

in perfect security; unless I should have forfeited the privilege by some crime against the state. But are we not about to declare, by this bill, that a collector, and without any warrant from a civil magistrate, and merely on the ground of his own suspicion, and governed only by his own discretion, may enter my enclosure, my store, my dwelling house; and ther take into custody my money and other articles? That he may call the military to aid him in this work? In the progress of which, may not my private and most confidential papers be exposed? Do not these things tend to irritation, to resistance, to bloodsh J? Can such legislative provisions consist with a wise policy, with the principles of a free government, or the constitution of the U. States?

In article 4 of the amendments, it is provided, that "the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized."

The gentleman from Va. here, as in other instances, rests his defence of this section on the law for the collection of the revenue, and particularly on the same 68 section, which has been read. True it is, that by that law the collector is authorised to go on board a vessel and make search or seizure without warrant; but the moment he sets his foot on the land, and wishes to make search or seizure, application on oath must be made to a magistrate for a warrant to be executed in the manner directed. There has always been a difference in the mode of enforcing the laws on board of vessels on the water, from what was admitted on the land; and less formality and caution has been observed in making search and seizure on board of vessels than what is required on the land, in our stores and dwelling houses. For the purpose of executing the law of nations on the high seas, commercial regulations and the collection of revenue, it has been found necessary, at all times, to subject vessels to the inconvenience of being liable to search and seizure without warrant and without much formality. A great discrimination has always been made between vessels and houses.

There is another manifest distinction between seizures under the law for collecting revenue, and the present bill; there the articles seized are claimed to have become forfeited; but by the present bill there is a bare suspicion that they are about so to be proceeded with as that they may become forfeited. Under those laws the property is immediately placed in the custody of the law, and under the jurisdiction of a Court of Justice; where the claimant can have a trial, and if he can make out a well founded claim, is entitled to a restoration of his property. By this bill, the property is held by the collectors, and the owner has no way of obtaining the same but by substituting a bond, with sufficient sureties (which the party may not be able to obtain) for the landing or delivery of the same in some place in the United States, where in the opinion of the collector, there shall not be danger of such articles being exported.