

Joshua Gee's Memorial to the Board of Trade, 1717

JOSHUA GEE of London was a Quaker merchant closely identified with the proprietary colony of Pennsylvania.¹ Publicist and frequent advisor to the Board of Trade, Gee was a contributor to the *British Merchant*, a bi-weekly paper published in 1713 and 1714 to oppose the relatively free-trade ideas which Bolingbroke attempted to write into the treaty with France ending the war of the Spanish Succession.² Other literary efforts of Gee include *The Trade and Navigation of Great Britain Considered*, which first appeared in 1729 and ran into several editions, *An Impartial Enquiry into the Importance and Present State of the Wool Manufactures of Great Britain* (1742), and also *The Graziers Advocate, or Free Thoughts on Wool and the Woolen Trade* (1742). In all of these works, Gee posited a mercantilist system that emphasized the necessity of governmental direction and encouragement of the nation's commerce.³

¹ References to Gee are widely scattered among works concerned with the history and philosophy of mercantilism as well as works dealing with early Pennsylvania history. Klaus E. Knorr, *British Colonial Theories, 1570-1850* (Toronto, 1944); Sophie Hutchinson Drinker, *Hannah Penn and the Proprietorship of Pennsylvania* (Philadelphia, 1958), 27, *passim*. See also H. Higgs, ed., *Palgrave's Dictionary of Political Economy* (London, 1923-1926), II, 188-189.

² Charles McLean Andrews in *The Colonial Period of American History*, Vol. IV, *England's Commercial and Colonial Policy* (New Haven, 1964), 359, argues that the issue was less one of "free trade" than "simply the moot question as to whether trade with France was desirable or undesirable. . . ." The proposed commercial treaty with France nevertheless prompted a notable pamphlet controversy on the theory of free trade. Sir George Clark, *The Later Stuarts, 1660-1714* (Oxford, 1955), 237-238.

³ Insofar as these ends were threatened by even a modicum of colonial legislative initiative, Gee suggested as early as 1720 a general suspending clause for the American colonies. "The Governor," wrote Gee, "being generally paid by [the Assemblys], it gives them a handle to take too great libertys." *Calendar of State Papers, Colonial Series, America and the West Indies, 1720-1721*, 475, hereinafter *Calendar of State Papers*, and dates. The idea of a Poyning's law for America was repeated by Gee in *The Trade and Navigation of Great Britain Considered* (London, 1738), 157-159.

Gee was one of nine men to whom in 1708 William Penn mortgaged his Pennsylvania estate in order to raise money to satisfy the debt he owed the heirs of his unscrupulous steward, Philip Ford.⁴ He was particularly active on Penn's behalf during the political turmoil following the proprietor's disabling stroke in 1712 when the colony suffered under the misdirection of Governor Charles Gookin. Many problems plagued Pennsylvania.⁵ Uncertainty existed over the sale of its government to the Crown, toward which the Crown had made a down payment of one thousand pounds in 1712.⁶ Then, too, there was that perennial question of Penn's right to the three Lower Counties (present-day Delaware). This territory had been conveyed to Penn by the Duke of York three years before he ascended the throne. The Duke, however, was not at the time of his agreement with Penn in legal possession of the area. Seven months later, the royal grant to the future James II of lands he had already conveyed did little to strengthen Penn's hold on them. Rather it gave to the Crown a claim which it would contest against that of Penn. Nor did it enhance Penn's case that Lord Baltimore claimed the area under the charter for Maryland of 1632.⁷

The appointment of a new governor invariably exposed the weakness of Penn's position. The Crown's approbation of the governor required from Penn recognition that its action "shall not be construed in any manner to diminish or set aside the right claim'd by the Crown to the said three Lower Counties. . . ."⁸ The tenure of a new governor over the Lower Counties, in contradistinction to Pennsylvania, was at the Crown's, not the proprietor's, pleasure. Such was the delicate posture of affairs when the leaders of Pennsylvania in 1715 decided that Gookin must be replaced.⁹ Gee was

⁴ William Brooke Rawle, ed., "The General Title of the Penn Family to Pennsylvania," *Pennsylvania Magazine of History and Biography* (PMHB), XXIII (1899), 633; Joseph E. Illick, *William Penn the Politician: His Relations with the English Government* (Ithaca, 1965), 215-216.

⁵ Charles P. Keith, *Chronicles of Pennsylvania from the English Revolution to the Peace of Aix-la-Chapelle, 1688-1748* (Philadelphia, 1917), II, 568; Drinker, 86.

⁶ Illick, 243-244, William R. Sheperd, *History of Proprietary Government in Pennsylvania* (New York, 1896), 544.

⁷ *Calendar of State Papers . . . , 1717-1718*, 87-95; C. A. Weslager, *The English on the Delaware* (New Brunswick, 1967), 221-230.

⁸ *Calendar of State Papers . . . , 1716-1717*, 192.

⁹ Drinker, 94.

instrumental in securing William Keith as the new governor, loaning him money and providing other services. Meanwhile, in America Gookin was charging the colonies' principle leaders with Jacobitism.¹⁰ It was at this critical juncture that there emerged a new contender for the disputed territory.

John Gordon, the Earl of Sutherland, had made a substantial contribution to the crushing of Mar's Rebellion in 1715.¹¹ He now sought recompense from the Crown in the form of a grant to him of the three Lower Counties.¹² The Crown evidently looked favorably upon Sutherland's request, sending it to the Board of Trade for its consideration. At the same time, Lord Baltimore, not to be outmaneuvered, reminded the Board of his claim to the Delaware country.¹³

The Sutherland bid for the possession of the Lower Counties was the immediate occasion of Gee's memorial of March 18, 1717, to the Board of Trade.¹⁴ His purpose was to dissuade the Board from countenancing the grant to Sutherland by proving it a threat to the productivity of the Delaware area. He pointed out that needed products such as naval stores and iron could be produced there, but that a change of proprietors would depopulate the area and cause an economic decline because settlers would find their land titles uncertain and their religious freedom in doubt. The result would be to turn a once flourishing colony into a despairing and nonproductive liability.¹⁵

Although Gee's prime purpose was the defeat of the Earl of Sutherland, his memorial dealt more broadly with the economics of

¹⁰ Samuel Hazard, ed., *Colonial Records of Pennsylvania* (Harrisburg, 1852), III, 15-17.

¹¹ *Dictionary of National Biography*, VIII, 217.

¹² *Calendar of State Papers . . . , 1716-1717*, 233.

¹³ *Ibid . . . , 1717-1718*, 87. The Board of Trade, assuming the Crown's claim to be valid, preferred that it apply the "rents, issues and proffits" due from Penn from the grant of the Pennsylvania charter in 1681, to completion of the purchase of the government of the colony begun in 1712. *Ibid . . . , 1720-1721*, 418-419.

¹⁴ Public Record Office, CO 5, 1293, pp. 77-88, Library of Congress Transcripts. Excerpts are provided in *Calendar of State Papers . . . , 1717-1718*, 271-272.

¹⁵ While in London Gee and others protested against Sutherland's bid, the new governor, William Keith, won from the Lower Counties' Assembly a petition addressed to the Crown expressing loyalty to William Penn. See Helen Jordan, ed., "The First Report of Lieutenant-Governor Sir William Keith, of Pennsylvania, to the Lords Commissioners for Trade and Plantations, 1717," *PMHB*, XXIII (1899), 492-493. Sutherland died in 1733, his request for the Lower Counties never having been acted upon.

the area about which the Board desired information. Consideration of its economic potential led to a presentation of the problem of increasing its white population. There was the danger, Gee suggested, that Pennsylvania would be turned into "a land of Negroes." His recommendations for bounties on hemp and iron, as well as for safeguarding the interests of merchants engaged in the transportation of servants, were aimed at bringing the Lower Counties into a "happy and flourishing" state, adding their bit to a prosperous mercantile empire.

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To the Hon^{ble} the Lords Comm^{rs} of Trade & Plantations. The Mem^l of Joshua Gee humbly shewth

That pursuant to the Commands I received from your hon^{ble} Board, I have gained the best Information I was capable of to the sev^l particulars committed to me.

I find the present price of Pitch & Tar to be as followeth

Swedish Tar.....	30s per Barrel
Plantation Tar.....	20s per Barrel
Swedish Pitch.....	6/9 to 7/ per cwt.
Plantation Pitch.....	6/9 per cwt.

Plantation Pitch is altogether as good as Swedish and Tar is allowed to be better for the bottoms & Timber part of Shiping [*sic*] than Swedish but not so good for Cordage being too much burnt in making, which creates a heat in the Tar that dry rots the Hemp.

T^{is} thought the Turpentine would make as good Tar as Swedish if well ordered.

Ships might be always hired in time of Peace at £3 per Tun to fetch home Pitch & Tar from New England, New York, Pennsylvania, Maryland & Virginia provided their lading lay ready at y^e Water side to take in without waiting in the Country.

If it were found necessary Timber might be brought abundantly under that freight if it became a Trade to bring Timber from thence, & Ships of great Burthen built & constantly employed (as in Sweden & Norway) & their lading lay ready to take in, they might with ease make two Voyages in the Year, the Swedes (if my Information is right) scarcely ever make above three.

There are great Quantities of Iron Mines in Pensylvania, the Inhabitants are a very laborious & industrious people & have brought that Colony into better Order than any other in America, in the short time since their first settlem^t, they supply the West Indies with flower and Provisions, and of late have shipt large Quantities of Corn for Portugal & other parts of Europe, to put themselves in a Capacity of purchasing in England clothing and other necessaries which they want; and to enlarge their Trade, and exchange their Industry with us, were desirous to put forward and make some Progress in the raising of Hemp w^{ch} the Government was pleased (by an Act passed in the 3d & 4th Year of the late Queens Reign & continued by another Act of the 12th of the said Reign)¹⁶ to encourage by allowing a bounty on it; & had proposed an Incouragem^t from the Government to erect Iron Works in that Province, concluding that such undertakings would receive as much Countenance as Pitch, Tar or any other Production of America.¹⁷

But at present there is a full stop to it hearing that the Earl of Sutherland is persuaded by some Persons that have been in those parts to Petition for a Grant of the 3 lower Counties, which have been enjoyed by Wm Penn ever since the first Settlem^t without Molestation and where the Manufacture of Hemp was begun, but as a grant of that Country to any other Proprietor must of Course frighten away [a] great part of the present Inhabitants (who came there to settle purely to enjoy Liberty of Conscience under a Person of their own perswasion) and consequently render the Country of little value to any other Proprietor, tis hoped this noble Earl who of late hath distinguished his zeal for the rights and liberties of the people at home, will not lend an Ear to those who for private Ends endeavour to scrape a hole into the Title of a Gentlemans Estate in America who is not at present in a Condition to defend himself, nor put the Persons who have now the management thereof to the trouble of doing it, & sending for Testimonials thither, and also to

¹⁶ The relevant provisions of the act are given in Henry Crouch, *A Complete View of the British Customs* (London, 1731), 364-365. A recent tracing of the background of the passage of the act, emphasizing the role of New England, is found in Joseph J. Malone, *Pine Trees and Politics: The Naval Stores and Forest Policy in Colonial New England, 1691-1775* (Seattle, 1964), 10-27.

¹⁷ For a discussion of colonial initiative and Gee's participation in the matter of bounties, see Arthur Bining, *British Regulation of the Colonial Iron Industry* (Philadelphia, 1933), 39-42.

oblige the Inhabitants to represent to his Majesty the great Grievance such a grant will be to them; but will out of tenderness to the poor people, & for his Majesties Service, permit them to go on with their designes, that the Royal Navy as well as his Maj^{ty's} Subjects may be supplied out of his own Dominions, where those Commodities will be purchased with our own Manufactures & Productions, without being obliged to send our ready money to Sweden etc for them, or take them of a foreign Prince, or forced to send a fleet to fetch them home.

They are very easie under the present Administration, knowing the Care there is taken that they may not be prejudiced in their Properties; if the purchase made of that Governm^t by the late Queen (of w^{ch} one thousand pounds is already paid) should be compleated, they would be well satisfied, knowing the tender regard his Majesty has for all his Subjects immediately under the Crown of w^{ch} Barbados and the other Islands are Testimonies, where so many families have raised considerable fortunes; on the contrary they see the dismal Condition of the Proprietary Governm^t of Carolina, w^{ch} by its Climate & Productions were it under the Crown might be made the most happy as well as most advantageous Settle^mt in America & which of all others would bring the greatest profit to the Planter as well as to the Merchant.¹⁸

If these People should be freed from their present fears they would go on in preparing land for raising Hemp & if a reward or proemium was allowed would erect Iron Works both w^{ch} are kown [*sic*] to be very expensive undertakings, and tis to be hoped their industry might set a good example to other parts of America, for there are good Iron Mines in other Provinces as well as in Pennsylvania.¹⁹

In one undertaking for raising Hemp the Adventurers have already expended in purchasing land, in draining & clearing Ground, in preparing & fitting it for seed, in purchasing divers Utensils proper for dressing hemp, in carrying over Servants, and erecting some buildings for Work houses, & sundry other Articles above two

¹⁸ "In none of the proprietary provinces did government sink to a lower point of efficiency than it did in the Carolinas." Herbert L. Osgood, *The American Colonies in the Eighteenth Century* (Gloucester, 1958), II, 347.

¹⁹ Unlike hemp and other naval stores, American iron was never granted a bounty. Bining, 79-80.

thousand pounds, & when the last Letters came away had brought nothing to perfection but after sundry Experiments on several sorts of Ground mixing of Soyles etc. they had a beautiful appearance of a small parcell of Hemp almost full ripe upon a tryal they had made, which gives hopes that this laborious undertaking may answer the end proposed by the Government.²⁰

There is one think [*sic*] fit to be mentioned which if not remedied will greatly lessen the advantage we might enjoy in our Plantations, & obstruct these undertakings, & that is the difficulty in sending Servants over. Merchants & Captains of Ships have been harrassed & some imprisoned & put to great expence to get themselves cleared for only taking Sev^{ts} that have fairly bound themselves, & gone over with free consent of such as appeared for Parents, for which reason white Servants are rarely sent over of late, & consequently the Country [is] in danger of becoming a land of Negroes.

Among the Number of sharpening tricks used about this City, one is to have a Person represent the Case of an honest Servant out of Imployment that wanted to go to the Plantations, & tho bound before a Magistrate, when shipt & gone, somebody pretending to be father or near Relation comes to demand the person sent away if not produced they serve those who transport them with a writ de homine replegiando & capias in Withernamia thereon founded by virtue of which writ the Person so served is committed to Prison & not Bailable: thus Merchants for fear of falling into the hands of Rogues neglect assisting thousands of people that are industriously inclined, but not having Capacity to put themselves into business are by their Necessity's led into evil Courses of life, & live upon the Rapine & Spoyl that is made on their honest Neighbours, & instead of adding to the Riches of this Kingdome (w^{ch} they might do by their Industry in the Plantations) become a dead weight & Incumbrance, & whose bad example & Conversation corrupt many more, some of which come every Sessions to untimely Ends.²¹

²⁰ The reference is to the Naval Store Company of Merchants of Bristol which had purchased from the Penns 3,120 acres of land in Kent County for the production of hemp. Public Record Office, CO 5, 1293, 95, 98, Library of Congress Transcripts.

²¹ "The writ . . . lies to replevy a man out of prison, or out of the custody of any private person (in the same manner that chattels taken in distress may be replevied . . .) upon giving security to the sheriff that the man shall be forthcoming to answer any charge against him.

The Act of the 1st of James the 1st as well as several other Acts were made for preventing persons being sent beyond the Seas without License, w^{ch} Acts now are turned against such as transport Servants to our own Plantations which doubtless is contrary to the Intention of Parliam^t therefore for the removing the apprehensions Merc^{ts} & others are under from those Acts, it is humbly proposed, that it be enacted, that persons transporting Servants directly to our Plantations shall not be liable to be sued upon any of the Statutes made against carrying people into foreign Countries, nor shall be liable to be taken up upon the aforesaid writ.²²

And as there are a great many Children from 8 years old & upwards trained up at first to picking of Pockets, that are thereby led into greater Villanies, if the Parliam^t in their Wisdom should think fit to enact, that upon proof made before six or more of the Governours of Bridewell, or of the Workhouse when any such Persons are taken in the aforesaid fact that they shall have full power to sign a warrant for their Exportation, tis to be hoped it would in a great measure prevent this growing Evil. By the Act made in the 12th of the late Queens Reign, for reducing the Laws relating to Rogues etc it is provided that no person shall be transported beyond the Seas untill the Master or Mistress be bound in £40 that such Person be employed in the British Plantations of [*sic*] factory, the said Penalty will effectually bar the other good Intentions of the said Act, relating to the transporting of Servants; for Merchants will not imbarass themselves with Bonds on that Occasion, neither is it in my humble Opinion necessary, for the giving free liberty of transporting people to our Colonies will not take of the force of the Laws made ag^t such as shall transport them to foreign Countries.²³

And if the person be conveyed out of the sheriff's jurisdiction [*as in the case of a servant transported to America*], the sheriff may return that he is eloigned, *elongatus*; upon which a process issues (called a *capias in withernam*—that you take in witherman) to imprison the defendant himself, without bail or mainprize, till he produces the party. . . ." William Carey Jones, ed., Sir William Blackstone, *Commentaries on the Laws of England* (San Francisco, 1916), II, 1674. Abbot Emerson Smith, *Colonists in Bondage: White Servitude and Convict Labor in America* (Chapel Hill, 1947), 74–78, discusses the merchants' dilemma of which Gee complains.

²² Gee, as "principal witness for the merchants," won success in the same year as the memorial when Parliament passed a registration bill giving merchants immunity from prosecution under previous statutes. *Ibid.*, 80.

²³ *Ibid.*, 138–139. No such provisions as Gee wished were ever enacted.

As there is already one third of the Act for the Incouragement of the Importation of Hemp expired, it can be of very small advantage to the undertakers, for before they can bring the design to perfection & receive the reward on Importation into England, the remaining part of the Act will draw towards a Conclusion,²⁴ this I take to be the reason so few have begun on a work that for several Years will not answer the Charge, but if Incouragem^t was continued for such a term of Years, that the Ingenious projecting Undertakers would have a prospect that the great Sum expended in the infancy of such concerns would in the end be made up to them with some advantage, there are men that with all imaginable Zeal would push forward such undertakings, especially at this time when the necessity of their Country seems to require it.

The most judicious Merchants I have discoursed agree in Opinion that the said bounty on Hemp ought to be continued to make the term yet unexpired 20 Years, and that for the same term, a reward or proemium ought to be allowed upon Iron, which reward or proemium they conceive cannot be less than £3 per Tun clear of all other Duties on Bar and Rod Iron & half that sum on Cast Iron, in which time tis hoped the undertakings will be brought to perfection, & so great a Sum laid out that the undertakers will be obliged to support them, this not being like Pitch and Tar where no stock is required & therefore may be laid down & taken up again at any time.

The Crown giving the aforesaid rewards or proemium, the Inhabitants ought to give all possible Incouragem^t to have such Manufactures established among them, which must render the Country happy & flourishing by the returns they will be capable of making, as well as the Number of People that will be drawn thither to carry them on & therefore they ought to give Liberty to dig for Iron Mines in any Grounds, & to allow free passage any where (meadow Grounds & standing Corn excepted, & even there making Satisfaction for damage) to have full Liberty to build Mills on any River or Streams, & to enjoy the same for ever, to have free liberty

²⁴ Bounties were first granted from 1705 to 1714. The act of 12 Anne continued the bounty to 1725. In 1717, the act had run one third its course. After 1725, the bounty on hemp was successively renewed to the Revolution. Crouch, 364; Eleanor Louisa Lord, *Industrial Experiments in the British Colonies in North America* (Baltimore, 1898), 85-86.

to carry by Land or water out of any Province into another in order for shipping to England either Hemp or Iron Duty free.²⁵

Nevertheless I humbly conceive it will be necessary to lay a Duty on Iron & Hemp consumed in the Country, that England may not be deprived of the Trade they drive in those Commodities manufactured & sent to the Plantations.

Joshua Gee

²⁵ The naval stores act, to which Gee earlier referred, not only allowed a bounty on hemp but also enumerated this product. By the Plantations Duty Act of 1673 enumerated commodities were dutiable in intercolonial trade. Both hemp and iron, the latter of which was not enumerated until 1764, were at this time dutiable. Hemp, however, would be relieved of duties in 1722; iron, by the act of 1750. *Ibid.*, 78; Andrews, *England's Commercial and Colonial Policy*, 119-120; Bining, 82.