

THE
SUBSTANCE OF THE REPLY

OF

WILLIAM HARRISON, ESQ.

BEFORE

THE SELECT COMMITTEE OF THE HOUSE OF
COMMONS,

ON

East India-built Shipping,

ON TUESDAY, JUNE 28, 1814,

IN REPLY ON THE WHOLE CASE.

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SIR,

I HAVE now to congratulate the committee upon having arrived at the last stage of this long and laborious investigation; and before I proceed to enter upon the questions which will ultimately prove to be the only real subjects of discussion, it appears to me necessary, that I should disencumber this case of a great variety of matter which has come under the consideration of the committee, not uselessly and improperly, but which will be found in the end, I am persuaded, to have no reference whatever to the important question now under the consideration of parliament.

The committee will recollect that when I first had the honour of addressing them upon this case, I stated my conviction that it was a much more important question than that which had been determined in the last session of parliament;—that it was entitled to more consideration, as it more deeply concerned the general interests of the public. I stated this, because the question last year was simply, whether the East India Company, who have hitherto enjoyed the exclusive trade to India, should allow a participation (with a view to the extension of it) to the private trader? and that although that question was of great importance with regard to the extension of the trade, and the improvement of the commerce between this country and India, still it was vastly inferior in all considerations of public policy to the questions involved in this discussion,—namely, whether a most important branch of ship-building, connected in public policy with the

strength and welfare of the country, should be lost to Great Britain, and transferred to-Asia.

I call this to the recollection of the committee, because I have been accused of representing myself as the advocate of private claimants, upon grounds of public policy, without having shewn that the public and private interests are necessarily connected; I am compelled to explain, therefore, once more, the nature of the questions which the committee are called upon to decide. If no foundation has been laid upon public grounds for asserting the claims of my clients to the attention of the committee, the inquiry is not such as I have represented it. But if I have proved that the public interest is deeply concerned in maintaining to the full extent every branch of ship-building in Great Britain, I have established my original proposition, that great public and national objects render it absolutely necessary (as I undertake to shew it is,) to continue the established policy of our laws for the protection of ship-building in this country, and to prevent its being transferred even to our own dependencies. And as to my learned friends, who stated in the outset, that they did not seek for *monopoly*, but only asked for *competition*; I shall be able ultimately to shew, that monopoly and not competition is the ground upon which they rest their case; that they speak of competition, and prove that nothing will satisfy them but a measure which will end in our complete exclusion. Such, Sir, is the nature of the questions between us.

Having stated in the opening of this case, that I considered the claims of the petitioners for whom I appear, as standing on *public* grounds, there was still a necessity that I should shew their private interest in the question, in order to satisfy the committee that I had a right to appear here; it was necessary in point of parliamentary form that I should do so, because unless they were in a condition to shew that they would be affected by the bill, and likely to sustain injury, they were not intitled to present themselves as petitioners to the committee. I stated also, that it was necessary that I should bring under the consideration of the committee many subjects upon which prejudices had been excited against them, which had been introduced, not for the purposes of argument against their claims, but which must unavoidably tend to withdraw the minds of those who had to consider the subject from the real question, and indispose many who would not consider them as entitled to public favour if such prejudices were not removed. It must be known to every member of the committee, and to every person at all acquainted with the subject, or who is in the habit of reading the publications of the day, that great prejudice has been excited against the gentlemen for whom I have the honour to appear, by a variety of discussions which have taken place within these last few years—discussions, many of them having no sort of connection with the present question, but which it was absolutely necessary for me in the conduct of this case to

induce the committee to permit me to go into, because it must be quite obvious, that imputations and insinuations so often repeated, upon defective building of ships, unsound materials, and all the other suggestions about the unfitness of their ships for service, must have the tendency of exciting a prejudice against my clients, and leading the minds of the public, of this committee, and of parliament, from the fair and candid consideration of the true grounds upon which the case must ultimately rest. Many would naturally say, that the persons with respect to whom such statements could be made, were not entitled to any favour or consideration; that persons who had been guilty of such misconduct in the building of ships for the public service, were not entitled to protection; that whatever might be the state of the question, *they could not support any set of men who had so conducted themselves, and who, instead of having aided in improving and increasing the naval force of the country, had only wasted its wealth and resources.* In the same way the *timber* question, which has been introduced into this discussion, might influence the opinions and votes of parliament against my clients, without having any reference whatever to the general policy of the measure. It was calculated to induce those who did not thoroughly understand, and who had neither time or inclination to investigate the real state of the question, to think that if there was a great scarcity of timber in this country, it was a matter of no importance where ships were built, whether in India, or Great Britain; if oak timber in England was saved by building abroad. None of these various allegations have any foundation whatever in fact, they are entitled to no consideration with the committee in forming their judgment upon the real question before them. My clients, however, were compelled, for the protection both of their characters and interests, to dissipate all these prejudices: it was necessary that I should disencumber them, and the case, of all these questions, which had no reference either to the policy or principles of the measure under consideration.

The committee will recollect that the course which I pursued was this: In my address to the committee, in which I stated the foundation of the claims of those whom I had the honour to represent, I told the committee I should prove, that these petitioners had claims upon the country for the services they had rendered it,—that those claims were not impeached by any misconduct on their part, or by any mismanagement in the business entrusted to them in aid of the public service. But it will be in the recollection of the committee, that though I undertook to state strong grounds with respect to the particular interests of my clients, yet I did not rest their claims upon any other basis than that of broad public policy. I trust the committee will do me the justice to remember, that from the beginning of my first address to the end of it, I, in every instance, pressed the case of my clients upon grounds of *public policy and general principles of*

national expediency, and that I did not urge the claims of my clients upon private or partial views of the question. I beg again respectfully to remind the committee, that I claim their consideration, and the consideration of parliament, upon *general grounds of public policy*; not because the private interests of my clients are not proper subjects for the protection of parliament, but because I am convinced, that unless I can shew that I stand upon public grounds of national policy, I cannot hope that the question will receive the attention and consideration of parliament, which its importance demands. The simple question, and the only one for the consideration of parliament, upon which I submitted my case originally to your attention, was, whether the ship-building carried on hitherto in the kingdom should still be continued here, under legislative protection, or whether it can, consistently with sound policy, be allowed, under any circumstances, to be removed from this country even to the Asiatic dominions of His Majesty? This was the question to which I was desirous of confining my own attention, and that of the committee, because it is the only real question for their consideration.

A variety of cases, in which gross misconduct has been attributed to the gentlemen employed to build ships for the navy, have been before the committee in this laborious investigation. It was my duty on behalf of my clients to go into detailed explanations of every case which has been stated or alluded to; and I now ask the committee, whether there has been a single instance in which it was imputed to the gentlemen before you, that they had either conducted themselves negligently or improperly, or used improper materials in the construction of men of war built by them, to which I have not given a most complete and satisfactory answer and explanation as to all those circumstances which had been at any time or any where the subject of complaint? I put it to the committee to say, whether there has been a single instance in which these imputations have not been most satisfactorily and most unequivocally refuted? I ask the committee whether there has been a single case of complaint brought forward or alluded to either of a public or private ship, which has not been distinctly and clearly negatived by the evidence? I ask the committee whether it has not appeared most clearly manifest, that no failure which has under any accidental circumstances occurred as to any of those ships, is referable to the conduct of any of the gentlemen whose interests are now the subject of discussion and investigation before parliament? I assert most confidently, and without any fear of contradiction, that there has not been a single case in which the attempt to prejudice my clients on these grounds has not completely failed. These questions, Sir, will never arise again. No one, after what has passed in this committee, will be hardy enough to venture upon the course of proceeding which has been before resorted to upon this subject; such an attempt would be met and answered by the evidence which has been given before

this committee; and I may therefore conclude my observations upon this part of the subject.

The question upon the state of the oak *timber* I will not at present discuss in detail. I allude to it only now as a preliminary case of which I mean to disencumber the general question, and will proceed to enquire how our general case is met on the other side? When the case was brought forward by us, we had reason to think from all the cross-examinations, from all the papers moved for, and from all the evidence called for through the intervention either of the parties or of members of the committee, that my learned friends meant to take the ground—that *competition* would under the bill be open to every one—that the ships built in India were built at such an expence as to remove all apprehension we might entertain from the measure which the Bill sought to accomplish. The committee must recollect that when we called witnesses for the purpose of shewing that a vessel could be built in India at such a rate, and under such circumstances of advantage with reference to her first voyage to England, as well as repairs in subsequent voyages, so as to exclude vessels built in this country from the India trade; they endeavoured to shew that the sails, the iron, the cordage, and all other expensive articles necessary for the equipment of a ship must be sent from this country for the completing of a ship built in India, and that therefore the ship-builders of this country had no reason to entertain any apprehension of ships built in India coming to this country, to the exclusion of ships built here. Upon this part of the case they had also in all probability another object beyond that of endeavouring to prove that our apprehensions of a *competition* injurious to us were ill-founded, namely, that if they did or might ultimately interfere with the ship-builders of this country, yet that they would not affect the iron manufacturer, the sail maker, the rope-maker, or other persons of that description, who were in the habit of supplying ships with large and expensive articles of outfit. My learned friends in their cross-examinations certainly began the case in this view of the question. But every word we have heard in evidence on both sides respecting the building of ships in India, and the advantage with which they may be employed both by the company and by private owners, has completely negatived my learned friend's assertion, that he seeks for his clients only *competition* as against monopoly. What have they proved? Why, he commences by endeavouring to prove that it is absolutely necessary to the carrying on the trade at all, from India to this country, that it should be carried on in *teak* ships, and *not* in English ships. How, therefore, can it be contended by my learned friends, that they do not ask for the total exclusion of the British ships, and only desire fair *competition*? The proofs in their case are in direct contradiction to both my learned friend's speeches. Every atom of their evidence goes to prove, that what they appeared to contend for in the *object* of their case, is not the *real object* at which they

aim. They seek for the establishment of the India shipping, for the purpose of carrying on the trade between the two countries, upon grounds, which must ultimately *completely exclude* the British. We on our side say, that such competition as is sought for by the other side must be prohibited, to save the ship-builders here from destruction. We say, that if such competition is suffered to proceed, it will operate as an exclusion of our ships. Such competition must counterbalance all the advantages which we have hitherto enjoyed from the building of ships in this country, and must operate to give to the tonnage of India all the trade of that country with England. Some of the arguments which have been resorted to by my learned friends are quite inconsistent with each other, and defeat the very object which they affect to have in view. Upon the subject of timber, we have heard it argued by one of my learned friends, that the consumption of timber in the private ship-building of this country for India is so trifling, that it is quite idle to suppose that the landholders can entertain any apprehension of injury from the removal of this class of ship-building to India. My learned friends assert that the quantity of timber annually used in this private building is not above 10,000 loads. I am really at a loss to guess, how my learned friends can reconcile such an argument with the only ground upon which the question as to timber has been made to apply to this discussion, namely, the necessity of saving oak timber. It shews upon what weak foundations they are constrained to rest the proposition for which they contend. If the consumption of timber in the private ship-building of this country be so trifling as to be unworthy consideration, what occasion is there for building ships with *teak* instead of *oak* to save timber in this country? They say, if you build all your India ships with *teak*, no injurious effects can arise to the land-holders of this country in the loss of the market for the timber, because the consumption is so small that it is not worth mentioning. My learned friend produces an average calculation of the quantity of timber used in the ship-building of Great Britain, for the purpose of shewing the proportion used in the building India ships, as compared with that used in the general ship-building of the country; and the result shews, say my learned friends, that the quantity used in the private ship-building is *one thirty-fifth* of the whole quantity consumed in the ship-building of Great Britain. He, therefore, contends, that to remove this class of ship-building from this country would have no perceptible influence upon the consumption of oak in this country; and yet the danger of scarcity of oak timber, and the necessity of stopping its consumption is, even after all the evidence which has been given upon the subject of timber, very strongly pressed by the advocates for the use of *teak* ships. For one purpose the consumption is too trifling to be worth attention; for another it is so important, as to justify the destruction of a material branch of the ship-building of the country. I really cannot comprehend how either of these arguments,

which ever I might admit, could affect the important question before the committee, standing as it does, upon broad grounds of public policy and views of national importance; still less am I able to conjecture how such arguments can be reconciled or made consistent with each other. But it matters not how inconsistent the two arguments are, if the apprehensions of the landholders can be got rid of by one, and the claims of those who have supposed that oak was failing in this country can be kept alive by the other. Every argument must in such a case be tried, in the desperate hope that one may succeed if the other fails: for this object they must take their chance of the arguments defeating each other. As scarcity of oak has been most relied upon, I will now proceed to shew in what situation the argument now stands before the committee with respect to timber; for I feel it necessary to trouble the committee with a few more observations upon this subject; not because any doubt now remains upon it, but because it has for a long time excited so much attention, and the opinions as to scarcity have rested upon such high authority, as to make it essential not merely with reference to this question, but for the public interest, that all further speculation and argument upon this subject should be prevented, and dispute upon the point of scarcity set at rest for ever. My learned friends have in every part of the discussion of this part of the case assumed facts from *opinions*. They have taken conclusions drawn from opinions as decisive evidence of the *fact* itself; and have given theoretical speculations upon the advantage of any other mode of cultivation of lands, to prove that sufficient timber cannot be raised against the fact that it has been and is cultivated in abundant quantities, and in the feeble efforts they have made to meet this part of the case by witnesses have so totally failed, that I feel justified in asserting, that in the course of my experience I never heard evidence given upon any question so little entitled to respect or attention.

My learned friends began by shewing, that in the year 1772 reports were made that there was a scarcity of timber in the country; and that great apprehensions were entertained as to the scarcity of supply in future times; and they produce the act of 12 Geo. 3. c. 54. founded upon that report and apprehension. No man has more reverence for recitals in acts of parliament than I have. I am in the habit of drawing so many, that I ought to look at them with all the attention my friend can wish; but having learned in the course of some experience, that facts, supposed to be true, are often difficult to prove by satisfactory evidence, I generally prefer assertion of expediency, which may alter and may be made or supposed to be consistent with different states of fact, as the safer course. But what is the use my learned friends make in their argument of this act of parliament? They assume that, because an alleged scarcity is the subject of the report, and an act passed upon that report, that the *fact must* be admitted. Mr.

Spankie not only assumes scarcity as an incontrovertible fact then, but he applies it to all subsequent times and circumstances; and he then shews us by documents, that in the year 1772 the amount of tonnage employed in this country was very little above 500,000, whereas, at the present period, he says it is 2,500,000, which is just five times the amount of what it was in the year 1772; therefore he argues, that, because there was a scarcity of timber then, there must with such an increase of consumption be a greater scarcity now; and upon this foundation gravely desires the committee first to receive the act of parliament and report not only as conclusive evidence of scarcity, *at that time*, but as a reason for concluding that scarcity has increased in the country, in proportion to the increase of the subsequent consumption? Why, sir, the argument and the conclusion drawn from these premises border so nearly upon the ludicrous, that it is really difficult to treat it seriously. So extraordinary a proposition as this was never before contended for. The answer is short and conclusive: The increase of tonnage and consequent consumption, and the supply of that consumption up to the present period (a fact not disputed) is decisive of one of two propositions, either that the report and act of parliament were founded upon a false alarm, and that no scarcity existed; or, as it was most ably contended by my learned friend, Mr. Adolphus, that the demand, however great, will always produce an adequate supply, and that if you destroy one you annihilate the other. Each of these propositions is decisive against the argument and conclusions on the other side. The increased demand and supply since the report and act in 1772 are either conclusive, to prove those documents were founded upon false alarms and hasty conclusions, not warranted by the state of the timber in the country, or decisive of the argument contended for by us, not only as to the supply which has hitherto met the demand, but as to the mischievous effects which will be produced by the mistaken principle of endeavouring to save timber by means which will necessarily destroy the future supply, and defeat the very object our opposers profess to have in view, as one of the main recommendations of this bill, which in this view of the case, our opponents must unite with us, in considering as transferring, a most important branch of ship-building, from this country to India.

It is quite clear, that if the fact assumed in the report and act was correct as to the state of timber in 1772, and if our argument as to the demand producing supply was not correct, that the increased tonnage, and consequent increased destruction, of timber since 1772, would years ago have swept every tree from the face of the country.

Is such the state of the fact? is the country laid bare of oak? has such destruction taken place? On the contrary it has been proved, as I will distinctly shew from the evidence before this committee, that the supply has kept pace, and *will keep pace*

with the demand; and that if there has been any trifling falling off in the supply in certain counties, and in particular districts, of *some descriptions* of oak, there is no ground of apprehension of scarcity in the country at large.

Such, Sir, is the general foundation of one of the main arguments on the other side. They have also assumed the fact of scarcity from the navy board having acted upon the supposition of there being a scarcity. It has been stated by Mr. Sepping, in his evidence, that the navy board and private builders have been obliged to resort to different expedients of using smaller timber, from the supposed deficiency of large. Admitting, for the sake of argument, that such expedients have not in a great measure arisen from motives of economy in the use of timber *from price*, and the knowledge that smaller timber was *of equal value and strength* in naval construction, the argument or fact of such a practice proves only the opinion of those who resorted to it. It is assuming the fact of scarcity from an unfounded apprehension of it. It is taking assumption for the fact itself, and substituting opinions for proofs, and loose conjecture for evidence; and desiring the committee to adopt the delusion without proof, against all the evidence which is upon your minutes, to prove that it never ought to have prevailed.

What is the state of the case as to these expedients, of which so much has been said? Mr. Sepping has stated that he had conceived that there was a scarcity of timber; and assuming that there was a deficiency of timber, had begun to act upon it;—that the Navy Board had for some time used smaller descriptions of timber than had been before used in the construction of ships;—that they are trying an experiment of using ten timbers for eight, and three for two. Sir, the utmost result of Mr. Sepping's evidence is this, that of the *compass* timber and *crooked* timber there has been a falling off. It is well known that timber planted in exposed situations will often become *crooked* and take *particular shapes*, supposed formerly to be necessary in some parts of the structure of a ship; whereas, the timber grown in more sheltered situations, and particularly in woods, grows straight and more regular in its shape, and is consequently not so useful for those particular purposes. The deficiency of this peculiar sort of timber will never be supplied, even by the extensive means adopted for establishing woods for naval purposes; nor does it appear that any inconvenience has arisen from the want of this sort of timber.

My learned friends also say, that because there is a good deal of foreign timber used in the construction of ships, there must therefore be a considerable scarcity of the native oak of the country. I admit the fact of use of foreign timber, but I deny the conclusion. Why do you use foreign timber in the construction of your ships? because it is found to be more advantageous for *particular* parts of a ship to which it is applied. There

is not a ship of war, or an East Indiaman, or large vessel built in this country, in which a certain quantity of elm, as well as foreign oak, is not used. The *keel* is of elm, not because you cannot get oak to make it, but because it suits the purpose better. You use a certain quantity of foreign oak in the construction of certain parts of your ship, although it is much higher in price nominally than your own oak; not because it is better, but because it is cut in a peculiar manner, and more applicable to particular purposes,—but does it therefore follow that there is a scarcity of oak in the country?

My learned friends say, Why use all this foreign timber? Why not, instead of resorting to foreign timber to assist you in building your ships, import the manufactured article, and import the ship itself? Why use foreign timber for the purpose of completing your vessels, when you may get *ready made* ships from abroad? The argument is neither correct in fact, or sound in policy. My learned friends forgot, when they use this argument, that the very policy upon which the riches and prosperity of this country depends, rests materially upon introducing raw materials from other countries, for the purpose of manufacturing them here, and exporting them when so manufactured to the country from whence the raw material comes.

The raw materials are imported into this country, and sent out again in a manufactured and more valuable shape, and our manufacturers and the nation derive immense profit and advantage from this course of trade. The policy of the argument is not, therefore, with my learned friends. But, Sir, how does the comparison between the building of ships in India and the building in England stand with respect to the certainty of having a supply of timber for their manufacture. The greater part of Indian ships must be built at Bengal, where the evidence shews the conveniences and means of building ships are very extensive; indeed so extensive, that one of my learned friends' witnesses tells you, that the ship-builders there would be able to supply any number of ships,—fifty men of war, I think he said, of a large size, within a short period. Now, Sir, every one of these ships must be built with timber, from a country where the government is extremely capricious, and where, at least, there may arise considerable hazard as to keeping up the supply; and therefore these very ships, which my learned friends wish to introduce in a ready manufactured state into this country, are subject, as I shall shew you when I come to comment upon that part of the evidence, to objections of another nature. They must have wood brought from Pegu, which may be friendly or hostile, as it may suit the policy or caprice of its government. The ship-builders of Bengal must have their teak from that country, for it appears that they can get it from no other; and therefore if we come to the comparison as to the facility of supplying foreign timber for the construction of

vessels, my learned friends will stand upon extremely disadvantageous grounds. Now these are difficulties to which the ship-builders of this country are not exposed: there is no uncertainty in their having a regular and constant supply to the full extent of their wants. Sir, we have only to pay the price, and we can get it in any quantity of any size, and the greater part of it from our own colonies; whereas, the ship-builders of India are not sure of getting it at any price. Upon the subject of using foreign timber, Mr. Sepping also tells you, that the navy board had procured a large quantity of deal, for which, when foreign countries became open to us, they found no immediate use, and had used it, therefore, in the building of ten fir frigates, not because they could not get oak, but because they had laid in too much fir.

There is another argument, however, Sir, which has been pressed by my learned friends on this occasion, namely, that it is generally understood that cultivating wood, and supplying the country with timber from native produce, is not so beneficial as growing *corn*; and therefore my learned friends say, (against the fact,) that there is no inducement for cultivators in this country to produce upon their estates certain means of supply.—Now, Sir, an argument of this sort may be very good in theory, but it is nothing when put in opposition to positive fact and experience. To assert that the cultivation of corn is more valuable than the cultivation of timber, is to do nothing, unless my learned friends make out that the landed interest of this country act upon a conviction of the truth of the position. Why, Sir, the proof, from the beginning to the end of this case, shews, that the landed proprietors of this country have not acted upon any such notion. But if my learned friends were to make out, that *some* persons prefer the cultivation of corn to that of oak, it would avail them nothing in their argument, because they must also make out that the effect of that partial feeling in the country is so injurious, as to put in hazard the supply of timber. Abstract notions of policy, and nice distinctions of advantage, seldom influence the great body of the people; they will pursue the bent of their own inclinations, whether they lead to advantage or not; and even if I were to admit the principle contended for by my learned friends, it is quite impossible for them to raise the argument they attempt to deduce from that principle, because the fact is at variance with the argument;—the argument is in direct contradiction to positive experience. To say that there has been a preference given to the cultivation of corn in opposition to the cultivation of trees, does not prove that the cultivation of trees has declined or will decline. Experience has shewn that the cultivation of trees has been carried to as great an extent as ever, and that there is no prospect of any diminution in the disposition of landed proprietors so to do. Now what is the evidence of this

fact? Why it is plain and incontrovertible. My learned friends have told you, that in the year 1772 the amount of tonnage was about half a million. They have stated that it has since increased to 2,500,000 tons, and yet, at the end of a war which has lasted twenty years, I will undertake to shew, that notwithstanding the extraordinary and unprecedented consumption of timber during that period, the demand has been little felt in any part of the country. In all events, if it has been felt, it has been confined to the home counties, or the districts in the vicinity of the metropolis. This, I say, is the result of the evidence in opposition to the theory of my learned friends.

Now, what was the course taken by my clients in order to answer these alarmists upon the subject of scarcity of oak timber? They naturally consulted me as to the course to be taken, and the question asked them was this: "How do the facts of your case really stand? are these assertions founded in truth?" "Really," said they, "we don't know how to answer you. We cannot tell you how the facts of the case stand. It has been asserted so positively and so distinctly that there is an absolute scarcity—it has been avowed on such authority, that the consumption is so high and the difficulty of procuring it so great, that we are really afraid to state what the fact is, even upon our own authority and conviction. But this much we can tell you, that not one man with whom we are acquainted has had any difficulty in procuring timber of all sizes to any extent be wanted. Every timber merchant with whom we have spoken has told us, 'you may have any quantity you want.' No instance has arisen to our knowledge, and if it had arisen we must have known the fact, of any persons having had any difficulty whatever in procuring timber to any extent. We are told that the government contractors are buying up timber under a notion that there would be a difficulty in procuring it; but these very contractors tell us, 'we can supply you as well as the government.'" The next question was: "Pray, from what counties (in these times of scarcity) is the timber taken which supplies the wants of the country?" "Why," said they, "it is still taken from the counties near London,—it is taken from the districts near the metropolis." "Have you yet taken any quantities from the more distant counties,—from Staffordshire, Worcestershire, Wales, or other timber counties?" "No, we have not got to those counties yet. We have not come to the counties at a distance from the metropolis." "What authority then is there for supposing the existence of a scarcity?" They said it was only reported and believed upon the authority of positive statement. To all this the answer of my learned friend Mr. Adolphus and myself naturally was, that it was quite immaterial upon what authority the scarcity was asserted. It was impossible to believe it. The reports, however generally circulated; the opinions of the parties who gave birth to those reports, however high their authority might be, or however great the respect was to which they were entitled; could have no weight:

under such circumstances, it was morally impossible that the report could be true.

What course did we then pursue? Why we pursued a course which every advocate must pursue, when he is convinced that his cause is a good one, and that the more the investigation is gone into, the stronger will his case appear. We proceeded to call *every body* who was at all acquainted with the timber trade. We brought up even Mr. Morris himself, the partner of one of the contractors for government, and every person who could give any information to the committee upon the subject. Indeed we were obliged to contend from time to time for the permission to examine more witnesses than perhaps we were entitled to do, considering the labours which have been imposed upon the committee. But after all we did not call all the witnesses we had summoned or sent to, as there were no less than eleven persons whom we wished to have examined, whose evidence we stated we had ready, but did not feel entitled to urge the committee to be permitted to give. Now why did we do this? we did it, Sir, upon the broad principle of calling every witness, without caring who or what he was, if he knew any thing of the subject. We knew none of these persons: we knew nothing of what the greater part of them would say. Many of them had written to us for the first time on the morning they were examined, and therefore we had no opportunity of conferring with them upon the nature of their evidence; and the only foundation for examining them was, the circumstance of their having some knowledge of the state of the timber in the country. Some of them came directly to the committee from the conveyances which brought them to town, and others were, on their arrival at the adjoining coffee-house, brought instantly to this place, without any further investigation, or without troubling them with the question whence they came, or what they knew, so long as they were large timber dealers, and were acquainted with the persons in different counties, whom we had not had an opportunity of calling before you. We knew very well, that the greater number of persons of this description who were called, the clearer would it appear that there was no foundation for these reports. The committee heard the evidence of these persons, whose testimony shewed the fallacy of the apprehensions which have so generally prevailed. They clearly proved, that whatever foundation there might formerly have been, for the apprehension of scarcity, the foundation of such alarms was now completely done away. I was convinced, that it was quite impossible that any case of scarcity would be made out if the subject was properly investigated. This was the view with which we urged the committee to go into so large a field of evidence; and I have to thank them for permitting us to take the course we have pursued: and I will venture to say, that when this evidence is read and examined, (as I know it will be by the persons most compe-

tent to ascertain its accuracy, many of them being proprietors, and very large proprietors too, of the timber of the country), it will be seen whether we have not put this question, as to the quantity of timber for building His Majesty's navy, at rest for ever. They will be satisfied that the statements upon the scarcity of timber are not only fallacious, but have never had any real foundation. Sir, these false alarms, and ingenious speculations upon imaginary difficulties, are precisely of that class which we have so often heard upon the subject of the public debts of this country. The act of 1772 was passed upon a presumption that there was a scarcity in the country. What I would ask would have become of the navy of the country if we had acted upon that presumption? Would it have been at this day at that height of greatness and power which fixes Great Britain as the most powerful country amongst the nations of the world. It was asserted by Mr. Hume, that if the public debt of this country should ever amount to a *hundred millions* we should be utterly ruined. What then would have become of us, Sir, if we had acted upon Mr. Hume's opinion upon the subject of our financial resources. Sir, I make these general observations for the purpose of shewing the fallacy of assuming *facts* upon mere supposition and false alarm. The assumed facts were capable of contradiction, and we have given them a decided negative; and if the committee had permitted us, we could have gone much farther, for we have since had letters of persons from different parts of the country, who would have come up and given their testimony. Witnesses from distant counties, where there are at this moment immense quantities of timber, never thought of before, and which have not yet been touched by the axe. We should have shewn, that there are now large quantities lying within the reach of supply *by water carriage* whenever it is wanted. We could have shewn that there are forests of trees, which have never yet been touched, and which are almost grown too old for want of cutting down. We could have shewn, that however large the demands might be, there was abundance of wood in the country to supply it;—that wood of the most valuable description was ready at hand, if it should be wanted: nay, that if the war had lasted ten or twenty years longer, such is the state of the timber, and such the growing stock of it, that the supply would have been abundantly equal to the demand:—We should have shewn, that notwithstanding the immense consumption of timber during the late long protracted war, which is now so happily terminated, our navy, and our merchant service, would be in no danger from any scarcity had the war continued as long again.

Now, let us say a few words upon the nature of the testimony given by us upon the subject. We called timber dealers. My learned friend says, that timber dealers are prejudiced witnesses, as they are afraid of their timber business falling off, from allowing

the ship-builders in India to build *teak* ships for the purpose of carrying on the trade with this country. I do not deny that timber dealers may have this feeling: but did we call before you only timber dealers? Sir, we called persons who had no such bias—persons who were employed by great landed proprietors, and who could have no interest one way or the other in the question; men, who did not care which way this question was carried. Some of them were men of intelligent and independent minds. One of them, Mr. Harvey, than whom a better informed or more intelligent witness I never saw put into a witness box, or upon whose testimony the committee could with more safety rely,—from his knowledge, from his experience, from his talents, and from other circumstances, the testimony of that witness, is, in my opinion, entitled to the greatest weight with the committee. What did he state? I will not repeat the particulars of the evidence of this respectable witness, for it must be in the perfect recollection of every body who heard it;—but he stated most distinctly, as far as he could form a judgment, that there was no danger whatever of scarcity. He told the committee, that there were very large supplies of oak timber in the county from whence he came, which had not yet been touched; that there were immense quantities of timber, which had not yet been broke in upon, and that there was some which ought to have been cut years ago, which from its extreme age had not improved, but had fallen off in its value. He told you, that in his county the largest demands might be supplied without any difficulty; and that the timber merchants need not complain for want of an adequate supply. He said, that the timber dealers had not yet got to Staffordshire, except to the amount of a few thousand loads, but not to such an extent as to diminish its resources. He was confident of an *annual* adequate supply to any extent that might be wanted. What was his answer upon the subject of *cultivation* of timber? an answer to which I heard my learned friend allude with some surprise: for Mr. Harvey's evidence, as to the nature and extent to which the cultivation of timber has been carried in the country, was most decidedly against him. He told you that a great deal more timber was planted than cut up;—that for *one* tree cut down, *a hundred* were planted. This, sir, is the evidence of Mr. Harvey on that subject; and yet we are told, that there is a prospect of a scarcity in the country. It is said also, and as if on Mr. Harvey's authority, that a preference is given, by the landholders, to the cultivation of *corn* instead of timber upon their estates. Sir, Mr. Harvey's evidence proves them to be quite compatible, and tells you, that it is the interest of persons to cultivate the land proper for timber with timber, in preference to corn. He says, that when land is worth *fourteen shillings* an acre, they plant timber upon that which is worth *seven shillings*; and he tells you, that the underwood will in the course of seven or fourteen years, produce more than the

rent of such land would produce, over and above the value of the timber at its full growth. It appears obvious upon principle, that the consideration of the cultivation of proper land with timber, is of infinitely more importance to men of landed property, than any other source of profit which they might derive from their estates. To a man who thus cultivates his land, timber is a source of future wealth and riches to his family. It is always a source of relief for any sudden emergency, or for paying off mortgages or other debts which may be contracted by the holder of the estate. It is a species of reserved property of the greatest value, for the purpose of raising money for repairing or building houses, and for other occasions of that sort; and is always ready for the purpose of affording a supply of money for such or other arrangements in great families. I might expatiate, Sir, at considerable length, upon the use which might be made of the land in this way, by means of the underwood; by means of the large timber, and the immense value at which it is estimated, and what it will produce when properly preserved and cut, and the source of ready money which it at all times affords for casualties; but I do not think it necessary to occupy more of the time of the committee upon this branch of the subject. It must be obvious to every body, that the cultivation of timber is an object of the greatest importance to every man of landed property; and that it will always afford a sufficient inducement to him to keep up a constant supply: he must cultivate a certain quantity for the purposes of his estates, for his repairs, fences, gates, and other purposes, and may with any management unite that object with the preservation and cultivation of large timber for future sale. If a man cannot make compound interest by means of his timber, it preserves at all events a *nest egg*, (if I may use so common a phrase,) which may often be of the greatest importance to the proprietor or his family. There is, from all the circumstances which I have here alluded to rather than detailed, such a natural interest in large landed proprietors, to take care of their timber, that it requires no more than the statement of the proposition to demonstrate, that necessarily there will always be an ample annual supply to meet the demands of the country, if the encouragement to supply is not destroyed by withdrawing the demand.

Now, Sir, we come to the evidence of Mr. Bull, who is the manager, for a noble lord, of very considerable landed property; he tells you what is the state of the timber, and in what quantities it is now to be found in the counties with which he is acquainted. He tells you, that there is a very considerable quantity on the estate of the noble lord, for whom he acts as land-agent and manager. He says, that some small quantities have been cut, and mentions among others Lord Aylesbury's forest, and spoke of the quantity of timber on that estate, not from his own knowledge, but from the knowledge of other persons, better acquainted with the state of that property. He said that he had heard from a gentleman,

that the quantity of timber in Lord Aylesbury's forest was very great. The question and answer were certainly not very regular, because what he heard from other persons could not strictly be evidence. But, Sir, you have it from persons much better acquainted with the subject than he was. I asked Mr. Bull if he could tell me what was about the value of the timber on Lord Aylesbury's estate; but he could give no decisive answer. He could only state his belief as to the general value from what he had heard from other persons. He did not profess to state the correct value. He did state some value, but as I could not depend upon the correctness of it, coming as it did from third persons, I could not assume that it was of the value he stated.

Now, Sir, how is this evidence met? Why it is met by evidence such as I will venture to say has never been given in any case before. And here I cannot help taking notice, as I proceed, of the strong and confident language which my learned friend used, when he opened his case upon the subject of timber. He promised not merely to answer our case by the ordinary evidence which might be resorted to on an occasion of this sort, but he threatened utterly to destroy it. He told you that he would be content with no common victory over the timber case, that "he would rend it to atoms."

Now, Sir, what has been the course of proceeding adopted on the other side to accomplish this object? A desperate state of affairs sometimes justifies desperate proceedings; but no state of a case could justify the proceedings which have been adopted. A more barefaced disregard of all propriety I have never seen or heard of. Such practices never have taken place within my knowledge, and I hope never will come under my notice or observation again. I have been stopped in the street by member after member of parliament, and requested that (whenever I came to my reply,) I would not pass over this part of the case without observation and animadversion.

I will now advert to the witnesses set up to contradict the body of respectable gentlemen whose names have been before this committee. We have had a Mr. Fermor and a Mr. Stovald. We have also had one or two purveyors, who went down in the mail and other coaches, into the country to mark timber purchased for the navy, who, being merely sent down into the country for the purpose of marking timber, neither have or profess to have any extensive opportunity of forming any general judgment upon the subject to which their evidence refers.

Mr. Stovald, the only timber dealer, gives you a great deal of inconsistent evidence, but upon which at present I shall not make any comment. We have had him a second time, for the purpose of correcting the answers he gave the first day. I do not claim the benefit of his opinions upon the first day, which he in part endeavoured to retract on the second, but I have a right to use his facts. He says he is in the habit of buying 10,000 or 12,000 loads per annum, and he says *he never found any difficulty* whatever in supplying his customers; that he buys timber for northern customers who use a

smaller description of timber. It is rather extraordinary that this man, who buys for the purpose of sending 10 or 12,000 loads of timber to the north of England, should be able to supply Mr. Morris with 12 or 1500 loads of timber, and Mr. Boucher with 12 or 1500 loads of large size out of his lots of timber, if large timber was so scarce. Indeed he says that Mr. Boucher had told him that he might quote him (Mr. Boucher,) for having purchased 3 or 4000 loads, instead of 1000 or 1500, annually out of his lots. This decidedly proves the fact, that this gentleman was not only able to purchase 10 or 12,000 loads for the northern market, but that he found 4 or 5000 loads of large timber amongst it: This shews, upon the admission of their own witness, that there is no scarcity of timber in the market; and also shews, that it is not very difficult even to get large timber; for, according to this man's testimony, one third of the timber which he purchased was large timber, although he bought for the northern counties, and for customers who only wanted smaller timber, and of course looked out for timber to suit their demands. Now, such is the evidence of Mr. Stovald, the only timber dealer that has been called to support this case of scarcity. Other witnesses were summoned to attend. Mr. Henry Upton of Petworth, Mr. Thomas Hill of Eltham, Mr. Telford, Mr. Bingle, a clerk of Mr. Richardson's, and others, whom I was anxious to cross examine upon the subject, but who have not been called.

Who have they called? Why this galloping Mr. Fernor, who must have leaped over hedges and ditches for the purpose of this case. He has been called to contradict Mr. Bull's testimony. What does Mr. Fernor do? Instead of going or writing to Mr. Bull, for the purpose of obtaining leave to see the estates under his management, or the means of knowing them, he calls upon him without any previous notice whatever, on the last day of his Survey, as he calls it, about five o'clock in the morning, Mr. Bull having previously gone out at three o'clock upon other business. This was a little unlucky certainly; instead of going, as he ought to have done in propriety, in the first instance, to apprise Mr. Bull of his wish to go over these estates, he calls on the last day, no doubt knowing Mr. Bull would not be at home. Sir, I assert that I am in a condition, if it had been wise for me at this late period of the session to offer further evidence to the committee, to contradict the statements of these witnesses, who have been called on the other side, and to confirm the testimony of the gentlemen whose names have been first mentioned. But I am afraid I should not be justified, at this advanced period of the year, in imposing further labours upon the committee by the investigation of such testimony. I should have shewn it to have been quite impossible to pay the least respect to the testimony of Mr. Fernor. Sir, I have had but one opinion upon the subject, from every description of persons I have asked, as to the practicability of making, within the *same period of time*, any such survey to any useful purpose, as he has stated himself to have made, which shews, that it is utterly impossible that the evidence of Mr. Fernor can for a moment weigh with the

committee. Who is Mr. Fermor? He says he is not employed by Messrs. Larkins and Morris; but it appears, at the close of his examination, that he was employed on their behalf through a Mr. Dixon, who is connected with Messrs. Larkins and Morris. Mr. Fermor at first says, he does not know that Mr. Dixon has any thing to do with Messrs. Larkins and Morris, and yet immediately afterwards confesses, that he knows that Mr. Dixon transacts business for Messrs. Larkins and Morris.

Next comes a Mr. Staples, who is directly connected with Messrs. Larkins and Morris, and they have given their opinion so broadly and directly, that I am not surprised that they should be anxious to collect testimony to support their opinion. The purport of his evidence is, that there is not much wood in the county of Kent. Upon the *Canterbury or Church woods*, he is asked, "Are you acquainted with the wood near Canterbury, or rather the wood which belongs to the church near Canterbury?" "I have been in *some parts* of the Boughton woods. I have not a perfect knowledge of those woods. I know some parts of them." "It is a very large district of wood, I believe?" "Yes, it is." "Of what size and quality is the wood, as far as you have observed it?" "To the best of my knowledge *there are not two thousand trees* in the whole range of woods that would mete at sixty feet."

Sir, this gentleman, who tells you that he has not a perfect knowledge of these woods, and who only knows some part of them, undertakes to say that there are not 2000 trees in the whole range of woods that would measure at sixty feet. There are honourable members of the house of commons who know this wood, to whom I leave his evidence. One of my learned friends alludes to this witnesses' testimony as a fair specimen of the nature of their evidence, in contradiction of our case. I have no objection to such a specimen of the evidence by which our timber case is to be destroyed. Sir, I say the evidence adduced on behalf of my clients stands unshaken and uncontradicted by our opponents, and distinctly and positively shews, that every timber dealer has been able, at all times, to *find abundant supplies* of that article to meet his wants from his own connections, and without interfering with others. That even the Home Counties are not exhausted, nor are they likely to be exhausted; and whatever scarcity there might have been some years ago in those counties, the demand has never yet been such as to drive the timber dealers to seek for a supply in the more distant parts of the country. Our witnesses decidedly prove that there are large sources of supply in the country which have never yet been touched. I am justified, therefore, in saying, that our evidence completely negatives all apprehension of scarcity.

One of the arguments used by my learned friends, to shew that there is a scarcity, is the circumstance of the ship-builders having asked, whether the government had sent into the market 40,000*l.* ready money to buy timber. By what ingenuity can this be used to prove general scarcity? A contract was under consideration for building a

certain number of ships of war by the private builders, it was important for them to know whether there was such a competition at the moment with reference to their bargain: the circumstance of government having sent a large sum of ready money into the market, had reference to the rate *per ton* at which the builders could contract if they were *suddenly* called upon, which had often been the case, but none whatever to the general state of timber. It has not the smallest application, in point of principle, to any question as to the real resources of the country in timber, and can have reference only to the *then immediate* state of the market for the bargain in question. A sudden demand for a large supply would naturally occasion a temporary rise in the price, against which the builders meant to guard themselves.

Sir, I fear I have occupied too much of the committee's time upon this subject of timber. I felt it to be an object of the greatest importance to clear this part of the case for the present, and all future discussions upon the question now before parliament; and to destroy for ever the fallacy, the misconceptions, and misrepresentations with which the subject has been enveloped. I could not in justice to the case, or in justice to myself, (as the advocate of the gentlemen whose interests are to be so materially affected by the question,) suffer this subject to pass unnoticed, or stop short of removing from it that mist of alarm and error with which it has been obscured. I was desirous of disencumbering the case of those prejudices with which it has been overloaded, and of bringing the committee and parliament to the fair and candid consideration of the real question which is to be decided.

Sir, the next head of evidence which I am about to examine, is nearer to the real subject of discussion. I mean, Sir, the state of the question as to the ship-building of Great Britain.

One of my learned friends says, that the old policy of the navigation acts allowed the purchase of foreign ships, that the regulations of the navigation acts required only that the ship should be British *owned*. But, Sir, that policy was found to be injurious to our native ship-building, and therefore to our national interests, and has been long since abandoned, and it is now requisite not only that the ship shall be British *owned* but British *built*. **EXPERIENCE, AND ALL SUBSEQUENT CONSIDERATION, HAS JUSTIFIED THE WISDOM OF THAT POLICY.** It was upon the result of very long experience, and most elaborate enquiry, which proved that foreign ships were interfering with the ships of this country, that this policy was established, and became the foundation of the existing navigation acts of this country. Experience has shewn that the improvements in our native resources, which have taken place in this important branch of natural strength, have been highly advantageous to the greatness, glory, and security of the country in the superiority which has been maintained by its navy, to which the private yards have so largely contributed. The very foundation of the present navigation acts of this country is, that the shipping of it shall not only be British *owned* but British *built*. The exception of prizes captured and sold to

British subjects does not affect the principle. Whatever may have been the old law upon this subject, it is hardly necessary now to discuss it. The law of the land now requires that your ships shall not only be *British owned*, but *British built*; and I contend, that upon the maintenance of the principle upon which that law is founded depends the prosperity and independence of this empire. Sir, it is not now for the first time that it has been supposed, that it would be more convenient to abandon this policy in favour of another. I have myself often heard it hinted at rather than maintained, that the practice of confining the ship-building of this country to Great Britain (for I contend that such has been the effect, and is the policy of the law, although it in terms includes colonies) ought to be abandoned in favour of another policy. *It is the age of experiments and first principles*; but nothing, I contend, has occurred to justify our departure from the recognised policy of the country, founded upon experience that our ship-building shall not go from us on any pretence whatever. Our capital, our long credit, our punctuality of dealing, has hitherto preserved our trade in spite of cheaper freights of other countries, and will still. My learned friends have contended for this act in favour of India, upon different principles. Whether India be a colony or not (of which my learned friend seems to entertain some doubt) forms no part of the present question; for the principle of preservation of ship-building at home, as the support of your national strength, applies equally to distant colonies as to *foreign nations*, and particularly to colonies and foreign dependencies like India. I say, Sir, that the great leading policy of this country is, that the shipping and ship-building shall be preserved within the united kingdom, and as a part of the strength of the centre of all our resources, that it may be secure from possible *future loss*, and *immediately available* when wanted in emergencies. The existing navigation acts give exclusive encouragement to *British built ships*. The question is, What are *British ships*? My learned friend will tell you that all ships built in *any territory* belonging to Great Britain (whether colony, dependency, or by whatever name he may choose to call it,) are *British ships*, and entitled to *British registry*. I contend, that the national policy has been, and is, that one of your main supports of national strength and prosperity, should be preserved entire and unbroken in the *mother country*, or parent state, for the security of the whole.

Sir, it has never been the subject of fair or full discussion yet, whether any great proportion of your ship-building could, with safety, be allowed to be transferred into any dependencies of this country, particularly to one so distant and peculiarly situated. It has never yet been supposed that such a proposition could be maintained—it has never practically arisen, and has never been attempted to be raised. The gentlemen who have owned Indian ships, have brought to England ninety-four ships within a few years, now registered in the *general trade* of the country. Whether they have legally done so is a question upon which, after the fullest consideration, I entertain great doubt. But the committee will recollect, that I never put the case of the English ship-builders upon such grounds as this mere strict legal question

involves. I put the case of the English ship-builders upon the broad ground, that whatever may be the letter of the law, or supposed rights arising from it, the practice of building ships of a large description, suited to the Indian trade must, upon general principles of policy and national expediency, arising out of their necessary connection with national defence, and the obvious propriety of keeping your resources of defence in the parent state, for the protection and safety of the whole, be confined to Great Britain alone. It was this principle which has induced the various restrictions in relation to our colonies. The building of our ships and preservation of our seamen must be maintained in the Sovereign State *at home* by protection and encouragement, and even by restrictions, if necessary, and cannot, upon any principles of sound policy, still less upon considerations of *trifling pecuniary or mercantile advantages*, be allowed to be transferred to dependencies which may not always belong to you, and where they may one day become resources in the hands of an enemy, or a rival, as we have witnessed in relation to our former American colonies. I will not discuss with my learned friend abstract principles of right, or the strict legality of claims; I stand upon the broad ground of national policy, which has at all times influenced, and must influence the conduct of the government of this country with respect to its own colonies, and foreign and distant possessions. There has been, it is understood, a difference of opinion between the judges of Westminster Hall and of other courts, as to India, with reference to the navigation acts. But it is not necessary for me to discuss that question; for the sake of the argument, I give my learned friends the full benefit of the application of those acts to India. The question to be discussed by parliament, as I have repeated it over and over again, is, whether any of the ship-building of this country ought to be allowed to be transferred to such distant possessions, whether any fancied or even actual advantage in trade will justify such a loss to this country. If then the Legislature is not to look to the letter of an act, but to the national policy which ought to govern the subject—no right can be set up by any colony, dependency, or foreign possession of the empire, or any individuals in such possessions, to restrain parliament in such a case as the present.

As a maritime nation we owe our existence to this policy, and to having exercised this power; and if we were to abandon it, the consequences might be fatal to our security.

Sir, this question affects the whole country at large; it does not stand before this committee upon any narrow selfish views of mere individuals. It is a question deeply interesting to every man who regards the safety, the independence, and the prosperity of his country. I know it has been a favourite argument against the cause which I advocate, that the discussion is brought forward by individuals who have a private personal interest in its success. Sir, that argument does not make the justice of their claims on the broad national policy of the question the less strong. As I have said before, if I cannot rest my case upon broad national grounds, I admit that parliament has a right to decide against us. I set up

no private claims but *as against private individuals*. If the question stands only on individual claims on both sides, I court the competition, satisfied that none have superior private claims to my clients. Sir, a great deal has been said about the hardship of excluding the ship-builders of India from the privileges which they now claim. What is the hardship which they may sustain compared with that which will be imposed upon those who have so long enjoyed the benefit of this business in Great Britain. I am prepared at any time to discuss the question of comparison of advantages which may be derived by those persons who are so anxious to promote this measure if it were carried into execution, with the losses and claims of my clients if it were a question of private claims.

It has been said, that the privilege required for British *built* shipping is a severe restriction upon the ship-builders, ship owners, and merchants of India. Sir, I deny the position,—it cannot, in the fair sense of the word, be called a restriction. It is not a restriction upon any thing which they have hitherto been accustomed to enjoy, whatever right they might be *supposed* to have under the letter of the acts they had never practically used. These ships never came to this country until a very late period. They were allowed to come under peculiar circumstances and under temporary laws. But whenever a temporary concession of this sort, which is only permitted upon particular emergencies, becomes mischievous to the country, and threatens the introduction of a dangerous innovation, is it to be said, that we are imposing measures of restriction, because we are asking to revert to a national policy, or state of things, either as to law or fact, which had for so long a period kept them out? Sir, I do not deny that parliament is bound to regard the interests of the dependent territories and colonies of this country; but I say that parliament is bound, upon broad grounds of national policy, to cultivate the ship-building interests of this country, and even with some jealousy to watch over the rights and privileges of the parent state, and any encroachments of its dependencies—still more to prevent a transfer of strength from one to the other. Sir, we contend that there is an imperious necessity for parliament to interpose its authority against the innovating system, which is now attempted to be established. If this were a case of necessity on the part of India, and the restriction we ask for were pregnant with danger to our dearest interests, I could not appeal for my clients to the protection of Parliament; but, Sir, no such case has been made out. It is not a case of *necessity*. We are not resisting any claims which the Indian owners are entitled to enjoy, or asking to take away privileges which they have hitherto possessed. We do not seek to benefit ourselves at the expence of the ship-builders on the other side of the water, we ask only that they may not be benefited at our expence. It is simply a question, whether a distant colony of the empire shall be permitted to enjoy a privilege of this sort, to the hazard of the best interests and future safety of the mother country—at the expence, at the

same time, of great private interests in Great Britain; and this without any prospect, as I will shew hereafter, of any adequate commercial benefit arising from the innovation.

I will now shortly advert to the arguments as to the Thames builders relying principally upon building for the India trade, and to the number of men employed by the ship-builders. They say "you have a certain number of men employed when you are not building Indiamen." They tell us "you cannot be much injured by taking away this branch of the ship-building, because you have had as many men employed in your establishments, when you were not building Indiamen, as when you were. The number of your men is pretty much the same in all times, whether you have Indiamen to build or not." They have put in an abstract to shew the number of men employed, and the number of ships built, in the course of a series of years. They say, "in a great number of years your entry is *none*." They put in another abstract to shew, that the building for government was, in the course of a series of years, 119,415 tons; and that the building for the East India Company during the same period, amounted to 97,789 tons. This is the proportion according to *their* statement, between the tonnage for government and that for the India Company. I do not stop to inquire into the accuracy of these figures; for, with regard to the quantity of *employment*, these abstracts are completely fallacious, as they leave out the quantity of repairs which have been done, during that series of years, upon the India ships, and therefore afford no means of judging of the employment to men by these ship-builders. Repairs to men of war are not usually done in these yards; they have done very few except before the battle of *Trafalgar*, when they were called upon at a *very short notice*, under particular circumstances; and possibly in a few other instances, but not affording any general employment. The accounts leave out altogether the repairs which have been done during that period. Those who bring forward these accounts, forget that the repairs considerably exceed the actual building of ships, exclusive of what Mr. Sepping calls refitting, as less, ordinarily speaking than repairs. All these repairs, therefore, must be taken into consideration, as accounting for the number of men employed in these dock-yards. It is very true, that a number of men is returned in these abstracts, as having been apparently constantly employed, although very few Indiamen have been built; but it is to be recollected also, it has been proved that the repairs afford large temporary employment of men in a dock-yard, and, consequently, from the periods at which they are paid, and the mode in which they are entered in the account, the number in the account may be occasionally very much swelled, without at all shewing the average rate of *constant* employment. Such an abstract affords, therefore, a fallacious view of the subject, calculated to mislead rather than assist even as to the number employed in any yard in any view of regular employment. But what does all this amount to? why, that we have in war had men of war to build as well as Indiamen. We

certainly have; but this employment would not be found, I am satisfied, upon an investigation of details, to amount to a third of the employment; and we have only said, that we depended, in time of peace, principally upon Indiamen. The result of this argument seems to be, the war has now ceased, all the employment which you had in consequence of the war has gone by; and, therefore, as you did not depend wholly upon Indiamen, we may take away the remainder. How does it affect the real merits of this question, whether we built more or less in time of war? The question is, whether we have a right to preserve the building now, in times of peace, which we have hitherto carried on in time of peace and war. And it is not disputed, that the principal employment of the Thames yards was building and repairing for the India trade; whether more or less than we or our opponents assert, is quite immaterial.

Then, Sir, we have had the different yards contrasted with each other, to shew that the principal part of the business has been done by a few of them. Of what consequence is it, whether little or much, or more or less, was done in one yard or another? Does it alter the broad question of policy, whether this building should be carried on here or in India. Our proposition is, that whether little or much, more or less, than it has been, it ought to be retained here.

It has been proved, that a great quantity of the tonnage, employed in India trade has been built lately in India, and that the number of ships built in India now registered for the general trade of India, amounts, I think, to 95, making about 67,789 tons; and that the building in the port of London has latterly fallen off in very nearly the same proportion. * The natural result of this evidence, and which cannot be controverted, is, that what we have lost they have gained; but it must never be lost sight of, that it is of the loss to this country I complain, and not of any gain to India.

Sir, a great deal of discussion has taken place upon some averages of former and present states of building Indiamen on the Thames, produced by us in an early stage of this proceeding. We have been accused of presenting a wrong view of the case through those averages; and different periods, and a different arrangement of periods have been produced, to shew that our statements were not correct—It has been said, that some Indiamen were taken as men of war in the first period, that the India company have lately reduced the number of their ships, or rather not kept up their quantity of tonnage to the former extent as to the second period; that there will no doubt be very soon a very large proportion of tonnage in demand, and an increased quantity of building; and, therefore, a certain prospect of encouragement soon held out to the ship-builders: but, Sir, the question is, to the ship-builders of what country? For what purpose this last statement has been used, it is not easy to conjecture, unless it is to exhibit to my clients the full extent of their unhappy situation, more unhappy from a source of employment being

pointed out only to prove the extent of the injury we are to suffer from the effect of this bill, which will deprive us of the only building which, in the natural course of things, would be left us at the expiration of a long war. Here is another proof of how little consequence it is by what sacrifice a petty victory is to be obtained over any part of our case. Our averages are to be disputed, we are to be convicted of having made wrong calculations as to the proportion of ships formerly and lately built, and are rather more triumphantly than feelingly told, that our latter years appear less, because the India company have lately built less—that, consequently, they must soon build a great deal; and this argument is used in support of a bill which is to give all the advantage of future building to our opponents. We are for a petty purpose told how much there will be to do, only to put more strongly before our eyes the full amount of the loss we must sustain, and the nature and extent of the triumph which is to be obtained over us.—Sir, the argument can hardly be gravely dealt with. Is it of the least consequence to the decision of this case, whether we have taken an average right or wrong? Will any victory of my learned friends over our statement prove that there has not been a vast increase of Indian tonnage, and a proportionate falling off in the English tonnage? Wrong averages may have been made upon this subject, though I should have no difficulty in proving, that both the principles and calculations upon which my learned friends proceed as to these averages, are fallacious—that long averages are taken solely for the purpose of including in the general result accidents which will always recur in a course of years, but which you cannot admit into single years—that the heavy loss of Indiamen in the latter period, an accident likely to occur again, counterbalances the Indiamen taken for men of war in the first period.

But, Sir, I will not throw away an argument, or waste a moment of the time of the committee in a contest upon such a subject. I will leave to my learned friends a victory over our calculation, if they will leave to me the substantial facts which lead to the fair consideration of the subject. Will the alteration of the average of ships actually built for the service of the India company, from seven to four, or any other number, during the first ten years stated, or from two to three, or any other number, during the last ten years, alter the fact of the East India company's having built their last ships in India and not in England; of their having sent out orders now to build the Buckinghamshire in India; of there now being no ship ordered, or contracted for, or thought of, in England? Will calculations of the effect which would be produced upon the average by the tonnage kept back by the India company in the last four years, while their charter was under discussion, give to my clients the consolation of looking to that tonnage for future employment, against all the arguments, or at least against all the evidence produced by my learned friends upon this subject? Will such calculations, or arguments founded upon any

such victory over our averages, which I cannot but consider as unworthy of the talents of my learned friends, prove that my clients built the *Vansittart*, which was launched last year at Calcutta, or are about to build the *Buckinghamshire*, lately ordered at Bombay. In a public newspaper, under the head of "EAST INDIA intelligence," I read this paragraph only yesterday.

" EAST INDIA INTELLIGENCE.

" Ship-building is now in a most unexampled state of prosperity in India. A new vessel for the company's service was launched in November, at Calcutta; it was baptized the *Vansittart*, and is 1200 tons burthen. Three other vessels of inferior burthen, called the *General Kydd*, *Earl Moira*, and the *Susan*, were launched about the same time, and a number of others are announced in the India papers to be on the stocks."

This state of prosperity of India ship-building contrasted with the state of ship-building on the river Thames, where not a ship has been launched for a year, no ship is building, and not one ordered even by the India company, makes all discussion upon correctness of averages an idle waste of time. My learned friends must persuade us, that the ships which appear upon your minutes to have been furnished by India builders, that the *Vansittart*, the *General Kydd*, the *Earl of Moira*, and the *Susan*, were built in the yards of Messrs. Wigram, Brent, Barnard, or the yards of my other clients, that the return of the India company as to the orders for the *Buckinghamshire* is erroneous, and that this vessel is to be built in England, and that the tonnage soon to be supplied, and which is called in aid of my learned friends' arguments as to averages, is to be furnished by English builders, before they can induce me to enter into any contest upon such a part of the case. But I cannot pass without observation the consistency of argument and mode of treating this whole case, which pervades every part of the conduct of it by our opponents, and my learned friends. For the purpose of averages we are accused of understating what we have had, and omitting *what is in prospect*—we are soon after accused of considering that as a source of employment which we are told is not worth consideration. How this meets our argument, that whether it be little or much, we are entitled to have it upon principles of national policy and common justice I am unable to discover: we think that we are the best judges whether it is worth our while to carry on the building for the India trade here. It would be rather absurd to tell us, that we ought not to carry on the business, because, in the estimation of others, whose sole object is to get it from us, it would not be worth our while to pursue it; that we over estimate its value, and therefore there is neither hardship or injustice in taking it from us. For the purpose of disputing our averages, we are convicted of having made our calculations in such a way as to understate our employment. Our statements are scarcely said to be refuted for this purpose, when we are charged for an-

other purpose with over stating the employment which we claim from this business. The calculation which is said to be so completely refuted for one purpose, is immediately adopted for another; upon which I have already commented, namely, that of contrasting the account of our employment for the navy board with our employment for the India trade, in order to shew that the latter was comparatively of little importance, and to justify a measure which is to add to the loss we must in common with many others suffer from peace, and the loss of employment consequent upon war, the injury of being deprived of our only other resource—and we are then consoled, though we cannot admit that we are answered by the argument, that the only remaining employment we had to depend upon is nothing like so great as we have stated. In short, it is either more or less, little or much, as it happens to suit my learned friends' arguments, or their statements (whether true or untrue I will not now inquire), for the immediate purpose of the moment, no matter how little it applies to the real substantial subject of contest. Sir, I have before commented upon the abstract produced on the other side, to shew the comparative quantities of building for the navy and the India trade, and shewn its fallacy in wholly omitting repairs. I have also shewn the fallacy of any argument derived from minute calculations, of which my learned friends' clients are very fond, as nothing appears so effectual in meeting any case standing upon broad general grounds of public policy and private loss, as petty speculations upon the calculated amount of the loss stated, and convicting your opponent of some error in his details, however little they may affect the question under consideration. Such, Sir, and founded upon such principles, is the result of the whole of their calculation as to the number of men employed, or for whom employment would be afforded by particular description of work. We have said, that building is necessary to support our yards: and a calculation is immediately made upon the present number of men employed by *a given quantity of building*, without any consideration of the question, that building is necessary to produce repairs; that if five ships were to be built in the year, thirty or forty would, probably, upon the number to be kept up by such building, come to be repaired or refitted in the year. It would not be difficult to show, if it were worth the contest, that my learned friends' inference and calculation, as to employment of men, would be wholly defeated by contrasting the aggregate building of all sorts with the number of men admitted to be employed in the whole*; but my present subject of observation is, that for the purpose of momentary triumph over us, all our averages as to the building in the latter periods are fallacious; and yet they

* The 119,415 built in the twenty years for the navy would not, according to the calculation of 60 men to 1,000 tons, which is adopted for the purpose of shewing that the Frigates builders did not depend upon the building for India, add more than 300 or 400 men on an average. Contrast this with the account, page 400 of Minutes, and it will appear either that the repairing has been much underrated, or that no dependence can be placed upon such minute calculations.

are without scruple immediately adopted, or at least the facts upon which the averages were made are adopted, for the purpose of contrasting navy building with India building, and shewing that we had no right to state that we depended upon India building. This observation, added to what I have before stated to the committee upon that abstract, will shew to the committee the manner in which this case is treated by our opponents. Sir, we are perfectly aware of the loss we may sustain by want of employment for navy building; and what we complain of is, that it is now intended to deprive us of all we had left.

Sir, it is perfectly true, that at the termination of a long war, and for some time after the commencement of peace, a general stagnation will prevail in many parts of the commercial world. I am afraid we are not the only persons likely to suffer in this respect; many who think that plenty and wealth are necessary concomitants of peace, will find themselves greatly deceived. Many persons, no doubt, will experience very great difficulty and embarrassment, until home and foreign markets find their natural level; many will find peace a season of stagnation of business and inactivity. Sir, we have not attempted to conceal from ourselves or the committee that such will in some measure be the effect of peace upon us—that not only will the Thames builders lose the employment connected with the navy, but that the general building of the country will, as I have before stated, for some time feel the effect of the number of the transports which will immediately be offered for mercantile employment, and also the effect of the tonnage arising from prizes, in a war in which a course of uninterrupted victory has thrown the balance of that tonnage so largely in our favour. Sir, I have before stated, that we were fully aware of the effects of these causes upon our business, but we did not complain of them. These losses arise out of causes incident to the natural state of affairs, to which we, in common with all others, must submit. Our complaint as to India tonnage is of a different description; it is that a temporary policy, arising out of particular circumstances, which admitted India ships to a competition with English, is now to be perpetuated by this bill. That in times when war will deprive of much, the remainder, which becomes more necessary to our existence, is to be taken from us; and my learned friends seem to think that it is almost sufficient for them to prove that it is not so much as we have represented it to be, to justify the depriving us of it. Sir, I repeat again, that our position is, whether the precise amount of the shipping be correct or incorrect, whether the average of ships built, or which would have been built, or which are now to be built, is accurately stated or not; whether it is more or less than either side have asserted; whether it is little or much, sound policy, and justice to my clients, founded upon that policy, and their claims imperiously demand that it should be preserved to us; and if, as my learned friends have stated, there will soon be a large demand for building tonnage—the amount of which I could, if it were necessary, prove to be incorrectly stated, but which it is

better for my argument to take upon the assertion of my learned friends—it forms a strong additional reason for securing the benefit of that building to us, as it would in some measure counterbalance the effects of the loss which must arise from the termination of the war. Having disposed of all these grounds of petty warfare, I at length approach the substantial and ultimate questions between my learned friends and myself. The questions are two. One, the great question of public POLICY, which I put first; and the committee will do me the justice to recollect, that I have always done so.

The other, the question of comparative claim (and which may be considered as a *private* question) between the gentlemen for whom I have the honour to appear, and the mercantile houses in India, for whom my learned friends appear.

I must first advert to the manner in which the question of public policy is argued by my learned friends. Sir, to my astonishment I hear now, for the first time, of 60,000,000 of people claiming, not merely what is given by this bill, but much more, as a matter of *right*, from the British legislature!—My learned friend, Mr. Grant, claims, in the first instance, equal credit with myself, for having put the questions upon grounds of public policy; indeed, puts himself rather above me in this respect, never having breathed, as he stated, a whisper respecting his clients; but this, Sir, was only the prelude to a claim on behalf of the whole people of India. He tells us he will be no longer party to a silence as to those claims—that what might be prudent in them, would be criminal in him; and having started suddenly as the advocate of claims upon the parental protection of the British state for this immense population, goes on to state, that the real question is, whether the English ship-builder shall have the monopoly, or the India builder be allowed to enter into a competition—wishing the committee to believe that he seeks only competition, in the same breath in which he tells you, that the natural and *proper* end of the competition is, that the cheapest will beat the other out of the market. Unable to conceal his exultation at the inevitable result of such a competition as he thus seeks to establish, and forgetting that it is the duty and practice of government to take care, where competition is beneficial, to preserve it by regulations, restrictions, and duties: and my learned friend afterwards proceeds with a consistency quite in unison with every other part of his argument, and his case to prove, not merely the absolute superiority in the cheapness and other qualities of the India ship, but that the trade must be carried on in India ships, and India ships only. He charges us with claiming monopoly; and with admirable consistency asks for competition, and proves that he is seeking monopoly for his clients, and will be satisfied with nothing short of it. Now, Sir, let us see for whom it is sought, and for whom my learned friend really appears, whether he appears for a few India houses, or on behalf of a population of 60,000,000; let us first examine his claims in behalf of the whole population of India. We

are told that it is a country which cannot be called a colony—a country which has had, and has, independent governments of its own—a country not peopled from England, or deriving any of its resources from us. With reference to whose claims my learned friends never once hint at its bearing any analogy to a conquered country; and he urges those claims upon principles which, I confess, if my learned friends were really entitled to advocate them on the grounds he has taken, I should look at as most alarming. We are afterwards told, that the refusal of their claims will be an act of the grossest injustice to this population—that we are putting the extinguisher upon the claims of a people nearly as numerous as the whole population of civilized Europe—that we are asking to deny them the right of carrying on their trade in their own ships! a right which we are also subsequently told by my learned friend, Mr. Grant, we wish to refuse them while we grant it to foreigners, of which we wish to debar them while united with us in interests, and as belonging to the same state, and which we must concede to them if they were a revolted colony, and had succeeded in a treasonable contest against us. Sir, it is with a view to the attempting to obtain the aid of this last argument in favour of India as the exporting country, that I conclude my learned friend has brought forward the population of India in such an anomalous state of relation to this country, as to entitle him to contend for all sorts of rights whether foreign or native, and however undefined in their application. But my learned friend surely cannot forget, that the right of carrying trade, and exporting the produce of a country in the ships of a country, is not one conceded as a favour to a foreign state, but which arises out of the relation of foreign and the independent claims belonging to that relation, which you cannot refuse, and the effect of which, therefore, you counteract by duties, amounting oftentimes to prohibitions, and at all times by regulations affording protection and preference to your own. And from this state of India, my learned friend claims all the privileges of protection of a colony, without the restrictions usually imposed on colonies, and at the same time the benefit of all the rights of a foreign state.

Sir, I confess I hear these doctrines and statements with some alarm. If the comparative state of England and its Indian dependencies is such as my learned friend has represented it to be, we must expect to live to see the period when the Prince Regent of this kingdom will follow the example of the Regent of Portugal, though from very different motives, and proceed to the government of the greater state. I, Sir, have, at various periods of my life, had temptations which might be considered as alluring, to quit Great Britain for some of its wealthy dependencies. I have always preferred continuing in the sovereign state; but my learned friend's statements, if I could allow them full operation, would excite serious alarms, that I must either emigrate with the government, or consent to pass the remainder of my life in the subordinate and dependent state. But, Sir, let me seriously ask,

have we ever heard of these 60,000,000 of people in any former discussions? With reference to such questions, or such claims, were they placed in this situation in the discussion of last year? Was a single word said about the inhabitants of India in this way? The question was not then, whether the people of India were to be allowed to make these demands for Indian ships, for English trade, or for any other privileges, in the way the subject is considered by my learned friends? With reference to such claims and objects are they, in fact, the real clients of my learned friends? Do they not appear for clients much more limited in claims, and in interests, and for objects of private advantage and gain to a few individuals, rather than for great public privileges affecting the population of India? To ascertain this, let us look to the discussion of last year.

The whole of the contest, of which this is a branch, was, from its commencement, carried on and concluded between the India company, and the monopoly it had so long possessed, and the private traders of India and merchants of England. No claims were ever made for these 60,000,000, nor can any now be set up against any principles of substantial policy which the legislature of this country may think it necessary to preserve or adopt, for the protection of the wealth and power of the sovereign state.

My learned friends tell you, that India is not a colony; it is not like a West India island. One of them says, it is not like St. Kitts. It certainly is not like St. Kitts; but will any dissimilarity as to size or population, or any such circumstances, justify the use of, or support arguments, that it is not in any manner, or under any circumstances, as a dependency of Great Britain, (which I hope I may, notwithstanding the statement of learned friends, still for some little time at least venture to consider it,) subject to all the same general principles of sound policy, which have hitherto dictated all our laws as to colonies or dependencies, and had for their object the making them accessions to, and not destructive of, the strength of the sovereign state: but let us examine their case when they come to give it in evidence, and see whether it is for such public objects, or only for the convenience and emolument of a few individuals, that it is absolutely necessary to allow teak ships to supersede the use of oak ships.

Sir, all their witnesses tell you, that the motive for their employment is, for making the remittances of the wealth of India to England upon better terms; that the India houses can give bills upon better terms if they are allowed to transmit the produce of India, particularly the grass goods, in their own teak ships. Now, Sir, we begin to see something of the real case, and to find who my learned friend's real clients are. My learned friend, Mr. Grant, in his admirable address to the committee, used certainly, on many occasions, very strong language, and bold arguments, as an advocate for his clients; but did it in such a regulated tone of voice, and in so modest and unassuming a manner, that frequently it was not until the sentence had some time passed the ear that you perceived the sting which it contained. My learned friend also knew when any

part of his subject should be kept back; and therefore only gently hinted at the possibility, or urged the probability, that if you did not allow teak ships coming to this country, the purpose of those who wished to employ them would be effected by other means; in short, by smuggling their remittances to Europe in foreign ships. His witnesses, who came from India houses to prove their own case, had no such delicacy in their statements, and it was not necessary, therefore, that my learned friend, Mr. Spankie, should endeavour to preserve it. It is, therefore, by them, boldly avowed, that if you did not suffer their wants, as to favourable remittances, which they never lose sight of, to be supplied by means of teak ships constructed in India, that they would resort to foreign countries and foreign vessels. They told you, without reservation, that if you did not choose to let them bring their cargoes home in teak ships, they would smuggle them home in foreign ships, and that no law would prevent them from so doing. Sir, I will not dispute that such considerations cannot wholly be thrown out of the consideration of any case of this description; but this principle can have no weight with the committee in coming to the conclusion for which my learned friends are labouring, unless it can be distinctly shewn that it applies to the case. What is the argument of my learned friends, and the statement of their witnesses? Why, that if you will not allow these teak ships to come to this country, the natural consequence will be, that those who reside in India will transfer their remittances by means of foreign ships, and to foreign countries; that gentlemen who make their fortunes in India will remit their money to the greatest advantage, and through the medium of the most favourable bills, by foreign ships, if such ships suit their purpose better. Here, Sir, it is at once that their whole argument fails: they tell you that you are bound, in justice as well as policy, to provide them with the means of transmission which they desire; and something like a threat is held out to induce this country to abandon the policy which has so much contributed to its security in wealth and prosperity. But upon what is the whole of this founded? Why, that the freight by those teak ships will be cheaper, and therefore that you must allow their use to enable them to compete with foreigners. Now, Sir, if I hereafter shew, that though they have the superiority in this respect over British ships, they have no such advantage over foreigners, the whole argument fails; for can it be doubted that these gentlemen will use the cheapest and most advantageous mode of remittance,—will it be believed that they will, after what has been so broadly stated, be deterred by any scruples from availing themselves of all means of remitting their wealth or trade on the cheapest terms. I repeat, therefore, what I have before stated; and will more distinctly shew, by the evidence hereafter, that you will lose the building of British ships by this transfer, without procuring to the country the only advantage which is stated as a ground for justifying such a proceeding. My learned friend, Mr. Grant, has also condemned the narrow policy of shutting out the resources of India from ourselves, of

clapping a seal upon them; and he also asks you whether you will use them, or deliver them over, untouched, to be used by some foreign enemy, if such should be the fate of India. Sir, I doubt whether I understand the argument of my learned friend. The permitting ships now to be built in India for the whole trade must, if India should ever be lost to us, create; or rather I may say, increase the establishments for ship-building for the use of a future enemy. These very establishments which my learned friends wish to cultivate and increase in India, are even as yet in their infancy, dependant upon other countries, and this, for a great part of their means of building and equipping. All the resources of India which can aid ship-building will be developed by the increase of these establishments. The using of them, as my learned friend terms it, might apply to a magazine of provisions, which might fall into the hands of the enemy, if not used, which must be burnt or destroyed to prevent such a consequence: but how does the argument apply to this question? The resources of India, if I comprehend the phrase, as applied to this subject, are not merely the means in *raw material*; for these are only partially possessed in India. Within our territories the resources, as to the ship-building in India, will arise out of the increase and improvement of its establishments, its workmen, and its talent for employing those workmen, and the rapid improvement of many of the raw materials of the country, and creating the means of using them for the future use of those establishments. If the workmen of this country are transferred to India, and their numbers, whether from this country or India, increased, all the means of building increased, and great national resources of this sort are thus created and established; a source of power is formed, which may one day fall into the hands of an enemy to be used against you; not the woods or forests, or natural produce of the soil, for I admit that they may be inexhaustible.

Mr. Grant. I did not myself say decidedly whether or not the resources of the country were inexhaustible. I said that they had been declared by the opposite parties to be inexhaustible. It was they who made use of the assertion.

Mr. Harrison. Sir, I had taken down my learned friend's words, and I understood him to state, that these inexhaustible resources of India—the immense wealth and riches of this vast body of people, of which it was in the power of this country to avail itself, we should put into the hands of the enemy, unused and untouched, if we did not adopt the means which he recommended, of availing ourselves of them. My answer to this proposition is, that if you increase the establishments in India, necessary to enable you to fit out such ships there, and increase your naval strength in India, you hazard the danger of all those resources, so increased and firmly established, falling into the hands of the enemy, to be used against yourself. But, Sir, though I use this argument, and it is one, as it appears to me, of no little weight, I must intreat the committee never to lose sight of the main argument upon which I bot-

tom my case, namely, that what will thus be established in India, subject to such future hazard, is lost here in Great Britain; that it is the loss to Great Britain, the parting with sources of vital strength, which I deprecate; that the objection is not to the enriching India; not to having such resources there, so much as to the losing them here; the transfer of them from the centre of the empire, where they ought to be kept to be available for security as to their preservation, and the strength and consistency which they give to the resources of the empire: that this mode of putting the argument must never be forgotten, as the one upon which I rely, either in a commercial or public point of view; that all others are only accessory to this, and may be used in aid of it; but the main feature of the case, and the great subject for consideration, on grounds of public policy, is the transfer of strength from the centre of the country to a distant possession, made more objectionable if the tenure of that possession is precarious; that the strong ground of objection is not that India gains either wealth or resources, but gains them at the expence of the sovereign state; that what is established in India is lost here; and that it is against that loss I argue and protest.

Sir, it is established beyond contradiction, that the strength and state of the navy has been aided in a most important degree by the private yards; and after the full and satisfactory explanation which has been given of the conduct of the private builders, in the connection with government, no fear can ever arise in applying to them. It is proved that the assistance of private yards is essential to the keeping up the navy. Mr. Sepping tells you, that by the arrangements made and making, government will be able to build seventy-four for the navy, as many as can, he thinks, be wanted; but that they cannot build the frigates and other vessels of war which they may want at the same time. Such private assistance must be supplied somewhere, and can only be supplied by private yards capable of affording the required assistance.

Sir, I apprehend that no man will be found not to entertain very serious apprehensions from a measure which must, at no very distant period, place this country in a state of dependence, for assistance in the maintenance of our navy, upon yards in India; and yet such will be one of the certain consequences of this measure, if it be carried. Sir, if it is necessary, as it has been and is proved to be, that you should have, and must have, the means of resorting to private establishments on emergencies, it appears to me absolutely necessary that you should protect, maintain, and keep alive the establishments most readily within your reach. It is your interest, in point of convenience as well as policy, to maintain the dock-yards in Great Britain, which can afford such aid; and you should be jealous of every attempt to diminish their utility and consequence. It is impossible to say how soon we may want those establishments again. Will any man venture to state, after reading the evidence, that such aid may not be essential to the maintenance and support of your navy, if again wanted for extensive operations of war? Will any man venture to rely upon

the continuance of peace, or to place such reliance upon its continuance, as to consent to part with any means of preparation for war? Sir, I contend that no convenience, no trifling advantage, which can be stated by my learned friends, will justify such an abandonment of our ancient policy—such a loss of our resources of defence and security.

Let us now consider how the arguments stand with respect to the necessity or policy of this measure.

My learned friends say, that it is the constant practice to connect individual interests with national policy, and with arguments of public necessity. It is the practice to endeavour to unite private interests with public, in the hope that by identifying the one with the other, the object of private application may succeed. I may venture to return this argument upon my learned friend, Mr. Spankie, who used it, whether the claims so boldly preferred on behalf of 60 000,000 of people in India, have any other foundation than that of endeavouring to add their interests to the very inferior interests, in any views of national policy, of those who, in fact, appear ultimately upon the evidence to be his clients. It is said that India is the exporting country; that it takes little from this country; in short, that it is independent of this country in point of resources. If India were an independent country, with separate interests, (a supposition the future possibility of which my learned friends almost ridicule,) these statements might prove that it would have a right to say, upon all principles of public policy, and international law, that India ought to have these establishments. But this argument cannot apply in the present case: it is founded upon a principle, the introduction of which into the question my learned friends deprecate, who are endeavouring to establish a principle between a colony, or dependency, and the superior and paramount state, which subsists only between independent nations.

India is repeatedly and prominently brought forward as the exporting country; and it is said, that unless you permit the trade to be carried on in these teak ships, it will not be carried on at all, or that it will be a smuggling trade in foreign ships. It is asserted that we have no right to look to any advantage from this trade, unless it be received from these ships; that if these ships do not exist, the trade will not exist; that the India merchants cannot carry on their trade without them; that if these ships be not allowed to come to this country, the trade will be annihilated, or be carried on by others, or through the medium of other countries. How is this attempted to be made out? Why, by mixing together questions totally distinct; questions of competition between the India company, while its monopoly existed; and the private trade, with questions of competition between British subjects and foreign countries; by an attempt to apply all the evidence formerly given upon the subject of the inconveniences suffered by the private trader, while hampered by the East India company's monopoly, and dependent upon that company for tonnage, to a state of circumstances totally different. By an attempt to apply all the arguments formerly used, and facts formerly

proved, as to the inadequacy of a quantity of tonnage in the company's ships, or of extra tonnage, as it was called, to the wants of the Indian trade; with the simple question of whether an Indian house may have a cheaper Indian vessel, or must have a British one? Sir, in point both of fact and argument, and all questions of policy, which can arise out of either, no two questions can be more distinct from each other; and all these views of the subject wholly pass by the exclusive monopoly of the China trade, till retained by the company, in which no competition is allowed between them and the private traders; and from the consumption of the great article of import in that trade by this country, no competition is to be feared from any foreign country. What was first called the tonnage, given by the company to private traders, was afterwards described by the term extra-ships. The quantity of goods to send home in private trade was necessarily dependent upon, or regulated by, the mode in which this tonnage was furnished. It was natural to suppose, that the private trader would require every facility to enable him to encounter the monopoly of the company, and that the company would interpose every obstacle to private traders who were openly and avowedly endeavouring by every means to overthrow their monopoly. Nothing could be more opposite than the interests of these two parties. Look at the evidence of the price at which their tonnage was often furnished; the obstacles which were interposed to its use; the delays and innumerable inconveniencies which attended the endeavour of any private trader to use it; and it will be immediately seen, that the mixture of these two questions, and of the different interests of the company and private trader with that of British and foreign competition, can only tend to confound and embarrass the question under discussion, as far as it relates to the situation of the Indian trader. The questions must be kept separate and distinct; and still more, the case of the East India company, which has nothing at all to do with the question of competition, between foreign and British trade, as connected with British ships, or foreign or Indian built ships. The simple question is, whether the Indian houses which have been mentioned, or others who may engage in the trade, shall be compelled to continue to use British built ships, for the preservation of the ship building here, or be allowed to use native ships, for the purpose of attempting a competition with foreigners, in which the evidence shews they have no chance of success. They tell you, that because India is the exporting country, the merchants in India must have the ships on that side of the water. Now, Sir, what is to prevent their having British ships on that side of the water? It appears that every mercantile house in India, Bengal, Bombay, and Madras, is connected with houses here, and that they are owners of ships; and it requires no evidence to prove, that such must be the fact. Every witness tells you this, and Mr. Maitland tells you, that in order to carry on the trade with advantage, the merchant in India must assume the two characters of owner and shipper. What becomes, then, of all the evidence and argument as to the

uncertainty of tonnage—the impossibility of providing a cargo, without knowing whether there will be means of conveying it to Europe, and all the consequent losses and inconveniencies to the trade? all applicable, as I have before said, to the difficulties which existed while the company retained its monopoly; but having no sort of reference to the present state of things, or to the trade, as it must be carried on, according to the account of my friends' own witnesses. If the merchants are to own the vessels as well as to provide the cargoes, if the vessels are to be under the command of the traders there, in the name of common sense, what difference, in this view of the subject, except the difference of expence, is there between the teak ship and the ship built in England? What difficulty, as to mere convenience and certainty, can arise from requiring that the ships employed in this trade shall be built at Liverpool, at Hull, at Bristol or London, at Calcutta or Bombay? If the Indian merchant, in order to carry on his trade with advantage, must be ship owner as well as merchant, and is, as he must be, necessarily connected with houses here, what question can there be, on the ground of convenience, whether the vessel shall be built here or there? I am hardly justified in saying, that my learned friends used so weak an argument; in fact, the argument, or statement rather, came from the mouth of some of the witnesses, connected with the Indian mercantile houses.

It is said that the Indian trade must be carried on in Indian ships; because merchants must have ships ready in India, for the purpose of receiving the cargo: meaning, I conclude, that India must be the country in which the ships must be detained and longer kept. Without repeating what I have just said of such a case being equally applicable to a British as an Indian ship, I venture to state, that the proposition, when stated as a question of convenience and necessity, is not correct; they contend that India is the exporting country, and principally of large, bulky, low-priced commodities, consisting of raw materials, necessary for this country and Europe; at least, it is to such articles that the evidence and arguments have been applied. I contend, that such a country is, of all others, that in which the fewest difficulties will arise in getting cargoes for vessels at certain periods. The country affording full freight of large articles, is that in which the cargo is soonest ready to be put on board, and the one in which the least detention takes place. From the exporting country, tonnage, and not cargo, is generally wanted. The same observation applies to the West Indies; with this difference only, that the ship in the West Indies must wait for her cargo while the sugar is manufacturing; for the article of sugar, which makes the West Indies the exporting country, is manufactured there, and by a tedious process. But the principle is the same; West India ships wait here, in their outward voyage, to the last hour, to collect and get together every possible article of freight, every cask and box is an object. The West India captain keeps his vessel here for freight to the last minute, in order to get as good a cargo out as possible; and so it must and will be with the owners and captains of

Indian ships. The cargo of profit, as to freight is, in both instances, the same cargo, the outward cargo must be made as saving a one as can be got, and more pains, time, and difficulty will necessarily occur in procuring it; and here, therefore, whether the ships are Indian or British, will be the great detention. Upon this subject will also arise an important question, with respect to the seamen to be employed in navigating these ships: it is not only difficult, but must often be impossible to procure British seamen in India. One of the witnesses tells you, that this is a new case, that he has not considered it, but has some general loose idea of transferring them from one vessel to another, when a house owns more than one vessel; an idea so vague, and utterly inconsistent with any thing like what the same witness urges, of necessity, of certainty of voyages, as to prove that he has never considered it at all. Another of the witnesses tells you, that British seamen, if employed, and of course detained in the country, are not healthy in that part of the world, and that they are not to be got in considerable numbers; but not so, he says, of Lascars. If Lascars are to bring the ship home, and the ship must then take out its required number of British seamen—a double crew is the consequence; for the Lascars must be taken out: British seamen must, therefore, be established and settled in India, an unhealthy country to persons so little able to controul themselves when idle, and out of your reach in case of war, or the difficulty I have alluded to must constantly recur. Here, therefore, Sir, there is another objection of a most serious description, and it is so felt that some very broad hints are given, that it requires reconsideration; and that the restrictions, with respect to British seamen, may be attended with such considerable inconvenience as to require reconsideration; and no doubt, if they succeed in their present object, an application will be immediately made by these gentlemen to disencumber themselves of the restriction as to seamen; and the same arguments of inconvenience and expence will intitle them to hope for success, and upon these principles your British seamen, as well as your ship-building, will be transferred to India, or you must, upon the same principles which are contended for as justifying the present measures, namely, convenience, cheap freight, competition with foreigners, and such arguments, abandon all your ancient policy, as to seamen, as well as ships. If one is granted, I do not see how the other can be refused. When ancient practical principles, sanctioned by long experience, are forsaken for fancied advantages, and upon interested applications, it is difficult to say where demands will end, or concessions cease.

I now proceed to consider in what way they endeavour to prove their case, as to the expediency and policy of building ships in India, and employing them in the trade with this country. By what witnesses do they endeavour to establish that which is the most important subject of discussion between us? why, by the persons who are the most interested in the success of the measure; the parties themselves, the partners of these Indian houses: witnesses for such a purpose were

never before called in such a case, or in any other; witnesses whom my learned friends, when the experience their talents must ultimately give them in their profession will enable them to controul the imprudent zeal and indiscretion of their clients, would not allow to have been called. A Mr. Mitchell is the first, and the first question put to him was, "In what house are you a partner in Bombay?" "Bruce, Fawcett, and Co." The identical individuals who are most interested in this question, and personally engaged in the contest. The manner in which this case has been conducted prevented my feeling the surprise I otherwise should at such a witness being called, and such a question being asked. There are certain objections to witnesses, which, when taken, cannot be over-ruled, and which professional habits induce one to take without consideration, and almost by a sort of instinct; and which, if put to Mr. Mitchell, must have rendered him an incompetent witness to be examined on this question. The question I might have put would have been, "Do you contribute to the carrying on this contest? Are you in any manner ultimately to pay any proportion of the expence of this inquiry? In fact, are you one of my learned friends' clients? Can there be any doubt that the partners of the house of Bruce, Fawcett, and Co. so deeply interested in this question, and taking such an active part in it, do pay, or are to pay, a part of these expences?" An affirmative answer to my question must have turned Mr. Mitchell from the witness box; because, upon no principle of justice, or of the common rules upon which all inquiries are conducted, through the medium of oral testimony, could he have been examined after such an answer. But I checked myself, and did not ask the question, though no one will for a moment suppose that his first answer did not immediately apprise me of the nature of his situation. Why did I not ask the question? Because I was well aware, from the course the investigation had for some time taken, that he would be the most desirable witness I could wish to have examined for our case. The wind had changed; we were upon a different tack. That which at first was stoutly disputed, had for some time become the whole support of my learned friends' case; competition for India ships was at first modestly demanded; monopoly was now to be as boldly demanded as the right and privilege of the Indian houses; and I knew I could not have a better witness. A party, if an honourable man, may often be the best witness to be examined in his own case, as to mere facts, because he may be the only person acquainted with them. But it is certainly the first case in which I have ever heard the opinion of a party asked upon a question of opinion and policy in favour of himself. A member of the house of Bruce, Fawcett, and Co. may, without any violent presumption, be supposed naturally to have an interest in this question. I impute nothing either criminal or disreputable to those gentlemen, in concluding that they must entertain rather favourable opinions of their own case, and must wish to impress the committee also with the same favourable ideas of it. My learned friends had not been very successful in their timber case,

and were probably, therefore, desirous of having witnesses upon whom they might fully rely for the most plump, round, and unequivocal opinions in favour of the measure which they were labouring to promote; and such witnesses they were quite certain of finding in the parties themselves. Now, such a witness is Mr. Mitchell, and such are all the others of the same sort from the Indian houses, even although they may not contribute to the expence of the contest; and Mr. Mitchell does not disappoint my learned friends upon the score of opinion. I don't know the gentleman, or what the exact extent of his interest in this question may be. I have no doubt that he is a very respectable man, as he is connected with persons of high respectability. I mean no disrespect to an honourable member of this committee, as a partner of that house, or to the witness, when I broadly and distinctly state, that the opinions of Messrs. Bruce, Fawcett, Palmer, Trail and Co. and the gentlemen who have been spoken of, as forming the Indian houses, in the course of these proceedings, are the very last opinions which could either with safety or propriety be taken or attended to by the committee or parliament upon a subject of this sort. It is not from persons so interested that opinions upon subjects so connected with national policy, and questions of deep public interest, can safely be taken; you would have from them, as honourable men, the truth, as to what they had done in the trade, how they carried it on, and how much benefit they derived from it, the rates and prices of the articles in which they dealt, and all other facts within their knowledge; and I beg it to be understood, that I am not casting a shadow of reflection upon the respectability of these gentlemen, either collectively or individually, or upon the particular witness, when I request to be allowed to say, that upon a question so deeply interesting to their future views, and on which, by their own accounts, they have so much at stake, they are the last persons whose opinions can be listened to with any attention; and in any other case I should have felt no little surprise at hearing such opinions asked.

Now, Sir, having made these general observations upon the situation of Mr. Mitchell, I must beg the attention of the committee more particularly to some parts of his evidence. Mr. Mitchell's evidence is this: You are, I believe, a partner in a house of agency at Bombay?—I am.

In what house are you a partner in Bombay?—Bruce, Fawcett, and Co.

How long have you been a partner in that house?—Between five and six years in that house.

How long have you been in trade in India?—About ten years.

In that situation, you have, doubtless, considered in what manner the produce of India can best be brought to the ports of this country?—I have.

Can you state what, if any, advantage there be in having India-built vessels in carrying the trade of India to this country?—I

consider generally, that the merchants of India will always be able to send home the raw produce of India, or the produce generally of India, *with the greatest convenience in their own shipping, and consequently at the cheapest rate.*

What circumstances constitute the convenience of sending home the produce of India in their own shipping?—They are obliged to collect their cargoes from various parts, and having the vessel at command immediately is a great convenience. *If they had to wait for a ship to come from England, they might be disappointed of the vessel, and might lose the market.*

Considering the mutual demands of India and of this country, and the product of the two countries, which of the countries should you conceive to be the exporting country, if either; or do you conceive that the produce of the two countries is in mutually equal demand between them?—India will certainly be the exporting country in the greater degree.

Do you imagine that the produce of this country is likely to be in such demand in India as the produce of India is likely to be in this country?—*Certainly not.*

Am I to understand, that, in your view of the subject, the trade which is to subsist between the two countries must be carried on in part by an export of money from this country, and by the importation in return of raw materials from India?—No. I doubt very much whether the trade of India will ever be carried on by the exportation of bullion from this country. I do not think the trade of India could afford to pay the expense of sending out bullion to India for the purchase of cargoes. *I think rather it will be limited more TO THE REMITTANCE of fortune accumulated in India to this country.*

We are to understand you, that the manner in which the produce of India is to come to this country, *is chiefly in the way of remittance of fortunes accumulated by subjects of this country residing in that part?—Yes; it may be occasionally otherwise, from particular circumstances.*

Upon the whole, are you of opinion that the trade will consist chiefly in an export trade from India to this country?—Yes.

Did I understand you to say, that owing to that circumstance it is a great advantage to the merchant in India to have his ship built in that country?—Yes.

Do you know whether it would be an advantage, in point of expense, to employ an India-built vessel, or to wait for tonnage from this country?—*The uncertainty that attends the waiting for tonnage that is sent from this country may be destructive to the trade altogether. It is impossible to say how much it might injure it. It might ruin it altogether. That was the case, in a great degree, with the old system, on which the company furnished the country with extra ships, against which there were so many complaints made.*

What was the nature of those complaints?—Disappointment of the period of arrival, and high freights.

Can you state whether the goods which have been imported from India lately in the way of private, have been of such a quality as to bear an expensive freight?—*Certainly; the freights that the company have been in the habit of charging upon their ships, no doubt prevented the sending home of gruff goods, which otherwise would have been sent, and which might have been sent, in the native ships of India.*

Have you any doubt of that fact?—No doubt whatever.

What sort of goods?—Raw cotton, pepper, and various other articles. Rough piece goods, *hemp*, and other things.

You have stated that the company charged high freights: Do you conceive that the same inconvenience would attend the private shipping sent in the first instance from this country?—*Yes; I conceive that any obstruction to the free employment of India shipping in that trade, would have the effect of creating a kind of monopoly in favour of those English ships that went to India, and that the merchants of India would be left entirely at the mercy of those vessels. In fact, I should think they would be placed, in all probability, in a worse situation than they were under the old system of the company's extra ships.*

You are aware, I presume, that the company are not to send out any more extra ships?—Yes.

Do you believe, then, that by the exclusion of India-built shipping the private merchant in India would be placed in a worse situation than he has been at any former period?—*Most certainly I do. I think, from the circumstance just mentioned, that the freight might be raised to an immoderate degree upon the Indian merchant, and that would, of course, enhance the price of the raw material to the manufacturers of this country.*

Might not that circumstance prevent the raw material from being brought altogether?—*Certainly it would. If India were to find tonnage entirely from this country, supposing an extra demand for tonnage in England, India might be left without any tonnage at all; she might have no means of sending home her produce.*

You mean, demand for shipping for the trade of Europe?—Yes, and supposing the India vessel to be excluded.

When you say that a virtual monopoly be created in favour of English-built shipping, do you mean to imply that the number of vessels which would find it worth while to go to India from this country would be limited?—I think it would.

What do you mean by limited?—I mean a very few in number.

Do you mean that circumstances in the nature of the trade would prevent more from going out?—*Certainly no man could send a ship to India from this country without he knew he could get a cargo; and it is almost impossible to know whether he can get a cargo or not.*

Supposing an Indian-built ship navigated by English seamen, how would it be in point of cheapness compared with an English-built ship navigated by British seamen, supposing in both cases the ships

to be employed in the trade of India?—I cannot speak with positive certainty on that point; but my impression rather leads me to think that navigating by English seamen would be cheaper than navigating by the natives of India. *You would require fewer of them; you are not obliged to keep them during the time your ships are in harbour, and the clothing of India seamen is very expensive coming to this country.*

Then, when you before stated the advantages of using the Indian-built ship, did you take into your account that it might have to be navigated by British seamen?—Yes; I contemplated that it would be navigated partly by British seamen, and partly by natives.

It would have a complement of British seamen?—Yes.

Would it upon the whole be a great advantage to use an Indian-built ship, navigated by a complement of British seamen, in importing the raw material to this country? would not the Indian-built ship afford to bring the raw material home at the cheapest rate of freight?—I have no doubt that, generally speaking, the Indian-built ship, navigated by British seamen, would be found to convey the produce of India to this country in the most advantageous and cheap manner in which it can be conveyed.

Now, Sir, these are the opinions of a gentleman who is the part owner of three of these Indian vessels himself; who has the most natural reason in the world, therefore, for having a favourable opinion of this measure, which, by the account he gives of the nature of the trade of India, being the exporting country, of the freight home as the only valuable freight for the vessel, and of the advantages of these vessels, must wholly exclude the British ship, without, as I will shew hereafter, affording a competition with foreigners; who talked of the uncertainty of tonnage from England, as if there could be any difference in this respect to an owner of vessels, whether they were built here or there; who boldly tells you, that the merchants of India would be at the mercy of English owners, as if they could not and would not own British ships themselves; and gravely desires the committee to believe that they would be in a worse situation than under the old system of the company.

Sir, this witness is asked, Supposing the India-built shipping to be excluded from the ports of this country, do you conceive any, and what, effect would be produced upon the trade of continental Europe or America with India?—Supposing our India shipping to be excluded from the ports of this country, I certainly think they would be forced into foreign hands. *The foreigners would purchase them, and bring home the raw produce of India to Europe. I do not know that that would be the case with the Americans; for, I believe, they build very cheap, and sail very cheap; but I should think that the northern states of Europe would find it their advantage to employ teak ships from their durability.*

Here Mr. Mitchell admits, that though the teak ship will beat the British one out of the market, it will hold out no temptation

to the American; but *he thinks* the northern nations will buy our teak ships, if we do not use them, on account of their durability.

Let us see upon what foundation any inference from this opinion, that the Northern States of Europe would find it their advantage to employ teak ships from their durability, rests. We find, upon the evidence of a most intelligent and respectable witness, Mr. Barnes, speaking of the building of West Indiamen in this country, where the principle is acted upon more than in any other, from our superior wealth and capital, that the best article you can buy, although high in price, is often the cheapest; that war, expense of insurance, and hazard of capital, had led to buying, even in England, a cheaper and inferior article, to save capital; and yet you are desired by Mr. Mitchell to believe, that the merchants of the Northern States of Europe, who can *both build and buy much cheaper ships* than you can build or sell, either here or in India, and who, if they should take a fancy to teak ships from their durability, can procure them much cheaper in India than you can furnish them from the *British* settlements, will buy your teak ships.

Sir, our opponents began their case by resisting all our proof; that what was called competition would prove our ruin; they contended that we should have the advantage in the competition, and conclude by proving that the trade *cannot be carried on at all in our ships*; that teak ships are so superior in their quality and durability, that all nations would come and purchase them, if they are not allowed to use them; and having at last disclosed their object, of total exclusion of our ships, beg us to be satisfied with this *fair competition*, and charge us with seeking monopoly. Their *own* argument defeats itself; for they first tell you, that it is absolutely necessary that the trade of India should be carried on in teak ships, and then tell you, that the Americans and other foreigners will still beat you as to cheap ships, and of course that foreigners will come to the market in more advantageous competition, as you will find from Mr. Mitchell's own evidence, and still more strongly from the testimony of others; and prove, therefore, that if cheapness only is the criterion of superiority, this measure will defeat the very object for which you are called upon, to abandon our national policy, transfer our ship-building, transport our seamen to a distant country, and sacrifice our most valuable resources. You will then have lost the British ship-building for the attainment of an object not within your reach; for if the question of competition turns upon the cheapness of these ships, and proportionate cheapness of freight, you will find that they are proved to be sufficiently cheap to drive your own vessels out of the market, *but not to retain the trade on that ground against other countries*; that foreign nations, from all quarters, will come to the market with cheaper ships and freight. The Americans, the French, the Portuguese, and other foreigners can build or purchase ships cheaper than you can afford them. Let us see what Mr. Mitchell says upon this. He is

asked this question: Would not the Portuguese find it their advantage in the same way?—Yes, the Spaniards, the French, the States of the Mediterranean, Leghorn, and the Levant. Thus, enumerating, without the least difficulty, a whole list of nations, all of whom, he says, will find their advantage in employing teak ships, from their durability and cheapness; and yet afterwards admits, in his cross-examination, that he has no knowledge of the cheaper rate at which the Russians and the Northern States, or any of the nations so brought together, can build or procure shipping. It requires no argument to prove, that those who cannot build good ships fit for the India trade, will buy them of the nations, and at the places where they can be procured cheapest. Mr. Mitchell then tells you, that the American vessels, though cheap, will not answer to carry on the Indian trade, in direct contradiction and in defiance of the notorious fact so repeatedly proved by documents before parliament, of the immense trade they did actually carry on to all parts of India; and he is in the end gravely asked, whether he has, after all his cross-examinations, any doubt that the exclusion of Indian ships from the ports of this country would be a serious injury both to this country and India? and he of course answers, as my learned friend knew he must—*I have no doubt whatever of it.* And soon afterwards tells an honourable member of the committee, that he thinks the merchants of this country will by and by be as anxious to get India ships, as the owners of India ships are now to employ them. I also beg the attention of the committee to his account of remittances from India.

But in India how does the question itself stand, as to the facilities for building teak ships, and cheapness? Colonel SYMES, in his Embassy to Ava, gives you this account in his 4to. edition, p. 219.

“In Bengal, a native carpenter, though his business is commonly well done, yet in his manner of performing it, he excites the surprise and ridicule of Europeans. He cuts his wood with a diminutive adze, in a feeble and slow manner; and when he wants to turn a piece of timber, he has recourse to a coolee, or labourer, that attends him. Numbers there compensate for the want of individual energy; notwithstanding which, they finish what they undertake in a masterly manner. The Birman shipwrights are athletic men, and possess, in an eminent degree, that vigour which distinguishes Europeans, and gives them a pre-eminence over the enervated natives of the East; nor do I imagine that the inhabitants of any country are capable of greater bodily exertion than the Brimans.”

In the same book, page 457 :

“It is impossible to impress any reader with any stronger proof of the vast importance of the Pegue trade than briefly to state, that a durable vessel of burthen cannot be built in the river of Bengal, except by the aid of a teak plank, which is procurable from Pegue alone; and if the timber trade with that country should

by any act of power be wrested from us, if it should be lost by misfortune, or forfeited through misconduct, the marine of Calcutta (which has of late years proved of unexampled prosperity to our principal settlement, essentially benefited the parent country, and given honourable affluence to individuals), must be reduced nearly to annihilation, without the possibility of our being able to find any adequate substitute for the material of which we should be deprived. Within the last six years some of the finest merchantships ever seen in the river Thames have arrived from Calcutta, where they were built of teak timber; and after delivering valuable cargoes in London, were usefully employed in the service of the state: nor would the destruction of the Pegue trade be confined in its effects solely to Bengal; the other settlements would sensibly share in the loss. Madras is supplied from Rangoon with timber for all the common purposes of domestic use; and even Bombay, although the coast of Malabar is its principal storehouse, finds it worth while annually to import a large quantity of planks from Pegue.

“ But whilst it is advantageous to us to promote the prosperity and exportation of timber from the maritime towns of Pegue, it is as manifestly our interest to discourage the building of ships in the Rangoon river, where the construction is facilitated by local advantages, equal to those of any port of the world, and superior to most. The progress made in this art by the Birmanians has of late years been rapid, and increases in proportion as foreigners can place confidence in the Birman government. When merchants find that they can build with security in the Rangoon river, for a third less cost than in the Ganges, and for nearly half of what they can at Bombay, few will hesitate in their choice of a place. It is said that the ships of Pegue are not so firmly constructed as those built in our ports, and in general this assertion is true; but the defect does not arise from want of materials, but because the owners were speculative adventurers, without sufficient funds to defray the charges of labour and of iron, in which material Pegue ships have, by fatal experience, been found deficient. The shipwrights, however, are as expert as any workmen of the East, and their models, which are all from France, are excellent; the detriment, therefore, that arises to us from the construction of ships at Rangoon is not less evident than the benefit we derive from importing the manufactured material. The Birmanians sagaciously knowing their own interest set us an example of policy by remitting all duty on cordage, canvas, and wrought iron, provided these are *bond fide* brought for the equipment of a new vessel. The port charges also are not exacted from a new ship on leaving the river to proceed on her first voyage. A conduct on their part so wise, suggests to us the expediency of adopting some measures for our own interest; an alien duty, or a modified disqualification, would probably, like the acts of parliament in aid of British navigation, prove the most effectual

remedy. Trade cannot be prosecuted in the Indian seas to any extent, except with British ports: many objections, it is true, may be made to such a proposition; but the good resulting to us would be immediate and certain, whilst the ill consequences, if any there be, are equivocal and remote.

“But if we are called upon by our interest, in a commercial point of view, to check the growth of ship-building at Rangoon, how much more important is the subject in a political light? It is a fact which appears to merit some consideration, and is perhaps not generally adverted to, that in a very few years, and at a small comparative expense, a formidable navy may arise on the banks of the Irrawaddy from the forests of Pegue. It is probably not known that artificers are educating by our enemies for that express purpose, whilst we encourage their progress in science, by enabling them to derive benefit and acquire experience at the same time. National security, therefore, as well as mercantile advantage, strongly urge a vigilant attention to a quarter whence the means of injury to ourselves may so abundantly be drawn.”

These extracts from Colonel Symes' book, published under the sanction of the East India company, are extremely important, and well worth the consideration of the committee. They point out, Sir, sources of supply of shipping to foreigners and rivals, and means of successful competition to all who want cheap ships. No one can doubt that the Birman, now India is again opened to our old rivals, will find every facility in the procuring supplies of copper, iron, and other materials of outfit, to enable them to complete good and perfect ships. They have acquired sufficient skill to be in a condition to avail themselves of such assistance. Will foreigners who want teak ships go to Bombay or Bengal for them, or will they not procure them where they can be got upon terms which will at once defeat all the speculations of the witnesses of our opponents, as to foreign competition and the use of our teak ships? But, Sir, it may be said, that the supply from such a government is uncertain. It may be so; but the argument will not avail our opponents; for it is to be observed, that this is the very country from which even the inhabitants of Calcutta have always derived, and must continue to look for, the supply of teak timber for their ship-building. The difficulties which foreigners may find in procuring ships you may find in getting timber; and accordingly it is shewn that the facility of getting timber for building these ships is not so great as has been imagined. It appears not only from Colonel Symes' book, but from the evidence of others, particularly of Mr. Gilmore, the brother of an Indian ship-builder, that owing to the nature of the government of that country, which is very arbitrary, it cannot always be procured, and that it consequently varies greatly in price. It appears from the evidence, that the Bombay establishments for ship-building are very small, compared with those of Bengal, and hampered by local duties and restrictions; and it here appears that the Bengal establishments are dependant for this celebrated teak timber upon a foreign and

capricious government, which may hereafter find an interest in saying, You shall not have the timber—you shall only have the manufactured article. You may have ships but not timber.

The committee will have the goodness to refer to the evidence of Mr. Gilmore, page 573 of the printed proceedings, for some important information upon this part of the subject. He is asked, Have you any doubt that the Indian builders can, if they have the building of large ships for the Indian trade to England, supply other nations with ships also?—No, I should doubt that; at least to supply them with ships of the best description.

If the ships for the trade between England and India were Indian-built, they of course would last much longer than the present English-built ships do: having, then, more leisure in their dock-yards, could they not in time supply the rest of Europe as well as England?—I am not prepared to say how far they would be able to find the timber for building such a quantity of ships; there is frequently a great variation in timber; for I have known it at times from twelve rupees a plank to forty rupees for the same kind of plank.

Are there not full means for importing timber in any quantity to the dock-yards in India?—There are always a sufficient number of ships to bring it; but it is not always that they can procure it at Rangoon, whence teak plank for ships built at Calcutta is brought.

Do you mean there is a scarcity of timber?—I do not know that there is a scarcity; but, owing to the nature of the government, it cannot always be got, the government is so arbitrary.

Therefore, by the operation of this arbitrary government, you might be deprived of a supply altogether?—Yes, certainly of the teak plank.

Such, Sir, is the present state of the supply of teak for the yards in Bengal, according to the evidence of Mr. Gilmore, a late partner of the house of Fairlie and Co. in Calcutta, to whom I have formerly alluded, and the brother, as I have before stated, of a ship-builder in India, and only lately returned from that country. What is the fair and necessary deduction from this evidence, as applicable to the question under discussion? If teak ships are so much more durable than others; if they can be built so much cheaper at Rangoon than in our territories in India, as it is quite evident they can be, is not the necessary and inevitable conclusion, from these facts and circumstances, fatal to the argument upon which my learned friends rested, and must rely for the support of their case. If the building at Rangoon with teak timber can be carried on at so much cheaper a rate than at Bengal, as it is quite evident it must be, from the timber being the produce of the country; and the facility with which all other materials of outfit will be furnished, now the intercourse with India is again opened to foreigners, is there not an

invitation held out to all foreigners who may prefer teak ships, from their durability, to commence an immediate and successful competition. Our opponents have succeeded in proving that they can build ships so cheap, or if not so cheap, so durable, and with such advantage, as to exclude the English builders from all chance of competition; but they have totally failed in proving that when they have accomplished the destruction of building here, they can keep the Americans, the Swedes, the Danes, or other nations, out of the market; they state, as an argument in their case, that foreign nations will purchase teak ships, and forget that such ships can be procured more advantageously at other ports than ours. What then, Sir, is the inevitable consequence? That you will sacrifice the best interests of this country, destroy the ship-building of England, which I have shewn to be intimately connected with the naval resources of the country, for the purpose only of affording more advantageous means of remittance, for a short time, of the wealth acquired by British residents in India, better bills of exchange for transmitting their fortunes to this country, and of course increased advantages to a few Indian mercantile houses, who endeavour to identify their interests and the interests of their employers with the population of India; although they cannot in their evidence lose sight of the real object, the only one they are really contending for, bills upon good terms for remittance of Indian wealth, and produce to meet those bills in ships of their own building. They prove the certainty of this utter exclusion of English ships; they just shew the advantages which they enjoy in the competition with us, which must end, as my learned friend boldly says all competition ought to end, in the victory of the cheapest; but they utterly fail in making out that the nation at large, even through its dependencies, will be benefited by securing a successful competition with foreigners. On the contrary, it is manifest, that we are to be, and must be, entirely excluded from any participation in the building, and that our opponents possess the means of ensuring our destruction, without the means of securing any benefit to the general trade of the country.

What does Mr. M'Taggart tell you? He is asked, Do you consider it advantageous for the shippers of goods in India, to have such a mode of transport?—Certainly; I should suppose they would be preferred to any other mode whatever.

Will you explain in what respect it is advantageous?—*I mean, by combining the operation of the shipowner and the merchant, supposing them to be one and the same person.*

Here you see that one of our opponents' witnesses tells you, that the Indian mercantile houses must own ships; and you find, from the evidence, that they are all owners of ships, and some of them very large owners. A decided answer at once to the inconvenience of uncertainty of tonnage; and leaving no other question

but that, of the increase of expence of the ship to be owned, and the mere advantage to these Indian houses, and their remittances for their employers; for as to foreigners, Mr. M'Taggart is asked; page 577,

With due facilities given to the merchant-exporter in India, do you think that any considerable share of the trade could be diverted into foreign channels; in your opinion would it chiefly come to England?—Yes, I conceive it would; but a merchant-proprietor of goods in India, if he finds a purchaser that will give him dollars for them, will sell them, and not send them home here.

Are you aware that a considerable part of the goods which are imported from India are intended for the foreign markets?—Yes, I am perfectly aware of that; whether the foreign merchants would have the means of exporting, or would avail themselves of the British capital here, I cannot speak to; they may pay a little more by getting it through this country, because they have not a capital to send to India; *the most advantageous means would be to import it direct, and they will, as far as they can do so.*

Have you any doubt, that a direct trade to the continent from India, would be very much increased by the exclusion of the Indian-built shipping from the trade between this country and that?—*I have no doubt it would be increased, and in proportion diminish the trade of the port of London.*

And in proportion as the produce of India can be supplied cheap through England, would not that form an inducement for foreigners to supply themselves through this country, in proportion to that cheapness?—*I think they will be able to import cheaper themselves than getting it through this country, even supposing it comes home in India-built ships.*

Do you mean that they can do that, supposing they were under the disadvantage of being forced to export funds to India for the purpose?—*It is very well known, that the Americans carried on a considerable trade with India; and they had no funds there, but took out dollars; they have imported large quantities of specie into India.*

If they (meaning foreigners) continue to build their ships cheap, and to man them with their own people, I suppose they can regain a part of their trade, under all circumstances?—I have no doubt they will.

Have you any doubt, that under all possible circumstances, they will regain it equal in extent to what they had before?—*I think in time they will.*

Even supposing that no teak ships were sold to them?—Yes; it is probable that they would be able to buy ships without depending upon teak ships; but they will get teak ships if they can.

But, Sir, here I may ask, will they buy them of us, when they can be got so much cheaper elsewhere.

Sir, I had marked a great number of passages in the evidence of different witnesses, who have spoken to the same effect, but will not now fatigue the committee by citing them; but I earnestly recommend the evidence of our adversaries' witnesses to the attention of the committee as conclusive in our favour. They are parties against us, directly interested in the decision of the question, and of course give most decided opinions in their own favour; but cannot at the same time avoid shewing, that, as to the general trade, or even remittances, (although they clearly establish that it is their intent and their object to carry on the trade of India in their own ships, to the entire exclusion of ours, and that all the trade of India will, if this bill is suffered to pass, be so carried on;) they have no means of carrying on a successful competition with foreigners; and that, notwithstanding the use of teak ships, foreign nations will soon resume their trade with India, and recover every part of it. This, Sir, is the point upon which the whole contest turns, at least as far as the case of my learned friends' clients is concerned. Their case and argument is, that the trade of India with this country depends upon cheap ships and cheap freight; that the teak ships are cheaper and more advantageous than English ships; and that the Indian trade, therefore, must be carried on in Indian ships: that teak ships alone will enable the Indian merchant to maintain a successful competition with foreigners. I again assert, that our opponents have not only utterly failed in proving this case, but that they have by their arguments, and still more strongly by their evidence, not only completely destroyed their case, but have, at the same time, as completely established ours. I have, when I first addressed the committee on the opening of this case, shewn that the case cannot be maintained in argument upon the ground of cheap freight; for in that view of the case, the measure is both unjust and inefficacious: unjust, because it gives to the Indian merchant, and proprietor, and remitter, a benefit from which you totally exclude the West Indian merchant, planter, and all other persons connected with your colonies and your general trade; and inefficacious, because, if cheap freight is the foundation upon which the claims or policy for which my learned friends contend, rests, it does not go far enough: for if cheap freight is necessary to enable you to maintain a competition with foreigners, you must, upon that principle, and upon the whole of the evidence of our opponents, who have appeared as witnesses in their own case, very soon abandon all restriction whatever; revert, according to my learned friend's argument, to the old navigation act—require only that a ship should be British owned, and make no inquiry whether the vessel is built in America, Brazil, or Pegue: upon the principle of cheap freight, there is no stopping short of this consequence; the conclusion is inevitable.

Let any man candidly and dispassionately view the whole of the evidence of our opponents upon the subject, and I will confi-

dently ask, how long even these remittances of property of men who have made their fortunes in India, so constantly in the mouths of all the witnesses, or the remittances made as a medium of any general trade, will return to Europe in British or Indian ships. English ships are already forsaken, even by the India company, for teak ships; because some advantage has been found in the use of teak ships; and our own teak ships will be forsaken for those built by foreigners, at cheaper rates, at Rangoon, or by Americans, as soon as the re-establishment of foreigners in India has enabled them to recommence their trade. Will any man believe, or gravely state, that these gentlemen, who so openly and boldly avow their determination to smuggle their remittances and trade in foreign vessels, if you do not let them have their teak ships, will have any scruple in remitting their wealth and their trade in vessels that can sail cheaper, and of course offer cheaper freight; and that such cheaper freight will be afforded, is most clearly established, by Mr. McTaggart, and not only by his evidence, but by the common knowledge of every man who has thought of or inquired into the subject. I do not admit, that these general arguments upon the subject of cheap freight are any foundation for a departure from your ancient policy. I have before said, that the wealth, the large capital, the long credit, the punctuality of dealing, and the general command of trade, acquired by these important advantages, have hitherto enabled you to increase and preserve your trade under all the restrictions of your navigation laws, established for the preservation of maritime power, ascendancy, and strength; and for the protection of your commerce against competition of foreigners, who have for years been able to sail in cheaper freight. Practical experience has established this fact, against all the speculative theories which have been stated and argued upon before and now. My position is, that you must abide by your ancient policy, and not now be led away by speculation and theory. I have shewn, that the inevitable consequence of this measure must be, that you will lose the English ship-building, and all the advantages, strength, and security derived from it by this country; that you will transfer a most important branch of the ship-building of the country to a distant possession. And here, Sir, I must again repeat, as I have been (as is evident from many of the arguments of my learned friends) misunderstood upon this point, that I do not object to any increase of wealth in India which is not acquired by a transfer of it from this country; that I do not object to the improvement of the resources of India, but to the removal of vital resources from this country; that my objection is not that India gains, but that this country loses the ship-building; that you are desired to establish what is called a competition, but, in fact, a destruction of a most important feature of national strength; that it is proved that the ship-builders, who have hitherto supplied so large a part of your navy, may be again called upon for similar as-

assistance; for that your present establishments cannot build, repair, and maintain your whole naval force; that the measure is pregnant therefore with danger to the best interests of the state; and that the sacrifice, if it could be justified upon any ground, is not justified by the arguments or evidence produced by my learned friends; that the measure is operative only to produce mischief, and can produce no benefit; that it is neither justified by experience, by sound policy, or maintainable upon any ground of public advantage or preservation of your trade; in short, that the whole advantage of this measure, and the only benefit that will be derived from it, as a question of profit, will be confined to a certain number of mercantile houses in India, and the British residents in India connected with them, who will avail themselves of it, to the destruction of the ship-building here, and upon the very principles upon which they now so strenuously contend for the measure, abandon it in favour of a cheaper freight, as soon as the restoration of the intercourse of foreigners affords that advantage. It is not a question as to the general trade of India at large. It is not a question affecting 60,000,000 of inhabitants, whose aid my learned friend has so strenuously invoked; nor will it in the end benefit the general commerce of India. It may for a time improve the fortunes and situations of a few East India houses; but will furnish no means of successful competition with foreigners in your general trade, or, as I have shewn, even preserve the channel of remittance so much talked of. It will rob this country of one of its most important sources of strength, and afford no prospect of any public national equivalent.

I have only one more topic upon which I must trouble the committee with a few observations; and that is the state of the question as connected with the present situation of the East India company. The East India company has now been given up by my learned friend who last addressed you; for he states that which is in point of fact true, namely, that the question, as it respects trade, does not apply to them as it does to his clients; and he has given you in one part of his argument, from public documents, the proportions of the annual trade from China by the company into this country, which is afterwards exported, which appears to be one-seventh of the whole. With respect, therefore, to the large trade with China, of which the India company retain not merely the legal, but the actual monopoly, no question arises; for not a single argument upon which my learned friends rest their case apply to the company. The East India company have a monopoly of the trade in a most valuable and extensive article of home consumption: I mean the article tea; they are protected in this monopoly by law, and have no competition to fear. Only one-seventh of the whole China trade is exported, and consequently that which is consumed in this country is not the subject of competition either home or foreign. The trade is theirs, and the market is at their command without rivals or competitors,

Cheap freight, advantageous remittance, foreign merchants, cheaper ships have no sort of reference to this trade. It is a mere simple question between my clients and the company; a competition of interest between the ship-builders of England and the East India company, upon what ground or pretence, therefore, can this measure be applied to that trade. It is as to my clients, with reference to the company, an uncalled for sacrifice, and destruction of ancient establishments, as well as of ancient policy; pregnant, therefore, with injustice as well as danger, for the purpose only of giving to the company an advantage in freight for the mere emolument of the company, without the smallest ground for supposing that any public advantage can arise from it; for the operation of the difference of freight would, upon an article of such value as tea, not even be perceptible by the public in the purchase of the article for consumption. The case as to the company is so clear, that I should only waste the time of the committee by pressing it farther.

I have now, Sir, arrived at the conclusion of this long and laborious case; in the discussing of which, I feel confident that I have established all the propositions upon which I first rested my case, and have most clearly proved the importance of this measure, as affecting the great public interests of the country, and the preservation of its naval strength and resources. I have shewn that the alarms upon the subject of timber have no foundation, and never had any foundation in fact;—that the most destructive policy which could be pursued as to timber, would be the withdrawing the demand and market for it, which has hitherto been productive of such care and attention to its improvement and growth;—that my clients have materially aided the public establishments in the assistance they have afforded in building ships of war; and that this assistance entitles them to the consideration of parliament, as it relates to their personal conduct, which has been proved, by the most uncontrovertible evidence, such as can never hereafter become the subject of dispute, to be highly meritorious;—that the complaints so industriously propagated against them are wholly without foundation;—that the naval establishments are not sufficient to keep up your maritime force in time of emergency;—that you cannot build all the ships you may want to supply your navy; and that unless this measure is abandoned, and effectual protection given to the ship-builders in England, the whole of a very large and important branch of the ship-building of the country, that which is most connected with your naval force, will be totally lost here, and transferred to India;—that the permitting such a consequence would not merely be injurious to my clients, but pregnant with future mischief and danger;—that public policy, and every principle which experience has hitherto shewn to be essential to your interests, as a maritime country, require that this description of ships should be preserved in full vigour in this country. I have also shewn, that my learned friends have argued

for competition, and seek only our exclusion, and that their arguments and evidence are totally at variance with each other, and that all their witnesses completely establish our case, and prove most clearly that no public or national advantage will arise from the sacrifice of the ship-building here, and the transfer of it to India. And I conclude, therefore, in the firm conviction that I have shewn that the intents of my clients are identified with, and protected by the strongest grounds of public policy; they ask only a dispassionate consideration of the whole of the case, and of the evidence which has been given on both sides, being satisfied that the more this case is considered and discussed, the more the evidence is read, and every part of the arguments on both sides examined, the more certain they are of ultimate success.

Sir, I have to thank you and the committee on behalf of the gentlemen for whom I appear, for the laborious attention which has been paid to this long investigation of a subject in which their interests are so deeply involved. For myself and my learned friends I have also to return my thanks for the indulgence and patient attention we have received in the discharge of our professional duties.

THE END.