

**TROZE**

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# **Weathering the Storm: The first three decades of Falmouth Harbour as a trust port**

*By Dr. Tim Beattie*

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## **TROZE**

Troze is the journal of the National Maritime Museum Cornwall whose mission is to promote an understanding of small boats and their place in people's lives, and of the maritime history of Cornwall.

'Troze: the sound made by water about the bows of a boat in motion'  
From R. Morton Nance, *A Glossary of Cornish Sea Words*

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A presentation on Woodes Rogers's privateering voyage at the New Researchers conference in 2004 developed into a PhD completed at Exeter University in 2013, two articles in *Mariner's Mirror* and a book: *British Privateering Voyages of the Early Eighteenth Century* (Boydell, 2015). Since then Tim has been working as a volunteer at the Bartlett Maritime Research Centre and Library at the National Maritime Museum, Cornwall where he has been researching the history of Falmouth Harbour. Tim is a retired lecturer and part-time farmer.

# Weathering the Storm: The first three decades of Falmouth Harbour as a trust port

*Dr. Tim Beattie*

## Introduction

On 9 December 1890, following the failure of the Commissioners to pay the damages and costs accumulated in a case, the High Court issued an order placing Falmouth Harbour in the hands of a receiver – in this case Mr Corby the Falmouth Collector of Custom – who was empowered to receive any tolls, rates and income owing to the Commissioners. Mr Corby had already ordered them to pay over all cash in hand and they thus became effectively insolvent.<sup>1</sup> On 16 December a letter from the Admiralty confirmed that it would be removing two channel marker buoys – considered by Trinity House to be essential for safe navigation in the harbour – and putting the responsibility for the considerable expense of replacing them on the Commission.<sup>2</sup> On 30 January 1891 the Harbour Master was taken ill and, according to his doctor, his condition was ‘serious’ and would result in his being off work indefinitely. The great blizzard which followed three months later, while these issues remained unresolved, contributed a new set of costs accruing from damage to the Commissioners’ and police boats, and a claim by the owner of the fishing boat *Dove* that the *Arwenack*, the Harbour Commissioners’ steamer had carried away and sunk her.<sup>3</sup> Finally, in what must be considered an opportunist move by the local authority, a memorial (a letter setting out their reasons) was sent in May 1891 to the Local Government Board proposing that the Harbour Authority be absorbed into the new Municipal Borough of Falmouth.<sup>4</sup>



Figure 1: The Commissioners’ launch *Arwenack*  
Source: NMMC Collection

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<sup>1</sup> Bartlett Library, National Maritime Museum Cornwall, (NMMC): HM 6/277/16/12/90.

<sup>2</sup> NMMC: HM 6/279/16/12/90.

<sup>3</sup> NMMC: HM 6/13/03/91.

<sup>4</sup> NMMC: FHCM 4/294/01/05/91.

This article shows how Falmouth Harbour's financial difficulties arose following its formation as a trust port in 1870 and assesses the impact of this governmental reform on the port. At this time Falmouth was participating in a nationwide process whereby the local government of England was gradually being dissociated from its feudal overlordship. Boroughs, lower courts, harbours and roads became, during the nineteenth century, subject to a series of acts of Parliament which removed powers of taxation and levy from the owners of the land and transferred them (often by leasehold agreements) to locally appointed or elected administrators operating as agents of the Crown. Just as the electoral reform acts resulted in unforeseen consequences for the governance of Britain so local government reform, and in its train the operation of Falmouth Harbour, produced profound hiccups in the orderly development of public enterprises.

## Sources

The chief primary sources for this article are the Falmouth harbour records kept in the Bartlett Library of the National Maritime Museum Cornwall. These consist of the minute books of the Falmouth Harbour Commissioners (FHC) starting on 5 September 1870; the Harbour Improvement Committee (later the Harbour Committee, HM) starting on 19 December 1870; the journals of the harbour master and the police, and the ledgers and toll books of the harbour and docks. Further evidence has been garnered from Fox's Register of Arrivals and Sailings, and newspaper reports in, among others, the *West Briton*, *Royal Cornwall Gazette* and *Western Morning News*.<sup>5</sup>

## The Background

In the early nineteenth century Falmouth was a confident, prosperous medium-sized port. It was one of the world's largest natural deep-water harbours, it offered a 'first and last' haven on the busy waters of the western approaches and it was home port for the celebrated Post Office Packet Service to South America and Lisbon. Many ships arriving in the Channel from the Atlantic were instructed to call at 'Falmouth for Orders' and would make use of the docks services to repair the ravages inflicted by their long sea voyages. Gordon Jackson notes that the difficult terrain of the country surrounding smaller ports like Falmouth gave them monopoly over coastal movement of local trade.<sup>6</sup> They had banks and international business connections. Many small harbour developments were landowner driven. In Falmouth's case merchant families like GC Fox & Co offered a comprehensive service to visiting ships and until the reform acts Falmouth also benefitted from a strong parliamentary lobby and landowner support.<sup>7</sup>

By the mid-century, however, threats to this prosperity appeared. In 1840 Samuel Cunard was authorised to set up the first transatlantic steam packet service from Liverpool and by 1850 the Falmouth Packet Service was wound up and its depot ship withdrawn. The advantages of being able to offer provisioning, repair and docks facilities at the entrance to the English Channel were much reduced with the advent of steam, and Falmouth's land communications, which were notoriously poor even after the arrival of a railway line in 1863, provided little incentive for ships to offload there if the cargo's final destination was London or points east. At about the same time as these

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<sup>5</sup> My thanks to Tony Pawlyn, Linda Bachelor, Helen Doe and Lloyd Pond for providing and pointing me towards a number of sources of information helpful to my research. I would also like to thank the anonymous referees who read and commented on my draft.

<sup>6</sup> Gordon Jackson, 'The Significance of Unimportant Ports', *International Journal of Maritime History*, Vol.XIII, No.2 (December 2001), pp. 1-17.

<sup>7</sup> Cornwall returned 44 MPs before the Great Reform Act 1832 but still sent 13 in 1868, of which two were returned for Penryn and Falmouth. F.W.S. Craig, *British Parliamentary Election Results 1832-1885* (2nd edition, Aldershot: Parliamentary Research Services, 1989)

threats were appearing there were national moves to regularise the administration of ports in Britain.

## Trust Ports

A parliamentary commission was established to examine the myriad local charges on shipping that had developed over the centuries and its findings were published in 1854.<sup>8</sup> In a comment on Falmouth in an appendix it states: 'There is at Falmouth no authority to whom the care of the harbour is especially committed and the dues levied there have got into a state of confusion in practice'. The following example is given:

When the office of Governor of Pendennis Castle was suppressed, the Board of Ordinance appear to have allowed the Corporation of Falmouth to collect the proportion of dues [called flag money] which belonged to the Governor, which would then have lapsed to the Crown, on an implied understanding that the proceeds would be used for harbour purposes. Some former Governor of St Mawes appears to have allowed his share of the dues to be collected by the Corporation and given to the support of a grammar school. The lessee of the Bishop of Exeter, apparently for convenience sake, has allowed his share of the dues to be collected along with the flag money. Of the dues collected by the Corporation one fourth has been paid to the lessee of the Bishop of Exeter, [and] one fourth to the Trinity House of Deptford Strond, who have erected a beacon. The remaining half has been appropriated entirely by the Corporation. It is stated by the Town Clerk that the dues received by the Municipal Corporation are applied to the advantages of the port; but we have been unable to obtain any further particulars. The incumbent of the grammar school having claimed what, according to the above statement, belongs to the Governorship of St Mawes, the attention of the Board of Ordinance has been called to the matter, and they have revoked the licence under which the Corporation collected these dues.

This state of things has encouraged many persons to resist the payment of dues; and though it seems... probable there is a legal right to them, there must be much difficulty in satisfactorily showing it.<sup>9</sup>

Falmouth was not alone in its confusion and it was not assisted by the varying types of harbour or port authorities across England. There were public ports like Harwich, owned by local municipal interests, privately owned ports such as Charlestown in Cornwall, while Folkestone was owned by a trading company.<sup>10</sup> There were particular circumstances applying to some ports of Cornwall arising from its special status as a Duchy and the importance of its tin industry. Edward, first Duke of Cornwall appointed a havener responsible for the administration of income from the Duchy and thereby also for all charges and duties raised in Cornish ports.<sup>11</sup> Gradually municipal corporations, boroughs and landowners asserted their own rights to collect customs and harbour dues. The rights over the harbour of Fowey became vested in the Borough of Lostwithiel, six miles upstream, with little investment coming to maintain facilities, which became a cause of concern as trade expanded in the nineteenth century.<sup>12</sup> The administration of Falmouth harbour had evolved from 1661, when the town of Falmouth first obtained its charter and was by the time of the 1854 report subject

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<sup>8</sup> British Parliamentary Papers (BPP): The Report of the Parliamentary Commission into Local Charges upon Shipping, (1854) XXXVII, Appendix B, 94.

<sup>9</sup> BPP: The Report of the Parliamentary Commission into Local Charges upon Shipping, 1854 Appendix B, 94.

<sup>10</sup> BPP: The Report of the Parliamentary Commission into Local Charges upon Shipping, 1854 Appendix B, 94.

<sup>11</sup> Maryanne Kowaleski, *The Havener's Accounts of the Earldom and Duchy of Cornwall 1287-1356* (Exeter: Devon and Cornwall Record Society, 2001).

<sup>12</sup> Helen Doe, *A Maritime History of Fowey Harbour* (Truran, 2010).

to several distinct forms of port ownership. It was subject to private ownership (the Earls of Kimberley and Clinton, the Bishop of Exeter and other landowners whose manors bordered the harbour), crown ownership through the Duchy of Cornwall (who asserted their right to charge for lifting or depositing ballast in the fundus), and through the Governors of the castles of Pendennis and St Mawes. Dues were levied by charitable organisations such as the Russia Company (which supported British causes in Russian ports) and Trinity House of Deptford Strond (which maintained some buoys and marks in the harbour). The Borough of Penryn and Town of Falmouth both claimed dues on quays and finally the crown appointee collected customs on all dutiable goods.<sup>13</sup>

The parliamentary report made it abundantly clear that Falmouth was by no means unusual and that even some of the larger ports were in desperate need of administrative and fiscal overhaul, the first stage of which was The General Pier and Harbour Act 1861. The main purpose of the Act was to provide a mechanism by which smaller harbours could raise capital (there was an upper limit of £100,000) to undertake necessary works and raise revenue to maintain them. Its provisions required the ‘promoters’ (interested local people or organisations prepared to put up the cost of application to the Board of Trade) to specify what works would be undertaken and the mechanism for selecting commissioners responsible for the operation of a trust. The appointed commissioners would be empowered to make bye-laws, lease land, and levy rates. They would also be able to take out mortgages and loans on the security of income. Sarah Palmer suggests that this move to the development of non-profit trusts may be seen as a victory for maritime-based vested interests in persuading parliament to minimise the role of municipalities in running ports – an example of the enduring suspicion of local government by central government.<sup>14</sup> As we shall see, the battle between the trust and local government for control of Falmouth was to re-emerge in the 1890s.

The Falmouth Docks Company, funded by public subscription, had been incorporated before this, under the Falmouth Docks Act 1859, as a response to increasing demand for ship repair but also as a way of reversing the drop in income consequent on the removal of the Packet Service. The increased tonnage of ship arrivals stimulated in part by the building of the docks led in turn to a demand for greater berthing space for larger ships.<sup>15</sup> According to Captain Tucker, a previous Queen’s Harbour Master and one of the Commissioners of Pilotage at Falmouth, the anchorage was too small and too shallow and there were no intelligible landmarks to guide strange vessels into it.<sup>16</sup> The harbour needed to be dredged and navigation marks put in.

The conditions of the 1861 Act prompted a group of promoters to apply for trust status from the Board of Trade and this resulted in The General Pier and Harbour Act (Falmouth) 1870 which led in turn to the Falmouth Harbour Order and the appointment of sixteen commissioners to run the Authority.<sup>17</sup> The argument for trust status for ports was that governance was in the hands of local maritime interests, rather than local political and other interests.<sup>18</sup> Fowey had similarly managed the same process in 1869 in the face of strenuous objections

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<sup>13</sup> BPP: The Report of the Parliamentary Commission into Local Charges upon Shipping, 1854, loc.cit.

<sup>14</sup> Sarah Palmer, ‘Ports’, in Martin Daunton (ed.), *Cambridge Urban History of Britain*, (CUP 2000), p.137.

<sup>15</sup> L.M. Vosper, ‘Falmouth Docks 1859-2007, From Sailing Ships to Supertankers’, MA Thesis, Exeter 2007, p. 42.

<sup>16</sup> *West Briton*, 23 June 1870.

<sup>17</sup> The Falmouth Harbour Order was confirmed by Act 33&34 Vic: c. clviii. A list of the first commissioners is in the Appendix.

<sup>18</sup> BPP: The Report of the Parliamentary Commission into Local Charges upon Shipping, 1854, xiii.



from local landowners and other interested parties who considered the proposed tolls would be “burdensome and injurious to the trade of the harbour”.<sup>19</sup>

Once in place, the Falmouth commissioners initiated a flurry of activity which saw, in quick time, the appointing of a harbourmaster, the purchase of a steamer, a gig and other boats for the harbourmaster’s use, and the hiring of a dredger and dredging barges from the Dock Company. The initial cost of these measures was to be covered by a mortgage of £2,000, but the dredging operation was only made possible by the taking out of a £10,000 loan from the Public Works Loan Board. Committees were set up, offices rented from Lord Kimberley and arrangements made for the collection of harbour dues. Instructions for the mooring of vessels shows a keen eye for the opportunities and threats confronting the harbour in a rapidly changing maritime world. An instruction to the harbourmaster declared that:

Steamers from their facility of mooring should be anchored well up the Roads, say east of the Ganges [an elderly ship-of-the-line adapted for use as a training ship] or in the outer roads if their captains wish it. As these ships are largely on the increase and likely to do the greater portion of our grain trade it is important that every accommodation and attention be given them as an inducement to frequent this port.<sup>20</sup>

What is not mentioned here is that the very facility they showed for manoeuvring in tight spaces and regardless of wind meant that steamers had a wider choice of destinations and there was less need to stop at Falmouth ‘for orders’; as time went by the implications of the gradually increasing change over to steam was to profoundly affect the viability of Falmouth as a major port.

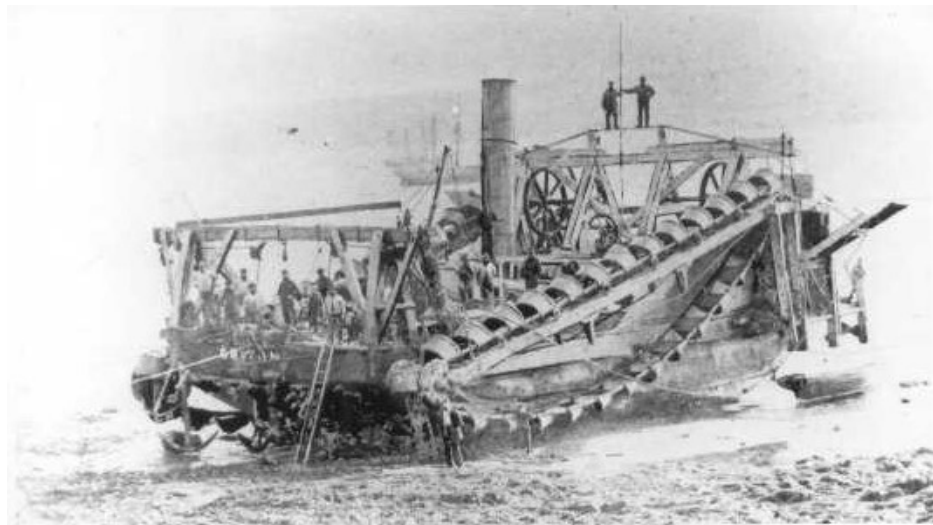


Figure 2: Steam bucket dredger *Briton*  
Source: NMMC Collection

### The Operation of the Falmouth Harbour Commission

Trust ports were set up as not-for-profit organisations. The Falmouth Harbour Order dictated the organisations (Falmouth Borough and Parish, the Docks, Falmouth Chamber of Commerce, Trinity House, registered ship owners, the Board of Trade, the Admiralty and the Earl of Kimberley) from which up to 16 commissioners were to be drawn. They were unpaid but the work of the commission was undertaken by a small number of paid employees including the

<sup>19</sup> The National Archives: MT 10/349: 28 October 1869, Letter from George Matthew Fortescue of Boconnoc and other letters from objectors.

<sup>20</sup> NMMC: Falmouth Harbour Commission Minutes Vol 1, p. 12, 26 September 1870.

harbour master, two clerks, the five-man crew of the steamer, a police sergeant and two constables. All others who obtained their living in or from the harbour like pilots or boatmen worked as independent contractors. It would seem, from this distance of time, to have been a remarkably streamlined and effective operation, encompassing a very wide range of activities – the management of shipping, maintenance of navigation and channel marks, dredging, policing, provision of port facilities, the welfare of mariners, immigration control and the collection of dues – with the minimum of administrative cost. To an extent this was the consequence of the constraints applied to their income, which came almost wholly from the dues paid by visiting ships and was fixed by the terms of their commission at ½d (c. 0.2p) per registered ton. The Collector of Custom was paid a quarterly fee to collect the harbour dues on behalf of the Commission, an arrangement which made sense for both parties since the Collector was already required to visit ships on entry.<sup>21</sup>

To begin with FHC was principally concerned with improving the harbour and regulating the movement and berthing of visiting ships. The Harbour Improvement Committee, a sub-committee of the Commission, met weekly to monitor the progress of dredging and receive reports from the harbour master and the police sergeant.<sup>22</sup> The Commission was increasingly conscious of its declining revenue and made strenuous efforts to prevent ships avoiding harbour dues by mooring outside harbour limits or claiming that they had entered only to shelter or repair. The Committee also dealt with what we would now call human resources matters and its deliberations on the duties and failings of the work force cast an interesting light on the civic values of the time. From the beginning the Commission adopted an appearance of scrooge-like parsimony in its dealings with employees and contractors. Uniforms and working clothes were provided for the harbour master, crew and the police, but there was a strict tendering process and money was saved by repairing rather than replacing where possible. Uniforms had to be returned when employees left, though, in one case at least, authority crumbled in the face of a determined widow. In February 1881 Mr Woolcock, the clerk to the Harbour Committee, was told to retrieve the work clothes of the recently deceased boatswain, William Barbery, from his widow. On reporting back that Mrs Barbery was reluctant to give up the Guernsey frock, oil coat and leggings worn by her late husband the committee pointed out that they were the property of the Commission and must be returned. Mr Woolcock went back to Mrs Barbery and demanded that she give up the clothes “but Mrs Barbery declined, saying she could not make up her mind to part with them”. In the face of such implacable resolution the Committee surrendered and “decided to let the matter drop”.<sup>23</sup> Mr Woolcock was instructed to buy an oil coat and leggings for the new boatswain (though not, one notices, a new Guernsey frock).

As a whole their attitude could be described as tough but fair – with more than a hint of paternalistic intrusion into their workers’ domestic lives. Drunkenness was disapproved of, and in the case of police both drinking and smoking on duty were forbidden. There were no paid holidays but leave was allowed for family business like weddings and funerals. There was no statutory scheme for sick pay at this time. Workers who were signed off by a doctor were paid sick leave – usually about half-pay but decided in each case by the committee. In January 1887 they agreed to increase the *Arwenack* engineer’s wages by 2/- per week to cover the expense of keeping his sick wife in Ireland. A number of workers paid into friendly societies such as the Oddfellows or The Ancient Order of Foresters to provide a sickness benefit but this could create

<sup>21</sup> The minutes of the FHC committee from 1870-1975 are contained in 20 leather-backed volumes in the NMMC Bartlett Maritime Research Centre and Library.

<sup>22</sup> NMMC: Minutes of the Falmouth Harbour Improvement Committee (later Falmouth Harbour Committee)

<sup>23</sup> NMMC: Falmouth Harbour Committee Minutes Vol 3, p. 348, 15 March 1881.



difficulties. Constable Pratt of the Harbour Police successfully protested that it was unfair to reduce his sick pay on the grounds that he was receiving a payment from the Oddfellows since this payment was generated by his subscription.<sup>24</sup>

### The Boatmen

The licensed boatmen of Falmouth were integral to the functioning of the port. They operated two kinds of boat. The larger sailing quay punts (usually 25-30ft) would sail south of the Lizard to hail incoming ships and offer an exclusive ferry and provisioning service while they were moored in harbour or in the bay, and smaller rowing boats would ferry crew members to and from the shore.<sup>25</sup> They were also entitled by their licence to carry passengers to and from St Mawes, Flushing, Penryn, Mylor and the Docks. In any one year in the 1880s and 1890s there were about 120 boats and 85 boatmen licensed and it was the duty of the harbour master to inspect the boats and the police to collect the fees.



Figure 3: A Falmouth Quay Punt c.1900  
Source: NMMC Collection

Competition between boatmen for a declining revenue from incoming ships was fierce and they suffered from the increasing dominance of steam over sail. In February 1881 a petition signed by thirteen of the boatmen complained that unlicensed boats were stealing their trade and steamers such as tugs were taking unfair advantage of their position by offering services previously undertaken by the quay punts.<sup>26</sup> The petitioners were heard by the Harbour Committee who, in the person of the chairman Robert Fox, offered little sympathy and a lesson in laissez-faire capitalism: steamers, he reminded them, were licensed by the Board of Trade and were entitled to trade in the port; besides, there were too many licensed quay punts for the trade available and the boatmen should take this hint, stop putting their children into the business and send them to sea or fishing instead.

### Harbour Spending and Income

How successful in advancing the Port of Falmouth's fortunes were the Commissioners? The figures give a mixed picture. It is difficult to make accurate comparisons between the harbour business before and after 1870, but we do have accurate figures for 1870 onwards. Helen Doe notes that there was a substantial increase in the number of vessels registered in Cornish ports between 1829 and 1870 and this figure was in turn reflected in the general increase in seaborne trade; Table 1 suggests that the increase from 1870 onwards was largely

<sup>24</sup> NMMC: Falmouth Harbour Committee Minutes Vol 3, p. 330, 11 February 1881.

<sup>25</sup> John Leather, 'Falmouth Watermen's Punts', *Classic Boat* No 66.

<sup>26</sup> NMMC: Harbour Committee Minutes Vol 3, p. 340, 18 February 1881.

attributable to the rapid increase in coastal steam traffic, and that sail movements remained static after 1886 (coastal) or declined (foreign).<sup>27</sup>

	1876	1881	1886	1891	1896	1901	1906	1911
Coastal sail	48634	47260	84493	70858	75074	67647	64480	71742
Foreign sail	23005	19186	20449	17121	10387	9095	6534	4634
Coastal steam	79813	84480	91683	101034	212830	247333	288375	268429
Foreign Steam	553	0	8377	23610	43979	82833	61187	60836

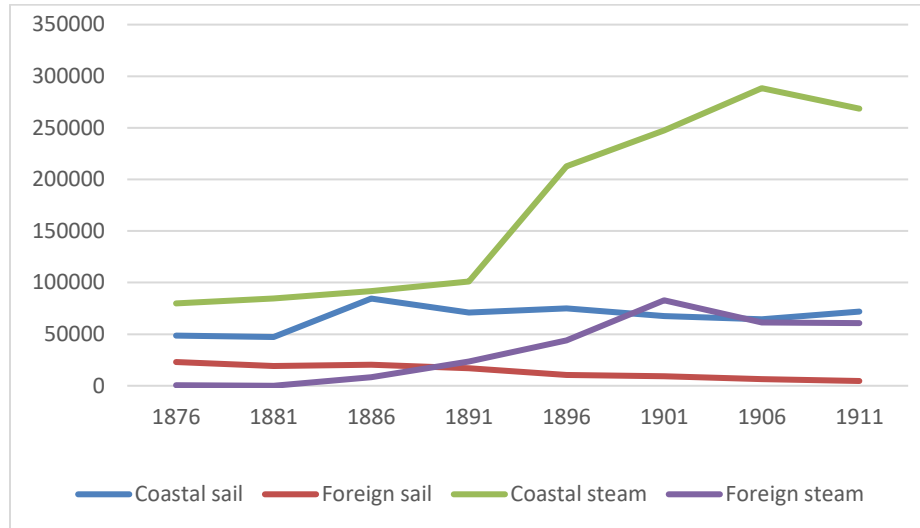


Table 1: Tonnage entering Falmouth  
 Source: David J Starkey (ed), *Shipping Movements in the ports of the United Kingdom* (Exeter, 1999)

It appears, then, that Falmouth stood up well to the steam revolution, showing a substantial increase in coastal steam entries and a steady advance in that of foreign going steamers. This would seem to justify the substantial cost of dredging to enable deep water berths and channels to be provided for the increasingly large steamers.

It is difficult to reconcile these healthy traffic returns with the harbour dues income shown in Table 2 below.

<sup>27</sup> Helen Doe, ‘Cornish Ports, Shipping and Investment in 19<sup>th</sup> Century’ in Payton, Kennerley, Doe (eds) *Maritime History of Cornwall*, (University of Exeter Press, November 2014), p. 330.

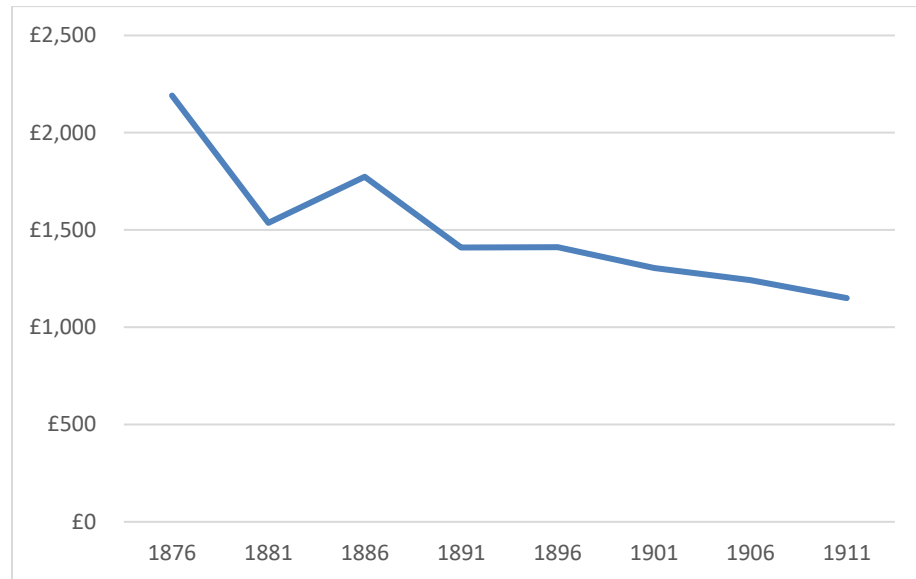


Table 2: Falmouth Harbour dues revenue

Source: NMMC: Falmouth Harbour Commission summary 1914

This decline in revenue seems to support the view of one disgruntled boatman in a letter to the *Shipping and Mercantile Gazette*:

May 11, 1880

Now sir, I can tell you, being a resident of Falmouth from my birth, that previous to this imposition of taxation on the shipping &c., the trade and commerce of Falmouth was very good, for it was a free port. The only dues were 2/6 for anchorage, but now ships pay more for harbour dues than the ordinary towage into Falmouth and out again. The number of ships and tonnage show a falling off; but the non use of the harbour is something enormous...

This is an inaccurate and unfair picture partly explained by the fact that the writer had recently been fined by the harbour board for plying for hire without a licence. There is no doubt, however, about the contradiction apparent between the figures for ships entering, which show a steady rise in overall tonnage, and the income from harbour dues, which show a steady decline.<sup>28</sup>

Alston Kennerley, in his chapter in the *Maritime History of Cornwall* on the decline of commercial sail, pinpoints the main cause of this anomaly.<sup>29</sup> Increasingly ships were stopping outside harbour limits and conducting their business there. This habit was particularly adopted by steamers, who could rely on their manoeuvrability to avoid the dangers that sailing ships encountered in less sheltered anchorages. Furthermore, it was steam, in the form of tugs and other small steamers who could supply a quicker and more reliable service to ships in the bay than the quay punts. Kennerley shows that there was a very large disparity between the figures obtained by the customs for ships entering harbour, and those collected in the shipping agent GC Fox's register of 'Arrivals', which included ships which, for a number of reasons, had not paid dues. Elsewhere he notes that in 1883 the Harbour Commission claimed to have lost £2,616 in dues

<sup>28</sup> Printed in *Lake's Falmouth Packet*, 13<sup>th</sup> May 1880. The writer, Thomas Mitchell, had just been fined (10<sup>th</sup> May) 10s for plying for hire without a licence.

<sup>29</sup> Alston Kennerley, 'Cornwall and the Decline of Commercial Sail', in Payton, Kennerley, Doe (eds) *Maritime History of Cornwall*, University of Exeter Press, November 2014), pp. 366-369. He notes Gordon Jackson's argument that figures for Falmouth were distorted by those vessels who came within harbour limits only 'for orders'.

unpaid.<sup>30</sup> But while the Harbour Board suffered and had to borrow money to survive, the same cannot be said for the port trade in Falmouth, which continued to prosper modestly from supplying the ships calling at 'Falmouth for orders' up to WWII.<sup>31</sup> In subsequent years changes in the area brought under the jurisdiction of the harbour commissioners has brought some improvement to revenue. Now over a dozen large ships may be seen sheltering within harbour limits in Falmouth Bay.

### The *Rhosina* case

The accident which resulted in severe damage to SS *Rhosina* while being docked happened on New Year's Day 1884 but its financial consequences threw a darkening shadow over Falmouth Harbour Commissioners and their harbour master for the subsequent seven years. The *Rhosina*'s owners claimed that their ship, while under the direction of the harbour master, had grounded on its own anchor and suffered severe damage. They started an action for damages against FHC and the harbour master in the high court in December 1884.<sup>32</sup> Initially the FHC seemed confident that they had a good defence, a view supported by the Queen's Counsel they engaged to give an opinion on the case. Their hopes, however, were dashed, and the president of the Admiralty Division of the High Court gave his judgement that the harbour master had been grossly negligent and that he and the Commission were liable for damages and costs. The court report suggests there was little doubt that the harbour master's action was grossly negligent. It seems that he had intended to assist a tug pull the ship round to starboard by dropping the starboard anchor and using its dredging effect. As the Trinity brethren pointed out this was a complex manoeuvre made more risky by the fact that the *Rhosina* was already 'smelling the ground' and likely to bring about what actually did happen, which was for the tug to pull the ship over its own anchor.<sup>33</sup> The defence arguments that Sherris was only on board as a friend of the master and not as harbour master was given short shrift by the judge, as was an attempt by the Commissioners to say that the grounding took place outside their jurisdiction. There is a hint of naivety in the Commission's conduct of the case. At one point a report from the committee set up to consider the affair claimed that their defence had been considerably strengthened by a statement from a Mr Tresize that he had witnessed the harbour master talking to the captain of the *Rhosina* in 'the Albion' the night before and agreeing to go on board as 'an act of friendship'.<sup>34</sup> It would not have gone unnoticed by anyone in the court that the night before the grounding was New Year's Eve and that the Albion was a pub. The immediate consequence of the judgement was that the Commissioners and the harbour master had to pay their own lawyers' fees of £450 but they decided to go ahead with an appeal despite one of their two counsel advising against.<sup>35</sup> Their appeal (the merit of which was indicated by the fact that the lords justices did not find it necessary to recall the *Rhosina* owners' counsel) was dismissed on June 16 and the Commissioners found themselves liable to a total of damages and costs of around £2,000, which added to the existing loan for dredging the harbour gave a total outstanding debt of £9,800.

<sup>30</sup> Alston Kennerley, 'A Northwest European Shipping and Communications Hub: Falmouth for Orders' *International Journal of Maritime History*, Vol. XXII, No.1 (June 2010), pp. 113-138.

<sup>31</sup> Ronald Hawkins, a volunteer at NMMC, who was an officer on tankers from the early 1950s, remembers that at that time the instruction 'Land's End for orders' had replaced 'Falmouth for orders'. In both cases the instruction was something of a formality as ships would have been informed of their true destination well before arriving in the western approaches.

<sup>32</sup> Incorporated Council of Law Reporting (ICLR): Probate/Family/1884/Volume 10/THE RHOSINA. (1884)10 P.D. 24.

<sup>33</sup> ICLR Probate p. 30.

<sup>34</sup> NMMC: Falmouth Harbour Commission Minutes Vol 3, p. 126, 9 December 1884.

<sup>35</sup> NMMC: Falmouth Harbour Commission Minutes Vol 3, p. 135, 20 December 18/84.

An indication of the threat this posed to the solvency of Falmouth harbour may be shown by noting that the total income of FHC from tolls in the year 1884-5 was £1,672 and the outgoings (which included an interim payment to the lawyers of £750) £2,132.<sup>36</sup> They had no reserves and, as we shall see, other costs lurked over the horizon.

### The Admiralty Buoy

In December 1887 the Admiralty wrote to the Commissioners that they intended to remove two buoys – the ‘Vilt’ and the ‘Eastern Narrows’, which belonged to them – in six months’ time. This was an unexpected shock for the Commissioners since these buoys, along with the ‘Governor’ and ‘Lugo’, which were maintained by Trinity House, were key channel marks for shipping.<sup>37</sup> The Admiralty’s view was that they were resolving an anomaly left over from the days before the Commission when Falmouth had a Queen’s Harbour Master and maintained the buoys for the convenience of HM ships, but since in 1887 the only HM ship based in Falmouth was the permanently moored Training Ship *Ganges*, the Admiralty had no further use for them. The Commissioners initially refused to take responsibility for the buoys on the grounds that they could not have foreseen and could not afford the additional cost. The dispute over the removal rumbled on throughout 1888 with the Commissioners protesting and the Admiralty insisting until the combined weight of Admiralty, Trinity House (who confirmed that the buoys were essential for shipping) and the Board of Trade impressed on the Commissioners that failure to maintain the buoys would render them liable for damages attributable to their absence. As Mr Lean, a shipyard owner and member of the Board remarked: ‘This looks like war!’<sup>38</sup> A last desperate plea by FHC argued that they could not afford to take on the buoys since ‘notwithstanding the practice of strict economy the Board’s income is so greatly fallen off that for the last two years the expenditure has exceeded receipts’.<sup>39</sup> The authorities appeared immovable. In fact, Trinity House made things worse by suggesting that ‘it is also probable that the question of the continuance by [Trinity House] of the Governor and Lugo buoys ... will be raised at the same time’.<sup>40</sup>

### The Crisis

On 21st November 1890 The Admiralty wrote to the Board confirming their intention to remove the two Admiralty buoys by April or May 1891. At the same time Trinity House wrote enclosing a copy of the Admiralty letter and “warning them of the responsibility which would rest with them” when the buoys were removed.<sup>41</sup> Two weeks later at a hearing in the High Court Falmouth Harbour was put in the hands of a receiver and it was ordered, at the request of the plaintiffs in the *Rhosina* case, that Mr E. Corby, the Falmouth Collector of Customs, should be appointed to receive all tolls, rates and income of Falmouth Harbour Commission in order that the damages and costs owed to the *Rhosina*’s owners could be seized.<sup>42</sup> These two events cannot have come as a surprise to the Commissioners. The Admiralty first wrote warning of its intention to remove the buoys in 1888 and the *Rhosina* case had been rumbling on for six years but it must still have been something of a shock. The Board were, in a phrase suited to the circumstance, between a rock and a hard place, and their parlous state was neatly summarised in a letter from the clerk of the Board to Trinity House in

<sup>36</sup> NMMC: Falmouth Harbour Commission Minutes Printed summary of income and expenditure 31<sup>st</sup> March 1914.

<sup>37</sup> NMMC: Falmouth Harbour Commission Minutes Vol 5, p. 318, 23 December 1887.

<sup>38</sup> *Royal Cornwall Gazette*, 19 May 1888.

<sup>39</sup> NMMC: Harbour Committee Minutes Vol 5, p. 364, 04 May 1888.

<sup>40</sup> NMMC: Harbour Committee Minutes Vol 5, p. 361, 20 May 1888.

<sup>41</sup> NMMC: Harbour Committee Minutes Vol 6, p. 280, 19 December 1890.

<sup>42</sup> NMMC: Harbour Committee Minutes Vol 6, p. 277, 16 December 1890.



which he pointed out that the tolls levied by the Commissioners were limited by Order to 1/2d per ton register and that the revenue from this was fluctuating and decreasing.<sup>43</sup> The Public Loan Board debt, instalments on which were payable yearly with interest, was £7,280 and they owed about £2,000 damages to the owners of the *Rhosina*. It was ‘practically impossible’ for them to take over and maintain the buoys on top of the duties required of them under the Order. It had been suggested that even if the Board took ownership of the two buoys they were likely to be seized as assets by the *Rhosina* owners and sold. In yet another blow to the harbour’s economic health Howard Fox, the chairman of the Committee, reported that he had been informed privately that HMS *Ganges*, the Naval Training ship and Napoleonic War two-decker, was to be moved from its moorings off Mylor to another port.<sup>44</sup>



Figure 4: HMS *Ganges*  
Source: NMMC Collection

It was at this point that Falmouth Town Council sent a memorial to the Local Government Board proposing that the Falmouth Harbour Commission be absorbed into the new Municipal Borough of Falmouth.

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<sup>43</sup> NMMC: Harbour Committee Minutes Vol 6, p. 287, 16 January 1891.

<sup>44</sup> NMMC: Harbour Committee Minutes Vol 6, p. 217, 20 May 1890.

**The Resolution**

On 16 March 1891 the harbour committee received a final report from the sub-committee set up to deal with the *Rhosina* case. Their final agreed compromise settlement was:

For damages taxed costs and interest	£1,050
Plaintiff's cost from appointment of Mr Corby	£50
Receiver's commission	£52 10s
Total	£1,152 10s
Payable by March 1 <sup>st</sup>	£552
Payable by July 1 <sup>st</sup>	£600

Since this was a less than a quarter of the sum originally claimed by the plaintiffs the Commissioners must have emitted a collective sigh of relief.<sup>45</sup> The money was raised through a loan from their bankers, Bolitho & Williams, guaranteed through a mortgage on the *Arwenack*.

One sad footnote to this report is an entry in the original costs list, which reads "Less Capt. Sherris's effects realizing £49 16s 7d". It seems likely that this contribution, probably a fraction of Sherris's liability in the case, arose from a forced sale of his property. To add to his problems the Board ordered that Sherris must pay out of his salary any claim for additional service of the boatswain (who acted as his deputy while he was off work) and added that his contract would in future be subject to one month's notice of termination. He carried on for eighteen months before retiring, aged 70, at the end of 1892.

The matter of the Admiralty buoys was resolved in a sudden flurry of activity on the part of the Board. Robert Fox and Thomas Webber went to London on 5<sup>th</sup> March 1891 and met Lord Northbrook who gave them "excellent advice" and a letter to the secretary of Trinity House.<sup>46</sup> The secretary looked closely at the case and asked them to meet the Elder Brethren at their next meeting. They put their case to the Deputy Master, Sir Sydney Webb, who finally informed them that they could leave the matter in his hands and that Trinity House would request the Admiralty not to remove the buoys.<sup>47</sup> And so it was. Trinity House effectively acquired the buoys as their property and maintain them to this day. The memorial from the town council was quietly forgotten and the Commission began gradually to mend its finances.

**Conclusion**

Falmouth's challenge, then and now, is that it has neither the hinterland nor the communications to support a large seaborne trade and, since the removal of the packet service, has always had to rely on precarious distinctive services, such as 'Falmouth for Orders', ship-repair and bunkering, to survive. This had an impact on port traffic and port dues and there were additional environmental factors. When the harbour was being dredged in the 1870s to allow for the berthing of the larger steam ships the dredging engineer reported that progress was being slowed by particularly difficult conditions in which the 'Surface of ground, and for a depth of 4ft or 5ft is very hard and consists of pure coral gravel'.<sup>48</sup> The same coral gravel (or maerl) has proved difficult now, as FHC attempts to obtain permission to dredge this environmentally sensitive material in order to pave the way for Falmouth's next saving expedient – the burgeoning cruise ship business whose vast vessels need ever deeper channels and berthing spaces.

<sup>45</sup> NMMC: Harbour Committee Minutes Vol 6, p. 306, 16 March 1891. The original claim was for £4,790.

<sup>46</sup> Biography in Wikipedia. Lord Northbrook was a member of the Barings banking family and had been Viceroy of India. He seems to have been a House of Lords 'fixer' for West Country interests.

<sup>47</sup> NMMC: Harbour Committee Minutes Vol 6, p. 315, 26 March 1891.

<sup>48</sup> NMMC: Harbour Committee Minutes Vol 2, 27 October 1876.

In 1871 Falmouth Harbour's revenue from harbour dues was £1,209. In 1914 it was £1,223 – just £14 more. Yet during this time the harbour saw a considerable rise in the tonnage of shipping entering and using the services provided by the harbour. As has been shown, revenue from harbour dues was subject to a number of conflicting interests within the Commission itself and outside. Ship-owning board members wanted low rates whereas the landowning and council representatives might wish to set as high a rate as the market would bear. This may have been behind the attempted takeover by the local council. The rate set of ½d per ton was low for the region (Fowey's rate was 1d per ton) and illustrated the tension between the requirement for sufficient revenue and the desire for increasing traffic. Nevertheless, the Commission were undivided in their determination to ensure that there would be no avoidance of payment by visiting vessels. As time went by and sail gave way to steam it became increasingly attractive for ships to avoid payment by the simple expedient of anchoring outside harbour limits. Despite, therefore a marked increase in the tonnage of shipping visiting and using the harbour, the income available to the Commission to supply harbour services remained static and sudden calls on expenditure such the *Rhosina* debacle were likely to put the harbour at the mercy of creditors. Careful management of expenditure was essential. The statement of Receipts and Expenditure released by the Board in 1914 does hint at how some of this was achieved: In 1873 the running costs (salaries, commissions and police and office expenses) were £1,194. In 1914 they were £860.<sup>49</sup> The salary of the harbour master, for example, had between those two dates declined from £150 to £120. It is also worth mentioning how long-standing connections and relationships developed by members of the Board could be employed (as in the case of the Admiralty buoys) to circumvent unexpected costs. That the Commission managed to survive into the twentieth century without increasing rates, without accumulating unsustainable debts and still providing a good service to a busy port is to its credit.

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<sup>49</sup> NMMC: Falmouth Harbour Commission Minutes Printed summary of income and expenditure 31 March 1914.

## Appendix **Falmouth Harbour Commissioners 1870**

This list is compiled from the minutes of the meetings of the Falmouth Harbour Commission, Vol. 1, pp. 6-26, and the 1871 Census return for Falmouth

### **Appointed by Falmouth Town Council:**

William Selley	Retired Tradesman
Harry Tilly	Solicitor
Captain Isaac N.T. Saulez, RN	Sub-Commissioner for Pilotage
Richard Cheffer Richards	Bookseller, Stationer & Printer

### **Appointed by Local Board for Falmouth Parish:**

Jonathan Hallamore	Docks Accountant
Robert Richards Broad	Retired Merchant & Ship Agent, Borough Magistrate, Director of Falmouth Docks, Shipping Agent
Howard Fox	Merchant, Shipowner, Director of Falmouth Docks, Shipping Agent
Edmund Handcock	Shipowner

### **Appointed by the Earl of Kimberley:**

Philip Protheroe Smith	Agent
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### **Appointed by owners registered at Falmouth not exempt from tolls:**

William S. Lean	Shipbuilder, Mayor of Falmouth
Henry Stephens Trethowan	Merchant, Shipbuilder
Edwin Pope	Sailmaker

### **Appointed by Falmouth Docks Co.:**

John Pascoe Bennetts	Sec & Supt Falmouth Docks
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### **Appointed by Trinity House:**

Jacob Olver	Merchant, Magistrate, Alderman of Trinity House
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### **Appointed by Admiralty:**

Captain Tinklar	
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### **Appointed by the Board of Trade:**

Mr Webber	
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