

not by hastily giving way to every crude suggestion, not by adopting every plausible but ill-digested proposal not by yielding to every fancied difficulty, or by gratifying the private interests of individuals at the expense of the general good, but by pursuing, invariably, and without deviation, the sound, permanent, and well-considered principles of an enlarged policy, which should embrace the good of the whole, as well as of each separate part. Upon such principles of an extensive policy, are formed the navigation laws of this empire, and none were ever better calculated to promote the real happiness of those for whom they were designed. Instead of representing those laws as being in opposition to the true policy of this country, it would be more conformable to truth and to justice to assert, that upon investigation they would be found to conduce to the same objects, and, for that reason, a decision of this court founded immediately upon what are said to be rules of strict law, will receive a farther corroboration if it should appear likewise to be consonant to genuine principles of policy, and contributory to the real advantages of the province.

I have no hesitation in professing that I am a friend to the system of navigation laws. Their declared object is of the first importance to the British Empire, and the experience of a century and an half has demonstrated that they are adequate to the purposes for which they were designed. From its insular form, from the situation of its numerous territories scattered over the face of the ocean, in the four quarters of the globe, a maritime superiority is not only necessary to its prosperity, but essential to its existence; a commanding navy can be created only from a most extensive establishment of mercantile shipping, and this can be best secured by confining, as far as possible, all commerce with the British Dominions to British vessels. Nothing can be clearer than these principles, yet strange to say, in a period when the beneficial effects of this system have been most sensibly felt, when Great Britain secure in her naval power arising from that system, has defied the whole U. Continent of Europe most unnaturally combined against her, at a time when I think it would not be going too far to assert, that the salvation of the world has depended upon the navigation laws of Great Britain, many persons are to be found, and in the very heart of the Empire, who can condemn that system as confined, narrow-minded, illiberal and oppressive, and who can employ every engine open and direct, as well as secret and clandestine, to subvert, or to undermine it, in whole, or in part. If we are insensible of its value ourselves we might derive the useful lesson from our enemies, whose never ceasing and virulent abuse of our navigation laws is a demonstration that they discern their importance to our national prosperity, that they feel most sensibly that they are a principal impediment to the success of their designs against us.

Some theorists indeed have objected, to these laws as being in some measure unfavourable to commerce. It is not denied however that commerce has flourished under them, to a degree unknown before those laws were passed, and to a degree never experienced in countries where no such laws exist: that they secure to us all the profits of freight, the employment of an infinite number of British subjects, and the very extensive trade of ship building, with all the numerous classes of arts connected with it; that they render us independent of the assistance of foreign shipping, and give us the unlimited command of all the markets in the world, and that it is proved by facts that in proportion as foreign vessels have been employed our own shipping has sunk and dwindled. I am far from being convinced that they are at all injurious to commerce but if they were more detrimental than I think they have been proved to be, for such an object no

sacrifice can be too great. The commercial loss is a trifle in comparison to the counter balancing advantages. Nothing more is done in this case than what is willingly submitted to in many others. For their protection, the subjects of a country readily bestow a part of their income in taxes for the support of armies and navies. The surrender of some advantages in trade under the navigation laws is merely contributing a small part of commercial profits to the maintenance of a naval defence which cannot otherwise be obtained.

It may be a good general rule that trade should be left perfectly free, but there are numberless exceptions to it, even with a view to the benefit of trade itself. It is a rule which might be proper to adhere to if trade was the only object of importance to the councils of a nation, and to which every other ought to give way. But there are other objects which equally effect the welfare of the state, and which ought to have their weight in public deliberations. Amongst these, such as immediately concern the safety and the defence of the nation are of the very first consequence, and all minor considerations must yield to them. Trade itself will be fleeting, and the wealth derived from it insecure, without due means are used for their protection. To give up security for mercantile profit is to risk the destruction of both.

As this system is of such importance to the whole Empire the colonies in particular receive more benefit from it than any other parts. Besides that it is for their particular advantage not to depend upon foreign shipping, or the caprices of foreign merchants, and that in the northern colonies ship building is a staple article, a maritime defence is more necessary to them than it is to the mother country. If the oaken ramparts of the British Islands should even decay, a numerous population full of resources, might resist with success an invading army. But the colonies, weak and defenceless in themselves must immediately fall to the first enemy who can command the seas. But for the navigation system, this country might at this moment have presented the melancholy spectacle too often exhibited upon the continent of Europe, plundered and ruined, and the flower of its inhabitants drawn away by conscriptions to shed their blood as engines in the hand of a tyrant for enslaving their fellow creatures. Notwithstanding any plausible arguments which may be brought against them, by prejudiced, artful self-interested, or well meaning but inconsiderate persons, from any general maxims relating to the rights and the unrestrained freedom of commerce, the indefeasible claims, and the profit of the colonies, and I know not what other popular topics; whatever inconveniences, whatever privations we may suffer from those laws, let us ever hold them fast, and cherish them, as the support of our best interests and as the palladium of every thing that is dear and valuable to us.

Cases of necessity indeed may arise which may fully justify a temporary deviation from them, but if we are truly sensible of their importance we should take care that such cases are real and not imaginary. For by giving way without sufficient cause, upon every occasion, and to every local and temporary emergency, the whole may be insensibly trampled away. If the hand of heaven, in the ordinary course of its providence, afflicts us with natural calamity, let us kiss the rod and let us endeavor to alleviate our distresses by the readiest means in our power. But all the alleged pressures of the present times arise immediately from another cause, from the hostile machinations of the enemy. It is his peculiar object to ruin our commerce and shipping, to deprive us of all the benefit which the operation of the navigation laws for so many years has procured us, and to compel us to weaken, to depart from, and even to abandon that system

which he has found to be the only bulwark which he could not subvert. To give way to the difficulties imposed upon us with that view, and by yielding to them to surrender those ancient principles of policy, is to gratify the wishes of the enemy, to promote his views, and to confederate with him in the plots laid for our own destruction. Every deviation from this system, whether voluntary, or from irresistible necessity, every licence to admit foreign vessels into British ports, is a nail driven into the coffin of the British empire.

Whenever the necessity is clear, great and otherwise insuperable, such deviations cannot be condemned however they may be lamented provided they do not extend beyond what the necessity really demands. His Majesty's Ministers no doubt had sufficient reason for the measures which they have adopted in various laws and Orders in Council under the flag-nation which the commerce of Great Britain experienced, but I must own that I have never seen sufficient proof, or have been privy to any circumstances which have satisfied me, of the existence of any necessity in this Province, for issuing licences to authorize importations beyond what those laws, and His Majesty's Orders in Council, have permitted.

Those laws and orders are the result of much deliberation, and of more extensive information than can be here procured, and they are formed upon wide and extensive views of the subjects in all its various relations. To meet the real exigencies of this country, the liberty of importing wheat, flour and grain, articles of indispensable necessity, unrestrained to any particular description of vessels, and not confined as to ownership, first without licence during peace with the United States and after the declaration of war limited by the necessity of special licences, and confined within certain periods of time, might not be inexpedient, since this country does not at present afford a sufficient supply of those articles for its own consumption, and British ships are excluded from the ports of the United States. But as to the articles allowed, these licences where not necessary under the first Order in Council, and they were neither supported by or conformable to the latter Order. With respect to the clause which extends beyond the articles enumerated, to provisions in general the case is far different. They have never been allowed by any law, or Order in Council, and their admittance could only be justified by a paramount necessity. Yet with cattle of every denomination this province is amply furnished. The stock is daily increasing even beyond the demand which has been greatly enlarged by a multiplying population, and considerable addition to the military and naval establishments. It is well known that the markets were never better supplied than for the last 12 months, and so far from standing in need of any importation of those articles, during the last year very considerable exportations have been made. Under these circumstances, licences for the importation of provisions instead of being necessary cannot but be injurious to the agricultural interests of the country. It appeared to me therefore that at the time of issuing these licences, one part of them was nugatory, and the other part an infringement upon the laws of navigation not founded upon sufficient reasons.

These are the principles by which I have been actuated in forming an opinion upon this subject independent of the rules of law, and I have been compelled to state them, from the line of argument which was adopted at the Bar, and because I thought it necessary to correct some misconceptions which seemed to have been entertained, and to efface some unfavorable, but erroneous, impressions which might have been formed. I trust too that these considerations will not be altogether without their use in this application, to the decision

I am about to make, and will shew that to support the navigation system, and in so doing to pronounce against the validity of this licence, is not only to adhere to the strict maxims of law, but to promote the best interests of the Province, properly understood.

I condemn this ship and cargo as a Droit of Admiralty to his Majesty, having been taken by a non-commissioned vessel.

From the London Star.

In order to enable the country to appreciate the heroism with which our officers and seamen have defended themselves in the recent actions with our Trans-Atlantic descendants, we insert the following Table of the comparative dimensions of British and American ships, as well as a few observations on these engagements:—

Name	Rate	Length on Gun deck Ft.	Breadth Ft.	Tons.
Confederation	44	180	45	1690
U. States	40	154	40	1127
Acacia	38	141	39	948
Archimedes	30	154	41	1115
Tigre	60	160	41	1415
Albatross	64	159	44	1388
Average of 12	74	178	47	1798
Dragon	74	171	48	1638
Average of 12	74	171	47	1638
Atlas	98	177	50	1930
Average of 12	98	177	50	1930
Britannia	110	178	52	2091

By this table it will be seen, that these American frigates are longer even than English first rates, that they are longer and of nearly equal tonnage with our modern large seventy-fours, and of greater tonnage than our old seventy-fours; that they are longer, broader, and of greater tonnage than any of our sixty-fours, and that they exceed in tonnage our fifties, in the proportion of nearly three to two; and our 38 gun frigates in the proportion of seven to four. Is not the term frigate most violently perverted, when applied to such vessels? As well might we call the Ville de Paris a 50, or the Caledonia 64; or as well might we call the one a jolly boat and the other a yawl.—These frigates carry long 24-pounders on the main deck, when even the largest first rates in our service carry on their main deck only long eighteens. Their quarter deck and fore-castle guns are 44lb. carronades; and no vessel of any description in our navy carry on either of these decks a heavier gun than a 32.

*This is the largest frigate we have on the American station.

†Admiral Sawyer.

‡This is an extraordinary large 74 built by Sir W. Rule, 1798.

Archibald R. Henderson

IS extremely sorry to be under the necessity of requesting those persons indebted to the Estate of GEORGE M'CALL or Firm of M'CALL & HENDERSON, to call and settle them without delay, otherwise he will be compelled, though very reluctantly, to put them into the hands of an Attorney to collect without discrimination.

St. John, N. B. June 25, 1812.

WILLIAM MARK,

Spinning-Wheel & Chair-Maker.

RETURNS his unfeigned Thanks for the liberal encouragement given him during his residence in Saint John.—He now informs the Public that he has removed to the Parish of Hampton, in King's County, where he carries on his Trade as usual, in all its various branches.

Orders from Town or Country, forwarded to Mr. NATHANIEL GOLDING's, at French Village, will be strictly attended to. Windfor and other Chairs, &c. of his make, may be had at all times from Mr. JOHN GRANT, Painter; and all orders in the Turning line forwarded him by Mr. J. BIRNIE, St. John.

Hampton, King's County, May 1, 1813.

BLANKS
Of various kinds may be had at this Office.