

one long intricate statute upon another, until the property of the whole country is involved within their grasp. In short, the effort has been to convert an *embargo* into a *non-exportation act*. In this, as in many other cases, a *wrong title* has been adopted; and from that circumstance arises much of our present embarrassment. Had the law of 1794, giving to the President of the United States, the power of laying an embargo, so confidently relied on by the gentleman from Virginia, as justifying the powers and principles of the present bill, contained *such powers*, and *such principles* it never would have had my support or my vote. It would have merited *conflagration*, and to have been burnt, as on another occasion was the law of a state, by no ordinary fire.

Mr. President, after enumerating such a catalogue of arbitrary restrictions, oppressive regulations, and unconstitutional provisions, comprised in this one bill, could it have been imagined that there was one objectionable section still left for consideration, more alarming than any that have preceded? One that makes a full stride towards the introduction of a *military despotism*. It is Section 11, which says, "That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval force, or militia of the United States, or of the territories thereof as may be judged necessary, in conformity with the provisions of this and the other acts respecting the embargo, for the purpose of preventing the illegal departure of any ship or vessel, or of detaining, taking possession of, and keeping in custody any ship or vessel, or of taking into custody and guarding any specie or articles of domestic growth, produce or manufacture, and also for the purpose of preventing and suppressing any armed or riotous assemblage of persons resisting the custom-house officers in the execution of their duties, or in any manner opposing the execution of the laws laying an embargo, or otherwise violating, or assisting and abetting violations of the same." Here we see the military called on, in the first instance, to execute the laws—taking the lead under a military chief; not following in the train and under the direction of the civil magistrate, as ought invariably to be the case in a well regulated free government. Under such a government, the laws have always been carefully guarded, to keep the military in subordination to the civil power. Once permit the military to get the upper hand, and your liberties are gone. By this bill under whose direction is the military, in the bosom of a state, to be placed? not of the Chief Magistrate of the state, nor of any officer who has received his appointment from a state, or whose appointment has been made with the advice and consent of this Senate; but of a person who is to receive his appointment from the President's sole authority. That no such power as is contained in the provisions of this bill, is necessary for the purpose of executing the laws, or quelling insurrections, is manifest from past experience. Under this constitution we have had one insurrection, and also a powerful combination to resist the execution of the laws. What was the conduct then? Fortunately for our country,