

**Elizabeth Rushen, *John Marshall: Shipowner, Lloyd's Reformer and Emigration Agent*. Anchor Books (2020).**

**ISBN: 978 – 0 – 6480616 – 6 – 3**

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A recently published biography of 19<sup>th</sup> Century shipowner, merchant-adventurer and emigration agent John Marshall (1787-1861), written by Melbourne-based historian Elizabeth Rushen, investigates a little-known episode in British mercantile history which will be of keen interest to practitioners of maritime law. Marshall was the figure who drove the creation of the Lloyd's vessel classification system which, from 1834 onward, became a key element in British ascendancy in maritime commerce over subsequent decades. The reforms Marshall agitated for have stood the test of time – they remain the foundation of Lloyd's modern-day classification system, one of the underpinnings of Britain's standing as the world's leading commercial maritime power for more than a century.

Rushen explains with great clarity the early years of the precursor register systems. In the second half of the 1700s, when figures involved in trade and shipping met at Lloyd's Coffee House to transact business, a major area of focus was the design of ways to share the rewards and risks of intrepid voyages to faraway lands. Contracting parties would seal their 'deals' by signing their names to the bottom of contract documents, 'underwriting' them. A typical term was agreement, in the not infrequent event of a catastrophic sinking of a ship, to compensate a portion of losses incurred in return for a proportion of profits if the vessel made it back safely.

From the mid-1750s, Lloyd's Coffee House printed *Lloyd's List* to publicise shipping movements and the availability of bottoms for charter, but that publication gave no indication of the seaworthiness of vessels in a form that would allow underwriters to assess their risks. Despite an expectation that shipowners would notify Lloyd's of casualties and changes in vessel movements, the system underpinning *Lloyd's List* was ad hoc. This led to the formation of a 'Register Society' in 1760, designed to fill in the gaps unaddressed by *Lloyd's List*. A full-time surveyor was employed to assess the condition of vessels. The first edition of a *Register of Ships* which gave information about the condition of vessels chartered and insured in the City of London, was published by the society in 1764.



Image courtesy of Elizabeth Rushen

The *Register of Ships* became colloquially known as the 'underwriter's register' or 'green book' – due to the colour of its bindings. Only members of the Register Society were permitted to inspect the register and they were fined if others were shown it. This naturally caused dissatisfaction amongst those unable to view its data.

By 1800 there were vociferous grievances from shipowners about being excluded from access to the underwriter's register. This led to the development of a rival publication, bound in red – *The New Register Book of Shipping*, known as the 'red book'. It was the 'shipowner's register'.

Rushen describes the contest that ensued: "the two books battled for supremacy, shipowners and underwriters contesting classification rights and procedures until the dispute between the red and green books escalated to the point of mutual insolvency. By splitting the market between them, both registers were on the point of ruin."<sup>1</sup>

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\*\*An abbreviated version of this review was published in the quarterly newsletter of the Maritime Law Association of Australia and New Zealand, *Semaphore*, in March 2021.

<sup>1</sup> These events are described in Chapter 5 of Elizabeth Rushen, *John Marshall: Shipowner, Lloyd's Reformer and Emigration Agent* (Anchor Books, 2020).



Enter John Marshall, who decided to push for reform of the system of dual registers. On 24 November 1823 he despatched a letter to Lloyd's proposing radical changes to the system of ship classification and calling for a joint Committee of Inquiry. This was subsequently endorsed by The Merchants and Shipowners' Society when they met at the fashionable London Tavern in December. A monumental amount of lobbying was then required before Lloyd's agreed to the appointment of a Committee. Its findings were not reported until June 1826 and a further eight years elapsed before, in October 1834, most of the Committee's recommendations were adopted. These glacial deliberations make modern-day law reforms seem express by comparison. Considerable persistence was needed on the part of Marshall and his supporters – all very busy commercial men – to see the eleven-year process through.

When, in 1824, the Lloyd's Committee mailed out a report resisting any change, Marshall and his confreres visited nearly every business and coffee house in the City, distributing a brochure summarising their viewpoints.

After almost two years of investigations the report of the Committee of Inquiry was presented at a public meeting of the Merchants, Ship-Owners and Underwriters Society at the London Tavern on 1 June 1826. It recommended:

... the formation of a completely new society with a new set of rules and a large, qualified staff of competent and independent surveyors employed throughout the country. Their duties were set out in precise detail and provision was made for the stringent inspection of ships while under construction. These qualified surveyors would be properly paid and a new and rigorous scheme of classification would be introduced.<sup>2</sup>

It takes only a moment's reflection to appreciate the significant positive contribution these insightful recommendations, the necessity for which rings true today, have made to the evolution of maritime commerce.

Marshall's doggedness was apparent in the action he took in 1829 to publish a 200-page report which detailed all aspects of the Committee's proceedings. Its title page dramatically highlighted "the deeply Injurious Operation of the Existing System on the Navigation and Commerce of Britain". Rushen's research has unearthed some of the rhetorical flourishes he unleashed against the opponents of reform. He lambasted "the very erroneous system at present practiced in the classification of shipping at Lloyd's" and described the exercise of power by the two committees of the red and green books as "unconstitutional and oppressive". He posed uncomfortable questions: "who constituted these gentlemen the regulators and arbiters of the shipping property of the realm? – and to whom are they responsible?" Marshall's fundamental call was for "a single register, a revised system for the classification of ships based on age, condition and quality of construction, greater control over surveyors and a reformed committee with representation beyond shipowners and underwriters."<sup>3</sup>

The formal unification of the two registers as *Lloyd's Register of British and Foreign Shipping* occurred on 21 October 1834. Rushen attributes to John Marshall credit for devising "a new, ethical system of ship classification" and this claim is made out. The *Rules and Regulations for the Classification of Ships* published in the Register derived directly from the 1824-26 inquiry Marshall initiated, with the rules around use of the classification 'A1' tightened considerably. Perhaps the final commentary on his efforts should be his own, in words he contributed to the *Sydney Herald* newspaper on 16 April 1842, noting:

... the great improvement which has ... been effected in the construction and efficiency of the vast mercantile marine of this country, by the adoption of a system of classification, which has the intrinsic excellence and proper equipment of ships as its basis, and the consequent annual saving of numbers of valuable lives ... The proceedings which led to, and the labours which laid the foundation of, and ultimately produced this great and invaluable change, were originated and carried through to their completion, through much opposition and difficulty, mainly by long, painful and gratuitous perseverance.<sup>4</sup>

Marshall was someone who "could solve with clarity an inequitable system and he was not afraid to stand up against the might of Lloyd's subscribers."<sup>5</sup> He did not act alone and many others made important contributions, but he was the prime mover.

In revealing the contribution of John Marshall to the classification system reforms, the author has also exposed a large cast of characters who played supporting or cameo roles in the registry reforms of the 1820s and 1830s – figures such as George Lyall, John Julius Angerstein, Thomas 'Buckskin' Wilson, Jacob Montefiore, John Pirie and George Frederick Young. The commercial careers of many of these gentlemen were just as illustrious and

<sup>2</sup> Ibid, 49. Referencing George Blake, *Lloyd's Register of Shipping, 1760-1960*.

<sup>3</sup> Rushen (n 1) 47.

<sup>4</sup> Quoted by Rushen (n 1) at 54.

<sup>5</sup> Rushen (n 1) 51 and 53.



historically significant as Marshall's – but mostly remain under-researched. Some of these names pop up in the law reports of the era, as regular litigants in the commercial courts. An opportunity that springs from this book is the possibility other scholars will in due course be prompted to dig into some of those other lives to further illuminate the commercial world of London in early nineteenth century. As Rushen's referencing highlights, excellent starting points for information about these commercial leaders are Nigel Watson's *Lloyd's Register: 250 Years of Service* (2010) and Antony Brown's *300 Years of Lloyd's* (1988).

Rushen's book traverses considerably more terrain than just the story of the Lloyd's classification system reforms. It chronicles in detail the extraordinary business career of John Marshall, as an entrepreneur from Yorkshire who made and lost three fortunes in his lifetime.

Marshall was one of the major influences on early 19th Century emigration to Australia and New Zealand. His story exemplifies the public-spirited entrepreneurship of that era and showcases the many ways it was possible to accumulate great wealth by reading the undulations of shipping markets.

From obscure origins as a provincial English insurance broker, Marshall rose to be a key player in London's mercantile world. Between 1811 and 1838 he owned or part-owned more than 30 ships ranging in size from 146 to 436 tons. Marshall benefited from the lifting of the embargo on ships sailing eastward from the Cape of Good Hope when the East India Company lost its monopoly in Asia in 1813. Immediately afterward there was a 350-ton restriction on ship size but intense lobbying from London shipowners and merchants led to an 1819 Act of Parliament which enabled shipping to trade between England and Australia without restriction. These developments, coinciding with the growth of the Australian colonies, enabled a surge in demand for British-produced consumer goods and allowed Sydney to become a main base for increased traffic in Pacific regions.

In the wake of the 1819 Act there was a boom in British imports to Australia, replacing imports from Bengal which had initially dominated Australian markets. Until then, shipping connections between Britain and Australia had been tenuous and sporadic, but trade developed rapidly during the 1820s, fed also by the removal of import duties. The numbers of ships leaving Britain for Australia, excluding convict vessels, jumped from nine in 1820 to 33 in 1822. Marshall-owned vessels ranged far and wide and in 1827 his brig the *Harmony* became the first ship to land New Zealand timber in London.

During the 1830s Marshall was to become the best-known and most-significant emigration agent in the Australian and New Zealand trades, capitalising on two major decisions of the British Government: the 1831 decision to fund female emigration from the sale of Crown land in the colonies (the Ripon Regulations) and the new Poor Law which came into effect in 1835. This provided the machinery for parish emigration by encouraging parish guardians to support applications from potential migrants. Marshall was perfectly positioned to take advantage of these developments and turned his attention to the conveyance of people. There was huge profit in sending ships full of people to the colonies – outgoing passenger freight was assured through Government contracts and ships could be back-filled on the return legs with wool, whale oil and seal fur.

Nearly 3,000 women and over 1,000 family members were assisted to migrate on 14 ships, but Marshall became mired in controversy, accused of being complicit in introducing immoral women and "the sweepings of the workhouses" to the colonies. There was objection to a perceived conflict of interest between being in a position to choose the recipients of Government bounties and the resulting financial benefits. Rushen explores the incongruities of these controversies: female emigration was seen to be unnatural and not in accordance with ideals of feminine domesticity; not only were women emigrating independently without male guardians, but they had to work to support themselves; and their arrival was perceived as a threat to social order and the male-centredness of colonial society.

All of the ships Marshall secured for the trade were large and rated A1 by Lloyd's and he worked hard to improve the voyage experience for passengers, with a sharp focus on cleanliness. He assisted tens of thousands to migrate in the period between 1837 and 1842, and established Britain's first emigration depot, at Plymouth. In an era when many ships were lost to fire, shipwreck or other hazards, all Marshall-owned or chartered ships safely discharged their emigrants in Australia, with hardly any fatalities.

An Australian economic and financial crisis at the start of the 1840s, coupled with his own speculative over-investment, led to Marshall's undoing. He was declared bankrupt in 1842.

Marshall subsequently revived his fortunes with the formation of the Great Western Coal Company, which built up 40 outlets supplying coal throughout the south of England, until it too failed.



John Marshall was buried a pauper in 1861. His name has languished in obscurity ever since, until the publication of this tremendous biography, for which Elizabeth Rushen is to be congratulated. This book has been meticulously researched and is brilliantly written, displaying the author's passion for the subject matter. The book will be of great interest to history buffs, those with an interest in the commercial side of shipping and anyone with a family history connected to 19th Century immigration.