



AND North-Carolina State Gazette.

THURSDAY, JUNE 30, 1808.

VOL. IX.

THE EMBARGO.

The enemies of the administration, who, in their zeal to recover their political power, have shown their readiness even to take part with a foreign enemy, having ineffectually endeavoured to inflame the popular resentment against the principle of the embargo, are now insidiously aiming at the accomplishment of the same object by indirect attacks upon the embargo, by attempts to show the unconstitutionality of the supplementary acts passed to carry it into effect.

Now, as to the alleged unconstitutionality of the supplementary acts, it is admitted that the embargo cannot be justly tried unless carried into full and impartial operation. The attempt to carry it into such effect without multiplying legal sanctions has been tried; and it has proved illusive. Worst of all, foreigners and unprincipled partisans, men who to carry their points will use every means, have extorted from Congress the iron provisions of law. Before these provisions were enacted, we were told, and truly told, that the embargo increased was calculated to produce the worst species of oppression, by its exclusive oppression on the honest part of the community, and its evasion by the dishonest part.

These prohibitions have had the effect contemplated. But no sooner is this discovered, and the first oppression exclaimed against destroyed, than a new cry is raised forthwith against the measures taken to relieve it. No other measures are pointed out having this effect, which would be unoppressive. It is not contended that the embargo could be carried into effect without resorting to these measures; but an idle cry of oppression is kept up. There is no doubt but that there is a considerable portion of oppression in the original act, as well as in all passed that are incidental to it. But the simple question is, how could this have been prevented? The Embargo was adopted to save our property, nearly our whole property from destruction, and to preserve peace. To avert so great an evil as the former, it was discovered to be necessary to take a less one. The man who is driven to this expedient and trouble of locking up his house at night to secure himself and effects against the murderer and robber, might as well inveigh against the unfortunate necessity that compelled him to take such precautions. Let us not be deceived; let us look to the actual effect of these measures. They have given to the embargo such vigor so far as it is applicable to foreign powers; they have given it an equal and impartial operation so far as it relates to ourselves; they have stopped short the career of unprincipled traders, traders in their country's misfortunes. They have, unfortunately, we admit and regret it, diminished the coasting trade of the merchant; but this is a small evil compared with those they have cured. The farmer and planter, it cannot be too often repeated, constitute the great interest affected by the embargo; and to give it an impartial operation on them ought to be the great object. Some little inconvenience may be felt, in consequence of these provisions by the fair traders; but they will be temporary, and will be infinitely counterbalanced by the decisive check given to the injustices of the fraudulent

dealer. As to the oppressive exercise of the powers given to Executive Officers that is out of the question. There is no motive to prompt it, and the spirit of the country would not bear it. Does it exist? Is it felt? Are provisions scarce in any one point, or is their price materially elevated in one place, or is it expressed in another, thereby supplying the materials for the pernicious speculation? The fact is notledged; it does not exist. Instead of this, the inevitable effect must be to diminish speculation.

Now, as for the unconstitutionality of these provisions. It is contended that the constitution does not authorize some of the measures taken by the President.

The powers given by the act are said to be unconstitutional, because the constitution only gives the power to regulate commerce, not to annihilate it, and declares, likewise, that no preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another. The first argument, it will be at once perceived, applies to the principle of the embargo, as well as the supplements. The article of the constitution relied on is this: Congress shall have power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." This power was given, not so much with a view to the protection of commerce (though doubtless that too may have been contemplated) as in order, in the language of the constitution, "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity,"—these being all the objects specified in the preamble of that instrument.

It is without hesitation admitted that the power to regulate does not include the power to annihilate commerce. The idea of annihilating it is absurd; human existence, savage or civilized, depends upon it. Regulate it to ten times the extent done by the embargo, and it still continues in a wide extent. They who talk of the embargo annihilating commerce, talk without understanding the force of words. Carry the embargo into the fullest effect, and there still remains by far the greater part of the commerce between man and man previously carried on in the interior, there remains that portion of trade which consists in the importation of foreign vessels, and the trade of the American merchant from one foreign port to another, with various other species of traffic, which it is not necessary to enumerate. It is manifest then, that trade in this point of light is not annihilated by the embargo.

Further, annihilation implies permanent destruction. Can that be called permanent destruction which is nothing more than temporary suspension? Were the provisions ten times as severe, they could not, under this aspect of the subject, amount to the annihilation of commerce. As they are they have necessarily flowed from the power to provide for the common defence, and to promote the general welfare. And if these great national objects dictated either such a measure as that resorted to, or one still more severe, so long as they were adopted as temporary, they would be in strict correspondence with the constitution. Let us put a case, which we apprehend to be decisive. Congress have power to declare war, as well as power to regulate commerce. Would not the exercise of the first power, connected with the duty of defending the country, in case war should be declared against all the nations with whom we have commercial intercourse, warrant their prohibiting the supply of our produce to them or their dependencies in case they opened their ports to our vessels and promised to refrain from taking them on their passage over the ocean? It certainly would; thereby proving that the power to regulate commerce may in certain events, temporarily suspend it altogether.

But, "no preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another;" and yet, the supplement prohibits the going of any

vessel to the ports of districts adjacent to foreign possessions. We are said to have a preference to one place over another, when we confer upon it a privilege denied to the other. The expression as here used, must mean a legal privilege, as all the trade of the U. States is carried on under certain provisions prescribed by law. Now these provisions, as well as the constitutional provision quoted, have for their object the securing to the whole U. S. the same benefits, and the supplementary interdiction goes to insure this very end. But for it the temptations to fraud in the districts adjacent to foreign possessions would be so great, as to give to their ports a decided preference over the other ports of the U. S. as in the latter the embargo would be strictly while in the latter it would be laxly enforced. If by this provision there be a privilege taken away, it is the unjust and illegal privilege of a fraudulent trader.

So much for the constitutionality of the supplementary act; now, for the measures adopted by the President to carry it into effect. The 11th section authorizes the collectors to detain any vessel ostensibly bound with a cargo to some other port of the United States, whenever in their opinion the intention is to violate any of the embargo-provisions, until the decision of the President shall be had thereupon.

Under this provision, the President has recommended to the Collectors that all shipments of flour and other provisions, lumber, naval stores, pot and pearl ashes and flax seed from places where they cannot be wanted for consumption, should be detained. But to guard against inconvenience that might arise from the want of a sufficient supply of provisions, authority is given to the governors of Orleans, Georgia, South-Carolina, Massachusetts and New-Hampshire, to permit any merchant possessing their confidence to obtain a supply from any port of the U. S. usually exporting flour.

It is contended that the act does not authorize this exercise of power by the President; much less its transfer to the Governors of states.

In the exercise of this power, the Executive, instead of waiting for information to be sent to him by the Collector in each specific case, in the circular to Collectors generalizes the cases in which certain acts will amount in his opinion, to evidence of an intention to violate the act, by which he is made the final judge. To avoid injurious delays he expounds the principles which are to regulate his judgment. But to guard against an abuse of the power, thus conferred, weekly returns of every detention are directed to be transmitted to the treasury department. Does it not then clearly follow that he reserves to himself, notwithstanding the duty assigned to the collectors, the right of finally determining on every case that occurs? He invades no rights; he usurps no power; but merely to save trouble to the revenue officers and vexation to the merchant expounds the principles which will regulate his decision in examining cases brought before him as invasive of the embargo; for which the merchants ought to thank him. If the detentions made by the collectors are all correct, he is silent; if incorrect, no doubt, would interpose his authority.

But his right to bestow the power we have stated, on the Governors of states, is disputed. But we ask, how could the great object in view be answered by any other means? Are the people of the several states in want of flour, to wait for permission to get it until they shall have heard from the President of the U. States? The idea is too monstrous to be maintained for an instant, and only evinces the absurd length to which the fault-finding spirit of party is prone to go. How could the President judge of the degree of confidence proper to be reposed in merchants, or of the quantity of flour wanted for a particular state, but from the information received from others; and who so entitled to confidence as the man invested by his state with the highest political trust?

[Nat. Int.]

State of North Carolina, Wake County.

AT a County Court held for the County of Wake aforesaid, on the third Monday of May, instant, the Subscribers qualified as Executors of the last Will and Testament of DAVID STEPHENSON, deceased. They therefore request all persons indebted to the deceased to make payment; and all persons having accounts or demands of any kind or denomination against the Estate of said Testator, to bring them to the Subscribers, agreeably to the directions of the act of Assembly in such case provided, or they will be forever barred of recovery. SIMON STEPHENSON, } Exors. JONATHAN STEPHENSON, }

May 23, 1808

NOTICE.

THE Copartnership of ISAAC & MICHAEL HOLT &c. was dissolved by mutual consent the 20th ult. and the Subscribers being anxious to settle all their Business, especially their Book Debts, those Gentlemen who have Book Debts of long standing will find their Accounts in the hands of the Subscribers, and are requested to come forward immediately, that the same may be settled by Bond or otherwise. ISAAC HOLT, MICHAEL HOLT.

Dr. BARTON'S EDITION Of the Whole Works of St. Pierre.

A PROPOSAL BY BIRCH AND SMALL, Of Philadelphia, For publishing by Subscription, The Studies of Nature; And other Works of James Henry Bernardin De St. Pierre. TRANSLATED BY HENRY HUNTER, D. D. Author of Sacred Biography, and Translator of the Works of Lavater. With the addition of A large body of Original Notes and Illustrations by BENJAMIN BARTON, M. D. Of Philadelphia.

Extract from the Monthly Review, vol. 75, page 522.

"THIS is a first rate publication. Its plan is irregular, but most extensive; for it takes in the whole compass of Nature (that is, what we can see or conjecture of) both in the Physical and Moral world. It is in point of originality, one of the most remarkable productions we have met with, for besides a multitude of new ideas, the old ones acquire an aspect of novelty in passing through the Author's pen, and we do not recollect any writer who has drawn so constantly from an internal fund of native genius and deep observation. He attacks, without respect of persons, what he looks upon as erroneous; but his attacks are always conducted with decency, candour and amenity. He never quits the main ground of genuine Religion."

"OF the Studies of Nature we formerly gave our opinion, which the suffrage of the Public for a period of fifteen years has abundantly confirmed. We praise the Work for the boldness and originality of the conception on which the plan is performed; for its comprehensiveness, being commensurate, in a certain sense, with nature itself; for the pative genius & deep research, with which the Author treats, embellishes and enriches his subject; as for the eloquent and lively diction in which he discusses topics, which, under the pen of an ordinary writer would have been dull, elaborate and revolting, &c. &c."

CONDITION OF PUBLICATION It shall be printed in three handsome Octavo Volumes, from the last London Edition, embellished with five Engravings, executed in the best manner, and bound in leather to Subscribers handsomely bound, price nine Dollars. Subscriptions received by J. Gales.

CLOCK & WATCH-MAKING.

THE Subscriber informs his Friends and the Public in general, that he has removed from Guilford to Charlotte, in Mecklenburg, N. C. where he has commenced Business in Partnership with Andrew M. Bride. BARZILLAI GARDNER.

A. M'Brice & B. Gardner

CLOCK & WATCH MAKERS, GOLD AND SILVERSMITHS. Return thanks to their former customers for past favours, hoping, by their assiduous attention to Business, to merit the patronage of the Public in the above Branches. Clocks and Watches carefully repaired. Also, some good Clocks on hand for sale. A. M'BRICE, B. GARDNER. Charlotte, April 10. Cash of Work will be given for old Gold, Silver and Brass. The Raleigh Paper Mill Will go into operation in a few weeks—it is time therefore to bring in BAGS.

NOTICE.

ON the 12th of this month, I came to my house, about 12 o'clock at night, a NEGRO MAN, about 30 years old, four feet eight or nine inches high, who brought with him a Sorrel Mare, about 4 years old this spring, 4 feet 7 or 8 inches high, a small part of her left hind foot white, shed before, and has the appearance of being rode considerably lately. In attempting to take the said negro, he made his escape, and left the above described mare, together with a saddle and bridle, saddlebags and some cloaths, and a hymn book. The said negro, when he first rode up, pretended to be a Preacher. Since his escape, he has been taken up and carried to Orange, or some of the western counties, to a Mr. Walker, to whom it is said he belongs. The owner of the mare, saddle, bridle, &c. in my possession, is requested to come forward, prove his property and pay charges, of the same will be sold agreeable to law. WILLIS WATSON. Smithfield, May 25.

DIRECT TAX.

A Greedy to the direction of an Act of Congress, passed the 16th day of March, 1802, entitled "An act to amend the act entitled An act to lay and collect a Direct Tax within the United States," Lewis Hunter, Esq. Collector of the second collection district, will proceed to sell, at public sale, in the town of Rutherfordton, in the county of Rutherford on the 12th day of July, next (and will continue the sale from day to day if necessary) so much of the Lands in the said county of Rutherford, on which any part of the Direct Tax shall remain unpaid on the aforesaid 12th day of July, as shall be sufficient to satisfy the same, together with such legal costs and charges as shall be incurred, and of which all persons concerned are requested to take due notice. WILL. POLK, Supervisor District North Carolina.

Twenty five Dollars Reward.

RAN away from the Subscriber, on the 2d of January last, a NEGRO FELLOW, named Micajah, about 27 years of age, about six feet high, of a dark complexion, short flat nose—has a downy grim countenance. Any person returning said Negro to the Subscriber, in Caswell County, Deep River, near Andrews' Ferry, or lodge him in any Jail in the State of N. Carolina, by giving information to the Subscriber, shall be entitled to the above Reward. JOHN LURNES, sent June 2, 1808.

TAKEN UP.

And committed to Goal on 26 May last a NEGRO MAN, who says his name is Joel Chavis. He has passed for some time in this county for a free man, and is said by some persons that he had a recommendation, but it is believed it was a forged one. He now says he belongs to a Mr. Fabb, in the county of Halifax. He is a fellow of a yellow complexion, about 25 years of age, and near 5 feet 7 or 8 inches high. The owner is desired to come forward, prove property, pay charges, and take him away. CULLEN BLACKMAN, jailer, Wayne County, June 10, 1808.

Cass's Inn, Raleigh.

MRS. CASSO respectfully informs her Friends and the Public, that during the absence of Mr. Casso in the western country, she will continue to keep up the Inn as usual; and hopes, by her unremitting attention to Business, and to the comfortable accommodation of her Boarders, and such Travellers as may call upon her, to be favoured with the same share of public patronage which the House has heretofore experienced. Ma 18

State of North Carolina Wake County.

Aaron Rogers, & Daniel Rogers, as Executors of the last Will and Testament of Jacob Rogers deceased, do hereby certify that the said Aaron Rogers, Daniel Rogers, Drury Spain & Sarah his wife, Berry Rogers, Mic. Rogers, Wil Rogers, Rebecca Rogers, James Rogers, John Rogers, Betsy Rogers, Precilla Rogers, Nathan Ivey & Mary, his Wife, and Sion Rogers, are the persons who are entitled to the same respectively.

IT appearing to the Court that Willie, Rebecca, James, John and Betsy Rogers are Infants, Drury Spain is appointed their Guardian to defend for them in this case.—It appearing also to the Court that Dread Rogers, Drury Spain and Sarah his wife, Berry Rogers, Michael Rogers and the said Willie, Rebecca, James, John, and Betsy Rogers, reside in the State of Georgia, it is Ordered, That publication be made for six weeks successively, by advertisement at the Court house, and in the State Gazette, that unless the said Parties appear and shew cause at the next Court to be held for this County, the Prayer of the Petitioners will be granted. Wm. HILL, Clk.