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OBSERVATIONS
ON THE
Board of Trade.
INTERSPERSED WITH
STRICTURES ON THE
Licence-Trade,
AND ON THE
EFFECTS PRODUCED BY THE CONTI-
NENTAL SYSTEM, ON COMMERCE.

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FOR

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CHANGE; AND J. HATCHARD, PICCADILLY.

1812.

OBSERVATIONS, &c.

IN a country pre-eminent in every virtue and good quality which makes a nation great and enviable, and where the arts, sciences, and literature, have found a sojourn uninterrupted by the interregnum of anarchy, which the exertions of infatuated individuals have, within the last twenty years, made most European nations feel the effects of;—it is matter of regret and surprise, that any part of the executive should be so constituted, and so directed, as to furnish ground for animadversion; yet such is the fact with respect to that part of the Government of great Britain, whose particular duty it is, to watch over and direct the commercial relations of the first commercial country in the world. We should find considerable difficulty in convincing foreign nations that such is actually the case; nor will less argument be found requisite to bring it to the conviction of such of our own people, who, from being unconnected with commercial pursuits, have never sufficiently

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ciently directed their attention to the subject which forms the matter for the present observations. Yet, on the other hand, to those who are immediately concerned in the traffic of this "Store-house of Europe," the mal-administration of this particular branch of Government is subject of sufficient notoriety, as many of the measures adopted by the Committee of the Privy Council, forming the Board of Trade, have, within the last few years, been too glaringly inconsistent, and in many instances, directly contradictory, to escape the observation of any person, whose mercantile pursuits rendered his attendance at the council office indispensable. Nor have those men, who, from character and respectability, are looked up to on the Royal Exchange, used any delicacy, in openly avowing their sentiments, in reprobation of resolutions adopted by the Board of Trade, which a very small portion of commercial knowledge would have divested of impropriety. We however usually find, that where reform is an object to be attained, our endeavours are of very little account, unless we proceed from the fountain head, onwards; and it is in the formation of the committee composing the Board of Trade that the root of the evil is to be found.

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Our risibility would be strongly excited, if we were to be told that the Board of Admiralty in France contained cavalry officers, justices of peace, lawyers, and contractors! yet, if we are perfectly unprejudiced, we must in candour admit that it is not less inconsistent to meet with an archbishop, and (ex officio) a master of the mint, a paymaster of the forces, a speaker of the House of Commons, and a lord chancellor, in a council for *trade*! And that the probability of a cavalry officer's knowledge of a line of battle ship, is at least upon a par with the commercial experience of an archbishop, a master of the mint, or a paymaster of the forces, who must feel considerable surprise, upon receiving their appointments, at finding they are members of the Board of Trade by virtue of the office which they fill.—It may, perhaps, be urged, that although the Archbishop of Canterbury, and the state officers alluded to, are members of the Board of Trade, they never attend its sittings. This circumstance is notorious; and so much the worse, as in this case which is the fact, the whole commerce of the united kingdom is left at the mercy and in the power of the president, or vice-president, *one* of whom only, in general, attends to the duties of the office. This

is of itself an argument for a total and radical change in the system, of sufficient strength to bear down all that might be adduced in opposition to it.

“What!” exclaim those who before were unacquainted with this fact, “leave the mercantile interest of the emporium of commerce, at the hands of one man? Is the monstrous power of granting or refusing permission to the inhabitants of Great Britain to carry on their mercantile transactions, delegated to one individual? Is it possible that this individual is a man whose only commercial knowledge is drawn from the high situation he fills? And is the merchant necessitated to direct his operations in conformity to the rules and orders adopted by this personage? Does the president of the Board of Trade never consult men of practical experience? and finally, does no appeal lie from decisions so formed?” However incredible, the answer to the first questions is in the affirmative, and to the latter two in the negative.

The learned judge, who presides in the high court of admiralty, when a cause hinges upon nautical

tical experience, invariably calls in the assistance of the Trinity-masters. In our courts of law, when the question at issue is clogged by technical difficulties, witnesses are always examined, as to their knowledge and experience. Nay, even in the privy council itself, when military measures are under contemplation, are not military men consulted previous to any conclusion being taken? If a legal question is under deliberation, are the law officers not called upon for their opinions? Should an ecclesiastical point be under discussion, is not the bench of Bishops appealed to? Then why should the Board of Trade decide upon a commercial measure, without previously consulting with those persons, from whom the requisite information is to be obtained, so to guide their decision, as to divest it of every obnoxious and faulty feature? Is a privy councillor less a lawyer, soldier, or divine, than a merchant? Is the Board of Trade the only immaculate tribunal the land boasts?

However able the chief clerks in the council office may be, to transact the duties of their several departments, (and it must be allowed some of them are fully

competent thereto,) yet those in the lower departments are calculated for any thing, rather than the situations they are appointed to fill; some of whom, from their hand-writing, seem never to have had common instruction in penmanship. If any branch of government should be, more than another, free from ministerial patronage as to the subordinate appointments, surely it is that, where most is required local and practical knowledge: men should be selected to fill those places, whose only recommendation would be their capacity and ability to discharge their several functions. The very serious import of a trading licence, ought of itself to induce the utmost caution, that, in the issue, it may be complete and perfect in all its parts, so that no doubt may be raised at sea, upon the inspection of the same by any of the king's ships; yet licences have been issued, which have contained several alterations and erasures, any one of which would be sufficient to vitiate any paper in a court of law; and it is a matter of fact that privateers have carried in vessels, having licences so obliterated, upon suspicion that sinister motives might have given rise to them; when, on sending the same to the council office for inspection, they have been declared,

clared, to be in the same state as when first issued; thus leaving the merchant, and others concerned, no other consolation for the detention of their property, than their being at liberty to resume their voyage at their pleasure.

The very loose manner in which the licences are worded, gives rise to incessant contention between the merchants and the Board, than which certainly nothing can more detract from the dignity which should attend the operations of the Board of Trade. In April, 1809, when, in consequence of the measures adopted by the Dutch government at the suggestion of Bonaparte, prohibitory of the admission of loaded ships from whatever port they might come, this government determined very properly on preventing the importation of the produce and manufactures of Holland, and therefore refused granting any more licences for that purpose; at the very time this resolution was adopted, the Board of Trade appeared wholly to overlook the circumstance of there being nearly *one hundred and eighty* licences still outstanding, which had from one to four months to run, which contained a clause permitting the importation of "all articles not prohibited by law," from "any port in the
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Baltic or the *North Sea*." Now though these licences were undeniably issued to protect nothing less than the importation of cargoes from the Dutch ports, they were immediately applied to this purpose, which their very general wording certainly warranted; and the considerable number which were still unappropriated, at the time of the adoption of the resolution above alluded to, was quite sufficient to cover the importation of the whole of the Dutch produce still on hand, which consisted chiefly in Geneva, butter, cheese, madders, flax, leather, seeds, starch, feathers, terrace, oak bark, smalts, quills, linen, &c. This otherwise well digested retaliatory measure was thus rendered completely futile; for, upon the arrival in British ports of vessels so documented, the only objection which was or which could be raised against their admission was, that the Dutch ports were not meant to be included in the term *ports in the North Sea*—but although an act of parliament had sufficient power to move an island (Malta) from Africa into Europe, it was out of the power of the Board of Trade, to remove the Dutch ports from the North Sea, by mere dint of *argument*,—the position was untenable,—the vessels were admitted,—and the measure of April, 1809, there-

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fore, in respect to its immediate operation on the ports of Holland, nugatory.

The holders of these licences, when the determination of the Board of Trade in April, 1809, not to suffer any farther imports from Holland, became known, immediately offered them for sale, as they were from this circumstance become of much value. And some houses in London cleared from eight thousand to ten thousand pounds by the sale of licences granted for importation, *prior* to this measure; and, though no blame is to be attached to any individual disposing of a document of this description, when no objection existed, and when so considerable a sum as five hundred guineas was offered for it,—it certainly never was the intention of legislature, in granting these protections, that they should be made a marketable commodity.* But this, the Board of Trade have only themselves to thank for; had they made parties, taking out licences, responsible for their mis-use, and declared them to protect only the property of those, whose names were set forth in

* Some licences, which covered the importation of French wines and brandies, and which remained unapplied at the time the Board of Trade refused any farther licences to import these articles, have been known to fetch *one thousand pounds*, and even more!

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them, the disgraceful traffic, which has so publicly taken place, in British licences, would never have occurred. The form of licences has, however, within the last few months, been altered, and no licences are now issued without containing the name of the ship, the name of her master, her tonnage, and colors, and the port at which they are to load—better late than never—this will, however, in a great measure, have the effect of checking their misapplication.

The order in council of April, 1809, which would have been productive of very great benefit, was however merely temporary, as two months had scarcely elapsed, ere the Board of Trade again granted, with very little alteration, and with a very liberal hand (to *all* applicants as usual) licences to import from the Dutch ports, for nearly the same articles as formerly, as well as import-licences from the ports of France for corn, seeds, and burr stones. These licences were granted, at a time when government were perfectly aware, that vessels arriving from the Dutch coast, laden with the produce of Holland, as well as these coming corn-laden from France, could not, in consequence of the continental decrees, in return load an atom of goods in our ports, but must return in ballast. By

By virtue of these licences, from June, 1809, to the end of 1811, no less than 2116 vessels, loaded in the ports of Holland and France, have arrived in London only, and if we add one-eighth for the out-ports, we shall find that this country was indebted to Holland and France for 2380 cargoes, which at an average computation of £1500, would produce an aggregate of £3,570,000. The only mode therefore, of liquidating this debt, was by sending clandestinely out of the country our own gold coin, or openly, foreign gold, in bars or specie; thereby making gold, which formerly was merely a circulating medium, an article of merchandize. From papers laid on the table of the House of Commons, it is shewn that the real imports for the year 1810, amounted to 74,508,000, and that for the same year the exports to 62,702,000; by which it will be seen, that we had a balance of trade only, to pay to foreigners, of near twelve millions, which must have been drained from us in *money*. The amount in 1811, is still more unfavourable.—Here we see at once the real cause, which gave occasion to the enormous rise in the article of gold, and the consequent depreciation of the course of exchange. To this account must be added the enormous sums of
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money which have been remitted to the Dutch ship-owners, for the exorbitant freights paid annually by this country to Dutch ships, (soi-disant neutrals) which may be moderately taken at £1,100,000 per annum, together with the £850,000 which this country is known yearly to remit to Holland for the interest of Dutch property vested in British securities; and we shall no longer be amazed at the unfavourable rate of foreign exchanges, but rather how it can be still so high! Our surprise should not be excited at the depreciation of the exchanges, but that a subject of such publicity should have wholly escaped the very strict scrutiny, which this subject underwent by the committee of the House of Commons, known as the Bullion Committee. This is one of the evils which the licensing system has brought upon the country, and certainly not one of the least.

The good old system of barter was entirely done away with, and the merchandize we drew from our enemy's ports, which we in former times paid for in colonial produce, and the produce of our national industry, was now to be paid for in hard cash. This was one of the ramifications from the stem of the continen-

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tal system, by which Bonaparte flattered himself he should be enabled to effect the downfall of England. This system, which has, more than any achievement in the field, proved the consummate ability of our implacable foe, first shewed its true principles, by the publication of the Berlin decree, November 21, 1807; and certainly its bearing and even its consequences could not but be clearly perceived by those who were but slightly acquainted with the continental states, and with the character of the French government.

Immediately upon the receipt of this important document in England, the blockade order of 1809 should have been issued. This was the juncture when this country should have proved to the continent, by bringing into play its commanding means, the difference between a maritime law, or order of Great Britain, and a French decree. Ministers, however, contented themselves with saying, in November, 1807, *one year* after the promulgation of the Berlin decree, that "Although His Majesty would be fully justified, by the circumstances and considerations, in establishing such

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system of restrictions, with respect to all the countries and colonies of his enemies, without exception or qualification; yet His Majesty being nevertheless desirous not to subject neutrals to any greater inconvenience than is absolutely inseparable from the carrying into effect His Majesty's just determination," &c. This is what we in England are taught to call *magnanimity*, but in the eyes of modern Europe, it becomes *pusillanimity*; and that which was here abstained from, with the best intentions, on the part of those who were possessed of sufficient means to enforce obedience, was supposed to be occasioned by an absolute inability of sustaining the want of the produce of the continent; giving tolerably solid grounds for the conclusion, that, although the ostensible reason for not answering the Berlin decree instantaneously, by a retaliatory measure, arose from a regard to the general commercial interests of Europe; yet the real cause for not resorting to the strict mode of retorting on the enemy, was the (implied) impossibility of supporting a deprivation of the chief exports of the Dutch ports, both in regard to the manufactures and to the consumption of corn in this country.

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The indecisive mode of acting which ministers adopted upon the reception of this celebrated decree, rendered the already too arbitrary attempt of the enemy to dictate to European commerce, more audacious; decrees followed decrees; and Bonaparte was enabled, for a period of two years, to spread more terror by a stroke of his pen, than an hundred and fifty British line of battle ships could inspire. With the entire and undisputed controul of the seas, ministers, by a strange infatuation, suffered the enemy to wield a tyrannical sovereignty over them, which in nothing yielded to that, by which the whole surface of Europe was kept in awe.*

The statistic policy of our inveterate foe, (to cope with whom, daily experience proves extraordinary abilities and unremitting perseverance so requisite) was of too refined a nature not to turn to his own account, the torpidity of our councils; and we were compelled tacitly to witness the enactment and execution of a series of commer-

* When Pompey had repulsed Cæsar from Dyrrachium, Cicero, to persuade the former to retain his position, used these celebrated words, *Whoever commands the seas is master of the world!*

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cial decrees, by which the maritime trade of the countries, under his dominion of controul, was in future to be regulated. By the strict prohibition of imports, of whatever nature the cargo, or the voyage, he expected effectually to paralise our manufactories, and clog our warehouses; and by the encouragements he gave to the exports of the produce of the soil, or industry, of France, for which at first no other return than *specie* or *bullion* was permitted; he aimed a blow at our amazing national credit, by obliging us to make our returns at a ruinous course of exchange, the natural result of this deep-laid policy.

That the effect, which Bonaparte expected would result from the continental system, has been partially produced, no near observer will deny; in fact, no one, though only superficially acquainted with the commercial importance of Great Britain, could read the different decrees of France, from the celebrated Berlin decree, onward, without trembling for the fate of our commercial superiority.

Great Britain, who ought from her high commercial

cial pre-eminence, to set examples to the whole world in mercantile policy, has been completely placed in the back ground, from the superior ability of the commercial edicts of France. That government, which formerly was supposed to be our superior only in the field, and in those wily political manœuvres which cannot attain their end without a total disregard of good faith and national honor, we see suddenly passing us upon a course which ought to be exclusively our own, and which we were less prepared to expect, from the acknowledged stagnant state to which the maritime traffic of France had sunk, since the commencement of the present war; and yet, to those who are able to judge between the two countries, who from continual intercourse are capable of deciding the point, the superiority, even politically viewed, of the commercial decrees of the French government over the changeable and indecisive measures which the Board of Trade have adopted, will appear manifest.

The effect these mandatory warrants produced in this country, during the first eight or ten months of their existence, sufficiently indicated the ultimate

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mate consequences of a system so daringly novel; but the attempts of the enemy against our commerce were impotent, until we ourselves gave them effect. Will it be credited by posterity, can it be believed by that part of the present generation, who now for the first time hear it, that the British government countenanced and protected this ruinous system in the most open and direct manner; namely, by the grant of licences to import the very articles from the ports of France and Holland, which the French government allowed the export of! and this too at a time when government were, or ought to have been, fully aware that no cargoes could be shipped in return; as we have already mentioned? Thus, in fact, assisting the endeavours of our insidious enemy, to effect our ruin by an indirect attack, when, from the firmness displayed by the immortal Pitt, he was compelled to relinquish the idea of a direct one.

Nor was it until the serious effects of this too well-concerted scheme began to develop themselves, by the alarming state of the course of exchange with the continent, which at one time had actually fallen to *thirty* per cent. against this country,

country, that ministers seemed to awaken to a sense of the danger of the precipice to which we were so fast advancing. And, after near six weeks deliberation, was produced the blockade order of April, 1809. The chief fault of this measure was that it came too late;—that which ought to have been sent forth to the world in December, 1806, as an authoritative edict, was in 1809 resorted to of necessity. It is a pity there should exist so lamentable a lack of foresight in our councils;—

Dr. Franklin says,
 "Experience keeps a dear school, but fools will learn in no other."

This blockade, termed the general blockade, was still not sufficiently general to mark out its retaliatory character—it was incomplete, inasmuch as its effects ended with the river *Ems*; as though the line of coast between the *Ems*, and the Danish frontier, were less subservient to the dictates of Bonaparte, or less liable to the effect of the decrees of the French Cabinet. And the shameless manner in which this blockade has been directly violated, and indirectly evaded, dispossessed it of the little importance it had, when applied to the coasts

coasts of Holland and northern France. For, as licences continued to be granted for the importation of the articles usually brought from Holland and France, from *Norden* or *Varel*, (insignificant places situated just beyond the line of blockade) vessels continued to load for England, in the Dutch, and even in the French ports, as though no blockade existed! and, after providing themselves with the clearances and other documents necessary to make them appear as coming from *Norden*, or *Varel*, arrived daily, free from molestation, in our ports; and though their admission could be secured, only by the assistance of perjury and fraud, we saw no attempt made to put a period to this disgraceful traffic: Property to an immense amount has been introduced from enemies' ports, uninterruptedly, for the space of nearly three years, under the sanction of the *Norden* or *Jahde* licences, which tended materially to increase the debt due from Great Britain to the continent. The farce of simulated papers, which has been exploded on the continent, some time, seems still to have effect with us: much adroitness was necessary, and was practised, to detect this political imposture on the part of our enemies; but it appears,

appears, equal ability has not been shewn on our part, and that which blinded the continental governments formerly, still is suffered to impose upon *ours*—which makes us the laughing stock of our enemies.

The scandalous manufacture of forged documents, in which the sacred signature of crowned heads meets with no respect; which, though not openly protected by this government,* is still tacitly suffered; is a very serious result of the continental system, a disgrace to the country, and a reproach to the commercial character of the nation. Lists of the prices, at which documents of almost all sorts were fabricated, were openly circulated on the Royal Exchange of London, like a price current of merchandizes. The persons who in this disgraceful occupation have acquired enormous sums of money, it is almost needless to say, are, without exception, men of the most despicable character, and foreigners. What as-

* It is a question, whether the clause in the licences, "Notwithstanding all the documents which accompany the ship and cargo, may represent the same to be destined to any other neutral or hostile port"—may not be interpreted into a sanction, on the part of Government, of this shameful practice.

insurance has government that these men exercise their calling, exclusively to the delusion of other governments? What security have ministers, that their own licences, their letters of marque, and their other public instruments, are free from imitation? The evil, which would result from such acts, in a national view, it is needless to enlarge upon; it must forcibly strike every mind at all pervious to political impressions.—And to those who may contend, that such persons confine themselves to forging the public official documents of foreign nations, the information may not be unacceptable, that it is subject of notoriety, that by these very men, condemnations of the high court of admiralty of England, having the great seal attached to them, have been imitated!—To such a height has excellence in this nefarious art arisen, that persons perfectly conversant with the court of admiralty, who have seen them, have declared, they could not distinguish the *false* from the *true*! If this be true, and no doubt can be raised to subvert facts, why may not a British trading licence be so imitated, as to baffle detection at sea? the act itself would not be a task of much difficulty; and a vessel so provided, might carry warlike stores, under the very guns of our ships

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of war, into the dock yards of France and Holland.

Upon the annexation of Holland to France, all the merchant vessels at that time in the Dutch ports, including those which heretofore had navigated under the flag of the petty German states and Hanseatic towns, were compelled of course to take the French flag and the characteristics of French vessels. The British licences, granted for importation from thence containing a clause, excluding the French flag from their protection, it became necessary to provide the vessels, navigating under their sanction, with a second set of papers, to bring them within the pale of the licences, so as to make them appear when at sea, and in this country, as Russians, Prussians, Swedes, and Danes. A *ci-devant* ship broker's clerk in Amsterdam undertook the task of supplying the vessels in question, with the requisite simulated documents; but:—

“They manage these things better in France.”

This person was soon an object for the vigilance of the police, who apprehended him in consequence of his labours; and although he succeeded in proving,

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to the satisfaction of the constituted authorities, that the papers he was in the habit of fabricating, were intended for the sole purpose of deceiving the British government, in cloaking the *real* proprietorship of the vessels they were destined to protect; he was not only ordered to desist from his avocation, but was kept a considerable time in confinement, to ensure his compliance with the orders of the lieutenant of police. The consequence of this proceeding was, *credat Judæus!* the transmission of orders from Holland to the forged paper-makers of London, to prepare the documents requisite for the voyage in question: this order was duly executed, and however incredible it may seem, most of the vessels engaged in the trade between Holland and this country (*all* of which are enemy's property) are documented by simulated papers, made in London.

During the golden age of simulated papers (from the conclusion of the short peace to the end of 1810,) vessels were admitted with their cargoes, in foreign ports, on no other evidence as to their loading ports or cargoes; but latterly, since the power of France has extended itself along the whole line of coast from Bayonne to Memel, the tables are

are changed; false papers are of no avail, and whole fleets, laden with the property of British merchants, were confiscated in spite of the forgeries and perjuries, by which the proprietors foolishly considered themselves as completely protected. If government were so inclined, they might be made acquainted with some very curious and, to them, interesting particulars relative to this infamous practice, than which, certainly nothing can tend more to national disgrace.—Whilst it is suffered, it must remain a stigma on the country. But it is difficult for individuals to pry into the “secrets of the prison-house.—Dean Swift compared digressions to a nest of boxes, and we have elucidated his simile, by having nearly lost sight of our subject in following them.

Our forefathers would have spurned indignantly, the very idea of applying to government for leave and licence to carry on their trade; yet, shackled as the merchant is, by the degrading necessity of submitting all his enterprizes to the scrutiny of government, a conviction of the necessity, from political motives, of conforming his mercantile transactions to the regulations laid down by ministers, might in a

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great degree reconcile his compliance with this otherwise seeming incongruity, were not his operations continually thwarted, and his best digested plans destroyed, from the continued vacillating system the Board of Trade proceed upon; sometimes doubtless indispensable from political considerations, but certainly not unfrequently from ignorance and inexperience in commercial affairs, upon which those persons can only be fully informed, whose pursuits cause them daily to move in the commercial sphere.

Admitting the constitution of the Board of Trade to be such, as to secure the approbation and confidence of the nation, the administration is defective and faulty.—If the adage, "dispatch is the soul of business," possesses any truth, the obstructions which may be thrown in the way of its execution, must affect its vital parts. Under the present system, the usual course of the grant of a licence, from the first presentation of the petition to the issue of the document, in general occupies three or four days, which period of time is not unfrequently extended, from the intervention of Sunday, or of an important debate in parliament; from the absence of the president, who is then said to be *out of town*; or from the

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vice-president being attacked by a fit of the gout; or from the disheartening information which is given to the bearer of a petition, that, "nothing will be done to day"—or, that there is, "no board."—So that it sometimes occurs, that a week elapses, before the merchant can obtain leave from government to carry his ideas into effect; and this too, at a time when, perhaps, the admiralty has appointed the sailing of a convoy to a particular part of the globe, with which the individual so applying is desirous of sending his merchandize, and which expedition must in consequence be delayed, until another convoy is appointed, or perhaps (especially if the convoy should be destined to the northward) until the ensuing season!—Of such moment is the delay, of a single hour, the consequence of which can by none be so justly appreciated as by the man of business. The best digested scheme may be marred, from a delay so occasioned, and a speculation, which upon its first projection offered the brightest prospect of success, may have its object totally defeated, solely from the want of the power of carrying it into immediate execution. It is useless to expatiate upon the certain effects of delay in commercial affairs, the enervating consequences

consequences thereof are obvious to every one conversant in mercantile transactions.

It is to the Board of Trade, divested as it is of commercial knowledge, that the shameful misuse of licences is to be attributed; this may be referred to several secondary causes, and the first is, the very loose manner in which these documents are worded. We have already seen the effects of granting licences to import from *any port in the North Sea*; and the misapplication of the licences so worded, in direct violation of good faith, although it could not be prevented, was attributable only to the general terms in which the documents were couched. Exceptions were taken in the courts of law, upon the manner in which the licences were worded: in the numerous causes which have lately been tried, where merchants sought to recover from the underwriters upon the cargoes, where capture or condemnation had taken place; it was contended, that a licence granted specifically to A. B. did not authorize any other persons to ship, in the vessel A. B. shipped his goods, and therefore no other person than A. B. could derive protection from it; but that, when other persons

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seek to recover, than those in whose names the licence is, they should be protected by one granted to A. B. and *others*: this frivolous quibble, which has in some instances been held good, would never have been raised, had the licences been granted to the *ship* for the *voyage*, instead of to the merchants who ship the cargo. Another objection taken, was, upon the clause protecting the property, "to whomsoever it may appear to belong."—The gentlemen of the long robe, with much ingenuity contending, that property which belongs, *bona fide*, to an individual, does not *appear* to belong to him. This clause has very lately been altered, and now stands, "to whomsoever such property may belong."

To such miserable subterfuges as these, the underwriters have in the last two years owed their release from responsibility upon risks which they have engaged in, although they have pocketed the premiums paid them in consideration of their liability. To such wretched objections, spun from the brains of ingenious lawyers, without bearing in the slightest degree on the merits of the case, the merchants are indebted for the total loss of their property, as well as the enormous premiums, in

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some cases 45 per cent. which in paying they fondly hoped had placed them in security. * To the Board of Trade, is to be attributed these as well as all other consequences which have resulted from the vague, and, in some instances, careless style in which these licences run, although they are drawn out by one of the crown lawyers.

Another cause to which the misuse of licences may be attributed, is the want of circumspection in the grant of them, and the very liberal hand with which they are issued. Without requiring any kind of security for the due appropriation of the licences prayed for; without the least inquiry instituted, as to the character of the persons applying for these protections; the Board of Trade, when the request is in conformity to their minutes,

* It is much to be regretted, that mercantile questions are of necessity decided in Courts of law. England is almost singular in its want of a Chamber of Commerce, where questions relative to trade should always be adjusted. Commerce and law are frequently at variance; and in later years, when commerce has assumed an aspect so widely different from its pristine purity, a commercial tribunal is more imperatively called for. A mercantile question, nine times out of ten, cannot be decided fairly at law, because it should always be tried upon its merits; a court of equity only is fit to decide upon a question purely commercial.

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grant the petitions, indiscriminately, of every applicant. It is a fact which may be relied on, that foreigners, even Frenchmen, have obtained licences often in their own names, and sometimes in fictitious names, for the importation of hemp, timber, pitch and tar, and other naval stores, within one week after their arrival in London, and before they have exhibited their passports at the alien office! To what purpose can these have been applied, other than supplying the ports of the enemy with the articles in question? The slightest investigation must have produced the rejection of the applications of these worst of enemies in the garb of merchants. Others, resident, and otherwise respectable houses, applied for fifty and sixty licences at a time; what other object could the applicants, in this instance, have in view than the disposal of them? making thus an object of gain, that which the legislature intended as a protection to the mercantile operations of the petitioners. The persons to whom this abundant supply was granted, probably did not appropriate one single licence to their own use; they are however perfectly free from blame on this account, it is to the Board of Trade only, who from a very super-

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ficial inquiry, might have satisfied themselves upon this head,—that the impolitic hawking of British licences on the continent is to be attributed,—

It cannot be called culpable plagiarism, to take a good leaf out of our enemy's book; and if we impartially view the French licencing system, it must be confessed that they are by no means so backward in commercial policy as we used to flatter ourselves with the idea of. The principles on which the French trading licences are granted, are founded on the soundest national policy, and it will only be necessary to state their leading features, to evince to conviction the solid basis on which the little commerce the present ruler of France allows his subjects, is founded.

The first relates to the qualifications of the persons applying for trading licences.—They are granted to those only, who can prove, to the satisfaction of the French government, that they have never been bankrupts, nor compounded with their creditors, and that they enjoy the character of established merchants; which must be certified by the mayor of the town where the applicants reside.

Secondly;

Secondly; the parties, to whom the licences are granted, are personally, and in their goods and chattels, responsible for the mal-application of the same; and the merchandizes introduced into the French ports are liable (in a certain degree) for any evasion, or contravention, which may be attempted, by means of the vessel which has been licenced upon the faith of the parties, who are personally designated therein. Another fundamental principle of the French licence trade, is that no import shall take place, except to the amount of the value of the cargo which shall have been previously exported from France; thus making the commercial intercourse between Great Britain and France, independent of exchanges. The protection of French licences, is exclusively confined to ships *French* owned, bearing the French flag; and which must be navigated by French seamen!*

* When the Dutch ship owners, in 1798, found themselves compelled to give a neutral character to their numerous merchant ships, the British ministry should have held out encouragement, and offered advantages to British merchants, in the event of their possessing themselves of foreign built vessels, and navigating them under foreign flags, to those ports from whence British vessels were excluded; this would have divested the dan-

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The excellent policy visible in these regulations, is doubly striking, when contrasted with the weak and imbecile measures which in this country are made to regulate maritime commerce.

Another important point, is the insertion in the licences of the articles allowed to be imported, and which are confined to those which our enemy cannot well bear the want of; such as dyes, indes, potashes, medicinal drugs, mahogany, dye woods, &c. but not a word of colonial produce, or our woollen and cotton manufactures. The unconditional export of these articles was immediately prohibited, and the practice of employing foreigners, as our carriers, of its harsh features, and have prevented the remittance to Holland, &c. of the vast sums which have been sent over, as balances of profits, earned by foreign vessels, in British employ. Why should not British subjects be equally competent with Dutchmen to navigate their property under the mask of neutrality?

From this period until 1811, the seas were covered with vessels bearing the flags of Papenburg, Oldenburg, Kniphausen, and twenty other soi-disant independent petty sovereignties, and the inhabitants of the wretched villages of Papenburg, Varel, &c. were allowed a trifling per centage out of the earnings of the Dutch vessels, so cloaked, as the price of perjury and fraud, upon the express stipulation, that they should claim in the British Admiralty courts, such vessels as might be sent in for adjudication.—France however, in January, 1811, abrogated all these petty flags, and they are at present nearly extinct.

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ately agreed to by the Board of Trade, instead of compelling the vessels desirous of loading cargoes of the above articles, to take a certain proportion of those articles we most want to get rid of. The French government proceeded on this principle, and compelled vessels, taking cargoes to Great Britain to export a certain quantity, according to the tonnage, of wine, or brandy, or manufactured silks, which part of the cargoes of vessels bound to this country, is generally smuggled on shore prior to the ship's arriving at her destined port. Why this example, which France has set us, has not been followed, it is difficult to conjecture; if it is from pride, certainly none was ever more misplaced; it can be no disgrace to copy from an enemy a system, which has for its basis, the good of the nation.

The culpable abundance in which licences of all descriptions have been issued, has been productive of evils of the greatest magnitude, and, in a political view, of the first importance. Travellers have been sent over to this country from France, and after taking out licences, in their own names, have gone out with the vessels as supercargoes to direct

direct the enterprizes. The quantity of naval stores which has thus found its way into the arsenals and dock-yards of France, would challenge belief, if it were possible correctly to ascertain the fact. Government is, however, acquainted with many facts concerning this "war in disguise," especially with every particular relative to a contract entered into by a certain house in Memel, to supply the French government with ship-timber, under the cloak of British licences. The contracting parties calculated, that if two cargoes out of five reached the destined ports, they were no losers; and it is supposed that near two-thirds of the timber so shipped at Memel for the French service, arrived in safety at the places of its destination.

All the vessels, without exception, which in the seasons 1809, 1810, and 1811, sailed in ballast from the Dutch ports to the White Sea and Baltic, were provided with double charter parties; one, to be in force if the vessel should be sufficiently fortunate to make a Dutch port, and the other in case circumstances should render it advisable to proceed to a British port; and, as an inducement to the master of the vessel to run his ship for a Dutch port,

port, in addition to the freight stipulated to be paid, (which in such case was always double what he would have to receive in the event of the cargo being delivered in Great Britain) a considerable sum of money was to be paid him, by way of *don gratuit*. One half of the pitch and tar which arrived in this country, in the seasons above alluded to, was brought here from no other cause than the impracticability of getting it into the enemies' ports.

It cannot occasion surprise that our enemies should engage in a traffic of this sort, when houses resident in London, established for a series of years, have lent themselves to similar undertakings, under the shelter of their respectability, without exciting the least suspicion. It is, however, but justice to the merchants of London, to declare, that those who have engaged in these scandalous transactions, are *not* British subjects.

Amongst the less flagrant misuses which licences have been applied to, is the appropriation, to cover an *illegal* voyage, of a licence granted for one strictly legal. These, it must be confessed, are still more

more numerous than those first spoken of; and as this species of illicit traffic is not considered in the same light of culpability, it is more general, and less scruples are entertained in resorting to it. From the want either of sufficient vigilance, or sufficient power, in the custom-houses of Great Britain, the blockade order of April, 1809, has been made a mere bugbear, a shadow without a substance; as vessels have proceeded from the Dutch and French ports, filled with the produce of those countries, nearly with the same regularity and with little more risk than before, under the sanction of what were called Norden, or Jahde, licences; and were admitted in our ports without any other proof being required, as to their loading ports, than the report usually made by the masters of vessels arriving from our own settlements, or other parts of the world. Although the places at which these vessels loaded, were notorious on the Royal Exchange, it seemed a profound secret where it ought to have been first known; as no means were adopted to put a stop to it. Many persons engaged in this contraband trade, upon the supposition, that it was not unacceptable to government, seeing that no measures were put in force

force against what was so openly done. The commissioners of the customs, upon a petition presented to them for that purpose, consented, in direct violation of the law, to allow vessels to report from *Europe*, without stating the particular port, upon the alleged ground, that vessels clearing out from foreign ports, with cargoes of *corn*, &c. were compelled to give bond, that it should be landed in ports at amity with France; and that, if shipmasters were obliged to report openly from the real port of their loading, the agents of France (who are spread over the whole face of the country) would send over the names of such vessels; that the bonds might be put in force against them; but the real motive, which prompted this application, was, that the masters of ships could not, in the event of a discovery of their loading ports, be prosecuted for having made a false report. The executive was, by this trick, made a party in this

By 13 and 14 Car. II. cap. 11, it is enacted,—"That the master or purser for the voyage, shall make a just and true entry, upon oath, of the burthen, contents, and lading, of such ship, with the particular marks, numbers, qualities, and contents of every parcel of goods laden therein, to the best of his knowledge and belief; also where and in what part she took in her lading." &c. &c.

species

species of smuggling, inasmuch as they contrived by this act at the false clearance, the masters were obliged to make in the ports of their loading.

There were numerous other tricks practised, to evade the operation of the blockade order, besides bringing cargoes direct from enemies' ports; such as sending French brandies, from Cognac, by inland conveyances to Cette, and shipping it from hence to Malta, as *Spanish* brandy, whence it finds its way to this country. Ships have loaded in French ports, and (have been) *quasi*, captured by private ships of war fitted out by the same persons who owned the ships and cargoes they were to capture. Others, watching for a busy day at the Board, with their petition having the date in *blank* to be filled up as occasion might require, contrived artfully to introduce, amongst a list of articles, the importation of which *was* permitted, articles which government would *not* suffer the importation of, and obtained the fiat of the Board from an unusual pressure of business; the subordinate clerks, having nearly as much commercial knowledge as their superiors, proceeded in making the licences out, and ultimately

ultimately delivering them to the applicants, with the obnoxious articles inserted.

With regard to exports, as many if not more frauds have been practised; in one instance, when a licence had been granted for the importation of certain articles, upon condition of previously exporting a cargo of British produce, an attempt was made to ship in the vessel a quantity of *Gravel*; others tried the experiment of evading the export clause, by shipping Osiers, or Rushes, or other articles of no intrinsic value; and there are numerous instances, flagrant as these are, which are still less excusable, but to which publicity could not be given, without exposing the names of certain persons implicated, which would neither forward the intention in giving these sheets to the public, nor answer any one good purpose. It would carry us into a history of considerable length, to enumerate the different ways in which the blockade of the enemy's ports has been violated, and evaded, without government using any exertions to make examples of those who were hardy enough to venture a transgression of their orders.

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The spirit which directs the decisions at the Board itself, is also extremely impolitic and improper; when the Board, concentrated in the persons of the president and vice-president, have determined on any new measure, some ten or twelve persons, who are interested in the particular trade which the new regulation is intended to act upon, are summoned to attend the Board; and, after waiting in the common lobby, with porters, messengers, &c. &c. are introduced to the room where the president is sitting, who, by the bye, never takes any notice at the introduction of the merchants whose presence has been desired, and amongst whom are very frequently men who are of as much consequence to the state, as the president of the Board of Trade. Upon the gentlemen being seated, the president communicates the decision of the Board, and as soon as he has finished he retires, paying little or no attention to the observations which may be offered by the gentlemen attending, — consenting himself, with the cold remark, that of their lordships have resolved on such and such measures, and that it is therefore out of his power to enter farther on the subject; — when almost probably the new regulation originated with

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and was determined on by the president himself, without the knowledge of another being in existence, not even the Archbishop of Canterbury! The impropriety, to call it by no harsher name, on the part of the president of Board of Trade deciding on commercial regulations, without previously taking the sense of men, whose practical experience must give their opinions weight, is most evident.

During the presidency of Lord Auckland, the mode adopted by his lordship was very different indeed — his lordship was never beneath sending into the city for one or more well-informed men, to whom any new measure was first communicated, and their opinion taken as to the expediency of its adoption. The observations made on these occasions, never failed of having their due weight with his lordship, and if any alteration or substitution was proposed, the propriety of which struck his lordship, he was never above conviction, and on the other hand, if they were combated, no man ever left the office, without being convinced of his suggestions being improper, or their adoption inexpedient. This system has never been acted upon since Lord Auckland seceded, which gives rise to innumerable inconveniences

conveniences and difficulties:—Scarcely a single instance now occurs, where a minute of the Board does not undergo alteration, after the promulgation, the necessity of which, a few minutes previous consultation with men of practical knowledge, would effectually preclude. If it is pride that prompts the present president to act solely from himself, it is much to be regretted; or, if it be an idea that his lordship is more competent in commercial affairs than Lord Auckland was, daily experience proves how mistaken it is.

It would too much extend these remarks to enumerate the particular instances in which the Board of Trade have proved their total divestment of commercial knowledge; one instance may however be adduced to prove that the accusation is not loosely founded; it is the grant of licences to import corn, meal, and flour, to which we allude; from France and Holland, at a time (December, 1811,) when bread was equally dear at Paris, Amsterdam, and London!—after the Board had constantly refused similar licences, during the whole of the summer season, when they were frequently applied for, by some of the first houses in London, and when

wheat

wheat, in France, was under the prohibitory export price. Who will deny, that a question or two, put to some of the leading men in the corn trade, would have prevented a minute appearing in the council book, which must remain a memento of the culpable want of ability or information in those, in whose hands has been placed a trust so important. Measures like these (and this is but a sample out of a mass) raise the indignation of our merchants and the ridicule of our enemies. Political motives certainly must frequently influence the proceedings of the Board of Trade, and then of course the interference of commercial men would be both improper and impertinent; but in general, these measures are purely commercial, and when they partake of the double character, it certainly would be a consummation devoutly to be wished, that the national and mercantile interests should be made to draw together. There does not appear an atom of respect in the Board of Trade, towards the mercantile interest; a proof of which may be given from the council book itself; when the last Baltic licences were issued, the minute in the council book concluded in these words:

words:—“The said vessels must arrive in the ports of the United Kingdoms within the time limited in the licence, it being clearly understood, that the voyage is to be completed in the time limited, as no farther indulgence will be granted.”

To what a low degree has commerce sunk, when a merchant is to be told, he must view his intercourse with foreign countries as an indulgence! It must awaken the just resentment of commercial men when they reflect that they are (or are not,) to trade with foreign nations, at the nod of one or two individuals, who can only view commerce through the glass of politics: it must be allowed, that we are in this respect little, if at all, better off than the French or Dutch merchants, whose counting-houses are opened or shut, by a message from Paris.

It is contended, by those who view the licence system politically, that the delegation of this vast power to one man, and that man one of the ministry, must of necessity throw very great temptations to the exercise of undue influence into his power. This is a view of the matter we do not intend to enter on; it may, however, not be irrelevant here to state,

that

that in December, 1811, when eight or ten vessels arrived in the river from the Dutch coast, with cargoes of butter and cheese, which from the severity of the weather could not complete their voyages in the time limited in their licences, they were not admitted to entry by the Board of Trade, but were ordered to be warehoused for exportation; this too at a time when we were paying two shillings a pound for butter, and one shilling a pound for cheese. May not a certain speculator in Irish provisions, who is a creditor of government to the extent of £84,000, (but which claim he does not, for reasons best known to himself, think fit to urge) have had some influence in procuring this decision?

The necessity of issuing commercial licences, and the national benefit supposed to result therefrom, are points upon which much has been said, and much written.—Lord Sheffield, certainly one of our ablest commercial writers, is decidedly against the system; and most of those who advocate it, allow, that, if any plan were to be devised, which would render the abrogation of these documents perfectly safe, it would be advisable to adopt it by preference; but that as the commerce of the country now stands, their

their existence is indispensable; they are therefore chiefly defended upon the ground of being necessary evils. We will, upon the supposition that no desirable substitute can be found, first propose some fundamental principles, which should form the basis of the licence trade, admitting the absolute necessity of it,—and then endeavour to point out in what manner the commerce of Great Britain might be conducted, so as to preclude the necessity of persisting in the present system, by divesting it of its obnoxious and unconstitutional qualities.

The first regulation we would recommend, as applying to the present system is, the qualification of parties applying for licences. No licence should be granted except to houses of known respectability; this measure would by no means prevent any one engaging in commercial speculations, who would not be entitled to a licence in his own name, as in this case it would only be necessary for persons so circumstanced, to make the application through such houses, with which they may be connected, as would under this regulation be enabled to procure them.—Parties, so obtaining licences, to be personally responsible for any misuse to which the

the same may be applied; and, when naval or military stores are intended to form part of the cargoes, *bond* to be given for the due appropriation of the licences so granted; this would at once put a stop to supplying the French dock-yards and store-houses.

Upon a vessel's arrival at any port in Great Britain, the collector of the customs to send her licence up immediately to the council office, to be there examined, and, if found to have been fairly dealt by, to be returned without delay, with *directions* to the collector, if in his judgment any suspicious circumstances are attached to the voyage, to examine the crew upon oath, separately; and every instance of perjury, to be punished with the utmost rigour. The conditions upon which the licence is granted, to be, in every respect, strictly fulfilled, and the least deviation from its letter to render the same null and void. If it is intended to uphold the serious import of these documents, a neglect in fulfilling the stipulations therein contained, ought to be rigorously pursued. The Baltic licences contain a clause, obliging vessels—“being wholly or in part laden with naval stores, destined for any port of the

United Kingdom lying south of Hull; to call, unless under the protection of convoy, at Dundee or Leith for fresh clearances; and the said vessel shall not sail from Dundee or Leith without convoy, and shall proceed with such convoy and not desert the same till her arrival at the port of destination," &c. During the whole of the season 1809, vessels with naval stores, so licenced, have arrived in London, *without* having called at the Scotch ports, agreeably with the terms of their licences, and they were, and are, at this moment admitted to entry at the custom-house without any inquiries, either with respect to their Scotch "fresh clearances," or to the convoy with which they may have arrived!—Any erasure, alteration, or addition, made in, or to, any licence after its issue, to be made a transportable offence. Forging, or imitating licences, to be made felony without benefit of clergy.—Licences to be granted to foreign vessels, only upon proof, that no British-owned vessel (navigating under licences *to own*) is to be procured for the purpose intended.—Licences granted to vessels foreign-owned, to be charged with *double* stamp duty.—So much as to the new regulations which are proposed for the *documents*, but unless a radical reform accompanies them, in the

internal

internal economy of the Board of Trade, they will be productive of no eventual good. Admitting that the Board of Trade is to partake of no other character than a ministerial one, and that a reference to men of practical experience in commercial affairs is not to be had; the gentlemen appointed to fill the office of committee for trade (which, we contend, is a situation purely mercantile, whatever be the opinion of government,) should be in attendance from nine o'clock in the morning until five in the afternoon: these are the hours a merchant devotes to his business, and if these hours were adopted by the Board of Trade, a licence might be applied for and issued on the *same day*. The clerks in the council office would of course be compelled to give their attendance during the above hours: a merchant's clerk, twice as fit for the situation as any under clerk in the council office, is obliged, for half the salary, to give, in his employer's counting house, double the attendance a clerk in the council office gives.

The hour, from nine to ten, should be appropriated to the preparation of the petitions; which, at ten, might go before the board: the *whole* would, without any great exertion, be gone through by twelve

twelve o'clock, and two hours would suffice to get the orders made out, sealed, and signed; so that at two o'clock they might be taken to the secretary of state's office, when the whole afternoon is left for the licences to be copied out and signed. No impediment, if these rules were strictly adhered to, could intervene, to prevent the delivery of the licences to the applicants, at nine the following morning.—Such are the principles, on which it is presumed the licence trade ought to be conducted, to offer some counterpoise to the uncongenial effects it has on commerce. Although some of the most material and best founded objections, which are taken to this system, would still remain untouched, it must be allowed, the foregoing regulations would, by removing some very great causes of complaint, render the system (if it is to be persevered in) less objectionable; is is, however, in the power of ministers, to make it still less so, if their desire to remedy the evils in question, keeps pace with the complaints which must reach them from all quarters, on this most important subject.

To those who viewed the Berlin and Milan decrees in a political light, and who were not bigotted to

to the mistaken idea, that Britain's welfare and European commerce were so closely allied, as to make their separation dangerous to the state; the course, which, upon their promulgation, this country ought to have adopted, was evidently a total prohibition of import commerce with the ports of Europe, under the immediate controul of Bonaparte, or under his influence; and on the other hand, an encouragement, either by bounty or otherwise, to vessels exporting from hence to the ports and places aforesaid. The resources of Great Britain are fully commensurate to its exigencies, leaving European commerce out of the account. What proportion do France and her dependencies bear in the scale of British commerce, when we view the two Americas, our almost boundless Eastern possessions, and the countries where the baneful continental system is still unknown, or unregarded? The consequences might, and would most probably, have borne severely on a certain class of persons, but "good reasons must give way to better;" individual interest must bow to that of the state.

Ministers, however, appear to have viewed the
revolution

revolution which was on the eve of taking place in our commercial relations, with a very different eye, and preferred continuing the intercourse with our enemy's ports, by means of licences; thus tacitly confessing, that we could not support the exclusion which it was the object of the continental system to enforce.—This course having thus far been steadily persevered in, it is now too late to look for any of the beneficial results from a change in the system, which would have been the effect of the line of conduct the government *ought* to have adopted. But we may be still permitted to hope, that a remedy may be discovered, and resorted to, which may be attended with very material advantages.

If the licence system is persevered in, from national considerations, if it is with the intention of proving to other nations, that,—

“The seas are Britain's wide domain!
And not a sail, but by permission, spreads;”

—that vessels are compelled to provide themselves with licences as a safeguard,—the measures

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we shall propose to supercede the present system by, will have the double effect of asserting this superiority, and giving to Commerce the facility she so much stands in need of.

The total abrogation of the present commercial licences is proposed, and the substitution of *Royal Navigation Licences*, under the King's sign-manual. These might be granted for a limited period, and renewable annually or triennially, and to apply to all ships or vessels not his Majesty's; subjecting the vessels applying to be so provided, to a tributary tax, according to their tonnage; which should be *double*, with respect to vessels foreign-owned, the tribute payable on a vessel under foreign colors, British owned. These licences, being documents requisite for the *ship*, would be provided by the masters and owners, and merchants would therefore have no farther applications to make to government.

It would, in this case, be merely necessary for government to declare by proclamation, or order in council, what ports vessels would be suffered to trade to and from, and what the articles which their

their cargoes might consist of, for six or twelve months. These orders, which would appear periodically, ought to be so worded, as to admit of no double construction, or warrant any miscomprehension; * and all vessels, of whatever nation and by whomsoever owned, found at sea without the protection of a Royal Navigation Licence, or being so protected, sailing in contravention to the order in council, or proclamation, to be captured, and condemned as lawful prize to the captors.

This, though by no means attempted to be construed into a cure, would, it is presumed, be found a palliative to the commercial disorder, under the effects of which we now labor. May more skilful physicians prescribe with more effect!

* The orders in council, as they now stand, partly in force, and partly repealed, ought to undergo a total regeneration, and be as much simplified, as the importance of such instruments would admit. Some of our highest law authorities have expressed their disapprobation of the confused state in which they now are. In the cause, *Sturdy v. Andrews*, tried in December, 1811, in the Court of Common Pleas, Sir James Mansfield, C. J. expressed himself as follows: "It is a pity we cannot be officially made acquainted with the orders in council; yet I must say, that, when I have them before me, I do not understand them!"

It

It would be leaving the subject under discussion prematurely, were we not to make a few observations upon the effect the continental system has produced, both on men, as well as on commerce, and of which, the licence system has been, and is still, the chief support. The very low ebb, at which commerce has now arrived, is of itself a feature sufficiently prominent to warrant its designation, a new era in trade; but when connected with its concomitants, when traced to its real source, the mind is lost in amazement. It is not to be viewed simply in its immediate effects, as to the mercantile world, but it is the consequences, which, from the attempts to evade its action, by the base auxiliaries of fraud, deceit, and perjury, result to probity and moral rectitude, the first care of a father of his people, which call for the most serious attention.

The honor and good faith, which hitherto so pre-eminently distinguished the character of a British merchant, and which ought to be held as a pledge, which the traffic of the whole world can offer no compensation for, are, by the ruinous tendency of the consequences of the continental system,

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tem, sapped at their base. The rising generation, on whom, in process of time, the management of the commercial transactions of these kingdoms will devolve, are daily and hourly compelled to be witnesses of acts of forgery and perjury, at the bare suggestion of which, our forefathers would have shuddered; they are thus imperceptibly initiated into a systematic routine of deceit, which, on their arrival at maturity, they will be unable to distinguish the iniquity of; they would, then, do that from custom, which perhaps, as a novel proposal, would be considered as an indelible stigma upon the character of a man, who should venture thus to compromise his respectability. Unfortunately, we are doomed to witness the time, when, so far from its being considered a disgrace for a merchant to engage in a traffic which he cannot proceed in, without the aid of false documents and false depositions, there actually appears a kind of competition in a fraud, confessedly existing; and the man who procures the admission of his merchandize into European ports, from a well connected tissue of falsehoods, supported by corroborative perjury, gains a sort of victory over his cotemporaries in deceit! proving, from the result of

of his shameful adventure, his superior dexterity in this nefarious proceeding.

Some persons, whose consciences are not so wide as to engage in these concerns directly, foolishly imagine they exonerate themselves from culpability by entrusting the enterprize to a managing clerk, or leaving it altogether to the care of a third person, who engages himself for this purpose, in consideration of a certain pecuniary compensation. Others, again, endeavour to excuse themselves, by maintaining that there is no harm in deceiving foreign governments who are averse to commercial intercourse with this country. It must be confessed, that these reasonings are wholly unintelligible to the moral mind, nor can they be at all received, except by those, who, finding themselves carried along with the stream, are glad to catch at any suggestion, however fallacious, that is likely to help them out of the difficulty, their sordid thirst for gain has led them into. But the evil does not rest here; what security have we for the upright conduct of those we thus employ, towards ourselves? who shall secure us from the danger of the very means, we put into action against our enemies,

recoiling on ourselves? A man, who is accustomed to swear falsely to deceive one government, will little, if at all, hesitate in perjuring himself to deceive another, especially should his own interest be at all concerned; and a man who has sworn, in an enemy's port, that he loaded at a place, where, probably, he never was in his life, cares very little, on his arrival in England, where he swears he comes from. Once inculcate this baneful doctrine, and it will be a hard case to point out to a man, so instructed, where he is to swear truth, and where falsehood: the line is, at best, too ill defined, to be clearly perceptible to a mind not wholly abandoned; but when we consider who the persons are, we so instruct, and who from the habits we have taught them are steeled in perjury; that they are *all* foreigners, and nine out of ten *enemies*; men, whose habits of life, and whose natural prejudices, would prompt rather to use the weapons with which we ourselves have armed them, against ourselves, than against their own friends;—are we to wonder if it is, to them, wholly invisible? As an elucidation of this argument might be adduced the villainous frauds which have been practised upon our underwriters, and which have

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proved the ruin of great part of Lloyd's Coffee-House; whole sets of fabricated condemnations, &c. were produced at Lloyd's, with every apparent feature of authenticity; and the losses settled upon them; and it was not until the repetition of these proceedings became too glaring to escape observation, that an inquiry, properly instituted, too late disclosed the most vile scenes of fraud and deceit. These deceptions had a twofold tendency; first, the complete ruin of the underwriter, and secondly, making the innocent alike sufferers with the guilty, inasmuch as those who had fair and legitimate claims upon them could obtain no settlement from the probability that their proofs were likewise false; and the underwriters, after paying away their last sixpence in liquidations of demands they were no ways liable for, had it not in their power to satisfy the claims for which they were convinced they stood in full responsibility.

It is disheartening to men of character, to contemplate the degraded state at which commercial intercourse with the European ports has arrived; when commerce is transformed into indirect and direct smuggling; when merchants, in carrying on

their

their correspondence, are compelled to date their letters from places other than those at which they reside, and to sign their letters, and draw bills, in fictitious names, and direct their letters to ideal firms. When the very lowest tricks are resorted to, of necessity, to keep alive the dying flare of the lamp of commerce, those who are unused to travel to this heretofore honorable goal by circuitous paths, those who are averse to make a compromise of their honor and integrity, the sine qua non of foreign mercantile intercourse, are compelled to withdraw from a scene in which their justly outraged feelings will not suffer them to take a part. The open, fair, honorable character of a British merchant, is degraded into the despicable appellation of smuggler. Under the present system the most consummate skill which a respectable merchant may possess, is set at nought, when the low cunning of a designing man, without character or means, sits himself down with the premeditated design of acting with bad faith towards the government, whose protection he ostensibly invokes. Those men who were heretofore an ornament to their profession, and upon whom the commercial greatness of this country chiefly hinged,

hinged, are now "pushed from their stools," by a set of the most despicable of men;—the Royal Exchange, which was formerly looked upon as the resort of integrity and honor, is now usurped by a race of men for whom the appellation of cheats and swindlers is not too harsh.

A very serious evil resulting from the licence trade, we therefore find, is, that men of probity and honor cannot (generally speaking) engage in it, and that they are compelled to see themselves superseded in this formerly creditable employment, by persons who are more fit for any other place, than the Royal Exchange: an invidious distinction is therefore drawn by the Board of Trade, encouraging a set of desperate adventurers, chiefly foreigners, to the exclusion of the British merchants of character. Bankruptcy, which formerly excited such well-placed terror and shame, and which was considered equal to an annihilation of mercantile character, is now wholly divested of any other, than that of being rather troublesome.—Men who have been gazetted two or three times, to the disgrace of the merchants of London be it said, are looked upon in the same light as before; employed often in preference

ference to many who have uniformly fulfilled, in the most sacred manner, their engagements; and are frequently encouraged and supported to the exclusion of those, against whose respectability and uprightness not a shadow of imputation exists.—Some, who have paid their creditors only *two* shillings in the pound, have sufficient assurance, not only to attend the Royal Exchange, but even to treat with contempt those persons who suffer by them; and carry themselves with an air of consequence and pride, really disgusting to every man of feeling.—Others have been on 'Change on the very day after they had appeared in the gazette, and are accosted with equal familiarity, by persons who we are taught to believe respectable, as though nothing of the kind had occurred.—Similar proceedings cannot but tend to the degradation of commercial respectability, and afford another evidence of the extreme laxity of public feeling.

That these are consequences of the continental system, will, we apprehend, be as little disputed, as the fact, that the licence system is their best support. Breach of good faith is the bane of society, and we do not hazard too much in the assertion, that per-

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sonal intercourse between nations has undergone as great a revolution, as most of the European continental governments have felt the effects of.

Commercial licences are received in the admiralty courts, with rather too sacred an eye; it is not meant hereby to detract from the otherwise serious character a licence would bear, if issued under different regulations, but merely in regard to the very careless and indifferent mode in which those instruments are originally sent forth, and subsequently treated, and the scandalous, fraudulent, and illegal voyages they are used to screen. The flagrant instances of perjury, fraud, and deceit, which so repeatedly pollute our admiralty courts, are a disgrace to a civilized country;—'tis well to lean to the side of the apparently oppressed, and when we err on the side of mercy, it is blameless.

The learned and very able judge who presides in our high court of admiralty, from his undeviating bias toward the captured, adds boldness to the already too audacious infringement of the country's laws.—The admiralty courts are frequently constrained to restore captured property, from the very

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complete manner in which the fictitious proofs are now *made up*, against the full conviction of the presiding judge, that whosoever may ostensibly appear as owners, the property is bona fide enemy's, but of which sufficient evidence is wanting; to warrant the condemnation to the captors.—Instances of this mockery of justice, and perversion of equity, have been too frequent in the admiralty court of latter years, and the disgraceful perjuries, and forged proofs, which have so repeatedly extorted restitution, in direct violation of every principle of justice, are indelible stains on our national character.

The peculiar mode of proceeding in our admiralty courts, from being exclusively confined to documentary evidence, is singularly adapted to the encouragement of the impositions which so long have been suffered to pollute their walls.—The very unimpressive manner in which the oath is administered to depositions intended for these courts, is by no means calculated to inspire the least serious consideration; and the very careless manner in which the grossest perjuries have been overlooked, offers the greatest inducement to repetition. The examination of viva voce testimony, where such may

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be conveniently had, with the terror, the fear of a cross examination always inspires, would go very much towards a reform of this evil; and a few examples made of these false swearers, by exhibiting them on the pillory, opposite the Royal Exchange, would nearly effect a radical cure.*

Our deserving and much-wronged seamen would not then have their well-earned prize-money filched from them by the harpies on shore, who, for a consideration, engage so to prepare and arrange the necessary proofs in cases of seizure or capture, as to defy the power of the courts of admiralty; and not only is their *right* then wrested from them, but they are saddled with the payment of the costs of hearing. Many of his Majesty's ships, especially the smaller ones, which would be of the greatest service in these cases, frequently suffer vessels under suspicious circumstances to pursue their voyages, from a dread of the bill of costs the King's proctor would produce against them, in case of restitution, which

* One instance of a foreign ship-master being pilloried on Tower-hill, for swearing to a false report of his ship, and nothing could be easier than his conviction, would be more effectual in checking the smuggling we have before complained of, than the seizure of twenty cargoes.

is not unfrequently heightened by woeful experience. The abrogation of commercial licences, which is the principal support of the enemy's illicit trade, would effectually clear the admiralty courts of these abominations.

It must upon the whole be admitted, that, if the depraved state at which public morals have arrived, is consequent upon the interminable war in which we are necessarily engaged, it becomes a duty on government to exercise their *power*, as well as their influence, to check so alarming a progress toward national depravation. The present system, it is allowed on all hands, is by no means calculated to stop the growing evil, but rather to foster and encourage it.—Better sacrifice a little present convenience, than ultimately lose all; it were preferable to be interdicted from all connection with our designing enemy, than proceed as we now do, *de die in diem*, to a total extinction of all that binds society, and intrinsically constitutes the surest basis of a great nation.

THE END.