Mr. Giles, from a committee appointed in the Senate, yesterday reported "*A bill making further provision for enforcing the Embargo.*

Accompanying the bill, were the following letter to, and answer from the Secretary of the Treasury. The provisions of the bill are generally correspondent with the recommendations of the Secretary.

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Committee Chamber, Nov. 14, 1808.

DEAR SIR—I am instructed by the Committee appointed to consider the several embargo laws, &c. to request you to lay before them with as little delay as possible, such information as your Department affords upon the following questions.

First. What measures would be most effectual in preventing the violations or evasions of the several Embargo laws; and enforcing a due observance thereof?

Second. Can any of the inconveniences of the present system be remedied by further modifications: and what modifications would effect that object?

Be pleased, sir, to accept, assurances of my high consideration and regard.

(Signed) W. B. GILES.

Hon. Albert Gallatin,
Secretary of the Treasury.

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Treasury Department Nov. 24, 1808.

SIR,

Indisposition has prevented an earlier answer to your letter of the 14th inst.

For better preventing coasting vessels regularly cleared from violating the embargo, two measures appear necessary:—

1st. That the amount of the bonds should be increased.

2dly. That neither capture, distress or any other accident should be admitted as a plea, or be given in evidence on trial.

By the first regulation the temptation of going to a foreign port, in hopes that the profit on the sale of the cargo will indemnify for the forfeiture of the penalty will be done away. By the second, every expectation of escaping the payment of the penalty under fraudulent pretences will be disappointed and the power of remitting the penalties in the few cases of unavoidable accident which may occur, will remain as heretofore and as in other cases with the treasury.

As the object of those two regulations will be to make the bond a sufficient and complete security, they will have a tendency to relieve, in a considerable degree, the coasting trade from the inconvenience resulting from detentions. The sufficiency of the bond will in many doubtful cases remove the necessity of detaining vessels, or what amounts to the same, of informing the owners that unless they reduce the amount of their cargoes they will be detained.

I [illegible] the propriety of placing under the control of the President, that power of detention vested in the Collectors by the act of the 25th April last. That subject has been a constant source of complaint and difficulty. It has been the uniform practice from the establishment of the government of the U. States to give positive instructions to the collectors respecting the execution of the laws, and which they were bound to obey unless a different construction should be established by a legal decision. This indeed was essentially necessary in order to secure an uniform construction and execution of the 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 on 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 threatened 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 permision 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 in 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 United States, 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 on 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 and other carriages laden and 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: & 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 law, 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 and 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 United 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 United States 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, and 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 United States; 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 defeats of the existing embargo laws, because prosecutions do not fall within my immediate cognizance, and I do not feel competent to the task of pointing out the neccessary 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.

—

CHARLESTON, NOVEMBER 21.

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On Thursday last, *(the day the president's important message arrived)* the legionary corps, commanded by major JOHN WARD, paraded on the green at the head of Meeting street. This corps composes the detachment from the 7th brigade of militia which have volunteered their services as a part of the quota of this state under the requisition of the president. They went through a number of important military manœuvres with a promptitude and exactness that displayed a discipline which would do honor to veterans. They received the thanks of his excellency CHARLES PINCKNEY, the governor and commander in chief of this state, who, after reviewing them, felt the crisis of such importance, that he addressed them in the following speech, which, at the request of major Ward, and his officers, we publish with the greatest pleasure.

His excellency the governor was accompanied by colonel Hampton, of the United States' cavalry, several of his officers, and several field officers of the militia.

FELLOW-CITIZENS—In consequence of a call from the president of the United States, and instructions from him on the subject, I have directed a draught of our militia, for the number required, as our proportion of one hundred thousand men. Being, however, at the same time authorised to accept the services of those who may choose to volunteer them, in defence of the honor and rights of their country, at this interesting crisis, it is with feelings more easily conceived than described, that I perceive, the moment it is known such a requisition is made, before time is scarcely given to issue the order, or to announce it officially, the whole and infinitely more than the whole of the quota of this brigade, have volunteered their services.—I so well know the patriotism and ardor of our citizens in the country that I am sure, the moment it is announced there, every regiment in the state, will do the same, and that the only contest among them will be, who shall be selected from the requisition—who shall be the first to occupy the post of honor, and repel the rashness of the foe who shall attempt to invade our rights, and molest our shores.

While our country, convinced that she enjoys the greatest political happiness now known, and that she is the only free one left, is defended by such citizens, she must be invincible. Even if your enemy were at your door, such patriotism and principles would always protect you, but separated as you are, by an ocean of vast extent, with more than *a million of freemen*, ready at the call of the law to rally round the standard of your government, what nation is there that can injure you?—be assured that none can; and that the state in which we now are may safely bid defiance to any who shall rashly endeavor to force us into acts degrading to our national honor. To such, your government will never assent. You may be certain that not only your executive, but every branch of it fully weighed the solidity of their claims and the impossibility of yielding them, without a surrender of their national sovereignty, before they proceeded to the lengths they have gone. Being thus convinced that justice & the rights of the nation are on their side, they have taken *a stand* which no unprejudiced friend of his country would wish them to recede from.

They offered to make a reciprocal arrangement on the subject of the impressment of our valuable seamen, and not to employ, in our service, any man who had not been, for a term of years, a resident or engaged in her business.

They have offered to accept reasonable atonement for the outrage on the Chesapeake, and to annul the proclamation against British ships of war, at the same date the reparation should be made.

They have offered to take off the embargo and renew intercourse with Great Britain, in the very moment that American vessels can sail with safety. The same terms have been offered to France, and we have attempted to shew to both the impropriety of their orders and decrees; but the British minister, Mr. Canning, said, in England, "discussions were useless," and France has been silent."

Further than this your government neither could in honor, nor would go, nor is there, I trust, a man of American blood or feeling in the country, who would wish them to do so.

Although they have taken this just, this *patriotic stand*, and are determined never voluntarily to relinquish it—constantly preferring honorable peace to war, they will always be ready to negociate on just and equal principles.—Knowing, however, from fatal experience that in the present unexampled conflict for power and dominion in Europe, neither a respect to the law of nations, or treaties, or ancient maxims or usages, or to justice or moderation, are to be looked for from them, they have found it expedient to place our nation in that state of defence, which will not only be sufficient to repel any force that may be brought against us, but which may be easily increased to any necessary extent.

Hence, your regular army has been augmented to a number, which, should we be driven to war, will be an excellent foundation for enlarging it with ease and effect. All the important ports in the United States have been fortified in a manner to ensure safety to our largest cities. The MILITIA, the true defence and bulwark of a free people, have been placed in the greatest possible state of preparation. Large quantities of arms and ammunition have been provided in secure depots, and *one hundred thousand men*, well disciplined and armed and under known and approved officers, hold themselves in readiness at a moment's warning.

In governments like these, where all authority springs from the people, it is repugnant to their genius and principles that large bodies of regular force should be maintained in time of peace or at any time indeed, except that of actual war. Hence, the number of regulars hitherto raised is by no means like that which will be ordered the moment we are in hostility. In case, therefore of sudden foreign invasion, of domestic convulsions, or of insurrections among those who, by their conditions are bound to obey us, the militia are the great force to whom, in the first instance, your government must look up for a safety and protection. When thus charged with the safety of your country—when her freedom and happiness, and the execution of the laws on which rest her public and private rights, may depend on your exertions, how necessary is it, fellow citizens, that you, who are the officers, should be attentive to the maintenance of that discipline, without which it is impossible a militia can either be respectable or serviceable. That you, who are the privates should, by a ready obedience to the lawful orders of your officers, enable them effectually to answer the ends intended by your appointment. That you both as citizens of one common country should, by your obedience to the laws and your readiness, on every occasion, to support them, prove that those who have, in time of danger been the most forward to defend their country, shall ever be in peace the surest guardians of her honor and her laws.

No man can view such a detachment of our fellow citizens in arms at this day, and on the *present occasion*, without the most pleasing emotions. You seem not only to *know* and *feel*, but to *shew* how essential arms and discipline, are to the services of a militia. I wish all our citizens ever to recollect, that there are few, if any countries, in which the great body of the people are allowed to boast as you do, the right to keep and to use arms. With us, we think them not only safe in the hands of our citizens, but that they should never be without them. Let me, therefore, intreat you to persevere in your present exertions, to be provided with the necessary means of defence, convinced that the only true way to avoid danger, is to be always prepared to encounter it.

I am sure it will give you pleasure to know, that your brethren in the country are rapidly pursuing your patriotic example. Already many corps of cavalry are formed, and some of artillery & infantry—they are daily increasing. I trust you will continue to exhibit to your countrymen the same spirit of zeal and activity which animates you at present—that you will be exact in the performance of your military duties, and be the friends and supporters of public order—that you will remember you are the citizens of a free government, which your own exertions, & those of the ancestors of many of you have contributed to erect—that it has imparted and is capable of bestowing the greatest political blessings, and that the most *sacred duty* you owe to yourselves and to posterity, is to defend its honor and its rights, with the same firmness and patriotism our ancestors displayed in establishing them.