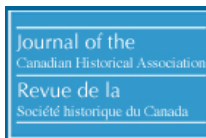


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# The Practice of Portage in the Early Modern North Atlantic: Introduction to an Issue in Maritime Historical Anthropology

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### Article abstract

In some respects, we know more about the anthropology of Amerindian groups in the early modern period than we do about the working European seamen with whom they interacted. We do know that negotiated wages or shares were but part of the economic culture of early modern mariners. Portage, also known in specific forms as “privilege” or “venture”, was a right European mariners once had to carry cargo, on their own account, for private sale. This hardly made them “merchants in the forecabin” but the practice of portage does make it difficult to accept, entirely, early modern mariners as a maritime proletariat. An examination of portage, both in the records of specific legal cases and in the body of maritime law, sheds some light on the historical anthropology of maritime life.

# The Practice of Portage in the Early Modern North Atlantic: Introduction to an Issue in Maritime Historical Anthropology

PETER POPE

## Résumé

*In some respects, we know more about the anthropology of Amerindian groups in the early modern period than we do about the working European seamen with whom they interacted. We do know that negotiated wages or shares were but part of the economic culture of early modern mariners. Portage, also known in specific forms as "privilege" or "venture," was a right European mariners once had to carry cargo, on their own account, for private sale. This hardly made them "merchants in the forecastle" but the practice of portage does make it difficult to accept, entirely, early modern mariners as a maritime proletariat. An examination of portage, both in the records of specific legal cases and in the body of maritime law, sheds some light on the historical anthropology of maritime life.*

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*D'une certaine façon, l'anthropologie des groupes amérindiens des débuts de l'ère moderne est mieux connue que celle des marins européens avec lesquels ils sont entrés en contact. On sait mal, par exemple, que les salaires négociés et les parts dans l'entreprise ne constituaient qu'un aspect de la culture économique de ces hommes. En effet, en vertu du « portage », aussi connu sous la forme plus spécifique de « privilège », ou encore « venture », les matelots européens avaient le droit de transporter leur cargaison, pour leur propre compte, en vue de la vente privée. Sans en faire de véritables marchands, l'existence de cette pratique compromet toutefois leur stricte identification à un prolétariat maritime. L'examen de cette institution, à partir à la fois de cas judiciaires et du corpus des lois maritimes, jette un éclairage nouveau sur l'anthropologie de la vie de ces marins.*

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This paper is based on research carried out with the support of SSHRCC and ISER post-doctoral fellowships in 1994-95 and the author acknowledges with thanks this support. The paper remains a preliminary view of the question and does not pursue many of the useful leads offered by the commentator and others at the Montreal meeting of CHA.

Freight is the mother of wages to mariners.

Dr. G. Paul, High Court of Admiralty,  
on the crew vs the *Dragon* of London, 14 September, 1751<sup>1</sup>

One of the common mistakes of historical investigation is an unjustified transference of concepts inherent in the historian's mind into the minds of the people of the epoch he studies. The historian involuntarily attributes categories implanted in his system of thinking by his own culture, his way of articulating the world, to people of a quite different culture. This procedure is especially perilous, as it is performed unconsciously and, therefore, cannot be viewed critically.

Aaron Gurevitch,  
*Historical Anthropology of the Middle Ages* (1992).<sup>2</sup>

At a recent conference, the distinguished Canadian archaeologist Bruce Trigger observed that we know more about the Native peoples of eastern Canada, during the contact period, than we do about the European mariners with whom they interacted.<sup>3</sup> This imbalance in scholarship will not be easy to address. The early modern North Atlantic trades were vernacular industries: rooted in the collective experience of local communities. We may find much of interest in the reconstruction of the world of a particular port (for example Jacques Bernard's late medieval Bordeaux) while remaining unsure to what degree this world was shared with contemporary *gens de mer* elsewhere along the European littoral.<sup>4</sup> On the other hand, we can attend to the diffusion of particular aspects of navigational, legal, commercial or workplace practice, in a national study area, as Dorothy Burwash, Ralph Davis and Marcus Rediker have done, in their various styles, for English ships and seamen in successive periods – inevitably, however, at the expense of ethnographic specificity.<sup>5</sup>

This essay will pursue, in a limited way, the second of these alternative tactics: that is, it will attempt to explain a widely-diffused practice which appears to have been normal among early modern northern-European mariners but which is now rare, or at least abnormal. This practice is the carriage of private cargo, without freight charges, by mariners, on their own account, in lieu of wages: a perquisite usually called "portage," "privilege" or "venture" in English and Anglo-American documents of the sixteenth,

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1. In Reginald G. Marsden, ed., *Reports of Cases Determined by the High Court of Admiralty...* [1885], rep. British Maritime Cases 1648-1871, no. 23 (London, 1978), 395.
  2. Aaron Gurevitch, "Semantics of the Medieval Community: 'Farmstead,' 'Land,' 'World,'" in *Historical Anthropology of the Middle Ages* (London, 1992), 200-9.
  3. B. Trigger, Canadian Archaeological Association, Montreal, May 1993.
  4. Jacques Bernard, *Navires et gens de mer à Bordeaux (vers 1400 – vers 1550)* (Paris, 1968), 3 vols.
  5. Dorothy Burwash, *English Merchant Shipping 1460-1540* (Toronto, 1947, rep. 1969); Ralph Davis, *The Rise of the English Shipping Industry in the 17th and 18th Centuries* [1962], National Maritime Museum, Modern Maritime Classics Reprint no. 3 (London, 1972); Marcus Rediker, *Between the Devil and the Deep Blue Sea: Merchant Seamen, Pirates, and the Anglo-American Maritime World 1700-1750* (Cambridge, 1987).

seventeenth and eighteenth centuries.<sup>6</sup> Late medieval versions of the *Rôles d'Oléron* use the terms "mareage" and "portage"; the modern French term is "pacotille" (which, significantly, also bears the sense "shoddy goods").<sup>7</sup>

Whatever the language of the document, we read the record of the past in translation. Maritime historians are keenly aware of this, for the obscurity of their subject derives, in part, from a forgotten material culture: hence the glossaries often appended to collections of primary sources.<sup>8</sup> Perhaps more interesting, for the historical anthropologist, are the forgotten economic cultures often apparent in the same documents. Curiously, some of the most noted work in historical anthropology has emphasized perceived continuity in economic cultures, finding a "capitalist" mind-set in medieval or, more ludicrously, in prehistoric contexts.<sup>9</sup> In the interests of making sense of the past and present (including the undeniable continuities which bind them), it would seem more practical to attend to the differences between our own assumptions and those of our ancestors and to see if we can account for these differences, once they are remarked. This has at least two values: it improves our "translation" skills, better enabling us to understand the point of surviving sources, while at the same time illuminating the evolution of *mentalités*.<sup>10</sup>

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6. Burwash, *English Merchant Shipping*, 43-51; K.R. Andrews, "The Elizabethan Seaman," *Mariner's Mirror* 68(3) (1982), 245-62; Allan A. Arnold, "Merchants in the Forecastle: the Private Ventures of New England Mariners," *American Neptune*, 41(3) (1981), 165-87; Rediker, *Devil and Deep Blue Sea*, 130-3.
  7. "Laws of Oléron" (c. 1400-1450), ch. xviii and xxviii and "Inquisition of Queenborow" (1375), ch. ii; both in Travers Twiss, ed., *The Black Book of the Admiralty, Rerum Britannicarum Medii Aevi Scriptores* (London, 1871, rep. 1965), vol. 1, 112, 113n, 122, 134 and cf. Jan Craeybeckx, *Un grand commerce d'importation: les vins de France aux anciens Pays-Bas (XIIIe-XVIe siècle)* (Paris, 1958), 155-6; Burwash, *English Merchant Shipping*, 44; J.-M. Pardessus, *Collection de lois maritimes antérieures au XVIIIe siècle* (Paris, 1828), vol. 1, 336; Bernard, *Gens de mer*, 578-98; *Petite Larousse* (Paris, 1965), "pacotille."
  8. E.g., Patrick McGrath, ed., *Merchants and Merchandise in Seventeenth-century Bristol*, Bristol Record Society no. 19 (Bristol, 1955), 296-8; Jean Vanes, ed., *Documents Illustrating the Overseas Trade of Bristol in the Sixteenth Century*, Bristol Record Society no. 31 (Bristol, 1979), 171-3; John Paige, *The Letters of John Paige, London Merchant, 1648-1658*, ed. G.F. Steckley, London Record Society vol. 21 (London, 1984), 153-5; G.G. Harris, ed., *Trinity House of Deptford Transactions, 1609-35*, London Record Society vol. 19 (London, 1983), 160-1; Edwin Welch, ed., *The Admiralty Court Book of Southampton, 1566-1585* (Southampton, 1968), 128-9.
  9. Alan Macfarlane, *The Origins of English Individualism* (Oxford, 1979); Peter S. Wells, *Farms, Villages and Cities: Commerce and Urban Origins in Late Prehistoric Europe* (Ithaca, NY, 1984), e.g., 30-36. For a brief critique of Macfarlane see Rodney Hilton, "Individualism and the English Peasantry," *New Left Review* 120 (1980), 109-11; for a critique of assumptions about the universality of the entrepreneurial spirit etc., see Gurevitch, "Wealth and Gift-Bestowal among the Ancient Scandinavians," in *Historical Anthropology*, 177-89.
  10. Gurevich, "Historical Anthropology and the Science of History" and "Medieval Culture and Mentalité According to the New French Historiography," in *Historical Anthropology*, 3-20 and 21-49.

Court records are among the richest sources for historical anthropology of this kind, as the works of Emmanuel Le Roy Ladurie, Carlo Ginzburg and Natalie Zemon Davis attest.<sup>11</sup> For the study of early modern maritime life, the notarial records of the continental European states promise such ethnographic detail while, in the case of England, we can turn, with similar hopes, to the files of the Court of Admiralty.<sup>12</sup> In the interests of allowing mariners to continue earning their livelihood at sea, maritime law permitted witnesses to leave depositions (or "examinations" as they were called in High Court of Admiralty) for cases pending, rather than requiring personal testimony, as in the common law courts.<sup>13</sup> These depositions record the experience and opinions of mariners, their wives, suppliers, employers and so on. Many of these folk were illiterate or simply not given to keeping journals or writing letters, so that in these depositions we can glimpse otherwise unrecorded working lives.

Mariners had their own law and, as seventeenth-century commentators emphasized, it was based on the custom of the sea.<sup>14</sup> This law was, to a striking degree, international – as it had to be, in order to facilitate international commerce. Court of Admiralty proceedings and documents drafted and notarized according to the prescriptions of English Admiralty law were acceptable internationally because its forms were those of European civil law.<sup>15</sup> There were differences between Mediterranean sea law, codified in the *Consolato del Mare* and northern sea law, which derived from the *Rôles d'Oléron*.<sup>16</sup> To say that the latter reflected decisions of the maritime courts of the small island of Oleron, off la Rochelle, is to make an assertion about their paternity which appears to be in some doubt.<sup>17</sup> The Rolls of Oleron were doubtless drawn up in Oleron

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11. Emmanuel Le Roy Ladurie, *Montaillou, the Promised Land of Error* (1975, trans. New York, 1979); Carlo Ginzburg, *The Cheese and the Worms: the Cosmos of a Sixteenth-century Miller* (1976, trans. London, 1982); Natalie Zemon Davis, *The Return of Martin Guerre* (Cambridge, MA, 1983).
  12. Jean-François Brière, "French Notarial Records as Sources for Maritime History," *International Journal of Maritime History* 2(2) (1990), 147-62; P.C. van Royen, "Manning the Merchant Marine: the Dutch Maritime Labour Market about 1700," *International Journal of Maritime History* 1(1) (1989), 1-28; Andrews, "Elizabethan Seaman" and, of course, see Rediker, *Devil and Deep Blue Sea*, passim.
  13. George F. Steckley, "Merchants and the Admiralty Court during the English Revolution," *American Journal of Legal History* 22(2) (1978), 137-76. The respected legal scholar Marsden, writing in the 1890s, thought HCA examinations "not of general interest" but he was intent on documenting conventional administrative history; see Reginald G. Marsden, ed., *Select Pleas in the Court of Admiralty*, vol. 2, *The High Court of Admiralty (A.D. 1547-1602)*, Selden Society, London (1897), lxxv.
  14. William Welwod, *An Abridgement of all Sea-lawes...* (London, 1613), 16; Gerard Malynes, *Consuetudo, vel Lex Mercatoria, or the Antient Law-merchant* (2nd ed. London, 1636), 88; cf. Frederic Rockwell Sanborn, *Origins of the Early English Maritime and Commercial Law* (New York, 1930), 52.
  15. John Exton, *The Maritime Dicaelogie or Sea-jurisdiction of England* (London, 1664), 135-146; Welch, *Admiralty Court Book of Southampton*, xiv.
  16. Twiss, *Black Book of Admiralty*, vol. 3, note xxv ff.
  17. Timothy J. Runyan, "The Rolls of Oléron and the Admiralty Court in Fourteenth Century England," *American Journal of Legal History* 19(2) (1975), 95-111; Bernard, *Gens de mer*,

but the code they summarize reflects wider practice. French texts of the *Roils* survive in late medieval English Admiralty records, which gives some idea of the degree to which northern European sea law was common to the littoral states.<sup>18</sup> In the nineteenth century Sir Travers Twiss collected many of these late medieval sea codes in his edition of *The Black Book of the Admiralty*. Although there are differences among the law of Oleron recorded for the English Admiralty in the fifteenth-century *Black Book*, the Hanse sea law of 1614 and the *Abridgement of All Sea-Lawes* compiled by William Welwod about the same time and plagiarized by Gerard Malynes in his *Antient Law-merchant* of 1629, these early “customs of the sea” are largely consistent with one another.<sup>19</sup>

The early codifications of sea law await not only a better editor than Twiss (as Burwash pointed out almost fifty years ago) but also an ethnographer, for they evoke a world different from our own.<sup>20</sup> This was a world in which the master, before he sailed, was obliged to take “councell with his felowes” and to ask, “Mates howe lyke ye this wether?”<sup>21</sup> This was a world which took it for granted that the master might strike one of his crew, forbidding retaliation upon loss of the offending fist, but which also forbade the master more than one blow, permitting the mariner sanctuary at a shrine by the main mast.<sup>22</sup> It would be a fascinating but lengthy project to analyze sea law for the mariners of a particular time and trade, collating the prescriptive codes with actual application, as recorded in depositions and notarial records.<sup>23</sup> The ambitions of the present paper are more modest: to attend to the law and practice relating to the custom variously known as portage, privilege or venture.

For analytic purposes, it may be useful to distinguish these historically related terms, in the following (somewhat arbitrary) way. Let us observe, in the present discussion, the following synonymy:

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678. James Shephard, “Les origines des Rôles d’Oléron,” unpub. thesis, University of Poitiers, 1983, may answer the question.
18. For a discussion of the confused history of these manuscripts and of their international character, see Sanborn, *Early English Maritime Law*, 63ff; Burwash, *English Merchant Shipping*, Appendix 1; Bernard, *Gens de mer*, 678-81.
19. Cf. Burwash, *English Merchant Shipping*, 43. The Hanse sea law is in Malynes, op. cit., 125-9. The 2nd (1636) edition of Malynes is cited here, because it is much easier to read. It appears to be textually identical to the 1st edition of 1629.
20. There is, apparently, a “far superior” text, in James Shephard, “Les Roles d’Oléron: étude des manuscrits et édition du texte,” unpub. thesis, University of Poitiers, 1985; see M.J. Prichard and D.E.C. Yale, *Hale and Fleetwood on Admiralty Jurisdiction*, Selden Society vol. 108 (London, 1993), xxxv.
21. “The Judgements of the See” [15th century], cap. 2, in Twiss, *Black Book of Admiralty*, vol. 1, 89.
22. Timothy J. Runyan, “Ships and Mariners in Later Medieval England,” *Journal of British Studies* 16 (1977), 1-17; cf. Welwod, *Abridgement of Sea-lawes*, tit. xi, 32.
23. Runyan, “Rolls of Oléron,” 111, says these laws were “not an accurate reflection of life at sea,” a view belied by his own use of them and by Bernard, *Gens de mer*, 679-81.

portage = the freight-free carriage of private goods by seamen<sup>24</sup>  
 (= mareage)

privilege = the right of portage<sup>25</sup>  
 (= furthing)  
 (= clapleighton)

venture = private goods carried, freight paid or not<sup>26</sup>  
 (= adventure)  
 (= pacotille)

Finally let us note another early usage:

Bordeaux wages = portion of cash wages paid in a foreign port to facilitate purchase of ventures<sup>27</sup>

This is meant to facilitate analysis by rationalizing early modern English usage and not to make a claim for a standard maritime terminology at any particular time. It certainly does not represent American usage after c. 1640, when "portage" or "portledge," particularly in the term "portledge bill," came to denote "wages," in the very broad sense that term had in the period.<sup>28</sup> This shift would have created a semantic vacuum in which it was natural for "privilege" and "venture" to expand their earlier senses.

The traditional northern sea codes actually recognized several somewhat different kinds of portage, for mariners of all ranks. The mariner might use his portage allowance

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24. *O.E.D.*, "portage"; Burwash, *English Merchant Shipping*, 44n; Kenneth R. Andrews, *Ships, Money and Politics: Seafaring and Naval Enterprise in the Reign of Charles I* (Cambridge, 1991) uses this term to index the topic, and see 42-43; cf. Craeybeckx, *Un grand commerce*, 155-6; Bernard, *Gens de mer*, 578, 589; Runyan, "Rolls of Oléron," 99. Burwash, *op. cit.*, 43, lists some early Mediterranean synonyms: "caricum," "miliare," "cantarata," "portata" and "portade." Pardessus uses "portages" in vol. 1 of his *Collection* but drifts towards the use of "portées" in later volumes, e.g., vol. 3 (1834), pp. 134ff. Davis, *Rise of English Shipping Industry*, 146ff uses "portage" in another sense, as a minor perquisite: "a small reward made after 1676 by the Customs officials to shipmasters, for reporting their cargoes correctly." He notes the sense used here, but restricts usage to the North Sea trades, which would seem to be an error.
25. Cf. John Godolphin, *A View of the Admiral Jurisdiction* (London, 1661), 176; Arnold, "Merchants in the Forecastle," 165. On "furthing," see Andrews, "Elizabethan Seaman," 254, 255; here Andrews also uses "portage" to denote the entitlement to carry goods freight free. Rediker, *Devil and Deep Blue Sea*, 130-2, uses "privilege"/"clapleighton" to denote both freight-free carriage and the right to it.
26. Cf. Arnold, "Merchants in the Forecastle," 165; Rediker, *Devil and Deep Blue Sea*, 130-2, restricts the sense to private goods carried by seamen, freight paid.
27. Vanes, *Overseas Trade of Bristol*, "Glossary," 171.
28. P.E. Pope, "The South Avalon Planters, 1630 to 1700: Residence, Labour, Demand and Exchange in Seventeenth-century Newfoundland," unpub. Ph.D. diss., Memorial University of Newfoundland, 1992, chapter 7.

to transport his own goods. He might transport goods for another. Or he might leave his allotted portage *au fret de la nef*, that is for the master to obtain, the mariner taking an appropriate share of the total freight charges earned. As Burwash observes, the latter sounds like an *ad partem* share system, like that used on early fishing voyages, but is not quite the same, for the physical space allotted to portage *au fret de la nef* was a custom of the particular voyage and not simply a function of the size of the ship and the number of hands on deck. In a broader sense, however, it is clear that the privilege of portage was, at least originally, a kind of share system used as payment for work and not simply a minor perquisite. Like some other maritime share systems it was often combined with wages (in the narrow modern sense), fixed by the month or by the voyage.<sup>29</sup>

The sixteenth-century term "Bordeaux wages" suggests that the practice of portage developed or at least flourished in the context of the late medieval wine trade. As F.W. Brooks observes, in discussion of a mid-sixteenth-century wage scale for the seamen of Hull:

It seems to have been the custom in the wine trade to allow any mariner the right to freight a tun of wine... The rules for the wine trade have a more archaic look than those for the Baltic and the North Sea ports. There seems to be a definite assumption that the mariner will bring back a tun of wine, so much so, that although the figure of twenty shillings is quoted for the round voyage between Hull and any port between Fontavine [Pont Aven in Brittany?] and the 'polle head' of Bordeaux, single wages only [i.e., ten shillings] are quoted for Bordeaux itself.<sup>30</sup>

Jan Craeybeckx sees the origin of portage in the Low Countries wine trade with France and observes that the *Rôles d'Oléron* themselves have their origins in this medieval trade.<sup>31</sup> The law of Oleron and fifteenth-century English Admiralty law, which derives from the former, certainly recognize the mariner's privilege of portage in the wine trade but since portage is also recognized in the early Catalan *Consolato del Mare* it would seem that the practice may have had broader origins.<sup>32</sup>

While there is no doubt of the importance of portage in late medieval times, questions have been raised about the extent of the practice after 1500. Finding few references to portage in sixteenth-century account books, Burwash supposes portage may have been falling out of use.<sup>33</sup> From the example of Hull, quoted above, we know that portage remained normal practice, at least in the wine trade, c. 1546. Yet a well-referenced discussion of English-Iberian trade argues that by 1550 portage had been

29. Burwash, *English Merchant Shipping*, 43-50; Bernard, *Gens de mer*, 582, 589, 592.

30. F.W. Brooks, "A Wage Scale for Seamen, 1546," *English Historical Review* 60 (1945), 234-46, see p. 240.

31. Craeybeckx, *Un Grand Commerce*, 149, 155-6, 274; cf. Runyan, "Rolls of Oléron," 99.

32. "Judgements of the See," cap. xviii and "Les Bones Costumes de la Mar," ms Espagnol 124 collated with ms Espagnol 56, from BN Paris, c. 1400-1436, in Twiss, *Black Book of Admiralty*, vol. 1, 113 and in vol 3, 356-7; cf. Burwash, *English Shipping*, 43.

33. Burwash, op. cit., 48.



superseded by cash wages, confining the practice after this date to a few ships' masters.<sup>34</sup> This obituary would appear to ignore the wine trades and certainly the Newfoundland sack trade in particular. As a generalization it is certainly premature; privilege was still widely recognized in the later seventeenth century.

Portage had certainly not disappeared from the Mediterranean or North Atlantic trades. In 1582, the *Anne Francis* went for Leghorn with about 90 tons of herring, 4 tons of which belonged to the master and crew.<sup>35</sup> In 1659 Edward Coxere invested £10 of borrowed money in a complex venture when he shipped as mate on the *Olive Branch*, bound from London for Newfoundland and Alicante.<sup>36</sup> This is but one of many instances which indicate that crews in the Newfoundland trade had the privilege of portage well into the eighteenth century.<sup>37</sup> We should also note that it is but one of several ventures reported by Coxere in voyages to Tangier, Cadiz, Crete, the Canaries and elsewhere, between 1655 and 1663, suggesting that portage was not a survival peculiar to the Newfoundland or even to the fishing trades, as Gillian Cell has suggested.<sup>38</sup> Noting variations from trade to trade, Davis suggests that in the late seventeenth century the custom was most substantial and well-established in the East India and African trades.<sup>39</sup> A review of the charter-parties and other records recovered from the Amsterdam Notarial Archives by Jan Kupp indicates that portage was common in the seventeenth-century Dutch trades to North America.<sup>40</sup> Laurier Turgeon considers the practice common enough in the French Atlantic trades of the period and Bernard says it lasted as long as the age of sail.<sup>41</sup> It was explicitly recognized by Louis XIV's maritime ordinance of 1681, although hedged with specific restrictions, the most important of which was title IV, article 2: "Les Matelots ne pourront charger aucune marchandise pour leur compte, sous pretexte de portée ni autrement, sans en payer le fret, s'il n'en est fait mention dans leur engagement."<sup>42</sup>

According to Davis, while portage was common, the legal standing of the privilege was "very doubtful" in the seventeenth century. It is difficult, given the decisions of the Courts of Admiralty, to see why he thinks this was so, unless he is attending to legal texts rather than case law.<sup>43</sup> English freighters contest the amount of portage or

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34. Pauline Croft, "English Mariners Trading to Spain and Portugal," *Mariner's Mirror* 69(3) (1983), 251-68.

35. HCA 13/24, f 205v-206v, cited in G.V. Scammell, "Manning the English Merchant Service in the Sixteenth Century," *Mariner's Mirror*, 56(2) (1970), 131-54.

36. Edward Coxere, *Adventures by Sea of Edward Coxere*, ed. E.H.W. Meyerstein (Oxford, 1945), 81-6.

37. Gillian T. Cell, *English Enterprise in Newfoundland, 1577-1660* (Toronto, 1969), 17, 18; Pope, "South Avalon Planters," ch. 7.

38. Coxere, *Voyages*, 40, 51-53, 94, 98, 100, Cell, *loc. cit.*

39. Davis, *English Shipping Industry*, 147.

40. J. Kupp, "Dutch Documents taken from notarial archives of Holland relating to the fur trade and cod fisheries of North America," NA MG 18 012, vols 1-18.

41. Laurier Turgeon, personal communication, July 1994; Bernard, *Gens de mer*, 583.

42. Pardessus, *Collection*, vol. 2 (1837), 364ff.

43. See Godolphin's comment of 1661, quoted below.

preferential treatment given mariners' ventures in cases of salvage or jettison, but privilege itself is rarely contested.<sup>44</sup> Testimony in a case of 1693 suggests that mariners, at least, expected courts to recognize privilege. Crewmen of the *Ruth* of London told the Exeter Vice-Admiralty Court that the master's mate:

buyed upp a certaine quantity of dry newfoundland fish being that proceeds of goods which he carried there upon his owne particular account and...the said fish...was never intermixt with that fish belonging to the merchants interested in the freight of the said shipp... [When he sold the fish, it] ...was delivered...openly and fairly att a seasonable time and not in any shuffling or clandestine manner whatsoever...<sup>45</sup>

While it is clear that the practice of portage was becoming more narrowly confined, it is also clear that it continued to be one of a number of alternative legally-recognized arrangements for the remuneration of mariners. In 1614 the Hanse ports restricted portage on voyages to Spain and France to ships returning with salt.<sup>46</sup> (One would suppose the ventures themselves would have been wine or other high-value commodities.) Although the Dutch attempted to ban ventures in 1671 and the Swedes replaced privilege with specific cash perquisites by acts of 1667 and 1748, there would appear to have been no equivalent English legislation.<sup>47</sup> Both the Crown and Trinity House, Deptford, implicitly recognized privilege in 1621, when the former asked the latter to certify appropriate levels of portage.<sup>48</sup> The Society of Merchant Venturers of Bristol issued an ordinance in 1639 which required boatswains and pursers to record all ventures but it did not call into question privilege itself.<sup>49</sup>

Later case law seems to continue to recognize the privilege recognized by the early seventeenth-century legal authorities Welwod and Malynes:

A mariner may keepe either his portage in his owne hands, or put forth the same for freight and yet the Ship shall not stay upon the lading of his portage: so that in case the Ship be fully laden before the goods for his portage be brought in, he shall have only the freight of so much goods.

If a Ship shall passe further than the Mariner was hired, his hire should be accordingly

44. E.g., the cases discussed by Cell and Pope and cf. Davis, *English Shipping Industry*, 149.

45. W. Allday and J. Andrews, Deposition in Owners of the *Ruth* of London vs Archer and Matthews, 8 August 1693, DRO Exeter, Moger CC 181/18/11.

46. "An abridgement of the Imperiall Sea-Lawes of the Hanse Townes, made in the yeare 1614," in Malynes, *Lex Mercatoria* (1636), 125-9.

47. On the Dutch and Swedes, see Arnold, "Merchants in the Forecastle," 166.

48. Master and Assistants of Trinity House, Certificate, 11 April 1621, in Harris, *Trinity House, Deptford, Transactions*, n. 173. Trinity House was a kind of guild or professional association of mariners.

49. Patrick McGrath, "Merchant Shipping in the Seventeenth Century: the Evidence of the Bristol Deposition Books," parts I and II, *Mariner's Mirror* 40(4) (1954), 281-93 and 41 (1) (1955), 23-37; see part II, 27.

augmented, except he be hired à mareages mais non à deniers, as the French man speaks [= by portage but not by money] or by the moneth for all the yeare.<sup>50</sup>

Malynes' *Lex Mercatoria* remained in print through the seventeenth century and the discussion of portage was not only retained in later editions but repeated in an appendix by Guy Miège, consisting of a translation of Estienne Cleirac's version of the laws of Oléron, Wisby and the Hanse towns.<sup>51</sup> Giles Jacob's early eighteenth-century *Merchant's Companion* likewise republished Cleirac's law of Oléron, including the discussion of portage, and Alexander Justice covered the issue in an abstract of "the Naval Laws of Oléron" in his treatise on sea law of 1705.<sup>52</sup>

John Godolphin's brief treatment of portage, in his *View of the Admiral Jurisdiction* of 1661, suggests the beginnings of a change in British legal perceptions. In his interesting marginal observations on the "Ancient Laws of Oléron," which form an appendix to his text, he remarks on privilege (cap. xvi) that it is "now grown obsolete."<sup>53</sup> He may have meant obsolescent rather than obsolete; an ensuing comment about victualling practice is much stronger: "Now no such thing in use."<sup>54</sup> "An Abstract of Sea Lawes," compiled by Thomas Bedford in 1679 for the Court of Admiralty, makes a similar note to the relevant section in the law of Oléron, to the effect that "mariners were antiently allowed to have a little Roome in the Ship to carry some small Adventures."<sup>55</sup> Justice's *Treatise* of 1705 contains an interesting note on the French maritime law of 1681: "By Portage is here meant a certain space that is generally allow'd the Seamen in France, to carry a Venture for their own Account," implying that the custom was no longer common on English ships.<sup>56</sup>

Rediker argues that by the eighteenth century mariners were often paying freight on their ventures; in other words, the privilege of portage was lapsing, at least in the Anglo-American trades.<sup>57</sup> It would seem that, in some cases, he has been led by an

50. Malynes, *Lex Mercatoria*, 104-5, following Welwod, *Abridgement of all Sea-lawes* (1613), 34, almost word for word; both are paraphrasing the laws of Oléron, e.g., the early fifteenth-century "Blacke Booke of the Admiralty," ch. xviii, in Twiss, *Black Book of Admiralty*, vol. 1, 113.

51. E.g., 3rd ed. (London, 1686), 204-5; Guy Miège, *The Antient Sea-lawes of Oléron, Wisby and the Hanse-Towns, still in force. Taken out of a French book, intituled "Les Us & coutumes de la mer."* Cf. [Estienne] Cleirac, *Us, et Coustumes de la Mer* (Bordeaux, 1647), [Bodleian 4° O2Jur.], 39, 48-9.

52. Giles Jacob, *Lex Mercatoria or, the Merchant's Companion* [1718] (2nd ed., London, 1729); Alexander Justice, *A General Treatise of the Dominion and Laws of the Sea* (London, 1705), 235-48.

53. Godolphin, *View of the Admiral Jurisdiction*, 176.

54. *Ibid.*, 177.

55. *Op. cit.*, HCA 13/1046. This reviews not only the law of Oléron and the the Black Book of Admiralty but also "our maritime Lawes amongst the Acts of Parliament" with no mention of contemporary legislation affecting portage.

56. *Op. cit.*, 349n.

57. Rediker, *Devil and Deep Blue Sea*, 130-2.

absence of evidence for portage to the assumption that a documented venture was freight-paid. He cites, as an example, Edward Barlow's venture on an East India voyage of 1671, but Barlow's journal is simply silent on the question of whether he had a right to portage, while we know that this privilege was common in the East India trade.<sup>58</sup> Allan Arnold's review of the American evidence suggests that privilege survived into the nineteenth and even twentieth centuries (the latter in the case of masters in the China trade).<sup>59</sup>

Eighteenth-century American wage agreements, or portledge bills, often specified under the heading "privilege" the amount of venture to be carried freight-free, i.e., as portage. For example, the portledge bill for the 1753 voyage of the Schooner *Fisher* of Salem to Maryland, presumably for tobacco, lists 75 bushels as privilege for the master and mate and 40 for each of the three hands.<sup>60</sup> As Arnold observes, portledge bills lack entries regarding privilege more often than not; but, as he emphasizes, we cannot, therefore, conclude that privilege was rare, since the accounts for a voyage sometimes reveal privilege while the portledge bill for the same voyage ignores it.<sup>61</sup> Acceptance of privilege, for men as well as for master, recurs in various other sources, suggesting that portage, and not merely venture, continued to be common enough in the colonial New England trades to the West Indies, Isle Royale and Newfoundland.<sup>62</sup>

Portage has survived to our own period. Captain Klaus Hye-Knudsen of Memorial University's Fisheries and Marine Institute worked as first mate on a Danish ship freighting between Bremen and Zaire in the 1970s. All hands were issued more whiskey and cigarettes as complimentary stores than they could use. These were then sold in Africa. The steward would buy hundreds of pants and T-shirts which he would stow in spare cupboard space and sell in Africa, while other crew would also carry some such items. On the return voyage, the most valuable private cargoes were baby gorillas or tropical birds, which a few crewmen would carry. The gorillas were sold to zoos in Europe and would fetch about \$10,000. On a ten to twelve day trip this was much more remunerative than the regular wages, although considerable work was involved: like infant

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58. Cf. Edward Barlow, *Barlow's Journal of His Life at Sea in King's Ships, East & West Indiamen & Other Merchantmen from 1659 to 1703*, ed. Basil Lubbock (London, 1934), vol. 1, 194 and Davis, *English Shipping Industry*, 147-8.

59. Arnold, "Merchants in the Forecastle."

60. John Clout *et al.*, Portledge Bill, 1753, James Duncan Phillips Library, Peabody Essex Museum, Orne Collection, 41, folder 1. My thanks to D. Vickers for providing a copy of this document.

61. Arnold, "Merchants in the Forecastle," 168.

62. E.g., Samuel Browne, Instructions to John Touzell re the Sloop *Endeavour*, 19 December 1727, in *Essex Institute Historical Collections*, vol. 1, 66 (with thanks to Vince Walsh for providing a copy of this document); Abner Still and Robert Chapman, Deposition in Crown vs the *Seaflower* of Salem, 9 December 1749, Halifax Vice Court of Admiralty, PANS, RG1/491, 18; Benjamin Marston, Instructions to Robert Holmes, 20 April 1708, Exhibit in Marston vs. Holmes in Essex Co., Mass., Court of Common Pleas, Essex Institute, Salem, Massachusetts, 3530.F.14 and cf. Arnold, "Merchants in the Forecastle."

primates of a more familiar sort, they had to be kept company the whole trip. Hye-Knudsen also notes that in the 1960s or 70s the Danish Greenland Export Company had to crack down on private ventures: seamen were bringing back salmon, which was then very expensive in Denmark (before the development of Norwegian salmon farms).<sup>63</sup> Venture, perhaps of a similarly illicit variety, will be familiar to habitués of the St. John's waterfront during the 1970s and 80s, when quilted Polish jackets or Russian fur hats, jumbo boxes of inferior matches and assorted nesting babushka dolls could be cheaply obtained. The traffic in the other direction was probably even larger, at first in blue jeans, recordings and copies of *Playboy*, and eventually in used Ladas.<sup>64</sup> These modern ventures have interesting parallels with the earlier practice of portage, but differ from the latter to the extent that they are not recognized by the ship-owner and by the freighter of goods as a legitimate, mutually-agreed part of the normal remuneration of seamen.

Such curious survivals or reincarnations aside, it appears that portage, as a common practice in the West European-North Atlantic trades, has been moribund for a century or two. Not merely an obituary but perhaps even a biography is in order. The practice of portage and even the carriage of freight-paid ventures are of considerable interest. For Arnold, they make seamen "merchants in the forecabin," which would seem to call into question Rediker's thought-provoking suggestion that the early modern maritime labour force can be understood as a proletariat.<sup>65</sup> Or, to avoid a crudely-staged debate between theoretical straw men, let us agree with what Arnold and Rediker both imply: portage looks like something we should understand if we are to understand the economic culture of early modern mariners. As a form of exchange, portage is also likely to have affected cross-cultural relations and may therefore have implications for ethnohistory as well as for historical anthropology.

For purposes of preliminary discussion, we might raise a number of questions about the practice of portage in the North Atlantic trades:

1. How important was portage for ordinary mariners? How did it compare with and relate to customary perquisites?
2. What were the contents of seamen's ventures?
3. With whom were ventures exchanged? In what context?
4. What was the significance of portage for the three-way relationship in each voyage among shipowners, merchant freighters and crews?
5. When did portage decline, as a practice? What is the mechanism of this decline?

Clearly, answering these questions will require analysis of a corpus of cases. For the seventeenth century, there are three main potential sources of instances of portage and/or

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63. Klaus Hye-Knudsen, personal communication, September 1994.

64. One suspects this made St. John's one of the few places in North America with much of a second-hand market for these vehicles.

65. Rediker, *Devil and Deep Blue Sea*, 78 and *passim*. For discussion of this issue, see the round-table discussion in *International Journal of Maritime History* 1(2) (1989).

venture: merchants' accounts and letter books, court records, and mariners' journals.<sup>66</sup> My research to date incorporates published examples of these genres and a sample of unpublished court records as well, from High Court Of Admiralty and from the Vice Admiralty Court records of Massachusetts and Halifax.<sup>67</sup> In the coming academic year I hope to sample notarial records of the French *départements maritimes*.<sup>68</sup> The collection stage of this research is still in progress and comparison and annotation of cases has only begun. The intended analysis of the practice of portage is meant to be anthropological in the sense that it will take the economics of the exchange as a starting point, the datum to be culturally situated, rather than as a factor in a multivariate equation (which may, in fact, never be solved). In a preliminary review, only preliminary answers are possible, but we can outline the following working hypotheses.

### The Economics of Portage and Perquisites

In the seventeenth century, portage was still significant in many mariners' budgets. The recommendations that Trinity House, Deptford, made to the Crown in 1621 speak for themselves:

...the following portage, outward and homeward, free of custom, is appropriate: (a) Ships bound for Majorca or eastwards thereof in the Straits: the master, £100 in goods; the officers, £10 in goods; the seamen, £5 in goods. (b) Ships bound for Spain, Portugal, the [Atlantic] Islands, Barbary, Guinea, France etc: the master, one ton in every 100 tons; the officers, 20 nobles [£6 13s 4d] in goods; the seamen 5 marks [£3 13s 8d] in goods. (c) Ships bound for Zeeland, Holland, all the east Country, Hamburg, Muscovy, Russia, etc., according to former custom.<sup>69</sup>

This is a period when ordinary seamen expected to earn about 20s per month.<sup>70</sup> In a case of 1635, again dealing with the Hull wine trade, a mariner's portage is taken to be worth half the monthly wage, just as it was under the Hull wage scale of 1546.<sup>71</sup> When Coxere sailed as mate to Newfoundland and Alicante in 1659, his wages were £3 10s per month and he cleared about £50 to £60 on the whole voyage, suggesting that profits from his ventures amounted to about £20 to £30 – in other words, something in the order of his total fixed wages of £28.<sup>72</sup>

66. I would be very grateful for references to any cases of portage, privilege or venture, should any colleagues happen upon these and have time to note them for me.

67. HCA examinations, interrogatories and libels in Great Britain, Public Record Office, London, HCA 13, HCA 23 and HCA 24, respectively; VAC Massachusetts on microfilm at MHA; VAC Halifax in PANS, RG 1/491 to 495.

68. On microfilm at Archives Nationales, Quebec.

69. Trinity House, Certificate, 11 April 1621.

70. Davis, *English Shipping Industry*, 135-6.

71. F.W. Brooks, *The First Order Book of the Hull Trinity House, 1632-1665*, Yorkshire Archaeological Society, vol. 105 (1942), cited in Andrews, "Elizabethan Seaman," 255.

72. Coxere, *Adventures by Sea*, 81-6, assuming Coxere spent somewhere between £3 and £10 on himself in port expenses.

Most other non-wage remunerations of this period are of a lower order of magnitude. Freighters paid "primage" or "petit lodemenage" for the actual loading and discharge of cargo: a document of 1684 quotes 12d per ton.<sup>73</sup> At that rate, primage for a 200 ton ship would come to perhaps £10 to be shared among 30 men or, more likely, £5 for the master and something like 3s for each of the men. Davis notes that, after the rise in seamen's wages of the 1650s and 60s, masters came to regard this perquisite as entirely their own. Two other small perquisites with confusing names also belonged to masters: "average," for care in lading, and "portage" (!) in the sense of a small gratuity paid by Customs officials to masters for reporting cargoes accurately. There was one perquisite of some size, occasionally made by the freighters "for the master's hat" or "for the master's cloak." This was normal in the Baltic trades, where it was called "caplaken" and might be worth as much as £20.<sup>74</sup> The only sizable perquisite which the crew might expect was room and board and that was wretched enough, as Luke Fox recalled: "a hard cabin, cold and salt meat, broken sleeps, mouldy bread, dead beer, wet clothes, want of fire."<sup>75</sup> Even in the seventeenth century, the economic significance of portage was such that it is probably misleading to consider it simply a perquisite, in the sense of a casual emolument in addition to wages.<sup>76</sup> Portage was still, in many trades, an important part of the normal remuneration of mariners; it was not just a small gratuity, like primage.

Portage eventually became, in the nineteenth century, a privilege or even merely a perquisite of masters.<sup>77</sup> In the seventeenth century, the practice, although still often a significant part of remuneration, was already more frequently recorded for masters than for officers and more often for officers than for men.<sup>78</sup> This distribution of cases resulted, at least in part, from the circumstance that masters were more likely litigants than officers and officers more likely litigants than ordinary seamen, even giving due consideration to the fact that, unlike the Common Law courts, Court of Admiralty was open to what we would call "class action suits," for example, on the part of the crew of the *Dragon* of London in the case which provoked the ruling which prefaces this essay.<sup>79</sup> Even to the extent that it became confined to masters, portage had some important implications for the economics of shipping.

Ship-owning in the seventeenth century does not usually seem to have been, of itself, a very profitable enterprise.<sup>80</sup> Andrews suggests that average profitability was a

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73. J.P., *The Merchant's Dayly Companion* (1684), cited in Davis, *English Shipping Industry*, 146.

74. Davis, *English Shipping Industry*, 146-7; cf. Jacob, *Merchant's Companion*, 385-404.

75. Cited in Andrews, "Elizabethan Seaman," 246. A "cabin" was often just a bunk.

76. My earlier discussions of portage make this mistake. On early French perquisites, see Bernard, *Gens de mer*, 597-598.

77. Arnold, "Merchants in the Forecastle."

78. This is my impression from the court records I have collected to date.

79. George F. Steckley, "Instance Cases at Admiralty in 1657: a Court 'Packed Up with Suitors,'" *Journal of Legal History* 7 (1986), 68-83, see p. 75.

80. R. Davis, "Earnings of Capital in the English Shipping Industry, 1670-1730," *Journal of Economic History* 17 (1957), 409-25; W. Brulez, "Shipping Profits in the Early Modern Period," *The Low Countries History Yearbook* 14 (1981), 65-84.

remote and irrelevant concept for ship-owners of the period, who paid more attention to the wide variability of profits and losses.<sup>81</sup> There was a serious discrepancy, nevertheless, between owners' and freighters' profits, and merchants must have noticed this, raising the obvious question of why anyone would bother investing in a ship. The answer seems to be that major shareholders had some call on the use of the vessel. In other words, while ship-ownership may not have been profitable, it facilitated commercial adventures with high profit potential.<sup>82</sup> For ships' masters, an important sub-class of ship owners, portage was a particular instance of this generalization. (Almost all ships in this period were owned in shares and masters were normally part-owners.) Taking the profits hidden in masters' portage into account, the noted lack of profitability of ship-owning looks somewhat like the lack of profitability reported by some modern corporations whose executives are remunerated at high levels.<sup>83</sup> At least in the case of seventeenth-century ships the bounty was, normally, more widely shared.

### The Contents of Mariners' Ventures

What a particular mariner carried as his venture on a particular voyage is often unclear in the records, although we can sometimes make an educated guess, for the mariner's venture often resembles the ship's.<sup>84</sup> In 1659 Coxere carried "poor Jack" from Newfoundland, which, as he observes, "is the only commodity the land affords for merchandizing." He is coy about the goods carried to Newfoundland, telling us that he laid out his venture "in several sorts of commodities which I thought I would turn to best account" but reporting later on the sale of a particular good, which sold at Newfoundland "to good profit; hardly any goods exceeded it for the quantity as to profit."<sup>85</sup> We know there existed, for various reasons, a strong demand for wine in seventeenth-century Newfoundland and this may well be what Coxere carried there: something he might, as a Quaker, later have been reluctant to admit.<sup>86</sup> Wine was, as we have seen, a typical venture carried as mariner's portage from medieval times and there is no reason to think that it would have lost its appeal as a divisible venture with a reasonably high value per unit volume.

If the mariner sought to maximize the value of the venture that he might squeeze into his allotted portage room, then lead would have been a choice commodity. The Bristol court records contain accounts of such ventures. In 1645, the father of the 20

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81. Kenneth R. Andrews, *Ships, Money and Politics: Seafaring and Naval Enterprise in the Reign of Charles I* (Cambridge, 1991), 29-33.

82. Davis, "Earnings of Capital"; Brulez, "Shipping Profits."

83. The St. John's broadcaster NTV regularly reports a lack of profits to CRTC, while it pays its executives (a closely-knit kin group) the highest salaries of a CTV affiliate in Canada.

84. Arnold, "Merchants in the Forecastle," 172.

85. Coxere, *Adventures by Sea*, 80-1.

86. On demand for wine in Newfoundland, see Peter Pope, "Historical Archaeology and the Demand for Alcohol in 17th Century Newfoundland," *Acadiensis* 19(1) (1989), 72-90 and "Fish into Wine: the Demand for Alcohol in 17th-Century Newfoundland," *Social History/Histoire sociale* (in press).



year-old mariner Humfrey Diggins arranged with the master of the 80 ton *Elizabeth* of Bristol that he would obtain a ton of lead which the young mariner and the master would venture in equal shares to la Rochelle, apparently as portage.<sup>87</sup> Potential profit per unit volume was likely more important than value per unit volume, an analysis which is supported by the frequency with which tobacco turns up as mariners' venture. In 1645 Thomas Gilbert, carpenter of the 55 ton *Jonathan* of Bristol, ventured 25 rolls of tobacco in the hold and 1000 lbs between decks, for which he paid freight of 12 d per lb on a Bristol/Barbados/Chepstow voyage and was also accused of illicit portage of about 16 additional rolls.<sup>88</sup> Atlantic mariners also carried sugar and slaves as portage, sometimes to be converted into another venture in tobacco. In 1676, George Pattison, master of the *Industry* of London, was accused of illicit (excessive?) portage of wines from the Canaries, sugar and slaves from Barbados, and tobacco from Virginia, all in the same voyage.<sup>89</sup> Like wine and lead, these ventures had high unit value and good potential profit margins. The carriage of slaves as portage was common in the African trade, although there was no fixed custom beyond a consensus that the master and perhaps his mate had privilege to carry at least one or two slaves, freight free.<sup>90</sup>

The depressing example of human beings carried as private ventures will serve to remind us that the contents of mariners' ventures depended, in the last analysis, on what was available in the port of departure and what the traffic would bear in the port to which the ship was freighted. To be more precise, we would have to say that ventures depended on what mariners expected of market conditions at their intended destinations. In the early modern period, this information was imperfect and, necessarily, more imperfect for ordinary mariners than for literate merchants and masters, with circum-Atlantic factors and correspondents.<sup>91</sup> Mariners carrying ventures thus ran a risk quite apart from the normal dangers of the sea, as in the sad case to which Arnold has drawn our attention. In November 1800, John Turner of New London was surprised to find his adventure "fetch but little more than first cost" when he arrived at Antigua; the next June, he "met with a bad market" in Bermuda, and in October he wrote his wife from Guadeloupe, "my Soap I cant give it away."<sup>92</sup> We may safely suppose this was not the first time a venture proved a loss.

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87. Humfrey Diggins, Deposition, 28 January 1646, in H.E. Nott, ed., *Deposition Books of Bristol*, vol. 1, 1643-1647, Bristol Record Society vol. 6 (Bristol, 1935), 106-8.

88. Lawrence Hurston, Deposition, 10 January 1646, *Deposition Books of Bristol*, vol. 1, 99-100.

89. Hugo Welburne, Examination, 26 November 1676; John West and John Wise, Affidavit of the JPs of Aquamack, Virginia, 15 May 1676; both in J.S. Purvis, *The Records of the Admiralty Court of York*, St. Anthony's Hall Publications no. 11 (York, 1962), 33-8.

90. Davis, *English Shipping Industry*, 148; e.g., Richard Patrick, Libel in Patrick et al. con Richard Smith, master of the *Affrica Sloop*, 26 January 1732, HCA 24/137 (38) — one of the cases cited in Rediker, *Deep Blue Sea*, 131.

91. Ian K. Steele, *The English Atlantic 1675-1740, an Exploration of Communication and Community* (London, 1986).

92. Extracts from Turner's papers, quoted in Arnold, "Merchants in the Forecastle," 185.

### The Exchange of Ventures

The records of portage rarely supply much detail of the actual exchange of ventures, although court records occasionally provide glimpses. In the case of portage *au fret de la nef*, ventures were but shares of the whole cargo which, in the normal course of events, would be disposed of in bulk to merchants or their factors. Fishermen's shares in cargoes of Newfoundland fish, disposed of in the Iberian and Mediterranean ports, could be seen as portage in this sense.<sup>93</sup> The normal scale of mariners' portages suggests that when mariners disposed of their own ventures, as was normally the case, they would have sold to individual consumers or small retailers, rather than to merchant wholesalers. This was certainly true of the ventures sold in 1645 by two crewmen of the *Hopton* of Bristol. Court records in a subsequent suit indicate that one of them, Samuell Hartnall,

was personally present in the ship... then lyeing in Feriland harbour in Newfoundland when and where, he... sawe one Phillip Roberts of the Cittie of Bristol sayler then belonging to the said shipp, sell unto Henry Cooke... then being a planter at Reynous... being then both likewise aboard the same ship, diverse goods (vizt) six Jarrs of oile at six shillings per jarr; and foure and twenty yards of linnen cloth at xxd per yard, which goods the said Phillip Roberts did lett the said Henry Cooke have upon promise of payment of the mony within a few daies But the said Henry Cooke dureing the tyme... this deponent was there (which was neere a moneth) never brought the money according to his promise, which... this deponent was to have had part thereof...<sup>94</sup>

Notice the small scale of this exchange. The informality of the market, on board the *Hopton* itself, is noteworthy too. Finally, we should remark on the personal character of the exchange, reflected in the casual extension of credit.

The regular practice of portage would mesh effectively, through casual trade, with societies either lacking merchants or in which there were many small merchants. Several such societies existed on the northeastern American littoral in the early modern period. The native societies of the Algonquian peoples of the Gulf of St. Lawrence represented a population of potential customers, without an internal class of merchants. From the mid-seventeenth century a population of resident fisherfolk developed along Newfoundland's English Shore, virtually all of whom appear to have been petty traders.<sup>95</sup> In the later seventeenth and early eighteenth century a similar francophone society developed in what was effectively a French Shore on the south and west coasts of the Island.<sup>96</sup> The practice of portage may have facilitated exchange between these isolated societies and the wider world,

93. But recall Burwash's *caveat*, discussed above.

94. Samuell Hartnall, Deposition, 3 March 1647, in *Deposition Books of Bristol*, vol. 1, 190-1.

95. Pope, "South Avalon Planters," ch. 6. There were few large merchants.

96. Olaf Janzen, "'Une grande liaison': French Fishermen from Ile Royale on the Coast of southwestern Newfoundland, 1714-1766—a Preliminary Survey," *Newfoundland Studies* 3(2) (1987), 183-200; "'Une Petite Republique' in Southwestern Newfoundland: the Limits of Imperial Authority in a Remote Maritime Environment," in Lewis R. Fischer and Walter Minchinton, eds., *People of the Northern Seas*, Research in Maritime History no. 3 (St. John's, 1992), 1-33.

particularly in so far as professional traders began to observe an eighteenth-century maxim for success: "A Merchant should never sell any of his Goods in small Parcels."<sup>97</sup>

The practice of portage would certainly have affected Native/European exchange during the contact period. Historians have often dismissed the fur trade in the early sixteenth century, because it was incidental to fishing.<sup>98</sup> Certainly there is little indication that European merchants freighted ships for the purpose of trade with Native peoples until about 1580.<sup>99</sup> Yet there is no doubt that French and Basque fishermen had been visiting the Gulf for half a century by this time.<sup>100</sup> The prevalence of the practice of portage must cast some doubt on John Dickinson's view that captains and shipowners would not have allowed fishing crews to undertake any profitable activity in which they themselves did not share and that early informal trade must, therefore, remain hypothetical.<sup>101</sup> On the contrary, mariners of the period and masters in particular would almost certainly have carried ventures. It is, therefore, reasonable to conclude that there would have been an early trade between Native peoples and the fishermen who reached Newfoundland, Nova Scotia, Labrador and the Gulf of St. Lawrence in the mid sixteenth century. Recent metallurgical re-examination of copper goods from contact period interior sites suggests early cross-cultural trade in copper goods of higher quality than those later produced specifically for the commercialized fur trade.<sup>102</sup> Far from closing the book on these early exchanges, because they do not fit modern economic culture, historians and archaeologists should accept the considerable challenge of attempting to discern the contents and context of these early ventures.

One obvious and important question which needs to be asked is whether there is any way to characterize the trades in which portage survived through the early modern period. Where did the practice occur? Was the practice simply an expression of specific vernacular economic cultures? Was its evolving distribution a function of the disorganization of markets, as implied above? Or was the important aspect of portage its

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97. Wyndham Beawes, *Lex Mercatoria Rediviva: or the Merchant's Directory* (2nd edition, London, 1761), 34-5.

98. Harold A. Innis, *The Fur Trade in Canada, an Introduction to Canadian Economic History* (1930, rep. Toronto, 1970), 12.

99. Laurier Turgeon, "Basque-Amerindian Trade in the Saint Lawrence during the Sixteenth Century: New Documents, New Perspectives," *Man in the Northeast* 40 (1990), 81-87.

100. Jacques Cartier met a ship of la Rochelle on the lower North Shore during his exploratory voyage of 1534, *The Voyages of Jacques Cartier* (Toronto, 1993), 9; Laurier Turgeon, "Vers une chronologie des occupations basques du saint-Laurent du XVI<sup>e</sup> au XVIII<sup>e</sup> siècle: un retour à l'histoire," *Recherches Amérindiennes au Québec* 24(3) (1994), 3-15.

101. John A. Dickinson, "Old Routes and New Wares: the Advent of European Goods in the St. Lawrence Valley," in Bruce G. Trigger, Toby Morantz and Louise Dechêne, eds., *Le castor fait tout: Selected Papers of the Fifth North American Fur Trade Conference* (Montreal, 1987), 25-41.

102. William R. Fitzgerald and Peter G. Ramsden, "Copper Based Metal Testing as an Aid to Understanding Early European-Amerindian Interaction: Scratching the Surface," *Canadian Journal of Archaeology* 12 (1988), 153-61.

function as a kind of share system? One economist has suggested that share “tenancies” emerge as part of a strategy of risk avoidance.<sup>103</sup> Bernard seems to see portage as a share system which involved all concerned, in an equitable way, in necessary risks.<sup>104</sup> An Admiralty Court libel of 1693 suggested that portage was allowed specifically in the Bristol/Virginia trade to offset risk.<sup>105</sup> In the Newfoundland trade, on the other hand, portage was justified as a reward for honest and faithful service.<sup>106</sup> Were the trades in which portage persisted in fact unusually risky ones? Or ones which required the independent, unsupervised co-operation of the crew? How were the interests of ships, freight and crew normally reconciled?

### **Ships, Freight and Crew**

In law, a voyage was a temporary commercial arrangement among three legal personalities: ship-owners, merchant freighters and the crew. To be sure, masters were usually part-owners as well as being a kind of signing authority for the crew; owners were often freighters; and, as we have argued here, master and crew were freighters as well, often enough. The value of the legal abstraction was that it clarified the relationship among ship, freight and wages when any of these were in dispute, as of course they often were when so many of the human beings involved attempted to play several roles. Admiralty law, as it had evolved by the mid-seventeenth century, protected the interests of all three parties, the common mariner included. Edward Barlow complained bitterly about the injustices suffered by ordinary seamen at the hands of masters and employers but it is noteworthy that when he and the crew of the *Queen Cathrane* went to Admiralty Court to sue for wages in 1663, they promptly recovered what was owed them, at minimal cost.<sup>107</sup>

George Steckley’s analysis of Admiralty cases suggests that non-payment of wages was, in fact, the most common grievance brought to Doctor’s Commons in the period of his study (1657). He concludes that the Court of Admiralty offered efficient justice for mariners in several respects. Among the advantages of admiralty civil law over the common law, he notes those we have already mentioned: the crew’s right to sue as a group and the use of “examinations,” which could be left on record, rather than the *viva voce* testimony required in common law courts. These practices permitted mariners, who were poor men, to pool their limited resources efficiently for legal purposes and to return promptly to the sea, where they could continue to earn a living. There were other advantages to Admiralty law for mariners. The cornerstone of good sense and

103. Steven N.S. Cheung, *The Theory of the Share Tenancy* (Chicago, 1969), 62-87.

104. Bernard, *Gens de mer*, 598.

105. Robert Addison et al., Libel in Addison et al. con Thomas Opey et al., owners of the *Constant Love* of Bristol, 20 July 1693, HCA 24/124 (286).

106. Reply of Edward Hickman and William Brooking, owners of the *Pelican* of Topsham, in Cotton con Hickman and Brookings, VCA Exeter, 27 September 1681, Devon Record Office, Exeter, Moger CC 181/18/8.

107. Barlow, *Journal*, 89-91.

procedural efficiency in Court of Admiralty was, Steckley argues, the rule that "Freight is the mother of wages."<sup>108</sup> This was not an eighteenth-century construction but, by 1676, already an old saw for Charles Molloy, who observed in his *De Jure Maritimo*: "though Freight is the Mother of Wages, so is it the very Father of Damage."<sup>109</sup> In terms of procedural practicalities, this rule meant that the court considered the matter of wages, freight and loss together. In terms of legal principle, this meant that when freight was paid to ship owners for cargo carried, the crew had the first claim on these earnings.

If freight is the mother of wages, then seamen are treated, for better or for worse, as co-adventurers. When there was freight, they were to be paid.<sup>110</sup> Freight could be lost, however, as Molloy's formulation emphasizes. If a crew salvaged a ship, even if they managed to bring her safely home, their wages were payable only to the last port at which cargo was safely delivered and freight, therefore, paid. If they lost ship and cargo, they were quite out of luck. The practice of portage can be seen as a kind of material expression of the principle that freight is the mother of wages. Indeed, in medieval times, "wages" were no more than a share of the freight in the form of *mareage*. As the maritime economy of western Europe evolved, so did the practice of portage but, if we are to understand its later significance, we had best recall the economic basis of the practice.

Because we are dealing with an economic culture which is not our own, we have, necessarily, some difficulty in conceptualizing portage. It would be an error, of the type against which Gurevitch warns us, to accept Arnold's notion of "merchants in the fore-castle," for the seventeenth century at any rate. Burwash would seem to be closer to a convincing historical anthropology when she observes:

A far closer community of interest than exists today bound together the employer and the employed; the latter had a voice in the management of the voyage and frequently a share in the profits too; a blurring of functions which affected the conditions of work and wages for all medieval seamen.<sup>111</sup>

This is a theme sounded by Craeybeckx as well: "avant le XVI<sup>e</sup> siècle, les fonctions d'armateur, d'affréteur et de marin pour séparées qu'elles fussent, ne l'étaient cependant

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108. Steckley, "Instance Cases at Admiralty in 1657," 75-7.

109. Charles Molloy, *De Jure Maritimo et Navali* or, *a Treatise of Affairs Maritime and of Commerce* (London, 1676), 212.

110. The Newfoundland wages and lien system, imposed under "Pallisser's Act" of 1775, giving fishing servants first call on fish for their wages, could thus be seen as a specific case of a more general principle. See Great Britain, "An Act for the Encouragement of the Fisheries...," 15 George III, cap. 31, xvi, p. 64 and, for a discussion of the implications, Sean Cadigan, "Seamen, Fishermen and the Law: the Role of the Wages and Lien System in the Decline of Wage Labour in the Newfoundland Fishery," in Colin Howell and Richard Twomey, eds., *Jack Tar in History: Essays in the History of Maritime Life and Labour* (Fredericton NB, 1991), 105-31.

111. Burwash, *English Merchant Shipping*, 42.

pas toujours aussi nettement qu'on pourrait le croire à première vue."<sup>112</sup> The point here is not that the roles of mariners, freighters and ship owners were as "blurred" (from the perspective of our categories) in the seventeenth century as they were, arguably, in the fifteenth. What is arguable is this: if we wish to account for the existence of a practice like portage, then we should look at the possibility of such socio-economic role "blurring," rather than interpreting the practice as evidence that mariners were precocious entrepreneurs in some kind of late modern sense.

There is a important broader point about the historical anthropology of economic cultures here, a point which speaks to Alan Macfarlane's view that the historical anthropology of the English countryside suggests that capitalism or, at least, entrepreneurial *mentalités* have characterized English economic culture for a millennium.<sup>113</sup> Macfarlane would certainly have no trouble finding "entrepreneurial" ventures in the late medieval/early modern North Atlantic maritime world. In fact, to the extent that the practice of portage was widespread, there were *too many* entrepreneurs for this to have been a modern economy. What characterized the vernacular capitalism of the period was not the underdeveloped extent of entrepreneurship but, quite the contrary, the widespread entrepreneurship of those workers who, in a later period, would expect a fixed wage, rather than a share. What capitalism needed, in order to become "modern," "industrial," "advanced" or whatever, was not more entrepreneurs but fewer: fewer venturers and more employees who would accept non-entrepreneurial rewards. Seen from this point of view, the evolution of maritime economic cultures becomes an anthropological issue of some historical importance.

### The Decline of Portage

The most interesting and provocative aspect of the history of the practice of portage is, arguably, its disappearance – as a window on the rise of modern, directed, industrial capitalism, as opposed to an earlier, vernacular, or merchant capitalism.<sup>114</sup> Nor is the practice of mariners a minor aspect of the development of capitalism: the ship is an early company. We can perceive in these early maritime companies the development of capitalist commercial practice, in the form of share ownership, limited liability and the practical separation of ownership and management for everyday operating purposes.<sup>115</sup> The surviving documentation of the practice of portage is obscure and often tangential to the main purpose of the original texts. This may enhance our faith in the accuracy of what we are reading, but it makes location of relevant references difficult. Portage was, naturally enough, frequently an issue in

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112. Craeybeckx, *Un grand commerce*, 156 and cf. the chapter "Mercator et nauta" in Bernard, *Gens de mer*, 527ff, especially 578-88.

113. Macfarlane, *op. cit.*

114. One must have reservations about the use of "merchant" and "industrial" to distinguish kinds of capitalism, since there was plenty of industry in the early modern period and there are plenty of merchants today.

115. Bernard, *Gens de mer*, 527-88, 644-5; cf. Sanborn, *Early English Maritime Law*, 91.

wage suits and insurance cases. Analysis of the issue, in England at any rate, is obscured by the decline of the Admiralty Court after about 1730, by which time all insurance cases and many wage suits were heard elsewhere.<sup>116</sup> Colonial administrations were, fortunately, more flexible about the jurisdiction of particular courts. From the late seventeenth century they began to establish vice admiralty courts, which continued to consider wage cases.<sup>117</sup> Eighteenth-century mariners' journals and merchants' accounts are, fortunately, more common than those surviving from the preceding century.<sup>118</sup> Like other rare glimpses into ordinary working lives, cases from each of these sources can be very thought-provoking, particularly when (initially) most difficult to translate.

Christopher Hill and others have emphasized the "ideological" hostility felt by early modern workers to wage-labour.<sup>119</sup> To become dependent on wages amounted to a loss of status as a free individual.<sup>120</sup> Wage-labourers in the seventeenth century were generally impoverished, often separated from a stable community, and sometimes even segregated from other workers by the rise of industrial specialization. Seamen suffered such social discrimination anyway but still preferred to avoid dependency on wages.<sup>121</sup> These observations raise an important and difficult question: how did it come about that workers, once hostile to the notion of wage-labour, began to accept wages? I have argued elsewhere that the mutation of the term "portage" in the New England fishery after 1640, from the sense discussed in this essay to an equivalent of "wages," suggests that fixed payments were conceptualized by resident fishing crews as a substitute for the venture income they could have expected had they been employed in the traditional migratory fishery, rather than at a permanent station.<sup>122</sup> This would seem to be the origin of the

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116. Thomas Lambert Mears, "The History of the Admiralty Jurisdiction," *Select Essays in Anglo-American Legal History*, Association of American Law Schools (1903, rep. London, 1968), 312-64; D.E.C. Yale, "A View of the Admiralty Jurisdiction: Sir Matthew Hale and the Civilians," in Dafydd Jenkins, ed., *Legal History Studies 1972* (Cardiff, 1975), 87-109; Welch, *Admiralty Court Book of Southampton*, xi-xxvii; Steckley, "Merchants and the Admiralty Court" and "Instance Cases at Admiralty 1657"; Prichard and Yale, *Hale and Fleetwood on Admiralty Jurisdiction*, xlvii-cxxxvi.

117. Helen J. Crump, *Colonial Admiralty Jurisdiction in the Seventeenth Century*, Imperial Studies Monograph no. 5 (London, 1931).

118. On journals see Ilana Krausman Ben-Amos, *Adolescence and Youth in Early Modern England* (New Haven, 1994), 307-10.

119. C. Hill, "Pottage for Free-born Englishmen: Attitudes to Wage Labour," in *Change and Continuity in Seventeenth-century England* (London, 1974), 219-38; comment on K. Thomas, "Work and Leisure in Pre-Industrial Society," *Past & Present* 29 (1964), 50-66.

120. Christopher Hill, "The Poor and the People in Seventeenth-century England," in Frederick Krantz, ed., *History from Below: Studies in Popular Protest and Popular Ideology in Honour of George Rudé* (Montreal, 1985), 75-93; cf. C.B. MacPherson, *The Political Theory of Possessive Individualism: Hobbes to Locke* (Oxford, 1962), 153.

121. Hill, "Pottage," 220-3; cf. Alan Everitt, "Farm Labourers," in Joan Thirsk, ed., *Agrarian History of England and Wales*, vol. 4, 1500-1640 (Cambridge, 1967), 396-465, see p. 399.

122. Pope, "South Avalon Planters," ch. 7.

New England fishermen's term "portledge bill" for wage agreement. We can glimpse here part of the social history of an evolving economy. The wage relationship, which self-respecting skilled workers in this period still avoided if possible, may have been less objectionable seen as the transmutation of a traditional right in a new context. Workers' loss of perquisites or their transmutation into cash was a common enough phenomenon in early modern England. In such ways, as E.P. Thompson puts it, "economic rationalization nibbled through the bonds of paternalism."<sup>123</sup> What is particularly interesting, in the case of the custom of portage in the resident fisheries of New England and Newfoundland, is the way in which trans-Atlantic settlement appears to have forced the evolution of economic practice.

Portage itself might be seen as a transitional practice rather than as one of the "bonds of paternalism." We have seen that portage was not simply a perquisite, in the usual, somewhat dismissive, sense. Was it not a bridge between the share payment systems of the medieval mariner, hiring himself *à mareage* or *au fret de la nef*, and the wage labour of the modern maritime world? One would have to object to this formulation too, however, for it implies a kind of positivism, in which portage is just a stage in progress towards wage labour. We all live in transitions. Perhaps it would be more fruitful to adopt Ann Kussmaul's metaphor for service in husbandry and see portage as another extinct reptile of economic history — in this case, perhaps, an antique lizard of moderate size, but an interesting specimen nonetheless.<sup>124</sup> Or, to grasp at another metaphor: if freight is the mother of wages for mariners, then portage is midwife.

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123. E.P. Thompson, "Patrician Society, Plebeian Culture," *Journal of Social History* 7 (1974), 382-405.

124. Ann Kussmaul, *Servants in Husbandry in Early Modern England* (Cambridge, 1983), 134.