

it, or nearly so; an act which, under pretence of regulating the sale of vessels, has required a bond which, in its operation, would in most cases amount to an absolute prohibition. An act which opens a door for the most wanton favouritism and cruel oppression: an act which violates some of the most important principles of justice.

The 7th section contains a most extraordinary provision, a provision which virtually goes to deprive the party of his right of trial by jury, an impartial jury of the vicinity, before whom the party would have it in his power to adduce evidence, and make his defence. By this bill, the *final* decision, whatever it may be, is referred to the Secretary of the Treasury; an executive officer holding his office at the pleasure of the President, and residing in this city, the seat of the general government, which, as regards the convenience of a great portion of the citizens of the United States, is a *distant land*. The section provides that in all suits on bonds given by virtue of this or any of the embargo acts, conditioned that goods, wares, or merchandize, or the cargo of a vessel shall be relanded in the U. States, judgment shall be given against the defendant, unless proof shall be given of such relanding, or the loss of the vessel at sea. But neither *capture, distress, or any other accident whatever*, shall be pleaded or given in evidence in any such suit. What possible difference can there be between depriving a party of his trial by jury altogether, and precluding the evidence necessary to his defence and the establishment of his innocence. It is an axiom admitted in all codes, that the act of God shall prejudice no man. But by this bill, if a vessel bound, for example, from New-York to New-Haven, should have a single hogshead of rum on board, and in a thunderstorm this should be set on fire and consumed, and the vessel fortunately escape, by the provisions of this bill, because the *relanding* of the rum, or the *loss* of the vessel cannot be proved, judgment is to go on the bond; although the defendant has the most incontrovertable evidence to prove the above fact (the destruction of the rum) a complete *defence* at law...not by *custom house oaths*, of which the gentleman from V. seems to think so lightly (and which I am sorry he should disparage, as on them depends much of our revenue) but by the oaths of the most respectable characters of our country, who may be on board, and eye witnesses of the fact; nay, it might happen to be the gentleman himself. Another case...in a storm, to save the vessel and their lives, the crew and passengers throw overboard a cargo of flour, or such as may be on deck and in the way of working the ship... proof of this is not to be admitted before the Court and Jury, but judgment is to be rendered against the defendant. Many other such like cases might be put equally strong. Article 7 of the amendments to the constitution provides, that "where the value in controversy shall exceed twenty dollars, the right of trial shall be preserved." Two of the prominent articles of grievance set forth in the declaration of independence, are in these words:

"For depriving us in many cases of the benefit of trial by jury."

"For transporting us beyond the seas, to be tried for pretended offences."