

...true; but ... will be able to fend into violence, by force

THE ROYAL



GAZETTE,

AND NEW-BRUNSWICK ADVERTISER.

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SAINT JOHN, MONDAY, JANUARY 16, 1809.

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Printed and Published by JACOB S. MOTT, Printer to the King's Most Excellent Majesty, at the Sign of the Bible and Crown, Prince William-Street; where Subscriptions, Advertisements, &c. will be thankfully received.

FOR SALE AT THIS OFFICE,
BLANK Bills of Exchange, Half Pay Certificates—Seamen's Articles, agreeable to the late Act of Parliament—Bills of Lading—Powers of Attorney—Indentures—Deeds—Subpoenas, &c.

BY THE HONORABLE
GEORGE JOHNSTONE, Esquire,
PRESIDENT of His MAJESTY'S Council, and
(L. S.) Commander in Chief of the Province of NEW-BRUNSWICK, &c. &c. &c.
GEO. JOHNSTONE.

A PROCLAMATION.
WHEREAS the GENERAL ASSEMBLY of this Province stands prorogued to the First Tuesday in JANUARY next; I have therefore thought fit, by and with the advice of His MAJESTY'S Council, further to prorogue the said General Assembly, and the same is hereby prorogued to the First Tuesday in APRIL next ensuing.
GIVEN under my Hand and Seal at Fredericton, the thirtieth day of December, in the year of Our Lord One Thousand Eight Hundred and Eight, and in the Forty-ninth year of His Majesty's Reign.
By the PRESIDENT'S Command,
JON. ODELL.

BY THE HONORABLE
GEORGE JOHNSTONE, Esquire,
PRESIDENT of His MAJESTY'S Council and
(L. S.) Commander in Chief of the Province of NEW-BRUNSWICK, &c. &c. &c.
GEO. JOHNSTONE.

A PROCLAMATION.
BY Virtue of the Power and Authority granted to me in and by an Act of Parliament made and passed in the Twenty-eighth Year of His MAJESTY'S Reign, intituled "An Act for regulating the Trade between the Subjects of His MAJESTY'S Colonies and Plantations in North-America and in the West-India Islands, and the Countries belonging to the United States of America, and between His MAJESTY'S said Subjects and the Foreign Islands in the West-Indies." I do, by and with the advice and consent of His MAJESTY'S Council, publish this Proclamation, hereby authorizing and permitting Scantling, Planks, Staves, Heading, Boards, Shingles, Hoops, or Squared Timber of any sort; Horses, Neat-Cattle, Sheep, Hogs, Poultry, or Live Stock of any sort; Bread, Biscuit, Flour, Pease, Beans, Potatoes, Wheat, Rice, Oats, Barley, or Grain of any sort, to be imported by British Subjects in British built Ships, owned and navigated according to Law, from any of the Territories belonging to the United States of America, for and during the term of Six Months from the first day of JANUARY next:—And of this Proclamation all Persons whom it may concern will take due notice and govern themselves accordingly.
GIVEN under my Hand and Seal at Fredericton, the thirtieth day of December, in the Year of our Lord One Thousand Eight Hundred and Eight, and in the Forty-ninth Year of His MAJESTY'S Reign.
By the PRESIDENT'S Command,
JON. ODELL.

JOHN KNUTTON,
Has Just Received by the Ship **COMMERCE, Capt. WATT,** from GREENOCK,
AN EXCELLENT ASSORTMENT OF
CAMBRICS, Mullins, Lenos, Gingham, Chambries, Calicos, Shawls, Calamancos, Durants, and a great variety of other Articles, which will be sold on reasonable Terms for Cash or Bills of Exchange.
St. John, 18th July, 1808.

GEORGE M'CALL,
Has Received by the Ship **GOVERNOR CARLETON, Capt. UDNEY,** via HALIFAX,
AN EXCELLENT ASSORTMENT OF
DRY GOODS,
Among which are a few Pieces of Ingrained Carpeting, which he will dispose of on his usual low terms.
Saint John, 31st October, 1808.

SPRING GOODS.
P. FRASER,
Has Just Received by the Ship **William and Charlotte,** from LIVERPOOL,
A VERY GENERAL ASSORTMENT OF
MERCHANDIZE,
Suitable for the Season, which will be Sold on the most reasonable terms for Cash or Bills of Exchange.
FREDERICTON, 7th MAY, 1808.

AMERICAN CONGRESS. MR. QUINCY'S SPEECH, ON THE REPORT OF MR. CAMPBELL. (Concluded from our last.)

But there is another obstacle to a long and effectual continuance of this law. The doubt, which hangs over its constitutionality. I know I shall be told that the sanction of the judiciary has been added to this act of the legislature. Sir, I honour that tribunal. I revere the individual whose opinion declared in this instance the constitutionality of the law. But it is one thing to venerate our courts of justice; it is one thing to deem this law obligatory upon the citizen, while it has all these sanctions; it is another, on this floor, in the high court of the people's privileges, to advocate its repeal on the ground that it is an invasion of their rights. The Embargo laws have unquestionable sanction. They are laws of this land. Yet who shall deny to a representative of this people the right, in their own favorite tribunal, from bringing your laws to the test of the principles of the constitution?
Is there any principle more wise or more generally received among statesmen than that a law, in proportion to its pressure upon the people, should have its basis in unquestionable authority, as well as necessity. A legislature may sport with the rights of an individual. It may violate the constitution to the ruin of whole classes of men. But once let it begin, by its laws, to crush the hopes of the great mass of the citizens; let it bring every eye, in the land, to the scrutiny of its laws, and its authority, if it would be permanent must possess no flaw in its foundation.

I ask in what page of the constitution you find the power of laying an embargo? Directly given, it is no where. You have it then, by construction, or by precedent. By construction of the power to regulate. I lay out of the question the common place argument, that regulation cannot mean annihilation; and that what is annihilated cannot be regulated. I ask this question, can a power be ever obtained by construction, which had never been exercised at the time of the authority given; the like of which had not only never been seen, but the idea of which had never entered into human imagination. I will not say, in this country, but in the world? Yet such is this power, which by construction you assume to exercise. Never before did society witness a total prohibition of all intercourse like this in a commercial nation. Did the people of the United States invest this house with a power, of which at the time of investment that people had not and could not have had any idea, for even in times of fiction it had never existed. But we have precedent. Precedent is directly against you.—For the only precedent, that in 1794, was in conformity to the embargo power, as it had been exercised in other countries. It was limited. Its duration was known. The power passed from the Representatives of this house only for sixty days. In that day the legislature would not trust even Washington, amid all his well earned influence with any other than a limited power. But away Sir, with such deductions as these, I appeal to the history of the times, when this national compact was formed. This constitution grew out of our necessities and it was in every stage of its formation obstructed by the jealousies and diverse interests of the different states. The gentlemen from the South had certain species of property, with the control of which, they would not trust us in the North. And wisely for we neither appreciate it as they do, nor could regulate it safely for them. In the East our sentiment concerning their interests in commerce, and their power to understand its true interests was in a great degree similar. The writings of that period exhibit this jealousy, and the fears excited by it formed in that portion of the United States a formidable objection to its adoption. In this state of things, would the people of New-England consent to convey to a legislature, constituted as this in time must be, a power not only to regulate commerce, but to annihilate it, for a time unlimited, or altogether? Suppose in the year 1788, in the convention of Massachusetts, while debating upon the adoption of this constitution, some boary sage had arisen, and with an eye looking deep into futurity, with a prophet's ken, had thus addressed the assembly. "Fellow citizens of Massachusetts. To what ruin are you hastening? Twenty years shall not elapse, before under a secret and dubious construction of the instrument now proposed for your adoption, your commerce shall be annihilated. The whole of your vast trade prohibited. Not a boat shall cross your harbours, nor a coaster shall be permitted to go out of your ports, unless under permission of the distant head of your nation, and after grievous visitation of a custom house officer?" Sir, does any man believe that, with such a prospect into futurity, the people of that state would have for one moment listened to its adoption? Rather would they not have rejected it with indignation? Yet this now is not prophecy. It is history. But this law is not perpetual, it is said. Shew the limit to it. Shew by what terms it can be made more perpetual.
The universal opinion entertained in New-England among commercial men, of the total imbecility of this law,

as a measure of coercion of either belligerent, is another cause pregnant with discontent, in that country. It may do well enough to amuse ourselves, with calculations of this kind, on this floor; but intelligent merchants, masters of vessels, seamen, who are acquainted with the West-Indies, and with the European dominions of both powers, speak with sovereign contempt of the idea of starving either of these powers into submission to our plans of policy. The entire failure of this scheme, after a trial of eleven months, would, I should suppose, have satisfied the most obstinate, of its hopelessness. Yet it is revived again at this session. We are told from high authority of the failure of the wheat harvest in Great-Britain, and this has been urged as a farther reason for a continuance of this measure. Have gentlemen who press this argument informed themselves, how exceeding small proportion our export of wheat bears to the whole consumption of the British dominions. Our whole export to all the world of wheat, in its natural and manufactured state, does not amount to seven millions of bushels.—The whole consumption of the British dominions exceeds one hundred and fifty millions. Let gentlemen consider what a small object this amount is, in a national point of view, even could the attainment of the whole supply be assumed, as the condition of her yielding to the terms we should prescribe. Are not the borders of the Black Sea, the coast of Africa, and South America, all wheat countries, open to her commerce!

But the embargo saves our resources. It may justly be questioned, whether in this point of view, the embargo is so effectual as at first, men are led to imagine. It may be doubted, if the seed wheat for this harvest is not more worth than the whole crop. I say nothing of the embarrassments of our commerce, of the loss of our seamen, of the sunken value of real estate. But our dead, irredeemable loss, by this embargo during the present year, cannot be stated at less than ten per cent on account of interest and profit on the whole export of our country—That is, on the one hundred and eight millions—Ten million eight hundred thousand dollars.

Nor can our loss upon a million tons of shipping, be stated at less, than at twenty dollars the ton, twenty millions of dollars. Thirty millions of dollars is a serious out fit for any voyage of starvation, and the profit ought to be very unquestionable, before a wise man would be persuaded to renew or prolong it. Besides, is it true, that the articles the embargo retains, are in the common acceptance of the term resources? I suppose, that by this word, so ostentatiously used, on all occasions, it is meant to convey the idea, that the produce thus restrained in the country, will be a resource for use, or defence, in case of war, or any other misfortune happening to it. But is this true? Our exports are surplus products—what we raise beyond what we consume. Because we cannot use them they are surplus. Of course in this country they have little or no value in use, but only in exchange. Take away the power of exchange, and how can they be called resources? Every year produces sufficient for its own consumption, and a surplus. Suppose an embargo of ten years, will gentlemen seriously contend that the accumulating surplus of fish, cotton, tobacco and flour would be a resource for any national exigencies? We cannot consume it, because the annual product is equal to our annual consumption. Our embargo forbids us to sell it. How then is it a resource; Are we stronger or richer for it?—The reverse, we are weaker and poorer. Weaker by all the loss of motive to activity, by all the diminution of the industry of the country, which such a deprivation of the power to exchange, produces. And what can be poorer than he, who is obliged to keep what he cannot use, and to labour for that which profiteth not?

But the inequality of the pressure of this measure of embargo, upon the people of the Eastern states, is another source of great discontent with it.—Every gentleman who has spoken upon the subject has seemed to take it for granted that this was a burden which pressed equally. But is this the case? I shall confine myself to a single fact, although the point admits of other elucidations. Compare the state of Virginia, with that of Massachusetts, in the single particular of the amount of capital embarrassed by this law. Virginia with a population according to the last census of nine hundred thousand souls, has four million seven hundred thousand dollars in exports, forty thousand eight hundred tons of registered shipping at thirty dollars the ton, amounting to one million seven hundred dollars value; constituting an aggregate of six millions of dollars obstructed by this embargo. Massachusetts on the other hand, has in exports twenty million one hundred thousand dollars, and three hundred and six thousand tons of registered shipping; equal nearly to ten million dollars in value; constituting an aggregate of capital in Massachusetts, equal to thirty millions of dollars obstructed by this law. By the last census, the population in Massachusetts, is about six hundred thousand souls.—So that in Virginia, nine hundred thousand souls have to bear a pressure of embarrassed capital equal to six millions of dollars, and in Massachusetts six hundred thousand souls, a pressure of thirty millions. To equalize the pressure on