Mr. Ames was alſo in favor of the motion: He thought confining the ſelections for thoſe companies to the particular period mentioned, would deprive us of the ſervices of many of the ſoldiers of the late continental army, whoſe knowledge and experience would be highly uſeful. He ſuggeſted difficulties which would reſult from collecting the perſons of the above age, from different parts of the country, in order to forming them into ſuch companies.

Mr. Sturges obſerved, that he thought a ſimple regulation, that all the militia ſhould be called out ſo many times a year would be ſufficient: This general plan would leave the ſeveral independent corps as they now are—and theſe particular companies would be ſelected as heretofore.

Mr. Partridge was oppoſed to the amendment. The object of the bill being to diſcipline the militia, it ſeemed to follow of courſe, that perſons of an age, the moſt likely to learn, ſhould not be excepted.

Mr. Giles ſaid, that gentlemen did not appear to take a comprehenſive view of the bill: One object of which is to eſtabliſh a military ſchool. In order to this the bill propoſes that perſons ſhould commence their military courſe at an early age. If ſuch perſons are called upon oftener than thoſe of more than 25 years, it does not follow that it is unequal—their military knowlege muſt be ſuppoſed to be leſs. He obviated the objection of the gentleman from New-York, by ſaying that as military knowledge is neceſſary for all, it follows, that young perſons of every ſize may be trained in one or other of theſe companies.

Mr. Fitzſimons ſtill ſupported his motion, and ſaid the difficulty ſtarted by the gentleman from Maſſachuſetts [Mr. Ames] ariſing from local circumſtances, had not been obviated

Mr. Boudinot ſaid the difficulty, on account of manufacturers, had not eſcaped the committee; but it could not be avoided without deſtroying a principal feature of the bill. He ſaid the objection might however be in ſome meaſure leſſened, by altering the clauſe from 18 to 20.

The queſtion being taken, it paſſed in the affirmative.

Mr. Smith's (S. C.) proviſo, reſpecting independent corps, was read: It provided that companies in the reſpective States, incorporated by the Legiſlatures, ſhould not be diſbanded or included in the militia, but retain their former ſtation.

Mr. Giles ſaid he was diſpoſed to think this proviſo more extenſive than gentlemen imagine: It may in its operation exempt all the companies in the United States. The expreſſion is ſo general, and indefinite, that it may not anſwer the purpoſe intended, as thoſe companies are known by different denominations—while it may be productive of great difficulties from its want of preciſion.

Mr. Ames gave an account of the ſeveral independent companies in Maſſachuſetts, particularly that known by the name of the Ancient and Honourable Artillery—a company which poſſeſſed funds, and had for many years been in poſſeſſion of a charter from government: It had been conſidered as a military ſchool for a long time—it is compoſed of Generals, Colonels, and inferior officers, and other reſpectable perſons. This, with other independent companies, rendered eſſential ſervices in the time of the inſurrection in that ſtate; and they prove, by their example, a ſtimulous to the militia—they have incurred great expences to equip themſelves, and it is ſuppoſed merit the privileges and diſtinctions they have long enjoyed.

Mr. Sturges obſerved that the proviſo was defective, as it does not point out the duties which theſe companies ought to perform.

Mr. Huntington ſaid theſe companies were, he believed, under the orders of the regimental colonels; at leaſt that was the caſe in ſome of the States.

Mr. Seney moved, that as there were independent companies who are not incorporated, it would be proper to ſtrike out the words *incorporated by the acts of the ſeveral States*. He ſaid, if this proviſo ſhould paſs without his amendment, it would give excluſive privileges to particular companies who happen to be incorporated—while the ſame privileges will not be extended to other companies, equally meritorious, who do not happen to be incorporated.

Mr. Smith's (S. C.) motion being put, was negatived.

The ſection which provides that the militia ſhall turn out four times a year in companies, Mr. Hartley objected to. He ſaid it would be too frequent. He did not conſider the militia as a military ſchool—and ſuch frequent aſſemblings of the people had a tendency to diſſipate the manners of the people, eſpecially youth. He moved that the clauſe ſhould be altered, ſo that companies and battalions ſhould be obliged to turn out only twice a year.

Mr. Wadſworth ſuggeſted an alteration in the amendment, that the clauſe ſhould be altered to read once a year in battalion, and four times in companies.

Mr. Gilman moved another amendment, that the militia ſhould turn out in companies three times, and once in battalion.

Mr. Jackſon regretted that one principle of the bill was ſtruck out, reſpecting light-infantry companies. He did not ſuppoſe (that though we are obliged to have ſome ſtanding troops) we were to depend upon them. He ſhould regret the time when this country would depend on a ſtanding army. He enlarged on the importance of diſciplining the militia: This, ſaid he, is conſiſtent with the ſtricteſt principles of republicaniſm. He believed, the preſervation of liberty very much depended on a good militia: He thought four times a year would not be too burthenſome, and he was pretty ſure it was little enough to anſwer any eſſential purpoſe.

Mr. Sherman was in favour of four times in companies at leaſt, and in battalion as might be found convenient.

Mr. Wadſworth obſerved, that leſs than four times would anſwer no purpoſe at all. Indeed, it is ſaid, nothing is to be expected; if that is the caſe, let us give up all thoughts of a militia-bill—but what then becomes of your national defence?

Mr. Hartley's motion was loſt

Mr. Sherman moved that the clauſe be amended, to read, that regiments turn out once a year—Carried.

On motion of Mr. Wadſworth, the times of rendezvouſing in regiments and companies is to be regulated by the officer commanding the brigade.

The clauſe which provides for a Commiſſary of Military Stores for each State, Mr. Parker moved ſhould be ſtruck out. He ſaid the ſeveral States are competent to taking care of their own military property.——This motion was agreed to.

Mr. Wadſworth moved that the Adjutant Gen. ſhould have the rank of Brigadier, inſtead of Lieut. Col. as propoſed by the bill.

Mr. Sherman obſerved, that according to the laſt regulations of the army, no ſtaff officer was to have any rank.

Mr. Wadſworth replied, that the regulation which the gentleman had mentioned, reſpected ſtaff officers only who never have any command—but an officer of ſuch importance as the Adjutant General, on whom ſo much depended, and who might be inveſted with a very important command, he conceived ought to rank higher than a Lieut. Col.——This motion was adopted.

Adjourned.

TUESDAY, Dec. 21.

Militia Bill ſtill under conſideration.

The 9th, 10th and 11 ſections were read.

Mr. Bloodworth ſaid, that in his opinion the houſe had entered too much into the minutiæ of the buſineſs, and in a great meaſure were about depriving the ſtates of the power granted to them by the conſtitution. The general government ought only to organize the militia, and direct the mode of diſcipline. The militia, he obſerved, was only under the direction of the general government when called out in the actual ſervice of the United States; the different ſtates had the appointment of officers and the right of training them: but owing to the many particulars attended to in the bill, he could ſee but little room left to the ſtates for the exerciſe of their power. He thought that endeavouring to eſtabliſh a perfect uniformity in fines, would render that part of the ſyſtem very defective; as the ſame fine might be juſtly complained of as heavy in one part of the country, and at the ſame time be conſidered ſo trifling in another part as to render it ineffectual; he therefore wiſhed that this part of the buſineſs be left to the ſtates to perform. He moved for ſtriking out a number of clauſes, containing ſeveral of the particulars he objected to,——not carried.

The 12th, 13th and 14th ſections were read. The two firſt paſſed without alteration; the third was ſtruck out.

Mr. Madiſon ſaid, he conceived it would be neceſſary to paſs a law, authoriſing the Preſident of the United States to call out the militia, as the conſtitution only ſays, that he ſhall be commander in chief of the militia when in the ſervice of the United States, without giving him the power of ordering it out.

Mr. Fitzſimons wiſhed a clauſe inſerted in the bill, granting the Preſident that power.

Mr. Boudinot conceived it was not the intention of the conſtitution that he ſhould be poſſeſſed of ſuch a power. It could only be granted to him by a ſpecial act of Congreſs.

Mr. Smith read a law paſſed laſt ſeſſion, and ſtill in force, giving him that authority.

The 16th ſection (providing penalties for thoſe not performing militia duty, and pointing out exemptions) being read,

Mr. Sherman moved to have it ſtruck out. It was, he ſaid, an abſolute poll tax, and not levied according to the number of inhabitants, which was in violation of the conſtitution.

Mr. Burke ſaid it was contrary to the intereſt of the militia to eſtabliſh ſo many exemptions as had been provided. He gave notice, that when the report came before the houſe, he would move for their reduction, and give his reaſons fully. It was contrary to the conſtitution, he alſo obſerved, to lay a tax upon certain claſſes of citizens; it was not conſonant with the principles of juſtice to make thoſe conſcientiouſly ſcrupulous of bearing arms pay for not acting againſt the voice of their conſcience. This, he ſaid, was called the land of liberty, in it, we boaſted, that no one ſuffered on account of his conſcientious ſcruples—and yet we are going to make a reſpectable claſs of citizens pay for a right to a free exerciſe of their religious principles: It was contrary to the conſtitution—it was contrary to that ſound policy which ought to direct the houſe in eſtabliſhing the militia.

Mr. Jackſon ſaid he certainly ſhould oppoſe the principle ſtarted by the gentleman laſt up. Who was to know, he aſked, what perſons were really conſcientiouſly ſcrupulous? There was no tribunal erected to make them ſwear to their ſcruples. If the principle was adopted, he conceived, very few would be found, if their own word was to be taken, not conſcientiouſly ſcrupulous. There are, he ſaid, other ſects, beſides the ſociety of Quakers, averſe to bearing arms. If the principle was adopted of requiring no compenſation from the exempted, it was laying the axe to the root of the militia, and, in his opinion, the bill might as well be poſtponed altogether. He did not chuſe to enter into the ſubject fully at this time: He would wait until the bill came before the houſe.

The 17th ſection (providing inſpectors of the militia) was read.

Mr. Seney ſaid, Maryland he thought ſhould have two inſpectors, inſtead of one, as provided by the ſection: That ſtate, he obſerved, was divided by a wide and ſometimes dangerous bay, which could not at all times be croſſed. Two inſpectors were agreed to for Maryland, one to reſide on the eaſtern, the other on the weſtern ſhore.

Mr. Lawrance ſaw an impropriety in providing the ſame allowance for all the inſpectors, without regard to the quantum of duty to be performed. The duty, he obſerved, of an inſpector in the State of Rhode-Iſland, could not be near ſo great as that of the inſpector in the State of New-York. He moved that their different ſalaries be fixed and ſpecified in the bill.

It was agreed; and the blanks left to be filled with ſuch ſums as ſhall be deemed proper, when the houſe ſhall take that part of the bill into conſideration.

Mr. Sherman was of opinion that ſome of the duties, by this ſection to devolve on inſpectors, ought to be left to the States to exerciſe. Their duty ſhould be confined to ſuperintending the exerciſe and manœuvres.

Mr. Bloodworth was averſe to appointing an officer to be directed by ſtate laws. He ſhould be appointed, ſaid he, by the ſtate.

Mr. Wadſworth ſaid, in his opinion, he ought to be a continental officer, and conduct himſelf in his office in conformity to the laws paſſed by the States.

Mr. Smith moved that that clauſe which leaves the appointment of this officer to the preſident be ſtruck out, and that it only be ſpecified that ſuch an officer ſhall be appointed.

Mr. Boudinot conſidered this officer as appointed to aſſiſt the Preſident: It was neceſſary that the commander in chief ſhould be acquainted with the ſtate of the militia, throughout the continent; it was impoſſible for him to gather this information without aſſiſtance, the officer was appointed for that purpoſe, he ſhould be conſidered as a continental officer, and as ſuch was to be paid by the general government.

Mr. Smith ſaid, if his motion prevailed of having this officer appointed by the ſtates he would alſo move that his ſalary be paid by them. He was to all intents and purpoſes, a militia officer, and as ſuch was in the appointment of the States.

Mr. Lawrance wiſhed the clauſe ſtruck out, and the power of the duty of inſpector left to the adjudant general: In New-York this is the caſe.

Mr. Boudinot ſaid, he thought the duty too great, and the ſalary ſuch an officer would require more than the ſtates would conſent to give, the officer would not be appointed, and the Preſident could not receive the neceſſary information. The inſpector was not a militia officer; but appointed to collect the information the Preſident ſhould want, for the benefit of the union.

Mr. Fitzſimons gave it as his opinion, that the officer ſhould be under the appointment of the Preſident.

Mr. Sherman ſaid, there appeared to be a diſtruſt of this inſpector, unleſs appointed by the Preſident; he thought there could be no juſt foundation for entertaining this opinion, if he ſhould be appointed by the ſtates. He was certainly appointed for the good of the union; but if the ſeveral ſtates did pay his ſalary, the expence would in the end devolve on the United States.

It was agreed to leave the appointment to the ſtates.

Mr. Stone moved that the clauſe giving to inſpectors the rank of lieut. col. be ſtruck out. He obſerved, that ſince the appointment of thoſe officers was left to the ſtates, the houſe could not with propriety fix the rank.