

TRADE AS AN INSTRUMENT OF WAR, 1793–1812

Whilst it may be an exaggeration to posit a link between the unpopularity of the 1786 commercial treaty and the Revolution of 1789, approximately seventy *cabiers*, mostly from large towns in northern France, denounced the treaty; none explicitly approved it.¹ Indeed, France claimed British violation of the treaty, in terminating corn exports to France whilst continuing them to other countries, as a *casus belli*.² The Revolutionary and Napoleonic Wars spanned the years 1793–1815. Instead of forging reciprocal trade links, the commercial policies of combatants became instruments of war, Pitt's 'mutual benevolence' was savagely undermined, and the moderate progress of commercial liberalization halted.³ Commerce was recognized as an important weapon in warfare, and the status of the commerce of combatants and non-combatants was steadily developed.⁴ The Declaration of the League of Armed Neutrality in 1780 asserted the right of neutral vessels to trade with belligerents except in contraband, and established the requirement that a blockade must be effective to be recognized. Although of little consequence in military terms, this declaration was important diplomatically, and was supported by the United States on the basis of freedom for neutral commerce.

Napoleon's method of defeating Britain by the economic warfare of a blockade of the Continent became known as the 'Continental System.' Yet, commercial warfare characterized the war from the beginning. The disruption to commerce was intended to cause distress and ultimately ruin.⁵ France forbade the importation of British manufactures in September 1793, with Bertrand Barère informing the Convention that strict measures were necessary to combat the maritime supremacy of a hostile Britain: 'Those proud Islanders have long since aspired to the exclusive empire of the seas ... The English have fathomed all kinds of crimes to destroy us. CATO said in the Senate of Rome, Let proud Carthage perish. Exactly such is the sentence which the French Senate ought to pronounce upon Modern Carthage.'⁶ The Navigation decree of 21 September 1795 followed, which decreed all shipping was to be in French bottoms.⁷ In 1796, foreign goods carried in British ships were also classified as British. An act to this effect (*Loi de Brumaire, An V, 31 October*) forbade importation of all manufactured articles made in England or those that passed through channels of English trade by land or sea, except under

stringent regulations.⁸ In presenting a bill for extending the treason laws in 1793, the British government aimed 'to prevent the enemy, during the war, from being supplied by subjects of this country, in the way of commerce, with any articles useful and important to them in carrying on the war against us, or from deriving any resources, through the medium of this country, which might afford them the means of prosecuting the war'.⁹ In 1796 when Spain declared war, British ships were seized and manufactured imports prohibited.¹⁰

One can see the effects of commercial warfare in contemporary literature, with the emergence of theories of commercial restriction and autarky, representing something of a reaction against Smith's internationalism but also practical expressions of contemporary political and strategic considerations. Johann Fichte's *The Closed Commercial State* of 1801 or Comte de Montgaillard's memorial presented to Napoleon in 1805 have been cited as formative influences underpinning the Continental System. Equally, James Stephen's *War in Disguise: or, Frauds of the Neutral Flags* of 1805 proved extremely influential in high political circles in arguing for the destruction of French commerce.¹¹ Yet if commerce was always intrinsically important in warfare, it became much more so during the Napoleonic Wars. Neutral shipping was the central issue, for by these means combatants could be supplied under 'the frauds of the neutral flags'.¹² It was this issue that prompted Britain to declare a blockade of the Channel from Brest to the Elbe in May 1806.

This action allowed Napoleon to pose as the defender of national rights against British economic and commercial tyranny, with the Berlin Decree of 21 November 1806, which declared the British action an infraction of the recognized principles of international law. Claiming the right of retaliation, he declared Britain to be in a state of blockade, and forbade his allies and conquests from trading with Britain.¹³ The British response, the Order in Council of 7 January 1807, declared that neutral vessels were not to trade from port to port on the French coasts, or with allies of France.¹⁴ This was followed by another Order, on 11 November, which declared that neutrals could only trade with a hostile port after touching at a British port, and paying duties imposed by the British government.¹⁵ Napoleon responded with the Milan Decree of 17 December, declaring that all neutral shipping using British ports or paying British tariffs was to be regarded as British and would be seized.¹⁶ After the Tilsit treaties with Russia and Prussia in July 1807 and totally dominant in Europe, Napoleon again declared Britain to be in a state of blockade.¹⁷ In theory, this meant that all foreign ports were closed to Britain, but in practice there was considerable smuggling with the connivance of local officials. France was even obliged to depend on Britain for cotton yarns, twist and white fabrics for printing.¹⁸

Despite the failure of the Continental System to achieve its objectives, the attempt was sufficiently bold to cause alarm, and provided an impetus for merchants to search for new markets free from Napoleonic dominion. British

exclusion from the Continent was temporary, for the Continental System was over-ambitious, and created resentment in many parts of occupied Europe.¹⁹ With French annexation of the Netherlands and north-west Germany in 1810, Napoleon was able to exert stricter controls. Across Europe, British goods were confiscated and burnt, and draconian decrees passed such as the Trianou tariff (August 1810) and the Fontainebleau Decree (October 1810). From 1807, it became increasingly difficult to smuggle British goods into Europe, although licensing and bargaining mitigated suffering on both sides.²⁰ Yet the denial of British goods caused alienation and dissatisfaction, and the system was never wholly operational. In broad terms, the Continental System failed from not being applied consistently or for a sufficiently long period.²¹

Commercial reprisals were a notable feature of the war, but by their actions Britain and France violated the accustomed principles of maritime warfare and infringed neutral rights. In a sense this was unavoidable, for any attempt to damage the enemy by such comprehensive measures would inevitably result in neutral powers being affected, the most important of which was the United States. During the war, Anglo-American relations were volatile and tense. At the end of the War of Independence, special privileges proposed for American shipping were abandoned in the face of a hostile British shipping lobby: a signal defeat for advocates of commercial liberalism. The American tariff of 1789 was moderate, although American shipping enjoyed advantages in discriminating duties.²² Disputes over seizure of American ships with goods for France or the French colonies strained the relationship, but a treaty of commerce and navigation of 1794 temporarily improved relations, by allowing America access to Britain's East and West Indian ports.²³

The treaty was useful for Britain since warfare closed Continental markets, and exports to America recovered dramatically by the end of the century. Despite benefits for both sides, the demands of war intruded, as Britain sought to curtail America's right to ship Spanish and French West Indian produce to the United States before re-shipment to Europe. Complete prohibition of neutral trade with colonies was now sought, and hostility heightened by an Order in Council of 21 November 1804 decreeing termination of Anglo-American West Indian trade after six months. Influenced by Stephen's view that nothing less would suffice, the British government tightened regulations on neutral commerce to the point of complete prohibition, thus dividing mercantile opinion and prompting American retaliation.²⁴ As Chancellor of the Exchequer in the Duke of Portland's ministry, Spencer Perceval framed the commercial restrictions in the Orders in Council, which were based heavily on Stephen's 1805 pamphlet *War in Disguise*.²⁵

In drafting the Orders, British politicians and sympathetic observers were concerned with the reaction of the United States towards neutrals.²⁶ William Wilberforce accurately predicted in 1808 that the legislation on neutral trade

would produce a war with America.²⁷ The United States quickly retaliated with the Embargo Act of 8 January 1808, prohibiting the sailing of any vessel from any American port to any foreign port, except public ships and foreign merchant vessels in ballast.²⁸ This was followed by the Non-Intercourse Act, 15 March 1809, prohibiting all commercial intercourse with Britain and France, although collusion and smuggling inhibited its practical effectiveness. Anglo-American relations worsened, largely on account of resentment of the Orders in Council. British criticism mainly focused on counterposing war and commerce as distinct entities, and on the extent to which the Orders contributed to the decline of British trade. In political circles, Alexander Baring presented the most coherent opposition.²⁹ Baring's views reflected those of many, though not all, merchants trading with America.³⁰ Repeal of the Orders by the government occasioned some surprise, not least by their acceptance of Brougham's claim that Napoleon had withdrawn his decrees, a claim which was widely known to be false and based on forged documentation.³¹ Charged with this evidence, Castlereagh replied 'one does not like to own that we are forced to give way to our manufacturers.'³² The repeal was unknown in America when she declared war on Britain in 1812, although there was knowledge of Perceval's death and the ongoing parliamentary inquiry.³³

Success against Napoleon was not achieved without a struggle. British sea-power was essential in reducing the value of French commerce by 1800 with Asia, Africa and America to less than \$356,000. British merchants successfully found new markets, and overseas trade with the United States, Asia and the West Indies soared, whereas Dutch, French and Spanish industries were damaged by the loss of colonial markets and the naval blockade of European waters. The evolution of an effective convoy system, including Convoy Acts of 1793, 1798 and 1803, protected trade routes, reduced shipping losses, and tightened the naval/commercial nexus central to British war strategy.³⁴ Nevertheless, there were serious slumps in 1808 and 1812, the latter of which was attributed by Gladstone's father, a Liverpool ship-owner and merchant, to the exclusion of British trade from Europe and the reduced volume of manufacturing exports to America.³⁵ Commercial restrictions also promoted middle-class radicalism, expressed in commercial terms by calls for an end to the East India Company's monopoly of the India and China trade. The wars damaged the progress of commercial liberalization by making it unlikely the combatants would agree to tariff reductions in the post-war world. Dependence on foreign countries for supplies continued to be viewed as dangerous.³⁶ Given recent events, there was some justification for the adoption of quasi-autarkic policies by the leading powers. The disruption to commerce also encouraged the development of hitherto negligible industrial economies, most notably the United States. Fuelled by the necessity to check the drain of specie and maximize revenue, she followed the path of seeking protection from foreign competition.³⁷ Indeed, the gradual popularity and advocacy of protection for

American industries was a new factor in the international state system in the post-1815 period. Thus, the progress of commercial liberalization which many hoped had been inaugurated in 1786 was not only halted by war, but reversed.

Notes

1. B. F. Hyslop, 'French Gild Opinion in 1789', *American Historical Review*, 44:2 (1939), pp. 252–71, on p. 269, n. 85.
2. Debate in National Convention, 1 February 1793, *Annual Register for the Year 1793*, pp. 153–4; 'Declaration of War on the Part of the French against Great Britain and Holland', *Times*, 11 February 1793, p. 2c.
3. See George Sinclair to Henry Dundas, 9 November 1796, below, p. 81.
4. J. B. Williams, *British Commercial Policy and Trade Expansion, 1750–1850* (Oxford: Clarendon Press 1972), p. 230.
5. See 'Southwark Petition', *Annual Register* (1795), below, pp. 79–80.
6. 21 September 1793, in *The Times*, 5 October 1793, p. 3a.
7. S. B. Clough, *France: A History of National Economics, 1789–1939* (New York: C. Scribner's Sons, 1939), p. 46.
8. W. M. Sloane, 'The Continental System of Napoleon', *Political Science Quarterly*, 13:2 (1898), pp. 213–31, on pp. 214–15; the value of British manufacturing exports to France fell from £743,280 in 1792 to £66,677 in 1793 to zero in 1795, Williams, *British Commercial Policy*, p. 396.
9. Lord Grenville, 15 April 1793, *Annual Register* (1793), 'Public Papers', p. 96.
10. Williams, *British Commercial Policy*, p. 158.
11. Sloane, 'The Continental System of Napoleon', pp. 216, 223.
12. In 1805, James Stephen published his *War in Disguise, or the Frauds of the Neutral Flags*, a work which dealt with the vexed question of the commercial rights of neutrals, and which provided the theoretical underpinning of the Orders of Council; see Sloane, 'The Continental System of Napoleon', pp. 219–20.
13. See On the Continental System, following the Berlin Decree, 20 November 1806, *Annual Register* (1806), below, pp. 82–4.
14. *Times*, 12 January 1807, p. 4a.
15. Williams, *British Commercial Policy*, p. 232, n. 6; B. Perkins, 'George Canning, Great Britain, and the United States, 1807–1809', *American Historical Review*, 63:1 (1957), p. 1–22, on pp. 8–11.
16. W. Cunningham, *The Growth of English Industry and Commerce in Modern Times: Laissez Faire* (Cambridge: Cambridge University Press, 1925), pp. 682–3.
17. R. Ruppenthal, 'Denmark and the Continental System', *Journal of Modern History*, 15:1 (1943), pp. 7–23, on p. 10; Tilsit resulted in Russia's short-lived participation in the Continental System, and attendant exclusion of British ships and seizure of property, Williams, *British Commercial Policy*, p. 172.
18. *Ibid.*, pp. 347–8.
19. See Madame de Stael Holstein, *An Appeal to the Nations of Europe Against the Continental System* (1813), below, pp. 121–8.
20. Williams, *British Commercial Policy*, pp. 197, 349–50.

21. P. Kennedy, *The Rise and Fall of British Naval Mastery*, 3rd edn (London: Fontana, 1991), pp. 169–70.
22. Williams, *British Commercial Policy*, pp. 219–20, 225, 232.
23. See ‘Abstract of the Treaty between Great Britain and the United States of America’, *Annual Register* (1795), below, pp. 75–8.
24. Cunningham, *The Growth of English Industry and Commerce*, pp. 681–2; Williams, *British Commercial Policy*, p. 227–32.
25. See Stael Holstein, *An Appeal to the Nations of Europe Against the Continental System*, below, pp. 121–8; ‘He [Stephen] agrees with Perceval passim, and with the government as to their grand scheme of policy – Order in Council; indeed it is his measure’, R. I. Wilberforce and S. Wilberforce, *The Life of William Wilberforce*, 5 vols (London: John Murray, 1838), vol. 3, p. 358.
26. See James Stephen to Spencer Perceval, 5 December 1807, below, pp. 85–7; cf. Bartholomew Huber to Huskisson, 7 December 1806, Huskisson Papers, BL, Add. MS 38737, fols 169–70.
27. *The Life of William Wilberforce*, vol. 3, p. 357.
28. Despite some losses, this was beneficial to Britain in virtually ending neutral trading with France and conferred on Britain a near monopoly of trade with the few remaining neutrals. Perkins, ‘George Canning’, p. 11; Napoleon responded with the Bayonne decree, 17 April 1808, ordering sequestration of American vessels entering European ports.
29. See Orders in Council, *Edinburgh Review* (1808); and James Stephen to Spencer Perceval, 23 May 1808, both below, pp. 88–100, 101; Williams, *British Commercial Policy*, pp. 232–4, 394.
30. Minutes of Evidence Taken at the Bar of the House of Commons on Considering Petitions of Merchants and Manufacturers, Respecting Orders in Council, 1808, *Parliamentary Papers* (1808), 119, x.[81], pp. 10–11, 16; John Gladstone considered the Orders successful, in forcing Napoleon to permit trade with Britain by licence, thus effectively abandoning the Continental System, 27 May 1812, Minutes of Evidence before the Committee of the Whole House of Commons relating to Orders in Council, *Parliamentary Papers* (1812), 210, iii.[1], p. 502.
31. See Prince Regent in Council, Orders in Council and War with America, 23 June 1812, *Parliamentary Papers* (1812–13), below, p. 104.
32. *The Life of William Wilberforce*, vol. 4, p. 35.
33. See Prince Regent in Council, Orders in Council and War with America; and Mr Foster to Viscount Castlereagh, 20 June 1812, both below, pp. 104, 105.
34. Kennedy, *The Rise and Fall of British Naval Mastery*, pp. 155, 158–71; for an argument in favour of convoys, see London merchant John Inglis to Henry Dundas, 14 November 1797, Melville Papers, National Archives of Scotland, GD51/1/399/1.
35. See ‘Financial Situation of England and France’, *Examiner* (1810), below, pp. 102–3; Minutes of Evidence, *Parliamentary Papers* (1812), 210, iii.[1], p. 488.
36. Although war was at an end, ‘even in peace, the habitual dependence on foreign supply is dangerous’, *A Letter on the Corn Laws, by the Right Hon. W. Huskisson, to One of His Constituents, in 1814* (London: James Ridgway, 1827), p. 8.
37. Williams, *British Commercial Policy*, pp. 223 ff.

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The Continental System

‘Abstract of the Treaty between Great Britain and the United States of America,’ *Annual Register* (1795), pp. 294–7.

Abstract of the Treaty between Great Britain and the United States of America.

THIS Treaty consists of twenty-eight articles:

The first article establishes peace and friendship between his Britannic majesty and the United States.

In the second, his majesty consents to withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. The evacuation is to take place on or before the 1st of June 1796.

The third article allows to his majesty’s subjects and the citizens of the United States, and to the Indians dwelling on either side of the said boundary line, freely in pass and repass by land or inland navigation into the respective territories of the two parties. The country within the limits of the Hudson’s Bay Company is excepted. Vessels belonging to the United States are not to be admitted into the ports of his majesty’s said territories, nor British vessels from the sea into the rivers of the United States beyond the highest ports of entry for foreign vessels from the sea. The navigation of Mississippi, however is to be entirely free. Goods and merchandise shall be conveyed into the territories of his Britannic majesty by American citizens, and into the territories of the United States by British subjects, subject to the regulations established by both parties.

The fourth article relates to the ascertaining of the extent of the Mississippi to the northward.

The fifth article alludes to the doubts that have arisen relative to the river St. Croix, and agrees to refer these doubts to commissioners.

The sixth article allows British subjects the power of recovering debts due to them by American citizens previously to the peace: which debts have not been recovered hitherto, on account of some legal impediments. The United States agree to make full and complete compensation to the creditors who have suffered by those impediments. The amount of the losses and damages is to be ascertained by five commissioners – two to be appointed by Great Britain, two by the president of the United States, and one by the other four.

When the five commissioners appointed shall first meet, they shall, before they proceed to act, respectively take the following oath or affirmation, in the presence of each other, which oath or affirmation being so taken, and duly attested shall be entered on the record of their proceedings, viz. I, A.B. one of the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce, and navigation, between his Britannic majesty and the United States of America, do solemnly swear, or affirm, that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, as under the said article shall be referred to the said commissioners; and that I will forbear to act as a commissioner in any case in which I may be personally interested.

Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commission, provided that one of the commissioners named on each side, and the fifth commissioner shall be present, and all decisions shall be made by the majority of the voices of the commissioners then present; eighteen months from the day on which the said commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless, authorized, in any particular cases, in which it shall appear to them to be reasonable and just, to extend the said term of eighteen months for any term not exceeding six months after the expiration thereof. The said commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

The award of the said commissioners, or any three of them as aforesaid, shall in all cases be final and conclusive.

The seventh article allows indemnification, by the British Government, to such of the citizens of the United States as have suffered, during the late war, by irregular and illegal captures. The United States also agree to indemnify British subjects for irregular illegal captures taken by American ships during the war.

For the purpose of ascertaining the amount of any such losses and damages, five commissioners shall be appointed and authorised to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation (*mutatis mutandis*) the same term of eighteen months is also assigned for the reception of claims, and they are in like manner authorised to extend the same in particular places. They shall receive

testimony, books, papers, and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the commissioners, or any such three of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and his Britannic majesty undertakes to cause the same to be paid to such claimants in specie, without any deduction, at such place or places, and at such time or times, as shall be awarded by the same commissioners, and on condition of such releases or assignments to be given by the claimants, as by the said commissioners may be directed.

The eighth article refers to the two former, and settles the mode of paying the amount of the losses.

The ninth article permits the subjects of each country to hold lands in either country, and to sell and devise them in the same manner as if they were natives.

In the tenth article it is agreed, that in case of a war, no money belonging to individuals shall be sequestered or confiscated.

The eleventh article establishes a perfect liberty of navigation and commerce between the two countries.

The twelfth article allows the citizens of the United States to carry the produce of the United States to the West Indies, in vessels of not more than seventy tons burthen. The citizens are also allowed to carry away the produce of the islands to the territories of the United States alone. – This article is to continue in force for two years after the present war, when further regulations are to be made.

In the thirteenth article his Britannic Majesty consents to admit American vessels into the British ports in the East Indies. This consent, however, is not to extend to the carrying on of the coasting trade in the East Indies.

The citizens of the United States are not to reside or go into the interior parts of the East India settlements. They are not to export, in time of war, stores or rice from the East-Indies; they may touch at St. Helena for refreshment.

The fourteenth article relates to liberty of commerce and navigation between the dominions of his majesty in Europe, and the territories of the United States in America.

The fifteenth article states, that no higher duties shall be paid by the ships or merchandize of the one party in the ports of the other, than the duties paid by other nations. No higher duties shall be paid upon importation or exportation than the duties paid on the importation or exportation of similar articles the produce of other nations.

The sixteenth article relates to the appointment of consuls for the protection of trade.

The seventeenth article relates to vessels being captured or detained, on suspicion of having the enemy's property on board. Such property alone is to be

taken out; the vessels are to be permitted to proceed to sea with the remainder of their cargo.

The eighteenth article decides what articles the term contraband is to be applied to.

The nineteenth article provides for the security of the respective subjects and citizens, and for the preventing of injuries by men of war.

The twentieth article relates to the refusal of the respective [*sic*] parties to receive pirates into any harbours or towns, and to the seizure of goods and merchandize taken by pirates.

The twenty-first article provides, for the subjects and citizens of the two nations shall not do any acts of hostility against each other, and shall not accept commissions from foreign states or princes, to commit hostilities.

The twenty-second article prevents acts of reprisal, without due notice.

The twenty-third relates to the treatment of ships, officers, and crews, in the respective ports of the two powers.

The twenty-fourth article provides, that privateers of nations at enmity with either of the two powers, shall not arm their ships in the respective ports of the two powers, or sell what they have taken.

The twenty fifth allows the ships of war belonging to the said parties, to carry the ships and goods, taken from their enemies, whithersoever they please.

In case of war between the two nations, the twenty-sixth article permits the merchants and others, of each of the two nations, to reside in the dominions of the other, and to continue their trade.

The twenty-seventh article agrees that the two powers shall respectively deliver up persons charged with murder and forgery.

The twenty-eighth, alluding to the preceding articles, states, that the first ten articles shall be permanent, and that the subsequent articles (the twelfth excepted) shall be limited in their duration to twelve years. The treaty is to be binding and obligatory as soon as it is ratified.

The treaty is signed

GRENVILLE,
JOHN JAY.

'Southwark Petition,' *Annual Register* (1795), pp. 106–7.

Southwark Petition.

To the Honourable the House of Commons of Great Britain in Parliament assembled.

The humble Petition of the Inhabitants of the Town and Borough of Southwark, convened by public Advertisement of the High Bailiff of the said Borough.

Sheweth,

THAT your petitioners, sincerely and awfully affected by a due sense of the trying and momentous circumstances, under which they now appeal to the wisdom and to the feelings of their constitutional representatives, the commons of Great Britain, in parliament assembled, find it their bounden duty to give their opinion upon the present alarming state of public affairs, with all the frankness and explicitness which the crisis demands.

And, first, your petitioners freely and zealously declare their true and unshaken attachment to the monarch on the throne, and to his royal family; and their firm determination to support the genuine principles of this most excellent constitution, should any attempt, from whatever quarter, whether foreign or domestic, be made to subvert it.

In revolving, however, the events of the present war with France, your petitioners, with the deepest concern, have observed that the uniform bravery, manifested by the British fleets and armies, has in no respect, advanced the presumed object of the war, and now less than ever, appears likely to attain it.

The consideration of the disasters and defeats which have lately attended the unsupported efforts of the British arms on the continent, is, in the minds of your petitioners, bitterly aggravated by the reflection that those allies, whose councils and resentments first engaged us in the contest, have wrung, from the credulity and confidence of the generous and industrious people of Great Britain, large sums of money, for which, in violation of all faith, no adequate service appears to have been performed, or attempted.

In the events of a campaign, so unparalleled in calamity, your petitioners, among other fatal consequences, perceive a large addition in the existing national debt, the speedy diminution of which has been long held forth to your petitioners, and to the country, as a measure indispensably necessary to the maintenance of the constitution, as well as to the credit of Great Britain.

Under the increasing pressure of such burthens, your petitioners are convinced, however highly they are disposed to estimate the fortitude and loyalty of all descriptions of their countrymen, and however readily they admit the temporary advantages which both the general commerce and the public funds of this

country may have derived from the terrors and calamities of other nations, that the consequences of persevering in the present destructive war must tend rapidly to depress and ruin the occupations of useful labour, and profitable industry; and ultimately to destroy the only true sources of the nation's power, our trade, our commerce, and our manufactures.

Under this impression, your petitioners are compelled to turn their thoughts most seriously, and eagerly, to the only real remedy for, the evils they apprehend, peace; – for in the tranquillity, the civilized intercourse, and the commercial prosperity of the surrounding nations of Europe, your petitioners conceive the commercial interests of Great Britain can alone find their interest and support. In the pursuits of vengeance or ambition, in wars and camps, in desolation and bloodshed, even were the contest attended with temporary success, the result to a country, circumstanced as this is, must be national bankruptcy, and ultimate ruin.

On these grounds your petitioners humbly, but distinctly, pray, that your honourable house, disclaiming every pretence of right, on the part of Great Britain, to create or correct a government for France, and disregarding whatever is or may be the title or construction of the ruling power, which either does, or may exist in that country, will earnestly adopt the most effectual means for recommending an immediate negotiation for peace, on terms consistent with the honour and security of the British empire. And your petitioners further assure your honourable house, that if, contrary to the hopes of your petitioners, motives of inordinate ambition, or of implacable resentment, however rashly and improvidently excited, in the mind of the enemy, should render it impossible to obtain a termination of hostilities upon safe and honourable terms, your petitioners will be found, among the readiest of his majesty's loyal subjects, to stand forward to the last means of exertion, in defence of their country, or to perish with its fall.

And your petitioners will ever pray.

George Sinclair to Henry Dundas, 9 November 1796, Melville Papers, National Archives of Scotland, GD51/1/393.

Leith 9 November 1796

Sir

My zeal for the public welfare, is the only apology which I shall offer, for presuming to encroach on Your Time, at present.

For the consideration of a Subject which I may hereafter lay before You a few Ideas have occurred to me, which I have conceived may be of such public utility, as to induce my venturing to communicate them to You.

In case his Majesty may find it expedient, to continue the war with the present Rulers of France I beg leave to suggest, as a means of annoying them & all our other enemies, that his majesties Ministers endeavor, to prevail on the Empress of Russia, to prohibit the French Dutch & all other powers, except such as are engaged in the war against them, from the supply of Hemp Flax, Tar & all other naval Stores produced in her dominions.

As our Distilleries will soon consume all the grain which we spare from alimentary food, I would induce the Empress to this Scheme; by taking from her Subjects a given quantity of Barley Rye & perhaps Wheat to be applied to the purpose of Distilling.

To finish, I would further humbly suggest to exclude the importation into this Country of all kind of Malt Spirits and raise an additional Tax on distilling to the amount of what that revenue has been found to produce, which may revert a beneficial Trade from the Dutch & become an immense <permanent> saving to Great Britain.

I have the honor to be with sincere Respect

Sir,

Your most obedient & most devoted servant
Geo Sinclair

On the Continental System, following the Berlin Decree, 20 November 1806, *Annual Register* (1806), pp. 200–2.

From Hesse and Hanover Mortier proceeded to Hamburg, which he entered without opposition on the 19th of November, and next day he issued an order for the sequestration of all English produce and manufactures found in the city, whether belonging to English subjects or to other persons. Statements were demanded from the merchants and bankers, of the English manufactures or funds arising from the sale of English manufactures in their possession; domiciliary visits were threatened to enforce compliance; and those who gave false returns, were menaced with summary punishment by martial law. To strike greater terror, the English merchants at Hamburg were put under arrest, and though afterwards released on their parole, they were placed under a guard of soldiers, and threatened to be sent to Verdun. These acts of violence brought less profit to the French, than they did harm to the Hamburgers. The trade of Hamburg was annihilated, while the amount of English property manufactures confiscated was inconsiderable. Before the armed force sent to Cuxhaven to stop the English vessels at the mouth of the river, arrived at that place, the merchantmen apprised of the danger had made their escape. The seizure of Hamburg had been less foreseen, and though the French minister in that city persisted to the last in his declarations that its neutrality would be respected, little credit had been given to his assurances. The fate of Leipzig had been a warning to the merchants of Hamburg. No exertions had been spared by the factors and commercial agents of the English in disposing of their goods and winding up their concerns before the arrival of Mortier and his army; so that, after all, the most valuable prize from this expedition proved to be the corn found in the magazines of Hamburg, great quantities of which were sent to Berlin, where apprehensions of famine began to be entertained.

But the order for confiscating English property at Hamburg, and the rigorous though ineffectual measures taken to enforce it, were not insulated acts of violence and rapacity, but parts of an extensive plan for excluding the produce of English industry from the continent, which the French emperor in his present intoxication of success, vainly imagined he had power to accomplish. This new system of warfare he promulgated at Berlin on the 20th of November in a decree interdicting all commerce and correspondence, direct or indirect, between the British dominions and the countries subject to his controul. By this decree the British islands were declared to be in a state of blockade: all subjects of England found in countries occupied by French troops were declared prisoners of war, and all English property was declared lawful prize; all letters addressed to Englishmen or written in the English language were ordered to be stopped; all

commerce in English produce and manufactures was prohibited; and all vessels touching at England or any English colony, were excluded from every harbour under the controul of France. The pretext for these infringements of the law and practice of civilized nations was founded, partly, on the extension given by England to the right of blockade, and partly on the difference in the laws of war by sea and by land. By land the property of an enemy is not considered lawful prize, unless it belongs to the hostile state. By sea the property of unarmed, peaceable merchants is liable to capture and confiscation. By land no one is considered prisoner of war who is not taken with arms in his hands. By sea the crews of merchantmen are considered prisoners of war equally with the crews of armed vessels. For these reasons the French emperor declared, that the regulations of the decree, which he now promulgated, 'should be regarded as a fundamental law of the French empire, till England recognized the law of war to be one and the same by sea and by land, and in so case applicable to private property or to individuals not bearing arms; and till she consented to restrict the right of blockade to fortified places actually invested by a sufficient force.'

On these reasons we shall merely observe, that the superiority of England by sea being at that time as great and undisputed as the superiority of France was by land, the difference between the laws of war by sea and by land was entirely to the advantage of England and to the disadvantage of France; and in these circumstances it was not unnatural for the French emperor to attempt either to confine hostilities at sea within the same limits to which they were restricted by land, or to extend to a war by land all the rights claimed and exercised by belligerents at sea. But, though it was the interest of France to attempt such an innovation in public law, the decree was not less an innovation of the most pernicious kind, on account of its tendency to revive the ancient laws of war, which the progress of civilization had gradually softened. Nor was the assertion in the preamble of the decree less a falsehood, that the conduct of England is not conformable to the law followed by other civilized states, and laid down and approved of as the law of nations; for the law of England with respect to blockade and capture at sea is the same, which all writers on public law have held, and all nations, France not excepted, have followed. That part of the decree, which declared the British islands to be in a state of blockade, at a time when the fleets of France and her allies were confined within their ports by the naval forces of England, was an empty menace, which the French government had no power to enforce, nor as it afterwards appeared, any intention to act upon. But those parts of the decree which prohibited all commerce in English produce or manufactures, filled the commercial cities of the continent with dismay, as a measure fatal to their prosperity. Deputations were sent to Bonaparte from Hamburg, and from Nantes, Bourdeaux, and other cities of France, to solicit, upon this head, some relaxation of a decree, not less injurious to his own subjects than to the English. But

his answers were stern and uncomplying. When told by the merchants of Ham-
burgh, that 'these measures would involve them in universal bankruptcy, and
banish commerce from the continent,' his reply is said to have been, 'so much
the better; the bankruptcies in England will be more numerous, and you will be
less able to trade with her. England must be humbled, though the fourth century
should be revived, commerce extinguished, and no interchange of commodities
left but by barter.' But notwithstanding these alarming appearances, this decree
soon became perfectly harmless and inoperative. Some slight and temporary
embarrassments [*sic*] in commerce were experienced from it at first; but, in a
short time, though formally extended to Holland and other countries under the
controll of France, its existence was only known by the bribes given to gener-
als of division and custom-house officers for omitting to enforce it, and by the
occasional confiscation of some unfortunate vessel, which had neglected that
necessary precaution.

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