

being violated, to take on board, at any time, such articles of domestic or foreign growth as may be designated in such permit; bond with surety being previously given in an amount equal to three hundred dollars for each ton, conditioned that every article taken on board shall be reloaded in the U. States, and that such vessel shall not be employed in any foreign trade &c.

When the regulation of the whole commerce and intercourse between the different states, is placed at the arbitrary discretion of such an host of collectors, without any specific rule laid down in the law by which they are to govern their conduct; will there not, under this act, if it should pass, be danger, will there not be a certainty, that different collectors will adopt different rules? and that different and greater restrictions will be put upon the commerce of some states than others? which would be a violation of that clause of the constitution which says, "that no preference shall be given" by any regulation of commerce or revenue to the ports of one state "over those of another."—This clause of the constitution renders it indispensable that Congress should by law prescribe the rules by which commerce is to be regulated, that they may be certain, specific, and uniform in all the states. There was an inequality in the regulations of last summer. The governors of some of the states were authorized to grant permits to import flour: a like indulgence was not extended to the governors of other states. In some states permits would be very liberally granted; in others the collectors would be rigid, and stop nearly all the trade of a state.

The 5th section subjects innocent persons to penalties, confound innocence and guilt, involving both in one common punishment. After declaring the forfeiture of the ship, vessel or boat, together with the specie, goods, wares and merchandize taken on board, contrary to the provisions of the third section of this act, it goes on to say, that the owner, or owners, agent, freighter or factor, master or commander of such ship, vessel or boat, shall moreover *severally* forfeit and pay a sum equal to the value of the ship, vessel or boat, and of the cargo put on board the same. By the provision of this section, the inquiry before the Court and Jury will be, not whether the person accused has been concerned in a violation of the embargo, but whether he be an owner, agent, freighter, factor, master, or commander of such ship, vessel, or boat; and he may have been ignorant of any intention to violate the law; nay more, tho' opposed to such violation, he is to be adjudged guilty and subjected to punishment. But, says the gentleman from Va. this is no new principle, it has already been introduced and recognized by the revenue laws. To prove this, and that collectors are thereby authorized to search for and seize goods, he read the 68th and 69th sections of the collection law, of March 2d, 1779.\* The great and leading principle of the revenue law is, that the penalty operates on the *property* in all cases except where a person is negligent, or knowingly guilty of a violation of the law; in which case there is superadded a personal penalty. For example, a captain who neglects or refuses to enter his vessel, or makes a false entry, or attempts to run