



CONGRESS.

PHILADELPHIA.

HOUSE OF REPRESENTATIVES,

TUESDAY, FEBRUARY 21, 1792.

IN COMMITTEE OF THE WHOLE.

On the Militia Bill.

MR. W. SMITH in the chair.—The first section being read. Mr. Sturges said that he conceived some amendment was necessary to this section. It appears to consider the militia of the several states, as the militia of the Union—whereas the constitution considers it as belonging to the respective states—that the states alone are to say of what description of persons the militia shall consist, and who shall be exempted from militia duty—Congress have only power to organize them, when thus designated. He therefore moved that the section should be amended, by striking out the clause which he considered as involving the principle he was opposed to.

Mr. Seney observed, that the consequence of the gentleman's motion would be, to render the power of Congress in organizing, arming, and disciplining the militia, entirely nugatory.

Mr. Barnwell enlarged on the ideas suggested by Mr. Seney.

Mr. Livermore made some general remarks on the terms used in the constitution, to designate the power of Congress in respect to the militia—He contended that they were the most vague and indefinite that could possibly have been adopted. He agreed substantially with Mr. Sturges. It is the militia, said he, of the several states that Congress have power to organize, and provide a mode of discipline for—It is not a militia to be formed, or created, it already exists—He therefore thought it best to leave it to the respective states to make their own militia laws.

Mr. Barnwell observed, that the consequence of the gentleman's proposition, would be a total want of uniformity in the militia, and a clashing from different militia systems. That it was in vain to expect an effective militia, except Congress should exercise the powers so expressly delegated in respect to this business.

Mr. Boudinot observed, that from the experience Congress has had in the preceding sessions, of the difficulties attending this business, he was fully of opinion that a plan of conciliation alone would ever procure a passage through the legislature for a militia bill—He adverted to the powers of Congress in this business, and to those reserved to the states—to the latter, he said, was expressly reserved the power of appointing the officers, and if they refuse to do it, there is no power in Congress to compel them. He therefore accorded with the gentleman from Connecticut (Mr. Sturges) in opinion that the law which Congress shall pass, must be very simple in its construction, and refer to as few objects as possible.

Mr. Hillhouse controverted the sentiments advanced by Mr. Boudinot—He said the natural inference was, that Congress possesses no power at all in the case; for if what that gentleman advances is true, no provision that Congress can possibly make will be of the least avail—He contended that Congress by virtue of the powers vested in them, are empowered to organize the militia, to say what descriptions, ages, &c. the militia shall consist of—to form them into companies, corps, regiments, &c.—and that when this is done, the states are to appoint the officers—for previous to such an organization, the states cannot exercise the power of appointing the officers. He hoped therefore that the motion would not be agreed to—but that the committee would proceed in the business agreeable to the express powers of the constitution, and when they came to the section making the exemptions, he hoped they would make them on a very liberal scale—that the militia should consist of such persons as would be capable of rendering service.

Mr. Wadsworth opposed the motion—He observed that the business had been managed in such manner, as to pare the bill now under consideration, down to such an inadequate, defective system, that he did not feel much interested in its fate—still he hoped the motion would not prevail, for he considered it as better than no provision at all—He said that the militia of the several states exist at the present moment more by general consent of the persons forming them in the several states, than in consequence of any laws of the particular states—The people in several states already avow the sentiment, that they think that Congress alone has the power to form the militia.

Mr. Sedgwick enlarged on the ideas of Mr. Wadsworth—he further remarked that the amendment proposed would operate extremely unequal—and would defeat the public expectations of an efficient military defence, such an one as was consistent with a free government.

Mr. Sturges supported his motion—He was surprised to hear gentlemen express their apprehensions that we should have no militia at all—Adverting to the constitution, he explained what he considered the meaning of organizing, &c.—it simply relates to forming, arming and arranging in a particular way, those materials which are furnished by the militia laws of the several states—In reply to the objections derived from the inattention and aversion of the states, to such requisitions as Congress may make, he said it was not to be supposed that the states would be so inattentive to the means of their own preservation, as to neglect their duty in this respect.

Mr. Niles supported the motion.

Mr. Murray observed, that in no particular point of view was the people to be considered as united for general purposes, more than in that of the general defence. The militia contemplated in the constitution, certainly does not mean an existing militia; for many of the states have no militia nor militia laws—and therefore the clause must respect a militia to be formed or created—He enlarged on the necessity and wisdom of the provision—The appointment of the officers, he considered as being properly left in the power of the states.

The motion was negatived.

(TO BE CONTINUED.)

The following are the resolutions proposed by Mr. Fitzsimons, the 22d inst.

Resolved, that it is the opinion of this committee, 1st. That the term for receiving on loan, that part of the domestic debt of the United States which yet remains unsubscribed, be extended to the first day of September next, on the same terms as was provided by the act making provision for the public debt of the United States.

2d. That provision ought to be made for payment of the interest on the unsubscribed part of the domestic debt of the United States, to the first day of January, 1793, on like terms as was provided by the act aforesaid.

3d. That the holders of loan-office certificates, issued between the first day of Sept. 1777, and first day of March, 1778, be entitled to receive interest thereon, at the same rate as other non-subscribing creditors of the United States, without being obliged to exchange such certificates.

4th. That the term for receiving on loan part of the debt of the individual States, assumed by the United States, yet unsubscribed, be extended to the first day of September next, on the same terms as provided by the act making provision for the public debt.

5th. That a subscription for a farther loan in the debts of the individual States, be opened and continued to the first day of September next, not to exceed in the whole millions of dollars, in the proportions following, that is to say: In the debt of New-Hampshire, Massachusetts, Rhode-Island, Connecticut, New-York, New-Jersey, Virginia, North-Carolina, South-Carolina, Georgia.—Provided, That the interest on such loan shall not be payable before the day of : And provided, That when the sum, to be assumed by any State, shall not be subscribed by the holders of any of the evidences in which the same is made receivable, the State shall not be entitled to receive interest on the residue.

6th. That the subscriptions to the aforesaid loans in State debt, be payable in such certificates, bills, notes, and evidences of debt whatsoever, as shall have been issued by the respective States and by the several commissioners of loans of the United States, on account of the excesses of the sums subscribed in certain States beyond the sums heretofore assumed for such States. Provided, That no such certificates, bills, notes or evidences of debts of the respective States shall be receivable upon the said loan which, from the tenor thereof, from any public record, act or document, shall appear or can be ascertained to have been issued for purposes irrelative to compensations and expenditures for services or supplies towards the prosecution of the late war and the defence of the United States, or of some part thereof during the same; but this shall not be construed to exclude any certificate, bill, note or evidence of debt which shall have been issued in lieu or on account of any other certificate, bill, note or evidence of debt which was itself issued, in relation to such compensations and expenditures.

7th. That the debt due to certain foreign officers, the interest whereon is payable at the house of Grand, in Paris, be discharged out of any monies obtained on loan, by the President of the United States, in virtue of the act making provision for the public debt; which may now be unappropriated.

8th. That the interest on so much of the domestic debt as has been or may be purchased for the United States, or as shall be paid into the

Treasury, and so much of the sum appropriated for the payment of the interest on the foreign and domestic debt as shall be over and above what may be sufficient for the payment of such interest, shall be appropriated in the first place, to the purchase of the part of the public debt, which bears an interest of three per cent. per annum. And the part of the said debt, the interest whereof is deferred until the said fund, with such additions as may be made to it, shall amount to two per centum of the public debt, bearing a present interest of six per cent. per ann. until the whole shall be redeemed. And thenceforth to be applied to the purchase or redemption of whatever part of the public debt may remain undischarged, until the whole shall be extinguished. The said funds to be applied to the purposes aforesaid, by the commissioners hereafter mentioned, under the approbation of the President of the United States.

9th. That be commissioners for the purposes aforesaid; and that a precise account of all the debts redeemed, and of all purchases by them made, be laid before the legislature within months after its first meeting in every year.

TUESDAY, MARCH 27.

Ayes and Noes on Mr. Giles's motion for instituting an enquiry into the causes of the late defeat: [See last Gazette.]

A Y E S.

Messrs. Ashe, Boudinot, Clark, Findley, Giles, Goodhue, Heister, Kitchell, Lee, Macon, Page, Parker, Schoonmaker, Seney, Sumpter, Sylvester, Thatcher, Treadwell, Venable, Ward, Willis—21.

N O E S.

Messrs. Ames, Baldwin, Barnwell, Benson, S. Bourne, B. Bourne, Brown, Fitzsimons, Gilman, Gordon, Gregg, Griffin, Grove, Hartley, Hillhouse, Huger, Key, Learned, Livermore, Madison, Mercer, Moore, Muhlenberg, Murray, Niles, Sedgwick, J. Smith, I. Smith, W. Smith, Steele, Sterrett, Sturges, Vining, White, Williamson—35

Ayes and Noes on Mr. Fitzsimons' motion on the same subject:

A Y E S.

Messrs. Ashe, Baldwin, B. Bourne, S. Bourne, Brown, Clarke, Findley, Fitzsimons, Giles, Gilman, Gordon, Gregg, Griffin, Grove, Hartley, Heister, Huger, Key, Kitchell, Kittera, Lee, Livermore, Macon, Madison, Mercer, Moore, Muhlenberg, Murray, Niles, Parker, Sedgwick, Seney, J. Smith, Steele, Sterrett, Sturges, Sylvester, Treadwell, Tucker, Vining, Ward, White, Williamson, Willis—44.

N O E S.

Messrs. Ames, Barnwell, Benson, Goodhue, Hillhouse, Page, Schoonmaker, I. Smith, W. Smith, Sumpter,—10.

A committee was accordingly appointed, consisting of Mess. Fitzsimons, Giles, Steele, Mercer, Vining, Clark, and Sedgwick.

WEDNESDAY, MARCH 28.

A report from the Secretary of the Treasury, was read, containing an abstract of the exports of the United States, and also of the import and tonnage duties, during one year, ending with September last.—Referred to a select committee.

Mr. Fitzsimons, from the committee on the specie account of the Treasurer of the United States, made a report, which was read, and laid on the table.

Mr. Madison moved, "that it be an instruction to the committee of seven, appointed yesterday, to consider the enquiry committed to them, as confined to such circumstances, connected with the late unsuccessful expedition under Major-General St. Clair, as may be requisite for the information of the House."

The question, on this motion, passed in the negative.

A message from the Senate, was delivered by Mr. Secretary Otis, notifying that they had concurred with the House in passing the bill for finishing the light-house on Bald-Head, at the mouth of Cape-Fear River, in the state of North-Carolina.

A second message informed the House, that the President of the United States had notified the Senate of his having this day approved and signed an Act, supplemental to the late Act for the defence of the Frontiers.

Pursuant to the order of the day, the House resolved itself into a committee of the whole—(Mr. Seney in the chair) on the report of the Secretary of the Treasury on the public debt.

The first of the resolutions proposed on the 22d inst. by Mr. Fitzsimons, being taken into consideration—the word "September", was struck out, leaving a blank to be afterwards filled up.

Mr. Mercer moved further to amend the proposition, by striking out the words "on the same terms," &c. to the end, and substituting these:

"And all persons, so subscribing, shall receive stock of the United States, for the principal sum so subscribed, bearing an interest payable quarterly of five per cent. per annum—and stock of the United States, for the interest due on said