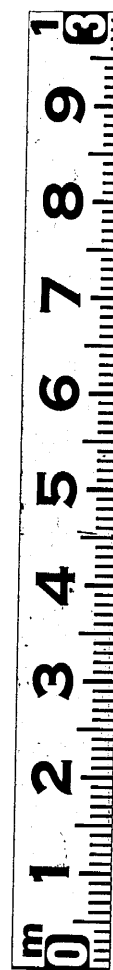


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69-17



# OBSERVATIONS *n*

ON THE

## EMBARGO

Lately laid on

The Exports of BEEF, PORK, and  
BUTTER, from IRELAND.

*That great and most eminent power of the king in edicts and  
proclamations, called Leges Temporis, used heretofore to  
encounter with sudden and unexpected danger, till the great  
council of the king could be called, hath of late been  
exercised for enjoyning and maintaining monopolies.*

*Pym's Speech, 1640. Rushworth, vol. iv. p. 23.*

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be  
as



L O N D O N :

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MDCCCLVI.

[ 1 ]

## OBSERVATIONS

ON

The Embargo lately laid on the  
Exports of Beef, &c.

**W**HILST the nation is engaged in a most expensive, and as yet unsuccessful war; when, by the neglect of those who have the direction, or by the misconduct of those who have the execution of our operations, our losses have been so severe, and our disgraces so foul, as to have raised in an uncommon manner the affliction, not to say the discontent, of the people; it can hardly be supposed, that the m---y would wantonly venture on any measure which might seem injurious to the rights of the subject.--Yet, what shall we say to the prohibition lately laid on the exportation of beef, pork, and butter from Ireland, under the name of an embargo, a word as foreign to our  
B language,

## [ 2 ]

language, as its import is to the spirit of our laws \* ?

The loss which such a prohibition must occasion to the people, by the fall of markets, which affects not only the merchants, who have already begun their purchases, but must also very sensibly affect the farmer; the landlord, and in general, all the people of that country, as well as some in this, is clear, and undisputed; and nothing can excuse a measure big with so much mischief, but the most apparent necessity: such a necessity as cannot be circumscribed by any rules of law.

Of this necessity, the ministry, (I must beg their pardon) cannot be deemed the

\* The word is Spanish, and signifies a seizure or arrest. It was probably first introduced in Ireland by the Milesians; and has since, as is the case with most foreign words, altered much in its signification, and now means no more (at least in the Irish proclamations) than a prohibition. For the beef, &c. embargoed, cannot be said to be arrested or seized; far otherwise,—the owners of what was shipped, or of what was designed to be shipped, do still retain the possession of it; and they may, without any let or hindrance, dispose of them to the contractors, who, it is said, will take all that is fit for their purpose, at no greater loss to the possessors than about twenty-five or thirty per cent.

sole

## [ 3 ]

sole judges.---In a country, where every man enjoys, in some sort, a share in the legislature; where the people have a right to consult together; to deliberate, and to resolve on instructions, to their representatives, or addresses to the throne; no measure of government, no accident of war, no misconduct in relation to foreign or political affairs, are above their sphere: neither is any invasion on the rights of the meanest, nor any infraction of the laws by the greatest subject, below their consideration.

How peculiar soever these rights of enquiry into the reasons and motives of any public measure, may be to this country, the practice is universal; with this only difference, that what the Frenchman, the Prussian, or the Hanoverian whispers in corners, we publish from the house-tops; and that, for which I might possibly be disgraced or imprisoned at Paris, intitles me to honour and freedom in London.

I do not pretend to have arrived at a perfect knowledge of the real design of those who advised this proclamation, having no acquaintance or connection with any person in the ministry; but I shall try

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to

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to guess, and I invite my fellow-citizens to join me ; possibly some of us may at last hit the mark.

It was, possibly, in order to divert the thoughts of the people of Ireland, from our public affairs, in which it may be supposed they have shewn themselves, of late, over-busy and meddling.---For what concern should the loss of Minorca, or Oswego, or the introduction of Germans, for the defence of this victorious nation, give to men who can call Blakeney their countryman ?--- who are all of them officers or volunteers in the militia ?---and who get drunk once or more per annum, in commemoration, that their parliament have *once* dared to differ in opinion from the m---n---y and c---l of England, in a point relative to prerogative and privilege?

Or may this injury have been done them, in order to gratify the prejudices of our common people, who have so well deserved of the m---y, by the indignity with which they treated the effigies of Byng ; and who are believed to look with more jealousy on the trade and wealth of their brethren of the West, than on the rival-ship

[ 5 ]

ship, in those points, by their enemies of the East ?

Or is it done from resentment of the association entered into by the freeholders in Dublin, which have been followed by many in other parts of that kingdom, by which they make offers to come over to defend his majesty in Great Britain,--- as if they thereby insinuated, that they would be as effectual a security against a French invasion, as either the Hessians or Hanoverians?

Or is it done with a design to create anew the fears of a French invasion, which was so industriously, and to such good purpose, propagated, during the last session of the Irish parliament,---Intimating, by this prohibition, that all was ready but a supply of Irish beef, pork, and butter,--- without which, it is supposed impossible that they will ever be able to victual their fleet?

Or is there really a design of taking the islands of Guardaloupe and Martinico, by famine, as an equivalent for the important fortresses of St. Philip and Oswego ?

Or

## [ 6 ]

Or can it be suspected (I am sure not by me; and my reasons for clearing the m——y in this point will appear by and by) that this prohibition was made, in order to reduce the price of provisions in Ireland, that the contractors for victualing our fleets and garrisons might thereby have the better bargain?

Whatever may have been the reasons; and none but such as I have set forth can I possibly guess at, I must confess, I do not think that any of them separately, or all of them conjunctly, do point out such a necessity as should incline a ministry to break through the plainest laws of their country.

That it is against law, must appear to any one who is acquainted with the act of tonnage and poundage, 12 Ch. II. chap. iv. § 11 & 12. This statute speaks thus: 'And be it further enacted by the authority aforefaid, That it shall and may be lawful, immediately after the passing of this act, for any person or persons to ship, carry out, and transport, by way of merchandize, these several sorts of goods following;

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lowing; that is to say, Gun-powder, when the same does not exceed the price of five pounds the barrel; and wheat, rye, pease, beans, barley, malt, and oats, *Beef*, *Pork*, bacon, *Butter*, cheese, candles, when the same do not exceed in price at the ports from whence they are laden; and, at the time of their lading, these prices following, that is to say, Wheat the quarter, forty shillings; rye, beans, and pease, the quarter, twenty-four shillings; barley and malt the quarter, twenty shillings; oats the quarter, sixteen shillings; (5.) *Beef* the barrel, five pounds; *Pork*, the barrel, six pounds ten shillings; bacon the pound, six-pence; (6.) *Butter* the barrel, four pounds ten shillings; cheese the hundred, one pound ten shillings; candles the dozen pound, five shillings, paying the respective rates appointed by this act, and no more. Any former law, statute, prohibition, or custom, to the contrary, in any wise notwithstanding,

Provided always, That it shall be free and lawful for his majesty, at any time when he see shall cause so to do, and for such time as shall be herein expressed by

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‘ by proclamation, to prohibit the transporting of gun-powder, or any sort of arms and ammunition, into any parts out of this kingdom; any thing contained to the contrary notwithstanding.’

If it was thought necessary to enable his majesty, on certain occasions, to prohibit the exportation of one particular commodity, if the act be silent with regard to wheat, *Beef, Pork, Butter*, &c. may we not conclude that power to prohibit these goods was not granted by this act; but rather, that if there was any claim to such like power, before the passing that act, it was, by this clause, made absolutely null and void?

That queen Anne and her parliament were of this opinion, appears from her speech to both houses on the 18th Nov. 1709; and by the act which passed, on her recommendation, for prohibiting the exportation of wheat for a certain time.

But it may be said, that these are English laws, and are of no force in Ireland; and that tho’ the prerogative may have been in this point limited in England, it does not follow, that it is thus limited in Ire-

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Ireland, which is supposed to be a conquered country, ‘ where acts of state are of equal force with acts of parliament.’ And it may be argued, that if these embargoes (which it must be acknowledged, have been frequent enough in Ireland within these few years) had been any violation of their constitution, or any undue extension of prerogative, the parliament of that kingdom, who have shown such a high spirit, in opposition to a late claim, which, in itself, was of no great and immediate ill consequence, would not have been so passive with regard to proclamations, which had such an immediate influence, not only on the constitution, but on their properties and estates.

To this I answer, that without detracting in the least from the merit of the late opposition in Ireland, it must be confessed, that they have not heretofore been always so jealous of their rights as they have appeared to be in the late instance. It seems, on the contrary, to have been the ruling maxim amongst them, to keep well, as they call it, with the ministry in England; from whose interest in council they may expect the passing of what laws they may propose in Ireland for their security,

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against

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against their domestic enemy the papists, and other old proprietors of forfeited lands, or for encouragement of their linen manufacture; and whose mediation and interest in a B——sh p———t is believed to have sometimes stood them in good stead, and to have hitherto prevented many designs against their trade, or political liberties.

Hence the language of their most eminent patriots, and of the leaders of the late opposition has been, that they had always in view the preservation of prerogative, with a due regard to the privileges of the people; whereas with us, our patriots profess their principal attention to be towards the privileges of the people, with a due regard to the prerogative of the crown.

Now this respect to the ministry may well be supposed, in general instances, to bias their judgments; and, when they saw a proclamation, tho' to their hurt, they could not suppose that a wise and just ministry would have issued such a one, had they not been authorized by law so to do. If you add to this their steady and loyal affections to his majesty; their supposition that these prohibitions were in  
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effect for his service, or that of their mother-country, by the distress which they supposed it would bring on their enemies, we are not to wonder if they acquiesced, or if they voluntarily submitted to hardships, which it is more than probable they would, by acts of their own, have laid on themselves, had they been required so to do.

If at last they grew resty, and threw out a bill, which they found was designed to make them *felo de se*, and to make them acknowledge a prerogative in the crown, which they did not find warranted by their constitution and laws, it may have been owing to the petulancy and intemperate zeal of the m——y and c———l here, who, not content to let the altered money-bill return to Ireland, under the great seal, as it had done the preceding session, sent over with it a letter to be published, in which they declared that this alteration was absolutely necessary for the support of prerogative, and for the preserving the regularity of the proceedings in the parliament of Ireland. This, with a threatening mandate from the L--dL----t, and other measures of the G——t, gave the alarm, and induced them to throw out the bill, on the memorable 16th October 1753.

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[ 12 ]

But so far were the parliament of Ireland from endeavouring to examine into, or to restrain prerogative, that they never enquired by what right, and how it came to pass that the g——t, notwithstanding the rejection of the bill, did execute all that was enacted by it; and they were so very averse to disputes of that kind, that, to avoid them in the last session, they acted like the Grecian philosopher Aristippus, and threw away, in the desert, the money which, by reason of the contention, was grown a burthen to them.

This silence then of the parliament of Ireland, on these several proclamations, will not, I presume, be any proof of their legality; and, I believe, there can be nothing said in favour of them, but that it might originally be a point of prerogative in both kingdoms before Char. II. and that nothing appearing to reverse it in the Irish statutes, it must be on the same footing in Ireland as it was in antient times.

Be it so. It remains then to be examined, whether the crown has been at any time invested with such a prerogative in England?

I hold

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I hold the negative; and for this reason, because prerogative is nothing more than a right to do good without law; that is, to act in extrajudicial cases for the public good and advantage. Hence (as Mr. Locke observes) "Whenever a question shall arise between the executive power and the people, about a thing claimed as a prerogative, the tendency or the exercise of such prerogative to the good or hurt of the people, will easily decide that question."

Now, to shew that the thing claimed, viz. the prohibiting the Irish exports of beef, &c. cannot be prerogative, I shall endeavour to shew, that the good of the subject is not thereby furthered; but that, on the contrary, the subject is thereby very much prejudiced and damaged.

The only advantage which it is pretended to procure us, is the distress which it may cause to our enemies the French, who, they tell us, cannot subsist in their American colonies without it.

It must be confessed, that the French do generally take from Cork, about one third of all the exports of beef, one seventh of their pork, and one fifth of their butter.



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ter. This from March 1753 to March 1754 consisted of

61711 barrels of Beef,

24000 firkins of Butter,

800 barrels of Pork,

for the West-Indies; besides about 6000 firkins of Butter, for the consumption in France.

The greatest part of what beef they take, is of the worst kind; bullocks or cows, which do not weigh more than three hundred and three quarters, to four hundred weight per carcass, and which, before the late embargo, was sold at 10s. and 6d. per hundred; whereas the cargoes salted for our colonies, are made up of oxen weighing four hundred and a half, or upwards, and was worth before the embargo, 12s. and 6d. per hundred.

The reason the French do not take off the best and dearest sort, is, because they make no other use of it, but for the nourishment of their negroes, to whom they are obliged, by the edicts of their grand monarch, to allow three pounds of beef per week; whereas our more frugal planters, who are not under the same arbitrary injunctions, do not give any flesh-meat

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meat to their slaves, above two or three times in the whole year.

The distress then which the prohibition of Irish beef would be to the French islanders, would fall only on their slaves, who would thereby be reduced to the abject state of our negroes in the plantations, and of the common people in Ireland; that is, to live on their yams, potatoes, and other vegetables which they raise among themselves, with the addition of flying and other fish, or herrings and mackrel, which are not confined, we know very well, to the Irish and English seas.

There is indeed a distress of another kind which it might possibly bring upon them; which is, that it might force the French to allow their slaves to work for themselves on Sundays, which they are not at present allowed to do; for the subjects of the most christian king are obliged to instruct their slaves in his religion, to make them hear masses, and to do the other offices necessary for their soul's health. Now, though I have as great an aversion to the religion of Rome as any of my

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my countrymen, I am not quite clear, that it is in every respect worse than the ignorance, or the no-religion of the negroes; or whether it be so very expedient to do an extrajudicial act to prevent the spreading of popery in an enemy's country: but this I leave to the consideration of our clergy, as I do to that of our physicians, whether it be possible to starve a set of people, by withholding from them all the flesh-meat they are accustomed to, which, in the case before us, is not above one seventh of their whole food; and whether it be not possible that the negroes in the French islands, who are of the same country, complexion, and originally of the same habits of body with those in the English plantations, might not for a campaign, or two, or three, and for the good of their masters, subsist on the same food as their countrymen in the English plantations subsist on?

We are indeed told a fact which disproves all this reasoning; viz. That a captain in our navy, who in the last war had the good fortune to take two or three vessels from Martinico, was told by the crews, that the people of that island were actually starving for want of Irish beef.

It

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It is really surprising, that this piece of intelligence was not immediately imparted to our ministry, or that they neglected it: how easy would it have been to have purchased the island of Martinico from the famished French, at so small a rate as the value of sixty thousand barrels of beef, which were then ready salted in Ireland; in like manner as the great minister, Joseph, purchased the lands and liberties of the Egyptians, by his hoards of corn!

But to shew I am not single in my opinion, that the supplying our enemies with provisions in a time of famine and distress, is of no detriment to us, I shall offer an authority which I believe will have some weight with all true Englishmen; it is no less a one than that of the house of commons of Great Britain; who, in the year 1747-8, at a time of war with these same French, when the enemy were almost famished for want of corn, when even the great price amongst us was pretended to bear hard on our own manufactures, and on our poor, (and when even our good allies the Dutch, in order to compass by famine what we could not

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compass

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Compafs by the force of our arms, prohibited the export of fupplies from their own granaries,) at this very juncture, the faid commons, did, notwithstanding, on the 26th of January, refolve, that it was their opinion, “ that the exportation of corn to “ foreign parts, is very beneficial to this “ kingdom, and ought not to be prohibit- “ ed at this time.”

But it may be faid, that this prohibition of Irish exports, is not fo much in regard to the French negroes, as to the French failors; and that their fleets, of which we ftand in fo much dread, as to block them up by a fuperior force in their ports, cannot be victualled for long voyages without the aid of Irish beef; and we are told that an embargo, like to the one I have in view, did actually defeat the intention of the French expedition, in the year 1744.

How true the fact is, I will not pretend to determine; but this I muft fay, that the prefent circumftances are vastly different from what they were, when fuch a meafure might have been both wife and politick. At that time, which I believe was the firft that fuch an embargo was laid, it might have been the  
opinion

( 19 )

opinion of the French miniftry, that the law of England is not more the meafure of obedience than of direction; that the privileges of the fubject here, reft on the fame folid foundation as the prerogatives of the crown; they might have fupposed that, as there was no ftatute in England to enable the crown to prohibit the export of provifions, (tho’ they might know there was one to enable the crown, to prohibit for a time the exportation of gunpowder;) prerogative could or would not have been exerted in prohibiting the exports of what provifions they might have ordered from Ireland. But experience muft have convinced them of their ignorance or falfe reasonings; and we muft have a moft contemptible opinion of their politicks, if we imagine they will now truft to means, on which the fagacity of our miniftry has proved they cannot depend.

I have then, I think, proved, to a demonstration, that we cannot bring any real and great diftreff on the French by this prohibition; and that, of confequence, it cannot do our people any good; and it remains to fhew, that this exertion

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of

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of prerogative, tends to the hurt of the people.

This is confessed *totidem verbis*, in the late proclamation, for taking off the embargo on butter, in these words, 'Whereas it has been represented by the merchants and traders of Cork, that the prohibiting the exportation of butter must *inevitably* be attended with the most *fatal* consequences, &c.'

Would not one think that the ministry had wanted sufficient information of the consequences of what they were doing, when they ordered this embargo on butter; or that knowing them, they nevertheless did it because of some very great benefit, which was to accrue to the publick, far superior to the ill consequences that were to follow; or else, that the embargo on butter and pork is not attended with like *inevitable* and *fatal* consequences; or that they will very shortly leave the trade open, with relation to beef and pork, as they have done with relation to butter.

I hope

( 21 )

I hope and believe the latter; and some people will pretend to determine the very precise time, when we shall have another proclamation reciting the representation of the merchants in Cork, and the *inevitable* and *fatal* consequences, with relation to the embargo on *beef*. They pretend it will bear date on or about the 24th of December, when the fat of the bullocks and cows will have been washed away by the rains, and when the carcases will be unfit for salt; or perhaps sooner, in case the contractors for victualling our navy and forts, will have sooner made up the quantity contracted for.

I have said, and I say it still, that I cannot suspect that the ministry have had in view, the interest of the contractors, and I shall now give my reasons:

Because, the interest of the contractor; does not seem to have had, hitherto, any great weight with the ministry; for altho' it be evident that provisions are always cheaper in Dublin than in Cork, and in Cork than in any part of England; yet the late Mr. Pelham had  
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so great a regard for his own country, and to the interest of those loyal cities and boroughs, who supported him in p---t, that he would not, during his administration, suffer that trade, which could be carried on in those places, to be diverted from them, to the benefit of a people who were but secondarily, if at all, the objects of his attention.

Because, that notwithstanding the very high prices which provisions bore before the late embargo, the contractors could have furnished the government, with a tolerable good profit to themselves; for I am very well assured, that the highest price of the best beef in the Dublin market, did not exceed 14 shillings per hundred;--and that the whole expence of salting and cooperage, and cutting it in mess pieces, did not exceed four shillings and two-pence per hundred, ----which altogether makes somewhat less than two-pence per pound. Now, whether it would be worth the while of a ministry who have such momentous affairs both of the public's, and of their own, on their hands, to attend to such a trifle as a saving of two or three shillings per hundred, whether

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whether to the contractors or to the publick, on the price of provisions, I leave to the consideration of my readers.

But my chief reason for disbelieving any reports of that kind, is, the great and profound respect which I bear them, and the high opinion which I have of their wisdom, knowledge, and justice. They cannot be ignorant that the English house of commons have at all times been extremely jealous of the rights and privileges of the people of Ireland;—and that the chief charges against the earl of Strafford were,—

III. That he had said, That Ireland was a conquered nation, and that the king might do with them what he pleased.

IV. That he had said, he would make all Ireland know, that any act of state there made, or to be made, should be as binding to the subjects of that kingdom, as an act of parliament.

XI. That he had restrained the exportation of the commodities of that kingdom, without his licence, as namely, pipe-staves, and other commodities.

Now,

Now, though nothing of this kind is either said, or done, in and by the late proclamation, yet, considering the cavils that are made by factious people, and Letter-writers, against the very wisest measures of government; the Adm-----n would most certainly avoid any occasion for the most distant, the most unlike, comparison between them and the great criminal above-mentioned.

And, lastly, if we consider the detestation they have always expressed for every kind of monopoly, even so far as to have lent a helping hand towards pulling down, or modelling two great trading companies; it is improbable they would ever give the wicked ones before-mentioned, any occasion to say, that they had changed their principles, or to apply to their proceedings, what Mr. Pym said of the administration of Charles I.---which, as it is by much the best thing in this pamphlet, I have, like my cotemporary authors, set forth in my title page.

F I N I S.