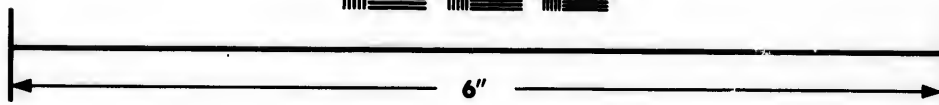
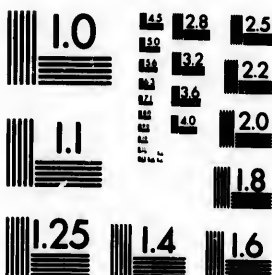


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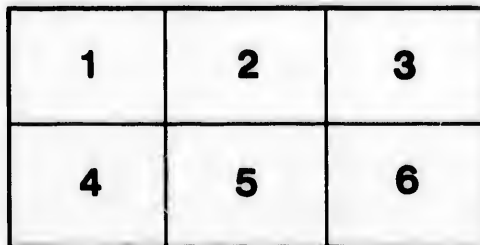
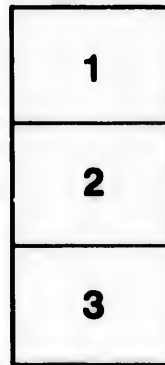
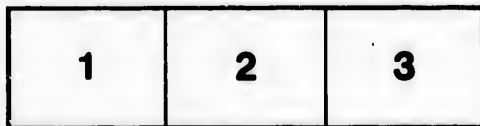
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AMERICAN ENCROACHMENTS

On British Rights;

OR

OBSERVATIONS ON THE IMPORTANCE
OF THE BRITISH NORTH AMERICAN COLONIES. AND ON THE LATE TREATIES WITH THE
UNITED STATES: WITH REMARKS ON MR. BARING'S
EXAMINATION; AND A DEFENCE OF THE SHIPPING INTEREST FROM THE CHARGE OF HAVING ATTEMPTED
TO IMPOSE ON PARLIAMENT, AND OF FACTIOUS
CONDUCT IN THEIR OPPOSITION TO THE AMERICAN INTERCOURSE BILL.

BY

NATHANIEL ATCHESON, ESQ. F. A. S.

"Disturb not one another with domestic disputes; but remember that we are English, and our enemies are foreigners. Enemies; which, let what party soever prevail, it is equally the interest of our country to humble and restrain."

Dr. Johnson's Life of Admiral Blake.

A NEW EDITION, WITH CONSIDERABLE ADDITIONS.

LONDON:

1808.

NO. XI.

Pam.

VOL. VI.

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Advertisement.

SINCE this Tract was published by Mr. Atcheson, a number of Legislative Regulations have been made to promote the Trade Fisheries, and Navigation of the British North American Colonies, and to encourage an intercourse between them and the United Kingdom. The American Intercourse with the British West Indies has nearly ceased, and the only things allowed under an order in council, to be imported there in *foreign* bottoms, are a few articles of fresh provisions and flour—fish, lumber, and staves, being only to be imported in British shipping. The total exclusion of foreign ships from these Islands is become absolutely necessary in the present state of the Navigation of the United Kingdoms, and it is to be expected that past experience has taught the Cabinet of Great Britain how important it is to exclude altogether the Americans from interfering with our fisheries on the Coast of British North America and Newfoundland, or of having any intercourse with those Colonies in American shipping. [1815.]

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AMERICAN ENCROACHMENTS

ON

BRITISH RIGHTS, &c.

THE connexion which had so long subsisted between Great Britain and the countries now forming the United States of America, having been finally dissolved, by the acknowledgment of their Independence in 1783, the commercial system arising out of that connexion, of course, ended with it; and the laws, by which the trade of these countries, considered as colonies, had hitherto been regulated, ceased to have effect; it was therefore necessary, not only to define and limit, by treaty, the boundaries of those parts of the United States which were contiguous to the remaining British Provinces in America, but also to adopt new principles, on which a system of commerce between the two nations might be founded.

Considerable difficulties occurred in the arrangement of the limits of the United States, which were afterwards settled by the treaty of 1783. The commercial regulations between the two countries were never permanently established, and the trade between Great Britain and the United States was regulated and carried on, from the year 1783, under the powers given by the 23d Geo. 3d. chap. 39, and by the 24th Geo. 3d. chap. 45, by orders in council, until the act of the 37th Geo. 3d. chap. 97, which passed 4th July 1797.

Scarcely had the American war terminated, when Great Britain and the United States charged each other with having violated the treaty of peace. On the construction of several articles of that

treaty, and especially as to the boundaries of the United States, there existed great difference of opinion. ¹ The British Government remonstrated with them, on their infringement of the fourth, fifth, sixth and other articles of the treaty, in consequence of which they continued to retain possession of the posts on the American side of the great lakes, and as those posts gave their possessors a decided influence over the Indian tribes, it produced no inconsiderable degree of irritation amongst the subjects of the United States, who charged the British with encroachments on the *Eastern Frontiers* of their territory; for on that side, they stated the river *St. Croix*, from its source to its mouth, in the bay of *Passamaquoddy*, to be the *real* boundary between the two nations. Three rivers of that name empty themselves into that bay. The Americans *claimed* the *most eastern* as the *real* *St. Croix*; yet settlements were actually made under the authority of the governors of Nova Scotia and New Brunswick to the middle river, and the town of *St. Andrew* was established on its banks; ² but the cause of the greatest disquiet was, as they alleged, the commercial system pursued by Great Britain, when by her acknowledgment of the Independence of America, they became a distinct and independent State. For consistently with the treaties, then in existence between Great Britain and other powers, and mindful of her own safety as a Maritime State, the subjects of the United States could not be put on a *more favored* footing with respect to navigation and trade, than those nations with whom such treaties existed; though there were, certainly, discriminations introduced *highly favorable* ³ to the United States,

¹ *Mr. Mackenzie* in his *History of the Fur Trade*, quarto edition, p. 58, observes,—

“That *Lake du Bois* is rendered remarkable in consequence of the *Americans* having named it, as the *spot* from which a line of boundary between them and *British America* was to run west, until it struck the *Mississippi*, which, however, *can never happen*, as the north west part of the *Lake du Bois* is in latitude 49, 37 north, longitude 94, 31 west, and the northernmost branch of the source of the *Mississippi* is in latitude 47, 38 north, and longitude 95, 6 west, ascertained by *Mr. Thomson*, astronomer to the *North West Company*, who was sent expressly for that purpose, in the spring of 1798. He in the same year determined the northern bend of the *Mississippi* to be in latitude 47, 32 north, and longitude 101, 25 west, and according to the Indian accounts, it runs to the south of west, so that if the *Mississippi* were even to be considered as the *Mississippi*, no western line could strike it!”

See also *Mr. Burke's* observations on the competency of the persons appointed to negotiate the *first treaty* with America, which he styled “a *Geographical Treaty*,” in the debate of the 7th March, 1783.

² *Mr. Justice Marshall's* *Life of General Washington*, London edition.

³ *Mr. Smith*, of South Carolina, in a debate in Congress on the resolutions, which were attempted to be passed, adverse to the trade of Great Britain, observed—“That the commercial system of Great Britain towards the Uni-

which, ability, treaties. Subst. fine the except fined a purpose sioners, the river forming on the between which, were ce fortunat the Am tion, tha ter of th brought respectin accordin to ratify The ri in his M interests wick, it conceded late mini

ted States crimination better situ article of Washington. See the bill for the Navigation in the 25th edition, p. See the 25th of see Mr. Me natives of

which, in the opinion of many persons¹ of great distinction and ability, were deemed contrary to the spirit and faith of those treaties.

Subsequent negotiations were entered upon, to ascertain and define the *actual* boundaries of the United States but without effect, except as to the boundaries of the river St. Croix, which were defined and settled in 1798, by commissioners appointed for that purpose;² yet notwithstanding the declaration of the commissioners, which unequivocally ascertained the river *St. Croix* to be the river mentioned in and intended by the treaty of 1783, and forming a part of the boundary therein described, it appears, that on the 12th of May, 1803, a convention³ was entered into between his Majesty and the government of the United States, by which, amongst other things, the islands in *Passamaquoddy bay* were ceded to and declared to belong to them: that convention, fortunately for the interests of Great Britain, *was not ratified* by the American government, and it is hoped *Mr. Merry's* prediction, that this arrangement will be confirmed, whenever the matter of the boundary line between the two territories shall again be brought into discussion, will not be verified; though the article respecting the *Eastern* boundary on the side of New Brunswick, according to *Mr. Merry's* statement, did not occasion the refusal to ratify this *most improvident* concession.

The right to these islands, therefore, most indisputably continues in his Majesty; and for the honor of the nation, as well as the interests of the loyal inhabitants of Nova Scotia and New Brunswick, it is to be expected, that right will *never* be abandoned or conceded to the United States, who in their negotiation with the late ministry, appear to have succeeded in impressing on their minds

ted States far from being hostile was friendly, and that she made many discriminations in their favor. *France*, on the contrary, placed them on a better situation than her rival, *only in one solitary instance*, the unimportant article of *Fish Oil!!*—Vide *Mr. Justice Marshall's Life of General Washington*.

¹ See the elaborate speech of Lord Auckland on the 7th March, 1783, on the bill for the provisional establishment and regulation of the trade, &c. between Great Britain and the United States. *Collection of debates on the Navigation System*, octavo edition, 1803, page 10.—Also *Mr. Fox's* speech in the same debate, and *Lord Sheffield* on American Commerce, sixth edition, page 3.

² See the declaration of the commissioners as to the river *St. Croix*, dated the 25th of October 1798.

³ The editor has not been able to procure a copy of this convention, but see *Mr. Merry's* letter, in the address of the Council and House of Representatives of New Brunswick on this subject, in March 1807.

the propriety of allowing their former unfounded claims to be revived; for the 2nd article of the late rejected treaty confirms the first ten articles of the treaty of 1794, though the fifth article of it states, "that doubts had arisen what river was truly intended under the name of the river *St. Croix*, and provides for ascertaining the true river *St. Croix*, and the latitude and longitude of its mouth and source;" notwithstanding the true river *St. Croix*, with the correct latitude and longitude of its mouth and source had, by their own commissioners, specially appointed for that purpose, jointly with the British commissioners, on personal survey, been subsequently ascertained, certified, and agreed to; which appears by their declaration of the 25th October, 1798; although the same article of the treaty of 1794, under which the commissioners were appointed, expressly stipulated that the two nations shall consider their decision "as final and conclusive, so that the same shall never thereafter be called into question, or made the subject of dispute or difference between them." An inconsistency on the part of the United States, to use no harsher expression, which, it is presumed, requires only exposure to prevent the artifice from again succeeding, and a negligence and inattention on the part of the late ministers, meriting the severest reprehension!

The subjects of the United States, however, still continue in possession of Moose Island, Dudley Island and Frederick Island,² in Passamaquoddy Bay; on the latter island they have erected a custom-house and other establishments, and within a very few years their population has increased from 200 to near 2000 inhabitants, threatening destruction to the legitimate trade of his Majesty's provinces, and to their great annoyance in case of hostilities; whilst they protect and even encourage deserters from his Majesty's navy and army, and most insolently resist all attempts for their recovery. Not content with these usurpations, and determined to extend their encroachments, the government of the United States, it is understood, also claim a right to the waters between Dudley Island and Campo-bello Island.

The fourth article of the treaty of 1794, after mentioning, that "it is uncertain whether the Mississippi extends so far to the northwards, as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of

¹ See an *American* tract, written by Mr. Governor Morris, intitled "The British Treaty," p. 19, reprinted by Mr. Stockdale, Junior, which shews the importance of these islands in the estimation of the United States; also Decius's letters on the late treaty, page 5.

² Lord Sheffield's *Strictures*, 2nd edition, chap. 9, wherein this subject is treated at large.

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peace," *provides* "for a joint survey of the northern part of that river," and "agrees that if on the result of such survey it should appear that the said river would not be intersected by such a line, the parties would *regulate the boundary* in that quarter, by future amicable negotiations." Yet it is evident from the 2d article of the treaty, entered into by the late ministers with the United States, notwithstanding the imperative necessity of definitively settling, by treaty, this and other parts of the boundaries, the same were deferred for *future* discussion and negotiation! though it appears a survey made subsequently to 1794, by the British merchants established in Canada, under the name of the North West Company, had proved that a line due west from the Lake of the Woods would run north of the Mississippi, so that no further measures were needful to ascertain that point.¹

Thus, some of the most important points were left open and undefined, whilst others were deferred for discussion at a future period, notwithstanding the injuries sustained by his Majesty's subjects in North America, from the want of proper regulations on these subjects; though their urgency and necessity had been at different periods most strongly represented to the British government by the inhabitants of Canada, Nova Scotia, and New Brunswick.

Nor was there greater circumspection or precaution observed by the late ministers, as to the vexatious conduct adopted by the officers of the United States towards British subjects engaged in the Fur Trade, and navigating the Mississippi and other rivers, nor were any regulations agreed upon, to relieve them from the charges and duties² which the United States had imposed upon them, though particular representations had been made, in that respect, to the British commissioners appointed in 1806 to negotiate in London with the American commissioners. The 3rd article of the treaty of 1794 gives to each party the right of *passing through the territories of the other in America*, except within the limits of the *Hudson's Bay* company, and contains the following clause. "But it is understood that this article does not extend to the admission of vessels of the United States into the *sea ports, harbours, bays or creeks* of his Majesty's said territories, as are between the mouth thereof and the highest port of entry *from the sea*, except in small vessels trading *bonâ fide* between Montreal and Quebec, under such regulations *as shall be established* to pre-

¹ Tract entitled "The British Treaty," page 19, 36, &c. see also Decius's letters.

² Decius's letters, page 57.

vent the possibility of any frauds in this respect, nor to the admission of the British vessels from the sea into the rivers of the United States, beyond the highest ports of entry for foreign vessels from the sea. The river *Mississippi* shall, however, according to the treaty of peace, be entirely open to both parties: and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties in as ample a manner as any of the Atlantic ports or places of the United States, or any of the ports or places of his Majesty in Great Britain." Yet the merchants and other inhabitants of Canada continue to experience the most serious inconveniences, and are subject to the most enormous exactions, from the want of proper regulations in their intercourse with the subjects of the United States, and no arrangement whatever in this respect appears to have formed any part of the late treaty; for, previous to the signature of it, *two notes* were given by the British to the American commissioners. The first keeps open, for *future discussion*, the claim of Great Britain *not* to pay more on goods sent from Nova Scotia, or New Brunswick, unto the territories of the United States, than is paid on the importation of such goods in American ships.¹ The second note relates to the French decree of blockade.

The trade between Nova Scotia and New Brunswick with the United States has hitherto been carried on in British vessels, except the illicit trade at the islands in Passamaquoddy Bay; but the colonists think there are strong grounds to believe it was the intention of the late administration to have admitted *American ships* into a participation of that trade, and to an entry into the *sea ports* of these provinces. The American newspapers² undisguisedly announce the expectation formed by the citizens of the United States in this respect; and British ships laden with plaister, and other articles, the produce of the provinces, were last year, in consequence of it, unable to dispose of their cargoes in the American ports at the prices previously contracted for. The apprehension of this intercourse in American ships, *by sea*, has created the most serious alarm throughout Nova Scotia, and New Brunswick, and strong representations are stated to have been made to his Majesty's government on the subject. It is thought this alteration was intended to be introduced on the same principle on which the American

¹ The British Treaty, p. 24; also Decius's letters on the late treaty.

² New York Gazette of 26th November, 1807; &c.

³ Extract of a letter from St. John's, New Brunswick, 19th Nov. 1807.—
"Compared to this blow, all the encroachments they have been hitherto allowed to make upon our rightful trade are nothing. This measure, if

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Intercourse Bill was attempted to be justified; but the slightest enquiry into the actual state of the British North American provinces will show, that, however the West India Islands may be supposed to require supplies in *American* bottoms, the former do not stand in need of any such assistance. British vessels trading from Nova Scotia and New Brunswick to the United States, at present pay a duty of 5s. per ton, on entry, and an additional duty of 10l. per cent. on their cargoes, over and above the duties payable on the same articles when imported into the United States in *American* vessels.

The fifth article of the late rejected treaty is considered to apply only to the Atlantic ports of the United States, and is the same as the 15th article of the treaty of 1794, with two exceptions; the first gives to the United States, the right previously reserved to Great Britain, of imposing a tonnage duty equal to that which shall be imposed by the other party. The second is a substitution of a new clause for the reservation formerly made by Great Britain of "the right of imposing on *American* vessels entering into British ports in Europe, such duty as may be adequate to counter-bail the difference of the duty now payable on the importation of European and Asiatic goods, when imported into the United States in *British* or in *American* vessels." Instead of which the following words are inserted, and constitute part of the fifth article of the *late* treaty, "that in the trade of the two countries with each other, the same duties of exportation and importation of all goods and merchandize, and also the same drawbacks, and bounties shall be paid and allowed in either country, whether such importation or exportation shall be made in *British* or *American* vessels."

The boundaries of Canada were intended to have been fixed according to the natural division of the country, and the course of the lakes and waters; but the persons appointed for that purpose by the British government were unacquainted with its geographical situation, and acceded to the limits defined in the second article of the treaty of 1789, notwithstanding there were many other lines much more natural, but none more injurious to Great Britain, or more beneficial to the United States; by the eighth article of that treaty, it was stipulated that the navigation of the Mississippi should for ever remain free and open to the subjects of both parties. By this line of division, the ports of Michilimakinac, Detroit, and

carried into effect, must reduce us to a state of complete dependence on the United States: all our imports will come from them, and to them will all our produce be sent. Our navigation will be annihilated, and our means of supplying the West India Islands totally destroyed."

Niagara, were surrendered to the United States, yet it was not in their power to deprive Great Britain of the Indian or fur trade, carried on to the countries to the southward of the lakes, and across the Mississippi to the Misourie, in the Spanish territories, the trade of those countries being prosecuted through those posts, without a breach of the treaty; they however now attempt to restrict the intercourse on the western side of the Mississippi in consequence of their recent acquisition of Louisiana.¹

The government of the United States having failed in the just performance of some parts of the treaty of 1783, those posts² were, as before observed, retained by Great Britain, and the Canadian traders continued to enjoy the fur trade, extending their intercourse to the Spanish territories of Louisiana across the Mississippi, until by the treaty of 1794 it was finally agreed to give up the posts; it was, however, stipulated by the third article of that treaty, that it should, nevertheless, be free to the subjects of both countries, and to the Indian nations, to pass and repass without restraint, and to carry on trade on *either side* of the *boundary line*, into the respective territories of the two states on the continent of America. The freedom of the navigation of the Mississippi was also confirmed, and it was agreed that all the posts and places on its *eastern* side might be freely resorted to and used by both parties. It was fur-

¹ See a pamphlet which is highly deserving of serious attention, entitled "An Address to the Government of the United States, on the Cession of Louisiana to the French, and the Memorial on the Cession of the Mississippi to that Nation." Edition, Philadelphia, 1803. This work, which develops the views of the French Government, having been suppressed in America, is worthy of reprinting, and some persons here connected with the British interest on that continent have copies of it. Mentioning the cession of Louisiana to the French, the writer observes,—"As to England, all the disadvantages with which this event is said to menace them are real. All the consequences just predicted, to her colonies, to her trade, to her navy, to her ultimate existence, will indisputably follow. The scheme is eligible to us (France) chiefly on this account; and these consequences, if they rouse the English to a sturdier opposition, ought likewise to stimulate the French to more strenuous perseverance." Of the importance of the Mississippi the author says, "The prosperity of our colony will, indeed, demand the exclusive possession of the river." Again, "The master of the Mississippi will be placed so as to control, in the most effectual manner, these internal waves," meaning the dissensions between the citizens of the United States. This is an able tract, and evidently the production of a person conversant* in the politics of France. See a project respecting Louisiana in the Collect. of Reports, &c. on Navigation, edit. 1807, Supplement, No. 1., also Mr. Rufus King's Letter to Lord Hawkesbury, 15th May, 1803, and the Answer to it of the 19th of that month in the Official Papers.

² See Mr. Justice Marshall's Life of General Washington.

* Since said to be written by M. Talleyrand:—It is reprinted in the New Quarterly Review.

ther established, by an explanatory article of May, 1796, "that no stipulations in any treaty, *subsequently* concluded by either of the contracting parties, with any *other* state or nation, or any Indian tribe, should be understood to derogate, in any manner, from the rights of the free intercourse and commerce, secured by the third article of the treaty of 1794."

Since the surrender of the posts, the Canadian fur merchants, from their experience, superior capital, and knowledge of the business, and from some local advantages, of which they are not yet deprived, have continued to command a large portion of the fur trade, which is now carried on by them, from settlements formed on the *British side* of the boundary line; but in consequence of the acquisition of *Louisiana* by the United States, all intercourse with that part of it, extending to the west side of the *Mississippi* has recently been *prohibited* to all persons *who will not abjure their allegiance, and become citizens of the United States*, which the Canadians contend is an infraction of the treaty of 1794, as well as of the explanatory article of 1796.

The situation of the American *ports of entry* on the lakes and rivers, forming part of the boundary lines of the two countries, and the difficulty of observing rigidly those regulations with regard to the approach of shores or ports, which are applicable to their *Atlantic ports*, seem to have been fully in the contemplation of the two governments at the time of forming the treaty of 1794, and of the explanatory article of 1796; for it appears the greatest anxiety to establish the most perfect freedom of commerce and intercourse, and to avoid all vexatious impediments, was manifested on both sides; the revenue officers of the United States have, however, from time to time, attempted to *exact duties*, upon goods crossing the portages; such demands have been generally resisted by the Canadian traders, upon the ground stipulated by the *fourth paragraph* of the third article of that treaty, and these attempts have led to the establishment of portages within or upon the British boundaries, in order completely to avoid such causes of discontent; but, notwithstanding, it is still necessary to *secure the neutrality of the lakes and waters*, in order to prevent future seizures of vessels of any description, on pretext of their too near approach to any particular port or shore, which, from the nature of the country and the navigation, is frequently unavoidable, without the least intention of infringing the revenue laws of the United States.

* See the importance attached to these lakes by the Americans in the tract called the British Treaty, p. 34, &c.

The government of the United States charge a tonnage duty upon entering the *inland* ports, as they do upon entry at their *maritime* ports, and the difference between British and American bottoms, though a trifling object, denotes their fiscal exactness; for it certainly was not attempted to be countervailed by any duty on the part of his Britannic Majesty, as was the case with respect to the tonnage duty in their *Atlantic* ports, as counteracted by the act of the 37th Geo. 3. cap. 27. sect. 17. Though the amount of this tonnage duty is a very trifling acquisition to the revenue of the United States, it operates as a vexatious obstruction to the *inland* trade, which it is highly desirable to keep free from such restrictions. The same observations apply to the charge made for passes for every canoe, in which furs are brought down from the interior on the American side of the line.

The third article of the treaty of 1794 permitted goods to be imported *from* the United States into Canada, on the *same terms* as those imported by his Majesty's subjects from Great Britain and its dependencies, whilst duties, amounting to more than *twenty per cent.* were charged on importations *into* the United States from Canada, for which there was no remedy, as the limited power of the colonial legislatures precludes their levying duties on imports from the United States, different from those imposed on imports from Great Britain into the colonies. That stipulation has, therefore, enabled the subjects of the United States to supply Canada with teas, East India goods of all sorts, West India produce, and various articles of European and American manufacture to a very great extent; although this traffic, so beneficial to the commerce and navigation of America, is contrary to the colonial system of Great Britain, and injurious to the interests of various classes of his Majesty's subjects, and gives effect to the trade which the citizens of the United States are unfortunately allowed to carry on with the British East India settlements, which it would be an infringement of the company's charter to grant to any of his Majesty's subjects; whilst it is contrary to the spirit of the 13th article of the treaty of 1794, which *restricted* the introduction of East India goods to the *territories* of the United States *only*.¹ The de-

¹ See the Judgment in *Wilson v. Martyat*, Ex. C. May 1799, wherein the Lord Chief Justice Eyre censures the Concession to America of a free Trade to India.

Extract from a letter from Kingston, Jamaica, dated the 2d of March, 1808.—“The quantity of nankeen cotton cloth alone consumed in this Colony and in the Leeward Islands, has been computed to be in a ratio of ten to one of *unmugled* from the United States, against that imported in English Bottoms; and which the officers of the Custom-house with all possible

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mand for such commodities will naturally increase with the growing population and wealth of the King's North American provinces; and will become every year an object of greater importance to the United States.

By the *second paragraph*, of the same article, of that treaty, it is evidently intended *not* to admit articles entirely prohibited; but no goods whatever *from* great Britain are prohibited to be imported; and therefore, under the stipulations of that article of the treaty, any kind of goods may be imported from the United States into Canada; from whence they are enabled considerably to undersell various articles *directly* imported into that province from Great Britain; therefore on principles of reciprocity, as not any articles whatever, excepting furs or peltries, can be exported from Canada, into the *inland* ports of the United States without payment of duties, so with the same exception goods should not be allowed to be imported into Canada by land or inland navigation from the United States without payment of similar duties.

In the mode of calculating the duties alluded to in the latter part of the second paragraph of the 3d article of the treaty of 1794, Canada sustained an injustice which ought to be remedied.

By the revenue laws of the United States, all goods imported, the duties upon which are not specifically rated, are charged with a duty of *fifteen* per cent. *ad valorem*, excepting goods from the Cape of Good Hope, and beyond it. In calculating this duty, ten per cent. is first added to the actual cost of the goods; for instance, suppose the first cost of the goods imported from Europe to be

	£. 100
Add ten per cent. duty	10
	<hr/>
Which makes	£. 110
	<hr/>

vigilance cannot by any means prevent. There are so many means of landing and vending those articles that no vigilance can prevent it. The quantity of other East India goods and foreign silks is beyond calculation."

It is to be recollected that this relates to *inland* trade, as the subjects of the United States are *not* allowed to trade *coastwise* with the king's colonies, and it is expected the policy of this most salutary restriction will *never* be lost sight of by the government of Great Britain, and that under no circumstances whatever will the Americans be allowed to trade *coastwise* with the provinces. See the 28th Geo. 3. c. 6. s. 12. which ordains that no goods shall be imported *from* the United States into the provinces of Nova Scotia, or New Brunswick, the island of Cape Breton, St. John or Newfoundland, or into any country or island within their respective governments, except in cases of emergency and distress, when articles of necessity may be allowed to be imported according to the regulations therein contained, and by the

The duty of *fifteen per cent.* upon £. 110 will then be sixteen pounds, ten shillings; whereas on goods exported *from* Canada, into the United States, the duty of ten per cent. is charged, not on the cost of the goods in Europe, according to their rule with regard to *other* nations, but upon their value at Montreal; it being the custom of merchants there, to consider the expense and risk of transporting merchandize from England to Montreal equal to *23 1/2* per cent; so that goods which cost in England 100*l.* are estimated at Montreal at 133*l.* 6*s.* 8*d.*; therefore the revenue officers of the United States, instead of levying the duty of 10*l.* per cent. on the first cost of the article, calculate and charge the same on the estimated value at Montreal, namely on . . . £. 133 6 8
The duty of 10*l.* per cent. on which is . . . 13 6 8

Making together £. 146 13 4

consequently the ad valorem duty of 15*l.* per cent. thereon will be 22*l.* per cent., instead of 16*l.* 10*s.* per cent., as paid by every other European nation trading with the United States, which is certainly contrary to the intention of the treaty. Whilst the goods which are carried by his Majesty's subjects into the territories of the United States in the prosecution of the fur and other trades, pay so high a duty as 22*l.* per cent., it is easily to be foreseen, that with such an impost, and with the serious impediments in respect to navigation, which are so industriously thrown in their way, that the fur trade from Canada, notwithstanding the advantages and experience possessed by the British merchants there, cannot long be conducted with profit to themselves, or advantage to the state; it is therefore necessary, in any future negotiation with the United States, to stipulate, that the duty on such goods shall not exceed the duty imposed by the United States on the goods of *other* nations, but that the same shall be fixed on principles of reciprocity, with regard to the trade of both countries.

From these observations, it is manifest, that in the late treaty with the United States, no adequate protection was obtained or secured for the trade of the British colonies in North America, but that the same was overlooked and neglected, and left under circumstances peculiarly harassing and distressing, *to negotiation and discussion at a future period!*

13th section, no goods whatever can be imported from the United States by *sea or coastwise*, into Canada or the countries or islands within that government, or up the river St. Lawrence, but which was afterwards qualified by the 29 Geo. 3. c. 16, and 30 Geo. 3. c. 8. as to articles of necessity in cases of emergency only.

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These circumstances and the important facts disclosed in the case of the American sloop, *Falmouth*, which was reprinted, in order to attract the attention of the mother country to the present state of the loyal colonies in North America, renders it requisite, before any treaty is concluded between Great Britain and the United States, that the boundaries of the British provinces in North America, which *remain* undefined or questioned, should be ascertained and definitively fixed; and the terms and conditions on which the *inland* trade of the colonies with the United States is to be carried on, regulated; and the islands in Passamaquoddy Bay, which have been taken possession of by their subjects, unequivocally acknowledged by the United States, to belong to the crown of Great Britain, in full sovereignty; otherwise they will from their proximity continue to be a constant source of dispute and inquietude: yet until some definitive arrangement is adopted respecting them and the adjacent waters, it is to be presumed, the king's officers in the colonies will not shrink from their duty, and continue to tolerate the *illicit* trade carried on there by the subjects of the United States, but enforce the laws of the mother country, in which they should be encouraged and protected by his Majesty's government and his representatives in the provinces.

These islands, it will appear by reference to the treaty of 1783, were admitted to form part of Nova Scotia, now New Brunswick, the former having been divided into two provinces in 1784; but since, by the unjustifiable encroachments of the subjects of the United States, they have been wrested from Great Britain, without any interference or exertion to prevent it; on the contrary, they were to have been, by the *unratified* convention of May, 1803, most impolitically ceded to the United States.

From these islands the Americans carry on an illicit trade, most lucrative to themselves, but seriously detrimental and ruinous to the provinces of Nova Scotia and New Brunswick, whose inhabitants are supplied by them from thence with liquors, tobacco, teas, and all kinds of India and other manufactured goods, and occasionally with small quantities of pitch, tar, and turpentine, for which they receive in return specie, peltry, fish, lumber, grindstones, gypsum and other things, and thus they drain the British provinces of their most valuable articles.

The *greatest part of the fish* caught in the adjoining bays and rivers by *British* subjects, and cured on these islands, as well as the *lumber* prepared there, instead of being sold to merchants residing in the King's provinces, and exported from thence, *according*

¹ See Appendix to the first Edition of this Tract, No. 1. (A.)

to law, is disposed of to the American traders at these places, who send it *coastwise* in *American vessels* to Boston and New York; from whence it is again shipped in their *own* bottoms to the *British West India Islands*: thus the *freight* of these commodities to market is lost to the British ship owner, and the British West India planters are induced to think these articles of supply can only be furnished from the United States, though a very considerable part of the supplies annually imported into the British West India islands in *American* bottoms, is in fact the produce of the King's colonies in North America.

Another important object is gained by the United States from such usurpations, their subjects being allowed to retain possession of the islands, it affords them the opportunity of engrossing in a great measure the *gypsum* trade of the British provinces. The importance of this trade is not sufficiently known; *gypsum*, or as it is there called *plaister of Paris*, is now, generally, used throughout the United States as a manure, having been found from experience to be preferable to any other, producing the most abundant crops, from impoverished, or such as were before considered sterile lands.¹

This highly valuable article, after several ineffectual attempts to discover veins of it within the United States, has been ascertained to be the produce of the British colonies *only*, reserved as it were by the bounty of Providence as a reward for the former sufferings of their loyal inhabitants. May no innovating hand deprive them of this inestimable and increasing source of trade and wealth!

The quantity dug in 1806, from the quarries in Nova Scotia and New Brunswick only, was upwards of 40,000 tons, for which the demand was regular; but unfortunately, from the *illegal* practices prevalent at these islands, *three-fourths* at least of that quantity was carried from thence to market in American, instead of British shipping. It is a fact ascertained by persons in the islands, that during the summer of that year, there were from fifty to seventy sail of American vessels, constantly lying in Passamaquoddy bay, waiting to complete their loadings of gypsum, from the small craft in which it is brought down from the quarries in the provinces. On the contrary, if the statute of the 7th and 8th of William the 3rd, c. 22, s. 2,² was regularly and strictly enforced, a valuable and

¹ See Mr. Baring's examination of the conduct of Great Britain towards the *Neutral Commerce of America*, p. 173.

² See Parkinson's *American Farmer*, p. 365, who admits its very valuable qualities, but says it is not of so much use but where the land is by nature rich or dunged.

³ See also the subsequent statutes and orders of council in Reeves's *History of Shipping*, 2d edition, 1807, respecting colonial trade.

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beneficial trade would be secured to the ship owners of Nova Scotia and New Brunswick; for on a moderate computation, allowing each vessel to make four voyages during the season, at least 10,000 tons of British shipping, navigated by 1,000 men, would gain employment. At present the Americans have the benefit of the freight of more than three-fourths of the quantity annually taken from the quarries in the two provinces, the freight exceeding double the value of the article; the quantity shipped in 1806 in American bottoms, being stated at 32,000 tons. It was truly remarked by LORD BACON, "there be but three things which one nation selleth unto another; the commodity as nature yieldeth it, the manufacture, and the *vature*, or carriage: so that if these three wheels go, wealth will follow as in a spring-tide. And it cometh many times to pass, that *materiam superabit opus*, that the work and carriage is more worth than the materials, and enricheth a nation more."

A point of great national importance then presents itself for consideration, namely, the injury the mother country sustains by the contraband trade carried on at these islands with the subjects of the United States, not only from the sale of prohibited articles, but from the decrease it occasions in the employment of the shipping of the British provinces, and its consequent discouragement of their carrying trade, in which were *formerly* reared many excellent and useful seamen: whereas the small craft which take the gypsum or plaister from the quarries to the islands in Passamaquoddy bay, are chiefly navigated by countrymen taken from their farms, and who make one or two trips or short voyages in a year for the purpose of obtaining supplies for their families, of contraband articles from the American stores in these islands; but who would certainly be much better and more advantageously employed in attending to their agricultural pursuits.

It appears that the houses of assembly of Nova Scotia and New Brunswick, contemplated passing a law to prevent vessels being laden with gypsum at the quarries, and from landing it eastward of Portland in the state of Massachusetts, which would have secured the carriage of this article to the ships of the King's colonies; but doubts were entertained as to the authority of the assemblies to adopt such a regulation: some time after, an application to that effect was made by General Carleton to government, in the former administration of the Duke of Portland, and there is reason to believe it would have been attended to, and acted upon, had not a change taken place about that time in the ministry. As gypsum is only to be found in the British American Colonies, no fear need be entertained of the subjects of the United States refusing to take it in British vessels; for whatever charge may attach on the article,

they will continue to purchase it, for, in truth, they cannot do without it.

Another serious reason for resuming the sovereignty of these islands, prior to the renewal of any treaty with the United States, is the attempt which in case of war, may probably be made by them in that quarter to invade the British Colonies; therefore the Americans should be confined *within* their limits on the *main land*; besides, this illicit intercourse with the British Provinces, from the proximity of the islands, tends only to enrich them, and to impoverish the King's subjects in those settlements.

In the event of a war between Great Britain and America, which would terminate the existing treaties between the two countries, great precaution must be taken in any future arrangements with the United States, to avoid those errors which unfortunately occurred in the formation of the former ones; for the renewal of many of the articles of the treaty of 1783, and the first ten articles of the treaty of 1794, will present strong impediments to the amelioration of the condition of the British Colonists in America.

The ambiguity of the treaty of 1794 places the Canadians in a very hopeless situation respecting their commercial intercourse with the United States by land, or inland navigation; especially when the explanation of any of its articles depends on the revenue officers of the United States. Not satisfied with the advantages which that treaty gives them, and which have been before pointed out, they construe its letter, at the sacrifice of its evident intention and spirit; so that instead of being reciprocal, it is made the foundation for impositions, which place the Canadian Indian traders entirely at their mercy. They likewise change their ground so frequently to suit their own purposes, that the moment they agree to relax upon any point in dispute, another is started, involving fresh and greater difficulties than those apparently given up.

It recently formed a subject of just complaint, that the American collectors at the inland posts calculated the duties on merchandize from Canada, in the manner before-mentioned; and there was reason to believe, from a communication said to have been made by Mr. Erskine to the President Mr. Dunn, that the government of the United States had given up that point; when in the course of last summer at Michilimakinac, the Canadians found, to their great astonishment, the American collector there, not only persisted in demanding again the former exorbitant duties, but threatening to adopt a principle by which he would have had it in his power to seize the whole of the goods from Canada, or to levy whatever contributions he thought fit, as the consideration for refraining to ruin the British traders. To detail the systematic course of the most

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arbitrary exaction and imposition of the officers of the United States at the inland posts, would exceed the limits of this tract; but the circumstances which occurred at Michilimakinac last year were so grossly flagrant, it is presumed the merchants here connected with Canada, have communicated the same to the British government, in order that, whenever negotiations are resumed between the two countries, proper stipulations will be entered into to prevent the like in future, and to secure to the British trader adequate protection in his commercial pursuits from similar impositions.

To represent these transactions at *Washington* would have been unavailing; and no effectual remedy occurs, except that, in the event of war, every exertion should be made to regain Michilimakinac and the Indian territory; but in case an amicable arrangement takes place between the two countries, it should be a primary object of negotiation, on the part of the King's ministers, to obtain an express stipulation, that all merchandize passing *inland* from the one territory into the other, intended *bonâ fide* for the trade with, and consumption of, the Indians, shall be exempt from the payment of all duties whatever: it is warranted by the treaty of 1794, which allows a similar exemption to the Indians, when carrying articles for their own use from the one state to the other. These remarks apply to the Indian trade only; but with respect to the other injuries experienced in the trade between the United States and Canada, they have been already noticed, and the remedy pointed out, which has occurred to persons well acquainted with the trade of the province, as likely to remove the inconveniences and difficulties encountered by the King's subjects.

Not content with these encroachments and exactions on the British trader, the subjects of the United States appear determined to extend them, when and wherever they have opportunity and power. About two or three years ago an American officer ascended some of the rivers which fall into the Mississippi, where the northwest traders have establishments or trading posts; and on his arrival there, notwithstanding the hospitality and kindness he experienced from the British traders, insisted that the British flag and medals should be recalled, and those of the United States substituted; the territory being, as he asserted, within their limits. The northwest partner, then resident there, being intimidated, very inconsiderately and imprudently submitted to this interference; instead of insisting that the territory was British; or if any doubt could be entertained in that respect, that it should be considered British, until the line from the Lake of the Woods was ascertained by the consent of both nations. This opportunity of checking encroachments in that quarter being lost, and intimations having been given of an intention to seize goods at the posts dependent upon that which is

called the Fond du Lac Department, that is, at the farther end of Lake Superior, the north-west company deemed it prudent, under such circumstances, to compromise with the officers of the United States for the duties on their goods there; and the collector at Michilimakinac, instead of requiring actual previous entries, has since been induced to receive at the close of the season from the agents of the north-west company, statements of the duties so agreed to be given, and to accept the same accordingly; which, it is evident, he is constrained to do, not only under the circumstances of that compromise, but from the opportunity there existed of evading in a great measure the payment of them.

If the Indian trade is considered important and desirable to be retained by Great Britain, it cannot be effectually done, unless that part of the territory which produces it, and which was most improvidently ceded by the treaty of 1783, is resumed, or by an abolition of the duties on Indian goods as before mentioned: if, however, the resumption of the whole is impracticable, it is prudent to endeavour to obtain, in the course of future negotiation, such a *modus vivendi* as will at least avoid any interference on the part of the United States with the north-west company,¹ and to secure as much as is practicable of Michilimakinac.

Mr. Jefferson *having refused* to ratify the convention² of May, 1803, which amongst other things³ likewise settled the course of the line from the Mississippi to the Lake of the Woods; it is to be expected *another opportunity will not be afforded them to obtain* such valuable concessions; but that every endeavour will be made in future negotiations to substitute the river St. Louis (which falls into Lake Superior) to its source, and from thence to the nearest river which falls into the Mississippi. Such an arrangement would secure the north-west company, and especially if, in fixing the line between Canada and Louisiana, beyond the Mississippi, the Missouri could be established as the boundary line, it would be of the utmost importance to the Michilimakinac trade: however, in no case whatever should the subjects of the United States be permitted to go beyond the Rocky Mountains, as they certainly have no right by pretence of discovery or otherwise, to any territory watered by rivers falling into the Western Ocean. If a new line could be obtained on the principle of the height of land, dividing the waters which fall into the Atlantic, from those which have their outlets by the river St. Lawrence, it would secure not only the Michilimaki-

¹ See Weld's Travels, vol. i.

² This convention has *lately* been printed in the London Newspapers. — January, 1815.

³ The British Treaty, p. 36.

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nac, but likewise the Detroit Indian trade;¹ and even if it was modified so as to leave the boundaries as at present, until entering Lake Huron, but from thence to proceed to the entrance of Lake Michigan, and down that lake to Chicogo, and thence descending the Illinois river to its junction with the Mississippi, from which last-mentioned river to ascend the Misourie, it would secure to Great Britain the most material part of the Michilimakinac trade.

It, however, cannot be too strongly impressed, that in future negotiation with the United States, the greatest care should be taken not to accede to any proposition of settling the boundaries between the two territories, without personal survey of the islands in the river St. Lawrence and the lakes, as was most inconsiderately done by the convention of May, 1803; and which, it is evident, the subjects of the United States are still anxious to obtain.²

On the termination of the American war, it appears to have been the intention of the British government that the river *Penobscot*³ should have been the boundary line between the United States and the King's colonies; but unfortunately, either through the want of local information in the English commissioners, or the intrigue of the court of Versailles with the American ministers, where that negotiation was carried on, this line of boundary was abandoned, and the United States allowed to go as far to the eastward as the river *St. Croix* thus yielding up to them an extent of sea-coast of nearly fifty leagues. A reference to the maps will show that the river *Penobscot* was the natural boundary, and which Great Britain should endeavour to obtain by negotiation or otherwise in the event of war, in order, not only in the former instance, to preclude a repetition of the claims of the United States to each succeeding administration, and to prevent in future the encroachments of their subjects on the British frontiers, but, in the latter instance, to defeat any sudden attack on Canada.

Admitting the river *St. Croix* to be the boundary, and the line from its source to run as described by the treaty of 1783, the communication between New Brunswick and Canada is completely intersected, and a large tract of country within fifty miles of *Frederickton*, the late seat of the government of that province, would belong to the United States. On this tract of country, during the negotiations respecting the intention of the parties as to the true direction of the boundary line, the government of the

¹ See Weld's Travels, vol. ii. p. 99, for very valuable information on these topics.

² British Treaty, p. 36, &c.

³ See extra official papers, Debret, 1789.

United States have for some time past been fixing settlers, and forming establishments there. This circumstance is not, perhaps, generally known: it is however important, that the same should be settled before the renewal of any treaty of the United States. The letters in the Appendix to the 2d vol. of extra official papers, clearly show it was a favorite object of the British government, that the river *Penobscot* should be the boundary line between the two countries; and arrangements were made for establishing a new colony there, which appears even to have received the sanction of his Majesty.—“From what I have said upon the subject of colonization, and the papers I have annexed to this and a former publication, a part of the plan upon which a new colony was intended to have been settled, which I referred to in my letter to Mr. PITT, may be collected: but from the copies and extracts of two letters from Lord Sackville to me upon the subject of the new colony, which I have given in the Appendix, Nos. 20 and 21, the approbation, I said, my plan had met with, will be confirmed.”—“The country where it was proposed to establish the colony of *New Ireland*, is known by the name of the province of *Main*. It is included in the ancient charter of Massachusetts’ Bay; but the general courts of that province were restrained by the charter from making any grants of the lands without the consent of the crown, which having been generally refused, few settlements had been made to the east of the river *Kennebeck*, and none to the east of *Penobscot*. By the latter river therefore, and the St. Croix, the western boundary of Nova Scotia, was the new province to have been bounded.”

The report² of the case of the American sloop *Falmouth*, which was condemned in the Vice-admiralty Court of New Brunswick, for being employed, in contravention of law, in the *gypsum* trade, carried on at the islands in Passamaquoddy Bay, and which involves the claim of the United States to them, is deserving of serious consideration; it is to be regretted, that any order³ of the PRESIDENT of the council of that province should have been sub-

¹ See *Ibid.* Mr. Knox’s Letters; also the British Treaty, p. 36.

² See Appendix to the first Edition of this Tract, No. 1. (A.)

³ The legality of this order to desist, and not to enforce the provisions of a positive statute is doubtful; the act of 7th and 8th William III. c. 22. s. 2. has been confirmed by several subsequent and very recent statutes, and the same has not, it is believed, been interfered with by any of the orders of council, which were issued under the annual acts for regulating the trade and intercourse with America. This point is of some importance, as the modern practice of issuing such orders in restraint of law, must interfere with the provisions of the Bill of Rights, unless an express statutable authority is given for that purpose.

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requently given to that highly meritorious officer, GEORGE LEONARD, Esq. to desist from seizing any more *American* vessels on the grounds set forth and established by the judgment in that case: that such order was issued by the PRESIDENT is certain, probably in pursuance of instructions transmitted to him by government in 1806, in consequence of the correspondence which had taken place on the subject, between the American secretary of state and the British minister at *Washington*. From this circumstance it is inferred, that the United States had obtained a recognition of the right they claim to the islands in Passamaquoddy Bay, first conceded to them by the convention of 1803; for on no other principle than that of admitting their sovereignty to them, can the instructions to the PRESIDENT to issue such an order to Mr. LEONARD be justified; and there is too much reason to fear, this claim of the United States was intended to have been confirmed by the late ministers, had not the treaty agreed to by them been rejected by the PRESIDENT of the United States. Should any negotiation be resumed, with a view to another treaty with the United States, under the auspices of the present administration, it cannot be doubted but they will be justly tenacious of his Majesty's rights, and obtain such stipulations as will conduce to the advantage and security of his colonies in America, and preserve possessions so valuable and important as the islands in question, whilst they adopt regulations respecting their trade, which will promote and extend it.

This order of the PRESIDENT of the council of New Brunswick has unfortunately tended to confirm the Americans in their possession of these islands; and the contraband trade carried on there by them is *daily extended and increased*, whilst the inhabitants of the British provinces are more dissatisfied with the *mixed-kind* of policy pursued by Great Britain towards them: their carrying-trade is nearly annihilated, and the most ruinous consequences are resulting to the mother country, from the provinces being supplied with articles of general consumption by the Americans, instead of obtaining them in a regular course of trade from the parent state.

It has been represented by the *American party* in this country, that no injury has been sustained by Great Britain, from the intercourse between the subjects of the United States and the British colonies in America and the West Indies; for although the exports from Great Britain and Ireland to the King's colonies *have decreased*, yet the exports to the United States have increased in a greater proportion, and therefore the trade of Great Britain is benefited by it. This assertion will, however, on investigation,

appear not only erroneous in fact, but delusive and mischievous in its effect and operation, and is calculated to mislead the public mind on this important subject.

If the United States had no other market than Great Britain for the sale of their produce and other merchandize, there would have been, perhaps, some ground on which the assertion might have been founded, because, in that case, they would not have been supplied with the means of furnishing the British colonies in the West Indies and America with manufactures *not* British; but, when it is recollected that they have been admitted most improvidently to a participation of the British East-India trade, and also from recent lamentable concessions to become the general carriers of the produce of the *enemies'* colonies to Europe, it must be obvious to every reflecting mind that the natural consequences and facilities, which they have derived from such indulgences, must have opened new channels of trade to the United States, both with respect to exports and imports; and, under cover of the privileges allowed by the American Intercourse Bill of 1806, they contrive to supply the British dependencies in the West Indies in the same *illicit* manner as they do the King's American provinces with East-India goods, German linens, hardware and foreign liquors: It frequently has occurred in the importations from the United States into the British West-India islands, that on examination of the casks and packages containing the articles imported there, more or less of these contraband goods have been found in them; and a reference to the entries *published* in the commercial lists of the principal sea-ports of the United States will prove, that they take in return, *though contrary to law*, from the British West-India islands, sugar, coffee, and other articles, with equal facility as British vessels; in consequence of which, many British ships, during last year, returned to the King's colonies in North America and to Great Britain, with not more than half freights, after having incurred the full expenses incident to such voyages.—The injury thus sustained by Great Britain, by the relaxation of her maritime rights, and the suspension of the navigation and colonial system, is increased by the opportunity it has afforded the subjects of the United States to inundate the continent of South America with foreign European and other goods, to the great prejudice of the English trade from Jamaica and the other islands to the Spanish main.—Whereas, if such indulgences had not been granted, nor concessions made to the United States, the exports from Great Britain and Ireland to the British dependencies in the West Indies and North America, would have increased, as well as our exports generally to America, in as much, that if the United States had

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been excluded¹ from any participation in the British East-India trade, and prevented from carrying *foreign* colonial produce to *Europe*; their trade with Great Britain, must necessarily have been much more extensive, and consequently the return cargoes they would have taken from this country would have been more considerable; and Great Britain perhaps enjoying, as formerly, a part of their carrying trade.² On the contrary, by their extended intercourse with the ports of the continent, from being allowed to bring sugar and other colonial produce to Europe; they naturally do not suffer their ships to return *in ballast*, but take back assorted cargoes of *foreign* manufactures and other goods, for the purpose of improving and extending their export trade to the West-India islands in general, and to the continent of South America.³

These important points have been so ably and satisfactorily examined and discussed in several late publications, it is not considered necessary to enlarge further on the consideration of them. It may not, however, be improper to notice a *recent* and very *important claim*, which the subjects of the United States have made to an *equal right of navigation of the river St. Lawrence from the sea*:⁴ whether any formal claim has been made by the United States to the British government on this subject is not certain; but it is observable that, in this case, as in all others, claims of this nature have generally been promulgated in the first instance in anonymous publications, and as soon as the disposition of the American people respecting them is ascertained, they become objects of state, and are pursued and treated as such!

In noticing, again, the claim of the United States to the islands in Passamaquoddy Bay, it is impossible to avoid contrasting the conduct of the former administration of his grace the DUKE OF PORTLAND, with that of LORD SIDMOUTH; which cannot be

¹ Mr. Baring's Examination, p. 142.

² Reeves on Shipping.

³ "Now that the unfortunate rage of shipping goods to *Buenos Ayres* has subsided, and the British manufacturers have leisure to look into their concerns, they complain, and with great reason, that their orders both for *America* and the *West Indies* are *diminished*; the Americans not only supplying the consumption of their own country, and that of the enemies' colonies, but that of the *British colonies* too, (by illicit trade) with *foreign* European, and East-India *manufactures* of various descriptions." Vide tract entitled, "*Concessions to America the Bane of Britain.*" See also T. Coxe's View of America and the Debates in Parliament, soon after the American war, on the trade with the United States, &c. It is understood that representations have been very recently made to government, of the decrease of the trade from the British free ports in the West Indies, to the Spanish Main, &c.

⁴ The British Treaty.

done more forcibly than by referring to the several passages selected from HIS GRACE'S circular letter of the 11th April 1799, to the governors of Nova Scotia and New Brunswick on this subject. This letter was occasioned by a note addressed to him from LORD GRENVILLE, then secretary of state for foreign affairs, communicating an extract of a letter which his lordship had received from *Mr. Liston*, "on the subject of a doubt that had been started respecting the boundary of his Majesty's province of New Brunswick and the American district of Maine." On that occasion, his Majesty's then government were justly alarmed to find the *right of water way, or navigation*, described in *Mr. Liston's* letter, *claimed as a right deducible from the treaty*; apprehending it was intended to deduce therefrom, as a *farther* consequence, *a right to the islands in Passamaquoddy Bay*, lying on the American side of such water-way or navigation.

Whatever were the circumstances which led to the cession of these islands to the United States, by the convention of May 1803, in LORD SIDMOUTH'S administration, a most singular coincidence arose out of it; the PRESIDENT of the United States having refused to *ratify*¹ it, as well as the treaty agreed upon, in London, by the late Administration with the American commissioners; and whatever motives induced Mr. JEFFERSON to refuse to ratify this convention, it is evident, the subjects of the United States considered it highly beneficial, and its rejection has been noticed, in many instances, with reprehension and displeasure. The author of the tract, called the "British Treaty," states that, "subsequent to 1794, a survey of the interior of America by British merchants, established in Canada,"—"had proved, that a line due west from the Lake of the Woods would run north of the Mississippi, so that *no further* measures were needful to ascertain that point.—*The river St. Croix had also been identified.*—Two points, however, remained to be settled; the line from the Lake of the Woods to the Mississippi, and the termination of that which was to run north from the source of the St. Croix, on which *depends a large tract of country in the district of Maine.*—Connected also with our *eastern* boundary, is an object of *little intrinsic value* (MOOSE ISLAND), but important to the trade of Massachusetts, and to the *revenue* of the United States. Another matter of considerable importance, particularly to the state of New York, had remained unnoticed. This was the ascertaining those islands in *Lake Erie, Lake Ontario*, and the river *St. Lawrence*, which belong to the United States."—The same writer again observes, "that instructions

¹ The British Treaty, p. 39.

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were given to the American Minister in London,¹ which embraced all the matters above-mentioned. The minister accordingly treated with the British government, and such was THEIR confidence in him, and their liberality towards us, *that he was desired to frame a convention agreeably to his own wishes.* He drew it in the very words of his instructions, and it was immediately executed. *Every thing asked was granted.* The convention made complete provision for the subject matter of the fourth and fifth articles of the old treaty. It fixed our eastern boundary, settled the course of a line from the Mississippi to the Lake of the Woods, and *confirmed our title to Moose Island!*"²

Thus have the rights of Great Britain been providentially preserved in two memorable instances, by the force of *French* influence in America; which otherwise would have been conceded by the British Government, from too strong a disposition to conciliate the esteem of the United States.

Since the separation of the provinces, which now constitute the United States of America, from Great Britain, the remaining British colonies on that continent, have been too generally considered as possessions of little comparative value; yet it will appear, on investigation, they do not yield to any other parts of the continent of America, either in soil, production, convenience of navigable rivers, or salubrity of climate.

It has been observed, "a distant province of an empire can only be wisely and well governed, in proportion as the interests and conditions of the people, and the resources of the country, are known and understood."—it is therefore to be expected, "when all the circumstances, which are requisite to give a beneficial and prudential direction to the measures of government, are exhibited truly and without reserve, the colonies dependent on a mother country, such as Great Britain, will experience a just and liberal dispensation of power and protection; in proportion as government is acquainted with their wants and necessities, those wants will be relieved; in the degree that their industry is shown to be zealous and productive, it will be encouraged; on exposition of undue burthens and checks on that industry, they will be removed; and on default shown of safety and defence, it will be supplied."³

Unfortunately, these provinces have not received from Great Britain, that encouragement to which they were so pre-eminently entitled, from their importance, patriotism, and loyalty; they have

¹ In 1802.

² British Treaty, p. 38.

³ Sir W. Young's West India Common-place Book.

nevertheless thriven, under circumstances most disadvantageous and discouraging. It is evident, by the information received from numerous respectable authorities, as well as by the documents which have been within the last seven years submitted to government, and by the late report of the Committee of the House of Commons, on the commercial state of the West-India islands, and the evidence taken before them, that the British colonies on the continent of North America are possessed of great resources, and capable of furnishing supplies of naval timber, and other valuable articles, to a very considerable extent.

It is to be lamented, the inquiry of that committee was so limited; it certainly would have been much more satisfactory to the nation, if the conduct pursued by the Board of Trade in 1784 and 1791,² on similar occasions, had been adopted, and their inquiry so extended, as to have embraced *all the other points* connected with the commercial state of the British West-India colonies; namely, the *competency* of the mother country and its dependencies, to furnish in *British ships, in time of war*, the necessary supplies for those islands; if such had been the course of that investigation, the *affirmative*³ of that *national and important question* would most indisputably have been established; and it would have appeared, that the distress⁴ now felt by the British

¹ See Appendix, No. 8. to the first Edition of this Tract, for this Report, and the evidence annexed to it.

² Reports of the Board of Trade, in 1784 and 1791, on the intercourse between the British West India Islands and the United States, in a collection of papers, &c. published by the Society of Ship-owners of Great Britain, edit. 1807.

³ See an *American tract*, entitled "Peace without Dishonour, War without Hope," 1807, wherein it is observed,—“But lastly, *we are to starve her West Indies*. It is really astonishing, that men will be so blinded by their hatred to Great Britain, as to urge, and appear to believe, such absurd notions. Why did they not starve during the revolutionary war? *Nova Scotia* then supplied them with little or nothing; *she can now supply them with nearly all they want*. They do not take our beef and pork *in peace*, they are so dainty; and yet we talk of starving them! But if they could support a war of eight years, when *Nova Scotia* was a young uncultivated country, when our privateers swarmed in these seas, and the ocean was covered with the fleets of France, Spain, and Holland; how much easier will it be to sustain a war, when the provision vessels of England can navigate in perfect safety, having no one to make them afraid? But we do not view the other side of the picture! Is there not danger, that a war with us may *turn* their attention to *other channels of supply*; and then destroy, perhaps for ever, this branch of our commerce?” At that period, May 1807, there were several respectable persons in London from the British colonies in America, capable of affording much important information on this subject, and of the resources of the loyal provinces; but who have since returned to them.

⁴ Sir F. M. Eden on Maritime Rights, 1808.

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West-India interest was not to be attributed to the enforcement, but to the improvident suspension of the navigation and colonial system of Great Britain, and to the relaxation of those other MARITIME regulations of the country founded on the former, which had been so successfully enforced and maintained by LORD CHATHAM; ' " the partial relinquishment of which occasioned so much disquietude to his illustrious son, Mr. PITT, that previous to his death, HE EXPRESSED TO ONE OF HIS POLITICAL FRIENDS HIS REGRET AT HAVING EVER BEEN INDUCED, BY EXISTING CIRCUMSTANCES, TO RELAX THE MARITIME RIGHTS OF BRITAIN, AND HIS DETERMINATION TO RE-ESTABLISH THE SYSTEM WHICH HAD BEEN ACTED UPON DURING THE ADMINISTRATION OF HIS FATHER."²

It was likewise Mr. PITT's intention, which is proved by the measures *actually taken* in his last administration, on the recommendation from the Board of Trade,³ not only to have confined to British ships, the whole of the colonial trade, and to have reclaimed that most salutary principle, that all supplies, from *whatever country* they came, should be conveyed to the West India Islands in *British* bottoms, but also to have prohibited the importation *direct* of all articles (except those essential to the existence of the manufactures of the kingdom) from the countries of the enemy, in neutral shipping;⁴ and it is well known, that during the latter part of Mr. PITT's administration, the greatest possible attention was given to the British colonies in North America, and no exertions were wanting, or suggestions rejected, which had a rea-

¹ See the various tracts which were published from 1755 to 1758, when the spirit and energy of the nation were so conspicuously shown in the brilliant and energetic measures adopted by Lord Chatham, during the last war in the late reign.

² Anti-Jacobin Review for August, 1807, p. 368; also, Introduction to Collection of Reports and Papers on Navigation, &c. p. 22.

³ At this period, his Grace the Duke of Montrose was president, and the Right Hon. George Rose, vice-president, of that board.

⁴ See Earl Camden's letters, in September, 1804, and January, 1805, to the Governors of the West India Islands, and Lord Castlereagh's letter in September, 1805. Also, various minutes of the Board of Trade, and Introduction to Collection of Reports, &c. on Navigation. This patriotic regulation was determined upon early in the autumn, before Mr. Pitt's death; but which, on application from persons in the spirit trade, stating the great purchases they had made, he allowed them to import in neutral vessels the goods they had *actually* purchased, and directed the prohibition to take place at a subsequent period: his death, however, unfortunately intervened, and this regulation was not carried into effect by his successors, although it would have been highly beneficial to the West India planter and British ship owner, but in lieu of which, an increased duty was imposed on brandy and other foreign spirits.

sonable tendency to increase their population or to encourage their industry.

CANADA, it appears, is able to export great quantities of wheat and flour; and during the present war, considerable cargoes of those articles have been *annually* shipped from thence to Great Britain, Portugal, and other places. The temporary causes, which had checked the cultivation of this province, are in some respects removed, and an increased *annual* export of flour and wheat may be depended upon, as the culture of wheat and manufacture of flour are rapidly increasing in that settlement; from whence have been recently exported in *one* year 800,000 bushels of wheat and 30,000 barrels of flour.¹

Great quantities of timber and lumber can likewise be furnished from Canada, particularly the *white oak*, which is used in the West Indies for puncheon staves;² and although the price of lumber may be at present dearer than that which is the growth of the United States, it is of a much better quality, from being procured farther north.—In the London market, the Quebec staves bear a much higher price than American.—The forests of the two³ Canadas, Nova Scotia, and its dependencies, with New Brunswick, are inexhaustible, and capable of supplying every species of naval timber; and the inhabitants of these provinces only require the encouragement of the mother country, and a certainty of market, to induce them more extensively to engage in that most important branch of trade, which is not so incumbered with difficulties as have been industriously represented. The Canadians have learnt to prepare their timber to great advantage, by floating mills, of a new construction, and built at a third of the expense of the ordinary mills;⁴ and there is sufficient water-carriage to transport the timber from the places of its growth to a shipping port.

The timber, together with the masts and spars, which have already been sent to Great Britain from these colonies, afford sufficient specimens of their qualities; as well as the prices at which they can be sold, and the increasing demand proves them to be suitable for British use. The number of ships lately employed in this trade, points out how advantageous, if properly encouraged, it will be to the mother country, especially from the increased demand it will occasion for British manufactures, which will be taken in return; besides, it will, if Government adopt the proper means of promoting this branch of trade, so as to induce mercantile men

¹ See the evidence to the Report of the Committee of the House of Commons on the West India Islands, 24th July 1807.

² *Ibid.*

³ Charlevoix's Journal, vol. i. page 245, edit. 1761.

⁴ Reports of the Board of Trade, in the collection before mentioned.

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of capital to engage in it, relieve the nation considerably from its dependence on the *Northern Powers*¹ for supplies of naval timber. This prominent feature of the trade of the colonies has become, from recent circumstances, of the highest importance to Great Britain, in consequence of the extension of the war in the north of Europe, and the existing differences between Russia, Prussia, Denmark, and this country.

The different kinds of timber in the forests of these provinces are enumerated in other parts of these observations, which, from the numerous rivers and creeks that intersect the country, are brought with more than ordinary facility to convenient places for shipment; of the excellencies of their qualities, the cargoes imported last year at Liverpool, and other ports, bear ample testimony; during that period, many British vessels made in this trade two voyages from Great Britain to Nova Scotia and New Brunswick, and some of them to Canada; thus pointing out, as it were, at this crisis, a new source of employment for the British ships which were formerly engaged in the Baltic trade.²

By the 12th Chas. II. c. iv. certain duties were imposed on the importation into England of all deals, boards, masts, yards, and timber, according to the rates mentioned in the schedule to that act, and the regulations therein contained.

The necessity of providing naval timber for his Majesty's navy and the merchants' service, in order that the country might not depend on other states for what was essential to her defence as a maritime power, became an object of legislative attention early in the last century: and it was deemed essential to encourage by bounties the importation of timber from the continent of *British America* into Great Britain. Accordingly, by the 3d and 4th Anu. c. x. sect. 2. a certain reward or premium was granted on the importation from thence of *masts, yards, and bowsprits*. The preamble of this statute is worthy of attention, as it shews the policy which influenced at that time the legislature: it recites

"Whereas the royal *navy* and the *navigation* of England, wherein under GOD the *wealth, safety, and strength* of THIS KINGDOM is so much concerned, depends on the due supply of stores necessary for the same, which being now brought in mostly from foreign parts in foreign shipping, at exorbitant and arbitrary rates, to the great prejudice and discouragement of the trade and navigation of this kingdom, may be provided in a more certain and

¹ Mr. Baring's examination, page 21.

² See, Remarks on the probable Conduct of Russia and France, &c. p. 91. edition 1805, Asperne.

beneficial manner from her Majesty's own dominions—And whereas her Majesty's colonies and plantations in America were at first settled and are still maintained and protected, at a great expense of the treasure of this kingdom, with a design to render them as useful as may be to England, and the labor and industry of the people there profitable to themselves: and in regard the said colonies and plantations, by the vast tracts of land therein, lying near the sea, and upon navigable rivers, may commodiously afford great quantities of all sorts of naval stores, *if due encouragement* be given for carrying on so great and advantageous an undertaking, which will likewise tend not only to the further employment and increase of *English shipping and seamen*, but also to the enlarging in a great measure the *trade and vent of the woollen and other manufactures and commodities* of this kingdom, and of other her Majesty's dominions, in exchange for such naval stores which are now purchased from foreign countries with money or bullion: and for enabling her Majesty's subjects in the said colonies and plantations, to continue to make due and sufficient returns in the course of their trade."

This bounty was granted for a limited period, and afterwards continued by another act until 1725, when it ceased; but it was revived by the 2 Geo. II. c. xxxv. and continued by subsequent statutes¹ until the 24th of June, 1781, when it was discontinued. It also appears, that in order to give a more extensive effect to this beneficial regulation, and to promote the timber trade of the colonies, a sum not exceeding £10,000 was voted by parliament² for that purpose; but the legislature finding from experience, that these regulations did not afford adequate encouragement, so as to induce the colonists to engage extensively in the trade, further aid was given, by allowing other descriptions of timber to be imported from thence, *duty free*, and by the 8th Geo. I. c. xii. s. 2. which recited, "that great quantities of wood and timber, and of the goods commonly called *lumber*, (which are therein enumerated) had usually been imported into this kingdom from foreign coun-

¹ By the 3d and 4th Ann, c. x. s. 2. from 1st January, 1705, for 9 years, and by the 12th Ann, c. ix. s. 1. continued from 1714, for 11 years. But by the 2 Geo. II. c. xxxv. s. 3. was revived and continued from the 29th September, 1729, for 13 years.

13 Geo. II. c. xxviii. s. 1. continued from thence to 25th Dec. 1750.

24 — — c. lii. s. 1. to 25th Dec. 1751.

25 — — c. xxxv. s. 2. to 25th March, 1758.

32 — — c. xxiii. s. 3. to 24th June, 1766.

6 Geo. III. c. xlv. s. 11. to 24th June, 1774.

14 — — c. lxxxvi. s. 6. to 24th June, 1781.

² 3 Ann, c. xiii. s. 50.

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tries at excessive rates or prices, especially in time of war, and foreigners had thereby found opportunities to export the *coined monies* of this realm, and that it was well known that such commodities, being the growth and produce of his Majesty's plantations in America, could be furnished from thence, *if due encouragement was given*," it was enacted, that for the term of 21 years, from the 24th of June, 1722, the same might be imported into Great Britain direct from the King's colonies in America, in *British* vessels navigated according to law, *duty free*, (masts, yards and bowsprits *excepted*) to which, duties and premiums had been ascertained by former acts. The provisions of this act were continued by subsequent statutes, and are now in force.

A short time prior to the American war, with a view to obtain a constant and sufficient supply of timber from that continent, other regulations were adopted, and by the 5th Geo. 3. c. 45. certain bounties were given from and after the 1st January 1766, on the importation of deals, planks, boards and timbers of certain dimensions, into Great Britain and Ireland. It may not be inapplicable to introduce the recital of this statute, to show the same policy continued to influence the legislature on this subject—
 "Whereas the improving and securing the trade and commerce of the British colonies and plantations in *America* is highly beneficial not only to the said colonies and plantations, but to Great Britain; and whereas, it may on this account be proper to encourage the importation of deals, planks, boards and timber from the said colonies and plantations, whereby his Majesty's royal navy, as well as ships employed in the merchants' service, may be furnished with such materials at more reasonable rates than at present, and *great sums of money*, at present expended among *foreign* nations for the purchase of such materials, *may be saved*."

This duty was, however, limited in its duration, having been granted for three periods of three years each at different rates, the last period ending the first of January, 1775. This regulation gave a fresh stimulus to the timber trade with America, and if it had been continued a few years longer, would have laid the foundation of a regular trade, and afforded an ample supply of timber of all kinds for Great Britain and its dependencies.

By the 16th Geo. II. c. xxvi. s. 2.	continued	to 24th June, 1750.
24 — — c. lvii. s. 11.		to 1st Sept. 1757.
31 — — c. xxxv. s. 3.		to 29th Sept. 1764.
4 Geo. III. c. xi. s. 3.		to 29th Sept. 1771.
11 — — c. lvi. s. 2.		to 29th Sept. 1778.
19 — — c. xxii. s. 1.		to 29th Sept. 1785.
26 — — c. liii. s. 1.		to 29th Sept. 1792.
33 — — c. xl. s. 2.		to 29th Sept. 1795.
36 — — c. xl. s. 1.		to 29th Sept. 1801.
42 — — c. xx. s. 3.		to 29th Sept. 1812.

Further encouragement appears about this period to have been given to this branch of trade: for, by the 11th of Geo. 3. c. 50 a bounty was granted for a limited time, on the importation of white oak staves and headings from the colonies, and on the 30th April, 1777, it was resolved in the Commons house, after some debate in a committee of the whole house, (Commons Journal, 36 vol. p. 468.) "that it might be expedient to grant a bounty upon staves and other lumber imported from Canada, East and West Floridas, Nova Scotia, and the island of St John, to the West Indies;" but no bill appears to have been introduced in consequence of this resolution, or any further proceedings had thereon, in parliament.

After this period, this important branch of colonial trade languished and became greatly depressed, notwithstanding the provisions of the 8th Geo. I. c. 12. s. 2. and the different kinds of timber therein enumerated, were allowed to be imported *duty free*; when, in the course of 1806, the injurious consequences resulting from such a system being represented to government, the policy of taking off the duties on masts, spars, and bowsprits, imported from thence; to which they had become liable after the 24th of June, 1781, under the 12th Chas. II. c. 4. and subsequent acts, was suggested; and in order to promote the trade, which had been thus nearly lost, it was proposed that the former *bounties* should be revived, and allowed on the importation into Great Britain and Ireland, and the British West India islands, of *all kinds* of timber, the growth and produce of the British colonies in America imported in British bottoms.

This suggestion was partially adopted, and by an act passed on the 21st July, 1806, during the late ministry, it was made lawful to import into Great Britain and Ireland in British or Irish vessels, navigated according to law, *masts, yards, and bowsprits*, (which were excepted in the lumber acts,) or timber fit for *naval purposes*, the growth or produce of the British provinces in America, *free of duty*, but this act is limited, and expires on the 1st of January, 1809, three years before the expiration of the 8th Geo. I. c. 12. s. 2. which is continued to the 29th of September, 1812, so that at present all kinds of timber may be imported from the King's colonies *duty free*.

It is to be regretted the proposition to revive the bounties formerly granted on the importation of timber from the colonies had not been acceded to: for, surely, it is more politic to take from our own dependencies those articles required for general consumption than to purchase them of *foreign* countries; and if that can-

¹ 46th Geo. III. ch. 116.

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not be done with so much cheapness, it is certainly consistent with sound policy to countervail the difference either by bounties on the importation from the British settlements, or by increased duties on the importation from foreign states. In another point of view, it may be said, considerations of revenue are not to be overlooked; which may, probably, have conduced to the partial and narrow system now pursued with respect to the timber trade of these provinces; yet it is presumed the advantages which the state will derive from giving full effect to this trade, by granting bounties on the importation from thence of *all kinds* of timber, will considerably counterbalance any loss of revenue from its adoption; recollecting the immense sums of money which are annually sent out of Great Britain and Ireland, to the Baltic states, for timber of various descriptions; thus fostering the naval power of those nations, which at every period of our distress is turned against us,¹ whilst our exports to those countries are small, and the trade with them disadvantageous to the British Empire. A more kind and liberal policy towards the loyal colonists in America, to which they are entitled from their sufferings and losses in the cause of the mother country, cannot fail ultimately to be highly beneficial to the latter in every point of view, political and commercial.

From recent information, it appears there were at the close of last season, cargoes of timber prepared at Quebec for 100 sail of ships, for which sufficient tonnage could not be obtained; and it is the opinion of many persons well acquainted with the trade, that with common industry two voyages may be made in a year from Quebec to any part of Great Britain and Ireland, though it may be thought that the severity of the winter in that country is unfavorable, by reason of the rivers being frozen; but the reverse is the fact, for to active exertion in procuring timber, it proves a great facility, by enabling the wood-cutters to draw the timber from the woods on the snow, to the banks of rivers, from whence they are floated in the spring.

It has likewise been suggested, that it would afford sufficient encouragement to the timber trade of the British colonies, to *extend* the duties² imposed in Great Britain on the importation of other *foreign* timber, to the timber imported from the United States, and thus promote the British timber trade, whilst it gave effect to the treaties between Great Britain and

¹ Mr. Baring's examination, &c. p. 21.

² See following statement A, showing the duties imposed on timber, &c. from the United States, and from other countries, distinguishing each.

(A.)

A statement of the Duties imposed on certain Articles imported into Great Britain from the United States of America, contrasted with the Duties imposed on the same Articles from other Countries.

Articles.	Imported from Europe in			Imported fr. United States in		
	British Ships			American Ships		
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Deals	3	18	4	6	9	4
Above 7 inches wide, 8 and not above 10 feet long, and not above 1½ thick	120					
Above 7 inches wide, 8 and not above 20 feet long, and not exceeding 5½ inches thick (excepting deals not above 10 feet long, and under 1½ inches thick)	120	8	13 10	6	9	4
Above 7 inches wide, 8 and not above 20 feet long, and exceeding 5½ inches thick	120	17	7 7	6	9	4
Above 7 inches wide, exceeding 20 feet long, and not exceeding 4 inches thick	120	21	9 2	6	9	4
Above 7 inches wide, exceeding 20 feet long, and above 4 inches thick	120	41	19 2	6	9	4
Deals	600					

Deal ends | Above 7 inches wide, under 8 feet long, and under 1½ thick

Deal ends	Above 7 inches wide, under 8 feet long, and under 3½ inches thick	120	2	19	3	1	1	6	9	1	4	
	Above 7 inches wide, above 8 feet long, and exceeding 3½ inches thick	120	5	14	9	5	18	9	6	9	1	4
	Deal ends	240										
Staves	Not exceeding 36 inches long, not above 3 inches thick, and not exceeding 7 inches in breadth	120	10	10½	11	1	1	1			3½	
	Above 36 inches long, not exceeding 50 inches long, not above 3 inches thick, and not exceeding 7 inches broad	120	1	4½	1	1	1½	1			2 5½	
	Above 50 inches long, not exceeding 60 inches, not above 3 inches thick, and not exceeding 7 inches broad	120	1	7	2	1	7	10	2	1	5 9½	
	Above 60 inches long, not exceeding 72 inches long, not above 3 inches thick, and not exceeding 7 inches broad	120	1	19	10	2	9	2	1	1	5 9½	
	Above 72 inches long, not above 3 inches thick, and not exceeding 7 inches broad	120	2	4	7½	2	7	6½	2	1	5 9½	
	600 Deals	109	4	4½	111	15	10	2	15	3½	8	4 7½
	240 Deal ends	600										

Therefore } of the respective descriptions above-mentioned, when imported from Russia, Sweden, Prussia, or any other part of Europe
 600 Deals } (being the produce thereof,) in a British ship, pay a duty of £109 4 4½, and in a foreign ship £111 15 10. But when imported
 240 Deal ends } from the United States (being the produce thereof, in a British ship, they only pay £2 15 3½, and in an American ship
 600 Staves } £8 4 7½. For the other advantages granted to, and discriminations in favor of America, over other nations, see Maucall's Book of Rates, and
 the Statutes imposing the same.

other powers from whose dominions timber is brought; and which it was stipulated, in such treaties, should be put on the same footing as the most favored nation. This discrimination in favor of the timber trade of the United States cannot, it is presumed, be justified under the present situation of the King's colonies, or consistently with the treaties with other states.

This trade, besides these and other obvious advantages, will, in future, be the means of keeping within the British dominions, a great number of the King's subjects, whose annual emigration has increased the population of the United States to an alarming extent, a great proportion of which may be recovered, and induced to settle in the British provinces. 'The spirit of emigration' to the United States is known to be kept up more on the reputation of the advantages obtained by *former* adventurers, than from any benefit which that country *now* affords. It must be apparent to every attentive traveller in passing through the United States, that the labor of America is in a great measure performed by the natives of the *old* countries, who, on their first emigration, might with very little trouble have been settled in the British provinces, which are the only states in North America that furnish to emigrants good lands convenient to navigation; it becomes therefore an object of great national importance to consider of the best means to encourage persons disposed to emigrate, to give a preference to the British colonies in North America.

The circumstance of the navigation of the river St. Lawrence being occasionally frozen over part of the year, is not so great an impediment to the trade of Canada as represented, for though it may affect lumber, the freight of which is a material consideration, yet it cannot injure the trade in flour,² which, if properly packed, is not liable to damage in a short time; besides, the trade to the West Indies from this province may, to obviate that difficulty, be so timed³ as the trade between Canada and Great Britain, and no inconvenience or interruption can then arise.

The recent contracts entered into by different branches of the public service for white oak staves⁴ from Canada, and for a considerable quantity of masts, bowsprits, spars, and other naval timber,⁵ will tend in some degree to revive the trade of the British provinces, which have not been so adequately encouraged by the

¹ See Earl Selkirk on Emigration.—Weld's Travels.—Eden on Maritime rights.

² Report of the Board of Trade in 1784.

³ See Appendix to Report of the Committee of the House of Commons on the West India Islands of the 24 July, 1807.

⁴ *Ibid.*

⁵ *Ibid.*

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mother country as true policy required. To induce them to engage more extensively in the cultivation of their lands, and in the timber trade and fisheries, encouragement by bounties or otherwise should be afforded them, and *permanent LEGISLATIVE regulations* adopted, so that they may be secured, in future, from those evils they have so severely felt, from the temporary and impolitic expedients resorted to by the government of Great Britain, in the regulation of the trade and intercourse between the King's dominions and the United States of America.

The other productions of Canada are, wheat, peas, beans, barley, oats, and potatoes. The timber consists of oak, firs, pitch pine, ash, elm, beech, birch, and maple. They likewise trade in furs, feathers, fish oil, salt provisions, and many other articles; but more extensive information on this subject may be obtained by reference to the exports and imports of the provinces, and to the memorials and other documents transmitted by the colonists to government. The facts disclosed in these papers cannot fail to interest the feelings of the English nation; and it is to be hoped, the present administration will realise the expectations which have been formed of their intention to carry into effect the measures contemplated by Mr. PITT, for the relief of these provinces and of the West India and Shipping interests, namely, by the resumption "of those MARITIME RIGHTS which our forefathers fought and bled to establish, and to maintain which Great Britain, even within our own remembrance, while at war with all the great maritime powers of Europe, *who then disputed with her the SOVEREIGNTY OF THE SEAS*, attacked and crushed the *northern confederacy.*"²

It has long been an object of the government of this country, to promote and encourage the cultivation of hemp and flax in the British colonies in America; and for that purpose bounties have been given, and various means³ adopted to attain an object of such

¹ It is likewise stated, that iron ore and copper ore have been discovered and found in great abundance, in many parts of these two provinces. "Remarks on the Conduct of Russia and France," p. 101.

² Concessions to America, &c. p. 23.

³ Transactions of the Society of Arts, &c. vol. 21, &c. By the 24th Hen. VIII. c. 6, it was enacted that "Every person having in his occupation threescore acres of land apt for tillage, should sow one rood with flax or hemp seed, on pain to forfeit 3s. 4d. for every forty acres. An acre to be counted 160 perches, and every perch 16 foot and a half." See also 21 Hen. VIII. c. 12, on the culture of hemp at Bridport, and the manufacture of cordage there. These two acts were continued by the 33rd Hen. VIII. c. 17. for a limited period; and by the 2d sect. of this act, it was enacted that hemp or flax should not be watered in any river, stream, or pond, where

importance, as that of raising, within the British Empire, these two valuable materials; and there can be no doubt, that if measures are now adopted to secure the *home* market to the growers of them for a reasonable period, such extended cultivation and improved management will take place as will render Great Britain in a very few years independent of foreign countries for these raw materials of her manufactures.'

Early in the present reign the attention of the legislature was *again* directed to this subject, and by the 4th Geo. III. c. 26. which states, "that the encouragement of hemp and rough and undressed flax from his Majesty's colonies and plantations in America, would be the means of furnishing this kingdom with sail cloth and cordage (so essentially necessary for the supply of his Majesty's royal navy, as well as for ships in the merchants' service), and tend to make the supply of such materials cheaper and less precarious;" it was enacted, that from and after the 24th June, 1764, until the 24th June, 1788, certain bounties should be paid on the importation of hemp, water rotted, bright and clean, or any rougher and undressed flax into GREAT BRITAIN" from the British colonies in America, in ships navigated according to law, and the same was continued by the 26th Geo. III. c. 53. s. 12. to the 24th June, 1806, and from thence by the 46th Geo. III. c. 29. s. 4. to the 25th March 1808.

Within the last two years proper persons have been appointed by government to superintend and aid the exertions of the colonists who might be induced to cultivate this article in Canada; but the encouragement hitherto afforded has not been considered adequate, or likely to induce the generality of landholders to engage extensively in the cultivation of hemp. It has unfortunately happened that of the hemp seed sent out to this colony, a considerable part turned out to be *kiln dried*. The soil for hemp should be rich, deep, light, and moderately dry. Of this description much can be

beasts were used to be watered, but only in the grounds or pits for the same ordained, on pain of forfeiture as therein mentioned. These two acts having expired, the 24th Hen. VIII. c. 6. was revived and altered, by the 5th Eliz. c. 5. s. 29. which enacted, that instead of one rood, as therein mentioned, one whole acre or less, as by proclamation should be limited, should be sown with linseed, otherwise flax seed, or hemp; but these statutes were afterwards repealed by the 35th Eliz. c. 7. s. 21. The other acts on this subject are the 15th Chas. II. c. 15.—2d W. and M. sess. 2. c. 4. s. 31, 32.—4th W. and M. c. 3.—7th and 8th W. III. c. 39.—11th and 12th W. III. c. 16.—1st Ann. stat. 2. c. 8.—Ibid. c. 18.—3d and 4th Ann. c. 10.—8th Geo. I. c. 12.—4th Geo. II. c. 27.—22nd Geo. II. c. 7. and those mentioned in the text.

* Sir F. M. Eden on Maritime Rights.

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found on the banks of the creeks and rivers in Canada.' Upper Canada, from the nature of its soil and climate, has been thought to be peculiarly well adapted to the cultivation of hemp, and some good samples have been produced and brought from thence. Whether it will ever become an article of general cultivation in this province is dubious² from the high price of labor, and the loss it is supposed a farmer would sustain by the culture of hemp instead of wheat and other grain. This apprehension, however, does not apply to New Brunswick or Nova Scotia, where the lands are equally good, and calculated for the cultivation of this valuable article, and where it appears experiments have been made with success and profit.

“ Estimate of the produce and expence of an acre of land cultivated with hemp in *Nova Scotia*.

PRODUCE.

Ten hundred weight at 35s. per cwt. . . . £17 10 0

EXPENCES.

First ploughing, 7s. 6d. second and third, 8s.	0 15 6
Three harrowings	0 6 0
Two bushels of seeds, at 12s.	1 4 0
Sowing, covering seed, and water furrowing	0 5 0
Pulling, eight day's work, at 2s. 6d.	1 0 0
Drying and bundling, two days	0 5 0
Watering, grassing, drying, and housing	1 0 0
Carting to and from the water, say one mile	0 10 0
Dressing ten hundred weight, five days' work, per } hundred weight, 2s. a day }	5 0 0
Rent of land	1 0 0

Total expence £11 5 6

Clear profit per acre £6 4 6

In this calculation abundance of labor is allowed, and large prices for it, particularly for the dressing which is the heaviest expence. In the winter season, laborers might be paid and fed for half the wages allowed, and would soon, it is thought, do more work. Yet, after deducting all expences and the rent of the land, there is, in this instance, a clear profit, exceeding the whole produce of an acre of the best wheat.”³

¹ Wissett on the Cultivation and Preparation of Hemp.

² Transactions of the Society of Arts, &c. vol. 21. p. 457.

³ Annals of Agriculture.

In Lower Canada flax is raised, of which the inhabitants make coarse sheeting and sacking, and some seed is annually exported from thence to Great Britain and Ireland. Under the present circumstances of Europe, it appears not improbable that the cultivation of this plant may be successfully extended in the British colonies, not with a view to manufactures there, which certainly would not answer, but to supply Ireland with flax-seed for her manufactures. It is unnecessary to enlarge on the national advantages which will result from producing within the king's dominions hemp and flax, to such an extent as would nearly supply the whole demand of those articles for naval stores and manufactures, and also corn¹ and other grain, with timber sufficient for the general consumption of the empire; for though there may be a scarcity of oak timber in Great Britain, the oak of the colonies is little inferior to it, and is equal to foreign oak; besides there are many other species of timber which might be substituted in ship-building, and can be obtained in several of the other dependencies. It is, therefore, an object of importance to consider how these resources, which it is reasonable to conclude the British empire possesses within itself, are to be called forth with the speediest and greatest possible advantage to the state; consequently it becomes a fit subject for *immediate* consideration and inquiry: which it is to be regretted cannot be pursued with effect, whilst his Majesty's ministers are so systematically opposed in all their measures.

————— As the SEA
 YOUR EMPIRE OWNS,² and from a thousand shores
 Wafts all the pomp of life into your ports;
 So with superior boon may your rich soil,
 Exuberant, nature's blessings pour
 O'er every land, the naked nations clothe,
 And be th' *exhaustless granary* of the world!

THOMSON.

NOVA SCOTIA.—This province was originally granted to Sir William Alexander, in 1621, and in 1784 it was divided into two states, namely NOVA SCOTIA and NEW BRUNSWICK. Their situation is more advantageous to Great Britain than any other on the continent of North America; not only from their connexion

¹ See Dr. Johnson's thoughts on agriculture, wherein he says, "when Britain was subject to the Romans, she *annually* supplied them with great quantities of corn." The authority on which this fact is stated is most probably from Strabo. For a very interesting account of the Exports and Imports and Shipping of Great Britain from A. A. C. 55, to A. D. 449. see Henry's History of England, vol. ii. p. 195.

² See Waller's panegyric on Cromwell, 4to. p. 180, &c. and most of the other English poets, for many brilliant and happy allusions to the maritime preponderancy of Great Britain.

with Canada, the adjacent British islands and the fisheries, and from their nearer proximity to the mother country, than the other dependencies, but also from the superior excellence and number of their harbours, creeks and inlets, and the facility with which they can supply the British West India islands with the various kinds of lumber, boards, scantling, staves and shingles, live stock, such as horses, oxen, sheep and hogs; pickled and dried fish, and salt provisions, namely beef, pork, and butter; which articles, were the navigation laws enforced, could be had from thence in British bottoms, and delivered in the British West India islands at as cheap rates as they are now furnished in American vessels from the United States, and with greater certainty and regularity, instead of the precarious supplies they now receive from thence. It is well known the Americans will not supply the British islands, if there is the least chance of an advanced price to be had for such articles in the foreign islands, the Mediterranean, or elsewhere; the consequence of which is, that our islands are frequently experiencing inconvenience from scarcity, whilst at other times their markets are glutted; and thus it is, the English merchants are driven out of the colonial *supply* trade, from its uncertainty and great fluctuation.

The situation of NOVA SCOTIA is highly important to Great Britain, as a maritime power, for the excellent opportunities it affords for the accommodation of the navy lying considerably to the eastward of the United States, and affording shelter and protection on every side, by means of its numerous harbours, which are well adapted for ship-building, the fisheries, and the timber trade, from the peculiar advantage of being accessible at all seasons of the year.

The woods of these provinces abound with all the various kinds of timber to be found in New England. The pine forests are not only valuable for furnishing masts, spars, all kinds of lumber, oak staves excepted, and ship timber, but likewise may be made to produce occasional supplies of tar, pitch and turpentine. The various species of birch, beech, elm, maple and spruce, are found in all parts in great abundance.

These two provinces, likewise, produce considerable crops of Indian corn, wheat, barley, rye, oats, peas, and beans. The cultivation of which might be much extended, if the provinces received due attention and encouragement: indeed they have become objects highly interesting to the mother country, and are deserving the attention of the legislature, who should direct inquiries to be made as to the nature, soil, and resources of them, the land being generally well adapted for the cultivation of all sorts of grain, and of hemp, flax, and tobacco.

On every part of the coast there are fishing banks, of various extent, and in different depths of water, on which cod-fish is found in all seasons, notwithstanding the representations to the contrary. The variety of sea and river fish is great; those taken and cured for exportation are, the cod, herrings, mackarel, the shad, and salmon, which can be procured in any quantities. Fish can be cured, and carried from Newfoundland and the Bay of Fundy to the West Indies at as cheap a rate, and of a superior quality, than most of the fish sent from the United States. Herrings have hitherto been carried to the West Indies from these two provinces at a cheaper rate than from Great Britain.¹ The Bay of Fundy abounds with seal, the oil of which is preferable to the whale, besides the useful purposes to which its skin is applied. The numerous harbours in this bay are, likewise, accessible at all seasons of the year, and its navigation much more certain and less dangerous, than many other parts of the American coast.

It is not, however, to be expected that the inhabitants of these two provinces will become extensive exporters of grain; the soil, as well as climate, being so much better adapted for other valuable pursuits, to grazing in particular. In all those parts which are called the New England States, it has by experience been found to be the most advantageous occupation; and, long as they have been settled, it is known they still prefer importing from other places the flour and corn they consume, to raising it themselves. For grazing, no part of the United States can exceed these provinces; horses, oxen, sheep,² swine, poultry, and all the various articles under the denomination of live stock, are there raised in the greatest abundance, and sold at the lowest prices; in proof of which, it is only necessary to mention, that formerly the inhabitants of Halifax and St. John's were accustomed to import these articles from Boston, and other places; but now, in addition to the large quantities required for home-consumption, his Majesty's navy on the *American* station, and occasionally that on the *West India* station, with the King's troops in both provinces, are amply supplied with live stock and fresh provisions; and several thousand barrels of salted beef and pork are annually exported.

Numerous saw-mills have been lately erected in various parts

¹ See Appendix, to West India Report, July 1807.

² By 46 Geo. III. c. xvii. which passed on the 22d March, 1806, wool, the produce of the *British* plantations in *America*, is allowed to be imported into the United Kingdom, notwithstanding the 10th and 11th Will. III. c. x. s. 19. until the 25th March, 1809; and accounts of the wool so imported are directed to be made up annually by the commissioners of the customs and revenue, in Great Britain and Ireland.

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of Nova Scotia and New Brunswick, and there is every reason to believe, that with the assistance of Canada for oak staves, they are fully adequate to supply the lumber required in the British West India islands; but of this fact no just estimate can be formed, whilst the relaxations of the navigation and colonial system are persisted in and continued, and whilst so great a proportion of that article, though prepared by *British* labor, is carried to market in *American* vessels: yet, if it should appear on investigation that the quantity of lumber prepared in these colonies is not, at present, quite equal to the consumption in the British West India islands, the remainder of the supply may easily be obtained from the United States in *British* ships, if the trade was revived and again regularly established; and of which no doubt can be entertained, from the offers of the merchants at New York, in 1805, when they apprehended the old system was to be resumed.¹ It is, however, necessary to state, there is no occasion whatever for sugar to be exported in *casks*, it may as well be packed in *boxes*, made of any kind of wood, similar to those used for the same purpose in the foreign Colonies, or be put into bags like the sugar imported from the East Indies and other places.

Iron ore² abounds in many places, as well as lime-stone, grind-stone, and coal, which is to be found in abundance in the eastern and northern parts of the province.³ The export of *gypsum* has been already stated to be an object of great importance, and the carriage of it, if *confined* to *British* ships, cannot fail to encourage ship-building in the provinces; to which there is reason to believe the United States must resort for coal in a very few years, as other kinds of fuel have become scarce and dear in the sea-port towns of the eastern provinces of the United States.

The country along the shores of the river St. John, extending across the province of New Brunswick more than 200 miles, and other lesser rivers in the same province, abounds with pine trees of various dimensions, suitable for masts, &c. for the navy, more in number and value than are to be found in the King's other pro-

¹ Reports of the Board of Trade in 1784 and 1791, and also debates on the American Intercourse Bill in 1806.—See the letters from New York, Jan. 1805, in Lord Sheffield's *Strictures*, p. 162. Copies of similar letters, it is understood, were delivered to one of the late ministers, at the interview of the merchants and ship-owners on the American Intercourse Bill.

² Copper ore, the produce of the *British* plantations in America, is subjected by the 8th Geo. I. c. xviii. s. 22. to the same regulations as other enumerated commodities of the like nature, and the same has been *continued* by subsequent statutes to the 29th Sept. 1809, and from thence until the end of the then next session of Parliament.

³ See the memorial from Halifax, to Lord Hobart, March 1804.

vinces in America, that is, in the vicinity of large rivers, for from no other situation can they be conveniently brought to market. From within a few miles of these rivers, the largest masts are drawn on the snow, when from two to three feet deep, with teams of twenty or more pairs of large oxen, to the banks of the rivers, from whence, after the ice is gone, and the rivers are full, and in some places overflown, they are floated to their mouths, and exported to Great Britain.

In this point of view the province of New Brunswick is more valuable and important to the mother country, than the other provinces.

The other products of New Brunswick are similar to those of Nova-Scotia. Its staple commodities are, however, fish, lumber, and salted provisions; of fish there were exported from New Brunswick, in 1806, to Jamaica, 35,000 barrels, besides about 13,000 barrels to the United States, for *contraband* articles, in addition to which, there were also exported to the West Indies upwards of 2,000 barrels of beef, besides pork. It also appears in the same year, there were shipped in American vessels, from the islands in the Bay of Passamaquoddy, upwards of *five millions feet of pine boards*², which were sawn at the mills on the streams on the British side of the boundary line.

The bounty granted in 1806, on fish exported from these colonies to the British West-India islands, was likely to have revived and encouraged the fisheries; but whether from design or from American influence, the views of the British government were in

¹ Extract from a letter from Trinidad, dated the 23d of February, 1808, to a merchant in London. "My last advised the receipt of your favor covering Invoice and Bills of lading of ---barrels, &c. of beef and pork, shipped by the --- Our market has been lately supplied very abundantly with salt provisions from *Nova Scotia*, &c.; there is consequently very little prospect of a speedy sale, and as they sell their provisions *so much lower*, than provisions from Ireland can be afforded at, I cannot encourage you to repeat your shipment."

² The annual export of lumber from New Brunswick, prior to 1804, exceeded *ten millions* of feet, which is nearly equal to the whole amount of the import of *lumber* in Jamaica in 1805-6. The Editor regrets he has not been able to ascertain the amount of the export of *lumber* from Nova Scotia and Canada: it is however believed to be considerable. Account of *lumber* imported into the island of Jamaica, between the 30th of September, 1805, and the 30th of September, 1806.

<i>From</i>	<i>Feet</i>	<i>Ships</i>
British American Colonies	770,709	— British
United States	10,096,031	— American
Ditto	268,629	— British

Total feet 11,135,369

See Yorke's Review, 2 Vol. p. 318.

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some measure frustrated at Jamaica, from the people there giving the herrings exported from New Brunswick the name of *shads*, thereby reducing the bounty from 2s. 6d. to 1s. 6d. per barrel. This sort of fish is generally known by the name of herrings, though they are sometimes called alewives (*clupea serrata*) and are no doubt the fish on which government intended the duty of 2s. 6d. per barrel should be allowed, their object being evidently to encourage the exportation, from the provinces, of such pickled fish as were produced there and used in the British West-India islands.

This fish, which the inhabitants denominate herrings and sometimes alewives, is a species peculiarly adapted for the West-India market, being equally nutritious with the herrings from Europe; and possessing a greater degree of firmness, they are capable of being kept longer in warm climates. In such abundance are they to be found, that the quantity cured can only be limited by the insufficient number of hands employed in that business.

The full bounty of 2s. 6d. per barrel has since been paid, in consequence of the arrangements which have recently been adopted, to secure it to the British North American colonies, according to the intention of government. The statement of the imports and exports, which was laid before the house of assembly of Jamaica, during their late session, shows how large a proportion of all the pickled and dried fish imported into that island *last* year was taken from the British colonies in America, and when it is considered that the *principal part* of those imported in American bottoms, and which are presumed to be American fish, were in reality caught and cured by the British Colonists in North America, there surely cannot be a doubt of their capability to furnish the British West-India islands, in conjunction with the mother country, with ample supplies of that necessary and valuable article. It was probably on this presumption that in the late order of council¹ the article of fish was added to those of beef, pork, and butter, which constituted the articles excepted, and not allowed to be imported in American vessels. The object of including fish in this exception has, however, been entirely frustrated; for it appears by the Jamaica newspapers, that fish is still allowed to be imported into that island in American bottoms. If the subjects of the United States were restricted, *in toto*, from the carriage of this and other articles in their own vessels, the British colonists would willingly relinquish their claim to the bounty, and then, but not until then, will their resources be duly appreciated and known. From what these two provinces,

¹ The order of council of the 1st July, 1807.

with Canada, have already done, under circumstances very inauspicious, it may be fairly presumed, they are capable under proper encouragement, of furnishing large and abundant supplies of the articles consumed in the British West-India islands.

The danger of a scarcity of this article in the British West-India islands, which has been so repeatedly re-echoed by the advocates of the new system, is as absurd as the misrepresentations' of the supporters of the intercourse bill, in 1806, were weak and mischievous; for it is notorious to every person connected with Jamaica, that the average price of pickled and dried fish, throughout the whole of that year was only from five to six dollars the barrel and quintal, and lumber, and every other article, at the same proportionate low rate.²

In the intercourse, which the subjects of the United States maintain with *their other allies*, they are obliged to pay heavy duties on all the articles they carry to, or bring from *their* West-India islands; although the want of such articles must be as great, if not greater, in those settlements, than in the British islands; it is also well known that the duties imposed on cargoes imported into the United States, in British ships, are very considerable; in no instance less than 15*l.* per cent. ad valorem; and in many upwards of 30*l.* per cent. If, then, this indulgence is continued, and the subjects of the United States are to be tolerated in *their* intercourse in *their own* vessels, with the British West India islands, why not compel them to pay proportionate duties there? It is a tribute, which without hesitation or reluctance, they

¹ Woodfall's Parliamentary Register, 22d May 1806, p. 485, wherein it is represented a certain noble *Earl* stated, that "owing to the interruption of the intercourse during the American war, it had been ascertained that about 15,000 negroes had died *for want*, or from being improperly fed, in the Island of Jamaica alone, in the course of 6 years,"!!! See also the newspapers of the 23d of that month.

Sir William Young, evidently aware that the clamor raised on this ground was unfounded and not warranted by the fact, observes in his Common Place book with more prudence "that much distress *was alleged*, that it had even been said, that a number of negroes in Jamaica to the amount of 15,000 had died of *famine*, that he mentioned it as a *current report*, but did not vouch as fact, what *he could not authenticate*." p. 130, 131.—The truth is, there was not any scarcity, though at the period alluded to, many negroes died from the inclemency of the weather during the hurricanes, but not in very great numbers, as Mr. Jenkinson, (now Earl Laverpool) stated in the debate on the intercourse, on February 17, 1786. See also reports of board of trade, 1784 and 1791.

² See Address to Lord Hobart from New Brunswick, May, 1804, and the same from Nova Scotia, in March, 1804, and also letters to Lord Camden from Nova Scotia, January, 1805, in the Appendix to the first edition of this tract.

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pay to *other* powers, and which they exact from British subjects in *their own* ports; it surely, therefore, ought, on principles of reciprocity and justice, to be demanded from them in British ports, in case the impolitic relaxations of the ancient system are any longer to be continued. It may not be improper to observe that in some of the King's West-India settlements, there are tonnage and other island duties imposed on British ships resorting there, but from which it is stated American shipping have in many instances been *exempted*,¹ particularly those American vessels in which are imported articles allowed by *Proclamation*!

The great change which has taken place in the condition of the British North American colonies, since the independence of the United States, renders part of the colonial system inapplicable to their present state, as they are more in contact with countries, which have become foreign to Great Britain, and have not only the facilities of interfering in their trade, which so obviously arise from similarity of manners and language, as well as proximity of situation; but also from a right, *by treaty, of entering all their ports, bays, and harbours* for the ostensible purpose of *fishing*.² These causes operating on the restricted state of the trade of the provinces, have brought the *contraband* trade with the United States to such a *regular system*, that the duties upon the exports of the United States, to foreign countries, which are drawn back in favor of their trade to all *other* places, are withheld on their exports to Canada, Nova-Scotia, and New Brunswick; so little do they consider the British merchant as a successful competitor in this trade, that the consumer has the full duties of the United States added to the price of the foreign commodities, with which the provinces are supplied in a *contraband* way, and this is effected without the British merchant's being able to rival them in the articles of East-India and West-India productions, the manufactures of Great Britain and Ireland, foreign liquors, wines, oil, and fruit, which are supplied from the United States, in quantities sufficient to constitute a great part of the whole consumption of the King's provinces. On this trade, in addition to mercantile profits, and besides the advantage of the returns in fish, lumber, furs, feathers, butter, oil, plaister of Paris, and money, the government of the United States have the full amount of the duties, as well upon the articles *exported*, as upon most of those *imported*. Whilst the advantages of this *contraband* trade are so great, it is impossible for the most vigilant

¹ See *Ibid.* which points out the necessity of requiring the governors of the West-India islands, to transmit annually to government, statements of the *colonial* duties imposed on the imports and exports of the islands, and on the shipping employed in that trade.

² *Ibid.*

revenue officers in the provinces to do little more than enforce obedience to the law on the part of the honest trader, who is, under such depressing circumstances, deterred from actively pursuing and extending his commercial concerns.

To enable the fair trader to enter into competition with the contraband trader, by carrying the fish suited for the *European* market to the place of its consumption, it became desirable that he should be allowed to make the return of his fish cargo in *other* articles besides salt; which was the only article, prior to 1806; he was permitted to bring back: it was therefore suggested by an eminent character connected with the provinces, that it would be highly beneficial if the merchants could import wine, oil, and fruit, in addition to salt; that the trade would then become an object deserving their attention, as the salt alone would not produce, in point of value, an adequate return. That such indulgence would take from the merchants of the United States, the export of the fish of the British provinces, to the European market, on which they had the profit, and the government of that country, a duty of half a dollar per quintal, and enable the British merchants to supply the King's provinces with those articles of consumption, which were then principally furnished in a contraband way from the United States, and that it would also tend to revive the fish trade to Europe, which the British merchants in the colonies had been obliged to abandon.

It was further represented, that it was an indulgence to which the province of Nova Scotia had an additional claim under the resolution of the House of Commons in 1775, when the necessity of the measure was not so obvious.—“Resolved, That it is the opinion of this committee, that it will be advisable to admit a direct importation into the province of Nova Scotia by His Majesty's subjects, in ships and vessels *qualified by law*, of all wines, oranges, lemons, currants and raisins, the growth and produce of any foreign country whatsoever, provided such wines, oranges, lemons, currants, and raisins, be imported directly from the place of their growth and produce, and provided also that the said commodities be not imported into any other part or place within the said province, except the port of Halifax.”—This resolution originated in a petition from Nova Scotia, which created much debate and opposition, but was ultimately carried, and a bill ordered to be brought in on the subject, but which does not appear to have been done.²

This suggestion, to a certain extent, was afterwards adopted, it being deemed expedient to depart in this instance, from a prin-

¹ Commons Journal, vol. 35, p. 400, 467—16 Geo. III. 1775.

² Parliamentary Debates. Oct. and Nov. 1775.

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principal point of policy in our colonial system, that of confining to the mother country, the export of European articles for the supply of the colonies; but this was in an instance, where a colonial object could at the same time be greatly promoted, without injury to British Shipping or British manufactures; indeed, it might be called an object of the mother country, as the benefits of the fishery, more than any other branch of colonial trade, seem to centre directly in this kingdom, especially those of the Newfoundland fisheries. In the distress occasioned to the British fisheries by the war in the countries of the Mediterranean, it was considered whether a depot of fish could not be made at Gibraltar and Malta, and the ancient markets supplied from stores laid up at those places. In projecting this new trade, it was seen, that not only a great easement would be given to the British fisheries, but great encouragement would be holden out to foreign purchasers, if the European produce required in the colonies could be shipped directly from those two places of resort.—To authorise this, it was enacted by the statute 46 Geo. 3. c. 116, that *fruit, wine, oil, salt, or cork*, the produce of Europe, may be shipped at Malta, or Gibraltar, for exportation direct to the king's plantations in North America, in any *British-built* ship, navigated *according to law*, which shall arrive with the produce of those fisheries, taken and cured by His Majesty's subjects, carrying on the same from any of the said plantations, or from Great Britain or Ireland respectively.

The effect of this regulation, which is too limited, and should not have been confined to Malta and Gibraltar, cannot be felt during the present war; it is, however, proper to observe, that the return cargoes of European produce, are restricted to be carried in *British* shipping.—This act passed soon after the American intercourse bill in 1806, and was introduced by the late ministers, who ought, in *that* instance, to have acted with the same patriotic and national feeling as they did in this case, and have confined the trade between the British West India islands and the United States to *British* shipping.

From various causes, the British North American fisheries have languished and declined; amongst them, the most prominent are those before stated; the improvident grants of islands in the bays to private individuals; and the impress of the men belonging to the fishing vessels.—The impress of the *fishermen* while *employed* in the fisheries and coasting trade, instead of adding to the naval strength of the empire, diminishes it, by inducing the fishermen to *emigrate*, whereby the nursery for seamen is destroyed, as the fisheries formerly furnished most of the seamen

who navigated the British merchant vessels in their intercourse with *America*, and who in that capacity were always liable to serve his Majesty.

The *American* trade and fishery to the coast of Labrador and Straights of Bellisle, employed in 1805, above *nine hundred* sail of vessels belonging to the *United States*; if they were *prevented from trading and fishing* in the *harbours and rivers* of that settlement, they would abandon it; as the *sea* fishery is not worth following, and the trade and fishery would then be engaged and occupied by British subjects, who at present are excluded from any share in it, by the superior numbers of the Americans, who *seize on every station* which is advantageously situated, and hold the same to the *exclusion* of British subjects, and this is even done under some of the improvident grants before referred to.

The Nova Scotia fishermen, thus excluded from the fishery of the gulph of St. Lawrence, by the subjects of the United States, have resorted to that part of the Newfoundland shore, which was formerly occupied by the French, where there are some advantageous stations; but they have been driven from thence by the officers of his Majesty's ships on the Newfoundland station imprudently impressing their men.

The encouragement by the legislature of the fish trade to Europe, and to the British West India islands; the prevention of the encroachments of the United States, on the islands in Passamaquoddy bay; the suppression of the contraband trade carried on there, and securing to British fishermen protection from the impress,¹ will revive a branch of trade in the British colonies, which is of the first importance to Great Britain, as a nursery for seamen, and which furnishes beyond any other, the most extended consumption of British manufactures.—It cannot be denied that the fishery of the United States, by the wisdom of its govern-

¹ By the 41st Geo. III. c. 21. s. 30. which was a temporary Act, persons employed in the fisheries were *exempt* from the impress, but which is not contained in the subsequent statutes, which continued some of the provisions of that Act; indeed statutable protections from the impress, have of late years (notwithstanding their importance as encouragement to persons to enter into the Merchants' service and fisheries) been too much disregarded, and the expence, trouble, and vexation in the service of, and in obtaining (by Habeas Corpus) the discharge of persons so protected, have been such, as not only to deter the owners and masters from applying for them, but likewise to discontinue taking apprentices as extensively as formerly. The costs of obtaining the writ of Habeas Corpus are inconsiderable: it is the subsequent charges, and the difficulty of service by the removal of the men from ship to ship, which constitute the great expence and inconvenience.

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ment, increases to an astonishing degree, under great disadvantages arising from the local situation of their country. While the British fishery, with every natural advantage in its favor, has declined every year, not only from the interference of the Citizens of the United States, but also from the want of adequate encouragement by the Mother Country, which would soon revive it, and be the means of inducing great numbers of the fishermen who have emigrated, and are now employed in foreign service, to return to their allegiance.

Oh is there not some patriot, in whose power
That best, that godlike luxury is placed,
Of blessing thousands, thousands yet unborn,
Thro' late posterity? some, large of soul,
To cheer dejected industry? —————

And teach the laboring hand the sweets of toil?

————— with venturous oar
How to dash the wide billow; nor look on,
Shamefully passive, while *Batavian*¹ fleets
Defraud us of the *glittering finny swarms*,
That heave our firths, and crowd upon our shores;
How all-enlivening trade to rouse, and wing
The prosperous sail, from every growing port,
Uninjured, round the sea-incircled globe;
And thus, in soul united as in name,
Bid BRITAIN reign the MISTRESS of the DEEP.

THOMSON.

The admission of neutral ships into the trade of the British West India Islands, has likewise proved seriously detrimental, not only to the inhabitants of the British North American provinces, but also to many persons in the West India settlements,² whose capitals were embarked in plantation shipping. On the termination of the war in 1784, very few ships or vessels belonged to these settlements, but the good effects of adhering to the navigation system after that period, were as striking as they are incontrovertible, as will be seen by the rapid increase of colonial shipping, contrary to the assertion of the West India planters, before the Board of Trade, who then stated, that any shipping being fitted from the islands was hopeless.³

¹ For *Batavian* read *American*.

² In Bermuda and the Bahamas.

³ Reports of the Board of Trade, in 1784 and 1791, edit. 1807, which are highly deserving at this time of grave attention from the important and valuable information they contain; these Reports were framed by Lord Liverpool when president of that board. Vide Lord Sheffield on American commerce, and also Chalmers' Estimate, p. 166.

The following statement¹ clearly shows the *increase* under the *old*, and the *decrease* in the employment of *plantation* shipping under the *new*, system.

Ships belonging to the British *West India* islands, exclusive of captured colonies, and employed in the trade between those islands and the United States, including their repeated voyages.

	Ships.	Tons.	Men.
In 1794, when the navigation acts began to be relaxed	706	86,010	5,115
In 1804, in consequence of the suspension of the navigation laws	67	7,629	626
Decrease in ten years	639	78,381	4,489

Ships belonging to the British *North American* provinces, and employed in the trade between those colonies and the British *West India* islands, including their repeated voyages.

	Ships.	Tons.	Men.
In 1794, when the navigation acts began to be suspended	229	24,900	1,452
In 1804, in consequence of the suspension of the navigation laws	100	11,906	734
Decrease in ten years	129	12,994	718

Decrease of Ships belonging to and employed in the trade of the British *West India* islands in ten years

Do.—The British <i>North American</i> colonies	129	12,994	718
Total decrease in the employment of plantation ships in ten years, under the suspension of the navigation laws	768	91,375	5,207

British ships employed in the direct trade from the *United States*, which entered *inwards* in Great Britain, in the following years :

	Ships.	Tons.	Men.
In 1786,	216	36,875	
In 1806,	53	11,347	748
Decrease	163	25,528	

¹ See Mr. Rose's speech on the American Intercourse Bill, 1806.

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British ships employed in the direct trade to the United States, which cleared outwards from Great Britain in the following years :

	Ships.	Tons.	Men.
In 1786,	213	39,651	
In 1806,	39	8,791	447
	<hr/>		
Decrease	174	30,920	

It must, however, be admitted, that the whole of the decrease of British ships employed in the *direct* trade with the United States was not, altogether, attributable to the suspension of the navigation act, as there were other causes which contributed to it; yet, it is evident, how injurious the operation and effect of the new system have been on British plantation shipping, as well as on the shipping of Great Britain; the latter of which has, even within the last three years, decreased nearly one-half, viz.

Ships built in *Great Britain*, according to the returns to Parliament.

	Ships and Vessels.	Ships and Vessels.	Tons.	Tons.
In 1803,	1096	decrease	115,627	decrease
1804,	714	382	80,146	35,481
1805,	713	1	71,256	8,890
1806,	549	164	58,480	12,786
	<hr/>		<hr/>	
Total decrease of ships and ves-	} 547	Total Tons	} 57,157.	decrease
sels in three years				

Thus, one of the most important branches of trade, which constitutes of itself a manufacture of the first impression, from the employment which it affords, and the encouragement it gives to national industry, will continue to decline, until the OLD SYSTEM is revived, and the shipping of the empire are put on a more equal footing with the ships of foreign nations; either by an increase of the alien duties, or by the substitution of others, sufficient to countervail the great difference in the expence of building and equipment of British Ships and of those of other countries.

¹ The account of ship-building in Great Britain for 1807 is not yet presented to parliament, but it is apprehended there is a further decrease of tonnage. It is, however, too obvious, from the present state of the private building-yards in Great Britain, there is little inclination to build merchant-ships; and, it appears, some inconvenience has been lately felt from the want of vessels for the Irish trade, and in parts of the coasting trade. See also a table of the *annual consumption* of shipping in the Collection of Reports on Navigation. edit. 1807.

[Ship-building has continued to fall off, and, from the immense tonnage about to be discharged from the Transport Service, it cannot be expected to revive for many years. 1815.]

The new system originated in an order of council of the 16th January, 1795, which was extended by a subsequent order of the 21st of the same month, and was afterwards established by the Dutch Property Acts, and those made in consequence of them: by which any *neutral* ships whatsoever, and however manned, were allowed to bring to this kingdom *any* sort of goods from *any* country or place whatsoever, under an order of his Majesty in council. The first act passed on this subject, was the 35th Geo. 3d. c. 15. which allowed the inhabitants of the *United Provinces*, to bring and land their goods and effects in Great Britain, under the limitations therein mentioned; and, before the close of that session, by another act, the 35th Geo. 3d. c. 80. the proprietors of *all* goods that had or might afterwards come in, were allowed to take them out of warehouse, and either re-export or otherwise dispose of them, upon payment of the duties, and complying with the regulations contained in the act.

By the 36th Geo. 3d. c. 76. a *new* principle was adopted, and the provisions of the two former acts, very generally extended, though for a limited period, under orders of council, to ships belonging to *any* country *in amity* with his Majesty, and which was, as well as the two former acts, continued by subsequent statutes; namely, the 37th Geo. 3d. c. 12.; the 38th Geo. 3. c. 9.; and the 39th Geo. 3. c. 12. In the last of these sessions, by the statute c. 112., the suspending power was further extended, and his Majesty authorised, for a limited period, to permit any such goods as should be specified in any order of council to be imported in ships belonging to the subjects of any state *in amity* with his Majesty.

These four acts relating to Neutral Ships were continued by the 39th and 40th Geo. 3d. c. 9. and c. 17. The *three former* were finally continued by the 39th and 40th Geo. 3. c. 65. to the 1st of January, 1804; and the *latter* by the 41st Geo. 3. G. B. c. 20. which having expired, was renewed by the 41st Geo. 3. U. K. c. 19. and continued for a limited period.

The Peace of Amiens soon after taking place, the three first acts were taken into consideration, and repealed by the 42d Geo. 3. c. 80., in which other provisions were substituted, for continuing this trade in neutral shipping, in a manner supposed to be less invidious to the Shipping Interest of Great Britain, until it should finally terminate, and the Navigation System be resumed as before the war. This act, however, authorized, under orders in council, the importation of the produce of any part of America or the West Indies, not under the King's dominions, in neutral ships, provided the goods so imported were warehoused, and not removed but on entry for re-exportation.

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This grievous extension of the New System having been seriously felt, and great injury resulting from it to the British Shipping Interest, his Majesty's then government, it appears, were induced to extend the same privileges to British Ships, by admitting them, under orders of council, to the same advantages of importation which had been granted, and previously enjoyed by foreigners under the former acts. This extension was accordingly legalized by the 42d Geo. 3. c. 80. sec. 2.; and limited in its duration until the first of September, 1802; but even by this act certain articles, namely, rice, snuff, and tobacco, were excepted, though allowed to be imported in neutral shipping. This restriction on British Shipping was alleged to be in conformity with the regulations established under the Revenue acts.

After the renewal of the war, the New System was, during Lord SIDMOUTH's administration, more generally extended under the 43d Geo. 3. c. 153. which authorises, under orders in council, the importation in *neutral* ships of *any* goods from *any* place belonging to any state *not in amity* with the king, during the present war, and for six months after it.

The provisions of this statute are very extensive; the last section of the act being considered a virtual dispensation from the navigation system, in regard to countries with which we were at war; and the same discretionary power with respect to foreign America, and the West Indies, was vested in his Majesty, as had been granted by the 42d Geo. 3. c. 80. which was revived and continued by the 44 Geo. 3. c. 30, *until eight months after the ratification of a definitive treaty of peace.*

These two statutes, the 42d Geo. 3. c. 80. and the 43 Geo. 3. c. 153. with the 45th Geo. 3. c. 34. enabled his Majesty to grant all those facilities to neutrals which had been so justly complained of by the Shipping Interest: the importations under the latter act must be by licence from his Majesty, and of articles the produce or manufacture of countries, not prohibited to be used or consumed here. The trade carried on under this act differs from that under the 39th and 40th Geo. 3. c. 34. in as much as there is no restriction on the tonnage of the vessels; and the articles imported under it may be sold for *home* consumption, except sugar and coffee, which must be warehoused for exportation: it therefore only remained requisite to vest the same power in his Majesty, with respect to countries *in amity*, which he had by the 43d Geo. 3. c. 153. in regard to countries *not in amity*, and then the *whole* navigation system was liable to be suspended at discretion; which it appears had been done in some instances, even before this act passed; but the illegality thereof was cured by an act of indemnity, namely by the 45th Geo. 3. c. 33.

By the 44th Geo. 3. c. 29. his Majesty was also authorized to allow certain enumerated articles to be imported in any *foreign* ship, on payment of the same duties as in a British ship. This act was limited in its duration, but afterwards continued, with the addition of goat skins, by the 45th Geo. 3. c. 80., and further continued by the 46th Geo. 3. c. 29. s. 9. to the 25th March, 1808. It is to be observed, that none of the articles enumerated could be imported from *any* place in a British ship, except goat skins, which were allowed under the 15th Geo. 3. c. 35. and which was made perpetual by the 31st Geo. 3. c. 43.

These are the leading features of the several statutes, which established and gave permanency to "the system of suspension;" attempted to be justified on the presumed ground of necessity, but which, in the opinions of well-informed and disinterested persons, did not exist to warrant such a radical change in a fundamental law of the land. The principle adopted in the act which allowed goods to be imported in time of peace in neutral vessels and to be warehoused for exportation had never been acted upon in any former peace; nor was it warranted by then existing circumstances, for it is well known that at the close of the *last* war several thousand tons of British Shipping could not procure employment. It was the injurious operation of these acts, which induced the Ship Owners to apply so frequently between the years 1801 and 1804 to the legislature and government, but their applications were not attended to, though the depression on the Shipping Interest began to be more generally and severely felt.

The rapid discharge of seamen from the navy at the commencement of the late peace was also attended with great injury to the state, from the vast numbers of them who emigrated to France¹ and other foreign states, in search of employment: many thousand tons of British Shipping were, likewise, obliged to be sold or let to foreigners, under circumstances peculiarly distressing, especially those chartered to the Dutch and French merchants; and the owners of those ships cannot fail to remember the losses they sustained by the want of protection which was on the commencement of this war so unaccountably withheld from them.²

It may perhaps be considered invidious to make any further observations on these transactions; they certainly tended considerably to increase the depression on British Shipping, and though it was difficult, in 1802, to obtain freights for them almost at any

¹ Alley's Vindication of Lord Sheffield's Strictures, p. 55. Also the Petitions to Parliament in 1802.

² See printed Case of the Owners of British Ships which were let on freight during the late peace, to the subjects of the Batavian Republic. Edit. 1803.

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rate, *neutral* ships were continued to be employed in the trade of this country, in time of *peace*, under orders in council.

Whatever contrary opinions may have been promulgated on this subject, the navigation laws were certainly violated and infringed by the importations in neutral ships under the suspending acts; yet it has been asked, "*where is the evidence that the principle of the navigation law was in the smallest degree violated.*"¹ By the 12th Cha. 2. c. 18. the principle was established, of securing to British Ships the exclusive trade to and from the British plantations; and the importation into Great Britain from all parts of the world was confined to British Ships, or to the ships of the countries of which the goods to be imported were the growth, or produce. It is not contended by the Shipping Interest that the navigation laws were established to encourage and secure trade, but to increase shipping and seamen; the object of the founders of that system being to promote navigation, in order to increase the naval power of the kingdom. Commerce can be carried on as well in foreign as in British shipping, especially in time of war, because the former are free from capture, and are navigated at much less expence, consequently their freights are lower: it is therefore obvious that in case neutral ships are allowed to trade to and from Great Britain, to countries where British ships *can go*, the number of the latter must unavoidably be considerably *reduced*, and the nursery for British Seamen affected in the same proportion.

These relaxations have been attempted to be justified, first, on the ground of necessity, and afterwards on the advantages supposed to be derived by merchants to whom goods were consigned from abroad, and imported in neutral shipping into this kingdom, although they were not the growth or produce of the country from whence they came, or of the country to which the neutral ships belonged, and which were entered for home consumption, or warehoused for exportation. It may be admitted, that under the provisions of these acts, goods to a certain extent came to this country for a market, which probably would not otherwise have been brought hither; but the benefits accruing from such importations were infinitely too inconsiderable to counterbalance the serious injury done to British shipping, by allowing neutral vessels *not* belonging to the countries from whence the goods came, to bring articles for *home* consumption, which, if such indulgences had not been granted to them, *would have been brought* in British ships, except from the countries of the enemy, to which the suspension of the former system should have been confined; and

¹ Mr. Cock's Answer to Lord Sheffield's Strictures, p. 6.

even in that case limited to articles indispensably necessary in British Manufactures, and to them only; for the more bulky articles obtained from the enemy's countries, such as Brandies, &c. should not have been allowed to be imported *direct* in neutral vessels, but only to have been taken to a *neutral port*, and the importation of such articles *from thence*, confined to British bottoms; which would have been highly beneficial to the Shipping Interest and the West-India planters; for the encreased freight and expences on such spirits would have operated as a bounty on Rum from the British Colonies, without any injury to the revenue, whilst it produced a proportionate depression on the Enemy. It is understood an application to this effect was made by the Shipping Interest to the Board of Trade during the late administration, but without success.

Under the operation of some of these statutes the injury to the British merchant was manifest, and to the revenue very great. The British merchant, in the course of regular importation, entered his goods on their arrival, and paid the duty immediately. The foreigner warehoused his goods without paying any duties, and they were allowed to remain in his own warehouse, under no other care than that of an ordinary custom-house officer, till the foreign merchant chose to declare whether he would take them out for home consumption or for exportation; he therefore, in the first instance, was spared the use of so much capital as the duties would have amounted to on the importation of the goods, and actually saved the duty on that part of them which was wasted, or clandestinely taken out of store, between the landing and regular delivery of the goods. Thus, it is clear the relaxation did not produce any advantage to the trade of the country, or any benefit to the revenue; on the contrary, in all importations from countries in amity with Great Britain, which were warehoused, a certain loss accrued from waste, or from the goods being clandestinely taken thereout, which was often done. The injury sustained by the British merchant, under the operation of these regulations, is now fortunately obviated by an equal and wise system established by a subsequent act, which is beneficial to the merchant and not injurious to the revenue (except by the postponement of the payment of the duties), as the goods are deposited in security, and the public interest cannot suffer by waste or plunder, the duties being payable according to the measure or weight of the goods when first imported.

¹ See Mr. Cock's Answer, p. 3.

In order to countenance and give effect to the new system, it is likewise stated "that in the *American* war, if we had rigidly adhered to the laws of the 17th century we should not have been able to defend ourselves against the formidable confederacy by which we were assailed."¹ This assertion is, however, calculated to mislead; for the departure from the old system in the American war, cannot justly be compared with the suspension of it during the late war, under the acts before mentioned: for the act of the 19th Geo. 3d. c. 28. only allowed British built ships, *though owned by foreigners*, to import certain enumerated articles in case three fourths of the crew were British subjects, or the subjects of the countries from whence the cargoes were imported, but in the latter they were liable to the *alien* duties; and by the 20th Geo. 3. c. 20. ships in the merchants' service were permitted, as is customary in time of war, to be navigated by three-fourths foreign seamen.

These are the only acts passed in the American war, which interfered with the policy of the navigation system. Besides the several acts which were passed in the course of the last war to authorize the suspension of the former system, the same was further extended as before stated, by the 44th Geo. 3d. c. 29. which allowed for a limited period, hides, wool, and other articles of raw materials for manufactures, to be imported here in any foreign vessel whatever, under orders in council; and by a subsequent act, the 45th Geo. 3. c. 24. *all* importations from countries belonging to *foreign* European princes in America, are allowed in neutral ships; thus it appears, by the laws now in force, goods may be brought not only from the countries of the enemy, in any *neutral* shipping, *however navigated*, but likewise from the territories of foreign states, in Europe, as well as on the continent of America; though the articles so to be imported are not the growth or produce of the country to which the ships or vessels may belong.

It is likewise asked, but with what propriety is not obvious, "were we ever so flourishing in commerce² at any former period as in the peace which succeeded the war during which *we had thus deviated?*" It is well known that the nation was never in so depressed a state as during that war, and that the measures adopted by Mr. PITT, to which is to be attributed the revival of the trade, commerce, and manufactures of the country, and also the improvement of the revenue in the peace that followed the American war, had not the most remote connexion with the relaxation of the navigation system which afterwards took place.

¹ See Mr. Cook's Answer, p. 3.

² *Ibid.* p. 12.

It appears the trade of Great Britain has invariably increased in time of war (except in the American war), and it is to be seen, that in the period prior to the operation of the acts which suspended the navigation system in 1797, it had rapidly increased from the commencement of the last war.

In 1792 the actual value of the imports of	
Great Britain were - - - - -	£. 19,659,358
and the exports - - - - -	24,466,849
In 1796 the imports were - - - - -	23,187,000
and the exports - - - - -	28,025,000

It is, however, to be admitted, that the indulgences which were too generally granted to neutral ships, under these acts, must have occasioned some addition to the imports and exports of the kingdom, which were principally from the United States and the foreign West India Islands; but the point for consideration, which arises out of this system, is whether the transit of such goods, in neutral ships, through this country to the continent, compensated for the serious mischiefs, which have resulted from the operation of the suspending statutes.

Ingenuity seems to have been exhausted in the endeavours to justify the new system and to impress on the public mind the advantages to be derived from its continuance; whilst assertions the most erroneous have (it is trusted unintentionally) been made and mis-statements adduced in its support. The only instances in which such relaxations may, consistently with true national policy and the preservation of the naval power of the country, be allowed, is in the admission of dyes, in neutral vessels direct from the enemy's country in time of war, and of such other articles which are indispensably requisite in British manufactures; and in the case of the country of an ally being in danger of being over-run by the common enemy, it may be prudent to admit the produce of it and the property of the inhabitants to be brought away, on the emergency, in ships of any neutral nation, as was recently done in the case of Portugal on Junot's approach towards the frontiers of that unhappy country.

As illustrative of the advantages pretended to have been derived under the suspending acts, when they had arrived at their full operation, a comparative statement is made of the value of the exports and imports in 1792 with those in 1801.—It is stated,

¹ Appendix, No. 1. to the Examination into the Increase of the Revenue, &c. by the Right Hon. George Rose. Edit. 1806.

Mr. Cock's Answer, p. 28.

² In 1792 the official value of the imports was - - - - £19,659,358
and the exports - - - - - £24,466,849

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That ¹ in 1792 the value of the imports was	£50,000,000
Whereas the real value of all goods of every kind imported that year into Great Britain was only	- £30,405,000
From which should be deducted the value of corn imported	- - - £1,353,000

So that the value of imports in that year was only	- - - - - £29,052,000
In 1801 ² the imports are stated at	- - - - - £80,000,000
Whereas the real value of all imports in 1801 into Great Britain, includ- ing £786,000 of prize goods, amounted to	- - - - - £57,331,000
From which must be deducted the value of corn imported	- - - £10,409,000

Making the value of the imports in 1801 only	- - - - - £46,922,000
The <i>exports</i> of 1792 are likewise re- presented as amounting to	- - - - - £60,000,000
When in fact the value of the ex- ports were that year only	- - - - - £34,500,000
And in 1801 ⁴ the <i>exports</i> are stated at	- - - - - £110,000,000
When in truth the real value of the <i>exports</i> that year was only	- - - - - £57,517,000

This exposition of the facts advanced in support of the advantages declared to have arisen from the new system, points out, how necessary it is to be cautious in giving implicit credence to the assertions and the arguments of its advocates. Again; it is remarked, that "from the preceding statement it is evident that in the last three years of the peace, the most flourishing period of the trade, which the commercial history of England had then to record, the amount of commerce and revenue was beyond all comparison less⁵ than the amount of the three last years, even of war, only distant nine years from the period of peace; and it is evident both from detail and result, that this increase at an unfavourable epoch, was greatly owing to that liberal *change of policy* which admitted a free trade through *every* conveyance by which

In 1802 the official value of the imports was	- - - - £32,795,556
and the exports	- - - - £37,786,856

See Mr. Rose's Examination, Appendix, No. I.

¹ Mr. Cock's Answer, p. 28. ² Ibid. ³ Ibid. ⁴ Ibid. ⁵ Ibid. p. 29.

Britain could be benefited." This reasoning, it is presumed, cannot be maintained: it evidently arises from a mistaken view of the subject: the commerce of Great Britain, as compared with it in time of peace, having greatly increased in the last war, *before* the system of suspension was acted upon.

From 1785 to 1790 the imports were	-	£17,077,000
and the exports	- - -	17,213,000
From 1792 to 1796 the imports were	-	21,025,000
and the exports	- - -	25,971,000

And in the wars of 1742 and 1756 the trade of the country likewise increased to a very great extent, and, as before mentioned, it has generally done so in periods of war, with the exception of the American war, which is to be attributed to the peculiarly disastrous circumstances attending it.

It is also observed, "if, as Lord Sheffield professed to deem necessary to our salvation as a commercial and naval nation, Britain had rigidly adhered to the navigation system of the 17th century, the consequence would have been that we should have had *much less than half* the commerce and revenue to meet the arduous contest in which we were engaged." To show how unwarranted this statement is, as applicable to the commerce of the country, it is only necessary to refer to the following comparison of foreign and British ships employed; which must convince even those persons who believe there exists a necessity of permitting, in time of war, the employment of neutral ships, in the trade of Great Britain, in breach of the navigation laws, that it is an erroneous conclusion, and cannot be maintained. It has already been stated, the revenue did not profit in the most trifling degree by the employment of neutral carriers, except in the articles to and from the countries of the enemy. The home consumption was not increased by neutral vessels being employed in the trade to neutral nations; and the statute of the 36 Geo. 3. c. 76, which extended generally the provisions of the Dutch property acts, having passed in May 1796, it could not of course have had any extensive effect, indeed it is so admitted,² until after 1799.

STATEMENT of *Foreign* and *British* Ships, which entered *inwards*, with their repeated voyages in the following years: viz.

	<i>Foreign.</i>	<i>British.</i>
In 1797	451,000	1,121,000 war
1798	420,000	1,289,000
1799	476,000	1,375,000
1800	763,000	1,379,000

¹ Mr. Cock's Answer, p. 29.

² Ibid. p. 27.

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¹ Ibid.

1801	780,000	1,378,000
1802	480,000	1,794,000 peace.

The other observations in support of the new system are equally incorrect: for instance, "this immense rise in our trade, and financial resources, *while our shipping interest was promoted more than ever*; our mercantile sailors more numerous than ever; affords the strongest proofs of the wisdom of that *change* of laws which accommodates itself to circumstances. Can that be *unwise* policy which has so much *increased* private and public wealth, the grand objects of political economy; and *under which* our *chief bulwark of strength* has become powerful beyond all example?"¹ Surely the employment of neutral ships in the trade to countries, where *British ships could have gone*, cannot tend to increase British ships, or British seamen, or countervail the loss of freight to the Shipping Interest: under these circumstances, it is apparent the new system has not produced those advantages which its advocates anticipated and have been so desirous to prove and establish; but on the contrary, the most serious evils have resulted from their adoption, which, in the course of these observations, it is presumed will be most clearly shewn, although it is stated² "that the number and tonnage of British ships *employed* since the acts in question have *not been diminished*, but greatly increased." It however appears, that,

In 1796 the tonnage of British ships employed in the trade of Great Britain (exclusive of coasters,) was	Tons.
That in the succeeding year, 1797, it decreased to	1,474,000
And in 1801, the British tonnage employed, only amounted to	1,121,000
	Tons
	1,378,000

From which should be deducted, to make a comparison, the increase of British shipping in the trade of the British colonies and the captured islands, in the interval between 1797 and 1801; because the trade to those colonies could not have been affected by the suspending acts, which are so highly commended by the advocates of the new system, as the act of the 37th Geo. 3. c. 3. which passed in 1797 extended the privileges of British ships to those vessels which were taken, and belonged to the captured islands; and which, of course, ex-

¹ Ibid. p. 29.² Ibid. p. 24.³ Mr. Cock's Answer, p. 24.

tended considerably, during this period, the quantity of British tonnage	124,000	
	<hr/>	1,254,000
<i>British</i> tonnage employed in 1796	- - -	1,474,000
<hr/>	in 1801	- - -
		1,254,000
<i>Decrease</i> in the employment of <i>British</i> shipping, under the suspending system, between 1796 and 1801, at the close of the last war	' - -	Tons 220,000

' See the Parliamentary Papers for these years.

To be Continued.

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AMERICAN ENCROACHMENTS

ON

BRITISH RIGHTS, &c.

PART II.—*Concluded from last No.*

IN answer to the complaints of the Shipping Interest in 1802, on the improvident indulgences which had been, and were continued to be granted to neutral shipping, much stress, it appears, was laid by the then ministry, ' on the statement of the exports and imports of the country; and the value of the merchandize exported confounded with the increase of Shipping. It is however easy to show that such was not a fair criterion; for instance, on a comparative estimate of four years immediately preceding the late war, it will appear that,

In 1789, 1790, and 1791, taking the average of those years, that the tonnage of <i>British</i> ships, which cleared at the custom-house, was - - - -	<i>Tons.</i> 1,312,570
And that of <i>foreign</i> shipping, in the like period, - -	140,686
Whilst, in 1792, the tonnage of <i>British</i> ships, which cleared out, was only - - - -	1,396,003
And that of <i>foreign</i> ships, in that year - - -	169,151
Making an increase of British shipping of nearly <i>one-fifteenth</i> , or - - - -	83,425
And an increase of foreign shipping of nearly <i>one-fifth</i> , or - - - -	28,470
The value of goods exported, on the average of the three former years, was - - - -	£20,955,197
And in the latter year - - - - } - - -	£24,466,849
Being an increase of about one-fifth. }	

¹ See Cobbett's Political Register, 1st and 2d vols.

If, therefore, the value of the exports had increased one-fifth, and in the same period the tonnage of British shipping only one-fifteenth, it was rather too bold to argue that the increase of one was a fair criterion to judge of the increase of the other, and subsequent to that period an infinitely greater proportion of foreign ships were employed in the trade of this country, for it appears, that

In 1797, before the provisions of the Dutch Property Act could have had much effect, the tonnage of	<i>Tons.</i>
<i>foreign vessels trading with Great Britain was</i> -	451,000
And that in 1801, when in full operation, it amounted to	780,000

Being an *increase* of *foreign* tonnage under the suspending acts in the trade of Great Britain, in *five* years, of - - - - - Tons 329,000 whilst there was a very considerable decrease in the employment of British tonnage as before stated. In this manner the employment of the shipping of Great Britain decreased, and the tonnage of neutral ships employed in British trade under the operation of the suspending acts increased; although the reverse has been most confidently stated and attempted to be shown by the advocates of the new system.¹

Another inconvenience resulted from the suspension of the navigation laws, by the increased employment it afforded to neutral shipping; namely, the difficulty often created in procuring foreign seamen for British vessels. At every period, when English seamen are required for the navy, it is obvious how injuriously every measure must operate which enables foreign seamen, who would otherwise be employed in British merchant ships, to find so readily safety and employment in neutral vessels, in which they are not liable to be captured by the enemy, or occasionally impressed into the king's service.

In addition to these objections to "the suspending system," a constitutional point arises, of some importance; as the acts on which it is founded divest parliament of its legislative faculties, and invest the same in the privy council, so far as relates to the foreign trade and commerce of Great Britain, and to part of its colonial trade under the American Intercourse Bill of 1806; indeed it approximates in principle to the doctrine of *non obstante*, which, according to the best legal and constitutional authorities, has always been looked upon with a jealous eye. It is to be observed there is no authority in the Act of Navigation to enable

¹ See Alley's Vindication, in which this subject is most ably and impartially treated.

his Majesty to suspend the provisions of it; it may therefore be fairly contended, under the statute of the 1st William and Mary, sess. 2. c. 2. sec. 12, that the acts which authorise the suspension of the Navigation System established by an *antecedent* statute, the 12th Charles II. c. 18. are contrary to that provision of the Bill of Rights; the words are, "and be it further declared and enacted by the authority aforesaid, that from and after the present session of parliament, no dispensation by *non obstante* of or to any statute, or any part thereof shall be allowed, but that the same shall be held void and of no effect. *except* a dispensation be allowed of in *such* statute, and except in such cases as *shall be specially provided for*, by one or more bills to be passed *during the present session of parliament.*"

It is not intended by this observation to question the omnipotence of the British legislature, but merely to point out the words of this statute, which appear to have been either misunderstood or disregarded. It is evident the framers of the Bill of Rights intended by this clause to preclude the exercise of the *non obstante* or dispensing power, as to the provisions of *former* statutes, except such power was invested by such statutes in the crown; or in such other cases as might in the course of *that session of parliament* be specially provided for; and that as to future or subsequent acts, the crown should not exercise the dispensing power, unless the same was granted in the act, the provisions of which it might, from change of circumstances or other cause, be necessary to suspend.

A reference to the debates on the temporary Acts for regulating the trade between Great Britain and the United States, after the acknowledgement of their independence, will prove the propriety of these remarks. It was observed by Mr. GEORGE DEMPSTER, in the debate on one of these acts 1787, "that when he voted in favor of the proposition that the government of the trade with America should be vested in his Majesty in council, he felt some reluctance, being conscious that *he resigned the powers of that house, in an unconstitutional manner*; but the unsettled condition of the United States of America, and the peculiar circumstances of the times, appeared to him to warrant such a resignation of his own right as a member of parliament, and to justify that concession. The case was however now different, and he saw no reason why the house should not re-assume their powers, and return as soon as possible to the exercise of their functions. Every friend to the constitution, he conceived, must feel with him

¹ Debrett's edition, vol. 36, page 490.

upon the subject, and the persons who originally asked for the act confessed themselves at the time to be conscious that they were unavoidably obliged to desire what was obviously unconstitutional." "That annual acts were no novelty"—"but he could not help being of opinion that the sooner the house returned to the *ancient* practice, and the less they trusted to the discretion of the executive government, the better."

The evils resulting from such innovations of our maritime laws are great; their injurious operation on the Shipping Interest, manifest; and the ultimate depression they will produce on the naval power of Great Britain becomes daily more apparent. The British Ship-owners have also too much reason to complain of the *facility* with which licenses have been granted by the Privy Council, (notwithstanding the abuse of them) authorising the employment of neutral ships in the trade of this country, and it is from the experience which they have dearly bought in that respect, they are so anxious the former system should be resumed.

It is observed by LORD SHEFFIELD, "the very existence of these powers is calculated to produce various mischief. When the regulation is known and fixed, commerce may direct its concerns accordingly. But when men in office and governors unrestrained by any written statute, regulation, or principle may suspend or alter the accustomed direction of trade, the prospects of commerce will be rendered uncertain and precarious by the precariousness of the regulation, and commercial speculation in consequence will be intimidated and depressed. It cannot be expected that trade can prosper under such circumstances; firmness and stability of system can alone enable speculation to look forward with any mercantile confidence to the future, to prosecute its plan with steady determination, and to anticipate with any probable security those necessities which it may be called on to supply. But what inducement is left to commerce which may, in a moment, be counteracted in its views and objects by discretionary orders; what provision will be made for the supply of distant markets, if those markets be daily liable to be opened by orders from the treasury or council to foreign competition, and thereby rendered precarious, hazardous, and unsteady; what merchant will continue in a trade which the signature of a West-India governor may hourly interrupt or defeat? I think, therefore, it cannot be denied that these powers of discretion so eminently liable to abuse, are at least dangerous and repulsive to trade; that they tend to introduce into commercial concerns uncertainty and indecision, which cannot but confine or repress the enterprise of the merchant: and I must also add, that they are so hostile to the genuine spirit of

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the law and the constitution, that ministers have thought it necessary to procure an annual act of indemnity for the exercise of those discretionary powers."¹

These are the constitutional and commercial objections to the statutes, by which the Act of Navigation, emphatically styled, "The Charta Maritima of England," has been during the last twelve years suspended, to the serious injury of the better interests of the country. It should always be remembered, that our brave and wise ancestors never did for any purpose of revenue or of political accommodation to other states, depart from the strict principle of the Navigation Laws, but took especial care, that our own trade was carried on in our own ships, and invariably made the commerce of the country the medium of the increase of its shipping.

"What, my thoughtless sons, should fire you more
Than when your well-earned Empire of the Deep
The least beginning injury receives?
What better cause can call your lightning forth?
Your thunder wake? your dearest life demand?
What better cause, than when your country sees
The sly destruction at her vitals aim'd?
For oh, it much imports you, 'tis your all,
To keep your trade intire, intire the force
And honor of your fleets; o'er that to watch,
Even with a hand severe, and jealous eye." THOMSON.

The Shipping Interest having pointed out the ruinous consequences resulting from the suspension of the navigation and colonial system, and the concessions to neutral nations; the advocates² of America and the partizans of the late ministers have availed themselves of every opportunity to calumniate that respectable and valuable class of his Majesty's subjects, by representing that in *their* opposition to the *American* intercourse bill they attempted to *impose*³ on parliament, and that the *domineering* spirit which they evinced, on that occasion, fell principally on the West-India planters.⁴

This calumny, which had been chiefly confined to anonymous publications, would have been passed over and treated with the contumely it merited, had it not been countenanced by the author of the defence of *America*, for such it must be⁵ considered, whose rank and situation in life entitle him to attention and respect; it

¹ Lord Sheffield's *Strictures*, 2d edition, page 225.

² Medford's *Oil without Vinegar*, &c. &c.

³ *Emancipation in Disguise*.

⁴ Mr. Baring's *Examination*, p. 170.

⁵ *Ibid.* p. 2. to 13.

consequently becomes necessary, however reluctantly the discussion is entered upon, to point out the motives of such conduct and the sedulous endeavours, which continue to be made, to depress the Shipping Interest of Great Britain and the trading interests of the British colonies in North America.

It will be recollected that the *American intercourse bill* as originally introduced by EARL TEMPLE, authorized THE KING, with advice of his privy council, to *suspend*, during the present or *any future war*, the navigation and colonial system in the British settlements in the West Indies and South America, both as to *exports and imports*; which placed the whole of the colonial trade in all its branches, in the hands of ministers, and rendered the mercantile and shipping interests of the empire entirely dependant on the officers of the crown.¹ The alarm which was excited by this *enormous extension* of the *suspending power* of the crown, induced not only the ship-owners and the merchants and others interested in the *export trade* of Great Britain, to petition the legislature on the subject, but likewise the merchants engaged in the trade and fisheries of the British North American colonies.²

The deep and lasting impression which their opposition to that unnecessary and impolitic measure made on the public mind, is a convincing proof that, on that occasion, "a few common place phrases about our *old navigation laws* and *maritime rights*" did not "answer the place of argument, and"—that much, and no, as it is stated, "little trouble was taken to ascertain in how far they may or may not be really injured, by any remedies suggested *for the relief of others.*"³ On the contrary, the petitioners urged *the necessity of an inquiry* before a committee of the house of commons, on the state of the shipping and navigation of the country, and of the resources of the shipping and navigation of the country, and of the resources of the King's colonies in America, and *on the result* of that investigation *they were willing to abide*; but all their entreaties were unavailing; and notwithstanding the high character which the partisans of many of the late ministers gave them, for the zeal and attachment, which it was said they peculiarly felt for the privileges of the people, they denied to them, that which on all similar occasions had been considered a matter of course, if not

¹ See introduction to Collection of Reports, &c. on Navigation and Trade, edition 1807.—Stockdale.

² See the Votes of the house of commons, session 1806, for the numerous petitions presented *against* the American intercourse bill, and *compare* the bill as originally introduced with *the act* which ultimately passed on the subject. See also *Alfred's* letters to Lord Holland in 1 vol. of York's Political Review.

³ Mr. Baring's Examination, &c. p. 170.

of right, namely, the appointment of a committee to inquire into the nature and true merits of their application!

No delay could have arisen from this investigation; it was stated, and a pledge was given, in the course of the debate on this bill, that the period for the enquiry would not exceed a fortnight, and it is not pretended any inconvenience would have been felt by the planters, there being no apprehension of scarcity. For Mr. Windham, by his previous circular letter of April, 1806, had not only directed the governors of the West-India islands to *suspend* the navigation acts *during the war*, and to allow the importation of provisions and lumber, but he had likewise *promised* to provide for them the *usual* indemnity; thereby, unconstitutionally, *anticipating* the judgment of parliament.

It, surely, was not too much to expect from an administration, principally composed of persons who had assumed the enviable distinction and character of "the friends of the people," a ready acquiescence to an application, in its nature so reasonable, necessary, and constitutional; especially as it did not proceed from the Shipping Interest only, for whatever objection there might have been to them, from other considerations, yet the respectability of the merchants and traders who signed the other petitions on that occasion, independently of the national importance of the subject, ought certainly to have induced the late administration to have paused and reflected, before they determined to preclude all investigation.

A reference to the petitions presented against that measure, and to the brilliant and unanswerable speeches of the members of both houses of parliament who opposed the American intercourse bill,² will convince every unprejudiced mind, that the representations so industriously circulated to calumniate the Shipping Interest, and to encourage unjust prejudices against the trade of the British colonies in North America, are unfounded, and originate in party motives. It is, however, consolatory to observe an increasing attention to these two important interests, particularly the former, which is so immediately connected with the landed interest, and constitutes a very large proportion of the elective body of the United Kingdom.

When the circumstances in which the country was placed during the late war are recollected, the conduct of the shipping interest will be justly appreciated, from their forbearance to press, during that eventful period, on the attention of government, the appre-

¹ The shipping interest, from their supposed attachment to Mr. Pitt, have frequently been subject to the animadversions of his political opponents.

² See Woodfall's Parliamentary Register for 1806.

hensions they entertained of the impolicy of the suspension of the navigation and colonial system, and the evil consequences which they contemplated would result from it. The motives which influenced their conduct were highly creditable to them; feeling the perilous situation of the country, they deemed it most prudent not to afford an opportunity to the turbulent and factious, to intermix the imaginary and unfounded grievances which, at that time, were brought forward to harrass and perplex government, with the strong and well grounded claim of the shipping interest to the attention of the legislature.¹

In 1801-2 they availed themselves of the short interval of the *peace* of Amiens and applied to government, in Lord Sidmouth's administration, but without effect, and it was not until Mr. Pitt's return to power in 1804, that the ship-owners received the attention to which they were entitled; when the strongest assurances were given to them of an intention *gradually* to resume the *former* system; and of which no doubt could be entertained, from the measures *actually taken* during the latter part of his administration.² It also appears that on the commencement of the late war, an order was issued in November, 1793, for a strict enforcement of the rule of 1756; a relaxation of which Mr. Pitt was most *reluctantly* prevailed upon to acquiesce in very soon afterwards; BUT SUBSEQUENT CIRCUMSTANCES HAD, IT IS WELL KNOWN, CONVINCED HIM MOST SATISFACTORILY OF THE INFINITE IMPORTANCE TO THE COUNTRY OF GETTING RID OF THAT RELAXATION AT THE EARLIEST OPPORTUNITY, AND OF RECURRING TO THE RULE ALLUDED TO. The death of this illustrious statesman damped the hopes of every one anxious to maintain and preserve the maritime preponderancy of Great Britain, it being evident from the opinions,³ openly promulgated by some (and afterwards adopted

¹ See Introduction to Collection of Reports and Papers on Navigation and Trade, edition 1807. p. 26.

² Ibid. p. 22, 25. An attempt is made to render doubtful the truth of Mr. Pitt's intention to resume the old system, &c. Vide Mr. Baring's Examination, p. 7. Were it necessary in a work of this nature to go into proofs of the political opinions of a deceased minister, very satisfactory evidence can be adduced that more than one of his Majesty's *late* ministers were satisfied of the alteration which had taken place in Mr. Pitt's sentiments on this subject, and in further corroboration of these *posthumous* opinions, as they are now called, of that great statesman, it is only necessary to refer to the minutes of the Colonial Office, and the Board of Trade, during Mr. Pitt's last administration, and to some of the printed papers laid before parliament in the spring of 1806.

³ See Lord *Sheffield's* speech, the 12th of May, 1806, on the American Intercourse Bill: "his Lordship said he had always serious apprehensions respecting the loose opinions which were so often delivered on these subjects.

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by all) of his successors, they were determined to adhere to the system of suspension, notwithstanding the injurious consequences which had previously resulted from it, and the depression they would ultimately produce on the naval power of the country.

These explanatory observations, whilst they exculpate the shipping interest from the charge of having *attempted to impose* on parliament, and of *ferocious* conduct in their opposition to the *American Intercourse Bill*, will, it is trusted, counteract the illiberal attempts to prejudice their character and reputation: experience has shown, that although the shipping interest, in a crisis like the present, forbear to press on the government of the country their claim of attention to their particular case; it is not to be doubted, but that under more favorable circumstances, they will avail themselves of every constitution: ¹ means to induce the legislature to adopt such measures as will protect their property from the ruin which will await it, if the maritime rights of the country continue to be sacrificed and abandoned to the theoretic speculations, and *new-fangled* philosophy of the *modern* economists; who, by their *avidity* and *empiricism*, have encouraged in neutral powers an insatiate cupidity to demand *further* concessions; ² and thus have brought upon the nation many of those difficulties and embarrassments in which it is now placed. For, as Dr. Johnson has truly remarked, "to make concessions is to encourage encroachments."

The persevering efforts of the *American party* in this country, who call for a revision, or rather for an abrogation of our navigation and colonial system, and boldly proclaim, that the *only* remedy which promises some permanent and much temporary relief to the British West-India planters, is to open the ports *generally to neutrals*; ³ must be obvious to every one who has viewed with attention and impartiality, the mild and conciliatory conduct of Great Britain towards America.

Not content with the powerful influence which they have unfortunately obtained, their endeavours appear to be directed to

But his alarm had become extreme since he had heard a noble Lord (Grenville) distinguished for his great abilities and information, to whom neither levity nor imprudence could be imputed, hold a language, which appeared to him intended to prepare us, in consequence of the change of times and things, for a relinquishment of the most essential parts of our navigation and colonial system."

Also see Mr. For's speech on the same bill, on the 22nd of May, 1806. "I have no difficulty in saying, that in my opinion the course should always be, in time of war at least, such as is proposed by this bill to make it, and I am not sure that it may not be necessary also in time of peace!"

¹ Edinburgh Review, &c.

² Cobbett's Political Register, 13 vol. p. 427.

³ Mr. Baring's Examination, p. 167.

mislead the public mind on many important points; or to what other motive can the following assertion be attributed, unless it is intended to encourage the prejudices of a few individuals in the British West-India colonies, whose conduct conduces to a belief that their attachment to the mother country is not so strong as their regard for the United States? "At present, by the most absurd policy, *our* planters are *prevented* from paying for the large amount of provisions and supplies from *America*, by a *return* of their own produce, *which would willingly be received*, because the *whole* of it *must go* to the mother country, where it can only sell at a loss."¹ Though by the 28th Geo. III. c. 6. sugar, molasses, coffee, cocoa-nuts, ginger, and pimento, are permitted to be *exported* from the *British* West India Islands to the United States, in *British*-built ships.² It is apprehended by the shipping interest, in case sugar and molasses are not allowed to be used in the distilleries, that every exertion will be made to obtain permission to *export* from the British West India Islands to the United States in *American* bottoms, sugar and other colonial produce. If such an infraction of the colonial system should take place, it cannot fail to produce the most lamentable consequences, and extend the means relied on by France for annihilating the maritime power of Great Britain.

Thus the principles and views of the advocates of the new system become apparent; for though in other parts of this work, it is (but seemingly with reluctance) admitted, "that the policy of favoring our *own* shipping, cannot be doubted;" yet there pervades throughout the whole of this examination of the conduct of Great Britain towards America, so strong a disposition to depreciate and lessen the just popularity with which the recent energetic measures of the present administration have been received throughout the country, that little doubt can be entertained, that such is the real object of the publication. If, fortunately, these measures are not relaxed, but are adhered to and enforced,³ it being evident, "His Majesty cannot *otherwise* get out of the war with safety," the people may anticipate a successful termination of it; for on that depends the MARITIME power of GREAT BRITAIN, which constitutes at present the only barrier to universal despotism and misery, and

¹ Mr. Baring's Examination, p. 166.

² Reeves's History of Shipping and Navigation, 2nd edit. p. 271, 272.

³ Mr. Baring's Examination, p. 167.

⁴ See the Antijacobin Review for February, 1808, p. 204, for some very patriotic observations on this subject.—"The king who makes war on his enemies *tenderly*, distresses his own subjects *most cruelly*." Dr. JOHNSON.

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on which the nation must rely for the continuance of its liberties and independence.

“Qui mare teneat, eum necesse rerum potiri.”

“On the right of Great Britain to issue such instructions for regulating, as in point of fact they do, the navigation of the sea, and the policy of issuing them, it is unnecessary here to expatiate. The principles which justify retaliation on the enemy by measures which, though in their operation injurious to neutrals, are still obvious necessary measures of self-defence, are clear and unequivocal. The conviction on the public mind (a conviction which has preceded, and will not be lessened by the discussions in parliament), affords the grateful pledge, that the nation will patiently await the result of the system adopted by ministers, in conformity with principles avowed and partially acted on by their predecessors. The same just sense of the necessity of recurring to adequate means of defence and preservation, which induced the latter, at the end of 1806, to reserve the right of acting in a way that must necessarily be injurious to neutral commerce, abundantly justify their successors, under circumstances no less imperious, in carrying that right into effect.”² Let them persist then in their honorable course, and they may be assured the rational part of the community will continue to support them in their most laudable efforts; for though difficulties may attend the practical operation of the orders of council, the energy and activity which suggested their adoption, will find means to facilitate their progress; and from them, as well as from any great public measure, founded on sound principles, many collateral advantages not originally foreseen, may be expected to arise.

¹ “The decrees of the lords of the ocean may be unjust and oppressive, but they are still mild, when contrasted with the mere *sic volo*, which would issue from the court of the universal sovereign of both elements.” MR. BARING, p. 119.

“We are the Neptunes of the ocean,
And such as traffic shall pay sacrifice
Of their best lading;”——— MASSINGER.

“Lords of the world’s great waste, the ocean, we
Whole forests send to reign upon the sea;
And ev’ry coast may trouble, or relieve:
But none can visit us without your leave.”

WALLER’S *Panegyric on Cromwell*.

“Despairing Gaul her boiling youth restrains,
Dissolv’d her dream of universal sway;
The winds and seas are BRITAIN’S wide domain;
And not a sail, but by permission, spreads.” THOMSON’S *Liberty*.

² Sir F. M. Eden on Maritime Rights.

Experience has shown that the former increase of British shipping was to be ascribed to the navigation system, which strikingly appeared in the application of it to the trade of the United States. When these countries were part of our plantations, a great proportion of their produce was transported to Great Britain, and the British West India Islands, in *American* vessels; they had likewise a share in the freight of colonial produce from those islands to Great Britain; and they annually built many ships which were employed in the British carrying trade. But after the independence of these states, and their ships had been *excluded* from our *plantation* trade, and that trade was wholly confined to *British* built ships; we not only gained that part of our carrying trade from which they were so excluded, but we moreover enjoyed a considerable portion of *the carriage* of the produce of the United States. The policy of this system, which has excited the admiration of friends and foes, and drawn forth the praises of the most opposite characters,¹ becomes every day more obvious, and the public cannot fail to be alarmed at the great decrease of British built ships, from whatever cause it proceeds. To trace the evil to its source was the object of the Society of Ship Owners of Great Britain when they petitioned the legislature in 1802, during Lord Sidmouth's administration, to *institute an enquiry* on the subject. Many of the writers of the present day, seem to forget, that this system was *not* intended, in the *first* instance, to *promote* trade, but to *increase* the naval strength of the kingdom; and afterwards as a *secondary* consideration, its provisions were directed to the *former* object; in consequence of which both of them were happily attained, and continued in a progressive state of improvement and increase, until the *suspending* system was introduced: its ruinous effects soon began to be observed and felt; and latterly the shipping of Great Britain have decreased more rapidly than they ever increased, whilst a proportionate depression has been felt in every branch of trade connected with shipping.

In confirmation of these observations, and to preclude in future all doubt of their truth and accuracy, it is only necessary to recite the petition² from the merchants of London, which was presented by Mr. Manning, on the 20th of February, 1807, to the House of Commons.

¹ Smith, Brougham, Hauterive, and Gentz.

² See the Votes for first session of 1807.

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"To the Honorable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.

"The Petition of the undersigned Merchants and other Persons interested in the Trade of Great Britain and its Colonies, residing within the Port of London,

SHEWETH,

"That your petitioners are most seriously apprehensive there is an intention to continue the duties imposed by the Acts of the 43rd, 44th, and 46th, years of his present Majesty, on the *tonnage* of British shipping, and on goods and merchandizes *exported* and carried coastwise, after the expiration of the present war, *notwithstanding the solemn assurances given to your petitioners that the same should cease with it*; and which, if adopted, will be attended with the most ruinous consequences to the trading interests of the country.

"Your petitioners beg leave, with the greatest humility, to state to your honorable House, that the *depressed state* of the trading and shipping interests of the country, *results principally from the suspension* of the Navigation Act, and the *indulgences* granted to *neutrals*, both in the trade of the countries of the enemies of Great Britain, and in the trade of the King's dominions.

"Your petitioners venture, with great deference and respect, to state, they *are ready* and desirous to *prove* the facts alleged by them, *in support of their allegation*, that the trading and shipping interests are laboring under great depression, not only from the heavy impositions to which they are subject, but also from *the relaxations* before mentioned; and that any measure which continues the duties on the tonnage of British ships, and the war duties on exports, would at any time be productive of the most serious danger to British navigation and commerce, but especially on the return of peace.

"Your petitioners therefore most humbly pray your honorable House, that the duties on exports and tonnage imposed by the acts before mentioned, *may cease* with the present war: that *an enquiry* may be made into the *actual* state of the shipping and navigation of the country; and that *in future* the navigation and colonial system of Great Britain *may be adhered to*, so as to enable the British ship-owners again to enter into competition with the *neutral* carrier.

And your petitioners will ever pray, &c.

Charles Bosanquet
Henry Davidson

William Lushington
John Mavor

Eneas Barclay
 Thomas Spencer
 Thomas Wilson
 Thomas Plumer
 John Plumer
 Robert Lang
 Thomas Latham
 Robert Pulsford
 Richard Miles
 Thomas Lumley
 Thomas Oliver
 Henry Gilbee
 Edward Vaux
 Jonathan Wilson
 John Leach
 Robert Ward
 James Fraser
 William Clark
 William Pulsford
 And

Laurence Brickwood
 Joseph Marryat
 Robert Shedden
 William Shedden
 R. H. Marten
 Joseph Todhunter
 Edward Colson
 Robert Taylor
 G. A. Davis
 George Hibbert
 Robert Hibbert, jun.
 William Hibbert
 J. P. Anderdon
 John Turing
 J. G. Frankling
 Charles Campbell
 James Bowden
 David Robertson
 Richard Redman
 Thomas Reilly.¹

It may not be improper to observe, that this petition failed in its effect during the late administration; ² and it was left to the pre-

¹ On this occasion a similar petition was presented by the ship-owners of London; and amongst many others may be noticed the following signatures to it: viz.

A. Duncan	G. Laing	Alex. Henry
Thos. King	Robt. Milligan	John Inglis
Joshua Reeve	Alex. Anderson	I. L. Venner
Jonathan Fryer	R. B. Shedden	Thos. Hayman
L. Bruce	S. Minet	Jesse Curling, &c. &c.

There were likewise similar petitions from Hull, Bridlington, Scarborough, Whithy, North and South Shields, and other out-ports.

² In further illustration of the preceding observations, the following extracts are selected from the *printed* reports of the debates in parliament, on Lord Henry Petty's scheme of finance, against which this petition was presented.

Extract from Lord Lauderdale's Speech in the British Press, 24th April, 1807.—"The Noble Lord proceeded also to deny the charge, insinuating, that any system had been adopted by the late ministers of breaking through the navigation system; this, with other charges equally false, as to the late bill brought in on behalf of the Roman Catholics, had effected, it was true, a temporary clamor."

Extract from Lord Holland's Speech in the same newspaper. "The Noble Lord proceeded to animadvert on the conduct of those who assumed the title of 'the shipping interest,' and who would have sacrificed the national policy to their own selfish interests. He considered this amended bill, as being neither more nor less, than passing a compliment to the prejudices of a few of these ship-owners."

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sent ministers to *fulfil the assurances* which had been given in Lord Sidmouth's administration, that the war duties on exports and tonnage should cease with it; an exception to that effect having been introduced into Lord Henry Petty's plan of finance by the present Chancellor of the Exchequer.

The Shipping Interest have likewise been represented as *tenaciously* endeavouring to prevail on government to adhere to restrictions injurious to other classes of the community, evidently meaning the West-India planters; but before that assertion could be admitted to be true, it surely was not unreasonable in them, or the loyal colonists in the King's provinces in America, whose interests were so deeply implicated in the question, to require a *fair and impartial investigation* of the subject; it having been satisfactorily shown in the years 1784 and 1791, by the reports of the Board of Trade, that the mother country and its dependencies were competent, in time of war, to supply in British ships the West India colonies with the articles they consume; it was therefore assuming too much to suppose the reverse of that fact could be admitted to be true in 1806, without any inquiry or investigation.

It is presumed sufficient has been stated to establish the constitutional and political ground on which the Shipping Interest opposed the *American Intercourse Bill*; and the present state of the shipping of the Empire, unfortunately proves the fears entertained by the ship-owners, to have been too well-founded; and—"that they did not cry out, before they were hurt."

The fact is, the Shipping Interest were not sufficiently known until that discussion took place, or their importance to the state truly felt by the late ministers; otherwise, it is probable, their representations would have had more weight: since then, their influence appears to have been more generally acknowledged;² and

Extract from Lord Grenville's speech in the Times of the same day. "He entered at length, into the subject of the *alteration of the Bill*, which he considered, after the resolution of the other House had passed, a violation and breach of faith, in compliment to *what had been called the shipping interest*. He put the case of the shipping interest having been *clamorous* and busy at the late general election, and the possibility of this sacrifice being made to them, from some motives of gratitude for such services. He exposed the futility of their clamors, and contended there was much to justify his assertion."

Ab alio expectes, alteri quod feceris.

¹ Mr. Baring's Examination, p. 170.

² See the addresses of many of the candidates to their constituents at the late general election, amongst whom were many of the *members of the present opposition*, who *voluntarily* pledged themselves to support whatever measures were introduced in parliament, not only to *maintain and give effect* to the navigation and colonial system, but also to enforce the maritime rights of Great Britain.

it is to be expected in future that, what, from its political importance, constitutes the second leading interest of the empire, will receive that support and protection from the legislature, which is so essentially necessary to its existence; and to which it is entitled from being accessory and principally contributing to the maintenance of the naval power of the kingdom.

The capital embarked in 1804 in British shipping,¹ at the low valuation of 12*l.* per ton, was 27,401,304*l.* sterling, and the persons who constitute the majority of the proprietors of this immense property, are land-owners as well as ship-owners, and are otherwise deeply interested in the general welfare of the country.

It is observed by the same writer,² that "in the general paths of trade, the *American* does not appear to interfere *much* with the *British ship-owner*. In the ports of our enemies, the latter is of course excluded, and deprived of nothing by the former. The supply of our West-India islands with provisions and lumber, appears the *only* essential point of collision. My limits will not permit me here to examine this question minutely, and I shall barely state *my opinion*, that, *during war*, proper and adequate supplies *can only* be furnished by the *United States*, and in their *own* vessels."

Thus it is admitted, as it was by the late ministers,³ that, in *time of peace*, the mother country, and its dependencies, are competent to supply *properly and adequately*, in *British* ships, the West-India islands with provisions and lumber, which consequently so narrows the subject, as to render it a mere question of price. No satisfactory reason can be assigned why the supplies obtained, even from the United States, should not, in time of war, be carried in *British* ships to the West-India islands. The intercourse in *British bottoms* is of vast importance to the state, for exclusive of the freight, which was estimated in 1784 at 245,000*l.* a year,⁴ the encouragement it would afford to British shipping and British seamen, is too obvious to require explanation. It has been said, that the price of

¹ See account of ships and vessels belonging to the British empire on the 30th Sept. 1805, being the account delivered for the antecedent year, but then corrected:—

Ships and Vessels.	Tons.	Men.
22,051	2,283,442	157,712.

It may be fairly asked, what other interest in the country, except the agricultural interest, is possessed of a visible tangible property, equal in amount to the Shipping interest.

² Mr. Baring's examination, 171.

³ See Introduction to Collection of Reports, &c. on Trade, &c. p. 14, edition 1807.

⁴ Report of the Board of Trade, 1784. p. 31. See also Lord Grenville's speech (then Mr. W. Grenville) on the 14th of March, 1787, on the temporary acts, wherein he said, "that it was a species of commerce highly useful to our navigation, as it employed 50,000 tons of shipping and 4000 seamen annually." Debret's edition of Debates in Parliament.

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provisions and lumber would be very much enhanced by the expense of insurance; but surely a trade so beneficial to the nation ought not to be renounced because it may occasionally diminish the profits of a few individuals.¹ The rate of insurance, for the circuitous voyage, is 7 guineas per cent. warranted with convoy; so that in fact, the insurance of provisions and lumber from New York to Jamaica with convoy, would not exceed at most 4l. per cent., and as the insurance on American vessels for the same voyage is 2l. per cent., the extra-insurance between British ships, with convoy, and American ships, would not exceed 2l. per cent., that is only 28,000*l.* a year, the whole *annual* supply of provisions and lumber being estimated at 1,400,000*l.*² An object so inconsiderable, compared to the injury and depression which is thrown on the mercantile shipping and other important interests of the mother country, by the admission and employment of *neutrals* in the trade of the British West-India islands, it is really astonishing the latter are still allowed to participate in it; besides, it may be correctly stated, that the rate of freight in the *direct* trade from the West-India islands to Great Britain, has, in some instances, been enhanced by the new system, and a scarcity of tonnage occasionally experienced in the islands in consequence of British ships being driven out of the circuitous trade by the employment of Americans; so that there is reason to believe, if the subject was fairly and impartially investigated, it would appear, the planters would not be benefited by the present intercourse with the United States, if the trade with the British West India Islands was wholly confined to the articles which are now allowed by law to be imported and exported in American vessels.³

It should be recollected, it is not only the injury sustained by the loyal colonists in America and the Shipping Interest by this impolitic and unnecessary intercourse, which renders it so improper, but the depression it has likewise produced on the provision trade of

¹ Debates on American Intercourse Bill, 1806; also Lord Sheffield's *Strictures*, p. 189.

² Mr. Baring's *Examination*, 59.

³ The exports from the United States to the British Dependencies between 30th Sept. 1806, and 30th Sept. 1807, were as follows, viz.

	Domestic Produce. Dollars.	Foreign Produce. Dollars.
Cape of Good Hope,	67,241	94,316
Gibraltar,	119,832	131,221
British African Ports,	8,273	1,788
———East Indies,	1,665	82,701
———West Indies,	5,322,276	1,30,86
Newfoundland, &c.	208,611	58,881
British American Colonies,	1,192,532	163,944
Honduras,	146 176	537,478
Danish (now British) W. I.	496,010	307,360

Ireland. Previous to the admission of neutrals into the British colonial trade, there were established in the West-India islands, English merchants, whose chief business was to supply those settlements with provisions, lumber, and colonial stores; knowing the average consumption of the islands, no inconvenience or scarcity was felt or experienced, as they kept up a constant and regular supply of all the articles required, and so continued until the new system was introduced; when they found it impossible, with any rational prospect of profit, to carry on that branch of trade any longer, from the admission of supplies in *American shipping*, which so frequently overstocked the market as to produce great loss, and ultimately, in some instances, ruin to many of the British merchants engaged in that trade, in consequence of which, most of these establishments have been abandoned, but which there is no doubt would soon be revived, if the former system was again resorted to.¹

In answer to the allegation, that, in general, American ships do not interfere *much* with British shipping, it may be remarked, it is difficult to find out a branch of trade in which they do not, in some measure, and successfully, compete with them. They possess nearly all the Mediterranean trade, and the great quantity of American tonnage which was lately employed in the trade of this country, under licences, is too well known to be doubted; with respect to their intercourse with the British West-India islands, it is only necessary, in order to shew the evil tendency of admitting them into a participation of our colonial trade, both as it affects British ship-owners and the British American colonists, to state, that from the 5th Sept. 1805, to the 5th Sept. 1806, the tonnage of *British* ships employed in the trade of *Jamaica* was only 117,433 tons, whilst that of *American* ships was 77,133 tons, and it is probable, that in nearly the same proportion, the trade of the *other* British West-India islands is carried on.²

As these selections are from a work professed to be written with candor, disinterestedness, and impartiality; and, "as the public has been led by the *misrepresentations* of those who have not carried their inquiries beyond their *own supposed* interests"³—*with a view to correct*—"some very important mistakes as to facts, which at present prevail:"⁴ it is therefore not uncandid to ask what confi-

¹ Lord Sheffield's *Strictures*, p. 203, and the Appendix to it, for the *Addresses to the Assembly of Jamaica*, by the English merchants on this subject; also *Alfred's Letters to Lord Holland in Yorke's Political Review*, vol. i. and extra-official *State Papers*, vol. ii. Appendix, No. 18; also Mr. Knox's Evidence before the Board of Trade, March 1784, containing much important information on this subject.

² See Statement of Exports and Imports of Jamaica for this period, in *Yorke's Political Review*, vol. ii. p. 318.

³ Mr. Baring's *Examination* p. 13.

⁴ *Ibid.*

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³ *Ibid.*

dence can be expected to be reposed in such observations, when it is without hesitation asserted, that *during war*, proper and adequate supplies can *only* be furnished the British West-India islands from the *United States* in *American* bottoms!¹ Thus contradicting, without proof, the facts adduced in the two reports of the Board of Trade on that subject, and negating the allegations contained in the several petitions before referred to; which the petitioners stated they were so anxiously solicitous to substantiate and prove—

“Qui statuit aliquid, parte inauditâ alterâ
Æquum licet statuerit, haud æquus est.”

It, however, affords some satisfaction to observe, that amidst these endeavours to mislead the public mind, and to depreciate the navigation and colonial system of Great Britain, its policy and wisdom, though reluctantly, are admitted.

An impartial examination of this writer's statement of the imports and exports of the United States for the years 1802, 1803, and 1804, so far as the same relate to their trade with Great Britain, will refute his observations on the subject, and show that the advantages which are represented to be derived by this country from the trade with America are greatly exaggerated.

It is stated² “that the average importations from

Great Britain and her dependencies into the
United States for the years 1802, 3, and 4,
were

£.
8,098,000

And the average exports from the United States
to the dominions of Great Britain for the
same period,

5,200,000

Leaving a balance in favour of Great Britain of £2,898,000
Which must be paid to us by the continent of Europe from the proceeds of consignments made from America to Holland, France, Spain, Italy, &c.”

It is also observed,³ That the *three years above mentioned* included one of extraordinary *scarcity* in this country, during which our importation of provisions was unusually large; so that upon the whole, it would be no exaggeration to say, that we should draw from the continent of Europe between four and five millions sterling annually in return for the manufactures sent to America, and for which that country has no other means of payment.”

It is likewise alleged,⁴ that the amount of the annual importation, on the average of the pre-

¹ Mr. Baring's Examination, p. 171.

² Ibid. p. 138.

³ Ibid. p. 143.

⁴ Ibid. p. 139.

ceding years into the United States from <i>all parts</i> of the world was	£. 16,950,000
And the exports from America on an average of the same years amounted to	15,400,000

Leaving a balance against America of £. 1,550,000

And that "the balance which this statement would leave against America *must arise from the mode of stating the accounts.*"¹ Probably it is in her favor, but not much, as her demand for European articles will naturally be regulated by her means of paying for them."

The manner in which this publication has been noticed by a few of the leading members of opposition, and the respect which has been shown to the author of it, from his general knowledge of American commerce, is not surprising; there being great reason to fear that on subjects of this nature, the public are too frequently seduced and led away by specious reasoning, rather than undergo the fatigue or trouble of looking narrowly into or ascertaining the real state of facts: it therefore could not fail to excite some degree of astonishment to find it stated, that the exports from the United States to this country, on an average taken of the years 1802, 3, and 4, *included one year of great scarcity,*² during which the importation of provisions was unusually large; intending, it is presumed, to shew, that the average of those years was considerably more than the ordinary imports from the United States to Great Britain, and its dependencies. It is however to be remarked, that this statement does *not* include the year of scarcity. The harvest in this country failed in 1800, and it was in 1801 that the large imports alluded to were made to Great Britain.³ This average therefore does not include that year; but what is of more importance to be noticed, it includes *one of peace*, and a subsequent year, when the belligerents had not given the subjects of the United States an opportunity to avail themselves of their situation, in consequence of the recommencement of the war.

By the same authority from which this writer has taken his statement, namely, Mr. Galatin's Report, it appears that the exports for the year 1801, prior to the 1st of October, from the United States to Great Britain and her dependencies, amounted to dollars 42,132,000 or.....

£.
9,479,700

Which is nearly twice the amount of the exports on the average of the three years before mentioned, viz. 1802, 1803, 1804, or

£. 5,200,000

¹ Mr. Baring's Examination, p. 140.

Ibid. p. 143.

³ Ante p. 66.

Under these circumstances, it may not be improper to draw the attention of the public to a subject which appears to have entirely escaped the notice of this writer, namely, the amount of freight paid on the imports from the United States, into Great Britain and her dependencies, and which added to the amount of imports, the account between the two countries will then appear in a very different point of view.

The average imports from the United States into the dominions of Great Britain for the four years before stated, is	£. 6,269,925
The freight on which, whether to the British Colonies or to Great Britain, is paid to the American Ship Owners (145,650 tons of American shipping came to Great Britain <i>alone</i> in 1801,) and upon an accurate calculation may be estimated at one-fourth value, or £. 25 <i>per cent.</i> of the first cost in America, is	1,567,481
Which makes the whole value of the annual import into the British dominions from the United States, on the average before stated,	<hr/> £. 7,837,406 <hr/>
The exports from Great Britain and her dependencies to the United States for the year 1801, amounted to	7,523,000
And the average of the exports to them for 1802, 1803, and 1804 was	8,093,000
Or making an average export from Great Britain and her dependencies to the United States in four years, of	<hr/> 7,950,500
Whilst our imports amounted for the same period to	7,837,406
Leaving a balance in favour of Great Britain of only	<hr/> £. 113,094 <hr/>

Therefore, upon a fair average of the four years 1801, 2, 3, and 4, *including* the year of scarcity, the balance of trade between Great Britain and the United States appears only to be £. 113,094, in favour of this country, which, by this writer, is stated at £. 2,893,000! which is the only return or compensation for the loan of £. 8,000,000 of capital, furnished annually by Great Britain to enable the United States to carry on their trade with all parts of the world; which is not stated at a larger sum, although this author and those who appear to think with him, represent it at

£. 12,000,000 or two-thirds the value of their entire trade, agreeable to their mode of computation.

There are other considerations which it is likewise necessary to take into the question of the value of the American trade to Great Britain. No allowance is made in this writer's calculations for bad debts, though all the exports from Great Britain to the United States are made on long credits. By the recent examinations in the House of Commons, an average of eighteen months is taken as a fair period to expect returns; it may therefore be estimated according to mercantile calculation, that on a gross sum of £. 8,000,000, not less than £. 400,000 *per annum* is lost by bad debts. It is not believed any English merchant would insure these debts for 5 *per cent.*; and on the other hand, the imports from the United States are chiefly sold here for ready money. There is another and greater evil in the extended credit given to the citizens of the United States above all other countries with which the subjects of Great Britain have commercial dealings, as it enables them to hold out the cessation if not the actual confiscation of this capital, upon any difference between the governments of the two nations, alarming the persons concerned in it, and furnishing them with arguments to assail the government of the country, whilst it strengthens the application of the American negotiators here. This evil has been frequently felt since 1786, and the late attempt to procure petitions among the manufacturers, and to raise a cry throughout the country in favor of American interests is another proof of it, whilst it affords a striking and memorable instance of the patriotism and good sense of the people at large, who are not so easily to be deluded and influenced as the advocates of America expected.

That the balance of trade is a subject of much abuse and false theory,¹ is manifest by the statement of the author of this work, in the average he has formed of the years 1802, 3, and 4; for it is maintained that Great Britain derives no more than a mutual advantage from her trade with America when the whole of that trade is fairly calculated and considered; the operation of the four years' average before stated clearly shews, that little or no balance remains in favour of Great Britain, and whenever the subsequent statements can be made up for the years 1805, 6, and 7, it is not too presuming to predict, that this position will be found to be strictly true. Indeed there is no reason to doubt the fact, that our imports *last year* from America have been equal to our exports; for the American ships which have discharged their cargoes in this country exceed in number those in the year 1801, their tonnage being 146,700 tons. Therefore unless it can be proved that this position is incorrect, and that the freight paid by Great Britain to

¹ Mr. Baring's Examination, p. 147.

the American ship-owners, is not precisely the same as paying for the produce of the country from whence it is brought, and which consequently increases the value of that import, it is certainly fair to contend, in order to maintain this important fact, that our exports to America, by no proof as yet adduced, so far exceed our imports from that country, as to make it necessary to Great Britain, that the United States should have an extended commerce to Europe to enable her to pay the balance of trade that may be due to us.

It may be said, that adding 25*l. per cent.* or one-fourth part of the value of the produce of America exported to Great Britain or to her dependencies for freight is a mere speculative opinion; it is however not difficult to prove the contrary; for the article of lumber, whether carried to our colonies or brought to this country, pays more than the first cost for freight: naval stores, tar, turpentine, pitch, and rosin in the same proportion. Flour, rice, and tobacco, about one-third; therefore allowing very liberally for cotton and other articles, the average will be full one fourth part, and indeed it is under-rated at that sum. It is therefore not unreasonable to infer, this writer has never seen the official account of the tonnage, on which the duties were collected in the United States, or he would not have affected so much ignorance of the statement of the whole imports into America annually exceeding the whole of the exports £. 1,550,000: without being able to account for it otherwise "*than in the mode of stating¹ the accounts;*" he surely forgot there was any freight of American shipping to be considered, which on examination forms a very large portion of the wealth of the United States.

The United States are entirely their own carriers to and from all parts of the world (with some very few exceptions): therefore in all their imports from foreign countries they have to pay their *own Ship-Owners*, the freight of the articles imported in addition to the cost: on the other hand, all their exports² of foreign or domestic produce are carried to every part of the globe in their own ships, and consequently the freight paid to the Americans, being added to the first cost or export price of the articles at the time of shipment by the countries to which they carry them respectively, it will not be difficult to prove their carrying trade *alone* forms the balance of their trade, and which may be estimated at *four millions sterling per annum*, on the average of the four years taken in this calculation from Mr. Galatin's Official return, or upon 1,041,306 tons, which, in the following year, namely 1805, was increased to 1,443,453 tons.³

¹ Mr. Baring's Examination, p. 140.

² See opposite statement B, for a correct account of the exports of the United States for the last five years.

³ Appendix to Sir F. M. Eden on Maritime Rights.

The intercourse between the United States and Europe for the last three years has become much more connected, owing to the almost entire cessation of the direct trade between the mother-countries in Europe and their respective colonies, and from this circumstance agents have been sent from all the commercial establishments in the principal sea-ports of Holland, France, and Spain, to the United States, who have extensive authorities granted to them to advance money on cargoes of colonial produce shipped to their respective establishments in Europe, on consignments for sale, on account of the American proprietors. There is another source from whence have arisen very large consignments of American and colonial produce, and of East India goods in American bottoms to Europe, namely, in the trade from the United States to Vera Cruz. In this trade there are employed a great number of American ships who take in return for their cargoes to Vera Cruz, *specie* to a very great extent. It is not necessary for the purpose of these observations to attempt to show, whether the specie so exported from Vera Cruz to the United States is the property of individuals, or of the Spanish or French governments; it is sufficient to state there is every reason to believe that the same principally remains in the United States and for which produce is chiefly shipped and consigned to Antwerp, and which, in a great measure, accounts for the very great capital now employed by the citizens of the United States in their trade to the East Indies and China.

It has also been observed, that the neutrality of the United States has been the means of circulating to a large amount articles of the produce and manufacture of this country in the dominions of the enemy, to which we have no direct access; but the evidence given on this point is very imperfect. It appears from this examination of the conduct of Great Britain, that British manufactured goods are annually re-exported to a considerable amount from the United States in American bottoms, and that their principal destination is to the colonies of the enemy in the West Indies and South America: but, though we have no direct access to the enemies' colonies, we have, by means of our free ports in the West Indies; and if this trade was not carried on by the subjects of the United States, it would be by the subjects of Great Britain, *viâ* these free ports, with this additional benefit and national advantage of being carried there in British bottoms. Another fact, which does not appear to have been noticed in this work is, that America *annually* imports from the countries of the enemy in Europe manufactures and other merchandize in value of about ¹ £. 7,300,000,

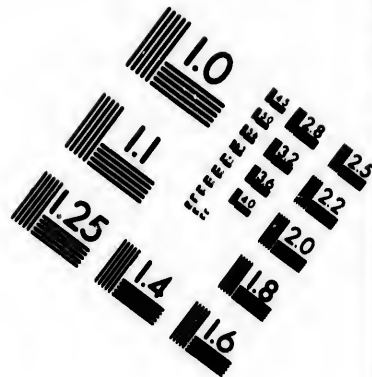
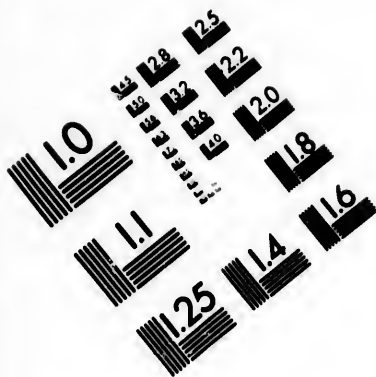
¹ Mr. Baring's Examination, p. 139.

the greatest proportion of which are so imported for the use of the enemies' colonies, and thus by their agency they not only circulate generally the enemy's manufactures, but circulate them *where* British manufactures would otherwise have gone. Of the £. 10,000,000¹ said to be imported into the United States from this country, the greatest part is for re-exportation, and would have found its way to the same market, if they had not been sent through America. It is therefore obvious that these shipments do not benefit Great Britain in any national point of view, though they certainly enrich a few individuals and the subjects of the United States, and them only; for the outward cargo is shipped in their own vessels to those colonies, from whence they carry to the United States the return cargo of produce with all the profits thereon: the agents of the foreign establishments in Europe then advance funds to the American owner, in order to have the consignment and sale in Europe, which enables him immediately to recommence a new voyage on the same principle. It surely cannot with any propriety or truth be said that Great Britain derives any advantage from this carrying trade of the United States, unless the sale of a few manufactures, which may be taken in addition to the regular American consumption, be considered an adequate compensation for the alarming decline of British shipping and the diminution of our exports to our own colonies; whilst it is clear the trade carried on formerly by British subjects from the free ports in the West Indies has much decreased, with a proportionate depression on other important interests of the country.

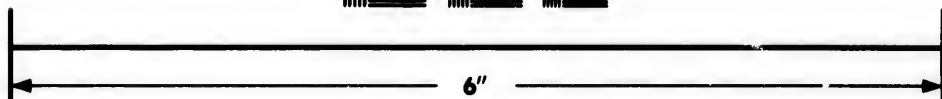
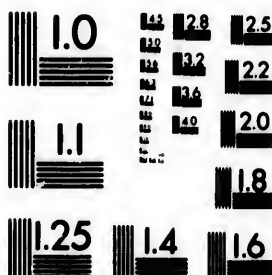
This statement is not made with any personal or offensive view, but only to shew the public that the United States ought not to expect to carry on this sort of trade entirely to their own advantage, without making Great Britain a party, either by treaty, or by the adoption of such reciprocal regulations, as will conduce to that end. Had the rule of the war of 1756 been enforced, there would not have been such an enormous increase of American tonnage, and now a cry is raised in favor of that principle, because the late orders in council do not go far enough! Had France possessed the same naval superiority as Great Britain, there is no doubt but the American carrying trade would have been long before this time greatly reduced and brought within its true and legitimate limits. It is therefore melancholy to confess, that Great Britain has supplied the United States with the capital by which they have been thus enriched. Our navy has been to them a shield against the insults of France and Spain; yet endeavours

¹ Mr. Baring's Examination p. 138.





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are now made to induce this country to submit to such regulations as the persons holding the power of the government of the United States shall dictate, even as to the manner by which our naval power is to be supported and used.

This it is trusted will never be submitted to. The right of search is to Great Britain an invaluable security in time of war; it has been maintained by every able statesman, and invariably acted upon in the brightest periods of the history of Great Britain; and to take our seamen wherever we find them in the employment of neutrals, must be considered as essentially requisite to the maintenance of our naval power.' Concede these important points, and this country will not only find the American tonnage still continue to increase, but in a very short period British shipping more rapidly decline than hitherto and perhaps in a very few years totally annihilated. It therefore behoves every man who values his country to exclaim against any measure that will produce such further relaxations of the former system. The evidence recently adduced in opposition to the late energetic measures of government, proves the truth of these observations, and a reference to the examination² of Mr. Rathbone of Liverpool on the orders in council bill will show how ruinous the new system has been to the British shipping interest. It is to Great Britain that America owes her present prosperity, and from no other country will she ever receive the same advantages; for, as it has been before stated, we furnish her with a capital and protect her with our navy.

The object of these remarks is to prove that the balance of trade between Great Britain and the United States is very little in favor of the former, and that the trade of America with the continent of Europe is not advantageous to this country: indeed it may with propriety be said, and which experience proves, that since the United States began to extend their shipping and commerce, and especially during the last six years, they have paid this country worse for the manufactures and other articles we have exported there; and for the truth of this assertion an appeal may confidently be made to the persons concerned in this trade. It must be obvious to every person conversant in commerce that America carries on half her trade with *British* capital, and which she does on speculative voyages, the time and returns whereof being uncertain, the creditors in Great Britain must remain unpaid for a very considerable period beyond the usual credit; and therefore all the advantages arising from that trade are with America *only*, in as much as the enormous increase of her ship-

¹ See Sir F. M. Eden on Maritime Rights.

² See printed Minutes of Evidence, p. 78.

ping tends to swallow up the British capital, and enables them to derive those profits from it, which the regular return of that capital, in her legitimate trade as formerly carried on, gave to the exporters from Great Britain.

Previous to dismissing this part of the subject, it may be useful to notice the reproach which has been thrown, even by an advocate of America, on the British government for some of the indulgences which have been so improvidently granted to the subjects of the United States or to individuals connected with them. It is observed, ' why Great Britain should be so particular in wishing to restrict the American West India trade appears more unaccountable, as there is no voyage, however contrary to that principle, that by paying the fees of the office in London for a licence, may not be obtained.' Instances are then given of some of the voyages alluded to, which are followed with pointed remarks on the nature of this traffic; from which, it is evident, Great Britain has most unaccountably accelerated and contributed towards the means of enabling the French government to carry on the war with increased vigor and effect. It is insinuated by this writer, ' that the Spanish government being unable to perform the stipulations of the treaty of St. Ildefonso and to pay the money-subsidy therein agreed to be advanced by Spain to France, that the former had authorised the latter to receive the same at Vera Cruz, from the Spanish treasury there, and that Monsieur Talleyrand had by his agents obtained permission to bring the same from Vera Cruz to Europe under the protection of the British flag. To prevent such fatal indulgencies in future, it is presumed, it is only necessary to mention this most singular transaction; for although it is believed to be ' sound policy in the British government to grant licences for *neutral* ships to take British manufactured goods out to the Spanish colonies, and to bring back specie and produce in return; but that licences should be granted to persons to bring specie home, who send no goods out; that specie too, part of the subsidy, due from Spain to France, and that his Majesty's ships of war should be employed thus to protect the property of the enemy, instead of being employed to capture it, appears to us inexplicable.'⁴

To particularize the other observations contained in this examination of the conduct of Great Britain, which are equally to be disregarded with those before selected, would be an unpleasant and irksome task: the following remark is quoted merely to shew

¹ Medford's Oil without Vinegar, p. 53.

² Ibid. p. 54.

³ Ibid. p. 55.

⁴ Antijacobin Review, vol. 28. p. 238.

the author's further claim to impartiality and candor, having expressed it as his opinion, that, in 'such a crisis, to suppose in any writer, the bias of interest, in its confined meaning, in any opinion he may publish, must also suppose the absence of common sense.'

L'on ne vaut dans ce monde que ce que l'ont veu valoir.

It is also observed, 'a few years *must* determine the fate of this country, and it can hardly be supposed that merchants, naturally more interested in preserving than in acquiring, should be occupied with collecting a few paltry profits from their trade at the expence of their dearest interest. It would be the folly of a man expecting to get rich by the plunder of his own wreck.' Improbable as this supposition may appear, how often does it happen than when the vessel is in extreme distress, the infatuated crew, instead of uniting in exertion for their general preservation, become insubordinate and regardless of each other's safety, commit excesses, and whilst intoxicated meet their fate, and

Give themselves o'er contentedly to drown. ²

Such, it is to be lamented, has often been the conduct of misguided individuals, who, rather than forego the gratification of their ambition or the furtherance of their own views, have impeded the measures of protection and defence adopted by the state, and suffered the transient feelings of the moment to outweigh more important considerations; regardless of the permanent interests of their country, and the love they ought to have felt for the general welfare. 'Our wisdom must be such, as doth not propose to itself our own particular, the partial and immoderate desire whereof poisoneth wheresoever it taketh place; but the scope and mark, which we are to aim at, is the public and common good.' ³

In the passage, ⁴ *particularly referred to*, it is stated, 'a candid consideration of the history of this trade, can leave no doubt on *what side* the *encroachments* so much talked of *began*; instead of imputing the complaints of the *Americans* to *their* desire of availing themselves of *our* dangers for the *ungenerous* purpose of advancing extravagant pretensions; *we* should rather *accuse ourselves* of taking advantage of the unprotected state of *her* commerce to harass it by a *systematic* course of the most *arbitrary inconsistency*!!'

Again, the respect which is shewn to *other* classes of the community, is not greater than that borne to the Shipping Interest, and the expressions applied to the exertions of the West-India

¹ Mr. Baring's Introduction, p. 4.

² Bank's Island Queens.

³ Hooker.

⁴ Mr. Baring's Examination, p. 97.

merchants, ¹ to relieve the depressed state of the planters, as well as to other great commercial bodies, ² evince such an antipathy to every thing not immediately connected with *American* interest, that it must produce on the public mind the correct conclusion, that every sacrifice, consistent with national honor, has been made by Great Britain to America, and convince them more strongly of the baneful effect of '*the system of concession,*' which has been so justly and universally reprobated by every true Englishman; whilst the greatest caution and delicacy is observed towards the United States, and not to wound the feelings of the great body of merchants in *America*, who, honest souls! so little 'deserve the *unjust insinuations* in which writers on this subject have so *illiberally* indulged.'³

The importance of this subject will, it is trusted, excuse the length of this digression, which may, with some propriety, be concluded in the words of this writer, that, 'it is to be hoped no minister will be withheld, by political cowardice, from administering equitably and impartially, between the different commercial interests of the country; and that where the encouragement of *our shipping* requires restriction and monopolies, *which I by no means deny*, that their efficacy and utility will be thoroughly investigated.'⁴

The other British settlements near to the King's colonies in North-America, are Cape Breton, Prince Edward's Island, and Newfoundland.

CAPE BRETON is separated from Nova Scotia by a narrow strait, called the Gut of Canso, which is the communication between the Atlantic and the Gulf of St. Lawrence; it was ceded to Great Britain in 1763, and erected in 1784 into a separate government: there is a great proportion of arable land in this island, which abounds in timber and hard wood, such as pine, beech, birch, maple, spruce, and fir. The island may be considered as the key to Canada, and the very valuable fisheries in its neighbourhood depend for their protection on the possession of it; as no nation can carry them on without some convenient harbour of strength to supply and protect them, and Louisburgh is the principal one for those purposes.

Great advantages are now derived from the coal mines in this island, which are situated near the entrance of the harbour, the works of which, and the fisheries constitute the chief employment of the inhabitants, but without trading at present directly to the British West India islands both Cape Breton and Prince Edward's

¹ Mr. Baring's Examination, p. 121.

³ Ibid. p. 56.

² Ibid. p. 168.

⁴ Ibid. p. 171.

Island serve to increase the exports of Nova Scotia; they likewise supply Newfoundland with cattle, and with proper encouragement, would rival some of the more opulent colonies in articles of agriculture.

Prince Edward's Island is situated in the gulph of St. Lawrence near the northern coast of Nova Scotia, and was formerly called St. John's, but which was changed in 1799 in compliment to his Royal Highness the Duke of Kent. This island abounds with timber of various kinds, beech, birch, particularly the *black birch*, (*betula nigra*). It is the largest of the deciduous trees, and is common throughout the island; it is much used in the northern States of America, for *ship-building*; it is nearly of the color of light mahogany, and takes as good a polish.—A few cargoes of this kind of timber have recently been exported from the island to Liverpool and other ports in the North of England, and also to Scotland and Ireland where it is much approved; several attempts have lately been made to introduce it into the *London* market, but the timber merchants appear to be against it, and they have too much the command of the trade to render it practicable to introduce a new article without their concurrence, unless it is encouraged by bounties, or otherwise promoted by government.—This wood is admirably adapted for *stocking fire arms*, and is nearly, if not quite, equal to walnut-tree, (which is used for that purpose,) and can be supplied at one third the usual cost of that article.

The other kinds of timber are, alder, maple of different species, namely, the white, red, and the rock or curled maple (*acer saccharinum*.) The latter is highly beautiful, is close grained, and susceptible of high polish; that which is called the *bird's eye* maple, is a variety of this tree, but its chief value at present arises from the great quantity of sugar annually manufactured from its sap; the greatest part of the inhabitants of the island, supplying themselves with all the sugar they consume in this manner, whilst many of them have frequently a great deal to dispose of.

Elm, red-oak (which is to be found in considerable quantities), poplar, swamp-willow, two kinds of ash, several species of the pine, larch, fir and spruce, with several kinds of fruit and flowering shrubs abound in the island.

The fisheries of this island and of Cape Breton may be greatly extended; they consist of the same variety of fish as are found on the coasts of the King's provinces. Cod fish is perhaps no where in greater plenty than on the coast of Prince Edward's Island, the principal fishing ground in the gulph of St. Lawrence being in

* See An Account of Prince Edward's Island, by John Stewart, Esq.—also Lord Selkirk on Emigration.

sight of its shores, but unfortunately the subjects of the United States reap *at present* the greatest advantage of the cod-fishery there.—Besides the seals which constantly frequent the waters of this island, there is a larger kind brought on the coast annually by the floating ice: they are often taken in great numbers, are very productive, and the oil is usually carried to Halifax or Quebec, where it is sold from 25*l.* to 32*l.* per ton.¹

Sea-cows about thirty years ago were found in great numbers on the northern coast of this island, but they have become scarce, particularly since the American war, when so many *American* fishermen poured into the gulph and attacked them in the summer, about the *Magdalen Islands*, that in two or three years the species were nearly destroyed, few having been seen for several years after; however the kind still exists, and they are known to be increasing fast, and if the killing them was under proper regulations they might again become so numerous as to be an object of great consequence, but this never can be the case, while the *New England* fishermen are allowed to come into the gulph and destroy them.²

The grants to individuals of the *Magdalen* and other islands are considered to be particularly disadvantageous and injurious to the British fishermen.—It is, however, to be expected that in all future grants, reservations will be contained of liberty to His Majesty's subjects in general, to carry on a free fishery on all the coasts of these islands and of erecting stages and other necessary buildings for that purpose, and that hereafter the *American* fishermen will not be allowed to enjoy the facilities and advantages, they have derived from being permitted to use, and erect stages and other buildings thereon.

The fisheries of this island, which had been gradually reviving since 1784, promised to become again considerable, and to afford the means of recommencing a trade from thence with the British West India Islands, by which its inhabitants were supplied with colonial produce on moderate terms.³ Several cargoes of fish were likewise annually shipped for the European market, for which British manufactures, salt, and wine were taken in return; besides the cod-fishery, the herring was begun and promised well, and the inhabitants of Prince Edward's Island had obtained a considerable share in the great salmon fisheries carried on in their neighbourhood on the continent: on the whole there was every appearance of extensive and valuable fisheries being established, when, soon after the commencement of the late war, the navigation and

¹ Stewart's Account.

² Ibid.

³ Ibid.

colonial system was suspended, by which neutrals were admitted to participate in the trade to the British West India Islands.— Since then, these fisheries have been nearly given up from want of encouragement, and the articles of export from the island at *present* consist of wheat, barley, oats, salt pork, butter, furs, seal-oil, and oysters, to Nova Scotia, with live cattle and some timber to Newfoundland, and occasionally a few cargoes of square timber to Great Britain. Flax and hemp thrive well in this island, and every farmer raises a small quantity yearly, which is applied to domestic uses.¹ A few individuals are engaged in building ships, which are generally sold in Newfoundland; this business will probably be carried on to a great extent, whenever the Newfoundland fisheries revive, as the great plenty of timber, in this island, and the reasonable rate at which the necessaries of life are obtained, will enable the inhabitants to build at a much cheaper rate than in Newfoundland.

Since 1792, the *importation* of all kinds of provisions into this island *has ceased*, whilst the *export* of them has gradually *increased*.

The Newfoundland fishery is of longer standing than those pursued by the inhabitants of the continent of America, and was so considered² before the conclusion of the war, which separated the United States from Great Britain. It is not confined to any particular exclusive company, but is an open general British cod-fishery, consisting of many lodges, or commodious harbours. It was discovered by the Cabots in 1507, and taken possession of for the crown of England, which they named *Terra de Buccaleos*, but did not settle any fishery there. This island abounds with timber proper for shipping and other purposes, but its chief value is the great fishery carried on upon those shoals, which are called the Banks of Newfoundland, which formerly supplied in a great measure Europe and the West Indies with dried cod-fish, but in consequence of the subjects of the United States being allowed the same privileges in fishing on these banks and in the gulph of St. Lawrence, as before they became a distinct and independent state, and from the injurious consequences resulting from the impress of the British seamen employed in it, and the suspension of the colonial system in favor of neutrals, a considerable depression has been produced on the British interest, and this fishery in common with the others in those seas has very much declined; they are, however, still capable of great extension, and claim at this time the peculiar attention and consideration of the legislature of Great Britain.

¹ Stewart's account.

² Dr. Douglas' Summary, vol. 1. p. 287,—also Reeves's History of the Government of Newfoundland.

On this subject endeavours are likewise made to mislead ; it having been represented, that the interference of the subjects of the United States in the Newfoundland fishery is not injurious, but highly beneficial, to Great Britain.¹ At this time, it may be admitted, there is no other mode of supplying the greatest part of the continent with fish than in the vessels of the United States ; but it is a recent temporary inconvenience, resulting from the present state of Europe ; for, under no other circumstances can their interference in the Newfoundland trade be warranted. That the complaints which were previously made were well founded, especially in respect to the intercourse with the British West-Indies,² there being no occasion whatever to permit *fish* to be imported there in

¹ Mr. Baring's Examination, p. 179.

² It appears, that, as yet no regular system of convoys from the British colonies in America to the West India islands has been established, though it has been acted upon by Admiral Berkeley, during the last season ; the convoy sailing monthly, alternately to the Windward Islands and to Jamaica : in consequence of which, the most beneficial effects have resulted, and the supplies of fish have been greater, more regular, and at lower rates, than for many years past. This experience, it is hoped, will induce government permanently to establish this system in time of war, as it will facilitate and encourage the intercourse between the British dependencies ; but assurances should be given to the colonists, that the same will not be relinquished.

The accounts presented to the House of Lords, February 1808, show the extent of the supplies now furnished from the *British American colonies* ; and when it is considered, that a *very great proportion* of the supply of *fish and lumber*, stated to be furnished by the *United States*, is *actually* the produce of, and cured and prepared in the *British continental colonies*, and admitted to be so by the American party here, it surely ought to convince the most bigoted enthusiast of their cause, of the capability and extent of the resources of the King's provinces.

Exported to the British West Indies from the *British American Colonies*, in the following years :

	1804.	1805.	1806.
Dry Fish - - - -	Barrels. Quintals 147. 91,609	Barrels. Quintals 501 99,532	Barrels. Quintals 12 113, 97
Pickled Fish - - -	Barrels. 23,035	Barrels. 23,625	Barrels. 36,741
Oak and Pine Board and Timber	} Feet. 814,727	} Feet. 1,200,324	} Feet. 811,315
Shingles - - - - -	No. 212,250	No. 491,300	No. 295,425
Staves - - - - -	1,012,575	235,169	327,836
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American bottoms, is evident, from the present Administration having, by an order of council of the 1st of July last, prohibited the importation of *fish* in *American* vessels into the West-India islands.

The deviation from the navigation and colonial system is attempted to be justified by the circumstance of the *Americans* carrying, in this instance, *fish* caught by British subjects, to market; it is stated, "nothing can undoubtedly be more repugnant to the old system of laws under which we have flourished, but at the same time, nothing can more clearly show how inapplicable old laws frequently are to new times."¹ It surely ought not to be matter of triumph to a British subject, to observe the depression under which one of the most important branches of the trade of Great Britain now labors, principally from the impolicy of continuing the new system, which has encouraged and promoted to so alarming and enormous an extent the carrying trade of *America*, that the British traders are no longer able to compete with them, but are obliged to employ the vessels of the United States to take their fish and other articles² to market! Under such circumstances, is it patriotic³ so pointedly to denote the prosperity of *America*—the increase of her trade—and the extension⁴ of her shipping, and to contrast them with the melancholy and depressed state of the British fisheries and Shipping Interest? It may, perhaps, be congenial to the principles and feelings *des avocats Americains* to contemplate and enjoy the distress and ruin of others, when they can indulge the sense of their own prosperity and security.

"Suave, mari magno turbantibus æquora ventis,
E terra magnum alterius spectare laborem."

It, however, cannot fail to irritate the public mind, to see the real interests of the country, thus, attempted to be sacrificed to the speculative theories of some, and to the disappointed or interested views of others, and the wise systems of our forefathers treated with contumely and disrespect; though the experience of centuries has shown they "were more versed in the *practical philosophy* of life than the *speculative* one of the closet; reasoning from the self-preservation of an individual to the self-preservation of a people,

¹ Mr. Baring's Examination, 174.

² See ante, page 47, &c. of last No. of *Pamphleteer*.

³ *Anti-jacobin Review* for February, 1808, p. 204.

⁴ For the increase of *American tonnage*, see Edén on Maritime Rights; the Supplement to Collection of Reports on Navigation: also the statistical tables published at Washington, in 1806, under the title of *Economica*.

	Tons.
In 1784, it consisted only of - - - - -	250,000
In 1805, - - - - -	1,443,453
Total increase of American tonnage	<u>1,193,453</u>

they considered the *defence* of this island from *foreign* invasion as the *first* law in the *national* policy ; and judging that the *dominion* of the *land* ¹ could not be preserved without possessing that of the sea, they made every effort to procure to the nation a *maritime* power of its own. They wished that the *merchants* should own as many ships, and employ as many *native* mariners, as possible. To induce, and sometimes to force them to this application of *their capitals*, restrictions and prohibitions were devised. These affected not only foreigners, but natives ; the *interests of commerce* were often *sacrificed* to this object. Trade was considered *principally* as the means of *promoting* the employment of *ships*, and was encouraged *chiefly* as it conduced to the *naval strength of the country*.” ² Such was the system adopted by our ancestors to give vigor and effect to the maritime power of the nation : the laws they enacted were wise and comprehensive ; that is, in Lord *Verulam's* nervous expression, “deep, not vulgar ; not made upon the spur of a particular occasion for the present, but out of providence of the future ; to make the estate of the people still more and more happy, after the manner of the legislators in ancient and heroic times.”

The war in which the country is engaged in support of its **MARITIME RIGHTS**—the additional number of ships and seamen it is necessary to employ in various and distant stations, to protect his majesty's dominions, and to preserve unsullied the lustre which adorns the naval annals of Great Britain—forcibly point out the vital importance of the *British carrying trade*, and particularly that of the West Indies and the Fisheries, as constituting two of the most prominent features of the nursery of British seamen. The Newfoundland fishery forms of itself a subject fit for separate consideration. The complaints which continue to be made of the interference of the *American* fishermen, show the necessity in future negotiations with the United States of excluding them from any participation in it ; indeed, if treaties are contemplated to be renewed with the

¹ See Bacon, Raleigh, Temple, Child, Lidiard, Law, Cary, Burchet, Anderson, Campbell, Postlethwaite, and all the other writers in support of this system—they wrote for the country, not from interest, pique, or party motive. See also Dr. Johnson's introduction to the political state of Great Britain, in 1756.—“At present, amongst *European* nations, a *naval* strength, which is the portion of Great Britain, is *more than ever* of the greatest importance to sovereignty, as well because most of the kingdoms of Europe are *not* continents, but, in a good measure, surrounded by the sea ; as because the *treasures* of both *Indies* seem but an *accessory* to the *dominion* of the seas.” Bacon.

—“The sea, which is our mother (that embraces Both the rich *Indies* in her out-stretched arms), Yields every day a crop, if we dare reap it.”

Massinger.

² Reeves's History of Shipping, edit. 1807.

maritime powers of Europe on the principles of former ones, it does not appear how their subjects can be excluded from the enjoyment of these fisheries, and the other privileges which are conceded and granted to the subjects of the United States, if the former are to be put on the footing of the most favored nation. ¹

It is considered unnecessary to urge further the national importance of this subject. It is correctly observed by Dr. Douglas, ² 'that the cod fishery is not only a considerable addition to the trade and wealth of Great Britain, but by the many men employed in catching and curing of the cod-fish is a good nursery for our navy and other navigation; the plantation trade, the fishery of Newfoundland, the coal trade, and the watermen *on the river Thames*, being the great nurseries or seminaries of our navigation.'

It is, therefore, 'the policy of Great Britain to give her principal attention to maritime affairs; to carry on her own trade, in her own ships, directly to all parts of the world; and to encourage her fisheries in every sea: from these sources she may always hope to obtain a naval force adequate to guard her shores from hostile invasion, and to secure her domestic felicity, both public and private, firm and unshaken as the foundations of the island.'

Le trident de Neptune est le sceptre du monde. ³

These observations are offered to the public, with no other object than from a sincere, and disinterested wish to support the principles of that system, which enabled us, during a most arduous contest ⁴ to triumph ⁵ over all the naval powers of Europe; and, by a statement of facts which are not perhaps generally known, to justify the Shipping Interest in their opposition to the American Intercourse Bill; to counteract the mis-representations which have been so industriously circulated on that subject; and to remove the prejudices which have been encouraged against the trade of the British colonies in North America.

The present state of the West India planters, the British North-American colonists, and the British ship-owners, unfortunately proves, how dangerous ⁶ it is to deviate from fixed and settled

¹ See the fifth article of the late rejected treaty.

² Summary, vol. i. 283.

³ Lumiere.

⁴ The last war.

⁵ "The numbers and native courage of our men, with the strength of our shipping, have, for many ages past, made us a match for the greatest of our neighbours at land, and an overmatch for the strongest at sea." Sir William Temple's Miscellanea.

⁶ Lord Bacon, on Innovations.

rules, which experience has shown to be wise and beneficial. It esta-lishes the propriety of the observation of a great political writer, that 'Ce n'est pas la fortune qui domine le monde : on peut le demander aux Romains, qui eurent une suite continuelle des prosperités quand ils se gouvernerent sur un certain plan, & une suite non interrompue de revers lors qu'ils se conduisirent sur un autre,'¹ and it points out the necessity of *retracing* those measures which have produced so much distress on these great commercial bodies. *Permanent legislative* regulations are essentially necessary to give *energy* and *security* to trade, and to create confidence in the people. The benefits which flowed from a steady adherence to the navigation and colonial system are evident, from the progressive increase of the trade, shipping, and manufactures of Great Britain, *prior* to the adoption of the *suspending* system, which its advocates are still anxious to extend, notwithstanding the evils which have resulted from it : 'for, *if every law of regulation*, either of our internal or external trade, *were repealed*, with the exception of those necessary for the collection of revenue,' it is certain we could not rear or retain our seamen,² the grand support of our present pre-eminence, or preserve the country from falling even below the level of surrounding nations ; therefore its extension 'would' *not*, as represented, 'be an undoubted benefit to commerce, as well as to the community at large.'³

But, —, reject⁴

Such mean, such dang'rous counsels, which would blast
Your long-establish'd honors, and assist
The proud invader

Buonaparte ; who, *it is asserted*, is realising⁵ the dream of universal empire ; his force *declared* to be irresistible, and contrasted with the *total destitution* of energy and genius, which is *represented* to be opposed to him ; while the hand⁶ of

¹ Grandeur, &c. des Romains, c. 18.

² Reeves on Shipping, Introduction.

³ Mr. Baring's Examination, 133.

⁴ Glover.

⁵ Introduction to Mr. Baring's Examination.

⁶ This allusion has frequently been made, and as variously applied by persons of opposite sentiments, which generally result from the difference of religious and political education. It is admirably expressed by an old English poet whose lines are peculiarly applicable to the present power, riches, and happiness of Great Britain, as contrasted with the humiliated, pitiable, and degraded state of the European nations now under the control of France. It was the leading argument, and constantly directed, for the two first ages of the church, against the Christians : after the Reformation, the church of Rome took it up, and pointed it with *equal propriety*, and indeed with *equal success*, against the Protestants ! See also Gibbon's Roman Empire, vol. 11.

Providence is *said* to be manifested in the unusual concurrence of circumstances, which he has, with the most consummate art combined to rear, and establish the military despotism under which the agonizing nations of Europe now groan. To what motive are such sentiments to be attributed? What tendency can they have, but to teach the people, that all resistance to his will is unavailing; 'that all Kings shall fall down before him: all nations serve him;' and to render them dissatisfied and clamorous for peace, and so to humble Great Britain at the feet of France.

Alas! thy dazzled eye

Beholds this man in a false glaring light;
Which conquest and success have thrown upon him;
Didst thou but view him right, thou'dst see him black
With murder, treason, sacrilege, and crimes,
That strike my soul with horror but to name 'em.'

Upon the whole it is conceived, that the review which has been taken, in the preceding pages, of the resources of the British colonies in North America and of the depressed state of the Shipping Interest, will not be altogether without its use, in the consideration which the present crisis demands. of what measures should be taken not only to preserve our maritime ascendancy in its present high and palmy state, but to consider whether any of the indispensable articles we have hitherto imported from foreign countries can be raised or procured within the British empire. That his majesty's government have collected much important information on this subject, there can be no doubt: the nation, however, anxiously expects to reap the benefit of that knowledge, by seeing it concentrated and digested in such a shape as may render it generally and practically useful: and for this purpose, it is presumed a committee of the House of Commons, appointed to investigate into the state of the corn, timber, and a few other branches of trade, would be highly beneficial, and give great confidence to the country, by contriving the means that the encouragement which the present circumstances of the war certainly give to the improvement of the United Kingdom and the British dependencies, should be rendered permanent. All that is wanted, in that respect, is that there should be some legislative assurance, that protecting duties, in the event of peace, shall prevent any extension and increase of British industry being rendered nugatory.

From the preceding observations it is obvious, the British West

¹ Addison. Such is the character given by this admirable writer, of a Roman emperor: it applies with equal force to any other military despot, who disregards, like Buonaparte, the misery and desolation he creates. *Gaudetque viam fecisse ruinâ.*

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¹ Mr.
1807, fro
² See
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³ Dr.

India planters are equally interested in the revival of the ancient system, as the British American colonists, and the British ship-owners; they have evidently one common interest, which they should consolidate, and by their mutual exertions endeavour to obtain a strict enforcement of our maritime rights, and a resumption of the navigation and colonial system, by which only they may hope to gain an amelioration of their present distressed condition. Any other means will prove inadequate, and the favorite scheme of admitting American, or other neutral shipping generally, or even partially, into the British colonial trade, although it may afford a temporary relief to the planters, will render them more dependent on *foreign* nations; whilst it will ensure the serious injury of other great national interests, and ultimately produce depression on the naval power of the mother country.

The editor, having for many years studied to acquire a correct knowledge of the shipping of the country, their value and employment, observed with astonishment and regret, the inadequate return² on capital so employed, and the growing decrease of British shipping; which induced him to attempt, at different times, to recal the attention of the public to a subject so interesting and important; he trusts his endeavours have not been altogether unavailing; and that the danger which would have ensued from *further* concession, will now be avoided by a resumption of the former system, and a firm adherence to the measures recently adopted by his Majesty's government; which are calculated to make a strong impression on the continental powers and to induce them to be sincerely disposed to accede to terms of peace, consistent with the honor, welfare, and safety of the kingdom.

He likewise can truly state, he has not been influenced in the sentiments he has expressed by any unworthy or improper motive: that he is not interested in Shipping or connected with the British colonists of America; his only view in offering these observations to the public, is to remove any unfavorable impression which the misrepresentations on these subjects may have produced; he can therefore with propriety adopt the words of an honest and sensible man:³ 'Most commonly such as palliate evils, and represent the state of things in a sounder condition than they truly are, do thereby best consult for themselves, and better recommend their own business and pretensions in the world: but he, who to the utmost

¹ Mr. Baring's Examination, 167—also Petition to Parliament 14th March, 1807, from the West India planters. Cobbett's Debates, 9th vol. p. 88.

² See comparative statements of freights, out-fits &c. in Collection of Reports on Trade, Edition 1807.

³ Dr. Davenant on Trade.

of his skill and power, speaks the truth, where the good of his king and country are concerned, will be most esteemed by persons of virtue and wisdom; and to the favor and protection of such, these papers are committed.

Austin Friars,
29th April, 1808.

* * The APPENDIX to the first Edition of this Tract contained, amongst many other papers, the following :

No. 1.—A Report of the case decided in the Vice Admiralty Court of New Brunswick, involving the claim of the United States, to the Islands in Passamaquoddy Bay.

No. 4.—The Declaration of the Commissioners of the Boundaries of the River St. Croix, dated the 25th October, 1798.

No. 9.—The Treaty of 1806 between Great Britain and the United States, which was *not* ratified by the President, Mr. Jefferson.

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