

alternatives. It may indeed be admitted that the decrees of France can be enforced only in her own territories, and in those of her allies; that however efficient in preventing any intercourse between the United States and herself, those decrees cannot materially affect that between her allies and the United States, and may therefore in that respect be disregarded. But Great Britain has the means of enforcing her orders on the ocean, the navigation of that element cannot be resumed without encouraging those orders; and they must either be submitted to or resisted. There can be no middle way between those two courses.

3. Either America must except the portion of commerce allotted to her by the British edicts, and abandoned all that is forbidden; and it is not material whether this be done by legal provisions limiting the commerce of the United States to the permitted places, or, by acquiescing in the capture of vessels, stepping beyond the prescribed bounds:

4. Or the nation must oppose force to the execution of the orders of England; and this, however done, and by whatever name called, will be war.

Of those four alternatives, the second and third differ neither in principle, nor in their effect on the revenue. As both plans consist in permitting partial exportations and importations, it must be acknowledged, that objectionable as that course may be in other respects, if considered merely in relation to the fiscal concerns of the union, it will for the moment be attended with less difficulty than either the present system or war. For however narrow the limits to which, on that plan, the exportations and importations of the U. States may be reduced, yet there will still be some commerce, and some revenue arising from commerce. And as in pursuing that humble path, means of defence will become unnecessary; as there will be no occasion for either an army or a navy, it is believed that there would be no difficulty in reducing the public expenditure to a rate corresponding with the fragments of impost which might still be collected. If that course be adopted, no other provision seems necessary, than an immediate reduction of expenses.

The system now in force, and war, however dissimilar in some respects, are both considered as resistance. Nor is it believed that their effect on national wealth and public revenue would be materially different. In either case a portion, and a portion only, of the national industry and capital, heretofore employed in the production, transportation, and exchange of agricultural products, or in the foreign carrying trade, can immediately be diverted to other objects. In case of a continuance of the embargo and non-exportation, either a less quantity of commodities must be produced, or a portion will accumulate until the freedom of commerce shall be restored. In case of war, that surplus will be exported; and although a part must be lost by capture, a portion of the returns will be received. If the embargo and suspension of commerce shall be continued, the revenue arising from commerce will, in a short time, entirely disappear. In case of war, some part of that revenue will remain; but it will be absorbed by the increase of public expenditure. In either case, new resources to an amount yet unascertained, must be resorted to. But the assertion, that that amount will be nearly the same in either of the two alternatives of embargo or war, is correct only on the supposition, that the embargo and non-exportation are, after a certain time, to be superseded by war, unless foreign aggression shall cease; and that rendering, therefore, preparations for war necessary, they require a rate of expenditure far beyond that of a peace establishment.

If, however, the embargo and non-intercourse are to have equal continuance with the belligerent edicts, indefinite as that is; if it be determined to rely exclusively on that measure, and at all events not to risk a war on account of those aggressions; preparations for war will become useless, and the extraordinary expenses need not be incurred. In that case, the expenditure for the year 1809 ought not to exceed the sum of thirteen millions of dollars, which, as has been stated, is requisite for the support of the present establishment. And this would leave, for the service of the year 1810, the above-mentioned surplus of three millions, and the proposed loan of five millions, which, together, would be sufficient to defray the peace establishment, and to pay the interest on the public debt during that year. Thus two years more would be provided for, without either increasing the public debt, or laying any new taxes. It is certainly only with a view to war, either immediate or contemplated, that it will become necessary to resort, at least to any considerable extent, to extraordinary sources of supply.

Legitimate resources can be derived only from loans or taxes; and the reasons which induce a belief, that loans should be principally relied on, in case of war, were stated in the annual report of last year. That opinion has been corroborated by every subsequent view which has been taken of the subject, as well as by the present situation of the country. The embargo has brought into, and kept in the United States, almost all the floating property of the nation. And whilst the depreciated value of domestic products increases the difficulty of raising a considerable revenue by internal taxes, at no former time has there been so much specie, so much redundant, unemployed capital in the country. The high price of public stocks, and indeed of all species of stocks, the reduction of the public debt, the unimpaired credit of the general government, and the large amount of existing bank stock in the United States, leave no doubt of the practicability of obtaining the necessary loans on reasonable terms.

The geographical situation of the United States, their history since the revolution, and, above all, present events, remove every apprehension of frequent wars. It may therefore be confidently expected, that a revenue derived solely from duties on importations, though necessarily impaired by war, will always be amply sufficient, during long intervals of peace, not only to defray current expenses, but also to reimburse the debt contracted during the few periods of war.

No internal taxes, either direct or indirect, are therefore contemplated, even in the case of hostilities carried against the two great belligerent powers. Exclusively of the authority which must, from time to time, be given to borrow the sums required, (always providing for the reimbursement of such loans within limited periods), and of a due economy in the several branches of expenditure, nothing more appears necessary than such modifications, and increase of the duties on importations, as are naturally suggested by existing circumstances.

1. Although importations have been sensibly diminished, and may, under the present system, shortly be altogether discontinued, no reasonable objection is perceived against an increase of duties on such as may still take place. Had the duties been doubled on the 1st January, 1809, as was then suggested in case of war, the receipts into the treasury during that and the ensuing year, would have been increased nine or ten millions of dollars. Those articles of most universal consumption, on which an increase of duty would be inconvenient, are generally either free of duty or abundant. It is therefore proposed that not only the Mediterranean duties, which will expire on the first day of January next, should be continued, but that all the existing duties should be doubled on importations subsequent to that day.

2. The present system of drawbacks also appears susceptible of modifications. The propriety of continuing generally that provision of the embargo laws, which allows a drawback on articles exported more than one year after they had been imported, is doubtful. A modification might check speculations and monopolies. The diminution of importations has afforded sufficient profits on most of the articles which had been imported; and a provision which would have a tendency to bring into market, and to lessen the price of those articles, would be generally beneficial.

3. The causes which induced the adoption of a partial non-importation act, have ceased to exist. The object then in view has merged into a far more important one. The selection of interdicted articles was founded on the possibility of obtaining them in other countries than England, and does not agree with existing circumstances. The act producing now no other effect than to increase the temptations, and to produce habits of smuggling, impairs and injures the revenue. A general non-intercourse with that country would supersede that partial measure, and might be executed with greater facility. And it is believed that under every event its repeal will be beneficial, and that a permanent increase of duties on articles selected with a view to those which may be manufactured in the United States would be preferable.

4. It is believed that the present system of accountability of the military and naval establishments may be rendered more prompt and direct, and is susceptible of improvements which, without embarrassing the public service, will have a tendency more effectually to check any abuses by subordinate agents—provisions to that effect are rendered more necessary by the probable increase of expense in those departments.

All which is respectfully submitted.
ALBERT GALLATIN,
Secretary of the Treasury.
TREASURY DEPARTMENT, Dec. 10, 1808.

(Concluded from page 40.)

ing sailed from England. This is a thing now of public notoriety. There is, I am told, more than one instance of the official evidence of it in this city, and it is proved by British publications of the highest authority, to have for some time been a course of business extensively pursued, and it is even said that there are in London offices where all the necessary papers for a vessel sailing from all the principal ports in the United States, are to be purchased by the ream. What then has the commander of an American vessel, anxious to make a profitable voyage to the continent of Europe, and unable to get there directly on account of the British orders, to do, but what it is proved too many of them have been in the habit of doing for a long time; visit Great Britain, pay the duty required upon his cargo by the acts of Parliament, purchase his forged papers giving him the appearance of coming directly from an American port, and thus complete his fraudulent voyage. But, says the gentleman, we can by our laws prohibit this procedure and effectually punish and prevent those who would otherwise be base enough to attempt it—is this to be believed, sir? He had but a little before told us, that the temptations of profit to evade our embargo laws were so great that our merchants could not be expected to resist them; that it was too much to require of human nature, and could not therefore execute these laws on our own soil. I ask whether the temptations of a profitable voyage to the continent, and vastly profitable they are when they can be got through with, will not render it quite as difficult for those upon whom they operate to resist them, and whether we can expect to redress this spirit of cupidity in our citizens, three thousand miles off, more easily than when they are upon our own shores? certainly not—his disgraceful tribute, therefore, will be paid, and the consideration of it is a just and serious subject for our attention.

In answer to the inquiry which the gentleman very properly anticipated would be pressed upon him in relation to the course which in his judgment ought originally to have been pursued instead of the one which he so much reprobates, he very modestly tells us, that it is not for him, a solitary individual, to offer his projects for the government, though our course he adds is as clear as the milky way, if we would but see it. Sir, the honourable gentleman is not generally so over modest that he dare not even hint his projects to the house; or indeed ought he to be, his talents and information well entitle him to assume a very different attitude, and he is generally not very backward in assuming it. If he or his friends have in truth some grand specific which would at once cure all the diseases of the nation, surely it is but a duty of patriotism in them to bring it forward, and let the nation see it. When they are in the habit of reprobating every other measure that can be proposed or adopted, we have a clear right to demand of them their project, we have a right to ferret them out of their lurking holes, in the name of the nation, to demand a disclosure; but there is no danger of their disclos-

ing that which they have not to disclose. They know full well that in the peculiar state of this country and of the world, it is out of human power to point out any course which shall at once assert our rights and not press upon the popular pulse and the general interest. It is safest therefore to deal in general assertions. The gentleman is willing generally not to submit—he would resist—but how? why possibly it may be war. The gentleman condemns general abstract forms of legislation, as the general resort of weakness and folly. I do not think so of his general unspecified professions in relation to this subject; on the other hand they are in my view the expedient of art, of address, and of cunning, for the purpose of avoiding responsibility and commitment, and so must be received by the nation.

In conclusion I will only add, that I am rejoiced that we are likely at last to unite in one position, that the edicts which have been levelled at us are an unquestionable violation of the rights, honour and independence of our country and that they are not to be submitted to. I trust that the nation will follow us in this determination, and that like them, after having exhausted every other means of conciliation and tried every other alternative, if they shall continue still to be drove from one stage of oppression to another, until having retreated to the very wall, they can consistently submit to aggression no longer, that they will then like their fathers of 1776, without waiting to estimate the exact amount of their means, resolve at all events to vindicate their unquestionable rights, and to resort to the sword for their defence.

Mr. Bacon concluded by saying, that as the question of the future continuance of the embargo had been expressly left open by the committee, so he did not wish to be understood as expressing any opinion on that point. His motive in rising had been principally to vindicate the report of the select committee from the attacks of his colleague, to repel his animadversions upon its past policy and operation, and to notice some of the particular allusions to himself.

Mr. Swan followed Mr. Bacon, in a speech of some length; and after dividing his remarks into five parts, he contended—that there was an alternative between an embargo & war—that congress had no more right to annihilate commerce, than the market commissioners of Philadelphia had to prohibit markets altogether—that the embargo was in fact an agreeable measure both to England and France. That it was highly injurious to our own citizens, and might stir up civil commotion—and, that it ought to be immediately repealed.

Mr. W. Alston said, the gentleman from Massachusetts, (Mr. Quincy) had made a long harangue yesterday, which it would be impossible for any man to pursue through all its various ranges. He told us that the course we ought to pursue was as clear as the milky way. It is strange, indeed, that a way so clear should only have been perceived by a few. Have any set of men, except a few in the state of Massachusetts, attempted to point out that way? and what was that way? Why—submission to G. B. The gentleman himself, indeed, had not maintained that doctrine. He has talked about resistance? But whom did he wish to resist? Great Britain the mistress of the ocean? Certainly not. His object is to resist France, and form a coalition with Britain. It is too plain to be misunderstood. It is well known that if the merchants can sell their property after paying tribute to G. Britain, they will do it. This is a fact which cannot be denied. I had hoped that the gentleman would have taken a commercial view of the subject; that he would have shewn us that notwithstanding the decrees of France and orders of G. Britain, we could still have some trade. He has not done it. But he has said there is a power in the nation which could compel congress to raise the Embargo. Have we come to this? that if a certain class of the community dislike a law, they will refuse to obey it? The gentleman says the people in his part of the country are universally opposed to the Embargo; but I observe by the newspapers that the town of Salem refused to petition congress to repeal it, by a large majority. I should be as ready as any man on this floor to repeal the Embargo, when it can be done consistently with the honor and interest of my country; but as to fighting France, there is no quarter in which she can be attacked; & to resist G. Britain on the water, is farcical in the extreme.

Mr. Mumford said that although he had the honor to belong to the committee who brought in this report, he did not agree with them in every particular. As G. Britain and France had shewn no disposition to relax in their measures, he was for continuing the Embargo as far as it related to them and imposing severe penalties on any person who should trade with either. But he saw no reason why we should not trade with the other powers of the world; it was certainly proper to have a few friends at least. He knew he should be told that if we traded in this way, G. Britain and France would procure our supplies; but his first object was to relieve his own countrymen. Where is the man (said Mr. M.) whose breast does not beat in unison with the patriots of Spain; and shall we refuse them a loaf of bread for fear that Great Britain or France may cut a slice from it? The whole conduct of the Junta of Seville has been friendly in the highest degree towards us; for no sooner were they organized, than they released our vessels which had been seized upon by the iron hand of Napoleon; and the same friendly disposition has been manifested by the government of Havanna, for they had permitted vessels arriving there in ballast to take in cargoes which served greatly to increase the revenue of the United States.

Mr. M. contended that the revolution which had taken place in Mexico would probably secure our western boundaries forever; and insisted, that had it not been for the commotions in Spain and her colonies, New Orleans might have been at this time in possession of Bonaparte; in corroboration of which he stated some circumstances which had lately come to his knowledge relative to certain intrigues of a recent date carried on under the auspices of the French Emperor, which were no doubt defeated by the

governments of the Spanish patriots. Mr. Mumford concluded by observing that he was sustained by a love of his country which was derived paramount to every other consideration.

A Summary View

of the Laws passed at the last Session of the General Assembly.

ACT. I. To amend the several laws now in force relative to the Supreme Court.

The Clerk of the Supreme Court, is required to keep the Cases which have been decided in said Court, from July Term, 1804, for which he shall receive 25 cents for each Term. The Secretary of State shall receive 25 cents for printing them, and the Under-Secretary shall receive 66 Cents, and have exclusive right to sell them for 7 years. The Clerks of the Superior Courts, shall be required to make Annual Reports of Cases decided, and the Secretary will also let for publication. The Clerk shall receive such compensation as may be fixed by the Court shall allow, not exceeding 150 pounds per annum.

2. To compel each County within the State, to support the guarding of its Prison, and the moving of its Prisoners to any other county, at safe-keeping.

This Act is fully explained in its Title.

3. To amend an Act, to allow Interest on Judgments in Actions brought on Contract, and to mitigate the severity of Executions.

It is prescribed, that on a written evidence of debt, the defendant does not plead, the Clerks shall in that case calculate the interest, and enter Judgment. One bed furniture shall always be exempt from sale by execution. Confinement within Jail bounds, shall be deemed an imprisonment of a debtor, and entitle him to the benefit of the Act of Insolvency.

4. To compel the several Clerks of County Courts, to account for fines and forfeitures by them received.

Clerks, before the Courts held after May 1, 1809, required under penalty of 1000 pounds, to render an account on oath, and pay over to the county Treasurer, the monies as aforesaid. Thereafter such payments shall be made before the Term of the Court next following, on 1st of January annually, under the penalty of 250 pounds, and removal from office.

5. To repeal an Act, passed at Raleigh in 1784, to prevent the bringing of Slaves into the State.

6. To amend the several laws now in force relative to the militia.

Officers shall be cashiered for dishonest and unbecomingly conduct. Commandants of Regiments shall duplicate returns to the Adjutant-General before the meeting of the Assembly. The Commissioners of all the regiments of Light Infantry, Grenadiers and Riflemen, who shall not within 18 months have 40 privates in their companies, well armed and equipped, shall be void, and the privates shall return to the Infantry. Parents, Guardians, and Masters are answerable for fines inflicted on those under their care. The 9th Section of the Militia Law relative to the Infantry, is repealed.

7. Directing Surveyors to make certain Surveys, and returns in the time therein required.

The County Surveyor under a penalty of 25 pounds, shall survey all lands sold for taxes within 18 months after the sale; if he fails, any other surveyor may be employed within 6 months thereafter, whereon, the Sheriff shall execute a deed.

8. To amend the 4th Section of an Act, passed in 1804, fixing the time for paying the public money on Land Entries.

For all entries made in any one year, payment shall be made before the 15th of December in the following year, in failure whereof, the entries shall lapse.

9. To authorize the Sheriff to collect the expenses of defraying the expense of the public buildings in each county, and account with the Treasurer of Public Buildings.

10. To restrain Justices of the Peace from holding appointments inconsistent with the nature of their duties of their offices.

Attorneys are not permitted to practise in Courts where they are Magistrates, and the appointment of Clerk, Deputy Clerk of the Court, Deputy Sheriff, Constable, and County Trustee are incompatible with the office of Justice of the Peace. Any Justice who has accepted or made after accept of any of those appointments in the same county, vacates his office. Any person holding any of those appointments, accepting the office of Justice, thereby vacates his said appointment, and if he pretences to retain any of them, incurs a penalty of 50 pounds.

11. To repeal the 16th Section, or clause of an Act, "For the more uniform and convenient administration of Justice;" and to direct that Judges of the Superior Courts, shall obtain from the Clerks, certificates of their having duly held the Courts, and that they receive 40 pounds for each certificate.

12. To authorize the Treasurer to employ agents to collect certain arrears due the State.

The Treasurer shall employ agents to collect debts due the State from the Sheriffs, Entry Takers, Coronors, Clerks, and others who shall receive for their compensations one third of the monies they may collect.

13. To enable women to maintain actions of Small for words spoken which may amount to a charge of Incontinency.

14. Fixing the pay of the Council of State at three dollars a day for attendance, and the same for every 30 miles travel.

15. Permitting Sheriffs to resign at any Term of Court, to a majority of the Justices who may fill the vacancy.

16. Directing that Sheriffs and Constables shall give 10 days notice of the intended sale of property taken by execution in at least 3 places in the county, one of which shall be in the Captain's District in which the Delinquent resides; and if an Execution from Court, also at the Court-house.

17. To suspend Executions for the time therein mentioned.

This act was published at length in page 33 of the Star.

18. To amend An Act entitled "An Act to prevent the selling of Spirituous Liquors and other articles at Church or Meeting-House yards on days of Divine Worship" passed in 1800.

The operations of this act are extended to all places within half a mile of places of Divine Worship, (Licensed Taverns excepted.)

19. To amend an act passed in 1795, directing the mode in which Sheriffs shall be called to a settlement by the County Trustees.

The Trustees shall annually call on Sheriffs for settlement and payment, and in case of their failure shall bring suit at the first Term of the County Court after the first of February, under penalty of being accountable for all monies due and a fine of fifty pounds. The Sheriff shall also incur a penalty of fifty pounds, to be included in the Judgment.

20. To amend the 12th section of an act of 1805, "For the more uniform and convenient administration of Justice."

No cause shall be removed to another Court but upon oath or affirmation of the particular facts on which the deponent found his belief, that Justice cannot be obtained in the county where the suit is pending; of the truth of which facts the Judge shall decide.