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THE PREAMBLE TO THE ARTICLES OF WAR

L. G. Carr Laughton

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sails of the same size were better on board merchantmen. There were only two jibs, no royals, no studding sails, no sail on the main yard, but the sail called *brigantine* with gaff and boom. Often there was only one staysail and a trapezoidal sail on the foremast with a gaff, but without a boom, and called *benjamine*.

My two plans are so, with masts and yards the same size. In the plan of 1795 it is exactly as described; in that of 1789 there is a mizzen mast with only a topsail, and the topmasts, topgallants and yards are exactly the same size on the fore and main mast. So I believe that in renewing the rig they kept the two masts (of the *brigantin*) and only added a mizzen. In my model the rig is exactly as described, but there are two staysails and no *benjamine*. The rigging is well done, and you can see well that those ships were small really (66ft. long).

I think that this is the difference between *brig* and *brigantin*. In the *brig* the fore topmast, topgallantmast and all the yards were smaller than everything on the mainmast. There were also three jibs, royals, studding sails, and often, in summer, special royal masts on the *after* side of the topgallants. In the *brigantin* the masts and yards were the same size and there were 6 or 8 oars, no more.

[NOTE.—The sail-plans are from Mr. Balsen's tracings. The hull plans of the *Union* (built in 1782) show clearly how the after companionway was moved about 3ft. forward and the mizzen stepped in its place.—ED.].

THE PREAMBLE TO THE ARTICLES OF WAR.

BY L. G. CARR LAUGHTON.

IN 1866 the Naval Discipline Act, which embodies the Articles of War, took its modern form. Since that date there have been short amending Acts, especially in 1884 and 1915; and each of these amendments has in turn been incorporated in the complete Act, which, as amended, continues to be printed as the Act of 1866 (29 and 30 Vic. c. 109). The preamble is not repeated in the amending Acts, and therefore its wording to-day is precisely that of the Act of 1866, in which that part of it with which we are concerned runs thus :—

"The Navy whereon, under the good Providence of God, the wealth, safety, and strength of the Kingdom chiefly depend."

This was the form of words used in the Act of 1860 (23 and 24 Vic. c. 123), which was re-enacted with amendments, but with the same preamble in 1861 (24 and 25 Vic. c. 115) and 1864 (27 and 28 Vic. c. 119).

The Select Committee on Finance, which sat after the Great French Wars, prefaced its report on the Finance of the Navy (1817 : 6th Rep.) with words which, whether intentionally or not, were clearly a paraphrase of the preamble of the Articles of War :

"Esteeming the naval superiority of this country as the principle on which its external power, internal safety, and general prosperity, in the highest degree depend"

and went on to maintain that the claims of economy must not be allowed to conflict with naval efficiency. And the Committee repeated the whole passage as a preamble to their report on the Navy Estimates (1818 : 8th Rep.).

The Act which was in force till 1860 was that of 1749 (22 Geo. II. c. 33) amended by the short Act of 1779 (19 Geo. III. c. 17).

In the Act of 1749 the wording of the preamble was :

"H.M. Navies, ships of war, and forces by sea, whereon, under the good Providence of God, the wealth, safety, and strength of this kingdom chiefly depend."

There was no preamble to the amending Act of 1779, and the above wording therefore continued in use till 1860. It is worth notice, however, that what is essentially the same preamble, though the words used are different, is employed in an Act of 1758 (31 Geo. II. c. 10). This is not a Naval Discipline Act, but an "Act for the encouragement of seamen employed in the Royal Navy." In it the passage takes this form :

"The Marine Force of this Realm, whereon, under the good Providence and Protection of God, the security of these kingdoms, and the support and preservation of their trade and commerce, do most immediately depend."

There were, in the time of the old wars, several of these Acts "for the encouragement of seamen," but it does not seem necessary at present to search them systematically for variants of the preamble.

Reverting to the Articles of War ; until 1749 Charles II.'s Act of 1661 (13 Car. II. Stat. i., c. 9) continued in force, modified after 1745 by the short amending Act of that year (18 Geo. II. c. 35). In the act of 1661 the phrasing of the preamble was :

"His Majesty's Navies, ships of war, and forces by sea, wherein, under the good Providence and Protection of God, the wealth, safety, and strength of this kingdom is so much concerned."

The amending Act of 1745 had a preamble, thus :

"His Majesty's Navy, wherein at all times and more especially in time of war, the wealth, strength, and safety of these kingdoms are so much concerned."

It is generally supposed that the Act of 1661 formed the earliest "Articles of War" for the Navy ; but recent research has shown that this was not so. There were certainly two earlier Acts, of 25 Dec., 1652, and of 5 March, 1648-9. It is believed that this latter contained the first set of Articles of War which had parliamentary sanction. It is not necessary, however, to say more of these Acts now, for neither of them had the preamble.

The question next arises as to the origin of the preamble of the Act of 1661. It has been suggested, I do not know on what grounds, that Milton was its author. This does not seem possible. Milton was Latin secretary to the Council of State from 1649 to the Restoration ; but in 1661 he was under a very decided ban. If, therefore, the preamble had occurred in either of the earlier Acts there might have been some justification for suspecting that he might have had a share in it ; but as it does not occur till 1661 there is apparently no cause for that supposition.

A search, extensive but admittedly not exhaustive, for anything resembling this preamble in any former Act has disclosed nothing. Apparently, therefore, its origin is to be sought elsewhere.

The full charter granted to the Shipwrights Company in 1612 contains something very like the preamble, not as a preamble, but in the body of the charter (N.R.S. Phineas Pett, p. 203).

" This Corporation of Shipwrights hath been principally instituted . . . for the maintenance and increase of navigation and for the better . . . building . . . of ships and also for the training up . . . of shipwrights . . . all which things do very greatly concern the defence safety wealth and profit of ourself our kingdoms and subjects."

The wording of this approaches so nearly to that adopted in 1661 that it seems reasonable to suppose that this passage, either directly or by some intermediate repetition of it, inspired the preamble.

It is not to be supposed, however, that the doctrine expressed in the preamble was new either in 1661 or in 1612. Passages to the same effect, in different words, are not infrequent in earlier writings. Thus John Holland, in his Discourse of 1638 (N.R.S., Holland's " Discourses of the Navy," pp. 4/5), wrote :

" If either the honour of a nation, commerce or trade with all nations, peace at home . . . attended with plenty of all things necessary either for the preservation of the public weal or thy private welfare, be things worthy thy esteem . . . then next to God and the King give thy thanks to the Navy, as the principle instrument whereby God works these good things to thee."

In this there may perhaps be recognised an echo of what Raleigh wrote, in 1608 or 1609, in his " Excellent Observations and Notes concerning the Royall Navy and Sea Service," which ends thus :

" God worketh all things here amongst us mediately by a secondary means, the which means of our defence and safety being shipping, and sea forces, are to be esteemed as his gifts, and then only available and beneficiall, when he withall vouchsafeth his grace to use them aright."

It might be an interesting study, though not immediately to the point, to trace the development of the idea contained in these passages back by stages to the " Libel of English Policy " of 1436, or perhaps even to an earlier date. The whole of the

" Libel," which is a poem of some 1,100 lines, is an exhortation from the text, " Keep well the Sea." Witness the following quotations, two of many :

" . . . keepe the see,
First for worship and profite also,
And to rebuke of eche evill willed foe "

and, again :

" Kepe then the sea that is the wall of England :
And then is England kept by Goddes hand."

NOTES.

A MEDIAEVAL SHIP IN THE ASHMOLEAN.

Under this title, in July, 1913, Mr. Callender described and illustrated a ship on a panel in the Ashmolean Museum at Oxford. He mentioned that it had been suggested that this picture was " clearly connected with, if not actually copied from, another in the Vatican gallery," but was unable to take the matter further. In Mr. Keble Chatterton's *Sailing Ships*, on p. 161, there is a description of a picture by Gentile da Fabriano, in the Vatican, obviously very similar to that given us by Mr. Callender. This picture is reproduced in Colasanti's *Gentile da Fabriano* (1909) with the title " Gentile da Fabriano, *Miracolo di S. Nicola*, Roma, Museo Cristiano Vaticano." I think there can be no doubt whatever that this was the original of the Ashmolean painting.

The ship's starboard side is not in such violent shadow, and shows quite a lot of

detail. We see the beam ends all along the main deck, and what I take to be another row supporting the half deck. There are also vertical strengthening pieces on the sides abaft the mast. The decoration of the after-castle and fore-castle is a good deal simpler than in the copy. The perspective of the port quarter, and indeed the whole ship, is better. The mizzen yard is in one piece ; the main top and its flagstaff are shown ; the bowlines look more reasonable than in the English version.

The passengers and crew are similar, but not quite the same. The merchant leaning outboard with his package has his arms over the main sheet instead of under, while this sheet is clearly a rope and not a sort of tail of canvas. St. Nicholas has his face half hidden by his right arm and is surrounded by an oval halo. The two crowns, the ladders, the boat and the mermaid are all there, but there are no stars.—R. C. ANDERSON.