INSURANCE IN ELIZABETHAN ENGLAND

English insurance came into being almost entirely during the Elizabethan period. However, the Great Fire of 1666 consumed most of London’s mercantile records, and therefore little is known about early English insurance.

Using new archival material, this study provides the first in-depth analysis of early English insurance. It focuses on a crucial yet little-known text, the London Insurance Code of the early 1580s, and shows how London insurance customs were first imported from Italy, then influenced by the Dutch, and finally shaped in a systematic fashion in the Insurance Code. The London Code was in turn heavily influenced by coeval continental codes. This deep influence attests to the strong links between English and European insurance, and questions the common/civil law divide on the history of commercial law.

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INSURANCE IN
ELIZABETHAN ENGLAND

The London Code

GUIDO ROSSI
To David
CONTENTS

Acknowledgements xi
List of abbreviations xii

1 Introduction 1
1.1 Methodological choices 2
1.1.1 Theory and practice 4
1.1.2 Learned courts 6
1.1.3 Early insurance and modern scholars 9
1.2 Structure of the work 15
1.3 Comparative background 16

PART I Legal-historical background 25

2 Some remarks on the origins of English insurance 27
2.1 The evolution of the London policy 27
2.2 The origins of the Italian influence on English insurance 30
2.2.1 Lombard Street and Tuscan merchants 31
2.2.2 Florence and Genoa 34
2.2.3 English early insurance and the Genoese 41
2.2.4 From Genoa to Florence? 47

3 Insurance in late sixteenth-century England 53
3.1 Introduction 53
3.2 Customary developments and jurisdictional conflicts 61
3.3 The Assurance Chamber 75
3.4 The Register Office 88

PART II The London Code 135

4 Preamble: sea-carriage and averages 137

5 The making of the London Code 141
5.1 Dating the manuscripts 141
5.2 Custom transmission: from Bruges to London 148
5.2.1 From the Bruges Ordinances to Additional 48023 148
viii CONTENTS

5.2.2 From Additional 48023 to Additional 48020 158
5.2.3 From Additional 48020 to Harleian 5103 161

6 Object of insurance 164
6.1 Cargo insurance 164
  6.1.1 Special categories of merchandise 164
  6.1.2 Compulsory underinsurance 170
  6.1.3 Valuation of the goods 173
6.2 Hull insurance 178
6.3 Credit insurance 185

7 Premium 192
7.1 Payment of the premium 192
7.2 Return of the premium 197
  7.2.1 Overinsurance 200
  7.2.2 Risk run only in part 204
  7.2.3 Absence of risk 219
7.3 Procedure to demand the return of the premium 224

8 The parties 229
8.1 The insured 229
  8.1.1 Interesse assecurari 229
  8.1.2 Insurance for a third party 232
  8.1.3 Good faith principle 244
8.2 The insurer 246
  8.2.1 Several liability of the insurers 246
  8.2.2 Sureties before leaving England 249
  8.2.3 Incompatibilities with the quality of insurer 250
  8.2.4 Prohibition of underwriting for the insurer 252
8.3 The broker 253

9 Risks 258
9.1 Perils covered by the policy 258
9.2 Arrest, restraint or detention by princes (factum principis) 262
  9.2.1 General provisions 263
  9.2.2 Arrest, restraint or detention of the ship 264
  9.2.3 Arrest, restraint or detention of the cargo 267
  9.2.4 Forced sale of the cargo 271
9.3 Barratry 274

10 Ship and voyage 282
10.1 Ship, shipmaster and voyage 282
  10.1.1 Ship, shipmaster and journey to be recited in the policy 282
  10.1.2 Substitution of the shipmaster 290
10.2 Ship and journey 295
CONTENTS

10.2.1 Supervening unseaworthiness of the ship 295
10.2.2 Change of voyage and change of route 299
10.2.3 Lighters 304
10.3 Powers of the insured in the case of mishap 307
   10.3.1 Preservation of the insured cargo 307
   10.3.2 Sale of the insured cargo 314
   10.3.3 Ransom or composition of the insured cargo 315
10.4 Duration of the risk 317
10.5 Presumption of loss 320

11 Recovery 334
   11.1 Requirement of registration 334
   11.2 Liability of shipmaster and insurer 339
   11.3 Jurisdiction and powers of the Assurance Chamber 344
   11.4 Evidence for averages 347
   11.5 Other provisions on averages 358
   11.6 Procedure to demand recovery 358
   11.7 Terms to demand the average 367
   11.8 Appeal against the Commissioners 369

12 Abandonment to the insurers 372
   12.1 Effects of abandonment 374
   12.2 Powers of the insured after the abandonment 377
   12.3 Terms and procedure for the insured to abandon 381
   12.4 Partial abandonment 385
   12.5 Wrongful abandonment 385
   12.6 Limitations on abandonment 386
   12.7 Request to abandon from the insurers 390
   12.8 Abandonment of the ship 393
   12.9 Abandonment for presumptive loss 394

13 Reinsurance 397
   13.1 Proper reinsurance 397
   13.2 Insurance de solven do 406

14 Life insurance 411
   14.1 Insurance on credit, rent or annuity 411
      14.1.1 General provisions 411
      14.1.2 Evidence for recovery 415
   14.2 Life insurance stipulated for a long journey 417
   14.3 Premium and underinsurance 420
   14.4 Comparison between the London Code and the Bruges
      Ordinances 422
X CONTENTS

14.5 Other forms of life insurance 425
   14.5.1 Ransom insurance 425
   14.5.2 Non-marine slave insurance 428

Concluding remarks 430

Bibliographical references 437
Appendix I The London Code 473
Appendix II Bruges Ordinances and Additional 48023 665
Appendix III From the Bruges Ordinances to Harleian 5103 714
Appendix IV Insurance policies 721
Appendix V Insurance-related documents 851
Index 867
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The introduction to van Niekerk’s ponderous work on the history of Dutch insurance opens up with a caveat. Slightly revised, it reads: ‘researching insurance history is a nightmare’. I wish I could say that I did not read it and therefore had no forewarnings. I concur of course – and I take introductions very seriously now. Without the boundless generosity with his time and work, the continuous advice and indefatigable support of David Ibbetson (who recklessly agreed to supervise my PhD thesis), this book would have never seen the light. Whether that would have been a good thing or not, it remains to be seen. In either case, the book is dedicated to David.

Edinburgh, December 2014
GR
xi
ABBREVIATIONS

A.Sal.P. Archivio Salviati di Pisa
ACF Archivio Corsini di Firenze
ACG Archivo General de Simancas
ADP Archivio Datini di Prato
AHC Archivo Histórico Provincial de Cádiz
Amsterdam 1598 Amsterdam Keur of 31.1.1598, Pardessus (1837) vol. IV, pp. 122–35
Amsterdam 1606 Amsterdam amending Keur of 20.6.1606, ibid., pp. 136–8
Amsterdam 1614 Amsterdam Amending Keur of 9.5.1614, ibid., pp. 140–1
Antwerp 1571 Antwerp Antiquae of 1571, title XXIX, de Longé (1870), vol. I, pp. 598–605
Antwerp 1582 Antwerp Impressae of 1582, title LIV, id. (1871), vol. II, pp. 400–13
Antwerp 1608 Antwerp Compilatae of 1608, part IV, title 11, id. (1874), vol. IV, pp. 198–334
APC Acts of the Privy Council of England
ASF Archivio di Stato di Firenze
ASG Archivio di Stato di Genova
ASN Archivio di Stato di Napoli
ASPa Archivio di Stato di Palermo
ASV Archivio di Stato di Venezia
Barcelona 1435 Barcelona Ordinances of 1435, Pardessus (1839), vol. V, pp. 502–4
Barcelona 1436 Barcelona Ordinances of 1436, ibid., pp. 504-506
Barcelona 1452 Barcelona Ordinances of 1452, García i Sanz (1971), pp. 15–19
Barcelona 1458 Barcelona Ordinances of 1458, Pardessus (1839), vol. V, pp. 507–21

xii
ABBREVIATIONS

| Barcelona 1461 | Barcelona Ordinances of 1461, *ibid.*, pp. 521–3 |
| Barcelona 1484 | Barcelona Ordinances of 1484, *ibid.*, pp. 523–43 |
| Bilbao 1520 | Ordinances of the Consulate of Bilbao of 1520, Guiard y Larrauri (1972), vol. I, pp. 579–82 |
| Bilbao 1531 | Ordinances of the Consulate of Bilbao of 1531, *ibid.*, pp. 582–98 |
| Bilbao 1560 | Ordinances of the Consulate of Bilbao of 1560, *ibid.*, pp. 598–621 |
| BL | British Library |
| Burgos 1538 | Ordinances of the Burgos Consulate of 1538, Garcia (1995) |
| Burgos 1572 | Ordinances of the Burgos Consulate of 1572, Consulado de Burgos (1988) |
| C | Court of Chancery |
| C. | Codex Iustiniani |
| CEMC | Calendar of Early Mayor Court Rolls |
| CLRO | Corporation of London Record Office |
| Co. Rep. | The Reports of Sir Edward Coke |
| Consolat | *Llibre del Consolat de Mar*, Garcia i Sanz and Colon (2001) |
| CPMR | Calendar of Plea and Memoranda Rolls of the City of London (1323–1482) |
| CPR | Calendar of the Patent Rolls |
| CSP Ven. | Calendar of State Papers Relating to English Affairs in the Archives of Venice |
| CSPD | Calendar of State Papers, Domestic Series Digesta |
| Dig. | | |
| Florence 1467 | Florentine Statutes of 13 and 24 May 1467, Bensa (1884), doc. XI–XII, pp. 174–5 |
| Florence 1523 | Florentine Statute of 13.3.1523, Baldasseroni (1786), vol. III, pp. 500–1 |
Florence 1524a

Florence 1524b
Florentine Statute of c. 23.1.1524, *ibid.*, pp. 505–9

Florence 1526
Florentine Statute of 15.6.1526, *ibid.*, pp. 509–13

Florence 1529
Florentine Statute of 23.2.1529, *ibid.*, pp. 513–14

FMM
Fondazione Mansutti di Milano

Genoa 1588
Genoese Civil Statute of 16.12.1588, pt IV, ch. 17, Pardessus (1837), vol. IV, pp. 532–4

*Guidon*
*Guidon, Stile et Vsance des Marchands Qui mettent à la Mer* (1619)

HCA
High Court of Admiralty

HMC Salisbury
Calendar of the Manuscripts of the Most Honourable the Marquess of Salisbury preserved at Hatfield House, Hertfordshire

KB
King's Bench

LMA
London Metropolitan Archives

(ASF) MaP
Medici Avanti il Principato

Mdx County Rec.
Middlesex County Records (1550–1688)

Messina 1511, 1524, 1533 and 1542
Additions to the Book of the Sea Consulate of Messina, Genuardi (1924). In particular:

Messina 1511

Messina 1524

Messina 1533

Messina 1542

Middelburg 1600
Middelburg *Keur* of 30.9.1600, Pardessus (1837), vol. IV, pp. 167–82

Nov.
Novellae Iustiniani

Baldasseroni reported the policy appended to the statute only at the end of the insurance laws that he published. The same statute may also be found in Melis (1975), doc. 38, pp. 234–5, and in Pardessus (1837), vol. IV, pp. 598–602. The same Pardessus also reported the other Florentine statutes (*ibid.*, pp. 602–9), albeit with some differences from Baldasseroni’s edition, which will be followed in this work. An English translation of the Florentine statutes of 1524 and 1526 may be read in Magens (1755), vol. II, pp. 1–10.

The second statute is in fact a draft statute of the *Ufficio della Mercanzia* shortly thereafter. Hence the apparent oddity in the date: this second document is earlier than the first one, but simply because the first was enacted on the 29th of January 1524, whereas this second was submitted by the magistrates six days earlier, on the 23rd of January, but then formally approved and enacted only shortly after the 29th January. I am very grateful to Giovanni Ceccarelli for his guidance on the matter.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>Oléron</td>
<td>Rules (or Judgments) of Oléron, Pardessus (1828), vol. I, pp. 323–54</td>
</tr>
<tr>
<td>Placcaat 1537</td>
<td>Dutch Placcaat of 25.5.1537, <em>id.</em> (1837), vol. IV, pp. 37–8</td>
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<td>Placcaat 1550</td>
<td>Dutch Placcaat of 29.1.1550, <em>ibid.</em>, pp. 38–44</td>
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<td>Placcaat 1551</td>
<td>Dutch Placcaat of 19.7.1551, <em>ibid.</em>, pp. 44–63</td>
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<td>Placcaat 1563</td>
<td>Dutch Placcaat of 31.10.1563, <em>ibid.</em>, pp. 64–102</td>
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<td>Placcaat 1569</td>
<td>Dutch Placcaat of 31.3.1569, Reatz (1878), pp. 81–9</td>
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<tr>
<td>Placcaat 1571</td>
<td>Dutch Placcaat of 21.1.1571, Pardessus (1837), vol. IV, pp. 103–19</td>
</tr>
<tr>
<td>Rotterdam 1604</td>
<td>Rotterdam Keur of 12.3.1604, <em>ibid.</em>, pp. 152–64</td>
</tr>
<tr>
<td>Seville 1556</td>
<td>Ordinances of the Seville Consulate of 1556, <em>id.</em> (1845), vol. VI, pp. 76–103</td>
</tr>
<tr>
<td>SP</td>
<td>State Papers (British National Archives)</td>
</tr>
<tr>
<td>THDT</td>
<td>Trinity House of Deptford Transactions (1609–35)</td>
</tr>
<tr>
<td>X</td>
<td>Decretales Gregorii noni</td>
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