

tained in this bill. It is indeed extraordinary, very extraordinary, that to justify an *arbitrary and unwarrantable grant of power*, gentlemen should quote a precedent of a *like nature*, of their own making.

An act of March 3d, 1807, authorising the President of the U. State to use military force to remove from public lands, persons attempting to make settlements thereon, is also relied on to justify the principles of this bill. But the gentleman from Virginia will find by the journals of the Senate, that an act making provision for carrying into execution an Indian treaty, was, at a previous session, rejected, because it contained a like arbitrary and unwarrantable provision. The act as stated by that gentleman, was afterwards passed, not however without a strenuous opposition; the votes were 17 to 15, as appears by the yeas and nays.\* My vote was against that act; as I hope it will be against every act containing like arbitrary and oppressive provisions. The gentleman from Virginia advocated and voted for that act; as he has done for others containing grants of extraordinary power to the Executive. Formerly that gentleman's voice was one of the loudest, and I think I have heard none louder, in proclaiming *his love and adoration for the people*; but now that he has got into the saddle, he, like many others, who have acquired power in the *same way*, is for riding on the necks of the people, and for exercising power in an arbitrary and oppressive manner.

I shall next notice the law of March 3d, 1805, and a law containing a like provision, passed June 5th, 1794. As the gentleman from Virginia seems to attach some importance to his precedents, from the circumstance of my having in some instances voted for them, I do not hesitate to declare, that I voted for the law of 1805, and it is probable I did also for that of 1794: as I could have no objection to a law which was necessary to preserve *peace*, and prevent *insults* to our government, or the violation of the laws within our ports and harbours, and on waters within our own jurisdiction, by foreign armed ships, or vessels fitting out with hostile views against any power with which we were in amity. The military force authorised by those laws, would in no instance be employed on the land, and against our own citizens; except to prevent the carrying on a military expedition or enterprize against such foreign power. So cautious were the administrators of the general government of calling in the aid of the military to enforce the laws, that no express power was given to the President of the United States, by any act of Congress, to employ any part of the standing army or naval force, until, under the present administration, the law mentioned by the gentleman from Virginia, of March 3d, 1807 (in my opinion a very proper law) was passed, giving to the President a power, in all cases where he might call forth the militia for the purpose of suppressing insurrections, or of causing the laws to be executed, to employ, for the same purpose, such part of the land and naval force of the United States, as he may judge necessary; "*having first observed all the prerequisites of the law in that respect.*" In the two last lines of this law, are a few words of great significance and import... "hav-