

DEC. 16, 1790.]

*Militia.*

[H. OF R.]

France, we recently see the same salutary effects from arming the militia. In England, the militia has of late been neglected—the consequence is a standing army. In Ireland, we have seen the good effects of arming the militia, in the noble efforts they have made to emancipate their country. If we neglect the militia, a standing army must be introduced; but if the idea suggested by the gentleman from Pennsylvania is adopted, certain classes must be drawn out, and kept for months together, which would prove as great a burthen as a standing army. None of the States, he observed, have adopted such a plan. In Georgia, the militia service has been as strict as is contemplated by the bill, but they have never complained. In a Republic every man ought to be a soldier, and prepared to resist tyranny and usurpation, as well as invasion, and to prevent the greatest of all evils—a standing army. Mankind have been divided into three classes, Shepherds, Husbandmen, and Artificers—of which the last make the worst militia; but as the arts and sciences are the sources of great wealth to the community, which may excite the jealousy and avarice of neighbors, this class ought to be peculiarly qualified to defend themselves and repel invasions; and as this country is rising fast in manufactures, the arts and sciences, and from her fertile soil may expect great affluence, she ought to be able to protect that and her liberties from within herself.

Mr. PARKER here introduced his motion, to amend the bill by a proviso, that persons who shall make it appear that they are not able to equip themselves, shall be furnished at the expense of the United States.

Mr. WADSWORTH objected to this amendment. He said, it would empower the officers to create an enormous charge against the United States. He said, he had read almost all the militia laws of the several States, and had found no such provision in one of them; there is not a considerable number of such persons in any of the States; and rather than have this proviso inserted, he would prefer a clause to excuse them altogether.

Mr. PARKER said, that in Virginia there is a law, which provides that poor persons, not able to arm themselves, should be equipped at the expense of the State. In every State there are doubtless many such persons, who ought to be provided for by the General Government; and if they are not, the law is rendered impracticable; as you require more than is possible for them to perform. As to excusing such poor persons from military duty, they would be found in cases of emergency, very useful to defend those, who do not choose to risk their own persons.

Mr. HUNTINGTON said, if the gentleman would vary his motion, so that the expense should be incurred by the State, he did not know but he should agree to it. There is one State, said he, in which every person is obliged to provide himself with arms and accoutre-

ments—and no difficulty has resulted from the law. Penalties on default are exacted and collected; but this proposition will produce great inequalities; it will excite jealousies and discord between the Governments—but if left to the States, the officers will be more exact to prevent impositions on the particular State from which they receive their appointments.

Mr. PARKER agreed to alter his motion agreeable to Mr. HUNTINGTON's idea.

Mr. BOUDINOT said, that there did not appear to be any necessity for the amendment, as the bill makes provision for excepting persons who are unable to purchase arms, in case the State Legislatures choose to make such exceptions.

Mr. GILES said, he was opposed to the motion on principle; but if that was not the case he should object to it in its present form as it was not full enough. He did not suppose that it was intended that the United States should make a present of the arms thus furnished—but the motion does not provide for their return, when not in use. His principal objection to the motion, however, arose from its being an improper interference with the authority of the State Governments. They may, or may not comply with the law. If they should not, it would prove nugatory—and render the authority of the United States contemptible. For these reasons, and others which had been advanced, he thought the amendment improper.

Mr. BLOODWORTH observed, that as the militia was to be organized and disciplined under the authority of the United States, and to be employed for the general defence, whenever and wherever Congress should direct, it appeared but reasonable that those who were benefited by them should be at the expense of arming them.

Mr. SHERMAN said, it appeared to him, that by the Constitution, the United States were to be put to no expense about the militia, except when called into actual service. The clause is not so explicit as might have been wished; but it will be difficult to fix the construction mentioned by the gentleman from North Carolina. What relates to arming and disciplining means nothing more than a general regulation in respect to the arms and accoutrements. There are so few freemen in the United States who are not able to provide themselves with arms and accoutrements, that any provision on the part of the United States is unnecessary and improper. He had no doubt that the people, if left to themselves, would provide such arms as are necessary, without inconvenience or complaint; but if they are furnished by the United States, the public arsenals would soon be exhausted—and experience shows, that public property of this kind, from the careless manner in which many persons use it, is soon lost. The expense and inconvenience would, in his opinion, far overbalance any good that would be derived from such a proposition.

Mr. VINING observed, that the greatest objec-

tion against the motion is, that it stops short in the regulation of the business. No provision, it is said, is made for the return of the arms to the public; and it gives a discretionary power to the officers to dispose of the property of the United States; but he conceived these difficulties were not beyond the reach of remedies; the wisdom of the House, he doubted not, would devise such as were adequate to the object. He asked by what means minors were to provide themselves with the requisite articles? Many of them are apprentices. If you put arms into their hands, they will make good soldiers; but how are they to procure them? It is said, if they are supplied by the United States the property will be lost; if this is provided against, every objection may be obviated. He then offered an addition to the motion, providing for the return of the arms to the commanding officer.

The Chairman then stated the motion with the amendment.

Mr. TUCKER observed, that the motion in its present form differed from the original proposed by the gentleman from Virginia. He conceived the gentleman had no right to alter it, nor could it be done without a vote of the committee. He preferred the motion in its original state—for the United States may, without doubt, furnish the arms—but he very much questioned their right to call on the individual States to do it.

Mr. WILLIAMSON was in favor of the question's being taken with the amendment admitted by Mr. PARKER. He wished to know whether Congress meant to tax the individual States in this unusual manner. Perhaps as they had assumed the State debts upon this principle, or rather without any principle, they might think they had a right to call upon them to furnish quotas in proportion, this would be getting something for something; and not like the other measure, losing something for nothing.

Mr. VINING said, he could not understand what was meant by saying that the amendment was dictating to the States. What is the whole bill but dictating; a law that affects every individual, touches the whole community. With respect to the constitutionality of the measure, there can be no doubt; every grant of power to Congress necessarily implies a conveyance of every incidental power requisite to carry the grant into effect.

Mr. WADSWORTH apologized for detaining the attention of the committee a moment, while he asked the gentlemen who favored the motion what was the extent of their wishes? The motion at first appeared to be in favor of poor men, who are unable to purchase a firelock; but now it seems, minors and apprentices are to be provided for. Is there a man in this House who would wish to see so large a proportion of the community, perhaps one-third, armed by the United States, and liable to be disarmed by them? Nothing would tend more to excite suspicion, and rouse a jealousy dangerous to the

Union. With respect to apprentices, every man knew that they were liable to this tax, and they were taken under the idea of being provided for by their masters; as to minors, their parents or guardians would prefer furnishing them with arms themselves, to depending on the United States when they knew they were liable to having them reclaimed.

The question on Mr. PARKER's motion was lost.

On motion of Mr. HEISTER, a proviso was added to the section in the following words:

"That every citizen so enrolled, and providing himself with the arms and accoutrements required as aforesaid, shall hold the same exempt from all executions, or suits for debt, or for the payment of taxes."

Mr. FITZSIMONS moved to strike out the words "provide himself," and insert "shall be provided."

This motion was objected to by Messrs. BOUNDINOT, HUNTINGTON, JACKSON, PARTRIDGE, VINING, and MADISON. It was said that it would be destructive of the bill, as it would leave it optional with the States, or individuals, whether the militia should be armed or not.

This motion was lost by a great majority. The second section comprises the characters that are to be exempted from enrolment or militia duty.

Mr. MADISON moved to strike out that part which related to members of Congress, their officers and servants, attending either House—and to insert "members of the Senate and House of Representatives whilst travelling to, attending at, or returning from the sessions of Congress." He saw no reason for a total exemption from militia service; exceptions in favor of the framers of laws ought not to be extended beyond what is evidently necessary. The members of Congress, during the recess, are at liberty to pursue their ordinary avocations, and may participate in the duties and exercises of their fellow-citizens. They ought to bear a part in the burdens they lay on others, which may check an abuse of the powers with which they are vested.

Mr. JACKSON observed, that this alteration might interfere with the public interest; in cases of alarm or invasion, the members might be called to a great distance in the militia at the moment when their presence was required to attend the session of the Legislature. It would be well therefore to consider whether their services in the militia would be of equal importance to the public interest, as their services in Congress.

Mr. BOUNDINOT objected to the amendments; not that he would exempt members of Congress from burdens imposed on their fellow-citizens; but the motion he conceived was inconsistent with this very idea. The bill provides that exempts shall pay a certain equivalent; it would be unjust to impose this equivalent, and compel the members of Congress to turn out in the