

more, where the suit must be commenced, should, after the lapse of two months before which no suit can be brought, be able to bring from Charleston and into court, the mate or mates and every one of the mariners and crew...some one may have been taken out on the passage by an armed vessel of a foreign nation; or after the arrival at Charleston, it would be marvelous indeed if some one or more of the crew had not within two months shipped on board some other vessel, or gone to parts unknown to the bondsmen. In the bill there is no provision to enable the master or bondsmen to hold the mate, mariners and crew, in custody until a trial can be had; they can not even summon them, until a suit is commenced. In case of a hostile capture most of the mariners and crew would be carried away to a foreign country; and it would be impossible for the bondsmen to have them in court.

Having offered my sentiments on the various amendments from the House of Representatives, and the amendments offered in the Senate to those amendments as they were severally under consideration, I shall now close with a few remarks on the proposed new section for hiring, arming and employing thirty vessels not exceeding one hundred and thirty tons each for enforcing the laws of the U. States on the sea coast, and to be employed under the direction of the Secretary of the Treasury. The Constitution has placed the military and naval force of the United States under the direction of the President, who is to "see that the laws be faithfully executed." This section places thirty vessels, a naval force of no small import, under the direction of the Secretary of the Treasury for enforcing the laws....Even the *Revenue Cutters*, which from the circumstance of their commanders being deemed and by law declared to be *officers of the customs*, fall under the direction of the Secretary of the Treasury, under whose superintendence the law has placed the collection of the revenue, even those revenue cutters when otherwise employed than in the collection of the revenue, are not permitted to remain under the direction of the Secretary of the Treasury, who of all the officers of government is the most improper to have the direction of the military and naval force to be employed in executing the embargo; for to him alone is confided the power of mitigating the rigor of the several acts, and of remitting penalties and forfeitures. There is a manifest impropriety in making the same person both *Judge* and *Executioner*. The gentleman from Virginia says, we have heretofore reproached the friends of the administration with the want of *energy*, and complained of them for relying on *proclamations*, *paper resolutions*, and *legislative acts*... and now that something is proposed that has in it the appearance of *energy*, we are equally clamorous in heaping reproach upon them. Sir, it is the *inversion* of the proper order of things of which we complain. The administration and their friends have been making *proclamations*, *paper resolutions*, and *legislative acts* to be aimed at foreign nations, against whom they are *unavailing*; whereas, in regard to our own citizens, aided by the Marshal and *posse commitatus*, they might be *effectual*. And to complete this *inversion* the same