laws. But the provision now alluded to makes the detention to rest on the opinion of each collector, and this must necessarily produce a great diversity in the manner in which the power should be executed. All has been done that could be done to obviate that evil; and the President being authorised to decide on the detentions when made, the opportunity was taken to inform the collectors of what in his opinion should be a proper cause of detention. This however could be given only as opinion, and operate as a recommendation, and not as an order. Nor does it appear practicable to establish uniformity, and to prevent partiality, and either laxity or too great severity in practice, unless the power of prescribing general rules in that respect by which the Collectors will be bound to abide, be vested in the President.

I am aware that there is another mode of evasion by regular coasting vessels which will not be prevented by either of the preceding provisions. Either whilst in port, or on their way down our rivers and bays, coasting vessels may receive articles not entered on their manifest, which they put on board other vessels lying off the coast for that purpose.

But it is not perceived that any legal provision can prevent that infraction, nor that any other remedy can be found than the vigilance of the officers. Another general regulation will however be suggested, perhaps useful as a permanent measure, but which would at all events, under existing circumstances, give additional security for the observance of the laws and afford some relief to our own seamen; to wit, a prohibition to employ any aliens either as masters or part of the crew of any coasting vessel.

It is still more difficult to guard against violations by vessels departing without clearance in open defiance of the laws. The following provisions on mature consideration appear the most efficient that can be devised against infractions which it is the more necessary to repress as they may be daily expected to increase and threaten to prostrate the law and government itself.

1st. To forbid expressly under pain of forfeiture (the penalty now being only implied) the lading of any vessel without the permission of the collector and without the bond for a coasting voyage being previously given; authorising the collectors to refuse permission, unless the object be that of a lawful coasting or fishing voyage. The great number of vessels now laden and in a state of readiness to depart shews the necessity of this provision. If there be cases, in which the indulgence of converting vessels into ware-houses ought to be granted, there will be no hardship, where the intention is fair, to require a bond similar to that given for a coasting voyage. And the Collectors should likewise in such cases be expressly authorised to take such efficient precautions as will put it out of the power of such vessels to sail without warning.

2d. In order to prevent those fraudulent sales of vessels by which ostensible owners of no responsibility are substituted to those from whom penalties might be recovered, it is necessary to provide that those owners of vessels whose names appear on the register or license should continue to be reputed as such and liable to the penalties in case of infraction of the laws, until the register or license shall have been actually surrendered and new papers shall have been regularly granted by the Collector to the purchaser. And in every such case of purchase, a sufficient bond that the embargo shall not be infringed, to be previously required.

3. The power to seize unusual deposits now vested in the collectors of districts adjacent to the territories of foreign nations should, as was contemplated in the bill passed by the House of Representatives, be extended to all the districts. That this is an arbitrary power, which nothing but the unremitted efforts in some places to evade the law can possibly justify, cannot be denied; and it should, like that of detention, be placed under the control of the President, and be executed only in conformity with such general rules as he would prescribe.

4. Exclusively of the assistance which may be derived from gun-boats and from the armed vessels of the U. S. it would be advisable to authorise the President to add ten or twelve cutters to the present establishment. Fast sailing vessels of every draft of water, and requiring only from fifteen to thirty men each are mostly wanted, and would, for the object contemplated, be as useful as the largest frigates.

5. It is with regret that the necessity of authorising, on the application of the collectors, an *immediate* call of the local physical force of the country, must also be stated. But such partial acts of violence as have taken place in some of the seaports cannot be prevented by the circuitous manner in which the public force must now be brought out in support of the laws. And no doubt exists that the mass of the citizens, whether they approve or disapprove of the embargo, would, in every port, instantaneously suppress any such outrage, provided they can be *called* upon to act in a legal manner.

Some other provisions appear also necessary for the purpose of carrying the laws more completely into effect along our land frontiers.

1. The exportation of specie by land should be expressly prohibited.

2. The power of detaining deposits should be so expressed as to leave no doubt of the authority to detain waggons & other carriages laden & actually on their way to a foreign territory. Although I cannot perceive any reason for the distinction, it has been supposed in one of the districts that the law which authorised the detention of flour, beef or potash deposited in a ware-house, did not extend to the case of their being deposited in a waggon, although evidently on its way to Canada.

3. The offence now punishable by law is that of exportation. This is not consummated till after the property has been actually carried beyond the lines, where, being in a foreign jurisdiction, it cannot be seized: so that forfeiture, which is the most efficient penalty, can never apply to exportations by land: and no bond being required as in the case of vessels, the only remedy is the uncertain one of recovering penalties against apparent offenders who either abscond or have no property. How far it may be practicable to make the act of preparing the means of exportation punishable, or to provide some other remedy, is submitted to the committee.

But it must also be observed, that every degree of opposition to the laws, which falls short of treason, is now with but few exceptions, an offence undefined and unprovided for by the laws of the United States: whence it follows that such offences remain unpunished when the state authorities do not interfere. The necessity of defining those offences by law as misdemeanors and of providing an adequate punishment appears obvious.

I will beg leave here to add that it does not appear necessary to continue any longer the indulgence granted to the British merchants to import for the use of the Indians articles of which the importation is generally prohibited by law; as that privilege is liable to great abuse and affords just ground of dissatisfaction to American citizens. Whether it be advisable to continue the permission given to those Indian traders to export furs & peltry, is a question to be decided by political considerations.

The last branch of the subject to which I wish at present to call the attention of the committee, relates to interruptions and certain injurious proceedings attempted under color of law.

1. Vexatious suits are brought against Collectors which not only perplex faithful officers, but have the effect of intimidating others, and prevent an energetic performance of their duties. The only provisions which have occurred to me on that subject are to enable the collectors who may be sued, always to remove the cause before a court of the U. States; to make a certificate issued by the proper authority, that there was reasonable cause of detention, protect them against damages in cases of detentions, in the same manner as is now provided in case of seizures; and to provide for the safe keeping and restoring when proper and on security being given the vessels and property which may be detained.

2. Attempts have in several instances been made to wrest from the collectors by writs of replevin issued by state courts or officers property detained or seized by said collectors, or which, in any other manner, is in their possession in conformity with some law of the U. States. It is evident that such attempts, if submitted to, would defeat not only the embargo but also the revenue laws of the U. States; that whenever property is by virtue of a law of the U. S. in the possession of a collector, marshal, or any other of their officers, no process *in rem* which will take the property away, whether of replevin, attachment or any other, can be legally issued by a state authority; and that the sheriff or other person executing the same, must be considered as a mere trespasser, & be resisted accordingly. But there is no other way at present to resist such illegal process but actual force. And it appears necessary that another remedy should be afforded, by providing a summary mode of superseding any such process through the interference of the courts and judges of the U. S; and by making it penal for any sheriff, or other person, to execute the same, or in any manner to attempt to take property which by virtue of any law of the U. S. is in the collector's possession.

3. In some instances where vessels and cargoes libelled for infractions of the embargo have been restored to their owners on their giving security for the appraised value, the valuations have been so low as to reduce the forfeiture to an inconsiderable sum, thereby defeating altogether the law. It is suggested that this might be prevented by a provision authorising and directing the district judges to set aside, on motion of the district attorney, such valuations whenever in their opinion falling short of the true value.

4. On the subject of *mandamus* I will only observe that, in the only instance which has taken place, the court, supposing they had jurisdiction, could not, from the manner in which the question was brought before them, have decided otherwise than they did: but that it is desirable that the question of jurisdiction, as it relates either to the courts in whom the power ought to be vested, or to the courts to which it should extend, should be precisely defined by law.

I have not in this communication taken into consideration the technical defects of the existing embargo laws, because prosecutions do not fall within my immediate cognizance, & I do not feel competent to the task of pointing out the necessary alterations. Measures have, however, been taken to procure on that subject and from the proper sources, information which will hereafter be laid before the committee.

To the remaining enquiry of the committee, whether the inconveniences of the present system may not in some degree be removed, I can only answer generally that a law which lays such extensive restrictions as the embargo cannot be carried into effect without imposing serious inconveniences even on the domestic intercourse of the United States; and that these must necessarily be increased in proportion to the opposition and efforts to evade or violate the law. It has already been stated that provisions which will render the bond given by coasting vessels a complete security against violations of them, will diminish the necessity and extent of more arbitrary restrictions. An authority to permit, on proper security being given, such vessels when they arrive in port, to keep their cargoes on board, would afford some relief. And I think that the credit on duties accruing on the importation of certain articles, which was allowed by the act of 10th March last, should be extended to all importations of the same articles made after the passing of the act, those made in vessels which sailed under special permission only excepted. With respect to this last class of importations as they were permitted by special indulgence, as it is understood that it has been impossible in many cases to prevent its being abused and as in almost all the parties having a species of exclusive privilege have made sufficiently profitable voyages, the propriety, particularly in the existing situation of the revenue, of allowing them also the advantage of an extended credit on duties, is not perceived.

I have the honor to be,
With great respect,
Sir, your ob't. servant,
ALBERT GALLATIN.

*Hon. W. B. Giles.*
*Chairman of a committee,*
*of the Senate.*

*HOUSE OF REPRESENTATIVES.*
MONDAY, DECEMBER 5.

[As it is our purpose to detail at length the whole of the important debate now progressing on our Foreign Relations, we do not attempt in the minutes of each day's proceedings to sketch the observations of the respective speakers even in a cursory manner, which method will however be adopted in debates of a nature less interesting to the nation at large.]

INSPECTORS OF CUSTOMS.

Petitions were laid before the House from the inspectors of customs in the ports of Boston, New-York, Philadelphia and Baltimore, and referred to the committee of Commerce and Manufactures.

FOREIGN RELATIONS.

The unfinished business of Saturday last being the report of the committee on our foreign relations, was taken up.

*Mr. Randolph* spoke about an hour and a half in continuation of his observations of Saturday.

*Mr. Love* replied in a speech of about the same length,

When the House adjourned without taking a question, at 3 o'clock.

TUESDAY, DECEMBER 6.

NEW-ORLEANS BATTURE.

*Mr. Smilie* presented the petition of Mr. Edward Livingston, stating his ejectments by the U. S. from the property of the batture, which he had recovered by law from the corporation of New-Orleans; and praying that if the decision of the courts be not binding, some other tribunal might be fixed on by the U. S. for a decision on his title.

After some debate, this petition was referred to the Attorney General.

*Mr. G. W. Campbell* presented a counter petition on this subject from New-Orleans, to which the same course was given.

FOREIGN RELATIONS.

The report of the committee on foreign relations again before the House, and the question still on the first resolution.

*Mr. Gholson* supported the report in a speech of an hour and a quarter; and

*Mr. G. W. Campbell* followed on the same side.

The House adjourned about four o'clock, before Mr. Campbell concluded his remarks.

WEDNESDAY, DECEMBER 7.

Messrs. *Say & Wharton* presented memorials from sundry officers in the Pennsylvania, Massachusetts, Maryland and N. Carolina lines of the Revolutionary army, stating that they have been compelled to dispose of the certificates of pay and commutation granted them for military services rendered the U. States, and praying for relief—Ordered to lie on the table.

Mr. *Verplanck* presented a petition from certain British subjects in the state of New York, praying that a certain Wm. Belk may be permitted to convey them and their families to the island of Trinidad.—Referred to the committee of Commerce and Manufactures.

DIFFUSION OF INFORMATION.

Mr. *Durell* offered the following resolution:

*Resolved*, That it be the duty of the Clerk of this House to furnish the Representatives in Congress from each state in the union for the time being and the Delegates from each of the territories thereof, with one copy of every public document, including the laws and journals, printed by this House, to be by them transmitted to the principal Seminary of learning in each state and territory.

The resolution was ordered to lie on the table.

FOREIGN RELATIONS.

The report on the subject of our foreign relations being yet under consideration—

Mr. *G. W. Campbell* concluded his observations of yesterday in a speech of about two hours.

Mr. *Quincy* followed in reply in a speech of about an hour.

When the House adjourned without taking a question.

THURSDAY, DECEMBER 8.

Mr. *Lewis* presented the memorial of the Commercial Company of the city of Washington, praying an act of incorporation—Referred to the committee of District of Columbia.

REVENUE CUTTERS.

On motion of Mr. *Newton* the House went into committee of the whole on the bill authorising the President of the U. S. to employ an additional number of revenue cutters, MR. TRIGG in the chair. The bill having been read, on motion of Mr. *Newton* the committee rose and reported it, without debate or amendment. The bill was ordered to be read a third time this day.

FOREIGN RELATIONS.

The report of the committee still under consideration—

Mr. *Key* made a speech of an hour and a half against it. Mr. *Nelson* replied in a speech of half an hour. Mr. *Lyon* opposed the report in a speech of the same length; and Mr. *Desha* concluded this day's debate by a speech of about twenty minutes.

The House adjourned without taking a question.

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The celebrated *Mr. Horne Tooke*, died in London, in the beginning of October.

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The aggregate votes given in Rhode Island for electors, are,

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|---|---|
| Federal, | 3072 |
| Republican, | 2692 |
| Majority, | 380 |

Votes for electors of President and Vice-President in New-Hampshire.

| | |
|---|---|
| Federal, | 13,235 |
| Republican, | 11,752 |
| Federal Majority, | 1,483 |

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The prints of Tennessee state, that on the most authentic information, Mr. Madison will obtain the unanimous vote of that state. Mr. Green and Mr. Martin are chosen Electors, by a great majority.

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The leigslature of North Carolina have elected David Stone, a firm republican, Governor in the room of Benjamin Williams, a federalist. The votes were for Stone 96, for Williams 76.

The Senate of that state have passed the following patriotic resolutions by a vote of 37 to 15; evincing the same whig sentiments that pervaded the nation in seventy-six.

"The General Assembly of North-Carolina, viewing the present situation of the U. States in relation to G. Britain and France, as being alarmingly critical; as requiring the exercise of the greatest wisdom, energy and prudence on the part of the General Government, and the highest degree of patriotism and unanimity amongst the real friends of their country, they are of opinion, that as great clamor has been raised against some of the measures lately taken by our administration, which may have led foreign nations to believe that the people of the U. States are a divided people, unable or unwilling to carry into effect any energetic measures of their government; it may serve to strengthen the hands of those who have the management of our national affairs, for legislative and other public bodies, to publish an expression of their sentiments on the present situation of our foreign relations—which the General Assembly of North Carolina do, in the following resolutions:

*Resolved*, That we view the pretext offered by Great Britain for not making reparation for the acknowledged outrage on our frigate Chesapeake, by the British ship of war Leopard, as unworthy of a nation boasting of a free and enlightened government.

*Resolved*, That we consider the acts, decrees and orders, affecting neutral commerce, issued and enacted by G. Britain and France, as unjust and vexatious, equally calculated to violate our neutral rights and national sovereignty.

*Resolved*, That we most cordially approve of the measures which the President of the U. States has taken, in the spirit of moderation and equity, to obtain, both from G. Britain and France, a reparation of the wrongs committed against this country, and the repeal of those obnoxious acts, decrees and orders.

*Resolved*, That though the laws laying an Embargo have borne hard upon a great part of the citizens of the U. States, the legislature of N. Carolina consider them as the best means which could have been devised to preserve our citizens from the devouring grasp of the belligerent powers.

*Resolved*, That though the citizens of North Carolina have felt their full share of the pressure of these laws, they will cheerfully acquesce in their continuance, until a repeal can be obtained of the unjust regulations which occasioned them, or in any other measure which Congress may deem necessary for the maintenace of our neutral rights.

*Resolved*, That sooner than submit to unjust and vexatious restrictions of our commerce, to the impressment of our seamen, and to the taxation of the cargoes of our vessels at the pleasure of any foreign nation, we will live to ourselves, and have no connection with any of them.

*Resolved*. That we value peace as one of the greatest blessings which any nation can enjoy; yet, rather than surrender our liberty and independence, we will surround the standard of our country, and die in her defence".

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The Senate of Maryland have negatived the resolutions of the House of Delegates respecting the Embargo. In their reply to the House they observe that—

"They view the embargo as the measure of a wise, efficient and dignified policy, rendered indispensably necessary by the unprecedented and unsettled state of the European world, and the only alternative between a ruinous and destructive war, and the abject surrender of our honor and independence; & that so far from being the cause of that multiplied and aggravated train of national evils with which, by the resolutions it is charged, it has protected and promoted the present permanent interests of our country, by withdrawing from the rapacious cupidity of the plunderers of the ocean our property of more than one hundred millions of dollars in amount, by securing from seizure and bondage our citizen mariners, and by diverting a proportion of our wealth, and attention to the establishment of those manufactories which are necessary to our subsistence, and are essential to our independence."

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*Extract of a letter from Stockholm, dated September 15.*

"The great object of this letter is to inform you, that two days since, positive information was received here, that the Russian fleet in Baltic Port could not defend itself, or be defended by the batteries, against the attacks of the Swedish & English fleets: that the admirals of the latter had sent a flag of truce to the Russians, stating that unless the fleet was surrendered, they would blow every ship out of the water, in consequence of this different communications took place, and the Russian Minister of Marine arrived from St. Petersburg at Baltic Port. The best informed people firmly believe that negociations for peace are going on, and that the two fleets of Russia, the one in Lisbon, and the other in Baltic Port, will be given up to her, provided she evacuate Finland, and makes peace with Sweden and England."

*Sept. 19.*—Letters from Stockholm have reached town, which state that subsequent to the 17th ult. the Swedes had another battle with the Russians in Finland, between Bjoinborg and Christianstadt, the result of which was a decisive victory on the part of the Swedes. The Russians left 2,000 dead on the field. The Swedes had 22 officers and upwards of 800 privates killed and wounded. Gen. Cronstedt fell as he was charging at the head of his corps. The Russians in consequence of this defeat are stated to have fallen back from Abo to the distance of between 30 and 40 miles on the road to St. Petersburg. The Swedes had on some points marched upwards of 15 miles beyond the Russian frontiers.

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BY AUTHORITY.

*AN act to authorise the transportation of a certain Message of the President of the United States, and documents accompanying the same.*

BE *it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Members of Congress and Delegates from the several territories of the United States, be and they are hereby authorised to transmit by mail, free of postage the Message of the President of the United States on the eighth day of November, in the year one thousand eight hundred and eight, and documents accompanying the same, printed by order of the Senate and by order of the House of Representatives, to any post-office within the United States and territories thereof, to which they may respectively direct, any law to the contrary notwithstanding.

J. B. VARNUM, *Speaker of the House of Representatives.*
GEO: CLINTON, *Vice President of the United States and President of the Senate.*
NOVEMBER 18, 1808.
APPROVED,
TH: JEFFERSON.

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THE Partnership of *COLLARD & MOORE*, is this day Dissolved by mutual consent—the Business in future will be transacted by GEO. COLLARD, and all the business of the above Firm will be settled by him.
December 9—3t

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*In Chancery, November 23, 1808.*
ORDERED that the Sale made by James S. Morsell, trustee for the sale of the Real Estate of Thomas Clarke, deceased, shall be ratified and confirmed unless cause to the contrary be shewn before the twenty-first day of January next. Provided a copy of this order be inserted three successive weeks in a newspaper of the city of Washington before the thirtieth day of this present. The report states that said property was sold amounting to $[illegible]
True copy,
Test NICHS. BREWER, Reg. Cur. Can.
December 7—w3t