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When the collector has seized or taken money or other articles, it is made his duty to guard them; which must be done either in the place where taken, or in some other place to which he shall in his discretion remove them. And for the purpose of taking into custody and guarding specie or any other article, the 11th section authorises the President of the United States, or such other person as he shall have appointed, to employ the land and naval forces, or militia of the United States. Take either alternative, the law cannot be executed without a violation of the constitution. For suppose it to be money, and to avoid any question about an unreasonable search, we will suppose the collector present in my house, and sees me count and place a large sum of money in my desk, which he believes is intended for exportation in violation of the embargo, and makes a seizure, as would be his duty under this bill. If the money is not to be removed, he must, or may, introduce a soldier or soldiers into my house to guard it; which would be in direct violation of the 3d article of the amendments to the constitution, which says, "no soldier shall in time of peace be quartered in any house, without the consent of the owner; nor in time of war, but in manner to be prescribed by law." If the money is to be removed to some other (in the opinion of the collector) safe place, then is there a violation of the 5th article of the amendments, which says, that no person shall be "deprived of his life, liberty or property, without due process of law."

Sec. 10. Gives to the President's *instructions*, and the *rules* he may prescribe, the authority of *law*. Are we prepared for this, to authorise the President to make *proclamation laws*? In that section it is provided, that the powers given to Collectors "shall be exercised in conformity with such instructions as the President may give, and such general rules as he may prescribe for that purpose, made in pursuance of the powers aforesaid...which instructions and general rules the Collectors shall be bound to obey ...And if any action or suit be brought against any Collector or other person acting under the directions of and in pursuance of this act, he may plead the general issue, and give this act and the instructions and regulations of the President, in evidence for his justification and defence." Neither in this or the former act is there any rule laid down by which the President's instructions are to be governed...consequently, they depend on his own arbitrary will and pleasure...and it is made the duty of the Collectors to pay implicit obedience to those instructions...and through the Collectors they are to operate upon the property and concerns of the people. There is no mode pointed out by which these instructions are to be promulgated and made known, as are the laws. By the constitution, all laws are to receive the sanction of the two branches of the legislature and be approved by the President. But according to this section, the President's instructions, proceeding from the recesses of the palace, and communicated only to the Collectors, are to have the binding force of law—are to affect the property and concerns of the citizens of the United States—are to controul the courts of justice—and thus violate that sanctuary which has always been esteemed a great bulwark to guard