our Island may in peace and quietness serve thee our God; and that we may return in safety to enjoy the blessings of the land...[338]

The Royal Navy is implied to be the temporal maritime protector of the nation, and the maritime aspect is further emphasized in the other prayers provided for service before, during and after a storm.[339] The language used to describe the danger of the maritime environment is similarly dramatic to that used to describe the power of God and the baseness of humanity. The *BCP* codified and provided a religious expression of an existing civilian understanding of the Navy and provided for the Royal Navy's specific use of the liturgy of the Church of England as required by the *Act for the Establishing Articles*

The opportunity was rarely taken to give warships names that expressed the Royal Navy's maritime identity. Perhaps their association with the sea was already too obvious. Yet the Royal Navy did not just represent the Royal Navy, it also represented the monarchy, the state and the nation. The lack of inherently maritime warship names raises the question of whether the presence of the Royal Navy was considered sufficient to express that England was a maritime nation, or whether this was not a concept that was considered important enough to communicate through these types of symbols.

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338 *Book of Common Prayer*, 310.
339 *Book of Common Prayer*, 310-12.

The lack of warship names with an explicitly nautical or maritime theme suggests that, when it came to naming, the broader political agenda was more important than reinforcing an already obvious connection to the sea. There were a large number of ships named for ports and maritime counties. However that fits entirely within the practices for geographical naming described above. During the reigns of Charles II and James II, there was not a single warship of any rate named for a marine animal, although warships were named for terrestrial animals and birds. Examples of these types of names include the frigates *Greyhound* (1672) and *Roebuck* (1666), and the third-rate ships *Eagle* (1679) and *Tiger* (1681).[340] These names do not provide a maritime identity, but express certain qualities with positive associations for military units. For example the *Greyhound*'s implication of speed and *Tiger*'s implication of ferocity.

The expression of the Royal Navy's maritime identity was less important than Royal aspects of identity. The understanding of the Navy as a maritime entity was part of the foundations on which the Royal Navy was built, rather than an attribute that needed to be communicated to both internal and external audiences. The lack of specific promotion of institutional and maritime identities provides an interesting comparison for the active building of royal and national identities during this phase. However, it also provides an important baseline for early identity creation, and provides context for the active differentiation of the Royal Navy that occurred later and is discussed in the chapters that follow.

Defining the Royal Navy's Professional Attributes

The period between the Restoration and Glorious Revolution included several major new definitions for the Royal Navy Officer profession. These new definitions also integrated the Royal Navy's professional development with its structural components.

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340 Winfield, *British Warships 1603-1714*, 289-92.

The developments in this period built upon, but also expanded the professional

definitions and standards that were adopted at the Restoration. They are also an

important example of the use of royal authority to define the Navy, since Charles II and

James II were involved in the process and the Admiralty derived its authority from the

Monarch.

The use of naval commissions to reward Royalists and supporters meant that

there was effectively no consistency in Royal Navy officers' experience, qualifications

or competence. Indeed, the active role of the monarch meant that Charles II and James

II actively defined the standards required of an officer when they commissioned them.

Beginning in the 1670s, professional definitions were created in response to operational

experiences and royal interest in navigation and the Navy. What resulted were the

foundations for the development of Royal Navy-specific professional qualifications.

The most significant professional development between the Restoration and the

Glorious Revolution was the development of professional qualifications. Specifically,

the creation of the lieutenant's examination arose from complaint a by Vice-Admiral

John Narbrough about the quality of the lieutenants commissioned to the Royal Navy's

warships in the Mediterranean in 1675. This led to the creation of the December 1677

Establishment that created the phenomena of the examination for lieutenant and

established the experience requirements to qualify to sit the exam. The use of orders-in-

council reflected Charles II's increased involvement in the Navy's administration

following the Duke of York's removal as Lord High Admiral in 1673. Samuel Pepys is

given much credit for the creation of the qualifications and the exam, and Charles II

endorsed the establishments.[341] The establishment that defined volunteers-per-order and

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341 Davies, *Gentlemen and Tarpaulin*, 40., 'Establishment made 8 May concerning Volunteers and
    Midshipmen-Extra' 8 May, 1676, NMM CLU/5 f49, 'Establishment for Defining the Duty and
    Qualifications of Lieutenants of His Majesty's Ships', 16 December 1677, NMM CLU/5 f56

midshipmen extra in 1676 happened during the 'Long Prorogation'.[342] At the

introduction of the Order-in-Council creating the qualifications for lieutenant in 1677,

Parliament was between the first and second seating of the 15th session of the Cavalier

Parliament, which further emphasizes that Parliament did not have a role in creating

these professional definitions.[343]

Just as under Cromwell and the Commonwealth, Charles II valued aristocrats

and wealthy families who placed their sons into his service. The Order-in-Council from

May 1676 was created to encourage the 'familys of better quality amongst our subjects'

to encourage their younger sons into naval service, but specifically in the art of

navigation for future service in the Navy.[344]

> Whereas out of our Royal Desire as well of giving Encouragement to the
> Familys of better Quality among our Subjects to breed up their younger sons
> to the Art and Practice of Navigation in Order to the fitting them for the
> further employments in our Service at Sea, as for the better Support of Such
> Persons as having Served us in the Quality of Commanders or Lieutenants
> of our Ships during War...[345]

In terms of differentiation, this order at the same time reaffirmed a royal desire for

gentlemen to serve as officers and provided a limited framework and limits on how

those gentlemen were to serve. Where volunteers-per-order were not permitted servants,

midshipmen-extra were.[346] On the other hand, the volunteers-per-order were not to be

provided with extra cabins and were to bunk with the midshipmen.[347] The order-in-

council reflected both a desire to improve the supply of qualified English naval officers

and the reality that Charles II preferred gentlemen to serve as his officers.

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342 Corbett Papers, NMRN Mss 121 v.9 f105.
343 "House of Commons Journal Volume 9: 3 December 1677," in *Journal of the House of Commons: Volume 9, 1667-1687*, (London: His Majesty's Stationery Office, 1802), 426-427. *British History Online*, accessed May 3, 2017, http://www.british-history.ac.uk/commons-jrnl/vol9/pp426-427.
344 'Establishment made 8 May concerning Volunteers and Midshipmen-Extra' 8 May, 1676, NMM CLU/5 f49.
345 'Establishment made 8 May concerning Volunteers and Midshipmen-Extra' 8 May, 1676, NMM CLU/5 f49
346 'Establishment made 8 May concerning Volunteers and Midshipmen-Extra' 8 May, 1676, NMM CLU/5 f51
347 'Establishment made 8 May concerning Volunteers and Midshipmen-Extra' 8 May, 1676, NMM CLU/5 f52

This standard for volunteers-per-order still emphasized external social standing over internal professional standing, and this did not escape notice. In October 1677, Colonel George Legge (the future Admiral Lord Dartmouth) gave a letter to Pepys, addressing the role of gentlemen as junior officers. He strongly argued that gentlemen should serve as midshipmen, and not just as volunteers. He argued that the duties of a midshipman not only required them, but forced them to be intimately familiar with all aspects of the organization and operation of a warship.

> That being midshipmen, everything belonging to, and done in a ship must necessarily come to their knowledge, all sorts of provisions and stores, the trim of the ship, and storage, the bringing of the ship port & to an anchor, all concerns between decks and in the hold, must come to their knowledge when as volunteers it comes little under their cognizances. The navigating part, rigging and working the ship is constantly their business to attend, it keeps them upon the quarter deck in the eye of the Capt'n and makes them upon all occasions usefull unto him, it brings them to distinguish between good and bad seamen and they have an instruction into the business of every officer. It instructs them in everything belonging to a ship before they come to command her which if they arrive before they understand their duty they then think is a shame to be instructed and then for rather choose to continue ignorant.[348]

This letter addressed aspects not specifically discussed in the 1676 Order-in-Council, which merely referred to the 'art of navigation'.[349] He also argued that forcing gentlemen to serve as midshipmen would address the socio-professional conflicts that the Royal Navy was experiencing.

> It will unite the officers and destroy the distinction between gentlemen and tarpaulins for as all Tarpaulins are made Gentlemen by receiving the King's Commission. So every gentlemen having performed his duty cannot to deny to be as capable of employment as any... When this method is settled it will be the Lord High admiral from importunity of those that have not passed by this rite, and consequently suffer none to be Commanders but such as undoubtedly fit for it. It qualifies the Gentlemen to be more capable of his Majesty's favour in their future preferment without prejudices to his service.[350]

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348 Letter from Col. George Legge, 8 Oct 1677, Bodleian, Rawl Mss 191 A49
349 'Establishment made 8 May concerning Volunteers and Midshipmen-Extra' 8 May, 1676, NMM CLU/5 f49.
350 Letter from Col. George Legge, 8 Oct 1677, Bodleian, Rawl Mss 191 A49

Legge clearly appreciated the different perception of the professional skills of the different social groups within the Royal Navy Officers. He also explicitly acknowledges that there are both social and professional expectations for Royal Navy officers.

Legge recognized the lack of formal mechanisms for the training and qualifying officers, and the role of patronage and royal favour in the selection of Royal Navy officers. His argument for the implementation of a standard requirement for service as a midshipman was not born of a theoretically optimal system, but from established practices. It is also important to note that Legge did not refer to service as midshipman as a requirement for further service as lieutenant, but rather as a prerequisite for ship's commanders. His solution reflected one aspect of the reality of royal patronage and the still extant connections between an officer's external social status and the role it could have in the creation of their Royal Navy socio-professional identity. It is important to note that he did not criticize the role of patronage, as such, nor the possibility for gentlemen to be appointed commanders of warships without actually having served aboard one. Rather, he suggested a 'rite' that would improve the professional abilities of those who were likely to be selected as officers and ships commanders within the existing system. To put it another way, Legge argued for a universal method for creating a socio-professional identity and consistent maritime expertise for Royal Navy officers compatible with the patronage system, but that would also ensure that Royal Navy officers were capable of the duties they would be selected for, regardless of pedigree.

This letter was received between the implementation of the orders-in-council for Midshipmen (in 1676) and Lieutenants (in 1677). Only a month after Legge's letter was received, the Order-in-Council that defined the qualifications the rank of lieutenant was released. The first section of the Order-in-Council sets out that the lieutenant's role is to serve as an officer under the captain and be ready to serve as ship's captain given the

need.[351] The order also provided a general definition of the role of the lieutenant within

the Royal Navy as a whole.

> In his obeying and executing all orders he shall at any time receive from his
> Commander, or from any other his Superior Officers in the Fleet where he is
> employ'd[352]

This defined each lieutenant as a member of a larger body of lieutenants, socio-

professionally subordinate to all the captains and flag officers of the fleet. This is quite

different from earlier descriptions of the lieutenant's role, such as in Boteler's *Six

Dialogues.* From Capp, Boteler and Monson it is clear that the lieutenant aboard a

warship was not simply a captain in miniature, in waiting or in training, but rather had a

specific role within warship as both a community and a combat unit.

Narbrough's complaints from 1675 about the competence of the lieutenants in

his fleet should not be interpreted as a criticism of the entire structure of the profession,

but only of a single role. The result created the first definitions of what was required to

hold the office of lieutenant. These requirements were:

1)   Three years service at sea in the Royal Navy including a year as Midshipman, or
        two years as Volunteer-per-order.
2)   No less than Twenty years of age
3)   To be able to produce references from previous commanding officers
4)   To pass an examination board composed of three officers with experience
        commanding warships.[353]

These requirements show how the Royal Navy officer profession was being specialized,

as well as the development of the interdependence of the Royal Navy and the Royal

Navy officer profession.

These orders-in-council were supplemented by later orders that further

developed the definitions of the Royal Navy Officer Profession's most junior ranks.

Professionally, the 1677 Order in Council did respond to Legge's criticisms in that only

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351 'Establishment for Defining the Duty and Qualifications of Lieutenants of His Majesty's Ships', 16
    December 1677, NMM CLU/5 f56
352 Ibid.
353 'Establishment for Defining the Duty and Qualifications of Lieutenants of His Majesty's Ships', 16
    December 1677, NMM CLU/5 f59-60

those who had served as midshipmen were allowed to take the exam for lieutenant, because service as volunteer alone was not sufficient.[354]

The social aspects were not entirely neglected, and the requirement to provide endorsements from previous commanding officers ensured that an officer's ability to adequately function in their social role in the warship as a community would be considered for promotion.

> To produce good Certificates under the hands of the several Commanders under whom he hath served, testifying that the Several Voyages he hath been employed in with his Sobriety, Diligence, Obedience to Order, Application to the Study[355]

Together, the professional qualifications bound together the social, and the professional, aspects of the Royal Navy officer profession. To be successful, it was necessary to understand not just the technical aspects of serving aboard a warship, but also the social realities of a naval chain of command. The importance of social status was bound into the Royal Navy's professional qualifications and the development of what Michael Lewis described as 'rank'.

The Royal Navy officer profession was being defined from the bottom up and actively integrated into the existence of the institution as well. The introduction of these professional standards, along with those for Volunteers-per-Order, and Midshipmen Ordinary would require junior officers to conform to a minimum standard. Eventually, the existence of a completely qualified group of lieutenants would inevitably result in captains and flag officers who were also qualified as they were promoted and previous non-maritime officers were replaced. However, this narrative makes several assumptions that are not quite accurate. It assumes that the entirety of the Royal Navy officer profession was developing in lock step. This narrative also extrapolates one

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354 'Establishment for Defining the Duty and Qualifications of Lieutenants of His Majesty's Ships', 16 December 1677, NMM CLU/5 f57
355 'Establishment for Defining the Duty and Qualifications of Lieutenants of His Majesty's Ships', 16 December 1677, NMM CLU/5 f59

specific set of requirements and reactions to operational experiences onto the entire

structure of the profession.

Other documents help us to understand the maritime specialization of the Royal

Navy Officer Profession, such as the records of the results of the lieutenant's exam. The

formal language of successful reports specifically mentioned the maritime aspects of the

duties that the successful entrants had been certified for. The description ran as follows

'and can answer to all points qualifying him to the Duty of an Able Seaman &

Midshipman.'[356]

A second consequence of the Order-in-Council was the creation of the

Instructions for Lieutenants, issued at the same time. These further demonstrate the

further definition of the Royal Navy officer profession and the extrapolation from the

established definitions. The second instruction stated:

> You are not to go on Shore, or otherwise depart from on Board his majesty's
> said ship, whereto you are appointed Lieutenant, without the Knowledge
> and Leave of your Commander[357]

This was reinforced by the third instruction:

> You are to take upon yourself the entire Charge and Conduct of His
> Majesty's aid ship, and stand accountable for the well executing of the
> whole Duty of Commander thereof... with respect as well to the Printed
> *General Instructions* given to Commanders...[358]

As a result, lieutenants were responsible for the maritime aspects of the *General

Instructions to Captains*, for example the admonishment to mind their ships' topmasts.[359]

Lieutenants were also required to keep a log or journal, a duty also required of masters

and captains.[360] Over time, as captains began to be selected from the list of lieutenants,

the Royal Navy officer corps was increasingly defined, fulfilling the expectations set

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356 Lieutenants Passing Certificates, TNA ADM 107/1 f69
357 'Instructions to Lieutenants' NMM CAD/A/16 f29
358 Ibid.
359 'Instructions to Commanders' Bodleian, Rawl. MSS A 187 f44
360 'Instructions to Lieutenants', NMM CAD/A/16 f29; 'Instructions to Commanders' Bodleian, Rawl.
    MSS A 187 f44 '

through these definitions of the Royal Navy Officer Profession. Charles II and James II's use of orders-in-council and royal authority to define the existence of the Royal Navy officer profession established a precedent, and future orders-in-council would modify the professional qualifications. The precedent consisted of both the process and the content of the instructions and definitions.

The rank of lieutenant was not the only one to be so developed during the reign of Charles II and James II. There were also important developments for the employment of masters aboard the Royal Navy's smallest ships. In 1681, an order allowed the commanders of sixth-rates to retain the title 'captain'.[361] In 1682, it was ordered that sixth rate warships of over sixty men were to include a Master, while sixth rates under sixty men were only to carry a Master when sailing in foreign waters.[362] The rank of 'Master and Commander' had its origins in the pre-Restoration Navy.[363] These developments are important because they provide context for the Royal Navy's development of internal professional qualifications.

Where after this period, the Royal Navy would certify lieutenants as capable of navigation, it was Trinity House's responsibility to qualify Masters. The treatment of the post of Master and Commander is a reflection of the incomplete manner in which the Royal Navy's professional qualifications were implemented. Further, the creation of the lieutenant's qualifications meant that the Royal Navy was developing into an institution with a control over a specific set of maritime military expertise, as per Eric Ash's framework. The treatment of 'Master and Commander' and the requirement that Trinity House certify Masters indicates that the conception around the Royal Navy was specifically limited, and other related knowledge would continue to be certified by other

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361 Davies, *Gentlemen and Tarpaulins,* 61.
362 Corbett Papers, NMRN Mss 121 V. 9, f121
363 Davies, *Gentlemen and Tarpaulins,* 11.

external institutions. There were also establishments that set out the requirements for chaplains to serve in the Royal Navy, including external certification.[364]

Another aspect of the professional development of the Royal Navy was the extension of professional identity and existence beyond active service. First, the practices of half-pay and the registration of sailors used financial ties to extend service connections. The payment of a retainer, either in the form of the payment for registration or as half-pay, secured the future services of those paid. Payment was also one aspect of the extension of socio-professional identity beyond active service. This was accomplished through the creation of a system that did not simply award half-pay to individuals, but to those individuals in the same roles and offices as when they were employed.

One important example was the development of the Royal Navy's 'half-pay' system, which began with stipends paid to those who served as Admirals in the Anglo-Dutch Wars. Beginning in July 1668, vice-admirals were awarded £250 per annum, with lesser flag officers awarded correspondingly lesser amounts and the 'Captains of the Admirals ships' being awarded £150 per annum, the same as rear-admirals.[365] In 1672, this was followed by the introduction of pensions for superannuated officers.[366] In 1674, following the end of the Third Anglo Dutch War, an order-in-council provided the same pensions for flag officers as had been granted in 1668.[367] In May 1675, the next expansion awarded half-pay to the masters of first and second-rate ships from the war.[368]

Prior to the creation of the official officer lists, establishing relative seniority between officers was often problematic. Size of ship commanded was an important factor for determining seniority. This is demonstrated by the development of the half-

364 Establishment for the Future Choice and Qualifications of Chaplains for his Majesty's Navy', 16 December 1677, NMM CLU/5 f58
365 Order-in-Council, 17 July 1668 NMM CLU/5 f29.
366 Order-in-Council, 6 December 1672 NMM CLU/5 f39.
367 Order-in-Council, 26 June 1674 NMM CLU/5 f47.
368 Order-in-Council, 19 May 1675 NMM CLU/5 f48

pay establishments. In 1674, captains of first and second-rate ships were allowed half pay, which was to be calculated according to 'the best quality's they had served'.[369] Larger ships were more important ships and therefore bestowed the most prestige on their captains and officers. This differentiation, according to ship's rate, was not restricted to pay for commanding officers, but was also reflected in the pay of other officers as well. This is demonstrated by the establishment in 1677 that laid out the 'Gratuities to the Relations of Such as are Slain in his Ma[ts] Service at Sea'. Widows of captains of first-rate ships were to be awarded £200, while widows of sixth-rates were to be awarded only £70.[370] This distribution was also reflected at higher ranks, and the half-pay establishment of 1668 provided, for example that vice-admirals of the fleet were to be paid £250 per annum, while rear-admirals of squadrons were to be paid £150 per annum.[371] These different levels of pay for different rates of ships were an important socio-professional motivator for Royal Navy personnel. It is an indicator of the temporary nature of seniority and that the primary service relationship was between an individual and their ship, rather than the individual and the service or institution as a whole.

The creation of half-pay had socio-professional implications that pensions alone would not. While they were both financial connections to the Navy, half-pay was a retainer that required future service. Royal Navy officers on half-pay were not subject to the Articles of War or to courts-martial. Given the importance of patronage and internal politics in the creation of future employment opportunities, officers on half-pay and hopeful of future employment would be required to respect the naval socio-professional hierarchy. Further, officers on half-pay were not able to gain employment in a trade

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369 Order-in-Council, 6 May 1674 NMM CLU/5 f45
370 'A Table of Gratuities to the Relations of Such as are Slain in his Majesty's Service at Sea' NMM CLU/4 f97
371 Order-in-Council, 17 July 1668 NMM CLU/5 f29

which would provide a socio-professional identity to clash with their Royal Navy identity, such as sailing aboard merchant vessels.[372]

Deciding seniority through the size of one's command also created issues due to the irregularity of progression in peacetime, and the reality that men who had commanded large ships in wartime were employed to command much smaller ships in peacetime. For example, Henry Carverth was captain of a first-rate in 1673, but from 1674-1678 was in command of sloops and sixth-rate ships.[373]

In 1672, the Duke of York's sailing instructions stated 'that a younger captain should give way to an elder if they were in ships of equal size', but no criteria for defining 'younger' or 'elder' were provided'.[374] In 1683, Admiral George Legge, the Earl of Dartmouth, established rules that precedence should be determined from the date of a captain's first commission instead of the rate of his ship, a system that was adopted by Charles II.[375] The officer lists that developed reflected this development. For example The Hardy list followed this system, dating from 1673.[376] A 'Navy List' compiled at the Admiralty Office from 1688 did as well.[377] Another, similar document, 'A Generall List of all the Captains that have Served in the Royal Navy from the year 1688 as they stand in Seniority, showing the Dates of their first Commissions as Captains for which they were allowed to take Post' extended that list into captains commissioned in 1695.[378]

Operations

Throughout their reigns, Charles II and James II retained personal control over the deployment of the fleet. This definitely should be considered definition of the Navy,

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372 Ordrer-in-Council, 6 June 1673 NMM CLU/5 f137
373 Davies, *Gentlemen and Tarpaulins*, 61
374 Davies, *Gentlemen and Tarpaulins*, 60
375 Davies, *Gentlemen and Tarpaulins,* 61-62.
376 NMRN *Hardy's List*, i.
377 'List of Captains in the Royal Navy, 1688-1732 NMM PRN/18 f1
378 'An account of the names of the Lord High-Adm and Commissioners from King Charles to 1735' NMM PRN/7 f1,58

as it defined operational responsibilities and practices. This section discusses two prime examples.

The direct authority of the King over the Royal Navy allowed for the creation of temporary practices and orders, the execution of which further solidified that authority. From 1670, warships were ordered not to require French ships to salute in passing as other foreign ships were required to do. These instructions were a result of the secret negotiations with the French that led to the Treaty of Dover. The instructions not only stated that Royal Navy warships were not to salute the French, but that they were not to expect salutes either, as a way of eliminating a source of tensions between England and France prior to signing of the treaty.[379]

On 31 August 1670, orders to Captain Wylde of the *Assurance* contained the postscript 'The two Articles forbidding saluting the French, taking in Merchants goods as is in Captain Robinson's Instructions aforegoing'.[380] On 24 September of the same year, Captain Langston of the *Newcastle* had within his orders 'The usuall orders forbidding to salutes of French and to take on board any merchants goods'.[381] On the same day, Captain Elliott of the *Reserve* had identical text in his orders.[382] Still later, on 29 November 1670, Captain William Jennens of HM ship *Princesse* was 'forbid... to carry Merchant Goods and to salute the French'.[383] Months later, this temporary practice was still in force because on 15 March 1670/71 Captain Tyrwhitt of the *Adventures* orders contained 'the Usuall orders forbidding ... saluting the French'.[384] Later still, on 26 May, Captain Finch of the *Crown* had again identical language in his orders to Captain Tyrwhitt's.[385] And on 5 August, again the identical language for Captain Holmes

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379 J.D. Davies, 'The Secret Naval Treaty and the Battle of Solebay' unpublished chapter
380 Admiralty: Out-letters, 1656-1689, TNA ADM/2/1 np.
381 Admiralty: Out-letters, 1656-1689, TNA ADM/2/1 np.
382 Admiralty: Out-letters, 1656-1689, TNA ADM/2/1 np.
383 Admiralty: Out-letters, 1656-1689, TNA ADM/2/1 np.
384 Admiralty: Out-letters, 1656-1689, TNA ADM/2/1 np.
385 Admiralty: Out-letters, 1656-1689, TNA ADM/2/1 np.

of the *Diamond*.[386] As late as November 1672, orders to John Narbrough, Captain of

Fairfax and the senior officer on the Smyrna convoy in the fall of that year, contained

the same language regarding salutes of the French, as well as regarding salutes in

Genoa.[387] In 1673, Captain Munden of the *Princesse* was ordered to provide convoy for

a homeward bound convoy of the East India Company, and those orders stipulated that:

> Whereas the King my Sovereign Lord and Brother hath been pleased to
> direct that none of his Majesty's Ships of Warre shall until further Orders
> expect or require any Salutes from any of the Ships of Warre belonging to
> the most Christian King, nor shall they give any salutes to the same
> shipps.[388]

This instruction indicates the personal role of the Monarch and the Duke of York in the

creation of definitions of procedure for the Royal Navy and the reflection of their goals

in institutional practices. These orders were followed by the inclusion of this directive

in the 1683 *General Instructions*.[389] However, they were excluded from subsequent

versions of the *General Instructions*, particularly those published in the 1690s.[390]

The second major example from this period was the Royal Navy's deployments

to the Mediterranean, and specifically to the English colony at Tangier. England had

experience deploying its ships to the Mediterranean, with the Commonwealth's Navy

defeat versus the Dutch at Livorno in March 1653 (known to the English as the Battle of

Leghorn) as just one example.

Charles II's wedding to Catherine of Braganza resulted in his taking possession

of Tangier. Tangier was not an English colony, but Charles II's personal property. The

forces deployed there, including both naval forces and regiments, were there as the

result of royal prerogative alone. In 1684, the abandonment of Tangier was further an

act of royal prerogative. The deployments to Tangier were critical to the Royal Navy,

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386 Admiralty: Out-letters, 1656-1689, TNA ADM/2/1 np.
387 Admiralty: Out-letters, 1656-1689, TNA ADM/2/1 np.
388 Admiralty: Out-letters, 1656-1689, TNA ADM/2/1 np.
389 'General instructions to be observed by the Commanders of HM Ships' NMM RUSI NM/135 f8
390 Admiralty Instructions, 2 Feb 1683-4 Oct 1699 NMM CAD/A/16

because many of those involved would be directly involved in other facets of the Royal

Navy's development. Rear-Admiral John Narborough had been deployed in 1675 to

fight the Barbary corsairs, and again the next year to combat Algerines. He remained in

the Mediterranean commanding a fleet until the summer of 1679.[391] Arthur Herbert

served as a subordinate flag officer under Narborough, and from July 1680, Herbert was

appointed Commander-in-Chief in the Mediterranean as rear-admiral. He defended

English commerce as well as the colony at Tangiers and returned to England in June

1683.[392]

This deployment was very important to the future development of the Royal

Navy. First, it was a long-term peacetime deployment to foreign parts, where the flag

officer was not only responsible for the operations of a squadron but also for interacting

with other parts of the English state as well as the local powers. For example, Herbert

worked towards the 1682 Peace Treaty with the Algerines.[393] Second, it was an

important deployment in that it generated a chain of patronage that was unrelated to

service in a large fleet under the Lord High Admiral. To quote John Hattendorf,

> Herbert's years in the Mediterranean were seminal through the patronage
> and leadership he provided to young officers such as Matthew Aylmer,
> George Byng, John Graydon, Thomas Hopson, David Mitchell, George
> Rooke, Cloudesley Shovell, Woolfran Cornwall, and Francis Wheeler, who
> later provided the dedicated nucleus of like-minded conspirators who
> carried the Navy through the revolution of 1688–9, many of them becoming
> leaders of the Navy afterwards.[394]

This provided a second body of officers, and while Herbert was a close client of James

II, those who followed and learned from him were a distinct group from James II's other

391 J. D. Davies, 'Narbrough, Sir John (*bap.* 1640, *d.* 1688)', *Oxford Dictionary of National Biography,* Oxford University Press, 2004; online edn, Jan 2008 [http://www.oxforddnb.com/view/article/19776, accessed 17 Nov 2015]

392 Peter Le Fevre, 'Tangier the Navy and It's Connection with the Glorious Revolution of 1688', *Mariner's Mirror* Vol 73 No. 2, 187

393 Ibid.John B. Hattendorf, 'Herbert, Arthur, Earl of Torrington (1648–1716)', *Oxford Dictionary of National Biography,* Oxford University Press, 2004; online edn, Jan 2008 [http://www.oxforddnb.com/view/article/13017, accessed 17 Nov 2015]

394 Ibid.

clients such as Sir Roger Strickland and Lord Dartmouth. However, it must be

remembered that they had been deployed there as a result of the use of royal

prerogative, and so represent the King defining and controlling the Navy.

James II also directly controlled and defined the Royal Navy following his

succession to the throne in 1685. He took on himself the roles of Commander-in-Chief

of the Land Forces and the Lord High Admiral. Orders from James II to Lord

Dartmouth in 1688 demonstrate that to the end, the King attempted to maintain direct

control.[395] A particularly illustrative example is the King's direct definition of the fleet

by Roman Catholic officers into the fleet, such as Sir Roger Strickland who was given

command of the Channel Fleet in 1688. Strickland then attempted to introduce Roman

Catholic chaplains into the fleet and have Mass performed. This led to significant upset

within the fleet, and Lord Dartmouth, who was another of James II's favourites but not a

Roman Catholic replaced Strickland in command.[396] However, Strickland was not

removed from the fleet.[397]

James II's introduction of Roman Catholic Irish and English officers to both his

army regiments and to the Royal Navy directly violated the *Test Acts*, just as

Strickland's attempt to have mass held was in violation of the *Act for the Establishing

Articles* and the *Act for the Uniformity of Publique Prayers*. Although the Glorious

Revolution (discussed in the next chapter) would undo much of James II's definitions

for both the state and the Royal Navy, he did directly define them during his reign.

Establishments: Early Developments

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395 Copy of an order from the King to Lord Dartmouth to proceed to hostilities with the Dutch, 12 Nov
    1688', Bodleian, Rawl Mss. A/186, f401
396 Davies, *Gentlemen and Tarpaulins*, 201-4.
397 Letter to Pepys from Sir Roger Strickland aboard the *Mary* in the Downs, 8 Sept 1688, Bodleian,
    Rawl Mss. A/186 f40.

Establishments were a frequently used tool to define material or financial aspects of the Royal Navy's material and socio-professional existence. Examples of establishments include pay rates, the size of crews for different vessels, or the specific details of the organization of artillery for ships. The Navy Board and the Admiralty created these documents in this period, under the authority of the King. They are important because they provide precedents for developments discussed in later chapters.

An early and detailed example was *An Establishment of the Numbers & Natures of the guns to be made & confirmed onboard every of his Maties Ships according to the Opinion of the Principal Officers & Commissioners of the Navy, Humbly presented by them to the Lords Commissioners for Executing the Officer of Lord High Admiral*, which was the result of an order from the latter on 16 March 1673. This establishment reflected the variegated and non-standardized nature of the fleet at that time, and each ship of the fleet is addressed individually. For example, of the first-rates, while the *Royal Charles, Royal James* and *Royal Prince* had identical establishments, they were different to the *Royal Sovereign* as the former was equipped with twenty-eight 'Whole Culverin', while the latter was armed with an equal number of 'twenty-four pounders'[398] With lesser-rates, there was a greater degree of uniformity, and for example fourth-rates *Leopard, Oxford, Greenwich, St David, Yarmouth, Newcastle, Happy Return*, and *Princess* all had the same establishments.[399]

In March 1677, Parliament provided funds for the building of thirty warships, in response to the expansion of the French Navy. Parliament required these ships to be built within two years in order to prevent funds being misspent.[400] Although it was not strictly an establishment, the *Act for raising the Summe of Five hundred eighty foure*

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398 Corbett Papers, NMRN Mss 121 v14, 134.
399 Corbett Papers, NMRN Mss 121 v14, 135.
400 'House of Commons Journal Volume 9: 5 March 1677,' in Journal of the House of Commons: Volume 9, 1667-1687 (London: His Majesty's Stationery Office, 1802), 392, accessed December 15, 2015, http://www.british-history.ac.uk/commons-jrnl/vol9/p392, P Le Fevre, 30 ships article, www.BritishNavalHistory.com

thousand nine hundred seaventy eight pounds two shillings and two pence halfe-penny

for the speedy building Thirty Shipps of Warr did include specific measurements for the

ships to be built.

> ...Thirty Shipps of Warr whereof one to be of the first-rate and to containe
> and measure Fowerteene hundred Tunns and not under Nine to be of the
> Second-rate and to containe and measure each of them Eleaven hundred
> Tunns and not under and Twenty of them to be of the Third-rate and to
> containe and measure each of them Nine hundred Tunns...[401]

The act specified tonnage rather than dimensions, but it was the first case of a large

number of ships being built for the Royal Navy to some kind of standard, rather than

individually as they had been previously as shown by the building of ships since the

Restoration. However, this is the only major example of statutory definitions being used

to create these kinds of definitions for the Royal Navy in this phase. For context, a

contemporary establishment for the number of guns specified standard artillery fits for

each-rate. For second-rates, this was defined as twenty-six 'Demi-cannon', the same

number 'Whole Culverin', twenty-six and ten, from two different sizes of 'Sakers', and

finally a pair of 'two pounders'.[402] It is telling that the carriage of guns, which was purely

an internal matter, was defined in convention while the dimensions of the 'thirty ships'

built from 1677 were defined in statute, due to the need for Parliament to provide the

funds. The *Act for... building Thirty Shipps of Warr* provided a precedent that would be

built on, then replaced during the reign of William III and Mary II, as will be discussed

in the next chapter.

 Creating Statutory Definitions

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401 'Charles II, 1677: An Act for raising the Summe of Five hundred eighty foure thousand nine hundred
     seaventy eight pounds two shillings and two pence halfe-penny for the speedy building Thirty Shipps
     of Warr.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record
     Commission, 1819), 802-836, accessed December 15, 2015, http://www.british-history.ac.uk/statutes-
     realm/vol5/pp802-836
402 Corbett Papers, NMRN Mss 121 v14, 139.

Charles II and James II extensively contributed to the definitions for the Royal Navy during their reigns. Their ability to name ships, commission officers, create deployments or push for professional development was not interdicted by Parliament. However, Parliament did also directly define the Navy. The discussion above illustrates how the precedents created, while informed by state-related influences, were concerned primarily with day-to-day operations and existence. In comparison, the statutory definitions discussed next explicitly defined the Royal Navy's institutional existence just as they defined the state and placed limits on royal prerogative. While the acts discussed did not specifically build on the language and definitions contained within the *Act for the Establishing Articles*, they were the continuation of the conflict over the definition of state religion and royal prerogative. While the Royal Navy was defined as being exterior to the English state, the limits placed on the monarch directly affected their ability to define the Royal Navy.

Following the Restoration, there was a period in which Parliament and the King did work together, and Parliament continued to define the Navy directly. The details of Parliament's provision of funds to the Charles II and James II is already well understood, but they are necessary to provide a context for the later statutes that defined the Navy.

One example is from 1664/65, which stated:

> Your Majestie hath found Yourselfe obliged to equip and sett out to Sea a Royall Navy for the preservation of Your Majestyes auntient and undoubted Soveraignty and Dominion in the Seas and the Trade of Your Majestyes Subjects...[403]

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403 'Charles II, 1664 & 1665: An Act for granting a Royall Ayd unto the Kings Majestie of Twenty fower hundred threescore and seaventeene thousand and five hundred Pounds to be raised leavyed and paid in the space of Three Yeares.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 525-552. *British History Online*, accessed March 10, 2017, http://www.british-history.ac.uk/statutes-realm/vol5/pp525-552.

Further funds were provided in 1666, and these acts proved to be insufficient to pay for the Navy during the 2nd Anglo-Dutch War.[404] Another such act, from 1677, is discussed below, although for reasons other than the finances per se.

There were far fewer statutes that directly defined the Navy in this period, but the ones that were created provide an important context. The *Act for the Establishing Articles* set the precedent that Parliament could define the office and authority of the Lord High Admiral. Parliament continued to do so, however the acts in which they did so included limits on their duration so that they would expire.

The first example is the *Act for providing Carriage by Land and by Water for the use of His Majesties Navy and Ordnance,* of 1662. It provided the authority for the Admiralty to impress carriages on land and certain vessels for transport. First, to do so required the signature of two judges. Further, the Admiralty could not impress any vessels that were full of cargo for an outbound journey, nor could they could be seized 'if there be other Vessels in the Port fitting for the Service'.[405] Finally, this statute was only in force 'untill the end of the first Session of the next Parliament and no longer'.[406] As such, it expired in 1663.

A series of similar acts were created to provide the Navy Board additional authority, beginning in 1664.

> Whereas diverse fightings quarrellings and disturbances doe often happen in and about his Majestyes Offices Yards and Stores for his Majestyes Royall Navy and frequent differences and disorders are occasioned in the Office of his Majestyes Treasury of the Navy on Pay dayes in London Portsmouth and other places of meeting for the Service of the said Navy, and that either by the unreasonable turbulency of Seamen and others attending on or relateing

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404 'Charles II, 1666: An Act for granting the Summe of Twelve hundred fifty six thousand three hundred forty seaven pounds thirteene shillings to the Kings Majestie towards the Maintenance of the present Warr.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 616-623. *British History Online*, accessed March 10, 2017, http://www.british-history.ac.uk/statutes-realm/vol5/pp616-623.

405 'Charles II, 1662: An Act for providing Carriage by Land and by Water for the use of His Majesties Navy and Ordnance.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 413-414. *British History Online*, accessed March 10, 2017, http://www.british-history.ac.uk/statutes-realm/vol5/pp413-414.

406 Ibid.

to that Service or their Creditors or by the rudenes of the Officers intrusted with his Majestyes Stores on Land, or in his Royall Shipps when they are questioned by the principall Officers and Co[m]missioners of the said Navy...[407]

This was a reflection of the ramification of the Navy Board inheriting the debts and responsibilities of the State's Navy, specifically the frequent inability to pay off warships. Also, the duration of the act was stated to be two years from 1 June 1664, and then from thence to the end of the session of Parliament, to provide time for its replacement. The act was subsequently renewed in 1666, with the expiry of that act dated for two years from 1 February 1666/1667 and thence again to the end of the session of Parliament.[408] The next session of Parliament was from October to December 1669, but the act was not renewed.[409]

In 1670, however, Parliament passed *An Act to revive an Act, Entituled An Act to prevent the disturbances of Seamen and others, and to preserve the Stores belonging to his Majestyes Navy Royall*, *with some Alterations and Additions*. There was one significant alteration, and that was the extension of the duration of the act, from two years to seven years plus the next session of Parliament from 1 June 1670. Second, the Lord High Admiral was authorized to execute the powers given to the Navy Board to punish sailors, hence extending the authority of the Articles of War.[410] The context for this last is important, since it was the same session as the renewal of the *Conventicles*

407 'Charles II, 1664: An Act to prevent the Disturbances of Seamen and others and to preserve the Stores belonging to His Majestyes Navy Royall.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 520-521. *British History Online*, accessed March 10, 2017, http://www.british-history.ac.uk/statutes-realm/vol5/pp520-521.

408 'Charles II, 1666: An Act to prevent the Disturbances of Seamen and others and to preserve the Stores belonging to His Majesties Navy Royall.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 615-616. *British History Online*, accessed March 10, 2017, http://www.british-history.ac.uk/statutes-realm/vol5/pp615-616.

409 http://www.historyofparliamentonline.org/volume/1660-1690/parliament/1661

410 'Charles II, 1670 & 1671: An Act to revive an Act, Entituled An Act to prevent the disturbances of Seamen and others, and to preserve the Stores belonging to his Majestyes Navy Royall, with some Alterations and Additions.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 741-743. *British History Online*, accessed March 10, 2017, http://www.british-history.ac.uk/statutes-realm/vol5/pp741-743.

Act, and a session in which Parliament provided significant funds to the King.[411]

Likewise, it was concurrent with Charles II's secret treaty with Louis XIV. These acts

provide a different perspective, for example that in 1670 additional authority was

accorded to the Lord High Admiral, and also that the relationship between the King and

Parliament regarding the Navy was not simply about finances.

The 1677 *An Act for... the speedy building Thirty Shipps of Warr* is a further

extension of this. This was a tax act and specifically provided funds to the King in order

to pay for new warships.

> That the Summe of Five hundred eighty fower thousand nine hundred
> seaventy eight pounds two shillings and two pence halfe peny shall be
> raised leavyed and paid unto your Majestie within the space of Seaventeene
> Moneths in manner following.[412]

In comparison, the 1666 funding act referenced above provided the funds specific to

Charles II over three years.[413] The short time period allowed for the building of the ships

was a measure to restrict his use of the funds specifically to building warships.[414]

> Penalties be inflicted upon the Officers of the Exchequer, Navy, and
> Ordnance, and all other Persons respectively, through whose Hands any Part
> of the said Supply shall pass, in case the said Supply, or any Part thereof,
> shall be otherwise diverted or misapplied[415]

This aspect completely falls in line with the understanding of the relationship between

Parliament and Charles II. The *Act for... the speedy building Thirty Shipps of Warr* also

included very specific directions on what ships should be built.

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411 http://www.historyofparliamentonline.org/volume/1660-1690/parliament/1661

412 'Charles II, 1677: An Act for raising the Summe of Five hundred eighty foure thousand nine hundred
seaventy eight pounds two shillings and two pence halfe-penny for the speedy building Thirty Shipps
of Warr.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record
Commission, 1819), 802-836, accessed January 6, 2015, http://www.british-history.ac.uk/statutes-
realm/vol5/pp802-836

413 'Charles II, 1666: An Act for granting the Summe of Twelve hundred fifty six thousand three hundred
forty seaven pounds thirteene shillings to the Kings Majestie towards the Maintenance of the present
Warr.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby

414 P. Le Fevre, 'Great Works we have seen' *BritishNavalHistory.com*

415 'House of Commons Journal Volume 9: 5 March 1677,' in *Journal of the House of Commons: Volume
9, 1667-1687*, (London: His Majesty's Stationery Office, 1802), 392. *British History Online*, accessed
March 10, 2017, http://www.british-history.ac.uk/commons-jrnl/vol9/p392.

> Moneyes... are hereby appropriated for the building and for the Gunns, Rigging and other Furnishing of Thirty Shipps of Warr whereof one to be of the First Rate and to containe and measure Fowerteene hundred Tunns and not under Nine to be of the Second Rate and to containe and measure each of them Eleaven hundred Tunns and not under and Twenty of them to be of the Third Rate and to containe and measure each of them Nine hundred Tunns and not under and to noe other intent use or purpose whatsoever.[416]

This is a distinct departure from Parliament's direct definition of the Navy since the Restoration. This act defined both the number of ships to be built for the funds provided, but also provided rough definition for the size of those ships. This would provide a direct precedent for Parliament doing the very same thing following the Glorious Revolution. The House of Commons discussed providing funds from 'Tonnage and Poundage.' However, this was voted down even before the bill was drafted.[417]

There was certainly tension between England and other nations, for example, and forces were raised in case of a possible war, as shown by an act the next year which provided funds for paying-off troops, and indeed additional funds to pay for the Navy (as well as the engagement of Princess Mary to the Prince of Wales)

> And whereas Wee Your said Majestyes obedient Subjects the Commons of England in Parlyament assembled are engaged unto Your Majestie for the repayment of the summe of Two hundred thousand pounds which Your Majestie hath beene pleased to raise upon the Creditt of a certaine Act passed in this present Parlyament in the Twenty ninth yeare of Your Majestyes Raigne entituled An Act for an additionall Excise upon Beere Ale and other Liquors Wee... doe hereby give and grant to Your most Excellent Majestie the Summe of fower hundred and twelve thousand nine hundred twenty five pounds fowerteene shillings & six pence.[418]

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416 'Charles II, 1677: An Act for... the speedy building Thirty Shipps of Warr.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby

417 'House of Commons Journal Volume 9: 5 March 1677,' in *Journal of the House of Commons: Volume 9, 1667-1687,*

418 'Charles II, 1677 & 1678: An Act for granting a Supply to His Majestie of Six hundred nineteene thousand three hundred eighty eight pounds eleaven shillings and nine pence for disbanding the Army and other uses therein mentioned.,' in *Statutes of the Realm: Volume 5, 1628-80*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 867-883, accessed January 10, 2015, http://www.british-history.ac.uk/statutes-realm/vol5/pp867-883

This act did not include any further definitions for the Navy, but was a straight-forward supply statute that also provided Charles II funds for paying off ships and regiments that had been raised in 1677, but not deployed.

After this period, the next legislation that directly defined the Royal Navy came after the Glorious Revolution. The statutes discussed above show that Parliament did continue to directly define the Navy following the Restoration, however its ability to do so was limited.

Conclusion

The narrative of King vs. Parliament dominates the existing studies of the Royal Navy's development in this period. N.A.M. Rodger argues that 'Though Parliament had for a time gained substantial control of the Navy of Charles II, his brother had the fleet firmly back in his own hands'.[419] The examination of the definitions created for this period illustrate that Parliament's control over the purse strings did limit what Charles II could do operationally, but that it could not remove or even reasonably limit the King's authority, or that of his deputies, to define many of the Navy's attributes.

After the Restoration, the Royal Navy continued to develop in the 'Westminster Model', in that it continued to be defined in both statute and in conventions. Further, the Navy's development was also affected by the State's continued development during this period. Although the *Act for the Establishing Articles* was created with a limit on its duration, other statutes that directly defined the Navy were not. As the reign of Charles II progressed, the ability for Parliament to directly define and to create statutes for the Navy was limited to the opportunities when Parliament was in session, and when their legislative agenda was not sufficiently offensive to Charles II that he would rather prorogue than get badly needed funds.

419 Rodger, *Command of the Ocean*, 111.

This was a period of intense development for the Royal Navy, both in terms of structural and professional definitions. One significant reality that did not change, however, was the Navy's dire financial situation. Indeed, Davies argues that the King's and the Admiralty Board's ability to use royal prerogative to define the Navy exacerbated these problems during the period 1679-1694, for example with the massive building plans of the thirty ships.[420] However, financial restraints did not affect Charles II and James II's ability to define the Navy.

James II's succession resulted in his personal resumption of the office of Lord High Admiral, of continued direct rule, and the creation of convention definitions for the Navy that directly violated the statutory definitions that Parliament created. These are issues that would be addressed following the Glorious Revolution and would bring new complexity to the Navy's development in the Westminster Model.

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420 Davies, 'Pepys and the Admiral Commission', pp. 47, 50, 52-53.

Between the Glorious Revolution and the Hanoverian Succession, the Royal
Navy underwent significant development that created the framework for it to shift from
being primarily a temporary organization, to one with much substantial professional
permanence. By the end of James II's reign, the Royal Navy was certainly persistent, as
even in peacetime the Royal Navy was responsible for commerce protection and other
duties. However, it could not be considered to be permanent, especially its socio-
professional aspects and attributes.[421] Further, the beginnings of the integration of the
institutional and socio-professional aspects which began with the introduction of the
examinations for Lieutenant had not been more widely implemented.

These precedents were critical to the Royal Navy's development following the
Glorious Revolution. Some of the Royal Navy's developments built directly on these
precedents, while other developments rebuked James II's actions and definitions. Others
yet were attempted solutions for new problems. William III's campaigns against the
Jacobites in Ireland and against France in the War of the Quadruple Alliance (1689-97)
were followed by the War of the Spanish Succession (1702-1714) during the reign of
Queen Anne. These placed entirely different strains and pressures on the Royal Navy
and the English state's ability to support and provide for it. Some of these pressures
resulted in the increasing differentiation of the Royal Navy from the Army. Other
pressures required the creation of new approaches to managing the Royal Navy's
resources, including the officers and crew, ships and finances. The Royal Navy certainly
did continue to be defined in both in statute and in convention. However, the status of
the Admiralty and the Navy Board and its relationship to Parliament and to the King
significantly changed following the Glorious Revolution. While William III personally

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421 Rodger, 'Commissioned officers' careers in the Royal Navy, 1690-1815'. 165

commanded the Army against the Jacobites, neither he nor his co-monarch Mary had the

personal and close connections to the Admiralty that Charles II and James II had built.

Parliament was once again more directly involved in defining the Navy, building on

existing precedents as well as setting new ones. Different pressures also pushed the

Admiralty and the Navy Board to continue to define the institution. This puts a very

different perspective on the Navy's development in the 'Westminster Model' in this

period.

The first part of this chapter discusses the Glorious Revolution and the state

development that provided context for the Navy's development. The analysis of the

Navy's development begins with a discussion of the substantial changes to the Royal

Navy's administration and provides perspective for the developments that occurred. This

is followed by a discussion of the rebuke of James II's legacy, as well as the introduction

of William and Mary's identity to the Navy. The next section examines the development

of tools for the management of the Royal Navy's resources. The discussion of statutory

definitions begins by looking at new statutes that directly built on the definitions in the

Act for the Establishing Articles. The final section discusses the developments that

paired both conventions and statutory definitions. This includes the transition from

statute to convention in the management of warships and also how new statutes and

contention together perpetuated the Royal Navy's transition from persistence to

permanence.

State Development Context

The development of the English and, after 1707, the British state was spurred

first and foremost by the ramifications of the Glorious Revolution and secondarily by

the involvement in a generation-long war. While the Revolution did result in active

definition of the English state, it was unlike the Restoration in that William III and Mary

positioned themselves as the legitimate heirs to an abandoned but also legitimate throne.

Like Charles II, they needed to work with Parliament to perform the monarchy. The

creation of statutory definitions for the English state during this phase involved the

specific creation of limits on royal prerogative and the monarch's ability to govern

directly.

The Glorious Revolution was not just an unsettled succession; it was an

invasion, even if there were not any significant battles between James II's forces and the

invaders.[422] As with the Restoration, the monarchy was not assured continued

succession. Like Charles II, who had to justify both his presence and that of the

monarchy itself, William III and Mary had to demonstrate that their possession of the

monarchy was legitimate, a perception that James II opposed both militarily and

through propaganda.[423] It was critical for the co-monarchs to been seen as cooperating

with Parliament in governing England and so this was a phase in which statutory

definitions far outweighed the creation of conventions.

After James II's flight and William and Mary's arrival in England, the succession

was complex as well as contested. William refused to simply seize the crown, and in

January 1689 summoned a 'Convention Parliament' setting aside the 1685 election of

James II's 'Loyal Parliament'.[424] Although he summoned Parliament, it did not have the

same status as a parliament convened by a reigning monarch and was in much the same

tenuous position as the 'Convention Parliament' had been at the Restoration. At the end

of January 1689, Parliament confirmed that England was a Protestant state, and began

the process of creating the 'Declaration of Rights', which detailed James II's errors as

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422 Lisa Jardine, *Going Dutch: How England Plundered Holland's Glory* (HarperCollins Ebook, 2008) L. 458.
423 Sharpe, *Rebranding Rule,* L. 8303-8311.
424 T. Harris, *Revolution: The Great Crisis of the British Monarchy 1685 – 1720* (Penguin Ebook, 2007) L. 758-762

monarch and provided Parliament's terms for William and Mary.[425] In early February,

William III dissolved the 'Convention Parliament', then reconvened a new Parliament.

An early action of the new parliament was *The Crown and Parliament*

Recognition Act 1689.[426] That year, as in 1660, the acts of the 'Convention Parliament'

were fully endorsed and became law. This was not some minor formality, because the

'Declaration of Rights' became the *Bill of Rights* (1689), one of England's most

important constitutional documents and one that defined the state in much more detail

than had been specified in statutory definitions at the Restoration. This was backed by

the *Coronation Oath Act,* which provided a new oath that emphasized the monarchs'

responsibility to uphold the agreed-upon terms.[427]

The *Bill of Rights* banned standing armies in times of peace. However, the

ramifications of the Glorious Revolution included the creation of English armies to fight

against James II's army and also against France and its allies. The legal permission for

the land forces came from a series of acts entitled the *Mutiny Acts*, which were

legislated annually beginning immediately after the Glorious Revolution. The *Mutiny*

Acts were not comparable to the *Act for Establishing Articles,* in that they did not

include an equivalent to the Navy's *Articles of War*. Rather, they stated that for the

duration of the Act the monarchy was permitted to raise an army for a specific, listed,

purpose. For example, in 1690 the army was permitted for the purpose of fighting the

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425 The Declaration of Rights, *The Avalon Project,* Yale Law School, University of Yale,
   http://avalon.law.yale.edu/17th_century/england.asp accessed 24 October, 2016. Harris, *Revolution*,
   L.799-809.
426 'William and Mary, 1689: An Act for Recognizing King William and Queene Mary and for avoiding
   all Questions touching the Acts made in the Parliament assembled at Westminster the thirteenth day
   of February one thousand six hundred eighty eight. [Chapter I. Rot. Parl. pt. 1. nu. 1.],' in *Statutes of
   the Realm: Volume 6, 1685-94*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 156.
   British History Online, accessed August 18, 2016, http://www.british-history.ac.uk/statutes-
   realm/vol6/p156.
427 'William and Mary, 1688: An Act for Establishing the Coronation Oath. [Chapter VI. Rot. Parl. pt. 5.
   nu. 3.],' in *Statutes of the Realm: Volume 6, 1685-94*, ed. John Raithby (s.l: Great Britain Record
   Commission, 1819), 56-57. *British History Online*, accessed October 15, 2016, http://www.british-
   history.ac.uk/statutes-realm/vol6/pp56-57.

Jacobites, or 'reducing Ireland'.[428] In 1695, the Army was permitted for the 'defence of

Europe's Liberties and to fight against the French'.[429] It is notable that no such

permission was required for the Navy. Thus, from the Glorious Revolution, the land

forces, like the Royal Navy were defined both in statute and with conventions. The

Mutiny Acts provide important context for the Royal Navy's development as they are

another example of Parliament placing limits on royal authority. That the Royal Navy

and land forces had distinct statutory definitions also provides context for the socio-

professional differentiation discussed below.

Another early action following the Glorious Revolution was the consideration of

a new *Book of Common Prayer*. As a Calvinist, William III introduced a new religious

identity to the monarchy that was very different from that of Charles II and James II.

The Dean of Canterbury, John Tillotson led the creation of what would become the

Liturgy of Comprehension.[430] Ultimately, this version was not adopted and was not even

published until 1854.[431] Although these alterations did not become law, its creation is an

indication that William III was willing to work to heal some of the divisions caused

within English society by the state-development that followed the Restoration such as

the Clarendon Code. Although the *Liturgy of Comprehension* did feature many changes

to address Presbyterian concerns, the aspects of the *Book of Common Prayer* that

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428 'William and Mary, 1690: An Act for Punishing Officers and Soldiers who shall mutiny or desert their Majestyes Service and for punishing false Musters. [Chapter VI. Rot. Parl. pt. 3. nu. 5.],' in *Statutes of the Realm: Volume 6, 1685-94*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 227-230, accessed January 18, 2015, http://www.british-history.ac.uk/statutes-realm/vol6/pp227-230

429 'William III, 1695-6: An Act for continueing severall former Acts for punishing Officers and Soldiers who shall Mutiny or Desert His Majesties Service and for punishing False Musters and for Payment of Quarters for One Yeare longer [Chapter XXIII. Rot. Parl. 7 & 8 Gul. III.p.5n.9],' in *Statutes of the Realm: Volume 7, 1695-1701*, ed. John Raithby (s.l: Great Britain Record Commission, 1820), 107-109, accessed January 18, 2015, http://www.british-history.ac.uk/statutes-realm/vol7/pp107-109

430 Timothy J. Fawcett, *The liturgy of comprehension 1689: An Abortive Attempt to Revise the Book of Common Prayer*, (Great Britain: Mayhew McCrimmon, 1973) 26.

431 *The Revised Liturgy of 1689; Being the Book of Common Prayer* (London: Samuel Bagster & Sons, 1855) 577., Justus.Anglican.org 'Liturgy of Comprehension',

directly concerned the Royal Navy would not have changed. The note against the forms of 'Prayers for Use at Sea' was 'the whole standing without alteration'.[432]

In 1694, the *Act for the frequent Meeting and calling of Parliaments* further defined the English state. In 1664, the *Triennial Parliaments Act* had specified that Parliament should meet at least once every three years.[433] The *Meeting of Parliament Act* required Parliament to meet every year and general elections to be held every three years. This directly built upon the requirements listed in the *Bill of Rights*.[434] This act also created political instability a period known as 'Rage of Party'. In the twenty years that followed there were ten general elections.[435]

Following the Glorious Revolution, the state – Parliament and the monarchy together- became more directly involved in the economy. This is usually referred to as the development of the 'fiscal-military state', or 'fiscal-naval state'.[436] Robinson and Pincus also describe the English state following the Glorious Revolution as an 'Interventionist' or 'Developmental' state. This provided increased revenues for military spending as well as other causes.[437] The creation of the Bank of the England in 1694 allowed for the centralization and service of the government's debts. This act restricted royal prerogative, because it gave Parliament the ability to approve borrowing by the

432 *The Revised Liturgy of 1689; Being the Book of Common Prayer* (London: Samuel Bagster & Sons, 1855) 577., Justus.Anglican.org 'Liturgy of Comprehension',

433 'Charles II, 1664: An Act for the assembling and holding of Parliaments once in Three yeares' in *Statutes of the Realm: Volume 5, 1628-80*, http://www.british-history.ac.uk/statutes-realm/vol5/p513.

434 "William and Mary, 1694: An Act for the frequent Meeting and calling of Parliaments [Chapter II Rot. Parl. pt. 1. nu. 2.]," in *Statutes of the Realm: Volume 6, 1685-94*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 510. *British History Online*, accessed August 17, 2016, http://www.british-history.ac.uk/statutes-realm/vol6/p510.

435 Cruickshanks, Handeley & Hayton Eds. *The history of parliament: the House of Commons, 1690–1715*

436 See J. Brewer, *The Sinews of Power: War, Money and the English State 1688-1783. (*London: Unwin Hyman, 1989.), N.A.M. Rodger, 'From the "military revolution' to the "fiscal-naval' state', *Journal for Maritime Research* 13, 2 (2011), 119-128. There is some discussion that the 'fiscal innovation' that contributed to the 'Fiscal-Military' state began in the 1640s in England. Graham and Walsh, ed. *The British Fiscal-Military States*, 7.

437 Pincus & Robinson, 'Faire la guerre et faire l'État', *Annales. Histoire, Sciences Sociales* 1/2016 (71e année) , p.5-36

Crown, have approval over the budget for the Royal Household, and to audit Crown spending.[438]

Further, this was a phase of twenty-five years of nearly constant warfare on several fronts. With the exception of the period between the Peace of Ryswick in 1697 and the beginning of the War of the Spanish succession in 1702, England was constantly at war with France. Until 1691, William III was also actively fighting against against Jacobites in Ireland. This tested the English state's ability to raise funds for war, although it has been shown that other states were spending far more of their available funds on warfare. For example, at times the Austrians spent, 93% of income on warfare, Peter the Great of Russia spent 90%, and the Danes 88% in the early seventeenth century.[439] Setting such comparisons aside, the English state vastly increased its spending on military forces, as from the Glorious Revolution it needed to support a growing army in addition to its navy. These forces were not simply maintained at home, but were operationally deployed, which cost far more money. Accordingly, the *Statutes of the Realm* during this phase have many taxation acts which provided funds to the monarchs for the war efforts, as well as other legislation created to aid the military effort and indeed the English economy and industries. The important development was of institutions and practices which facilitated long-term state financial planning and spending.

The state was further defined in the 1701 *Act of Settlement*, which reconfirmed its official Protestant status and implemented rules governing succession to maintain that in perpetuity.[440] This act also removed the monarch's ability to use royal prerogative

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438 John Wells and Douglas Wills. 'Revolution, Restoration, and Debt Repudiation: The Jacobite Threat to England's Institutions and Economic Growth' The Journal of Economic History, Vol. 60, No. 2 (Jun., 2000), 422.

439 Pincus and Robinson, 'Wars and Statemaking reconsidered', 7.

440 'William III, 1700 & 1701: An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject [Chapter II. Rot. Parl. 12 & 13 Gul. III. p. 1. n. 2.],' in *Statutes of the Realm: Volume 7, 1695-1701*, ed. John Raithby (s.l: Great Britain Record Commission, 1820), 636-638. *British History Online*, accessed October 13, 2016, http://www.british-

to dismiss judges.[441] Another important definition for the state, of course, was the 1707 Union with Scotland. During the reigns of Charles II and James II, the kingdoms remained distinct. During the reign of William III and Mary, this was made more complicated as William was Stadtholder as well, with responsibility to England, Scotland and to the Netherlands. The Union with Scotland was an incomplete rationalization of the territories controlled by the English monarch. It can be seen from the titles that Queen Anne and Prince George used that the British monarchy also held authority over several non-contiguous that were not unified with England and Scotland, for example those in the Caribbean and North America known as the 'Plantations'.[442]

William III and Mary did use royal prerogative to directly define the state, although not to the same extent as Charles II or James II. Indeed their use of royal prerogative was limited to the use of the veto, rather than direct rule per se. From 1692 to 1696, William III vetoed five Acts of Parliament. These were the Judges, Royal Mines, Triennial, Place and MP Qualifications bills. In comparison, Charles II had vetoed only a 'handful' of bills, none of which sparked a political crisis, and Anne vetoed only one.[443] Further, the creation of new charters and the appointment of Royal Governors for the colonies following the Glorious Revolution, is another demonstration of the use of royal prerogative to define the state.[444]

Indeed, William's behaviour in other respects indicates that the Crown's working with Parliament was really quite restricted. Once he was monarch, William effectively took personal control of English foreign policy. Although originally he was willing to be

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history.ac.uk/statutes-realm/vol7/pp636-638.

441 Wells and Wills. 'Revolution, Restoration, and Debt Repudiation', 422.

442 Patent appointing Commissioners for Executing the Office of Lord High Admiral, 4 October 1712. NMM CAD A/3 f1., Warrant for Prince Lord High Admiral to wear the Standard of England when at Sea. NMM CAD A/3 f18.

443 J. J. Carafano, 'William III and the Negative Voice' *Albion: A Quarterly Journal Concerned with British Studies, Vol. 19, No. 4* (Winter, 1987), 510-11.

444 V.F. Barnes, 'The Rise of William Phips' *The New England Quarterly*, Vol. 1, No. 3 (Jul., 1928), 292-3

largely reliant on his English advisors, he became increasingly frustrated with them. He did not share his policies, intentions, or actions with Parliament. This continued even to the point that leading ministers were unaware that William III had joined England to the Grand Alliance.[445]

Defining the Navy

The Naval Administration

Following the Glorious Revolution, the Royal Navy's administration substantially changed. William III and Mary simply did not have the close relationship and were not as personally involved in the Navy's day-to-day administration as Charles II and James II had been. Further, following the resignation of Samuel Pepys, the Royal Navy did not have an effective administrative head. Individuals such as Lord Nottingham (as Secretary of State for Naval Affairs), Torrington and Russell had significant influence over the fleet but they lacked the strong connections to the King. Torrington was initially First Lord, followed by Russell from 1694, and the latter became even more influential when the Whigs came to power. After a political split between Nottingham and Russell following the Battle of Barfleur, Parliament backed Russell and the Admiralty.[446] Rodger argues that '[t]hroughout this period, [Parliament] judged the Navy by ideological, not practical, standards, and their interventions in naval affairs were often ignorant and vindictive.'[447] The admiralty commissions in place in the early 1690s were not effective and over the winter of 1692-1693, William became more personally involved in the coordination of the Anglo-Dutch joint naval effort in the Mediterranean while on the Continent.[448] In 1696, the King took personal control of the

445 G. Davies, 'The Control of British Foreign Policy by William III' in *Essays on the Later Stuarts* (San Marino: Huntingdon Library, 1958) 96-99.
446 Rodger, *Command of the Oceans*, 181-183.
447 Rodger, *Command of the Oceans*, 183.
448 J. Ehrman, 'William III and the Emergence of a Mediterranean Naval Policy 1692-1694', *Cambridge Historical Journal*, Vol. 9, No. 3 (1949), 272.

Royal Navy's administration, building on his earlier personal involvement.[449] However, his emphasis was strongly on grand strategy, rather than the lower-level administration that Charles II and James II had involved themselves in.

A Tory Admiralty appointed in 1699 lasted until 1702, when the King, sick of its petulance, appointed the Earl of Pembroke as Lord Admiral. He was replaced in May 1702 by Queen Anne's consort, Prince George of Denmark, who had an advisory council including Admiral George Churchill. The Earl of Pembroke was appointed Lord High Admiral again in 1708 following Prince George's death and after his resignation in 1709, a Board of Admiralty was again appointed with Earl Orford as First Lord. However, he was not a major member of the Cabinet. This changed in 1712 when the Earl of Strafford was appointed First Lord.[450] Further, in 1713, Queen Anne gave Parliament the authority to define what deployments were necessary for commerce protection.[451]

Ehrman argues that 'no competent naval authority existed after the simultaneous disappearance from the naval scene of Russell and Nottingham.'[452] This agrees with Rodger's argument that 'the Admiralty lost most of its responsibilities' after 1689, in parallel to the Navy Board's loss of prestige.[453] Rodger further argues that 'There was a partial vacuum in naval policy-making, and Parliament was slowly drawn into it'.[454] The analysis of the definitions created in this period does back up these arguments, however they are also put into perspective. It is entirely understandable that the Lord High Admiral or commissioners would be insubstantial following the Glorious Revolution, as the previously nearly thirty years was dominated by Charles II, James II and indeed by Pepys. The structures that existed prior to the Glorious Revolution, specifically the

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449 Ehrman, *The Navy in the War of William III,* 608.
450 Rodger, *Command of the Ocean,* 183-185.
451 Ibid.
452 Ehrman, 'William III and the Emergence of a Mediterranean Naval Policy 1692-1694', 493.
453 Rodger, *Command of the Ocean,* 187.
454 Rodger, *Command of the Ocean,* 186.

Admiralty, the Navy Board, Parliament and the Monarchy all existed following the

tumult. However, the system that had been in placed to manage the Admiralty prior to

1688 was erased. The deliberate and dramatic shift away from direct rule meant that it

could not be reconstituted with individuals politically acceptable to the new monarchs.

Further, the political shifts during the reign of William III and Mary made it impossible

to have any sort of real administrative stability. Consider that this was the period of the

'Rage of Party', of consistent political instability. That very political instability resulted

in appointments such as the political non-entity, the Earl of Pembroke, to First Lord

once and Lord High Admiral twice. The greatest period of stability during this period

was during Prince George's tenure as Lord High Admiral, and he could not have the

political presence to strongly direct the Royal Navy's development.

Despite the political weakness of the Admiralty and the Navy Board, this was a

critically important period of the Royal Navy's development, and in particular the

creation of foundations for professional permanence for Royal Navy officers.

Navy and the Monarchy

The task of imprinting the Stuart monarchy upon the restored English state had

been a relatively simple political task for Charles II. In the case of the Royal Navy, he

was able at a stroke to remove names that celebrated the interregnum and replace them

with royal names. The political situation for William III and Mary was more complex,

and they relied on their connections to Charles II to legitimize their reign. They engaged

in a propaganda campaign to legitimize their reign, beginning with the *Declaration of*

Reasons in October 1688, prior even to landing at Torbay.[455] The naming of warships

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455 T. Claydon, W*illiam III and The Godly Revolution (*Cambridge Cambridge University Press, 1996).
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with associations to the new monarchs needs to be considered in light of that campaign, as well as the precedents established by Charles and James II.

After the Glorious Revolution, the 'anti-sacred symbols' that embodied associations between James II and the Royal Navy had to be removed and associations with the new regime created. In some cases, ships did not have to be renamed. The *Sedgemoor* was wrecked in 1689, and the name was not reused.[456] For other ships, the symbols did have to be actively replaced. The *Royal James* was renamed in 1691 to *Victory*, after being extensively rebuilt. The first-rate *Prince* (1670) was rebuilt in 1692 and renamed the *Royal William*, the name she retained until broken up in 1813.[457] Similarly, the first-rate *Royal Charles* (1673) was renamed *Queen* in 1693 to celebrate Mary, and the name was retained until after the Hanoverian Succession.[458] This pattern continued, and in 1702 the *Duke* was renamed *Prince George* for Anne's consort. The first-rate *St Andrew* was renamed *Royal Anne* the next year.[459] This name was retained until being broken up in 1727.[460] In this way, and with the largest warships usually taking on the name of monarchs themselves, a post-Revolution identity was reinforced in the navy and one which in some ways extended even beyond the Hanoverian succession.

Following James II's example, William III named warships to honour his personal victories. Since William III was away on campaign when some ships were named, it is possible or even likely that Mary named or approved names in her husband's stead.[461] The newly built second-rate *Boyne* launched in 1692 was named for a victory over Jacobite forces in Ireland, for example. In 1693, the second-rate *Torbay*

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456 Winfield, *British Warships 1603-1714*, 120.
457 Lavery, *The Ship of the Line, Vol. 1*, 161.
458 Winfield, *British Warships 1603-1714*, 10, 12.
459 Winfield, *British Warships 1603-1714*, 33.
460 Winfield, *British Warships 1603-1714*, 9.
461 Davies, 'Saints and Soldiers: The Naming of Stuart Warships, c.1660-c.1714, Part 3.' *Gentlemen and Tarpaulins Blog*, http://gentlemenandtarpaulins.com/2012/08/20/saints-and-soldiers-the-naming-of-stuart-warships-c-1660-c-1714-part-3/

was named to celebrate where William III landed.[462] Another example was the second-rate *Association* (1697), named after the Loyalist Association following the assassination attempt of 1696. This important ship, which was Cloudesley Shovell's flagship in the Mediterranean, was lost in 1707 in the great navigation disaster which cost the Admiral his life.[463]

In addition to creating new symbols, the reuse of names specific to Charles II reinforced the historical connection and thus the legitimacy of William and Mary's succession. In particular, the *Royal Oak* (1674) retained her name through rebuilds in 1690 and 1713.[464] After the *Bredah* was wrecked in 1666, the name was reused for new ships built in 1670 and 1692.[465] That name was important to Charles II because it was where he had issued the Declaration of Breda.[466]

Navy and Nation

The expression of the Royal Navy's associations with the nation also perceptibly changed. Just as with the 1677 Thirty Ships programme, many of the ships built after the Glorious Revolution had geographic names. In the Twenty-Seven Ship program (which Parliament provided funding for in 1691), twenty-four of the ships built had geographic names.[467] For smaller warships such as fourth-rates, geographic names were used almost exclusively. There were 33 fourth-rate ships of 50 guns built between 1691

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462 Winfield, *British Warships 1603-1714*, 68-9.
463 Winfield, *British Warships 1603-1714*, 34; Davies, 'Saints and Soldiers'
464 Winfield, *British Warships 1603-1714*, 29, 61, 67, 82.
465 Winfield, *British Warships 1603-1714*, 106,66,74.
466 Commissions also played a role in creating associations between Royal Navy officers and the monarchs. Though it naturally changed with the circumstances, the language used in them remained remarkably similar from the 1680s right to the end of the period of this project. As just two examples among many, the commissions of Lt. Thomas Miles and Admiral Arthur Herbert in 1689 referred to 'their Majesties ship' and 'their Majesties service'. Commission for Lt. Thomas Miles, 1689. NMM ADL Q/22, Commission for Admiral Arthur Herbert, 1689 NMM ADL Q/20
467 The exceptions were the third-rates *Boyne*, which was named for William's victory, *Russell*, named for the Admiral, and *Torbay*, named for where William's forces landed. Winfield, *British Warships*, 68-69.

and 1697, all but one of which had a geographic name.[468] One change was 'a new wave' of Welsh warships names. For example, the name *Pembroke* was used for new ships in 1690, 1694 and 1710. There was also the 50 gun fourth-rate *Anglesea*, built 1694.[469]

The union of 1707 changed the nation that the RN represented, and there was some inconsistency in how it was represented in the documents. An illustration is an order-in-council from 1702 in which Prince George of Denmark was appointed Lord High Admiral of England, though Anne was referred to as 'Queen of England, Scotland, France and Ireland'.[470] A commission for councillors to serve as Commissioners executing the Office of Lord High Admiral in 1710, on the other hand, referred to Queen Anne 'of Great Britain'. The gentlemen and officers in question were named to execute the office of: 'Lord High Admiral of our Kingdom of Great Britain and Ireland, and of the dominions, islands and territories respectively belonging, and of our high Admiral of New England, Jamaica, Virginia', and of various other territories.[471]

This incomplete rationalization was also represented in the way that Royal Navy warship names created associations with territories following Union. The first Royal Navy warship *Edinburgh* was a former Royal Scottish Navy vessel transferred in 1707 and sunk as a breakwater in 1709. The name was reused in 1721 when the *Warspite* was renamed.[472] Also following the Union, the Scottish warship *Royal Mary* was brought into Royal Navy service as the *Glasgow*.[473] In comparison, very few warships were named for the other territories under the crown outside of Great Britain. Exceptions included the *Port Mahon,* a sixth-rate launched in 1711, and the *Jamaica,* a sloop

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468 The exception to the group was the *Centurion*. Winfield, *British Warships,* 130-139.
469 J.D. Davies, *Britannia's Dragon: A Naval History of Wales* (Stroud, the History Press, 2013), 57-58. Winfield, *British Warships,* 132-33.
470 Warrant for Prince Lord High Admiral to wear the Standard of England when at Sea. NMM CAD A/3 f18.
471 Patent appointing Commissioners for Executing the Office of Lord High Admiral, 4 October 1712. NMM CAD A/3 f1
472 Winfield, *British Warships 1603-1714,* 181. 83.
473 Winfield, *British Warships 1603-1714,* 204.

launched in 1714. These locations were important to the Admiralty even if they were associated with these very small warships that did not have the same symbolic weight of the first and second-rate ships discussed above. Indeed, in this period, there is evidence that the Admiralty was responsible for naming such smaller vessels.[474] In this period, there was some evidence of the Admiralty being responsible for naming small vessels, especially smaller ones. During the reign of Queen Anne, Admiral George Churchill was responsible for renaming three second-rate warships to *Marlborough*, *Blenheim*, and *Ramilies* to honour his brother, the Duke of Marlborough.[475] Yet this influence of an individual member of the naval hierarchy should not be confused with the expression of any sort of wider identity of the state.

The definition of Royal Navy identity and the creation of associations with the monarchy and the nation following the Glorious Revolution reflected important changes to the monarchy and to the state. This process was framed, adapted, and reinforced by the symbolic associations established by both Charles II and James II. Indeed, the naming of warships was an aspect of the Royal Navy where the monarchs retained at least strong symbolic associations, even as other aspects of the institution were increasingly integrated with the state.

Socio-Professional Developments

The Glorious Revolution had a significant impact on the Royal Navy officer profession. Those who were loyal to James II departed with him or were dismissed from the service. Dartmouth was imprisoned, while Strickland, Sir Williams Jennings, John Tyrwhitt and John Grimsditch were quickly dismissed on suspicion of being Roman Catholics. Patronage was an important part of regime change, because those who did

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474 Swingen, *Competing Visions of Empire*, Winfield, *British Warships 1603-1714*, 229, 205.
475 Davies, 'Saints and Soldiers'

not get along with Admiral Herbert also left. By 1689, twelve percent of Royal Navy captains had left the service. The same number left the next year so that in 1690 seventy-five percent of ships had Captains who had been commissioned under James II. Inevitably, for an officer to succeed, they needed to share the politics of their patrons, and this would shift political associations in the Royal Navy officer community.[476]

The extended periods of warfare following the Glorious Revolution further stimulated the development of the Royal Navy's socio-professional definitions. These new developments were closely linked to wartime and peacetime circumstances, the transition between them, and the management of Royal Navy officers as a professional resource. From 1701, volunteers-per-order were only required to have acted as midshipmen for a year, rather than paid as such, in order to qualify for the lieutenants' exam.[477] In 1703, the requirements changed again to four years at sea, with two years paid as a midshipman, but in 1710 this was modified so that three years' service as midshipman was again sufficient.[478] Also in 1710, an order-in-council stipulated that since lieutenants commissioned after 1697 (the 'commencement of the war') were not eligible for half-pay when not employed, they could serve aboard warships as midshipman-extra. From 1713, volunteers-per-order, and midshipmen-extra were no longer to be carried as supernumeraries, but rather within the complement and were also entitled to temporary canvas cabins.[479]

The continued development of policies regarding the employment of masters is another example. In 1692, it was established that masters were to be carried aboard sixth-rate warships on voyages abroad. However, on 7 Feb 1697/8 the Admiralty ordered commanders of sixth-rate warships and fireships be commissioned as 'Master

476 Rodger, *Command of the Ocean*, 201.
477 Corbett Papers NMRN Mss 121 v7 f98
478 Corbett Papers NMRN Mss 121 v7 f99, Order-in-Council 12 May 1703, NMM CLU/5, f161
479 Corbett Papers NMRN Mss 121 v7 f114

and Commander', and those ships not to carry masters in addition.[480] These two examples reflect the reality that professional development was not directional. As circumstances and needs changed, so did the Royal Navy's procedures. These changes reflect the moves made to adapt the existing socio-professional hierarchy and establishments to meet those circumstances. Importantly, these measures were entirely done using the Admiralty's authority, or orders-in-council, and so Parliament was not involved in these professional developments.

Following the Glorious Revolution, the Royal Navy continued to operate a large 'Home Fleet', which worked in cooperation with the Dutch as shown at the Battles of Beachy Head, Barfleur and La Hogue. In addition, in 1694 a combined Anglo-Dutch fleet operated in the Mediterranean.[481] However, the Royal Navy also built on the example of the long-term deployment to Tangiers. The fleet's expansion to a global sphere of operations was complicated by the development of operational patterns that involved multiple detachments, for example in the Mediterranean, and the Carribbean, and India. Each permanent detachment needed a senior officer, but unlike the fleets of the Anglo-Dutch Wars did not require the full spectrum of flag officers. For example, in 1698 Benbow was deployed to the Caribbean as a rear-admiral, and when he returned in 1702 he was promoted to vice-admiral of the white[482]. In his fateful last action as vice-admiral he had only seven ships under his command.[483]The creation of the rank of commodore meant that as many such officers could be commissioned to provide the required number of junior flag officers, without compromising the inherited structure of the fleet.

480 Corbett Papers NMRN Mss 121 v7 f121

481 'Bruijn, William III and His Two Navies' *Notes and Records of the Royal Society of London*, Vol. 43, No. 2, 'Science and Civilization under William and Mary' (Jul., 1989), pp. 117, 121-22.

482 Ehrman, *The Navy in the War of William III*, 608. Willis, *The Admiral Benbow: The Life and Times of a Naval Legend (*London: Quercus, 2010) 254-75.

483 Willis, *Admiral Benbow*, 289-295.

The development of the rank of commodore began with the practice of senior captains flying broad 'pennants of distinction'. In 1692, it was ordered that no captain could fly a 'pennant' without specific orders permitting them to do so, except in the Downs.[484] In 1693, Captain Peregrine Osborne Lord Danby as commander of the *Royal William* flew such a pennant, and was junior to the flag officers, yet 'stood with' them. In 1695, a Captain Hubbard commanded a squadron in the Soundings and flew a broad pennant. In 1697, a Captain Norris was ordered to fly a broad pennant when he commanded in Newfoundland. He also had a captain under him aboard his ship.[485] Like the ongoing definitions of the junior officer positions, the post of commodore resulted from ongoing pressures on the Royal Navy. Unlike them, it was not a formal post or rank, but specifically a temporary position.

This period also featured continued professional differentiation of the Royal Navy from both the merchant marine, and from the Land Forces. In the previous chapter, it was mentioned how captains' orders in the 1670s consistently specifically forbade them to carry merchant goods. Following the Glorious Revolution, that proscription was then included in the *General Instructions*.[486] This continued a process that had begun in the 1670s with both the restrictions on carrying merchant goods, but also the creation of officer qualifications that were both specific and internal to the Royal Navy. The officer profession developed symbiotically with the Royal Navy as an institution. It was more than simply the development of a military profession at sea, but one that reflected the stresses and responsibilities of the new Royal Navy. As such, the development of the Royal Navy officer profession did not represent the creation of some universal standard of naval officer but of a profession that fit alongside other English institutions. The symbiotic development of the Royal Navy officer profession

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484 Corbett Papers NMRN Mss 121 v7 f17-18
485 Corbett Papers NMRN Mss 121 v7 f17
486 'General Instructions' NMM CAD/A/16, f18.

with the navy as an institution included the differentiation of the Royal Navy from the land forces.

Prior to 1685, it was not necessary to define the Navy as an entity different from the Land Forces. The way that regiments were raised, effectively as private military forces was not too terribly different from how ships/fleets were put into service during the Anglo-Dutch wars. This made it possible for individuals to have commissions for both land and sea. Further, the army was very small prior to the Glorious Revolution. In 1686, James II had a larger army than had existed under his brother, but it only numbered 6,286.[487] The estimate put forward for William III's army for 1691 included 69,636 officers and men amongst regiments of foot, Dragoons and Horse. In comparison, the Navy's estimate called for 28,710 men for the Summer Fleet for eight months service, and 51,150 for the Winter Fleet for five months service. Of course, many individuals would serve in both the Summer and Winter fleet. The Estimate asked for payment for a further 7,071 men for 'cruisers and convoys', for commerce protection duties.[488] These estimates provide a notion of the scale of the British armed forces immediately following the Glorious Revolution.

The practice of officers holding commissions in both the Navy and Army was still sufficiently pervasive that the October 1693 treatise *Details Proving the Negligence of the Admiralty* chastised the Navy and the state for the handling of the Naval War to that point. Amongst the primary complaints was that

> chiefly Land Officers who have places on shore, as most of the present
> Commanders have, Some are Colonells, others Governors, Commissioners
> of the Navy, Lords of the Admiralty, Captains of Companies, Lieutenants
> and Ensigns, in y^e Guards and other Regiments, by which y^e Kingdom is
> Detrimented two ways, once by their ignorance of the sea, the other by the

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487 J. Miller, 'Catholic Officers in the Later Stuart Army' 39.

488 'House of Commons Journal Volume 10: 9 October 1690,' in *Journal of the House of Commons: Volume 10, 1688-1693*, (London: His Majesty's Stationery Office, 1802), 430-432. *British History Online*, accessed October 17, 2016, http://www.british-history.ac.uk/commons-jrnl/vol10/pp430-432.

neglect of their land employment, for they cannot be in two places at once.[489]

Concurrent commissions like this in the army and the navy affected both forces, and they were particularly impractical when fighting occurred on land and at sea at the same time. Such considerations encouraged greater differentiation of the Royal Navy, however, especially as personnel connections declined as the navy grew and fewer officers served in both.

The Marines provided another connection between the Royal Navy and the land forces. The creation of marine regiments during the reign of William III and Queen Mary placed soldiers aboard warships.[490] The professional association between Royal Navy officers and warfare ashore was promoted by the appointment of some of them as Colonels of marine regiments (known as Blue Colonels). For example, John Lord Berkeley was appointed a Colonel of Marine when he was commissioned Admiral of the Blue in 1694.[491] In 1696, Parliament legislated that 40,000 men was to be the maximum size of the Navy, and as a result that year's *Establishment for the Regiments of Marines* ordered the Marines to be considered part of that number.[492] In 1699, three regiments of foot (commander by Colonels Seymour, Mordaunt and Dutton Colt) were transferred to the Marines, while the two existing marine regiments (commanded by the naval officer Sir Cloudesley Shovell and the Marquess of Carmarthen) were combined into a single regiment.[493] This transfer demonstrated that there was at least some kind of recognized difference between the Navy and the land forces, in that the transferred regiments were not simply stationed aboard warships, but needed to become a Marine regiment in order to do so. Part of this difference at least was the financial responsibility

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489 '*Details Proving the Negligence of the Admiralty*' NMM CAD D/20, the treatise is bound and the entire volume.
490 'Marine Establishments' NMM CAD A/2 np.;
491 'Hardy's Navy List, 1673' NMRN, 3.
492 'Marine Establishments' NMM CAD A/2 np.;
493 Corbett Papers, NMRN, Mss 121 Vol 16, f15

for them, as when they were transferred they were specifically placed on the naval estimates.[494]

The Marines did present an issue aboard ships when it came to discipline. The jurisdiction and courts-martial powers of Marine officers were associated with the regiment and therefore extended ashore, unlike Royal Navy officers whose remit was physically limited by the *Articles of War*. In 1694, however, the Attorney-General and Solicitor-General ruled that, notwithstanding that Marine officers received their commissions from the King, they were still subject to the Navy's *Articles of War* when aboard ship.[495] Marine detachments in the fleet were not directly associated with the ship in the same way as seamen and officers were, but to the Regiment and the Regiment's account books.[496] This may account for why the *General Instructions* in the 1690s provided a mechanism for Marines to join the ships company, but no such measure for members of the ship's company to transfer to the Marine detachments.[497] Indeed in 1696, the Navy Board specifically mentioned the debts that could arise in a discussion of individual marines becoming sailors.[498] These measures also institutionally differentiated the Navy from the Regiments of Marines.

The Marines were also politically problematic, and in 1698, a request for money for the Navy and a number of marine regiments was specifically rejected by Parliament, although they provided funds for a greater number of sailors than had been requested in the estimates.[499] Accordingly, in 1699 the marine regiments were disbanded.[500] In 1701, six regiments of Marines were raised to a new Establishment, and placed under the command of the Land Forces, and they were paid not by the Treasurer for the Navy, but

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494 Ibid.
495 Corbett Papers, NMRN, Mss 121 Vol 16, f75
496 Corbett Papers, NMRN, Mss 121 Vol 16, f66
497 'General Instructions' NMM CAD/A/16, f5.
498 Corbett Papers, NMRN, Mss 121 Vol 16, f60
499 Rodger, *Command of the Ocean,* 183.
500 Corbett Papers, NMRN, Mss 121 Vol 16, f18-22

the Paymaster of the Forces.[501] This was found to be impractical and on 23 March

1702/3 they were put under the direct command of Prince George, the Lord High

Admiral.[502] At the same time, Brigadier Seymour's regiment was transferred to the

Marines, and Colonel Mordaunt's regiment to the list of foot regiments. This did include

a transfer from the Army's estimates to the Navy's and vice-versa.[503] This also required

structural changes, as marine regiments were structured differently than Land Forces

regiments.[504]

The further development of the process for the training and qualification of

junior officers, the creation of the rank of commodore, and the differentiation of the

Navy from the Army and from the Marines were critical because they demonstrate the

different ramifications of the processes begun prior to the Glorious Revolution, under

the new pressures of war. Further, the repeated and frequent creation of establishments

for marine regiments and their substitution for and with regiments of foot provides a

very different perspective on institutional development, one based entirely on orders and

royal prerogative, rather than statutory definitions. As such, Parliament's only method

for defining the Marines during this period was to provide or deny funding for them, as

they did in 1699.

Establishments

Following the Glorious Revolution, the management of the Royal Navy's assets,

such as the use of establishments, provides context for the professional development

described above. In particular, peace-time establishments demonstrate management of

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501 "Minute Book: May 1702," in *Calendar of Treasury Books, Volume 17, 1702*, ed. William A Shaw
(London: His Majesty's Stationery Office, 1939), 28-38. *British History Online*, accessed March 18,
2017, http://www.british-history.ac.uk/cal-treasury-books/vol17/pp28-38. Corbett Papers, NMRN,
Mss 121 Vol 16, f60
502 Corbett Papers, NMRN, Mss 121 Vol 16, f23
503 Corbett Papers, NMRN, Mss 121 Vol 16, f23-4
504 Corbett Papers, NMRN, Mss 121 Vol 16, f25-6

professional and material assets. During this period, the Royal Navy was dramatically expanded, from 173 ships displacing 101,892 tons in 1688, to 323 ships of over 160,000 tons in 1689.[505]

In 1699, the Admiralty defined an aspect of the *Establishment of Guardships*, which brought together various things including personnel and finance. The order defined the relationship between the number of officers, and their servants on guard ships. For example, the captain was allowed two servants, the three lieutenants were each allowed one, as were the warrant officers and the midshipman-extra. However, the midshipmen were not permitted any.[506] Another example was the *General Instructions* from 1699, which described the establishment for certain types of personnel aboard other warships. Labelled '*A Table of the Number of Inferiour officers allowed to His Majesty's Ships and Vessels in War and Peace, by the Establishment and Rules of the Navy now in Force'* it supplied the theoretical number of berths for midshipmen, masters' mates, quartermasters' mates, and many other positions including corporal, trumpeter and captain's clerk for peacetime, and wartime. This was provided for ships of the first through sixth rates, as well as smaller vessels such as 'Yachts and Bomb Vessels of 40 Men' and 'Ketches of 50 Men'.[507]

Likewise, the establishments for the marine regiments provided a framework for use in the creation and regulation of the material existence of those units. Like the Navy's establishments, they defined the personnel allowed for the unit, and other material and financial details. The establishment from 31 January 1688/89 created two marine regiments, of 15 companies each, with a strength of 8 sergeants, 8 corporals, 4 drummers and 200 privates per company. Two years later, the strength per company was halved. In July 1698, a further establishment created four regiments of 13 companies

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505 Ehrman, *The Navy in the War of William III*, xx.
506 Admiralty order, 13 June 1699. NMM CAD/B/12 f218-19
507 General Instructions, 1699 NMM CAD B/10 f31.

each, again with the strength of the companies halved. In 1701, six regiments were

raised to the former establishment. The 1703 establishment dictated that an officer who

was acting as both Colonel of the Regiment and as Captain of a unit would be paid ten

shillings per day, while each of the 700 private soldiers in the regiment were to be paid

five shillings and eight pence a week. With only minor adjustments to the strengths of

each company, the 1703 establishment remained in force until 1713 when the Marines

were again disbanded.[508]

These establishments provided a structure or framework with which consistent

purchasing and management decisions could be made. They were an important tool for

creating structural definitions for the Royal Navy, and they showed an active effort to

rationalize the management of the Navy's assets. Further, the Establishments were

devised by the Admiralty and the Navy Board, and so were created with their interests,

rather than Parliament's, in mind.

The continued development of the professional definitions and establishments

shows that although the Admiralty and Navy Board were politically weak, there was

still some continued development that was entirely on their behalf, and not implemented

by Parliament, even if this was in decline.

Statutory Definitions

Following the Glorious Revolution, the use of statutes to define the Royal Navy

focused on three issues: First were the geographic and operational limits which defined

the jurisdiction of the Lord High Admiral; second was the relationship between the

Royal Navy's legal processes and the English civilian judicial system; and the final

focus was Parliament's assumption of some of the responsibilities of the Admiralty. The

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508 'Marine Establishments', Navy and Marine Orders, 1660- 1712 NMM CAD/A/2 Unfortunately, this
section of the volume does not have page numbers.

development of the Royal Navy's statutory definitions reflected the definitions

contained within the original legislation, but also reflected the changed relationship

between the monarch and Parliament. They served to supplement the *Act for the*

Establishing Articles, and indeed to begin an incomplete integration of the Royal Navy

with the state. Parliament's direct definition of the Navy through statute in the 1690s is

a reflection of a politically weak Admiralty and of opportunities with which it was

presented.

In 1690, the first supplementary legislation was passed, *An Act concerning the*

Commissioners of the Admiralty. The *Act for the Establishing Articles* had set the office

of the Lord High Admiral as the Royal Navy's highest authority, and it was that office

which had the power to hold courts-martial or to commission others to do so. Charles I

had placed the Lord Admiral's office into a commission during the 1630s, and Charles II

did the same after 1673, and particularly from 1679-164.[509] This act provided a means

for Parliament to directly define the Navy and address the management void following

Samuel Pepys's resignation as Admiralty Secretary in 1689.[510]

The *Act concerning the Commissioners of the Admiralty* was composed of three

sections, the first of which included the main intent and explanation:

> Whereas the Office of Lord High Admirall of England hath at sundry times
> and for severall yeares beene executed and all the Authorities to the same
> belonging exercised by diverse Commissioners for that purpose appointed
> by their Majestyes and the late Kings but of late some doubt hath risen
> whether certaine Authorities belonging to the said Office of Lord High
> Admirall did or doe of Right belong to and might may or ought to have
> beene or be exercised by such Com[m]issioners for the time being Now for
> avoiding all such Doubts and Questions Bee it declared and enacted by the
> King and Queens most excellent Majestyes by and with the advice and
> consent of the Lords Spirituall and Temporall and Commons in this present
> Parliament assembled and by the authoritie of the same That all and singular
> Authorities Jurisdictions and Powers which by any Act of Parliament or

509 J.D. Davies, 'Pepys and the Naval Commission 1679-1684' *Historical Research*, Vol. 67, No. 147
510 'Lord High Admiral and Commissioners of the Admiralty 1660-1870,' in *Office-Holders in Modern Britain: Volume 4, Admiralty Officials 1660-1870*, http://www.british-history.ac.uk/office-holders/vol4/pp18-31

otherwise have beene and are lawfully vested setled and placed in the Lord High Admirall of England for the time being have alwayes appertained to and of right might have beene and may and shall be had enjoyed used exercised and executed by the Commissioners for executeing the Office of High Admirall of England for the time being according to their Commissions to all intents and purposes as if the said Co[m]issioners were Lord High Admirall of England.[511]

This was followed by a clause that clarified that the jurisdiction and authority defined in *An Act for the Establishing Articles* was not altered, and by a third section which set out an oath to be taken prior to courts-martial.[512] This legislation normalized and provided formal statutory approval of the practice Charles II had used at the end of his reign. The bill had been the focus of some discussion in Parliament, which demonstrates the important of the issue. After some debate in the Commons and the Lords and amendments and additions, the legislation simply normalized, and provided formal statutory approval of, the practice at the end of the reign of Charles II.

This act is an important indication of the closer integration of the Royal Navy's administration into the state. On 10 November 1691, Admiral Russell appeared in the House of Commons, on orders from the commissioners. The House of Commons then ordered the Commissioners should 'upon *Saturday* Morning next, [to] lay before this House the several Orders that have been issued to Admiral *Russell*, during the last Summer's Expedition,' and 'lay before this House, upon *Saturday* Morning next, a List of the Ships that have been lost or damaged since the Year 1688, and of the Captains Names of the same.'[513]

This relationship is again shown on 11 January 1693, when the House of Commons debated 'Advice to the King' regarding the Commissioners for the Officer of

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511 'William and Mary, 1690: An Act concerning the Comissioners of the Admiralty. [Chapter II. Rot. Parl. pt. 3. nu. 1.],' in *Statutes of the Realm: Volume 6, 1685-94*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 218, accessed January 9, 2015, http://www.british-history.ac.uk/statutes-realm/vol6/p218

512 Ibid.

513 'House of Commons Journal Volume 10: 10 November 1691,' in *Journal of the House of Commons: Volume 10, 1688-1693*, (London: His Majesty's Stationery Office, 1802), 549-550. *British History Online*, accessed October 17, 2016, http://www.british-history.ac.uk/commons-jrnl/vol10/pp549-550.

Lord High Admiral. It was moved that Parliament form a commission, which would be responsible for issuing orders to the fleet: '*Resolved*, That his Majesty be humbly advised, That, for the future, all Orders for the Management of the Fleet do pass through the Hands of the Commissioners for executing the Office of Lord High Admiral of *England*'.[514] This was a reflection of the conflict between the Commons and the Lords, with the House of Commons backing Russell and the Admiralty.

The passage of the Act did not result in the elimination of the office of Lord High Admiral as a working office, as shown by Queen Anne's appointment of her consort Prince George, and also the Earl of Pembroke.[515] Procedures surrounding the office also continued to be refined. During the reign of Queen Anne, the office of Lord High Admiral was declared in Council, and Letters of Patent for the office were also issued to Prince George of Denmark.[516] Beginning in the 1694, the Commissioners for execution of the Office of the Lord High Admiral covered not just England, but the Plantations as well.[517] Other forms of the office included The Earl of Pembroke's appointment as Lord High Admiral of England, and Ireland in 1701.[518] Further, after the union of 1707, it became the Office of the Lord High Admiral of Great Britain.[519] Following her consort's death, Queen Anne was to the first to hold the office, before appointing the Earl of Pembroke again.[520]

That the office was held alternatively by an individual or by commission like this is an important example of the relationship between statutory and convention

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514 'House of Commons Journal Volume 10: 11 January 1693,' in *Journal of the House of Commons: Volume 10, 1688-1693*, (London: His Majesty's Stationery Office, 1802), 774-775. *British History Online*, accessed October 17, 2016, http://www.british-history.ac.uk/commons-jrnl/vol10/pp774-775

515 'Lord High Admiral and Commissioners of the Admiralty 1660-1870,' in *Office-Holders in Modern Britain: Volume 4, Admiralty Officials 1660-1870*, http://www.british-history.ac.uk/office-holders/vol4/pp18-31

516 Letter Patent appointing Prince George as Lord High Admiral NMM CAD/A/2 np.

517 Corbett Papers NMRN Mss 121 vol 7, f8.

518 Letter Patent, 1701. CAD/A/2 np.

519 NMM CAD/A/2 np.

520 'Lord High Admiral and Commissioners of the Admiralty 1660-1870,' in *Office-Holders in Modern Britain: Volume 4, Admiralty Officials 1660-1870*, http://www.british-history.ac.uk/office-holders/vol4/pp18-31

definitions. The ability to put the office of Lord High Admiral into commission was a matter of royal prerogative; the King did not need Parliament's permission to do so. This can be seen as Parliament's endorsement of that potential, which therefore became part of the definition of the institution. It is not a question of the relative merits of each approach, as the Earl of Pembroke was a 'weak' Lord High Admiral, and the various commissions following the Glorious Revolution were similarly 'weak'. The placement of the office into commission certainly allowed for Parliament to have a greater say over the Admiralty. However as the creation of the statutes described below will show, having that say did not require direct control of the Admiralty. The effectiveness of either format directly corresponded to the qualities of either the Lord High Admiral or the Commissioners. The creation of this act is less important for its actual content than for revealing parliament's active role in the creation of definitions for the Navy, and the assertion of its ability to continue to develop those definitions that Parliament had created following the Restoration.

In 1694, the *Act for the better discipline of theire Majesties Navy Royall* redefined the legal relationship between the Navy's and the State's judicial processes. The Act stated that after 24 June 1694, all actions that contravened the 1661 *Articles of War* could be

> prosecuted tryed and determined in theire Majesties Court of Kings Bench att Westminster or before Justices of Oyer and Terminer to be constituted by theire Majesties Comission which said Court or Courts are hereby impowered to hold cognizance thereof by Informac[i]on or Indictment and to proceede upon heare try and determine the same according to the course of the Co[m]mon Lawe of this Realme.[521]

This act is a good example of what Rodger referred to as Parliament's 'vindictive' interference in the Royal Navy's development. This statutory definition was a reaction

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521 'William and Mary, 1694: An Act for the better discipline of theire Majesties Navy Royall [Chapter XXV Rot. Parl. pt. 5. nu. 5.],' in *Statutes of the Realm: Volume 6, 1685-94*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 507, accessed January 9, 2015, http://www.british-history.ac.uk/statutes-realm/vol6/p507a

to the events following the Battle of Beachy Head. Admiral Lord Torrington had commanded the joint Anglo-Dutch fleet in that defeat, following which he was imprisoned in the Tower of London. He was also court-martialled, but was subsequently acquitted.[522] This bill was a reaction to circumstances, but it was also substantially different in purpose than the previous statutory definitions in that it sought to provide the state greater oversight over the Navy and its officers.

The bill was written by Paul Foley, MP, who was a member of the 'Country Whigs' and in opposition to the 'Court party' during this phase.[523] On 18 January 1694, Foley was ordered to 'prepare and bring in' the bill, which upon review was passed without amendment by the House of Lords, and subjected to a few amendments in committee.[524] The bill received Royal Assent on 23 April 1694, which provided two months for the Act to be distributed to the fleet before it took effect.[525] This redefined the Royal Navy as subject to the Court of King's Bench, and allowed for charges to be brought against individuals who had committed offences even if the Royal Navy was unwilling to hold courts-martial.

This act did not really bring the Navy into the civilian justice system, however. Rather, it allowed the Court of King's Bench to assert jurisdiction in the way that the Navy was expressly forbidden to do.

> And be it further enacted That where any of the said offences shall be co[m]mitted out of this Realme in such case the same may be alledged and laid in any County within this Realme.[526]

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522 Copies of papers relating to the court martial of Arthur, Earl of Torrington, TNA ADM 7/831

523 N. E. Key, 'Foley, Paul (1644/5–1699)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, May 2008 [http://www.oxforddnb.com/view/article/9787, accessed 9 Jan 2015]

524 'House of Commons Journal Volume 11: 18 January 1694,' in J*ournal of the House of Commons: Volume 11, 1693-1697* (London: His Majesty's Stationery Office, 1803), 62-63, accessed January 9, 2015, https://www.british-history.ac.uk/commons-jrnl/vol11/pp62-63

525 'House of Commons Journal Volume 11: 23 April 1694,' in *Journal of the House of Commons: Volume 11, 1693-1697* (London: His Majesty's Stationery Office, 1803), 169-170, accessed January 9, 2015, https://www.british-history.ac.uk/commons-jrnl/vol11/pp169-170

526 'William and Mary, 1694: An Act for the better discipline of theire Majesties Navy Royall' in *Statutes of the Realm: Volume 6, 1685-94,* http://www.british-history.ac.uk/statutes-realm/vol6/p507a

These two sections created a possible conflict with the creation of two separate courts

with jurisdiction over the same offences. However, these issues were also resolved.

First, while the Court of King's Bench was given jurisdiction over offences committed

at sea, this was limited to offences against the *Articles of War*. The matter of possible

double jeopardy, was resolved through the final section of the act.

> Provided alwaies That noe person who shall be tryed in a Court Martiall
> shall for the same offence be againe tryed by virtue of this Act nor shall any
> person tryed by virtue of this Act be for the same offence tryed againe by a
> Court Martiall.[527]

This section confirmed the separation of court systems, but it locked them into a unified

framework that ensured that conflicts between them would be minimal.

Unlike the *Act for Establishing Articles,* but like the *Mutiny Acts* passed by

William and Mary, the 1694 *Act for Better Discipline* included a sunset.

> Provided alsoe that this Act shall continue in Force for Three yeares and
> from thence to the end of the next Session of Parliament[528]

It duly expired in July 1698, at the end of William and Mary's fourth parliament and was

not renewed. Indeed further integration of this type was not implemented until the

1740s, as is discussed in the final chapter of this thesis. This act still did build upon the

Act for the Establishing Articles in that it was a response to an established statutory

definition. This action of Parliament asserting the state's authority not just over the

creation of definitions for the Navy, but also particular aspects of its operation has to be

considered along with other such statutory definitions created during this period.

Other acts were also created in which Parliament directly defined the Navy's

operations, rather than its structural aspects. In 1694, Parliament passed the *Act for

granting to theire Majesties severall Rates and Duties upon Tunnage of Shipps and

Vessells and upon Beere Ale and other Liquors for secureing certaine Recompenses and*

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527 Ibid.
528 Ibid.

Advantages in the said Act mentioned to such Persons as shall voluntarily advance the

summe of [£1,500,000] towards the carrying on the Warr against France. This is the act

that created the Bank of England, after the state was unable to raise funds from private

lenders. It also continued precedent by levying taxes, as had been done in earlier

legislation to fund the Navy and the war following the Glorious Revolution. The act did

indeed specifically mention the Royal Navy, first addressing earlier funding

appropriations, and then specifically setting funding aside for the payment of wages for

the it and for the Marines.[529]

    In these cases, the importance is not in the texts of the acts necessarily, but in the

existence of the acts themselves together with the earlier orders-in-council. During the

reign of William III and Mary, a series of legislation actively defined the Royal Navy's

operational duties and other featyres. Several times, these definitions were tied to

financing. In 1694, the *Act for granting to Their Majesties an Aid of Foure Shillings in*

the Pound for One yeare for carrying on a vigorous War against France was passed

ehich required that:

> for the better secureing the Trade of this Kingdom be it further enacted by
> the authority aforesaid That over and above the Ships of Warr for the Line of
> Battle and for Convoys to remote parts att least Foure Ships of the third rate
> Sixteen Ships of the Fourth Rate Thirteen Ships of the fifth rate and Ten
> Ships of the Sixth Rate shall be from time to time directed and
> appointed...[530]

This instruction did not stand alone, as the next section specified that

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529 'William and Mary, 1694: An Act for granting to theire Majesties severall Rates and Duties upon
    Tunnage of Shipps and Vessells and upon Beere Ale and other Liquors for secureing certaine
    Recompenses and Advantages in the said Act mentioned to such Persons as shall voluntarily advance
    the summe of [£1,500,000] towards the carrying on the Warr against France:- [Chapter XX. Rot. Parl.
    pt. 4. nu. 3.],' in *Statutes of the Realm: Volume 6, 1685-94,* ed. John Raithby (s.l: Great Britain Record
    Commission, 1819), 483-495, accessed November 18, 2015, http://www.british-history.ac.uk/statutes-
    realm/vol6/pp483-495
530 'William and Mary, 1693: An Act for granting to Their Majesties an Aid of Foure Shillings in the
    Pound for One yeare for carrying on a vigorous War against France [Chapter I. Rot. Parl. pt. 1.],' in
    Statutes of the Realm: Volume 6, 1685-94, ed. John Raithby (s.l: Great Britain Record Commission,
    1819), 426-442, accessed January 10, 2015, http://www.british-history.ac.uk/statutes-
    realm/vol6/pp426-442

> Provided always and be it enacted That nothing in this Act contained shall restrain or be construed to restrain the Lord High Admiral of England or the Commissioners for executing the office of the Lord High Admiral of England for the time being from directing any of the Ships appointed by this Act to be Cruisers to bee employed in the Line of Battle in cases of great necessity.[531]

So although Parliament was funding the Navy, and specifically defining some aspects of its operations, and therefore at that time assuming part of the authority of the Admiralty to define the fleet's disposition, it was not attempting with this act to permanently seize that aspect of the Admiralty's authority. The same year, these instructions were also addressed in the 1694 act addressed above creating the Bank of England.

> That for the better secureing the Trade of this Kingdome over and above the Shipps of Warr for the Line of Battell and for Convoys to remote parts att the least Four Shipps of the third-rate Sixteene Shipps of the Fourth Rate Thirteene Shipps of the fifth-rate and Tenne Ships of the Sixth Rate shall be from time to time directed and appointed by the Lord High Admirall of England or Co[m]missioners for executeing the said Office for the time being to such proper Stations as they shall deeme mete to cruise for secureing the Merchant Shipps in theire goeing out and returneing home[532]

However, this was not the full extent of the act. Having created such instructions for the Admiralty, Parliament required the Lord High Admiral or the Commissioners to report back:

> That the Lord High Admirall of England or the Co[m]missioners for executeing the Office of Lord High Admirall of England for the time being shall and are hereby respectively required to exhibitt to the Co[m]mons... the Shipps by him or them respectively sett out in pursuance of the said recited Clause expressing therein the Names and Rates of the Ships sett out and the times when by him or them respectively ordered as alsoe the Stations to which they were directed and the Times how long they were continued att Sea in that Service[533]

This clearly demonstrates both the weakness of the office of the Lord High Admiral in this period, and Parliament's willingness to step and define the Navy.

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531 Ibid.
532 'William and Mary, 1694: An Act for granting to theire Majesties severall Rates and Duties' in *Statutes of the Realm: Volume 6, 1685-94*, http://www.british-history.ac.uk/statutes-realm/vol6/pp483-495
533 Ibid.

In 1707, Parliament again actively and directly intervened to stipulate the Royal Navy's commerce protection deployments with *An act for the better securing the Trade of This Kingdom by Convoys and Cruisers.*

> Over and above the Ships of War for the Line of Battle and for Convoys to remote parts at least forty three ships of War be imployed as Cruisers in Proper Stations vis. Six Ships of the third-rate, and Twenty Ships of the Fourth Rate and Thirteen Ships of the fifth-rate and Four ships of the Sixth rate...[534]

Further, it provided specific directions to the Admiralty on how those ships were to be managed, careened, and maintained. For example, crew from designated cruisers were not to be transferred to serve aboard other Royal Navy ships.[535] Even when replicated instructions contained in the *General Instructions,* their inclusion in this act is noteworthy because they are the Admiralty's business even more so than setting deployments.

In 1707, the situation was somewhat different because Prince George was Lord High Admiral. However he too was politically weak and was not a member of the Cabinet.[536] So although the organization of the Admiralty's senior leadership was different, the practical effect- Parliament creating definitions due to the Admiralty's lack of leadership- was similar.   Further, in 1713, even though the Earl of Strafford was First Lord of the Admiralty and a member of Cabinet, Queen Anne specifically delegated the authority to define deployments for 'Convoys and Cruisers' to Parliament.[537] She was not involved in the creation of strategy as William III had been; this delegation of the Admiralty's authority to Parliament makes sense given the precedents established by the previous acts. One of the most important details of these pieces of legislation is their duration. In the cases of the tax legislation, they were to

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534 HMSO, *Statutes of the Realm Vol 8. 1702-1707,* 811
535 HMSO, *Statutes of the Realm Vol 8. 1702-1707,* 812-813
536 Rodger, *Command of the Ocean,* 185.
537 Rodger, *Command of the Ocean,* 183.

apply while it was in force. The final clause of the 1707 act specifically defined the act as '[continuing] during this war and no longer.'[538] Parliament was not permanently defining this authority as theirs, much like Anne's later instruction was one of royal prerogative and could have been rescinded.

Statutes and Conventions Together

Parliament's creation of statutes to define the Navy did not only serve to temporarily use the Admiralty's authority; the redistribution of power amongst Parliament, the Admiralty and the Navy Board resulted in the creation of statutes and conventions that together created new frameworks for the Navy. These developments illustrate how all three actors worked to define different aspects of the Navy's attributes.

In December 1690, Parliament debated and voted to fund the building of 27 warships. The *Act for Granting to their Majesties severall Additional Duties of Excise upon Beere Ale and other Liquors for foure yeares...*, directly built upon the 1677 *Act for ... the speedy building Thirty Shipps of Warr*, and contained specific language regarding tonnages:

> And whereas the Encrease of the Navall Strength and Force of this Kingdome is one of the best and most effectuall means for carrying on the Warr against France and for maintaining the Honour and Safety of the Realme ... all Moneys to be collected levyed and paid by vertue of this Act shall be applyed to the uses following (that is to say) the Summe of five hundred and seventy thousand pounds part thereof shall be applyed and appropriated and is hereby appropriated for the Building and for the Guns Rigging and other Furnishing of seven and twenty Shipps of Warr whereof seventeene to be of the third-rate and to containe and measure eleven hundred Tuns or thereabouts and to carry eighty Guns apiece and ten to be of the fourth Rate and to containe and measure nine hundred Tuns or thereabout and to carry sixty Guns apiece.[539]

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538 HMSO, *Statutes of the Realm Vol 8. 1702-1707*, 813.

539 'William and Mary, 1690: An Act for Granting to their Majesties severall Additional Duties of Excise upon Beere Ale and other Liquors for foure yeares from the time that an Act for doubling the Duty of Excise upon Beere Ale and other Liquors dureing the space of one yeare doth expire. [Chapter X. Rot. Parl. pt. 3. nu. 9.],' in *Statutes of the Realm: Volume 6, 1685-94*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 238-243, accessed December 15, 2015, http://www.british-history.ac.uk/statutes-realm/vol6/pp238-243

In this act, Parliament continued to exercise authority that, under the terms of the definitions created in 1661, belonged to the Navy Board and the Admiralty, but also reflected the more complicated division of authority in 1677.

However, another precedent would take priority, that of the creation of the *Establishments of Dimensions*. This built on the existing Establishments and it also retrieved some of the authority for the Navy Board and Admiralty that Parliament had assumed in the 1677 and 1690 acts. On 7 January 1702 there was issued 'An Order-in-Council... Establishing the Number of Men, & Guns for her Majestys Ships of War'.[540] This resulted in the further issue of *An Establishment of Men and Guns for her Maties Several Ships from the First to the Sixth Rate Inclusive* which underlines the standardization of the Royal Navy. Unlike the 1677 *Establishment of Guns*, which only addressed the thirty ships of the building program, the 1703 version addressed the main classifications of ships in service. The classifications were divided primarily by rate, and then within that rate by the number of guns. For example, the classification of fifth-rate included ships with forty-two, thirty-six, thirty-two and twenty-eight guns.[541] This was further altered in 1716, and the most important difference was that the classification system was altered, to reflect the creation of the *Establishment of Dimensions*.[542]

The *Establishment of Dimensions* was an important legacy of Prince George's tenure as Lord High Admiral, and they were first created in 1706. This establishment created a framework which was divided into tranches according to the number of guns carried, from 90 gun second rates, through several categories down to those ships of 50 guns, and then of 40 and 30 guns. Within the 1706 *Establishment of Dimensions,* only the most significant measurements were specified, building on the specifications contained in the 1677 and 1690 statutes. First rates were not included, because they

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540 Order-in-Council, 7 Jan 1702. NMM CLU/5, f157
541 Corbett Papers NMRN Mss 121 v14, 139.
542 Corbett Papers NMRN Mss 121 v14, 149.

were so very different from each other. For example, following the Restoration the *Royal Sovereign* (formerly *Sovereign of the Seas*), *Royal Charles* (formerly *Naseby*), and *Royal James* (formerly *Richard*) were all first-rates but had 102, 90 and 70 guns respectively.[543] By the beginning of the eighteenth century, Royal Navy first-rates all had approximately 100 guns, but were designed and built on an individual basis.

The 1677 and 1690 acts had been created in order to provide funding and authority to build new warships. In comparison, the *Establishment of Dimensions* like *the Act for the Increase and Encouragement of Seamen* provided a set of rules to use when were required. Specifically, these provided a framework for use in the building of new warships or rebuilding of existing warships, but the creation of the establishments or the amendments thereof were not supposed to trigger the building or rebuilding of ships to those dimensions. Further, the *Establishment of Dimensions* did not necessarily reflect the actual material state of the Navy's various warships, much less the consistency of design in any single category. The pace of rebuilds and regular amendments meant that the consistency was never fully achieved.

The creation of theoretically permanent, conceptual standards for the Royal Navy's fleet was not intended to stifle the creativity of its naval architects, of course, but rather to improve the material consistency of the fleet. Importantly, they also represent an area of authority which the Navy Board and Admiralty reclaimed from Parliament.

Following the Glorious Revolution, Parliament also became much more involved in regulating the Royal Navy's financial assets. One aspect of this was the annual presentation of Estimates to Parliament, as has been mentioned above. Although superficially, the monarchs remained financially responsible for the navy (and military forces in general) that Parliament was financially responsible for military spending can be seen by the large number of tax statutes which voted funds to William III and Mary

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543 'The Settlement of the Navy at the Coming in of Charles the Second' NMM CLU/9, f5.

for the war effort. Parliament also had a direct role in defining both the Royal Navy and

the land forces through the estimates, or budgets, which were presented to Parliament.

For example, an Estimate from 23 March 1689 was read into Parliamentary Records on

26 March.

> Navy Office, 23 March 1688-9.
> An ESTIMATE of the Charges of the Wages, Victuals, and Wear and Tear,
> for One Year, of Fifty Ships of War, of the Second, Third, Fourth Rates;
> Fifteen small Ships, and Eight Fire-ships, as by a List thereof apart, to be
> employed in the narrow Seas, and *Mediterranean*; and also of One Third,
> Nineteen Fourth, Two fifth-rates, and Two Fire-ships, for the Plantations and
> Convoys; according to a Project thereof herewith presented...[544]

On the same day, the land forces had their estimate presented to Parliament, and again,

in October of 1690, another navy estimate was presented to Parliament.

> Then Sir *Thomas Lee*, one of the Commissioners of the Admiralty,
> acquainted the House, That he had, by his Majesty's Order, an Estimate of
> the Navy for the Year ensuing, including the Ordnance, to present to the
> House: And he delivered the same in at the Clerk's Table: Where the same
> was read; and is as followeth;
> An ESTIMATE for the Charge of the Navy for the Year 1691, and building
> some Ships; in which the Ordnance is concluded.

	Men.	Months.
Summer Fleet	28,710	for 8
Winter Fleet	51,150	5
Convoys and Cruisers, being, for various Months, reduced to	7,071	13
	£.	*s.*	*d.*
Which, being reduced to Thirteen Months, amounts to Twenty-nine thousand and Twenty-six Men for that Time; and, in Money, to	1,603,686.	10.	-
Ordinary Charge of the Navy	100,000	-	-
Building Three Third-rate Ships, Eight Fireships, Eight Ketches, and a Dock at *Plymouth*,	88,008	11	6
Total	1,791,695	1	6[545]

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544 'House of Commons Journal Volume 10: 26 March 1689,' in *Journal of the House of Commons: Volume 10, 1688-1693*, (London: His Majesty's Stationery Office, 1802), 65-66. *British History Online*, accessed August 28, 2016, http://www.british-history.ac.uk/commons-jrnl/vol10/pp65-66.

545 'House of Commons Journal Volume 10: 9 October 1690,' in *Journal of the House of Commons: Volume 10, 1688-1693*, (London: His Majesty's Stationery Office, 1802), 430-432. *British History Online*, accessed August 24, 2016, http://www.british-history.ac.uk/commons-jrnl/vol10/pp430-432.

The Estimates built on the precedent of the 1677 *Act for the Speedy Building* by providing more details to Parliament as to specifically where the money was to be spent. The use of these estimates provided direct ways in which the Parliament could contribute to definitions for the Navy, although the Estimates rarely reflected actual spending. One example of that was the 1699 Estimates where parliament rejected funding for Marines and instead voted for additional funding for Sailors instead.[546]

Members of the Royal Navy officer profession were increasingly treated as assets like warships, to be individually or collectively laid up when not actively employed. While previously the Navy Board's care for warships not in service provided a physical aspect of institutional permanence, in this period, statutory definitions and conventions were used together in order to manage the officers as assets. The systematic expansion of these measures also provided an enduring mechanism for professional identity to continue to exist even when officers or sailors were not actively employed.

The land forces and Navy were considered together for the purpose of providing funds to the Monarchs, through various Taxes acts, which for example supported the 'vigorous prosecution of war against France'.[547] However, estimates for the Royal Navy and army were presented to Parliament separately.[548] Other acts, such as the *Acts For the Encouragement of Seamen* of 1695 and 1696, which legislated that seamen and officers should be registered for future service in the Navy, did not address the land forces at all.[549]

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546 Rodger, *Command of the Ocean*, 183.
547 'William and Mary, 1691: An Act for Granting an Aid to Their Majesties of the Sum[m]e of Sixteene hundred fifty one thousand seven hundred and two pounds eighteen shillings towards the Carrying on a Vigorous Warre against France. [Chapter V. Rot. Parl, pt. 3.],' in *Statutes of the Realm: Volume 6, 1685-94*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 259-301, accessed January 16, 2015, http://www.british-history.ac.uk/statutes-realm/vol6/pp259-301
548 'House of Commons Journal Volume 10: 11 January 1693,' in *Journal of the House of Commons: Volume 10, 1688-1693*, http://www.british-history.ac.uk/commons-jrnl/vol10/pp774-775
549 'William III, 1695-6: An Act for the Increase and Encouragement of Seamen' *Statutes of the Realm Volume 7, 1695-1701*,http://www.british-history.ac.uk/statutes-realm/vol7/pp98-102.; William III, 1696-7: An Act to enforce the Act for the Encrease and Encouragement of Seamen. [Chapter XXIII. Rot. Parl. 8 & 9 Gul. III. p. 8. nu. 1.],' in *Statutes of the Realm: Volume 7, 1695-1701*, ed. John Raithby (s.l: Great Britain Record Commission, 1820), 257-259, accessed January 8, 2015,

The 'convention' part of this aspect of financial planning was the systematic implementation of half-pay. The precedents for half-pay had been established under Charles II. This was effectively limited to the most senior officers. From 1690, half-pay was re-established. This provided the foundation for an enduring mechanism for managing Royal Navy officers as assets in both wartime and peacetime. It was also critical for the creation of socio-professional permanence and therefore also contributed to socio-professional differentiation.

In December 1690, a further order-in-council expanded pensions for officers[550] Finally in 1693, another order-in-council 'settled half-pay to sea officers in time of Peace'. This document not only awarded half-pay to sea officers, which would include Flag officers, Captains, Commanders and Lieutenants, but also ordered that half-pay would be part of the Navy's ordinary estimate, that is to say its annual budget.[551] In 1700, another order-in-council expanded upon half-pay by further defining the regulations, and expanding upon the purpose of the practice.[552] This was to place limits on the numbers of officers who could qualify for half-pay, and accordingly it included further regulations. For example, officers would be ineligible for half-pay if, after leaving the Navy, they signed aboard merchant vessels, making them unavailable to serve. Also, officers with 'Public Employment' were ineligible.[553] In March 1705, half-pay was expanded again, to the lieutenants of the largest ships for the times when unemployed, subject to the same requirements as the earlier order.[554] These orders were replaced in 1713, and that establishment of half-pay expanded on again in 1715.[555]

http://www.british-history.ac.uk/statutes-realm/vol7/pp257-259
550 Order-in-Council, 11 Dec 1690 NMM CLU/5, f89
551 Order-in-Council, 23 Feb 1693 NMM CLU/5, f99-104
552 Order-in-Council, 18 April 1700 NMM CLU/5, f131
553 Order-in-Council, 18 April 1700 NMM CLU/5, f135-137
554 Order-in-Council, 29 March 1705 NMM CLU/5, 171-173
555 Order-in-Council 15 Sept 1715 NMM CLU/5, f203

The statutory aspects of these developments were the *The Act for the Increase and Encouragement of Seamen* from the Parliamentary session 1695/96 and the next year's *Act to enforce the Act for the Encrease and Encouragement of Seamen.* The preamble for the former act states:

> Forasmuch as the Strength and Safety of this and other His Majesties Realmes and Dominions doe very much depend upon the furnishing and supplying of His Majesties Royall Navy with a competent number of able Mariners and Seamen which may bee in a Readinesse att all tymes for that Service.[556]

These acts, like other legislation that affected the Royal Navy, but unlike the *Mutiny Acts,* worked so that the later act supplemented and reinforced the former, rather than supplanting it. The fourth section of the earlier act defined the maximum number of the sailors that could be registered and the framework for doing so:

> And bee itt further enacted by the Authority aforesaid That in every or any Yeare computeing the Yeare to beginne from the First day of January dureing which the whole Number of registred Seamen there alive or in being shall not exceed Thirty thousand and every such Seaman entred registred as aforesaid shall have paid and allowed to him from His Majesty His Heires and Successors (whether hee bee in actuall Service or not).[557]

It also specifically defined the retainer to be paid as forty shillings a year, of which sixpence was to be deducted monthly, to be paid to Greenwich Hospital to which those so registered had priority access.[558] The same year, the connection to the hospital was reflected in an order from the 'Commissioners Executing the Office of Lord High Admiral' who directed the Treasurer of the Hospital to receive those funds.[559] The latter act provided clarifications on the former, including the eligibility of those over the age

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556 'William III, 1695-6: An Act for the Increase and Encouragement of Seamen' in *Statutes of the Realm: Volume 7, 1695-1701*, http://www.british-history.ac.uk/statutes-realm/vol7/pp98-102

557 'William III, 1695-6: An Act for the Increase and Encouragement of Seamen' in *Statutes of the Realm: Volume 7, 1695-1701*, http://www.british-history.ac.uk/statutes-realm/vol7/pp98-102

558 'William III, 1695-6: An Act for the Increase and Encouragement of Seamen. [Chapter XXI. Rot. Parl. 7&8 Gul.III.p.5.nu.7.],' in *Statutes of the Realm: Volume 7, 1695-1701*, ed. John Raithby (s.l: Great Britain Record Commission, 1820), 98-102. *British History Online*, accessed August 18, 2016, http://www.british-history.ac.uk/statutes-realm/vol7/pp98-102.

559 Admiralty Order, 3 September 1696. NMM CAD/B/10 f115/116.

of fifty, a process for those who did not live within reasonable distance of a justice of the peace, and provisions for Quakers.[560]

The development of half-pay was clearly influenced by the changes between peacetime and wartime in two ways. First, with the transition from pensions to half-pay, the payments shifted from rewards for past service to retainers for future service. Second, the expansions and developments of the half-pay establishments and practices were closely tied to the transition between war and peace. For example, in 1700 the Treaty of London was signed, an attempt to minimize tensions over the Spanish Succession. The 1713 establishment for half-pay then followed the end of the War of the Spanish Succession. The developments of the half-pay regulations were a careful balance between retaining sufficient numbers of officers for future service and limiting expense through the implementation of restrictions. On the one hand, the development of the 'half-pay' framework was an embodiment of the new Royal Navy. The constant replacement of the 'half-pay' establishments was also completely consistent with the Westminster Model's process of situational replacement.

The two schemes were of two completely different scales, because thirty thousand men were far larger than the number of officers on half-pay. In the half-pay establishment of 1700, it was limited to ten officers under the category of flag officers, fifty captains, one hundred lieutenants, and fifty masters.[561] While half-pay would become an integral part of the Royal Navy officer profession, the registration of seamen was not a success, and the program was discontinued and replaced by other legislation, for example the *Recruiting Act* of 1703 which provided for the press for the Army and the Marines. Specifically for the Navy, the 1705 *Act for the Encouragement and*

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560 'William III, 1696-7: An Act to enforce the Act for the Encrease and Encouragement of Seamen' in *Statutes of the Realm: Volume 7, 1695-1701*, http://www.british-history.ac.uk/statutes-realm/vol7/pp257-259

561 Order-in-Council, 18 April 1700. CLU/5 f134.

Encrease of Seamen and for the better and speedier Manning Her Majesties Fleet

essentially abandoned the registration of seamen in favour of the permission of forced

enlistment in essentially the same manner as the 1703 *Recruitment Act* created for the

land forces.[562] Given the requirement to provide manpower for the Navy, Marines and

land forces, the act also provided guidelines for how the different requirements should

interact.

> AND for the better Encrease of Seamen and supplying the Want of them it is
> hereby further enacted by the Authority aforesaid That all and every the
> Powers Authorities Directions Clauses Matters and Things contained or to
> be contained in any Act of this Session of Parliament for recruiting Her
> Majesties land forces and Marines for the Year One thousand seven hundred
> and six shall and may be executed practiced and put in Ure for supplying
> Her Majesties Navy with able bodied Landmen being such Persons as are
> liable to be raised for Land Service by such other Act and Her Majesties
> Service in raising such able bodied Landmen shall and may be performed
> and carried on by such Justices Magistrates and other Persons and in such
> Manner and Form (the reading of any Articles of War excepted) and under
> such Rules and Restrictions as are or shall be prescribed by such Act for the
> Land Service[563]

This extrapolated on an existing act to legally extend the press as a means to crew Royal

Navy ships. However, it was an act that was developed from a statute that related to the

Army and Marines, rather than the previous legislation for the registration of seamen. In

this case, these definitions provided a coherence through the provision of a ready

reserve from which to draw relatively consistent crews. It is interesting that half-pay as

a practice was retained, given that Royal Navy officers were qualified through a process

that was designed to create specifically Royal Navy officers, while for ratings the

professional knowledge was not so specific that individuals and institutional experience

had to be retained through a similar system.

In hindsight, it is clear that the registration of seamen and establishment of half-

pay implemented socio-professional permanence by establishing mechanisms that

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562 'Statutes of the Realm Vol 8. 1702-1707', *Hein Online*, 468.
563 'Statutes of the Realm Vol 8. 1702-1707', *Hein Online*, 470.

maintained individual officers' professional existence between phases of active employment. They were not a response to the end of the hostilities, in order to maintain ties to personnel as preparation for current and future conflicts. Rather, they were created in wartime in an attempt to ensure that officers and seamen would be available for future employment, even if they were not required at any given moment. These measures were not the implementation of a planned development of a permanent naval institution, but were developed as solutions to contemporary and specific institutional, financial and operational problems. The cooperation of the royal authority and parliamentary action to define the Royal Navy was markedly different than the combative interactions described in the previous chapter. These solutions were made possible because of *Parliament's* increased role in directly defining the Royal Navy particularly in the 1690s. Further, the creation of both the *Establishments for Half-Pay* and the *Act*s for *Encouragement and Encrease* represents a rational, deliberate approach to the problem of managing the Royal Navy's manpower resources, in that both the ratings and officers were addressed. This is similar to the approach taken with the creation of the *Establishment of Dimensions*, but also dissimilar to the development of professional definitions discussed both earlier in this chapter and in previous chapters.

Conclusion

The examination of the definitions created for the Royal Navy in this period has provided another perspective on the effects of the Glorious Revolution on the Navy, particularly the ineffectiveness and instability of the naval administration after 1688. At this time, things drastically shifted for both the development of the English state and for the Royal Navy. Parliament acted to define both, and to build on their authority to do so. No longer was the Navy a point of conflict between King and Parliament, and the nature

of the relationship between the Navy and those who had the power to define it changed substantially. The most important change to the Royal Navy's development in this period was that the Admiralty in particular was relatively politically weak until the Hanoverian Succession, which provided an opportunity for Parliament to take a greater role in directly defining the Royal Navy through statute. These new statutes both built on established foundations and created new precedents for executing the Admiralty's authority, especially the deployment of ships. However, this should not be considered as a victory for Parliament over naval administration by royal prerogative. Rather it stepped in when it perceived that the Lord High Admiral, Admiralty Commission or Board of Admiralty was incapable of performing its established duties. Further, the Navy Board and Admiralty did not entirely relinquish their authority to define the Navy, as shown by the creation of the *Establishments for Dimension*, the further development of procedures for professionally qualifying junior officers and the creation of the rank of commodore. This radically different relationship between Parliament and the Admiralty is best illustrated by the roughly concurrent creation of the *Establishments for Half-Pay* and the *Acts for the Encouragement and Encrease*. These rational efforts to manage the Royal Navy's resources built on the policies Charles II had created to reward loyal officers, but the purpose and the methodology were dramatically different in that Parliament and the Admiralty effectively worked together on similar aspects of the Navy's definitions, where previously the King (through the Navy Board and the Admiralty) and Parliament had effectively defined different areas of the institution, with conflict where they overlapped, specifically the creation of restrictions on the King's use of royal prerogative to choose his officers. At the end of the War of the Spanish Succession, the Royal Navy's existence was much more more complicated than it had been before. There were new definitions which created professional permanence for

officers, and new frameworks for managing the Navy's financial, material and personnel

resources. The next chapter examines how the Hanoverian Succession, and a quarter-

century of peacetime further influenced the Royal Navy's development.

In September 1714, the as-yet-uncrowned George I alighted in Greenwich, and ushered in a new age for the United Kingdom. This was a time of tumultuous change; the Treaty of Utrecht marking the end of the War of the Spanish Succession the previous year had ended twenty-five years of mostly continuous warfare for England. The death of Queen Anne resulted in the transfer of the monarchy to the House of Hanover, her closest protestant relatives. In September 1715, nearly a year later, Louis XIV of France died and was succeeded by the five-year-old Louis XV. The stage was set for substantial transformations for both the British state and the Royal Navy.

The greatest hazard for considering the Royal Navy and the state's development in the Westminster Model during this period would be to think in terms of 'advances'. Yes, this was the period in which certain attributes of the modern conception of the 'Westminster Model' state were created, or rather the aesthetic or visual arrangement of such a state were created, for example the development of the office of Prime Minister. Likewise, a similar narrative could be created for the Navy. The definitions examined in the last chapter underscored that the Admiralty in particular did not have the same 'strength' as it had during the reigns of Charles II and James II, resulting in Parliament taking a more direct role in defining the Navy. Daniel Baugh and N.A.M. Rodger both argue that following the Hanoverian succession this dramatically changed. For example Baugh refers to the 'rise of the Board of Admiralty', while Rodger argues that 'The British Admiralty... achieved in the Walpole years the stability which had so eluded it'.[564]

This chapter examines the period from the Hanoverian Succession to about 1742, when Robert Walpole resigned as 'Prime Minister', although many patterns

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564 Baugh, *Naval Administration 1715-1750*, 17. Rodger, *Command of the Ocean*, 294.

continued after this date. The Hanoverian Succession, however, was a critical point in the state's development, and is reflected with significant changes in the Navy's administration. The foundations for the Navy's development in this period were laid for the Navy's administration at the end of Queen Anne's reign, when the First Lord of the Admiralty specifically became a member of the Cabinet. The new forms of administration inherited rational frameworks for the management of the Royal Navy's resources. However these frameworks had not been created for a peacetime navy that would often be needed in the eighteenth century. Further, the Navy's ability to manage its resources was stretched as the Royal Navy extended its peacetime presence to the Caribbean.

The Royal Navy's development in the 'Westminster Model' at this time had several major strands. First, the Board of Admiralty was more powerful, politically connected and therefore took the lead in defining the Royal Navy, while Parliament's use of statute to directly define the Navy was much more limited. Second, the frameworks established during the period 1688-1714 were directly built upon, although frequently in a piecemeal fashion. Third, there were also deliberate efforts to continue to centralize and standardize, which is particularly important because the Royal Navy's permanent expansion to the Caribbean also required practical decentralization of authority.

The State

The relative peace that followed the Hanoverian Succession can seem anticlimactic, considering, Britain's increasingly direct participation in European wars. However, this would be a misunderstanding of the period, as Jeremy Blacks' studies on British foreign policy in the 1720s and 1730s demonstrates.[565] In his consideration of

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565 See Jeremy Black, *George II: Puppet of the Politicians?* (Liverpool University Press, 2007)

Great Britain's foreign policy during the 1720s, Black describes a 'politics of frustration, despair and anger', resulting from the interventionists' structuralist approach to the policy of others states, which helps to explain the contrast between the ostensibly rational and consistent formulation of Britain's role in the international system, and its incoherent response to situations in which other states did not act as expected.[566]

This period was also critical to the state's development in the Westminster Model, as some of the features of such a state emerged. One was the development of the 'Opposition'. In 1717, at the baptism of his second son, the Prince of Wales insulted the Lord Chamberlain the Duke of Newcastle-upon-Tyne. As an extension of this conflict, he established a second, rival 'court' at Leicester House. This provided a location to congregate for those Whigs who opposed George I's ministers, leading to what has been called the'Whig Split'.[567] With the Tories excluded from government, this splintering of the Whigs was a defining aspect of eighteenth-century politics and would prove central to the Royal Navy's development even following Walpole's resignation in 1742 (as is examined in the next chapter).

This period also featured the creation of the office of prime minister, largely in response to Georges I and II's time in Hanover. The Hanoverian monarchs were not figureheads; George I and George II did spend much time in Hanover, but according to E.A. Smith,

> they retained, and exercised, considerable power over policy and the
> composition of their ministries. Even Sir Robert Walpole, who was the
> leading minister for twenty-one years, depended for his security in office on
> the King's continuing confidence in his ability and on his own skill in
> cultivating and retaining that confidence.[568]

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566 Black, 'Interventionism, Structuralism and Contingency in British Foreign Policy in the 1720s' *The International History Review*, Vol. 26 No. 4 (December, 2004) 743.

567 Black, *George II*, 45-52.

568 E.A. Smith, "The King's Servant's" In *George IV*, 205-15. (Yale University Press, 1999.) http://www.jstor.org/stable/j.ctt1bh4c6g.23.

Robert Walpole is considered to be Great Britain's first Prime Minister. He had been involved in Government from the Succession, becoming Paymaster of the Forces in 1714, and Commissioner of the Treasury and Chancellor of the Exchequer in 1715. In 1717, he resigned from the Cabinet and joined the 'opposition', where he became close to the Prince of Wales's wife Caroline. He also helped to ease the conflict between the King and the Prince.[569] On 3 April 1721, following the South Sea Bubble and the crisis that followed, Walpole was reappointed First Lord of the Treasury, Chancellor of the Exchequer, and Leader of the House of Commons. Walpole simultaneously held three of the most powerful offices in the Cabinet, and he had the monarch's backing. It was from that point that he began to create what would become the role of 'Prime Minister'.[570]

There were some statute statements of state development. The 'Act for enlarging the Time of Continuance of Parliaments', or *Septennial Act* of 1715/16 redefined the British state by requiring general elections to be held only every seven years. This statute was in response to the political instability that had resulted from the *Meeting of Parliament Act* of 1694, which required that general elections be held every three years.[571] This act was created as a reaction to the repercussions of the earlier statute, and did provide the basis for the foundation of stable ministries of longer duration.

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569 'Walpole, Robert, first earl of Orford (1676–1745),' Stephen Taylor in *Oxford Dictionary of National Biography*, eee ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. David Cannadine, January 2008, http://www.oxforddnb.com/view/article/28601 (accessed May 1, 2017).

570 'Treasurers and Commissioners of the Treasury 1660-1870,' in *Office-Holders in Modern Britain: Volume 1, Treasury Officials 1660-1870*, ed. J C Sainty (London: University of London, 1972), 16-25. *British History Online*, accessed October 11, 2016, http://www.british-history.ac.uk/office-holders/vol1/pp16-25. And "Chancellor of the Exchequer 1660-1870," in *Office-Holders in Modern Britain: Volume 1, Treasury Officials 1660-1870*, ed. J C Sainty (London: University of London, 1972), 26-28. *British History Online*, accessed October 12, 2016, http://www.british-history.ac.uk/office-holders/vol1/pp26-28.

571 Cruickshanks, Handeley & Hayton Eds. *The history of parliament: the House of Commons, 1690–1715*

The second major statute that defined the British state was the *Regency During the King's Absence Act 1728*.[572] This built on the precedent of the *Act for the Absence of King William*, which had put the government under the control of Queen Mary while William III led his armies.[573] This new act provided a statutory definition for procedure to deal with George II's absences. The Queen was appointed as regent, but as Jeremy Black has noted, it was largely the Ministers who were responsible for government including foreign policy.[574]

That the ministers exercised authority and governed, despite what was contained in the statute, demonstrates the importance of the developed convention. Further, Walpole could not have had such a lengthy tenure as Prime Minister, especially during the King's absences, without the direct support of both George I and II, as illustrated in 1733 during the 'Excise Crisis' which threatened his ministry.[575]

This was also a period when the British state realigned itself in terms of foreign policy and international rivals. England's wars, each a decade apart (the War of the Quadruple Alliance, the Anglo-Spanish War of 1726/27, and then the War of Jenkins Ear from 1739) were fought against Spain, not France, although the latter spilled into the War of the Austrian Succession (1740-1747). Walpole's approach was 'politics of reasonableness, rather than righteousness', although the willingness to use, or to threaten to use the Royal Navy (as Britain repeatedly did from 1726 to 1730) does strongly support the notion of an interventionist government, albeit one focused on Foreign

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572 '1729: 2 George 2 c.27: The Regency Act' *The Statutes Project*, http://statutes.org.uk/site/the-statutes/eighteenth-century/1729-2-george-2-c27-regency-act/ Accessed 15 April, 2017
573 "William and Mary, 1689: An Act for the Exercise of the Government by her Majestie dureing his Majestyes Absence. [Chapter VI. Rot. Parl. pt. 1. nu. 8.]," in *Statutes of the Realm: Volume 6, 1685-94*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 170. *British History Online*, accessed May 2, 2017, http://www.british-history.ac.uk/statutes-realm/vol6/p170.
574 Black, 'Interventionism, Structuralism and Contingency in British Foreign Policy in the 1720s' 743.
575 Black, *George II*, 140.

Policy, rather than domestically as it had been during following the Glorious

Revolution.[576]

The Navy

As a result of ongoing tensions with, there was a discernible 'Caribbean Pivot' in

British foreign policy. This placed far different peacetime requirements and pressures on

the Royal Navy than had the Tangiers deployments of the 1670s and 1680s. This period

directly laid the groundwork for the Royal Navy's increasingly global operations in the

remainder of the eighteenth century, as has been appreciated by several naval historians.

Jeremy Black argued that 'the effort made in 1726 and 1729 to protect Britain's position

overseas by deploying its naval strength helped to make such actions normative'.[577]

Christian Buchet placed the Royal Navy's operations during this period into the context

of the period from the Glorious Revolution to the end of the Seven Years War (1756-

1763). He identified three main points: first, the development of deployment rotations

from Great Britain to the Caribbean; second, the use of New England for resources; and

finally, the extensions of the Navy Board and naval administration to the Caribbean

bases.[578] Duncan Crewe also emphasizes the importance of this period for the

development of in-situ experience and contacts for the Royal Navy's later Caribbean

operations after 1739. However, he makes these points in order to ask why the Royal

Navy continued to be unable to solve problems such as disease and Teredo worm

despite their gained experience.[579] Richard Harding has likewise argued that 'The British

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576 Black, 'Interventionism, Structuralism and Contingency in British Foreign Policy in the 1720s' 743.
577 Black, 'Interventionism, Structuralism and Contingency in British Foreign Policy in the 1720s' 735.
578 Christian Buchet 'Les Modalité de la Logistique Anglaise en Matériel Naval dan L'espace Caraibe
      (1689-1763)' *Histoire, Économie et Société*, Vol 11, No. 4 (4e trimestre 1992), pp 571-596
579 Duncan Crewe, *Yellow Jack and the Worm: British Naval Administration in the West Indies, 1739-
      1748* (Liverpool University Press, 2003). 297-8.

were showing that sustainable global naval power was becoming a reality for

Europeans. It was based on investment in infrastructure.'[580]

Consider for a moment Jeremy Black's observation regarding, on the one hand,

rational creation of foreign policy and on the other hand incoherent reactions to the

actions of foreign states.[581] For some aspects of the creation of the Royal Navy's

definitions, there was clearly a rational and coherent effort to apply specific changes.

This is most evident in how the House of Hanover insinuated itself into the relationship

that it inherited between the crown and the Navy by following established precedents in

terms of expressions of the Royal Navy's identity. Another example is the rationalization

of the diverse Instructions into the *Regulations and Instructions*.

The Royal Navy's extended peacetime experience provided challenges to the

foreign states that the Ministers had to deal with. For much of 1715-1740, the Royal

Navy sent to sea and employed many fewer ships and officers than they would during

nominal wartime. However the Royal Navy remained active. In addition to the major

deployment of 1726, and the fleet raised in 1729, there were standing forces deployed to

the Caribbean, under the command of various Commodores.[582] These operations placed

very different stresses on the Royal Navy, which was a much more substantial

organization than it had been during the extended periods of peacetime during the reign

of Charles II. Further, the creation of professional permanence such as half-pay and

seniority lists created lasting repercussions and problems for managing the Royal

Navy's officer corps that required reactive, and often subsequently contradictory

developments when solutions did not prove adequate. Indeed, there are expressions of

frustration, as will be shown below. The discussion of developments to the

580 Richard Harding, *Modern Naval History: Debates and Prospects* (London: Bloomsbury Press, 2016)
    87.
581 Black, 'Interventionism, Structuralism and Contingency in British Foreign Policy in the 1720s', 743.
582 In 1729, The Royal Navy created a fleet (alongside some Dutch ships) to intimidate the Spanish into
    signing a treaty to end the Anglo-Spanish War. Sarah Kinkel, 'The King's Pirates? Naval Enforcement
    of Imperial Authority, 1740-46', *The William and Mary Quarterly*, Vol 71, No. 1 (Jan 2014), 13-14.

Establishments, for managing the Royal Navy officers as a resource, the expansion of Dockyards abroad and the differentiation of the Navy from the Army will provide a different perspective from the rational developments described above.

There were far fewer statutory definitions for the Royal Navy created between 1715 and 1740. Those that were created did not build upon the interventionist statutes created by Parliament in the 1690s, and marked a return to Parliament's role in defining the Royal Navy from the foundations created at the Restoration. This near-total absence of statutory definitions from this period highlights the changes made to the Royal Navy's administration.

The Naval Administration

The transition of the naval administration following the Hanoverian Succession was as substantial as the transition following the Glorious Revolution, and the Admiralty in particular regained much authority and accordingly had a much more direct role in defining the Navy after 1715. Where previously the position of First Lord of the Admiralty had been appointed for political purposes, which resulted in those such as the Earl of Pembroke serving, after the Hanoverian Succession the Board of Admiralty included members with substantial naval experience. This included the Earl of Orford's final tenure as First Lord from 1714-1717. His successor, Vice-Admiral James Berkeley was First Lord from 1717-1727, and had to deal with longer-term problems. He did not join the Royal Navy until the 1690s, and so his previous experience of peacetime was as a junior officer.[583]

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583 'Berkeley, James, third earl of Berkeley (1680–1736),' John B. Hattendorf in *Oxford Dictionary of National Biography*, eee ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. David Cannadine, May 2009, http://www.oxforddnb.com/view/article/2216 (accessed May 1, 2017).

The rise and permanence of the Board of Admiralty, that developed in this period, tied the Royal Navy very directly to state development. Daniel Baugh has argued, in respect to the relationship between the Navy Board and the Admiralty Board, that

> ...there was a subtle change in the relationship of the two boards. To speak of "the rise of the Board of Admiralty" during the early Eighteenth century may be too dramatic, but there is ample evidence of the Admiralty's increased role in administration. One reason was the enlargement of the activities that had always been the business of the Secretary and clerks of the Admiralty Office. Another was the firmer lines of executive authority that were developing at this time.[584]

Thee 'rise of the Board of Admiralty' must be considered in the same vein as the creation of the office of Prime Minister. The Board was put in a position to have authority, and used that authority to define the Navy. Over time, that authority would become more and more solidified. Although the Royal Navy did not have the single leader to rival Walpole in his longevity, to have four leaders over twenty-five years is an impressive feat of durability, albeit during a period of unmatched political stability. On the other hand, from 1705 to 1741 Josiah Burchett was the Admiralty Secretary. He had also served in that office (sometimes jointly) since 1694.[585] This was an almost unmatched feat of civil service, and certainly puts Walpole's roughly contemporary, though later, service as Prime Minister in perspective. Second, the 'firmer lines of authority' reflect the reality that the Cabinet, the ministers, who had the Monarch's backing, drove the government. They chose and executed foreign policy. They threatened other nations with the Navy. The Admiralty and the Navy Board defined and managed the Navy in an effort to better provide the forces required by the Ministers in their decisions. This is reflected in the definitions created for the Navy. The reassertion

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584 Baugh, *Naval Administration 1715-1750* (The Navy Records Society, London: William Clowes & Son 1977) 1.
585 Baugh, *Naval Administration 1715-1750*, 494.

of the Admiralty's authority provides important context for the interaction between the Admiralty and Parliament in the phase of development discussed in the next chapter.

Deliberate Actions and Definitions

Expressions of Royal Associations

It was important for the incoming Hanoverians to participate in the Royal Navy's established tradition of naming warships and creating associations with the monarch and crown. This was discussed in the previous chapters, but it is still important at this point for several reasons. First, repetition of the process restated or reinforced the importance of naming, or renaming warships in general, and those named for the monarch specifically. Second, whereas with Charles II at the Restoration, and William III and Mary II after the Glorious Revolution, it was necessary to rename warships with anti-sacred symbology and actively reject old associations, the Hanoverians had a slightly different agenda. They needed to show that they were the true heirs, and as such needed to insinuate themselves into the extant symbology, rather than reset it.

Again, the most important symbols were the ships directly named for the monarch. With the first and second Hanoverian monarchs having the same name, this was rather limited but still important. It was important to rename warships for George I, but at the same time considering the small number of appropriate ships (first-rates), care needed to be taken with which symbol or connection would be displaced. The decision to change the names of the Stuart warships, rather than later ones suggests a need to maintain a link to their immediate predecessors, William and Mary, and Anne, and to take a different political tack than had happened at the Glorious Revolution.

The first-rate *Royal James* had been renamed *Victory* in 1691, and the *Royal Charles* renamed *Queen* in 1693. These two first-rates now had the odd privilege of

being named the *Royal George* in quick succession. First, the *Victory* was renamed in 1714, as the *Queen* was being rebuilt.[586] When the latter was launched in September 1715 she was renamed *Royal George*, and the ex-*Royal James* reverted to *Victory*. These were deliberate and was one implementation of the Hanoverian Succession. An important legacy of Charles II's very important personal connection to the Navy was his pattern of naming warships, and particularly third-rates, for members of his family including his illegitimate sons. This was not a practice that had been continued by James II, William III and Mary II, or Queen Anne.

However, after the Hanoverian succession, the Royal Family once again had sufficient members to allow for a larger number of warships to be so named and to create more extensive connections between the Crown and the Royal Navy. Very soon, several ships were renamed for members of the Royal Family. First, the third-rate *Expedition* was renamed *Prince Frederick* in 1715.[587] Another example, and one oft-renamed was the second-rate *Ossory*, built in 1682 and named for one of Charles II's favourites. It was renamed from *Prince* to *Princess* in 1716, to recognize George I's daughter Princess Sophia Dorothea. She was later renamed *Princess Royal* in 1728 to honour George II's daughter Anne, who was given that title the previous year.[588]

George II did not neglect any of his daughters. Three ships were named for Princess Louisa, the first of which was a fifth-rate ordered in 1726 and launched in 1728.[589] Following her loss in 1736, the 60 gun fourth-rate *Swallow* was so renamed after four years of service, although she was broken up in 1742.[590] The final *Princess Louisa* was a 58 gun fourth-rate, built in 1744.[591] Princess Mary, the youngest of George II's daughters, did not have a ship renamed for her until 1744, when the 60 gun fourth-

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586 Lavery, *The Ship of the Line*, Vol. 1, 165.
587 Winfield, *British Warships 1714-1792*, 44.
588 Winfield, *British Warships 1714-1792*, 12.
589 Winfield, *British Warships 1714-1792*, 167
590 Winfield, *British Warships 1714-1792*, 120-21.
591 Winfield, *British Warships 1714-1792*, 128.

rate *Mary* was rebuilt.[592] As a further example, a new 44 gun fifth-rate was named

Prince Edward in 1744 for the younger son of the then Prince of Wales, Prince

Frederick William.[593]

Naming third-rates for members of the Royal Family allowed ships that

embodied connections between them and the Royal Navy to continue to serve important

roles during the extensive periods of peace, when the first and second-rates were less

frequently employed. For example, in 1726/27 Vice Admiral Francis Hosier's flagship in

the Caribbean was the third-rate *Breda*, rather than one of the larger ships.[594] This

pattern was continued following the succession of George II, when the 80 gun third-rate

Humber was renamed *Princess Amelia* after his daughter in 1727. From 1729 to 1731

the *Princess Amelia* was flagship for Vice Admiral Sir George Walton, and from 1735-

1736 flagship for Vice Admiral John Balchen.[595] In 1728, the 80 gun third-rate

Ranelagh, while being rebuilt, was renamed *Princess Caroline*, for another of George

II's daughters. The *Princess Caroline* would serve as a flagship for Sir Chaloner Ogle,

Admiral Vernon, and Admiral Sir John Byng in the 1740s on three different

deployments.[596]

Over time, the Hanoverians continued to emphasize the connection between the

crown and the Royal Navy by continuing to have ships named for members of the

extended royal family, and especially the more active, smaller types of ships. Further,

this demonstrates that the Hanoverians continued to follow, and reinforce the precedent

of renaming ships that were being rebuilt or newly built. With each generation, the

associations between the Royal Navy and the house of Hanover thus became stronger.

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592 Winfield, *British Warships 1714-1792*, 116.
593 Winfield, *British Warships 1714-1792*, 172.
594 Winfield, *British Warships 1603-1714*, 74.
595 Winfield, *British Warships 1714-1792*, 32.
596 Winfield, *British Warships 1714-1792*, 31-32.

The introduction of Hanoverian warship names did not necessarily require the removal of names associating the Navy with William III and Mary II, or Queen Anne. The first-rate *Royal William*, originally built in 1670 as the *Prince*, retained its name even after being rebuilt in 1719. Similarly, the first-rate *Royal Anne*, also built in 1670, retained her name until broken up in 1727.[597] There are also other examples ships that retained their names and had not been named for the past monarchs. For example, the 90 gun second-rate *Namur* (1697), named for William III's capture of that city, was rebuilt in 1729, but not renamed.[598] Similarly, the second-rate *Marlborough*, renamed to honour the Duke, was rebuilt from 1725-1732, and retained her name.[599] Another example was the *Boyne*, which retained its name even through its second rebuild, which was completed in May 1739. The *Boyne* would then serve with Venon's fleet in the War of Jenkin's Ear.[600] The retention of a ship's name celebrating victories over the Jacobites is unsurprising, given that the Hanoverians also named warships for their own victories, such as the fourth-rate *Salisbury* (1698), which was renamed *Preston* in 1716, to celebrate the victory there over the Jacobites.[601]

These are rational and deliberate creations of definitions and identity. In each case, the ships named for Hanoverian monarchs, their families, and their victories had to be renamed from something else. Another example of how the Hanoverians were inserted into the Royal Navy's expression of identity with the monarchs was in the firing of salutes. Salutes fired to pay respects to the Monarch were particularly important, and demonstrated both Charles II's continued connection to the Royal Navy for decades following his death, while the associations made with other monarchs as individuals

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597 Winfield, *British Warships 1714-1792*, 2.
598 Lavery, *The Ship of the Line*, Vol. 1, 167.
599 Lavery, *The Ship of the Line*, Vol. 1, 169.
600 Lavery, *The Ship of the Line*, Vol. 1, 170.
601 Winfield. *British Warships 1603-1714*, 128.

was more transient. In 1731, the first edition of the *Regulations and Instructions*

included as Article XXII in the section *Of Salutes*

> The Anniversary Days of the Birth, Accession, and Coronation of the King,
> of the Birth of the Queen, of the Restoration of King Charles the Second,
> and of Gun-Powder-Treason, mail be solemnized by His Majesty's Ship, if
> they are in Port, with such a Number of Guns as the Chief Officer shall
> think proper, not exceeding Twenty one each Ship.[602]

The practice occurred alongside similar celebrations for the Hanoverian monarchs, and

Royal Navy ships were required to fire salutes for monarchs' birthdays and other

holidays, as well as also containing the instruction to celebrate the 'Happy Return'. This

reinforced the connection between the navy and the current king.[603]

For example, Lieutenant George Bayley's logs record include the following entry

for 29 May 1715: 'Att noon fired 15 guns it being King Charles Happy Return unto

England'.[604] The day before, the log included 'this morning spread our Colours it being

the King's birth day & at noon fired a gun'. The Yarmouth was in the process of

preparing for Channel service. The following year, it was 'att noon fired 21 guns it being

King Charles' Happy Return to England'.[605] In 1717, there was no salute fired for the

Restoration, but there was one on 28 May for George I's birthday. A subsequent log

from a different Lieutenant reveals that when the Yarmouth was based at Plymouth in

1721, the pattern continued with a salute fired for the Restoration.[606] In 1723, following

a salute on the 28th for the King's Birthday, it was reported that the next morning

> all the ships in commission spread our extra colours again in
> commemoration of the restoration of the Royal Family & at noon fired 21
> guns.[607]

This pattern continued following the death of George I and the succession of George II.

The journal of Lt. Douglas shows in March 1734 that the *Ipswich* no longer celebrated

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602 *Regulations and Instructions Relating to His Majesty's Service at Sea (1731)*, 86.
603 *Regulations and Instructions Relating to His Majesty's Service at Sea (1731)*, 86.
604 Lieutenant's logbooks for *HMS Yarmouth* NMM, Adm/L/Y/3/4 np
605 Lieutenant's logbooks for *HMS Yarmouth* NMM, Adm/L/Y/3/4 np
606 Lieutenant's logbooks for HMS *Yarmouth* NMM, Adm/L/Y/3/4 np
607 Lieutenant's logbooks for HMS *Yarmouth* NMM, Adm/L/Y/3/4 np

George I's birthday, but had begun to celebrate the birthday of Princess Caroline of Ansbach, George II's consort.[608] However, following her death it was no longer celebrated, as shown by the log of *Centurion* in 1740.[609] Again, these patterns continued alongside the celebration of connections to Charles II, and Lt. Piercy Brett of *HMS Gloucester* recorded in 1739 that 'at 1 PM fired 15 guns, being the Restoration of HM. Charles ye 2nd'.[610] Later, the logs of *HMS Centurion* record that on 28 May 1740 salutes were fired to celebrate the Restoration.[611]

Just as with the naming of warships, the Hanoverians were inserted into these practices, and so strengthened their connection to the Navy at the same time as they asserted their belonging in the succession. The continued firing of salutes to celebrate Charles II and the Restoration was similar to the continued use of warship names from reign of William III.

However, not every form could accommodate both the current monarch and past monarchs. Commissions, for example were about direct connection between the Monarch and the individual commissioned. However, there was important continuity since much of the language remained similar from the 1680s through to the end of the period of this project. They did accommodate the succession, as is shown by the commissions of Lt. Thomas Miles and Admiral Arthur Herbert in 1689 which referred to 'their Majesties ship' and 'their Majesties survice'.[612] These documents are very similar in language and content to later commissions. In particular, they show strong similarities to Admiral Vernon's commission from 1730. The language specifically addressing the monarch did change, from 'Their Majesty' to 'His Majesty' from the reign of William III and Mary II to George II. In 1749, Lieutenant Charles Loeffe's warrant to

608 Journal of Sir James Douglas, 1734-36 NMM, DOU/1 np.
609 Lieutenant's lobgbooks for HMS *Centurion* NMM, ADM/L/C/83 np.
610 Lieutenant's logbooks for HMS *Gloucester* NMM, ADM/L/G/53 np
611 Lieutenant's lobgbooks for HMS *Centurion* NMM, ADM/L/C/83 np.
612 Commissions, NMM ADL/Q/20, ADL/Q/22

serve as third Lieutenant of *Plymouth* referred to 'his Majesty's ship', 'his Majesty's

service' and 'his Majesty's reign'.[613] These documents did not only link the officers to a

specific monarch, each commission created an instance of the practice that linked

officers to the then current representative of the monarchy as an institution. The

changing of the language in the commissions was, frankly, relatively minor, but it was

part of a pattern of deliberate changes made to incorporate the Hanoverian monarchs

into the expression of authority over the Royal Navy. These provide a context for the

rather less deliberate, more reactive creation of definitions for some of the navy's other

aspects.

The Regulations and Instructions

The 1731 *Regulations and Instructions* was an important development, and

another deliberate action. It rationalized the diverse instructions which had been issued

by the Lord High Admiral, by flag officers, and by the Admiralty. In effect, what had

been published as the *General Instructions* in 1664 became just one section of the later,

expanded *Regulations and Instructions*.

A December 1730 memorandum to the King-in-Council described the decision

to create the *Regulations and Instructions*:

> May it please your Majesty,
> The affairs of the navy, which your Majesty is pleased to commit to our
> management, having given us occasion to observe that the captains and
> other officers of your Majesty's ships are liable to fall into mistakes and
> omissions in the execution of their duty, by reason of the perplexity of their
> present instructions, occasioned by length of time; we have therefore
> thought it necessary for their better direction to collect into one volume the
> several rules and orders now in force in the navy, to which we have made
> such additions and alterations as (with the advice of the Navy, Victualling,
> and Ordnance Boards) we have judged proper. And having reduced the
> whole into distinct chapters, and under particular heads, that the officers
> concerned may have a more speedy and easy recourse to them, we do

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613 Royal Navy Records: commissions and appointments for sea officers granted by the Admiralty,
    Admirals and Captains, 1746 – 1793, NMM PLA/P/9/2

herewith humbly present the said book to your Majesty for your royal approbation, the intent of these instructions and regulations being to support and improve the discipline and good economy of the navy.[614]

The expansion of the *Instructions* into the *Regulations and Instructions* was not an indiscriminate gathering of documents, but a carefully curated guide to service at sea. The *Instructions* were intended for commanders, lieutenants, victuallers, pursers and others. The *Regulations and Instructions* rationalized their instructions in a single document that would continue to function as the Navy's standing orders. This is the key example of rationalization and centralization of expectations, hand in hand with the practical expansion and decentralization of Royal Navy authority to the Caribbean and other places.

Comparison between the early examples from 1663, and those of 1731 and 1734, clearly demonstrates the expansion of the Royal Navy as a maritime military institution, and how the Royal Navy's shift from persistence to permanence enabled it to define its scope-of-practice. In 1663 the document was relatively limited, and complemented the *Articles of War*. The *General Instructions* consisted of instructions to the Captain or Commander, Instructions for the preservation of good order, an example of a Muster Book, as well as 'Instructions for the Vending of Slops'.[615] By 1693, the *General Instructions* included instructions for Lieutenants.[616] The 1731 *Regulations and Instructions* reflected the internal expansion of the Royal Navy by defining the role of Commodore within fleets sent abroad, referring to 'broad pendants'.[617] The same volume included a section on the 'Appointment of Officers in Foreign Parts'.[618]

A comment in a memorandum from the Navy Board to the Admiralty Secretary in November 1730 highlights the Royal Navy's professionalization and the importance

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614 Admiralty Memorial to the King in Council 22 December 1730, in Baugh, *Naval Administration 1715-1750*, 62/63.
615 Bodleian, Rawl MSS A187 f8
616 'General Instructions' NMM CAD/A/16
617 *Regulations and Instructions Relating to His Majesty's Service at Sea (1731)*, 11.
618 *Regulations and Instructions Relating to His Majesty's Service at Sea (1731)*, 14-16.

of officers being able to perform their duties so that the other organizations involved

with the administration and functioning of the fleet could also function.

> That as there is no article in these instructions that directs their being
> publicly read monthly, and as the duties of the several officers are
> interwoven through the whole, it is proposed that every captain, lieutenant,
> master, boatswain, gunner, carpenter and purser at their first appointments
> should have one of the books of instructions delivered to him; which he is to
> keep by him and carry with him from ship to ship, it being absolutely
> necessary for the better government of the whole that each officer should
> not only be perfectly informed of his own duty, but likewise of the duty of
> every officer of the ship.[619]

The *Regulations and Instructions* were not just rules to be followed when aboard ship,

but were an official expression of the integration between Royal Navy officers'

professional expectations and the functioning of the institution as a whole. Even with

rationalization, these instructions were not considered to be perfect, and they were

modified again in 1734.

> [And] we having lately taken those Regulations and Instructions into
> consideration, and not only advised with the Principal Officers and
> Commissioners of the Navy, but the Commissioners for Victualling therein;
> and it being found that, if some alterations and additions be made therein, it
> may tend to the advantage of your Majesty's naval service, some whereof
> are only to explain and make more clear what hath been already
> established;[620]

The *Regulations and Instructions* then were replaced in their entirety and, again, several

times, so that the version published in 1746 was the 6th edition.[621] This continued well

beyond the time considered by this thesis. The *Regulations and Instructions* provide an

important example of the most deliberate and rational form of development, which was

entirely fitting with its purpose. Each subsequent version entirely replaced the version

that came before, in that there were not sections or addenda published to be added to

previous editions. The development was not necessarily about the content, as much as it

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619 'Navy Board to Admiralty Secretary' 9 November 1730 in Baugh, *Naval Administration 1715-1750*,
    11-12.
620 'Admiralty Memorial to the King in Council' 17 December 1733 in Baugh, *Naval Administration
    1715-1750*, 13.
621 NA Kew, ADM 7/202

was about providing the content within a standard package. This is quite different from how other aspects of the Royal Navy's rationalization were then further developed, as is discussed below.

An important indication that the Royal Navy as an institution, and its socio-professional existence were appreciated as permanent was the creation of complete, but not official, handbooks and reference guides for Royal Navy officers. For example, in 1715 Jonathan Greenwood published *The Sailing and Fighting Instructions or Signals as they are observed in the Royal Navy of Great Britain*. This was a pocket reference book, with large clear graphical depictions of all the signals.[622] Although a civilian publication, that it was able to be produced indicates the stability of the Navy's signals instructions by that point.

Another example is the differentiation of the Navy and Army. During this period, the relationship between the Royal Navy and the land forces was further defined through a few measures which, in some ways, formalized the differences. One important definition for differentiating the Royal Navy from the land forces was the creation of conventions that defined the relationship between land forces officers and Royal Navy officers, or rather, equivalent ranks. Although it was not contained in the edition of the *Regulations and Instructions* published in 1734, in that year a regulation was created that established the marks of respect that land forces in garrisons and forts were to observe for flag officers.[623] As with many other regulations handed down, it was incomplete. The developments upon it will be discussed further in the next chapter.

Reactive Definitions, building on Rational Frameworks

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622 'The Sailing and Fighting Instructions or Signals as they are observed in the Royal Navy of Great Britain, Jonathan Greenwood, 1714' NMM HOL/9
623 Baugh, *Naval Administration 1715-1750*, 82.

In comparison to the *Regulations and Instructions*, other frameworks developed in a much more reactive and piecemeal way, reflecting both the foundations they were built upon, as well as the circumstances of their development. As shown previously, the Royal Navy's professionalization had been disjointed to this point. Definitions were created for parts of officers' careers, but not for careers as a whole. However, following the Hanoverian succession, there were two major examples of professionalization, one relating to the rank of commodore and the other to qualifications required for lieutenants.

Professional Definitions

The fleet's expansion to a global sphere of operations was complicated by the development of operational patterns that involved multiple detachments, and in the previous chapter, it was noted how the post of commodore evolved. In this period, as the Royal Navy solidified its presence in the Caribbean and the Mediterranean by building dockyards, so too was commodore further used and developed for those deployments. In 1718, Captain Cavendish commanded a squadron against Barbary pirates, and was entitled to wear a broad red pennant, albeit not hoisted at the staff, as an admiral's would be, and not when in the company of a flag officer. Corbett noted that it 'resolved that in the future no commodore shall wear any other pendant of distinction'.[624]

Commodore was an important post with real authority, though its temporary and only loosely defined existence created problems for the Royal Navy. In December 1730, the memorandum to the King-in-Council referring to the *Regulations and Instructions* that were issued the next year, also included a request for the formal provision of commodores

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624 Corbett Papers, NMRN Mss 121 V. 9 f16-18

> And as in time of war, when several squadrons have been sent to remote parts, there has been a necessity to appoint occasional flag officers and commodores, we do most humbly propose that your Majesty will be graciously pleased to establish in the royal navy three officers under the title and appellation of commodores to rank next to rear admirals and to have the pay and other allowances proposed in this book, which will be agreeable to the practice of other nations, be a great encouragement to your sea officers and, we hope, redound to the advantage of your Majesty's service.[625]

There were certainly peace-time commodores appointed to stations at this time, such as Edward Vernon, who raised his "broad pennant' as commodore and Commander-in-chief of the Jamaica Station in July 1719.[626] In 1727, Edward St Lo was commodore at Jamaica, in command of the ships there.[627] In 1734, Sir Edward Chaloner Ogle was commodore at Jamaica.[628] In 1746, Robert Griffin was appointed to command the East India station as Commodore.[629] Nevertheless, although Britain was at peace when the request for the formal provision of commodores was received in January 1731, the proposal was postponed, or in other words rejected.[630] This decision was no doubt related to the Royal Navy's performance in the Anglo-Spanish War.

The temporary nature of an appointment as commodore led to some socio-professional problems. The following is a 1738 letter from Admiral Sir Charles Wager, First Lord of the Admiralty to the Duke of Newcastle.

> Your Grace having communicated to me the contents of a letter from Mrs. Clinton relating to her husband, Captain Clinton, I am to acquaint you that I have a letter from Captain Clinton upon the same subject, viz.: that as he has been a commodore or commander in chief, he seems to think that he cannot serve afterwards as a private captain, as he must do under Admiral Haddock, especially as there are several captains in that squadron elder than [i.e. senior to] Captain Clinton. But if the case were, as he seems to think it, that a captain who had once been a commodore could not serve afterwards as a

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625 'Admiralty Memorial to the King in Council' 22 December 1730 in Baugh, *Naval Administration 1715-1750*, 63

626 Richard Harding, 'Vernon, Edward (1684–1757)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008 [http://www.oxforddnb.com/view/article/28237, accessed 14 Dec 2015]

627 'Commodore Edward St. Lo to Admiralty Secretary' 7 December 1727 in Baugh, *Naval Administration 1715-1750*, 106-107.

628 Baugh, *Naval Administration 1715-1750*, 328.

629 'Orderbooks of *Princess Mary*, orders received 12 Feb 1745-15 Jul 1747 and orders issued 14 Mar 1745-21 Apr 1748' NMM GRI/18

630 Baugh, *Naval Administration 1715-1750*, 63

private captain, we should be very cautious how we made commodores. But several captains have been commodores who returned to their former posts without making any claim on account of such commands, that command ceasing when they are recalled or when an elder captain comes to succeed them.[631]

These troubles occurred during peacetime, because there were fewer ships in service, therefore fewer posts requiring commodores than there would be in wartime. This letter in particular shows that the post of commodore, and its relationship to both captain and flag rank were firmly established precedents.

Similarly, the professional qualifications for lieutenants continued to be defined in the eighteenth century in further orders-in-council. From 1701, volunteers-per-order were only required to have acted as midshipmen for a year, rather than paid as such, in order to qualify for the lieutenant's exam.[632] In 1703, the requirements changed again to four years at sea, with two years paid as a midshipman, but in 1710 this was modified so that three years' service as midshipman was again sufficient.[633] The development of other ranks was directly related to requirements for lieutenants in the fleet, and from 1718, when midshipmen-extra were present in a squadron, commanders-in-chief were obliged to put them into vacancies.[634] The way that these sets of professional qualifications continued to develop highlights the lack of qualifications for higher ranks and the absence of preconceived targets for developmenet.

The development of half-pay lists also affected the procedures for promoting officers. After the coming of peace in 1715, it was decided that the Royal Navy required 70 ships in service, which would 'employ 70 captains and 98 lieutenants, so that of the whole number there will be unemployed of the former 188 and of the latter 261.'[635]

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631 'First Lord of the A dmiralty to the Duke of Newcastle, Secretary of State'6 June 1738 in Baugh, *Naval Administration 1715-1750*, 13-14
632 Corbett Papers, NMRN Mss 121 V. 9 f98
633 Corbett Papers, NMRN Mss 121 V. 9 f99
634 Corbett Papers, NMRN Mss 121 V. 9 f99, Baugh, *Naval Administration 1715-1750*, 48.
635 Order in Council, 15 September 1715 in Baugh, *Naval Administration 1715-1750*, 44

Although ranks and posts were the active embodiment of the Royal Navy institutional and socio-professional definitions, they were by no means permanent additions after their creation. For example, an Order-in-Council from 1717 established that ships of the sixth-rate would not include a master among the crew, and as a result the ship's commander would be henceforth a master and commander. This establishment required that for an officer to hold such an office, they were required to present certificates from Trinity House as to their qualification to act as master.[636] This was repealed in 1720.

> And there being no master allowed by the present establishment to any ship of the sixth-rate of his Majesty's royal navy, we do most humbly pray leave to propose unto his Majesty that such an officer may be established to such ships for the future at the allowance of four pounds per mensem, in regard it may not only very much tend to their safety, especially in the nighttime, when it is necessary that such an officer should relieve the lieutenant by taking on him the charge of the watch, but [also] that the employing such persons in small frigates, which are generally more at sea than others of larger dimensions, may contribute towards the breeding up a constant supply of able masters for the service of his Majesty's navy.[637]

The Royal Navy's sixth-rates were amongst the ships most often deployed in peacetime. For example, the Admiralty calculated in 1715 that they would employ 24 sixth-rates in peacetime, in comparison to 10 fourth-rates and 15 fifth-rates.[638] They were sufficiently small that they presented problems in the way that larger ships, which were in peacetime allotted a full complement of officers, did not. Although after 1720 commanders no longer actually served as masters, the title was given to those who commanded non-post ships, in other words the smallest of the Royal Navy's rated ships.[639] In 1737, those who had served as master and commander were allotted four shillings per diem under the half-pay establishment.[640] In 1738, the Admiralty proposed

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636 Corbett Papers, NMRN Mss 121 V. 9
637 Order in Council, 15 September 1715 in Baugh, *Naval Administration 1715-1750*, 49.
638 Order in Council, 15 September 1715 in Baugh, *Naval Administration 1715-1750*, 44.
639 Baugh, *Naval Administration 1715-1750*, 41
640 'Admiralty Memorial to the King in Council' 2 February 1737/8 in Baugh, *Naval Administration 1715-1750*, 69.

that the commanders of sixth-rates no longer be allowed to additionally function as pursers, but that such ships should carry a purser and their servant. This additional cost was offset by reducing the establishment for sixth-rates by two able-bodied seamen.[641] In addition from 1743, seniority lists were published for those of master and commander rank.[642] Both the ranks of commodore and master and commander were excellent examples of internal expansion or interpolation, and the resultant creation of custom definitions specific to the Royal Navy's usage.

By the 1730s, the ramifications of socio-professional definitions and permanence began to be appreciated. At that time, the Board of Admiralty expanded on the definitions created for the beginning of officers' careers, by providing an alternate route to achieve the qualifications for lieutenant. They also sought to define a means of removing very senior officers from the seniority lists in order to provide opportunities for younger officers.

Recall the first two of Matthew Lewis's attributes for a professional institution: first, a continuous flow of entry of young officers, of the required material and in the required numbers; and second, that '[t]here must be the provision of an adequate system of training the young officers as they enter'.[643] The Royal Naval Academy, which was created in 1733 and received its first students several years later was an attempt to address this issue within the context of the Royal Navy's increased permanence and, of course, peacetime. By the 1730s, the requirements for lieutenant had become so ingrained into the Royal Navy's institutional and professional existence that extended periods of peacetime would deprive the Royal Navy of a usable supply of very junior

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641 'Admiralty Memorial to the King in Council' 29 September 1738 in Baugh, *Naval Administration 1715-1750*, 70-71.
642 Baugh, *Naval Administration 1715-1750*, 42.
643 Lewis, *English Sea Officers*, 55-58

officers. In this Admiralty memorandum to the King in Council from January 1729/30,

the reasons for creating the Naval academy are addressed:

> May it please your Majesty,
> Having taken into our consideration the establishments now in force relating
> to Volunteers at Sea, and the inconveniences attending the same from the
> shortness of time allowed to qualify them for lieutenants, and from the
> limited education they receive from the schoolmasters on shipboard, where
> they are only taught the theory of navigation; in order therefore to qualify
> young gentlemen in a better manner for your Majesty's service, we do
> humbly propose that the aforesaid establishments may be laid aside, and that
> instead thereof an academy be erected at Portsmouth for the education of
> forty young gentlemen to be trained up for your Majesty's service at sea,
> with proper masters and ushers[644]

This was accompanied by a list of rules and procedures for the use of the academy.

Another important inspiration was the inclusion in the 1731 *Regulations and*

Instructions of the instructions for a schoolmaster.[645] The 1734 *Regulations and*

Instructions retained these after the opening the Academy, which reinforced that the

Royal Navy was creating a secondary system for educating officers, not replacing the

existing system. Also interesting is that although Schoolmasters were to be educating

the Midshipmen and Volunteers to prepare for the Royal Navy's lieutenant's exam, they

themselves were not required to have passed that exam and indeed were to be certified

by Trinity House, the same as ships' masters.[646]

Although the Academy might have been intended to provide a first step before

service as midshipman, it was also an attempt to guarantee that a certain number of

entry-level officers would be regularly available for service. Graduates of the college

would not necessarily be immediately employed upon leaving the Academy, but it

would create a pool of qualified individuals to serve, when necessary. This is shown by

instructions 16 and 18 for the Academy's establishment. The former stated 'No scholar

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644 'Admiralty Memorial to the King in Council' 30 January 1729/30 in Baugh, *Naval Administration 1715-1750*, 57-58.
645 H.W. Dickinson, *Educating the Royal Navy: Eighteenth- and nineteenth-century education for officers* (Abingdon: Routledge, 2007) 13.
646 *Regulations and Instructions Relating to His Majesty's Service at Sea (1734)* 136-7.

shall be less than two years nor longer than three years in the Academy before he is sent

to sea' and the latter provided that 'When any scholars are ordered to serve on board his

Majesty's ships, the vacancies in the Academy shall be filled up and the established

number always kept complete.'[647]

Several sections of the instructions for the Academy demonstrated the intention

to standardize Royal Navy officer education, particularly those that describe the

modification of the volunteer per order scheme to accommodate the Academy. For

example, instruction 19 ordered that the 'scholars shall be rated as Volunteer Per Order,

be paid as able seamen, will be required to perform the duties of AB, but have the

privilege of walking the quarterdeck'. The 'scholars' were to be able to use their time in

the Academy towards the requirement of sea-time and only spent four years at sea,

being rated as midshipman ordinary after two. Further, when ships arrived in Spithead,

the scholars aboard would be required to present their journals to the Academy's

Mathematical Master, so that he could certify their adherence to the requirements and

competence.[648]

As Daniel Baugh has discovered, the Academy was not as successful as hoped.

In the early days there were number cases of the 'scholars' escaping from the Academy

and running wild. For example, in February 1733/4, shortly after the academy opened,

Commissioner Richard Hughes wrote to the Secretary:

> I find there is like to be an ill custom introduced into the Academy by the
> young gentlemen already admitted... they went to the Sun Tavern which is
> near the dock gate and obliged Mr. Dashwood... They all came home very
> drunk, and Mr. Dashwood... so very bad that Mr. Haselden was obliged to
> call on the Surgeon of the Yard for assistance and relief.[649]

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647 'Admiralty Memorial to the King in Council' 30 January 1729/30 in Baugh, *Naval Administration 1715-1750*, 59-60

648 'Admiralty Memorial to the King in Council' 30 January 1729/30 in Baugh, *Naval Administration 1715-1750*, 60.

649 'Commissioner Richard Hughes to Admiralty Secretary' 2 February 1733/4 in Baugh, *Naval Administration 1715-1750*, 64.

Further, the Commissioner identified the first two young scholars to lead the action, expelled them.[650] This was not the end of the incident, and only ten days later another letter followed.

> [T]hree of the scholars belonging to the Royal Academy have endeavoured to make their escape from thence, namely Mr. Edward Rich, Richard Stacey, and Edward Medley... Last night four of them eloped, viz. Richard Teal, George Dashwood, William Wilder and Lord Henry Manners, who cannot be heard of... The young gentlemen frequently discourse among themselves that although Mr. Baber and Colepeper were expelled the Academy, yet they have been received on board some of his Majesty's ships.[651]

Two years later the efficacy of the Academy, and particularly the goal of sending young scholars to sea after two or three years, was very much called into question, as a letter from Commissioner Hughes from 4 March 1735/6 shows.

> [I]t is not only my opinion but also the several masters' that the time established in the 4th article, viz. for the young gentlemen to leave the Academy at the expiration of two years, is too short for them to make any considerable proficiency in the various parts of the plan which their Lordships have been pleased to approve of and confirm.[652]

Hughes went on to criticize the resources for the Academy. For example he complained that the *Success* and her rigging and gear were not suitable for hands-on training. Further, the scholars only trained with weapons once a fortnight, which the master at arms felt was insufficient for personal competence, let alone learning about the use of cover, platoon firing and other concepts. Lastly, no provision had been made for a Gunner to teach the scholars the use of ships' guns.[653]

There was also a significant difference between the creation the Academy and the previous measures used to regulate the Royal Navy officer profession, in that it was a significant outlay of funds to create a new supply of junior officers. In that way, it is

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650 '[Messrs. Baber and Culpeper were immediately discharged from the Academy by the Admiralty.]' Baugh, *Naval Administration 1715-1750*, 65.

651 'Commissioner Richard Hughes to Admiralty Secretary' 12 February 1734/5 in Baugh, *Naval Administration 1715-1750*, 65.

652 'Commissioner Richard Hughes to Admiralty Secretary' 4 March 1735/6 in Baugh, *Naval Administration 1715-1750*, 66.

653 'Commissioner Richard Hughes to Admiralty Secretary' 4 March 1735/6 in Baugh, *Naval Administration 1715-1750*, 67.

much more similar to the approach taken in the creation of Half-pay and the registration

of seamen in the 1690, than the constant back and forth creation of the qualifications

necessary to take the lieutenant's exam.

Another of Michael Lewis's six attributes or phases of a professional military

service was the superannuation of officers who were surplus to requirements.[654] The

creation of seniority lists and socio-professional permanence meant that officers simply

remained on lists. There was no commensurate mechanism created for the removal of

officers from the seniority list, especially senior captains. The result, as demonstrated by

Hardy's *Navy List*, was that as long as they were alive, Captains continued to accrue

seniority, potentially blocking the career of younger officers.[655] This problem was not

just noticed in wartime, but there had been some thought given to it in peacetime. The

1734 *Regulations and Instructions* had a section on pensions for superannuated officers,

but this only applied to Warrant Officers, such as Boatswains, Gunners, Surgeons and

Pursers.[656]

Its expansion to commissioned officers was also considered, and what was

proposed was that the half-pay establishment for Lieutenants be changed to

accommodate the reality that many officers on the seniority list would be unable to be

employed in future conflicts.

> The first twenty senior lieutenants at five shillings a day, because the said
> twenty lieutenants may reasonably be supposed to be very aged, infirm and
> entirely incapable of service, so that as a reward for their former services the
> whole pay of a first-rate is allowed them to pass the remainder of their days
> comfortably.
> Second class. Thirty lieutenants at four shillings a day, because the said
> thirty lieutenants will be found in very near the circumstances of the first
> class, and in consideration of their long and former services the whole pay
> of a third-rate, etc., is allowed them.

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654 Lewis, *English Sea Officers*, 55-58

655 'A chronological list of the captains of His Majesty's Royal Navy; with the dates of their first
commissions, promotions, and other occurrences; commencing the 21st June 1673, and brought down
to the year 1778' NMRN V11. Baugh, Naval Administration 1715-1750, xiii.

656 1734 *Regulations and Instructions*, 156-57.

> Third class. Consists of fifty lieutenants. Though many of them may be capable of service, yet in consideration of their long services three shillings a day are allowed them when out of commission. Thus in case this third class should continue to miss preferment, they may expect as they advance in age and seniority to come into the second and first classes, which will be a great comfort and encouragement to them.[657]

An Admiralty memorandum to the King-in-Council from February 1737/8 directly addressed the superannuation of Lieutenants:

> Therefore we do most humbly recommend to your Majesty thirty of the eldest lieutenants, who, though they have not arrived to the rank of captains, have served the Crown with a long and unblemished fidelity, some of them having been lieutenants in the War of King William, and all of them more than thirty years, and are now worn out with age and infirmities, without other support for themselves and families than their half pay, which is no more than half a crown a day.
> We do therefore most humbly propose that your Majesty will be graciously pleased to order a pension equal to four shillings a day (which is the lowest class of half pay allowed to a master and commander) to be settled upon them for their lives on the Ordinary Estimate of the Navy, and that the same may be paid in like manner as the other pensions; and that as any of them die, we may be empowered to superannuate other lieutenants in their room...[658]

The development of this scheme to superannuate Lieutenants is a prime example of the reactionary approach to developing the Royal Navy officer profession from the foundations created following the Glorious Revolution. It was created as the result of a crisis. However, it directly built on the established framework, specifically half-pay. It was also clearly a rational approach, and created a framework meant to address the issue not just once, like Charles II's pensions to his officers, but permanently. This established a precedent that would be followed in the 1740s, as will be discussed in the next chapter.

Foreign Dockyards

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657 'Document in possession of Sir Charles Wager, First Lord of the Admiralty' c. 1737 in Baugh, *Naval Administration 1715-1750* 68-69.
658 'Admiralty Memorial to the King in Council' 2 Feb 1737/8 in Baugh, *Naval Administration 1715-1750,* 69.

The Royal Navy's development was made more complex by pressures placed on it by growing long-distance operations and the decentralization of authority that was required. The creation of the *Regulations and Instructions*, and the further development of the rank of Commodore were two definitions from the Admiralty that created standards that could be followed by Royal Navy forces around the Globe. Some aspects of the Royal Navy's existence, such as the Navy Board, Dockyards, Ordnance, Victualling Board, were specifically associated with supporting the Royal Navy's operations, and their functions had to be expanded as the Royal Navy began to operate on a global scale. The Royal Navy's increasingly decentralized deployments resulted in a complex situation that influenced the development of Royal Navy procedures. The ability of central authority, specifically the Navy Board and by this time the Board of Admiralty, to deploy individual or groups of ships as standing forces to disparate geographic locations, as well as forces for specific missions, illustrates that the Royal Navy could be defined at the periphery, as well as at the centre. During this period, such deployments included that of Admiral Francis Hosier in the West Indies in 1726/7, Rear Admiral Thomas Griffin and Boscawen to the East Indies in 1746 and 1747 respectively, and of Keppel to the Mediterranean the same year.[659]

The investment in the dockyards and physical facilities the Royal Navy enjoyed at Deptford, Portsmouth, and Plymouth, allowed the Royal Navy to be materially and logistically supported in the wars of the eighteenth century. In 1714, the Royal navy had a single overseas dockyard at Port Mahon. By 1739, they also had established bases at Gibraltar, Jamaica and Antigua.[660] However, physical attributes did not alone create a naval base, they also required officers, agents, workers, and stores.

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[659] 'Copy of Admiralty instructions to Adm Hosier about operations in the West Indies and extracts from letters written to him, 1726-27' NMM HSR/H/15 'Orderbook of *Princess Mary,* orders issued 23 Apr 1748-25 Mar 1749' NMM GRI/19, 'Orderbook containing orders received and issued, 21 July 1747 to 21 June 1759' NMM HWK/1

[660] Rodger, *Command of the Oceans*, 300.

One of the most important bases was at Jamaica, where in the late 1720s much money was spent at Port Antonio and Port Royal. Instructions were drawn up for the Master Attendant (who was also Master of the hulk *Southampton*), Master Caulker, and for surgeons attending the wounded and sick at Jamaica.[661] These roughly concurrent instructions were created following the hulking of the *Southampton* in 1728.[662] These instructions were created proactively in that they were not issued for a specific individual, but rather to govern the specific offices over the employment of a succession of individuals. Other conversations were very specific. For example, Captain John Gascoigne of the *Greyhound* wrote to the Navy Board in February 1727/8. 'Since my arrival in this island, I have had the honour to receive a letter from Sir Jacob Ackworth, about the careening wharf proposed to be built here.'[663] Port Royal had been devastated by two hurricanes within recent memory, and so was no longer a thriving port. In the same letter, Gascoigne addressed what was needed to make it a useful base for the Royal Navy:

> And I don't doubt but (as I am informed) that one article of sails that have been spoiled and blown to pieces in covering tents since Admiral Hosier's squadron came hither, would be found upon a nice enquiry to amount to more than the necessary conveniences might be made for, that would serve to careen ships for twenty or thirty years, without any considerable charge for repairing (hurricanes excepted); which I apprehend would be only a wharf faced with piles and filled up with earth; one capstan (unless two should be thought more convenient) to be fixed, and sheds over them that may spread without the bars to keep the people from the sun; beams to be laid in the pit to lash the lower blocks to; skids to lay the guns on, on each side [of] the lower blocks to prevent the beam rising; proper sheds for the stores; another for the carpenters to repair boats and do other works in when masts or yards are making in the shed built for that purpose; one for the riggers, another for a cooperage and to hold all the casks whilst the ship is careening; a pitch house and a fence to keep the seamen from straggling; a powder house, which should stand on the other side [of] the harbour, against the town.[664]

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661 'Misc. Instructions for Navy Board officials 1660-1735' TNA ADM 7/639 f164-173
662 Lavery, *The Ship of the Line*, Vol. 1, 167.
663 'Captain John Gascoigne to Navy Board Greyhound, Port Royal, Jamaica' 14 February 1727/8 in Baugh, *Naval Administration 1715-1750*, 343.

However, concerns about Port Royal resulted in much effort being spent in creating Port Antonio as a major base. In June 1729, the Navy Board wrote to the Admiralty Secretary regarding the benefits of Port Antonio:

> [W]e are to acquaint you for their Lordships' information that we have discoursed with Sir Yelverton Peyton, Captain Gray, Captain Lawes and Captain Young, and also Mr. Scott, the gunner of the Spence sloop, who is well acquainted with that harbour. They all unanimously agree that both the east and west harbours of Port Antonio are very commodious and safe for shipping, that there is a great plenty of good water... They farther inform us that the depth of water is very convenient for anchoring from 7 to 9 fathom, which may be more particularly seen by a draught which we herewith send, and... they inform us the sea and land breezes for the most part blow regular, which make the navigation in and out very practicable and contributes to the healthiness of the place.[665]

In 1731, Charles Knowles was commissioned master and commander of the *Southampton*, 'in order to make a careening wharf and erect a storehouse at Port Antonio upon the said island, and to fortify the harbour, which works he performed to the satisfaction of the Admiralty.' However, after completing that task, Knowles was assigned to perform a similar task at Port Royal.[666]

Despite the investment in Port Antonio, it did not remain the most important facility in Jamaica, rather Port Royal once again became so. This was demonstrated when funds and efforts were diverted to Port Royal rather than Port Antonio, as shown in this letter from November 1737 from the Navy Board to the Admiralty Secretary:

> And in order thereto [we] desire you will please to propose to the Rt. Hon. the Lords Commissioners of the Admiralty as our humble opinion that the boatswain and carpenter borne on the books at Port Antonio, as they were on the Southampton hulk, may be either put into ships as vacancies happen, or discharged and sent home by the first opportunity if they desire it;... And as Port Royal is now made convenient for careening ships, that the careening gear and stores may from time to time be brought from Port

664 'Captain John Gascoigne to Navy Board Greyhound, Port Royal, Jamaica' 14 February 1727/8 in Baugh, *Naval Administration 1715-1750*, 345.
665 'Navy Board to Admiralty Secretary' 30 June 1729 in Baugh, *Naval Administration 1715-1750*, 347/348
666 'Commodore Charles Knowles to the Lords of the Admiralty Louisburg, 30 March 1747' in Baugh, *Naval Administration 1715-1750*, 78.

Antonio to Port Royal in the men of war, especially such as are wanted.[667]

At the end of 1749, the Navy Board brought suggestions forward about the disposal of Port Antonio as a yard.[668]

The creation of new dockyards in the Caribbean underscored the changed authority in the administration of the Royal Navy from the time prior to the Hanoverian succession. In the 1720s and 1730s, it was the Navy Board that was pushing and driving the expansion of their facilities abroad to support the Admiralty's responsibilities for operations. Further, the Navy Board was capable of ending such projects, despite the investment and funds required, without losing their authority.

The Establishments

Another example of the Navy Board using its authority to define and develop the Navy were the *Establishments*. As discussed in the previous two chapters, the development of the establishments was an important aspect of the Royal Navy's development in the Westminster Model because they built on the precedents established and reflected contemporary circumstances. In this period, the establishments, and specifically the *Establishment of Dimensions* underwent significant and numerous changes. The *Establishment of Dimensions* reflected a kind of partial rationalization in 1706, in that it created a framework that addressed most of the categories of major warships in service in the fleet. However, unlike the *Regulation and Instructions* where all the various instructions were incorporated together, the *Establishment of Dimensions* did not also incorporate the *Establishment of Guns*.

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667 'Navy Board to Admiralty Secretary' 4 April 1737 in Baugh, *Naval Administration 1715-1750*, 365/366.
668 'Navy Board to Admiralty Secretary' 26 December 1749 in Baugh, *Naval Administration 1715-1750*, 395.

After the 1706 *Establishment of Dimensions,* there was still no equivalent for the

artillery carried until 1716, when a new establishment of guns was published that

defined not individual batteries, but rather standard batteries for the rates. This 1715

letter from the Navy Board to the Admiralty illustrates that although the establishments

had been created, the application to the fleet, and the peculiarities of the fleet presented

problems.

> We have in pursuance of your Lordship's order of the 24th past perused and considered of the copy of the report from the flag officers (received therein) of the number, nature, lengths and weights of ordnance proposed for the several rates of his Majesty's fleet, and do humbly return your Lordships our observations thereupon as followeth, viz...
> 3. That the Rupert, Monmouth, Swiftsure, Warspite and Defiance will not square with the class of the 3rd rates of 70 guns, the said ships carrying but 66 guns each; and there are likewise several of the 70-gunned ships that have but 12 ports on their quarterdecks and cannot at present carry 14 guns there as is proposed; and 12 of those proposed are judged to be a sufficient weight for that deck...
> 9. No further observations appear to us at present to the said proposals, presuming that most of the ships of the royal navy now in being, which are of the dimensions of the establishment in 1706, and all that shall be built or rebuilt for the future of those dimensions, may be made capable of carrying the guns proposed, regard being had to the two articles immediately preceding this...[669]

These observations were made in peacetime, and unlike the *Establishment of*

Dimensions, where ships dimensions could not change between peacetime and wartime,

this was not so for other aspects

> 7. That by all former establishments of guns for his Majesty's fleet there were made two distinctions of their numbers, natures, and weights, a higher and a lower complement for war and peace, suitable to their complements of men, which is not found in this proposal.[670]

That the *Establishment of Guns* proposed had not provided different rules for peacetime

and wartime is another example of how the *Establishments* were not rationalized as the

Regulations and Instructions were and so did not provide the same kind of universal

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669 'Navy Board to Lords of the Admiralty' 13 July 1715 in Baugh, Naval Administration 1715-1750, 202-3.
670 Ibid.

document. This seems to be a reflection of the reality that the Royal Navy's warships were still built and equipped within reasonable communication distance of the Navy Board's central office in London.

The development of the *Establishment* on those foundations was substantially different from that of the *Regulations* and *Instructions*. In 1719, the Admiralty promulgated a new *Establishment of Dimensions*, which expanded on the 1706 *Establishment* by including measurements for first-rates. This letter from the Master Shipwrights of the Dockyards describes the changes, and the reasons for them.

> And [we] are humbly of opinion that if the bodies were shaped to lines of as little resistance as is consistent with the nature of the service expected, the dimensions of ships, the scantlings of the frame and other parts, with directions for ordering the same together with proportions of masts and yards, herewith laid before you, were conformed to, they would answer what may be expected from them...[671]

This first generational shift featured a wholesale replacement. Indeed there was significant expansion. Where in 1706 only the most major dimensions had been specified, the 1719 *Establishment* included a much more complete set of measurements for each rate.[672] However, after that, the process was more piecemeal. In 1733, new dimensions were created for ships of 50 and 60 guns, followed by other rates.[673] In 1741, dimensions were again changed, and indeed the categories were changed. Thus, for example, what had been 70-guns ships became 64-gun ships. Baugh argues that 'the "establishments" of 1733 and 1741 never acquired formal approval, but they were widely followed and certainly broke the authority of the establishment of 1719.'[674]

Lavery argues that '[t]he twin policies, rebuilding and the establishments, were dovetailed together to form a devastatingly conservative system of ship design'.[675] Roger

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671 'Master Shipwrights of the Dockyards to Navy Board' 7 November 1719 in Baugh, *Naval Administration 1715-1750*, 208-209
672 Lavery, *The Ship of the Line*, 78-79.
673 'Committee report on Admiralty proposals for a new establishment of men and guns for ships of the Navy' TNA PC/1/5/13
674 Baugh, *Naval Administration 1715-175*0, 199.
675 Lavery, *The Ship of the Line Vol. 1*, 70.

Albion has argued that it bound the hands of shipwrights for a century.[676] Lavery and Albion's arguments regarding the effect of the *Establishments of Dimensions* on Royal Navy warship design seem to ignore a primary purpose of those documents. They were not created to define the Royal Navy's warships as the most capable sailing or fighting ships, they were meant to provide a mechanism for creating consistency across the fleet, for simplifying logistics, and creating rules so that when ships were rebuilt or built, victualled, crewed, or armed, the requirements and costs would be roughly predictable. However, with only a handful of shipyards needing to be regulated, compared to hundreds of naval officers and warrant officers, it would have been less critical to develop the *Establishments* in the same strict way. Nevertheless, the *Establishment* represented the same type of definition as the *Regulations and Instructions*, in that they were a centralized form of expectation that could be disseminated so that everybody was operating from the same playbook.

Statutory Definitions

The first expansion of the geographic limits placed on the jurisdiction of the *Articles of War* were codified in the 1719 legislation *An Act for making Perpetual*, which took effect from 1 January 1720. This was the result of 'operational influences' and acknowledged that the Royal Navy's operational sphere was no longer just aboard ship. The *Act* was an omnibus act and addressed three disparate aspects of the British justice system. It is the third section that is most important to the development of a new legal definition of the Royal Navy as an institution and the Royal Navy Officer profession. The text of the applicable clause is as follows:

> But no provision is by the said Act made for the tryal and punishment of
> such Persons who shall be guilty of any of the Crimes of Offences

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676 Robert G. Albion, *Forests and Sea Power* (Cambridge, Mass., 1926), p. 80. in Baugh, *Naval Administration 1715-1750*, 199.

mentioned in the said Articles, in case the same be committed upon the Shore in Foreign Parts; For Remedy thereof, Be it further Enacted by the Authority aforesaid, That if any Person or Persons, who, from and after the First Day of January One thousand seven hundred and twenty, shall be in actual service and pay in his Majesties fleet, or ships or vessels of war, shall commit any of the said Crimes of Offences mentioned in the said Articles, upon the Shore in any sovereign Part of Parts, the Person or Persons so Offending, shall be, and is hereby declared to be subject and liable to be tryed and punished for the same, in the same manner, to all Intents and Purposes, as if the said Crime or Crimes, Offence or Offences, had been actually committed or done upon the main Sea, or on Board any of his Majesties Ships or Vessels of War.[677]

This *Act* provided a basic expansion of the geographic limits of the jurisdiction of the Lord High Admiral and the *Articles of War*. This was followed by an Admiralty memorandum which discussed the officering of Royal Navy ships.

Having taken into our consideration how the ships of war of the royal navy are officered according to the present establishment, and being humbly of opinion that if one more lieutenant were added to the number now allowed to all his Majesty's ships of forty guns and upwards, it may conduce very much to the advantage of his Majesty's naval service, especially in time of action... we do most humbly represent to his Majesty that the additional charge of adding such a lieutenant to every ship of war of forty guns and upwards will be no more than half of the allowed pay to each, in regard they will be taken from those who will otherwise be allowed half pay if not so employed.
And there being no master allowed by the present establishment to any ship of the sixth-rate of his Majesty's royal navy, we do most humbly pray leave to propose unto his Majesty that such an officer may be established to such ships for the future at the allowance of four pounds per mensem, in regard it may not only very much tend to their safety, especially in the nighttime, when it is necessary that such an officer should relieve the lieutenant by taking on him the charge of the watch, but [also] that the employing such persons in small frigates, which are generally more at sea than others of larger dimensions, may contribute towards the breeding up a constant supply of able masters for the service of his Majesty's navy.[678]

It is interesting that this memorandum used the phrase 'breeding up' of navigators, similar to Charles II's order in council regarding midshipmen-ordinary in 1676.[679] This was then confirmed by an Order-in-Council dated 20 March 1720, which directly

677 HMSO, *Public General Acts 6 Geo I, Vol 8., 1719.* 387.
678 'Admiralty Memorial to the King in Council' 15 February 1719/20 in Baugh, *Naval Administration 1715-1750*, 48-9.
679 'Establishment made 8 May concerning Volunteers and Midshipmen-Extra' 8 May, 1676, NMM CLU/5 f49

addressed the use of Royal Navy personnel ashore. This Order-in-Council directed that

on all Royal Navy sixth-rate warships of forty guns or greater, an additional lieutenant

would be added to the establishment. Several reasons were provided:

> in regard to those Lieutenants who will besides the performance of
> their Duty as such be particularly appointed to train up and supervise
> the Seamen in the use of small arms which is the more necessary to
> be done, since there are not now any of the Marine Regiments
> subsisting, and that a greater number of commission officers are
> aboard the ships of war of other maritime nations, and particularly
> for exercising the small shot men, and ordering the in time of
> fights.[680]

The use of Navy personnel in what were effectively amphibious assaults was not a new

phenomenon within the practice of English maritime warfare. Setting aside the many

examples prior to the Restoration such as the Elizabeth expeditions against Cadiz, or the

capture of Jamaica in 1655, there were still examples where Royal Navy personnel had

participated in amphibious operations despite the jurisdiction of the *Articles of War*

extending only aboard warships. For example, Royal Navy ratings and officers

participated in the amphibious attacks on Gibraltar in 1704.[681]

The *Act for Making Perpetual* (1719) directly extrapolated from the *Act for the*

Establishing Articles in three important ways. The first is that it was also legislation. As

the precedent had been defined in legislation, it was necessary to use further legislation

to expand upon that definition with the same legal authority. Second, it continued to

define the Royal Navy as an institution with no legal authority ashore in British

territory. The Articles were an internal legal code, and so if crimes against the Articles

were to occur on foreign soil it was less likely that they would involve murder or theft

against their own crew, but rather mutiny or desertion. The *Act for Making Perpetual*

also reflected the Order-in-Council, and the training of seamen to use small arms. This

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680 'Order-in-Council 20 March 1720' NMM CLU/5 f223/4.

681 C. Ekins, *The Naval Battles of Great Britain from the Accession of the Illustrious House of Hanover
to the Throne to the Battle of Navarin* (London: Baldwin and Cradock, 1828) 7.

is further confirmed by the third direct mode of extrapolation from the *Articles of War*.

The *Act for making perpetual* specified that offences were to be prosecuted 'as if the

said Crime or Crimes, Offence or Offences, had been actually committed or done upon

the main Sea, or on Board any of his Majesties Ships or Vessels of War.'[682] The

extension of shipboard discipline was not an attempt to regulate personnel's shore leave

behaviour, but to ensure that naval officers had the legal authority to issue commands to

their crews, and to punish those who failed to obey when operating ashore. The terms of

this act only applied to those who were in actual pay and service aboard a Royal Navy

warship or other vessel. It also perpetuated an unaltered version of the operational

definitions for the limits of Royal Navy jurisdiction. Also importantly, the use of the *Act*

for Making Perpetual together with the order-in-council of 20 March 1720 shows that

again in this period, statutory and custom definitions were together used to define the

Royal Navy.

Previous chapters have discussed the measures taken to suppress the carriage of

merchant goods aboard warships. In 1721, this ban was incorporated into a statutory

definition in the *Act for the More Effectual Suppressing of Piracy*, which legislated that

any officers who carried goods on board in order to trade them privately and were

convicted of such by a court-martial would suffer the loss of their commission, as well

as be banned for future service in the Navy.[683]

The problem was npt represented by the movement of personnel between the

Navy and merchant ships, but rather by the increasing opportunities for Royal Navy

officers to participate in trade as the Navy's operational sphere expanded. The key

phrase in the *Act for the More Effectual Suppressing of Piracy* is 'At home or abroad',

which describes a common situation for naval officers and their ships.[684] If a warship

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682 HMSO, *Public General Acts* Vol. 8, 6 Geo I, 1719. 387
683 HMSO, *Public General Acts* Vol. 10, 8 Geo I, 1721, 374.
684 HMSO, *Public General Acts Vol. 10, 8 Geo I, 1721*, 374-75

was deployed to a major fleet, for example in the North Sea or in the English Channel, there would be limited opportunities for private trade. The Royal Navy was an institution based in Britain, where it commissioned its ships, and whence they were deployed. The forces the Royal Navy deployed to the Western Atlantic, the Caribbean, and the Indian Ocean were not locally commissioned, but rather organized, commissioned and dispatched from Britain. The passages to and from deployment areas provided opportunities for officers aboard warships to ship goods, either on personal account or as a minor version of carriage trade. As the Royal Navy's duty stations abroad became permanent instead of seasonal missions, there was an increase in the opportunities for the carriage of goods, and also a growing need to formally suppress the practice.

Conclusion

After the Hanoverian Succession, the relationship between the Royal Navy and the state changed as the Admiralty and Navy Board used their authority to actively define the Royal Navy. Indeed, the way that those organizations did so was similar to the way that Charles II continued to defined the Royal Navy through royal prerogative despite Parliament's tight control on funds during his reign. This is even more apt since during the 1720s and 1730s, Parliament did not provide any funds for building new ships, just for rebuilds.[685]

Like after the Restoration and the Glorious Revolution, this was a period in which the new monarchs inserted themselves into the relationship with the Navy. This was a rational, deliberate creation of identity that provided context for the other developments. Further, like during the period following the Glorious Restoration, immediately after the Hanoverian Succession there continued the seemingly coordinated

685 Rodger, *Command of the Ocean*, 292.

use of statute and convention together to define the Royal Navy, particularly regarding the expansion of the authority of the *Articles of War* ashore, and the provision of extra Lieutenants to provide officers to lead the men in combat on land.

However, this relationship between Parliament and the Admiralty was largely superseded by an active partnership between the Board of Admiralty and the Navy Board. The Board of Admiralty and Navy Board supported the Cabinet and minsters in their foreign policy goals. The Board of Admiralty developed methods for managing the supply of junior officers, and the superannuation of elderly officers in peacetime. They also further developed the rank of commodore to provide junior flag officers for foreign stations. In comparison, the Navy Board continued to develop the *Establishments* and established dockyards in the Mediterranean and Caribbean. The development of the Naval Academy, the superannuation of lieutenants, and the *Establishments* provided for better management of resources. The further development of the rank of commodore and the development of the Dockyards provided the structure and facilities for the Navy to fulfill the missions that the Government created for it. The creation and modification of the *Regulations and Instructions* was another important development and was part of the Navy's professionalization well as a document that would clearly state the Admiralty's expectations for its officers, whether at home or deployed abroad. The Royal Navy's development in this period was mostly strongly influenced on the one hand by increasingly global peacetime pressures and requirements, and on the other hand by long-term political stability and the clear emergence of attributes of the 'Westminster Model' in the British state. However, these changing circumstances did not fundamentally alter the Royal Navy's development in the 'Westminster Model'. The next chapters examines the period 1742-1749, the circumstances leading to the alteration and replacement of the *Articles of War*.

CHAPTER 5: REPLACING THE ARTICLES OF WAR

The Royal Navy's development in the 1740s was affected by two important

changes. First, the War of the Austrian Succession (1739-1748) put stresses on the

Royal Navy that did not exist during the long period of peace that preceded it. There

were not many successes during the first years of the war, and the Battle of Toulon

(1744) in particular provided a focus for criticism. Second, following the resignation of

Walpole as Prime Minister, there was a substantial shift in the administration of the

Admiralty and an overhaul in the appointments to the Board of Admiralty. From 1742

until after 1749, the First Lord of the Admiralty was a politician, rather than an admiral.

Further, some of the individuals who were appointed to the Board had a specific

philosophy that emphasized discipline that they wanted to impart upon the Navy and

indeed more widely. These individuals were members of Parliament, both from the

House of Commons and the House of Lords, and this put them in the perfect place to

use Parliament's authority to implement changes that were in the Admiralty's interest as

part of the attributes of the Royal Navy that Parliament had defined since 1660.

The *Act for Amending, Explaining and Reducing* (1749) was the single most

important development for the Navy during the 1740s. It must, however, be placed in

the context of other substantial changes. In 1661 the professional definitions and

culture were largely adopted from the existing State's Navy and the focus of the

amendments to the *Laws of War and Ordinances of the* Sea was on defining the navy's

structural attributes. In comparison, in 1749 the changes almost entirely focused on the

Navy's professional culture and specifically the creation of a new institutional

disciplinary philosophy.[686] Between the continued development of the convention

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686 This is much like Blake's push for the creation of the *Laws of War and Ordinances of the Sea* in
     1652.

definitions, the creation of new statutes that defined court-martial procedures, amendments to the existing *Articles of War,* and the rationalization of the other existing statutory definitions, the changes in the 1740s reflected a much more intricately defined and complex institution than existed in 1661.

This chapter will argue that these developments, specifically the *Establishments* and other frameworks for managing the Royal Navy's resources, the *Regulations and Instructions*, and the differentiation of the Royal Navy from the Land Forces, are indicative of how the Board of Admiralty and the Navy Board normally defined the Navy. In contrast, the statutory definitions for the Royal Navy in this period also reflect the ability of the Board of Admiralty to use Parliament to define the Navy of which the replacement of the *Act for the Establishing Articles* in 1749 was the most extreme example. It does not represent the maturation or pinnacle of a singular approach to defining the navy.

Still, the rationalization of the Royal Navy's statutory definitions was much more important than it had been following the Hanoverian Succession, and the continuation of the developments that began particularly in the 1730s provides necessary context. This chapter begins, therefore, with a discussion of state development, followed by changes to the Royal Navy's administration. Then, a discussion of the development of the definitions for the Navy is divided thematically, beginning with the development of Royal Navy institutional identity. In the 1740s, the Royal Navy became increasingly differentiated from the Army, especially in terms of how it was presented to external audiences. This is followed by a discussion of the continuation of the frameworks for managing the Royal Navy's resources, which highlights continuity from the previous period and effectively creates a baseline for the Board of Admiralty and the Navy Board defining the institution through their traditional means and jurisdictions. This is

followed by the discussion of the creation of statute definitions and highlights how the active presence of Board of Admiralty members in Parliament extended the authority of the Board, in particular, beyond its traditional bailiwick.

State Development Context

In 1742, Walpole resigned, and the 'Patriot Whigs' replaced the 'Establishment Whigs' in government.[687] According to Kinkel, this provided an opportunity for yet another faction to gain influence, the Authoritarian Whigs. She describes their philosophy in comparison to the other factions as follows:

> Like the Patriot Whigs, they believed that Britain had not gone far enough in expanding and securing its empire. Unlike the Patriot Whigs, they believed that the empire needed to be controlled. Like the Establishment Whigs, they did not want to expand access to power either at home or abroad. These Authoritarian Whigs advocated policies that emphasized hierarchy and discipline, without which they feared Britain would descend into anarchy... [R]eligiously, they supported the Anglican church; and in foreign policy, they strongly pushed to bring Britain's empire under centralized, rationalized control, so that colonies would become ordered, disciplined, and obedient.[688]

These attitudes would guide their efforts at redefining the culture and indeed philosophy of the British state through statute and policy. Kinkel developed the concept of the Authoritarian Whigs, for her PhD thesis.[689] This can be slightly problematic, however, because they participated in ministries of both the so-called 'Establishment' and 'Patriot' Whigs. Nevertheless, her identification of a group of Whigs led by the Duke of Bedford and the Earl of Sandwich is convincing, along with her description of their general philosophy. It is an idea that has gained currency with other historians and, crucially, it is borne out in the definitions created for the RN in this period.[690]

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687 Kinkel, *Disciplining the Empire*, 41.
688 Kinkel, *Disciplining the Empire*, 42-43.
689 Kinkel, *Disciplining the Empire*, 4.
690 Jeremy Black, *British Politics and Foreign Policy, 1744-1757: Mid-Century Crisis* (New York: Routledge, 2016), 157.

The 1st Earl Wilmington replaced Walpole as 'Prime Minister' although Lord

Carteret of the 'Patriot Whigs' held real power, and they were in a coalition with

Walpole's 'Establishment Whig' successors, Henry Pelham, and his brother the Duke of

Newcastle.[691] Following Wilmington's death in 1743, Pelham replaced him and was

Prime Minister until 1754. This faction was not necessarily ideologically committed to

the Royal Navy or indeed to naval warfare. Pelham and the Duke of Newcastle both

spoke against naval war in the 1740s and 1750s.[692] Despite this, they formed ministries

that provided the Authoritarian Whigs substantial control over the Royal Navy's

administration by naming several of them to the Board of Admiralty. However, that was

not the limit of their success. Kinkel argues:

> In the 1740s, the Duke of Bedford and his parliamentary followers were a
> party on the rise. The party had strong leadership in the House of Lords,
> including Bedford, Sandwich, the Earl of Halifax, the Duke of Bridgwater,
> and the Tory Lord Gower. They had little following in the Commons at the
> election of 1741—only five people—but this increased to sixteen by 1747.
> By 1748, the Authoritarian Whigs controlled four major offices (First Lord
> of the Board of Trade, First Lord of the Admiralty, Secretary of State for the
> Southern Department, and Lord Privy Seal) and four lesser ones.[693]

For this thesis, it is their success with the Board of Admiralty which is particularly

relevant. The appointment of the Authoritarian Whigs to that Board did not alter the

reality that it was the ministers of the Cabinet who set foreign policy and determined

how the Royal Navy was to be used. It was the Board of Admiralty's ability to define

the Royal Navy's professional aspects and their ability to also use Parliament to define

the Navy that is also important. Where Kinkel's work identified the Authoritarian Whigs

and described their philosophy and intention to change the Navy, this thesis considers

the changes they brought forth within the context of the Royal Navy's development

from 1660 and especially in the 1730s. Likewise, the role of the Duke of York as a

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691 Kinkel, *Disciplining the Empire*, 116-17.
692 Kinkel, *Disciplining the Empire*, 119.
693 Kinkel, *Disciplining the Empire*, 117.

member of the House of Lords in the creation of the *Act for the Establishing Articles* in 1660, and Parliament's assumption of the Admiralty's duties after 1688 provide critical context for the Board of Admiralty's use of Parliament to define the Navy.

Another factor that affected state development in this period was the continued rule of George II. Like his father, George II maintained an active and personal role in the rule and government of Hanover, spending a total of twelve summers there.[694] His divided loyalties split political opinion in Britain and exacerbated tensions, including within the Navy, which came to a head in the period of war from 1738 to 1748.

At this time, too, although there were few new statutory definitions for the state, they reflected an approach that was reflected in the navy. The *Wales and Berwick Act* of 1746/7, for example, defined England as including Wales and Berwick-upon-Tweed.[695] This was a sufficiently minor bill that it did not warrant extended comment in the House of Lords. It received all three readings and was passed in the Lords within the first ten days of February 1747.[696] Nevertheless, it reveals an attitude about hierarchy, discipline and the normalization of legislation that is also represented in the Royal Navy's development in this period.

Thus, the political atmosphere at end of Walpole's long tenure as 'Prime Minister' provided an opportunity for the Authoritarian Whigs to gain a greater influence over the Royal Navy. Their desire to redefine the British state's political culture is reflected in the changes made to the *Articles of War* in 1749 and was also a reflection of Britain's greater international reach as a state with interventionist foreign policy.

Defining The Navy

694 Andrew C. Thompson, *George II: King and Elector (*New Haven: Yale University Press, 2011) 6.
695 Danby Pickering, ed. *The Statutes at Large vol XIX* (Cambridge: Joseph Bentham, 1765) 126
696 "House of Lords Journal Volume 27: February 1747, 1-10," in *Journal of the House of Lords Volume 27, 1746-1752*, (London: His Majesty's Stationery Office, 1767-1830), 33-42. *British History Online*, accessed October 18, 2016, http://www.british-history.ac.uk/lords-jrnl/vol27/pp33-42.

The Naval Administration

In March 1742, the Earl of Winchelsea, another member of the 'Patriot Whigs' replaced Admiral Charles Wager who had been First Lord of the Admiralty since 1733. This was an important change because an unbroken succession of Royal Navy admirals had served as First Lord since October 1714.

In 1744, Commodore George Anson returned (with a substantially diminished squadron) from his mission to the Pacific Ocean and was made a public and political hero. This coincided with one of the few clean sweeps of the Board of Admiralty. On 27 December of that year, all but one were replaced. New members included the Duke of Bedford as First Lord, the Earl of Sandwich, and the newly returned Anson as a naval Lord. In 1748, the Duke of Bedford became Secretary of State for the Southern Department, and he was replaced as First Lord by the Earl of Sandwich.[697] These individuals were members of the Authoritarian Whigs who were able to influence the British state's political culture and philosophy.[698] These changes placed individuals, specifically Anson, who were determined to change the nature of the Royal Navy's professional culture, into positions that allowed them to do so. It did not fundamentally change the structure of the Navy's administration nor its basic relationship with the Parliament or the Cabinet.

Defining Institutional Identity

Twenty-five years sharing a monarch with Hanover did not put the associated issues to bed for the British state or for the Royal Navy. During this phase of the Royal Navy's development, the comparison of two prominent examples of British victories,

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697 'Lord High Admiral and Commissioners of the Admiralty 1660-1870,' in *Office-Holders in Modern Britain: Volume 4, Admiralty Officials 1660-1870*, http://www.british-history.ac.uk/office-holders/vol4/pp18-31.
698 Kinkel, *Disciplining the Empire*, 112.

only one of which was used for a Royal Navy warship name, illustrate how the king's dual crowns complicated matters.

In 1747, a newly-built warship was supposed to be named *Culloden,* to celebrate the victory over the Jacobite resistance to the Hanoverian government, but that ship was renamed the *Prince Henry* to celebrate the birth of Frederick Prince of Wales' sixth child and fourth son.[699] Culloden's significance was undimmed, of course, and the name was used later that same year for another third-rate ship, one that would become one of the Royal Navy's first 74-gun ships.[700] This was entirely within the established precedents for naming warships for British and royal victories. For example, the *Salisbury* had been renamed *Preston* in 1715 to honour the victory over the Jacobites there.[701]

The Jacobite rebellion was not the only armed conflict in which Britain was engaged, nor was Culloden the only important British victory with personal importance to the monarch. The War of the Austrian Succession included, for the first time since the War of the Spanish Succession, a significant British army fighting in continental Europe. In 1743, George II had personally led the joint British/Hanoverian Army at Dettingen, where they achieved victory over the French. Given this involvement in the battle, it would have made sense, building on the precedent established by the ships named for William III's victories such as the *Boyne*, and ships such as *Ramillies* named for the Duke of Marlborough's victories, for a ship to named after Dettingen. Curiously, however, this did not happen.

The War of Austrian Succession raised uncomfortable questions about George II's Hanoverian persona and responsibilities. Although commemorated as the last battle in which a British monarch personally led a British Army, this is really an oversimplified interpretation that lacks important context. The British forces were in

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699 Winfield, *British Warships 1714-1792*, 172.
700 Winfield, *British Warships 1714-1792*, 56.
701 Winfield, *British Warships 1714-1792*, 138.

Europe as part of a combined force, the 'Pragmatic Army' composed of the forces of the nations that supported the 'Pragmatic Sanction' of 1713. The British regiments were part of the allied army along with the Hanoverian and the Austrian forces. Indeed, the British forces were roughly equal within the army to those of their two allies. Further, although the English army was under General Lord Stair before the King's arrival, Hanoverian officers were effectively in command.[702] Recall that in 1743, the 'Patriot Whigs', who were opposed to pro-Hanoverian politics, held the office of Prime Minister.[703]

At Dettingen, George II commanded an allied army, rather than a British army, but this technicality did not matter when he wore a yellow, rather than red sash, expressing a primary identity as Elector of Hanover, rather than King of Great Britain.[704] The victory at Dettingen, while celebrated in Britain, was nevertheless a topic of fierce debate over the relationship between Britain and Hanover. There was both high-minded debate over the reality of union and more public partisan attacks which pointed out that the yellow sash associated with Hanover was also the colour of cowardice.[705] Given the ferocity of this debate, it is perhaps understandable that a warship was not named Dettingen. In comparison, Culloden was a much less controversial symbol because the battle had been one of the British monarchy defending itself from usurpers. That a ship was named to celebrate Culloden but not Dettingen is an indication of how contemporary politics influenced the creation and expression of the Royal Navy's institutional identity and the relationship between Parliament and the Monarchy in the use of the royal association with the Royal Navy.

While the use of warship names to express royal symbols and associations was built on firmly established precedents that dated to the Restoration (and well before), the

702 Nick Harding, *Hanover and the British Empire 1700-1837* (Boydell & Brewer, 2007), 120.
703 Kinkel, *Disciplining the Empire*, 116-17.
704 Harding, *Hanover and the British Empire*, 123.
705 Harding, *Hanover and the British Empire*, 118-123

differentiation of the Royal Navy from the land forces and the expression of Royal

Navy officer profession as an aspect of institutional identity were much newer. These

two definitions were clearly influenced and in some ways instigated by the operational

experiences of the War of Jenkins' Ear and War of the Austrian Succession. In both

cases, they marked a transition from developments largely aimed at internal audiences

to those aimed at external audiences.

As discussed in the previous chapter, in 1734 an instruction had been made to

provide some equivalencies so that forts and garrisons could provide the appropriate

respects to flag officers. That was created for an external audience, specifically the land

forces. However, it was a limited definition, and there was no formal system that fully

defined how officers in the Royal Navy or land forces compared in rank. Further, there

were no definitions regarding their authority in the others service. A November 1747

memo further explained the issue:

> The experience of this as well as of former wars having long shown the
> inconveniences arising from the want of an establishment of rank and
> precedence between your Majesty's sea and land officers ...
>
> [A regulation of 1734 concerning marks of respect to be paid to flag officers
> by land forces in the forts and garrisons]... serves to show the necessity of
> having one more complete, which should comprehend all the sea
> commission officers and settle their respective ranks parallel with the army
> according to the quality and trust of the posts they serve in; and by
> ascertaining the distinction they have a right to, not only animate them to
> support the dignity of their rank by a proper deportment and distinction in
> their several stations, but be attended with many good consequences to your
> Majesty's service; in particular, when it shall be necessary for the seamen
> and land forces to act together ...[706]

The result was an order-in-council from 10 February 1747/8 which laid out the

relationship between the officers' ranks of the Royal Navy and the land forces in more

detail. In addition to those comparisons already mentioned, captains with three or more

years' seniority in a post-ship were compared to colonels, while those with less were

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706 'Admiralty Memorial to the King in Council' 13 November 1747 in Baugh, *Naval Administration 1715-1750*, 82

lieutenant-colonels. Captains without appointment to post-ships were rated as majors, naval lieutenants as captains.[707] Interestingly, it was ordered that, amongst the same class of rank, for example naval lieutenants and land forces captains, seniority was to be determined by the date of commission, the same as the Navy's internal procedures.[708] The final clause of the order was as follows:

> That nothing in this Regulation shall give any Pretence to any Land Officer to command any of His Majesty's Squadrons or Ships; nor to any Sea-Officer to command at Land, nor shall either have a Right to demand the Military Honours due to their respective Ranks, unless such officers are upon actual Service.[709]

This instruction differentiated the Royal Navy from the land forces by explicitly limiting authority to within their own institution and by fully defining how each professional hierarchy related to the other. These new definitions, written for the Royal Navy, were created with external audiences in mind.

The same issues, and the same sense of socio-professional difference, informed the roughly concurrent creation of uniforms for the Royal Navy. During Anson's voyage to the Pacific, he had seen how uniforms could be useful for Royal Navy officers in duties that required them to go ashore and be impressive.[710] Amy Miller argues that:

> The officers of the Royal Navy originally wanted a uniform to distinguish them by rank, but also to ensure their status within society ashore might be made clear. They wanted a uniform that would serve them instantly as officers in the King's service so that they may gain respect appropriate to this role. Additionally, a dress uniform based on court clothing …. provided a visual construct of refinement, a quality not often associated with officers or ratings.[711]

This is reinforced by the presence of contemporary documents that reflected the Royal Navy's operational interactions with land forces. In the November 1747 Admiralty memo to the King-in-Council quoted above, there had been an additional item, crossed

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707 'Regulations and Instructions' NA Kew, ADM 7/202 f227.
708 'Regulations and Instructions' NA Kew, ADM 7/202 f228.
709 Ibid.
710 Herman, *To Rule the Waves*, 261-2.
711 Miller, *Dressed to Kill*, 28.

out, requesting a naval uniform.[712] Further, there was a letter from 'the admirals, captains

and lieutenants of His Majesty's royal navy', which included the following request:

> We do also beg leave to make it our request to your Lordships that an
> uniform military clothing be appointed, thereby to distinguish the rank of
> each officer from the other; and with regard to petty officers, if no rank
> should be thought proper to be given them with the army, yet that every
> person acting in quality of mate or midshipman may carry that appearance
> which is necessary to distinguish it as the post of a gentleman, as well as to
> give him a better credit and figure in his command, we beg leave to
> recommend it to their Lordships to appoint an uniform military clothing for
> them.[713]

This letter was signed by four flag officers, 26 captains and 45 lieutenants.[714] Clearly

this was important to Royal Navy officers collectively, although the Admiralty did not

implement it until the next year. The instruction implementing uniforms described the

reasoning as follows:

> Whereas we judge it necessary, in order the better to distinguish the Ranks
> of Sea Officers, to establish a Military Uniform Clothing... in order to
> carrying the appearance which is necessary to distinguish their Class to be
> Gentlemen...[715]

Just like the previous example, the creation of Royal Navy officer uniforms was largely

for external audiences. As shown, it was the increased interaction between the Royal

Navy and land forces that created both operational and socio-professional reasons for

the Royal Navy officer profession to have its own visual identifying markings. This

would not only happen on land, because the Transport Board had been abolished

following the end of the War of the Spanish Succession, which made the Royal Navy

responsible for transporting land forces troops abroad. This brought both institutions

into very close contact aboard ship for extended phases of time.[716] In this period, the

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712 'Admiralty Memorial to the King in Council' 13 November 1747 in Baugh, *Naval Administration 1715-1750* 82.
713 'Admiralty Memorial to the King in Council' 13 November 1747 in Baugh, *Naval Administration 1715-1750*, 83-4.
714 'Admiralty Memorial to the King in Council' 13 November 1747 in Baugh, *Naval Administration 1715-1750*, 84.
715 'Signals and instructions, *HMS Rochester* 1745-59' NMM, DUF/8 f3.
716 Baugh, *Naval Administration 1715-1750*, 3.

land forces were again deployed abroad and indeed on a much wider variety of fronts

than they had been during William III's wars against Louis XIV. This resulted in the

land forces having definitions created that provide direction comparisons to the Royal

Navy's structural definitions as rationalized in the *Act for Amending, Explaining and

Reducing*. The analysis of that act later in this chapter will include further comparisons

between the Royal Navy's statutory definitions and the land forces' equivalents.

Managing Institutional Resources

Although between 1715 and 1740 the Board of Admiralty and Navy Board had

defined the Royal Navy so that it could respond to the demands placed on it by the

ministers of the Cabinet, the solutions were not completely implemented and

frameworks created had not entirely solved the existing issues. After 1740, the

Establishment of Dimensions and the methods for increasing the number of junior

officers and superannuating non-useful officers continued to be developed, along with

the *Regulations and Instructions*.

The final major *Establishment of Dimensions* was promulgated in 1745, in

response to several years of combat in the War of the Austrian Succession. The prelude

to the creation of the 1745 Establishment of Dimensions included much consultation,

including from respected senior officers. A letter from Admiral Vernon in June 1744

brings to light the process, as well as the issues that were identified.

> If what we meet in the public prints be true, of the French ships Captain
> Martin was detached out singly to chase, and by whom he was taken, after a
> gallant defence against so superior a power, one of them is called of 68 guns
> and said to have had seven hundred men, and the other 64 guns and 650
> men. But if we had the opportunity of knowing the dimensions of their
> sixty-four gun ships, I doubt not but the[y] would be found of greater
> dimensions than those we call such with us, and at least as big as our
> seventy-gun ships. For they don't generally crowd their ships with guns as

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we do, in which I think them much in the right, and that we cripple our ships by it, without any real convenience arising from it.[717]

This confirms the documents and the trends from the previous chapter, where the Royal Navy's warships were lengthened and expanded to improve upon their sailing and handling qualities. Later in his letter, Vernon blamed the Royal Navy's apparent stagnation on Sir Jacob Acworth, who had held the office of the Surveyor of the Navy since 1715 and was largely responsible for the contents of the *Establishments*.[718]

> And fear his usurping the whole direction, or having been permitted to do it. With his too much pride and self-sufficiency to be capable of being better informed, and too little good sense or solid judgment for being capable of directing all himself, [he] has made ours a declining navy in the art of shipbuilding, at a time when both Spain as well as France have been greatly improving in it.[719]

This was a criticism of both the *Establishments* and the role of the Surveyor of the Navy in their creation. Vernon also proposed that each of the builders of the royal dockyards, as well as the private shipyards should be able to submit designs in competition for the selection of the best design and the promotion of shipbuilding.[720]

In November 1745, an ad-hoc committee of senior officers submitted the new *Establishment* to the Admiralty. While the entire document is too long to quote in any substantive way, portions do speak to the development process and the consideration of the Establishment.

> We shall now proceed to acquaint your Lordships that the Master Shipwrights, having in pursuance of our order prepared the principal scantlings for a ship of each class, which, being both larger and stronger than those now in use, were approved of by us; but in order to those ships being brought to one uniform size and standard... and sending them herewith... do offer it as our opinion to your Lordships that they should be

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717 'Admiral Edward Vernon to Admiralty Secretary 18 June 1744' in Baugh, *Naval Administration 1715-1750*, 223-24

718 "Principal officers and commissioners," in *Office-Holders in Modern Britain: Volume 7, Navy Board Officials 1660-1832*, ed. J M Collinge (London: University of London, 1978), 18-25. *British History Online*, accessed September 12, 2016, http://www.british-history.ac.uk/office-holders/vol7/pp18-25.

719 'Admiral Edward Vernon to Admiralty Secretary 18 June 1744' in Baugh, *Naval Administration 1715-1750*, 224-25

720 'Admiral Edward Vernon to Admiralty Secretary 18 June 1744' in Baugh, *Naval Administration 1715-1750*, 224.

fixed as standards or establishments, and that there should not be the least variation therein till experiments have been made of their qualities; for in our opinion such care hath been taken in the construction of these bodies that they will answer every service for which they are designed[721]

The suggestion that 'there should not be in the last variation therein', was completely unlike the development that had previously occurred. The corresponding changes to the *Establishment for Guns* was discussed in an April 1748 memo from the Admiralty to the King-in-Council:

> Your Majesty having been pleased by your Order in Council dated the 25th of April 1743 to direct that 64 and 58 guns should be carried on board two classes of ships of your royal navy, but the dimensions of ships of those classes being enlarged in consequence of the establishment directed to be observed by your Majesty's Order in Council dated the 27th March 1746 so as to be built for carrying 70 and 60 guns; we do humbly propose that your Majesty will please to direct that the said number of 70 and 60 guns of the natures undermentioned may be established, instead of 64 and 58, for the ships of those classes in your Majesty's royal navy[722]

This piecemeal approach to the *Establishment of Dimensions* exacerbated the lack of rationalization with other *Establishments*. This is a reflection of the reality that creating consistency amongst the Navy's ships was a much more substantial proposition than producing a single, centralized set standards for Royal Navy officers. The continued development of the *Establishments* in different documents provides an interesting counterpoint to the rationalization seen in both the *Regulations and Instructions* and in the statutory definitions.

The Board of Admiralty's development of measures for managing Royal Navy officers as a resource also continued after 1740. Like the *Establishments*, this provides context because it involves the creation of professional definitions, which were at the focus of the amendments made to the *Articles of War*.

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721 'Ad Hoc Committee of Senior Officers to Admiralty Board 27 November 1745' in Baugh, *Naval Administration 1715-1750*, 230-31.
722 'Ad Hoc Committee of Senior Officers to Admiralty Board 27 November 1745' in Baugh, *Naval Administration 1715-1750*, 233.

The pensions scheme the Board of Admiralty had created for superannuating the most senior lieutenants did not entirely solve the problem. Indeed, it was equally a problem for higher ranks as it was for lieutenants. It was entirely possible to promote younger officers to flag rank in preference to senior officers. However, this practice was not without issues, as the Admiralty noted in 1747. The following is an Admiralty Memorandum, of 7 March 1746/47:

> May it please your Majesty,
> It having been long a complaint among the captains in the navy, and a matter of great discontentment to them, that notwithstanding the length of their services, it happens to several of them to see themselves superseded by junior captains being made flag officers over their heads; and this in many cases where no positive misbehaviour of theirs could be alleged or any neglect of duty, whilst they were in the service. But as on the other hand it would be attended with great prejudice to the service and danger to the public if, from a single regard to length of service, captains should be preferred to be made flag officers whose age or want of capacity render them unequal ...[723]

This memorandum proposed a new mechanism for the removal of officers from the seniority list:

> We do therefore humbly propose: that at the next promotion of flag officers, such captains in the navy who from their seniority shall happen to be set aside by such promotion, as well as those who have been already set aside by former promotions and those who shall hereafter be set aside by future promotions, be appointed by commissions from us to be rear admirals in general terms, without expressing any squadron or division of colours used in the fleet; that they be esteemed as superannuated sea officers, and placed for the rest of their lives on the Ordinary Estimate of the Navy with a pension equal to the half pay of a rear admiral.[724]

This new measure accomplished several things; first, it would allow for the superannuation of captains who would never be employed as flag officers, and who would also not be content to be passed over for promotion. Second, it created a mechanism that would do so and provide a way for those officers to have a satisfactory pension, specifically the half-pay of a rear-admiral. Third, it was consistent with the

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723 'Admiralty Memorial to the King in Council'7 March 1746/7 in Baugh, *Naval Administration 1715-1750*, 77.
724 Ibid.

Royal Navy's established half-pay practices and directly built upon the rules created for superannauated lieutenants. Finally, this was an example of the application of the 'Authoritative Whigs' new discipline-first philosophy in that it would allow the Board of Admiralty to not employ officers who did not reflect the level of discipline that Anson and others desired. This measure has been linked to the failures of the Battle of Toulon, but it must be considered in the context of the framework created for managing the Royal Navy's supplies of Lieutenants in the 1730s as well as the Royal Navy's other assets.[725]

This development, along with the framework for the superannuation of lieutenants created in 1737, the creation of the Naval Academy in 1733, and the development of the *Establishment of Dimension*s, was part of the classic pattern of development for the Royal Navy since the Restoration: piecemeal definitions created in response to specific issues and pressures. As with the un-rationalized *Establishments*, this was not produced as part of a single document that defined Royal Navy doctrine for how the Admiralty managed its professional assets from the beginning of officers' careers to their end.

The differences between the further development of the *Establishments* and the framework for superannuating captains, and the rationalization of much of the Royal Navy's definitions in the *Regulations and Instructions* are a reflection of the scale of the intended audience. The *Rules and Instructions* was designed to be a package set for the Navy's officers to be able to consult when necessary. The rationalization of the *Articles of War* in 1749 create a similar, standard and handy package. Indeed, these packages were easier to parse than handbooks published for Royal Navy officer use in the 1740s, such as *Signals for the Royal Navy and Ships Under Convoy*. These contained the

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725 "Anson, George, Baron Anson (1697–1762)," N. A. M. Rodger in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. David Cannadine, May 2008, http://www.oxforddnb.com/view/article/574 (accessed October 27, 2016).

Articles of War as published in 1661 as well as other Statutes that defined the Navy.[726]

Neither the diverse *Establishments* nor the procedures for superannuating officers required that size of audience. Indeed they were documents that would be limited to the Admiralty, the Navy Board and its dockyards, and to the Ordnance. They could be kept distinct and referred to as needed.

Statutory Definitions: Defining the Royal Navy's Institutional Culture

Following the appointment of the Authoritarian Whigs to the Board of Admiralty, there were three pieces of legislation that created new statutory definitions for the Royal Navy. Two acts, in 1744 and 1748, provided further definitions for courts-martial proceedings as well as the Royal Navy's authority ashore. They were (relatively) quickly repealed and replaced along with the other statutory definitions still in effect in 1749. However, these first two acts are important because they do show the influence of the Admiralty on Parliament to define the Royal Navy. Indeed, they the first two Acts build up to the much more substantial and significant *Act for Amending, Explaining and Reducing* passed in 1749.

The first piece of legislation that defined the Royal Navy in this period of development was the 1744/5 A*ct for the further regulating and better Government of His Majesty's Navies, Ships of War, and Forces by Sea: and for regulating the Proceedings upon Courts-Martial in the Sea Service.*[727] This was the first supplementary legislation to lay out rules for courts-martial proceedings. On 8 April 1745, it was moved that 'That Leave be given to bring in a Bill for explaining and amending an Act, made in the 13th Year of the Reign of King Charles the Second,' and so a committee

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726 'Signals for the Royal Navy and Ships under Convoy, sailing and fighting instructions, Articles of War, Regulations etc., with the additional signals of Adm Vernon and the flags of all nations, 1748' NMM HOL/13

727 HMSO, *Public General Acts, 18 Geo. II*, Vol. 35, 1744-45. 637.

was formed in the House of Commons, led by George Grenville and Sir John Hind Cotton.[728] It was sent to the House of Lords on the 24th of April, and returned with alteration on the 29th after several discussions on the Act. The next day, the House of Lords passed the bill.[729]

This was a rather short piece of legislation, of which only the second paragraph contained new content. However, what it contained was substantial. For example, those who failed to serve as witnesses were to forfeit £100, and matters of perjury or attempts to pervert were to be prosecuted before the King's Bench. The act also provided that crewmen waiting courts-martial were still be to be paid until they were discharged. Further, the authority of the *Articles of War* was to be extended to crews of wrecked ships, although not those of ships taken by the enemy.[730] The act also partially integrated courts-martial with the established English legal code. For example, perjury would be punishable by death under the 1729 *Perjury Act*.[731] Yet, the Court of King's Bench was not given jurisdiction over courts-martial themselves, unlike under the statute of 1694.[732]   These new definitions were important and set precedents for the next act, but what is more important is that this act was the first statute that implemented the Authoritarian Whigs' focus on discipline. There are several pieces of evidence for this. First is the leading role of George Grenville, who was a Commissioner for the Admiralty, in the creation of the bill. Further, both the Duke of Bedford and the Earl of

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728 House of Commons, *Journals of the House of Commons* Vol 24, 25 June 1741 to 19 September 1745 (London: House of Commons, 1803) 859.

729 *Journals of the House of Commons* Vol 24, 881. 'House of Lords Journal Volume 26: April 1745, 21-30,' in *Journal of the House of Lords Volume 26, 1741-1746* (London: His Majesty's Stationery Office, 1767-1830), 485-494, accessed December 24, 2015, http://www.british-history.ac.uk/lords-jrnl/vol26/pp485-494

730 Ruffhead, Ed. *Statutes at Large*, Vol VI, 3 Geo. II to 20 Geo II. (London: Mark Basket, 1764) 637.

731 Ruffhead, Ed. *Statutes at Large*, Vol V, 1 Geo. I to 3 Geo II. (London: Mark Basket, 1763), 699.

732 "William and Mary, 1694: An Act for the better discipline of theire Majesties Navy Royall [Chapter XXV Rot. Parl. pt. 5. nu. 5.]," in *Statutes of the Realm: Volume 6, 1685-94*, ed. John Raithby (s.l: Great Britain Record Commission, 1819), 507. *British History Online*, accessed April 27, 2017, http://www.british-history.ac.uk/statutes-realm/vol6/p507a.

Sandwich were present in the House of Lords for the vote.[733] Anson was already an MP

for Hedon, in Yorkshire.[734]

The second piece of evidence is the final sentence of the first paragraph:

> And whereas by reason of some Defects in the said At of parliament, and in
> the Constitution and Proceedings of such Courts-Martial,... several Crimes
> and Offences... may escape Punishment to the great Prejudice and
> Dishonour of these Kingdoms, Therefore for the remedying and supply the
> said Defects, and for maintaining a proper and strict Government and
> Discipline of His Majesty' Navy...[735]

This language directly addressed the focus of the Authoritarian Whigs. This statute was

wartime legislation and was directly influenced by operational results. At the same time

that Parliament was debating what would become of the *Act for the further regulating*, it

was also actively investigating the fallout of the Battle of Toulon, which was regarded

as a disastrous failure for the Royal Navy. The content of this legislation clearly marks it

as something the Admiralty would want passed, but it also contains definitions that

could not have been implemented without Parliament's authority to define the

relationship between the Royal Navy and the state as a whole.

For example, the Board of Admiralty could use its own authority to create

regulations that the flag officers who convened a court-martial could not preside or that

witnesses who failed to appear could be fined. Indeed, the definitions contained in this

act built directly on those contained in the 1731 *Regulations and Instructions* and which

remained intact through the 1746 edition.[736] However, making courts-martial subject to

the *Perjury Act,* giving the Court of King's Bench jurisdiction over those who

committed perjury during a court-martial, and extending the authority of the Admiralty

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733 'House of Lords Journal Volume 26: April 1745, 21-30,' in *Journal of the House of Lords Volume 26, 1741-1746* (London: His Majesty's Stationery Office, 1767-1830), 485-494, accessed December 24, 2015, http://www.british-history.ac.uk/lords-jrnl/vol26/pp485-494

734 "Anson, George, Baron Anson (1697–1762)," N.A.M. Rodger in *Oxford Dictionary of National Biography*.

735 HMSO, *Public General Acts, 18 Geo. II*, Vol. 35, 1744-45. 637.

736 Privy Council, *Regulations and Instructions Relating to His Majesty's Service at Sea* 1731, 3-6. Privy Council, *Regulations and Instructions Relating to His Majesty's Service at Sea* 1734, 3-6. 'Regulations and Instructions' NA Kew, ADM 7/202 f3-6.

to those ships were lost or wrecked required Parliament's ability to redefine the relationship between the State and the Navy.

Following the passage of this legislation, a number of captains were tried and court-martialled and cashiered for their actions at the Battle of Toulon. In 1747, Admiral Thomas Mathews was also tried at court-martial, and he too was cashiered.[737] This legislation provided additional courts-martial procedures than had existed previously and would have been used for those courts-martial. However, it did not fully address the issues with Royal Navy discipline, nor did it change the *Articles of War* themselves.

In 1748, *An Act for further regulating the proceedings upon Courts-martial in the Sea Service; and for extending the Discipline of the Navy to the Crews of His Majesty's Ships, wrecked, lost or taken; and for continuing to them their Wages upon certain Conditions* continued the expansion of authority. This was a much more substantial piece of legislation than the 1745 Act, nearly eight pages in length compared to two paragraphs. Like the previous act, this one resulted from the efforts of the members of the Board of Admiralty in Parliament. Indeed, in February 1747 William Barrington, George Greville and William Ponsonby (then Lord Duncannon) were all made part of the committee that created the bill.[738] Lords Barrington and Duncannon had been appointed to the Board of Admiralty in June, 1746.[739]

This second act was partially created in response the return to England of the former crew of *HMS Wager*. The *Wager* had been wrecked in 1741 during Anson's expedition to the Pacific Ocean, and the loss of the ship had resulted in a loss of discipline. In 1746, when the crew returned to England, there was discussion of court-

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737 Rodger, *Command of the Ocean*, 242-245.
738 House of Commons, *Journals of the House of Commons*, Vol 25, October 17, 1745- November 22 1750 (House of Commons, 1803), 530.
739 "Lord High Admiral and Commissioners of the Admiralty 1660-1870," in *Office-Holders in Modern Britain: Volume 4, Admiralty Officials 1660-1870*, ed. J C Sainty (London: University of London, 1975), 18-31. *British History Online*, accessed April 22, 2017, http://www.british-history.ac.uk/office-holders/vol4/pp18-31

martialling them but under the terms of the existing statutes, there was no authority to

do so. The difference with the *Wager* mutiny was that it had occurred after the wreck of

the ship, and the mutineers argued that the wreck of the ship meant that they were no

longer in active service or being paid and therefore were no longer under the jurisdiction

of the *Articles of War*.[740]

> [W]ith respect to the Crews of such of his Majesty's Ships that are wrecked,
> or any otherwise lost or destroyed, from the Time of their being so wrecked,
> lost or destroyed, and all the Pay and Wages of the Officers and Seaman of
> such ship or ships cease and determine at the same Time; which is attended
> with many great Inconveniences with respect to his Majesty's ships[741]

The futile attempts to court-martial the mutineers, rather than the loss of the *Wager*

itself, more directly led to the passage of the *Act for further regulating the proceedings*

upon Courts-martial. Following the creation of this statutory definition, it was not

retroactively applied to the 'mutineers' from the *Wager,* largely over public controversy

relating to Vernon's dismissal from the flag list in April 1746. As a member of

Parliament, Vernon had been critical of the Board of Admiralty and Ministry after his

return to England in 1743, and the publication of two pamphlets publicly criticizing the

Admiralty resulted in his being cashiered.[742]

While the circumstances are important, the contents of the bill are even more so.

In the previous Act, the new content was listed in a quick series of clauses in a single

paragraph. This substantially builds upon the section that defines who may hold a court-

martial, court-martial procedures, and indeed the expanded applicability of the *Articles*

of War to the crews of wrecked and lost ships. For example, from the short phrase which

in the 1745 act stated that the Lord High Admiral or Commissioners could themselves

grant commissions to hold courts-martial, the 1748 legislation contained six paragraphs

740 S.W.C. Pack, *The Wager Mutiny* (London: Alvin Redman, 1964) 246.
741 HMSO, *Public General Acts Vol. 36, 21 Geo. II,* 588
742 Richard Harding, 'Edward Vernon, 1684-1757' in *Precursor's of Nelson: British Admirals of the Eighteenth Century,* Peter Le Fevre & Richard Harding Eds. (London: Stackpole Books, 2000) 173-74.

upon the same subject. These delineated what would happen if the admiral had to resign their commission and the delegation of authority to hold courts-martial to senior officers of detached squadrons amongst others.[743] The bill then continued with multiple paragraphs that provided an extensive outline to court-martial proceedings including how they should be composed with different numbers of senior officers available. Further, the *Act* contained new oaths to be taken by the members of the court-martial and repealed the section of the 1690 *Act concerning the Commissioners of the Admiralty* that contained such oaths.[744]

The final section of the act addressed the scenario of the *Wager* mutineers:

> ... all the Powers given by the several Articles of War, Rules, Orders and Directions established by the said Act above-mentioned shall remain and be in full force with respect to the Crews of such of his Majesty's ships as shall be wrecked, or be otherwise lost or destroyed, and all the command, power and authority given to the Officers of the said ship or ships, shall remain and be in full force, as effectually as if such ship or ships to which they did belong were not so wrecked, lost or destroyed... [745]

Further, it was ordered that the crews were to be paid for the time after the ship was lost if they were found to have behaved well.[746] This directly built on the language contained in the *Act for the Establishing Articles* that limited courts-martial to those actively on duty aboard warships.

These two acts not only applied the Authoritarian Whigs' new philosophy of discipline to the Navy, but they were also smaller-scale examples of the how the Board of Admiralty could use Parliament to directly define the Navy. These two pieces of legislation were the last created to supplement the *Act for the Establishing Articles* before it was replaced in 1749.

Replacing and Amending the Articles of War

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743 HMSO, *Public General Acts Vol. 36, 21 Geo. II*, 583-585
744 HMSO, *Public General Acts Vol. 36, 21 Geo. II*, 585-588, 590
745 HMSO, *Public General Acts Vol. 36, 21 Geo. II*, 589
746 Ibid.

In 1922 Reginald Acland, the former Judge Advocate General, argued that 'the changes made in the [1749] *Articles of War* were slight, were chiefly verbal, or dealt with punishments.'[747] Acland did not appreciate the significance of the changes, because the process of repealing and replacing the *Act for the Establishing Articles* was an unprecedented action in the Royal Navy's development process. For the first time since the Restoration, the most important of the Royal Navy's defining statutes was not just supplemented or expanded upon, but entirely replaced.

Like the *Act for the Establishing Articles*, the *Act for Amending Explaining and Reducing into One Act* was strongly driven by individuals and personalities. Due largely to his success during the circumnavigation of the world in the early 1740s and the Battle of Cape Finisterre of 1747, Anson had a lot of respect and influence. He had been appointed Vice-Admiral of England and was ennobled as the 1st Baron Anson. His position on the Board of Admiralty and in the House of Lords provided him the opportunity to be the singular driving force behind the replacement of the *Articles of War*. Indeed, Horatio (Horace) Walpole noted in a 1749 letter to Sir Horace Mann, a British diplomat in Italy that Anson's efforts on behalf of the *Act* had essentially exhausted the opposition:

> Our debates on the two military bills, the naval one of which is not yet finished, have been so tedious, that they have rather whittled down the Opposition, than increased it... This bill was chiefly of Anson's projecting, who grows every day into new unpopularity.[748]

Anson's role personally driving the *Act for Amending, Explaining and Reducting* built upon role of the Board of Admiralty's MPs in directly contributing to the previous two pieces of legislation. It is, indeed, the extreme example of this trend, in that he personally was identified so strongly with the bill in Parliament.

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747 Acland, 'Naval Articles of War', 200.
748 *The Letters of Horace Walpole, Earl of Orford: Including Numerous Letters First Published from the Original Manuscripts Vol. II 1744-53*, (London: Richard Bentley, 1840) 263-4 Letter to Sir Horace Mann, 23 March 1749

To implement a new institutional, and specifically professional, culture would require more than another supplementary statute. Indeed, these definitions Anson sought to change were explicitly stated in the *Act for Establishing Articles*. This, then, required the full repeal of the *Act for the Establishing Articles*. Such a fundamental change naturally triggered the broader effort to incorporate all the additional legislation within the new document as well. In this way, Anson's ambitions also required each of those prior laws to be repealed.

As expressed in the title, the 1749 legislation performed three functions. Although the 'amending' aspect is the part that has received the most attention, it also contained greater explanation of Royal Navy processes, and rationalized the Royal Navy's statutory definitions into a single act. The analysis of the *Act for Amending, Explaining and Reducing* discusses each individually in order to put them into perspective.

Amending

Anson's amendments to the *Articles of War* reflected his disappointment in the Royal Navy's captains who failed to perform their duty as expected. He did not respond by simply increasing the maximum punishments. Rather, the introduction of 'mandatory minimums' would be the best way to summarize the changes in the Royal Navy's punitive measures. The ceiling for many offences was already the death penalty under the 1661 *Articles of War*, though considerable leeway was permitted in sentencing.[749] Unable to increase that, Anson's amendments removed clauses that allowed courts-martial freedom to determine sentences. In the case of the determination of guilt, the members of courts-martial now had their options limited by minimum as well as

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749 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80,* http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

maximum sentences.[750] For some offences, there was only one possible sentence: death.

The maximum penalty was increased to death only in those cases where the court-

martial retained the power to determine its own sentences.

Important changes can be detected in the subtle alterations of the wording of

specific articles. These reveal that Anson (and the Authoritarian Whigs) were concerned

with consolidating socio-professional developments in addition to changing

punishments. The articles that were most substantially altered deal with expectations for

behaviour in combat. The most important alterations were obviously the adjustment of

the penalties. However, the language within the articles was often reorganized so that

they were more clearly stated and altered so to have more inclusive language. Article X,

which addressed preparation of ships for combat, and Article XII, which set the standard

for the 'intensity' which proclaimed the penalties for 'failure to engage at the expected

intensity' are two excellent examples of Anson's primary amendments.

In the 1661 version, Article X was rendered as follows

> Every Captain or Commander who upon signall or order of fight or view or sight of any Ships of the Enemy Pirate or Rebell or likelihood of Engagement shall not put all things in his Ship in a fitt posture for fight and shall not in his owne person and according to his place hearten and encourage the Inferior Officers and common men to fight couragiously and not to behave themselves faintly shall bee casheire And if he or they shall yield to the Enemy Pirate or Rebells or cry for quarter he or they soe doeing shall suffer the paines of death or such other punishment as the offence shall deserve.[751]

There were several alterations in the 1749 version:

> Every Flag Officer, Captain, and Commander in the Fleet, who, upon Signal or Order of Fight, or Sight of any Ship which it may be his Duty to engage, or who, upon Likelihood of Engagement, shall not make the necessary Preparations for Fight, and shall not in his own Person, and according to his Place, encourage the inferior Officers and Men to fight courageously, shall suffer Death, or such other Punishment, as from the Nature and Degree of the Offence a Court-martial shall deem him to deserve; and if any Person in

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750 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
751 *Charles II, 1661: An Act for the Establishing Articles and Orders', Statutes of the Realm Volume 5, 1628-80, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.*

> the Fleet shall treacherously or cowardly yield or cry for Quarter, every Person so offending, and being convicted thereof by the Sentence of a Court-martial, shall suffer Death.[752]

The amendments in 1749 clarified the article, which described two behaviours as contrary to the *Articles of War*. The first proscribed behaviour was failure to fight, or to prepare to fight, or to encourage one's crew to fight. In 1660, this was punishable by dismissal from the service. In 1749, the maximum penalty was raised to death. The second offence within the article was surrendering from cowardice, which in 1660 was punishable by death or a lesser sentence, but in 1749 was only punishable by death. A new addition to the 1749 version was the specification of 'treacherously or cowardly yield', which would provide room to excuse those who had surrendered honourably from punishment under this clause.

Article XII addressed a similar topic, and appeared in the 1661 *Articles* as follows

> Every Captaine and all other Officers Mariners and Souldiers of every Ship Frigott or Vessell of War that shall in time of any fight or engagement withdraw or keepe backe or not come into the fight and engage and do his utmost to take fire kill and endamage the Enemy Pirate or Rebells and assist and releive all and every of His Majesties Ships shall for such offence of cowardice or disaffection be tried and suffer paines of death or other punishment as the circumstances of the offence shall deserve and the Court martiall shall judge fitt.[753]

This was then revised in 1749 to:

> Every Person in the Fleet, who through Cowardice, Negligence, or Disaffection, shall in Time of Action withdraw or keep back, or not come into the Fight or Engagement, or shall not do his utmost to take or destroy every Ship which it shall be his Duty to engage, and to assist and relieve all and every of his Majesty's Ships, or those of his Allies, which it shall be his Duty to assist and relieve, every such Person so offending, and being convicted thereof by the Sentence of a Court-martial, shall suffer Death.[754]

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752 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact' http://southseas.nla.gov.au/biogs/P000354b.htm, Accessed May 29, 2012.
753 Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm*
754 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

In this case, only one behaviour is described. Here, as in the second half of Article X in 1661, the maximum penalty was already death. Again, like the second part of Article X in 1749, the minimum penalty was removed, leaving only death.

Both articles show the changes to more inclusive and general descriptions of the offences. For example, both halves of the Article X in 1661 refer to the 'enemy pirate or rebell,' and in the 1749 version this has been changed to 'any ship which may be his duty to engage.'[755] Where the 1661 version of Article XII contained 'Every Captaine and all other Officers Mariners and Souldiers of every Ship Frigott or Vessell of War' the same sentiment became 'Every Person in the Fleet' in the 1749 version.' Similarly, what was expressed in the earlier version as 'assist and relieve all and every of His Majesties Ships' became ' all and every of his Majesty's Ships, or those of his Allies, which it shall be his Duty to assist and relieve' in 1749.[756] These changes reflected ninety years of institutional development and in particular conceptions of the Royal Navy as a professional institution. The language in the 1661 act described an institution composed of very different professional groups under a single authority, while the language in 1749 described an institution that was much less internally differentiated.

Another example is Articles XXV (1661) / XXVI (1749), regarding the duty of care for the steering of the ship and ship handling. The 1661 version stated:

> That care be taken in the conducting and steering of the Ships that through wilfulnes negligence or other defaults none of His Majesties Ships be stranded or run upon any Rocks or Sands or Split or hazarded upon pain that such as shall be found guilty therein be punished by Fine imprisonment or otherwise as the Offence by a Court martiall shall be adjudged to deserve.[757]

The 1749 article provided:

755 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80,* http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.,National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

756 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80,* http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.. National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

757 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80,* http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

> Care shall be taken in the conducting and steering of any of his Majesty's Ships, that through Wilfulness, Negligence, or other Defaults, no Ship be stranded or run upon any Rocks or Sands, or split or hazarded, upon Pain, that such as shall be found guilty therein, be punished by Death, or such other Punishment as the Offence by a Court-martial shall be judged to deserve.[758]

This article again displays Anson's changes to the levels of punishment, and like in the first part of Article X in 1749, the maximum penalty for the offense was increased to death. In this case, much less of the actual article itself was altered or amended. But for the inclusion of punctuation, the list of unacceptable behaviours remained unchanged. This was unlike Articles X and XII, where the specific lists of 1661 were replaced with a more general description in 1749. This was not an article directly relating to behaviour in combat, but it referred to maritime aspects of an officer's duties. This reinforces the idea that Anson was mostly concerned with addressing Royal Navy officers' behaviour in combat, and the ability to punish failure in that situation. Accordingly, the punishment for this article was increased as part of the general trend, but did not receive as detailed changes as, for example, Articles X and XII.

Some articles were modified to emphasize discipline, hierarchy and duty, but without changing the punishments. One example is Article XI, in which the original text from 1661 is:

> Every Captaine Commander and other Officer Seaman or Souldier of any Shipp Frigott or Vessell of Warre shall duly observe the Commands of the Admirall or other his Superior or Commander of any Squadron as well for the assailing or setting upon any Fleete Squadron or Ships of the Enemy Pirate or Rebells or joyning Battel with them or making defence against them as all other the Commands of the Admirall or other his Superior Commander upon pain to suffer death or other punishment as the quality of his neglect or offence shall deserve.[759]

It was replaced in 1749 by:

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758 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
759 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80*, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

Every Person in the Fleet, who shall not duly observe the Orders of the Admiral, Flag Officer, Commander of any Squadron or Division, or other his superior Officer, for assailing, joining Battle with, or making Defence against any Fleet, Squadron, or Ship, or shall not obey the Orders of his superior Officer as aforesaid in Time of Action, to the best of his Power, or shall not use all possible Endeavours to put the same effectually in Execution, every such Person so offending, and being convicted thereof by the Sentence of the Court-martial shall suffer Death, or such other Punishment, as from the Nature and Degree of the Offence a Court-martial shall deem him to deserve.[760]

Just as with Article XII, the list of those subject to its terms became more inclusive. More important were the changes that emphasized duty and discipline. The added text in the 1749 version emphasizes the importance of full effort in the performance of one's duties in battle. Also important was the shift of tone or emphasis. The direct voice in the text from the *Act for the Establishing Articles* stresses the positive duties expected to be performed, but the text from the *Act for Amending, Explaining and Reducing* is expressed in the negative, which reflects a greater emphasis on transgression and thus punishment. This kind of change in the language is more illustrative of the implementation of the Authoritarian Whigs' intent than the mere increase in punishments.

Numerous articles from the *Act for the Establishing Articles* were not updated in the same manner as those examined above. Prominent examples are those dealing with the intelligence and letters, specifically Articles III and IV from 1661 and 1749, and Article XVIII in 1661, which was renumbered Article V in 1749. In the first two articles, the *Act for Amending, Explaining and Reducing* retains the language 'Officer, mariner or soldier,' and in Article XVIII/V the text 'Captaine Officer Mariner or other of the Navy or Fleete' is slightly amended to 'Captain, Officer, Mariner, or other in the Fleet.'[761] The retention of the archaic language, even slightly modified, further

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760 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
761 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80*, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.; National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

emphasizes the inconsistent editing and the lack of focus on the articles that did not address the issues that Anson was concerned with.

The amendments made in the Royal Navy's *Articles of War* in 1749 illustrate the complexity of the process of updating and replacing a document as critically important to the Royal Navy as the *Act for the Establishing Articles*. The overall nature of the amendments, including the inconsistencies, demonstrates that the process was neither straightforward nor easy. Indeed, that Anson as an individual was the driving force behind the changes suggests one reason for the inconsistencies.[762] Although he was able, through energy and sheer force of personality, to reduce the opposition in Parliament, this was not so true for opposition from the Royal Navy officer corps.

Anson's efforts to make officers on half-pay subject to potential court martial, in particular, was an attempt to remove at least one of the limits on the authority of the office of Lord High Admiral that had been imposed by the legislation of 1661. Further, the Admiralty was frustrated that officers on half-pay were not subject to the *Articles of War*. This allowed officers to avoid unwanted deployments or commissions, or refuse employment without punishment.[763]

The passage of yet another *Mutiny Act* in 1749 provides important context for the use of statutes to define the Royal Navy. On 25 February 1749, the *Remembrancer* published a letter which discussed the extension *Articles of War* over officers on half-pay. In particular, it asked:

> If officers in half-pay are to be equally subject to discipline, and to command, as if in actual full pay, what necessity is there to put the nation to the expense of whole pay?[764]

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762 *The Letters of Horace Walpole*, 232/263 Letters from 4 & 19 March 1749s
763 Baugh, *Naval Administration 1715-1750*, 39.
764 E. Cave, Ed. *The Gentleman's Magazine, and Historical Chronicle Vol. XIX For the Year M.DCC* (London: Edward Cave, 1749) 83.

Another author argued that the extension of authority over half-pay officers as well as officers in full service was essentially to deprive the former of their liberty and freedom from tyranny.[765] These arguments were reminiscent of the reasons for putting explicit limits on the authority of the Lord High Admiral in the *Act for the Establishing Articles*. More importantly they were representative of the competing philosophies of the different factions of the Whigs.

Horace Walpole's letters from March 1749 describe the parliamentary debates over the *Mutiny Act* as less divisive than the naval legislation. 'In the Lords, the Mutiny-bill passed pretty easily, there happening a quarrel between Lord Bathurst and Lord Bath on the method of their measures'[766] However, the *Gentleman's Magazine* presented a different perspective.

> So that all those severe articles which able either to protect themselves against make it death for a sentinel to be found sleeping on his post, or to occasion false alarms in his quarters &c &c. And which seem to be without pretence or excuse, except in time of war, according to this draught, are still to be the rule of duty in time of peace.[767]

Clearly, the debate regarding the creation of a new culture, with a different approach to hierarchy and discipline was not limited to the Navy.

Anson's amendments to the Articles fit into an established pattern of incomplete implementation of changes. Previously, definitions such as professional qualifications, procedures for superannuating officers, or the *Establishment of Dimensions* had been implemented in a piecemeal way and not applied across the entire institution. The irregular amendment and editing of the *Articles of War* certainly belongs in that pattern. However, the resistance that led to the failure to implement the changes placing officers

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765 E. Cave, Ed. *The Gentleman's Magazine,* 83.
766 *The Letters of Horace Walpole*, 264.
767 E. Cave, Ed. *The Gentleman's Magazine,* 128.

on half-pay under the authority of the *Articles of War* means that that attempted change does not fit within that pattern.

Explaining the Articles of War

The *Act for the Establishing Articles* had not merely contained the *Articles of War*, but it also contained the Proviso, which contained those most important definitions for the Royal Navy as an institution.[768] Likewise, the *Act for Amending, Explaining and Reducing* also contained more than the modified *Articles of War*. Indeed, the *Articles* were the second section of the act, and there were a further twenty-four sections that provided context and explanation for the *Articles.*

Some of the content for these sections was derived from the *Act for the Establishing Articles* of 1661. The most important of these were the sections that replaced the Proviso of 1661 and contained the definitions for the authority and jurisdiction of the Lord High Admiral.

Section 4 of the *Act for Amending, Explaining and Reducing* contained the following language:

> Provided also, That nothing in this Act contained shall extend, or be construed to extend, to impower any Court-martial to be constituted by virtue of this Act, to proceed to the Punishment or Trial of any of the Offences specified in the several Articles contained in this Act, or of any Offence whatsoever (other than the Offences specified in the fifth, thirty-fourth, and thirty-fifth of the foregoing Articles and Orders), which shall not be committed upon the main Sea, or in great Rivers only, beneath the Bridges of the said Rivers nigh to the Sea, or in any Haven, River, or Creek within the Jurisdiction of the Admiralty, and which shall not be committed by such Persons at the Time of the Offence committed shall be in actual Service and full Pay in the Fleet or Ships of War of his Majesty, his Heirs or Successors, such Persons only excepted, and for such Offences only, as are described in the fifth of the foregoing Articles and Orders.[769]

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768 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80,* http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.
769 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

This section directly perpetuated the Proviso from the *Act for the Establishing Articles*, but only part of it. Other language was incorporated into the *Articles* themselves, but also in the *Articles of War.* The following was included as article XXXIV:

> Every Person being in actual Service and full Pay, and Part of the Crew in or belonging to any of his Majesty's Shore Ships or Vessels of War, who shall be guilty of Mutiny, Desertion, or Disobedience to any lawful Command, in any Part of his Majesty's Dominions on Shore, when in actual Service relative to the Fleet, shall be liable to be tried by a Court-martial, and suffer the like Punishment for every such Offence, as if the same had been committed at Sea on Board any of his Majesty's Ships or Vessels of War.[770]

Article XXXV was similar in nature:

> If any Person who shall be in the actual Service and full Pay of his Majesty's Ships and Vessels of War, shall commit upon the Shore in any Place or Places out of his Majesty's Dominions, any of the Crimes punishable by these Articles and Orders, the Person so offending shall be liable to be tried and punished for the same in like Manner, to all Intents and Purposes, as if the said Crimes had been committed at Sea, on Board any of his Majesty's Ships or Vessels of War.[771]

These definitions were clearly built upon the geographic definitions for the authority of the Lord High Admiral contained in the Proviso in 1660, as well as the language from the *An Act Concerning the Commissioners of the Admiralty* from 1690. However, Article XXXIV was entirely new language, a logical extrapolation of what had been contained in *The Act for Making Perpetual* (1719). Its addition is also entirely consistent with the Authoritarian Whigs' emphasis on the extension of discipline.

In addition, some of the explanation was created by moving text that had been contained in the *Articles* in 1661. Article XXIV from 1661 stated that the Lord High Admiral had the authority to grant commissions to hold courts-martial. This text, slightly changed, was moved to the explanation section as Section 6.[772] Articles XXXIV and XXXV of the *Act for the Establishing Articles* had contained courts-martial procedures, for example about the selection of the death penalty, and about the

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770 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
771 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
772 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

administration of oaths. That content was removed from the *Articles* and added to the

supplementary sections. However these changes were largely overshadowed by the

substantial expansion of those procedural directions which were incorporated from the

acts of 1745 and 1748.

Some of the 'explanation' was original to the *Act for Amending, Explaining and*

Reducing. By 1749 there were (theoretically) no soldiers in the fleet under the authority

the Board of Admiralty and the naval *Articles of War*, as the last of the marine regiments

had been abolished in 1748 after being transferred from the War Office.[773] And Section

5 of the *Act for Amending, Explaining and Reducing* specifically exempted the land

forces from the Navy's *Articles of War* as follows.

> Provided also, That nothing in this Act contained shall extend, or be
> construed to extend, to impower any Court-martial to be constituted by
> virtue of this Act, to proceed to the Punishment or Trial of any Land Officer
> or Soldier on Board any Transport Ship, for any of the Offences specified in
> the several Articles contained in this Act.[774]

The addition of Section 5 was necessary because the Transport Board had been

abolished following the Hanoverian Succession, and responsibility for transporting land

forces troops had been assigned to the Royal Navy.[775] Under the language in the *Act for*

the Establishing Articles, soldiers aboard Royal Navy ships were subject to the *Articles*

of War, and indeed in 1694 the Solicitor-General and Attorney-General had ruled that

the Marines were subject when aboard ship.[776] It was also absolutely consistent with the

differentiation of between the officers Royal Navy and Land Forces that was described

in the *Regulations and Instructions*, specifically that, while those sections provided the

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773 Britt Zerbe, *The Birth of the Royal Marines 1664-1802*, (Woodbridge: The Boydell Press, 2013) 28-
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774 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5,*
   1628-80, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.
775 Baugh, *Naval Administration 1715-1750*, 3.
776 The Papers of Thomas Corbett, volume on Marines NMRN Mss 121 v16. f75

equivalencies between Navy and Army ranks, officers only had authority within their own service.[777]

The land forces' defining documents provide important context for the explanations included in the *Act for Amending, Explaining and Reducing*. The *Mutiny Act* did not contain the same types of definitions for the land forces as the *Act for Amending, Explaining and Reducing* did for the Navy. Instead they were contained within the *Rules and Articles for the better government of our horse and foot-guards, and all other our land-forces in Great Britain and Ireland, Dominions beyond the sea and Foreign Parts,* which were the land forces equivalent of both the *Articles of War* and the *Regulations and Instructions*.

The *Rules and Articles* contained a great many instructions for the handling of courts-martial, because even though one held a commission to serve aboard a single ship, just like an army officer held a commission in a single regiment, the Royal Navy was a far more integrated institution than the land forces. With the single institutional structure, the Royal Navy (and Marines, when deployed into the fleet) was all subject to the same *Articles of War*. In comparison, each corps and regiment of the land forces was an independent jurisdiction, with its own instance of the *Rules and Articles*. For regimental courts-martial or courts-martial involving only a single corps, this did not present an issue. However, armies were composed of units from different corps, including Regiments of Foot, Regiments of Horse, Foot Guards, Horse Guards, Artillery, and Engineers, each of which were essentially independent. The land forces' *Rules and Articles* included articles that created definitions for the relation of officers of each corps. For example, consider Article IV of the Land Forces' *Rules and Articles*:

> in like manner also, the Officers of Our Three Regiments Of Foot Guards, when appointed to hold Courts-martial for Differences or Crimes as aforesaid, shall of themselves compose Courts-martial, and take Rank

777 Regulations and Instructions' NA Kew, ADM 7/202 f228.

according to their Commissions. But for all Disputes or Differences which may happen between Officers or soldiers belonging to Our said Corps of Horse Guards, and other Officers arid Soldiers belonging to Our Regiments of Foot Guards, or between any Officers or Soldiers belonging to either of those Corps of Horse or Foot Guards, and Officers and Soldiers of Our other Troops, the Courts-martial to be appointed in such cases shall be equally composed of Officers belonging to the Corps in which the Parties complaining, and complained of, do then serve ; and the President to be ordered by Turns, beginning first by an Officer of One of Our Troops of Horse Guards, and. so on in Course out of the other Corps.[778]

Article V provided similar definitions:

The Members both of General and Regimental Courts-martial shall, when belonging to different Corps, take the; same Rank which they Hold in the Army; but when Courts-martial shall be composed of Officers of one Corps, they shall take their Ranks according to the Dates of the Commissions by which they are mustered in the said Corps.[779]

In these is a declaration of army and regimental rank, but at the same time a firm differentiation between the corps when possible. These can be compared to the procedures for courts-martial contained in the *Act for Amending, Explaining and Reducing*, specifically sections 12 through 14, which specified the procedures for the composition of court-martial panels. Section 12 specifically ordered that

... no Court-martial, to be held or appointed by virtue of this present Act, shall consist of more than thirteen, or of less than five Persons, to be composed of such Flag Officers, Captains, or Commanders then and there present, as are next in Seniority to the Officer who presides at the Court-martial.[780]

In addition, section 14 stated

That in case any Court-martial shall, by virtue of this Act, be appointed to be held at any Place where there are not less than three, nor yet so many as five Officers of the Degree and Denomination of a Post Captain, or of a superior Rank to be found, then it shall be lawful for the Officer, at the Place appointed for holding such Court-martial, who is to preside at the same, to call to his Assistance as many of the Commanders of his Majesty's Vessels, under the Rank and Degree of a Post Captain, as, together with the Post Captains then and there present, will make up the Number of five, to hold such Court-martial.[781]

778 Privy Council, *Rules and Articles For the Better Government of His Majesty's Horse and Foot Guards*, 23.
779 Ibid.
780 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
781 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

Where the regiments and corps of the land forces had to provide a mechanism to deal with the interaction of ostensibly different entities, the Royal Navy had a more integrated officer corps.

Related to the holding of courts-martial, explanation was necessary for how the Royal Navy's judicial mechanisms would relate to the greater English justice system. In 1661, the Royal Navy had been defined as explicitly external to it.[782] However, the statutory definitions of the 1740s had changed this. Perjury was not punishable under the *Articles of War* directly in the *Act for Amending, Explaining and Reducing*, but would be punished under the *Perjury Act:*

> every Person and Persons who shall commit any wilful Perjury, in any Evidence or Examination upon Oath at any such Court-martial, or who shall curruptly procure or subborn any Person to commit such wilful Perjury, shall and may be prosecuted in his Majesty's Court of King's Bench by Indictment or Information.[783]

In comparison Article II of section XX of the land forces' *Rules and Articles* stated the following:

> Notwithstanding its being directed in the Eleventh Section of these Our Rules and Articles, that every Commanding Officer is required to deliver up to the Civil Magistrate all such Persons under his Command, who shall be accused of any Crimes which are punishable by the known Laws of the Land, yet in Our Garrison of Gibraltar, Island of Minorca, Forts of Placentia and Annapolis Royal, where Our Forces now are, or in any other Place beyond the Seas, to which any of Our Troops may be hereafter commanded, and where there is no Form of Our Civil Judicature in Force, the Generals or Governors, or Commanders respectively, are to appoint General Courts-martial to be held, who are to try all Persons guilty of Wilful murder, theft, Robbery, Rapes, Coining, or Clipping the Coin of Great Britain, or of any foreign Coin, current in the Country or Garrison, and all other Capital Crimes or other Offences, and punish Offenders according to the known laws of the Land, or as the Nature of their Crimes shall deserve.[784]

Where the Royal Navy was specifically defined in section 25 of the *Act of Amending, Explaining and Reducing* as being external to the judicial system (except in the case of

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782 'Charles II, 1661: An Act for the Establishing Articles and Orders', *Statutes of the Realm Volume 5, 1628-80*, http://www.british-history.ac.uk/statutes-realm/vol5/pp311-314.

783 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

784 Privy Council, *Rules and Articles For the Better Government of His Majesty's Horse and Foot Guards*, 29.

perjury), the land forces' *Rule and Articles* declared members of the army to be subject
to the civilian legal system as well as the Army's private legal code contained with the
document. There was one important way in which the land forces and Royal Navy were
similar, however. The physical space of the warships and the physical space of the
garrisons (or other space occupied by the land forces) both served to define jurisdiction,
rather than nominal control over territory.

The 'explanation' aspect of the *Act for the Amending, Explaining and Reducing* is
important for two reasons. First, the alteration of the Proviso into several distinct
articles and sections demonstrated the growth and development of the Royal Navy as a
jurisdiction beyond the original definitions. Second, it reflects the reality that the
implementation of the Authoritarian Whigs' new institutional culture of discipline could
not consist only of new, harsher penalties for offences. It also had to include very
detailed procedures for how to enforce that new culture, with as few gaps in the
definitions as possible. As such, the 'explanation' aspect of the *Act for the Amending,
Explaining and Reducing* is not consistent with the piecemeal implementation of
definitions seen in other areas.

Reducing into one Act (Rationalization)

Although some of the 'explanation' aspect of the *Act for Amending, Explaining
and* Reducing was adapted from existing language in the *Act for Establishing Articles* or
created anew, the majority was incorporated from the Royal Navy's other statutory
definitions. Indeed, the thoroughness of the 'explanation' sections is a result of the final
aspect, the rationalization of all the Royal Navy's statutory definitions still in effect in
1749. It was not strictly necessary to rationalize all the statutory definitions for the
Navy, but given that the *Act for the Establishing Articles* needed to be repealed to make

Anson's amendments, the rationalization of the supplementary legislation was a logical

step. The inclusion of already approved legislation would almost certainly be less

contentious than Anson's intended amendments. The rationalization also provides a

different view on the professionalization of the Royal Navy than Anson's amendments,

because they represented definitions created by many different administrations and

under as many different circumstances. They also represented responses to a larger

number of influences and situations in comparison to Anson's unhappiness with the

Royal Navy's performance in the War of the Austrian Succession. The supplementary

legislation also defined the Royal Navy's existence and duties in peacetime, in addition

to the wartime expectations upon which Anson focused. Given that so much of the

explanatory framework, and indeed some of the offences, were imported from

supplementary legislation, the comparison between those acts and the *Act for

Amending, Explaining and Reducing* provides an opportunity to examine how they were

or were not altered when they were included into the *Act for Amending, Explaining and

Reducing*, particularly as these definitions primarily addressed those aspects of the

Royal Navy's definitions that were traditionally subject to Parliament's authority to

define, rather than the professional culture which Anson and the Authoritarian Whigs

sought to change and which was absolutely consistent with the traditional jurisdiction of

the Board of Admiralty.

The first piece of additional legislation rescinded was *An Act Concerning the

Commissioners of the Admiralty*, originally passed in 1690. It contained two important

definitions for the Royal Navy. It legally confirmed that the office of Lord High

Admiral could be placed into commission. It also defined part of courts-martial

procedure with the inclusion of a specific oath for those officers involved in a court-

martial. These developments were not included 'as is' in the 1749 legislation but rather

were adapted. In the case of the former definition, the phrase 'the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain for the Time being' was used multiple times, specifically in the sections of the *Act for Amending, Explaining and Reducing* that that delineate the powers of the Lord High Admiral.[785] It was used in Section 6, which described the authority to grant commissions. Sections 10 and 11 described the ability to direct officers of certain rank to hold courts-martial, and numerous other sections thereafter (sections 13, 19, 23, 24, and 25) that described the regulations for, and restrictions upon holding courts-martial.[786] The repeated use of this clause resulted of the maintenance of the structure of the *Articles of War*, where authority was stated explicitly in each case, rather than once and applied to the whole document.

The oath in the second aspect of the Act had been repealed by the 1748 *Act for further Regulating of Proceedings*, which included replacement oaths. Accordingly, it was those oaths that were incorporated into the *Act for Amending, Explaining and Reducing*.

An Act for making perpetual (1719) was the second supplementary act repealed under the 1749 *Articles of War*. This was an omnibus act that addressed several previous pieces of legislation. Since this act extended the authority of the Articles of War ashore, it was important to include it in the *Act for Amending, Explaining and Reducing*. In this case, it was a straightforward transfer, although the text was somewhat reduced in the latter legislation and included as Article XXXV. There were several minor changes in the text, for example in the first and third lines where 'or persons' was removed, and in the second to last line where 'upon the main sea' was altered to 'at Sea'. These changes are not surprising, because it would have been considered along with Article XXXIV, a

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785 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
786 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

new creation which for the first time provided the Navy with the authority to prosecute for 'Mutiny, desertion and disobedience' in 'any Part of his Majesty's Dominions on Shore.'[787] Slightly altering the text to match the new language would have been a small matter.

In comparison to the two previous acts, the *Act for the More Effectual Suppression of Piracy* (1721) was not repealed in its entirety but rather only in the portions that were superseded by 1749 Articles of War. The text was included as Article XVIII, and rendered as follows:

> If any Captain, Commander, or other Officer of any of his Majesty's Ships or Vessels, shall receive on board, or permit to be received on board such Ship or Vessel, any Goods or Merchandizes whatsoever, other than for the sole use of the Ship or Vessel, except Gold, Silver, or Jewels, and except the Goods and Merchandizes belonging to any Merchant or other Ship or Vessel which may be shipwrecked, or in imminent Danger of being shipwrecked, either on the High Seas, or in any Port, Creek, or Harbour, in order to the preserving them for their proper Owners, and except such Goods or Merchandizes as he shall at any Time be ordered to take or receive on board by Order of the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral for the Time being; every Person so offending, being convicted thereof by the Sentence of the Court-martial, shall be cashiered, and be for ever afterwards rendered incapable to serve in any Place or Office in the Naval Service of his Majesty, his Heirs and Successors.'[788]

There was a significant reduction in the text between the original legislation and that in 1749. However, article XVIII was supplemented by section Section 24.

> And whereas by the said Act, intituled, An Act for the more effectual suppressing of Piracy; it is amongst other Things enacted in the following Words, That the said Captain, Commander, or other Officer of the said Ship or Vessel of War, and all and every the Owners and Proprietors of such Goods and Merchandizes, put on board such Ship or Vessel of War as aforesaid, shall lose, forfeit, and pay the Value of all and every such Goods and Merchandizes so put on board as aforesaid; one Moiety of such full Value to such Person or Persons as shall make the first Discovery, and give Information of or concerning the said Offence; and other Moiety of such full Value to and for the Use of Greenwich Hospital: all of which Forfeitures shall and may be sued for and recovered in the High Court of Admiralty: Now for making the said in part recited Act more useful and effectual, be it

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787 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
788 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

enacted by the Authority aforesaid, That from and after the twenty-fifth Day of December one thousand seven hundred and forty-nine, if any Captain, Commander or other Officer of any of his Majesty's Ships or Vessels shall receive on board, or permit or suffer to be received on board such Ship or Vessel, any Goods or Merchandizes, contrary to the true Intent and Meaning of the Eighteenth Article in this Act before-mentioned and hereby enacted, every such Captain, Commander, or other Officer shall, for every such Offence, over and above any Punishment inflicted by this Act, forfeit and pay the Value of all and every such Goods and Merchandizes so received or permitted, or suffered to be received on board as aforesaid, or the Sum of five hundred Pounds of lawful Money of Great Britain[789]

There were some changes and deletions. For example, the original flowery language of 'great interruptions and inconveniences' caused by officers bringing commercial goods aboard warships was deleted.[790] As part of the *Act for Amending, Explaining and Reducing,* there would no longer be the need for the same kind of preamble as in the earlier legislation. The limited modification of the text suggests that the content was considered sufficiently important that it had to be included in the *Act for the Establishing Articles* and also that it sufficiently reflected the new culture of discipline that it did not have to be further altered.

The inclusion of the *Act for Further Regulating and Better Government* (1745) and the *Act for Further Regulating of Proceedings* (1748) into the *Act for the Amending, Explaining and Reducing* was also critical. They were statutory definitions created by the Authoritarian Whigs, and they were written to instill the same kind of culture of discipline as Anson's amendments to the *Articles of War*. As the latter was much longer than the former and contained many more instructions for courts-martial procedures, its impact upon the *Act for Amending, Explaining and Reducing* was much greater. However, they together provided the text for much of the explanatory sections that followed the *Articles of War.* Indeed, much of the *Act for Further Regulating of Proceedings* was imported effectively unchanged.

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789 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
790 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

For example, Sections 6 through 15, which first defined the power to grant commissions to hold courts-martial and then the selection of officers to empanel a court-martial panel, were directly adopted with only minor changes to the text. This adoption was not just limited to topics described and definitions set, but also included the replication of the order of the paragraphs.[791] This process was continued, with the oaths contained in the latter act incorporated into the *Act for Amending, Explaining and Reducing.* In the *Act for Further Regulating of Proceedings,* the oath or members of the Court was as follows

> I, A.B. do swear, that I will duly administer Justice, according to the Articles and Orders Established for the regulating and better Government of His Majesty's Navies, Ships of War, and Forces by Sea, without Partiality, Favour, or Affection...[792]

This was subsequently modified in the *Act for Amending, Explaining and Reducing,* to appear as follows.

> I A.B. do swear, That I will duly administer Justice, according to the Articles and Orders established by an Act passed in the twenty-second Year of the Reign of his Majesty King George the Second, for amending, explaining, and reducing into one Act of Parliament, the Laws relating to the Government of his Majesty's Ships, Vessels, and Forces by Sea, without Partiality, Favour, or Affection...[793]

This pattern of close copying, and specifically only changing the text to recognize the change in the act that provided the authority, was continued by the oath taken by the Judge Advocate.[794] Following that, section 17 of the *Act for Amending, Explaining and Reducing* proceeded to combine the next two paragraphs of the *Act for Further Regulating of Proceedings,* which addressed perjury, 'Contempt and Misbehaviour.'[795]

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791 HMSO, *Public General Acts,* 21 Geo II, Vol. 37, 1748 584-586; National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
792 HMSO, *Public General Acts,* 21 Geo II, Vol. 37, 1748, 586.
793 National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
794 HMSO, *Public General Acts,* 21 Geo II, Vol. 37, 1748,586-587.; National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'
795 HMSO, *Public General Acts,* 21 Geo II, Vol. 37, 1748, 587. ;National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

This continued, paragraph for paragraph, until section 21, which contained the latter act's definitions concerning the crews of ships wrecked, otherwise lost or destroyed.[796]

In terms of the text of the statute definitions that were incorporated into the *Act for the Amending, Explaining and Reducing*, the rationalization of the Royal Navy's statutory definitions was relatively straightforward. Some of the definitions were applied as necessary throughout the *Articles of War*, for example with the incorporation of the text of the *Act concerning the Commissioners of the Admiralty* throughout. Others were expanded upon (the 1719 *Act for Making Perpetual*). The *Piracy Act* (1722) and the *Act for the Further Regulating of Proceedings* effectively incorporated with a minimum of modification. This was very similar to the rationalization of standing orders in the *Regulation and Instructions*. The creation of the *Act for Amending, Explaining and Reducing* also created a single, centrally defined set of expectations that could be disseminated much more easily than the patchwork of legislation that already existed. This is shown by the civilian produced handbooks and Vade-Mecum that were created as pocket guides for naval officers.[797]

However, the text of the statutes did not exist in a vacuum. The definitions reflected the administrations that created them and the circumstances that influenced them, and they also critically represented drastically different institutions. For example, the *Act concerning the Commissioners of the Admiralty* from 1690 was a product from a period in which the relationship between the Admiralty and Parliament was very different than it was in 1749, and also one when there was no certainty over whether the role of the Office of Lord High Admiral would be performed by an individual or by a commission. However, there were also some similarities, for the disbanding of the

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796 HMSO, *Public General Acts*, 21 Geo II, Vol. 37, 1748, 588-589.; National Library of Australia, 'Articles of War- South Seas Companion Cultural Artefact'

797 'Signals for the Royal Navy and Ships under Convoy, sailing and fighting instructions, Articles of War, Regulations etc., with the additional signals of Adm Vernon and the flags of all nations, 1748' NMM HOL/13.

Marines which led to the expansion of the authority of the Articles of War ashore in foreign territory in the *Act for Making Perpetual* would still have seemed relevant in 1749 after the disbanding of the Marine Regiments the year before. That these statutes remained in force and were incorporated into the *Act for Amending, Explaining and Reducing* with minimal modification indicates that the circumstances of their creation did not affect their applicability and that they, along with the *Act for the Establishing Articles*, formed the foundation upon which the new definitions in the *Act for the Further Regulating of Proceedings* were built.

The rationalization of the Royal Navy's statutory definitions into the *Act for Amending, Explaining and Reducing* resulted in more than a single, compact package that contained a more expansive set of definitions. It also brought together content that built on the structural definitions in the *Act for the Establishing Articles* just as the Authoritarian Whigs provided new professional definitions.

Conclusion

Sarah Kinkel argues that:

> ...the turning point in Britain's rise to naval greatness came with the implementation in the 1740s of this new culture of naval service based on order, discipline, and hierarchy. This was part and parcel of a wider project intended to reinstate order and obedience in Britain's imperial relationships with its colonies and also within the domestic sociopolitical sphere.[798]

Kinkel's identification of the 1740s as a turning point in naval development is problematic. Although the agenda of the Authoritarian Whigs was a response to both the Royal Navy's failures during the War of the Austrian Succession and involved a stricter sense of hierarchy and discipline, it was by no means a substantial change of direction for the Royal Navy's development. Indeed, the Authoritarian Whig's efforts to define the

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798 Kinkel, *Disciplining the Empire*, 2-3.

Navy both in convention and in statute can only be fully appreciated given the context of the Royal Navy's development from 1660.

Although the Royal Navy's development in this period continued directly on the precedents and frameworks established following the Hanoverian succession, James II's creation of *General Instructions,* the creation of Royal Navy-specific professional qualifications for officers from the 1670s, and the rationalization of the different documents into the *Regulations and Instructions* in 1731 occurred in order to increase the general standard of professional discipline.

In terms of the creation of statutory definitions, Anson's drive to modify the *Articles of War* is a reasonable parallel to the Duke of York leading the push for the modification of the *Laws of War and Ordinances of the Sea* in 1661, in that they both straddled the Admiralty and the House of Lords, and were personally involved in the creation of statutory definitions for the Royal Navy that contained both the *Articles of War* and definitions for the relationship between the Royal Navy and the state. Also, the efforts of the Authoritarian Whigs to define the Navy in the *Act for Further Regulating and Better Government*, and the *Act for Further Regulating of Proceedings* must be viewed in context of the *Act for the better discipline of theire Majesties Navy Royall* of 1694.

Although Anson and the Authoritarian Whigs on the Board of Admiralty used Parliament to directly define the Navy in a way that had not been done before, their actions did not fundamentally change the relationship between the Board and Parliament. The amendments to *Articles of War* were the concern of the Board of Admiralty, at least much more so than they were Parliament's concern. The definitions of the Admiralty's authority and of the relationship between the Navy's judicial procedures and those of the state, which were Parliament's bailiwick, were largely

unaltered. So while the creation of the *Act for Amending, Explaining and Reducing* was first and foremost an extraordinary example of the Board of Admiralty continuing to define the Navy, the changes were restricted to professional culture.

The passage of the *Act for Amending, Explaining and Reducing* ended the Royal Navy's first development cycle in the Westminster Model. First, it directly replaced the *Act for the Establishing Articles* as the statute that defined the authority of the Admiralty. Second, it rationalized and incorporated all the existing statutory definitions for the Royal Navy. At that point, many of the Royal Navy's major sets of definitions, specifically the *Act for Amending, Explaining and Reducing,* the *Regulations and Instructions*, and the *Establishments* were the result of rationalization. Thus they provide an excellent basis for considering the definition of the Royal Navy from 1660 to 1749 as a whole. Further, they could as the foundations for the Royal Navy's next development cycle in the 'Westminster Model'

CONCLUSION

Taken together, the years 1660-1749 can be seen as a coherent developmental

cycle shaped by what can be considered a Westminster Model of development. The

Royal Navy was a palimpsest of sorts, for whether building on or reacting against

foundations that were laid during the Restoration, subsequent changes in statute and

convention defined the navy. The identification of this feature of these years brings an

additional perspective to the existing literature on the development of the Royal Navy.

The term Westminster Model is traditionally applied to the process of state

development in the twentieth century following independence from Britain or to the

nature of the state itself that eventually emerged. More recently, however, it has proven

itself to be a more flexible concept used to describe the ongoing development of, and

very specifically the continuing creation of definitions for, states such as Japan. Also,

recent scholarship directly examines the relationship between modern state development

and the development of military institutions in Westminster Model states like Canada.

The particular attribute of the Westminster Model, that constitutional definitions are

contained within both statute and convention, means that it can be applied even more

widely and usefully to an institution like the Royal Navy, which is not a state, and to a

far earlier period of British history.

The purpose of this thesis was to present another, original, perspective on the

Royal Navy's development from 1660-1749, one that would complement rather than

challenge or seek to overturn the existing frameworks, perspectives and arguments. The

emphasis placed on defining the Royal Navy is that new perspective.

At and immediately after the Restoration, both Charles II and Parliament directly

defined the navy. In this phase of development, the focus was on the creation of

definitions that defined its structural attributes, most importantly around authority and identity. Charles II's naming of warships, and recreation of the office of Lord High Admiral resulted in some of the Navy's attributes, being fundamentally linked to definition by royal prerogative such as the creation of institutional identity through warship names. In comparison, Parliament's creation of the *Act for the Establishing Articles* resulted in the authority to define the relationship between the navy and the state as part of Parliament's bailiwick. Where the creation of structural attributes for the Navy was important in this period, the professional attributes were entirely adopted from what existed in the existing State's Navy. At this point, the Navy had definitions in both statute and in convention, but this was only the foundations for the Royal Navy's continued development in the Westminster Model

The history of the Royal Navy, and indeed the development of the English state between 1660 and 1749, is dominated by the issues of the conflict between King and Parliament over royal prerogative and funding. The application of the Westminster Model to the Royal Navy's development in this period has provided a new perspective, one that complements the existing literature. In particular, it showed that while at the Restoration both Parliament and Charles II directly defined the navy, from approximately 1663 onwards, The King's ability to do so continued essentially largely unrestricted, while Parliament's curtailed almost completely. With the exception of the 1677 *Act for the Speedy Building*, Parliament only defined the Navy indirectly, by defining the state and by placing limits on the King's use of royal prerogative. This was accomplished for example with the 1673 and 1677 test acts. In comparison, both Charles II and James II maintained their ability to directly define the Navy. They did so through the selection of officers, naming warships, the creation of foreign policy and the deployment of Royal Navy forces. Although Parliament provided funds, the actual daily

management and development of the Royal Navy was driven by the Admiralty and Navy Board.

The development of definitions in the period up to the Glorious Revolution largely followed the respective jurisdictions laid down at the Restoration. For example, Parliament's creation of the *Test Acts* excluded certain groups from serving as Royal Navy officers, and as such was a limit on royal prerogative, but it did not directly define the selection of officers. The one exception was the 1677 *Act for Speedy Building*, which specified both the number of ships to be built of various rates and the size of each type to be built. Even though those figures had been provided by the Navy Board, this was an important precedent for Parliament to directly define aspects of the Navy which did not have to do with its relationship with the state or the authority of the office of Lord High Admiral.

The study of the definitions created for the Royal Navy (or as William III would have referred to it, the Navy Royal) in the period 1688-1714 also provided new context for the established argument that, in that period, the Admiralty in particular was weak, and that Parliament more directly defined the Navy than it had during the previous period. However, it also placed that development in perspective. Following the Glorious Revolution, there were developments that built directly on the precedents established at the Restoration and later. For example, the naming of warships such as the *Royal William* followed precedents set by the naming of the *Royal Charles* and *Royal James*. Likewise, Parliament in 1690 created a definition that provided statutory space for the office of Lord High Admiral to be placed in commission, which was the first statutory definition that directly expanded upon the *Act for the Establishing Articles.*

Conversely, the *Act for the better discipline of theire Majesties Navy Royall* also defined the relationship between the Navy and the state, but with the purpose of

allowing the state to prosecute offences against the Articles of War if the Navy failed to do so. Parliament also involved itself in the business of the Admiralty by creating statutes that directly defined deployments to defend English and British maritime commerce. In 1694, 1707 and 1713, Parliament specifically defined how many ships were to be deployed as 'cruisers'. For the latter, Queen Anne specifically delegated authority to Parliament. While Parliament had not taken upon themselves the entirety of the business of the Admiralty, the measures they did take were unprecedented since the Restoration. Likewise, the *Act for Granting to their Majesties severall Additional Duties of Excise upon Beere Ale and other Liquors for foure yeares* directly built upon how Parliament had exercised some of the authority of the Navy Board with the *Act for the Speedy Building* in 1677.

Distinct in this period was the use of statute and convention together to address specific issues. In particular, the relationship between the *Establishments for Half-Pay,* and the *Acts for the Encouragement and Encrease* addressed the problem of managing the Royal Navy's personnel resources from two different angles. First, half-pay was the Admiralty's approach. Instead of being a reward for past service as it had been during the reign of Charles II, it became a retainer for future service that also perpetuated officers' seniority through times of peace. The *Acts for the Encouragement and Encrease* of 1694 and 1695 were the Parliamentary approach and provided a similar program. That the Admiralty's half-pay programs continued into the future and became a fixture of the Royal Navy's professional attributes while the acts for registering seamen were not repeated is a reflection that Parliament's direct assumption of the Admiralty's authority was not permanent nor complete.

Shortly before the Hanoverian Succession, the First Lord of the Admiralty once again became part of the Cabinet and remained so following the succession itself. The

definitions created for the Royal Navy after 1715 reflect a resurgence in the political strength of the Admiralty, so much so that Parliament only created two acts, the *Act for Making Perpetual* of 1719 and the *Piracy Act* of 1721 that directly defined the navy and directly supplemented the definitions existing in the *Act for the Establishing Articles*. The re-creation of the Board of Admiralty in this period was definitely a reaction to the political inadequacies of that body following the Glorious Revolution. However, its long-term existence and survival owed much to the development of the Westminster Model state and the continued development of cabinet government. Walpole's two-decades-long term as Prime Minister was absolutely key, for it provided a stable relationship between the Admiralty and the governing ministers for a much longer period than had occurred for any other arrangement since the Restoration.

The mechanisms created and developed after 1715 to manage the Royal Navy's professional and other resources built on established precedents and underscored the reconstituted hierarchy between the ministers who created foreign policy and the Admiralty and Navy Board who developed and defined the Navy in order to execute that foreign policy. The Board of Admiralty and Navy Board clearly became subordinate to the minsters in Parliament, but remained an independent department of the state that reflected royal, not parliamentary, authority. One expression of the King's authority over the Admiralty, and direct relationship with the Navy was shown by the resurgence of naming warships for members of the royal family.

This thesis places greater emphasis on the end of the 1740s and the repeal and replacement of the *Act for the Establishing Articles* than other histories, which tend to emphasize the Seven Years War (1756-1763). However, the repeal of this act and its replacement with the *Act for Amending, Explaining and Reducing* was critical, as it rationalized the statute definitions for the navy, just as the *Regulation and Instructions*

rationalized the convention definitions from 1731. It was the end of the navy's first cycle of development in the Westminster Model and formed the statute foundations for the navy's future development. The identification of the development cycle from the Restoration to the replacement of the *Act for the Establishing Articles* with the *Act for Amending, Explaining and Reducing* is original and frames a new perspective for understanding the Royal Navy's development.

In the 1740s, the importance of having individuals in a position of power to define the Navy, and using their authority to do so is even further emphasized. The actions of the Board of Admiralty from 1744 to 1749 built directly on the established patterns of the previous two decades, as they continued to define the Navy so that it could achieve the goals that the ministers set for it. However, the Board of Admiralty used Parliament to directly define the Royal Navy for the Admiralty's benefit, passing legislation in 1744 and 1748 that defined court-martial procedures and then again in 1749 with the replacement of the *Act for the Establishing Articles* with the *Act for Amending, Explaining and Reducing*. Anson's personal attachment and role in the passage of the last act is well understood, and the methodology used in this thesis has identified a development pattern to put that into perspective. The amendments to the *Articles of War* definitely represented the new discipline-centred culture the Authoritarian Whigs desired to implement in the Royal Navy. That implementation, and Anson's personal role in that effort was not representative of the whole, but was simply the most strident example of the trend.

The application of the Westminster Model to study the Royal Navy's development provided the opportunity to identify long-term patterns across the whole period 1660 to 1749. The most important is that the Royal Navy's development was critically framed by the foundations set at the Restoration, not just in terms of identity,

culture, professionalization, and assets, but also that specific entities had specific areas of jurisdiction for defining the institution. These frameworks did not always hold true, and the exceptions illustrate the complexity of the relationship between the Royal Navy as an institution and those that had the authority to define it.

For example, in 1661 the Duke of York was Lord High Admiral and also played a significant role in the creation of the *Act for the Establishing Articles* as a member of the House of Lords. In the 1680s, even though Charles II had placed the office of Lord High Admiral into commission, he still took a very active role in defining the Navy, often working around the Commissioners he had put in place. Likewise, James II commissioned Roman Catholic officers despite the *Test Acts*, therefore usurping Parliament's role in defining that aspect of the Royal Navy. Although Parliament had set the groundwork for being able to directly define the Navy following the Restoration, by the end of Charles II's reign, and during the reign of James II, that authority was shunted aside, the Royal Navy entirely defined using royal prerogative and authority.

Following the Glorious Revolution, the office of the Lord High Admiral was politically weak. This was problematic not because it meant the Royal Navy could not influence the rest of government, but because there was no longer a person to take responsibility for it the way that it as there had been prior to 1688. Without a person to charge with developing the Navy as an institution, Parliament intervened when necessary. This is demonstrated by the way that statutory definitions and convention together created procedures for managing the Royal Navy's professional assets in the acts for registering seamen and continued development of the half-pay schemes. That Parliament created the 'Convoys and Cruisers' statutes in addition to redefining the office of Lord High Admiral, gave the Court of King's Bench jurisdiction over offences

against the *Articles of War* and only emphasizes Parliament's assumption of aspects of the Admiralty's business.

After the Hanoverian Succession, the relations between the Board of Admiralty and Parliament changed again. The Ministers of the cabinet defined policy: the Board of Admiralty and the Navy Board defined the Navy in order to carry out that policy. This recreated the structure that had been effectively achieved at the Restoration. The appointment of the 'Authoritarian Whigs' Bedford, Sandwich and Anson in 1744 did not fundamentally change either the relationship between the Ministers and the Board of Admiralty, nor between the Board and Parliament. Thus, that the Board of Admiralty used Parliament to define the Navy three times in rapid succession is even more important because it did so without threatening the relatively stable government hierarchy that had developed and survived Walpole's resignation.

The application of the Westminster Model concept to the Royal Navy's development provided the necessary framework to appreciate the similarities and differences between the creation of definitions for the Royal Navy and the modifications to the *Articles of War* in 1661 and 1749. Further, this study has emphasized that the ability to define the Royal Navy as an institution was distinct from the ability to fund it, to deploy it, or to wield it in battle. In this way, it provides an understanding of the Royal Navy's development that builds on and adds to the existing literature.

This thesis was very much inspired by the socio-cultural histories, such as those of Bernard Capp, J.D. Davies and N.A.M. Rodger. These works provided the basis for further development. For example the social history approach in *Cromwell's Navy*, *Gentlemen and Tarpaulins* and *The Wooden World* inspired questions about expressions of institutional culture that this thesis has explored. Likewise, this thesis builds on the multi-threaded approach used in *Safeguard of the Seas* and *Command of the Ocean* by

identifying and discussing the relationship between the definition of the Royal Navy's structural and professional definitions and their integration over time. The 'Cultural Turn' and the rise of post-structural approaches to the study of history were also important, and particularly influential on the approach and methodology, including an 'archaeological' approach to the sources which allowed for the identification of the Royal Navy's development process as a whole from the many definitions created for it from 1660-1749. Yet where J.D. Davies and Rodger considered the Royal Navy as a social body, this thesis considers it foremost as a legislated space, that has both structural and professional attributes.

In terms of the institutional and structural histories, this thesis most directly builds on the work of Michael Braddick and Sarah Kinkel. The direct inspiration was Braddick's advocacy for 'concentration on the process of state formation, as distinct from a concentration on the state as an entity.'[799] This thesis similarly focuses on the process of development of the Royal Navy as opposed to offering a history of the institution itself. Indeed, the Royal Navy's development was one aspect of the English and British state's development.

This focus on process supports Braddicks' argument that '[i]nstitutional change is the outcome of negotiating legitimate responses to political problems and opportunities,' and indeed it is clear that the politics that affected and spurred English, or British, state development also had a substantial effect on the Royal Navy's development.[800] At the same time however, the definitions examined make clear that in 1660 at least, the Royal Navy was defined as somewhat outside the English state, although certainly not outside English politics. The Navy did become much more integrated with the state, and this was a complex process that involved the creation of

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799 Braddick, "State Formation and Social Change in Early Modern England: A Problem Stated and Approaches Suggested", *Social History*, Vol. 16, No. 1 (Jan., 1991), p 1.
800 Braddick, S*tate Formation*, 427.

statute definitions that specifically defined connections between the Navy and state such as: the 1694 statute *Act for the better discipline of theire Majesties Navy Royall* providing the Court of King's Bench jurisdiction over crimes against the *Articles of War* and the 1744 A*ct for the further regulating and better Government of His Majesty's Navies, Ships of War, and Forces by Sea: and for regulating the Proceedings upon Courts-Martial in the Sea Service* which made perjury during a court-martial punishable under an Elizabethan statute. It also involved the creation of conventions and precedents where first Parliament defined the Navy and took the authority of the Admiralty upon themselves and later in 1749 where members of the Board of Admiralty in Parliament used that body's authority to directly define the Navy and implement their professional and institutional philosophy via changes to the Articles of War. This thesis takes its inspiration from Braddick's study of the process of state development, to show that the Royal Navy's development was not simply a reflection of the development of the state development, but sufficiently distinct to be worthy of study in its own right.

In her PhD thesis, Sarah Kinkel examined the context for the creation of a new institutional and professional culture for the Royal Navy after 1744, and this thesis directly builds on the idea of examining the defining of the Royal Navy in this way. There are substantial differences however, in that Kinkel examines the debates and concerns first and foremost. She also describes her approach as exploring 'why' the Royal Navy's institutional philosophy changed so dramatically during the 1740s and 1750s and provided the basis for naval success in the latter half of the eighteenth century, in comparison to how Rodger, Morriss and others study 'how' the Royal Navy's administration and logistical organization contributed to the same.[801] The identification of the Royal Navy's development in the Westminster Model certainly counts as a study of 'how', like Rodger and Morriss and unlike Kinkel, albeit although

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801 Kinkel, *Disciplining the Empire*, 15-18

the question is not 'how did the Royal Navy come to dominate', but rather, 'how did the it develop?' As such, this study builds on and complements both Kinkel's analysis and that of Rodger and Morriss.

In terms of the professionalization histories, this thesis builds on them by considering the development of the Royal Navy Officer profession from a new perspective, that is, as part of the Royal Navy's development in the Westminster Model. In particular, the discussion of the integration of the Royal Navy's professional and structural attributes is original.

The recognition that there was a Westminster Model of change in the Royal Navy that resulted from the process of comparing and analyzing the outcomes of countless political debates and pressures allowed for the successful identification of a consistent development process for the Royal Navy from the Restoration in 1660 to the repeal and the replacement of the *Act for the Establishing Articles* in 1749. This approach, with its focus on the statutes and conventions also provided a framework that highlighted the significant differences in the creation of definitions for the institution in each of the different periods identified. Because the Royal Navy is not a state but an institution, certain common features of the Westminster Model, such as a bicameral legislature and distinct heads of government and state are not directly applicable. However, the focus upon the creation of statute and convention definitions uncovered a process that was less antagonistic between the navy's development and that of the state than we might otherwise have assumed.

Although there are many aspects of the navy's development which the methodology adopted here does not touch upon, it does bring put several strands of development into context. Specifically, the discussion of professionalization, the

development of the Royal Navy's warships and the Royal Navy's written instructions such as the *Regulations and Instructions* allows for identification of similarities.

The methodology and questions posed by this thesis provide a basis for further research. The first opportunity would be to solidify and expand upon the theoretical examination of the Royal Navy's development in this period. For example, adding the perspective of institutional theory would be beneficial. Another area would be an expansion of what was examined in this thesis. For example, more detailed analysis of the expansion of the Royal Navy's dockyards, and discussion of the fabric of the Navy's warships, particularly their decoration like figureheads and carving.

This thesis has argued that the Royal Navy's first cycle of development in the Westminster Model ended with the repeal of the *Act for the Establishing Articles*. However it also laid the foundations for the Royal Navy's continued development. On the statute side, the *Act for Amending, Explaining and Reducing* was amended, although not fully replaced in 1779 by *An Act to explain and amend an Act made in the Twenty-second Year of the Reign of His late Majesty King George the Second, intituled "An Act for amending, explaining, and reducing into One Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea"*, but was not more fully replaced until the *Naval Discipline Act* of 1860.[802] In terms of convention, the end of the *Establishments of Dimension* in the 1750s was a dramatic change in how the Royal Navy built its warships. It would be worthwhile to examine whether the Royal Navy did continue to be defined as it had been from 1660-1749, and whether there was a second phase of development in the Westminster Model, particularly as the British state continued to develop more of the attributes of the Westminster Model itself.

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802 N.A.M. Rodger, *The Articles of War: The Statutes Which Governed Our Fighting navies 1661, 1749, 1886*, 11.

There is also further research to be done on closely related topicss during the period studied in this thesis. The primary example is the British land forces or Army, and its development from the Restoration through to the Seven Years War (1756-1763). The investigation of whether the Land Forces were defined in the Westminster Model like the Royal Navy was would build on existing literature like Manning's *An Apprenticeship in Arms: The Origins of the British Army 1585-1702*. The statute definitions of the *Mutiny Act*s, and the decentralized, regimental structure of the Land Forces, would provide a very different institutional makeup to reflect the Westminster Model of development than the navy. Likewise, the comparison of the Royal Navy's development specifically in terms of institutional differentiation and professionalization also should be compared to processes like the emergence of the Company of Surgeons in 1745 from the Company of Barber-Surgeons that had been created two centuries before.

Further afield, there is certainly scope to expand this methodology to other nations. Of course, the application of the Westminster Model is not really applicable to France, the Netherlands, or Spain during the seventeenth and eighteenth centuries, as their state-development processes were very different. Consideration of the development processes of those nations' military institutions in light of their state development processes would be the appropriate application of the methodology used in this thesis, especially if the studies examined changes and developments that followed substantial regime change.

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