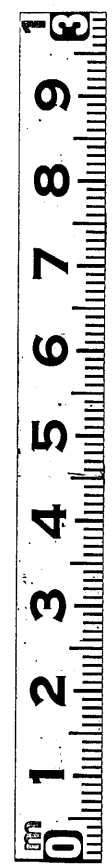


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AN
ANSWER
 TO
 Lord Sheffield's Pamphlet,
 ON THE SUBJECT
 OF THE
NAVIGATION SYSTEM;
 PROVING,
 THAT THE ACTS DEVIATING THEREFROM,
 WHICH HIS LORDSHIP CENSURES,
 WERE
 Beneficial to our Trade and Navy,
 IN THE LAST WAR,
 AND OUGHT TO BE RENEWED IN THE PRESENT.

—————
 By S. COCK,
 COMMERCIAL AND PUBLIC AGENT TO THE CORPORATION
 OF LIVERPOOL.
 —————

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TO THE
RIGHT HONORABLE
GEORGE CANNING,
TREASURER OF HIS MAJESTY'S NAVY,
&c. &c.

SIR,

THE subject of the following
Essay appears to me, of the first importance
to the Commerce and Navigation of the
British Empire.

Under this impression, I take the
liberty of offering it to the notice of a
Gentleman, for whose public character I
entertain a very high respect, enhanced by
gratitude for the private friendship which
I have myself experienced.

I have the honor to be,

SIR,

Your most obedient and very humble Servant,

S. COCK.

SOUTH STREET, FINSBURY SQUARE,
August 13, 1804.

ADVERTISEMENT.



THE Rank of Lord Sheffield, together with the reputation which he has acquired by his writings on Commercial Politics, bestow an authority on any essay concerning such subjects that is sanctioned with his name. Hence his Pamphlet, on the late deviation from certain parts of the Navigation System, has been by many received as conclusive; although it may be easily proved, that it is neither sound in reasoning nor beneficial in tendency.— Even literary men, though habituated to logical discussion, have admitted his inferences, although by no means founded in fact and argument. Their misapprehension has not arisen from deficiency of judgment, but want of knowledge of the existing case. They have merely argued on abstract principles, or rather adopted the abstract reasoning of Lord Sheffield. Certain Reviews of the treatise in question, praise the performance of his Lordship, but appear to have considered only one side. The opinion of respectable critics, adds to the weight of Lord Sheffield's name. Certain mercantile men support the doctrines of Lord Sheffield on a different ground; because they conceive themselves interested in adherence to the confined system which he recommends, and eagerly inculcate

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culcate his sentiments on the subject. It is, however, a topic neither to be determined by authority nor by partial interests; but by general interest, and by reasoning, founded in fact and experience. On these solid grounds, one part of Lord Sheffield's pamphlet has been very ably answered. Mr. Jordan has completely refuted all his Lordship's allegations, against the intercourse between the United States of America and the British West India Colonies.

Important as this portion of the subject is, it constitutes but a small part of that system of trade and navigation which his Lordship censures; and as the whole is of the greatest moment to the Commercial and Naval welfare of the British empire, it has been deemed expedient to prepare an Answer to the whole of his Lordship's production. The difference, therefore, between the pamphlet of Mr. Jordan and the following is, that the former proposes to confute the allegations of Lord Sheffield upon one topic; the latter, proposes to confute his allegations on the series of topics which are the grounds of his animadversion. The writer requests that the Reader, in examining both sides, will consider the facts and evidence respectively adduced by Lord Sheffield and himself, and decide accordingly. To the discernment, and unbiassed judgments of his impartial countrymen, he commits an essay, which appears to him, to be founded in truth; and to support a policy, which has been proved by recent experience, to be highly beneficial both to our Trade and Navy.

AN

ANSWER, &c.

A GREAT source of error, both in reasoning and conduct, is the unqualified adoption of certain general principles and maxims. Rules of Policy must often be modified by the circumstances of the time and situation; and what may be right and wise in the application of a rule to one case, may be wrong and unwise in applying it to another.

Observing that the Navigation Laws of Britain have, on the whole, been beneficial to this country, Lord Sheffield infers that every deviation from them must be prejudicial. He quotes the *opinion* of Citizen Hauterive, as a demonstration that the Navigation Laws "are the original cause of the fatal preponderancy of the English marine"; but, with all due deference to the authority of Citizen Hauterive and his noble citer, the preponderancy of the English marine was established and ascertained half a century before the Navigation Act was passed; and, as witnesses of that fact, we need only to name Drake, Howard and Raleigh. The original cause of the English superiority over the navies of

Spain.

Spain, Holland, and France, was the superior wisdom, courage and energy of the English character. The same kind of heads and hearts that triumphed in the glorious contests of Cressy, Poitiers, and Agincourt, triumphed in the Channel and on the Ocean: and although it is natural for a French citizen to impute the greatness of the British Navy to a particular system, more than to national heroism, yet far am I from denying that the Navigation Laws have tended very powerfully to the strength of the country, and also considerably to its opulence; but I cannot agree with his lordship, that every deviation from those laws must be necessarily injurious; or that the deviations which have actually taken place within these few years, are injurious.

His lordship advances many observations which are abstractedly true. I perfectly agree with him, that Navigation and Commerce are among the greatest constituents of British power and prosperity. I also agree with him, that Britain has a right to make such regulations as she thinks wisest and best for the promotion of these great objects, and that we ought to relinquish no part of our navigation system *because* the same may be disagreeable or prejudicial to foreign commerce and navigation. To these general principles I subscribe; but I wish to discuss their particular application on the ground of expediency. The question simply is; whether British trade and navigation have been promoted, or impeded, by the acts which Lord Sheffield censures; and here I must observe that his lordship's mode of reasoning is too general and vague to enforce conviction. The means of establishing either
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the benefit or detriment of the acts in question, is by a fair induction from facts and documents. What had the trade and navigation of England been before these acts; and what have they been since? His lordship should have proved that, since the commencement of these deviations, the number of British ships employed, of sailors trained and occupied, the quantity and value of exports and imports, are diminished. By such an induction he would have succeeded in establishing his position. But we find no such attempt. He asserts in general, that the Navigation Act is the foundation of our commerce and maritime power; thence he infers that every deviation from that act must be injurious to our trade and maritime power; and therefore he reprobates the acts which somewhat depart from the Navigation Laws. The chief of these acts are, the one known by the name of the Dutch Property Act, passed in the 35th year of the King, extending the privileges of Neutral bottoms, for the purpose of securing the property of Dutch emigrants: and an act passed in the 36th year of the King, permitting all ships to bring from any country, goods of any kind, which, according to the Navigation Law, could be imported only by ships of the built of the countries from whence the goods were brought, being three-fourths of the sailors of the same country; or by British ships and sailors. The effect ascribed by Lord Sheffield to this law is, that it injures the British merchant and British navigation. But his lordship, contented with the assertion, does not prove the existence of loss to either. The act certainly did deviate from the Navigation Laws; but where is the evidence that the principle of the Navigation Laws was,

in the smallest degree, violated by the deviation? If, as Lord Sheffield and all others admit, the purpose of the Navigation Laws was to secure and promote naval force and commerce, whatever new regulation, departing from the letter of these laws, does not obstruct our navy and trade, is perfectly agreeable to the spirit of these laws. With regard to the letter of the laws, I certainly admit there was a difference. Large quantities of goods, not the produce of the countries from whence they were brought, were imported into Britain in neutral vessels, and entered for home consumption, or warehoused for exportation. I farther admit, that many vessels did arrive from countries to which they did not belong. But in such importations and conveyances, where am I to find the manifest injury to the British merchant? If goods found their way from one foreign country to another, and thence to Britain, they either were used for home consumption, which shewed that they were wanted, or for exportation from this country at a great advantage to our merchants, to whom they were consigned; at whose wharfs they were landed; in whose warehouses they were secured; or who, from their proceeds, often recovered debts from foreign countries; and to our ship owners, who, not unfrequently, were the carriers of such goods from this country. The commodities so brought were a manifest benefit, and not a manifest injury to the British merchants; and the idea of injury seems to have no other foundation than that our merchants were not the carriers to this country; but a very little recollection of the principles of commercial politics is sufficient to shew, that there may be very great profit in many branches of trade, without our
being

being the carriers. Would Adam Smith, the great writer upon the Wealth of Nations, maintain that it was advantageous for British merchants to prevent the importation of a cargo, merely because it was not conveyed in a ship belonging to the country from whence it was fetched; or in a British ship? In time of war, a neutral would not give a preference to a British ship, nor indeed employ it; because from the hazard of capture, and the consequent high rate of insurance, it must be much more expensive than a neutral ship. In fact, to refuse admission to foreign ships carrying cargoes, by which a British merchant might gain, would be to prevent the supply of British wants, because Britons could not so safely or conveniently be the carriers. On that principle, the country must want useful and agreeable commodities, merely that they may not be conveyed by foreigners; a principle diametrically opposite to the interest of the British merchants; and to the convenience, or benefit of British consumers.

But let us consider the second position of his lordship, that the deviation is prejudicial to our nautical force. Did the employment of those foreign ships and sailors diminish the number of British ships and sailors? Were there, in consequence, British vessels and seamen unoccupied? Did not our trade and our navy engage every native mariner? If so, instead of the imports of commodities in neutral bottoms, navigated by foreign sailors, being detrimental to British trade and navigation, they were beneficial, in the direct proportion of the addition made to commerce by the cargoes thus imported. They enabled our merchants to carry on all
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that surplus of trade, which, by the letter of the Navigation Laws, would have been lost to Britain: and they afforded this advantage to trade and finance, while our own sailors were otherwise engaged, both in commerce and defence. These foreign carriers, whom we employed during the suspension of the navigation system, were so far from injuring our naval service, that they promoted the increase of our seamen in manning the Navy; they enabled us to spare a much greater number of British mariners from the employments of trade for the objects of war.

In our former wars with the maritime powers, there was a *practical* suspension of part of the navigation system, and we derived *great benefit* from having for our carriers, Neutral, and even British bottoms, navigated by foreign sailors, and conveying commodities without conforming to all the limitations of the Navigation Laws. This was particularly the case under an administration to which Lord Sheffield was uniformly friendly; and on whose head he bestows great praises in the very production which we are now reviewing. When Lord North presided at the helm of affairs, not only advantage induced, but necessity compelled Britain to deviate from the navigation system. In the American war, if we had rigidly adhered to the laws of the seventeenth century, we should not have been able to defend ourselves against the formidable confederacy by which we were assailed. We employed foreigners as our carriers; and thereby were enabled to employ our own sailors, and to maintain a war against three of the greatest foreign powers in the world. Britain being engaged in
hostilities

hostilities, with France, Spain, and Holland, a great portion of her trade, both import and export, was carried, especially to the Continent, in Flemish bottoms. Thence, as every man conversant in recent history knows, Ostend, and other ports of the Austrian Netherlands, rose to such a pitch of mercantile opulence, as inspired the Emperor Joseph with the hopes of restoring Flanders to her ancient commercial and maritime superiority. This employment of neutral ships and foreign sailors as carrying traders for Britain, was diametrically opposite to the very letter of the Navigation Acts; and consequently, on Lord Sheffield's principle, was unwise policy. But it appears to me that it would have been much more unwise, either by not permitting a sufficient number of carriers to be employed, to have contracted our trade, and consequently diminished our Revenue when it was most wanted; or by drawing a great number of our sailors into the carrying trade, to have weakened our naval force and means of defence; and thereby to have endangered our property and national independence. In such circumstances, can any man who actually views them as they were, say, that Britain would have been benefited by a rigid adherence to the Navigation Laws; or was not benefited by such a deviation from that system? The Navigation Laws are founded on ideas of what was politic and prudent at the time when they were framed: adherence, or suspension, is simply a question of expediency in the existing circumstances. In the American war, why was it prudent for Britons to trade through foreign vessels, and for Government to permit that trade, though contrary to the navigation enactments? Because thereby we acquired more trade and revenue, and could employ

ploy our own sailors for purposes which were necessary to the national welfare and political salvation.

In certain situations the carrying trade not only occupies, but must occupy, the principal attention of all states which desire to be traders. It happened, as a matter of fact, that the first and most distinguished traders of antiquity were carriers, because their own country was barren, and afforded not the means of export to exchange for import. The Phœnician commerce was manifestly a carrying commerce, much more than either an import or export; and as they were supreme in trade, the mode which *their circumstances* dictated to them, was by political œconomists long regarded as the most beneficial mode IN ALL CIRCUMSTANCES. The same opinion prevailed long in modern times, from the chief traders of those periods; but it is now well understood, (however beneficial the carrying trade may be to nations that have comparatively little to export from themselves, and to purchase imports,) that to nations which have a considerable surplus of raw produce and of manufactures, a reciprocity of export and import is much more advantageous than a mere carrying trade. In the seventeenth century the Dutch had become the principal traders of Europe; and theirs, from their situation and circumstances, was chiefly a carrying trade. Thereby they acquired very great riches, and means of naval strength, because theretofore nations that far surpassed in the means of export and import, had not fully or nearly improved their own advantages. In naval rivalry Britain sought to injure the Dutch

Dutch in the trade by which they chiefly profited. This was the great object of the navigation system; and probably, in the relative state of British and Dutch commerce and maritime force at the middle of the seventeenth century, the purpose might be wise; but it would not thence follow that it is the interest of Britain, at all periods, and under all circumstances, to be equally hostile to foreign carriers. Perhaps a criterion might be found for ascertaining the policy of adhering to, or suspending the Navigation laws in the objects, which it was proposed by their framers to attain, and which it must be admitted, were wise and laudable objects. The Navigation code sought to give Britain a superior degree of commerce, and a naval power beyond that which was possessed by her chief nautical rival. Here then was a plain rule for determining the policy of any species or mode of trade and navigation. If any foreign commerce could be brought to Britain without interfering with our own commerce, and that foreign commerce was wanted for home consumption, or could be employed for exportation, it was, by all the private and public gain of that trade, the more lucrative for Britain. If it enabled rival powers to increase force that might be formidable to Britain, there was a political loss which might more than balance the commercial gain. But if it had no such tendency to raise a force dangerous to Britain, there was all the commercial gain and no political loss. If it not only afforded commercial gain, but allowed a more vigorous and extensive application of the national force, it was not only a commercial, but a political benefit;

benefit; and in such case the suspension of the Navigation laws was proper for attaining the very purposes which were proposed by their enactment. In considering any deviation, therefore, policy would examine circumstances and result, and decide accordingly. Certainly every deviation from these laws has not been prejudicial to Britain. From the employment of Flemish ships and sailors, as almost the only neutral carriers in the American war, it is certain that Ostend, and other towns, acquired very great wealth; but did Britain suffer from the acquisitions of Flanders? Did not the employment of these neutral carriers enable her to occupy her own sailors in war? Has subsequent history proved that British trade and navigation were injured by that deviation from the Navigation laws? Were we ever so flourishing in commerce, at any former period, as in the peace which succeeded the war during which we had thus deviated? Was not our navy, at the same time, so powerful as successively to over-awe both France and Spain to a preservation of the peace which they sought to disturb?

The laws passed in the seventeenth century for promoting trade and maritime force were simply *means* towards those ENDS, and consequently to be maintained by legislative wisdom as long and as far as they answered their purposes; and to be dispensed with in cases wherein they did not answer their purposes. A variation of policy with the change of circumstances is a necessary result of wisdom. Accordingly, in the last war our legislature, by formal acts,

acts, deviated from the strict letter of the laws which had been passed a hundred and forty years before, when they found that the deviation promoted the original intent much better than it could be effected by rigid and literal adherence. This was the principle and spirit of the deviating acts in question, which were called forward by the peculiar circumstances of the arduous contest in which we were engaged with the French Republic.

Against such a gigantic foe, every effort of national wisdom, power, and energy, supported by national opulence, was necessary. A departure from the navigation laws to the extent, and under the limits of the acts of 1795 and 1796, enlarged beyond all former experience our means of trade; and consequently our revenue; and increased the number of our fighting seamen. Our force, and our ability to subsist that force, was powerfully promoted by the modified dereliction of the navigation laws. The acts of the 35th and 36th were farther continued by the acts of the 39th and 40th of the King; and did not terminate till the 44th, on the first of January 1804. The trade of this period, as can and will be proved from documents, very far exceeded the trade of even the most flourishing period of the peace before the last war; and the pre-eminence of our naval power during that suspension, a series of splendid victories, unequalled even in the naval history of Britain, sufficiently evince. Facts the most striking and brilliant contravene every assertion that the sus-
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pension of the navigation laws is injurious to the trade and naval power of Britain.

But let us consider Lord Sheffield's reasoning to *prove* the impolicy of the acts in question. "For these laws" he says, "*there was not even a pretence, but what referred to temporary circumstances.* During the late war, when in consequence of the disturbed state of the two hemispheres, a considerable part of the produce of the world was likely to be brought into this country for safety and for a market, many of our trading vessels were unavoidably taken up in the service of government, it was thought adviseable for the present to suffer all goods to be imported in neutral ships, a great importation consequently took place of the *produce of countries at war*; as well as neutral nations; and the goods were permitted to be warehoused, both for home consumption and re-exportation: But though the laws to which I have alluded may have arisen in the whole, or in part from such principles, or such pretences; *they are not therefore to be vindicated.* Some of them afforded great advantages to foreign ships in permitting articles of *merchandize to be stored*, which they did not allow to British vessels; and all of them in principle amounted to a complete suspension of an essential part of the navigation system, and were admitted I should think through laxity of principles, and a want of perception of the true spirit of our navigation laws."—What is the

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the amount of these arguments? The laws were enacted on a *pretence* of temporary circumstances. This *pretence* is a state of war, which the writer admits to have disturbed both hemispheres; and that on account of the hostilities many foreigners were desirous of importing merchandize into this country, both for safety and for vent; when our trading vessels occupied by government could not be spared for such importation. Thence (that is, because we wanted foreign articles which our own ships, being otherwise engaged, could not convey) a great importation took place, and in these circumstances the laws in question were founded; *but they are not therefore to be vindicated.* According to this reasoning of his lordship, laws, permitting and encouraging the importation, in foreign ships, of articles which Britain wanted, and could not spare her own ships to convey, are not to be vindicated. Why are they not to be vindicated? The noble author adduces two reasons; first, because they afforded great advantages to foreign ships; secondly, because they suspended the spirit of our navigation laws. The first of these reasons proceeds on a principle somewhat similar to one which was long supported by political economists, that the advantage to either of two nations from commerce, depends on the balance of trade in favor of the one or the other. This doctrine is now entirely exploded, because it is found that of two nations trading with one another, though the one should be a much greater gainer, the other may be so great a gainer as to render it very advantageous to continue the traffic. Indeed the opposite theory

theory is as absurd as it would be if two private persons were to engage in an adventure by which the one could gain much more than the other, yet the other could gain much more than by a different employment of his industry and capital, the latter was to deem himself a loser by the engagement. It is the same with nations; the question to Britain is not whether another country obtained great gains by commerce with us, but whether we obtain, by commerce with that country, greater gain than we should do without that commerce. This argument of his lordship therefore appears totally inadmissible on the received principles of political oeconomy; and is farther controverted by the actual fact, to be evinced from documents, that we have been, and are gainers by the suspension in question.

The second of his lordship's reasons is, that we are not to be vindicated for adopting, at the end of the eighteenth century, or the beginning of the nineteenth, commercial regulations contrary to those which were adopted in the middle of the seventeenth. This argument proceeds upon a principle that would militate against every legislative change. What is the purpose of legislature but to enact, repeal, amend, or modify laws, according to the circumstances of the case? In suiting either the continuance, rescission or variation of laws, to the times and circumstances, consists the perfection of legislative wisdom. This is the true boundary between the superstitious veneration for antiquity, which would enforce laws when the reasons for making them have ceased to exist, and that restless spirit of innovation, which would change for the sake of
change,

change, without any moral certainty of advantage. Mere conformity or contrariety to the Navigation system of the times of Cromwell and the Stuarts, can be no argument either for or against a commercial regulation of the present times: the criterion of policy or impolicy must be conformity or contrariety to the public welfare in the circumstances of the present times: and in this view I have no doubt of demonstrating that the changes in question have been, and are conducive to national wealth, revenue, and force; and consequently to the public welfare.

Although his lordship assumes that the laws in question are contrary to the spirit of the navigation system, yet, as explained by himself, they are entirely conformable to its objects and the views of its framers. The navigation system sought to promote trade and naval power: the laws in question did promote trade, by admitting into the country valuable merchandize which we had no other means of importing; and did promote naval power, by allowing us to employ such numbers of British sailors in war. The proof that the laws in question did not impede trade and navigation, and therefore that they are not adverse to the objects of the navigation system is, that since their enactment British trade and navigation have flourished, and do flourish, more than at any former period, as is well known to Lord Sheffield, and every other intelligent man conversant with commercial and political affairs; but which, lest any one should deny, I shall amply prove, not only by arguments, but by facts and official documents.

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The suspension of the navigation laws which Lord Sheffield censures, afforded to the merchant abroad encouragement to send goods to Britain, which before he could not venture to convey in ships not belonging to the country, how much soever the articles might be wanted. Under the strict rigours of the ancient system, he was apprehensive that he must pay an import duty where he could find no market, or have his goods returned in the same ship. By the relaxation of that rigour, under the laws in question, he could send his goods without fear; because he was now assured, that if they did not enable him to discharge the duties immediately, he would not be obliged to pay them, but might deposit the goods in a British warehouse, under the joint lock of the consignee and the crown, until the consignee should find a profitable market. The wisdom of this policy is manifested by its result, in the vast augmentation of merchandize which has been imported into this country under the operation of the dispensing acts. British merchants have possessed much more commerce since 1795, than they ever possessed before, as themselves will admit, and the Custom-house books prove. How then can these acts be injurious to the British merchant, as Lord Sheffield contends? Is it injurious to the commercial body that the quantity of imports profitable either for home-consumption or for exportation is very greatly increased? Is it injurious to a trader to augment his profits? The enlargement of gain is the only species of injury which British merchants have derived from the suspended rigour of the navigation laws. His lordship though
asserting

asserting that they could not be vindicated, allows that they might admit of some apology during the time of war, but of none since the peace. I think, that because found conducive to trade, they required no apology, but deserved praise, during the peace; (but we are not at peace now, and the same reasons exist in equal force as during the last war;) and that their renewal is equally necessary, when our shipping and seamen are so fully employed, as at their first enactment.

His lordship is at great pains to prove that they are injurious to our shipping interest, by greatly increasing *the quantity of foreign tonnage employed in our carrying trade*; "and all the advantages thus held out to foreign shipping were peculiarly calculated to establish that trade in the hands of the Americans." This is a mere repetition of the assumption concerning the carrying trade, without any proof that our shipping interest was actually injured, because foreigners were, FOR OUR PURPOSES, allowed a certain share of the carrying-trade. But how does the author attempt to prove this injury to our shipping interest? Not by an induction from facts and documents establishing that the British ships, sailors, and tonnage are now less than before these laws were enacted; but by prediction of future consequences. He says; "therefore, what *was to be* the probable result? Those ships *were to be* laid up by discouragement in our ports to rot, and those seamen, together with the numerous classes of persons occupied in ship-building, *were to be*
D "dispersed

(A.)

AN ACCOUNT of the Number of Vessels, with the Amount of their Tonnage, and the Number of Men and Boys usually employed on board, in the Kingdom of Great Britain, from and to all Parts of the World, in the Years 1790, 1791, and 1792; and in the Years 1799, 1800, and 1801.

KINGDOMS or STATES.	In the Year 1790.												IN WA		
	INWARDS.						OUTWARDS.						IN WA		
	British.			Foreign.			British.			Foreign.			British.		
	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.
FRANCE	1,214	83,957	—	345	11,960	—	1,188	93,828	—	253	9,290	—	1,449	111,623	9,869
HOLLAND	936	119,094	—	495	32,498	—	971	130,507	—	151	11,738	—	897	120,551	5,877
SPAIN	277	32,353	—	50	4,683	—	168	21,252	—	54	5,766	—	312	35,044	1,936
All other Parts of the World	9,714	1,192,972	—	1,431	228,458	—	10,233	1,153,646	—	672	122,180	—	9,836	1,185,280	59,831
Total	12,141	1,428,376	—	2,321	277,599	—	12,560	1,399,233	—	1,130	148,974	—	12,494	1,452,498	77,513
In the Year 1799.															
FRANCE	3	315	18	60	4,484	356	—	—	—	32	1,548	199	9	945	48
HOLLAND	134	33,258	1,581	105	8,699	557	7	879	63	28	1,527	131	3	871	44
SPAIN	—	—	—	150	22,881	1,304	3	274	32	51	10,130	558	3	320	21
All other Parts of the World	10,420	1,341,596	83,002	2,697	440,532	23,915	11,075	1,301,398	88,591	2,281	401,569	22,052	10,481	1,377,671	74,314
Total	10,557	1,375,169	84,601	3,012	476,596	26,132	11,085	1,302,551	88,686	2,392	414,774	22,940	10,496	1,379,807	74,427

Number of Men and Boys usually employed in navigating the same, including their repeated Voyages, which entered Inwards, and cleared Outwards, in the several Ports of Great Britain; and in the Years 1799, 1800, and 1801,

in navigating the same, including their repeated Voyages, which entered Inwards, and cleared Outwards, in the several Ports of Great Britain; and in the Years 1799, 1800, and 1801, distinguishing each Year; and distinguishing British from Foreign Vessels; and distinguishing France, Holland, and Spain.

			In the Year 1791.										In the Year 1792.													
D.S.			INWARDS.				OUTWARDS.						INWARDS.					OUTWARDS.								
Foreign.			British.			Foreign.		British.			Foreign.			British.			Foreign.		British.			Foreign.				
S.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.	Ships.	Tons.	Men.			
53	9,290	—	1,449	111,623	9,869	403	17,507	1,539	1,367	111,967	8,689	278	13,098	1,102	1,413	91,428	7,659	330	12,362	2,195	1,317	107,821	7,912	166	8,421	1,010
51	11,738	—	897	120,551	5,877	519	32,654	1,637	957	135,377	6,541	146	11,283	816	1,002	130,281	7,139	516	33,536	1,826	1,152	139,694	7,699	168	14,576	1,074
54	5,766	—	312	35,044	1,936	54	5,629	395	263	31,870	1,888	39	3,800	295	376	44,350	2,618	45	4,324	318	262	31,598	1,949	53	3,464	256
72	122,180	—	9,836	1,185,280	59,831	1,710	265,574	11,931	10,927	1,232,080	69,449	843	156,548	7,622	9,239	1,321,586	81,654	1,586	253,852	13,685	11,160	1,284,631	82,661	771	149,095	7,761
30	148,974	—	12,494	1,452,498	77,513	2,686	321,364	15,502	13,514	1,511,294	86,567	1,306	184,729	9,835	12,030	1,587,645	99,070	2,477	304,074	18,019	13,891	1,563,744	100,221	1,138	175,556	10,101
			In the Year 1800.										In the Year 1801.													
32	1,548	199	9	945	48	241	20,953	1,515	6	534	29	206	16,523	1,292	81	4,764	441	246	23,832	1,473	106	11,197	781	181	16,458	1,156
28	1,527	131	3	871	44	832	58,009	3,677	—	—	—	313	23,446	1,525	12	1,828	91	913	69,636	3,978	34	4,406	233	292	27,874	1,640
51	10,130	558	3	320	21	98	34,289	1,882	5	1,584	138	82	14,912	807	2	161	6	206	32,313	1,742	30	3,411	212	96	17,701	1,006
281	401,569	22,052	10,481	1,377,671	74,314	4,341	649,985	34,108	11,857	1,443,153	93,128	4,292	630,170	34,104	10,252	1,371,867	87,497	3,132	654,354	33,327	10,118	1,325,607	86,078	5,057	742,847	38,612
392	414,774	22,940	10,496	1,379,807	74,427	5,512	763,236	41,182	11,868	1,445,271	93,295	4,893	685,051	37,728	10,347	1,378,620	88,035	5,497	780,155	40,520	10,232	1,315,621	87,304	5,626	804,880	42,414

employed usually in trade during wars; that they must fall much more short, then, of the three last years of the peace which were so transcendent in commercial prosperity. Therefore, it was to be inferred, that the shipping and sailors employed in the mercantile service in 1799, 1800, and 1801, would be at least one half less than the number of ships and sailors employed in 1790, 1791, and 1792; and that the decrease would be greater in proportion to any injury that might be sustained through a deviation from the navigation system. But what was the actual state of the case in these two periods? The answer to this question may be found in the annexed statement of mercantile ships, sailors, and tonnage, inward or outward bound in 1790, 1791, and 1792;—and of mercantile ships, sailors, and tonnage, inward and outward bound in 1799, 1800, and 1801.—[*Vide Account A.*]

The result we see is that, in 1790, the British ships inward bound were twelve thousand, one hundred and forty one; the tonnage, one million, four hundred and twenty-eight thousand, three hundred and seventy-six. (At this time no official account was kept of the number of sailors.) Of these inward bound ships one thousand, two hundred and fourteen were from France; nine hundred and thirty-six from Holland; two hundred and seventy-seven from Spain; with an equal proportion of tonnage and men. In the same year, the outward bound British ships were twelve thousand, five hundred and sixty; the tonnage, one million, three hundred and ninety-nine thousand, two hundred and thirty-three; (the number of sailors wanting in that year.) Of these ships eleven hundred and eighty-eight were bound to

D 2 France;

France; nine hundred and seventy-one to Holland; and one hundred and sixty-eight to Spain; and thus, of the British ships inward and outward bound in 1790, the number from France, Spain, and Holland, amounted to two thousand, four hundred and twenty-seven, in the inward, and nearly as many more in the outward; that is, to little less than one fourth of our shipping.

In 1799, the number of inward bound British ships was ten thousand, five hundred, and fifty-seven;—tons, one million, three hundred and seventy-five thousand, one hundred and sixty-nine;—sailors, eighty-four thousand, six hundred and one. The outward bound ships were eleven thousand and eighty-five;—tons, one million, three hundred and two thousand, five hundred and fifty-one;—sailors, eighty-eight thousand, six hundred and eighty-six. The number of British ships and sailors employed in trade in 1799, is very little short of the number employed in 1790; but to and from France, and her dependencies, Spain and Holland, there were no British ships employed except a few as cartels; whereas in 1790 one-fifth of the British shipping had been employed in commerce with those countries.—In fact, therefore, British shipping and trading sailors were one-fourth increased; and this notwithstanding the call upon both for the purposes of government.

In 1791, the number of British ships inward bound, were twelve thousand, four hundred and ninety-four;—tons, one million, four hundred fifty-two thousand, four hundred and ninety-eight;—sailors, seventy-seven thousand, five hundred and thirteen. Outward bound, the

the ships were thirteen thousand, five hundred and fourteen;—tons, one million, five hundred and eleven thousand, two hundred, and ninety-four;—sailors, eighty-six thousand, five hundred, and sixty-seven: the proportion of these from France, Spain and Holland, was nearly the same as in the former year—one-fifth.

In 1800 the inward bound ships, were ten thousand, four hundred and ninety-six;—tons, one million, three hundred and seventy-nine thousand, eight hundred, and seven;—sailors, seventy-four thousand, four hundred and twenty-seven; of these, (excepting a few cartels,) not one was either from France, Spain or Holland; so that, if their trade had been added, a fifth more of British ships and sailors would have been required.

In 1792, the inward British ships were twelve thousand, and thirty;—tons, one million, five hundred and eighty-seven thousand, six hundred and forty-five; sailors, ninety thousand and seventy. The outward bound British ships were thirteen thousand, eight hundred and ninety-one;—tons, one million, five hundred and sixty-three thousand, seven hundred, and forty-four;—sailors, one hundred thousand, two hundred and twenty-one. Of these ships and sailors, about one-fifth, as in the two former years, were employed in traffic to or from France, Spain and Holland.

In 1801, the number of British ships inward bound, were ten thousand, three hundred and forty-seven;—tons, one million, three hundred and seventy-eight thousand, six hundred and twenty;—sailors, eighty-eight thousand, thirty-

thirty-five. The outward bound were ten thousand, two hundred and eighty-two;—tons, one million, three hundred and forty-five thousand, six hundred and twenty-one;—sailors, eighty-seven thousand, three hundred and four; including a few, this year, from France, and her dependencies.

How much more numerous would the shipping and sailors of Britain have been to carry on trade with France, and her dependencies? And thus we see that even in years of war succeeding these dispensing acts, the employment of foreign ships in part of our carrying trade, was so far from diminishing our own shipping and sailors, that many more were wanted than could by us be supplied. In fact, the immense increase of our trade, as well as the calls of our navy, rendered the employment of foreign carriers necessary. Britain had more commerce than she could spare her own ships and men to carry; she was obliged, by the very flow of her prosperity, to employ an extraordinary number of carriers.

While it is thus manifest that the number and tonnage of British ships, employed since the acts in question, have not been diminished, but greatly increased; let us next see, from the same source of fact and document, what were the number and value of foreign ships carrying imports to, or exports from Britain, in the one period of three years, and in the other. In 1790, the *foreign* ships, bound to Britain, were two thousand, three hundred and twenty-one;—tons, two hundred and seventy-seven thousand, five hundred

hundred and ninety-nine. Foreign ships, bound from Britain, were eleven hundred and thirty;—tons, one hundred and forty-eight thousand, nine hundred and seventy-four.

In 1799, the foreign ships, bound to Britain, were three thousand and twelve;—tons, four hundred and seventy-six thousand, five hundred and ninety-six.—The foreign ships, bound from Britain, were two thousand, three hundred and ninety-two;—tons, four hundred and fourteen thousand, seven hundred and seventy-four.

In 1790, the number and tonnage of foreign ships carrying commerce, to and from Britain, was one-fourth less than the number and tonnage of ships carrying commerce, to and from Britain, in the year 1799. But in the year 1790, one-fifth of the ships were from Holland, Spain, and France. In 1799, there was no intercourse with those countries. Therefore, in 1799 the rise of Britain, in foreign ships ministering to her exports and imports, was in all above the amount of 1790.

In 1791, the foreign ships, bound to Britain, were two thousand, six hundred and eighty-six;—tons, three hundred and twenty-one thousand, three hundred and sixty-four. The foreign ships, bound from Britain, were one thousand three hundred and six;—tons, one hundred and eighty-four thousand, seven hundred and twenty-nine.

In 1800, the foreign ships, bound to Britain, were five thousand, five hundred and twelve;—tons, seven hundred

hundred and sixty-three thousand, two hundred and thirty-six. The foreign ships, bound from Britain, were four thousand, eight hundred and ninety-three;—tons, six hundred and eighty-five thousand, and fifty-one.— In 1800 the number of foreign carrying-ships, from the more complete operation of the dispensing acts, exceeded the number of 1791, much more than 1799 exceeded 1790; notwithstanding the exclusion to and from Holland, France, and Spain.

In 1792, the number of foreign ships, bound to Britain, were two thousand, four hundred and seventy-seven;—tons, three hundred and four thousand, and seventy-four. The number of foreign ships, bound from Britain, was eleven hundred and thirty-eight;—tons, one hundred and seventy five thousand, five hundred and fifty-six.

In 1801, the foreign ships, bound to Britain, were five thousand, four hundred and ninety-seven;—tons, seven hundred and eighty thousand, one hundred and fifty-five. The number of foreign ships, bound from Britain, was five thousand, six hundred and twenty-six; tons, eight hundred and four thousand, eight hundred and eighty.

Notwithstanding the exclusion to and from Holland, France and Spain, the foreign ships, ministering as carriers for Britain, in a period of war, much *more than doubled* the foreign ships which ministered to our commerce, private and public wealth, in the most favorable periods of peace, before the departure from the
rigour

(B.)

AN ACCOUNT of the Value of the Trade of GREAT BRITAIN, in the Three Years immediately preceding the late War, and in the last Three Years of War; with the Amount of the Duties collected on IMPORTS and EXPORTS during the same Periods.

IMPORTS.

	1790.		1791.		1792.		1799.		1800.		1801.	
	Value.	Duty.	Value.	Duty.	Value.	Duty.	Value.	Duty.	Value.	Duty.	Value.	Duty.
France	495,800	107,800	546,000	134,300	717,600	157,300	29,900	13,400	110,400	39,900	221,500	63,800
Holland	714,700	67,600	853,900	78,900	801,500	88,400	200,400	20,700	972,600	62,800	1,025,900	90,900
Spain	729,200	191,500	724,500	202,000	897,800	206,400	416,700	114,300	655,600	122,000	569,800	117,300
United States	1,191,000	305,600	1,194,200	318,600	1,038,700	307,000	1,818,900	370,500	2,357,900	428,300	2,706,500	382,900
British West Indies	3,854,200	1,290,100	3,651,600	1,461,300	4,128,000	1,623,400	5,154,300	2,190,200	5,639,400	2,263,100	6,453,100	2,942,600
Conquered Colonies in Ditto	—	—	—	—	—	—	1,599,200	490,800	2,724,300	417,600	4,309,000	839,500
Foreign West Indies	29,800	400	25,300	600	67,800	1,400	602,600	2,800	310,100	6,500	95,200	600
Other Parts	12,116,100	2,437,000	12,675,700	2,417,800	12,007,900	2,637,600	17,015,400	4,194,600	17,800,300	3,368,600	17,414,500	3,294,400
Total	19,130,800	4,400,000	19,669,700	4,613,500	19,659,300	5,021,500	26,837,400	7,997,300	30,570,600	6,708,800	32,795,500	7,732,000

EXPORTS.

	1790.		1791.		1792.		1799.		1800.		1801.	
	Value.	Duty.	Value.	Duty.	Value.	Duty.	Value.	Duty.	Value.	Duty.	Value.	Duty.
France	630,300	18,800	1,131,300	18,000	1,228,000	12,800	8,900	—	1,325,300	3,900	1,399,700	5,800
Holland	1,423,200	47,800	1,365,800	49,000	1,515,400	46,900	17,600	—	3,208,500	1,200	3,496,700	3,000
Spain	640,000	1,100	654,900	2,600	794,000	1,900	—	—	3,300	—	507,300	1,100
United States	3,431,600	3,400	4,225,300	5,100	4,271,300	4,200	7,056,500	7,700	6,885,400	9,600	7,517,400	11,000
British West Indies	1,877,100	2,500	2,530,000	3,100	2,784,200	3,300	4,536,800	4,700	2,956,400	3,700	3,212,600	4,900
Conquered Colonies in Ditto	—	—	—	—	—	—	1,737,700	800	1,057,600	600	1,410,000	1,200
Foreign West Indies	2,200	—	800	—	22,000	—	160,400	—	20,100	—	12,600	—
Other Parts	13,639,500	98,800	12,823,800	88,100	14,289,200	92,900	22,453,400	129,200	27,695,300	150,000	24,754,300	134,800
Total	21,643,900	172,400	22,731,900	166,200	24,905,100	162,000	35,991,300	142,400	43,151,900	169,000	42,301,600	161,800

Note.—The Value of Imports and Exports as stated in this Account, is not the actual Value, but an official Value fixed about a Century ago; and ever since retained in the Custom House Books, for the Purpose of shewing the Comparative State of our Trade. The actual Value of the Articles Exported and Imported is, of Course greater by all the Rise in Price which has since taken Place.

rigour of the navigation system, The tonnage, it may be observed by the accurate examiner of these documents, was, in the latter of these two periods, much greater, in proportion to the number of ships, than in the former; so that the actual exports and imports, so CARRIED FOR THE SERVICE OF BRITAIN, were much greater than in proportion to the number of the carrying ships. Our own ships and tonnage, as we have seen, were also greater; therefore we were commercial gainers by all this increase of foreign trade, whilst our own carriers were fully occupied. We were political gainers by the increase of Revenue from this increase of our trade; and in the command of such numbers of our own sailors to defend our country.

From all these arguments and documents, it appears that our trade was extended considerably, VERY considerably, under the departure from the navigation system; but the extent to which it has been increased, will be still more manifest from documents referring to the actual commodities, and their proceeds at the Custom-house in the two periods above-mentioned, of which the following is an abstract.—[Vide Account B.]

It is to be observed, that the great increase of imports in 1800, from France, and other hostile countries, beyond the imports of the preceding year, 1799, must have arisen from the increased employment of neutral bottoms. This increase is easily accounted for. In the year 1799, the Acts dispensing with a part of the navigation system, were not arrived at full operation. In the year 1800, they were arrived

at full operation, which operation was, that Britain was enabled, through these carriers, to possess a considerable part of the trade of the enemy, from which, by her navigation laws, she would have been entirely excluded. The exports also rose in a still greater proportion in general, and to hostile countries in particular. The value of exports 1800, was about forty three millions, with a proportionate duty; of which, four millions and a half, and a proportionate duty, were to France, Holland, and Spain.

In 1792, the import value was fifty millions, the duty about five, as in the former year, with a similar proportion from France, Spain, and Holland. The exports of 1792, were sixty millions, with a proportionate duty. The exports to France were somewhat greater than in the usual proportion to the imports; probably owing to the war which had commenced between France and Germany, and in which we were not yet engaged. Their war might lessen the number of commodities they could spare, and increase their demands for the commodities of Britain. But, whatever may have been the cause, such was the fact.

In 1801, the value of the imports was eighty millions; duty eight; being somewhat increased from 1800; and that increase was from the hostile countries, through the still more extensive operation of the dispensing acts. The value of exports was about one hundred and ten millions, with a proportionate duty.

From the preceding statements, it is evident that,
in

in the three last years of the peace, the most flourishing period of trade which the commercial history of England had then to record, the amount of commerce and revenue was, beyond all comparison, less 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 Britain could be benefited. If, as Lord Sheffield professes to deem necessary to our salvation as a commercial and naval nation, Britain had rigidly adhered to the navigation system of the seventeenth 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. 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; and our fighting sailors more numerous and resistless 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 œconomy; and under which our chief bulwark of strength has become powerful beyond all example? When was the strength of France nearly equal to its present state? yet, in what former war was her naval strength so completely surpassed by the British navy, as in the last years of the late war, and in the present? Even in
the

the glorious times of Mr. Secretary Pitt, was the French navy so much inferior to ours, that they durst not venture to look us in the face. Then they were beaten, as they always have been; but the difference was not so great as to crush competition. The resources of France are infinitely beyond what they were when she could venture to meet us at sea. Never had she half the means of making a powerful navy that she has at present; and never had she a ruler of more energy and enterprize with respect to such objects as would be hostile to Britain. Yet, possessing such means of naval force as no potentate on the continent of Europe ever possessed; a most ardent desire to use those means; with as much invention and ability as any of our enemies could ever boast, Buonaparté, with all his transcendant power, is much less able to contend with Britain at sea, than any ruler of that country with whom we ever had to contest. When we are so far superior to the most powerful of our foes, is not that a demonstration that we ourselves have immensely risen in naval power? Even in the beginning of last war, before this departure from the navigation system, which was formed for the circumstances of the seventeenth century, the French strength was so considerable that they met us with *confidence* on the ocean; and, though uniformly defeated, they were only defeated after a very arduous struggle.

The acts dispensing from the navigation system, tho' passed in 1795 and 1796, did not fully operate, in the extension of our commerce and advancement of our navy, to an undisputed superiority over France and her allies, until some years after.

In

In 1797 the Dutch dared to meet Admiral Duncan, and the Spaniards Admiral Jervis; and in 1798 the French themselves ventured to oppose Admiral Nelson; but since 1799, (from which year the increase of our wealth and Revenue, through the employment of neutral carriers, has so much augmented our resources, and enabled us to employ such numbers of fighting sailors,) neither the French, nor any of their dependant allies, have ventured to meet us at sea. Our superiority, always manifest, is now such as to prevent disputes: No fleet or squadron can encounter us; and can that be unwise policy under which our enemies, instead of combating us as before, dare not risque an encounter with us; and are the mightiest armaments which France ever prepared being blocked up for months by our fleets, proofs that our naval power is weakened? What other proofs his lordship can bring, that our naval power is weakened by the departure from a system which was right one hundred and fifty years ago, I cannot divine; hitherto he has brought none. His attempts at proof are all either repetition of assertions and prophecies, or merely assumptions, that, because a measure is contrary to what was done at a very distant period, and in very different circumstances, therefore it is wrong in the present circumstances, and at the present period. His lordship seems to frame his reasoning on principles more agreeable to the opinion of lawyers, than the policy of senators or statesmen. If you consult a lawyer, on the propriety of an act of parliament to be framed, that would make a change in some department, he will immediately tell you, that it is a departure from precedent

dent and the authority of the court; or at variance with some antecedent statute. That the senator or statesman knows as well as he does; but they would not enquire what hitherto had been; but what henceforth was right to be.

A great part of his lordship's reasoning consists of dissertations tending to *prove* that the present deviation is a change of the navigation system. That I most readily admit. Every deviation from any system, as far as it extends, is a partial change of that system. By these acts, says his lordship, you prevent British ships from being *duly navigated*. When that phrase is explained, what does it mean? It means the proportion of foreign sailors to British, is greater than the navigation laws permitted. Of course the object of the change is, to allow a greater number of both foreign ships and sailors to be employed as carriers, for our convenience, than the navigation laws permitted; but the very fact which he alleges, and which is unquestionably true, though not to the extent which he asserts, that more foreign sailors than usual were allowed to navigate British ships, was the cause that so many more British sailors than usual could be spared for our navy; and thereby that we have risen to such an immense superiority of naval power. Our ships were not duly navigated, if due navigation consist in exact conformity to the rules of the seventeenth century. But if due navigation consist in, so navigating British ships, as most effectually to promote British commerce and naval power, they have been duly navigated; and the proof is, that
commerce

commerce and naval power, have risen to so very high a pitch.

His lordship enters into a long detail of the increase of American commerce and shipping; and this increase, he predicts, will be prejudicial to Britain. Predictions are indeed the only arguments which he uses, except assertions. One of these is, that every step which deviated from the established Navigation Laws has proved an injury to the trade, which in wiser times has been so cautiously encouraged as one of the most fertile sources of political consequence and national wealth. Against this broad assertion, I shall simply refer to actual facts and documents, which completely prove that the deviation, so far from having injured the trade of Britain, has raised that trade to more than double its former amount in the most favourable periods. From the statement of his lordship it is endeavoured to be proved, that the American tonnage has increased more in proportion than the British tonnage; but that is not the question. The question simply is, whether the trade of Britain is increased or diminished by the laws which departed from the navigation system.

His lordship alleges, that even if the Act of 1795, for securing the property of Dutch emigrants, was proper, being a deviation from the navigation laws, it ought not to have been continued after that object had ceased to exist. But the security of Dutch property was only one intention of that liberal change of policy; and though that individual purpose might be no longer in view, it did not follow that the general purpose should not be pursued.

pursued. Since the new laws had been found so productive, both to commerce and naval power, in the three last years of the war, there was sufficient reason for continuing them during the peace; especially a peace which was evidently but a deceitful truce. Therefore I can see no reason for his lordship's very strong objections to the renewal of the Act. Although its first occasion might have been the property of the Dutch emigrants, its general principle and reason was the tendency to advance those great objects of the navigation system; our trade and navy.

In addition to those grand and public objects is to be considered, a private interest, founded on a public principle. Whoever engages in an article of commerce, on the faith of established laws and practice, has a right to expect that the laws and practice will not be so easily changed, as to compel him to withdraw his capital, with disadvantage, from that commerce. Since, year after year, acts had been passed allowing ships from foreign countries to import goods to Britain from places to which they did not belong, would it have been equitable suddenly to have stopped this permission, and to have sent back these ships with their cargoes? It must be acknowledged that the acts in question fixed periods when they were respectively to terminate. Nevertheless, they had been renewed from time to time; and the ground of the renewal was understood to be a conviction of their expediency; and therefore it was fairly and reasonably presumed they would be continued. Both British and foreign merchants acted on this presumption, and made their commercial arrangements accordingly, for bringing

ing or sending foreign commodities to Britain without a strict adherence to the Navigation Laws. They might reasonably have presumed, that Britain would continue, not only to allow, but to encourage such a beneficial traffic, even if the peace had been likely to be permanent; and sailors not to be wanted for the defence of the country. But the probability was, that the peace would not continue; therefore, it was still more to be expected, that the acts for encouraging British commerce by foreign carriers would be renewed.

The act of 1802, in a considerable degree, repealed the acts of the 35th, 36th, 39th, and 40th years of His Majesty's reign, relating to conveyance by Neutral ships; and substituted for these, a permission, under Order of Council, to import in foreign ships from the American States, and the foreign West Indies; and ordained, that the law should be in force till January 1, 1804.— This repeal was rather an alteration of the mode, and a limitation of the extent, of the preceding acts, than a total change of their object and spirit. The purpose of this act was not like the former ones, to enable the Privy Council to permit goods to be imported for home use; on the contrary, a very material qualification was introduced, not to be found, in the former acts, that goods so imported shall *be warehoused for re-exportation*. When we consider that the two great objects of our navigation system are to promote British shipping, and to increase British seamen, we cannot admit that this act, limited as it was, discouraged the one, or obstructed the other. The produce of America and the West Indies by the navigation system, could only be im-
ported

ported in British ships. The independence of America created an exception to this rule; since thereby American ships acquired the right of carrying the produce of their own states. The act in question, therefore, relaxes our navigation system, so far as to allow the ships of other countries to import commodities from countries in America and the West Indies not belonging to Britain. But this permission is granted only under the sanction of the Privy Council; and with the limitation, that goods so imported, must be again re-exported; and therein consists the difference between the acts so often mentioned, and the act of 1802. To shew how far this indulgence to foreign ships, to share with British ships the carrying trade from foreign possessions in America and the West Indies, has been beneficial or prejudicial to Britain, we need only see the state of the trade from those parts to Britain, before the operation of the dispensing acts, and since that operation. By consulting official documents, it will be found, that before the year 1795, the trade to Britain from Spanish America and the foreign West Indies, was altogether insignificant, compared with what it became when the Americans were allowed to be carriers for the benefit of Britain.— Indeed, in the single case of the Americans carrying from possessions in America or the West Indies which did not belong to the states, the effect was the same as in the general result. Having neutral bottoms for carriers, we had a much greater amount of valuable commerce than we should have had without neutral bottoms for carriers.

Lord Sheffield has directed his attention particularly to the vast increase of American commerce and revenue,

revenue, and shipping, of late years, which he imputes to the relaxation of our navigation system. He farther asserts, that the promotion of American ship-building tends to the diminution of British ship-building, and will actually ruin our shipping interest. To answer this observation, I shall only state an official account of the number of mercantile vessels which have been built and registered in the several ports of the British empire, between the 5th of January 1790, and 5th of January 1803.

AN ACCOUNT of the number of VESSELS, with the amount of their Tonnage, which have been BUILT and registered in the several Ports of the BRITISH EMPIRE, between the 5th of January 1790, and the 5th of January 1803.

Years.	Vessels.	Tonnage.
In the year 1790	827	71,090
1791	725	68,693
1792	766	68,940
1793	800	75,085
1794	714	66,021
1795	719	72,181
1796	823	94,972
1797	756	86,242
1798	833	89,319
1799	858	90,044
1800	1041	134,188
1801	1065	122,593
1802	1202	125,942

From this statement, it appears, that in the years preceding

preceding these acts; the number of ships built in Britain did not exceed seven hundred and twenty; tons, seventy-two thousand; but after the operation of the acts, the ships built in one year exceeded twelve hundred; tons, upwards of one hundred and twenty thousand; and in the three last years the rise is progressive; whence it is evident, indeed obvious, that all the pathetic lamentations of his lordship for the decline of our *ship-building*, are without any foundation in fact; because, instead of declining, ship-building has risen from seven hundred in the year to twelve hundred, and a much greater proportion of tonnage; and it will be seen by the following account, that the great demand for new ships had not been occasioned by any reduction of our stock, viz.

AN ACCOUNT of the number of VESSELS, with the amount of their Tonnage, and number of Men, which belonged to the several Ports of the BRITISH EMPIRE, in the following Years.

	Vessels.	Tons.	Men.
In the year 1790 ...	15,015 ...	1,460,823 ...	112,556
1791 ...	15,645 ...	1,511,411 ...	117,044
1792 ...	16,079 ...	1,540,145 ...	118,286
1799 ...	17,879 ...	1,752,815 ...	135,237
1800 ...	17,895 ...	1,856,175 ...	138,721
1801 ...	19,711 ...	2,038,253 ...	149,766
1802 ...	20,060 ...	2,078,561 ...	152,269

The writer, throughout his work, is true to the mode of reasoning from abstract principles; from precedent, opinion,

opinion, and even assertion, instead of fact and experience.

His lordship asserts, that it is not now necessary to examine whether the navigation system be impolitic or unwise. "Experience," he says, "and the opinion of the best informed men, demonstrate that it must continue to be inviolably maintained." Who those *best informed men* are, whose *opinion* amounts to DEMONSTRATION, his lordship does not acquaint his readers; and if he did, they might probably require stronger arguments than mere opinion. But, that experience contributes to this demonstration, is manifestly false. Experience is so far from demonstrating that the system must be inviolably maintained, that it demonstrates quite the contrary; since departure from the system contributed so extensively and powerfully to national benefit. His lordship endeavours to prove that the navigation laws are rendered necessary by the systems of other countries. "England," he says, "is not to confer free commerce and navigation, in return for the vexations and restrictions which are imposed by other nations; and though the navigation laws were not, as they are, too firmly and too long established to be tampered with, by experimental speculators, they would yet require to be cautiously and rigorously supported, if it were only because they are best correspondent with the views and regulations of other states, and because so long as other states confine the trade of their colonies to themselves: England has not only a right, but is bound to act in the same manner."

Here

Here are two points for discussion.—

1. That England is not to bestow free trade, because other nations place their commerce under certain restrictions.

In answer to this, I have to observe, that England does not bestow commerce and navigation with any view to return benefits for vexations. She employs commerce and navigation, where she can find them most beneficial. If other countries are either so little advanced in experience of trade, so deficient in the means of carrying it on, or so blind to the principles of political œconomy, as to deem vexations, restrictions, and monopolies, useful in commerce; England does not consider their views, but her own objects. With whatever nation she finds trade conducive to her grand purposes of wealth, revenue, and naval power, England traffics. Their impolitic prohibitions do not affect her: she acts according to justice, and expediency in her own case. It would be frivolous rivalry, not the wisdom of sound policy, which in judging of the expediency of any kind of commerce with another people, would view their institutions, and regulations relatively to us, instead of considering the benefit which we might derive through them. In estimating therefore the wisdom, or folly, of carrying on a trade with any other country, I should not consider what the restrictions or ordinances of that country might be; but whether I could gain by the commerce with them such as they are.

The

The production, in asserting that other states are less favourable to the trade of Britain, than Britain to the trade of other states; affirms, that Britain not only has a right, but is bound to act in the same manner. I admit that if other countries impose restraints on their trade with Britain, Britain has a right to return such restraints; but I do not admit that it is therefore EXPEDIENT for Britain, or that she is BOUND to act in the same manner. If other nations adopt the wrong and narrow policy of a monopolizing trade, that can be no reason for Britain adopting the same, when she can gain much more by a free and liberal trade. There can be nothing more absurd between two individual traders, than for one to say to another, I will not deal with you lest you should make more by the dealing than I do, for each has prudently to consider merely what he may make himself. The same is the case with nations, and there can be no more wisdom in abstaining from traffic with another country, which is contracted in the ideas of political œconomy, though the other party gain by that commerce, than there can be in an individual refusing to deal with another who is parsimonious, although the opposite party would be a gainer, notwithstanding the parsimony of the other. Our author applies his principles to colonial establishments, and endeavours to prove, that because a monopolizing system has been adopted by several other nations, it should therefore be adhered to by us; and that one of the chief benefits of the navigation system is the promotion of the colonial monopoly. To establish this position, he quotes the preamble to the act, as renewed

renewed in the 15th of Charles, II. which states the motive of the navigation system to be, "the maintenance of a greater correspondence and kindness between the subjects at home, and those in the plantations, the making the colonies yet more advantageous to the mother country, in the further employment and increase of English shipping; the rendering the navigation to, and from the colonies, more easy and cheap; and making this kingdom a staple, not only of the commodities of the plantations, but also of other countries, for the supply of them, it being the usage of other countries to keep the plantation trade to themselves." The amount of this quotation, as illustrating the previous assertion, that Britain is bound to adhere to the navigation laws, because conducive to colonial establishments, is merely a repetition of what his lordship has often asserted in this pamphlet in different forms; viz. that what was wise and politic at one time, must be wise and politic at all times; that because in certain stages of early colonial advancement, a monopoly of their produce might be necessary as an indemnification for protection, therefore in all stages of their advancement it is equally expedient to circumscribe the carriage of colonial produce. No doubt, while on the principle of modern colonization, we were fostering our new settlements to be receptacles of the home produce, and trade; and as in their infancy they could not afford a market for any extensive and liberal system of commerce, it might be prudent for the mother country to secure the monopoly of their trade; but it by no means follows from thence that the same monopoly

monopoly must be right, in all times, circumstances, and situations. Britain owes her commerce to the superiority of her manufactures; much more than to any regulations which she did, or could establish for securing a market. She can sell cheap, and buy dear, with a very great profit to herself; thence she is sure of finding purchasers and venders. It does not appear, that commerce and naval power have depended on the increase of our colonial establishments. A proof of this observation is, that since the loss of our American colonies, our trade and navy have very far exceeded the trade and navy of the time during which we possessed them. Even our trade with the United States themselves, is increased; instead of being diminished since their separation; which plainly proves, that the commerce was far from depending on their relation as colonies; although it might have originated in that relation. Whatever, therefore, may have been the motive for founding colonies, and the tendency of the navigation system, at one period, to promote prosperity through the colonies, the general question still reverts to the grand purposes of national wealth and power. Colonies are only one kind of means to those great ends, and therefore we are not, with a view to them, to abstain from any other means which experience proves to be conducive to the same ends. Recent facts prove, that the period at which we employed others in a considerable part of our carrying trade, has been more prosperous than former periods; and on that broad basis I found my inference, that deviation from the ancient system is, in the present circumstances, wise. Our author expatiates on the peculiar

peculiar circumstances of our situation, as peculiarly requiring that her attention should be principally directed to commerce and maritime power. "To her insular situation," he says, "and to her navy, she must be indebted for her defence; but it should never be forgotten, that the moment the latter shall decline, the former will become useless. The myriads of France might in such a case, be easily poured upon her shores; she would be inevitably exposed to insult, and, perhaps to subjugation; and after having been the support of nations and the vindicatrix of Europe; after having restrained, and often chastised, the ambition of the state, whose waking and sleeping visions are full of universal dominion, and particularly the conquest of this country; she would be cast from the eminence to which she has ascended, by the means she is commended to support, and gradually, or suddenly, decline into a province beneath the oppression of France. *Who, then, shall maintain that she should risk an iota of the system on which her naval superiority is founded?*" What is the amount of this reasoning? First, that it is the interest of Britain to promote commerce and naval power,—so obvious a position that no one can deny. Secondly; that commerce and naval power can only be promoted by a rigid adherence to the ancient system. This position is negatived by experience; because facts and documents prove, that both the commerce and naval power of Britain have been much greater under the deviation from that system, than while it was adhered to. The same conclusion is attempted to be drawn from the

the state of Europe, and especially the predominancy of France. This very predominancy affords the strongest grounds for continuing and persevering in that departure from the navigation system, which recently enabled us, and by its effects now enables us, to surpass France, though she domineers over the whole continent, more than we surpassed her when her power was balanced by the powers of other continental states. I have remarked, that his lordship dwells very much on authority. The opinions on which he lays stress, are very frequently those which were formed in a totally different state of commerce and politics. Sir Josiah Child, is certainly a commercial writer of very high eminence; and his opinions relative to facts and circumstances, within his own observation and experience, are entitled to the greatest weight. He speaks of the navigation system, as indispensably necessary in its most rigid operation to commercial prosperity.—That, perhaps, was very fair reasoning in the exact stage of British commerce, when under his review; but it is not, therefore, necessarily applicable to present commerce, which experience has fully demonstrated.

I by no means agree in the doctrine, that regulations which promoted the conveyance of goods by neutral bottoms, into this country during war, were likely to continue to those neutrals the carrying trade to the same extent on the return of peace. By reason of those regulations, the war was prevented from breaking the thread of commercial connection; a merchant in this country was not obliged to discontinue his dealings with

the foreign correspondents whose commodities he had been accustomed to receive. And, after the return of peace, Britain was likely to resume her full share of the carrying trade; and in fact, to have a much greater demand for her own carrying ships, by the immense augmentation of trade which she had derived from employing, during the war, the carrying ships of other nations. The employment of neutral ships, demanded by existing circumstances, was really the means of preserving the carrying trade to Britain, when she should herself, without disadvantage, be able to resume that branch of commerce. Even the carrying trade, (on the importance of which his lordship lays much more stress than is justified by Adam Smith, or any of the most approved writers on political œconomy,) from the temporary participation with other countries, derived the permanent means not only of preservation, but increase; and thus, while the deviation from the ancient system so extensively promoted our import and export trade, it enabled us both to keep up and advance our carrying trade.

It has already been demonstrated, that British trade and shipping were much more extensive in 1802, than at former periods; and thence it is evident that Lord Sheffield's allegation is erroneous, that the employment of neutral ships as carriers during the war, lessened the employment of British ships and seamen after the return of peace. This objection, therefore, of the noble author to the departure from the navigation system during the war, like his other objections to the same policy, when impartially investigated, cannot stand the test of fact and the force of experience.

Among

Among the causes which have operated at the close of last war, to add to the number of British registered ships, captures from the enemy is a cause of more importance than would be imagined by persons who have not turned their attention to that subject. To justify the truth of this remark, I shall cite facts and documents, as I have done in every other part of my reasoning. For this purpose, I have procured an account of the number of *Prize*-ships, with their tonnage, which had been registered, and appeared to be in existence at the the close of the following years.

Years.	Ships.	Tons.
1792	601	93,994
1793	661	97,969
1794	917	122,222
1795	1059	142,363
1796	1208	164,032
1797	1315	182,056
1798	1669	223,536
1799	2046	269,401
1800	2256	298,573
1801	2779	369,563
1802	2827	358,577

From the foregoing account, it appears that, the number of Prize ships, (which by the Registry Act are entitled to registry as *British*), was at the commencement of the war, no more than six hundred and one, of the burthen of 93,994 tons, and that this number during the war increased to two thousand, eight hundred and twenty-seven, of the burthen of 358,577 tons; and therefore

therefore, as these vessels were qualified to trade as British ships, there was an augmentation of two thousand, two hundred and twenty-six ships; of 264,583 tons, without any *British ship building*.

It may be urged, that the British ships captured by the enemy counterbalanced this effect; and were the question reduced to the single consideration, whether more ships were captured by this country, or from it, there is no doubt that British shipping was diminished on the whole. A practice, however, has been long established, which militates against this effect; and which deserves the attention of the British legislature. The following is the practice to which I allude:—If any British ship undergoes repair in a foreign port, to the amount of fifteen shillings per ton, unless necessary to enable her to return home, after the reparation of damages from an outward voyage, such ship forfeits her British privileges. But the *capture and condemnation* of British ships by an enemy, does not deprive them of their British privileges. Being therefore much more valuable with, than without a British register, a very considerable portion of the prizes captured by the enemy, during war, find their way back to England, and are recorded in the Registry-book, either before or upon the return of peace. This practice is understood to be strictly conformable to law, under an opinion of the Lord Advocate, and the Attorney and Solicitor General, in March 1788. It is, however, extremely injurious, since property captured by the enemy thereby acquires a much greater value than it could otherwise have, and consequently,

consequently, the inducement to capture British ships, is thereby rendered so much the stronger. The fact, however, that captured ships do return before, or at the peace, to British registry, tends to balance the diminution of British ships by captures, and accounts in part for the superabundance of British shipping at the peace. On the one hand it is certain, that the captures from the enemy, not finding their way back to ports of the enemy, very greatly increased the British shipping; whereas captures of British ships by the enemy, often returning to British ports, very much lessened the diminution of our shipping through that cause, and, at the peace, ultimately left a great balance of shipping in the possession of Britain.

Whatever superabundance of British shipping these concurring causes might produce, at the peace, it must cease on the renewal of war, when great numbers of ships are always wanted for the employment of Government.

Another cause which contributed to the interruption of employment of British ships at the peace, was the cession of conquered colonies. Various settlements which we had taken from the enemy, especially in the West Indies and America, contributed considerably to the extension of our trade; for instance, Surinam and Demarara, with many other settlements, either insular or continental. These produced a great addition to our trade, and consequently to the demand for shipping. When the settlements

lements were ceded, and that trade withdrawn, there was a proportionable diminution of the call for our shipping; but that was a cause that had no connection with any effect arising from the Dutch Property Acts.

In the last year of the war, the number of vessels, with their tonnage and men, employed in importing the produce of colonies, ceded on the return of peace, was as follows, viz.

From	Ships.	Tons.	Men.
Demarara	75	16,960	1,354
Surinam	34	8,581	681
Martinique	78	17,331	1,217
Berbice	12	2,477	182
St. Lucia	5	1,237	92
Tobago	26	6,377	361
Total . .	230	52,963	3,887

I fully admit, that a very considerable increase of American shipping employed in the British carrying trade, has resulted from the acts, which I contend to have been wise and politic; but I cannot admit, that Britain can be a loser by the operation of acts under which she has doubled her commerce, and so greatly increased her naval power.

Lord

Lord Sheffield dwells on the increase of the American trade to the East Indies. If he were to peruse Mr. Barrow's account of the Cape of Good Hope, (second part) lately published, he would see sufficient grounds for removing his alarm from that quarter. This intelligent writer makes it very clear, that if Britain were to retake that commodious and valuable promontory, she might easily possess the chief part of that commerce, which the Americans now carry on with India, by being able to undersell and overbid them, and all other rivals in every article of commerce. But even in the present circumstances, and before that settlement is regained, the alarm respecting the American traffic may be attributed to the jealousy of the East India Company. That corporation, in its commercial objects, is governed by the spirit of monopoly in which it originated; which was wise at the æra of its commencement, and is still held, by many political economists, to be expedient; although there be many others who are much more favorable to a free trade to the Oriental regions. Without, however, entering further into this question, I admit that Britain, that is, the India Company of Britain, has suffered the Americans to acquire a considerable trade with India. It is, nevertheless, by no means evident, that Britain is a loser by this trade of the Americans, at least, until her own merchants in general, shall have inducements and permission to employ as much of their capital in the East India free trade, as may not interfere with the interests of the Company. The India Company deems a certain amount of export and import trade, with India, most expedient for them. The free merchants of Britain,

proposing

proposing to trade to India, and not being members of the Company, have repeatedly endeavoured and sought to occupy that surplus of commerce beyond what was required by the Company. They have not yet nearly succeeded in the attainment of their object, since the Company seem desirous to prevent others from benefiting by a traffic, although they do not occupy it themselves. Several European states, (but far beyond them all, the American states) possess this trade, which British merchants might possess. This commerce, however, of the Americans, is not hurtful to the East India Company, because they possess the command of all the articles which they deem expedient for their own trade. The Company is, nevertheless, jealous of the Americans for taking up that traffic, although they do not want it themselves.

His lordship apprehends, that from the suspension of the Navigation laws, as far as concerns the West Indies, the Americans will engross a very great portion of that trade. The Americans, no doubt, may supply certain articles at all times cheaper to the West Indies than Britain, such as provisions, and lumber; but Britain is the ultimate gainer by the advantage which her colonies thus receive, because the smaller price they pay, the more they promote the wealth of the proprietors, who are all British subjects, and the increase of the revenue. This intercourse is peculiarly desirable during the war, because it facilitates the supply of the British islands without any hazard from the enemy. The employment of American ships in conveying various articles of necessary supply to the West Indies, is
requisite

requisite for the benefit of those colonies; and, indeed, for one of the chief purposes of the Navigation laws—the promotion of colonial prosperity. There are various articles indispensable to the West Indies, which cannot be furnished but through the United States; and other commodities, which in time of peace, as well as war, are much more beneficially supplied from America, than from the parent country. To such an intercourse with the United States, as is wanted for the importation of these articles, the West India colonists have every claim which can arise from national justice and policy. The colonies have been established for the general benefit of the country, including the advantage of the colonists themselves. Therefore the nation is both by prudence and equity bound to allow them every means of supply which they want, and which may be afforded consistently with the national interest. I should have entered in detail on the commodities conveyed from the United States, in American ships, to the British West Indies, that I might demonstrate by particular induction; first, that the specified articles are absolutely necessary to our West India colonies; and secondly, that their carriage in American ships, is much more conducive to the wealth and revenue which arise from our West India islands, than their carriage by British ships could be: also, that such employment of American ships, does not interfere with our means of naval strength. A Pamphlet, however, which has been published, within these few days, on that part of Lord Sheffield's strictures which regards the intercourse between the United States and the British West Indies,

has treated this branch of the subject so clearly, fully, and ably, as to render particular enumeration unnecessary. I shall, therefore, confine myself on that single point to general results.

The West India islands want the advantages and conveniences necessary for establishing a domestic shipping. Efforts have been made, but they have been occasional, and the supplies obtained by them expensive, burthensome, and inadequate. Many and various articles of commerce were wanted from America, for the support of the West India islands. These, long experience has proved, can be conveyed at a much cheaper rate to the colonies, in American, than in British ships; and, therefore, more advantageously to the planters, and through them to the public. In this view, that mode of intercourse between the United States, and the British West Indies, is conducive to colonial prosperity and British commerce,—grand objects of the navigation system. From experience, it appears, that the carrying traffic in question, has not been prejudicial to British naval power,—the primary object of the navigation laws. These are circumstances in the situation and condition of America, which render her much less an object of naval jealousy to Britain, than the other maritime states of Europe. Her great distance affords less grounds for apprehensions from her political aggrandizement. Her shipping, calculated for commerce, and not formed for war, is, neither capable of hostility, nor the dangers of hostility; and in contemplating her navy, we have little grounds for fearing it, in relation to our own defence and safety. American navigation

navigation is therefore to be regarded by Britain, not like French navigation, as a means of force that may be employed against Britain; it is simply to be viewed as having a certain influence on our commerce, on the promotion of our landed, manufacturing, and trading interests. In all questions concerning American intercourse with the West India Islands, or any other part of the British dominions, we ought merely to examine commercial benefits, and entirely divest ourselves of those political jealousies which wisdom should dictate in our intercourse with the maritime states of Europe.

Our colonies and nation gain much wealth, through the supply afforded to those settlements by the existing intercourse with the United States. The nation loses nothing in naval power. The plainest prudence therefore, dictates, that she should continue that policy by which we have gained much, and lost nothing.

On the whole it is very evident, that Britain has been very greatly benefited by the employment of neutral ships during the war, as carriers of that part of commerce, for which she could not employ her own ships and sailors; and that the deviation from the ancient system of navigation, in the existing circumstances, was wise and advantageous policy. On this ground it is evident, that when a similar state of hostility returned, and continues, it was, and is the interest of Britain, to recur to similar policy. When war broke out in 1803, the legislature adopted this dispensing system; but adopted it to a very limited extent.

On

On the 12th August, last year, an Act was passed
 “ to permit, during the continuance of hostilities, and
 “ until six months after the Ratification of a Definitive
 “ Treaty of Peace, the importation into *Great Britain*
 “ and *Ireland*, in Neutral Vessels, from states in
 “ amity with His Majesty, of certain Goods, Wares,
 “ and Merchandize; and to empower His Majesty,
 “ by Order in Council, to prohibit the Exportation
 “ of Copper, and to permit the Importation, in Neu-
 “ tral Vessels, from states not in amity with His
 “ Majesty, of certain Goods, Wares, and Merchan-
 “ dize.”

The object of this act was, simply to get a supply
 from the country of the enemy, in neutral ships, of such
 commodities as Britain wanted; and with which she
 could not be furnished either by the ships of the hostile
 nation or her own; and was extremely limited, com-
 pared with the liberal and extensive employment of
 neutral ships, agreeably to the Acts of 35, 36, and 39,
 of the King, for deviating from the ancient system, on
 account of present expediency, and the advancement
 of wealth and power.

The act, 1802, expired on the 1st January 1804,
 and the Lords of the Council granted certain orders
 for continuing the operation of the same, after the 1st
 January, until a new act should be provided. These
 orders, however wise and expedient, being contrary to
 the letter and spirit of the Constitution, (inasmuch as the
 executive power, issued directions without the sanction
 of the legislature, and beyond the royal prerogative,)
 an

an indemnification was therefore necessary, as is
 usually granted to those servants or counsellors of the
 crown, who, for laudable purposes, have for a time, dis-
 pensed with the laws of commerce. To indemnify the
 Privy Council for the orders in question, as well as to
 revive the act of 1802, a Bill was introduced in March,
 entitled, “ An Act to revive and continue, until eight
 “ months after the Ratification of a Definitive Treaty
 “ of Peace, an Act made in the forty-second year
 “ of His present Majesty, for repealing several acts
 “ relating to the admission of certain articles of
 “ merchandize in Neutral ships, and to the issuing
 “ Orders in Council for that purpose, and for
 “ making other provisions in lieu thereof; and also
 “ to indemnify all persons who have been concerned
 “ in issuing or carrying into execution Orders of
 “ Council, for permitting the importation of certain
 “ goods from *America*, in Neutral ships.”

This act as well as the act of 1803, was of a
 much more limited nature than the acts of 1795,
 1796, and 1799, under the operation of which, com-
 merce, shipping, and navigation so greatly flourished,
 and naval power rose to such an unprecedented
 pitch. The acts of 1803 and 1804, allow no import-
 ation contrary to the Navigation acts, except the con-
 veyance, in foreign ships, of goods the produce of
 foreign European settlements in America, to be
warehoused for re-exportation, whereas the acts of
 1795, 1796, and 1799, allowed the admission of ANY
 goods, from ANY PLACES, in any vessels seeking a
 market, either for HOME CONSUMPTION OR EXPORT-
 ATION.

I trust

I trust, in the present undertaking, I have clearly demonstrated that Britain, by deviating from the ancient system of navigation, *during war*, has very essentially promoted both her wealth and strength. Thence I infer, that since war is again broken out, and with the same enemy, Britain ought to resort to that liberal policy which dictated the Dutch Property Acts, and produced such inestimable advantages. The alledged objection to these acts, the diminution of the carrying-trade, and the losses of the shipping interest, on the investigation of fact and document, are found to be totally groundless. The temporary intermission of employment for all British ships, was owing to the great number of those vessels which war had required for government, and peace no longer demanded; besides, the very great addition which had resulted from signal success. All these causes were totally irrelevant to the acts dispensing with the Navigation system. As so much good has been proved to have accrued in war, from these acts, and no evil has been proved to have sprung from the same source, it is obvious, indeed self-evident, that in *war* we ought again to resort to similar measures; and instead of the partial and limited permission to Neutral ships, by the acts of 1803, and 1804, make a law, allowing the general and unlimited permission of 1795, 1796, and 1799; and renew in the present war, with the Imperial Tyrant of France, that system of commercial policy which promoted our trade and strength in the last war with the then French *Republic*, and her successive rulers.

Beneficial

Beneficial as it was, the system which I recommend might, no doubt, be still farther improved by the examples of recent experience; inconveniences which could not have been foreseen, but which have been felt, might be removed. The return of captured ships to British registry might be prevented. The interests of British ship-builders might be consulted, by regulations suited to present circumstances, without interfering with the still more important objects of general commerce and naval power; and the emolument of particular bodies might be considered as far as is compatible with the national good. No doubt enquiry and reflection would suggest many useful improvements to the laws, which have contributed, so very efficaciously, to the riches and strength of Britain. What I mean to recommend is, a new Act, on the principle of those laws which have been found so extremely beneficial in a situation exactly similar to the present, with provisions that might suit the existing circumstances.

While I thus contend that the British ship owners have no ground to complain of the acts alluded to, as the cause of the difficulties under which they have laboured, I am by no means insensible that they have had, and still have, much ground for just complaint; they certainly had a right to complain that cargoes, which, under the acts in question, might be imported in a neutral ship, could not be imported in a British ship; and, that the former were exempt from the auction duty, to which the latter were liable; but above all, they have most considerable cause to complain of the multifarious forms of office, and the incredibly tedious manner in
I which

shipping business is in general transacted, and often delayed, by the practice of the Boards of Revenue; according to which, cases requiring dispatch, and particularly those in the OUT-PORTS, can only be decided on *certain days*, whereby vessels frequently lose their convoy; incur demurrage, and the loss of their crews; and too often, lose nearly all the benefit of their intended voyage. At the port of Liverpool, for instance, when any question occurs for the consideration of one of these Boards, it is three days before the matter can be brought under the Commissioners' consideration, so that, in any event, a week passes before an answer can be given; this, however, is unavoidable; but such are the forms and practices which have been established, that a merchant of a port as distant as Liverpool, rarely obtains a decision on a matter requiring consideration, in less than two or three weeks, and very often not under as many months; sometimes much longer. Were the consequences of these delays duly weighed, I can have no doubt that means would be resorted to, for promoting greater dispatch, in affairs of such importance as those which affect the prosperity of the shipping interests of this great kingdom.*

It

* A question some time ago arose at Liverpool, whether some East-India Prize cargoes might be sold there for *Exportation*, or whether they must be sent to London; and though the most unremitting exertions were used to obtain an answer, and property to the amount of between One and Two hundred thousand Pounds, was not only laying useless, but sustaining injury, it was upwards of Six Months before a definitive answer was obtained, which answer, however, was highly honorable to the Lords of Trade, and gratifying to the Merchants of Liverpool, who in the end

found,

It cannot have escaped observation, that I have frequently noticed, in the course of this work, the *Employment of British Sailors*: I shall therefore conclude with stating my reason for it, which is, that the great and primary object of the Navigation Law, 12 Car. II. c. 18, was to promote the *increase of seamen*, and not merely to encourage *ship-building*: as many, and among others, Lord Sheffield, erroneously consider; and his lordship, it will be seen, has dwelt much upon the importance of what is called our *Naval Architecture*.

That the increase of seamen was the very object which I have stated, will appear by a reference to sect. 3, 4, and 8,—in all of which, it is sufficient that a ship is navigated by a master, and three-fourths mariners, British; but as to the ship itself, it is not required to be *British built*; it being only required that she shall BELONG to the people of England, &c. as the right owners thereof; but the law has been extended, and in time, by the operation of Lord Liverpool's Act, 26th Geo. III. c. 60, any ship used by British subjects, to enjoy all the privileges of trade, must be *British built*.

In confirmation of what I have before stated, as to

found, that however, or by whomsoever, their fair expectations and just claims might be resisted, there was still a seat to which their complaints might be addressed with effect. As this matter has already been, and may again become the subject of Parliamentary interference, and is not generally understood, I have subjoined a copy of the Liverpool Merchants' Petition, and that of the London Merchants, by whom it was opposed.

the great and primary object of the law being directed to the *increase of seamen*, it is only necessary to refer to the several acts which have been passed at the commencement of every war, according to which, during hostilities, only *one-fourth* British seamen, are required to navigate British ships, for the very purpose of taking the other two-fourths into the service of their country, and supplying their places in mercantile ships by foreigners; from which measure, we evidently derive commercial advantages and national benefits; but upon the cessation of hostilities, we call back our sailors to their mercantile situations, and by requiring three-fourths of the mariners employed to be British, we maintain and support that great nursery for seamen, which the wisdom of the Navigation Act primarily intended to establish.

On the whole, I trust, it has appeared to the reader, that the permission given to neutral vessels, to import goods to this country contrary to the letter of the Navigation Act, during the late war, produced a very important increase to our commerce and revenue, without any injury to the British shipping interest, and with great benefit to our navy; and that the rise in our trade, finance, and maritime power, followed the operation of the liberal acts. It is, I trust, farther evident, that the causes which effected a temporary interruption of the employment of British ships at the peace, necessarily resulted from the discharge of the mercantile ships which had been engaged by government during the war; the removal of the restraints of convoy; the great number of prize ships; the re-admission to registry of
British

British vessels which had been captured by the enemy; and the restoration of the conquered colonies, and consequent dimunition of demand for that quantity of shipping, which, while they were in our possession, conveyed their merchandize to Britain. That such an interruption was only temporary, and produced no permanent inconvenience even to the ship owners themselves. Such a momentous balance of benefit having arisen from the employment of neutral vessels in the last war, I think I have demonstrated, that the same policy should be resumed in the present; that the exclusion of neutral ships from the carrying trade in the existing contest, will very greatly abridge our commerce and revenue; and should it, for the present, create a greater immediate demand for British ships and British sailors, to be employed in the mercantile service, the navy will be impaired, and the number of British ships and sailors that must be thrown out of employment on the return of peace, will be much greater than was experienced at the close of the last war.

Let us resume that policy which has so recently contributed to our wealth and strength; and which being founded in a wise and liberal application of the soundest principles to such a situation, will be always beneficial in hostilities similar to those in which we lately were engaged, and are now again involved.

MEMORIAL

MEMORIAL

OF THE

MERCHANTS OF LIVERPOOL.

To the Right Honourable the LORDS of the COMMITTEE of COUNCIL, for the consideration of all matters relating to TRADE and FOREIGN PLANTATIONS.

May it please Your Lordships;

WE, whose names are hereunto subscribed, the mayor, merchants, ship owners, brokers and others, of the town and port of Liverpool, most respectfully address your lordships on a subject in which the general interest of the said town and port is deeply involved, and more especially so in time of war.

We beg leave to represent to your lordships, that the enterprising spirit and persevering industry of every

every class of society in this town and port, have raised it to a degree of prosperity and commercial importance second only to the metropolis

We also beg leave to represent, that the unshaken loyalty and steady attachment of the inhabitants of the said town and port to their King and the Constitution, have been manifested by the most unequivocal proofs on every occasion, whether called forth on considerations of a public or domestic nature.

Having premised thus far, we proceed to state to your lordships, that, during hostilities, the town and port of Liverpool have always been encouraged in fitting-out vessels against the enemy, which has been attended, not only with very great national advantage, but also in many cases with individual benefit and prosperity.

Under these considerations, there have been, since the present hostilities, a great number of privateers employed by letters of marque against the enemy, and from the spirited exertions of the masters and crews of these vessels, they have greatly annoyed him, and brought very valuable prizes into Liverpool, a considerable part of the cargoes of some of which consists of East India produce.

This produce is intended to be disposed of for *Exportation only*, and the captors, who have an immediate, as well as the merchants, brokers, and others, who have a remote interest in the sale of these goods

at

at Liverpool, have been strongly, and rather unfairly opposed by the London brokers, with a view to prevent such a sale taking place, and to compel the captors to send these valuable cargoes round to London, where the London brokers would reap a benefit, to which we humbly conceive the captors, merchants, and others of this port are justly and equitably entitled.

It is upon this particular point that we most respectfully solicit your lordships consideration; and for the better elucidation of that right for which we most respectfully contend, permit us to enter into the question, first as a question of law, and secondly as a question of policy.

As a question of law, we understand no other argument has been stated against us, than the mere letter of the Act, 43d *Geo.* III. ch. 134; the 4th and 8th sec. of which, in rather general terms, require all East India Prize goods, to be sold in the port of London;—There are, however, two ways of considering an act of parliament, which is not of a penal nature, but which has been made for beneficial purposes:—The one way is, to consider the letter, and the other, the spirit and intention of the law; and if the former is at variance with the latter, your lordships well know, that it is the constant practice of all courts of judicature, to give such a construction as will enforce the intention of the law, and promote those benefits which were evidently the primary objects that the legislature had in contemplation.

The

The act upon which we are now observing professes, by its title, to be intended for *the Relief* of the captors of Prize-goods; and every enacting regulation accords with that principle; indeed, to such an extent, that the captors are at liberty to choose, whether they will bring their goods into the markets of this country; and if a foreign market is preferred, the exportation is allowed by Sec. 10, without payment of any duty, except a trifling one for warehousing the goods in Great Britain.

The clause which bears immediately upon the present question, is Sec. 8; which requires all East India goods, carried into an out-port, to be brought to London for sale, "*in order that the duties due thereon may be properly ascertained,*"—but it does not express what duties; and we humbly contend, from the *origin* of the introduction of such a regulation, which was by 20th Geo. III. ch. 9, that the duties meant are the home consumption duties; and that, for the sake of the trifling captor's duty (whether it be a rated or an *ad valorem* duty) it never was, nor ever could be in the contemplation of the legislature, to require the captors to run the risque of a cargo being retaken, or to require them to incur inevitable and grievous losses by insurance, freight, pilferage, &c. in removing goods, *merely for Exportation*, from one part of the kingdom to another. To contend that all this is required of the captors, under an act made in express terms *for their Relief*; would be nothing less than contending *against* the spirit of the act, and *against* the declaratory intention of the legislature; and therefore, we humbly submit,

mit, that the construction we contend for, is most congenial with the context of the act, and most consistent with that national policy, which was the basis of all the regulations enacted for "the Relief of the Captors."

We rest in the fullest confidence, that this is an argument not to be resisted, and we are satisfied that no *secondary* consideration can possibly be urged against your lordships' giving such directions, as may be the means of promoting the *primary* intention of the legislature, upon this most important subject now before you.

Upon this part of the case we conclude, by observing, with the utmost deference to your lordships, that the Prize Act in question, was not passed with a view to the revenues of the country, but with a view to encourage that amazing enterprize, which is the pride, the honour, and the glory of the British nation; and which it has been the wisdom of all ages to cherish and maintain, upon the most liberal and enlightened system of political government; from which we submit as a necessary inference, that acts, like the one in question, are not to be construed by the limited maxims or rules of *law*, but by the general principles of *National Policy*.

We shall now proceed to the question of policy, in order to satisfy your lordships, if the law does not bear us out as it now stands, that it will be adviseable to explain or amend the same.

Upon this part of the case, we need not repeat to
your

your lordships the foregoing arguments: to them, we therefore respectfully refer, as pointing out the policy of what the law should be, by shewing what in our humble opinions it is; for though we have divided the questions with a view to make two distinct requests, yet we find it impracticable to divide the argument, as the whole rests entirely upon the policy of not subjecting the captors to unnecessary risques, and great and inevitable losses; for whose relief, and that alone, the legislature every war has passed an act similar to the one in question.

Having submitted to your lordships these general observations, and, as we trust, satisfactorily shewn what should be, if it is not already the law, with regard to *East India Prize goods, carried into an out-port*—we proceed to state to you, the actual situation of those merchants and ship owners, who have been successful in capturing East India goods.

The number of prizes are as follows, viz.

L'AIMABLE LUCELLE,	} From Bourbon, and Mauritian.
LA VILLE DE LYONS,	
LA JEUNE AMELIE,	
VROW ESTHER,	} From Batavia.
VROW ANNA CATHARINA,	

Whilst these prizes were in course of adjudication, the owners were informed by their correspondents, that the goods must be sent to London for sale; in consequence whereof they made application to the Lords of the Treasury, for permission to sell the goods at Liverpool, *for Exportation*, pointing out the serious risques

risques to which they would be exposed and the certain losses they must incur by such removal; which could benefit neither the revenue, *nor the East India Company*; (who neither sell, or in any manner take cognizance of the goods when sent to London,) nor any persons but the London brokers; and as they (the Liverpool merchants, &c.) did not entertain the slightest doubt that their request would be complied with, they made the necessary arrangements for the disposal of the goods at Liverpool accordingly. As several weeks, however, elapsed, without their obtaining any answer, the respective parties applied to the Collector of the Customs, to know whether they might proceed in the sale; when they were informed, that in the year 1797, the Honourable Commissioners of the Customs, had decided, *that any East India goods taken as prize, and sold for exportation at an out-port*, might be exported from thence upon payment of the prize warehousing duty; and that this decision having been confirmed in the year 1800, upon *the joint opinion of Three Solicitors for the Customs*; he, the Collector, had received an order *to conform thereto in future*, and as the present Prize Act is, on this subject, entirely a copy of the former one, there could be no objection to a sale for exportation.

From this, your lordships will perceive, that what in the former part of this address we have contended to be the *spirit* of the law, was some years ago fully decided to be the *letter* of it, and has ever since been established as the *practice*; and that, therefore, after the conference with the Collector of Liverpool, not a doubt

doubt of the *right* of the captors to dispose of their property in the manner most advantageous to themselves could possibly exist.

The goods were accordingly landed, and the duties required by the Prize act, entitling *them to be exported, have been already paid on great part. Several of the ships have been sold, and the goods lotted and advertised for sale,* and every necessary arrangement made; after which, to our great surprise, an order was received by the Collector of the Customs, purporting that no part of the goods in question could be sold at Liverpool, and that they must be sent to London.

It would be superfluous for us add any thing more to this statement of the facts, to shew your lordships, that such an order, so unexpected, and at such a time, must, if persisted in, operate as a most grievous hardship upon all the parties; had it been given even in the first instance, we should have had no doubts of satisfying your lordships of the expediency of its being rescinded; but now that the parties interested, have incurred very heavy expences, and have made their pecuniary and other arrangements in the fullest dependance of shortly receiving the proceeds, it would, we humbly submit, be an act of excessive oppression; for relief from which, we, with the utmost confidence, seek your lordships protection.

We therefore earnestly solicit your lordships directions, as early as possible, for the benefit of the captors of East India Prize goods carried into an out-port; that

that the same, when intended for exportation only, may be sold at such port under the existing law; or that directions may be given to the proper officers of the customs, to prepare a clause for explaining and amending the Act, so as to authorize such a sale, the same being a matter equally consistent with National advantage, as with individual benefit.

We are, with due deference and respect,

MY LORDS,

YOUR LORDSHIPS'

Most obedient, and most humble servants,

Signed by

WILLIAM HARPER, MAYOR;
and 108 others.

MEMORIAL

MEMORIAL
OF THE
MERCHANTS OF LONDON.

To the Right Honourable the LORDS COMMISSIONERS of HIS MAJESTY'S TREASURY.

The Memorial of the under-signed Merchants of the City of London :

SHEWETH,

THAT your Memorialists learn with great concern, that the Merchants of Liverpool are making every *effort*, and strengthening by all means, their interest, to procure, if possible, *permission* to sell in that port, Prize goods, the growth, produce, or manufacture of the East Indies.

That by an act passed in the 43d year of the reign of His present Majesty, cap. 134, sec. 4, it is enacted, " That all goods of the growth, produce, or manufacture

" ture of China, or the East-Indies, taken and condemned as prize, shall be publicly exposed to sale in the city of London, by the captors or their agents, notice of such sale being first given to the proper officers of the Customs or Excise, respectively concerned therein, and such goods shall be sold on such conditions, and under such rules, regulations and restrictions, as are used and practised at the sales of the East-India Company, and the goods shall be subject to such duties, and entitled to such drawbacks as the like goods are, or may be so subject and entitled to, *when imported by the East India Company*, and the like duties due and payable on such goods, shall be paid in all cases by the captors or their agents."

That by sect. 8, of the same statute, goods of such growth, taken as prize and carried during hostilities into any of the out-ports of Great Britain and condemned, are to be brought under bond, in treble the value, to London, to be there delivered to the warehouse-keeper of the Customs, to be deposited by him in warehouses, provided at the expence of the captors or their agents, and to be afterwards publicly exposed to sale in the city of London.

That on the renewal of every war, the like provisions have been constantly made by the legislature, for the protection of the revenue, and *in order that the trade from the East Indies, might go through one channel for the supply of Europe.*

That your Memorialists apprehend, should the application

plication of the Merchants of Liverpool be listened to, similar petitions will be presented on behalf of the several other out-ports of Great Britain, and that thus *the important objects* provided for by the legislature, would be altogether defeated, and the trade in East India produce divided into various markets and channels of supply, the consequence of which must be essentially to injure and *derange that beneficial system* which has grown out of the wise provisions of the legislature, which are of the most positive nature, and *have been acted upon for a series of years.*

That your Memorialists forbear to urge *personal* and limited considerations, upon a subject of such general and serious importance, confiding that your lordships will not upon light and trifling grounds, lend your assistance to the destruction of a system which the wisdom of parliament has erected, the experience of many years approved, and on the continuance of which your Memorialists and the *Foreign Merchants have relied in pursuing those commercial operations*, out of which a material part of the revenue of the country arises.

Your Memorialists therefore most humbly pray, that no permission for the sale of East India produce at Liverpool, or any other of the out-ports, contrary to the enactments of the before recited Act of the 43d of His Majesty, c. 134, may be granted.

And your Memorialists shall ever pray, &c.