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### BRITISH HOUSE OF COMMONS.

#### Wednesday, April 29.

#### WEST-INDIA PRIZE COURTS.

Sir William Scott said, he rose in pursuance of the notice he had given, to move for leave to bring in a bill for the better regulation of his majesty's prize courts in the West-India. On the importance of this subject it was unnecessary for him to trouble the house, neither was it necessary for him to enforce the propriety of adopting his bill, because he was sure the government would take care to do so. He was not to be understood as saying that the bill was necessary, but that it was necessary for him to propose it, because he was sure the government would take care to do so. He was not to be understood as saying that the bill was necessary, but that it was necessary for him to propose it, because he was sure the government would take care to do so.

The defects which experience had proved to exist in the constitution of those courts, rendered it an indispensable duty upon this country to make some alteration in them. But when he laid this, he had to enter a strong protest against an opinion which had been circulated, that it was the errors of those courts which had led to that hostile confederacy, which had been formed against us. The decisions of those courts could not have been the cause of that confederacy, because, in fact the commerce of those powers, by whom it was compassed, was by very little affected by them. The trade of Denmark and Sweden, in that part of the world, was extremely small. The trade of Prussia was insignificant itself, and that of Russia abridges nothing. The only power to which any reason to complain of the decisions of those courts, was America, and he did not belong to the confederacy. He thought himself bound to justice to his majesty's late ministers, to relate to them, upon an occasion, manifested the greatest anxiety to remove every just cause of complaint. It was, however, of great importance, that some alteration should take place in the nature of the jurisdiction, and that instead of the numerous courts, existing in the West-Indies, there should be but two; one in Jamaica, the other in Martinique, and one on the continent of America, in Holland.

This reduction, he hoped, would produce the most favorable effects, because it could not be denied but that it sometimes happened, that persons were appointed to preside in them who were not altogether fit for the situation. He did not wish to throw out any indiscriminate censure, because many of those persons ought to be spoken of with great respect. But it was to be recollected that their conduct was regulated entirely upon the quantity of business they had in those courts, and that they had nothing to do whatever in time of peace. It was not very surprising that they should be rather unprepared as the commodore as a war, and he had, in general, found, that talents that were to be purchased cheaply, were seldom worth much. As the profits of these courts depended upon the quantity of business which they had, and as creditors had a right to take their prizes to what court they pleased, it undoubtedly might lead to an undue facility of condemnation, which it was the object of this bill to prevent. Another benefit that would result from this measure was, that when the number of courts were reduced, there would be less danger of eluding the protest, by removing from one island to another. Besides, there was reason to hope that, after this regulation, the courts would be attended by a more respectable bar of advocates; for it now appeared, that factors were sometimes obliged to bring advocates from one island to another, which was an object of great importance, that the registers and other officers, should be placed beyond the reach of corruption. If these principles were supported by regula-

tions that would give them due energy, he had no doubt but that every ground of complaint would be done away. In the first place, it would be necessary that the persons appointed to preside in these courts, should be men of knowledge and experience in this kind of business, and also men of honorable character; and it would be necessary for Parliament to decide what salary they ought to have; undoubtedly it ought to be one that would place them out of the reach of corruption. There were four other regulations which this bill would contain, such as arrangements in cases where his majesty's cruizers being stationed, might not be able to go to the islands, where the vessels were. Another regulation was to enable the judge to dispatch the cargoes to Europe to be sold, because, by selling them in the West-Indies, they did not bring half their value. He concluded with mentioning the regulation of his majesty's prize courts in America and the West-Indies, and for giving a more speedy execution to the decrees of the Lords Commissioners of the Admiralty.

The Chancellor of the Exchequer seconded the motion. Mr. Johnson said, that after the very full survey in which the learned gentleman had treated this subject, he would only trouble the house with a few observations. It appeared to him that the uniform regulation of these courts was greater than had been stated, and as a point of order, he begged to refer to the papers which had been laid upon the table. If gentlemen would examine these papers, they would see, that out of three hundred and eighty cases, not above thirty had been confirmed by the court of appeal in England; a very great number of causes remained for hearing, and supposing the number of several were in the proportion he had before stated, it would follow, that there must have been an immense quantity of neutral property unjustly deprived by this country. He was far from throwing any blame upon the late ministers, but even if reversing the decrees of the courts abroad they could not do simple justice to the parties, because when the cargo was sold in the West-Indies, it was a great loss to the owner. He lamented that the ministers, who must have known of the improper conduct of these courts, should have fulfilled it to continue to go on without attempting to provide a remedy.

He concluded by saying, that it was certainly one that would not have been recited to others; and it should be recollected that in the reign of Queen Elizabeth, we maintained the very proposition for which the northern powers were now contending, viz. that free bottoms made free goods, and therefore it was obvious that the northern powers were acting exactly as we should have done. It had been said that America did not form a part of the confederacy against us, but he wished to ask, whether he had not adopted the conduct which these powers adopted before they entered into the confederacy, viz. to give a preference to their own vessels. If any of our cruizers, bid, under these circumstances, attempted to search them, it might have driven them into the confederacy. There was an establishment of a prize court since that time had been in the possession of Europeans. There had been judges, registers, &c. appointed with very large salaries. He was, however, glad to find that government was now disposed to act upon these principles of moderation which the chancellor of the exchequer had manifested upon a former occasion, and he hoped the same regulations would be made in order to accelerate the proceedings in the courts of appeal.

Dr. Laurence said, that as there was no difference of opinion upon this question, it would not be necessary for him to trespass long upon the attention of the house. Many of the observations which had fallen from the hon. gentleman, arose from his being unacquainted with the nature of the business, and it was impossible that he should acquire full information from the

papers which were laid before the house. The hon. gentleman seemed to think that nothing had been done to remedy the inconveniences arising from the abuses which existed, but in point of fact, orders had been sent out, calculated as much as possible to suppress them, but such were constantly arising which no human prudence could foresee. The decisions which took place at the commencement of the war, were such as to excite the indignation of the public, and the first sweep of condemnations took place before the orders sent from this country reached the West-Indies; and it certainly was necessary to find some way for consideration before a change was made in the whole system upon which we had hitherto acted. As to the delay which had taken place, the hon. gentleman should recollect, that a considerable number of vessels actually elapsed before the appeals could come over to this country, and before all the necessary papers and documents could be brought over. The gentleman could suggest any means by which the delay, which he accelerated, would give him great pleasure; but he was, however, that no court in this country had proceeded more indelicately than the one in question, and that not the fastest in the world. He perfectly agreed, that the abuse which might have happened in the West-Indies, could have had very little effect in producing the northern confederacy, because their commerce was not so great as ours. But it had been stated, that America, like other powers, had appointed cruizers; that, however, was at a time when America was involved in a dispute with France, and our vessels were sent to her contrary to permit English cruizers to search. He concluded with stating, that he highly approved of this measure, because it ultimately we were to have the good of justice on our side.

England, too, polities different maintained of canvass, ropes, tinned, lenses, having been taken for their raw materials. But it supplies, whether to be consumed at home or to be exported, come from Scotland, from Ireland, Flanders, France, Holland, Germany, Denmark, Sweden, &c. Our countrymen have our exports to the East and West-Indies are chiefly from France and Flanders. We have our cruizers come from Russia and Germany. Ireland and Scotland give half of middle finances, and of the most common use in dress.

It is undeniable, that we suffer ourselves to depend far too much on foreign countries for such our principal articles of consumption and commerce. The cotton manufacture, however profitable, should not be allowed so remarkably to supersede that of our own country. One might even doubt, whether it would not be the advantage of the Empire, if the Legislature should adopt decisive measures to oblige every farmer to sow flax and hemp-seed on one out of every ten or twenty acres which he has sown in wheat. Our countrymen have Mr. Hawkebury (Minister for foreign affairs) said, he felt that there was some ground of complaint respecting the abuses which existed, and that it was therefore necessary to give a remedy to them as early as possible. He was in the same time he agreed with his learned friend, that the flutes most aggrieved were not those with whom we had been on the side of a contest; and he believed in point of fact, that the merchants had been aggrieved by the decisions of those courts, than his majesty's subjects. The hon. gentleman, however, seemed to infer, that the protest dispute must have originated in some abuses of this kind; but he would positively affirm, that whatever complaints were made, full and ample satisfaction was offered, and that his majesty's ministers were ready to listen to every representation that might be made to them. Even at a very time when they were expressing their determination to support those principles which they conceived essential to the interest and dignity of this country, they had been perfectly and willingly to adopt any regulations which their His

might think left calling and inconvenient, provided they were not inconsistent with the great principles for which they were contending. He thought it right to explain himself thus much, because though the abuses might be exaggerated, there certainly was some ground of complaint. It was not his intention now to go into the circumstances which led to the present dispute, but in answer to the observation, that the abuses might be exaggerated, there certainly was some ground of complaint. It was not his intention now to go into the circumstances which led to the present dispute, but in answer to the observation, that the abuses might be exaggerated, there certainly was some ground of complaint. It was not his intention now to go into the circumstances which led to the present dispute, but in answer to the observation, that the abuses might be exaggerated, there certainly was some ground of complaint.

Mr. Nichols was of opinion, that the constitution of our vice-admiralty courts abroad, had contributed more to the mischief being done, to render the maritime right, which we insisted on, odious to foreign nations. He believed that the Americans had been misled by the conduct of our courts, for he had heard, that when their cruizers were detained during the early period of the war, that they rather chose to abstain from making any claims, than to submit to the decisions of our courts. He thought their men in our courts. Now that the subject was brought forward, he hoped that the hon. and learned gentleman would consider the necessity of revising the whole system of our courts, so as to satisfy foreign nations from having any cause of complaint, and he would suggest the necessity of determining that no judge in any of the vice-admiralty courts should derive any emolument from the condemnation of prize vessels, as well as that no one who had not taken a degree in our courts of civil law, or been admitted to the bar in the English courts, should preside in these courts.

Mr. Hubbard did not think that the hon. and learned gentleman who had made the present motion had satisfactorily accounted for the long delay of calling the attention of the Legislature to this subject of great importance; it was not brought forward until after nine years of war. It was owing too mild a time to call the great powers which had been practiced in the late war, and to them a remedy of errors. From the facility with which prizes had been condemned in the West-Indies, he very believed that the judges were corrupt, that they had three or four times the number of prizes which were brought in they were rather disposed to condemn than to restore them to the right owner. This he inferred from the great number of sentences which had been reversed upon appeals to this country. For one cause which had been affirmed, twenty had been reversed. The wrong decisions in these courts, together with the expense and delay attending causes of appeal, he believed had done more than any other causes of producing the northern confederacy. Mr. Hubbard then proceeded to speak highly in praise of the talents, impartiality, and ability of the judges, and declared his willingness to support any regulations which their His