

ing first observed all the prerequisites of the law." The *military* is not to take the lead, as in the present bill, but is to come in aid of, and be subordinate to the civil power. That it may appear on our journals, that no effort consistent with the rules of the Senate, has been omitted to prevent the passage of this fatal bill, I am glad the gentleman from Delaware (Mr. White) has brought forward his motion, for a postponement of the bill to the first Monday of November next. The amendments from the House of Representatives, have not in the least reconciled me to the bill; one only is of any value. That offered to the 7th section, is a *mockery* of justice, an *insult* to the understandings of the American people. By the original bill as it passed the Senate, "neither capture, distress, nor any other accident whatever, shall be pleaded or given in evidence." The amendment proposes to add, "unless such capture shall be expressly proved to have been hostile, and such distress or accident occasioned by no negligence or deviation, nor unless such vessel shall have been from the commencement of the voyage, wholly navigated by a master, mate or mates, mariners and crew, all of whom shall be citizens of the United States, nor unless such mate or mates, mariners and crew, shall all, if living (and the proof of their death shall lie on the defendant) be produced on the trial, and sworn as competent witnesses; nor unless such master, mate or mates, mariners and crew, shall have signed a shipping paper in due form of law, and a copy thereof designating specially the master, mate or mates, mariners and crew, and their permanent places of residence, shall have been lodged with the collector of the port, to whom the bond aforesaid shall have been given before the commencement of the voyage, and subscribed and sworn to by the master before such collector; and any master who shall falsely, wilfully and corruptly swear as to the facts contained in such copy, shall, on conviction, suffer the pains and penalties of perjury."... The impracticability and absurdity of this amendment, will be best exemplified by a plain case.... A vessel bound from Baltimore to Charleston, South Carolina, say the regular packet, takes on board flour and other articles to the value, including vessel, of 20,000 dollars, and twenty members of Congress, who must be presumed to be men of character. On the passage, in a storm, to save the vessel and the lives of the crew and passengers, part of the cargo is thrown overboard. On the arrival at Charleston, every remaining article is fairly landed, and a certificate obtained, which, with the testimony of those twenty members of Congress, to prove that every article not contained in the certificate, was in fact thrown into the sea, are offered to exonerate the bondsmen from the penalty of the bond, which cannot be less than \$120,000. By this amendment the evidence cannot be admitted; but judgement must be rendered for the whole amount of the bond; unless, among other conditions, difficult and embarrassing, "the mate or mates, mariners and crew, shall all, if living (and the proof of their death shall be on the defendant) be produced on the trial and sworn as competent witnesses." It is hardly a supposable case that the bondsmen residing at Balti-