attempt been made to convey an idea that he was opposed to the principle of the proviso; he was not opposed to it; he believed they ought to be allowed to fish; and he believed if the bill was allowed to pass as it now stood, that the Secretary of the Treasury would conceive himself authorized to permit them to go abroad on their fishing voyage; the Secretary himself had told Mr. C. that he should so consider the intention of the law.

Mr. Quincey expressed himself opposed to hastening the decision of a measure of so important and complicated a nature as this without one moment's consideration. It seemed from the conversation which had taken place that an addition to this proviso would make it more palatable; he therefore moved to amend his motion by adding as follows:

And provided also that bond with sufficient security be previously given that such ship or vessel shall not, directly or indirectly carry on any commerce whatsoever, during the voyage, and shall return with her fishing fare to some port or place within the United States.

Mr. Macon doubted whether the amendment as it now stood would be attended with its contemplated effect; for the first part of the first section excepted these vessels from giving bond, while the proviso proposed declared that they should give bond.—While up he would make a few remarks. The gentleman from Massachusetts (Mr. Livermore) seemed to suppose that gentlemen who opposed the amendment wanted candor; Mr. M. supposed he must mean him, because he was the only person who had opposed it; he would not say whether this severe charge attached with justice to him, but the House would judge, who had so long known him. The same gentleman had said, if this exemption were not made in favor of fishermen, they would go to foreign countries. If this position was sound the whole law was wrong. Where was the difference between fishermen out of employ and sailors out of service? Would not one as soon as the other seek foreign service? If they had so little patriotism, one description would go as soon as the other. The embargo was intended totally to stop our exports; but the gentleman said fishing was a regular business. So was navigating vessels a regular business of seamen; it was the means by which they lived. Another gentleman from Massachusetts was not perfectly correct as to the construction given by the Secretary of the Treasury to the law; which operated no farther than the opinions of those concerned were in concurrence with this opinion. All the Secretary could do, was to give his instructions; and those who thought them not correct could appeal from his construction of the law.

Mr. Livermore said, if any observation had fallen from him impeaching the candor of the gentleman from N. Carolina, he would retract it, for he had seen as much candor in the conduct of that gentleman as of any other within these walls. It was true he had called for candor on this subject, in which he was so nearly interested; he conceived that the feelings of some gentlemen might be different from the feelings of his constituents, and he had called upon gentlemen candidly to consider the subject. He agreed with the gentleman as to the construction of the law; for every person concerned should put such a construction on a law as the words implied. Mr. L. thought they were now going too hastily on this subject; he had been of the same opinion when the embargo law was under consideration, and in every stage of it.

He thought they should not hastily have passed the law; and he had contended that there was no necessity for that precipitation which had prevailed, for taking a leap in the dark, when every consideration should have induced them to pause and proceed with deliberation. And the House were now proceeding on this bill without having had time to consider it; the committee of Commerce and Manufactures had reported, and the House was called upon implicitly to follow them, without further light on the subject. The gentleman had said that the same argument would apply to sailors as to fishermen; that they also might throw off their allegiance to the U. S. This was the very thing Mr. L. had contended in conclave, and would have contended for it longer, had not his voice been drowned by the noise which was made, and the determination which was manifested to prevent debate. The colossal power of a majority had put down the still small voice of reason and had declared that strength alone should reign. While he had a right to give his voice, Mr. L. said, he would argue against measures, brought forward and rushed on so precipitately, when based on false or fallacious grounds.

It seemed as if it had been determined to run headlong into them without giving reason time to operate. If the present law were to be passed in this manner, in a few days perhaps gentlemen would come forward with a proposition to amend this, as this was a proposition to amend the former. From the short time which he had to consider the measure in its present form (though he had revolved the general measure and its ill effects repeatedly in his mind) he had not sufficient to consider the different provisions of the bill. He therefore moved that the committee rise and obtain leave to sit again.

Mr. Love pressed the decision of the question on the amendment, and opposed the motion for the rising of the committee. There was now no question of policy or impolicy of an embargo to be considered; the only question was, to secure that part of the citizens of the U. States, who obtained a livelihood by fishing, from infractions of the general provisions of the law. Why should they deprive the fishermen of their wonted occupation, if they gave proper security that they should not touch at a foreign port? This was a plain question on which every one could decide.

Mr. J. Montgomery observed that the gentleman from Massachusetts (Mr. Livermore) had done well in allowing the gentleman from N. C. a claim to candor, for his conduct ever did evidence his liberality. But were not other gentlemen entitled to the same allowance? Mr. M. was not much acquainted with the gentleman from Massachusetts, but he should conceive from the language he had used, that the anathema which he had pronounced against others, recoiled upon himself. What did the gentleman mean by the colossal power of the majority? Where did this exist to the exclusion of the still small voice of reason? Mr. M. had seen no evidence of it in this House during the discussion of the law which the gentleman had alluded to. If that gentleman had a particle of candor in his composition, he would appeal to it whether liberality and forbearance were not the order of the day? What was the conduct of the majority on that evening when language was used unworthy of a Representative or a citizen? They manifested a forbearance at which he had been astonished. While he was up, Mr. M. said he would take occasion to notice a letter which had appeared in New-York and other papers, purporting to be a letter from a member of Congress, bearing date the 19th of December. Mr. M. could not believe that any gentleman on the floor could use such language as was contained in that letter. What member would rise in his place and tell the House that they were under French influence, knowing as he must that no such influence existed? What man would tell the House that French influence guided them, and that they in consequence of it were acting in conclave? What man would express his *abhorrence* of their proceedings and tell them that their conduct was *infamous*? Mr. M. could not conceive that any man who could use this unprincipled language would be entitled to a seat on this floor. No; he would not believe that this letter could be written by a member of Congress; he must pronounce it a foul, base, and unprincipled calumny.

The law of embargo was now passed; it was the duty of every man to rally around the measure, and of Congress, to make such amendments as would render it complete. It was now a late hour, but he thought the principle under consideration should be decided before they adjourned.

[The following is the letter alluded to. It originally appeared in the N. Y. Evening Post, and is pronounced by the republican prints of New-York the production of Mr. Gardenier. It will be remarked, from its date, that it was written while the injunction of secrecy still remained in force.

"*Washington, Dec. 19th,* 1807.

"Dear Sir,

"Yesterday we received a message from the President of a confidential nature. We immediately closed our doors, and they are still closed. Of course I am not permitted to inform you either what the President has communicated to us, or what we have done in consequence of it. But I may be permitted to tell you we are doing *no good.* I fear we are about to plunge the nation into the most dreadful calamities—unnecessarily and wantonly—I am now more than ever persuaded that there is but too much FRENCH INFLUENCE. And it is well that those who succumb to it, should act *in secret.* This is the reason, and I pledge myself to you, almost the only reason why we sit with *closed doors.* Our deliberations no more require secrecy at this moment, than they did when we were debating on the subject of fortifications. Nay, sir, we are in my opinion, violating the great rights of the people, by sitting at this moment with closed doors. I cannot express to you in terms sufficiently strong, my abhorrence of *what* we are doing, and the *manner* in which we are doing it.'']

The motion for the committee to rise was negatived, Ayes 32.

Mr. Milnor said the House was now very thin, and it was desirable, that on measures of so much importance they should have a full expression of the opinion of the House. When the original embargo law was passed, a large number of members were present; it was then wished to postpone the bill, and in vain urged that there had not been sufficient time maturely to digest it. The present bill contemplated an amendment to that act; and as it had been but a very short time before the House; he hoped they should have further time to consider it. He was not prepared to vote for this amendment; for although he might be in favor of fishermen pursuing their usual employment, the licence for that purpose should be so restricted as to render evasion impossible. True, he did not vote for the law laying an embargo; but since it did exist, he wished that it should be carried into full effect, that there should be no evasion; and he sincerely wished it might answer the purposes contemplated by the gentlemen who first proposed it. He understood that one of the principal objects of the embargo was to preserve our seamen: now he did think that if a free and unrestrained licence was granted to fishermen, it would be the means of drawing out a large proportion of our seamen, and thus expose them to impressment by the British. This was one great reason which would induce him to vote against the amendment; he was not however prepared to decide, and wished further time to digest it; he considered it a matter of more importance than most gentlemen seemed to be aware of. If every vessel in the United States was at liberty to take out a fishing licence, it was necessary to guard the privilege by strong restrictions and large security. As the bill under consideration now stood, it expressed that bond with *sufficient* security should be given; this loose and undefined expression would put it in the power of the officers of the revenue to connive at evasions. He was opposed to the amendment under consideration, and even to the section as it now stood.

Mr. Smilie hoped the committee would at least decide on the amendment; when it might be proper to rise and resume the subject to morrow morning; at the same time he thought the bill should pass as soon as possible. When gentlemen were talking on this subject, he wished them to consider whether other classes of citizens were not equally affected by this measure as fishermen. He wished the House to recollect that the measure which it had been obliged to adopt, subjected the whole agricultural interest to great inconvenience, and did not affect commerce only? Would they have ever had a contest with Great Britain or France, but for the carrying trade? They would not. Had not their tables been loaded with petitions from these men for years past, calling upon Congress forcibly to take some measure for the protection of their men and vessels? Had not this been the class of men who had called most loudly for energetic measures, and should they now enjoy an exemption while all other classes suffered deprivation? He hoped not. With respect to seamen he entertained an opinion different from that which had been expressed by some gentlemen; he thought they had too much patriotism to go into foreign service; they had been tried and found worthy of trust, and would be found so now. The House had been told that these men, thrown out of employ, would be obliged to beg in the streets for subsistence. Mr. S. said such would not be the case; the man who in this country wanted bread, must be a man who did not deserve it. If men could not find subsistence on the water their country was blessed with an abundant soil. What did gentlemen mean by opposition to measures now adopted? Did they intend to give up all claim to our rights as an independent nation, or did they mean to make a stand against oppression? If they meant to contend that the power of making money was more valuable than our national rights, let them openly express it. What measure would they propose as a substitute to that which had been adopted? They had not submitted any other when this was under consideration. He hoped he should be clearly understood as conveying the idea that whilst he was willing to do justice to the mercantile interest of the country, and grant them any protection which was consistent with the honor and interest of the country, they must not look for exclusive privileges; they must partake of the general stock, and suffer the same privations as other parts of the community.

Mr. Quincy said that fishermen and merchants whom the gentleman last up had confounded together, were totally distinct classes of people. The object of the embargo was expressed in the message of the President of the United States, and it had no other object than that. The allowing fishermen to go about on the coast and banks to obtain a livelihood (the only way in which they could support themselves) was not at all within the object for which the President had recommended an embargo. Gentlemen had said that they could obtain a livelihood on land. Mr. Q. said they could not; they were accustomed only to water. Would the House then doom this industrious class of people to distress & want, by a deprivation of their only means of subsistence.

Mr. Holland moved that the committee should rise. He believed that no gentleman wished to deprive any particular class of citizens of their occupation; but merely to secure the general embargo from infraction; and this they would do more effectually after further consideration.

The committee then rose and obtained leave to sit again.

Mr. Basset presented the following resolution, which he considered of importance, and wished to put in a way of being considered.

Whereas the Constitution of the United States provides, that no officer of the government shall be eligible to a seat in either House of Congress, thereby establishing the genuine republican principle, that the members of the representative body should be exempt from every improper bias. And as it is the bounden duty of the representatives of the people to give the fullest effect to constitutional principles.

Resolved, That provision ought to be made by law to prohibit the officers of government from making any contract, on behalf of the United States, with any person being a member of either House of Congress, or with any other person for his or their use.

Resolved, That every contract hereafter to be made on the part of the government of the United States, shall contain a clause or condition to render the contract absolutely void, if the contractor should be elected a member of either House of Congress.

Resolved, That any officer, infringing the foregoing provisions, ought to be punished by removal from office, and incapacity of ever after holding any office.

These resolution were referred to a committee of the whole on Monday next.

WEDNESDAY, DEC. 30.

On motion of Mr. Newton, the House resolved itself into committee of the whole on the bill supplementary to the act laying an embargo.

Mr. Quincy's motion for amendment being yet under consideration,

Mr. Newton said, that as considerable difficulty had yesterday arisen on the consideration of the bill, from the clause respecting fishermen not being sufficiently explicit, if the gentleman from Massachusetts would withdraw his motion, he would propose a new section as a substitute to the first.

Mr. Quincy said he had no particular preference for any form, if he obtained his object, and withdrew his motion for adding a proviso, when

Mr. Newton moved to strike out the first section of the bill: which being agreed to,

Mr. Newton moved the insertion of a new section, to the same effect as the other, but in somewhat different terms.

Mr. Macon, to settle the principle at once, moved to strike out that part making an exception in favor of fishing vessels.

This motion was negatived—Ayes 23.

The new section moved by Mr. Newton was then agreed to without a division.

The bill then progressed by paragraphs. In the course of its consideration, many verbal amendments were made, not materially affecting the principle of the bill, on which a desultory conversation took place. The two most material amendments proposed are hereafter noticed.

The fourth section, imposing a penalty and forfeiture on all foreign vessels which shall during the embargo "take on board *any specie or* goods" other than provisions, &c. being under consideration,

Mr. Macon did not wish to encumber this law for explaining the former law with provisions in themselves impracticable; he therefore moved to amend the section by striking out the words in italic, relative to specie; as he believed it would be utterly impracticable to enforce that prohibition.

This motion was supported by Messrs. Marion, Pitkin, Dana, Macon, and Quincy, and opposed by Messrs. Crowninshield, Newton, and Taylor.

The advocates of the motion generally contended for it on the ground of expediency; that if the exportation were not permitted, citizens indebted in foreign countries could not pay their debts when they became due, as they were already prohibited from sending produce; that the denial of the right to export specie would operate very severely on these merchants, as they must either lose their credit, or pay an enormous premium for bills of exchange which would be above par, which loss some merchants, supposing that the present state of things would not continue for any length of time, would suffer rather than risk the destruction of their credit abroad, and of course of their business; that money was useful only when in circulation, and accumulated millions in the country would be a loss to the community; that such a prohibition would afford an opportunity for speculation, so much money being locked up in the country, dollars would become much below par in value, whereas a premium of 3 and 4 cent. had been heretofore given for silver to send to the East-Indies or China; that the general restriction on specie supposed to be implied in the former law would affect only the master, commander, or owner, while every other person concerned, as sailors, &c. could not be prevented from carrying it on board; that an idea had been thrown out that this permission to export would indulge the merchant and affect the planter injuriously, which was not correct, for it would be impossible to prevent this money going out of the country in some way; if it was possible to prevent its exportation from ports of the U. States, it would exude through the channel of the neighbouring provinces. It was also contended, that it was totally impracticable to prevent the exportation of specie; that the most powerful monarchies in the world had in vain attempted that object; that the small bulk in which specie could be conveyed, would render it impossible to prevent its exportation; that such prohibitory laws generally had an effect contrary to that intended; and the experience of other governments had proved, that from the moment such a law was enacted, specie became more and more scarce, till it could scarcely be procured at all.

Those who opposed the motion, and of course advocated the restriction of exportation of specie, contended that it was highly expedient to prohibit the exportation, because if it were allowed, foreigners alone would be benefited by it, as they could bring goods from the West-Indies or elsewhere, and carry specie in return; in reply to the hardship on merchants, which was complained of, it was said that while planters and farmers where suffering by their produce having become of little or no value, it would be absurd to allow merchants to export specie merely because they would otherwise have to pay interest on money due by them in foreign countries; [Mr. Newton denied that bills of exchange would increase in value from the effects of embargo] the effect of a permission to foreigners to export specie would be, that they could bring their produce or manufacture into this country, and take away specie in return, while by the general embargo our produce was rotting in stores, and could not be exported; that the prohibition of the exportation was no doubt implied by the law laying the embargo, though it would be well it should be here expressed, as this law was intended to give the other a more effectual operation. In reply to the assertion of the impracticability of enforcing a law prohibiting the exportation of specie, it was contended that although foreign powers had prohibited the exportation it had been under a penalty merely of perhaps 10 or 15 per cent. on the amount, while the present law contemplated not only the forfeiture of vessel and cargo concerned in the infraction of the law, but besides imposed a personal penalty for every offence of the kind; that the case of other nations therefore did not apply to this; that the prohibition could as easily be carried into effect on specie as on goods; the revenue officers being faithful and seeing the laws strictly enforced; that it would be the duty of the Secretary of the Treasury to put an inspector on board every foreign vessel in port, and to retain him on board till such vessel sailed, to prevent the law from being infringed: that the small space occupied by specie would not afford so great an opportunity as was imagined of conveying it clandestinely away, for although there was by the general laws of the U. S. a heavy duty on the importation of watches and jewellery (which occupied as little compass at least as specie) there were very few, if any instances of their being smuggled into the country.