“That no goods, wares or merchandize of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than thirty tons burthen, except within the district of Louisville, nor shall be landed or unladen at any other place than is by this act directed, under the penalty of seizure and forfeiture of all such vessels, and of the goods, wares or merchandize brought in, landed or unladen, in any other manner. *And all goods, wares and merchandize brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses and oxen that shall be employed in conveying the same;* provided nothing herein shall be construed to extend to household furniture and cloathing, belonging to any person or persons actually removing into any part of the United States, for the purpose of becoming an inhabitant or inhabitants thereof.”

This principle Mr. Eppes said was precisely the same with that now proposed. The section was not now in force, but other provisions were substituted in its place. Mr. Eppes quoted several other parts of laws, in which was given to the collectors a power to search all rafts, boats, carriages, and to stop them when suspected, &c. and in which vessels going from one port to another of the same state, were compelled to take clearances or give bond and security, &c. and persons carrying property even over land, were required to give security. And yet said Mr. E. when we now propose to give the same power in the very same words, we are told that we are violating the constitution and destroying the rights of the citizen! The constitution he said had wisely provided that the citizen should be secure in his person and property. But if a man's property were found under such circumstances as to authorize a belief that he intended to violate a law of the U. S. was it an infraction of the right of the citizen to compel him to give bond that he will not? The very gentlemen themselves who raised this outcry, had passed laws stronger than this. He was against the amendment proposed, because it authorized no seizures in any situation in which property would not be liable to seizure for infraction of the present revenue laws.

Mr. *Dana* could not subscribe to the opinion of the gentleman from Virginia that the principles of this bill were recognised in the revenue laws. He said he would enter into no examination of the question whether an embargo, laid indefinitely without limitation of time, was constitutional or not. But he objected to this part of the bill: that it authorised the officers of the U. S. to seize property to which the U. S. had no claim. In every case where property became forfeited in consequence of a contravention of the law, that property might, without violating general principles, be seized by the officers acting for the public. The act of seizure brings it before the court, and if ascertained to be forfeited, it is immediately liable to confiscation. This was not the case in the present bill; for the person whose property was seized, was permitted to have it again on giving security for its value. The very idea of a man's regaining his property on giving security, was incompatible with the seizure of goods as forfeited. The suspicion of an intent to evade the law could be no ground for seizure. In the case of the revenue laws, the very fact of goods being found within the lines, not having paid duty, was *ipso facto* evidence of their being forfeited, transferred the property to the use of the U. S. and make it liable to seizure. On this ground therefore he thought the part which was moved to be stricken out wholly unwarranted.

Mr. D. R. Williams suggested a modification of the amendment which he believed would satisfy the fastidiousness (for so he was compelled to call it) of the gentlemen from Connecticut. He observed that it used to be penal for a man even to move any part of his property after sun down, and yet he believed that none of the distress had been felt from that law which gentlemen seemed to apprehend from this law.

Mr. Livermore thought this section and indeed the whole bill could not be understood by gentlemen, or there could be no difference of opinion on the subject. The bill indeed had been very essentially altered since it came from the Senate; for, before it was amended, it contained a provision by which a collector, who had any particular hatred to any man, might go with a band of soldiers and seize his property. [Mr. Eppes denied that the bill had contained any such provision.] Mr. Livermore said that the collector was authorised to seize property when he believed it intended for exportation, not confining the right of seizure to any particular limits, were it not for the amendment made by the House. If money had been accumulated in a bank, Mr. L. said that it might have been seized under a pretence of a suspicion that it was intended for exportation. And as the bill now stood, suppose a man travelling from this place to Baltimore, which is an exporting place, having with him in his carriage or vehicle a sum of money, it would be in the power of any person to seize it, saying that it was intended for exportation, and keep it till he had been able to procure security for its retention in the U. S. What would be the consequence if this power should be tyrannically exercised? Why, the revenue officer might be sued for damages, &c. Mr. L. made some observations on the subject of the process in this case, &c. He considered this bill as vesting arbitrary powers in the Executive, and oppressive to the citizen. This, he said, was the way in which all countries had lost their liberties, by gradual assumptions and delegations of powers. Rome had not established a dictatorship in a day; gradual approaches were always made to despotism. He said he should vote against the amendment and against the bill, because he did believe, if passed, that it would be subversive of the liberties of the people of the U. S.

Mr. Eppes said, that the gentleman from Massachusetts must have lately taken a trip to the island of Tribnia, described by Dean Swift, and received some instructions from the artists who were so dexterous in finding out hidden meanings in words, for instance that a flock of geese signified a senate, a buzzard a prime minister, &c.; because he had given meanings to the bill, which could not be justified by the language of the bill, or fairly inferred from it. The bill as sent from the Senate, Mr. Eppes said, did not authorise any such seizure; and he asked the gentleman from Massachusetts, as a lawyer, whether any collector would dare to violate the constitution by attempting to search a house without a warrant? The gentleman knew that he could not; that law could not give such a power. The gentleman had told them that Roman liberty had not been destroyed at once. If they looked into Roman history they would find that Rome was once saved by the braying of an ass; that the cackling of geese once saved the capitol; that the conspiracy of Cataline had been betrayed by a *woman*. These were remarkable circumstances, but had no more connection with the question than the gentleman's case of the dictatorship. Mr. Eppes said, when he saw gentlemen supporting objections like the gentleman from Connecticut, (Mr. Pitkin) he could meet and respect them; but when he heard a gentleman say that by the bill an officer could violate a private sanctuary, when he looked into the law, and found no such provision, he could not treat his observations with attention.

Mr. Livermore said, that the gentleman could not have understood him as alluding to the bill as it now stood, but as it had come from the Senate. The gentleman had asked him as a lawyer, whether a man could enter a house without a warrant and seize property? He could not by virtue of a law, and why? Because the constitution would prevent him. But this did not take away the impropriety of passing such a law. He did not believe that the courts of justice had become so corrupt, or would display such a vile submission to any authority as to submit to carry into effect a law which was unconstitutional.—He said, that he attributed no wrong intention to gentlemen; but he conceived it possible that their feelings might hide from them the true construction of the law. He warned gentlemen against it. Gentlemen might talk about asses and geese, for he supposed the gentlemen meant to be severe upon him—if so, he would return the compliment. [Mr. Eppes said, he had not applied the observation to any one; if there was any application in the case, the gentleman had certainly taken it to himself.] Mr. L. said, he had expressed no opinion, but such as were founded on mature reflection.

After some remarks in explanation from Mr. Dana,

The question on Mr. Pitkin's amendment was taken; and it was negatived—Yeas 41—Nays 51.

Mr. Sturges moved to amend the last section, by striking out the term of limitation of the law to the duration of the embargo, and inserting as the period at which this bill should expire, “the first day of June next.”

Mr. G. W. Campbell observed, that although he was decidely opposed to this motion, he wished it not to be understood that long before the first of June, he might not be willing to adopt a *stronger measure*, if no change of our situation took place.

The question was taken on striking out the words in the bill, to make room for the amendment, and lost—Yeas 27—Nays 75. Mr. Sturges amendment of course fell with it.

Mr. Sturges then offered the following, as a new section to the bill; “And be it further enacted, that this act, and the act laying an embargo, and the laws supplementary to it, be repealed on the fourth of March next.”

Mr. Cook moved to adjourn—Ayes 26.

Mr. Blount said, he was not prepared to say that there might not be a time when the embargo ought to be removed, even if our difficulties were not removed; but he was certain, that whenever it was removed, some other measure must be adopted. He moved as an amendment to the gentleman's motion the following: “and that from and after the fourth day of March next, it shall be lawful for the President of the United States, to issue letters of marque and reprisal to such citizens of the United States, as shall apply for them, against the nations having edicts in force violating the lawful commerce of the United States.”

Mr. Livermore said, it was true that the Congress of the United States had the power of declaring war; but he did not know that they could delegate the power to the President of the United States. He said, he was not surprized at it; for they seemed to have arrived at a period when they should chuse a dictator, and vest him with the power of life and death.

Mr. Eppes said, that the gentleman from North-Carolina, had expressed clearly his idea; that he was not prepared to vote on the amendment of Mr. Sturges, and merely meant to express his idea that if the embargo was taken off at this moment, letters of marque ought to be granted. In this opinion, Mr. Eppes coincided with him exactly. The gentleman from Massachusetts (Mr. Livermore) did not pretend to say that Congress had not the power to issue letters of marque and reprisal. Who then, (said he) is to sign them? Our Speaker? No, sir; most probably the Executive, to whom the gentleman is so tender of granting power. I shall vote for the amendment of the gentleman from North Carolina, but do not consider it as pledging me to vote for the whole section of the gentleman from Connecticut, (Mr. Sturges) as proposed to be amended; though I will not say that on the fourth of March, it might not be proper to do so.

Mr. Blount rose to correct an impression which appeared to exist, that he was anxious to go to war. There was not a man in the House that was less disposed for it; in voting for the embargo he had been actuated by a desire to avert it. He was still in favor of a continuance of the embargo, and hoped it would yet avert war. He had introduced this amendment to register his vote, that our injuries had been such as could not be passed over, and that if the embargo was taken off, war must be resorted to. He should vote for the amendment and for the section as amended. He modified his amendment to suit the taste of the gentleman from Massachusetts (Mr. Livermore) so as to read, “it shall be lawful for the United States to issue letters, &c.”

Mr. D. R. Williams said, it was very easy to discover what was the object of the gentleman from Connecticut, to call the Yeas and Nays on one question or other, till the empty seats on his side of the house were filled, and then they would not get the question. He was sorry that the gentleman from North-Carolina, had made an object so unimportant, as important as he did. He really wished that he would withdrawn his amendment. Every consideration of policy was against its being decided to-night.

Mr. Sturges assured the gentleman from South-Carolina, that he had no chicanery in his nature; his only object was to obtain a direct decision of the question. He disclaimed the motive attributed him.

Mr. J. G. Jackson said if the gentleman from Connecticut intended to vote for his own amendment, he must certainly vote for that of the gentleman from N. Carolina.

Mr. Blount withdrew his amendment, with a declaration that if *Mr. Sturges's* amendment were adopted, he should move it as a new section.

After some observations from Mr. *Quincy* in favor of, and *Mr. Macon* against the new section proposed,

Mr. Culpeper moved to adjourn—Ayes 25, Noes 69.

Mr. G. W. Campbell opposed the resolution in a speech of a few minutes.

Mr. Dana spoke about an hour in favor of it. *Mr. Macon* spoke in reply for half an hour.

Mr. Lyon spoke in favor of the amendments about twenty minutes.

Mr. Smilie spoke in reply about the same time.

8 *o'clock*—*Mr. Stanford* moved to adjourn—Ayes 26.

Mr. Livermore spoke in favor of the amendment and in reply to *Mr. Smilie* about twenty minutes.

Mr. Masters commenced a speech in favor of the amendment. After having spoken about twenty minutes, he was called to order, in the amidst a history of the trial of Louis XVI, and resumed his seat.

9 *o'clock*—*Mr. Elliot* rose and commenced a speech in favor of the resolution. Before he had been speaking many minutes, he was called to order by Mr. J. G. Jackson; the Speaker decided that he was not in order. Mr. Gardenier appealed from his decision, which was confirmed by a large majority. Mr. Elliot proceeded in reading through the documents communicated this session. He was repeatedly called to order; but the Speaker uniformly decided that if the gentleman chose to make any pamphlet or book a part of his speech, keeping to the question, he had a right to do so. He was afterwards called to order by the Speaker, when giving an account of his political life and the regret he felt at some votes which he had given. He concluded his remarks a little after 12 o'clock.

The *Clerk* then proceeded to call the Yeas and Nays on the amendment. After the first member on the list had answered, a member rising to speak,

The *Speaker* observed that it was not in order to debate the question, after the first member called had answered.

Mr. Randolph appealed from his decision, affirming at the same time, that the member who had answered was not in his seat at the time.

After some little altercation, the Speaker's decision was confirmed by the House—Yeas 99—Nays 10.

The question was then *finally taken* on Mr. Sturges' amendment, by Yeas and Nays as follow:

YEAS—Messrs. Champion, Chittenden, Culpepper, Dana, Davenport, Elliot, Ely, Gardenier, Gardner, Garnett, Goldsborough, Gray, Harris, R. Jackson, Jenkins, Key, Lewis, Livermore, Lyon, Masters, Milnor, Moseley, Pitkin, Quincy, Randolph, Russel, Sloan, Stedman, Sturges, Taggart, Tallmadge, Upham, Van Cortlandt, Van Dyke, Van Rensselaer—35.

NAYS—Messrs. Alexander, L. J. Alston, W. Alston, Bacon, Bard, Barker, Bassett, Bibb, Blackledge, Blake, Blount, Boyd, Boyle, Brown, Butler, Calhoun, G. W. Campbell, Clay, Clopton, Cutts, Deane, Desha, Eppes, Findley, Fisk, Franklin, Gholson, Green, Heister, Holland, Holmes, Howard, Humphreys, Ilsley, J. G. Jackson, Johnson, Jones, Kenan, Kirkpatrick, Lambert, Macon, Marion, D. Montgomery, J. Montgomery, N. R. Moore, T. Moore, Jer. Morrow, John Morrow, Mumford, Nelson, Newbold, Newton, Nicholas, Porter, Rea, (Pen.) Rhea, (Ten.) J. Richards, M. Richards, Seaver, Shaw, Smilie, J. K. Smith, John Smith, S Smith, Southard, Stanford, Storer, Story, Swart, Taylor, Thompson, Troup, Van Allen, Verplanck, Wharton, Whitehill, Wilbour, D. R. Williams, A. Wilson, N. Wilson, Winn—84.

The question recurring on the bill's going to a third reading,

Mr. Sturges moved to adjourn—Yeas 35—Nays 79.

Messrs. Sturges, Gardner, Sloan, Livermore and Mosely opposed the bill.

Mr. Dana moved to strike out the 11th section giving power to call out the military to assist in enforcing the law. Motion lost. Yeas 31—Nays 70.

Mr. Upham moved to adjourn—Ayes 28.

Messrs. Gardner and Van Dyke opposed the bill.

4 *o'clock*—Question on its going to a third reading decided—Yeas 29—Nays 73.

On the question *when* it should be read a third time, Messrs. Quincy, Upham, Lyon, Gardenier, Alexander, and Dana spoke in favor of Saturday, and Messrs. Nelson and Taylor for this day. Mr. Quincy called for the Yeas and Nays on the motion for Saturday. Motion lost—Yeas 35—Nays 68.

Half past 5 o'clock.—Bill read the third time. On the question “Shall the bill pass?” Mr. Stedman called for the Yeas and Nays.

After some observations from Messrs. Masters and Eppes, the question was taken as follows:

YEAS—Messrs. Alexander, L. J. Alston, W. Alston, jr. Bacon, Bard, Barker, Bassett, Bibb, Blackledge, jr. Blake, jr. Blount, Boyd, Boyle, Brown, Butler, Calhoun, G. W. Campbell, Clay, Clopton, Cutts, Deane, Desha, Eppes, Fisk, Franklin, Gholson, jr. Green, Heister, Holland, Holmes, Howard, Humphreys, J. G. Jackson, Johnson, Jones, Kenan, Kirkpatrick, Lambert, Macon, Marion, J. Montgomery, N. R. Moore, T. Moore, Jer. Morrow, John Morrow, Nelson Newbold, Newton, Nicholas, Porter, jr. Rea, (Pen.) Rhea, (Ten.) J. Richards, M. Richards, Seaver, Shaw, Smilie, J. K. Smith, J. Smith, Storer, Story, Taylor, Troup, Van Allen, Verplanck, Wharton, Whitehill, Wilbour, D. R. Williams, A. Wilson, Winn—71.

NAYS—Messrs. Champion, Chittenden, Culpepper, Dana, Davenport, jr. Ely, Gardenier, Gardner, Garnett, Goldsborough, Harris, R. Jackson, Jenkins, Lewis, Livermore, Lyon, Masters, Milnor, Mosely, Pitkin, Quincy, Russell, Sloan, Stanford, Stedman, Sturges, Taggart, Talmadge, Upham, Van Cortlandt, Van Dyke, Van Rensselaer—32.

And the House adjourned, a little fter day-light, till Saturday.

Saturday, Dec. 7.

EXTRA SESSION OF CONGRESS.

The House were engaged till near five o'clock to-day in discussing the following resolution proposed by Mr. SMILIE, which was finally agreed to, 62 to 21: “Resolved, that a committee be appointed to enquire into the propriety of providing by law for the meeting of Congress at an earlier period than the 1st Monday in December next, with leave to report by bill otherwise.”

The debate on this resolution involved the question, whether it would not be proper, before the first day of December, viz. in the middle of May or beginning of June, essentially to change the attitude of the nation, if no change took place in the measures of foreign powers? The resolution was supported by Messrs. Smilie, Eppes, G. W. Campbell, Story, Bibb, Troup, Johnson, Rhea, Bacon, Taylor, Nicholas, Southard, and Nelson. Messrs. D. R. Williams, Macon, Holland, Alexander, Tallmadge, and Stanford either opposed the resolution directly or advocated its postponement. Most of those who supported it declared it as their opinion that unless foreign powers revoked their orders and decrees at an early day, it would be proper to raise the embargo and substitute war, and that it behoved Congress to be at their posts to take this important step.

We are prevented, by want of room, from giving a further account of this day's proceedings.

POSTSCRIPT.

The following is an extract of a letter from an officer of the army of great respectability, and is in every particular entitled to credit. The facts it contains are worth a thousand arguments, to show the necessity of efficient measures to enforce the Embargo.

Savannah, Dec. 26, 1808.

An English sloop of war of 20 guns came into Tybee on Saturday last, and the lieutenant commanding, accompanied by a midshipman, came up to this City the same evening. Yesterday morning Capt. Armistead and myself had a consultation on the propriety of ordering this officer and crew out of the city, on the presumption that he had acted in open violation of the Proclamation of the President of the U. States. The opinion of the district attorney coincided. Capt. Armistead [illegible] on the British officer and [illegible] his crew to their boat; which order was executed in half an hour, and the conditions complied with without ill nature or force.

An armed ship is now lying below Cockspur with 2,000 bales of cotton bagging. The officer commanding has invited the citizens of Carolina and Georgia to exchange cotton for it, or that he will give cash for cotton or rice, and the ship will no doubt be fully laden in a short time. It is mortifying that such inducements can be held out with impunity for violating the laws of our country. There is not one armed vessel here by way of check. It is said she carries 20 guns.

New-York, January 4.

Last evening, the British Barque Bell, Captain Templeton, arrived at this port in 52 days from Shields, and 32 from Stromnes—Capt. T. brought no English newspapers or letters, excepting those to the consignees, which we understand do not contain any political news.

Captain T. informs us, that he read London papers of the 12th November, which were almost solely occupied with the trial of Sir Hugh Dalrymple, but had not terminated. The papers did not contain any news from Spain, no general battle having been fought, but such an event was daily expected.

By the British brig Henry, from Malaga, (which place she left the 16th November) the editor of the Mercantile Advertiser has received Madrid papers to the 8th, and Malaga papers to the 14th November, from which the following translations are made.

Captain H. informs us, that no intelligence had reached Malaga of any reinforcement of French troops having arrived in Spain, nor that any recent general battle had been fought, but that the Patriots were generally successful against the French.

The American vessels in Spain, detained under the Milan decree, had not been liberated.

Capt. H. is the bearer of dispatches from Mr. Erving, to the Secretary of State.

By the brig Friends, Metcalf, from Jamaica, arrived at this port, we learn that a serious misunderstanding has again taken place between the governor and assembly of that island, owing to the excesses committed by the *military (not the militia of the island)* in which a planter is said to have lost his life—they demanded the assassins to be given up to the civil authority—it was refused by the commander in chief, and the governor joining him in resisting the assembly; they, on their part, immediately stopt the supplies for the current year. The governor finding this body *refractory, prorogued them sine die.*

Translated for the Mercantile Advertiser.

Aranjuez, November 4.

The central government have decreed that each vice-royalty, of which there is 5 in South America, shall send two deputies to the general government.

Madrid, November 1.

The French attacked our lines on the Ebro by Lograno, Lodosa, and Levin; the two first points very feebly. At the last point Gen. Moncey charged with his whole division, which was well resisted by riflemen from Cadiz, who suffered severely. General Blake dislodged the enemy at Zarnoza, with great loss, and pursued them to Vergara, by which means the road to Irun is cut off, leaving the French no other means of retreating to France but by Roncesvallos. From the ardor of our troops we anticipate the most brilliant result. They wish for nothing more than for a general battle. Such is the impetuosity of the troops that their commanders find it difficult to restrain them.

The army of Gallicia on the 26th ult. attacked, and on the 27th continued dislodging the French from all their posts; and on the 28th occupied the position of Durango. When the post set off the French continued retreating, and our troops pursuing them. The result to our arms will doubtless be glorious.