

of the Legislature or of the executive (when the Legislature cannot be convened), against domestic violence.

Amendment, Art. II. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Under the old articles of confederation before the Constitution was adopted, Congress could declare war but could not raise armies. All they could do was to agree upon the number of land forces and make requisitions from each State for quota. This system was totally inadequate. This provision gave the power to raise and support armies during peace as well as in war. At the time the Constitution was formed there was a small standing army, and the organization has since been continued. By Act of Congress in 1866, the regular army was to consist of five regiments of artillery, ten of cavalry and forty-five of infantry. Since 1866 the army has been greatly reduced. In 1871 it consisted of 30,000 men, and in 1874, 25,000 men. The constitution forbade the appropriating of money to the support of the army for more than two years at a time—or the life of one Congress—thus keeping the control in the hands of the people. Congress usually makes the appropriation every year. No State is permitted to interfere with the general government in the matter of how armies shall be raised, the age, period of service, compensation, ect.

Rules for the government and regulation of the army which the Constitution gives to Congressional authority to make, must not be such as are inconsistent with the proper authority of the President, upon whom the position of Commander-in-Chief has been conferred by the Constitution. There are 128 articles or rules of war. It was under the power granted in Clause 12, Sec. 8, above quoted, and Clause 13 in relation to the navy that the great armies of the late war were raised and maintained.

In 1863, Congress passed the enrollment act, which includes in the national forces all able-bodied

mailed male citizens of the United States, and all who have declared their intentions to become citizens, between the ages of 20 and 45 years, with certain exceptions.

As to Art. I, Sec. 8, Clause 15, above quoted, we may say the militia consists of those persons who, under the law, are liable to perform military duty, and who enrolled and officered so as to be ready for service when called upon. They are State forces until actually called into the service of the Union. Congress may confer upon the President the power to call them forth, and this makes him the exclusive judge when the exigency has arisen for the exercise of the authority. The President may make his call directly upon the Executive of the State or upon the militia officers. Congress has as full control over the militia as over the regular army for the purposes stated.

The act to establish a uniform militia was passed in 1792. In 1795 Congress conferred upon the President power to call out the militia for the purposes named in Clause 15. This law is still in force. In 1862 other laws with reference to the militia were passed. The enrolling of the militia is practically left to the States, but the President may provide for it if the States neglect it. While in active service at the call of the President, they are paid the same as the regular troops, and subject to the same rules. They may be required to engage in active service not more than nine months in the year. The President has called out the militia on three occasions, in 1794 a call on the governors of New Jersey, Pennsylvania, Maryland and Virginia, the time of the whisky insurrection in Western Pennsylvania, in 1812 to repel invasion, and in the Civil War (three calls) to suppress insurrection. The President alone is to decide when the emergency demands a call, and his decision is conclusive.

By the 16th clause it will be seen that to the State is reserved specially but two powers in this regard, viz.: the right of officering and training the militia. The intent of Art. 1, Sec. Clause 2, as quoted, is that the whole question of peace and